REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

TUESDAY, FEBRUARY 18, 2025

ADDISON CONFERENCE CENTER
15650 ADDISON ROAD, ADDISON, TX 75001

6:00 P.M. REGULAR MEETING

The Planning and Zoning Commission meeting and public hearing will be held at the Addison Conference Center, 15650 Addison Road, Addison, Texas 75001 on Tuesday, February 18, 2025 at 6 pm. For more information on the meeting location and ways to view and/or present comments, please contact Korrie Becht prior to 3:00 pm on the day of the meeting at 972-450-2848 or by emailing zoninginput@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

Pledge of Allegiance

Consent Agenda: *All items listed under the Consent Agenda are considered routine by the Planning and Zoning Commission and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.*

1. Consider Action on the Minutes from the December 17, 2024 Planning and Zoning Commission Meeting.

Regular Agenda:

2. Discuss and Consider Action on Election of a Chair and Vice Chair for the Planning and Zoning Commission.

3. Present, Discuss, and Consider Action on the 2024 Planning and Zoning Commission Annual Report.

4. Present, Discuss, and Consider Action on the 2025 Planning and Development Work Plan.

5. Hold a public hearing, present, discuss, and consider action on the adoption of the text of a Unified Development Code ("UDC"), including changes to the Town of Addison's laws and regulations regarding zoning districts, subdivision and development, building, and construction with the zoning district changes to be considered at a later date.

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 P&Z 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

NOTE: The Planning & Zoning Commission reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

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: _____
Korrie Becht, Development Services Assistant Director
DATE POSTED: _____
TIME POSTED: _____
DATE REMOVED FROM BULLETIN BOARD: _____
REMOVED BY: _____

Planning & Zoning Commission **1.**

Meeting Date: 02/18/2025

Agenda Caption:

Consider Action on the Minutes from the December 17, 2024 Planning and Zoning Commission Meeting.

Staff Report:

The minutes from the December 17, 2024 Planning and Zoning Commission Meeting have been prepared for consideration.

Recommendation:

Administration recommends approval.

Attachments

Minutes of December 17, 2024 Planning and Zoning Commission

D R A F T

OFFICIAL ACTIONS OF THE ADDISON PLANNING AND ZONING COMMISSION

December 17, 2024
6:00 P.M. - Council Chambers
Addison Conference Center, 15650 Addison Road

Present: Chair Denise Fansler; Vice Chair Diane Chavez; Commissioner Tom Braun; Commissioner EJ Copeland; Commissioner Chelsey Smith;

Absent: Commissioner Jimmy Baker

Call Meeting to Order

Chair Fansler called meeting to order.

Pledge of Allegiance

Chair Fansler led the Pledge of Allegiance.

Consent Agenda: *All items listed under the Consent Agenda are considered routine by the Planning and Zoning Commission and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.*

1. Consider Action on the minutes from the November 19, 2024, Planning and Zoning Commission Meeting.

   Motion: Recommend approval, as presented.

   Moved by Commissioner EJ Copeland, Seconded by Commissioner Chelsey Smith

   AYE: Chair Denise Fansler, Vice Chair Diane Chavez, Commissioner Tom Braun, Commissioner EJ Copeland, Commissioner Chelsey Smith,

   Passed

Regular Agenda:

1. Hold a public hearing, present, discuss, and consider action on a request to rezone a 1.55-acre property, located at 3953 Belt Line Road, from Planned Development (PD) Ordinance No. 083-071 to Local Retail (LR) zoning district, for an existing multi-tenant retail center. Case 1927-Z/3953 Belt Line Road Rezoning.

   Korrie Becht, Assistant Director of Development Services, presented a request to rezone a 1.55-acre property, located at 3953 Belt Line Road, from Planned Development (PD) Ordinance No. 083-071 to Local Retail (LR) zoning district, for an existing multi-tenant retail center. he applicant, Claudia Cook, Addison West JV, is the owner of the property, who seeks to enhance the property's marketability by expanding the range of permissible uses.

   Existing uses on the subject property include a blood donation center, office space, a restaurant, and a beauty salon. The restaurant located on the property currently operates under a Special Use Permit (Ordinance No. 083-72), which allows for a restaurant and the sale of alcoholic beverages for on-premises consumption.

   The current Planned Development (PD) zoning is highly restrictive, limiting the types of tenants the property can attract. Rezoning to Local Retail (LR) would allow for a broader mix of compatible uses, improving the property's flexibility and appeal to a wider range of potential tenants.

   Staff recommends approval of this request, as presented.

   Public Hearing: No individuals provided input during the public hearing.

   Moved by Commissioner Tom Braun, Seconded by Vice Chair Diane Chavez

   AYE: Chair Denise Fansler, Vice Chair Diane Chavez, Commissioner Tom Braun, Commissioner EJ Copeland, Commissioner Chelsey Smith,

   Passed

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 P&Z 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

There being no other business, Chair Fansler adjourned the meeting.

NOTE: The Planning & Zoning Commission reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Planning & Zoning Commission **2.**

Meeting Date: 02/18/2025

Agenda Caption:

Discuss and Consider Action on Election of a Chair and Vice Chair for the Planning and Zoning Commission.

Staff Report:

Staff requests that the Commission discuss and take action to elect a Chair and Vice Chair of the Planning and Zoning Commission for the 2025 calendar year. In 2024, Commissioner Denise Fansler served as the Chair and Commissioner Diane Chavez served as the Vice Chair.

Recommendation:

Staff requests direction from the Commission.

Planning & Zoning Commission **3.**

Meeting Date: 02/18/2025

Agenda Caption:

Present, Discuss, and Consider Action on the 2024 Planning and Zoning Commission Annual Report.

Staff Report:

In the first quarter of each calendar year, the Commission is required by its adopted Rules, Regulations, and Procedures to submit its annual progress report for City Council review. Prior to the Chair of the Commission delivering this report to City Council, staff requests Commission feedback on the proposed content and any Commission goals for 2025. Staff will include those goals in the final report that the Chair will present to the City Council. With this item, staff included goals that were shared during the Commission's annual organizational meeting in January. The purpose of this item is to receive final feedback and gain Commission consensus to finalize the report.

Recommendation:

Staff recommends approval of the 2024 Planning and Zoning Commission Annual Report with the inclusion of the 2025 goals identified by the Commission.

Attachments

2024 Annual Report

2024 ANNUAL REPORT

PLANNING & ZONING COMMISSION

APPROVED: FEBRUARY 18, 2025

OVERVIEW

The Planning and Zoning Commission is governed by its adopted Rules, Regulations, and Procedures. These Rules stipulate under Article III, DUTIES OF THE COMMISSION, Paragraph (j) that the Commission shall: "*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. The report shall contain for the year the attendance record of all members and the identity of Commission officers*."

This document shall serve as the Commission's progress report, and the attendance record of all members is included for City Council review and use.

TEAM MEMBERS

Throughout 2024, the Commission had several changes. In February, Chair Chris DeFrancisco and Commissioner Zachary Faircloth resigned. EJ Copeland and Tyler Sommers were appointed to fill the vacancies. In November, Tyler Sommers resigned. In November, Korrie Becht joined Town staff to serve as the Assistant Director of Development Services.

In January 2024, the Commission appointed Denise Fansler to serve as Chair and Diane Chavez to serve as Vice Chair.

YEAR IN REVIEW

The Commission reviewed and acted upon a wide range of projects in 2024, including zoning entitlements for AMLI Treehouse, Phase 2 and review of long-range planning efforts like the comprehensive plan update, Advance Addison 2050. The Commission also saw several proposals for minor site improvements and infill redevelopment, which prompted many discussions regarding retrofit and redevelopment of underutilized and declining properties.

Commission meeting attendance was consistent throughout 2024. During their time on the Commission, Chris DeFrancisco and Denise Fansler had perfect attendance in 2024.

Please see the “Attendance” section for detailed attendance information for each commissioner.

2025 FORECAST

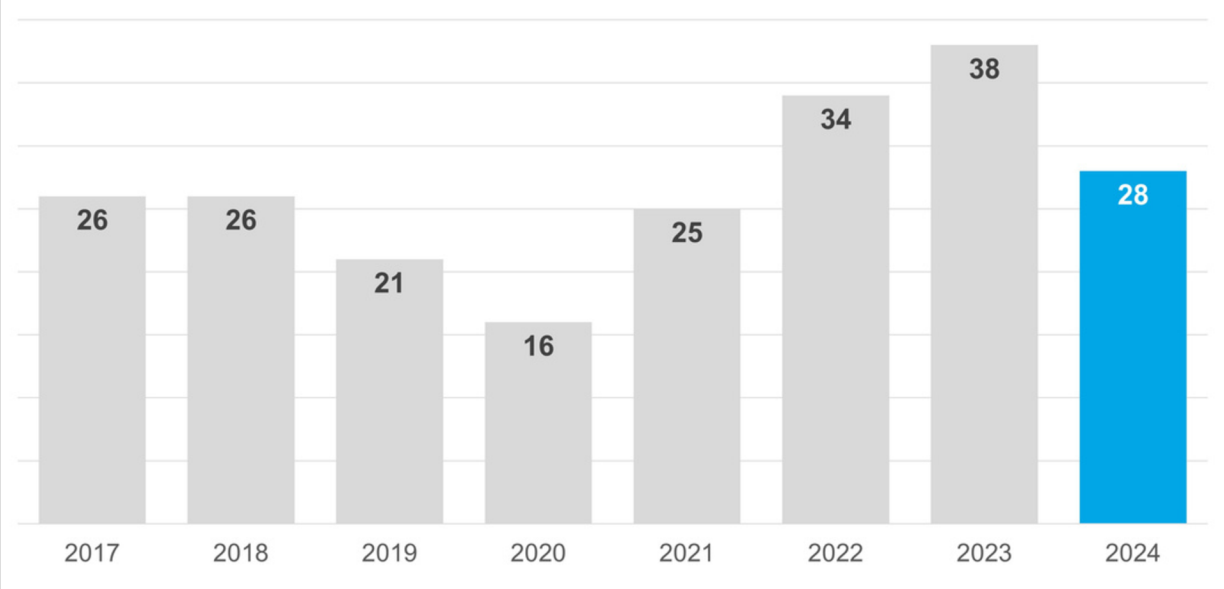
Moving into 2025, it is anticipated that development activity will remain comparable to the previous two years. The Commission will see a significant increase in Long-Range Planning activity with the anticipated adoption of Advance Addison 2050 (Comprehensive Plan) and the Unified Development Code (UDC).

CASE SUMMARY

The Commission acted upon 28 development cases in 2024. This represents a slight decrease from the previous year.

Over the course of eleven regular meetings held in 2024, the Planning and Zoning Commission reviewed 28 cases. This case load was comprised of the following:

- 10 Rezoning and Development Plan Requests
- 14 Special use permit Requests
- 4 Plat Request



As shown in the chart above, the 28 cases reviewed this year reflects a 26 percent decrease from 2024. See the “Development Case History” exhibit to view a comparison of the annual case load by project type since 2017.

NOTABLE PROJECTS

MIXED USE DEVELOPMENT

AMLI Residential received entitlements for Phase 2 of the AMLI Treehouse project on Midway Road. This project included the redevelopment of an underutilized retail center. The project includes 26 fee-simple townhomes, 16 rental townhomes, 166 multi-family units, and 12,500 square feet of retail/restaurant space. This project also includes a public trail extension.

ADAPTIVE REUSE

The Commission saw several proposals for adaptive reuse of existing developments including Jewish Family Services and Westwood Montessori School. Both projects will reinvest in and occupy previously vacant office space.

See the “Case Map” exhibit to see the location of each case by project type.

2024 ACCOMPLISHMENTS

At the beginning of 2024, the Commission established the following goals:

- Increased emphasis on pedestrian safety and encouraging use of alternative modes of transportation in order to reduce parking demand and support development standards and infrastructure policy that limits the construction of excess parking supply.
- Evaluate Rules, Regulations, and Procedures of the Planning and Zoning Commission and update to reflect current practices as needed.
- Conduct periodic development tours with the Commission throughout the year.

The Unified Development Code project is intended to address the Town's parking and sign standards, which is anticipated to be adopted in March 2025.

2025 GOALS

1. Execution of the 2025 Planning and Development Work Plan. Major areas of focus will include implementation of the UDC and the Comprehensive Plan, Advance Addison 2050.
2. Conduct periodic development tours with the Commission throughout the year.

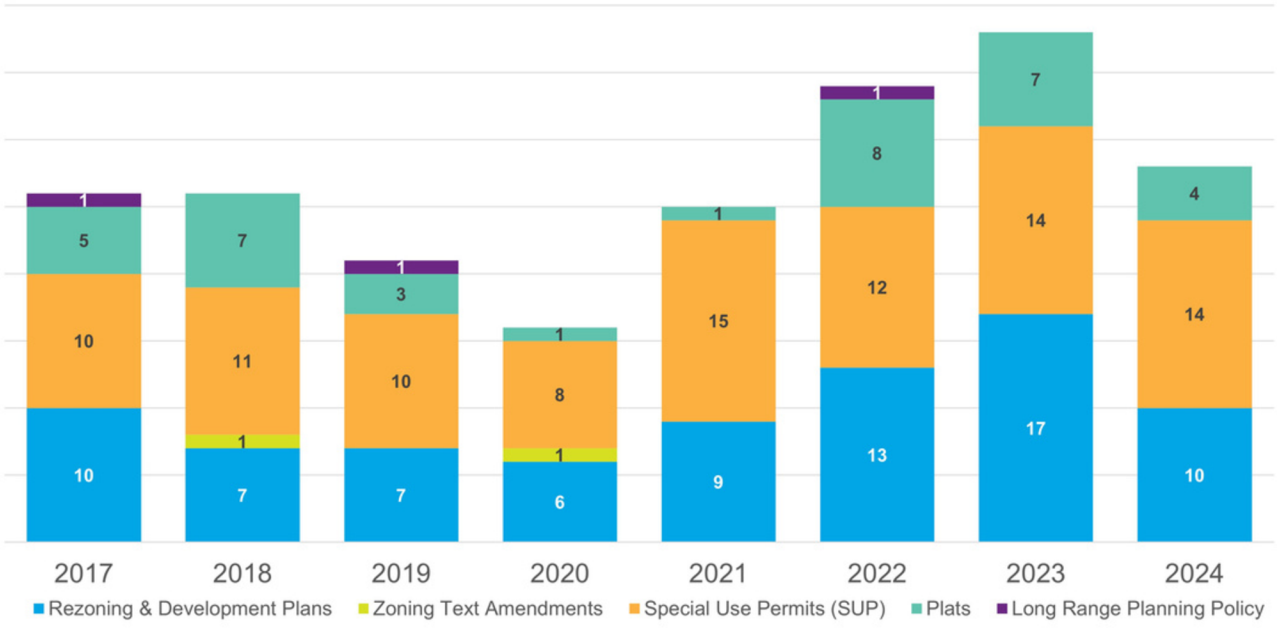
ATTENDANCE

Commissioner Attendance Rate				
Commissioner	Present	Absent	Eligible	Attendance Rate
Barker, Jimmy	14	2	16	88%
Braun, Tom	15	1	16	94%
Chavez, Diane (Vice Chair)	14	2	16	88%
Copeland, EJ	11	2	13	85%
DeFrancisco, Chris (Chair)	2	0	2	100%
Faircloth, Zachary	2	1	3	67%
Fansler, Denise (Vice Chair/Chair)	16	0	16	100%
Smith, Chelsey	15	1	16	94%
Sommers, Tyler	9	0	9	100%

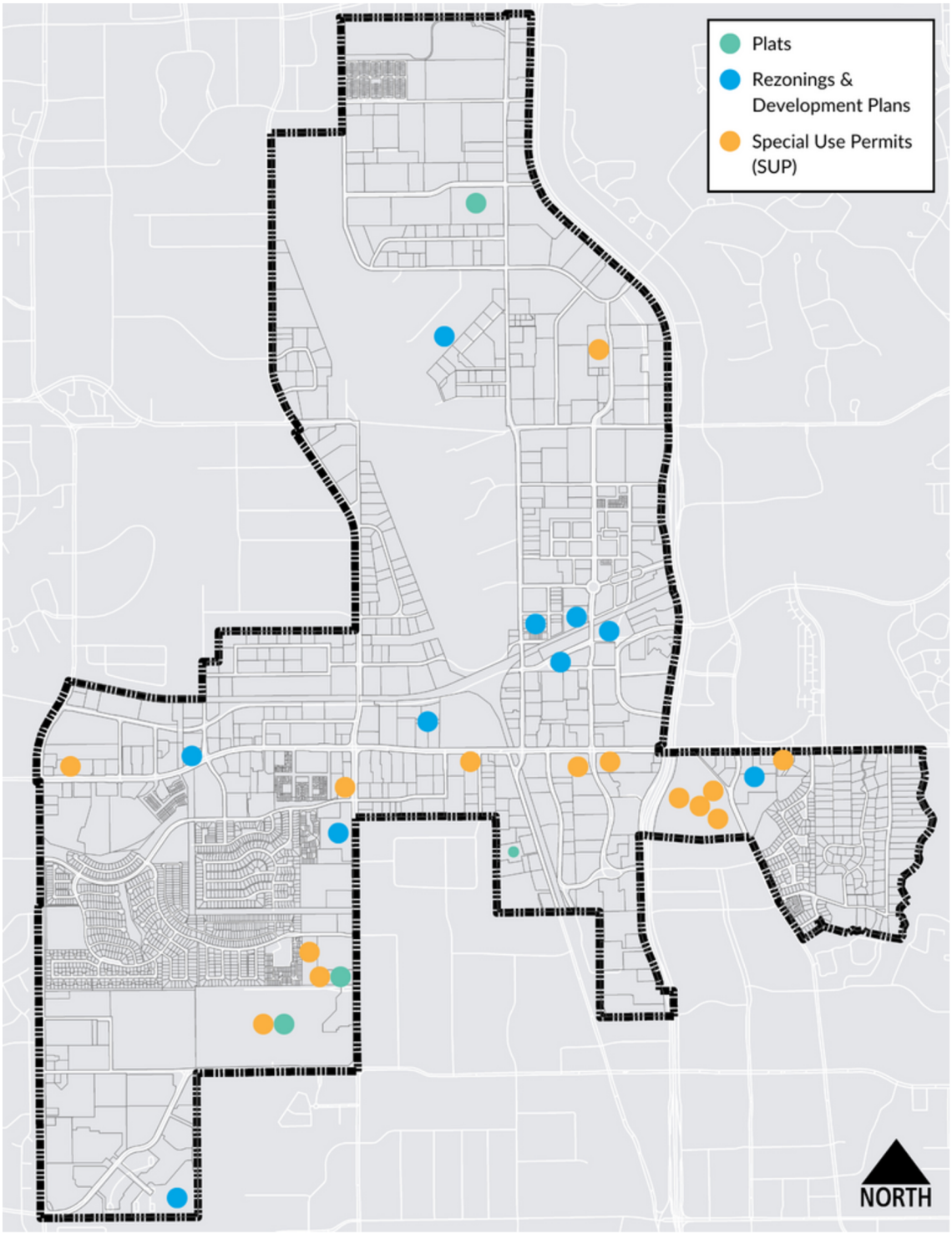
Regular Meeting Attendance Summary – 2024													
Commissioner	16-Jan	20-Feb	19-Mar	16-Apr	21-May	18-Jun	16-Jul	20-Aug	17-Sep	15-Oct	19-Nov	17-Dec	Rate
Barker, Jimmy	P	P	P	P	P	P	P	P	P	P	P	A	92%
Braun, Tom	P	A	P	P	P	P	P	P	P	P	P	P	92%
Chavez, Diane (Vice Chair)	P	P	P	P	P	P	P	P	P	P	P	P	100%
Copeland, EJ			P	P	P	P	P	P	P	P	P	P	100%
DeFrancisco, Chris (Chair)	P												100%
Faircloth, Zachary	P	A											50%
Fansler, Denise (Vice Chair/Chair)	P	P	P	P	P	P	P	P	P	P	P	P	100%
Smith, Chelsey	P	P	P	P	P	P	P	P	P	P	P	P	100%
Sommers, Tyler				P	P	P	P	P	P	P			100%
Average	100%	67%	100%	100%	100%	100%	100%	100%	100%	100%	100%	83%	92.6%

Special Meeting Attendance Summary – 2024					
Commissioner	24-Jan	29-Feb	30-Apr	11-Jul	Rate
Barker, Jimmy	P	P	A	P	75%
Braun, Tom	P	P	P	P	100%
Chavez, Diane (Vice Chair)	A	P	P	A	50%
Copeland, EJ		A	P	A	33%
DeFrancisco, Chris (Chair)	P				100%
Faircloth, Zachary	P				100%
Fansler, Denise (Vice Chair/Chair)	P	P	P	P	100%
Smith, Chelsey	P	P	A	P	75%
Sommers, Tyler			P	P	100%
Average	86%	83%	71%	71%	81.5%

DEVELOPMENT CASE HISTORY



2024 CASE MAP



Planning & Zoning Commission **4.**

Meeting Date: 02/18/2025

Agenda Caption:

Present, Discuss, and Consider Action on the 2025 Planning and Development Work Plan.

Staff Report:

The Planning & Development Work Plan has been provided for review, feedback, and action by the Commission. Periodic updates will be provided throughout the year.

Recommendation:

Staff recommends approval of the 2025 Planning and Development Work Plan.

Attachments

2025 Work Plan

2025 Planning & Development Program Work Plan		Initiation	Completion	Status
Key Focus Area #1: Development Review and Zoning Enforcement				
	Goal #1: Facilitate adoption and implementation of the UDC.	Q1, 2025	Q4, 2025	**Not Initiated**
	Goal #2: Begin/continue implementation of adopted master plans and special area studies.	Recurring	Recurring	**Ongoing**
Key Focus Area #2: Long Range Planning				
	Goal #1: Complete the Advance Addison 2050 Comprehensive Plan.	Q4, 2023	Q3, 2025	**Ongoing**
Key Focus Area #3: Community Engagement				
	Goal #1: Create a neighborhood meeting process to facilitate community input during the zoning process within Unified Development Code (UDC) Administrative Manual.	Q1, 2022	Q3, 2025	**Ongoing**
	Goal #2: Generate a bi-annual (every other year) report to summarize market and demographic trends.	Q3, 2022	Recurring	**Ongoing**
	Goal #3: Conduct outreach to business community to help them navigate Town zoning and development requirements (i.e. SUP process).	Recurring	Recurring	**Ongoing**
Key Focus Area #4: Process Improvement and Customer Service				
	Goal #1: Complete reconfiguration of the Town's Permit Management Software, EnerGov, to improve ease of use.	Q2, 2024	Q2, 2025	**Ongoing**
	Goal #2: Review and update P & Z packet and staff report format.	Q3, 2025	Q4, 2025	**Not Initiated**
	Goal #3: Expand use of GIS in development visualization and records management (i.e. online development map).	Q3, 2025	Q4, 2025	**Not Initiated**
	Goal #4: Create and implement Administrative Manual for development process in conjuction with Unified Development Code (UDC).	Q1, 2025	Q3, 2025	**Ongoing**
Key Focus Area #5: Commission and Staff Development				
	Goal #1: Conduct relevant internal training on annual basis with the Commission.	Recurring	Recurring	**Ongoing**
	Goal #2: Plan a development tour to visit regional best practices for infill and redevelopment (every other year).	Q3, 2023	Recurring	**Ongoing**
	Goal #3: Conduct periodic site visits to Town projects to support the review process and to assess lessons learned.	Recurring	Recurring	**Ongoing**
	Goal #4: Provide access to online and local training events for Planning Commissioners when available.	Recurring	Recurring	**Ongoing**

Planning & Zoning Commission **5.**

Meeting Date: 02/18/2025

Agenda Caption:

Hold a public hearing, present, discuss, and consider action on the adoption of the text of a Unified Development Code (“UDC”), including changes to the Town of Addison’s laws and regulations regarding zoning districts, subdivision and development, building, and construction with the zoning district changes to be considered at a later date.

Staff Report:

The Town of Addison first engaged Clarion Associates in 2019 to begin the review and update of the Town’s “development regulations,” which currently include ordinances for zoning, subdivision of land, signs, and related issues, most of which were originally adopted 30 or more years ago. The goal of the review was to consolidate and update the regulations into a Unified Development Code (UDC) that is clear, enforceable, and helps implement the Town's shared vision for the future. The UDC drafting and review process consisted of four code drafting phases, a testing phase, a public review of the UDC document, and a thorough review by four key groups described as the "project team":

1. Town Staff Review Team
2. UDC Advisory Committee
3. Planning & Zoning Commission
4. City Council

The project team has analyzed all feedback received throughout the drafting process to prepare the adoption draft UDC.

Recommendation:

Administration recommends approval.

Attachments

Presentation - Addison UDC

UDC Adoption Draft - February 2025 (Clean)

UDC Adoption Draft - February 2025 (Redline)

UDC Appendix A Sign Districts and Master Sign Plan

UDC Administrative Manual - February 2025 Draft

ADDISON, TEXAS
UNIFIED DEVELOPMENT CODE

Planning & Zoning
February 2025

CLARION

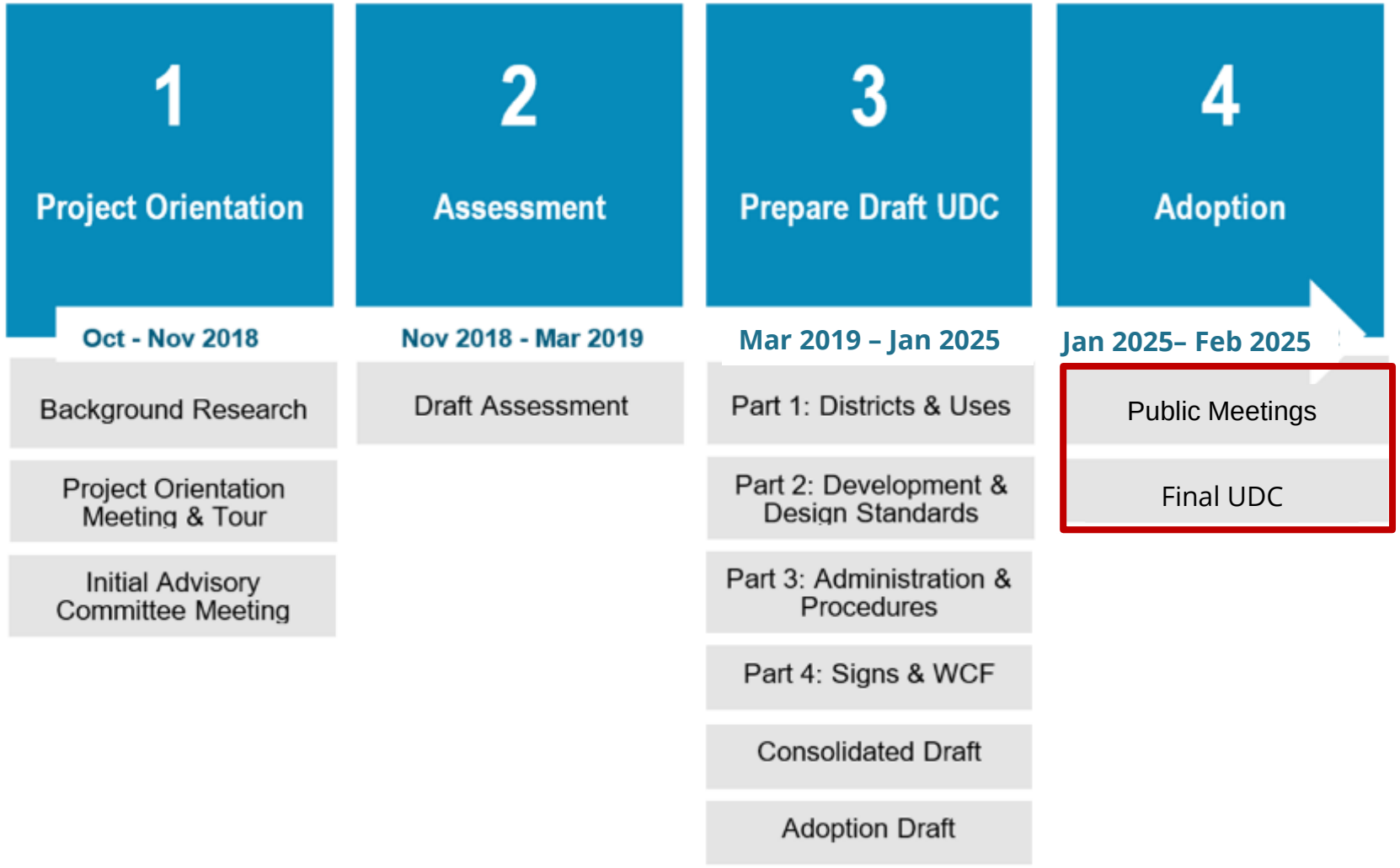
TEAM MEMBERS

Matt Goebel, AICP
Clarion - Project Manager
Code Drafting

Gabby Hart, AICP
Clarion - Project Associate
Code Drafting

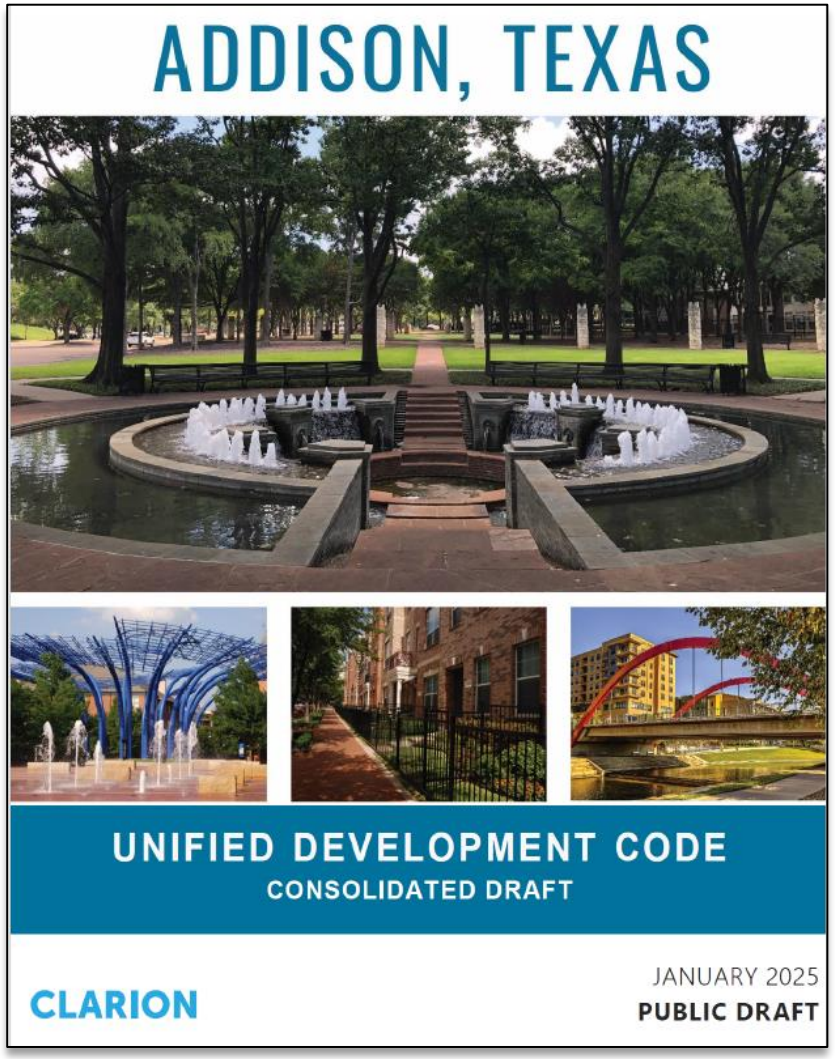
Jim Dougherty, Esq.
Texas Land-use Law Expert

PROJECT SCOPE & TIMELINE



MEETING AGENDA

- Review edits made from Work Session discussion
- Next Steps
- P&Z Recommendation



1/29 WORK SESSION RECAP

- **Code Compliance**
- **Neighborhood Meeting Procedure**
- **Minimum Parking Requirements**
  - Potential to eliminate in Mixed-Use Districts
  - Increase transit radius for parking reduction
- **Electric Vehicle Parking**
  - Consider decreasing the threshold or increasing the required number of EV spaces for lots with 50 or more spaces
- **Nonconformities**
  - Applicability of TLGC 211.06 nonconforming use notice requirements
  - Need for a general analysis of potentially nonconforming lots/uses

1/29 WORK SESSION RECAP

- **Vinyl Siding/Fence Materials**
- **Errors in Tree Mitigation Requirements**
- **Park Development Fee**
  - How did the Town establish land value?
  - How will these numbers get updated in the future
- **Town-specific Regulations**
  - Consider decreasing the threshold or increasing the required number of EV spaces for lots with 50 or more spaces

EDITS FROM 1/29 DISCUSSION

- **Added "bicycle" to UDC purpose statement – "Lessen congestion in the streets while enhancing pedestrian, *bicycle*, and vehicular movement with the least detriment to environmental quality" (1.3.F)**
- **Updated Minor Modification Table to clarify if the percent change is an increase/decrease (2.10.3.B.1)**
- **Removed impervious coverage maximum limitation from all residential zoning districts (3.4.1.B, 3.4.2.B, 3.4.3.B)**

Table 2.10-1: Table of Allowable Minor Modifications

UDC Standard	Allowable Modification (maximum percentage)
Site Standards	
Lot width, minimum	10% decrease
Lot depth, minimum	10% decrease
Lot area, minimum	10% decrease
Building coverage, maximum	10% increase
Total impervious coverage, maximum	10% increase
Block length, minimum/maximum	10% decrease/increase
Lot Dimensional Standards	
Front building setback, minimum	15% decrease
Build-to range, minimum/maximum	15% decrease/increase
Front building façade at build-to range, minimum	15% decrease
Side building setback, minimum	15% decrease
Rear building setback, minimum	15% decrease
Building Standards	
Building height, maximum	10% increase
Building height, minimum for street facing facades	10% decrease
Development Standards	
Number of required vehicle parking spaces, minimum	20% decrease
Landscaped area, minimum	10% decrease

EDITS FROM 1/29 DISCUSSION

- **Fixed error in urban agriculture time limitations (outdoor activity prohibited from 10 pm to 7 am – prior draft reversed) (4.3.4.B)**
- **Decreased EV charging station threshold from 50 spaces to 40 spaces: *"Parking areas with 40 or more vehicle parking spaces shall provide a minimum of one vehicle parking space dedicated to electric vehicles for every 25 vehicle parking spaces provided on site."* (5.5.7.G)**
- **Fixed the errors in tree mitigation requirements (5.6.6.B.2)**
  - Heritage Trees: 1:2
  - Significant Trees: 1:1.5
  - Protected Trees 1:1

ADDITIONAL STAFF EDITS

- **Removed asterisks for public meetings in Summary Table of Review Procedures to better emphasize public hearings (2.3)**
- **Clarified Master Sign Plan appeal authority is BZA (2.3)**
- **Clarified Tree Permit application submittal requirements (aerial imagery required) (2.6.3.C.1)**
- **Clarified process for City Council to delegate Parking Management Agreement decision to Director (2.8.1.C)**
- **Added 70 foot maximum building height for Addison Airport district (and requirement to meet FAA height standards) (3.6.4.B)**
- **Clarified ADU noticing requirements – must occur between complete application and final approval (4.4.4.C)**

ADDITIONAL STAFF EDITS

- **Removed employee-based parking requirements for: (5.5.4)**
  - Assisted Living: 1 space per 8 patient beds plus 0.5 per staff member updated to **1 space per 6 patient beds**
  - Hospital: 1 space per 5 patient beds design capacity plus 1 per 2 staff members updated to **1 space per 3 patient beds design capacity**
- **Replaced specific reference to Belt Line streetscape standards with a general reference to "location-specific streetscape standards" due to expected updates/content in the Administrative Manual (5.6.4.C)**
- **Added Planned Development – Condominium Conversion content into Legacy Districts (previously missed) (8.3)**
- **Clarified meaning of "substandard" in nonconforming section (1.6.4.E)**
- **Removed all commentary, footnotes, and tables that included current regulations (e.g., zoning districts and parking table)**
- **General consistency edits and graphic label updates**

ADMINISTRATIVE MANUAL

- **Compiles administrative or application submittal standards, such as approved plant lists and plat detail requirements**
- **Content currently located throughout Code of Ordinances and UDC drafts and relocated outside of the UDC to provide flexibility to update that information without a formal UDC amendment**

QUESTIONS & DISCUSSION

NEXT STEPS

- March 4th: City Council Work Session
- March 25th: City Council UDC Adoption
- June 17th: P&Z Commission Zoning Map Recommendation
- July 22nd: City Council Zoning Map Adoption
- September 1st: Effective Date of the Unified Development Code & Administrative Manual

ADDISON, TEXAS
UNIFIED DEVELOPMENT CODE

Consolidated Draft

January 2025

CLARION

ADDISON, TEXAS

UNIFIED DEVELOPMENT CODE

ADOPTION DRAFT

FEBRUARY 2025

CLARION

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Article 1: General Provisions

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 Purpose

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;

E. Provide adequate light, air, and open space;

F. Lessen congestion in the streets while enhancing pedestrian, bicycle, and vehicular movement with the least detriment to environmental quality;

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;

J. Ensure that development and resource decisions are sustainable not only for the current residents of Addison but for future residents and generations;

K. Provide a mix of land uses that provide employment opportunities, social amenities, and housing within the Town to promote economic resiliency;

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;

N. Conserve the value of buildings and encourage the appropriate use of land, buildings, and structures; and

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 Jurisdiction

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 TLGC Chapters 42, 43, 211, 212, and 213, and all other relevant provisions of the State of Texas.

1.4.2. Applicability

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 Required

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. Additional technical information and analysis may be required of applicants to demonstrate compliance with this UDC.

1.4.4. Conflicts with Other Ordinances, Criteria Manuals, and Master Plans

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 §2.10.5: *Interpretations*, shall govern.

D. Whenever any provision of this UDC conflicts with a Criteria Manual adopted by the Town, the more stringent controls, as determined by the Director.

E. Whenever any provision of this UDC conflicts with a Master Plan adopted by the Town, the Master Plan shall govern, as determined by the Director.

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 Covenants

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 Ownership

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 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

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. Approved Plans

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. The Director shall notify an applicant of any upcoming expirations of approval at least three months prior to the expiration. 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.

1.5.3. 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.

1.5.4. Uses, Lots, Structures, and Sites Rendered Nonconforming

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*.

1.5.5. 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 §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.

1.6 Nonconformities

1.6.1. Purpose

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 Nonconformities

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.

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 Status

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.

C. Maintenance and Minor Repair

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

1. Maintenance of land to protect against and mitigate health and environmental hazards;
2. 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;
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 Tenancy

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. Change or Elimination of Nonconformity

A Change or Elimination of Nonconformity application as set forth in §2.6.7 is required:

1. For all applications described in §§1.6.2.C and 1.6.2.D above; and
2. To provide evidence of and confirm the loss of nonconforming status as described in §1.6.2.A.4.

F. 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.

G. Nonconformity Due to Outside Action

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 Uses

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.

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.
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, the nonconforming use shall be considered discontinued and future use of the land or building shall comply with this UDC.
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.

B. Change of Use

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 §1.6.2.C*: Maintenance and Minor Repair,* and any such expansion shall be in full compliance with this UDC.

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.

C. Whenever a nonconforming structure is discontinued for six months 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.

D. A nonconforming structure 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.

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 according to life/safety measures identified in the Building Code. In determining the replacement cost of any nonconforming structure, the cost of the land or any factors other than the nonconforming structure itself including foundation shall not be included.

1.6.5. Nonconforming Lots

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.

1.6.6. Nonconforming Site Features

A. Applicability

1. For purposes of this section, 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 of this UDC 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 section.
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 §1.6.3: *Nonconforming Uses* or 1.6.4: *Nonconforming Structures*, the additional number of parking spaces required to serve the changed or expanded area shall be provided in accordance with §5.5: *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 §1.6.6.B.2 below.

2. Upgrading Nonconforming Parking

Nonconforming off-street parking facilities shall be upgraded to comply with this UDC's minimum parking lot design requirements in §5.5.7: *Vehicle Parking Layout and Design* and landscaping requirements in §5.6.4.D: *Parking Area Landscaping,* 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.

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

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 more than 50 percent shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity, as determined by the Director.

2. Alternatives to Upgraded Landscaping Authorized

In meeting the upgrading requirements 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 as determined by the Director of Parks and Recreation. Conditions justifying approval of alternatives 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 of Parks and Recreation may approve alternative landscape plans that do not meet the specific requirements stated in this §1.6.6, when they determine that the alternatives meet the following criteria:

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

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

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 Violation

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.

B. Continuing Violations

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 Violations

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. Persons Liable

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 Actions

A. Responsibility for Enforcement

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 Violations

1. If the Director finds that any provision of this UDC is being violated, they shall 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 §2.10.4: *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 will be sent at the Director's discretion.
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 Entitlements

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 Orders

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 Severability

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.

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 Commission

A. Duties and Authority

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

1. Exercise the powers set forth in TLGC §211.007.
2. Review and make recommendations or decisions as show in §2.3: *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. Review and submit each year a progress report prepared by the Director of Development and Neighborhood Services 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 Code of Ordinances.

B. Officers

The commission shall elect a chairperson and vice-chairperson from among its members. The commission shall also elect 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. Meetings

1. All meetings of the commission shall be open to the public, 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 §2-310 of the Code of Ordinances.

F. Initial Appointments and Terms

See §2-311 of the Code of Ordinances.

1.9.4. Board of Zoning Adjustment

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 including the review of adjustments related to numerical dimensional development standards.
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 TLGC Chapter 211, 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 and issue appeals in accordance with the City's adopted Building and Fire Codes. When serving as the Board of Appeals, the Board of Zoning Adjustment shall be subject to the rules set forth in the applicable sections of the Code of Ordinances.

B. Meetings

1. Meetings of the Board shall be held at the call of the Director. The Chairperson may administer the 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 Development and Neighborhood Services Department 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 §2-315 of the Code of Ordinances.

D. Initial Appointments and Terms

See §2-316 of the Code of Ordinances.

E. Record of Petition

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 10 days after the filing of the decision in the Development and Neighborhood Services Department and not thereafter.

1.9.5. Director of Development and Neighborhood Services

A. The Director 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

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.

1.9.6. Floodplain Administrator

The Floodplain Administrator is appointed by the City Manager to administer and implement the standards set forth in §5.3: *Floods* 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 §5.3: *Floods*.
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 Code 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.

1.9.7. Director of Parks and Recreation

The Director of Parks and Recreation shall review and comment on:

A. Landscape plans pursuant to §5.6.3: *Landscape Plans* and landscape inspections*;*

B. Tree permits pursuant to §5.6.6.C: *Tree Permit*; and

C. Proposed parkland dedications, park development fees, and park Site Plans pursuant to §6.4.7: *Dedication of Land for Parks, Trails, and Recreational Areas and Assessment of Park Development Fees*.

1.9.8. Director of Public Works and Engineering and City Engineer

The Director of Public Works and Engineering and/or City Engineer shall review and comment on:

A. The design, construction, and inspection of public infrastructure required or proposed as part of an application for subdivision;

B. Minor and major Traffic Impact Analysis;

C. Parking studies;

D. Drainage studies;

E. Utility studies;

F. Site development permits;

G. Flood hazard development permits; and

H. Civil engineering plans.

Article 2: Administration and Procedures

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								
Special Use Permit		2.5.1	✓	◊	R	R*	D*	
Rezoning		2.5.2	✓	◊	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	2.6.1.C	✓	◊	R	R*	D*	
	Other	2.6.1.D	✓	◊	R	D*		
Site Plan	Major	2.6.2.E	✓	◊	R	D		A*
	Minor	2.6.2.D	◊	◊	D			A*
Tree Permit		2.6.3			D			A*
Temporary Use Permit		2.6.4			D			A*
Sign Permit		2.6.5			D			A*
Master Sign Plan		5.9.11.E			R	D		A*
Zoning Verification Letter		2.6.6			D			A*
Change or Elimination of Nonconformity		2.6.7			D			A*
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*

Table 2.3-1: Summary Table of Review Procedures

R = Review & recommend **D** = decide **A** = appeal
✓ = required ◊ = optional * = public hearing required

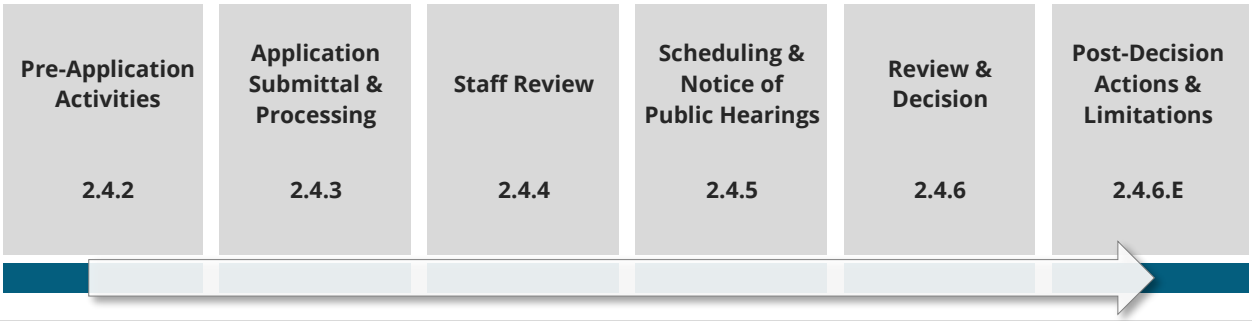
Application Type	UDC Reference	Pre-Application Activities		Review & Decision-Making Bodies			
		Pre-application conference	Neighborhood Meeting	Staff	Planning and Zoning Commission	City Council	Board of Zoning Adjustment
Agreements							
Parking Management Agreement	2.8			R		D[1]	
Platting of Land							
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 or Amending Plat	2.9.5	◊		D[2]	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[3]			A*
Appeal of Administrative Decision	2.10.4	◊		R			D[3]
Alternative Sign Design	5.9.6	◊		R		D	
Interpretations	2.10.5	◊		D			A*

Notes:
[1] Except where authority is delegated by City Council to staff.
[2] Unless referred to the Planning and Zoning Commission per §2.9.5.C.5.
[3] Or the authorized decision-maker.

2.4 Common Review Procedures

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: *Rezoning, Zoning Text, and Plan Amendment Procedures* through §2.10: *Flexibility and Relief Procedures* identify additional procedures and rules beyond those in this section.



2.4.2. Pre-Application Conference

A. 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.

B. 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.

C. Procedure

1. The potential applicant shall submit a request for a pre-application conference through the Development and Neighborhood 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.
2. To maximize the benefit of this meeting, the potential applicant shall submit a concept sketch and narrative description of their proposal with the pre-application conference request.
3. 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.

D. 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.

2.4.3. Application Submittal and Processing

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 and Neighborhood Services Department on a form established by the Director in accordance with the Town's established application submittal calendar.
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 Chapter 2, Article IX of the 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 and Neighborhood Services Department.

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 and Neighborhood 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 and Neighborhood Services Department, are included, and all required filing fees are paid.

b. An application is not considered filed until it is complete pursuant to §2.4.3.F.2.

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 the published schedule. The Director may accept applications filed in conflict with the published submittal and review schedule at their discretion.

2. Review Procedure

a. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC, other ordinances of the Town, or state or federal law.

b. 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 via personal delivery, electronic mail, or first-class mail 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.

c. If the application is determined to be incomplete, the Director shall provide notice to the applicant via personal delivery, electronic mail, or first-class mail. 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.

d. Pursuant to TLGC Chapter 245, 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 §2.4.3.F.2.b, above; and

ii. The applicant fails to provide the specified documents or other information required to resolve identified deficiencies within 45 days following notice.

e. 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 §2.10.4: *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 and if the application is submitted within one year of the denial or revocation, unless an alternative timeframe is specified in this section. The Director will determine if the changes are sufficient to allow a resubmittal.

2.4.4. Staff Review

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.

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 §2.10.4: *Appeal of Administrative Decision.*

2.4.5. Scheduling and Notice of Public Hearings

A. Neighborhood Meeting

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 applications for Rezoning, Rezoning to PUD, and Special Use Permit, or as required by the Director in their discretion. The Director may require a neighborhood meeting for proposed developments with demonstrated community interest, that require a Traffic Impact Analysis, or are of a size or complexity that warrant a neighborhood meeting. The neighborhood meeting is optional unless expressly stated otherwise in Table 2.3-1: *Summary Table of Review Procedures*.

3. Notice of Neighborhood Meeting

a. An applicant holding a neighborhood meeting is encouraged to provide mailed notice of the meeting as described in the Administrative Manual.

b. Notice is required if the neighborhood meeting is required by the Director or this UDC. The applicant shall notify the Director 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. The applicant shall be responsible for providing mailed notice to residential and nonresidential property owners within the public hearing notice area required by §2.4.5.D.2: *Mailed Notice* if elected or required.

d. Additional electronic notice is encouraged for:

i. The head of any homeowners association, or community/neighborhood appointed representative adjoining the project site; and

ii. Other interested parties as determined by the Director.

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 the first public meeting to consider the 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 be included in the main application submittal. 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 or has not addressed or proposes to address the issues, concerns, and objections identified during the meeting.

B. Scheduling of Public Hearings and Public Meetings

1. If an application is subject to a public hearing or public meeting 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 or meeting shall be scheduled to allow sufficient time to prepare a staff report per §2.4.4: *Staff Review*.
3. The Development and Neighborhood 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.
4. Public meetings shall include a time for citizen comment on items that do not require a public hearing.

C. Notice Format and Content for Public Meetings

Electronic notice of a public meeting shall be posted to the Town's website a minimum of 72 hours prior to the public meeting.

D. Notice Format and Content for Public Hearings

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;
- **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 in all directions 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, except residential Replats subject to TLGC §212.015 that shall be postmarked at least 15 days prior to the date of the public hearing.

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 a minimum of one sign on the subject property at least 10 days prior to the date of the public hearing before the Planning and Zoning Commission. The Director may require additional signs based on access and configuration of the property.

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 and Neighborhood 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 10 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.

E. 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	Mailed [1]	Posted [2]	Published [3]
Rezoning, Zoning Text, and Plan Amendments			
Special Use Permit	✓	✓	✓
Rezoning	✓	✓	✓
Rezoning to Planned Development	✓	✓	✓
Zoning Text Amendment	n/a	n/a	✓

Table 2.4-1: Summary of Public Notice Requirements

Application Type	Mailed [1]	Posted [2]	Published [3]
Comprehensive Plan Amendment	n/a	n/a	✓
Annexation	[4]	[4]	[4]
Platting of Land			
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] Within 200 feet and 10 days prior to hearing or such longer period as may be required by state law.

[2] 10 days prior to hearing or such longer period as may be required by state law.

[3] 15 days prior to hearing or such longer period as may be required by state law.

[4] In accordance with TLGC Chapter 43.

[5] If required by the applicable section of §2.10: *Flexibility and Relief Procedures.*

F. 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.

G. Protest Procedures

A proposed zoning action may be protested pursuant to TLGC Chapter 211 and the requirements below. A valid, written protest shall require an affirmative vote of at least three-fourths of all members of the governing body for approval of the protested zoning action.

1. Submittal Requirements

a. A written protest may be submitted by a minimum of 20 percent of the property owners 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, an attorney-in-fact authorized to sign the protest on behalf of the corporation, or other person authorized to sign on behalf of the property. 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 §§2.4.5.G.1.d and 2.4.5.G.1.e, 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 section, 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 governing body 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 business day prior to the public hearing when the proposed zoning action is scheduled to be acted upon. 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 business day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued.

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

a. A protest, once filed, remains in effect unless withdrawn in accordance with this section, 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 section 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 Decision

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.

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 and Neighborhood 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 public hearing, the recommendation or decision (as applicable) shall:

a. Be based only on the record of the public hearing;

b. Be in writing;

c. Include findings of fact based on competent, material, and substantial evidence presented at the hearing;

d. Reflect the determination of contested facts; and

e. 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 staff, the applicant, or the property owner(s), 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 and Neighborhood 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 Town.

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: *Rezoning, Zoning Text, and Plan Amendment Procedures* through §2.10: *Flexibility and Relief Procedures*.

c. If there is a conflict between the general review criteria in this section and the specific review criteria in §2.5: *Rezoning, Zoning Text, and Plan Amendment Procedures* through §2.10: *Flexibility and Relief Procedures*, the specific review criteria in §2.5: *Rezoning, Zoning Text, and Plan Amendment Procedures* through 2.10: *Flexibility and Relief Procedures* control.

2. Compliance with UDC and Other Applicable Plans and 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.

E. Development Agreement

1. Purpose

a. The City Council finds and determines that development agreements may be useful to both the Town and developers of land in the Town by providing more regulatory certainty, establishing a schedule for development, assisting both developers and the Town to coordinate the provision of adequate public facilities to serve development, coordinating the phasing of development, administering management efforts to maintain open space and environmentally sensitive lands, and furthering the goals of the Comprehensive Plan.

b. 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.

2. Applicability

The City may enter into a development agreement with a developer, subject to TLGC §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.

3. Standards

A development agreement shall meet and be subject to all requirements and provisions in TLGC §212.172.

4. Recordation

A Development Agreement shall be recorded in accordance with TLGC §212.172.

5. 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 TLGC §212.172.

6. 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 by the Director, the Town may terminate or modify the Development Agreement.

7. Expiration, Termination, or Modification of Agreement

a. 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 TLGC §212.172.

b. Major modification of the agreement shall follow the same procedures as required for initial approval of a Development Agreement.

c. 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.

2.4.7. Post-Decision Actions and Limitations

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 and Neighborhood Services Department.

2. If the review involves a public 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," (a time limit for a municipality to act on certain applications) 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, except 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 §2.10.4: *Appeal of Administrative Decision.*

D. Expiration and Revocation of Approval

1. Expiration of Approval

If a specific time period for expiration is not specified within the approval of an application, the approval shall expire after two years following the date upon which the final approval became effective, if none of the following have occurred:

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 section, progress towards completion of the project is as defined in TLGC Chapter 245.

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.

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. No more than one extension may be granted.

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 gross floor area.

d. The Director shall determine whether 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 §2.4.7.E.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

1. Prior to the commencement of any improvements associated with an approved project, the applicant must obtain all necessary Site Development Permits from the Town.

2. No permit for excavation for any building shall be issued before application has been made for a Site Development Permit.

H. Building Permits

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 Occupancy

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. Following the approval of the necessary Building Permits for each project type, the applicant shall submit an application for a certificate(s) of occupancy. The necessary certificate(s) of occupancy 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.

3. Record of Certificate of Occupancy

A record of all certificates shall be kept on file in the Development and Neighborhood 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.

2.5 Rezoning, Zoning Text, and Plan Amendment Procedures

2.5.1. Special Use Permit

A. Purpose

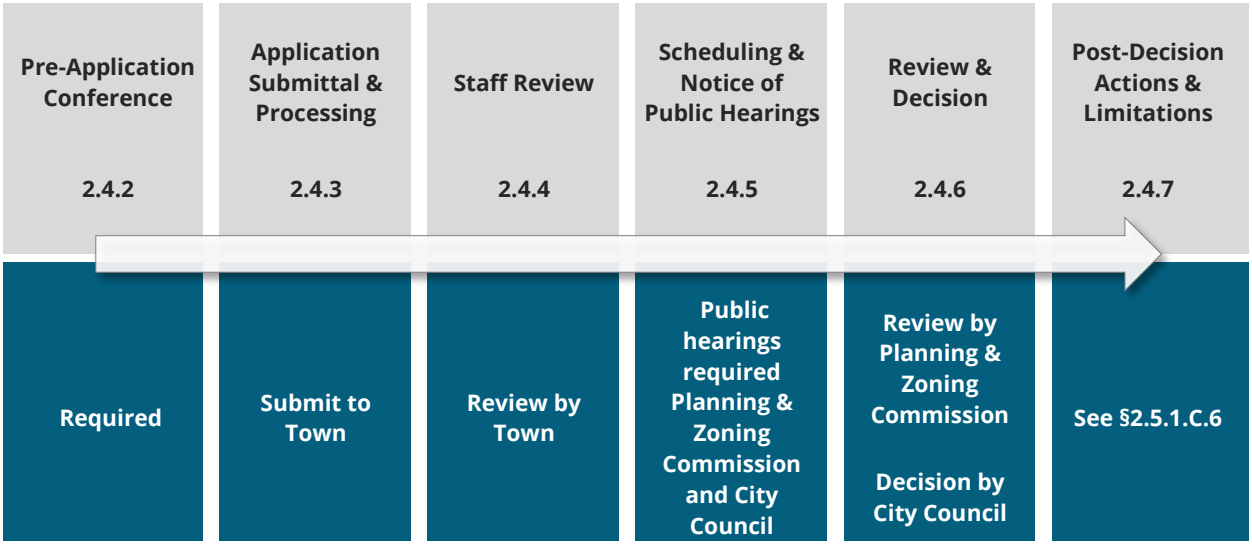
The Special Use Permit review procedure provides a mechanism for the Town to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas and the goals of the Comprehensive 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 §4.2.7: *Table of Allowed Uses.* 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 Conference

A pre-application conference is required in accordance with §2.4.2: *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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. 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 §2.5.1.D: *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 §2.5.1.D: *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 §4.3: *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 Limitations

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

a. Final Decision

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

b. 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.

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

d. 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.

e. Certificate of Occupancy

In granting the Special Use Permit, the City Council may impose conditions that shall be complied with by the grantee before a 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.

f. 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 §2.4.6.C: *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 any nuisances described in Chapter 34 of the Code of Ordinances including, but not limited to noise and property maintenance.

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. Rezoning

A. Purpose

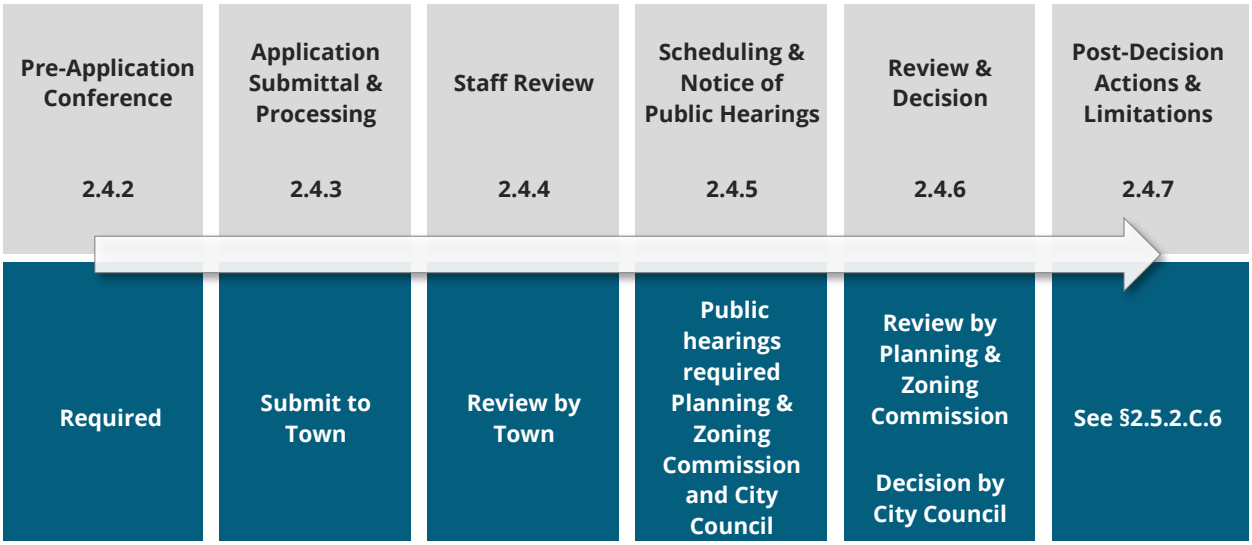
Under the provisions of TLGC Chapter 211, the City Council is authorized to amend by ordinance the boundaries of the various zoning districts. The Rezoning procedure is intended to make amendments to the Official Zoning Map of the Town to reflect changes in public policy, changed conditions, or to advance 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. 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 Conference

A pre-application conference is required in accordance with §2.4.2: *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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

b. 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 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 §2.5.2.D 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 §2.5.2.D.

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. If a written protest against such proposed amendment has been filed pursuant to §2.4.5.G: *Protest Procedures*, the amendment shall not become effective except by the favorable vote of the majority of the 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 Criteria

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.

2.5.3. Rezoning to Planned Development (PD)

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. Any property owner in a zoning district other than the Mixed-Use zoning districts 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 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 areas; 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.

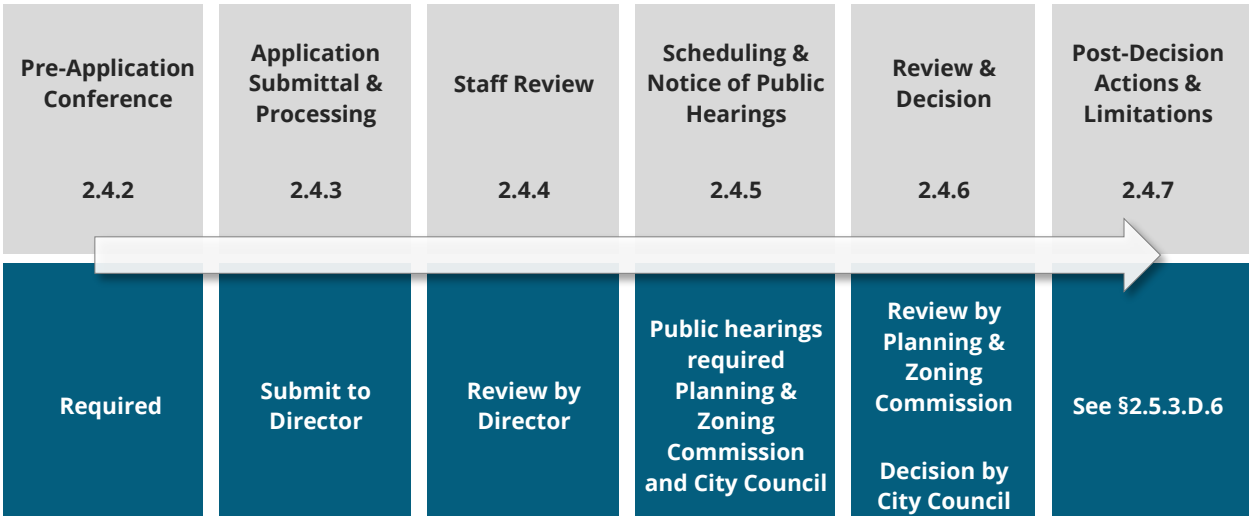
c. The outcome of the Preliminary PD Concept Plan review shall be an identification of issues and concerns that the applicant shall address to receive approval for a Final PD Site Plan from the Town.

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 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 Conference

A pre-application conference is required in accordance with §2.4.2: *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. Preliminary PD Concept Plan

The complete Preliminary PD Concept Plan submittal requirements are identified in the Administrative Manual.

b. PD Standards

i. The PD standards shall specify the terms and conditions defining the development parameters, including applicable uses and development standards and any authorized deviations from the standards of this Code, and shall provide for the management and maintenance of development.

ii. The PD standards 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.

c. Phasing Plan

If development in the proposed PD is proposed to be phased, the Preliminary PD Concept Plan and standards 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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

b. 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 §2.5.3.F: *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 §2.5.3.F: *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 Approval

i. If a Final PD Site Plan has not been submitted within two years following approval of the Preliminary PD Concept Plan and PD standards, the 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:

a. Failure to proceed with development of the Final PD Site Plan was beyond the applicant's control; and

b. There is a reasonable likelihood that the next step in the development application will be submitted in the next calendar year.

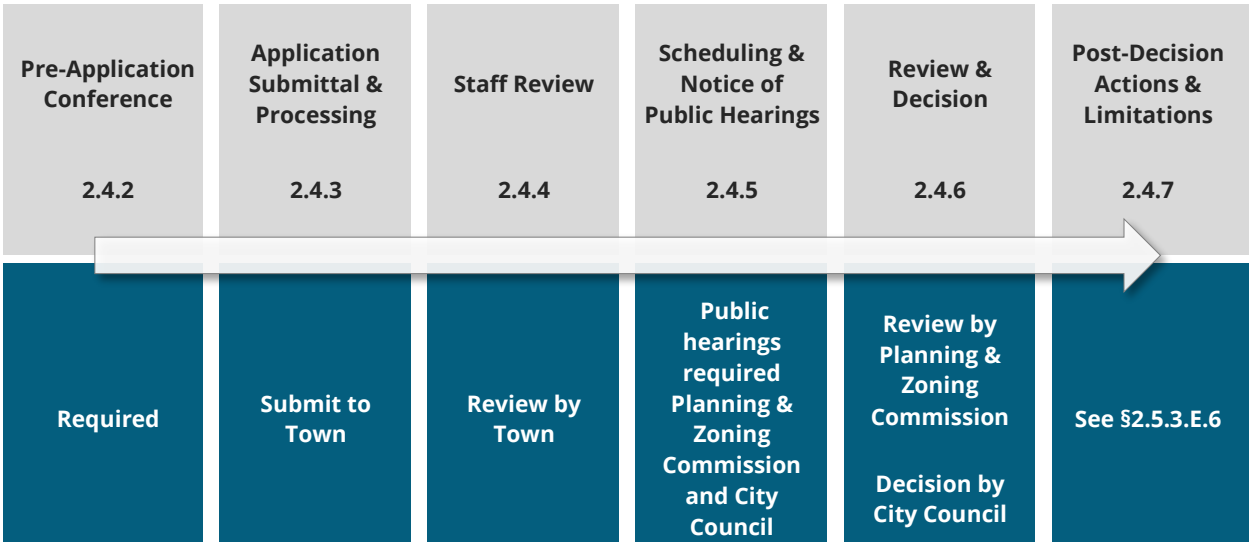
iii. Permitted time frames do not change with successive owners.

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 constitute final approval for the PD. Preliminary PD Concept Plan approval vests no development rights.

E. Final 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 Conference

A pre-application conference is required in accordance with §2.4.2: *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. Plan Requirements

The Final PD Site Plan submittal requirements are identified in the Administrative Manual.

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 per the Decision-Making Principles of the Comprehensive Plan.

c. Conformance with the Preliminary PD Concept Plan and Standards

The Final PD Site Plan shall conform to the approved Preliminary PD Concept Plan and PD standards 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 gross 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*.

4. Scheduling and Notice of Public Hearings

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

b. 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 PD standards based on the criteria in §2.5.3.F: *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 Site Plan, PD standards, and the authorizing ordinance. The City Council shall approve, approve with conditions, or deny the application for a Final PD Site Plan and standards based on the criteria in §2.5.3.F: *Review Criteria* and whether it conforms to the approved Preliminary PD Concept 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 Approval

Review of a Final PD Site Plan may be conducted simultaneously with Preliminary Plat review pursuant to §2.9: *Platting Procedures*, if applicable. Platting requirements otherwise applicable to the development may be modified by the Planning and Zoning Commission using the procedure described in §2.10.3: *Minor Modification* where it finds that such modification 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 Zoning Verification Letters.

d. Expiration or Termination of Approval

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

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:

a. Failure to proceed with development of the PD plan was beyond the applicant's control; and

b. 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 Plan

i. Generally

a. The applicant or its successors may request amendments to the Preliminary PD Concept Plan and PD standards 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 section.

c. Amendments to the approved Preliminary PD Concept Plan or Final PD Site Plan will not affect buildings or portions of the district 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 §§2.5.3.E.6.g.ii and 2.5.3.E.6.g.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 change of 10 percent or more of the gross square footage of nonresidential building area;

iii. A change of five percent or more of the approved number of projected dwelling units;

iv. Any change to any included public or private parks and/or open space;

v. 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;

vi. 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;

vii. 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 section.

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 Criteria

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 §2.5.2.D, and also the following:

1. Whether the proposed PD plan:

a. Implements the goals and actions of the Comprehensive Plan;

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 Final PD Site Plan or PD standards; and

3. The applicant's proposal is impractical to achieve within one of the Residential, Mixed-Use, or Nonresidential zoning districts in accordance with Article 3: *Zoning Districts,* but is consistent with the above criteria.

2.5.4. Zoning Text Amendment

A. Purpose

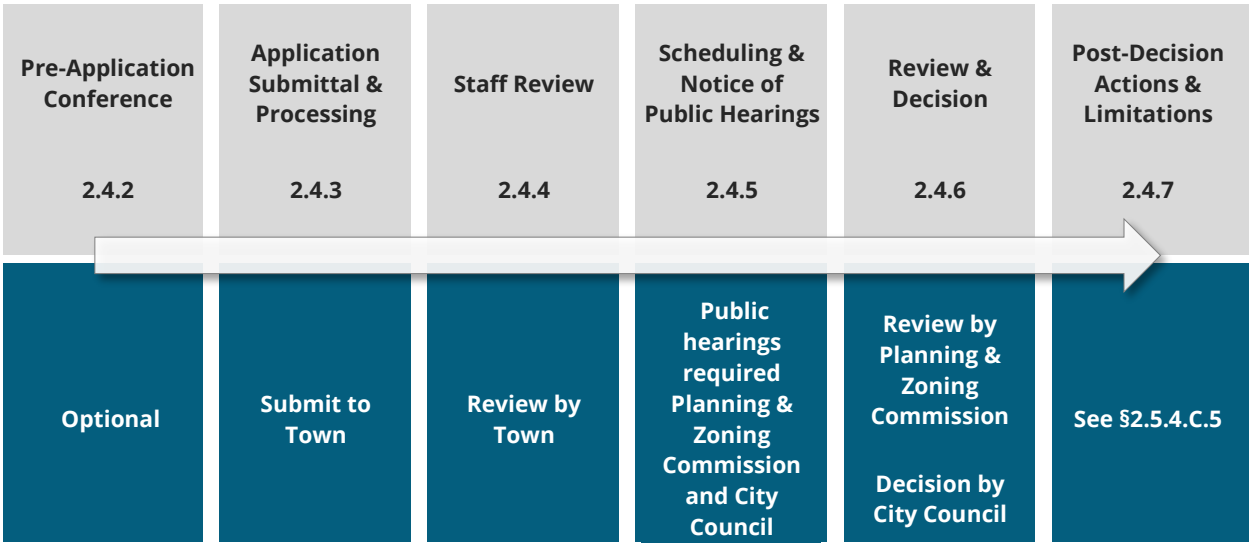
Under the provisions of TLGC Chapter 211, the City Council is authorized to amend, change, or supplement by ordinance the text of this UDC. The Zoning Text Amendment procedure is intended to provide a method for changing the text of this UDC.

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 modification:

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. 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:

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.4.D: *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 §2.5.4.D: *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 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 Amendment

A. Purpose

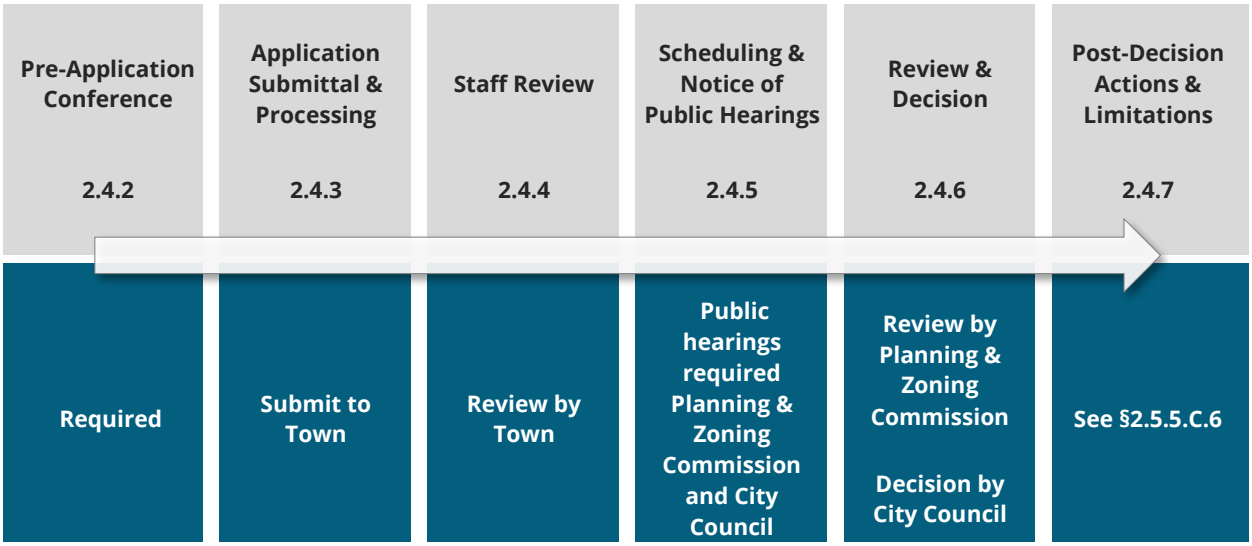
The Comprehensive Plan Amendment procedure is intended to provide a mechanism for the Town to amend the text and maps of the Comprehensive Plan or for adoption of a new Comprehensive Plan. The amendment process is established to provide flexibility in response to changing circumstances and to reflect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

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.



1. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2: *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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

b. 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 §2.5.5.D, 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 §2.5.5.D.

6. Post-Decision Actions and Limitations

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

D. Review Criteria

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 Comprehensive 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 Comprehensive 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 may occur in accordance with the procedures in:

1. TLGC Chapter 43;
2. TLGC §212.172;
3. §1.04 of the Town's Charter; and
4. Other applicable Town ordinances.

B. Concurrent Zoning

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 initial 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 initial zoning and Annexation at the same time.

C. Newly Annexed Territory

Unless an initial zoning is concurrently approved at the time of Annexation, all territory annexed to the Town hereafter shall be temporarily classified for R-1 single-family dwelling purposes only until otherwise 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 an initial zoning, and the procedure to be followed shall be the same as is in §2.5.2: *Rezoning*.

2.6 Site Planning and Miscellaneous Permits

2.6.1. Concept Plan

A. Purpose

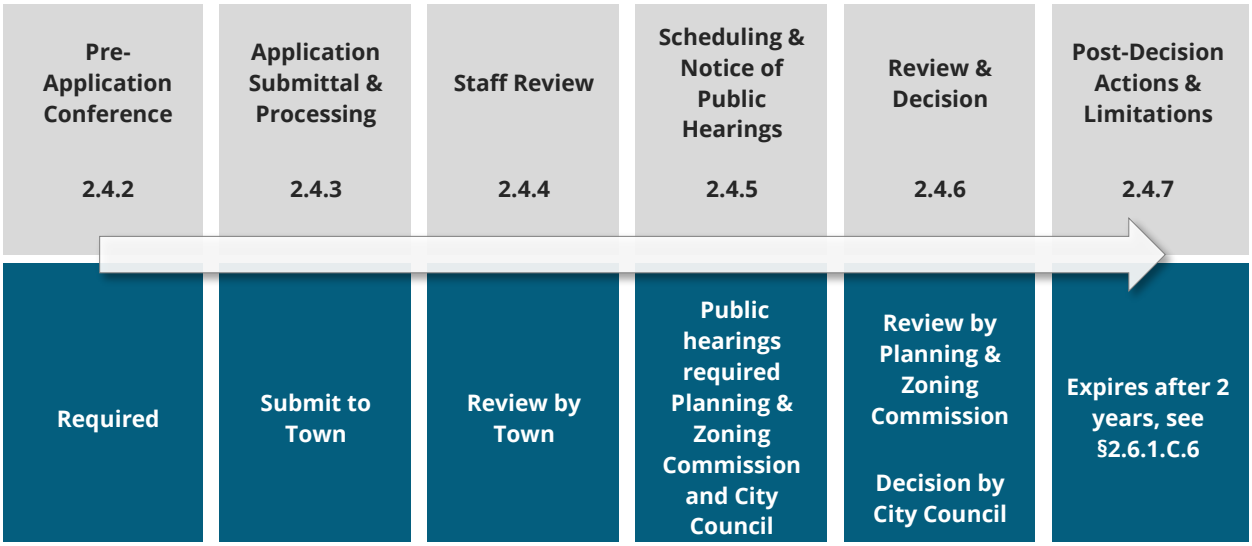
The Concept Plan review procedure is intended to provide a mechanism for review of large and/or complex or phased projects as well as to provide an option to assist any applicant for development in determining the general feasibility of their project. A Concept Plan may be submitted either in conjunction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

B. Applicability

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 as it related to the Comprehensive Plan.
2. A Concept Plan is optional for any Preliminary Plat or Preliminary Replat, 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 Conference**

   A pre-application conference is required in accordance with §2.4.2: *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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. 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 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 §2.6.1.E and shall forward its recommendation to the City Council.

b. City Council Review and Decision

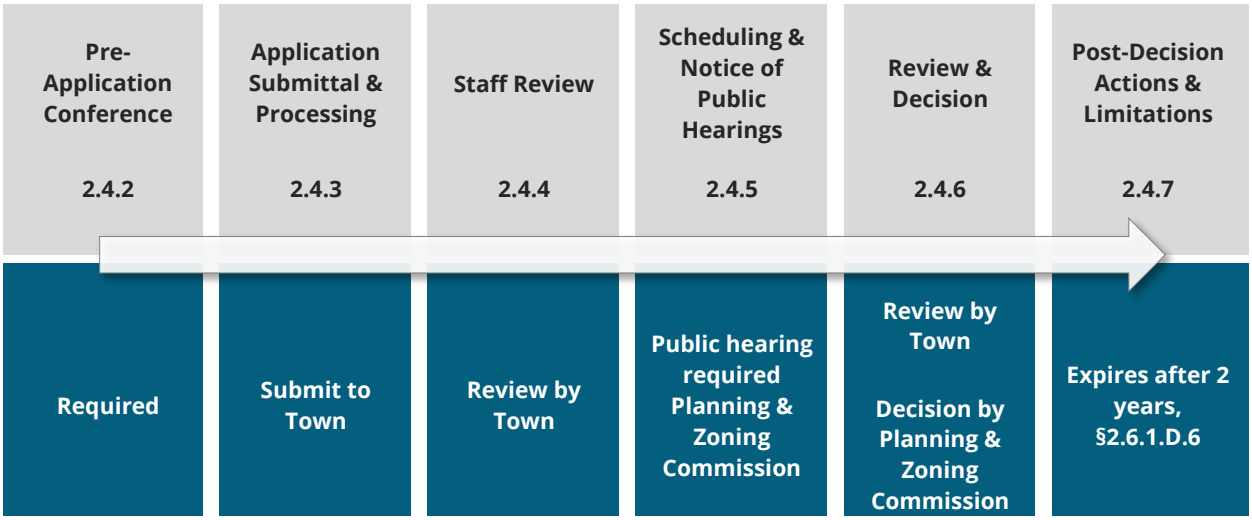
The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.6.1.E.

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.



1. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2: *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. The Concept Plan must contain a general site layout plan that includes the following:

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 a public hearing 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 §2.6.1.E.

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 §2.4.6.C: *General Approval Criteria.*

2.6.2. Site Plan Review

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

C. Thresholds for Site Plan Review Type

1. Minor Site Plan

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

a. Any new nonresidential structure less than 5,000 square feet in gross floor area.

b. Any application that does not exceed the thresholds for minor redevelopment (Tier 1), listed below:

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 or decreasethe 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. The removal or relocation of one or more existing driveways or portions of driveways; or

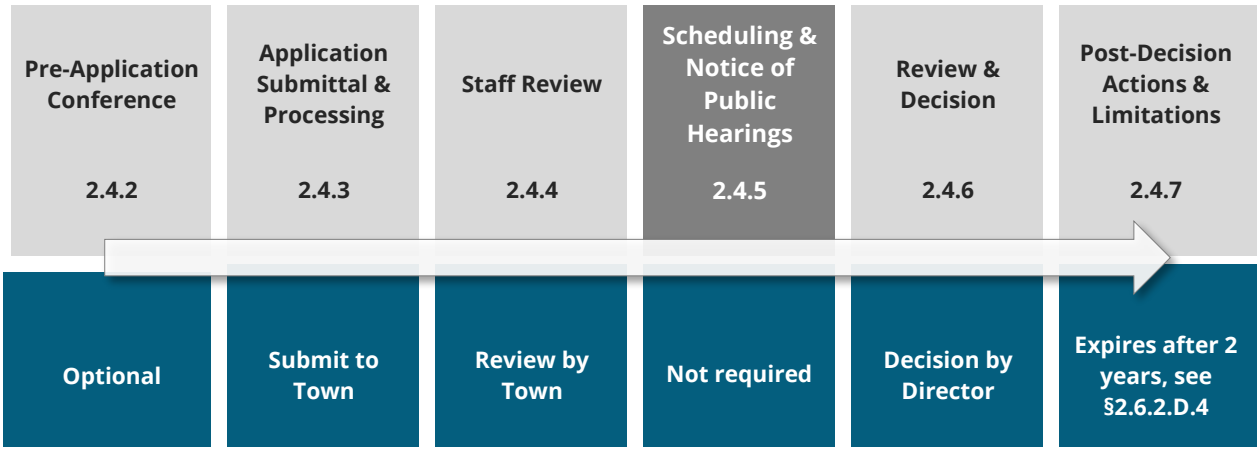
v. Any expansion or enlargement of a structure or land use that requires a Special Use Permit.

2. Major Site Plan

All other applications that meet the criteria in §2.6.2.B, *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.



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

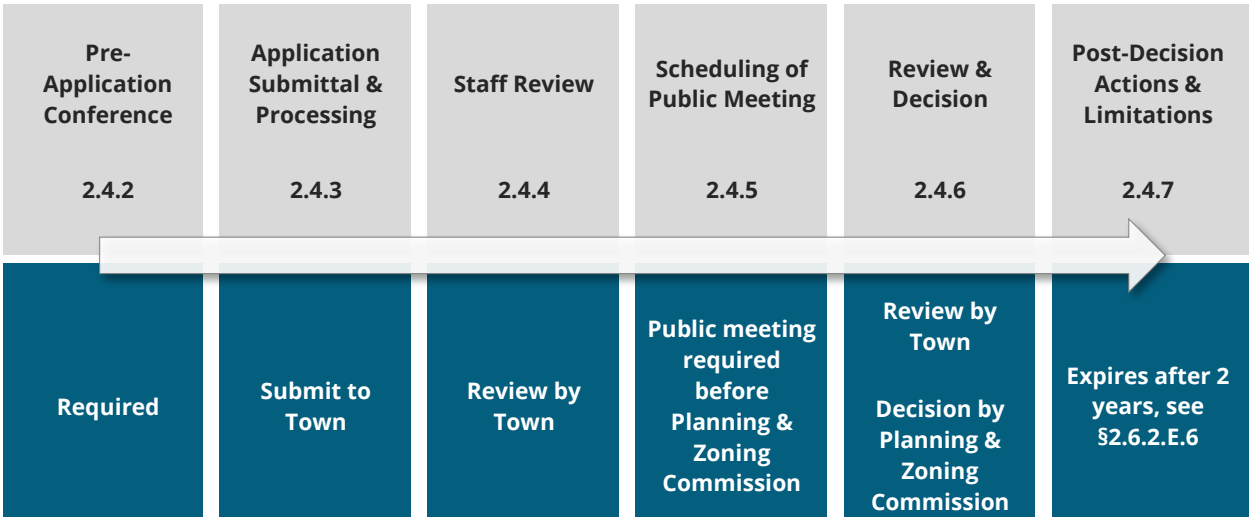
The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision,* and the review criteria in §2.6.2.F: *Review Criteria*.

4. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply with the following modification: Site Plan review expires after two years.

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 Conference

A pre-application conference is required in accordance with §2.4.2: *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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A: *Neighborhood Meeting*.

b. Public Meeting

The application shall be scheduled for a public meeting before the Planning and Zoning Commission.

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 §2.6.2.F: *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 modification: Site Plan review expires after two years.

F. Review Criteria

In reviewing a proposed Site Plan application, the Director shall consider the general approval criteria in 2.4.6.C: *General Approval Criteria*.

2.6.3. Tree Permit

A. Purpose

B. Applicability

1. No person shall prune, remove or transplant a tree listed in the Pre-Approved Plant List in the Administrative Manual without first obtaining a Tree Permit approved by the Director of Parks and Recreation pursuant to §2.6.3: *Tree Permit*. For purposes of this section, "person" means the owner, tenant, and/or subtenant of, and/or any entity or individual with any interest in, the land on which a tree is located, and/or any contractor or subcontractor of any of them.
2. This section shall apply to shade trees four-inch caliper or larger, measured six inches from the soil surface, and two and one-half to three-inch caliper ornamental trees or larger measured six inches from the soil surface.
3. A Tree Permit shall be obtained by a utility company before any trimming and/or removal of tree(s) by or for a utility company, except in the case of emergency repairs.
4. Branches less than one-half inch in diameter and not more than five percent of the canopy can be removed without a permit.

C. Tree Permit Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Tree Permit 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 modification:

a. Tree Permit applications shall require the same submittal requirements as a Minor Site Plan as identified in the Administrative Manual. This includes aerial imagery of the subject lot and tree(s) to be pruned, removed, or transplanted, unless the Director of Parks and Recreation determines the extent of work does not warrant such imagery.

2. Staff Review

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

3. Review and Decision

a. 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 §2.6.3.D: *Review Criteria*.

b. The Director of Parks and Recreation shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the Director of Parks and Recreation.

c. Trees shall not be removed or transplanted (or trimmed, in the case of a utility company) unless the Director of Parks and Recreation approves the Tree Permit.

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. An approved Tree Permit shall expire within six months of the date of the approval of the permit by the Director of Parks and Recreation if substantial progress has not been made toward the approved work.

D. Review Criteria

In reviewing a proposed Tree Permit application, the Director of Parks and Recreation shall consider:

1. Whether the removal of the protected tree is permitted by this section;

2. Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the protected tree;

3. The effect of the removal of the protected tree on erosion, soil moisture, retention, flow of surface waters and drainage systems;

4. The need for buffering of residential areas from the noise, glare, and the visual effects of nonresidential uses;

5. Whether the removal of the protected tree affects the public health, safety, or welfare of the Town;

6. Whether the application demonstrates the attempt to preserve existing trees on the site; and

7. How the tree removal will be mitigated.

2.6.4. Temporary Use Permit

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 §4.2.7: *Table of Allowed Uses* or §4.5: *Temporary Uses and Structures*.

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.

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 §2.6.4.D: *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. 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 period indicated on the permit, but in no event, longer than 180 days.

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.

D. Review Criteria

In reviewing a proposed Temporary Use Permit application, the Director shall consider the general approval criteria in §2.4.6.C: *General Approval Criteria*, and the standards in §4.5: *Temporary Uses and Structures*.

2.6.5. Sign Permit

A. Purpose

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

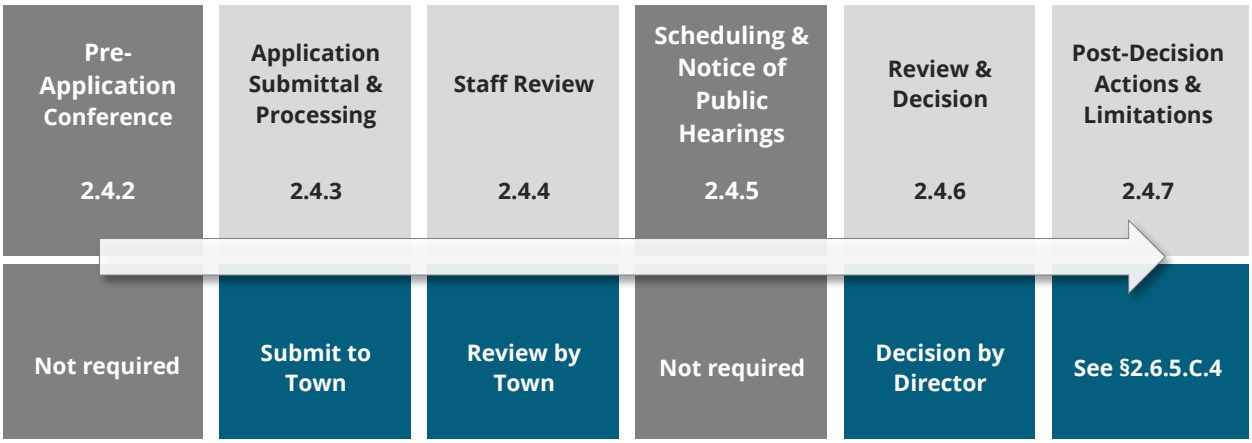
1. Establish for all signs located on any premises a reasonable and impartial means to permit adequate communication;
2. Control confusing sign displays that present a hazard to pedestrians and motorists along streets;
3. Ensure light, air, and open space;
4. Protect the natural beauty and environment 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 settled case law applicable to the Town concerning freedom of expression.

B. Applicability

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.



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 modification:

a. Application Contents

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 §2.6.5.D: *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 Permit

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. The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the Electrical Code. No sign shall be erected in violation of the Electrical Code.

b. Lapse of Sign Permit

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. Duration

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.

d. Abandoned Signs

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 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 constructed of professional quality materials. Plywood is prohibited.

e. Notice of Condemnation

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 Zoning 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 §2.4.6.C: *General Approval Criteria*, and the standards in §5.9: *Signs*.

2.6.6. Zoning Verification Letter

A. Purpose

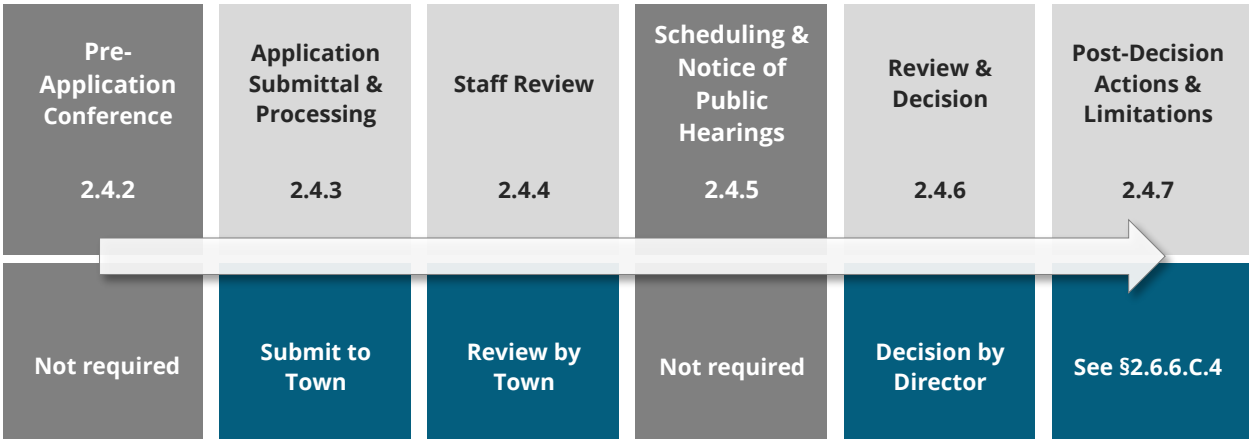
The Zoning Verification Letter review procedure is intended to provide a mechanism for the Town to issue a formal confirmation of a property's zoning. The Zoning Verification Letter is an informational document not intended to grant approval for land development in any way and does not verify compliance with ordinances of the Town beyond this UDC.

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*.

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.

2.6.7. Change or Elimination of Nonconformity

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 §1.6.2.A: *Authority to Continue*.

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*.

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.

D. Review Criteria

In reviewing a proposed Change or Elimination of a Nonconformity application, the Director shall consider the general approval criteria in 2.4.6.C: *General Approval Criteria* and the standards in §1.6: *Nonconformities*.

2.7 Engineering Plans, Studies, and Site Development Permits

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 with the approval of the Director of Public Works and Engineering and Director of Development and Neighborhood Services.

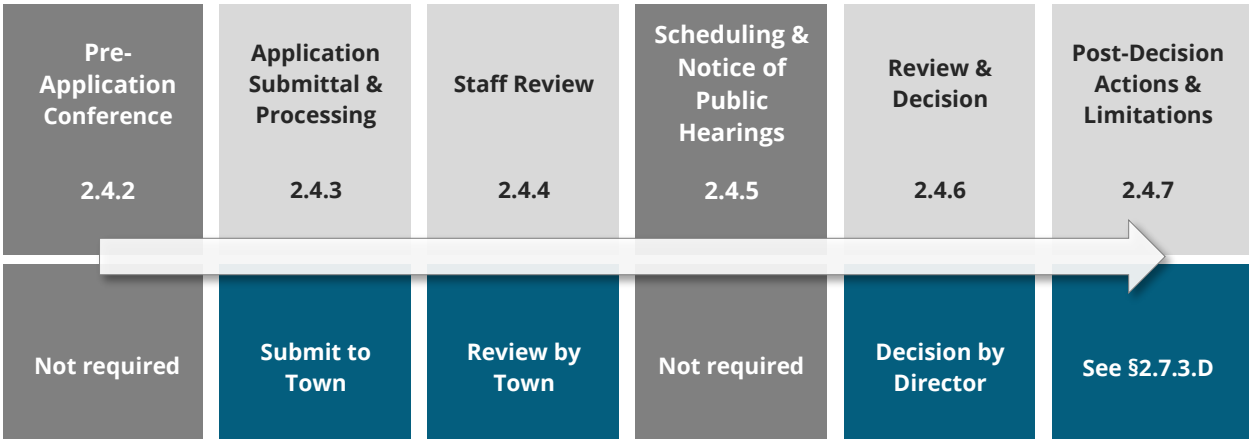
C. Flood hazard development permits shall also comply with the following:

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: *Applicability*. Additions or modifications to the common review procedures are noted below.



A. Application Submittal & Processing

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. Construction of Public Improvements

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 and Engineering 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. Such changes shall be minor and shall not substantially impact or burden public facilities and utility infrastructure or substantively alter one or more components of the proposed development.

2. Acceptance of Public Improvements

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 satisfied within the timeframe specified in the letter.

c. Acceptance of the public improvements shall mean that title to all public 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.

3. Record Drawings

Within 30 days of acceptance of the public improvements, 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 a 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 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 §5.3: *Floods*, general approval criteria in §2.4.6.C: *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;

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 §2.4.6.C: *General Approval Criteria,* and all applicable requirements of the associated Criteria Manuals.

2.8 Agreements

2.8.1. Parking Management Agreement

A. Purpose

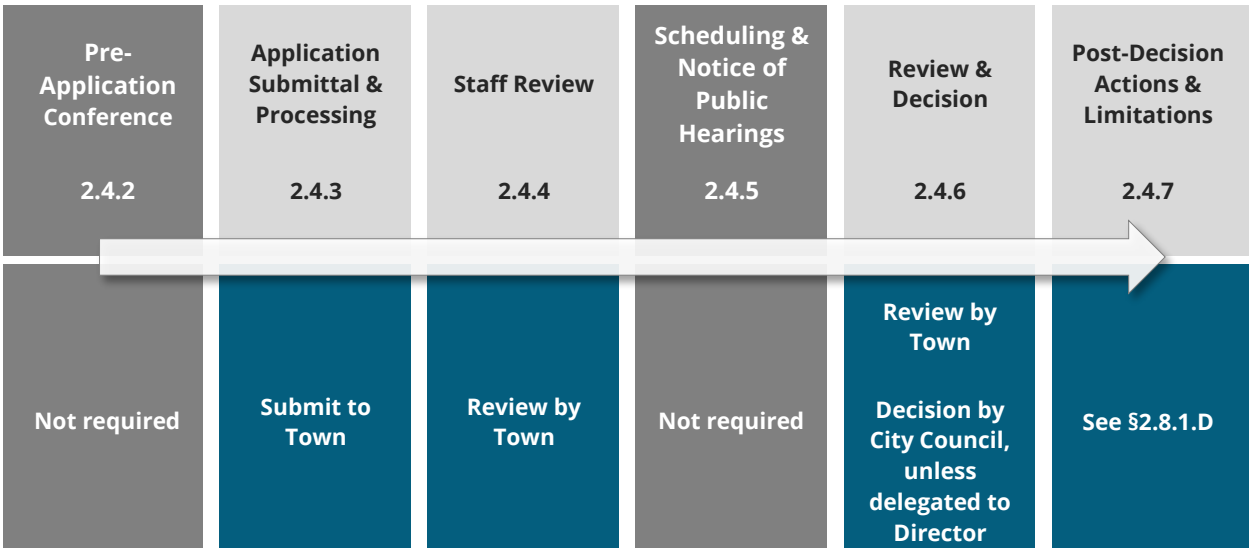
The purpose of this section is to establish the process by which parking reductions or alternatives are documented. Parking Management Agreements ensure the development will continue to provide the parking management strategy that allowed the development to obtain a parking reduction or alternative.

B. Applicability

This section shall apply to any development for which a parking reduction or parking alternative is proposed in accordance with §5.5.6: *Parking Alternatives*.

C. Procedure

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



A. Application Submittal & Processing

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 and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

C. Review and Decision

1. The application shall be reviewed and decided upon by the City Council in accordance with §2.4.6: *Review and Decision*, unless the decision is delegated to the Director by City Council. The City Council may remove the item from the consent agenda at a regular meeting and refer the decision to the Director if they determine the Parking Management Agreement is minor in nature.

2. The City Council or Director may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.8.1.E: *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. No Certificate of Occupancy shall be issued until the City Council or Director has approved the Parking Management Agreement.
2. Parking Management Agreements shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement.
3. If the Parking Management Agreement is later terminated or modified and the City Council or Director determine that the termination or modification has resulted in traffic congestion, overflow parking in residential neighborhoods, or threats to pedestrian, bicycle, or motor vehicle safety, the property owners involved in the agreement may be held in violation of this UDC.

E. Review Criteria

The City Council or Director may approve the Parking Management Agreement if they determine that the proposed reduction in parking or alternative parking meets the applicable requirements of §5.5.6: *Parking Alternatives*.

2.9 Platting Procedures

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, except as otherwise provided in this section.

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.

B. Zoning

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, 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 Proportionality

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.

E. Failure to Act

If the Director does not approve or approve with conditions any plat application within 30 days after it has been submitted and deemed complete, the plat shall be considered approved. A certificate showing the acceptance date and the failure to take action on the application within the timeframe prescribed in this section shall, on demand by the applicant, be issued by the Director. In lieu of the written endorsement or other evidence of approval typically required in this section, such a certificate shall be sufficient for recordation.

2.9.2. Preliminary Plat or Preliminary Replat

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. Applicability

1. 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 or Amending Plat processing; or
- **d.** Is not eligible to be processed as a Minor or Amending 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.

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 Conference

A pre-application conference is required in accordance with §2.4.2: *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 modification:

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. 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*.

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.

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 for the remaining portions of the area shown.

iii. If 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 or Annexation 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 Criteria

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

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.

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 Conference

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

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:

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 modifications:

a. Recording

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 and Neighborhood Services Department. These copies shall bear all signatures but those of the Town officials. After signature by the Town officials, the Development and Neighborhood 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 Criteria

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

2.9.4. Replat

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 or Amending 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 TLGC Chapter 212; 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.

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 Conference

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

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 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 Subdivision Variance pursuant to §2.10.2: *Subdivision Variance*, a public hearing shall be held prior to taking action on the proposed Replat.

b. If the proposed Replat requires §2.10.2: *Subdivision Variance* and is protested in accordance with §2.4.5.G: *Protest Procedures*, 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. 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 prior to the close of the public hearing. In computing the percentage of land area under this section, the area of streets and alleys shall be included.

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:

a. If a proposed Replat for a Residential zoning district or deed-restricted property as specified in TLGC §212.015 does not require a Variance or exception and is approved by the 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 modifications:

a. Recording

After approval of the Replat 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 and Neighborhood Services Department. These copies shall bear all signatures but those of the Town officials. After signature by the Town officials, the Development and Neighborhood 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 Plat

A. Purpose

The Minor or Amending 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.

B. Applicability

1. 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 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;

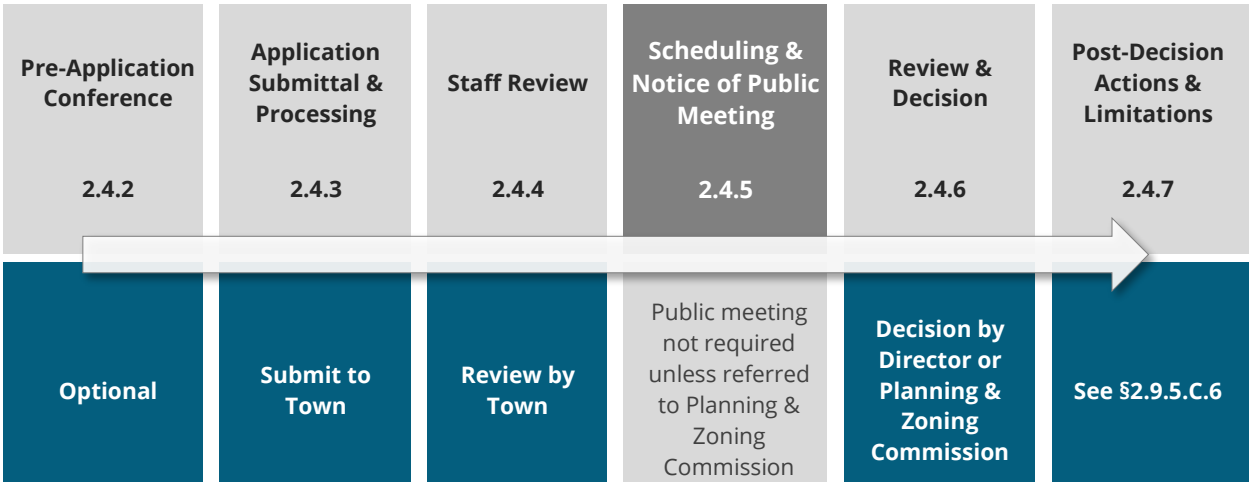
ii. Neither lot is abolished;

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 or Amending Plat Procedure

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



1. Pre-Application Conference

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

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 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 or Amending 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.

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 or Amending Plat application according to the approval criteria in §2.9.5.D, below.

b. The Director may, for any reason, elect to refer the Minor or Amending 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 modification:

a. Recording

Following approval of a Minor or Amending 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 or Amending Plat application, the Director shall consider the general approval criteria in §2.4.6.C: *General Approval Criteria* and if the proposed Minor or Amending 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.

2.9.6. Vacating Plat

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.

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 Conference

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

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. Following approval of a Vacating 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 Vacating Plat application, the Planning and Zoning Commission shall consider the general approval criteria in §2.4.6.C: *General Approval Criteria*.

2.10 Flexibility and Relief Procedures

2.10.1. Variance

A. Purpose

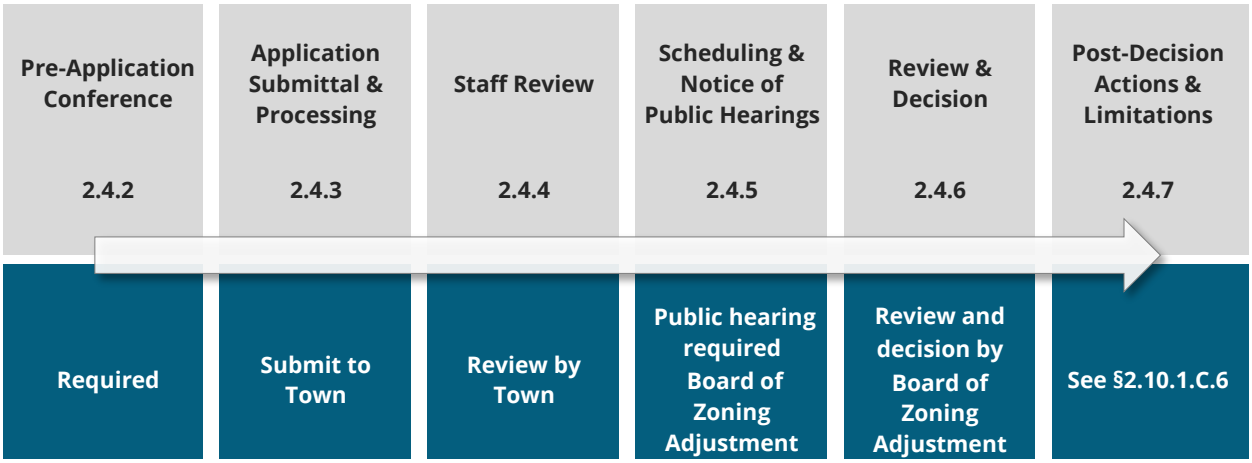
The Variance procedure provides a mechanism for the Town to authorize Variances from the development standards of this UDC when it is demonstrated that such a Variance will not be contrary to the public interest or the spirit of this UDC, where, owing to special conditions, literal enforcement of this 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 §2.10.1.D. Requests for relief from the provisions of Article 6: *Subdivision Standards* shall not be included in this section and shall comply with §2.10.2: *Subdivision Variance*.

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 Conference

A pre-application conference is required in accordance with §2.4.2: *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 §2.10.1.D.

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 the majority of members of the Board of Zoning Adjustment shall be required to approve a Variance request.

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 §3.8.1: *AO – Airport Overlay* shall comply with the following standards:

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 §3.8.1: *AO – Airport Overlay* pursuant to V.T.C.A., Local Government Code Chapter 41.

c. No application for Variance to the requirements of §3.8.1: *AO – Airport Overlay* 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 Variance

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 a 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.

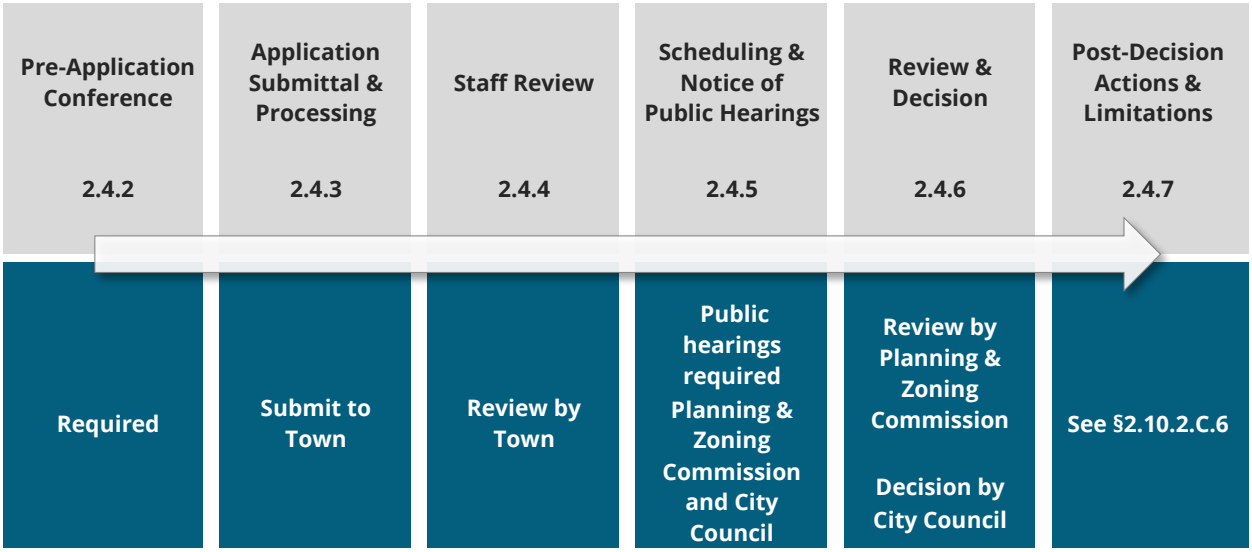
2. The Subdivision Variance procedure may not allow a use in a zoning district where it is not currently permitted or alleviate inconveniences or financial burdens imposed on landowners.

B. Applicability

Any property owner seeking relief from the standards in Article 6: *Subdivision Standards* may request a Subdivision Variance when the strict application of this UDC meet the approval criteria listed in §2.10.2.D: *Review Criteria*.

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.



1. Pre-Application Conference

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

2. Application Submittal & Processing

The Subdivision 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

The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.10.2.D: *Review Criteria,* with the following modification:

a. 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

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.

Table 2.10-1: Table of Allowable Minor Modifications

UDC Standard	Allowable Modification (maximum percentage)
Site Standards	
Lot width, minimum	10% decrease
Lot depth, minimum	10% decrease
Lot area, minimum	10% decrease
Building coverage, maximum	10% increase
Total impervious coverage, maximum	10% increase
Block length, minimum/maximum	10% decrease/increase
Lot Dimensional Standards	
Front building setback, minimum	15% decrease
Build-to range, minimum/maximum	15% decrease/increase
Front building façade at build-to range, minimum	15% decrease
Side building setback, minimum	15% decrease
Rear building setback, minimum	15% decrease
Building Standards	
Building height, maximum	10% increase
Building height, minimum for street facing facades	10% decrease
Development Standards	
Number of required vehicle parking spaces, minimum	20% decrease
Landscaped area, minimum	10% decrease

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 Table 2.10-1: *Table of Allowable Minor Modifications* 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 §2.10.3.D 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 §2.10.3.D 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 by the approving body.

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 in alignment with the Comprehensive Plan; 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. Appeal of Administrative Decision

A. Purpose

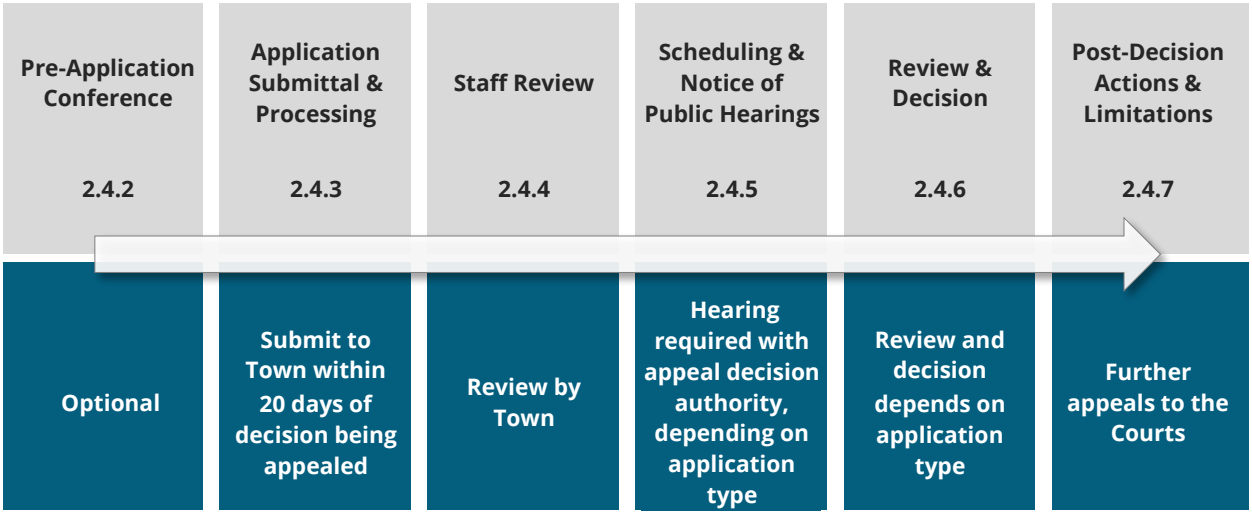
The Appeal of Administrative Decision procedure is intended to establish a remedy whereby persons claiming to have been aggrieved by a decision of the Director or other administrative official in administering this UDC may appeal that decision.

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.



1. Pre-Application Conference

A pre-application conference is optional, but if elected such meeting shall be held in accordance with §2.4.2: *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. 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 §2.10.4.D: *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.* 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.

2.10.5. Interpretations

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:

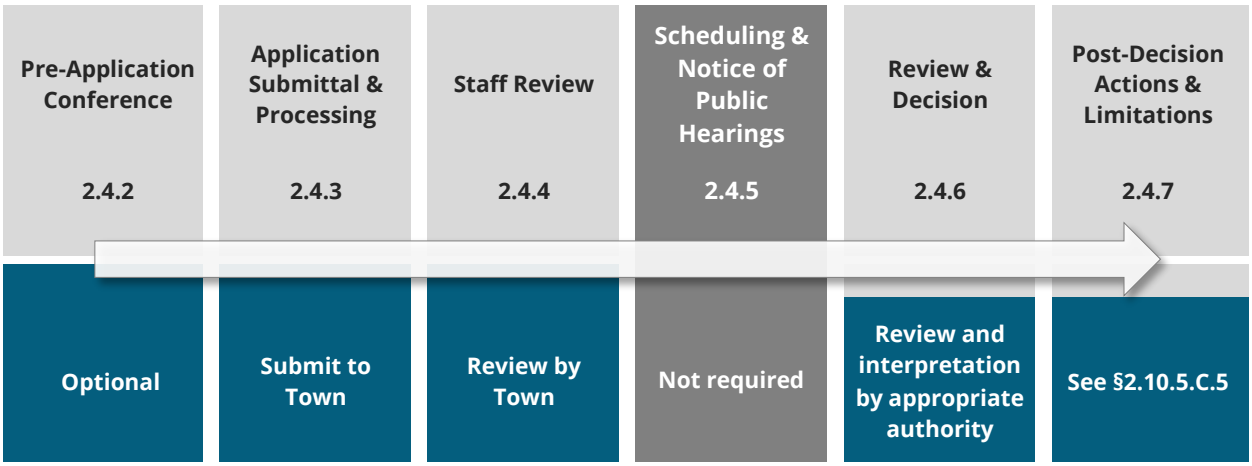
- **a.** Interpretations as to which is the stricter and thus controlling provision in case of conflict with this UDC and other provisions of the Code of Ordinances;
- **b.** Interpretations of compliance with a condition of approval;
- **c.** interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district; and
- **d.** Interpretations of the zoning district boundaries on the Official Zoning Map and application of Place Type and Spectrum of Change maps.

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.



1. Pre-Application Conference

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

- **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 §2.10.5.D: *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 to the Board of Zoning Adjustment pursuant to §2.10.4: *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 Director, Director of Public Works and Engineering, the Building Official, or Fire Marshall 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*.

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 §4.2.5: *Classification of New and Unlisted Uses*, 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 §3.2.2: *Zoning District Boundaries*, and consistent with the Comprehensive Plan.

Article 3: Zoning Districts

3.1 Zoning Districts Established

The following zoning districts are established by the Town's adoption of the Official Zoning Map pursuant to §3.2.

Table 3.1-1: Summary Table of Zoning Districts

Zoning District	Section
Residential Districts	
R-1- Residential	3.4.1
R-2 - Residential	3.4.2
R-3 - Residential	3.4.3
Mixed-Use Districts	
M-1 - Mixed-Use Neighborhood	3.5.1
M-2 - Mixed-Use Suburban Corridor	3.5.2
M-3 - Mixed-Use Urban Corridor	3.5.3
M-4 - Mixed-Use Center	3.5.4
Nonresidential Districts	
CL - Commercial Limited	3.6.1
CG - Commercial General	3.6.2
LI - Light Industrial	3.6.3
AA - Addison Airport	3.6.4
Planned Development Districts	
PD - Planned Development	3.7
Overlay Districts	
AO - Airport Overlay	3.8.1
Legacy Districts	
A - Apartment Dwelling	8.1
PD-TH Planned Development Townhouse/Condominium	8.2
PD-CC Planned Development Condominium Conversions	8.3

3.2 Official Zoning Map

3.2.1. 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, which is on file in the office of the City Secretary, available on the Town's website, and made a part of this UDC.

3.2.2. Zoning District Boundaries

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 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 §3.8: *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.

3.2.3. Zoning District Boundary Clarification

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 §2.10.4: *Appeal of Administrative Decision*.

3.2.4. Amendments to the Official Zoning Map

Changes in the boundaries of any zoning district shall require an amendment to the Official Zoning Map pursuant to §§2.5.2: *Rezoning* and 2.5.3: *Rezoning to Planned Development (PD)*. All changes in district boundaries shall be noted on the Official Zoning Map following approval by the City Council.

3.2.5. Annexations

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 §§2.5.2: *Rezoning* and 2.5.3: *Rezoning to Planned Development (PD)*.

B. The Town may institute proceedings on its own motion to assign the newly annexed territory a zoning designation pursuant to §2.5.6.B: *Concurrent Zoning*.

3.3 Organization of this Article

3.3.1. Base Zoning Districts

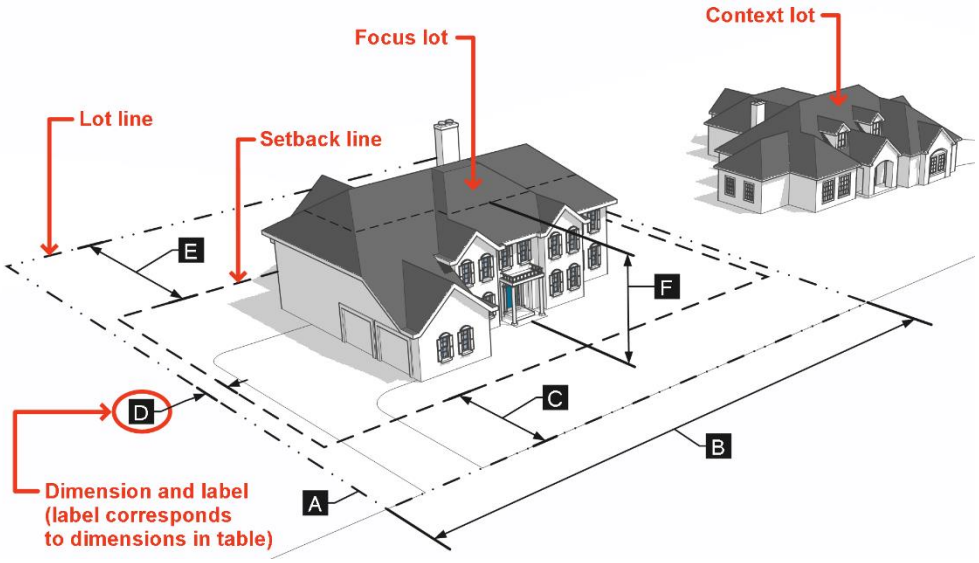
A. Content

Sections 3.4 through 3.6 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.



3.3.2. Overlay Zoning Districts

A. Overlay zoning districts are established by an amendment to the Official Zoning Map (see §§2.5.2: *Rezoning* and 2.5.3: *Rezoning to Planned Development (PD)*). 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. §3.8: *Overlay Districts*, identifies the overlay zoning districts and establishes each overlay district's purpose and the standards that modify those of underlying districts.

3.3.3. Legacy Zoning Districts

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 Code of Ordinances. In addition, all other standards of this UDC shall apply to legacy zoning districts, including the standards in §8.1: *A – Apartment District Regulations*, and 8.2: *PD-TH – Planned Development, Townhouse/Condominium*, unless otherwise stated in the requirements and conditions in place at the time the properties were established under the Code of Ordinances, as amended.

3.4 Residential Zoning Districts

3.4.1. R-1 – Residential

A. Purpose

The R-1 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 district may be used as a transition between larger-lot residential development and smaller-lot residential development.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	16,000
B	Lot Width (ft)	80

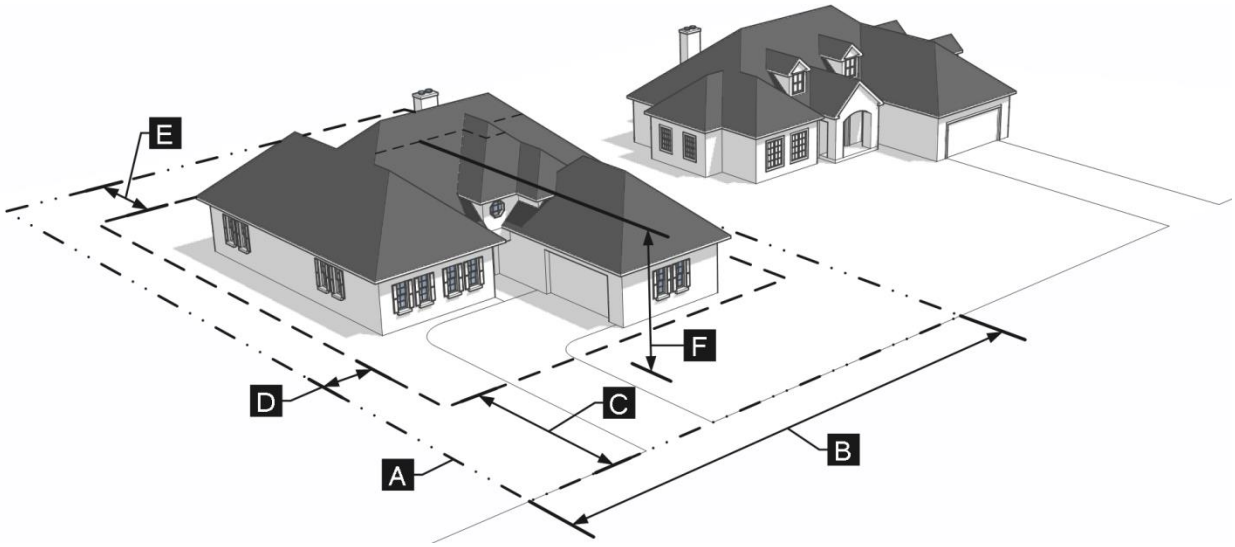
Building Setbacks (minimum)

C	Front (ft)	30
D	Side, Interior (ft)	5
	Side, Street	20
E	Rear (ft)	20

Other Standards (maximum)

F	Building Height (ft)	35

Figure 3-1: R-1 Dimensional Standards



3.4.2. R-2 – Residential

A. Purpose

The R-2 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 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
B	Lot Width (ft)	55

Building Setbacks

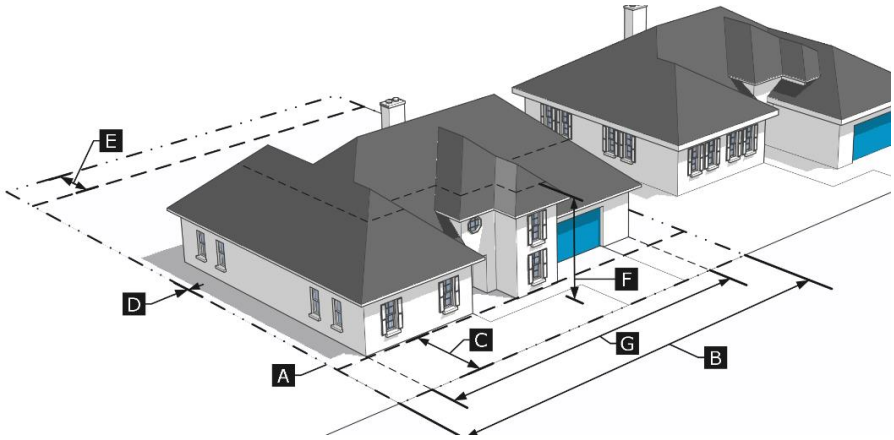
C	Build-to Line (ft)	Arterial or Collector Street [1]	20
		All other	15 or 20 [2]
D	Side, Minimum (ft)	None [3]	
E	Rear, Minimum Front-Entry (ft)		10
	Rear, Minimum Rear-Entry (ft)		5

Other Standards

F	Building Height (maximum, ft)	35
G	Building façade at build-to-line (minimum, percent)	60

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.
[2] Minimum of 20-feet for garages of front-entry residential dwellings.
[3] Minimum 10-foot building separation required.

Figure 3-2: R-2 Dimensional Standards



3.4.3. R-3 – Residential

A. Purpose

The R-3 district is intended to accommodate a variety of compatible residential housing types including single-family detached, single-family attached, duplex, triplex, fourplex, small-scale multifamily, and live/work 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. 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 Standards

		Single-Family (detached) [1]	Single-Family (attached)	Duplex	Triplex/ Fourplex	Multifamily Live/Work [2]
Lot Dimensions (minimum)						
A	Lot Width (ft)	30	20	30	40	None
B	Lot Depth (ft)	75	75	75	75	None
Lot Dimensions (maximum)						
	Lot Width (ft)	55	30	55	75	None
Building Setbacks [3]						
C	Build-to Range (min-max, ft)	5-15 [3]				
D	Side, Minimum (ft)	5	None	5	5	5
E	Rear, Minimum (ft)	10	10	10	10	10
Other Standards						
F	Building Height (maximum, ft) [4]	35	40	40	40	48
G	Building façade at build-to-range (minimum percent)	60	75	75	60	75

Notes:

[1] See §4.3.2.A: *Cottage Development* for additional height, setback, and density limitations for cottage developments.

[2] See §4.3.2.D: *Dwelling, Multifamily* for minimum dwelling unit size requirements.

[3] See §5.7.6: *Neighborhood Transition Standards* for additional setback and height limitations.

[4] Minimum of 20 feet for garages of front-entry residential dwellings.

Figure 3-3: R-3 Dimensional Standards

3.5 Mixed-Use Zoning Districts

3.5.1. M-1 – Mixed-Use Neighborhood

A. Purpose

The M-1 district is intended to accommodate small- to medium-scale mixed-use development that supports a comfortable and safe bicycle and pedestrian friendly 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 zoning districts. Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

B. Dimensional Standards

			Residential	Mixed-Use/ Nonresidential
Lot Dimensions (minimum)				
A	Lot Width (ft)		See R-3 District	None
B	Lot Depth (ft)			None
Building Setbacks				
C	Build-to-Range (min-max, ft) [1]	Arterial Street	See R-3 District	10-15 [2]
		Collector Street		10-15
		Local Street		5-10
		Alley/Mews Street		0-5
		Public Park/Open Space		5-10
D	Building façade at build-to-range (minimum, percent)			75
E	Side (minimum, ft) [3]			None
F	Rear (minimum, ft) [3]			None
Other Standards				
G	Building Height (minimum, ft)		See R-3 District	25
	Building Height (maximum, ft) [3]			48
	Impervious Coverage (maximum, percent of lot area)	Total Coverage		95

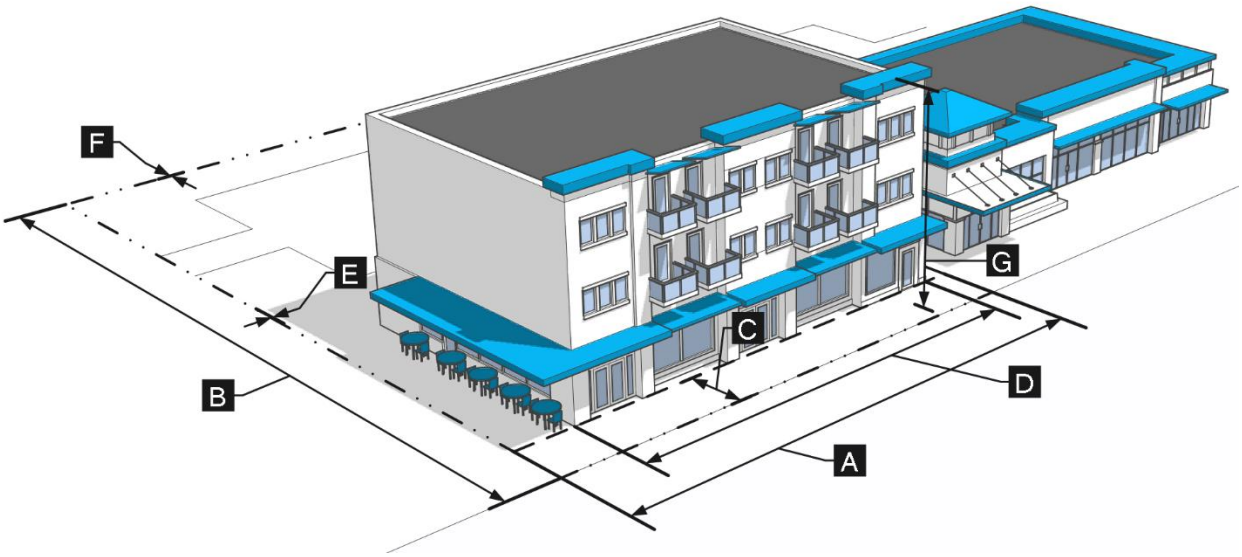
Notes:

[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] The build-to-line may be extended to accommodate one row of parking spaces in accordance with §5.5: *Parking and Loading*.

[3] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

Figure 3-4: M-1 Dimensional Standards



3.5.2. M-2 – Mixed-Use Suburban Corridor

A. Purpose

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 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	10-90
		Collector Street	10-90
		Local Street	10-90
		Alley/Mews Street	0-5
		Public Park/Open Space	0-5
G	Building façade at build-to-range (minimum, percent)		80
D	Side (minimum, ft) [2]		None
E	Rear (minimum, ft) [2]		None

Other Standards

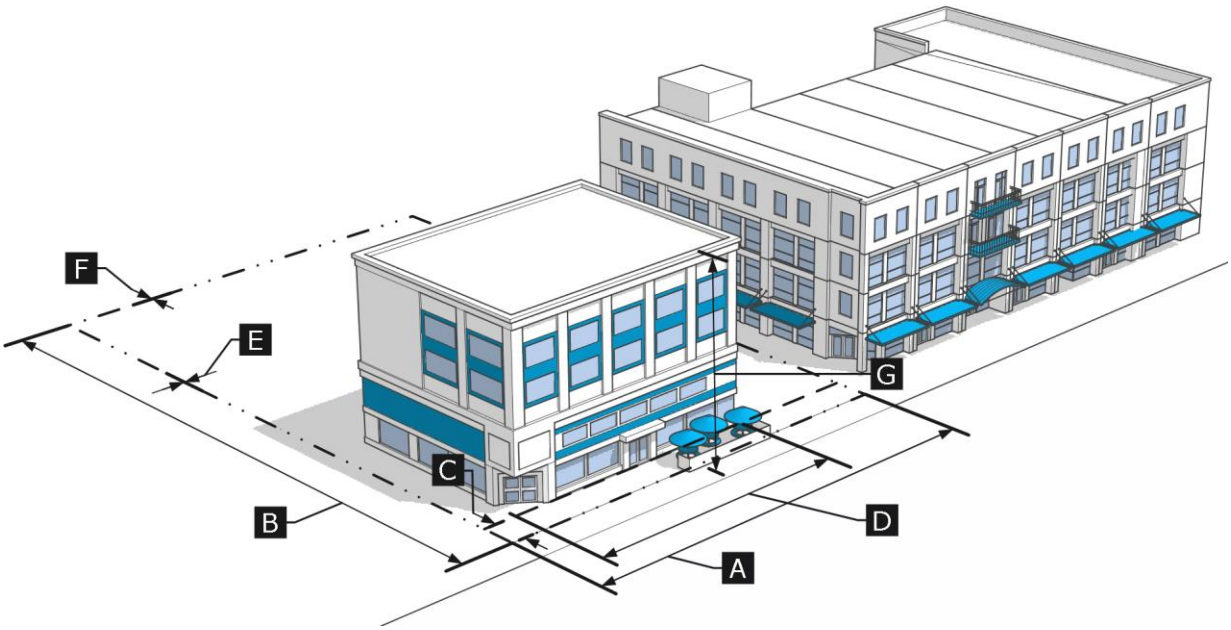
	Building Height (minimum, ft)		25
F	Building Height (maximum, ft) [2]		70
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	80

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, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

Figure 3-5: M-2 Dimensional Standards



3.5.3. M-3 – Mixed-Use Urban Corridor

A. Purpose

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 zoning districts. 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	0-15 [2]
		Collector Street	0-10
		Local Street	0-10
		Alley/Mews Street	0-5
		Public Park/Open Space	0-5
D	Building façade at build-to-range (minimum, percent)		80
E	Side (minimum, ft) [3]		None
F	Rear (minimum, ft) [2]		None

Other Standards

	Building Height (minimum, ft)		25
G	Building Height (maximum, ft) [3]		70
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	85

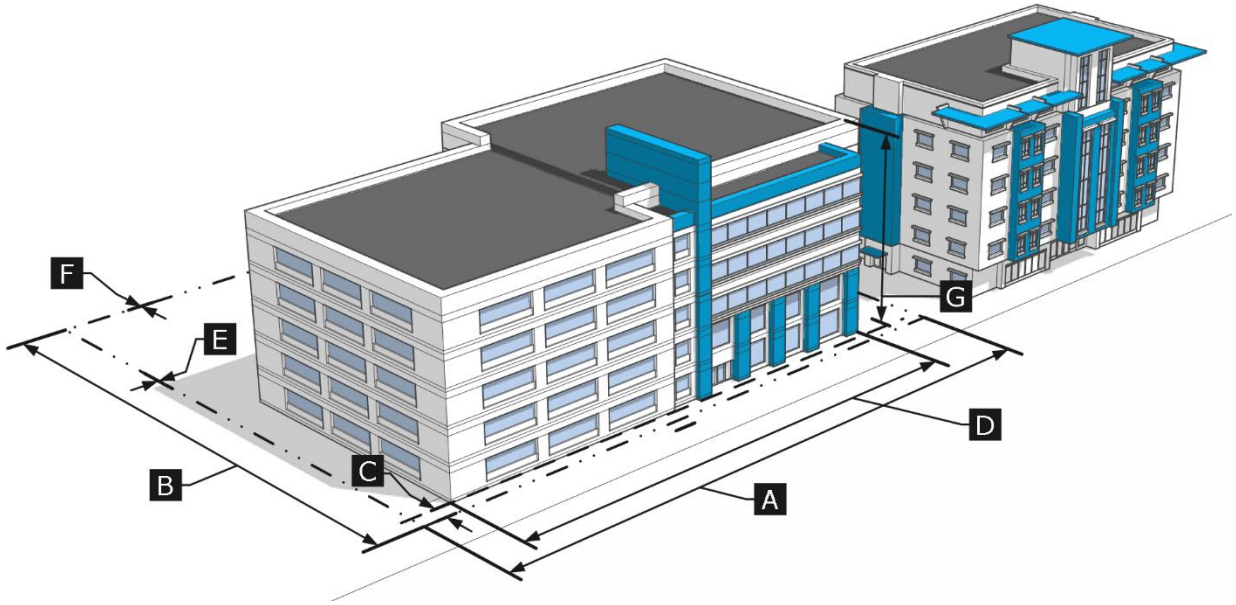
Notes:

[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] Activated outdoor patio areas serve as an extension of the building façade and may abut the build-to line.

[3] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

Figure 3-6: M-3 Dimensional Standards



3.5.4. M-4 – Mixed-Use Center

A. Purpose

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 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/Mews 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

G	Building Height (maximum, ft)		None [3]
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	100

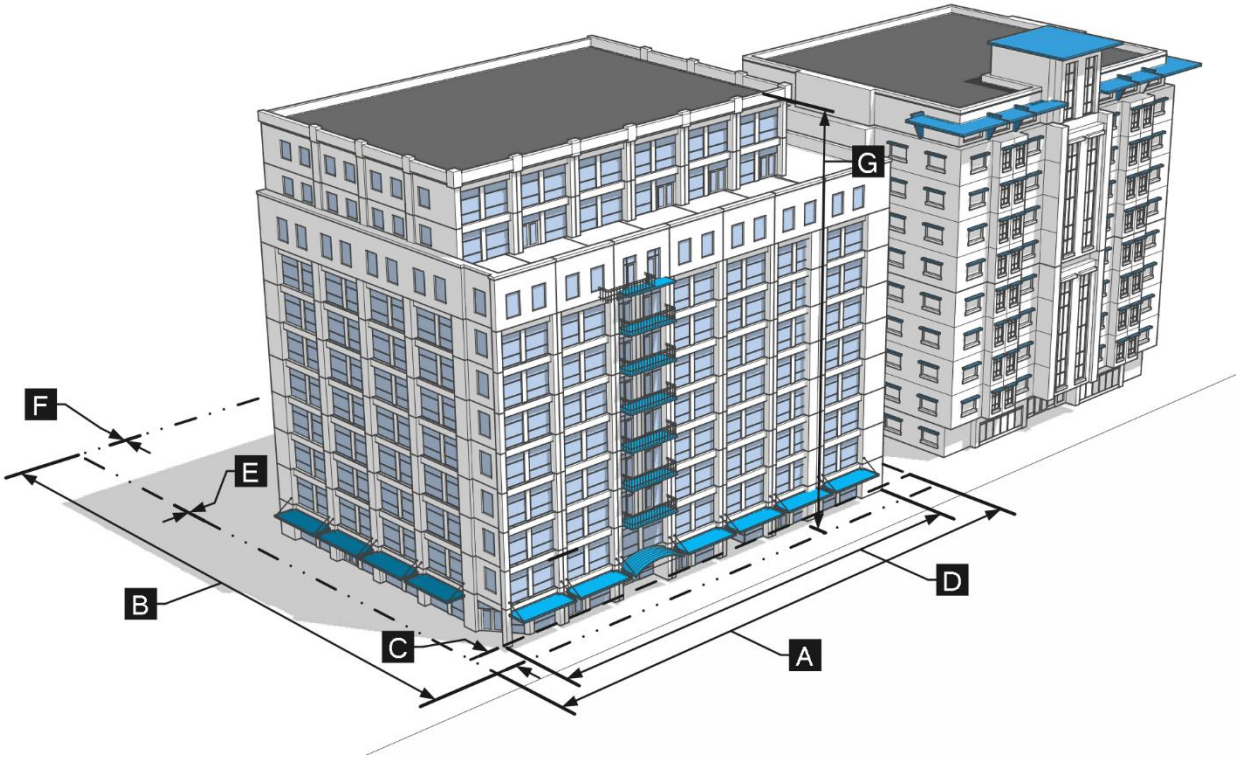
Notes:

[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, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

[3] Subject to the height limitations of the Airport Overlay District.

Figure 3-7: M-4 Dimensional Standards



3.6 Nonresidential Zoning Districts

3.6.1. CL - Commercial Limited

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

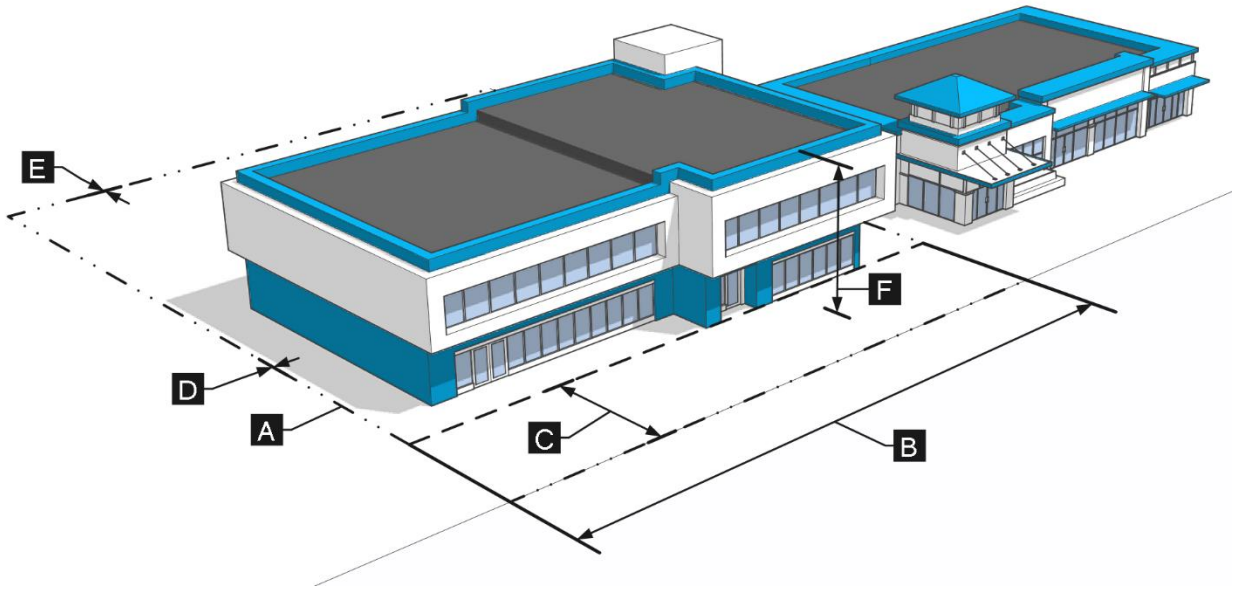
F	Building Height (ft) [2]		35
	Impervious Coverage (percent of lot area)	Total Coverage	80

Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3, or A zoning districts or Planned Developments that reference those zoning districts.

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

Figure 3-8: CL Dimensional Standards



3.6.2. CG - Commercial General

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

F	Building Height (ft) [2] [3]		None
	Impervious Coverage (percent of lot area)	Total Coverage	80

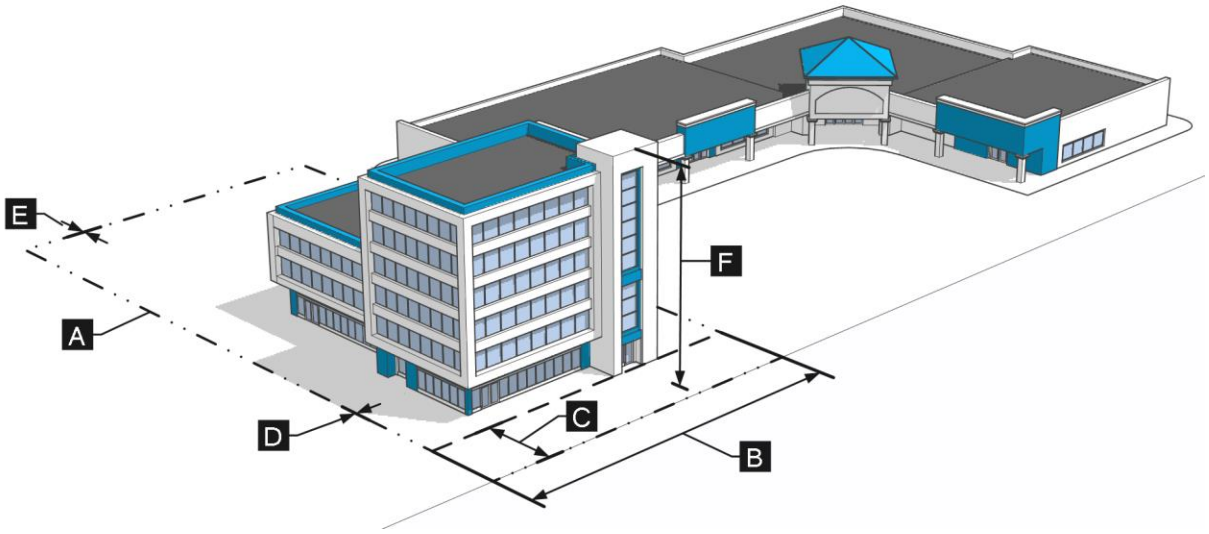
Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3 or A zoning districts or Planned Developments that reference those zoning districts.

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

[3] Buildings may exceed 70 feet in height if the additional height is set back from the setback line one additional foot for each two feet of height above 70 feet.

Figure 3-9: CG Dimensional Standards



3.6.3. LI – Light Industrial

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

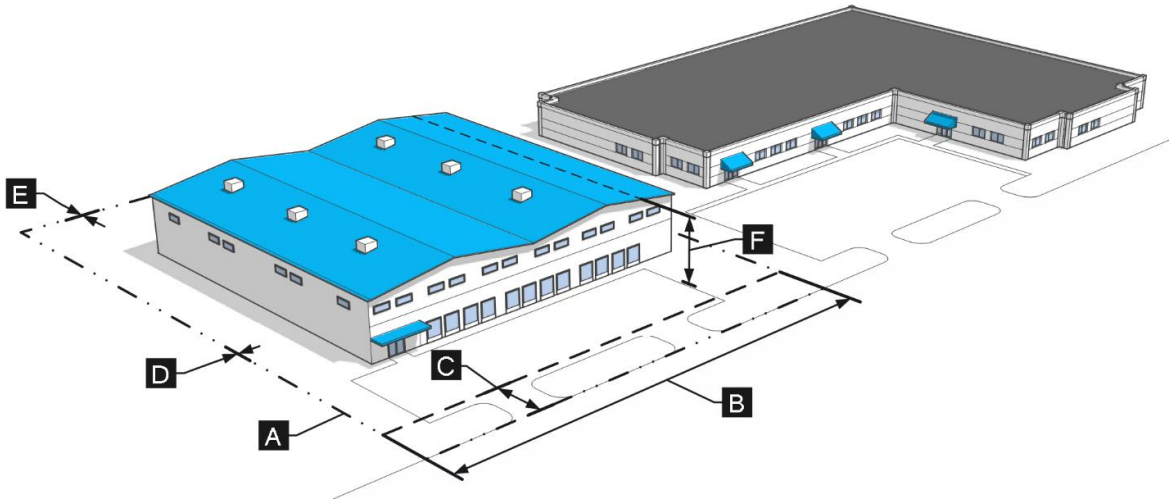
F	Building Height (ft) [2]		70
	Impervious Coverage (percent of lot area)	Total Coverage	90

Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3, or A zoning districts or Planned Developments that reference those zoning districts .

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

Figure 3-10: LI Dimensional Standards



3.6.4. AA – Addison Airport

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

F	Building Height (ft) [2] [3]		70 feet
	Impervious Coverage (percent of lot area)	Total Coverage	90

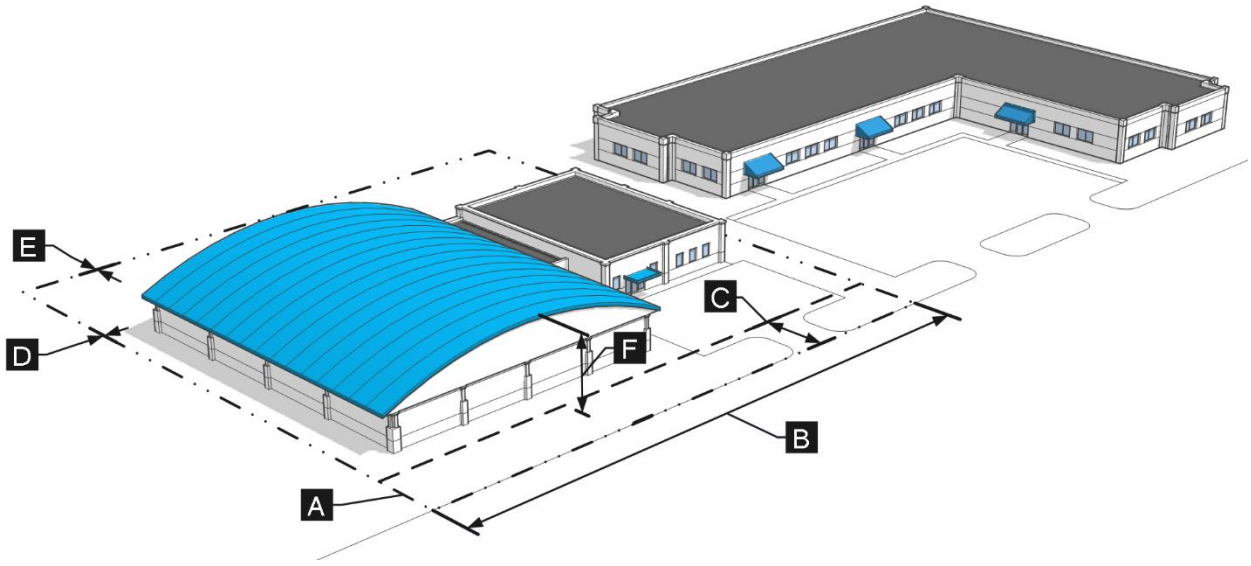
Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3, or A zoning districts or Planned Developments that reference those zoning districts.

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6: *Neighborhood Transition Standards*.

[3] All buildings shall comply with FAA height standards and regulations.

Figure 3-11: AA Dimensional Standards



3.7 PD – Planned Development District

3.7.1. Purpose

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.

3.7.2. Qualifying Standards

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 proposed PD could not be developed using conventional zoning districts or standards established in this UDC; and

B. 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.

3.7.3. Permitted Uses

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 §§3.4 through 3.6, as determined by the Director, shall apply.

3.7.4. Planned Development Standards

A. The PD standards in a PD district are subject to the approval of the Planning and Zoning Commission and City Council.

B. The PD standards shall identify the applicable base zoning district(s) that are modified according to specific adjustments approved through the PD review and approval process.

C. The PD 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.

D. Requested adjustment to the standards of the base zoning districts shall be identified by location on the PD Preliminary Concept Plan and Final PD Site Plan. 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 5: *Development Standards* or Article 6: *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 zoning districts in §3.4: *Residential Zoning Districts* through §3.6: *Nonresidential Zoning Districts*, as determined by the Director, shall apply.

3.7.5. Review and Approval Procedures

See §2.5.3: *Rezoning to Planned Development (PD)* for specific procedures and review criteria for evaluating a Rezoning to PD district request.

3.8 Overlay Districts

3.8.1. AO – Airport Overlay

A. Purpose

The Airport 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 the Airport Master Plan and state and federal rules associated with land uses in the vicinity of airports. Such state and federal rules shall apply within the Airport Overlay District.

B. Airport Overlay District Established

1. Federal Aviation Regulations (FAA) part 77 establishes civil airport imaginary surfaces for the regulation of airspace surrounding airports. The Airport Overlay District is the area generally located within the zones created and established in §§3.8.1.B.1.a through 3.8.1.B.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 depicted in the current Airport Master Plan. 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 are symmetrically located on either side of runways and have variable widths. 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.

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 Amendments

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

§3.8.1. 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.

C. FAA Requirements

1. All development within the Airport Overlay District shall comply with FAA regulations.
2. Any proposed development or construction of buildings or structures shall require the submission of FAA Form 7460-1 to the local FAA office for review. A positive recommendation from the FAA stating that the development will have no negative effect on the airport or navigational airspace must be received and reviewed by the Town prior to initiation of construction.

D. Height Limitations

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.

E. Permitted Uses

1. The following uses are permitted in the AO district:
   - **a.** Airport, public-owned; and
   - **b.** Airport, private-owned
2. For private-owned airports, hangars are only permitted if there is legal access to a runway.

F. Use Restrictions

Notwithstanding any other provisions of this §3.8.1: *AO – Airport Overlay*, 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.

G. Nonconforming Uses

1. Regulations Not Retroactive

The regulations prescribed by this §3.8.1, 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 §3.8.1, 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 §3.8.1.G.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.

H. FAA Form 7460-1 Permits

1. Future Uses

Except as specifically provided 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 §3.8.1, 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 section. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a Variance has been approved in accordance with §3.8.1.I.

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 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 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 §3.4: *Residential Zoning Districts* through §3.6: *Nonresidential Zoning Districts*, or this §3.8.1: *AO – Airport Overlay*, except as set forth in §3.8.1.D.5.

2. Existing Uses

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 this UDC 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.

I. Variances

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 §3.8.1: *AO – Airport Overlay*, 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 §3.8.1, pursuant to TLGC Chapter 241.

4. No application for Variance to the requirements of this §3.8.1: *AO – Airport Overlay* may be considered by the Board of Zoning Adjustment unless a copy of the application has been furnished to the Director of Development and Neighborhood Services for advice as to the aeronautical effects of the Variance. If the Director of Development and Neighborhood 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.

J. Obstruction Marking and Lighting

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 §3.8.1: *AO – Airport Overlay*, and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or object of natural growth in question to allow the Building Official to install, operate and maintain, at the expense of owner, such markings and lights as may be necessary.

3.9 Measurements and Exceptions

3.9.1. 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.

3.9.2. Density

The density of residential units expressed as the number of dwelling units per gross acre, calculated by multiplying the number of units permitted per gross acre by a fraction, the numerator of which is the number of gross acres and the denominator of which is the number of acres in the gross development site as defined in Article 7: *Definitions*.

3.9.3. 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 5: *Development Standards* and Article 6: *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 Lot

1. Except for projects approved as a cottage development pursuant to §4.3.2.A: *Cottage Development*, or a manufactured home development pursuant to §4.3.2.H*: 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.

3.9.4. 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 Lot

For purposes of setback calculations for side-by-side multifamily, only those dwelling units 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 Requirements

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 §5.4.6: *Vision Triangle*.
3. Certain architectural features and improvements may encroach into required setbacks and extend beyond required build-to areas as follows:

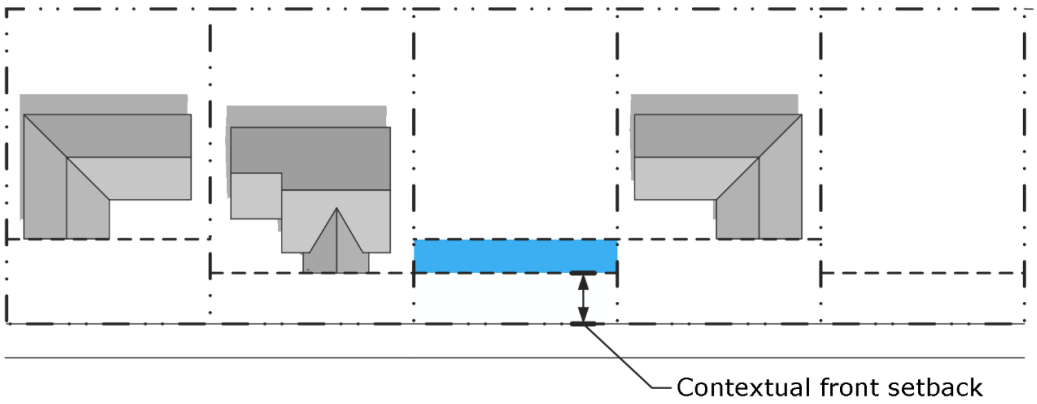
Table 3.9-1: Setback and Build-To Exceptions

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.
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.
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 §5.6.9.B: *Mechanical and Utility Equipment*.
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, box windows, eaves, planters and light wells for a below-grade floor
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 Setbacks

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.

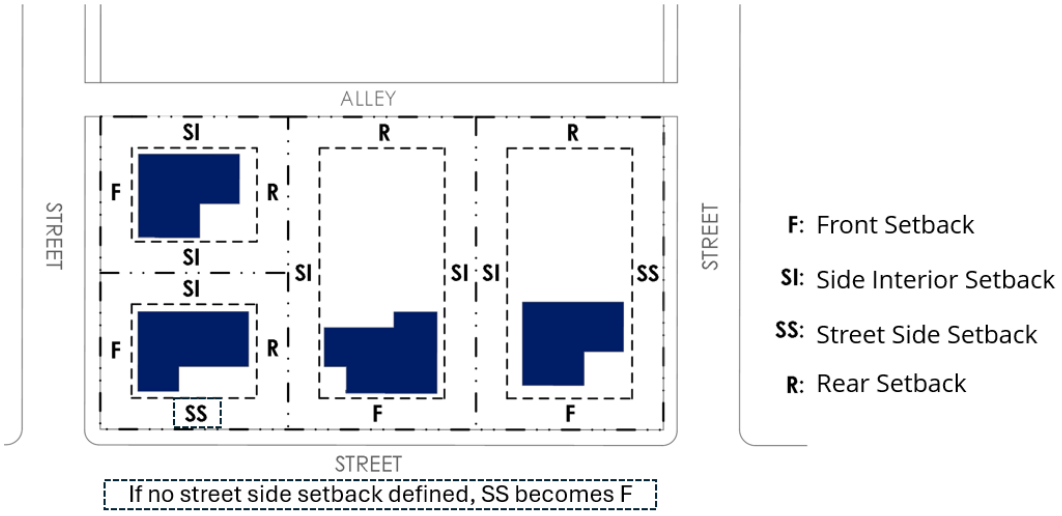
Figure 3-12: Contextual Front Setbacks



E. Corner Lots

1. Unless a specific dimension is provided for a street side setback, 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.

Figure 3-13: Corner Lot Setbacks

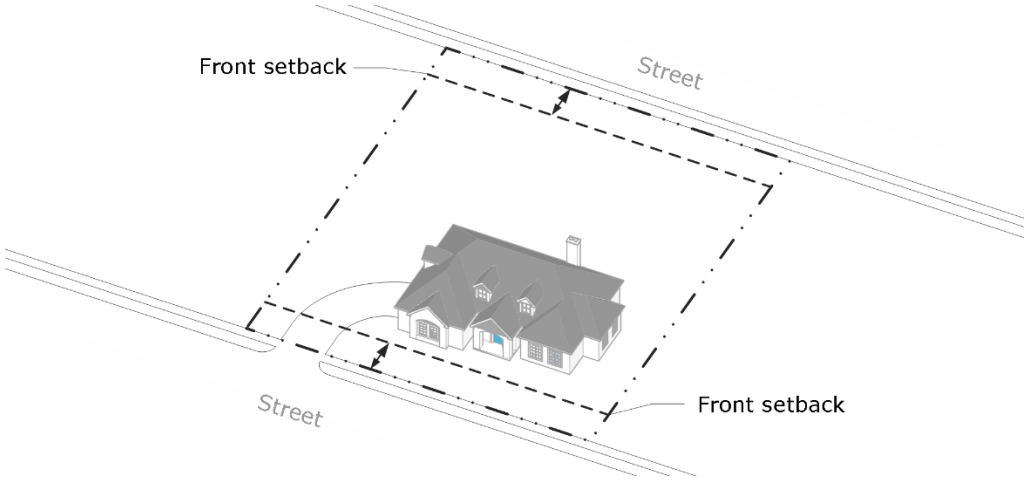


2. Corner lots shall comply with the vision triangle standards established in §5.4.6: *Vision Triangle*.

F. Double-Frontage Lots

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.

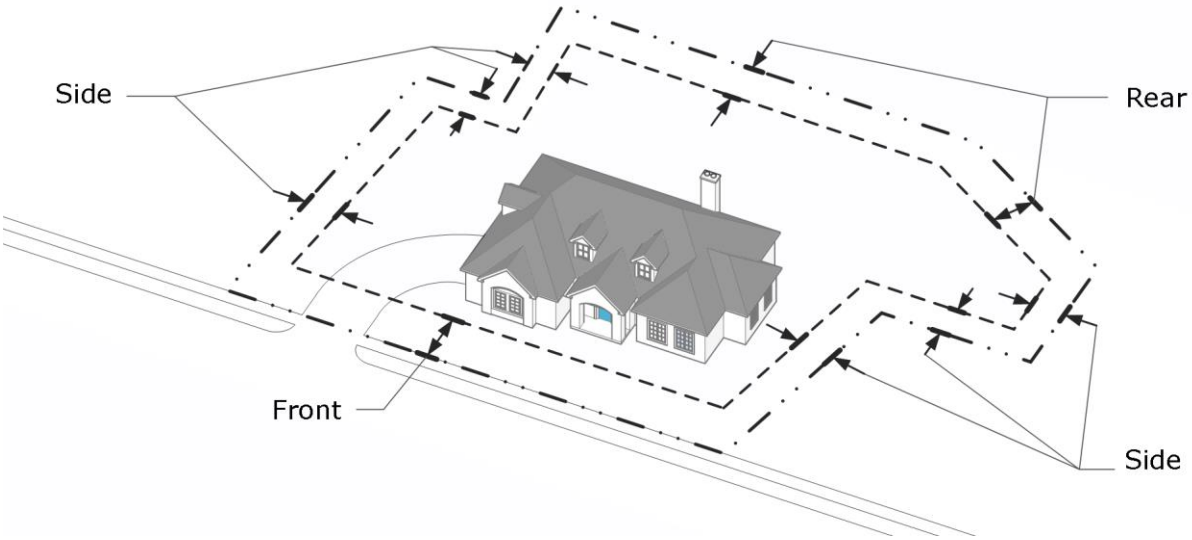
Figure 3-14: Double-Frontage Lots



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.
2. The Director may establish alternative setbacks for properties with irregularly shaped lots based on unique site and/or lot conditions.

Figure 3-15: Irregularly Shaped Lots



3.9.5. 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 §3.8.1: *AO – Airport Overlay.*

C. Exceptions to Height Requirements

1. The height exceptions established in this section shall not authorize the encroachment of any development into any zones or areas identified in §3.8.1: *AO – Airport Overlay.*
2. Certain architectural features and improvements may exceed maximum building heights as follows:

Table 3.9-2: Maximum Height Exceptions

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 §5.6.9.B: *Mechanical and Utility Equipment*. 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.

3.9.6. Impervious Coverage

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 at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structures;

B. Accessory buildings, parking garages, carports, pools, and utility and storage sheds at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structures;

C. Sidewalks, stairways, elevated walkways, or paved areas;

D. Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Director; and

E. Decomposed granite, gravel, flagstone, and river rock.

3.9.7. Minor Modification

Minor modifications to some of the dimensional standards in this section may be available through the Minor Modification process established in §2.10.3.

Article 4: Use Regulations

4.1 Purpose and Organization

4.1.1. 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.

4.1.2. Organization

A. §4.2: *Table of Allowed Uses*, lists uses allowed by zoning district and provides cross-references to applicable use-specific standards.

B. §4.3: *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.

C. §4.4: *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.

D. §4.5: *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

4.2 Table of Allowed Uses

§4.2.7: *Table of Allowed Uses* lists the uses allowed within all base zoning districts. Each listed use is defined in §7.2: *Use-Related Definitions*.

4.2.1. 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 §2.5.1: *Special Use Permit*.

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 §2.5.1: *Special Use Permit*.

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.

4.2.2. Table Organization

In §4.2.7: *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 systema1tic 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.

4.2.3. Use for Other Purposes Prohibited

Approval of a use listed in §4.2.7: *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 §4.2.7: *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 §4.2.5: *Classification of New and Unlisted Uses* below.

4.2.4. Required Licenses, Permits, and Operational Rules

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 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.

4.2.5. 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 §4.2.7: *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 Interpretation of Appropriate Use Type

The Director shall determine the appropriate use type for the proposed use pursuant to the procedures in §2.10.5: *Interpretations*. 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 §2.5.4: *Zoning Text Amendment*.

C. Appeal of Director's Determination

An appeal of the Director's determination shall be made pursuant to the procedures in §2.10.4: *Appeal of Administrative Decision*.

4.2.6. Townwide Performance Standards

A. Noise

No operation shall emit noise beyond the thresholds established in Chapter 34, Article 3 of the Code of Ordinances.

B. Residential Uses Near Airport

Residential uses are not permitted within the approved Federal Aviation Administration (FAA) Contours as established in the Airport Master Plan.

4.2.7. Table of Allowed Uses

Table 4.2-1: Table of Allowed Uses

P = permitted use **S** = Special Use Permit required **A** = accessory use **T** = temporary use
Blank Cell = prohibited use

	Residential			Mixed-Use				Nonresidential				Use-Specific Standards
	R-1	R-2	R-3	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Residential Uses												
Household Living												
Cottage development			S	S								4.3.2.A
Dwelling, duplex			P									
Dwelling, fourplex			P	P								4.3.2.B
Dwelling, live/work		S	P	P	P	P	P					4.3.2.C
Dwelling, multifamily			S	P	P	P	P					4.3.2.D
Dwelling, single-family (attached)			P	P	P							4.3.2.E
Dwelling, single-family (detached)	P	P	P	P								4.3.2.F
Dwelling, triplex			P	P								4.3.2.G
Manufactured home development (HUD-Code)				S	S							4.3.2.H
Group Living												
Assisted living facility		S	S	S	S	S	S	S	S			
Continuing care facility			S	P	P	P	P	S	S			
Group care home, FHAA small	P	P	P	P	P	P	P					4.3.2.I
Group care home, FHAA large			P	P	P	P	P					4.3.2.I
Supportive housing, small					S	S	S					
Supportive housing, large							S					
Public, Institutional, and Civic Uses												
Community and Cultural Facilities												
Club or lodge					S	S	S	S	S		S	
Day care center, adult or child				S	P	P	P	P	P	A	A	4.3.3.A
Day care home, adult or child	A	A	A	A	A	A	A					4.3.3.B
Funeral facility								P	P			
Library				P	P	P	P	P	P	P	S	
Museum				P	P	P	P	P	P	P	S	
Park or open space, active	P	P	P	P	P	P	P	P	P	P		
Park or open space, passive	P	P	P	P	P	P	P	P	P	P		4.3.3.C
Place of worship	S	S	S	S	P	P	P	P	P	P	S	
Police, fire, or rescue facility (private)				S	S	P	P	P	P	P	S	
Police, fire, or rescue facility (public)	S	S	S	S	S	P	P	P	P	P	S	4.3.3.D

Table 4.2-1: Table of Allowed Uses

P = permitted use **S** = Special Use Permit required **A** = accessory use **T** = temporary use
Blank Cell = prohibited use

	Residential			Mixed-Use				Nonresidential				Use-Specific Standards
	R-1	R-2	R-3	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Educational Facilities												
School, college or university					S	S				P		
School, public or private	S	S	S	S	S	S	S	S	S	S		
School, vocational or trade						S	S			P	P	
Healthcare Facilities												
Hospital					S	S	S	S	S	S		
Medical clinic				P	P	P	P	P	P	P	P	4.3.3.E
Commercial Uses												
Agricultural and Animal												
Kennel, commercial					S			S	S	S		4.3.4.A
Plant nursery or greenhouse					S	S		P	P	P		
Urban agriculture, noncommercial	P	A	A	A	A	A	A	A	A	A		4.3.4.B
Veterinary hospital or clinic					P			P	P	P		4.3.4.C
Recreation and Entertainment												
Recreation facility, indoor	A	A	A	A	P	P	P	P	P	P	A	4.3.4.D
Recreation facility, outdoor	A	A	A	A	P	P	S	P	P	P	A	4.3.4.E
Sexually oriented business										S		4.3.4.F
Food and Beverage												
Beer and Wine sales, off-premise consumption				S	S	S	S	S	S	S		
Brewpub, distillery, or winery								S	P	P	P	
Catering establishment								P	P	P	P	
Hookah bar				S	S	S	S	S	S	S	S	4.3.4.G
Liquor sales, off-premise consumption	See Chapter 6: *Alcoholic Beverages* of the Code of Ordinances											
Microbrewery				S	S	S	S	S	S	S		4.3.4.H
Mobile food truck park				S	S	S	S	S	S	S	S	4.3.4.I
Restaurant				P	P	P	P	P	P	P	P	4.3.4.J
Lodging												
Bed and breakfast			S	S								4.3.4.K
Hotel, Full Service				S	S	S	S	S	S	S	S	4.3.4.L
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									S			4.3.4.M

Table 4.2-1: Table of Allowed Uses

P = permitted use **S** = Special Use Permit required **A** = accessory use **T** = temporary use
Blank Cell = prohibited use

	Residential			Mixed-Use				Nonresidential				Use-Specific Standards
	R-1	R-2	R-3	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Laundromat, self-service			A	A	P	P	P	P	P	P	A	
Office				P	P	P	P	P	P	P	P	
Personal services				P	P	P	P	P	P	P	P	
Retail Sales												
Building supply store									P	P		
Pawn shop										P		
Retail sales, less than 15,000 sq. ft. GFA				P	P	P	P	P	P	P	P	4.3.4.N
Retail sales, 15,000 to 50,000 sq. ft. GFA					S	S	S	P	P	P	P	4.3.4.N
Retail sales, more than 50,000 sq. ft. GFA					S		S	S	P	P		4.3.4.N
Transportation, Vehicles, and Equipment												
Equipment sales or rental									S	P	P	4.3.4.O
Fleet services										P	P	
Parking facility, private					S	S	S	S	S	S	P	
Parking facility, public					P	P	P	P	P	P	P	
Transit terminal or station				S	S	S	S	S	S	S	S	
Vehicle fuel station								S	P	P	P	4.3.4.P
Vehicle repair, major										P	P	
Vehicle repair, minor									P	P	P	4.3.4.Q
Vehicle sales or leasing, indoors					S					P		
Vehicle wash									P	P	P	4.3.4.R
Industrial Uses												
Aviation												
Airport, public-owned											P	
Manufacturing and Processing												
Commercial laundry facility										P		
Data center									S	S		4.3.5.A
Food production or processing				P	P	P	P	P	P	P		4.3.5.B
Manufacturing, artisan					P	P	P	P	P	P	P	4.3.5.C
Manufacturing, low-impact									S	P		4.3.5.D
Resource or mineral extraction	S	S	S	S	S	S	S	S	S	S	S	
Storage and Warehousing												
Contractor's office										P	P	
Storage, self-service										S	P	4.3.5.E
Storage, outdoor	A	A	A	A	A					A	A	4.3.5.F

Table 4.2-1: Table of Allowed Uses

P = permitted use **S** = Special Use Permit required **A** = accessory use **T** = temporary use
Blank Cell = prohibited use

	Residential			Mixed-Use				Nonresidential				Use-Specific Standards
	R-1	R-2	R-3	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Warehouse or wholesale facility										P	P	4.3.5.G
Utilities and Communication Uses												
Public utility, major	P	P	P	P	P	P	P	P	P	P	P	4.3.6.A
Public utility, minor	P	P	P	P	P	P	P	P	P	P	P	4.3.6.A
Satellite earth station	A	A	A	A	A	A	A	A	A	A	A	4.3.6.B
Solar energy system	A	A	A	A	A	A	A	A	A	P	P	4.3.6.C
Wind energy system, more than 100 kW								S	S	S	S	4.3.6.D
Wind energy system, less than 100 kW	A	A	A	A	A	A	A	A	A	A	A	4.3.6.D
Wireless communication facility												
Building- or Roof-Mounted				P	P	P	P	P	P	P	P	4.3.6.E
Ground-Mounted					S						S	4.3.6.E
Accessory Uses												
Alcohol sales, on-premise consumption				A	A	A	A	A	A	A	A	
Caretaker's quarters				A	A	A	A	A	A	A	A	
Drive-through					A			A	A	A	A	4.4.4.A
Donation box					A	A	A	A	A	A	A	4.4.4.B
Dwelling, accessory (ADU)	A	A	A	A								4.4.4.C
Event space									P			
Home occupation	A	A	A	A	A	A	A					4.4.4.D
Valet parking service				A	A	A	A	A	A	A	A	4.4.4.E
Temporary Uses												
Construction support activities	T	T	T	T	T	T	T	T	T	T	T	4.5.5.A
Mobile food truck	T	T	T	T	T	T	T	T	T	T	T	4.5.5.B
Outdoor retail and display				T	T	T	T	T	T	T	T	4.5.5.C
Portable storage structure	T	T	T	T	T	T	T	T	T	T	T	4.5.5.D
Real estate sales or model home	T	T	T	T	T	T	T	T	T	T	T	4.5.5.E
Seasonal sales	T	T	T	T	T	T	T	T	T	T	T	4.5.5.F
Special event	T	T	T	T	T	T	T	T	T	T	T	4.5.5.G

Notes:
[1] A maximum of 70 percent of the acreage of a proposed development may be used for residential or mixed-use with residential uses.

4.3 Use-Specific Standards

4.3.1. 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 §4.2.7, 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 §2.10.1.

C. In case of a conflict between these use-specific standards and the standards in Article 5: *Development Standards*, these use-specific standards shall apply unless otherwise noted.

4.3.2. Residential

A. Cottage Development

1. Dimensional Standards

Table 4.3-1: Cottage Development Dimensional Standards

Lot or Building Element	Standard
Maximum density	10 dwelling units per gross acre
Minimum building setback	As required for single-family detached structures in the underlying zoning district (applied to project site as a whole, not individual units)
Minimum parking area setback	10 ft.
Minimum dwelling separation	10 ft.
Maximum building height	2 stories, not to exceed 25 ft.
Minimum shared open space	400 sq. ft. per dwelling unit

2. 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 or individual 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.

3. 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, Fourplex

A fourplex dwelling may develop with a single staircase only if a 13D or 13R NFPA (National Fire Protection Association) system is installed, subject to Director approval.

C. Dwelling, Live/Work

1. 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 and shall not include moving elements.

2. The residential dwelling unit shall have a minimum of 400 square feet of gross floor area.

3. The work activities shall not create adverse noise or operational impacts or create additional traffic on adjacent residential properties.
4. The nonresidential use shall be occupied and operated by a resident of the live/work dwelling. Individuals that do not reside at the live/work dwelling may be employed by the owner.

D. Dwelling, Multifamily

1. Dwelling Unit Size

a. The gross floor area for each unit shall average 800 square feet per building, based upon the following minimum gross floor area requirements:

Table 4.3-2: Minimum Gross Floor Area by Multifamily Bedroom Type

Unit Type	Minimum Gross Floor Area per Unit
Efficiency	300 sq. ft.
1-bedroom	450 sq. ft.
2-bedroom	700 sq. ft.
3-bedroom	850 sq. ft.

b. The minimum gross 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.

E. Dwelling, Single-Family (Attached)

1. Any tandem parking provided in a garage shall not be counted toward the minimum parking requirements.
2. Direct driveway access (ingress or egress) from any lot to any arterial street or commercial collector street is prohibited, unless no other legal access alternative is available.
3. In the M-1 and M-2 zoning districts, site access and curb cuts shall be limited to one curb cut per lot.

F. Dwelling, Single-Family (Detached)

1. Direct driveway access (ingress or egress) from any lot to any arterial street or commercial collector street is prohibited, unless no other legal access alternative is available.
2. In the R-1, R-2, and R-3 districts, single-family detached dwellings shall be a minimum of 1,000 square feet in gross floor area.
3. In the M-1 and M-2 zoning districts, site access and curb cuts shall be limited to one curb cut per lot.

G. Dwelling, Triplex

A triplex dwelling may develop with a single staircase only if a 13D or 13R NFPA (National Fire Protection Association) system is installed, subject to Director approval.

H. Manufactured Home Development (HUD-Code)

The minimum lot area required for a manufactured home development (HUD-Code) shall be 20 acres.

I. Group Care Home, FHAA (Small and Large)

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 §4.2.7: *Table of Allowed Uses*, and subject to the licensing requirements of the state and the Town.

2. In the R-3 and M-1 zoning districts, group homes shall not be designed for or occupied by more than 20 residents living together.

4.3.3. Public, Institutional, and Civic Uses

A. Daycare Center, Adult or Child

1. 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.
2. In the M-4 zoning district, the following shall apply:
   a. Freestanding day care facilities shall not be permitted.
   b. Daycare facilities shall only be permitted on the ground level floor.
   c. Daycare facilities shall not exceed 5,000 square feet GFA.

B. Daycare Home, Adult or Child

1. Where required by state law, daycare homes shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws.
2. Daycare homes shall be registered with the state and the Town.
3. The care of more than six persons, including the caregiver's dependent(s), at one time (up to the maximum number of persons allowed by state law) requires Special Use Permit approval pursuant to §2.5.1.
4. Daycare homes shall only operate between the hours of 6:00 a.m. and 12:00 a.m.

C. Park or Open Space, Active and Passive

1. Parks or open space owned by the Town or dedicated to the Town shall not be subject to the dimensional standards of the underlying zoning district, but shall be subject to the height and setback limitations established in §5.7.6: *Neighborhood Transition Standards.*
2. All dedicated parkland shall be subject to the standards in §6.4.7: *Dedication of Land for Parks, Trails, and Recreational Areas and Assessment of Park Development Fees*.

D. Police, Fire, or Rescue Facility (Public)

Police, fire, or rescue facilities owned by the Town shall not be subject to the dimensional standards of the underlying zoning district, but shall be subject to the height and setback limitations established in §5.7.6: *Neighborhood Transition Standards.*

E. Medical Clinic

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.

4.3.4. Commercial

A. Kennel, Commercial

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 Facilities

Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any residential use or Residential zoning district.

B. Urban Agriculture, Noncommercial

1. Generally

a. Retail sales shall be prohibited on the noncommercial urban agriculture site, except for the sale of produce grown on that site.

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.

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 10:00 p.m. to 7:00 a.m. unless otherwise allowed by the Director.

e. Noncommercial animal keeping shall be subject to the standards in Chapter 10 of the Code of Ordinances.

2. Backyard Chickens and Bees

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 zoning 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 the Code of Ordinances.

ii. For the keeping of chickens as an accessory use, permits may only be issued to properties with dedicated rear yards.

iii. Shared outdoor spaces for single-family attached or multifamily dwellings shall not be eligible for permits.

c. Number and Type of Chickens Allowed

i. It shall be unlawful for any owner to keep or harbor a three or more fowl within the corporate limits of the Town in any pen, stable, shed, coop or enclosure, if any part of such enclosure or structure is within 150 feet of any residence, business or commercial establishment or office (other than the owner's residence, business or commercial establishment or office), grocery store, restaurant, school, hospital, assisted living facility, or continuing care facility.

ii. Roosters are prohibited.

d. Chicken Coop Standards

No free-range chickens are allowed. All chickens shall be kept in a coop. 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 7:00 a.m. to 10:00 p.m. unless otherwise allowed by the Director.

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.

3. Livestock

It shall be unlawful for any owner to keep or harbor any livestock within the corporate limits of the Town:

a. In any pen, stable, shed, coop or enclosure, if any part of such enclosure or structure is within 150 feet of any residence, business or commercial establishment or office (other than the owner's residence, business or commercial establishment or office), grocery store, restaurant, school, hospital, assisted living facility, or continuing care facility; and

b. Where there is less than 5,000 square feet for each animal. It shall be unlawful for any owner to keep or harbor three or more fowl within the corporate limits of the Town where there is less than 100 square feet for each fowl.

C. Veterinary Hospital or Clinic

A veterinary hospital or clinic shall comply with the same requirements for a commercial kennel in 4.3.4.A. 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.

D. Recreation Facility, Indoor

In the R-1, R-2, R-3, 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.

E. Recreation Facility, Outdoor

In the R-1, R-2, R-3, 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 Businesses

1. Purpose and Intent

a. It is the purpose of this §4.3.4.F, 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 §4.3.4.F, 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 §4.3.4.F.3.b are promulgated pursuant to TLGC Chapter 243. It is the intent of the City Council that all other provisions of this §4.3.4.F, 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 §§4.3.4.F.2.a, 4.3.4.F.3.b, and 4.3.4.F.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 §§4.3.4.F.2.a and 4.3.4.F.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.

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.

b. Application

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 §4.3.4.F.2.c;

c. The name and address of each person required to sign the application pursuant to §4.3.4.F.2.b.iv below, and the name, address and type of entity of each entity required

to sign the application pursuant to §4.3.4.F.2.b.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 §4.3.4.F, 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 §4.3.4.F.

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 §4.3.4.F.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 §4.3.4.F, 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 §4.3.4.F, 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:

i. 4.3.4.F.2.e;
ii. 4.3.4.F.3.a;
iii. 4.3.4.F.3.b;
iv. 4.3.4.F.3.d;
v. 4.3.4.F.3.e;
vi. 4.3.4.F.3.f;
vii. 4.3.4.F.3.g; or
viii. 4.3.4.F.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 10 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 §§4.3.4.F.2.c.i.o, 4.3.4.F.2.c.i.p, and 4.3.4.F.2.c.i.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 §4.3.4.F.2.b. Application for renewal should be made at least 30 days before the expiration date.

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 §4.3.4.F, 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. 4.3.4.F.2.e;

b. 4.3.4.F.3.a;

c. 4.3.4.F.3.b;

d. 4.3.4.F.3.d;

e. 4.3.4.F.3.e;

f. 4.3.4.F.3.f;

g. 4.3.4.F.3.g; or

h. 4.3.4.F.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 §4.3.4.F.

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 §4.3.4.F.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 §4.3.4.F.2.f.i, for which the time period required in §4.3.4.F.2.c.i.o through §4.3.4.F.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 §4.3.4.F.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. §4.3.4.F.2.g.ii.g 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 §4.3.4.F.2.g.ii.e, an applicant may not be granted another permit until the appropriate number of years required under has elapsed.

h. Appeal

i. Generally

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.

ii. Appeal Procedure

a. 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.

b. 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.

c. The appeal shall be filed with the City Secretary.

d. 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 §4.3.4.F 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;

b. A school, college or university; school, public or private; or school, vocational or trade;

c. A boundary of a Residential zoning district as established in §3.1: *Zoning Districts Established*;

d. A park or open space (not including a private open space) adjacent to a Residential zoning district as established in §3.1: *Zoning Districts Established*; or

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.

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 gross 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 §4.3.4.F.3.b.i, 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 uses listed in §4.3.4.F.3.b.i.

v. For purposes of §4.3.4.F.3.b.ii, 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 §4.3.4.F.3.b.i.a through §4.3.4.F.3.b.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. §§4.3.4.F.3.b.ii and 4.3.4.F.3.b.iv 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 §4.3.4.F, to an applicant because the location of the sexually oriented business is in violation of §4.3.4.F.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 §4.3.4.F.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 §4.3.4.F.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 §4.3.4.F;

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 §4.3.4.F 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 §4.3.4.F.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 §4.3.4.F, other than the locational restrictions of §4.3.4.F.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 section 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 §§4.3.4.F.3.a and 4.3.4.F.3.b 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 10 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 10 hours from the time the room is rented to such person, they rent or subrent the same sleeping room again to another different person. 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 gross 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 section 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 §4.3.4.F.3.h.i.e 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 §4.3.4.F.3.h.i.a.

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 §4.3.4.F.3.h.i.g is maintained at all times that any patron is present in the premises.

ii. A person having a duty under §4.3.4.F.3.h.i.a through §4.3.4.F.3.h.i.h commits an offense if they knowingly fail to fulfill that duty.

G. Hookah Bar

1. Hookah bars that intend to operate after 11:00 p.m. shall specifically request so within their Special Use Permit application.

2. Hookah bars shall turn off amplified sound by 11:00 p.m.

H. Microbrewery

In the M zoning districts, microbreweries shall maintain at least 25 percent of the gross floor area of the facility for public use as a restaurant or tasting area.

I. Mobile Food Truck Park

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 and all required parking 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. Each mobile food truck shall provide trash receptables sized to meet expected demand and shall empty or remove them on a daily basis. The site shall include a trash collection facility such as a designated dumpster location accessible by trash collection vehicles.

e. Seating for the consumption of food and drink shall be provided.

f. Accessible restroom facilities, including handwashing facilities, shall be provided.

g. The site shall maintain access to water for the mobile food trucks to refill retention tanks.

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 7:00 a.m. and 10:00 p.m.

c. Any amplified sound shall comply with Chapter 34, Article III of the Code of Ordinances.

J. Restaurant

1. Restaurants that operate after 11:00 p.m. shall require a Special Use Permit pursuant to §2.5.1: *Special Use Permit*.

2. Restaurants shall turn off amplified sound by 11:00 p.m.

3. In the M-3 and M-4 zoning districts, freestanding restaurants are not permitted.

K. Bed and Breakfast

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 and shall comply with applicable sign regulations in §5.9.
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.

L. Hotel, Full Service

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 full-service hotel 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.

M. Credit Access Business

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.

N. Retail Sales

1. In the M-2 zoning district, the ground floor adjacent to the street shall be constructed to Commercial Building Code standards for a depth of at least 50 feet. A smaller depth may be allowed by the Director if the retail is serving as a liner use to mask a parking garage.
2. In the M-3 and M-4 zoning districts, a stand-alone building containing retail sales is prohibited along Spectrum Drive.

O. Equipment Sales or Rental and Fleet Services

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 §5.6.9.D: *Outdoor Storage Areas*.

P. Vehicle Fuel Station

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 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.

Q. Vehicle Repair, Minor

1. Maintenance of vehicles and equipment shall be conducted entirely within an enclosed building.
2. The storage of repair equipment and materials outside of an enclosed building shall be prohibited. Inoperable or wrecked vehicles or vehicles waiting for repair may be stored outside for a maximum of one week.
3. The sale or leasing of vehicles shall be prohibited.

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 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.

4.3.5. Industrial

A. Data Center

All activities shall occur entirely within an enclosed structure, excluding generators.

B. Food Production or Processing

1. Special Use Permit

Food production or processing facilities located within 200 feet of the R-1, R-2, or R-3 zoning districts require Special Use Permit approval pursuant to §2.5.1.

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 §2.5.1.

C. Manufacturing, Artisan

All activities shall occur entirely within an enclosed structure.

D. Manufacturing, Low-Impact

1. Layout and Design

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.

E. Storage, Self-Service

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, or R-3 zoning district shall have operating hours not earlier than 5:00 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.

F. Storage, Outdoor

1. LI, AA, and CF Districts

a. Outdoor storage areas shall be located in the rear yard, material shall be set back 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 §5.6.9.D.

2. R-1, R-2, R-3, and M-1 Districts

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.

G. Warehouse or Wholesale Facility

Warehouse or wholesale facilities larger than 50,000 square feet GFA require Special Use Permit approval pursuant to §2.5.1.

4.3.6. Utilities and Communication

A. Public Utility, Major and Minor

1. Major and minor public utilities owned by the Town shall not be subject to the dimensional standards of the underlying zoning district, but shall be subject to the height and setback limitations established in §5.7.6: *Neighborhood Transition Standards.*

2. In addition to the screening requirements set forth in §5.6.9.B: *Mechanical and Utility Equipment*, screening of electric substation shall include enhanced landscaping that is greater in the number and/or size of required plants.

B. Satellite Earth Station

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. 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.

3. 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. 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 §4.3.6.B.3.a.ior §4.3.6.B.3.a.iv; 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. Solar Energy System

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

iv. Have a neutral-color panel frame designed to blend in with the surroundings.

c. Freestanding Solar Collection Systems

Freestanding solar collector systems shall not exceed 20 feet in height.

D. Wind Energy Systems (all)

1. In the R-1, R-2, or R-3 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 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.

E. Wireless Communication Facilities (WCF)

1. Purpose

The purpose of this section is to establish development standards that comply with the requirements of state and federal law for public and private telecommunication service and to:

a. Protect the public safety and welfare, safeguard community land values, and promote orderly planning and development;

b. Provide for the managed development, installation, maintenance, modification, and removal of wireless communications infrastructure in the Town with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent service;

c. Encourage the joint use and location of new and existing WCFs; and

d. Mitigate any adverse, undesirable visual impacts on the community.

2. Applicability

a. This section shall apply to all WCF applications as indicated in §4.2.7: *Table of Allowed Uses* and shall not preempt underlying zoning regulations unless explicitly stated in this section or as explicitly stated in federal and/or state law.

b. The requirements set forth in this section shall not apply to:

i. Network nodes and network support poles as regulated by Chapter 70, Article III, Division 6 of the Code of Ordinances.

ii. Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.

iii. Any WCF for which a permit has been properly issued prior to the effective date of this UDC shall not be required to meet the requirements of this section, other than the operational standards set forth in this section. Changes and additions to pre-existing WCFs shall meet applicable operational standards set forth in this section.

iv. Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas.

v. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the Director.

vi. A temporary WCF installed for providing coverage of a special event such as a news coverage or sporting event.

3. General Provisions

a. Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.

b. Radio Frequency Standards

All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the Town, the Town may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the Town, that the WCF may not be in compliance, the Town may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this section. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

c. Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, and other

communication services utilized by adjacent residential and nonresidential properties; nor shall any such facilities interfere with any public safety communications.

d. Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the Town concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Building Official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the Town may remove such WCF at the owner's expense.

e. Abandonment and Removal

i. For any WCF constructed after the effective date of this UDC, if the WCF is not used to transmit, receive, or relay voice and data signals to or from wireless communication devices for a period of six months, the WCF shall be considered abandoned and the owner of record shall notify the Building Official and apply for a permit to remove the structure at which point the prior permit approval shall be voided.

ii. All WCFs shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility, or by the property owner within 18 months from the time the WCF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

iii. If the use of the WCF has not been restored within an 18-month period from the time the WCF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the WCF shall be removed and the WCF site restored to its original or better condition, at the property owner's expense.

f. Collocation Preferred

Whenever possible, new WCFs shall be sited on existing WCFs or in areas already in use for telecommunications and/or utility distribution lines in order to preserve the aesthetic and scenic value of the Town.

4. Eligible Facilities Request

a. Timing

i. Within 60 days of the date on which an applicant submits an application seeking approval of an eligible facilities request, the Director shall approve an application unless the Director determines that the application is not an eligible facilities request.

ii. The 60 -day review period begins to run when the application is filed. The Director and the applicant may agree to stop the review period. The 60-day review period shall also be stopped where the Director determines that the application is incomplete. The review period is stopped for incompleteness pursuant to the following standards:

a. Within 30 days of receipt of the application, the Director shall notify the applicant in writing, clearly and specifically delineating all missing documents or information required for determination of an eligible facilities request

b. The written incompleteness notice stops the timeframe for review;

c. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director’s notice of incompleteness

d. Within 10 days of the supplemental submission, the Director shall notify the applicant in writing that the supplemental submission did not provide the information identified in the original incompleteness notice; and

e. The timeframe is stopped in the case of a second or subsequent incompleteness notice pursuant to the procedures for the first incompleteness notice. Second or subsequent incompleteness notices may not specify missing documents or information that were not delineated in the original incompleteness notice.

iii. Failure to Act

a. In the event that the Director fails to act on a request seeking approval for an eligible facilities request within the timeframe for review, accounting for any stopping, the request shall be deemed granted.

b. The effective date of a deemed-granted approval shall be the day the Town receives written notice from the applicant, after the review period, accounting for any stopping, has expired, that the application has been deemed granted.

iv. Review Criteria

The Director shall approve an eligible facilities request if the request:

a. Is an eligible facilities request for an eligible support structure;

b. Complies with the originally approved design elements and other conditions of approval, including but not limited to colors, textures, surfaces, scale, character, mounting, projection and siting, or any approved amendments thereto, except where noncompliance with those elements or conditions is solely limited to the thresholds of increase in height, increase in width, addition of cabinets or new excavation or deployment area identified in the definition of substantial change;

c. Does not defeat the concealment elements of the eligible support structure. Any design element that places the wireless communications facility out of view, hides it from being noticed, blends it with its surroundings or otherwise minimizes the visual or aesthetic impact of the facility is a concealment element of the eligible support structure; and

d. Does not result in a substantial change. A substantial change is a modification that substantially changes the physical dimensions of an eligible support structure that meets any of the following criteria:

i. For ground-mounted WCFs, an increase in the height of the facility by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for roof- and building-mounted WCFs, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the WCF, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

ii. For ground-mounted WCFs, it involves adding an appurtenance to the body of the facility that would protrude from the edge of the facility more than 20 feet, or more than the width of the facility at the level of the appurtenance, whichever is greater for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or roof- and building-mounted WCFs, it involves installation of any new equipment cabinets on the ground if there are no pre-

existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

iv. For any eligible support structure, it entails any excavation or deployment outside the current site; or would impair the concealment elements of the eligible support structure;

v. It entails any excavation or deployment outside of the current site, except that, for ground-mounted WCFs, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

vi. It would defeat the camouflaging elements of the eligible support structure;

vii. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or WCF equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in §§4.3.6.E.4.a.iv.d.i, 4.3.6.E.4.a.iv.d.ii, or 4.3.6.E.4.a.iv.d.iii of this definition.

v. Decision

If the Director finds the review criteria are met, the Director shall approve the eligible facilities request. If the Director finds that the applicant's request does not meet the review criteria, the Director may approve with conditions or deny the eligible facilities request and provide a written disposition with the reasons for conditional approval or denial to the applicant. The Director's decision shall be supported by substantial evidence in the written record.

vi. Compliance with Other Laws

All work done in association with the approved eligible facility request application shall be completed in accordance with all generally applicable laws, regulations or other rules reasonably related to public health and safety, including but not limited to, building and safety codes.

vii. Remedies

The applicant and the Town may bring a claim related to §6409 of the Spectrum Act (codified at 47 U.S.C. 1455) to any court of competent jurisdiction.

5. Standards for Specific Facility Types

All new WCFs or collocations that do not meet the definition of an eligible facilities request shall be subject to the standards below.

a. All WCF Types

i. Review Required

Table 4.3-3: Review Required by WCF Type and Zoning District

Zoning District	Residential	Mixed-Use	Nonresidential
WCF Type			
Building-Mounted Facilities	Special Use Permit	Building Permit	
Roof-Mounted Facilities			
Ground-Mounted Facilities	Special Use Permit		Building Permit

ii. Maximum Height

Table 4.3-4: Maximum Height by WCF Type and Zoning District

Zoning District	Residential	Mixed-Use	Nonresidential
WCF Type			
Building-Mounted Facilities [1]	Maximum height permitted in the underlying zoning district		
Roof-Mounted Facilities	10 feet above the existing roofline [1] [2]		
Ground-Mounted Facilities [3]	Maximum height permitted in the underlying zoning district	45 feet	60 feet

Notes:
[1] Height measured to top of antenna.
[2] In the Mixed-Use and Nonresidential zoning districts, an additional five feet (up to 15 feet) above the existing roofline is allowed by-right for buildings of seven or more stories and by Special Use Permit for all other buildings.
[3] Height measured from base of facility to top of antenna.

iii. Camouflage Techniques

a. WCFs shall be camouflaged by minimizing the visibility of antennae and transmission equipment and be screened from view by materials that are consistent and compatible with the building design, color and materials. Camouflaging includes locating facilities in bell steeples or clock towers, or on similar alternative design mounting structures.

b. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than 40 percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

iv. Transmission and Accessory Equipment

Transmission and accessory equipment, including equipment enclosures, shall be visually similar to the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture and character or screened using natural or manmade features that are consistent with surrounding landscaping, trees, and foliage.

v. Lighting

WCFs shall not be lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties as required by this Code.

vi. Noise

Noise generated on the site shall not exceed the standards permitted in the Code of Ordinances, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the Town.

b. Additional Standards for Building-Mounted WCFs

A building-mounted facility shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible. The antenna and any associated screening or transmission equipment shall not project above the wall on which is mounted, excluding any conduit that may extend over and behind the roofline or parapet wall.

c. Additional Standards for Roof-Mounted WCFs

Screening of roof-mounted WCFs includes the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening may be waived by the Director on buildings where the height of the roofline is 35 feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.

d. Additional Standards for Ground-Mounted WCFs

i. Ground-mounted WCFS shall be subject to the minimum setback and separation requirements set forth below.

Table 4.3-5: Ground-Mounted WCF Standards

Zoning District	Residential	Mixed-Use	Nonresidential
Minimum Setback	3 feet from any abutting property line for every 1 foot of tower height or the minimum setback required in the underlying zoning district, whichever is greater	2 feet from any abutting property line for every 1 foot of tower height or the minimum setback required in the underlying zoning district, whichever is greater	1 foot from any abutting property line for every 1 foot of tower height or the minimum setback required in the underlying zoning district, whichever is greater
Minimum Separation [1]	One-half mile	2,000 feet	1,760 feet

Notes:
[1] Separation measured from the outermost portion of the base of existing facility to the outermost portion of the base of proposed facility.

ii. Ground-mounted WCFs shall be enclosed by security fencing or wall and shall also be equipped with an appropriate anti-climbing device.

4.4 Accessory Uses and Structures

4.4.1. 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.

4.4.2. Accessory Uses and Structures Allowed

A. The specific accessory uses and structures identified in §4.2.7: *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 §4.2.7: *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 §4.3: *Use-Specific Standards*.

4.4.3. General Standards for All Accessory Uses and Structures

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.
4. The gross floor area of any detached accessory structure shall not exceed 50 percent of the gross 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.
5. The total combined gross 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

1. Accessory buildings shall meet the setback requirements applicable to the principal structure.
2. Accessory buildings shall be located behind the front building plane of the principal structure.
3. In the R-1, R-2, or R-3 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. Maintenance

All accessory structures, including, but not limited to, carports, 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.

4.4.4. Additional Standards for Specific Accessory Uses and Structures

A. Drive-Through

1. Drive-through facilities located within 200 linear feet of a residential use shall require a Special Use Permit approval pursuant to §2.5.1.
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. Donation Box

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 §5.6.9.C.

C. Dwelling, Accessory (ADU)

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. An ADU is not allowed on a site without a principal dwelling unit.

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 40 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.

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.

d. Detached ADUs shall comply with the requirements for accessory structures in §4.4. Where one or more of the standards in §4.4 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 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 and Neighborhood 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 after the application is deemed complete and prior to final approval.

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 section;

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. Home Occupation

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 Gross Floor Area

a. No more than 15 percent of the total gross 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 section 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.

9. Commercially Licensed Vehicles

No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any home occupation.

10. 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.

E. Valet Parking Services

Any valet parking service provided in connection with a commercial establishment or commercial activity shall obtain a license and comply with the standards established in the Administrative Manual. A license shall not be required for occasional valet parking service provided:

1. At a private residence; or
2. In connection with a social or fund-raising activity.

4.5 Temporary Uses and Structures

4.5.1. 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.

4.5.2. Temporary Uses and Structures Allowed

Temporary uses and structures not listed in §4.2.7: *Table of Allowed Uses* require approval under the procedure in §4.2.5: *Classification of New and Unlisted Uses*. All temporary uses are subject to the standards in this §4.5, in addition to any applicable requirements in §4.3: *Use-Specific Standards*.

4.5.3. Approval Process for Temporary Uses and Structures

All temporary uses and structures listed in this section require the review and approval of Temporary Use Permits in accordance with §2.6.3.

4.5.4. General Standards for All Temporary Uses and Structures

Temporary uses and structures shall comply with the following general requirements unless otherwise specified in this Code:

A. No temporary use shall be allowed for a period exceeding 180 days, unless otherwise permitted by this Code. 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;

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 interfere 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.

4.5.5. Additional Standards for Specific Temporary Uses and Structures

A. Construction Support Activities

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

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 vending equipment shall be placed on improved surfaces.

b. 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.

c. There is no limit to the total number of food trucks allowed on a site provided adequate fire access is maintained on site.

d. Each mobile food truck shall provide trash receptables sized to meet expected demand and shall empty or remove them on a daily basis.

3. Operational Standards

a. A Temporary Use Permit for a mobile food truck shall not exceed 90 days.

b. A food service license is required and shall be available on site for inspection by government officials.

c. Each individual food truck shall contain an electrical hookup or generator, meet Fire Code, and maintain access to a commercial kitchen within Dallas County.

d. When located adjacent to a Residential zoning district, the hours of operation shall be limited between 7:00 a.m. and 10:00 p.m.

e. All mobile food trucks shall return to their associated restaurant, a commissary kitchen, or other base of operation for necessary vehicle servicing, cleaning, and restocking on a daily basis. Overnight parking is prohibited.

C. Outdoor Retail and Display

1. Operational Standards

a. A Temporary Use Permit shall only be issued to the operator of the associated permanent retail use.

b. The outdoor retail and display uses shall be associated with an approved retail primary use on the property.

c. The outdoor retail and display area shall be of the same nature as the permanent retail activity conducted on the property.

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.

f. The outdoor retail and display areas shall comply with all other reasonable conditions imposed by the Development and Neighborhood 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.

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 UDC.

3. Duration and Frequency

In those zoning districts where §4.2.7: *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.

D. Portable Storage Structure

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 14 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

E. 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.

2. The Building Official may order the removal or discontinuance of real estate sales or model home uses.

F. Seasonal Sales

1. Generally

a. Except for seasonal sales allowed pursuant to F.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 UDC;

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, and R-3 Zoning Districts

Seasonal sales shall be limited to those activities that would not qualify as a special event, including the sale of fruits, vegetables, flowers, herbs, plants, jams, honey, pickled products, sauces, and/or baked goods where the vendors are individuals who have raised the produce or have crafted the product on the same lot or parcel where the seasonal sales are taking place.

G. Special Event

1. Temporary use permits for other special events not listed separately in §4.2.7: *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 and located on publicly owned land are exempt from this requirement.

Article 5: Development Standards

5.1 Purpose

This article includes standards that regulate the physical layout and design of development within Addison to ensure the protection of the health, welfare, safety, and quality of life and to implement the Addison Comprehensive Plan. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order and create and maintain an attractive, efficient, and livable community.

5.2 Applicability

Except as otherwise provided in this article, the standards of this article shall apply to all development located within the Town, pursuant to the TLGC and §1.4: *Authority, Applicability, and Jurisdiction*, and as further detailed below.

5.2.1. Development Standards Applicability Table

A. Table 5.2-1 below identifies activities that trigger compliance with specific development standards contained in Article 5: *Development Standards.* These standards shall not exempt development activity that falls below the thresholds identified in §§5.2.2 or 5.2.3 from complying with applicable standards of this UDC or any applicable federal, state, or local regulations.

B. For purposes of this section:

1. "Entire site" shall mean the total area of the lot on which development is occurring.

2. "Development impact area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development, as defined in Article 7: *Definitions*.

C. Specific applicability thresholds and applicable exemptions are provided in Sections 5.3 through 5.9.

Table 5.2-1: Development Applicability Thresholds

✓ = Entire Site ◊ = Development Impact Area Only

UDC Standard	UDC Reference	New Construction	Minor: Tier 1 §5.2.2	Major: Tier 2 §5.2.3
Floods	5.3	✓	All development, see §5.3	
Access and Circulation	5.4	✓	All development, see §5.4	
Parking and Loading	5.5	✓	◊	✓
Landscaping, Buffering, and Fences	5.6	✓	◊	✓
Site and Building Design	5.7	✓	◊	✓
Exterior Lighting	5.8	✓	All development, see §5.8	
Signs	5.9	✓	All development, see §5.9	

5.2.2. Minor Redevelopment: Tier 1

A. 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;

B. 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;

C. The alteration or expansion of any vehicular parking area by the greater of six spaces or 50 percent, excluding resurfacing or restriping; or

D. Any expansion or enlargement of a structure or land use that requires a Special Use Permit for at least one tenant.

5.2.3. Major Redevelopment: Tier 2

A. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by more than 50 percent;

B. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by more than 25 percent; or

C. An existing principal structure is relocated on the lot.

5.2.4. Timing of Applicability

A. The standards in this article shall become applicable to each individual lot at such time a Site Plan is submitted for review or an application for a Building Permit on such lot is made.

B. When this UDC becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.

5.2.5. Planned Development (PD)

A. Development within any new planned development (PD) established after the effective date of this UDC shall be subject to this Article 5: *Development Standards*, unless alternative standards are adopted as part of the PD approval that, in the determination of the Director, are at least equal to the standards set forth in this article.

5.3 Floods

5.3.1. Generally

A. Statutory Authorization

Local governments are authorized by State law to adopt regulations designed to minimize flood losses, and to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program.

B. Applicability

This section applies to all areas of special flood hazard within the jurisdiction of the Town.

C. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered, or have its use changed without full compliance with the terms of this section and all other applicable regulations. Violation of the provisions of this section by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $2,000.00 for each violation in accordance with §1.7: *Enforcement*. Each day a violation continues to exist will constitute a new and separate violation. Nothing contained in this section shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Interpretation

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the Town; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

E. Purpose

It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is in a flood area.

F. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the most recently updated Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) for the Town.

G. Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

H. Methods of Reducing Flood Losses

In order to accomplish its purposes, this section includes methods and provisions for:

1. Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood, or that cause excessive increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other areas.

I. Warning and Disclaimer or Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made under this section.

5.3.2. Flood Hazard Reduction

A. General Standards

In all areas of special flood hazards the following standards are required:

1. Anchoring

All new construction or substantial improvements must be designed (or modified) in such a manner that they are adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Construction Materials and Methods

a. All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage.

b. All new construction or substantial improvements must be constructed with materials resistant to flood damage.

3. Utilities

a. All new construction and substantial improvements must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

b. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.

c. All new and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system, and to minimize or eliminate discharge from the systems into flood waters.

d. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §5.3.1.F (regarding the basis for establishing the area of special flood hazard), §1.9.6.A (pertaining to the use of other base flood data), or §5.3.2.C (pertaining to standards for subdivision proposals), the following provisions are required:

1. Residential Construction

New construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated at least two feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that this standard is satisfied. The Floodplain Administrator shall maintain a record of such certification.

2. Nonresidential Construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure must either have the lowest floor, including basement, elevated at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify to the Floodplain Administrator that the design and methods of

construction are in accordance with accepted standards of practice as outlined in this section. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed must be maintained by the Floodplain Administrator.

3. Enclosures

New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.

b. The bottom of all openings must be no higher than one foot above grade.

c. Openings equipped with screens, louvers, valves, or other coverings or devices must permit the automatic entry and exit of floodwaters.

4. Manufactured Homes

a. Manufactured homes to be placed within Zone A on the FHBM or FIRM must be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated to two feet above the base flood elevation and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the FIRM that are not subject to the provisions of §5.3.2.B.5.b. must be elevated so that either:

i. The lowest floor of the manufactured home is at or above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles

Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM must either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use; or

c. Meet the permit requirements of §2.7 and the elevation and anchoring requirements for "manufactured homes" in §5.3.2.B.4. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

C. Standards for Subdivision Proposals

1. All subdivision proposals, including the placement of manufactured home parks and subdivisions, must be consistent with the need to minimize flood damage.
2. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, must meet development permit requirements of this section.
3. Base flood elevation data must be provided for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, that is greater than 50 lots or 5 acres, whichever is less, if not otherwise provided pursuant to §5.3.1.F regarding the basis for establishing the areas of special flood hazard or §1.9.6.A pertaining to the use of other base flood data.
4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, must have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in §5.3.1.F, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of nonresidential structures must:
   a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified);
   b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section are satisfied.
4. Within Zones AH and AO, adequate drainage paths must be provided around structures on slopes to guide flood waters around and away from proposed structures.

E. Floodways

Located within areas of special flood hazard established in §5.3.1.F, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Town during the occurrence of the base flood discharge, as determined by the Floodplain Administrator.

2. If §5.3.2.E.1 above is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of this section.
3. Under the provisions of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by the National Flood Insurance Program Regulations.

F. Severability

If any section, clause, sentence, or phrase of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this section.

5.4 Access and Circulation

5.4.1. Purpose

The purpose of this section is to support the creation of a highly connected transportation system within the Town in order to:

A. Promote multimodal travel in Addison by providing options for automobiles, transit, bicycles, and pedestrians;

B. Connect neighborhoods to each other;

C. Connect neighborhoods to local destinations such as employment, schools, parks, and shopping centers;

D. Reduce vehicle miles of travel and travel times;

E. Mitigate the traffic impacts of new development and redevelopment;

F. Reduce stormwater runoff, reduce heat island effect from large expanses of pavement, improve water quality, and minimize dust pollution;

G. Improve air quality; and

H. Reduce emergency response times.

Generally, access and circulation systems associated with any development shall provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

5.4.2. Applicability

Except as otherwise provided in this section, the standards of this section shall apply to all development as established in §5.2: *Applicability*.

5.4.3. Developer Responsibility for Access and Circulation Improvements

A. On-Site Circulation

1. If a street is proposed within a development site, the developer shall provide roadway, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards in this section, the Comprehensive Plan, the Master Transportation Plan, the City-wide Trails Master Plan, current engineering design standards, and shall dedicate any required rights-of-way or easements as determined necessary by the Town.
2. If a development site includes the proposed corridor of a street designated on an adopted plan, the development shall incorporate provision of the street into the design of the development and shall

dedicate right-of-way that meets the right-of-way width standards for the street. If a Traffic Impact Analysis shows that the development itself is expected to generate sufficient traffic to warrant design of the street as a principal or minor arterial thoroughfare, the developer shall be responsible for constructing the street (including any bikeway, sidewalk, and other associated access and circulation improvements) in accordance with the Town's standards for a principal or minor arterial thoroughfare, as appropriate; otherwise, the developer shall be responsible for constructing the street (including any bikeway, sidewalk, and other associated access and circulation improvements) to meet at least those standards in the Master Transportation Plan for a local or collector street as determined by the Director.

B. Off-Site Circulation

1. If a development site fronts on and obtains vehicular access from an existing street, the developer shall be required to dedicate additional right-of-way along the street frontage or in the vicinity of the development and to provide roadway, bikeway, sidewalk, and other access and circulation improvements within the street right-of-way that are reasonably necessary to ensure the safe, convenient, efficient, and orderly accommodation of vehicular and pedestrian traffic demands and impacts generated by the proposed development.
2. Such improvements may include, but are not limited to, turn lanes, deceleration and acceleration lanes, widening or paving of substandard roadways, medians, bikeways, sidewalks, sidewalk ramps and crossings, street lights, bus shelters, and the relocation or improvement of utility lines and facilities needed to accommodate street improvements. The extent of required dedications and improvements related to the abutting street shall be roughly proportional to the traffic demands and impacts generated to and along that street by the proposed development.

5.4.4. Streets, Alleys, and Vehicular Circulation

A. Uniform Street Standards

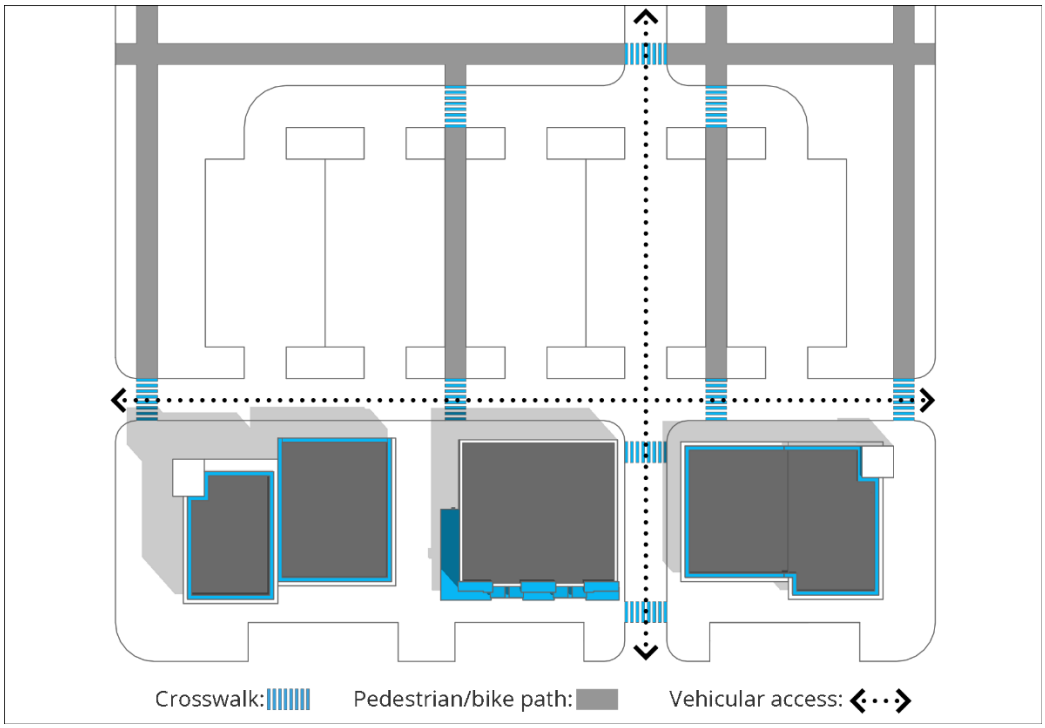
All streets and related improvements shall be constructed in accordance with the standards in the Master Transportation Plan and current engineering design standards.

B. Cross Access Between Abutting Development

To facilitate vehicular, pedestrian, and bicycle access between abutting developments, encourage shared parking, and minimize access points along streets, new single-family attached, multifamily, nonresidential, and mixed-use development shall comply with the following standards:

1. The internal circulation system shall be designed to allow for intentional, safe, and comfortable connections between the development's common use areas and common use areas in an abutting single-family attached, multifamily, nonresidential, or mixed-use development, or to the boundary of abutting vacant land zoned to allow single-family attached, multifamily, nonresidential or mixed-use development.
2. Required vehicular cross access between the abutting lots shall be provided through the use of a frontage or service street (if the lots front on a major arterial thoroughfare right-of-way), a single two-way driveway or drive aisle, or two one-way driveways or aisles that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
3. The Director, in conjunction with the Director of Public Works and Engineering, may waive or modify the requirement for cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands, steep slopes), or would create unsafe conditions or impede the application of other design requirements in this UDC.

Figure 5-1: Internal Circulation System for Cross Access



C. Use and Maintenance

1. Access and circulation routes are intended to provide pedestrian, bicycle, and vehicle access. Vehicle parking, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees, and other obstructions shall not encroach into the required minimum width of any required access or circulation route, unless otherwise authorized by this UDC.
2. Access and circulation routes required by this UDC shall be maintained in usable condition throughout the year as determined by the Director of Public Works and Engineering.

5.4.5. Driveways and Access

A. Access

1. The number of access points to any property shall be limited to one, unless it can be shown that the development will generate sufficient volumes to require two points of access for safe internal operations or unless required by Fire Code.
2. All driveways shall meet the spacing, clearance, and design requirements set forth in the Transportation Technical Standards.
3. In the M-1, M-2, M-3, and M-4 zoning districts, site access and curb cuts shall be limited to two curb cuts per block, unless no other legal access alternative is available.

B. Location

1. In the M-1, M-2, M-3, and M-4 zoning districts, driveways shall have a minimum setback of five feet from side lot lines measured to the edge of driveway pavement. This requirement shall not apply to zero-lot-line developments, provided there is a five-foot wide landscaping strip between driveways.
2. In all other zoning districts, driveway surfaces must be located a minimum of two feet from an interior side property line unless prior approval, recorded in the property records of Dallas County, Texas, has been obtained from the adjoining property owner. Where driveways are located parallel

and adjacent to a side street property line, a minimum of five feet shall be provided between the surface and the property line.

3. Driveways located near intersections shall maintain the vision triangle areas as required by §5.4.6, and the Transportation Technical Standards.

C. Removing or Relocating Driveways

1. Where the removal or relocation of one or more existing driveways or portions of driveways is necessary to comply with this UDC, any driveway or portion of driveway that is removed shall be replaced with the installation of curb and gutter along the gutter line of the street, in accordance with Public Works and Engineering Department specifications.
2. If there is no existing curb and gutter on the street, the driveway shall be removed in the manner specified by the Director of Public Works and Engineering.
3. The removal or relocation of one or more existing driveways or portions of driveways shall require the developer to maintain or improve drainage patterns to meet the standards of this UDC.
4. The removal or relocation of a driveway shall also require the installation of landscape treatments for that portion of the site pursuant to the standards in this UDC.

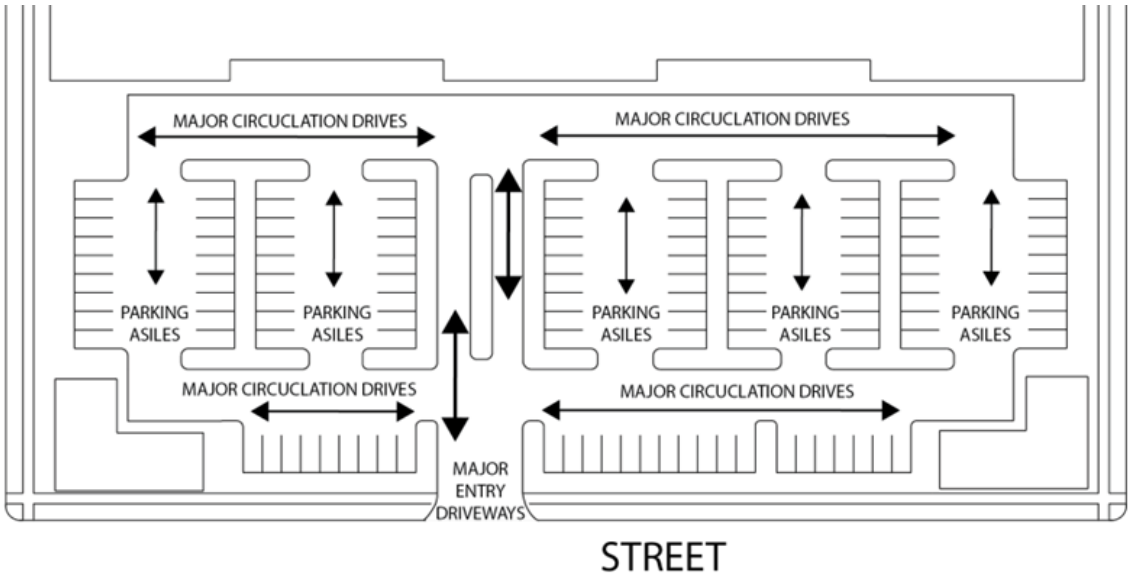
D. Surfacing

1. All driveways and access drives to improved parking surfaces shall be constructed as a continuous improved surface of concrete, brick pavers over concrete base, approved pavestone, or other approved surfacing material approved by the Director of Public Works and Engineering.
2. Driveways and improved parking surfaces shall be designed and constructed in compliance with the improved driveway standards of the Town.

E. Vehicle Maneuvering

1. Except for on-street vehicle parking spaces approved by the Director of Public Works and Engineering, groups of more than five vehicle parking spaces per lot shall be provided with adequate aisles or turn-around areas so that all vehicles may enter the public right-of-way in a forward manner.
2. Groups of more than five vehicle parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on or off the site, with due regard to pedestrian, bicycle, and vehicle safety, and shall be clearly and permanently marked and defined.
3. Vehicle surface parking lots exceeding 100 spaces shall be designed with a clear hierarchy of circulation. The hierarchy shall consist of:
   a. Major entry driveways without parking spaces; then
   b. Major circulation drives with little or no parking; then
   c. Parking aisles for direct access to parking spaces.

Figure 5-2: Vehicle Maneuvering



5.4.6. Vision Triangle

A. For all lots on which a front setback or build-to is required, no obstruction over 18 inches that will obscure or partly obscure the view of vehicles drivers shall be placed within the triangular area determined by site-specific AASHTO standards.

B. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by the Town.

C. The use of plant material in a vision triangle is intended to provide aesthetic appeal while not unduly limiting or restricting visibility, whether as a pedestrian or a passenger in a vehicle. Plants shall not reduce or limit visibility to such an extent that a safety hazard is presented.

D. Trees within the vision triangle may be placed subject to approval by the Director and shall be single trunked and have a minimum branching clearance of six feet from the ground to the first branch.

E. Vertical measurement shall be made from the top of the curb on the street adjacent to the nearest street of the vision triangle or, if no curb exists, from the edge of the nearest traveled way.

5.4.7. Pedestrian Circulation

A. Sidewalks

Sidewalks shall be installed on both sides of all streets and within and along the frontage of all new development or redevelopment, as required by the Comprehensive Plan, Master Transportation Plan, Trails Master Plan, and Belt Line Master Plan.

1. Where Required

a. Sidewalks shall be provided by the developer to allow convenient pedestrian access through or across the development and joining with pedestrian ways of adjacent properties.

b. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, and within and along the frontage of all new development and redevelopment.

2. Design and Materials

Sidewalks shall be constructed in accordance with the Comprehensive Plan, Master Transportation Plan, City-wide Trails Master Plan, Belt Line Master Plan, and current engineering design standards.

B. On-Site Pedestrian Walkways

All multifamily, nonresidential, and mixed-use development shall provide an on-site system of pedestrian walkways that meets the following standards:

1. Areas to Connect

On-site pedestrian walkways shall provide connections to and between:

- **a.** The primary entrance or entrances to each building, including pad-site buildings;
- **b.** Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development;
- **c.** Any parking areas intended to serve the development as described in §5.4.7.C: *Pedestrian Access through Parking Areas*;
- **d.** Any sidewalk system along the perimeter streets adjacent to the development;
- **e.** Any public transit station areas, transit stops, park and ride facilities, or other transit facilities on-site or along an adjacent street; and
- **f.** Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.

2. Walkway Design

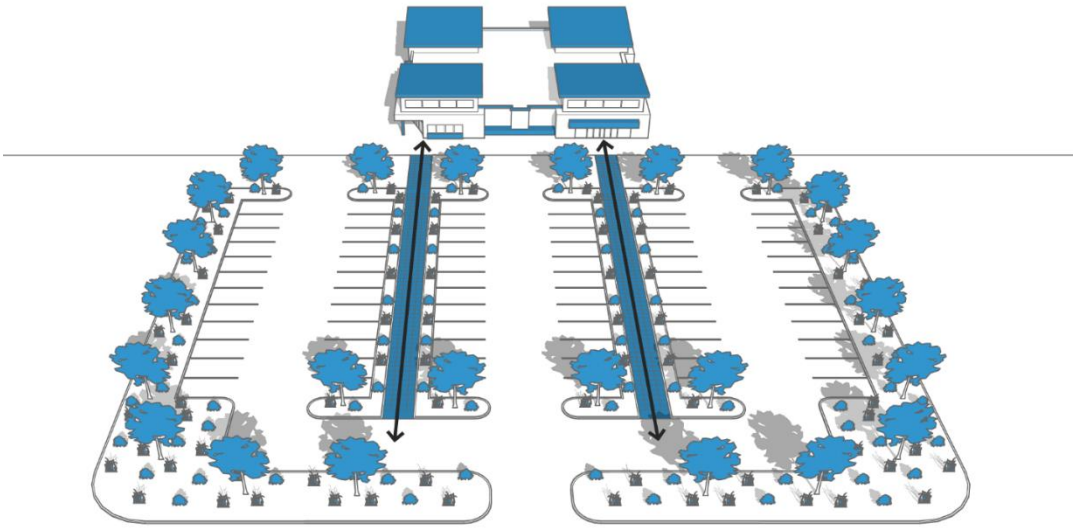
Required on-site pedestrian walkways shall be a minimum width of five feet. All required walkways shall:

- **a.** Be distinguishable from areas used by vehicles using one or more of the following techniques:
  - **i.** Changing surfacing material, patterns, and/or paving color, but not including the painting of the paving material;
  - **ii.** Changing paving height;
  - **iii.** Decorative bollards;
  - **iv.** Raised median walkways with landscaped buffers;
- **b.** Be designed with similar and/or complementary details, colors, and finishes as other interconnected walkways;
- **c.** Have adequate lighting for security and safety;
- **d.** Be conveniently and centrally located on the subject property;
- **e.** Be ADA-accessible; and
- **f.** Not include barriers that limit pedestrian access between the subject property and required connections to adjacent properties.

C. Pedestrian Access through Parking Areas

All parking lots that contain more than two double rows of vehicle parking shall include pedestrian walkways through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less.

Figure 5-3: Pedestrian Access through Parking Areas



D. Pedestrian Access through Parking Garages

Pedestrian walkways shall be provided through parking garages from the parking area to the abutting public right-of-way and sidewalk and/or to the primary entrance of the building served. Pedestrian walkways shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

E. Active Transportation Connectivity

Off-street trails, enhanced pedestrian paths, and active transportation corridors shall be installed in all new development or redevelopment, as required by the Comprehensive Plan, Master Transportation Plan, and City-wide Trails Master Plan.

5.4.8. Bicycle Circulation

A. Bicycle routes shall be established in accordance with the Comprehensive Plan, Master Transportation Plan, City-wide Trails Master Plan, and Public Works and Engineering Department specifications.

B. The development's internal bicycle circulation system shall permit safe, convenient, efficient, and orderly movement of bicycles between the development's internal origin and destination points and adjacent parts of an existing or planned external, community-wide and regional bicycle circulation system, as well as any adjacent transit stations, bus stops and shelters, public parks, greenways, schools, community centers, and shopping areas.

5.5 Parking and Loading

5.5.1. Purpose

This section is intended to regulate the amount and design of off-street parking and loading for different land uses and to help protect the public health, safety, and general welfare by:

A. Avoiding and mitigating traffic congestion and adverse impacts on residential neighborhoods;

B. Providing necessary access for service and emergency vehicles;

C. Providing for safe and convenient interaction between vehicles, bicycles, pedestrians, and other modes of travel;

D. Encouraging multi-modal transportation options and enhanced pedestrian safety;

E. Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the Town;

F. Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and

G. Avoiding and mitigating the adverse visual impact and inefficient land use of large concentrations of exposed parking;

H. Maximizing the use of on-street parking, except along arterial thoroughfares.

5.5.2. Applicability

The standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability.*

5.5.3. Calculations

A. Generally

1. All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.

2. When measurements of the minimum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number.

3. When measurements of the maximum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction shall be rounded down to the next lowest whole number.

4. The following types of parking spaces shall not count towards the maximum parking requirement:

a. On-street parking spaces provided pursuant to §5.5.6.C: *On-Street Parking*;

b. Designated accessible parking;

c. Parking spaces intended for storage of business vehicles, such as fleet vehicles or delivery vehicles; and

d. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

5. Lots containing more than one use may provide parking and loading based on the shared parking calculations in §5.5.6: *Parking Alternatives*.

B. Unlisted Uses

For uses not listed in §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* or 5.5.5: *Maximum Off-Street Vehicle Parking Allowed,* the Director is authorized to establish minimum and maximum parking requirements pursuant to §5.5.4.A: *Director Determination Based on Demand Study*.

5.5.4. Minimum Off-Street Vehicle Parking Requirement

Each development or land use subject to this section pursuant to §5.5.2: *Applicability*, shall provide at least the minimum number of off-street vehicle parking spaces required below, unless otherwise provided in this UDC.

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Residential Uses	
Household Living	
Cottage development	1 space per DU
Dwelling, duplex	1 space per DU
Dwelling, fourplex	1 space per bedroom
Dwelling, live/work	1 space per DU
Dwelling, multifamily	Studio: 1 space per DU 1 Bedroom: 1 space per DU 2 Bedroom: 1.5 spaces per DU 3 Bedroom: 2 spaces per DU Guest parking (to be located on development site): Additional 5% of total spaces provided
Dwelling, single-family (attached)	2 space per DU Guest parking (to be located on development site): Additional 5% of total spaces provided
Dwelling, single-family (detached)	2 spaces per DU
Dwelling, triplex	1 space per bedroom
Manufactured home development (HUD-Code)	1 space per DU
Group Living	
Assisted living facility	1 space per 6 patient beds
Continuing care facility	0.5 space per unit
Group care home, FHAA small	1 space per 4 persons maximum occupancy per Building code
Group care home, FHAA large	1 space per 4 persons maximum occupancy per Building code
Supportive housing, small	1 space per 4 persons maximum occupancy per Building code
Supportive housing, large	1 space per 4 persons maximum occupancy per Building code
Public, Institutional, and Civic Uses	
Community and Cultural Facilities	
Club or lodge	1 space per 250 sq. ft. GFA
Day care center, adult or child	1 space per 500 sq. ft. GFA
Day care home, adult or child	1 space per non-resident employee in addition to requirements for dwelling
Funeral facility	1 space per 250 sq. ft. GFA
Library	1 space per 1,000 sq. ft. GFA
Museum	1 space per 1,000 sq. ft. GFA
Park or open space, active	Director Determination
Park or open space, passive	Director Determination
Place of worship	1 space per 3 seats
Police, fire, or rescue facility (public and private)	1 space per 1,000 sq. ft. GFA, plus 1 space per commercial vehicle
Educational Facilities	
School, college or university	1 space per 500 sq. ft. office, research, and library area; plus 1 space per 250 sq. ft. assembly areas and classrooms

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
School, public or private	Elementary or middle school: 1 space per 20 students design capacity High school: 1 space per 8 students design capacity
School, vocational or trade	1 space per 500 sq. ft. GFA
Healthcare Facilities	
Hospital	1 space per 3 patient beds design capacity
Medical clinic	1 space per 300 sq. ft. GFA
Commercial Uses	
Agricultural and Animal Uses	
Kennel, commercial	1 space per 1,000 sq. ft. GFA
Plant nursery or greenhouse	1 space per 500 sq. ft. GFA
Urban agriculture, noncommercial	No requirement
Veterinary hospital or clinic	1 space per 500 sq. ft. GFA
Recreation and Entertainment	
Recreation facility, indoor	Bowling or similar use: 1.5 spaces per lane Theaters, auditoriums, gymnasiums, fieldhouse, or similar use: 1 space per 4 seats Health club, fitness facility, or similar use: 1 space per 500 sq. ft. GFA Other uses: Director Determination
Recreation facility, outdoor	Theaters, auditoriums, gymnasiums, stadiums, sports fields, or similar use: 1 space per 4 seats Other uses: Director Determination
Sexually oriented business	1 space per 350 sq. ft. GFA
Food and Beverage	
Beer and Wine sales, off-premise consumption	1 space per 350 sq. ft. GFA
Brewpub, distillery, or winery	1 space per 400 sq. ft. GFA (outdoor tasting/seating area included)
Catering establishment	1 space per 1,000 sq. ft. GFA
Hookah bar	1 space per 400 sq. ft. GFA
Liquor sales, off-premise consumption	1 space per 400 sq. ft. GFA
Microbrewery	1 space per 400 sq. ft. GFA (outdoor tasting/seating area included)
Mobile food truck park	1 space per mobile food business
Restaurant	1 space per 100 sq. ft. GFA
Lodging	
Bed and breakfast	1 space per guestroom
Hotel, full service	1 space per guestroom, plus 1 space per 300 sq. ft. of conference, banquet, or meeting space
Hotel, limited service	1 space per guestroom, plus 1 space per 300 sq. ft. of conference, banquet, or meeting space
Residence hotel	1 space per guestroom, plus 1 space per 300 sq. ft. of conference, banquet, or meeting space
Office, Business, Professional, and Personal Services	
Bank or financial institution	1 space per 400 sq. ft. GFA

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Credit access business	1 space per 400 sq. ft. GFA
Laundromat, self-service	1 space per 400 sq. ft. GFA
Office	1 space per 400 sq. ft. GFA
Personal services	1 space per 400 sq. ft. GFA
Retail Sales	
Building supply store	1 per 400 sq. ft. GFA
Pawn shop	1 per 400 sq. ft. GFA
Retail sales, less than 15,000 sq. ft. GFA	1 per 400 sq. ft. GFA
Retail sales, 15,000 to 50,000 sq. ft. GFA	1 per 400 sq. ft. GFA
Retail sales, more than 50,000 sq. ft. GFA	1 per 400 sq. ft. GFA
Transportation, Vehicles, and Equipment	
Equipment sales or rental	Indoor: 1 space per 500 sq. ft. GFA Outdoor: 1 space per 1,000 sq. ft.
Fleet services	1 space per 1,000 sq. ft. GFA, plus 1 space per commercial fleet vehicle
Parking facility, private	No Requirement
Parking facility, public	No Requirement
Transit terminal or station	No Requirement
Vehicle fuel station	1 space per 400 sq. ft. GFA
Vehicle repair, major	1 space per 400 sq. ft. of indoor office area, plus 1 space per service bay
Vehicle repair, minor	1 space per 400 sq. ft. of indoor sales/office area, plus 1 space per service bay
Vehicle sales or leasing	1 space per 400 sq. ft. of indoor sales/leasing/office area, plus 1 space per service bay
Vehicle wash	1 space per 400 sq. ft. of indoor sales/office area
Industrial Uses	
Aviation	
Airport, public-owned	Director Determination
Manufacturing and Processing	
Commercial laundry facility	1 space per 1,000 sq. ft. GFA
Data center	1 space per 1,000 sq. ft. GFA
Food production or processing	1 space per 1,000 sq. ft. production area; plus 1 space per 300 sq. ft. indoor seating/tasting area; plus 500 sq. ft. outdoor seating/tasting area
Manufacturing, artisan	1 space per 500 sq. ft. GFA
Manufacturing, low-impact	1 space per 1,000 sq. ft. GFA
Resource or mineral extraction	Director Determination
Storage and Warehousing	
Contractor's office	1 space per 500 sq. ft. office area
Storage, self-service	1 space per 500 sq. ft. office area, plus 1 space per 30 storage units
Storage, outdoor	1 space per 500 sq. ft. office area
Warehouse or wholesale facility	1 space per 1,000 sq. ft. GFA

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Utilities and Communication Uses	
Public utility, major	No Requirement
Public utility, minor	No Requirement
Satellite earth station	No Requirement
Solar energy system	No Requirement
Wind energy system, more than 100 kW	No Requirement
Wind energy system, less than 100 kW	No Requirement
Wireless communication facility	No Requirement
Accessory Uses	
Alcohol sales, on-premise consumption	Based on primary use
Caretaker's quarters	1 space
Drive-through	Based on primary use
Donation box	No Requirement
Dwelling, accessory (ADU)	1 space
Event space	1 space per 1,000 sq. ft. GFA
Home occupation	1 space per non-resident employee in addition to requirements for dwelling
Valet parking service	Based on primary use
Temporary Uses	
Construction support activities	For all uses: As determined by Temporary Use Permit
Mobile food truck	
Outdoor retail and display	
Portable storage structure	
Real estate sales or model home	
Seasonal sales	
Special event	

A. Director Determination Based on Demand Study

Uses in §5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, that reference this section have varied parking and loading demands, making it difficult to specify a single standard for off-street parking or loading requirements. With an application for a use that is subject to this section, the Director shall apply the off-street parking and loading standards on the basis of a demand study prepared by the applicant. Such study shall estimate the parking and loading demand based on recommendations of the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

B. Unlisted Uses

For uses not listed in 5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, the Director is authorized to:

1. Apply the minimum off-street parking space requirement specified in §5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, for the listed use that is deemed most similar to the proposed use; or

2. Establish the minimum off-street parking space requirement by reference to standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE), or other acceptable sources of parking data; or
3. Establish the minimum off-street parking space requirement based on local or national best practices; or
4. Establish the minimum off-street parking space requirement based on a demand study prepared by the applicant. Such a study shall be prepared according to §5.5.4.A: *Director Determination Based on Demand Study*.

C. Accessible Parking

All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. Ann. §9102 (Vernon Supp 2000.), the International Building Code (IBC) as adopted in the Code of Ordinances, and the American with Disabilities Act (ADA), as amended.

D. Garages

Off-street parking spaces within garages shall not contribute to the minimum off-street vehicle parking requirement if they are converted into storage or living space.

5.5.5. Maximum Off-Street Vehicle Parking Allowed

A. Nonresidential Uses

In no case shall any nonresidential use provide more than 125 percent of the minimum number of off-street parking spaces required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, unless otherwise provided in this UDC.

B. Change of Use

Any development that exceeds the maximum parking requirements as a result of a change in use shall not add additional spaces, but is not required to remove previously constructed parking spaces.

5.5.6. Parking Alternatives

The Director may approve parking alternatives that result in a cumulative adjustment not to exceed 25 percent of the minimum or maximum vehicle parking spaces required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* and §5.5.5: *Maximum Off-Street Vehicle Parking Allowed*, in accordance with the following standards.

A. Shared Parking Facilities

1. When reviewing a shared parking proposal, the Director shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to §5.5.6.B through §5.5.6.D below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the Development and Neighborhood Services Department.
2. Where a minimum number of parking spaces is required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement,* the owners of two or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request, the Director may authorize the shared use of parking facilities subject to the following:
    a. Any property using shared parking facilities shall be located within 500 feet of such parking facility, using established sidewalks and crosswalks that meet current standards of the Master Transportation Plan and further the intent of the City-wide Trails Master Plan and Comprehensive Plan.
    b. The parking for the specific uses occurs at alternating time periods, as determined by a parking demand study pursuant to §5.5.4.A: *Director Determination Based on Demand Study*.

3. Required parking shall be determined based on parking demand for the peak parking period.
4. The owners of record involved in the joint use of shared parking facilities shall submit a Parking Management Agreement in accordance with §2.8.1.

B. Proximity to Transit

Except for single-family detached dwelling uses, the minimum vehicle parking required for development within one-quarter mile, measured radially in a straight line, of a fixed transit station, such as a commuter or light rail stop, may be reduced from those required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* by 20 percent.

C. On-Street Parking

Any on-street vehicle parking may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following:

1. On-street parking may not be used to meet the minimum vehicle parking requirements for single-family detached and duplex dwellings;
2. On-street parking along an arterial street as classified in the Master Transportation Plan shall not be used to meet any minimum vehicle parking requirements for any use;
3. Only those street parking spaces abutting any lot line of the subject property, and with over one-half the length of a parking space located between the imaginary extension of the side property lines into the street right-of-way, may be counted.
4. Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot;
5. On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted; and
6. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by Town action and the remaining off-street vehicle parking does not meet the minimum vehicle parking requirements of this section.

D. Parking Demand Study

1. If an applicant submits a parking demand study pursuant to §5.5.4.A: *Director Determination Based on Demand Study*, demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be less or more than that calculated from §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* or §5.5.5: *Maximum Off-Street Vehicle Parking Allowed*, and the Director determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses, the Director may authorize a reduction or increase in required off-street vehicle parking spaces based on that study.
2. The Director may require any parking spaces that have been approved to exceed the maximum off-street vehicle requirements be constructed using permeable materials such as pavers, permeable asphalt, or concrete.

5.5.7. Vehicle Parking Layout and Design

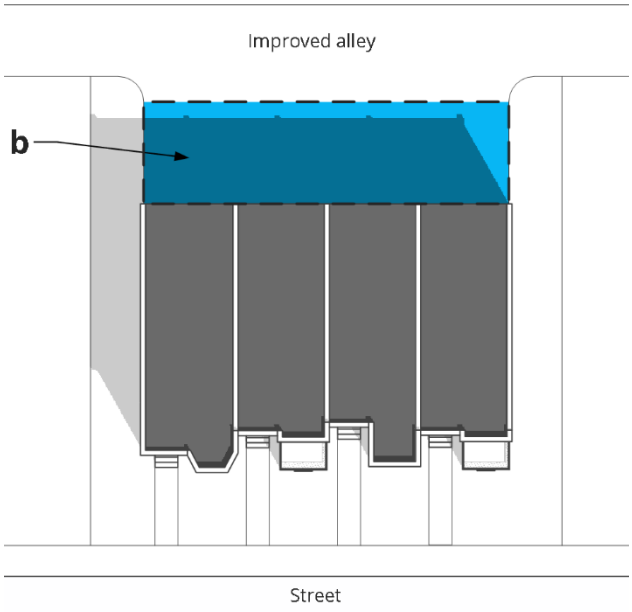
A. At-Grade Parking Standards

1. Single-Family, Duplex, Triplex, Fourplex, and Manufactured Home Dwellings

a. Vehicle parking for single-family detached, single-family attached, duplex, triplex, fourplex, and manufactured home dwelling uses shall only be allowed in a garage or on an approved surface. All other off-street vehicle parking within a required front setback area shall be prohibited.

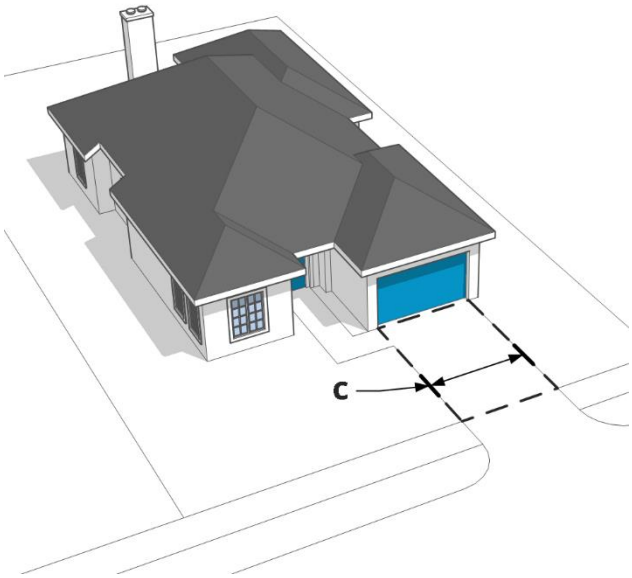
b. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. The required parking area shall directly access the alley. Determinations of whether an alley allows for safe access shall be made by the Director.

Figure 5-4: Parking Area Accessed by Improved Alley



c. Where vehicle parking is permitted within the front setback area, the width of the driveway between the front building façade and the street shall not exceed the width of the garage door of an attached garage or 22 feet where there is no attached garage.

Figure 5-5: Driveway Width Requirement



2. All Other Uses

Vehicle parking areas located between the front building façade and the adjacent street frontage is prohibited, unless the subject property satisfies all of the following standards:

a. It is not located within the M-1, M-2, and M-3 zoning districts;

b. It adjoins either side of an arterial street, as defined in the Master Transportation Plan;

c. Development with 100 or fewer off-street vehicle parking spaces shall be limited to no more than two rows of vehicle parking or 80 feet, whichever is less, between the front building façade and the adjacent street frontage;

d. Development with 100 or more off-street vehicle parking spaces shall be limited to no more than four rows of parking or 160 feet, whichever is less, between the front building façade and the adjacent street frontage; and

e. Vehicle parking areas shall be setback a minimum of 10 feet from the adjacent right-of-way and shall satisfy the landscape and screening requirements established in §5.6.4.D: *Parking Area Landscaping.*

B. Below-Grade Parking Standards

1. Below-grade vehicle parking shall be constructed in accordance with §5.3: *Floods*.

2. Below-grade vehicle parking is permitted to property lines; but shall be designed to satisfy the landscape requirements established in §5.6: *Landscaping, Buffering, and Fences*.

C. Structured Parking Standards

1. Location

a. Parking structures shall be located an additional 10 feet beyond the minimum setbacks required in the district to allow for additional landscape screening.

b. Parking structures shall not be located between the front building façade and the adjacent street frontage.

c. Parking structures are not required to meet minimum building height requirements, where applicable.

2. Exterior Design

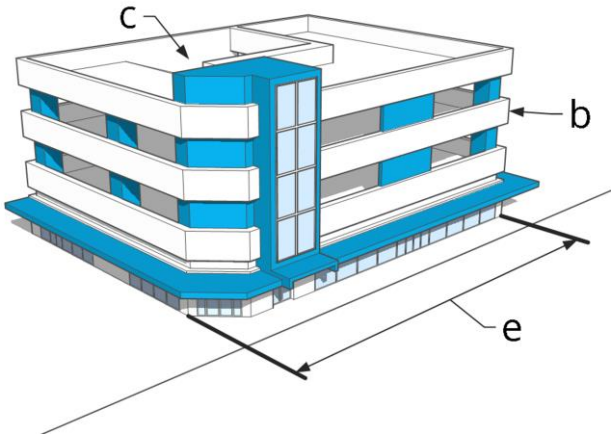
a. Parking structures that have frontage on public streets shall comply with the building design standards established in §5.7.5: *Parking Structure Design*.

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

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

d. The maximum frontage of parking structures along any one block face shall be limited to 250 feet. If additional frontage is requested, the ground floor of the structure shall include retail, commercial, or other active ground floor uses.

Figure 5-6: Structured Parking Design



D. Dimensions of Parking Spaces and Drive Aisles

All off-street parking and maneuvering areas shall be constructed according to the following dimensional standards:

1. All dead-end parking aisles shall terminate with a five foot bump-out for turnaround maneuverability, unless required to connect to another drive aisle or other form of additional turnaround for fire lane purposes.
2. Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed to allow vehicles to enter and exit in forward drive.
3. Parking spaces and drive aisles shall comply with the following dimensional standards. The letters (A through D) in Figure 4.10 correspond with the dimensions (in feet) in the table below:

Figure 5-7: Parking Space and Drive Aisle Dimensions

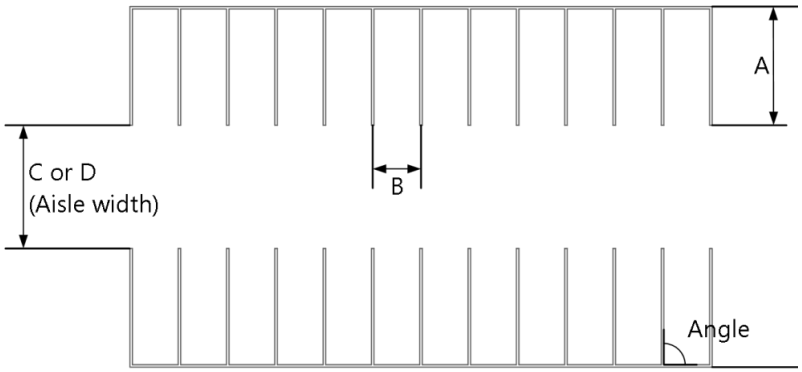


Table 5.5-2: Parking Space and Drive Aisle Dimensions

*Dimensions shown in feet

	Parking Space		One-Way Aisle	Two-Way Aisle
Angle	A	B	C [2]	D
0° (parallel)	8.0	22.5 [1]	12.0	20.0
30°	18.5	9	12.0	20.0
45°	18.5	9	12.0	20.0
60°	18.5	9	16.0	20.0
90°	18.5	9	20.0	20.0

Notes:
[1] End spaces may be a minimum of 20 feet in length where no obstruction exists.
[2] Fire lanes shall be a minimum of 24 feet in width.

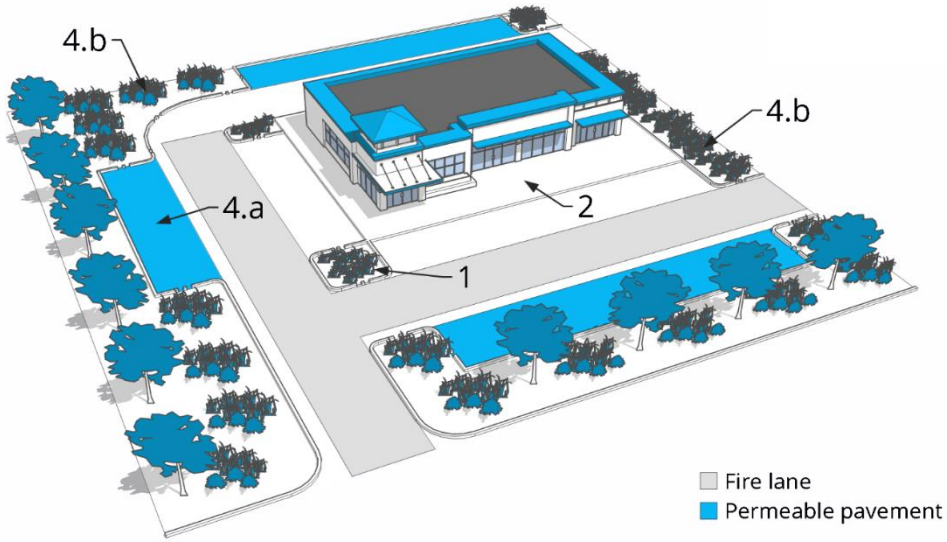
4. The final decision-making body may approve alternative standards based on a professionally recognized source of parking lot design, pursuant to the Minor Modification process outlined in §2.10.3: *Minor Modification.*

E. Stormwater Drainage

1. Parking lots shall be constructed such that all surface water is directed into an approved landscape bumpout, island, or endcap containing one or more approved Best Management Practices (BMPs) in accordance with the Drainage Criteria Manual. A stormwater professional with PE or LEED certification for environmental design shall design all BMPs or other Low Impact Design (LID) systems.

2. Water draining from a parking lot shall not flow across a sidewalk.
3. Stormwater drainage plans for off-street vehicle parking areas shall be reviewed and approved by the Town.
4. For all new parking lots containing 10 or more spaces, the following best management practices shall be used to improve stormwater infiltration and water quality:
   a. Permeable pavement materials shall be installed in non-fire lane areas covering at least 25 percent of the total parking lot area; or
   b. Treatments such as culvert outfalls, bioretention basins, or vegetated swales designed to the specifications of the Public Works and Engineering Department shall be installed; or
   c. Other combinations of best management practices for stormwater infiltration and water quality subject to approval by the Development and Neighborhood Services and Public Works and Engineering Departments as outlined in the Drainage Criteria Manual.

Figure 5-8: Parking Area Stormwater Drainage Standards



F. Surface Material

1. Except as stated in §5.5.7.E: *Stormwater Drainage*, or an exception is provided elsewhere in this UDC, all areas used for vehicle parking shall be an improved surface of concrete, asphalt, brick pavers, or other approved material.
2. All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with concrete. All driveway aprons shall be designed in accordance with Public Works and Engineering Department standards.
3. Areas using permeable parking pavers shall receive relief from impervious surface calculations in accordance with Public Works and Engineering Department standards.
4. Except for single-family attached, single-family detached, duplex, triplex, fourplex, manufactured home dwelling uses, and display areas for vehicle sales and rental uses, all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.
5. All driving lanes and parking aisles in vehicle parking lots shall be curbed, unless an alternative design allowing for adequate stormwater management is approved.

G. Electric Vehicle Charging

Parking areas with 40 or more vehicle parking spaces shall provide a minimum of one vehicle parking space dedicated to electric vehicles for every 25 vehicle parking spaces provided on site. Electric vehicle

parking spaces shall count toward the minimum required number of vehicle parking spaces, but shall not count toward the maximum allowed. The electric vehicle parking space shall be:

1. Located on the same lot as the principal use;
2. Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and
3. Outfitted with an electric vehicle charging station as approved by the Director.

H. Parking Area Landscaping

All development shall comply with §5.6.4.D: *Parking Area Landscaping*.

I. Parking Area Lighting

All development shall comply with §5.8.5.E: *Surface Parking Area Lighting*.

J. Pedestrian and Bicycle Circulation

All development shall comply with §5.4.7: *Pedestrian Circulation* and §5.4.8: *Bicycle Circulation*.

5.5.8. Vehicle Loading Areas

A. Number and Size of Loading Berths Required

1. The Director may approve a variation from the required loading berth requirements if warranted by the building use.
2. The number and size of loading berths shall be provided pursuant to the table below:

Table 5.5-3: Minimum Loading Requirements

Use Category	Number of Loading Berths	Loading Berth Dimensions (ft)		
		Length	Width	Height
Office, Lodging, Personal Services, and Retail	1 per 50,000 sq ft of gross floor area, up to a maximum requirement of 3	25	10	14
Other Nonresidential Uses	1 per 50,000 sq ft of gross floor area, up to a maximum requirement of 2	25	10	14

B. Design and Use of Service and Loading Areas

1. Location

a. Required off-street loading spaces shall not be permitted between the primary building façade and the street.

b. Streets or rights-of-way shall not be used for loading and unloading purposes, unless otherwise authorized in this UDC.

c. Alleys may be used for loading or unloading materials or merchandise for periods not to exceed 30 consecutive minutes so long as sufficient width of the roadway is available for free movement of vehicular traffic access to abutting property is maintained.

d. Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided or on the lot adjacent to a private alley or private service drive.

e. Delivery vehicles parked in a loading area shall not encroach into required parking spaces or required building setbacks.

f. Delivery vehicles loading or unloading materials shall not block required on-site access and circulation routes or fire lanes.

2. Maneuvering

Loading areas shall be designed to provide for delivery vehicle backing and maneuvering on-site and not from or within a public right-of-way, unless otherwise authorized by this UDC.

3. Screening

Service and loading areas visible from a Residential zoning district or a public right-of-way shall be screened pursuant to §5.6.9.E: *Off-Street Loading Spaces.*

5.5.9. Drive-Through Facilities

A. Number of Stacking Spaces Required

1. The Director may approve a variation from the required stacking requirements if warranted by the building use. The Director may require a stacking study for uses expected to generate higher than normal queuing.
2. All drive-through facilities shall provide at least the number of on-site stacking spaces required by the table below.

Table 5.5-4: Minimum Stacking Requirements

Use	Number of Stacking Spaces
Bank or financial institution or Automated Teller Machine (ATM)	2 per drive-through lane
Other uses with drive-through facilities	3 per drive-through lane
Personal services	3 per drive-through lane
Restaurant	6 per drive-through lane
Retail sales	3 per drive-through lane
Vehicle fuel station	1 per fuel pump
Vehicle wash	2 per washing bay

B. Location and Design of Drive-Through Facilities

1. Each stacking space shall be 20 feet in length unless otherwise approved by the Director. Required stacking distances shall be measured from the end of the queuing lane or property line to the first point of service.
2. Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces or areas, or internal circulation routes.
3. Drive-through service windows and speakers shall be oriented away from pedestrian areas, Residential zoning districts, and public streets to the maximum extent practicable.
4. Audible electronic devices such as loudspeakers, vehicle service order devices, and similar instruments shall not be audible beyond the property line within any Residential zoning district.

5.5.10. Bicycle Parking

A. Purpose

Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

B. Applicability

The following standards shall apply to all principal uses except for single-family attached, single-family detached, duplex, triplex, fourplex, cottage development, and manufactured home development residential uses.

C. Required Bicycle Parking

1. Generally

Development subject to this section shall provide a minimum of six short- or long-term bicycle parking spaces or the number of bicycle parking spaces required in the table below, whichever is more. Short-term bicycle parking spaces are those that are typically used for 2 hours or less.

Table 5.5-5: Minimum Bicycle Parking Requirements

Use	All Other Zoning Districts	Mixed-Use Zoning Districts
Residential uses	10%	20%
Public, Institutional, and Civic Uses	5%	15%
Commercial Uses	5%	10%
Industrial Uses	2%	5%

Notes:
Percentages are based on the total number of vehicle parking spaces required on-site or in a permitted off-site location to serve the principal use(s).

2. Mixed-Use Developments

In all zoning districts, developments with both nonresidential and residential uses shall provide the cumulative required number of bicycle parking spaces as calculated for the respective nonresidential and residential requirements.

3. Building Expansions or Changes of Use

Building expansions or changes of use that require additional vehicle parking spaces pursuant to §5.5.2: *Applicability*, shall also provide additional bicycle parking spaces based on the percentages in the table above, applied to the building expansion area or the additional parking required by the change of use.

4. Existing Public Bicycle Parking Spaces

Permanent bicycle parking spaces available for public use, such as Town installed bicycle racks or bike corrals that exist at the time of development, expansion, or change of use, and are located within 100 feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.

5. Bicycle Parking Reduction

Subject to the approval of the Director, the number of bicycle parking spaces may be reduced if:

a. Unique or unusual characteristics exist on a development site such as topography, size, or relation to a public street that would preclude safe travel of bicycles to and from the site; or

b. Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on-site.

D. Bicycle Parking Layout and Design

1. Bicycle parking spaces shall not be located fully or partially within a public right-of-way without prior approval of the Town.

2. Required bicycle parking spaces shall be designed to allow bicycles to be secured with a lock to a fixed object and shall comply with the rack types and standards established in the Administrative Manual.

3. Short-term bicycle parking shall be located within 100 feet of the main entrance of each principal building on site and shall not be located farther than the closest motor vehicle parking space, excluding accessible vehicle parking spaces.
4. Bicycle parking spaces must be at least six feet long, two feet wide, and provide a minimum of seven feet of overhead clearance.
5. A five-foot aisle for bicycle maneuvering shall be maintained beside or between each row of bicycle parking.
6. Areas designated for bicycle parking shall be clearly marked and reserved for bicycle parking only.

5.5.11. Use of Parking Areas

A. Exclusive Use

1. Unless a shared parking agreement has been established in accordance with §5.5.6.A: *Shared Parking Facilities*, required vehicle and bicycle parking spaces shall be designed, maintained, and used exclusively for the tenants, occupants, and patrons of the buildings or uses on the site.
2. Excess or unused vehicle or bicycle parking spaces or loading areas may not be rented or leased to the general public or to those who are not tenants, occupants, or patrons of the buildings or uses where the parking is located unless:
   a. Otherwise allowed under the shared parking standards pursuant to §5.5.6.A: *Shared Parking Facilities*; or
   b. A parking facility is listed as a permitted or special use in the zoning district where the parking lot or parking garage is located pursuant to §4.2.7: *Table of Allowed Uses*.

B. Storage of Vehicles or Equipment

Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.

C. Vehicles and Trailers

Except for uses where vehicle repair is authorized, the parking of vehicles or trailers of any type without current state registration or in an inoperable condition shall be prohibited for periods in excess of 30 days, unless such vehicle or trailer is completely enclosed within a building.

D. Storage, Occupancy, or Similar Uses

Vehicles, campers, or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.

E. Overnight Parking

Overnight parking of any truck-tractor, road-tractor, semitrailer, bus, truck, or trailer with more than three-quarter ton rated capacity between the hours of 12:00 a.m. and 6:00 a.m. shall be prohibited within the R-1, R-2, R-3, A, and PD-TH zoning districts.

5.5.12. Maintenance

All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of the adjoining property. Driveways and improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks, spalling, or other failures that may affect the use, drainage from the property, drainage on adjoining property or the longevity of the material.

5.6 Landscaping, Buffering, and Fences

5.6.1. Purpose

The intent of this section is, through the preservation, protection, maintenance, and planting of trees and other plant materials, to:

A. Provide visual buffering and enhance the visual appeal of the Town;

B. Realize the environmental benefits of landscaping such as: storm water retention; recharging groundwater; retaining soil moisture; preventing erosion; providing bird and wildlife habitat; and mitigating air quality, water pollution, dust, noise, heat, and glare;

C. Conserve water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are low water-use and regionally appropriate;

D. Provide screening to minimize the visual impacts of some types of facilities, structures, and equipment;

E. Establish an attractive streetscape that contributes to the character and appearance of the Town; and

F. Improve the appearance of development to protect and enhance public and private investments and property values.

5.6.2. Applicability

A. Generally

Unless otherwise exempted by §5.6.2.B below, the standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability*.

B. Exemptions

Properties containing only single-family detached and/or duplex uses where only one such structure is constructed are exempt from all parts of this section except for the following:

1. §5.6.6.D: *Application to Residential Districts*; and

2. §5.6.8: *Buffering*.

C. Establishment and Modification of Planned Development Districts and Special Use Permits

1. The City Council shall, at a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this section as a part of any ordinance establishing or amending a planned development district, or amending a Special Use Permit.

2. All landscaping requirements imposed by the City Council shall be reflected in landscape plans that comply in form and content with the requirements of §5.6.3.

D. Special Exceptions to Landscaping Requirements

The Board of Zoning Adjustments may grant a special exception to the landscaping requirements of this section upon making a special finding from the evidence presented that strict compliance with the requirements of this section will result in substantial financial hardship to the applicant (as defined in TLGC Chapter 211.09) without sufficient corresponding benefit to the Town and its residents in accomplishing the objectives and purposes of this section. To be considered for special exception, the applicant shall submit a justification statement that describes which of the requirements set forth in this section will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance.

5.6.3. Landscape Plans

A. Submittal

Landscape plans that meet the requirements established in the Administrate Manual shall be submitted with applications for Site Plan Review or as part of Building Permit applications if Site Plan Review is not required.

B. Certificate of Occupancy

It shall be unlawful to issue an occupancy permit prior to the approval and complete installation of the landscape plans pursuant to §5.6.11: *Installation and Maintenance*.

C. Evaluation of Landscape Plans

The Director of Parks and Recreation shall review each landscape plan to determine whether it complies with the requirements of this section, including the landscape design standards in §5.6.5: *General Landscape Standards and Specifications.* The following considerations shall be used to evaluate proposed plans:

1. The landscape design should have proportion, balance, unity, variety of species, and a variety of color through the seasons.
2. Landscape designs should define spaces including entrance areas, pedestrian paths, vehicular avenues, parking areas, sitting areas, etc.
3. As an architectural feature, landscape designs should visually soften the mass of the buildings, parking areas, and other structures.
4. Native or adapted Texas Smartscape or Xeriscape landscape materials or those materials on the Pre-Approved Plant List in the Administrative Manual should be selected.
5. Landscaping should use best management practices that reduce the reliance on irrigation, thus conserving the public water supply, and reduce the reliance on inorganic fertilizer and pesticides; thus reducing the amounts carried off by runoff to lakes and streams.

5.6.4. Minimum Landscaping Required

A. General

1. Trees and other plant material shall be provided according to this section.
2. Existing landscaping may be used to satisfy the landscaping requirements of this section.
3. Where fractional number results, the number of trees, shrubs, or perennials shall be rounded to the next highest whole number.

B. Minimum Landscaped Area

In the districts listed in the following table, a minimum percentage of the gross site shall be maintained as landscaped area meeting the standards of §5.6.5: *General Landscape Standards and Specifications*. All required screening, parking perimeter, and interior parking landscaping shall count toward this minimum landscaped area requirement. This shall include front, side, and rear landscaping abutting the building foundation.

Table 5.6-1: Minimum Landscaped Area Requirements

District	Minimum Landscaped Area
R-1 and R-2 Residential	N/A
A – Apartment	20%
R-3 Residential	
M-1 Mixed-use Neighborhood	10%

Table 5.6-1: Minimum Landscaped Area Requirements

District	Minimum Landscaped Area
M-2 Mixed-Use Suburban Corridor	
M-3 Mixed-Use Urban Corridor	
M-4 Mixed-Use Center	
CL Commercial Limited	20%
CG Commercial General	
Planned Development Districts (all)	
Special Use Permits (any district)	
M-4 Mixed-Use Center	15%
LI Light Industrial	10%
AA Addison Airport	

C. Street Landscape Buffer

1. Mixed-Use Districts

The following standards apply in the mixed-use zoning districts:

a. Streetscape Standards

i. Location-specific streetscape standards may apply as determined by the Director of Parks and Recreation and are established in the Administrative Manual for both residential and nonresidential ground-level frontages. Nonresidential ground-floor frontages shall not be required to provide additional landscaping beyond that required in the Administrative Manual.

ii. Where on-street parking is adjacent to landscaping, a 1.5-foot dismount strip shall be provided behind the curb to facilitate passengers exiting from parked cars.

iii. Residential ground-floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for this area is limited to ground cover and low shrubs.

iv. Any bicycle parking in the public right-of-way should be located within the band created by street trees and pedestrian streetlights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

Figure 5-9: Mixed-Use District Streetscape Standards

b. Plant Material

Front yards shall be landscaped except at building entries, seating areas, and adjacent to commercial uses, where the front yard may be paved. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, turf, and seasonal color.

c. Street Trees

Street trees shall be provided in accordance with the following:

i. Each street shall have street trees planted at uniform spacing of 50 feet on center, commencing 40 feet from the face of curb of intersecting streets. Street trees may be clustered or strategically spaced if needed to provide adequate room for underground utility lines or to ensure proper view corridors for commercial tenants as long as the minimum required number of trees is provided.

ii. Typically, street trees shall be planted two and one-half feet from back of curb, except on side streets, where trees shall be placed eight and one-half feet from back of curb.

iii. Street trees shall be large shade tree species having a minimum caliper of four inches selected in accordance with the Pre-Approved Plant List in the Administrative Manual. The Director of Parks and Recreation may allow the substitution of ornamental trees where space is limited by utilities, existing structures, or other built features abutting the landscape buffer strip.

iv. Street trees shall be located and placed in a manner that does not block pedestrian lighting.

2. All Other Districts

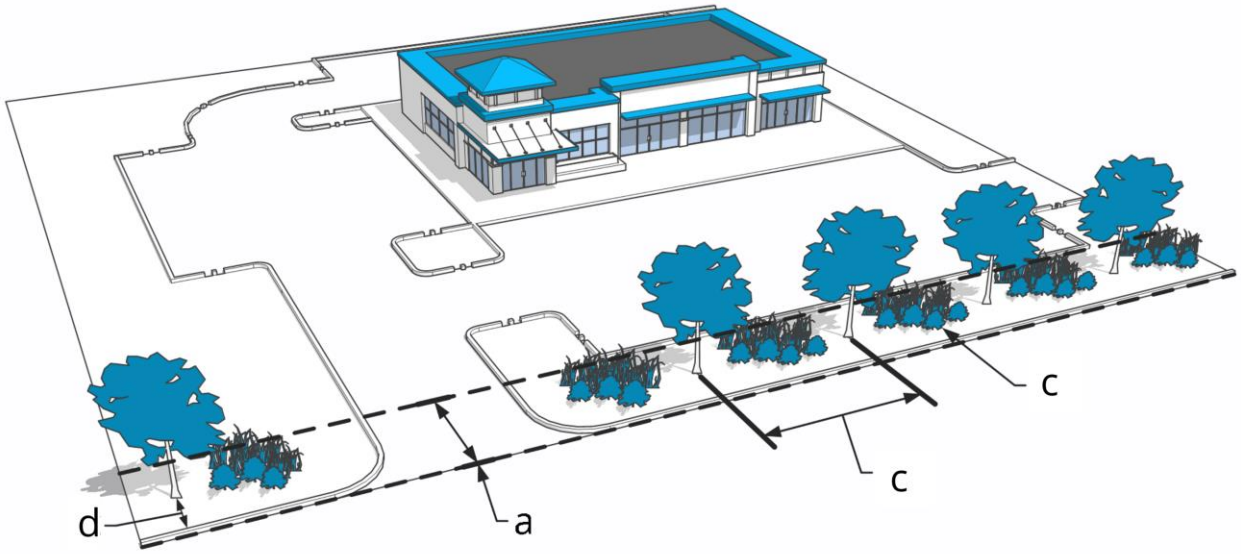
a. In all other zoning districts except the Mixed-Use zoning districts, a 20-foot wide landscape buffer strip measured from back of curb, including sidewalks, shall be provided along the entire length of the portion of the perimeter of the lot where a public or private street exists, exclusive of driveways and access ways to points of ingress and egress to and from the lot. The property owner shall be responsible for landscaping, irrigation, and maintenance of any right-of-way area between the property line and the curb line.

b. Town right-of-way shall be included in the 20-foot wide buffer and shall reduce the amount of required landscaping area of the lot by that amount (square foot for square foot).

c. The minimum requirement for street landscape buffers shall be one four-inch caliper shade tree for each 30 linear feet of frontage and evergreen shrubs planted three to three and one-half feet on center depending on the species selected. Plant material planted in the street landscape buffer strip can be massed together to create visual interest at key entry points or focal points.

d. No tree may be planted closer than 36 inches to any paved surfaces without being placed in a tree well.

Figure 5-10: Street Landscape Buffer Requirements



D. Parking Area Landscaping

1. Screening from Adjacent Streets

a. Screening shall be provided for all surface parking lots to screen the site from all adjacent streets. The screening shall extend along the entire street frontage of the surface parking lot, exclusive of driveways and access ways at points of ingress and egress to and from the site, and vision triangles.

b. The surface parking lot screening shall be at least three and one-half feet higher than the finished elevation of the adjacent parking lot. The screening may be provided by using one of the following, unless the Director of Parks and Recreation approves an alternative screening plan capable of providing a solid appearance:

i. Evergreen shrubs planted three feet on center in a single row in a bed at least 42 inches wide;

ii. A berm at least three and one-half feet high with a slope not to exceed 33 percent. The minimum crown width must be three feet. Berms must be covered in live vegetation;

iii. A fence or wall at least three and one-half feet high constructed of materials compatible with the principle building. One-third of any fence or wall must be screened with plant material.

2. Perimeter Parking Lot Landscaping

a. A perimeter parking lot landscape strip shall be provided around the site perimeter, with a minimum width based on the size of the site.

i. For sites 10,000 square feet or more, the perimeter strip shall be at least 10 feet wide and shall be planted with a minimum of one four-inch caliper shade tree for each 35 linear feet of perimeter and one shrub planted three to three and one-half feet on center.

ii. For a site smaller than 10,000 square feet, the perimeter strip shall be at least three feet wide and shall be planted with a minimum of one evergreen shrub planted three to three and a half feet on center.

b. Required perimeter landscaping between adjacent parking lots does not preclude the need to provide vehicular access between lots.

3. Interior Parking Lot Landscaping

a. The required percentage of interior parking lot landscaping shall be determined based on the following sliding scale:

Table 5.6-2: Minimum Interior Parking Lot Landscaping Requirements

Total Parking Area	Interior Planting Area
7,000—49,999 sq. ft.	5 percent
50,000—149,000 sq. ft.	8 percent
150,000 sq. ft. and larger	10 percent

b. To calculate the total parking area and the subsequent percentage of required interior lot planting, total the square footage of all areas within the lot's perimeter including:

i. Planting islands;

ii. Curbed areas;

iii. Corner lots;

iv. Parking spaces; and

v. All interior driveways and aisles except those with no parking spaces located on either side.

c. Landscaped areas located outside the parking lot including perimeter parking lot landscaping shall not be used to meet the interior planting requirement; however, building front, side, or rear landscaping abutting the building foundation may be credited toward the interior planting requirement.

d. Curbs or wheel stops shall be provided to prevent cars from parking too close to trees or damaging shrubs and screens.

e. All planting islands located parallel to and between parking spaces shall be at least nine feet wide to prevent cars from damaging trees and shrubs.

f. Large shade trees shall be provided in each parking lot at a minimum average density of one shade tree for each 10 required parking spaces on the lot. Acceptable tree species are listed in the Administrative Manual.

g. No required parking space may be located further than 50 feet from the trunk of a shade tree, or farther than 75 feet from two or more shade trees.

h. Parking spaces shall not exceed 10 spaces in a row without being interrupted by a landscaped island. Islands shall be planted with a minimum of one shade tree per every 10 cars.

i. No landscaping shall be required for the interior of structured parking facilities.

5.6.5. General Landscape Standards and Specifications

A. General Standards

1. The best professional practices of the American Society of Landscape Architects, the International Society of Arboriculture, the American Nursery and Landscape Association and Texas Nursery and

Landscape Association regarding planting installation, trimming, pruning, and fertilization shall apply to the landscape standards and specifications included in this section.

2. Nursery standards shall be based on the American Standard for Nursery Stock, ANSI Z60.1-2004.
3. Pruning standards shall be based on the International Society of Arboriculture Pruning Guidelines ANSI A300 - Pruning Guidelines.

B. Tree and Plant Materials Specifications

1. Suggested Tree and Plant Lists

The Town maintains a suggested list of trees and plants for replacements and that are suitable for new plantings in the Administrative Manual. Other species may be acceptable for new plantings; however, their suitability for the proposed planting area shall be approved by the Director of Parks and Recreation.

2. Minimum Tree Size Standards

a. General

i. Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches in diameter and larger.

ii. Tree heights shall be measured from the tops of root balls to the nominal tops of plants.

iii. Tree spread refers to nominal outer width of the tree, not to the outer leaf tips.

b. Shade Trees

i. Shade trees shall have a minimum caliper of four inches.

ii. Minimum branching height for all shade trees shall be six feet.

iii. Minimum size for newly planted shade trees shall be four inches in diameter, 14 to 16 feet in height. The maximum height shall not exceed 16 feet.

c. Ornamental Trees

i. Ornamental trees shall have a minimum caliper of two and one-half inches.

ii. Minimum size for ornamental flowering trees shall be eight to 10 feet in height.

d. Evergreens

Minimum size for evergreen trees shall be eight to 10 feet in height.

3. Minimum Tree Species Mix

In order to ensure biodiversity and protect against tree disease, if 10 or more trees are planted, no one species of tree may exceed 50 percent of the total new trees on the site.

4. Tree Quality and Selection

a. Trees shall be healthy, vigorous, full-branched, well-shaped with symmetrical crowns. Root balls shall be firm, neat, slightly tapered and well burlapped. Trees shall be free of physical damage such as scrapes, bark abrasions, split branches, mistletoe or other parasitic growth. The Town shall reject any trees delivered and/or planted not meeting the minimum size and shape standards set forth above.

b. Red Oaks other than Shumard Oak (Quercus shumardii) or Texas Oak (Quercus texana) shall be rejected. The owner or contractor shall be responsible for providing certification that Red Oaks are true to variety.

c. Shade trees shall not be planted closer than 10 feet from either side of the outermost overhead utility obstruction. The average mature size of a shade tree shall be used to determine the 10 foot distance requirement.

d. Ornamental trees shall be substituted for shade trees in cases where maturing shade trees would otherwise interfere with overhead or underground utilities.

5. Tree Preservation Evaluation Required

Existing trees intended for preservation shall be evaluated by a licensed arborist prior to submitting an application for development, or prior to issuance of a grading or Building Permit. The arborist's written evaluation shall include an assessment of the likelihood of the survivability of the trees based on proximity to any grading activity on the site and recommendations for tree preservation during grading and construction activities.

6. Addison Airport Trees

a. Tree planting is prohibited on the airside of the Addison Airport.

b. Any proposed tree mitigation shall meet the standards in §5.6.6, *Tree Protection and Replacement* and shall be paid for by the property owner or developer.

7. Shrubs

a. The minimum size for shrub containers shall be five gallons. Substitution of three-gallon material meeting the height requirement of five-gallon shrubs is acceptable. Shrubs shall be full bodied, well-shaped and symmetrical.

b. All shrub beds shall be edged using steel, concrete, masonry, or pre-cast concrete edging and all plant materials mulched with a two-inch layer of shredded hardwood mulch. Plastic edging shall not be acceptable.

8. Ground Cover

Ground cover spacing shall be eight inches on center maximum for four-inch pots and 16 inches on center maximum for one-gallon containers.

9. Artificial Turf

Artificial turf may be used to satisfy the landscaping requirements of this section provided it complies with Table 5.6-3: *Artificial Turf Installation Standards*.

10. Plant Material Substitutions

Due to seasonal planting concerns and a lack of plant availability, approved landscape plans may require minor revisions. Planting plans shall be accepted if there is no reduction in the quality of plant material or no significant change in size or location of plant materials, and if the new plants are of the same general category (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced. Proposed materials must also be compatible with the area to ensure healthy plant growth. If these criteria are not fulfilled, changes to approved plans must be resubmitted and reviewed anew by the Director of Parks and Recreation.

11. Conflict with Drainage and Utility Easements

Trees shall not be placed within existing or proposed drainage or utility easements without proper mitigation as approved by the Director of Parks and Recreation. The trunk of a tree shall not be planted within eight feet of an existing or proposed utility or drainage line when measured from the outside edge of the trunk to the outside edge of the line without approval from the Director of Parks and Recreation.

C. Artificial Turf Pilot Program

1. The Town shall initiate an artificial turf pilot program for Townhome properties with a Homeowners' Association within the previously designated Urban Center zoning district ("property") for a term of 10 years from the effective date of this section ("program"). If at any time the City Council determines in their sole discretion that the program is unsuccessful, damaging to the environment, or fails meet the expectations of Town staff, damaging to the environment, or fails to meet the expectations of Town staff, then the City Council may terminate the program through the repeal of this section and

upon repeal, any property owner with artificial turf shall replace the artificial turf with natural grass within 180 days of the repeal.

2. Town staff may access any area of the property for environmental testing, which may include the placement of environmental testing equipment on the property. New installations of artificial turf shall be watered/sprinkled and, if available, include anti-microbial infill. If testing determines that watering/sprinkling is necessary on existing artificial turf, the Town staff may require the property owner to uncap and restore the existing irrigation lines to allow for watering/sprinkling.
3. Property owners shall install and maintain the artificial turf in a first-class condition as determined by the Director of Parks and Recreation, and in accordance with the maintenance requirements set forth in the table below. The Director of Parks and Recreation may require repair or replacement of existing artificial turf. Any future turf installation shall comply with turf component, appearance and installation requirements defined in the table below.

Table 5.6-3: Artificial Turf Installation Standards

	Allowed	Not Allowed
Turf Component		
Blade and backing	Lead-free polyethylene, polypropylene, vegetable-based or combination	Nylon or plastic
Infill	Clean washed sand, silica sand, cork or zeolite	Crumb rubber
Permeability	Permeable backing with 30-inch per hour or > drain rate	
Warranty	Minimum eight-year warranty	
Tear grab strength	Minimum 200 pounds	
Flammability	Pass the pill burn test for flammability	
Appearance		
Color	Include a minimum of two shades of green blade colors and contain a tan thatch color. Colors must mimic natural turf	Colors that do not mimic natural turf
Texture	Three-dimension ridge, spine cross-section and uneven tips	
Length	Blade between 1½ inches and 2½ inches	
Thickness	Tuft spacing of no more than ⅜ inch between rows	
Installation		
Seams	Sewn seams	
Edges	Edges not visible	
Base	Compacted aggregate that allows for adequate drainage	
Anchoring	Permanently anchored	
Maintenance		
	Maintained in clean and attractive conditions	
Wear	Shall not contain weeds, holes, tears, stains, discolorations, fading, seam separations, uplifted surfaces, heat degradations, depressions, odors or excessive wear	
Damage	Damaged and worn areas must be repaired or removed and replaced in a manner that results in consistent appearance with existing synthetic lawn	

Table 5.6-3: Artificial Turf Installation Standards		
	Allowed	**Not Allowed**
Grooming	Be groomed periodically to prevent compacted and flattened turf	

4. No person shall modify existing artificial turf installations or install new artificial turf without first completing the appropriate permit application and subsequently receiving an artificial turf permit approved by the Director of Parks and Recreation.
5. The Homeowners' Association (HOA) shall require and guarantee compliance of the requirements set forth in this section by property owners. Town staff are authorized to enforce the provisions of this section, including the issuance of citations to a property owner, in the event the HOA fails to guarantee and require compliance to the satisfaction of the Director of Parks and Recreation. The City Council directs and authorizes Town staff to enter into an agreement with an HOA related to the compliance and enforcement of this section, and the HOA shall execute said agreement within 60 days of the effective date of this section.

D. Irrigation System Design and Standards

1. All required minimum landscape areas (including street trees and planting within the public right-of-way) shall be provided with adequate, inconspicuous, and properly maintained automatic irrigation systems.
2. Irrigation systems shall be professionally designed by a licensed irrigator.
3. Irrigation systems shall be designed to prevent water from spraying on impervious surfaces adjacent to landscape areas, neighboring properties, and adjacent buildings; shall use drip irrigation where appropriate to minimize run-off from sprinklers; and shall incorporate moisture sensors to reduce water consumption.
4. Reclaimed water may be used for irrigation following TCEQ guidelines. If the system is not supplemented by a potable water system, the irrigation plans must include a water storage container. Plans must provide calculations that verify the system is sized to provide adequate irrigation throughout the year as established by the Texas Water Development Board in the Texas Manual on Rainwater Harvesting.
5. Backflow prevention devices shall be placed per the Public Works and Engineering Department's standards.
6. Install separate valves for turf and non-turf areas to accommodate different water use requirements within the landscaped area.
7. Irrigation controllers shall be set to water between midnight and 5:00 a.m. This shall not apply to watering of newly planted turf or landscaping for a period of 90 days after installation.
8. Irrigation controllers for public space shall be tied into the Addison Central Control by Interspec.
9. All automatically controlled irrigation systems required to be installed shall include rain and freeze shut-off devices and sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of rainfall or freezing temperatures. Repairs to existing automatic irrigation systems on all properties subject to this section that require replacement of an existing controller must include an operational sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of freezing weather and rainfall.
10. Irrigation systems adjacent to any street, sidewalk, alley, highway, or parking lot shall not operate so as to cause damage to other property or to interfere with the free movement of any vehicle or pedestrian.

E. Vision Triangle

The design and placement of landscaping materials shall be at the discretion of the owner or landscape architect; however, the landscaping shall not obstruct the view between access drives and dedicated streets, parking aisles, or access drives of parking lots as established in §5.4.6: *Vision Triangle*.

F. Structures and Fixture Features Allowed in Landscaped Area

1. The following structures and fixtures may be included in a required landscape or buffer area, in addition to the required landscaping:
   - **a.** Street furniture (e.g., benches);
   - **b.** Up to 25 percent hardscape (e.g., brick pavers, scored concrete); and
   - **c.** Structures to protect trees (e.g., tree grates and curbs).
2. In Residential and Mixed-Use zoning districts:
   - **a.** Paving material in front yards and on sidewalks shall be concrete or natural materials such as brick and stone.
   - **b.** Asphalt and gravel as paving materials is prohibited.

G. Sustainable Landscapes

1. The Town encourages sustainable landscaping. Sustainable landscapes are managed by using practices that preserve limited and costly natural resources, reduce waste generation, and help prevent air, water, and soil pollution. The goal is to minimize environmental impacts and maximize value received from dollars expended.
2. The Town encourages the use of water-conserving system design and materials including the use of drip irrigation and native plants.

5.6.6. Tree Protection and Replacement

A. Maintain Existing Natural Landscape Character

1. The existing natural landscape character (especially native oaks, elms, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a stand of trees, the property owner shall use best good-faith efforts to preserve such trees.
2. Indiscriminate clearing or stripping of the natural vegetation on a lot or other property is prohibited.
3. In determining whether there is compliance with this section, the Director of Parks and Recreation shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonable related to the health, safety, and welfare of the public which necessitated disturbance of the existing natural landscape character; economic usefulness of the property without disturbance of its natural character; the nature and quality of the landscaping installed to replace it; and such other factors as may be relevant and proper.

B. Replacement Trees

1. General

- **a.** Every property owner shall replace dead, removed, missing, improperly pruned, or damaged trees, by any act or omission, within 30 days after notification by the Town, unless the existing season, climate, or calendar dictates postponement of the tree replacement beyond the said period of 30 days as agreed to by the Town. In the event of such postponement, a property owner shall replace any such tree within the time period identified in the notification from the Town. This provision shall also apply to trees that have been severely damaged, or disfigured by improper pruning, including, but not limited to, lion-tailing or topping.
- **b.** Acceptable types of replacement trees are designated in the Pre-Approved Plant List in the Administrative Manual.

c. If the physical limitations of the subject property are such that all of the replacement trees cannot be properly placed on the subject property, the property owner may pay a one-time fee per site to the Tree Mitigation Fund in lieu of tree replacements, as approved by the Director of Parks and Recreation.

d. The removal of a heritage, significant, or protected tree without a permit or significant health impacts to such trees shall require the mitigation described below and a fine of $500 per caliper inch shall be paid into the Tree Mitigation Fund.

2. Mitigation

Any tree that is removed, topped, severely damaged, or disfigured by improper pruning methods without the prior written approval of the Director of Parks and Recreation shall be replaced as follows:

a. Heritage Trees

i. An existing tree of more than 30 caliper inches (heritage tree) shall not be removed or replaced unless the City Council determines no other alternatives for development are possible and the proposed removal is the minimum relief required for development on the property in a reasonable manner.

ii. Heritage trees shall be replaced at a 1:2 caliper inch ratio.

b. Significant Trees

An existing tree between 20 and 30 caliper inches (significant tree) shall be replaced at a 1: 1.5 caliper inch ratio.

c. Protected Trees

An existing tree between 4 and 19 caliper inches (protected tree) shall be replaced at a 1:1 caliper inch ratio.

C. Tree Permit

1. No person shall prune, remove or transplant a tree listed in the Pre-Approved Plant List in the Administrative Manual without first obtaining a Tree Permit approved by the Director of Parks and Recreation pursuant to §2.6.3: *Tree Permit*. For purposes of this section, "person" means the owner, tenant, and/or subtenant of, and/or any entity or individual with any interest in, the land on which a tree is located, and/or any contractor or subcontractor of any of them.

2. This section shall apply to shade trees four-inch caliper or larger, measured six inches from the soil surface, and two and one-half to three-inch caliper ornamental trees or larger measured six inches from the soil surface.

3. A Tree Permit shall be obtained by a utility company before any trimming and/or removal of tree(s) by or for a utility company, except in the case of emergency repairs.

4. Branches less than one-half inch in diameter and not more than five percent of the canopy can be removed without a permit.

D. Application to Residential Districts

On lots containing only a single-family detached and/or duplex dwelling in the Residential zoning districts, the provisions of this §5.6.6 shall apply only to trees listed in §5.6.4: *Minimum Landscaping Required* that are located within the right-of-way adjacent to the street.

5.6.7. Trees and Plant Materials on Public Property

A. Trees on Public Property

The Director of Parks and Recreation shall have exclusive jurisdiction and supervision over all trees and plant materials planted or growing in public property. The Director of Parks and Recreation shall have the authority and it shall be their duty to plant, trim, spray, treat, preserve and remove trees and plant

materials in public property to ensure safety or preservation of the symmetry and beauty of such public property.

B. Permit for Removal or Planting of Plant Materials on Public Property

No person shall trim, spray, treat, remove, or plant any plant materials in any public property or excavate, trench, grade, remove, or fill dirt upon public property which may endanger or affect trees or plant materials growing thereon without first obtaining a permit from the Director of Parks and Recreation pursuant to this section. The Town shall issue a permit under this section when it is determined that the desired action is necessary, that the proposed methods are satisfactory and that the proposed plantings conform with this section and Town standards and practices.

1. Trim, Spray, Treat, or Remove Plant Materials

Any person desiring a permit to trim, spray, treat, or remove plant materials in any public property shall submit a written application that sets forth the following:

- **a.** The number, kind, and size of plant materials to be trimmed, sprayed, treated, preserved or removed;
- **b.** The kind of treatment to be administered;
- **c.** The kind and condition of the nearest plant material upon adjoining property; and
- **d.** Such other information as the Director of Parks and Recreation shall find reasonably necessary to a fair determination of whether a permit should be issued.

2. Excavate, Trench, Grade, Remove, or Fill Dirt

Any person desiring to excavate, trench, grade, remove, or fill dirt thereby endangering any plant material in a public property or area shall submit a written application setting forth the following:

- **a.** A diagram of the area showing the proposed work and location of plant materials;
- **b.** The number, location and variety of plant materials;
- **c.** A method of excavating, trenching, grading, removing or filling to be used; and
- **d.** Such other information as the Director of Parks and Recreation shall find reasonably necessary to a fair determination of whether a permit should be issued.

3. New Plant Materials

Any person desiring a permit to plant any plant materials in any public property shall submit a written application with the information described in the Administrative Manual.

5.6.8. Buffering

A. Where Required

To mitigate the impacts of significant differences in property use, size, or scale, landscaped buffers shall be provided along rear and side lot lines where a multifamily, mixed-use, or any nonresidential land use abuts:

1. The R-1, R-2, or R-3 zoning districts; or
2. Any property containing a single-family detached or duplex residential dwelling.

B. Exemptions

1. Rear and side lot buffers are not required between properties that are separated by a street.
2. Areas with sidewalks, walkways, multi-use paths, vehicle access, or other improvements allowing access from one property to another are exempt from buffering requirements.
3. Rear and side lot buffers are not required along any portion of the lot line covered by an access easement (e.g., vehicular connections, pedestrian walkways, etc.). In these cases, an equivalent

amount of landscaping shall be installed on remaining portions of the side or rear lot lines, as applicable.

C. Buffer Options

Required side and rear buffers shall conform to one or a combination of the following options:

1. A landscape buffer with a minimum width of 15 feet planted at a minimum rate of two evergreen trees and three shrubs per 250 square feet with spacing designed to minimize sound, light, and noise impacts on adjacent properties; or
2. A solid wall or fence no less than six feet in height; or
3. The Director of Parks and Recreation may approve alternative screening methods if the intent of this section is met.

5.6.9. Screening

A. Credits Toward Required Landscaping

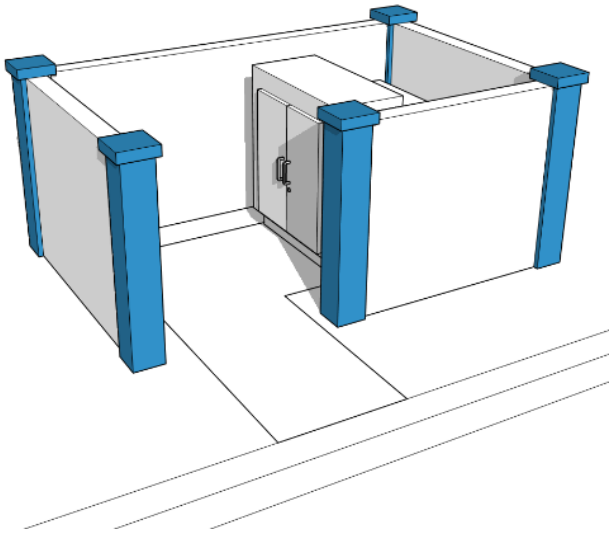
Any landscaping provided to meet screening standards will be credited towards the overall landscaping requirements enumerated in this section.

B. Mechanical and Utility Equipment

All mechanical and utility equipment, including but not limited to air-conditioning, heating and soft water tanks, television antennas, satellite dishes, security apparatus, and above ground electric and gas equipment shall be integrated into the building design, screened from public view, or enclosed in a suitable accessory structure, pursuant to the following standards:

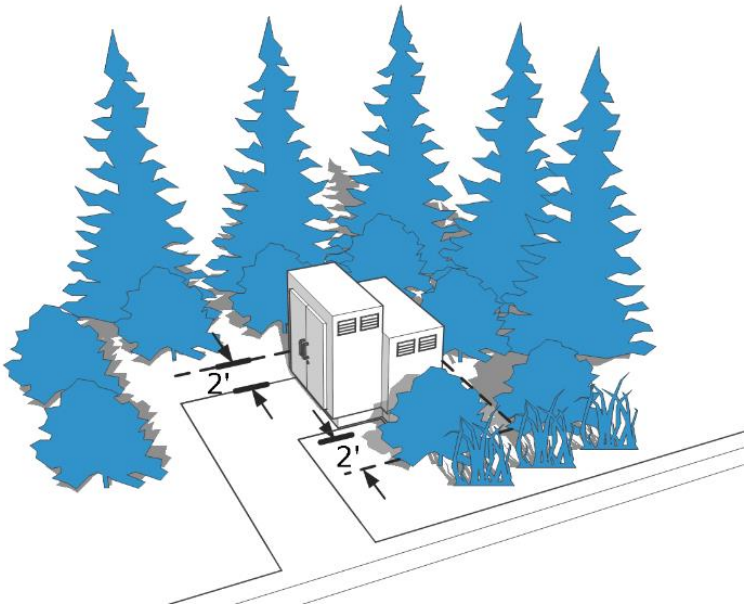
1. **Location**
   a. To the extent practicable, ground mounted mechanical and utility equipment shall be located out of view of public rights-of-way, customer entrances, and other public areas.
   b. Ground-mounted mechanical and utility equipment shall be located outside of vision triangle areas in order to avoid obscuring vision at intersections.
2. **Design**
   a. **Materials and Landscaping**
      Materials used for walls, fences, or enclosures shall be wood or masonry. Landscaping materials may be used in accordance with §5.6.9.B.2.b.ii below.
   b. **Ground-Mounted Equipment**
      Ground-mounted mechanical and utility equipment located within view of customer entrances or public rights-of-way shall be integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following:
      i. Decorative wall, fence (at least 80 percent opaque), or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or

Figure 5-11: Ground-Mounted Equipment Screening



ii. Landscaping that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment, and that is integrated into the overall landscaping plan. Landscaping shall maintain a minimum two feet of clearance from equipment, unless a larger clearance distance is required by a utility company.

Figure 5-12: Ground-Mounted Equipment Landscaping



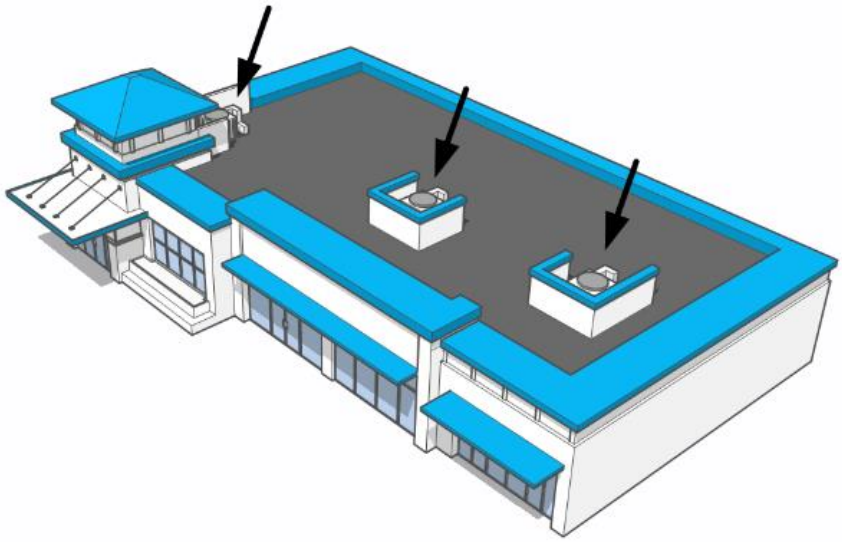
c. Roof-Mounted Equipment

Roof-mounted equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, public parking areas, and/or adjacent properties using parapet walls or other means of screening. When reviewing the type and amount of screening, the Director of Parks and Recreation shall consider the following:

i. Whether the height of the parapet walls or screening adequately mitigates the visual impact that roof-mounted equipment may have.

ii. The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.

Figure 5-13: Roof-Mounted Equipment Screening



C. Refuse Containers

All refuse and refuse containers shall be screened from all public rights-of-way. Such containers shall be placed on a designed reinforced concrete pad and approach.

1. Enclosures Required

Refuse containers that cover an area of 40 square feet or greater shall be located within an enclosure.

2. Location

a. Refuse container enclosures shall be located at the rear of the property to the extent practicable and shall be sited to allow for easy vehicular access such that access does not require backing movements onto public rights-of-way, with the exception of alleys.

b. Refuse container enclosures shall be placed to avoid direct access to pedestrian walkways to the extent practicable and kept closed at all times except for pickup.

3. Design and Materials

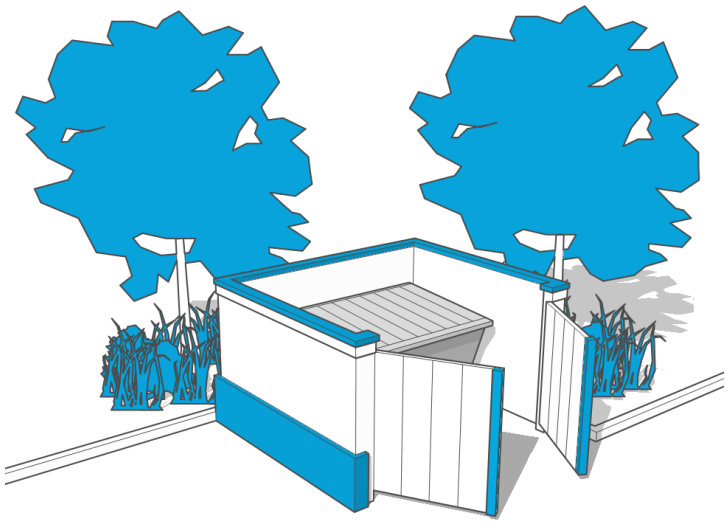
a. Refuse container enclosures shall be of sufficient height to screen containers but shall not exceed eight feet in height unless screening a refuse container taller than eight feet.

b. Enclosures shall be visually compatible with materials used on the primary building. In no case shall enclosures consist of chain link or corrugated metal.

4. Landscaping

Landscaping shall be used to soften the appearance of the enclosure where such enclosure is located within a side yard or can be viewed from public rights-of-way.

Figure 5-14: Refuse Enclosure Landscaping



D. Outdoor Storage Areas

Outdoor storage areas shall be screened from view of public rights-of-way and from adjacent residential land uses or districts using any one or a combination of fences, walls, berms, or landscaping that is at least six feet in height and provides a permanent, opaque, year-round screen.

E. Off-Street Loading Spaces

All off-street loading spaces on a site shall be screened from all public and private streets adjacent to that site.

1. All screening shall be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any one or combination of the following, subject to approval by the Director of Parks and Recreation:

- **a.** Evergreen shrubs planted three feet on center, in a single row; or
- **b.** Evergreen trees planted six feet on center, unless the Director of Parks and Recreation approves an alternative planting density as being capable of providing a solid appearance within one year; or
- **c.** A fence, wall, or berm. Fences and walls shall not consist of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh.

2. When screening for off-street loading spaces is provided by earthen berm or evergreen plant materials, the following regulations apply:

- **a.** An earthen berm shall be planted with ground cover recommended for local area use by the Director of Parks and Recreation. The slope of the berm shall not exceed 33 percent for lawn areas and shall have a minimum crown width of three feet.
- **b.** Evergreen plant materials shall be recommended for local area use by the Director of Parks and Recreation. In addition, the plant materials:
  - **i.** Shall be located in a bed that is at least three feet wide; and

ii. Shall be placed a maximum of 36 inches on center in a single row over the entire length of the bed, unless the Director of Parks and Recreation approves an alternative planting density as being capable of providing a solid appearance within one year; and

iii. Shall provide a six-foot high visual barrier of the required height within one year.

F. Parking or Storage of Vehicle on Unimproved Surface

The parking or storage of any vehicle within a residential side yard or the residential rear yard of a corner lot, of a residential single-family, duplex, or Townhouse lot or tract, upon any surface other than an improved parking surface is prohibited, unless otherwise concealed from view from all public street rights-of-way by:

1. A solid, opaque, screening fence or wall at least six feet in height;
2. Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet within one year;
3. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height; or
4. Any other form of compatible and appropriate screening as so determined by the Building Official.

5.6.10. Fences

A. Height and Location

1. General Height Standards

a. Front Yard

Walls and fences within a required front yard or on the front property line shall not exceed three feet in height.

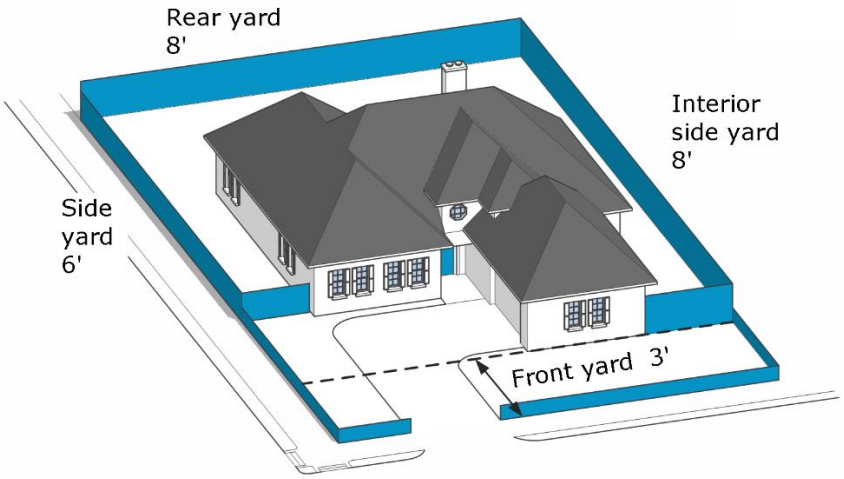
b. Side and Rear Yards

Walls and fences along the interior side or rear lot lines shall not exceed eight feet in height provided, that the wall or fence does not extend into any required front yard.

c. Corner Lots

Walls and fences located between a primary structure and a public or private street shall not exceed six feet in height.

Figure 5-15: Fence Height Standards



2. Maximum Fence Height

No person shall build, erect, construct, or maintain any fence within the Town limits at a height exceeding eight feet as measured from ground level on the opposite side of the fence.

3. Alternative Fence Height Standards

Walls and fences exceeding eight feet in height may be allowed if:

a. They are temporary fences on construction sites erected for protection purposes during the period of construction only; or

b. They enclose loading, service, or refuse areas in Mixed-Use or Nonresidential zoning districts outside the front setback area; or

c. They enclose outdoor storage areas in Mixed-Use or Nonresidential zoning districts outside the front setback area.

4. Walls and Fences in Easement Areas

a. Permanent walls and fences, except for standard wooden board fences, shall not be constructed within or across Town utility easements.

b. Permanent walls and fences shall not be constructed within drainage easements in a way that obstructs the natural flow of water runoff.

B. Fence Materials

1. Residential and Mixed-Use Districts

a. Within Residential and Mixed-Use zoning districts, fences shall be constructed of new materials or products, such as wood planks and boards, masonry as defined by the Building Code, and wrought iron or ornamental iron.

b. Used or secondhand materials shall not be used in the construction of any fence in a Residential or Mixed-Use zoning district.

2. Prohibited Fence Materials

The following are prohibited as fence materials:

a. Rope, string, or netting;

b. Wire and wire products including, but not limited to, barbed wire, razor ribbon wire, chicken wire, wire fabric, and welded wire fabrics;

c. Chain;

d. Cut or broken glass;

e. Paper;

f. Corrugated metal panels;

g. Plywood; and

h. Other wood, metal, or plastic products that are designed specifically for uses other than fence construction.

3. Front Yard

The combination of materials used for walls and fences within a required front yard or on the front property line shall maintain a minimum 50 percent opaqueness. This restriction does not apply to property owned by the Town.

C. Fence Design

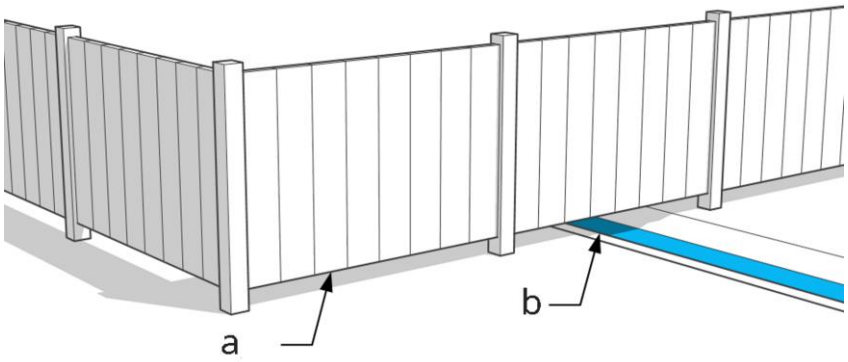
1. General Fence Design

a. Fences shall be of uniform construction throughout the fence. Once a pattern of materials and construction method is established, it shall be carried throughout the entire length of the fence section from corner post to corner post.

b. No fence shall be erected that alters the natural or planned drainage on any residential lot.

c. All fence materials, construction, and workmanship shall comply with all requirements of the Building Code and all approved plans and specifications.

Figure 5-16: General Fence Design



2. Compatible Design

Walls and fences shall be designed as an integral part of a new development project and shall be architecturally compatible with principal buildings in terms of materials, colors, and design.

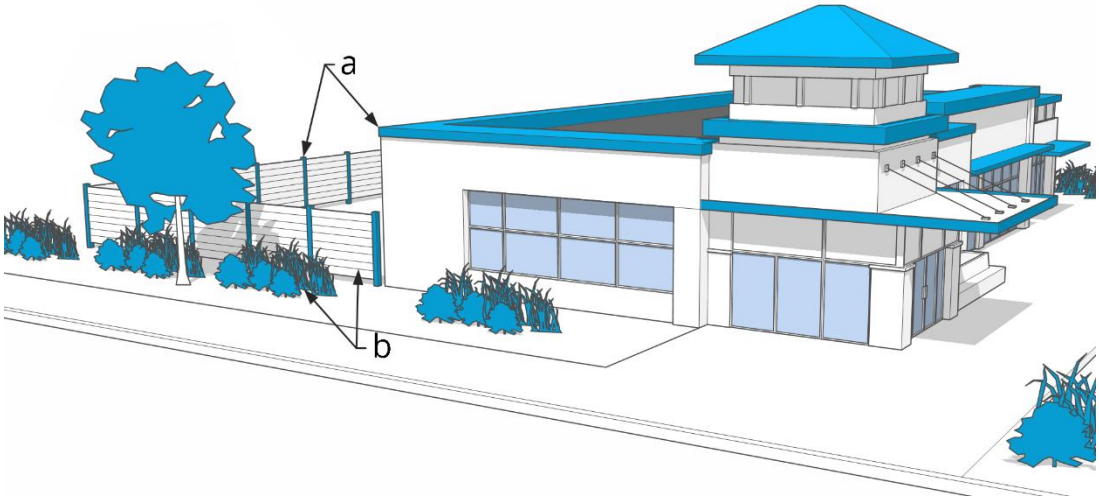
3. Articulation and Alignment

Portions of walls or fences that face any public street right-of-way, public open space, or public trail shall incorporate the following features to break up the massing:

a. If the wall or fence exceeds 20 feet in length, a landscape area a minimum of three feet in width shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall; and

b. If the wall exceeds 40 feet in length, architectural features such as columns, vertical pilasters, changes in wall alignment, or terracing of walls shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall.

Figure 5-17: Compatible Design for Walls and Fences



D. Gates and Access

1. Generally

It shall be unlawful for any person to erect, construct, or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct, or maintain any fence along or near a rear property line that adjoins an alley or easement without providing and maintaining a reasonable means of access to such alley or easement.

2. Emergency Personnel Access

In order to allow ingress and egress for emergency personnel and equipment, there shall be at least one gate or opening with a minimum width of three feet in each fence that is adjacent to or running parallel to any public alley, drainage easement or utility easement, except this standard shall not apply to utility easements that the Town has allowed to be completely fenced in. Equipment providing emergency personnel access through such gate may be required.

3. Electric Charge

No fence erected on property zoned for residential use or used for residential use, including residential units in a mixed-use development, shall be electrically charged in any manner or form.

E. Fences for Public or Private Schools

Notwithstanding other provisions of this section, the owner or operator of any public or private school as defined in this UDC may erect upon school property a fence to protect any schoolyard or playground, provided that no fence shall be erected or maintained in such a position or manner as to cause danger to traffic by obstructing the view.

F. Inspection and Maintenance

Upon completion of installation, the Building Official shall be called upon for inspection. A certificate of acceptance will then be issued or a rejection slip indicating the defects in fence. All fences constructed under the provisions of this section shall be maintained to comply with the requirements of this section at all times.

5.6.11. Installation and Maintenance

A. Timing of Installation

The developer shall install all landscape improvements including operable irrigation systems prior to receiving a Certificate of Occupancy. This requirement may be modified by the Director of Parks and Recreation if security is provided pursuant to §5.6.11.B below and the developer identifies an alternative timeframe for landscaping and/or irrigation system installation.

B. Maintenance Bond

When a property owner seeks a Certificate of Occupancy, the Director of Parks and Recreation may, in their discretion, require a maintenance bond, letter of credit, cash escrow, or other security acceptable to the Director of Parks and Recreation that guarantees and secures maintenance of newly installed landscape for a period not to exceed two years. The amount of security shall be based on itemized cost estimates of all landscaping and irrigation system improvements, as well as related labor costs. Itemizations shall be generated from a qualified landscape architect, irrigation system specialist, and/or a local or regional landscaping nursery or garden center.

C. Landscape Inspections

The installation of the approved landscape plan shall be inspected and approved by the Director of Parks and Recreation prior to issuance of a Certificate of Occupancy.

D. Maintenance

Every property owner and any tenants shall keep their landscaping in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance includes, but is not limited to, the following:

1. Prompt removal of all litter, trash, refuse and waste;
2. Lawn mowing on a weekly basis during the growing season;
3. Shrub pruning according to accepted practices of landscape professionals to maintain plants in a healthy condition;
4. Tree pruning according to tree-pruning guidelines approved by an arborist registered with the Town after obtaining a tree pruning permit;
5. Pruning/thinning that removes no more than one fourth of the tree canopy annually;
6. Watering of landscaped areas on a regular basis to maintain good plant health;
7. Sprinkler run times set on controllers to water between midnight and 5:00 a.m.;
8. Keeping landscape lighting in working order;
9. Keeping lawn and garden areas alive, free of weeds, and attractive;
10. Cleaning of abutting waterways and landscaped areas lying between public right-of- way lines and the property unless such streets, waterways or landscaped areas are expressly designated to be maintained by applicable governmental authority; and
11. Proper placement and maintenance of metal edging.
12. Any plant that dies shall be replaced with a similar living plant, including trees, as determined by the Director of Parks and Recreation, within 30 days after notification by the Town.

E. Discharge of Vegetation Waste

The discharge, deposit, blowing or sweeping of grass, leaves, other vegetation, or litter debris into public or private streets or alleys or storm drains is prohibited. In connection with yard or landscape maintenance, lawn or grass clippings, leaves, other vegetation, and litter debris caused by or resulting from such maintenance shall be promptly removed from any public or private street or alley adjacent to the property being maintained and shall be disposed of in a manner to prevent the material from blowing or falling from a maintenance truck, trailer, or disposal container. Lawn clippings, leaves, other vegetation,

and litter debris shall be removed from sidewalks, streets and street gutters, and alleys after mowing and edging is performed to prevent collection in the storm water system.

F. No Obligation on Town

Nothing in this section shall be deemed to impose any obligation upon the Town or upon any of its officers or employees or to relieve the property owner from the duty to keep trees and other plant materials in a safe condition.

5.7 Site and Building Design

5.7.1. Purpose

This section is intended to:

A. Promote high-quality development and construction that directly contributes to the attractiveness, safety, and function of the street and public areas;

B. Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas;

C. Mitigate negative impacts created by the scale and bulk of large buildings;

D. Provide variety and visual interest in the exterior design of buildings;

E. Enhance the streetscape and diminish the prominence of garages and parking areas;

F. Promote an environment that is friendly toward multiple modes of transportation and accommodates varying ages and abilities;

G. Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

H. Promote building designs and construction in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

I. Minimize negative impacts of on-site activities to adjacent uses; and

J. Balance the community's economic and aesthetic concerns.

5.7.2. Applicability

A. General Applicability

Unless otherwise exempted by §5.7.2.B below, the standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability*.

B. Exemptions

Expansions and enlargements of a multifamily, mixed-use, or nonresidential use less than the greater of 1,000 square feet or 10 percent of the building's square footage.

C. Conflicting Standards

Where the site and building design standards in this section conflict with the design standards applicable to an overlay district or Planned Development, the standards in the overlay district or Planned Development shall govern.

D. Alternative Compliance

Alternatives to these standards may be approved by the Director if the applicant demonstrates that 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 the Comprehensive Plan and 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 adjacent properties than would occur through compliance with the specific requirements of this UDC.

5.7.3. Residential Site and Building Design

A. Single-Family, Duplex, Triplex, and Fourplex Dwellings

1. Building Mass

Exterior walls shall be broken by recessed entryways, bay windows, use of more than one exterior finish material, use of architectural details, or such other technique or combinations of techniques to prevent the appearance of featureless walls.

Figure 5-18: Residential Building Mass

2. Exterior Finish Materials

a. Exterior cladding (including garages and accessory buildings) shall be composed of not more than two materials, excluding glass and roofing materials. Glass shall be clear or tinted, not reflective.

b. Exterior cladding materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials.

c. At least 80 percent of the exterior cladding of all buildings (including garages and accessory buildings) shall be the following allowed materials:

Table 5.7-1: Allowed and Prohibited Building Materials (4 or less Units)

✓ = allowed blank cell = prohibited [1]

	Zoning District			
Material	**R-1**	**R-2**	**R-3**	**A**
Brick	✓	✓	✓	✓
Brick veneer	✓	✓	✓	✓
Stone	✓	✓	✓	✓
Stone veneer	✓	✓	✓	✓

Table 5.7-1: Allowed and Prohibited Building Materials (4 or less Units)

✓ = allowed blank cell = prohibited [1]

Cultured stone	✓	✓	✓	✓
Concrete masonry units	✓			
Stucco	✓			
Class PB Exterior Insulating and Finishing Systems (EIFS)	✓			
Wood or composite siding	✓	✓	✓	✓
Other materials allowed by Building Code	✓	✓	✓	✓

Notes:
[1] Any project requesting the use of a prohibited material shall submit an application for an appeal to the Board of Appeals.

3. Colors

There are no restrictions on colors, except that fluorescent colors are prohibited.

B. Multifamily Dwellings

1. Building Placement and Orientation

a. The siting of a building shall reflect the natural topography and preserve existing trees and landscaping material pursuant to §5.6: *Landscaping, Buffering, and Fences*.

b. The minimum percentage of building façades shall be built parallel to the street frontage at build-to-ranges as established in Article 3: *Zoning Districts.* Where a build-to-range is not established, a minimum of 60 percent of the primary building façade shall be parallel to the primary street frontage.

2. Multi-Building Developments

For multifamily developments with three or more buildings, the buildings shall be arranged using one or more of the following techniques:

a. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;

b. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;

c. Provide common gathering spaces between buildings; and/or

d. Other site improvements as approved by the Director.

3. Building Entrances

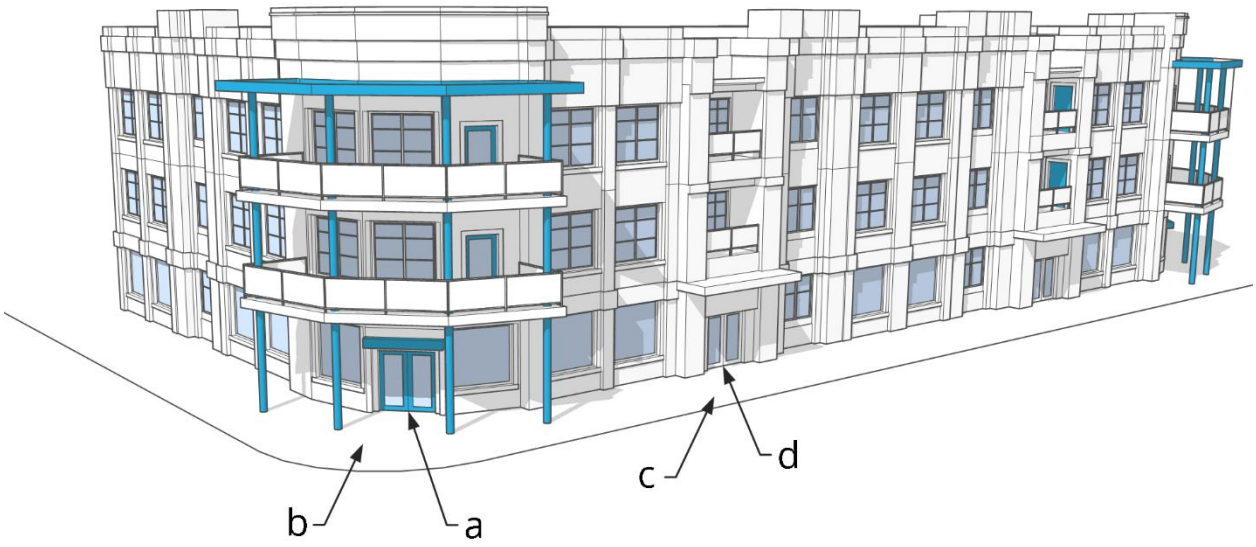
a. The primary building entrance shall face a public or private street. For buildings on corners, there shall either be an additional entrance on the side street frontage, or the primary entrance shall be on the corner. A façade containing a primary building entrance may be curved or angled toward an intersection at street intersections.

b. Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director.

c. For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.

d. All ground-floor pedestrian entrances shall be covered or inset.

Figure 5-19: Building Entrance Requirements



4. Building Mass

Buildings shall not extend more than 60 continuous feet without incorporating at least two of the following elements for each 60-foot segment:

- **a.** Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;
- **b.** Changes in materials, colors, patterns, or textures;
- **c.** Changes in roof form pursuant to §5.7.3.B.5: *Roof Form*;
- **d.** Windows, doors, and openings pursuant to minimum transparency requirements in §5.7.3.B.6: *Transparency (Windows, Doors, and Openings)*; and/or
- **e.** Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

5. Roof Form

Buildings shall be designed to avoid any continuous roofline longer than 60 feet. Rooflines longer than 60 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

Figure 5-20: Roofline Variation

6. **Transparency (Windows, Doors, and Openings)**
   - **a.** At least 25 percent of the ground-floor wall area, as measured from floor plate to floor plate, of any façade facing a public street or other public area such as a plaza, park, or open space shall contain windows, other transparent materials, or doorways. Such windows, transparent materials, or doorways shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, and display areas.
   - **b.** At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.
   - **c.** Requirements for ground-floor transparency shall allow views into common areas such as foyers, hallways, and entryways, but may be translucent or opaque for individual dwelling units.
   - **d.** Windows and other materials intended to meet the minimum transparency requirements shall be clear or tinted and shall not be reflective.
   - **e.** Reductions to these minimum standards may be approved by the Director if required to comply with local energy codes.

Figure 5-21: Transparency Requirements

7. Exterior Finish Materials

a. The exterior cladding of all multifamily dwellings (including garages and accessory buildings) shall be composed of not more than three materials, excluding glass and roofing materials.

b. Exterior cladding materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials.

c. At least 80 percent of the exterior cladding of all multifamily dwellings (including garages and accessory buildings) shall be one or more the following allowed materials:

Table 5.7-2: Allowed and Prohibited Building Materials (5 or More Units)

✓ = Façades not visible from public street ◊ = Façades visible from public street
blank cell = prohibited [1]

	Zoning District					
Material	**R-3**	**A**	**M-1**	**M-2**	**M-3**	**M-4**
Architecturally finished concrete block	✓	✓	✓	✓	✓	✓
Brick	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Brick veneer	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Class PB Exterior Insulating and Finishing Systems (EIFS)				✓	✓	✓
Comparable materials as approved by the Director	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Concrete masonry units			✓	✓	✓	✓
Cultured stone	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	✓
Exterior cement plaster						
Galvanized steel or other bright metal						
Glass block				✓	✓	✓
Glass tile				✓	✓	✓
Plate glass						
Stone	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	✓
Stone veneer	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	✓
Stucco				✓	✓	✓
Unfinished concrete block						
Wood or composite siding						
Wood roof shingles						
Other materials allowed by Building Code	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓

Notes:
[1] Any project requesting the use of a prohibited material shall submit an application for an appeal to the Board of Appeals.

8. Colors

There are no restrictions on colors, except that fluorescent colors are prohibited.

5.7.4. Mixed-Use (Vertical or Horizontal) and Nonresidential Site and Building Design

A. Building Placement and Orientation

The minimum percentage of building façades shall be built parallel to the street frontage at build-to-ranges as established in Article 3: *Zoning Districts.*

B. Large and/or Multi-Building Developments

Developments with more than 100,000 square feet of gross floor area shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by using the buildings to frame and enclose at least one of the following:

1. The corners of street intersections or entries into the development site;
2. A "main street" pedestrian or vehicle access corridor within the development site; and/or
3. A plaza, pocket park, square, or other outdoor gathering space for pedestrians; and/or
4. Other site improvements as approved by the Director.

C. Building Entrances

1. Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Corner entries may count as a primary entry for both intersecting street frontages. A façade containing a primary building entrance may be curved or angled toward an intersection at street intersections.
2. Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director.
3. For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.
4. All ground-floor pedestrian entrances shall be covered or inset.

D. Building Mass

1. Buildings that are located on axis with a terminating street or at the intersection of streets shall be considered a landmark building. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated entry and a unique building articulation that is off-set from the front wall planes and goes above the main building eave or parapet line.
2. Buildings shall not extend more than 60 continuous feet without incorporating at least two of the following elements for each 60-foot segment:
   a. Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;
   b. Changes in materials, colors, patterns, or textures;
   c. Windows, doors, and openings pursuant to minimum transparency requirements in §5.7.4.G: *Transparency (Windows, Doors, and Openings)*; and/or
   d. Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

E. Architectural Features

1. Residential at Grade

a. All buildings that have residential unit floor plates within six feet of finished grade shall include a primary front door entrance into the unit accessible from the sidewalk.
b. The entry shall be located a minimum of two feet above the sidewalk elevation and include a minimum 24 square foot stoop.
c. Units must also include windows that provide residents a view of the street and sidewalk area.
d. Lobbies to upper stories may be located at grade level.
e. Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

2. Nonresidential at Grade

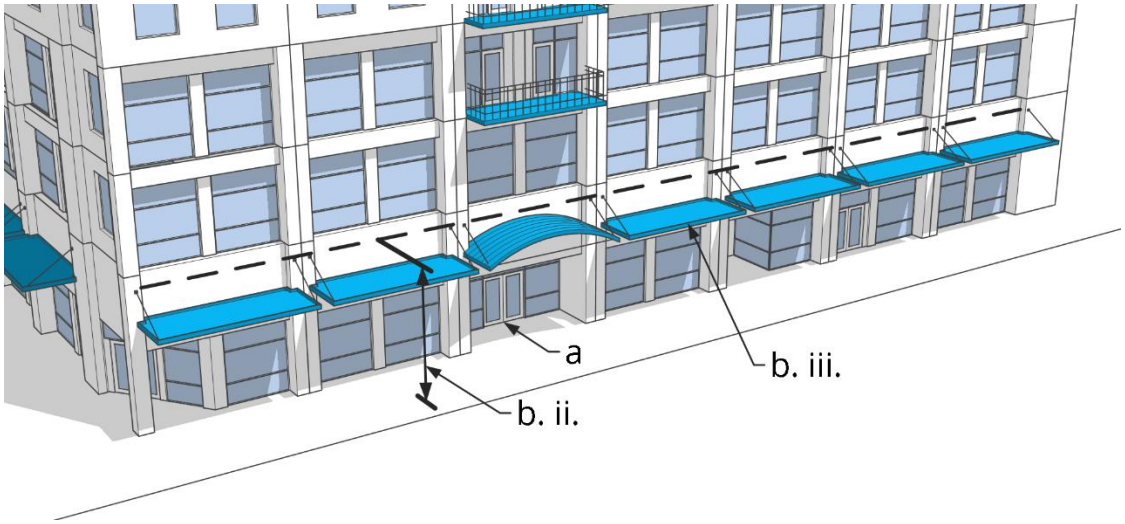
a. The ground floor entry must be located at the elevation of the adjacent sidewalk.

b. Retail uses adjacent to the sidewalk at grade shall:

i. Have a minimum clear height of 14 feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per Building Code; and

ii. Have an awning or canopy that extends at least six feet over the sidewalk for at least 75 percent of the frontage on any portion of a building. Such awning or canopy shall maintain a minimum seven and one-half foot clearance over the sidewalk.

Figure 5-22: Nonresidential Uses at Grade



3. In the M-1 district, 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.

F. Exterior Finish Materials

1. The exterior cladding of all mixed-use and nonresidential buildings (including garages and accessory buildings) shall be composed of not more than three materials, excluding glass and roofing materials.

2. Exterior cladding materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials.

3. Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an oxidized finish, such as copper, galvanized metal, or weathering steel, may be used as architectural accents.

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

5. At least 80 percent of the exterior cladding of all mixed-use and nonresidential buildings (including garages and accessory buildings) shall be one or more the following allowed materials:

Table 5.7-3: Allowed and Prohibited Building Materials (Mixed-Use & Nonresidential)

✓ = Façades not visible from public street ◊ = Façades visible from public street
blank cell = prohibited [1]

	Zoning District							
Material	**Residential Districts**	**M-1**	**M-2**	**M-3**	**M-4**	**CL, CG**	**LI**	**AA**
Architecturally finished concrete block	◊ ✓	✓	✓	✓	✓	✓	✓	◊ ✓
Brick	◊ ✓	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Brick veneer	◊ ✓	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Class PB Exterior Insulating and Finishing Systems (EIFS)			✓	✓	✓	✓	✓	◊ ✓
Comparable materials as approved by the Director	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Concrete masonry units	✓	✓	✓	✓	✓	✓	✓	✓
Concrete tilt-wall						✓	✓	✓
Corrugated metal								
Cultured stone	◊ ✓	✓	◊ ✓	✓	✓	◊ ✓	◊ ✓	◊ ✓
Exterior cement plaster	✓	✓	✓	✓	✓	✓	✓	✓
Architectural metals (e.g., stainless steel, galvanized steel)			◊ ✓ [1]					
Glass block		✓	✓	✓	✓	✓	✓	◊ ✓
Glass tile		✓	✓	✓	✓	✓	✓	◊ ✓
Plate glass		✓				✓	✓	◊ ✓
Prefabricated metal							✓	✓
Stone	◊ ✓	✓	◊ ✓	✓	✓	◊ ✓	◊ ✓	◊ ✓
Stone veneer	◊ ✓	✓	◊ ✓	✓	✓	◊ ✓	◊ ✓	◊ ✓
Stucco			✓	✓	✓	✓	✓	✓
Unfinished concrete block								✓
Wood or composite siding								
Wood roof shingles								
Other materials allowed by Building Code	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓

Notes:
[1] Any project requesting the use of a prohibited material shall submit an application for an appeal to the Board of Appeals.

G. Transparency (Windows, Doors, and Openings)

1. For live/work dwellings and residential uses, requirements for ground-floor transparency shall allow views into common areas such as foyers, hallways, and entryways, but may be translucent or opaque for individual dwelling units.
2. Windows, except for retail at grade, shall be vertical in proportion and have at least a four-inch reveal.
3. No glass curtain wall shall be permitted, except as approved by the Director.
4. Windows and other materials intended to meet the minimum transparency requirements shall be clear or tinted and shall not be reflective.

5. At least 50 percent and no more than 80 percent of the ground-floor wall area between three and eight feet above grade of any building façade facing a public street or other public area such as a plaza, park, or open space shall contain windows, other transparent materials, or doorways. Such windows, transparent materials, or doorways shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, and display areas.
6. At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.
7. Modifications to these standards may be approved by the Director if required to comply with local energy codes.

H. Colors

There are no restrictions on colors, except that fluorescent colors are prohibited.

5.7.5. Parking Structure Design

The following standards shall apply to all above-ground parking garages or structures, whether freestanding or incorporated into a building:

A. Each façade or a parking garage adjacent to a public street or public space shall have an external skin designed to conceal the view of all parked cars. Examples include heavy gauge metal screen, precast concrete panels, live green or landscaped walls, laminated or safety glass, or decorative photovoltaic panels.

B. In mixed-use zoning districts, all parking garages or structures shall be designed to meet the building design standards applicable in the zoning district in which it is located. Alternative designs may be approved pursuant to §2.10.3: *Minor Modification*.

C. No horizontal length of the parking garage façade shall extend longer than 50 feet without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, and other external features to avoid visual monotony. Facade elements shall align with parking levels.

D. Internal circulation shall allow parking surfaces to be level (without any slope) along each parking garage façade adjacent to a public street or public space. All ramps between levels shall be located along building façades that are not adjacent to a public street or public space or shall be located internally so they are not visible from adjacent public streets or public spaces.

E. The location of elevators and stairs shall be highlighted through the use of architectural features or changes in façade colors, textures, or materials so that visitors can easily identify these entry points.

F. Interior garage lighting shall not produce glaring sources toward adjacent properties while providing safe and adequate lighting levels. The use of sensor dimmable LEDs and white stained ceilings are recommended to control light levels on-site while improving energy efficiency.

G. Vent and fan locations shall not be located on parking garage façades facing public streets or public spaces, or adjacent to residential uses, to the greatest extent practicable.

H. Any parking garage with more than 100 parking spaces shall be designed with at least two vehicular access points unless a traffic study is submitted.

5.7.6. Neighborhood Transition Standards

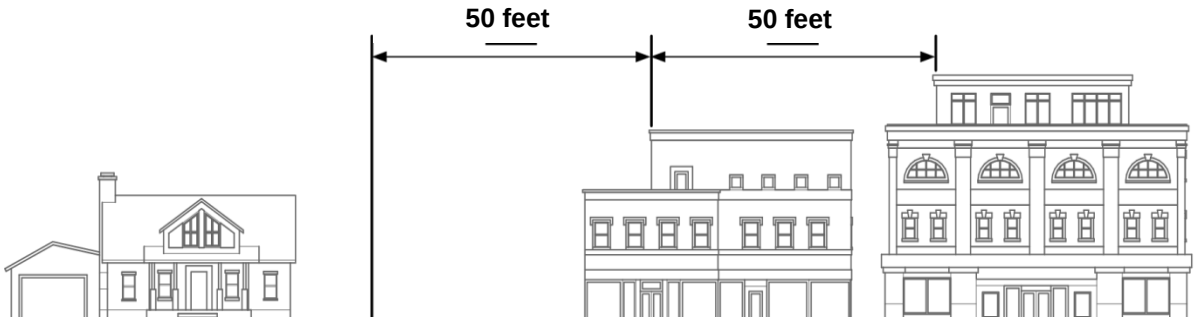
A. Setbacks

Buildings abutting a property in the R-1, R-2, or R-3 zoning districts, or Planned Development districts with abutting residential uses shall comply with the minimum front setback of the adjacent Residential zoning district along the common property line or the minimum building setback of the zoning district where the building is located, whichever is greater.

B. Building Height

1. Any portion of a building within 50 feet of a property in the R-1, R-2, or R-3 zoning districts, or Planned Development districts with abutting residential uses shall not exceed the maximum building height allowed in the abutting Residential zoning district or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more Residential zoning districts, the Residential zoning district with the lowest maximum building height shall govern.
2. Any portion of a building between 50 feet and 100 feet of a property in the R-1, R-2, or R-3 zoning districts shall not exceed the maximum building height allowed in the abutting Residential zoning district, plus one story (not to exceed 15 feet); or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more Residential zoning districts, the Residential zoning district with the lowest maximum building height shall govern.
3. Any portion of a building beyond 100 feet from a property in the R-1, R-2, or R-3 zoning districts shall not exceed the allowed building height of the zoning district where the building is located.
4. Building features referenced in §3.9.5.C: *Exceptions to Height Requirements* shall be designed to minimize visibility from adjacent Residential zoning districts and fit within the allowed building height of the zoning district where the building is located, to the maximum extent practicable.

Figure 5-23: Neighborhood Transition Standards



5.8 Exterior Lighting

5.8.1. Purpose

The purpose of this section is to provide for exterior lighting that enhances safety, preserves the Town's nighttime character, and improves the ability to view the nighttime sky from within the Town. This section is intended to:

A. Decrease light pollution;

B. Increase energy efficiency;

C. Promote high-quality lighting design as it relates to the built environment;

D. Ensure that parking areas, public gathering places, and other public places have adequate outdoor illumination;

E. Ensure that light levels are uniform to enhance night vision and security;

F. Minimize adverse impacts on public safety and neighborhood enjoyment due to excessive glare; and

G. Minimize spillover of light onto adjacent or nearby properties.

5.8.2. Applicability

A. Applicability

Unless otherwise exempted by §5.8.2.B below, the standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability*.

B. Exemptions

1. Single-Family Detached and Duplex Dwellings

a. Soffit or wall-mounted lights permanently attached to the dwelling shall be exempt from the exterior lighting regulations, provided the lights do not exceed the height of the eave; and

b. Such lights shall be downcast and directed away from abutting properties.

2. Emergency Lighting

Lighting used only under emergency conditions shall not be subject to this §5.8.

3. Seasonal Lighting

Temporary seasonal lighting between Thanksgiving and January 15 shall not be subject to this §5.8, provided such lighting does not create glare to motorists, result in light trespass onto adjacent properties, or flash at a speed that may result in medical issues for motorists or other passerbys. This exemption shall not apply to permanent exposed string lighting typically used for patio ambiance lighting.

4. Lighting Required by Federal Aviation Administration (FAA) or Federal Communications Commission (FCC)

Lighting required by the FAA or the FCC shall not be subject to this §5.8.

5. Special Events

Special events that have been issued a Temporary Use Permit pursuant to §2.6.3 shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties and complies with §62-273 of the Code of Ordinances.

6. Street Lighting

With the exception of shielding requirements, this UDC does not apply to street lighting within Town and state rights-of-way.

7. Underwater Lighting

Underwater lighting used for the illumination of swimming pools and decorative water fountains shall not be subject to this §5.8, though they must conform to all other provisions of this UDC.

8. Lighting Required by Building Code

Any lighting that is required by the Building Code for life safety purposes such as stairway lighting, walkways, and building entrances, shall not be prohibited by this §5.8 but shall be subject to the lighting standards.

5.8.3. Administration

A. Lighting Districts Established

Table 5.8-1: Summary of Lighting Districts

Lighting District	Zoning Districts
District 1	M-3, M-4, CL, CG, LI, and AA
District 2	R-3, M-1, M-2, and CF
District 3	R-1, R-2, and PO

B. Evaluation of Compliance

1. Lighting Plan Submittal Required

a. All new multifamily, mixed-use, or nonresidential developments shall provide a lighting plan with the applicable Site Plan application and/or Building Permit.

b. Lighting plans shall show the following:

i. The location and height above grade of light fixtures;

ii. The type of light source (such as incandescent, fluorescent, high pressure sodium, metal halide, LED), rated lumens, and wattage of each light source;

iii. The type of fixture (such as full-cutoff, cut-off, lantern, wall pack);

iv. The Backlight, Uplight, Glare (BUG) rating for each fixture;

v. Calculations for site illumination resulting from the lighting, measured in footcandles including minimum, maximum and average footcandles and uniformity ratios;

vi. If building walls are to be illuminated, or if façade-mounted fixtures are to be used, drawings of all relevant building elevations showing the fixtures and the portions of the walls to be illuminated calculated point-by-point and light levels; and

vii. Other information deemed necessary to document compliance with the provisions of this section.

2. Plan Approval

If the Director determines that any proposed lighting does not comply with this UDC, the associated permit shall not be issued or the application approved unless an alternative is approved pursuant to §5.8.3.B.3 below.

3. Discretionary Approval of Lighting Alternatives

The Director may approve alternative lighting designs, materials, or methods of installation or operation not specifically prescribed by this UDC provided the proposed alternative:

a. Results in approximate equivalence to the applicable specific requirement of this UDC;

b. Complies with the intent of this UDC; and

c. Complies with building safety and property maintenance codes.

5.8.4. Prohibited Lighting Types

The following types of exterior lighting are prohibited unless allowed elsewhere in this UDC:

A. Unshielded lights, lamps, or floodlights that produce glare and light trespass in excess of that allowed in §5.8.5.B.1: *Maximum Lighting Trespass Levels*;

B. Lights affixed to the top of a roof, except where required by Building Code;

C. Lights that flash, move, revolve, blink, flicker, vary in intensity, change color, or use intermittent electrical pulsation, except for holiday lighting pursuant to §5.8.2.B.3: *Seasonal Lighting*;

D. Mercury vapor and low-pressure sodium lighting;

E. Activities and uses that create lighting which makes it difficult for pilots to distinguish between airport lights and nonairport lights, or that create glare in the eyes of pilots using the airport; and

F. Upward-directed lighting that allows spillage into the sky.

5.8.5. General Lighting Standards

A. On-Site Lighting Level

Maximum on-site illumination, including spillage from doorways, signs, and windows, shall not exceed 10 footcandles, unless otherwise allowed in this UDC.

B. Light Trespass

1. Maximum Lighting Trespass Levels

The maximum measured light levels (footcandles) shall not exceed those provided in the following table:

Table 5.8-2: Maximum Lighting Trespass Levels

Lighting District	Point A (property line)	Point B (10 feet onto adjacent property)
District 1	5.0	3.0
District 2	0.5	0.2
District 3	0.3	0.1

2. Measurement

a. Methodology

i. Light trespass shall be measured at grade level unless otherwise noted. Two measurements shall be taken: one at any point along the property line (point A), and one taken 10 feet (measured perpendicular to property line) onto the property being trespassed (point B). Where grade changes or obstructions prohibit measurements at the same grade level, measurements shall be taken on the same horizontal plane.

ii. Lighting measurements shall be taken under normal conditions. Measurements to determine compliance shall not be taken when conditions are present that will influence the outcome of measurements including snow, snowpack, rain, fog, or other influences.

b. Cumulative Light Readings

Light sources from a property shall be measured as cumulative of all sources on the subject property, except for internally illuminated signs.

3. Transitions between Lighting Districts

The maximum light level for light trespass in any lighting district that borders a different lighting district shall be the lower of the two, along that border only. Where separated by a public street or right-of-way, the levels shall apply at the center line of the street adjacent to the light source.

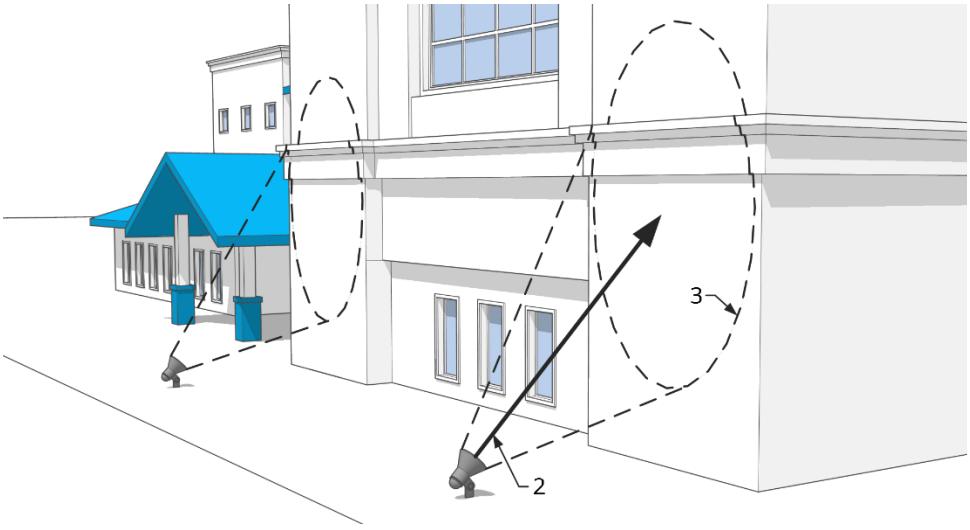
C. Shielding and Light Trespass

1. All light fixtures are required to be fully shielded, unless approved by the Director pursuant to §5.8.3.B.3: *Discretionary Approval of Lighting Alternatives*.
2. All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Lighting shall not be aimed onto adjacent properties, except in cases of shared parking, shared pedestrian pathways, or for coordinated development sites spanning multiple parcels.
3. Light trespass onto adjacent public rights-of-way may be allowed subject to approval of the Director pursuant to §5.8.3.B.3: *Discretionary Approval of Lighting Alternatives*.

D. Uplighting

1. Subject to the approval of the Director, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping such as exceptional architectural features, specimen trees with dense year-round foliage, or large native shrub masses. Uplighting or ground-mounted lighting shall be designed and installed to minimize glare with special consideration to vehicular and pedestrian traffic.
2. All lighting that is directed upward shall be located so that the angle of the lamp does not exceed 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the featured to be illuminated.
3. All uplighting shall be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.

Figure 5-24: Ground-Mounted and Uplighting



E. Surface Parking Area Lighting

1. All lighting for surface parking lots and upper uncovered decks of parking structures shall use full cut-off fixtures.
2. Parking lot lighting poles shall not exceed 35 feet in height in District 1 and 20 feet in height in District 2. In District 3, parking area lighting shall be prohibited except for public or quasi-public facilities

requiring exterior parking lot illumination; such facilities shall comply with the parking area lighting standards for District 2.

3. Parking lot lighting used for after-hours security shall not exceed three footcandles at the designated area illuminated and shall comply with §5.8.5.G: *Security Lighting*.

F. Pedestrian-Scale Lighting

Low-level pedestrian lighting may be used along walkways pursuant to the following:

1. Shall direct light downward;

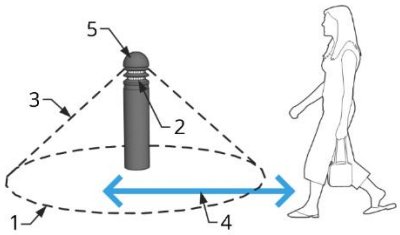
2. Shall use shatterproof lamp coverings;

3. Shall not cause the site to exceed the maximum trespass pursuant to §5.8.5.B.1: *Maximum Lighting Trespass Levels*;

4. Shall not be located to present hazards for pedestrians or vehicles; and

5. Post or bollard-type lights shall be painted dark colors such as black, dark gray, dark brown, or dark earth tone.

Figure 5-25: Pedestrian-Scale Lighting



G. Security Lighting

1. Applicability

Security lighting shall be allowed in all lighting districts.

2. Standards

a. Examples of Appropriate Security Lighting Techniques

i. Recessed lights under a canopy.

ii. Full cut-off fixtures on parking lot poles.

iii. Fully shielded wall packs or other fixtures.

iv. Floodlights that are down-directed, fully shielded, and are controlled by motion sensors.

b. Fixtures

i. Security lighting fixtures shall be fully shielded and directed only to the designated area.

ii. Security lighting shall not be directed above a horizontal plane through the top of the lighting fixture.

iii. Security lighting fixtures shall include shields that prevent the light source from being visible from adjacent properties and roadways to the maximum extent practicable.

c. Light Levels

i. Security lighting may illuminate ingresses and egresses of buildings up to a level eight feet above grade or the bottom of doorways, windows, or entries, whichever is greater.

ii. Security lighting on a parcel in District 1 that shares a common lot line with a parcel located in Districts 2 or 3 shall comply with specifications for light levels and maximum mounting heights as noted in District 2.

iii. Security lighting for entrances, stairways, and loading docks shall not exceed five footcandles at the designated area illuminated.

H. Service Station Canopies

1. Canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least five footcandles. The maximum horizontal illuminance under canopies shall be 25 footcandles.
2. Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or the fixture.
3. Lights shall not be mounted on the top or sides of the canopy. The sides (fascias) of the canopy shall not be illuminated for any purpose, with the exception of internally illuminated signage which shall comply with the sign regulations of this UDC.

5.8.6. Installation and Maintenance

A. Compliance with Building Code and other Applicable Codes

Exterior lighting fixtures shall comply with the Building Code and other applicable codes as adopted by the Town.

B. Maintenance

Exterior lighting shall be maintained in good structural condition at all times.

C. Electrical Service Underground

New electrical service required for exterior lighting shall be located underground unless the fixtures are directly mounted on utility poles.

5.9 Signs

5.9.1. Purpose

The regulation of the location, size, and placement of signs is necessary to enable the public to locate goods, services, and facilities located within the corporate limits of the Town, to encourage the general attractiveness of the community, and to protect property values. The general objectives of these standards are to promote public health, safety, and welfare, and specifically to achieve the following:

A. Safety

To promote the safety of persons and property by providing that signs do not:

1. Create a hazard due to collapse, fire, decay or abandonment;
2. Obstruct public safety response; and/or
3. Create traffic hazards by confusing or distracting pedestrians.

B. Communications Efficiency

To promote the efficient transfer of information in sign messages providing that:

1. Signs that provide messages and information most needed and sought by the public are given priority;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate a business or service;
4. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and

5. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose.

C. Landscape and Built Environment Quality and Preservation

To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing signs that:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height or movement;
4. Are not detrimental to land or property values;
5. Do not contribute to visual blight or clutter; and
6. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

5.9.2. Authority and Jurisdiction

The terms and conditions of this section shall apply to all signs located within the Town, pursuant to TLGC Chapter 216. The provisions of this section shall be administered and enforced by the Director. Allegations of errors in orders, decisions, and/or determinations by the Director shall be handled in accordance with §2.10.4: *Appeal of Administrative Decision*.

5.9.3. General Procedures

A. Permit Required

1. Sign Permit

a. Except as provided in §5.9.5, no person shall erect, construct, enlarge, alter, repair, display, maintain, or use a sign, whether temporary or permanent, until a permit for the same has been issued by the Director in accordance with §2.6.5: *Sign Permit*.

b. Each sign shall require a separate Sign Permit.

2. Electrical Permit

Each sign requiring the installation of an electric power source shall require a separate electrical permit and inspection as required in the Electrical Code.

3. Building Permit

When determined by the Building Official a sign, pole or structure must be sealed by a professional engineer for structural and/or electrical compliance with the Building and Electrical Codes.

B. Contractor Registration Required

1. No person shall install or erect, relocate, or maintain any sign, or contract for such service, until such person has applied through the Development and Neighborhood Services Department for a Contractor Registration to install, erect, relocate, and maintain such sign, and such registration has been approved and issued, except as otherwise provided in this section.
2. All sign contractors shall comply with the licensing requirements of Texas Occupations Code §§1305.160, 13.05.166, and 13.05.167.

5.9.4. Removal of Certain Signs

A. Removal of Public Nuisance or Hazardous Signs

All of the following signs shall be considered a public nuisance, and the Town may, without notice, remove and impound any of the following signs:

1. Any sign erected or existing that constitutes a traffic hazard;
2. Any sign erected without a permit, either prior to or after the adoption of this section, if a permit was required;
3. Any sign erected in violation of the provisions of this section; and
4. Any sign erected in or over a public right-of-way, either prior to or after adoption of this section.

B. Recovery and Disposal of Impounded Signs

1. Impounded signs may be recovered by the owner within 15 days of the date of impoundment by paying the fee established by the Town.
2. Signs not recovered within 15 days of impoundment may be disposed of by the Town in any manner it shall elect.

5.9.5. Signs Allowed Without Sign Permit

All signs listed in this section may be erected and maintained under the conditions listed and shall not require a Sign Permit, provided all other provisions of this section are met.

A. Signs in Airport Overlay District

Air side signs that are located outside the view of primary public areas and/or on the rear or side of buildings shall not require a Sign Permit. All primary, secondary, and tertiary signs as defined in the Airport Master Plan that are visible from the primary public areas of the airport including the public right-of-way, access roads, pedestrian areas, and parking areas, shall require a Sign Permit.

B. Construction Banner Signs

1. Construction banner signs shall be allowed without a Sign Permit subject to the following:
   a. Such signs shall not be erected prior to the issuance of a building or Site Development Permit for the project to which the sign pertains and shall be removed prior to the issuance of a certificate of occupancy.
   b. Such signs shall be affixed to construction fences and firmly attached on all four corners.
   c. No sign shall contain more than 36 square feet in sign area.
2. All other construction signs shall require a Sign Permit.

C. Flags

Flags shall be allowed without a Sign Permit subject to the following:

1. Flags are limited to three per property.
2. Each flag shall not exceed 40 square feet in size.
3. Flagpoles shall not exceed 30 feet in height.
4. Flags smaller than six square feet are exempt from the limitations of §§5.9.5.C.1 and 5.9.5.C.2 above.
5. Approval of an alternative sign design as set forth in §5.9.6 is required for flags or flagpoles that exceed the above size and height limitations.

D. Government Signs

Signs required to protect the public health, safety, and welfare of the Town and other regulatory purposes, including traffic signs, emergency and warning signs, information signs erected by the Town or other

government agency, signs required to be displayed by law and signs of public service companies indicating danger and/or aids to service or safety shall be allowed without a Sign Permit.

E. Menu Boards and Drive-Through Signs

Menu boards placed for the purpose of listing food or beverages available for sale and signs adjacent to, within, or above drive-through or drive-in lanes directing vehicles shall be allowed without a Sign Permit.

F. Residential Property

Residential property signs shall be allowed without a Sign Permit subject to the following:

1. A residential property may display up to three detached, non-illuminated signs per lot. Each sign shall not exceed six square feet.
2. Temporary signs during an election event are not subject to the three-sign limit set forth in above and shall comply with §5.9.8.B and V.T.C.A. Election Code §259.003, as amended.

G. Signs not Readable from the Public Right-of-Way

Signs shall be considered not readable from the public right-of-way and therefore allowed without a Sign Permit subject to the following:

1. The sign or display is located entirely inside of a building and not visible from the building's exterior; or
2. Any letters, figures, or symbols are less than two inches in height and project no more than one inch from the surface on which the sign is mounted.

H. Vehicular Signs

Vehicular signs shall be allowed without a Sign Permit and may be attached to vehicles subject to the following:

1. The vehicle is owned and operated by the Town or another governmental entity; or
2. The primary purpose of the vehicle is not for display of the sign; and
3. The signs are painted upon or applied directly to an integral part of the vehicle;
4. The vehicle is in operating condition, currently registered and licensed to operate on public streets, and actively used in the daily function of the business to which such sign relates; and
5. The vehicle, when on the premises of the business to which such sign relates, shall be parked in a location that does not unreasonably impact standard operating businesses.

I. Window Signs

Window signs shall be allowed without a Sign Permit subject to the following:

1. Each sign shall be no more than four square feet in area.
2. Signs in windows visible from public rights-of-way are limited to 10 percent of the total area of each architecturally distinct ground floor window area.
3. The outlining of a window on two or more of any sides with lighting, gaseous tubing, or similar means shall constitute 100 percent of the total window area as a sign.
4. In buildings with multiple tenants, these provisions shall be applied to each individual tenant based on the size of the windows located within that portion of the facade adjacent to the tenant's leased premises.

J. Works of Art

Works of art, including murals, that do not advertise a product or business as determined by the Director shall be allowed without a Sign Permit provided they comply with the dimensional standards for wall signs in the applicable district.

5.9.6. Alternative Sign Designs

A. Purpose

It is not the intention of these regulations to discourage innovation. Applications for alternative sign designs may be submitted that, while clearly not conforming to this section and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

B. Approval Criteria

The City Council may approve an alternative sign design if it:

1. Is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
2. Will not have a substantially adverse effect on neighboring properties; and
3. Will not substantially conflict with the purpose and standards of this article.

5.9.7. Prohibited Signs

The following signs are specifically prohibited, except as otherwise prescribed within this section:

A. Animated or Moving Sign

Any sign that includes animation, parts which move, or flashing or blinking lights that may be distracting to motorists. This includes feather signs and a person holding or carrying wind devices, flags, balloons, or other sign structures. This prohibition does not include time and temperature signs. Signs that have copy that changes, moves, flashes, or blinks in no less than 8-minute intervals shall not be considered as animated.

B. Building Code

Any sign in violation of the Building Code.

C. Hazardous or Nuisance Signs

Any sign illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed.

D. Electronic Sign

Any sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof, within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Noncommercial components of electronic signs are exempt from this prohibition.

E. Fence Sign

Any sign painted or attached to the outside of a fence, railing or a wall that is not a structural part of a building, whether or not such fence, railing or wall is on the property line.

F. Imitation of Emergency Signs and Signals

Any sign using any combination of forms, colors, or lights which imitate emergency signs or signals.

G. Inflatable Sign

Any inflatable sign, including balloons, anchored to the ground, a building or other structure.

H. Interchangeable Copy

Any sign that allows for manual interchangeable copy, unless directly associated with and located on the same lot as a vehicle fuel station.

I. Luminescent Gaseous Tubing

Any sign that uses exposed tubes that contain luminescent inert gases, including, but not limited to, neon, argon and krypton, and that are visible from the exterior of structures, except as an attached sign which shall conform to §5.9.10: *Permanent On-Site Signs*.

J. Mobile Billboards

Any wheeled vehicle equipped with one or more poster panel units used primarily for the display of general advertising, by means of traversing upon any public street or parking on any public street in a manner that the advertising image(s) on the vehicle are visible from any portion of the public right-of-way.

K. Off-Premises Signs

Any off-premises sign is prohibited, unless specifically allowed by this UDC.

L. Portable Signs

Portable signs are prohibited.

M. Roof Signs

Any sign on the roof or project over the roofline of a building. This does not apply to signs located above structural elements of the building, but remain below the roof of the facade on which the sign is located.

N. Searchlights

Searchlights are prohibited.

O. Signs in Rights-of-Way

Any sign that is erected or affixed within or projected over any public right-of-way or extended across a railroad right-of-way. This includes signs attached to or painted on any sidewalk, curb, gutter, street, tree, or public or private utility pole or structure. No sign shall be erected closer than 10 feet from the existing public right-of-way except as otherwise authorized by this section.

P. Wind-Driven Signs

Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

5.9.8. Temporary Signs

A. Standards Applicable to All Temporary Signs

1. Sign Location

a. Signs shall be located so as not to create a hazard for pedestrian or vehicular traffic and comply with minimum setback and vision triangle requirements.

b. Unless otherwise specified in this section, temporary signs approved per this section may be located off-premises with the permission of the property owner, and may be allowed on a parcel in addition to the maximum amount of temporary and permanent signage permitted on that parcel.

2. Sign Illumination

Illumination of temporary signs is prohibited.

3. Sign Permit

Unless otherwise specified in this section, temporary signs require a Sign Permit.

B. Election Event Signs

Election event signage shall be allowed without a Sign Permit subject to the following:

1. Duration

For a period of 60 days prior to a state, local, or national election, the total number of temporary signs permitted per property may be increased over the maximum amount of temporary signage permitted by this section. The number of increased signs shall be calculated by the number of federal, state, and local issues and elected positions on the ballot within the voting district where the property is located. The content of this additional signage is not subject to regulation by the Town, but the number shall not exceed the number of ballot issues and offices on the ballot. The signage shall be removed within two days following the election.

2. Size and Features

No election event sign shall:

a. Have a sign area greater than 36 square feet;

b. Exceed eight feet in height;

c. Be illuminated; or

d. Have any moving elements.

3. Location

a. Election event signage shall be located on private real property with the consent of the property owner. For purposes of this requirement, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality, including the Town, to use the property for a public purpose.

b. Election event signs are not permitted within the public right-of-way or on any real property owned by the Town, with the following exceptions:

i. On properties with single-family attached or detached dwellings, election event signs may be placed in any portion of the front or side yard that may include the public right-of-way, if the sign is placed at least three feet away from the edge of the street. In locations with sidewalks, signs must be located behind the sidewalk so as to not obstruct the sidewalk.

ii. On any Town-owned property that has been designated as an election polling place, two election event signs per candidate, proposition, or measure may be placed in an area designated by Town staff while the property is serving as an active polling place. Such signs shall not:

a. Have an effective area greater than three square feet.

b. Exceed 18 inches tall and 24 inches wide.

c. Be illuminated.

d. Have any moving elements.

C. Public or Private Special Event Signs

Unless sponsored by the Town and open to the public, special event signs shall comply with the following:

1. A maximum of one banner sign per vendor internal to the premises and up to 10 banners on the perimeter oriented outwards may be issued in conjunction with a special event permit or Temporary Use Permit. The Director may determine that a special event should be further limited or allowed additional signage based on the total area of the event, number of vendors, and potential adverse impact to neighboring properties.

2. The permit shall specify the location and removal dates of the temporary signs allowed in conjunction with the permit. If dates are not specified in the permit, such signs may be displayed no more than 14 days prior to the special event and must be removed within two days after the conclusion of the special event.
3. Banner signs shall not exceed 50 square feet of sign area, per side. Yard signs shall not exceed six square feet in sign area, per side.
4. Banner signs shall not be located in the public right-of-way and shall be firmly affixed to a stabilized structure such as tent or table on all four corners.

D. Temporary Sidewalk Signs

1. Temporary sidewalk signs are only permitted in the M-4 zoning district for businesses that have an entrance immediately adjacent to a public sidewalk or as permitted by previously approved Sign Districts or Master Sign Plans.
2. Each tenant shall be allowed one sidewalk sign.
3. A minimum of four feet of clear sidewalk shall be maintained at all times.
4. Such signs shall be displayed during operating business hours only.

E. Temporary Banner Signs

1. Temporary banner signs are prohibited in all zoning districts in the Town except for the following:
   a. Any nonresidential establishment may display one banner sign for a maximum of 60 consecutive days at the same location, one time during the first three months after the issuance of a certificate of occupancy or change in ownership; or
   b. The Director may allow additional temporary banner signs displaying a noncommercial message for a maximum of 30 days.
2. Temporary banners allowed by §§5.9.8.E.1.a and 5.9.8.E.1.b above shall not exceed 50 square feet in sign area.
3. Contractor registration is not required for the installation of a temporary banner sign when approved and installed by the business operator.

F. Undeveloped Real Estate Site Signs

1. On undeveloped real estate sites, each lot may have one non-illuminated sign per each public right-of-way provided that each frontage is at least 300 feet in length and the signs are spaced at least 50 feet apart. Such signs shall not be placed on public or private utility or light poles and shall not be located within the public right-of-way, including roadway median strips.
2. The sign shall not exceed 36 square feet in sign area per sign face.
3. The sign shall be a maximum height of 16 feet.
4. Signs up to 20 square feet in sign area per face shall be set back a minimum of 10 feet from the property line and signs up to 36 square feet in sign are per face shall be set back a minimum of 15 feet from the property line.
5. The sign shall comply with the vision triangle standards in §5.4.6: *Vision Triangle.*

5.9.9. General Sign Regulations

A. Sign Measurement and Calculations

1. Sign Area

Sign area is calculated as the area enclosed by drawing a rectangle of horizontal and vertical lines that fully contain all extremities of the sign, including architectural design elements such as decorative bordering, but exclusive of the sign supports.

2. Sign Height

Sign height is measured as the vertical distance between ground elevation and the top of the sign, including all backgrounds and support structures, exclusive of any filling, berming, mounding, or landscaping, solely done for the purpose of locating the sign.

3. Sign Setback

The setback of a sign is measured from the property line to the outermost perimeter of the sign, including support structures unless an alternative measurement is designated in this section or approved by the Director.

B. Signs Displaying Noncommercial Messages

Notwithstanding any other provision of this section, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial messages, so long as the sign complies with other requirements of this section or other ordinances that do not pertain to the content of the message displayed.

C. Lighting

1. No sign lighting shall reflect onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street.
2. Signs shall not exceed 0.3 footcandles over ambient light conditions.

D. Maintenance

1. Every sign in the Town, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and sound structural and operational condition at all times, including the replacement of nonfunctioning, broken, defective, or missing parts including lighting elements, painting, repainting, cleaning and any other acts required for the maintenance of such sign. All signs and sign supports, brackets and frames shall be kept painted or otherwise treated to prevent rust, rot or deterioration.
2. Damaged or deteriorated signs shall be repaired within 30 days of notification by the Town.
3. Signs not meeting the standards imposed by this section shall be subject to removal or repair as set forth in §5.9.4: *Removal of Certain Signs*.

5.9.10. Permanent On-Site Signs

A. Applicability

This section shall apply to all attached and detached signs in the Mixed-Use and Nonresidential zoning districts.

B. Requirements by Sign Type

Unless otherwise allowed by §5.9.10.C: *Additional Allowances for Specific Sign Types*, all signs shall comply with the following standards:

Table 5.9-1: Requirements by Sign Type

Sign Type	Attached	Detached	
		Pole	Monument
Number	1 attached sign per tenant (See §§5.9.10.C and 5.9.10.D for additional allowances)	1 detached sign per lot street frontage [1] (See §5.9.10.C for additional allowances)	

Table 5.9-1: Requirements by Sign Type

Sign Type	Attached	Detached	
		Pole	Monument
Area	1.5 square feet of sign area for each linear foot of building frontage [2] [3]	**Single-tenant:** 42 square feet (maximum) **Multi-tenant:** 84 square feet (maximum)	**Single-tenant:** 48 square feet in sign area per side (maximum) **Multi-tenant:** 72 square feet in sign area per side [4]
Dimensions	In the Mixed-Use and Nonresidential zoning districts, no wall sign shall have a length that exceeds 75 percent of tenant frontage.	**Single-tenant:** 7 feet wide × 6 feet high × 1 foot deep (maximum) **Multi-tenant:** 7 feet wide x 6 feet high x 1 foot deep (maximum) [4] 2 feet high (minimum)	Not applicable
Height	Not applicable	20 feet (exact)	**Single-tenant:** 6 feet (maximum) **Multi-tenant:** 8 feet (maximum)
Setback	Not applicable	10 feet (minimum) from the property line given that the sign does not impede pedestrian and vehicular access or visibility and is not situated between the sidewalk and curb	

Notes:

[1] If a property has more than one street frontage, the freestanding Sign Permitted for each frontage must be located adjacent to that frontage, and the minimum permissible horizontal distance between freestanding signs on the same property is 50 feet.

[2] Allowances for individual occupancies within a multi-tenant building shall be calculated on leased or occupied length of frontage. If the lot on which the building is located has frontage on more than one right-of-way, each street frontage shall be counted for purposes of determining attached sign allowance.

[3] For back-lit awnings, the area of the sign shall be based on the area of the awning that is back-lit or illuminated.

[4] No single tenant shall occupy more than 36 square feet of sign area per side on a multi-tenant sign.

C. Additional Allowances for Specific Sign Types

1. Site Directional Signs

Site directional signs may be erected at any occupancy or upon any site, other than a single-family detached or duplex dwelling, without limit as to quantity provided that such signs shall comply with the following:

a. Each sign shall not exceed two square feet in sign area.

b. Each sign shall be set back at least 10 feet from the back of curb provided it complies with vision triangle standards and does not impede pedestrian or vehicular movement or visibility, or is situated between the curb and sidewalk.

D. Additional Allowances for Specific Zoning Districts

1. M-2, M-3, M-4, CL, CG, and LI

Each tenant shall be allowed one additional projecting or under-canopy sign. The sign:

a. Shall not extend more than 36 inches from the building façade.

b. Shall not exceed 24 inches in height.

c. Shall be located a minimum of eight feet above grade.

2. CL, CG and LI

Attached signs located at a height of up to 36 feet are limited to one and one-half square feet of sign area for each linear foot of building frontage not to exceed 200 feet. All other provisions of §5.9.10.B shall apply.

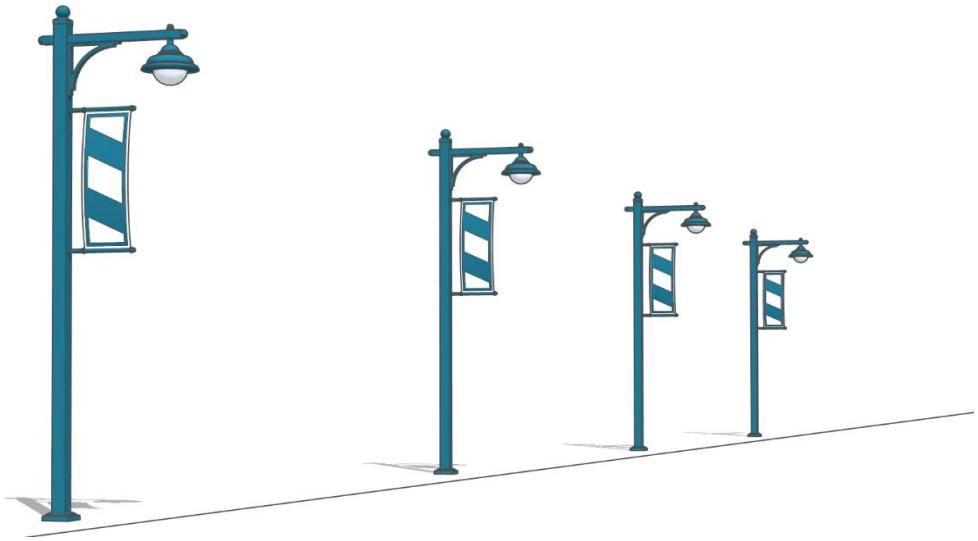
E. Additional Standards for Pole-Mounted Banners

All pole-mounted banner signs shall:

1. Maintain a minimum eight-foot clearance from grade level to the bottom of the banner;

2. Not exceed two feet in width and six feet in length.

Figure 5-26: Pole-Mounted Banners



F. Sign Materials

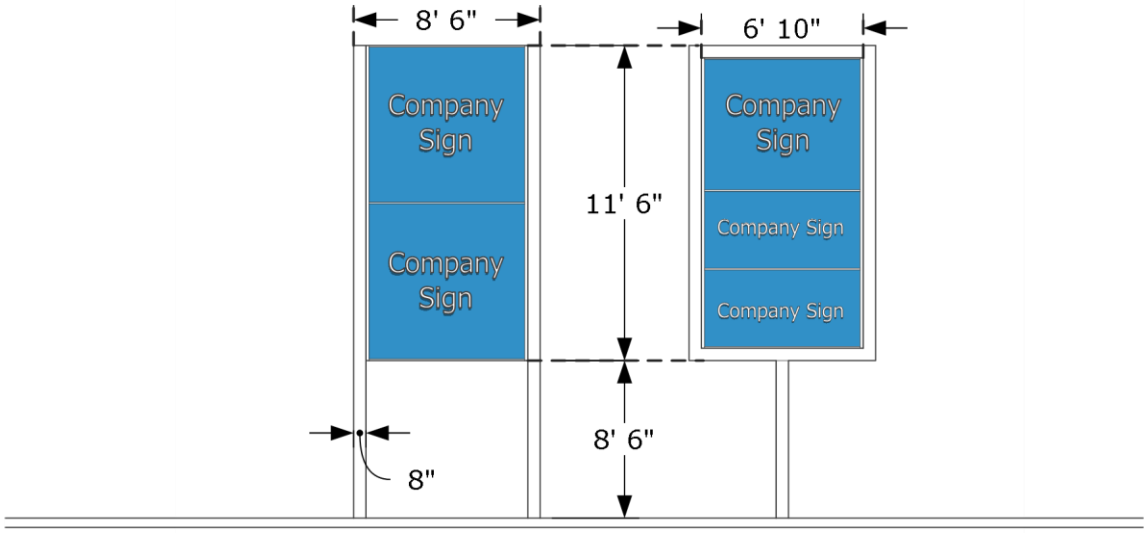
1. Wall Signs

Metal backing is required for all attached wall signs. Wood backing is prohibited.

2. Pole Signs

a. Sign supports shall consist of round or steel structural steel tubing or masonry wrapped steel supports up to 50 square inches in area. Structural support tubing shall be limited to single- or double- support structures and installed in accordance with the figure below. Unpainted metal, or metal subject to ordinary rusting shall not be used.

Figure 5-27: Pole Sign Supports



b. The sign face shall be a plastic or metal sheet. Unused panels shall be solid neutral colors.

c. The sign supports and cabinet color shall be compatible with currently installed pole signs to the maximum extent practicable.

3. Monument Signs

Plastic faces may be used on monument signs provided only the letters, numbers or logo elements emit light.

G. Location

1. Attached Signs

a. All signs shall be mounted parallel to the building surface to which they are attached.

b. No sign shall project more than 18 inches from the surface to which they are attached.

c. No sign shall be located on the roof or project over the roofline of a building. This does not apply to signs located on structural elements that project above the roofline of the building, but that remain below the uppermost point of the facade on which the sign is located.

2. Detached Signs

a. Detached signs shall comply with the vision triangle standards as set forth in §5.4.6: *Vision Triangle*.

b. Detached signs shall be no closer than 150 feet apart, with no two detached signs of any type being closer than 50 feet apart, measured from center to center of both signs.

5.9.11. Master Sign Plan

A. Purpose

For some developments, alternative standards and flexibility in the established standards may enhance the aesthetic qualities of the development and the community. Approval of a Master Sign Plan allows for unified presentation of signage throughout a development site, flexibility to provide for unique environments, and pre-approval of designs and design elements to make sign review more efficient.

B. Applicability

A Master Sign Plan shall be available for multi-tenant buildings, commercial, and mixed-use developments containing more than one building in a Mixed-Use, Commercial, or Planned Development zoning district.

C. Master Sign Plan Requirements

1. An application for a Master Sign Plan shall be submitted by the single developer, property owner, or property management company for the site or if all property owners within the development provide their approval, a managing member may be identified to submit an application for a Master Sign Plan and any amendments to a Master Sign Plan.
2. An application for a Master Sign Plan shall identify all proposed signage for an entire parcel or development site and shall include the following information:
   - **a.** Sign dimensions and approximate locations;
   - **b.** Materials and colors;
   - **c.** Proposed illumination, including illumination levels;
   - **d.** Maximum numbers of tenant signs per sign face;
   - **e.** A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
   - **f.** A demonstration that the Master Sign Plan will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of adjacent properties; and
   - **g.** Any other maps, drawings or materials as required by the Director (including a colored rendering of the sign(s) to adequately describe the sign proposal. The application and any exhibits shall become the property of the Town).

D. Standards

1. Prohibited Signs and Sign Elements

Prohibited signs and sign elements are not eligible for inclusion in a Master Sign Plan unless specifically indicated in this section.

2. Architectural Theme

All signs shall be architecturally integrated into or complimentary to the design of the building(s) and character of the site, and shall use similar and coordinated design features, materials, and colors. The Master Sign Plan shall establish an integrated architectural vocabulary and cohesive theme for the development site.

3. Review Criteria

The height, area, number, and location of signs permitted through the Master Sign Plan may deviate from the standards of this section and shall be determined based on the following criteria:

- **a.** §§5.9.11.D.1 and 5.9.11.D.2 above;
- **b.** The overall size of the development site and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and/or more signs);
- **c.** Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and/or environmental benefit to the Town);
- **d.** Length of frontage on a public right-of way (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter from multiple adjacent parcels);
- **e.** Access and visibility to the site;

f. Intended traffic circulation pattern and the need for wayfinding;

g. Hierarchy of signage;

h. Relationship between the site and adjacent uses; and

i. The desired function of the site.

4. Nonconforming Signs

If there are existing signs on-site, they shall be treated in accordance with §5.9.12: *Nonconforming Signs* upon adoption of the Master Sign Plan.

E. Master Sign Plan Review

1. Generally

An application for a Master Sign Plan shall be reviewed as part of the Major Site Plan process in §2.6.2: *Site Plan Review*.

2. Planning and Zoning Commission Approval

Master Sign Plans require approval by and a public meeting with the Planning and Zoning Commission.

F. Individual Sign Permits

Individual Sign Permits are required for signs installed in compliance with an approved Master Sign Plan that conforms with the provisions of this section.

G. Amendments

1. A Master Sign Plan may be amended by the Director if the proposed amendments do not:

a. Deviate from the original approval of number of signs and size of signs by more than 10 percent;

b. Include significant changes to the locations of three or more signs; and

c. Result in a significant change to the architectural theme.

2. If the proposed amendments exceed the standards above, a full Master Sign Plan review is required.

H. Sign Districts

Those areas previously established as sign districts shall comply with the standards in Appendix A.

5.9.12. Nonconforming Signs

A. Purpose

The purpose of this section is to ensure that in time all privately owned signs shall either conform to the provisions of this section or be removed.

B. Generally

1. No presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this section and all other ordinances of the Town.

2. Any sign that does not conform to all provisions of this section shall be either:

a. A nonconforming sign if it legally existed as a conforming or nonconforming sign under the terms of this section under prior ordinances; or

b. An illegal sign if it did not exist as a conforming or nonconforming sign under prior ordinances.

C. Repair and Removal

1. Except for nonconforming signs created by action of the Town or other government agency, no nonconforming sign shall be repaired or renovated, except to reface a sign without structurally

altering the shape and size of the sign. Otherwise, a nonconforming sign shall be brought into compliance with the provisions of §5.9: *Signs*.

2. Any nonconforming sign that is damaged in excess of 50 percent of its current value shall be demolished and not repaired unless such proposed repairs would bring the sign into compliance with the provisions of §5.9: *Signs*. Damaged signs shall be repaired within 30 days of notification by the Town.
3. Upon voluntary demolition of a primary structure, a nonconforming sign that identified the primary structure shall be removed or modified to comply with §5.9: *Signs* within 30 days of the completion of the demolition.
4. The Town will follow all applicable state regulations in the removal of nonconforming signs. Upon requirement of removal, the Town will institute any necessary procedures before any legal boards required by state legislation.

Article 6: Subdivision Standards

6.1 General Provisions

6.1.1. Purpose

This article establishes standards that regulate the subdivision of property in order to:

A. Facilitate the orderly growth and harmonious development of the Town and to protect and promote public health, safety, and welfare;

B. Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;

C. Protect the natural environment;

D. Promote the use of good design, landscape architecture, and civil engineering to preserve and enhance natural features, watercourses, drainage ways, floodplains, native vegetation, and trees;

E. Provide safe ingress and egress for vehicular and pedestrian traffic;

F. Ensure safe and efficient traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

G. Provide adequate water supply, sewage disposal, storm drainage, and other utilities and facilities;

H. Provide for adequate sites for schools, recreation areas, and other public purposes;

I. Protect or enhance real property values;

J. Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;

K. Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably; and

L. Encourage the clustering of dwellings and other structures to preserve open space, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards; and

M. Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

6.1.2. Applicability

A. Regulatory Jurisdiction

1. Generally

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

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 which has not been recorded by plat in the plat records of Dallas County, Texas, and which 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 tract of land which has been recorded as a lot or block by plat in the plat records of Dallas County, Texas; prior to and upon which no development has been constructed or placed prior to the effective date of this UDC.

c. The division of any previously platted lot into two or more parts prior to the effective date of this UDC.

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.

B. Exemptions

1. Prior to the subdivision, re-subdivision, or development of any land within the Town, all plans, plats, and construction plans for public improvements shall first be approved in accordance with these regulations, except as provided in §6.1.2.B.2 below.

2. 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 public improvements 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.

6.1.3. Compliance and Enforcement

A. It shall be unlawful for any person to begin, continue, or complete any development on any land within the corporate limits of the Town to which the provisions of this article apply, except in accordance with and upon compliance with the provisions of this article.

B. Except as otherwise authorized by this article, the Town shall not issue a Building Permit or certificate of occupancy required by any article of the Town for any land located within the corporate limits to which this article applies, until and unless there is compliance with this article.

C. The Town may refuse to authorize or make utility connections on the grounds set forth in TLGC §212.012.

D. No improvements shall be initiated until the approval of the Town has been given. Disapproval of a Final Plat by the Town shall be deemed a refusal by the Town to accept offered dedications shown thereon.

E. Approval of a Final Plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town have both given their written acceptance of the improvements and have actually appropriated the same by entry, use, or improvements.

F. All subdivisions, as proposed or reflected in any Preliminary Plat, Final Plat, Replat, Minor or Amending Plat, or otherwise, must conform to all applicable zoning regulations. A subdivision 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 subdivision, initial zoning shall be requested. Application for zoning includes completion of application forms, payment of required fees, and performance of other requirements of the zoning ordinance and the rules and regulations of the Town, as the same may be, from time to time, passed or amended.

6.1.4. Withholding Improvements

It shall be the policy of the Town to withhold all Town improvements, including the maintenance of streets and the furnishing of sewage facilities and water service, from all additions, the platting of which has not been officially approved by the City Council. No improvements should be initiated, nor contracts executed, until the approval of the City Council has been given.

6.1.5. Annexation

If the property is not within the corporate limits of the Town and the owner desires that it be annexed so as to be qualified to receive Town services, when available, and be afforded zoning protection, the owner must petition the Town for Annexation through lawful Annexation proceedings.

6.1.6. Platting Requirements

A. Division of Property

1. No land may be subdivided or platted through the use of any legal description other than with reference to a plat approved pursuant to the procedures established in §2.9: *Platting Procedures*, and in accordance with the standards in this UDC.
2. Excepting agricultural leases, no land described in this article shall be platted or sold, leased, transferred, or developed until the property owner has obtained approval of the applicable plat pursuant to the procedures established in §2.9: *Platting Procedures*, and in accordance with the standards in this UDC.
3. A division of a tract under this section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
4. No plat may be recorded and no transfer of title to any part of a tract of land shall be made until a plat, accurately describing the property to be conveyed, is approved in accordance with these provisions and recorded.

B. Permits for Construction Activity or Public Improvements

The Town shall not issue permits for any construction activity or allow any public improvements for a development until a plat is approved and filed of record and all public improvements have been accepted (if applicable) except as provided in §6.1.2: *Applicability* or for the following:

1. Model Homes

A developer may construct no more than four model homes within a single-family, duplex, triplex, or fourplex development phase containing public improvements that have not yet been finally accepted, provided that:

- **a.** All off-site drainage or regional improvements have been installed, inspected and accepted;
- **b.** Each model home is inspected and found to meet all Building, Plumbing, and Fire Code requirements prior to being opened to observation by the public;
- **c.** The home will not be sold or occupied as a dwelling unit until all public improvements within that phase have been completed and accepted by the Town; and
- **d.** The applicant complies with §6.3: *Grading and Drainage.*

2. Multifamily or Nonresidential Development

Upon application and satisfaction of the following conditions, together with other UDC, Town ordinance, and Criteria Manual requirements, otherwise applicable to full Building Permits, the Building Official may issue a Building Permit for multifamily or nonresidential development to allow for limited construction subject to the following:

a. The applicant shall complete installation of all drainage and other regional improvements, including off-site improvements. This requirement may be satisfied by constructing temporary drainage improvements (such as detention ponds) that, in the opinion of the Director of Public Works and Engineering, are adequate to offset the decrease in permeable surface of the permitted phase of development and prevent harm to downstream properties, pending completion and acceptance of required permanent regional improvements for drainage.

b. The applicant must enter into an agreement with the Town, in a form approved by the City Attorney, which indemnifies and holds the Town harmless for any failure of the applicant, owner, or builder to obtain necessary access and drainage easements and permits, or to build needed offsite improvements.

c. A Building Permit issued in this manner may be withdrawn upon failure to meet any imposed condition, as set forth in §1.7: *Enforcement*.

d. The applicant shall install and demonstrate proper function of fire hydrants and all-weather access improvements for fire apparatus required by the Fire Code and the Code of Ordinances, prior to any construction above slab.

e. The applicant complies with §6.3: *Grading and Drainage*.

6.2 Subdivision Design Standards

6.2.1. General

A. Every subdivision shall comply with all other ordinances and regulations of the Town and the TLGC.

B. Public infrastructure shall be constructed in accordance with this UDC, Criteria Manuals or, if no standard or specification can be found, then the standard or specification used shall be subject to approval by the Director of Public Works and Engineering based on professional engineering practices.

C. The applicant shall make all required improvements, at their expense, according to Town regulations, without reimbursement by the Town, except for certain reimbursable costs as provided in this UDC.

6.2.2. Lot Planning

A. General

The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following lot design standards shall apply to all subdivisions:

1. All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards provided in this UDC. No subdivision shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.

2. The minimum area and dimensions of all lots shall conform to the requirements of Article 3: *Zoning Districts*, and Article 5: *Development Standards*, relating to the zoning district in which the lot is located, excluding lots established by a Homeowners Association that do not require conformance with the requirements, subject to Director approval.

3. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical.

4. Double frontage lots may be allowed; however, driveways are only permitted on one frontage.

5. Flag lots and other irregularly shaped lots shall be avoided to the maximum extent practicable.

6. Corner lots may be required to be wider than interior lots to facilitate conformance with required setbacks.

7. The Town, county, school district, or other taxing agency boundary shall not divide a lot except in conformance with this UDC.

B. Drainage

Lots shall be designed and located to provide positive drainage away from all buildings and shall comply with the standards in §6.3: *Grading and Drainage*.

C. Access

1. Lots shall be designed in accordance with §5.4: *Access and Circulation*.
2. Each lot shall be provided with adequate access to an existing or proposed public street.

D. Common Area and Facilities

Such areas shall be noted on the plat and the association's covenants shall be filed with the county. Alternatively, other arrangements for permanent maintenance of these areas and facilities may be approved by the final decision-making body.

6.2.3. Block Layout

A. Block Length

Blocks shall not be less than 200 feet nor more than 600 feet in length. The Town may approve a longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

B. Block Arrangement

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this UDC, except where lots back onto a collector or greater classified street, natural feature, or subdivision boundary, or where lots face an approved cul-de-sac.

6.2.4. Street Design and Construction

A. General Requirements

In general, all public and private streets shall conform to the following standards:

1. Streets shall be in line and consistent with existing streets in adjoining subdivisions.
2. Streets shall be named so as to provide continuity with existing streets.
3. Dead-end streets shall be avoided except where planned for future extension.
4. The subdivision shall be platted with appropriate regard for all topographical features lending themselves to treatment and layout of utilities.
5. Cul-de-sacs shall not exceed 600 feet in length, measured from the centerline of the street it intersects with to the center point of the cul-de-sac.
6. In platting the subdivision, the developer shall provide additional right-of-way required for existing or future streets as shown in the Master Transportation Plan or other plans approved by the City Council.
7. When land is subdivided or developed in areas adjacent to existing Town streets or County roads that are not improved to Town standards, the developer shall include the improvements of these streets in the overall development of the area. Should the City Council determine that it is not feasible to develop said street at the time of development of the area, the developer shall put their pro rata share for the improvements of said street in escrow until such time as improvement is deemed necessary by the City Council.

B. Master Transportation Plan

1. General

Streets and alleys shall be platted and constructed in accordance with the Master Transportation Plan or other plans approved by the City Council and shall conform to the current engineering design standards of the Town.

2. M-1, M-2, M-3 and M-4 Zoning Districts

All streets and blocks shall conform to the following provisions:

a. Streets within the M-1 and M-4 zoning districts shall comply with the standards established in §5.6.4.C.1.a: *Streetscape Standards*.

b. Streets within the M-2 zoning district shall comply with the standards established in Ordinance 006-024, Appendix II: *Street Types*, and made a part hereof by reference.

c. The types and pattern of all streets in the M-1, M-2, M-3 and M-4 zoning districts shall be in conformity with the Master Transportation Plan. The location of streets on the Master Transportation Plan is approximate. Precise location of streets shall be determined in conjunction with approval of the concept and development plans. Street patterns shall be based upon a small-scale grid system of interconnecting streets.

6.2.5. Private Street Regulations

A. General Requirements

1. A private street system shall comply with all design, construction, and other standards of the Town including, without limitation, this Article 6: *Subdivision Standards,* applicable to streets and alleys generally. Without limiting the foregoing, all references in this Article 6: *Subdivision Standards,* and other applicable regulations to "street," "public street," "right-of-way," "public right-of-way," or "alley" shall apply to a private street system.

2. A private street system shall provide access for emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and government employees in pursuit of their official duties.

3. The Town shall not pay for any portion of the cost of constructing, maintaining, repairing, or replacing a private street.

4. Each plat containing any private street shall contain the following wording on the face of the plat: "The streets have not been dedicated to the public, for public access, nor have been accepted by the Town of Addison, Texas as public improvements, and the streets shall be maintained by the property owners' or property owners' association within the subdivision, and the streets shall always be open to emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and governmental employees in the completion of their official duties."

5. Private streets leading into a private subdivision may not contain a gate or a controlled access mechanism at the entrance or exit of the private subdivision preventing free flow of traffic.

6. Private streets and alleys shall be located in a "public utility and storm sewer easement." The width of the easement shall be the same as the required right-of-way for a public street, unless specifically approved at a lesser width by the City Council upon a recommendation by the Director of Public Works and Engineering.

7. All building lines as required by zoning shall, in the case of private streets, be measured from the public utility and storm sewer easement.

B. Easements

1. Private street developments shall include any pre-existing easements unaffected by the platting process.

2. A private street and alley shall include and be subject to all public utility (including, without limitation, water and sanitary sewer) and storm sewer easements in favor of and reserved unto the Town, the width of which shall be the same as the entire width of the street or alley right-of-way.
3. A private street or alley shall include and be subject to all additional public utility easements required by any utility company (including, without limitation, any electric, telephone, gas, or cable television companies or providers) or public agency, as well as any easements existing at the time of the creation of the private street or alley.
4. There shall also be reserved other easements, including but not limited to easements for fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient.
5. Easements shall also provide the Town with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement.
6. Easements shall permit the Town to remove any vehicle or obstacle within the street lot that impairs emergency access.
7. Private streets and alleys may be required to have fire lane markings as determined by the Fire Marshal.

C. Hold Harmless Agreement

In connection with the approval of a subdivision with private streets or alleys, the applicant shall provide, in form and content acceptable to the Town, an agreement to be recorded in the appropriate records of Dallas County, whereby the applicant or the property owners' association, as the case may be, as the owner of the private streets and alleys, agrees to release, defend, indemnify, and hold harmless the Town, its officials, officers, employees, and agents, and any other governmental entity and public utility, and their respective officials, officers, employees or agents, for any damage to the private street or alley occasioned by the use thereof by the Town, governmental entity, or public utility (or their respective officials, officers, employees, and agents), and for damages and injury (including death) arising from the condition of said private street or alley; and for damages and injury (including death) arising out of any use of the subdivision by the Town, government entity, or public utility (or their respective officials, officers, employees, and agents). Further, such language shall provide that all lot owners shall release and forever discharge the Town, governmental entities, and public utilities (and their respective officials, officers, employees, and agents) for such damages and injuries. The indemnifications contained in this section apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the Town, governmental entity, or public utility, or their respective officials, officers, employees or agents.

D. Conversion of Private Streets to Public Streets

1. Voluntary Conversion

The Town may in its sole discretion, but is not obligated to, accept private streets and alleys for public ownership, access and maintenance. The procedure to convert private streets and alleys to public streets and alleys must conform to all of the following provisions and such other standards as the Town may determine:

a. The property owners' association must submit a petition signed by at least 75 percent of its members.

b. All of the infrastructure to be converted from private to public status must be in a condition that is acceptable to the Town, in the Town's sole discretion.

c. All monies in the reserve fund must be delivered and paid to the Town.

d. The subdivision plat covering the area which is the subject of the conversion must be submitted as a Replat, and upon approval shall be re-filed to dedicate the streets, alleys, utility, storm

sewer easements, and other appurtenances to the Town or other appropriate entity, as determined by the Town.

e. The property owners' association documents must be modified and re-filed to remove requirements specific to private street subdivisions.

2. Mandatory Conversion

a. The Town will notify the property owners' association of violations of the private street regulations, including the standards and provisions set forth in this section. Failure to bring the subdivision into compliance with the regulations may cause the Town to revoke, amend, or modify the PD District zoning for the area covered by the private streets and alleys, including, without limitation, an amendment to remove the allowance for private streets and alleys under the PD District zoning.

b. If the PD District zoning is so amended, modified, or revoked, the Town may correct all remaining violations and unilaterally re-file the subdivision plat thereby dedicating the streets, alleys, and appurtenances to the public. All monies in the reserve fund will become the property of the Town and will be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not sufficient to cover all expenses, the property owners' association and/or the property owners will be responsible for the amount of unpaid work, and the Town shall have the right, in addition to any other rights it has or may have to collect such amounts from the property owners' association and/or the property owners, to levy an assessment upon each lot on a pro rata basis for the cost of such work and to collect the same, and the Town shall further have any and all liens and lien rights granted to the property owners' association to enforce such assessments; and/or to avail itself of any other enforcement actions available to the Town pursuant to state or Town codes, ordinances, and regulations. Provisions to this effect shall be included in the property owners' association documents, all property deeds, and the Final Plat.

6.2.6. Utilities

A. All electric utility lateral and service lines shall be constructed underground in accordance with §70-65 of the Code of Ordinances. In special or unique circumstances or to avoid undue hardship, the City Council may authorize Variances or exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and may approve any plat with such approved Variances or exceptions.

B. No overhead electric utility lateral or service lines shall be constructed without a Variance or exception having been obtained for the subdivision plat or Site Plan.

C. All wires and lines providing other utility services, and electric lines serving street lights, shall be placed underground in all subdivisions and on all sites where the final subdivision plat or Site Plan approved by the Town requires electric utility lateral and service lines to be placed underground. Utility support equipment, such as transformers, amplifiers, or switching devices necessary for or used in connection with underground installations shall be deemed to be placed underground if actually constructed underground or if pad-mounted on the surface.

D. Nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities. Each utility whose facilities are subject to the provisions of this section shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.

6.2.7. Alternatives to Subdivision Standards

A. Alternatives Generally

Alternatives to the standards in this article shall be subject to approval by the Director of Public Works and Engineering (and/or City Engineer) and Director prior to approval of the subdivision application pursuant to §2.10.3: *Minor Modification*.

B. Identification and Maintenance of Protected Lands

1. Protected lands shall be identified on the final subdivision plat with a notation that indicates that those lands shall not be used for future development.
2. Protected lands shall be marked in the field with appropriate permanent signage markers in order to distinguish these areas from private property.
3. Protected lands shall be permanently maintained and preserved as:
   a. Open space lots with deed restrictions; or
   b. Land dedicated to the Town; or
   c. Protected through a conservation easement; or
   d. Other means of permanent protection approved by the Town.
4. For any protected land not dedicated to the Town, the developer shall provide a permanent mechanism acceptable to the City Attorney for the primary purpose of conservation, preservation, and management of protected lands.

C. Use of Protected Lands

1. Protected lands shall be left in an undisturbed natural state or landscaped pursuant to §5.6: *Landscaping, Buffering, and Fences*.
2. The protected lands shall be used for low-intensity recreation, buffers, or other passive park or open space purposes.
3. The use of protected lands may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

6.3 Grading and Drainage

All development is subject to the requirements in the Drainage Criteria Manual and any other applicable Public Works and Engineering Department standards.

6.4 Subdivision Improvements

6.4.1. General Standards

A. The developer shall furnish all easements and rights-of-way necessary for construction of electrical, gas, telephone service to the subdivision and all other public infrastructure identified in the standards.

B. The developer shall be responsible for all damage to improvements caused during installation of utilities.

C. The developer shall provide street signs for the subdivision. There shall be one sign for each three-way intersection and two signs for each four-way intersection. The signs will be ordered by the Public Works and Engineering Department and the developer billed a fixed fee for each sign. Such price shall include cost of the sign assembly, pole, and installation.

D. All lots shall meet the following monumentation standards:

1. At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must be affixed to a metal pipe or rod and stamped with the

addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

2. At all block corners, a minimum two-inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.
3. At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.
4. All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor or the name of the engineering or surveying firm that prepared the plat. In locations where such monuments cannot be installed, alternate types of monuments may be installed with the prior approval of the Director of Public Works and Engineering.
5. Any points of monumentation that cannot be set at the designated place must be referenced with sufficient witness monumentation.
6. If the monument is placed on the boundary of property being platted in which no areas are to be dedicated to the public, the following standards apply:
   a. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency.
   b. The size, shape, and substance of monuments found or installed on the perimeter of the platted boundary must be described on the drawing and in the owner's certificate of the submitted plat.
7. If the monument is placement on and within the boundary of property being platted in which areas are to be dedicated to the public, the following standards apply:
   a. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency, except those points falling within areas to be dedicated. In areas to be dedicated, all points on new right-of-way lines must be monumented. Monuments must be installed within the boundary of such property being platted at the following points:
      i. All corners of parks, squares, or other portions intended for public use.
      ii. All block corners.
      iii. On the right-of-way lines of all alleys and public and private streets at all points of intersections, angle points, and points of curvature and tangency.
8. Monuments must be installed on each lot line and boundary line where these lines are intersected by or tangent with a floodway management area, floodway easement, conservation easement area, or the escarpment zone.
9. Monuments for floodway management areas, floodway easements, and detention areas must be installed at all angle points and points of curvature or tangency.
10. Floodway management areas, detention areas, escarpment zones, and conservation easement areas must be monumented with a minimum 1/2-inch iron rod with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

E. Where subdivisions are platted so that the rear yards of single-family residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the developer shall provide, as their sole expense, a six-foot reinforced concrete or masonry wall to be located on private property at the public right-of-way line for the purpose of screening the rear yards from the street. The wall shall be maintained by an HOA and/or individual property owners as specified in the subdivision agreement and shall enter into a wall maintenance easement for access by the responsible party. The City Council may waive or modify, in exceptional cases, this requirement. Plans and specifications for the wall shall be

approved by the Public Works and Engineering Department. The wall shall conform to the requirements governing the sight distance for traffic safety and other Town ordinances.

F. Where landscaping in public rights-of-way or other public property is required or planned, such work shall first be approved by the Public Works and Engineering Department. Such approval is intended to assure that plant materials used in the work will not create maintenance problems or require excessive amounts of Town labor during future maintenance. The work shall also conform to the Town ordinance governing sight distance for traffic safety.

G. Before any street is opened to traffic in the Town, all necessary pavement markings necessary to comply with the most recent edition of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways shall be completed. All work must first have the approval of the Public Works and Engineering Department.

H. Maintenance of any and all easements shall be the responsibility of owners of the properties traversed by or adjacent to such easements. The Town shall have the right, but not the obligation, to enter upon such properties to abate any nuisances thereon in accordance with Chapter 34, Article IV of the Code of Ordinances with costs attendant to such abatement charged to such property owners, which costs shall become a lien against said property in favor of the Town pursuant to such article.

6.4.2. Storm Sewers

An adequate storm sewer system, consisting of inlets, pipes, and other underground drainage structures, shall be constructed to conform with current drainage requirements and current engineering design standards of the Town. The following policy shall govern the installation of all drainage facilities within the Town:

A. Residential Subdivisions or Developments

1. The developer shall pay the total cost of storm drainage systems where pipe 72 inches in diameter or less is installed.
2. In cases where the storm drain is larger than 72 inches in diameter, but not larger than 84 inches, 25 percent of the cost of providing the additional pipe larger than 72 inches but smaller than 84 inches will be borne by the Town and shall be reimbursed to the developer when the Town funds become available. The developer shall pay for the remaining 75 percent and the cost of constructing the pipe to 72 inches in diameter. The developer shall also bear the cost of all channel excavation, inlets, laterals, headwalls, manholes, junction structures, and all other items required to complete the system.
3. In those cases where the runoff cannot be handled by a pipe 84 inches in diameter or smaller, the developer shall dedicate at their own expense a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall complete all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. If deemed necessary by the Public Works and Engineering Department, the channel shall be lined with reinforced concrete to prevent erosion. The Town will pay for 25 percent of the cost of such lining and shall reimburse the developer for such costs when Town funds become available.
4. In street crossings (bridges or culverts) with an opening larger than that of a double 72-inch pipe culvert, the Town will participate to the extent of 25 percent of the cost of the structure as approved by the Director of Public Works and Engineering, and shall reimburse the developer for such costs when Town funds become available.
5. Creeks may remain in open natural condition or excavated channels may be constructed provided they meet the criteria and standards set by the Town.
6. When a creek or excavated channel is allowed to remain open, or in its natural condition, it shall be dedicated to the Town through the use of the drainage and floodway easement form. The Planning and Zoning Commission may recommend waiving this dedication requirement only for the following exceptions:

a. Replats which were originally platted prior to the dedication requirement; or

b. Subdivisions of five lots or less.

7. The developer must provide sufficient access on each side of creeks and drainage ways for maintenance purposes. The location and size of the accessways shall be determined by the City Engineer and the Director of Public Works and Engineering. The maximum width of the accessway shall be 15 feet. Permanent physical markers, the type and locations of which to be determined by the City Engineer, shall be placed along the boundaries of the accessway and private property.

B. Commercial and Industrial Developments

1. The developer shall pay the total construction cost of storm drainage systems where a double 72-inch diameter pipe or smaller pipe will carry the runoff.

2. In those cases where the runoff cannot be handled by a double 72-inch pipe or smaller, the developer shall dedicate, at their own expense, a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall excavate the channel at their own expense and line the channel with reinforced concrete. The Town shall participate to the extent of 10 percent of the cost of such lining when Town funds become available.

3. In street crossings (bridges or culverts) with an opening larger than that of a double 72-inch pipe culvert, the Town will participate to the extent of 10 percent of the total construction cost of the structure as approved by the Director of Public Works and Engineering and shall reimburse the developer for such costs when Town funds become available.

4. A creek may remain open in its natural condition, provided that the requirements of §§6.4.2.A.5, 6 , and 7 shall apply.

6.4.3. Sanitary Sewers

A. Sanitary sewer facilities shall be provided to adequately service the subdivision and conform to the Wastewater Master Plan and current engineering design standards.

B. Sewer main pipes shall have a minimum internal diameter of eight inches. Construction and materials shall conform to the standard specifications of the Town.

C. Sewer services for each lot shall be carried to the property line.

D. Should the subdivision or addition abut and use a sewer main of the Town, the developer shall pay to the Town a "pro rata" charge as prescribed by the pro rata ordinance of the Town for the use of the same.

E. The developer shall construct all manholes, cleanouts, and other appurtenances as required on the plans.

F. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision, the developer shall construct a private lift station and all appurtenances, at their own expense. If and when the lift station is no longer needed, the developer or other responsible party shall retire adequately dispose of the station.

6.4.4. Water

A. Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform to the Water Master Plan, Water System Design Standards and all other applicable current engineering design standards.

B. Should the subdivision or addition abut and use a water main of the Town, the developer shall pay to the Town a "pro rata" charge as prescribed by the pro rata ordinance of the Town for use of the same.

6.4.5. Street Lighting

Street lighting shall be provided in accordance with the following:

A. The developer shall pay for the number of streetlights required in the subdivision as determined by the Director of Public Works and Engineering. After acceptance of the subdivision, service charges for electricity will be paid by the Town.

B. Each street shall have streetlamps uniformly spaced between trees, located 2½ feet from back of curb.

C. On boulevards, large streets, and side streets, locate streetlamps at every corner and at intervals no greater than 250 feet.

D. Unless otherwise approved by the Town, mounting height of streetlamps shall be between 10 feet and 12 feet.

E. Unless otherwise approved by the Town, lamps shall be metal halide type.

6.4.6. Sidewalks

A. Any owner or person in control of real estate fronting upon a public street which is improved with street paving and curbs and gutters shall not be issued a Building Permit for any construction when sidewalks have not been installed unless such owner, either as a part of the construction covered by the Building Permit or other separate arrangements satisfactory to the Director of Public Works and Engineering, constructs public sidewalks in accordance with the Master Transportation Plan, City-wide Trails Master Plan, and current engineering and design standards.

B. Sidewalk construction may be delayed until development of the residential lot, except across bridges or culverts. In these cases, the sidewalks shall be constructed with the other improvements to the subdivision.

C. The City Council may upon application of a property owner, affected by the provisions herein, waive the requirements for installation of sidewalks because of unusual circumstances or hardship.

6.4.7. Dedication of Land for Parks, Trails, and Recreational Areas and Assessment of Park Development Fees

A. Generally

1. Purpose

a. It is hereby declared by the City Council that public parks, recreational facilities, trails, and open spaces are valuable assets that advance the public's health, safety, and welfare, and improve the overall quality of life of the community's residents. New residential development in the Town creates the need for additional parks, trails, and recreation resources because of the increased population. Requiring that new residential development dedicate parkland and pay park development fees in proportion to its impacts on the Town's parks and recreation resources is recognized as a fair, reasonable, and uniform method of financing these assets that does not impose an unfair burden on new or existing development.

b. The parkland dedication and park development fee requirements established in this section aim to maintain the current level of service in the Town and generally flow from the assessment of needs reported in the Comprehensive Plan, Parks, Recreation, Open Space Master Plan, City-wide Trails Master Plan, and Master Transportation Plan. Accordingly, this section requires the dedication of parkland and payment of park development fees to:

i. Meet the goals and objectives set forth in the Parks, Recreation, and Open Space Master Plan and the City-wide Trails Master Plan.

ii. Deliver new and/or updated parks, recreation facilities, trails, and open space resources to meet the increased demand generated by new development on the parks system.

iii. Establish proportionate costs that are associated with providing new or updated parks and facilities, so the increased costs are borne by those who are responsible for creating the additional demand.

iv. Create and maintain a variety of recreational opportunities for residents within reasonable proximity to their homes.

v. Provide credit for applicable private and semi-public parkland and park-like amenities that offset the increased demand on the parks system generated by new development.

2. Authority; Administration

a. The regulations contained in this section have been adopted under the following authority:

i. TLGC Chapter 212, *Municipal Regulation of Subdivisions and Property Development*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

ii. TLGC Chapter 51, *General Powers of Municipalities*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

iii. The Home Rule Charter of the Town, which authorizes the City Council to exercise all powers granted to municipalities by the constitution or the laws of the State of Texas.

b. Unless otherwise specified, the provisions of this section shall be administered by the City Manager with the City Council having final approval authority. Various Town departments along with the Planning and Zoning Commission will review and make recommendations based on the standards and criteria contained within this section are deemed to be minimum standards.

3. Definitions

The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. "Department" means the Parks and Recreation Department for the Town.

b. "Director" has the meaning ascribed in §58-1 of the Code of Ordinances.

c. "Developer" means any person, firm, partnership, joint venture, association, or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of real property that is developed or redeveloped subject to the provisions of this section.

d. "Park property" has the meaning ascribed in §58-1 of the Code of Ordinances.

4. Applicability; Effective Date

a. The parkland dedication and fee-in-lieu of dedication provisions of this section apply to the following activities upon any land within the corporate limits of the Town:

i. All new residential development; and

ii. All residential re-development involving the remodeling, rehabilitation, or construction of other improvements to an existing residential structure, including repair of a damaged residential structure, if such activity results in an increase in the number of dwelling units within the structure.

b. The park development fee provisions of this section apply to all development or re-development of any residential, retail, office, industrial, or hotel property within the corporate limits of the Town, excluding those dwelling units that are accessory to an existing principal single-family detached dwelling.

c. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be required, and may be made by payment of a fee-in-lieu of land in the discretion of the Town.

d. No Building Permit shall be issued or permanent utility service established until the requirements of this section have been met.

e. The provisions of this section shall take effect on December 1, 2024.

5. Exemptions; Waivers; Appeal

a. The following shall be exempt from the requirements of this section:

i. Non-residential development is exempt from the parkland dedication or paying a fee-in-lieu of land, but shall be subject to the park development fee.

ii. Remodeling, rehabilitation, or other improvements to an existing structure, or the rebuilding of a damaged structure that does not increase the number of dwelling units or commercial square footage, as applicable.

iii. A re-plat that does not increase the number of dwelling units or commercial square footage, as applicable.

iv. Any development plan, permit, or approval commenced or issued prior to the effective date of this section, or amendment hereto, that is subject to vesting under TLGC Chapter 245 shall not be affected by this section, provided, that any increase in the number of dwelling units or commercial square footage for the development after said effective date may require dedication under this section.

v. Development which was in the Planning and Zoning review process prior to the effective date of this section, provided, that any increase in the number of dwelling units or commercial square footage for the development after said effective date may require dedication under this section.

b. The City Council may waive a requirement imposed on development by this section upon application by a developer and a finding by the City Council that the requested waiver is in the best interest of the Town.

c. A developer may appeal a final determination by the Director related to the application of this section to a development by submitting the appeal in writing to the Director within 30 days following the final determination. The appeal shall identify the final determination being appealed, the basis for the appeal, and a description of the requested relief. The filing of an appeal shall not stay the enforcement of any other provisions in this section.

6. Parkland Fees; Review

a. The method for determining the value of parkland dedication and the other fees adopted in this section shall be as provided in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

b. The City Council shall review the valuations for parkland dedication and the other fees adopted in this section at least once every five years. Notwithstanding, the City Council's failure to timely review said valuations shall not affect the validity of the current valuations set forth in §6.4.7.G: *Parkland Dedication and Fee Calculations* or stay the enforcement of any other provision of this section, which shall remain in full force and effect.

c. If the City Council fails to timely review the valuations set forth in §6.4.7.G: *Parkland Dedication and Fee Calculations* in conformance with §6.4.7.A.6.b above, any person can submit a written request to the City Manager for the City Council to perform the review. If the City Manager finds that the City Council has not timely completed such review, the request will be presented to the City Council and cause such review to commence within 60 days after the date of the request and continue until completion.

d. The Director will review the fees in §6.4.7.G: *Parkland Dedication and Fee Calculations* on or before October 1st each year as part of the Town's annual budgeting process and may recommend an annual adjustment of any fee(s) therein based upon changes in the U.S. Department of Labor Statistics Dallas-Fort Worth-Arlington Consumer Price Index for All Urban Consumers.

7. Penalty; Enforcement

a. Any person that violates any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed $500.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

b. The penalty provided in this section is in addition to and cumulative of any other remedies as may be available at law and equity, including the assessment of civil penalties and Town's right to seek injunctive relief to enforce the provisions of this section.

B. Parkland Dedication Standards and Procedures

1. Parkland Dedication and Park Development Fee Standards in General

a. As a condition of subdivision development, a developer of property for residential uses shall dedicate land for parks, pay a fee-in-lieu of dedication, or a combination of both in accordance with provisions of this section as a condition of the Building Permit for the proposed development. The Town may, in its sole discretion, agree to allow an alternative to the foregoing, provided that the alternative satisfies the intent and purpose of this section.

b. In addition to the parkland dedication requirement, a developer of residential or commercial property shall pay a park development fee. Subject to the approval of the Town, a developer may elect to construct required park improvements as identified by the Director on Town-owned parkland in lieu of paying the associated park development fee as outlined in this section.

c. Requirements herein are based on actual residential dwelling units, actual commercial square footage, or a combination thereof for an entire development. Increases or decreases in the final measurement count may require an adjustment in fees paid or land dedicated.

d. Parkland dedication requirements (and/or payment of fees in lieu of parkland dedication) and payment of Park Development Fees shall be satisfied at the time of plat recordation for single-family and duplex residential units, and prior to the issuance of any Building Permit.

e. For a phased development the entire parkland shall be platted concurrently with the plat of the first phase of the development.

f. The required land dedications and schedules of fees are included as §6.4.7.G: *Parkland Dedication and Fee Calculations* and incorporated and made a part of this section for all purposes City Council has adopted a discount schedule to reduce certain park development fees listed in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

2. Parkland Dedication Procedures

During the pre-development meeting process, the Director shall make an initial determination whether parkland shall be conveyed or a fee-in-lieu of parkland dedication shall be paid to the Town under this section. Additional meetings between the developer and the Addison Parks and Recreation Department (referred to in this section as the "Department") may be needed in order to evaluate the suitability of potential land for parkland dedication. Additionally, the Department may request a site visit to the subject property as a part of its determination. The following information, regarding the land dedication and site development, may be required as a part of the process, prior to the Town accepting land as a public parks dedication.

a. A narrative outlining the intended use, number of residential units proposed, and description of housing and commercial type(s) within the subject property;

b. Lot dimensions or metes and bounds acreage of parkland to be dedicated;

c. Total acreage of floodplain, as well as the land located outside of the floodplain;

d. A tree survey;

e. A slope analysis; and

f. An environmental survey identifying critical environmental features, such as but not limited to, protected species, habitat, and water features.

3. Parkland Acceptance Criteria

a. General Parkland Dedication Requirements

Any parkland dedicated to the Town pursuant to the terms, conditions, and requirements under this section must be suitable for park uses.

i. Must be approved by the City Council based on recommendations of the Director.

ii. Must be conveyed at the time of Building Permit issuance.

iii. Must be by lot and block and shown on a recorded plat of record.

iv. For a phased development, the parkland dedication area shall not be accepted by the Town until such time that all necessary roadway, utility, and other public improvements are constructed to provide accessibility to the proposed parkland and have been accepted by the Town, unless otherwise approved by the Director.

b. Guidelines

i. The Town shall be dedicated fee simple title in the land, free and clear of any and all liens and encumbrances that may interfere with the use of the land for park purposes. The Town's representatives must be permitted to make onsite inspections of the proposed parkland for the purposes of determining site suitability and identifying any visual hazards or impediments to park development and use.

ii. If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided. The Town may initiate and/or require the developer to initiate specific environmental studies or assessments if the Town's visual inspection of the proposed parkland gives rise to the belief that an environmental problem may exist on the site. The Director may also require the employment of consultants necessary to evaluate any environmental issues relating to the site. If an environmental hazard is identified, the developer must remove or remediate the hazard prior to Town's acceptance of the proposed parkland dedication. The Town will not accept parkland dedication sites previously or currently encumbered by hazardous and/or waste materials or dump sites.

iii. The developer is responsible for providing, at no cost to the Town, convenient access by improved streets, sidewalks, and adequate drainage improvements so the proposed parkland is suitable for the purpose intended. The developer is responsible for providing water, sewer, and electrical utilities to the proposed parkland in accordance with the procedures applicable to other public improvements, including:

a. A metered water supply located 12 feet behind the curb or as otherwise determined by the Director; and

b. If applicable, an appropriately sized sewer stub located 10 feet behind the curb or as otherwise determined by the Director.

iv. An ALTA land title survey and associated AutoCad File, certified to the Town and the title company must be provided 90 days prior to acceptance, unless otherwise determined by the Director.

v. If soils have been disturbed, they shall be restored to their pre-disturbance condition, have positive drainage, and the soil stabilized by vegetative cover by the developer prior to the dedication of the proposed parkland to the Town. All trash, debris, dead trees, and unusable material must be removed. The site must be sprayed with an approved herbicide

to eliminate dangerous and undesirable plant materials, such as briars, poison ivy, and nettles. The selected herbicide shall be approved by the Director prior to spraying.

vi. Parks should be easy to access and open to public view to benefit area development, enhance the visual character of the Town, protect public safety, and minimize conflict with adjacent land uses.

vii. Sidewalks conforming to the Town's sidewalk design standards shall be constructed adjacent to or on parkland to provide contiguous walkways on all sides of the adjoining development unless this requirement is waived by the Town.

viii. A current title insurance policy acceptable to the Town in an amount equal to the fair market value of the proposed parkland dedication must be provided.

ix. Each corner of the parkland shall be marked with a permanent marker consisting of three-fourths iron pins set in concrete unless otherwise determined by the Director.

x. The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the parkland dedication by the Town. A tax certificate from the County Tax Assessor shall be submitted with the parkland dedication.

c. Land Requirements

i. Land that is unsuitable for development is typically unsuitable for neighborhood/community parks.

ii. The Town recognizes that maintaining many small parks is difficult and costly. Accordingly, parkland shall generally be:

a. No less than one acre of contiguous land;

b. A land area that is consistent with the Parks, Recreation, and Open Space Master Plan objectives;

c. Land identified as a trail connection to expand the existing trail network or as an identified need;

d. Land that can be connected to a larger tract of existing open space; or

e. Land that provides park space to an area that is lacking within ½ mile of the site.

The total parkland required shall be as provided in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

iii. Parkland dedication sites should be located to serve the greatest number of users and should be located to minimize the number of users crossing arterial roadways and shall be uninterrupted by roads or free from physical barriers that would prohibit walkable access to the park.

iv. Where feasible, parkland dedication sites should be located adjacent to schools to encourage shared facilities and joint development of new sites; access ways may be required to facilitate access to the parkland.

v. Parks should have well-drained and suitable soils and level topography. Parkland dedication sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities.

vi. Dedicated parkland shall not exceed a 20 percent grade on more than 50 percent of the land.

vii. Where feasible dedicated parkland shall provide connectivity to or enhance existing looped trails, hike, and bike trails.

viii. At least 25 percent, or proportionate to the size of the parkland, of the perimeter of the parkland should abut a public street.

ix. Dedicated parkland shall include at least visible, attractive, and suitable means of ingress and egress proportionate to the size and amenities in the park.

x. No more than two sides of a park may be adjacent to the rear lot lines of homes.

xi. The parkland dedication site should not be encumbered by overhead utility lines, above-ground improvements, or easements that might create a dangerous condition or limit the opportunity for park development and use.

xii. Parkland with existing trees or other scenic elements is preferred and may be reviewed by the Director to make recommendations.

xiii. Rare, unique, endangered, historic, or other significant natural areas will be given a high priority for consideration of a parkland dedication site pursuant to this section. Areas that provide an opportunity for linkages between parks or that preserve the natural character of the surrounding environment may be required by the Town to be included in the parkland dedication.

xiv. Consideration will be given to a potential parkland dedication site that is in the floodplain or an area that may be considered "floodable" even though not in a federally regulated floodplain if the proposed parkland site is suitable for park improvements. At the discretion of the Town, land in floodplains may be considered as part of a parkland dedication requirement on a three-to-one (3:1) basis. That is, three acres of floodplain will be deemed equal to one acre of parkland, but not more than 50 percent of any parkland dedication shall be allowed in a floodplain.

xv. Detention/retention areas may not be used to meet parkland dedication requirements but may be accepted by the Town in addition to the required parkland dedication. If accepted as part of a park, the detention/retention area design must meet the Town's design specifications in the Drainage Criteria Manual.

C. Payment of Fees in Lieu of Parkland Dedication

1. The Town may require that a fee be paid in lieu of dedication to satisfy some or all of the dedication requirements set forth in this section. All fees required to be paid under this section shall be based on the average cost of land in the Town and calculated in conformance with the applicable fee schedules provided in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

2. The payment of fees in lieu of dedication under this section shall comply with the following:

a. The fees must be approved by the City Council upon recommendation of the Director.

b. The fees shall be used for the purpose of acquisition, development, or improvement of park property.

c. All fees shall be paid prior to issuance of any Building Permit, unless otherwise determined by the Director.

d. The fees shall be deposited in separate Town fund for parkland dedication.

D. Park Development Fee

1. Fee Required

Park development fees are required for all development to ensure that adequate park facilities conforming to the Town's parks and recreation standards, including neighborhood and community parks, and passive park conservation areas, are available to meet the needs created by such development. Accordingly, park development fees shall be used for the acquisition, development, and improvement of park facilities. Park development fees are required in addition to the parkland dedication requirements established by this section and shall be paid simultaneously with the dedication.

2. Administration of the Fee

The Director shall be responsible for the administration and approval of the park development fee; which shall be calculated based upon the fee schedule in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

3. Alternative Park Improvements

The developer may request to provide park improvements in conformance with §6.4.7.E: *Application of Credits to Park Development Fees* as an alternative to payment of all, or a portion of, the park development fee.

4. Right to Refund

The Town shall account for all fees paid in lieu of parkland dedication and all park development fees paid under this section. Any fees paid for such purposes should be encumbered or expended by the Town within 15 years from the date received by the Town for the acquisition, development, or improvement of park property in conformance with this section. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the current owner(s) of the property on the date of expiration of such period shall, upon timely written request, be entitled to a prorated share of the remaining unencumbered funds without interest. For residential developments, the prorated share shall be computed based on the number of dwelling units in the residential development for which such unencumbered and unexpended fees were paid. Any person entitled to a refund under this section shall submit a written request for refund within one year from the initial date of entitlement. Failure to timely submit the required application for refund shall constitute an absolute waiver of all rights, title, and/or interest the person may have to any portion of the funds eligible for reimbursement. Upon expiration of the reimbursement period, all remaining funds shall be retained by the Town and used for any lawful purpose.

E. Application of Credits to Park Development Fees

1. Park Improvements as an Alternative to Fees

Upon recommendation of the Director and subject to the City Council's approval, a developer may enter into a development agreement with the Town to construct required park improvements as an alternative to payment of the park development fees assessed by this section.

2. Requirements for Public Park Improvements

a. Park improvements provided by a developer shall be constructed on land dedicated for use by the public for park purposes and shall generally conform to the requirements set forth in this section.

b. Park improvements shall be designed and constructed in accordance with all applicable federal, state, and local laws, regulations, and guidelines, including, but not limited to the following:

i. International Play Equipment Manufacturer's Association (IPEMA);

ii. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;

iii. American Society for Testing and Materials (ASTM and ASTM F08);

iv. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);

v. Illuminating Engineering Society of North American (IESNA RP- 6-01);

vi. Sports Turf Management Association (STMA);

vii. North Central Texas Council or Governments (NCTCOG) Construction Standards; and

viii. The Town's design standards.

c. A park site plan, developed in cooperation with Department staff, shall be submitted by the developer and approved by the Director prior to submission of Final Plat or upon application for a site Building Permit, whichever is applicable.

d. Detailed plans and specifications for proposed park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for Final Plats and for Building Permit issuance, whichever is applicable. Plans and proposed improvements must be reviewed and approved by the Town's Development Review Committee (DRC).

e. All plans and specifications for the proposed park improvements shall meet or exceed the Town's standards in effect at the time of the submission.

f. If the park improvements are constructed on land that is being dedicated to, has already been dedicated to, and/or is owned by the Town, then the developer shall provide at no cost to the Town payment and performance bonds in the form approved by the Town that identify the Town as a Beneficiary in an amount equal to the greater of the park development fees due or the cost of the park improvements pursuant to Texas Government Code 2253.001, et seq. to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, or other applicable laws. The park improvements shall be completed, and final accepted by the Town prior to Final Plat recordation.

g. Park improvements may be constructed on parkland dedicated to the Town that satisfies the requirements of this section or, with the approval of the Director, improvements may be made in an existing or proposed park that is located in the Town.

h. The developer shall also provide to Town, at no cost to Town, a two-year maintenance bond that is equal in amount to 20 percent of the construction cost of said park improvements. The developer shall also provide to the Town a manufacturer's letter certifying that any play structure, equipment, facilities, and safety surfaces were installed in accordance with the manufacturer's installation requirements.

i. For a public park, the developer shall provide a copy of the application and subsequent inspection report prepared by the State Department of Licensing and Regulation of their contracted reviewer for compliance with the Architectural Barriers Act, codified as Vernon's Ann. Civ. St. art 9102.

j. Upon issuance of a Certificate of Completion and Acceptance, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.

k. The developer shall warranty all park improvements for a period of two years from the date of the Town's acceptance of the same. The warranty shall be in the form of a maintenance bond covering 100 percent of the total cost of the improvements, provided, that the Director may accept an alternative form of warranty in the Director's sole discretion.

l. For a public park, the developer shall be liable for any costs required to complete park development if:

- **i.** Developer fails to complete the improvements in accordance with the approved plans; or
- **ii.** Developer fails to complete any warranty work.

m. All public park improvements shall be inspected by the Department while construction is in progress and when complete to verify park requirements have been satisfied.

n. Once the public park improvements are constructed, and after the Director of Parks and Recreation has accepted such improvements, the developer shall convey such improvements to the Town free and clear of any lien or other encumbrances.

o. The developer shall be liable for costs required to complete the public park improvements if:

- **i.** Developer fails to complete the park improvements in accordance with the approved plans; or
- **ii.** Developer fails to complete any warranty work.

p. The park improvements will be considered complete with a Letter of Completion and Acceptance from the Town and will be issued after the following requirements are met:

i. Park improvements have been constructed in accordance with the approved plans; and

ii. Park improvements have been inspected and reviewed by Park and Recreation Department staff and determined to satisfy the terms, conditions, and requirements under this section; and

iii. Developer has provided the Town with a bills paid affidavit and such additional documentation as the Town may require to confirm that all of developer's contractors and materialmen have been fully paid; and

iv. Developer has provided the Town with all warranties and the required maintenance bond.

3. Credits for Public Park Improvements

The developer shall receive a credit to the required park development fee equal to the amount paid by the developer for the public park improvements accepted by the Town. The credit shall be applied solely for costs directly attributable to the acquisition, construction, and installation of the improvements and generally excludes soft costs, such as developer's overhead and profit, and the costs associated with the developer's architects consultants, engineers, other consultants or advisors, and all other costs that would customarily be considered "soft costs" by industry standards. The developer shall provide the Town with all invoices, payment records, and any other supporting documentation reasonably necessary for the Town to verify the amount paid by the developer for the improvements.

4. Credits for Private Parks and Open Space

a. A credit of up to 50 percent of the total parkland dedication fees assessed by this section may be provided in consideration for the construction of private park facilities in conformance with this section. The remaining parkland dedication fees will be deposited in the Town's parkland dedication fund to defray the financial burden private subdivisions impose on the Town's public park system.

b. Small passive spaces that are privately owned but provide public access may be considered for the 50 percent open space credit at the discretion of the Town.

c. Yards, court areas, setbacks, and other open areas required under the Town's zoning, subdivision, and other development regulations shall not be eligible for a credit if said areas are privately owned and maintained by the residents or, in the case of an apartment complex, the property manager.

5. Private Park Requirements

a. Private ownership and maintenance of the private park and open space shall be adequately provided for by recorded agreement, covenants, or restrictions.

b. Use of the private park is restricted for park and recreation purposes by a recorded covenant, which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the City Council or its successors.

c. Private parks and park improvements shall be owned by the property developer, owner, or an incorporated nonprofit homeowners association comprised of all property owners in the association, which is an organization, operated under recorded land agreements through which each lot owner in the subdivision is automatically a member, and each lot is subject to a charge for a proportionate share of maintaining the facilities.

d. The governing documents for private parks subject to the provisions of this section shall contain a covenant providing that if any owner fails to maintain the private park facilities in a safe and clean condition in accordance with the standards of the Town, then the Department may access the private park facilities for the purpose of maintaining or repairing the same in conformance

with the standards of the Town. Further, the Town shall be entitled to assess and charge the costs of such maintenance and repairs to the person(s) having the primary responsibility for the maintenance of the same.

e. Private park facilities must be similar or comparable to the facilities that would be required to meet public park standards and recreational needs as required per the Town's development regulations and Parks, Recreation, and Open Space Master Plan and other federal, state, and local laws. The following design features are ineligible for private park credit:

- **i.** Leasing offices;
- **ii.** Yards;
- **iii.** Common open space;
- **iv.** Entry features
- **v.** Areas devoted to decorative landscaping;
- **vi.** Medians;
- **vii.** Utility easements;
- **viii.** Setback areas;
- **ix.** Areas following perimeter walls;
- **x.** Land used for mining or oil and gas wells; and
- **xi.** Private personal areas.

f. Eligible private park improvements include various active and passive outdoor amenities, such as those amenities typically found in public parks.

g. For a multi-phased development, the private park design shall be reviewed and approved by the Director of Parks and Recreation before the platting of the first unit.

h. The cost of construction for private parks shall be equal to or greater than the park development fee per dwelling unit set forth in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

i. Before a reimbursement is approved, the Town shall make written findings that certain conditions are met, pursuant to this section, including the following, but not limited to:

- **i.** Developer is required to submit all invoices and checks paid or other proof of payment toward the construction of the private park.
- **ii.** Developer shall allow the Department staff to conduct a site visit to verify private park improvements.
- **iii.** Developer shall provide an affidavit stating the cost of private park improvements meets or exceeds the required full park development fee per dwelling unit from §6.4.7.G: *Parkland Dedication and Fee Calculations*.

j. All private parks shall be constructed no later than prior to the application of the final unit.

k. To receive the credit for private parks, the developer shall submit sufficient documentation to establish that the requirements of this section have been satisfactorily met on or before the date the Final Plat is approved by the Town. The Director shall evaluate and approve the documentation submitted prior to any credit being given.

6. Reimbursement For Town-Acquired Parkland

The Town may from time to time acquire land for parks and develop and improve park facilities on such land in advance of actual or potential development. If the Town acquires parkland and/or develops and improves park facilities thereon in advance of development, the Town may require subsequent parkland dedications to be made in the form of paying a fee in lieu of parkland dedication only.

F. Map of Town of Addison from the Parks, Recreation and Open Space Master Plan

Town parkland areas are identified in the Existing Parks and Greenbelts map in the Parks, Recreation, and Open Space Master Plan.

G. Parkland Dedication and Fee Calculations

1. Starting Values (per U.S. Census and ESRI data from 2019 Parks and Recreation Department Open Space Master Plan Master Plan)

a. Population: 16,661

b. Number of Dwelling Units: 10,591

c. Average Persons Per Dwelling Unit: 1.57

2. Current Level of Service (LOS)

a. Number of Parks: 17

b. Total Park Acreage: 113.4

i. Developed Parks: 67.5 acres

ii. Greenbelts, linear parks, trail corridors, etc.: 45.9 acres

3. Cost of Land per Acre

$536,000

4. Cost of Park Development per Acre

$400,000 per acre for developed parks and (based on recent construction costs)

5. Calculating the Value of Land Dedication

a. The number of dwelling units per acre of parks is calculated by dividing the population by the total park acreage (LOS) to determine the number of persons per acre:

16,661 ÷ 113.4 = 146.92 (rounded to 147).

b. Then, divide the number of persons per acre by the average persons per dwelling unit:

147 ÷ 1.57 = 93.4 (rounded to 100).

c. The result is a land dedication requirement of one acre per 100 dwelling units to meet the current level of service.

6. Calculating the Fee-in-Lieu of Dedication

The cost of land per acre is $536,000. The fee is the cost for an acre of land divided by the number of dwelling units, 100, per acre based on current level of service: $5,360.

7. Residential Fee Calculations

a. The park development fee per dwelling unit is calculated using a discounted approach to account for the difference in cost of a fully developed park versus a more passive park. The cost of park development per acre of a developed park is $400,000. This cost is divided by the dwelling units per acre of each park type:

$400,000 ÷ 157 = $2,549 fee per dwelling unit for developed parks, greenbelts, trail corridor, etc.

b. The combined maximum fee for fee-in-lieu of land and park development is $7,909 per dwelling unit for developed parks, greenbelts, trail corridor, etc.

8. Nonresidential Fee Calculations

a. To determine the fee per square foot of nonresidential development, first divide the number of persons per acre by the cost of park development per acre:

$400,000 ÷ 147 = $2,723.00 cost of park development per person per acre (A).

b. The fee per square foot calculation is (A x B x C x D) / E, whereas:

- **i.** A = Cost of park development per person per acre
- **ii.** B = Occupancy rate % (Commercial Edge and Economic Pulse)
- **iii.** C = Operational hours %
- **iv.** D = Commuter % (total employees in Addison less population)
- **v.** E = Square feet per employee (U.S. Green Building Council)

Table 6.4-1: Nonresidential Fee Calculations

Type	Square Feet Per Employee (E)	Occupancy Rate % (B)	Operational Hours % (C)	Commuter % (D)	Fee Per Square Foot
Industrial	2,500	95%	71%	79%	$0.58
Hotel	1,500	60%	71%	79%	$0.61
Retail	550	93%	38%	79%	$1.36
Office	300	79%	24%	79%	$1.34

Article 7: Definitions

7.1 Rules of Construction

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.

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;

B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply; and

C. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.

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 Development

A cluster of at least five 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)".

Dwelling, Duplex

A single building on a single lot or tract containing two dwelling units under one roof, each of which is occupied by one family or two 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.

Dwelling, Fourplex

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-Work

A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling, Multifamily

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)

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)

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, Triplex

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)

A development on a single lot divided into more than one space 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 limited to recreational facilities and vehicle parking for occupants and staff. Specific use types within the group living use category include:

Assisted Living Facility

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.

Continuing Care Facility

An establishment for care of individuals that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally incudes 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. A "continuing care facility" does not contain equipment for surgical care or for treatment of disease or injury.

Group Care Home, FHAA

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 Housing

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.

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:

Police, Fire, or Rescue Facility

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 Lodge

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. This definition does not include any form of sleeping accommodations.

Day Care Center, Adult or Child

A facility, other than a "Day Care Home, Adult or Child," “Assisted Living Facility,” or “Continuing Care Facility,” 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. A "Day Care Center" exempt from state licensing requirements shall provide proof of exemption.

Day Care Home, Adult or Child

A residential dwelling unit used as the primary residence of the day care provider where adults or children receive care from the provider less than 24 hours per day. This use includes licensed, listed, and registered child care homes as defined by Texas Health and Human Services. Where required by state law, adult or child day care homes shall be and remain licensed, registered, or listed 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 Facility

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.

Library

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.

Museum

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, retail sales of goods that are related in topic with the primary purpose of the museum, and similar support facilities.

Park or Open Space, Active

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, Passive

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 Worship

Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural, and social activities. Accessory uses may include offices related to the operation of the organization, meeting rooms, columbariums pursuant to Section 711.008 of the Health and Safety Code, and similar support facilities.

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, secondary, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities. Specific use types include:

School, College or University

A post-secondary 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 Private

Any public or 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 and charter schools. 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 Trade

A private or public educational facility offering instruction in a professional, vocational, or technical field. This use includes establishments providing instruction focused upon usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

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:

Hospital

An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and emergency medical services 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 Clinic

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 and outpatient surgery centers. Accessory uses may include incidental retail sales of products incidental to the services provided.

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, Commercial

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 Greenhouse

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.

Urban Agriculture, Noncommercial

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 including eggs from backyard chickens. 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 Code of Ordinances.

Veterinary Hospital or Clinic

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, Indoor

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, or any other indoor recreational activity. Accessory uses may include limited retail, concessions, and maintenance facilities. This definition does not include "Sexually Oriented Business."

Recreation Facility, Outdoor

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, amphitheaters, 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 Business

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 Consumption

A licensed retail sales establishment selling packaged and sealed alcoholic beer and wine for consumption off-site.

Brewpub, Distillery, or Winery

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 Establishment

An establishment that prepares food on-site, then transports and serves the food at a secondary location. On-site sale or consumption of food or beverages to patrons is prohibited.

Hookah Bar

An establishment providing for the sale of on-site consumption of smoked flavored tobacco or herbs.

Liquor Sales, Off-Premise Consumption

A licensed retail sales establishment selling packaged and sealed alcoholic liquors (including spiritous liquors) for consumption off-site.

Microbrewery

A small-scale commercial operation engaged in the production and distribution of beer, wine, liquor, mead, or cider that may include a tap room and typically offers retail sales for consumption on site or off the premises.

Mobile Food Truck Park

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. This use does not include mobile food trucks.

Restaurant

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 Breakfast

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.

Hotel, Full Service

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 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 Service

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 Hotel

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 Institution

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 Business

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-Service

An establishment providing washing or drying 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.

Office

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 Services

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, licensed massage therapy, 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. 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 Store

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.

Retail Sales

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 §4.2.7: *Table of Allowed Uses*.

Retail Sales, Less than 15,000 Square Feet GFA

A retail sales establishment with less than 15,000 square feet of gross floor area.

Retail Sales, 15,000 to 50,000 Square Feet GFA

A retail sales establishment with between 15,000 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 transit 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.

Equipment Sales or Rental

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 Services

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, Private

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, Public

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 Station

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 Station

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, Major

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."

Vehicle Repair, Minor

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 Leasing

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 Wash

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 Facility

An establishment that cleans clothing, carpeting, drapes, leather, and other cloth or synthetic fiber materials using a chemical process.

Data Center

A facility used to house computer systems and associated components, telecommunications systems, and storage systems for the purpose of collection, processing, storage, or retrieval of data. This use generally includes redundant or back-up power supplies, redundant data communications connections, environmental controls (such as air conditioning and fire suppression), and security devices.

Food Production or Processing

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 off the premises.

Manufacturing, Artisan

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-Impact

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 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 Extraction

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 Office

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-Service

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, Outdoor

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 Facility

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.

7.2.5. 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:

Public Utility, Major

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, Minor

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 kW

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.

Wireless Communication Facility (WCF)

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment and their permitted supporting structure, but does not include the support structure to which the wireless communications facility or its components are attached if the use of such structure for the wireless communications facility is not the primary use. The term does not include ham radio operations or mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

Building-Mounted

A WCF that is mounted on a building with a primary purpose to be a use other than as an antenna support structure.

Roof-Mounted

A WCF that is mounted on a structure that is located on the roof of a building

Ground-Mounted

A WCF that is mounted on a freestanding support structure, such as a monopole or tower.

7.2.6. Accessory Uses

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 Consumption

The accessory or incidental sale of alcoholic liquors (including beer, wine, and spirituous liquors) by a licensed establishment, including restaurants, for consumption on-site.

Drive-Through

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.

Donation Box, Self Service

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)

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.

Event Space

A facility designed to accommodate and support meetings or conferences and incorporated into a hotel or office facility and may include eating and drinking facilities.

Home Occupation

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.

Valet Parking Service

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, and/or podiums.

Caretaker's Quarters

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.

7.2.7. 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 UDC, 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 Activities

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 but is not limited to contractor's offices, equipment storage, and portable lavatories.

Mobile Food Truck

A 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 Display

An area for the outdoor retail and display of goods, produce, plants, and/or handcrafts 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 Structure

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 the Building Code and this UDC.

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 Sales

The temporary sale of goods or products associated with the season or a cultural event, including but not limited to the sale of healthy and nonhazardous cut or live evergreen trees, wreaths, tree stands, pumpkins, fireworks, and seasonal produce.

Special Event

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 Terms

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

Alluvial Fan Flooding

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure

A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of shallow Flooding

A designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been

completed in preparation for publication of the FIRM, Zone A usually is refined into Zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year, also called the base flood.

Basement

Any area of the building having its floor sub-grade (below ground level) on all sides.

Certified Floodplain Manager (CFM)

An individual who has demonstrated their expertise in floodplain management through the national certification program through the Association of State Floodplain Managers.

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building

A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, and V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing Construction

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction

of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this UDC.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1) The overflow of inland or tidal waters; or
2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Study

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

Flood Insurance Study (FIS)

See flood elevation study.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain Administrator

The individual appointed by the City Manager to administer and implement the standards set forth in §5.3: Floods and other appropriate sections of Title 44 of the UDC of Federal Regulations (National Flood Insurance Program Regulations) pertaining to floodplain management.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Proofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3) Individually listed on the state's inventory of historic places; or
4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    a) By an approved state program as determined by the Secretary of the Interior or;
    b) Directly by the Secretary of the Interior in states without approved programs.

Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

Manufactured Home

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park of Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Map are referenced.

National Flood Insurance Program Regulations

Those regulations contained in Chapter 1 of Title 44 of the Code of Federal Regulations (CFR) pertaining to floodplain management.

New Construction

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle

A vehicle that is:

1) Built on a single chassis;
2) 400 square feet or less when measured at the largest horizontal projections;
3) Designed to be self-propelled or permanently towable by a light duty truck; and
4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of

the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including a gas or liquid storage tank and a manufactured home, that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Building Official and which are the minimum necessary conditions; or
2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

7.3.2. Airport Definitions

Abandon

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.

Airport

The area of land owned by the Town and known as Addison Airport.

Airport, Private-Owned

A private-owned facility designed, used, or intended to be used for aircraft, including all necessary 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, 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) Buildings for office use; and
5) Related uses and buildings and other uses and buildings incidental to any of the foregoing.

Airport, Public-Owned

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:

6) Areas for other aviation uses;
7) 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;
8) Airport buildings or facilities located on an appurtenant area;
9) Facilities for the fueling of aircraft;
10) Buildings for office use; and
11) Related uses and buildings and other uses and buildings incidental to any of the foregoing.

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 Reference Point

The point established as the approximate geographic center of the airport landing area and so designated.

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 set forth in §3.8.1.B: *Airport Overlay District Established*.

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.

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.

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 all zones set forth in the Airport Overlay District and shown on the zoning map, 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.

Landing Area

The surface area of the airport used for the landing, take-off or taxiing of aircraft.

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.

Obstruction

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §3.8.1.D: *Height Limitations*.

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 Surface

The width of the primary surface which is 1,000 feet.

Runway

A defined area on an airport prepared for landing and take-off of aircraft along its length.

Sign, Air Side

A sign located in the area of an airport that is enclosed by a security barrier, to which aircraft have access, and to which the general public does not have access, including runways, taxiways, aprons, and ramps.

Sign, Landside

In the Airport Overlay District, signs that serve the passenger and cargo terminals and the access system, that includes parking, roads, public transport facilities, and loading and unloading areas.

Structure

For the purpose of the Airport Overlay District, an object constructed or installed by one or more persons and includes a building, tower, smokestack and overhead transmission line.

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 a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

7.3.3. Sign Definitions

Animation

Copy or other images that flash or move or otherwise change.

Commercial Message

A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

1) Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or
2) Attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist or sale or for hire.

Copy

Letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof, designed to communicate information of any kind, or to advertise, announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of a premises.

Facade

Any separate face of a building, including parapet walls and omitted wall lines. Any part of a building oriented in the same direction, or in directions within 45 degrees of one another are considered a part of a single facade.

Festoon Lighting (String Lighting)

A string of outdoor lights suspended between two points as more fully defined in the National Electrical Code (NEC).

Flag

Any fabric or bunting containing distinctive colors, patterns, symbols or graphic depictions or text.

Luminescent Gaseous Tubing

Exposed tubes used in or as signs and which contain luminescent inert gases including, but not limited to, neon, argon and krypton.

Noncommercial Message

Any message that is not a commercial message.

Mural

A painting or picture applied to and made part of a wall which may be pictorial or abstract and is characteristically visually set off or separated from the background color or architectural environment.

Premises

A lot or tract, or a combination of contiguous lots or tracts if the lot or tract, or combination, is under single ownership and is reflected as a single premises in the plat records of the Town.

Roofline

For the purpose of Section 5.9, *Signs,* the uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of the uppermost sloped roof structure

Searchlight

An apparatus containing a light and reflector on a swivel, for projecting a strong, far-reaching beam in any direction.

Sign

Any device, flag, light, figure, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract attention.

Sign, Animated or Moving

Any sign that includes animation, parts which move, or flashing or blinking lights that may be distracting to motorists. This includes feather signs and a person holding or carrying wind devices, flags, balloons, or other sign structures.

Sign, Attached

Any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, under-canopy, awning, arcade, projecting or marquee) that encloses or covers usable space.

Sign, Banner

A temporary sign composed of lightweight material secured or mounted so as to allow movement caused by wind.

Sign, Construction Banner

A temporary banner erected and maintained on a site during the period of construction.

Sign, Detached

Any sign connected to the ground that is not an attached sign, but excluding signs on vehicles that are moving or are parked only temporarily, incidental to their principal use for transportation.

Sign, Electronic

Any sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof, within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes.

Sign, Feather

A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images.

Sign, Fence

Any sign painted or attached to the outside of a fence, railing or a wall that is not a structural part of a building, whether or not such fence, railing or wall is on the property line.

Sign, Government

Signs required to protect the public health, safety, and welfare of the Town and other regulatory purposes, including traffic signs, emergency and warning signs, signs required to be displayed by law and signs of public service companies indicating danger and/or aids to service or safety shall be allowed without a Sign Permit.

Sign, Hazardous or Nuisance

Any sign illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance including moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs.

Sign, Imitation of Emergency Signs and Signals

Any sign using any combination of forms, colors, or lights which imitate emergency signs or signals.

Sign, Inflatable

Any inflatable sign, including balloons, anchored to the ground, a building or other structure.

Sign, Interchangeable Copy

Any sign that allows for manual interchangeable copy.

Sign, Luminescent Gaseous Tubing

Any sign that uses exposed tubes that contain luminescent inert gases, including, but not limited to, neon, argon and krypton, and that are visible from the exterior of structures.

Sign, Mobile Billboards

Any wheeled vehicle used primarily for the display of general advertising, by means of traversing upon any public street or parking on any public street in a manner that the advertising image(s) on the vehicle are visible from any portion of the public right-of-way.

Sign, Monument

A freestanding sign having a low profile and made of stone, concrete, metal, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves.

Sign, Menu Board and Drive Through

Menu boards placed adjacent to, within, or above drive-through or drive-in lanes directing vehicles.

Sign, Not Readable from the Public-Right-of-Way

A sign located entirely inside of a building and not visible from the building's exterior or a sign that displays letters, figures, or symbols less than two inches in height and project no more than one inch from the surface on which the sign is mounted.

Sign, Off-Premises

Any sign which is not located on the premise of the advertised business.

Sign, On-Site

Any sign that identifies or advertises the location, products, persons, accommodations, services or activities of or on the premises where the sign is located, or the sale, lease or construction of those premises.

Sign, Pole

A free-standing sign, usually double-faced, mounted on a round pole, square tube, or other fabricated element without any type of secondary support.

Sign, Portable

Any sign that is moveable and not permanently attached to the ground or to a structure or another sign permanently attached to the ground, excluding sidewalk signs.

Sign, Projecting

A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Sign, Residential Property

A sign located on a residential lot, excluding multifamily dwellings and assisted living and continuing care facilities.

Sign, Right-of-way

Any sign that is erected or affixed within or projected over any public right-of-way or extended across a railroad right-of-way.

Sign, Roof

Any sign on the roof or project over the roofline of a building. This does not apply to signs located above structural elements of the building, but remain below the roof of the facade on which the sign is located.

Sign, Sidewalk

A sign composed of a sign panel and spring-mounted supporting structure intended to be located on or near a sidewalk with the ability to be readily moved, and that is not affixed to a building, vehicle, or the ground. A-frame signs are not considered sidewalk signs.

Sign, Site Directional

A sign located at a vehicular access point or that directs vehicular or pedestrian movement within the premises on which the site directional sign is located.

Sign, Under-Canopy

A sign suspended beneath a canopy, ceiling, roof, marquee, or similar structure.

Sign, Vehicular

A sign or other advertising device painted on or otherwise affixed to a car, truck, trailer, or other similar vehicle.

Sign, Wind-Driven

Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

Sign, Window

Any sign located on or within eight feet of an exterior window.

Sign Support

Any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that such fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, or is internally or decoratively illuminated.

7.3.4. All Other Definitions

Abutting

Bordering or touching, such as sharing a common lot line. Lots that are separated by a street, right-of-way, or platted alley are not abutting.

Access or Access Way

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 Manual

The document containing the submittal requirements that applicants must submit in order to have a complete application and allow the Town to begin reviewing those applications and other additional details about development review requirements and processes such as fees, licensing, and document specifications.

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.

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;
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

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 10 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 10 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.

Alley

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. See also “Mews.”

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.

Berth

An off-street space provided for cargo vehicles to load or unload.

Best Management Practices (BMP)

Methods, measures, practices, schedules of activities, and maintenance procedures to prevent or reduce nonpoint source pollutants, such as those found in stormwater runoff. Best management practices may include

treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction, best management practices may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water.

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.

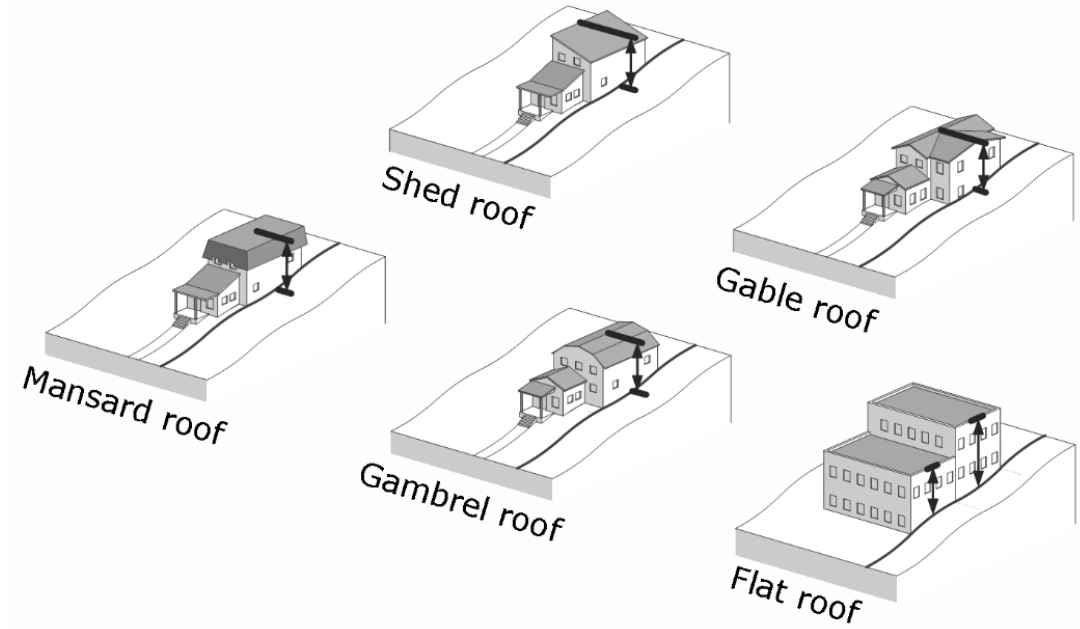
Building Façade, Primary

Any façade that fronts a public or private street or open space.

Building Height

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.

Figure 7-1: Building Height Measurement



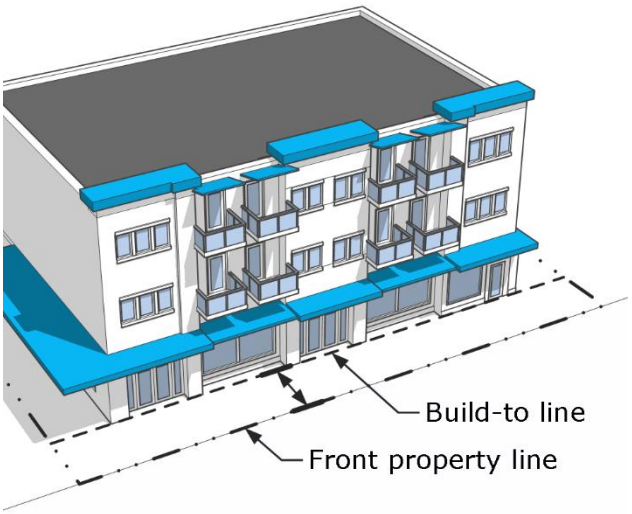
Building Official

The Building Official of the Town of Addison or their designated representative.

Build-to

An alignment establishing a certain distance from the front or street side property line where a building must be constructed.

Figure 7-2: Build-to Line



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.

City Manager

The City Manager of the Town of Addison or their designee.

Code of Ordinances

The Code of Ordinances of the Town of Addison, Texas, as amended.

Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

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.

Design Capacity

When used in the context of parking or occupancy regulations, the approved capacity of building or facility based on the Fire or Building Code.

Development

The new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

Development Site

That area of a development that includes all lands for development, land dedicated or conveyed to the Town for any public facility other than a park, recreational area or floodplain area, or any street right-of-way for a proposed street when such street is not necessitated by the development of the subject lot.

Director

Unless otherwise specified, the Director of Development and Neighborhood Services or their designee.

Director of Parks and Recreation

Unless otherwise specified, the Director of Parks and Recreation or their designee.

Director of Public Works and Engineering

Unless otherwise specified, the Director of Public Works and Engineering 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.

Eligible Facilities Request

Any request for modification of an existing Wireless Community Facility (WCF) that involves the collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Eligible Support Structure

Any Wireless Community Facility (WCF) as defined in this Unified Development Code (UDC) that is existing at the time an application is filed.

Escort

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.

Existing

For the purpose of Section 4.3.6.E, *Wireless Communication Facilities (WCF),* a constructed WCF that was reviewed and approved in accordance with all requirements of applicable law as of the time of an eligible facilities request.

Family

Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

Feeder Lines

Those high voltage supply electric lines that emanate from substations used to distribute power throughout an area.

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 §2.9.3: *Final Plat*.

Fire Marshal

The Fire Chief or the Fire Chief's designee.

Frontage

The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Grade, Finished

The average of the ground elevations at the center of all walls of a building, following completion of site grading. If a wall is parallel to and within five feet of a sidewalk, finished grade is measured at the sidewalk.

Gross Floor Area (GFA)

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.

Impervious Coverage

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 Surface

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.

Infill Development

Development, redevelopment, or reuse of vacant and underutilized sites surrounded by existing development and where street access is available.

Landscape Plan

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.

Lateral Lines

Those electric lines used to distribute power from a feeder line to an end user. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

Light Trespass

The shining of light produced beyond the boundaries of the property on which it is located, where light is produced by a light fixture or reflected light.

Lot or Lot of Record

A designated parcel, tract or area of land established by a plat to be used, developed, or built upon as a unit.

Lot Area

The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

Lot Depth

The horizontal distance from the midpoint of the rear of lot line to the midpoint of the front lot line.

Lot Lines

A boundary of a lot. "Lot line" is synonymous with "property line."

Lot Width

The horizontal distance between the side lines, measured from the point on the building line that is closest to the front lot line. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned.

Low Impact Development (LID)

Development that minimizes stormwater runoff from a lot or parcel by implementing site design techniques, natural grades and features, and soil treatment to allow cleansing and infiltration of stormwater on-site.

Masonry

Building materials consisting of clay brick, natural and manufactured stone, granite, marble, architectural concrete block, tilt wall concrete panels and other similar materials. This definition does not include cementitious siding or EIFS.

Maximum Extent Feasible

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.”

Maximum Extent Practicable

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.

Mews

A minor street or service lane that provides access to properties in a residential area.

Minor or Amending 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 §2.9.5: *Minor or Amending Plat*.

Nonconforming Lot

A lawfully established lot created prior to adoption of this UDC or any amendment thereafter that does not comply with lot dimensional 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 or any amendment thereafter 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 Use

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 of this UDC 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.

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.

Parking Area

An area designed and constructed for the parking, storage and maneuvering of vehicles.

Parking Space

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.

Person

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.

Pervious Pavement or Paving

Paving materials that provide surfaces able to absorb water or allow the passage of water through the paving material to the ground below such as previous interlocking concrete paving blocks, concrete grid pavers, and perforated brick pavers.

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, manager, or other person in control of property or his agent or designee.

Public Improvements

Any drainage way or easement, street, culvert, pedestrian way, sidewalk, street sign, monument, flood control or storm drainage system, sewage disposal system, or other facility for which the municipality may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which municipal responsibility is established.

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-Way

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.

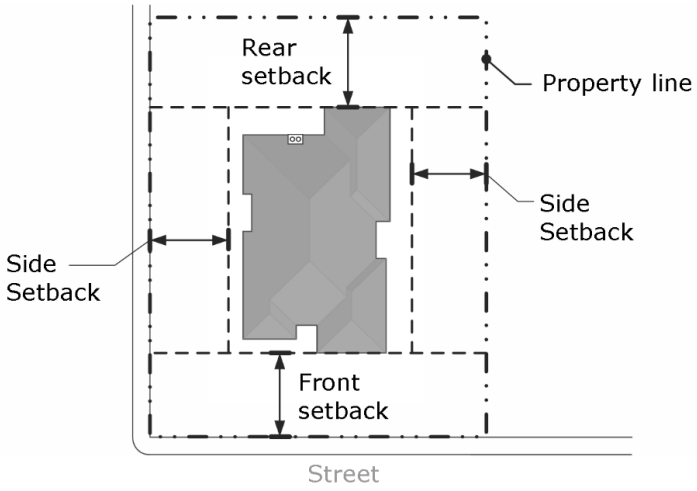
Service Line

Those electric lines used to connect between the utilities' supply system and the end user's service entrance.

Setback

The minimum distance between a lot line and a building or structure required by this UDC.

Figure 7-3: Setbacks



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.

Site

1) For the purpose of §4.3.6.E: *Wireless Communication Facilities (WCF)*, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the Town, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.
2) In all other instances, any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.

Site Plan, Major

See §2.6.2.C.2.

Site Plan, Minor

See §2.6.2.C.1.

Special Flood Hazard Area (SFHA)

The land subject to a one percent or greater chance of flooding in any given year. The SFHAs within the Town 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.

Street

Any thoroughfare or public driveway, other than an alley or mew, 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. 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.

Transmission Equipment

Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

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*.

Variance

A development application authorizing a deviation from the standards of this Code where strict application of this Code results in a hardship due to circumstances with a particular lot and that is reviewed and decided pursuant to §2.10.1: *Variance* or §2.10.2: *Subdivision Variance*.

Zoning District

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.

Article 8: Legacy District Regulations

8.1 A – Apartment District Regulations

8.1.1. Legacy District

The Apartment district is prohibited from future use. Property that is zoned A as of the effective date of this UDC shall be permitted to continue as conforming to this Code as described in §3.3.3: *Legacy Zoning Districts*, but Rezoning any additional areas to A is prohibited.

8.1.2. 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.

8.1.3. Building Regulations

A. Area of Dwelling Unit

1. The minimum gross floor area per dwelling unit shall be as follows:

Table 8.1-1: Minimum Gross Floor Area by Bedroom Type

Unit Type	Minimum Gross Floor Area per Unit
Efficiency	300 sq. ft.
1-bedroom	450 sq. ft.
2-bedroom	700 sq. ft.
3-bedroom	850 sq. ft.

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.

B. Type of Materials

1. Apartment and accessory buildings shall be constructed of standard masonry construction.

2. Vertical exterior walls shall not contain more than 20 percent non-masonry materials, excluding window and door openings.

3. The City Council may, after receiving a recommendation from the Planning and Zoning Commission, approve an alternate architectural design that is equal to masonry in appearance and maintainability.

8.1.4. 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 a residential use or Residential zoning district, inclusive of streets and alleys.

C. The City Council may, after receiving a recommendation from the Planning and Zoning Commission and after holding a public hearing, approve a height in excess of the above, subject to appropriate safeguards and conditions.

8.1.5. Area Regulations

A. Lot Area and Dimensions

Table 8.1-2: A District Dimensional Standards

Lot Dimensions	Standard
Minimum lot area	1 acre
Minimum lot area per dwelling unit	Efficiency: 1,400 sq. ft. per dwelling unit 1 Bedroom: 1,600 sq.ft. per dwelling unit 2 Bedroom: 2,000 sq. ft. per dwelling unit
Minimum lot width	200 ft.
Minimum lot depth	200 ft.
Maximum lot coverage	35 percent

B. Front Yard

1. General

a. There shall be a front yard having a minimum depth of 30 feet.

b. On corner lots, the required front yard shall be required on both sides.

c. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

d. 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.

e. 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.

2. Exceptions

a. Along streets already having a uniform building line, new structures shall conform to that so existing.

b. 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.

c. 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.

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 10 percent of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than 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 three and one-half 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.

8.1.6. 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, one and one-half for each one bedroom unit, two for each two bedroom unit and two and one-half 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 specifications and shall be constructed to dispose of all surface drainage according to Town specifications and ordinances.

D. Storage of Additional Cars

All complexes must provide an additional parking space for every 10 units for the storage of recreational vehicles, boats and additional cars.

8.1.7. 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.

8.1.8. 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.

8.1.9. 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 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 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 §5.6.10.D: *Gates and Access*.

8.1.10. 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.

8.1.11. 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.

8.1.12. 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.

8.1.13. Special Requirements

Apartment sites of two acres or more will comply with the Town's subdivision regulations.

8.1.14. Site Landscaping

All landscaping within the A district shall conform to the standards contained in §5.6: *Landscaping, Buffering, and Fences*.

8.2 PD-TH – Planned Development, Townhouse/Condominium

8.2.1. Legacy District

The Planned Development Townhouse/Condominium district is prohibited from future use. Property that is zoned PD-TH as of the effective date of this UDC shall be permitted to continue as conforming to this Code as described in §3.3.3: *Legacy Zoning Districts*, but Rezoning any additional areas to PD-TH is prohibited.

8.2.2. 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.

8.2.3. 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.

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.

8.2.4. 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.

8.2.5. Permitted Uses

A. Condominium.

B. Townhouses.

C. Community center.

D. Recreation buildings.

E. Laundry rooms.

8.2.6. 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 10 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.

8.2.7. Townhouse Yard Requirements

Every lot within this district shall have exterior yards of at least 25 feet, a rear yard of at least 10 feet and no side yard shall be required. The Uniform Building Code will regulate construction requirements where side property lines intersect with buildings.

8.2.8. 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 gross floor area exclusive of breezeways, basements, open and screened porches and garages of not less than 750 square feet.

8.2.9. 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 right-of-way 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.

8.2.10. 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.

8.2.11. 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. Private streets shall meet Town widths and paving standards.

C. 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.

8.2.12. Open Space

In addition to paved parking and driving areas, at least 10 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.

8.2.13. Utilities

A. Each condominium/Townhouse unit shall have its own underground electrical service.

B. All dwelling units must have washer and dryer connections.

8.2.14. Postal Service

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

8.2.15. Refuse Collection and Storage

Individual curbside refuse collection may be required for each unit in a collection unit approved by the Council.

8.2.16. Deed Restrictions and Owner Association Agreements

Agreements shall be approved by the Town and recorded in the County Clerk's office, prior to the issuance of the certificate of occupancy.

8.2.17. 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.

8.3 Planned Development, Condominium Conversions

8.3.1. Legacy District

The Planned Development Condominium Conversions district is prohibited from future use. Property that is zoned PD-CC as of the effective date of this UDC shall be permitted to continue as conforming to this Code as described in §3.3.3: *Legacy Zoning Districts*, but Rezoning any additional areas to PD-CC is prohibited.

8.3.2. Purpose of District

The Town of Addison finds that a different set of regulations are necessary when an apartment complex owner desires to convert the apartments into individually owned dwelling units, with other elements of the complex being common property, shared by all dwelling unit owners. The Town will require definite objectives and policies on condominium conversions.

8.3.3. Planned Development

In order to provide for individual review, it has been decided that all condominiums, be allowed only under planned development Townhouse condominium PD zoning. This UDC requires a comprehensive development plan and this "shall become part of the amending ordinance." Therefore, this article sets out the Council's expectations in regard to these various requirements.

8.3.4. Comprehensive Site Plan

This is to be a graphic plan including all of the area under consideration for zoning approval and shall be submitted with the application for such zoning. This plan must show use areas, principal roadways, parkways, buffers, screening, landscaped areas and the number and type of dwelling units and other such ideas which cannot be satisfactorily explained otherwise. Such notes, sketches, photographs and drawings shall be used to evaluate detailed site plans.

8.3.5. Detailed Conversion Site Plan

The detailed conversion site plan shall be approved by the City Council prior to the issuance of a building permit. This plan should show in detail the changes that are proposed that will improve the aesthetics of the present complex in open space, parking areas, entrances, berms, sidewalks, landscaped walkways, exterior of structures and balconies. All perimeter walls and fences shall be masonry, or a design acceptable to the Council.

8.3.6. Permitted Uses

A. Condominium.

B. Community center.

C. Reserved.

D. Recreation buildings.

E. Laundry buildings.

8.3.7. Parking

At least one covered and one uncovered parking space will be provided per dwelling unit on the existing parking layout. Additional improvements in the parking area will be expected.

8.3.8. Landscaping

Existing and proposed landscaped areas will be considered on a comparative basis. Proposed areas must show the kind of plants and the degree of intensity used in coverage. Parking areas shall be landscaped where possible. All landscaped areas shall have adequate and inconspicuous irrigation systems.

8.3.9. Utilities

A. All gas, water and sewer lines shall be tested as new lines. The building official may require that areas of existing lines be exposed, to determine to the best of his knowledge, if such lines have an expected life of five additional years. Otherwise, new lines must be installed or guaranteed for five years with replacement funds deposited in escrow by the developer with the homeowners association.

B. Wherever practicable, all dwelling units must be provided with washer and dryer connections.

C. Electrical services and wiring systems will be inspected and expected to meet the present electrical code.

8.3.10. Balconies

A. Balconies visible from public right-of-way must be screened.

B. Open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that a sphere six inches in diameter cannot pass between rails.

8.3.11. Postal Service

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

8.3.12. Refuse Collection and Storage

A. An individual storage area must be provided for each dwelling unit.

B. Individual curbside refuse collection may be required for each unit in a collection unit approved by the Council.

C. Refuse containers, when used, must set on a designed concrete pad and approach. The dumpster shall be screened from public view. The screening enclosure shall be of the same masonry as the exterior walls of the primary structure.

8.3.13. Creation of a Condominium Regime and Bylaws

A. A notice of intent to convert to a condominium complex to all tenants.

B. A provision for the right of first refusal for existing tenants to purchase their individual units at offered terms or better, at the time of conversion.

C. Create a council of co-owners.

D. Provision of covenants, conditions and restrictions subject to approval by the Town legal department.

E. Items C and D above shall be approved and recorded in the county clerk's office as required by state law prior to the issuance of the certificate of occupancy.

8.3.14. Fire Walls

A. The common walls and ceiling of each unit must be constructed of materials of one-hour construction.

B. The attic space must be firestopped as required by Uniform Building Code.

C. The above does not waive the area separation wall requirements contained in the Uniform Building Code.

ADDISON, TEXAS

UNIFIED DEVELOPMENT CODE

ADOPTION DRAFT

FEBRUARY 2025

CLARION

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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.~~

~~1.3~~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."

~~1.4~~1.2 Effective Date

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

~~1.5~~1.3 Purpose[1]

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, bicycle, and vehicular movement with the least detriment to environmental quality;[3]

G. Ensure environmentally sensitive site planning that preserves the ~~town~~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.

~~1.6~~1.4 Authority, Applicability, and Jurisdiction[8]

~~1.6.1.~~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 TLGC Chapters 42, 43, 211, 212, and 213, and all other relevant provisions of the State of Texas.

~~1.6.2.~~1.4.2. Applicability[9]

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~~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.

~~1.6.3.~~1.4.3. Minimum Standards Required[10]

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.[11] Additional technical information and analysis may be required of applicants to demonstrate compliance with this UDC.[12]

~~1.6.4.~~1.4.4. Conflicts with Other Ordinances, Criteria Manuals, and Master Plans[13]

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 §2.10.5: *Interpretations*, shall govern.

---

8 New.
9 Replaces Article XXVI, Sec. 1.A.
10 Carries forward Article XXXI, Sec. 1.
11 "and shall be the minimum criteria required for a review procedure to commence" is new.
12 New.
13 New.

D. Whenever any provision of this UDC conflicts with a Criteria Manual adopted by the Town, the more stringent controls, as determined by the Director.

E. Whenever any provision of this UDC conflicts with a Master Plan adopted by the Town, the Master Plan shall govern, as determined by the Director.[14]

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.

~~1.6.5.~~1.4.5. Private Covenants[15]

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.

~~1.6.6.~~1.4.6. Transfer of Ownership[16]

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.

~~1.6.7.~~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 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.

~~1.7~~1.5 Transition from Prior Regulations[17] [18]

~~1.7.1.~~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.

---

[14] New.

[15] 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."

[16] New, often included in development codes for clarity.

[17] 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.

[18] 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.

~~1.7.2.~~1.5.2. Approved Plans[19]

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. The Director shall notify an applicant of any upcoming expirations of approval at least three months prior to the expiration.[20] 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.

~~1.7.3.~~1.5.3. 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.

~~1.7.4.~~1.5.4. Uses, Lots, Structures, and Sites Rendered Nonconforming[21]

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*.

~~1.7.5.~~1.5.5. 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 §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.

[19] Replaces current Article XXXIII, Sec. 1.
[20] New, for clarification in Consolidated Draft.
[21] Replaces current Article XXXIV, Sec. 1.

~~1.8~~1.6 Nonconformities

~~**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.~~

~~1.8.3.~~1.6.1. Purpose[22]

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.

~~1.8.4.~~1.6.2. Regulations Applicable to All Nonconformities[23]

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.[24]

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 Status[25]

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.

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22 New.
23 New.
New.
24 Carries forward current Article XXIII, Sec. 2.
25 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 Repair[26]

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

1. Maintenance of land to protect against and mitigate health and environmental hazards;
2. 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;
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 Tenancy[27]

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. Change or Elimination of Nonconformity

A Change or Elimination of Nonconformity application as set forth in §2.6.7 is required:

1. For all applications described in §§1.6.2.C and 1.6.2.D above; and
2. To provide evidence of and confirm the loss of nonconforming status as described in §1.6.2.A.4.

F. 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.

G. Nonconformity Due to Outside Action[28]

Where the acquisition of right-of-way or a portion of the property, by eminent domain, dedication or purchase, by a ~~town~~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.

~~1.8.5.~~1.6.3. Nonconforming Uses

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

A. Limitation on Continuation of Nonconforming Uses[29]

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.

[26] New. This is increasingly common for cities looking to offer a more lenient approach to maintaining nonconformities.
[27] Replaces current Article XXIII, Sec. 8.
[28] Expands applicability of current Article XXIII, Sec. 11.
[29] Consolidates current Article XXIII, Sec. 2 and 6.

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.[30]
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.[31]
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, the nonconforming use shall be considered discontinued and future use of the land or building shall comply with this UDC.[32]
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.[33]

B. Change of Use[34]

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.

~~1.8.6.~~1.6.4. Nonconforming Structures

Nonconforming structures are subject to the following additional limitations:

A. A nonconforming structure may only be expanded pursuant to §1.6.2.C*: Maintenance and Minor Repair,* and any such expansion shall be in full compliance with this UDC.[35]

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.[36]

C. Whenever a nonconforming structure is discontinued for six months 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.[37]

D. A nonconforming structure 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.

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 according to life/safety measures identified in the Building Code. In

[30] New. This provision is intended to protect nonconforming single-family residences by allowing basic improvements to be performed.
[31] New.
[32] 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.
[33] Carries forward current Article XXIII, Sec. 4.
[34] Replaces current Article XXIII, Sec. 9.
[35] New.
[36] New.
[37] New.

determining the replacement cost of any nonconforming structure, the cost of the land or any factors other than the nonconforming structure itself including foundation shall not be included.[38]

~~1.8.7.~~1.6.5. Nonconforming Lots[39]

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.[40]

~~1.8.8.~~1.6.6. Nonconforming Site Features[41]

A. Applicability

1. For purposes of this section, 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 of this UDC 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 section.
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 §1.6.3: *Nonconforming Uses* or 1.6.4: *Nonconforming Structures*, the additional number of parking spaces required to serve the changed or expanded area shall be provided in accordance with §5.5: *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 §1.6.6.B.2 below.

2. Upgrading Nonconforming Parking[42]

Nonconforming off-street parking facilities shall be upgraded to comply with this UDC's minimum parking lot design requirements in §5.5.7: *Vehicle Parking Layout and Design* and landscaping requirements in §5.6.4.D: *Parking Area Landscaping,* 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.

C. Nonconforming Buffers, Landscaping, Screening, and Exterior Lighting[43]

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

[38] Carries forward Article XXIII, Sec. 4 and 5.
[39] New.
[40] New. This type of provision is increasingly common and is intended to allow development of otherwise nonconforming lots.
[41] 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.
[42] Confirm consistency with final redevelopment table in Development Standards chapter.
[43] Confirm consistency with final redevelopment table in Development Standards chapter.

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 more than 50 percent shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity, as determined by the Director.

2. Alternatives to Upgraded Landscaping Authorized

In meeting the upgrading requirements 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 as determined by the Director of Parks and Recreation. Conditions justifying approval of alternatives 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 of Parks and Recreation may approve alternative landscape plans that do not meet the specific requirements stated in this §1.6.6, when they determine that the alternatives meet the following criteria:

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

b. Do not include invasive vegetation included in an adopted ~~town~~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.

~~1.9~~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.~~

~~1.9.3.~~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.

~~1.9.4.~~1.7.2. Violations

A. Activities Constituting a Violation[44]

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.

B. Continuing Violations[45]

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*.

[44] Replaces current Article XXVIII, Sec. 1. New.
[45] New.

C. Prior Violations[46]

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. Persons Liable[47]

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.

~~1.9.5.~~1.7.3. Enforcement Actions[48]

A. Responsibility for Enforcement[49]

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~~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 Violations[50]

1. If the Director finds that any provision of this UDC is being violated, they shall 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 §2.10.4: *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 will be sent at the Director's discretion.
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.

~~1.9.6.~~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.

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46 New.
47 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.
48 New section to describe the enforcement process including timeframe for coming into compliance.
49 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 .
50 Replaces and expands Sec. 30-211 to be applicable to all violations, not solely landscaping violations.

B. Deny, Withhold or Revoke Entitlements[51]

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 Orders[52]

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.

~~1.10~~1.8 Severability[53]

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.

~~1.11~~1.9 Review and Decision-Making Bodies

~~1.11.1.~~1.9.1. Purpose

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

~~1.11.2.~~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.*

~~1.11.3.~~1.9.3. Planning and Zoning Commission[54]

A. Duties and Authority[55]

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

[51] Replaces current Sec.30-211 and Sec. 62-55.
[52] New.
[53] Replaces current Article XXXVI.
[54] 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.
[55] 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.

1. Exercise the powers set forth in TLGC §211.007.
2. Review and make recommendations or decisions as show in §2.3: *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. Review and submit each year a progress report prepared by the Director of Development and Neighborhood Services 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 Code of Ordinances.

B. Officers[56]

The commission shall elect a chairperson and vice-chairperson from among its members. The commission shall also elect 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.[57]

C. Compensation

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

D. Meetings[58]

1. All meetings of the commission shall be open to the public, 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 §2-310 of the Code of Ordinances.

F. Initial Appointments and Terms

See §2-311 of the Code of Ordinances.

~~1.11.4.~~1.9.4. Board of Zoning Adjustment[59]

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 including the review of adjustments related to numerical dimensional development standards.
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 TLGC Chapter 211, 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.

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56 Carries forward Article XXIX, Sec. 18.
57 Removed reference to "secretary" to reflect current practice in Consolidated Draft.
58 Replaces Article XXIX, Sec. 20
59 Replaces Article XXIV.

4. The Board of Zoning Adjustment shall serve as the Board of Appeals and issue appeals in accordance with the City's adopted Building and Fire Codes. When serving as the Board of Appeals, the Board of Zoning Adjustment shall be subject to the rules set forth in the applicable sections of the Code of Ordinances.

B. Meetings

1. Meetings of the Board shall be held at the call of the Director. The Chairperson may administer the 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 Development and Neighborhood Services Department 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 §2-315 of the Code of Ordinances.

D. Initial Appointments and Terms

See §2-316 of the Code of Ordinances.

E. Record of Petition[60]

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 10 days after the filing of the decision in the Development and Neighborhood Services Department and not thereafter.

~~1.11.5.~~1.9.5. Director of Development and Neighborhood Services

A. The Director 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 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. [61]

~~1.11.6.~~1.9.6. Floodplain Administrator[62]

The Floodplain Administrator is appointed by the City Manager to administer and implement the standards set forth in §5.3: *Floods* 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:

60 Carries forward Article XXIV, Sec. 6.
61 Replaces Sec. 34-34(a).
62 Carries forward Sec. 42-56 & 57.

1. Maintaining for public inspection all records pertaining to the provisions of §5.3: *Floods*.
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~~Town.
10. Under the provisions of Title 44, Chapter 1, §65.12 of the National Flood Insurance Program regulations in the Code 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.

~~1.11.7.~~1.9.7. Director of Parks and Recreation[63]

The Director of Parks and Recreation shall review and comment on:

A. Landscape plans pursuant to §5.6.3: *Landscape Plans* and landscape inspections*;*

B. Tree permits pursuant to §5.6.6.C: *Tree Permit*; and

C. Proposed parkland dedications, park development fees, and park Site Plans pursuant to §6.4.7: *Dedication of Land for Parks, Trails, and Recreational Areas and Assessment of Park Development Fees*.

~~1.11.8.~~1.9.8. Director of Public Works and Engineering and City Engineer [64]

The Director of Public Works and Engineering and/or City Engineer shall review and comment on:

A. The design, construction, and inspection of public infrastructure required or proposed as part of an application for subdivision*;*

B. Minor and major Traffic Impact Analysis;

C. Parking studies;

[63] New.
[64] New.

D. Drainage studies;

E. Utility studies;

F. Site development permits;

G. Flood hazard development permits; and

H. Civil engineering plans.

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.~~

~~2.5~~2.1 Purpose

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

~~2.6~~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.

~~2.7~~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~~or public meeting 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								
Special Use Permit		2.5.1	✓	◊	R	R*	D*	
Rezoning		2.5.2	✓	◊	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	2.6.1.C	✓	◊	R	R*	D*	
	Other	2.6.1.D	✓	◊	R	D*		
Site Plan	Major	2.6.2.E	✓	◊	R	D*		A*
	Minor	2.6.2.D	◊	◊	D			A*
Tree Permit		2.6.3			D			A*
Temporary Use Permit		2.6.4			D			A*
Sign Permit		2.6.5			D			A*
Master Sign Plan		5.9.11.E			R	D*		A*
Zoning Verification Letter		2.6.6			D			A*
Change or Elimination of Nonconformity		2.6.7			D			A*
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*

Table 2.3-1: Summary Table of Review Procedures

R = Review & recommend **D** = decide **A** = appeal
✓ = required ◊ = optional * = public hearing required~~or public meeting 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
Agreements							
Parking Management Agreement	2.8			R		D[1]	
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 or Amending Plat	2.9.5	◊		D[2]	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[3]			A*
Appeal of Administrative Decision	2.10.4	◊		R			D[3]
Alternative Sign Design	5.9.6	◊		R		D	
Interpretations	2.10.5	◊		D			A*

Notes:
[1] Except where authority is delegated by City Council to staff.
[2] Unless referred to the Planning and Zoning Commission per §2.9.5.C.5.
[3] Or the authorized decision-maker.

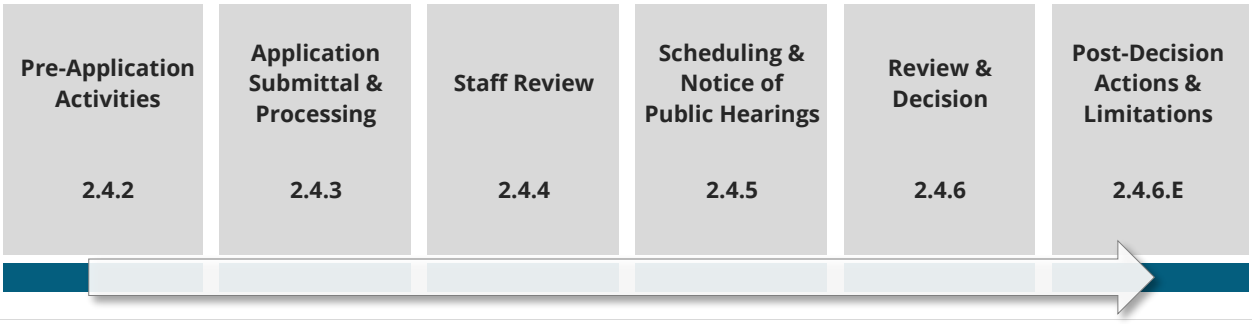
~~2.8~~2.4 Common Review Procedures

~~**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.~~

~~2.8.4.~~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: *Rezoning, Zoning Text, and Plan Amendment Procedures* through §2.10: *Flexibility and Relief Procedures* identify additional procedures and rules beyond those in this section.



~~2.8.5.~~2.4.2. 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.~~

~~C.~~A. 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.

~~D.~~B. 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.

~~E.~~C. Procedure

1. The potential applicant shall submit a request for a pre-application conference through the Development and Neighborhood 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.
2. To maximize the benefit of this meeting, the potential applicant shall submit a concept sketch and narrative description of their proposal with the pre-application conference request.
3. 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.

~~F.~~D. 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.

~~2.8.6.~~2.4.3. Application Submittal and Processing[65]

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 and Neighborhood Services Department on a form established by the Director in accordance with the Town's established application submittal calendar.
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.

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

D. Application Fees

1. Application fees, as set forth in Chapter 2, Article IX of the 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 and Neighborhood Services Department.

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 and Neighborhood 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 and Neighborhood Services Department, are included, and all required filing fees are paid.

b. An application is not considered filed until it is complete pursuant to §2.4.3.F.2.

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 the published schedule. The Director may accept applications filed in conflict with the published submittal and review schedule at their discretion.

2. Review Procedure

a. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC, other ordinances of the Town, or state or federal law.

b. 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 via personal delivery, electronic mail, or first-class mail 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.

c. If the application is determined to be incomplete, the Director shall provide notice to the applicant via personal delivery, electronic mail, or first-class mail. 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.

d. Pursuant to TLGC Chapter 245, 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 §2.4.3.F.2.b, above; and

ii. The applicant fails to provide the specified documents or other information required to resolve identified deficiencies within 45 days following notice.

e. 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 §2.10.4: *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 and if the application is submitted within one year of the denial or revocation, unless an alternative timeframe is specified in this section.[66] The Director will determine if the changes are sufficient to allow a resubmittal.

~~2.8.7.~~2.4.4. Staff Review[67]

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

[66] One year time limitation is new in Consolidated Draft.

[67] 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.

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.

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 §2.10.4: *Appeal of Administrative Decision.*

~~2.8.8.~~2.4.5. Scheduling and Notice of Public Hearings[68]

A. 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.~~

~~3.~~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.

~~4.~~2. Applicability

A neighborhood meeting is recommended for applications for Rezoning, Rezoning to PUD, and Special Use Permit, or as required by the Director in their discretion. The Director may require a neighborhood meeting for proposed developments with demonstrated community interest, that require a Traffic Impact Analysis, or are of a size or complexity that warrant a neighborhood meeting.

[68] 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.

The neighborhood meeting is optional unless expressly stated otherwise in Table 2.3-1: *Summary Table of Review Procedures*.

~~5.~~3. Notice of Neighborhood Meeting

a. An applicant holding a neighborhood meeting is encouraged to provide mailed notice of the meeting as described in the Administrative Manual.

b. Notice is required if the neighborhood meeting is required by the Director or this UDC. The applicant shall notify the Director 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. The applicant shall be responsible for providing mailed notice to residential and nonresidential property owners within the public hearing notice area required by §2.4.5.D.2: *Mailed Notice* if elected or required.

d. Additional electronic notice is encouraged for:[69]

i. The head of any homeowners association, or community/neighborhood appointed representative adjoining the project site; and

ii. Other interested parties as determined by the Director.

~~6.~~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 the first public meeting to consider the application. Attendance at the meeting by Town staff is not required and will be determined by the Director on a case-by-case basis.

~~7.~~5. Summary of Neighborhood Meeting

The applicant shall prepare and deliver a written summary of the neighborhood meeting to be included in the main application submittal. 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 or has not addressed or proposes to address the issues, concerns, and objections identified during the meeting.

B. Scheduling of Public Hearings and Public Meetings

1. If an application is subject to a public hearing or public meeting 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 or meeting shall be scheduled to allow sufficient time to prepare a staff report per §2.4.4: *Staff Review.*

3. The Development and Neighborhood 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.

[69] New in Consolidated Draft.

4. Public meetings shall include a time for citizen comment on items that do not require a public hearing.

C. Notice Format and Content for Public Meetings[70]

Electronic notice of a public meeting shall be posted to the Town's website a minimum of 72 hours prior to the public meeting.

D. Notice Format and Content for Public Hearings

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;

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 in all directions 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, except residential Replats subject to TLGC §212.015 that shall be postmarked at least 15 days prior to the date of the public hearing.

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 a minimum of one sign on the subject property at least 10 days prior to the date of the public hearing before the Planning and Zoning Commission. The Director may require additional signs based on access and configuration of the property.

b. The signs shall be posted at a prominent location adjacent to a public street and be easily visible from the street.

[70] New in Consolidated Draft.

c. Photos of the posted notification signs and a required affidavit shall be provided to the Development and Neighborhood 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 10 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~~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.

E. 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	Mailed [1]	Posted [2]	Published [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]
Platting of Land			
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]	✓	✓	

Table 2.4-1: Summary of Public Notice Requirements			
Application Type	**Mailed [1]**	**Posted [2]**	**Published [3]**

Notes:
[1] Within 200 feet and 10 days prior to hearing or such longer period as may be required by state law.
[2] 10 days prior to hearing or such longer period as may be required by state law.
[3] 15 days prior to hearing or such longer period as may be required by state law.
[4] In accordance with TLGC Chapter 43.
[5] If required by the applicable section of §2.10: *Flexibility and Relief Procedures.*

F. 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.

G. Protest Procedures

A proposed zoning action may be protested pursuant to TLGC Chapter 211 and the requirements below. A valid, written protest shall require an affirmative vote of at least three-fourths of all members of the governing body for approval of the protested zoning action.

1. Submittal Requirements

a. A written protest may be submitted by a minimum of 20 percent of the property owners 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, an attorney-in-fact authorized to sign the protest on behalf of the corporation, or other person authorized to sign on behalf of the property. 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 §§2.4.5.G.1.d and 2.4.5.G.1.e, 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 section, 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 governing body 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 business day prior to the public hearing when the proposed zoning action is scheduled to be acted upon. 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 business day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued.

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

a. A protest, once filed, remains in effect unless withdrawn in accordance with this section, 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 section 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.

~~2.8.9.~~2.4.6. Review and Decision[71]

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.[72]
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 and Neighborhood 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 public hearing, the recommendation or decision (as applicable) shall:
   a. Be based only on the record of the public hearing;
   b. Be in writing;
   c. Include findings of fact based on competent, material, and substantial evidence presented at the hearing;
   d. Reflect the determination of contested facts; and
   e. 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.

[71] This content is new and is intended to provide more direction and clarity to code users regarding review and decision-making processes in Addison.
[72] New.

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 staff, the applicant, or the property owner(s), 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 and Neighborhood 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 Town.

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: *Rezoning, Zoning Text, and Plan Amendment Procedures* through §2.10: *Flexibility and Relief Procedures*.

c. If there is a conflict between the general review criteria in this section and the specific review criteria in §2.5: *Rezoning, Zoning Text, and Plan Amendment Procedures* through §2.10: *Flexibility and Relief Procedures*, the specific review criteria in §2.5: *Rezoning, Zoning Text, and Plan Amendment Procedures* through 2.10: *Flexibility and Relief Procedures* control.

2. Compliance with UDC and Other Applicable Plans and 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~~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.

E. Development Agreement

1. Purpose

a. The City Council finds and determines that development agreements may be useful to both the Town and developers of land in the ~~town~~Town by providing more regulatory certainty, establishing a schedule for development, assisting both developers and the Town to coordinate the provision of adequate public facilities to serve development, coordinating the phasing of development, administering management efforts to maintain open space and environmentally sensitive lands, and furthering the goals of the Comprehensive Plan.

b. 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.

2. Applicability

The City may enter into a development agreement with a developer, subject to TLGC §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.

3. Standards

A development agreement shall meet and be subject to all requirements and provisions in TLGC §212.172.

4. Recordation

A Development Agreement shall be recorded in accordance with TLGC §212.172.

5. 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 TLGC §212.172.

6. 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 by the Director, the Town may terminate or modify the Development Agreement.

7. Expiration, Termination, or Modification of Agreement

a. 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 TLGC §212.172.

b. Major modification of the agreement shall follow the same procedures as required for initial approval of a Development Agreement.

c. 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.

~~2.8.10.~~2.4.7. Post-Decision Actions and Limitations[73]

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 and Neighborhood Services Department.
2. If the review involves a public 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," (a time limit for a municipality to act on certain applications) 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, except 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 §2.10.4: *Appeal of Administrative Decision.*

D. Expiration and Revocation of Approval

1. Expiration of Approval

If a specific time period for expiration is not specified within the approval of an application, the approval shall expire after two years following the date upon which the final approval became effective, if none of the following have occurred:

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

[73] 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.

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 section, progress towards completion of the project is as defined in TLGC Chapter 245.

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.

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. No more than one extension may be granted.

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 gross floor area.

d. The Director shall determine whether 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 §2.4.7.E.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

1. Prior to the commencement of any improvements associated with an approved project, the applicant must obtain all necessary Site Development Permits from the Town.

2. No permit for excavation for any building shall be issued before application has been made for a Site Development Permit.

H. Building Permits[74]

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 Occupancy[75]

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. Following the approval of the necessary Building Permits for each project type, the applicant shall submit an application for a certificate(s) of occupancy. The necessary certificate(s) of occupancy 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.[76]

3. Record of Certificate of Occupancy

A record of all certificates shall be kept on file in the Development and Neighborhood 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.

74 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.
75 Replaces current Article XXVI, Sec. 1.
76 New.

~~2.9~~2.5 Rezoning, Zoning Text, and Plan Amendment Procedures

~~2.9.1.~~2.5.1. Special Use Permit[77]

A. Purpose

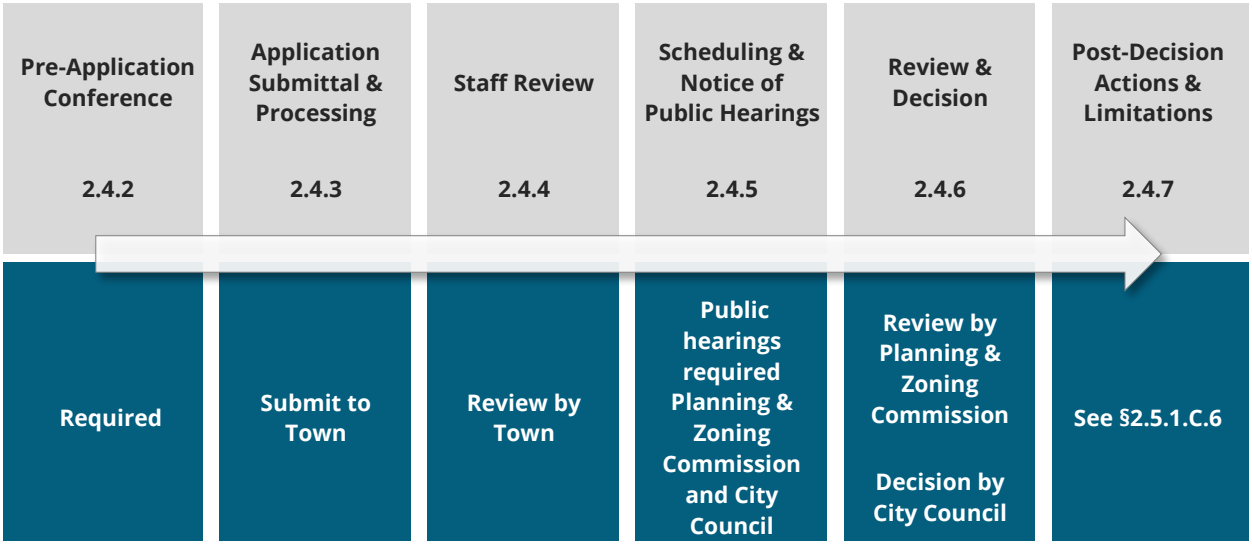
The Special Use Permit review procedure provides a mechanism for the Town to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas and the goals of the Comprehensive 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~~Town.

B. Applicability

Special use permit review is required for certain land uses and zoning districts as specified in §4.2.7: *Table of Allowed Uses.* 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 Conference

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

[77] 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.

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. 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 §2.5.1.D: *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 §2.5.1.D: *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 §4.3: *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 Limitations[78]

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

a. Final Decision[79]

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

[78] From current Appendix A, Article XX, Sec. 1 and Article XIX, Sec. 10.
[79] New in Consolidated Draft.

b. 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.

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

d. 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.

e. Certificate of Occupancy

In granting the Special Use Permit, the City Council may impose conditions that shall be complied with by the grantee before a 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.

f. 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 §2.4.6.C: *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 any nuisances described in Chapter 34 of the Code of Ordinances including, but not limited to noise and property maintenance.[80]

c. The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.

[80] Added specific reference to Code of Ordinances in Consolidated Draft.

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.

~~2.9.2.~~2.5.2. Rezoning[81]

A. Purpose

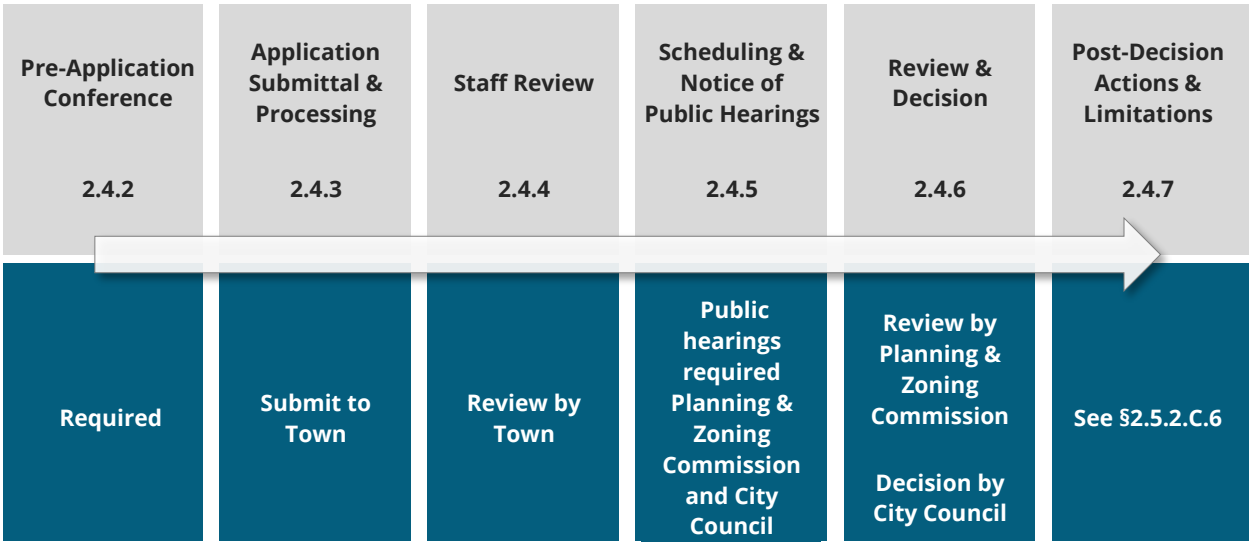
Under the provisions of TLGC Chapter 211, the City Council is authorized to amend by ordinance the boundaries of the various zoning districts. The Rezoning procedure is intended to make amendments to the Official Zoning Map of the Town to reflect changes in public policy, changed conditions, or to advance 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. 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 Conference

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

[81] Replaces current Article XXIX, Sec. 1 through Sec. 16.

2. Application Submittal & Processing[82]

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

b. 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 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 §2.5.2.D 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 §2.5.2.D.

6. Post-Decision Actions and Limitations[83]

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 §2.4.5.G: *Protest Procedures*, the amendment shall not become effective except by the favorable vote of the majority of the 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 Criteria[84]

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;

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

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

84 New.

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.

~~2.9.3.~~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 standards, 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.~~

~~H.~~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.

~~I.~~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. Any property owner in a zoning district other than the Mixed-Use zoning districts 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 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*.

~~J.~~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 areas; 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.

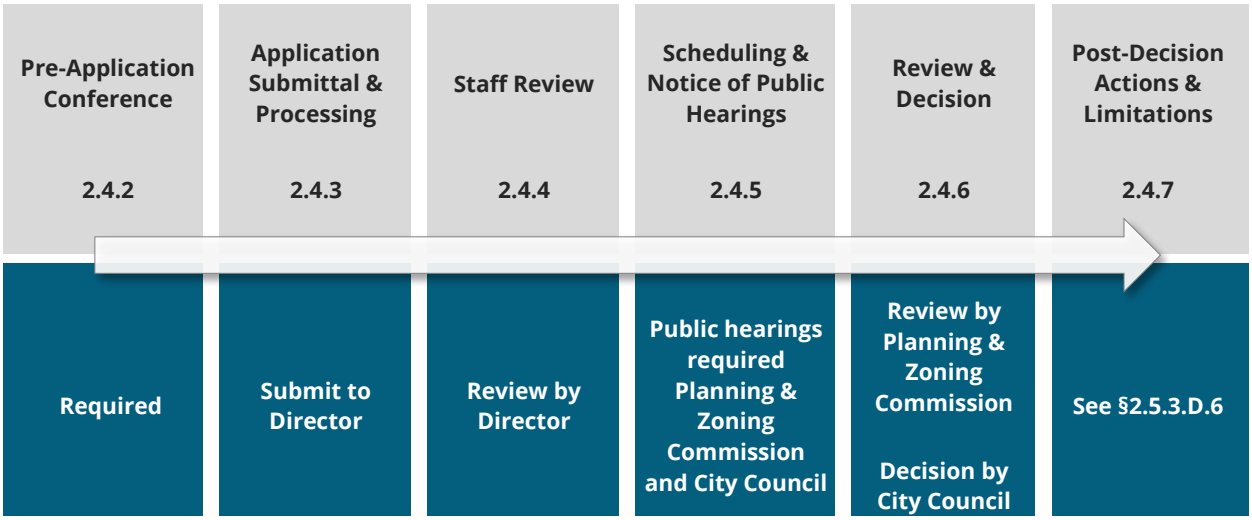
c. The outcome of the Preliminary PD Concept Plan review shall be an identification of issues and concerns that the applicant shall address to receive approval for a Final PD Site Plan from the Town.

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.

~~K.~~D. Preliminary 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 Conference

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

2. Application Submittal & Processing[85]

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.

b. PD Standards

i. The PD standards shall specify the terms and conditions defining the development parameters, including applicable uses and development standards and any authorized deviations from the standards of this Code, and shall provide for the management and maintenance of development.

ii. The PD standards 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.

c. Phasing Plan

If development in the proposed PD is proposed to be phased, the Preliminary PD Concept Plan and standards shall include a development phasing plan that includes the general sequence

[85] 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), to be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

b. 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 §2.5.3.F: *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 §2.5.3.F: *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 Approval[86]

i. If a Final PD Site Plan has not been submitted within two years following approval of the Preliminary PD Concept Plan and PD standards, the 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:[87]

a. Failure to proceed with development of the Final PD Site Plan was beyond the applicant's control; and

b. 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 constitute final approval for the PD. Preliminary PD Concept Plan approval vests no development rights.

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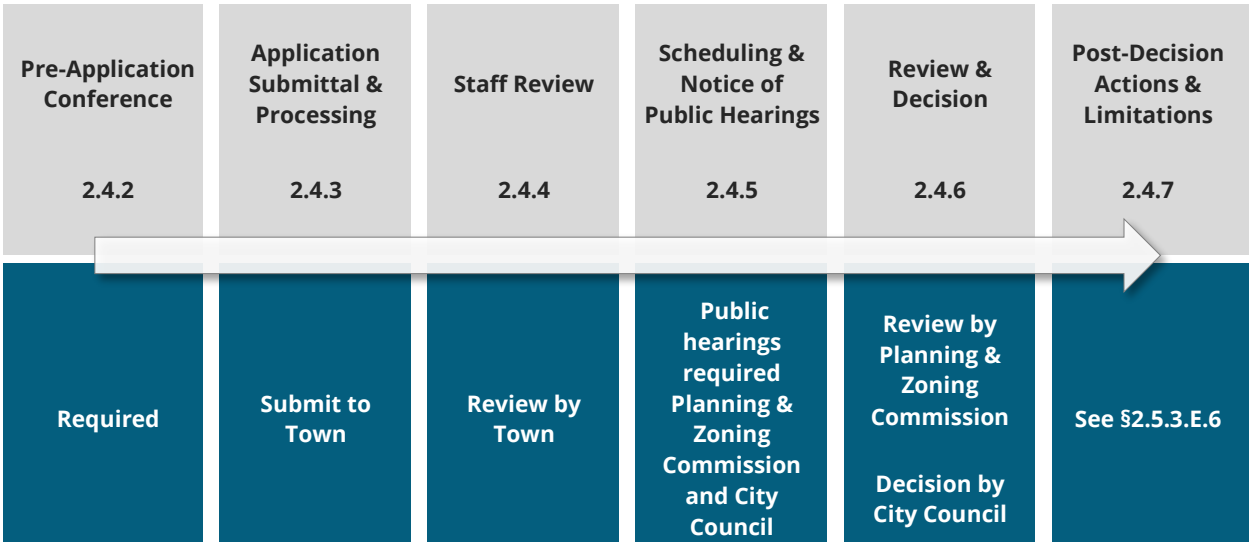
86 Current Belt Line district standards.

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

~~I.~~E. Final 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 Conference**

   A pre-application conference is required in accordance with §2.4.2: *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. **Plan Requirements**[88]

      The Final PD Site Plan submittal requirements are identified in the Administrative Manual.

   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 per the Decision-Making Principles of the Comprehensive Plan.

   c. **Conformance with the Preliminary PD Concept Plan and Standards**[89]

      The Final PD Site Plan shall conform to the approved Preliminary PD Concept Plan and PD standards 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.

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88 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), to be relocated to an Administrative Manual outside of the UDC to allow for more streamlined updates.

89 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).

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 gross 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*.

4. Scheduling and Notice of Public Hearings

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

b. 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 PD standards based on the criteria in §2.5.3.F: *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 Site Plan, PD standards, and the authorizing ordinance.[90] The City Council shall approve, approve with conditions, or deny the application for a Final PD Site Plan and standards based on the criteria in §2.5.3.F: *Review Criteria* and whether it conforms to the approved Preliminary PD Concept 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 Approval[91]

Review of a Final PD Site Plan may be conducted simultaneously with Preliminary Plat review pursuant to §2.9: *Platting Procedures*, if applicable. Platting requirements otherwise applicable to the development may be modified by the Planning and Zoning Commission using the procedure

[90] Reference to the authorizing ordinance is new, for clarity.
[91] From current Article XVIII, Sec. 4 (S).

described in §2.10.3: *Minor Modification* where it finds that such modification 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 Zoning Verification Letters.

d. Expiration or Termination of Approval[92]

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

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:[93]

a. Failure to proceed with development of the PD plan was beyond the applicant's control; and

b. 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 Plan[94]

i. Generally

a. The applicant or its successors may request amendments to the Preliminary PD Concept Plan and PD standards 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 section.

92 Replaces current Article XVIII, Sec. 4(T); and Article XIX, Sec. 13.
93 New. The proposed criteria to evaluate requests for time extensions is more objective.
94 New provisions specifying the amount of minor changes that can be made to a final PD plan without requiring a new Rezoning request.

c. Amendments to the approved Preliminary PD Concept Plan or Final PD Site Plan will not affect buildings or portions of the district 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 §§2.5.3.E.6.g.ii and 2.5.3.E.6.g.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 change of 10 percent or more of the gross square footage of nonresidential building area;

iii. A change of five percent or more of the approved number of projected dwelling units;

iv. Any change to any included public or private parks and/or open space;

v. 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;

vi. 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;

vii. 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 section.

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.

~~M.~~F. Review Criteria[95]

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 §2.5.2.D, and also the following:

1. Whether the proposed PD plan:

a. Implements the goals and actions of the Comprehensive Plan;

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;

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

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 Final PD Site Plan or PD standards; and

3. The applicant's proposal is impractical to achieve within one of the Residential, Mixed-Use, or Nonresidential zoning districts in accordance with Article 3: *Zoning Districts,* but is consistent with the above criteria.

~~2.9.4.~~2.5.4. Zoning Text Amendment[96]

A. Purpose

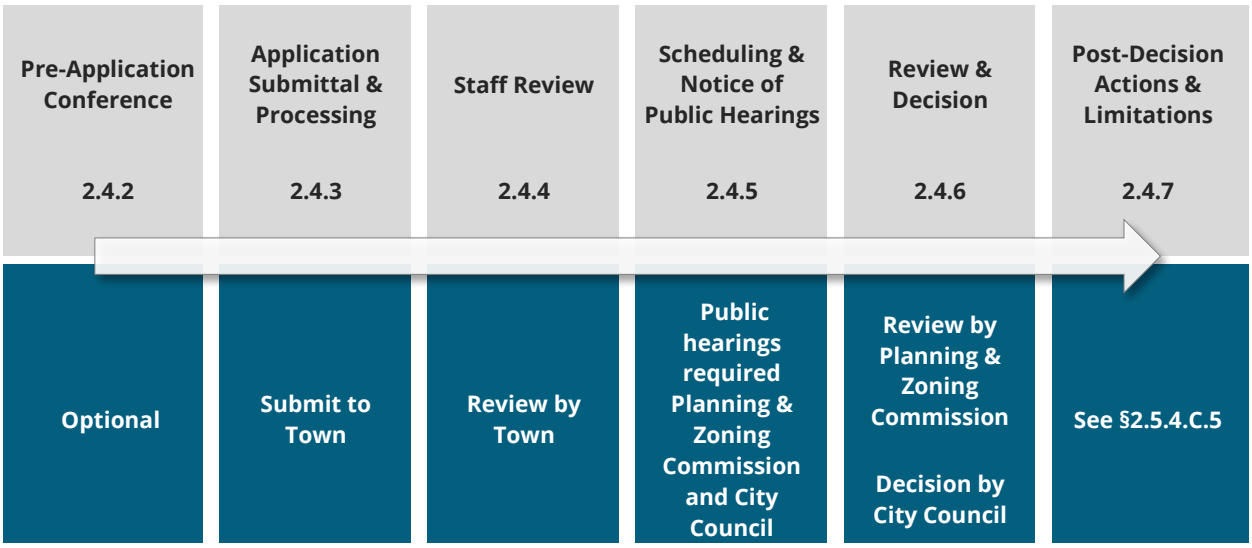
Under the provisions of TLGC Chapter 211, the City Council is authorized to amend, change, or supplement by ordinance the text of this UDC. The Zoning Text Amendment procedure is intended to provide a method for changing the text of this UDC.

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 modification:

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

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

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. 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:

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.4.D: *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 §2.5.4.D: *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 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.

~~2.9.5.~~2.5.5. Comprehensive Plan Amendment[97]

A. Purpose

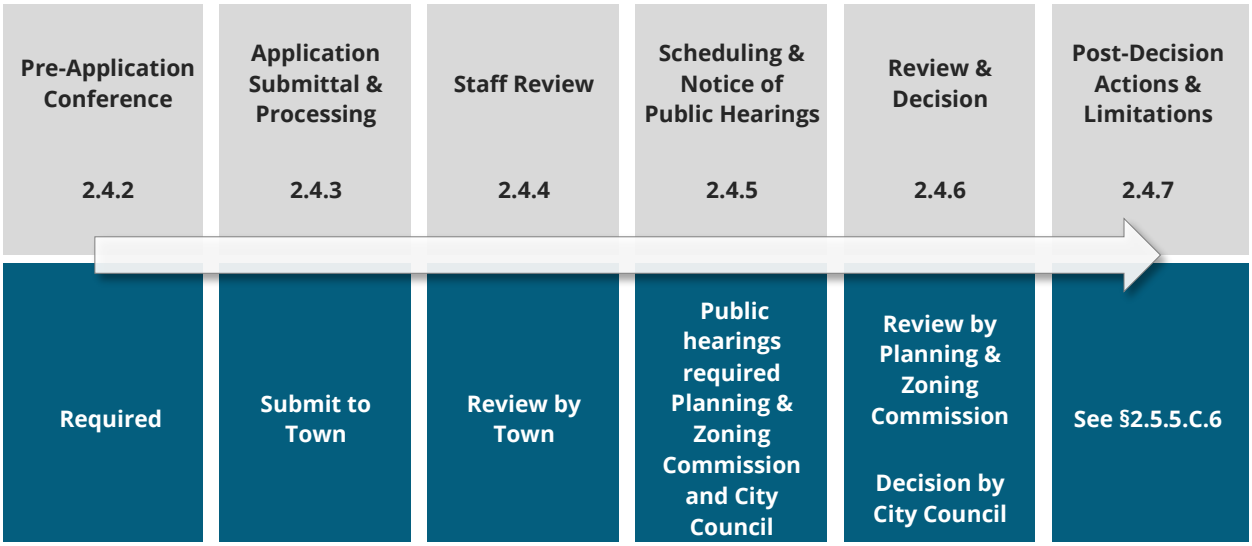
The Comprehensive Plan Amendment procedure is intended to provide a mechanism for the Town to amend the text and maps of the Comprehensive Plan or for adoption of a new Comprehensive Plan. The amendment process is established to provide flexibility in response to changing circumstances and to reflect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

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.



1. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2: *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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting.*

[97] 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.

b. 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 §2.5.5.D, 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 §2.5.5.D.

6. Post-Decision Actions and Limitations

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

D. Review Criteria[98]

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 Comprehensive 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 Comprehensive Plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.

~~2.9.6.~~2.5.6. Annexation

A. Procedure

Annexation into the Town may occur in accordance with the procedures in:

1. TLGC Chapter 43;
2. TLGC §212.172;
3. §1.04 of the Town's Charter; and
4. Other applicable Town ordinances.[99]

[98] New. These are review criteria we have drafted for other communities.
[99] New.

B. Concurrent Zoning[100]

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 initial 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 initial zoning and Annexation at the same time.

C. Newly Annexed Territory[101]

Unless an initial zoning is concurrently approved at the time of Annexation, all territory annexed to the Town hereafter shall be temporarily classified for R-1 single-family dwelling purposes only until otherwise 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~~Town, institute proceedings on its own motion to give the newly annexed territory an initial zoning, and the procedure to be followed shall be the same as is in §2.5.2: *Rezoning*.

[100] Replaces Appendix A, Article XXV, Sec. 3.
[101] Replaces Appendix A, Article III, Sec. 1.

~~2.10~~2.6 Site Planning and Miscellaneous Permits

~~2.10.1.~~2.6.1. Concept Plan[102]

A. Purpose

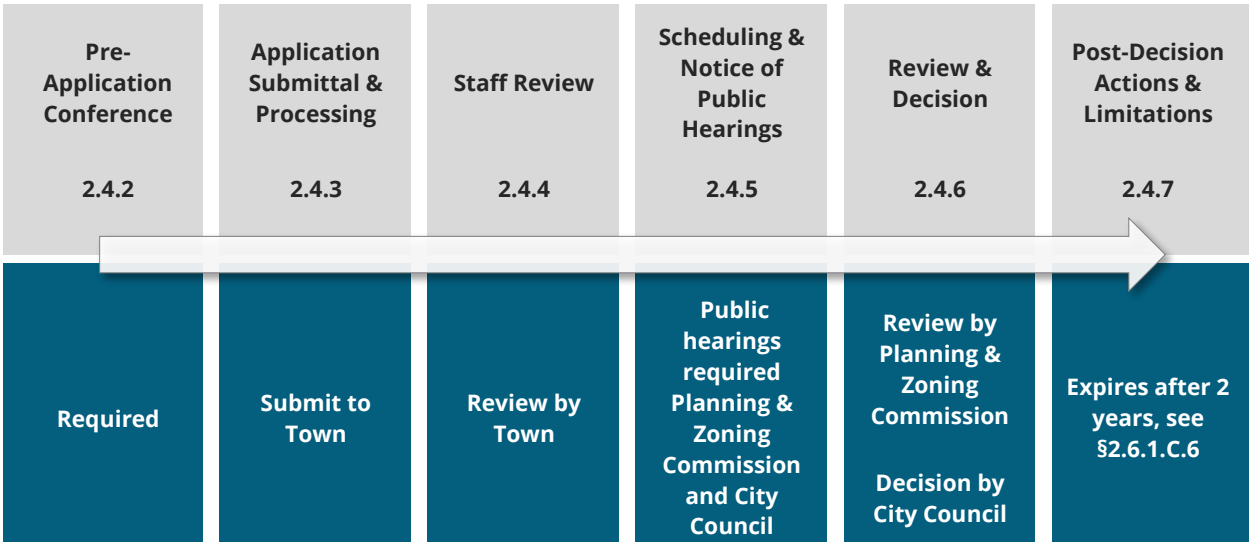
The Concept Plan review procedure is intended to provide a mechanism for review of large and/or complex or phased projects as well as to provide an option to assist any applicant for development in determining the general feasibility of their project. A Concept Plan may be submitted either in conjunction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

B. Applicability

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~~Town or the surrounding areas as it related to the Comprehensive Plan.
2. A Concept Plan is optional for any Preliminary Plat or Preliminary Replat, 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 Conference

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

[102] New.

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. 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 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 §2.6.1.E and shall forward its recommendation to the City Council.

b. City Council Review and Decision

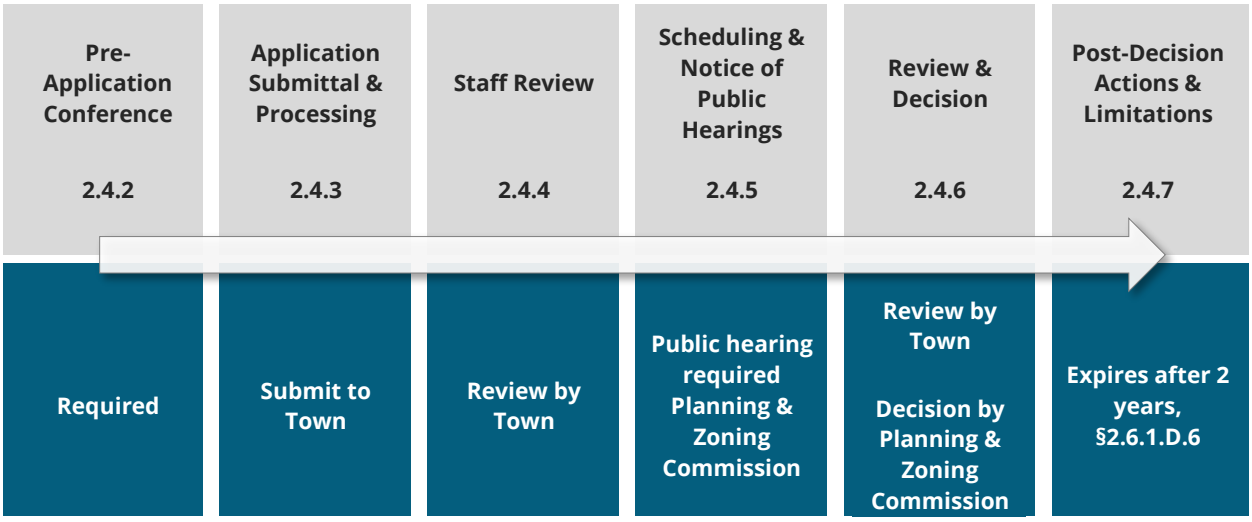
The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.6.1.E.

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.



1. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2: *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. The Concept Plan must contain a general site layout plan that includes the following:[103]

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 a public hearing 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 §2.6.1.E.

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 §2.4.6.C: *General Approval Criteria.*

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

~~2.10.2.~~2.6.2. Site Plan Review[104]

~~**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 predicable 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.~~

~~C.~~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.

~~D.~~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

[104] 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.

~~E.~~C. Thresholds for Site Plan Review Type

1. Minor Site Plan

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

a. Any new nonresidential structure less than 5,000 square feet in gross floor area.

b. Any application that does not exceed the thresholds for minor redevelopment (Tier 1), listed below:

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 or decrease[105]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. The removal or relocation of one or more existing driveways or portions of driveways;[106] or

v. Any expansion or enlargement of a structure or land use that requires a Special Use Permit.

2. Major Site Plan

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

~~F.~~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.

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*.

[105] Added reductions in dwelling units in Consolidated Draft.
[106] New in Consolidated Draft.

2. **Staff Review**

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

3. **Review and Decision**

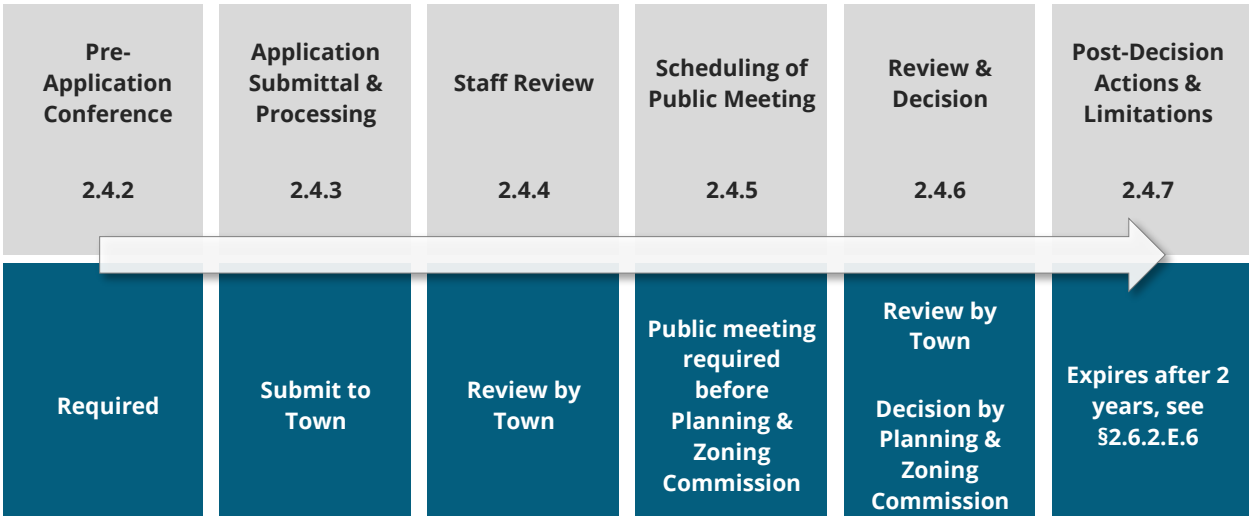
   The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision,* and the review criteria in §2.6.2.F: *Review Criteria*.

4. **Post-Decision Actions and Limitations**

   All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply with the following modification: Site Plan review expires after two years.

~~G.~~ 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 Conference**

   A pre-application conference is required in accordance with §2.4.2: *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**

   a. **Neighborhood Meeting**

      A neighborhood meeting is recommended in accordance with §2.4.5.A: *Neighborhood Meeting*.

   b. **Public Meeting**

      The application shall be scheduled for a public meeting before the Planning and Zoning Commission.

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 §2.6.2.F: *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 modification: Site Plan review expires after two years.

~~H.~~F. Review Criteria

In reviewing a proposed Site Plan application, the Director shall consider the general approval criteria in 2.4.6.C: *General Approval Criteria*.

~~2.10.3.~~2.6.3. Tree Permit[107]

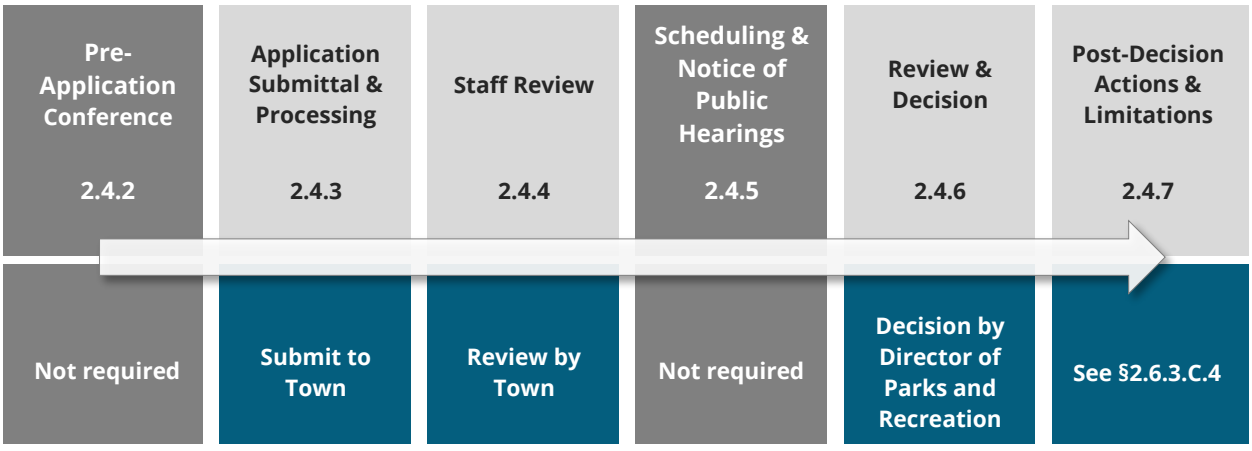
A. Purpose

B. Applicability

1. No person shall prune, remove or transplant a tree listed in the Pre-Approved Plant List in the Administrative Manual without first obtaining a Tree Permit approved by the Director of Parks and Recreation pursuant to §2.6.3: *Tree Permit*. For purposes of this section, "person" means the owner, tenant, and/or subtenant of, and/or any entity or individual with any interest in, the land on which a tree is located, and/or any contractor or subcontractor of any of them.
2. This section shall apply to shade trees four-inch caliper or larger, measured six inches from the soil surface, and two and one-half to three-inch caliper ornamental trees or larger measured six inches from the soil surface.
3. A Tree Permit shall be obtained by a utility company before any trimming and/or removal of tree(s) by or for a utility company, except in the case of emergency repairs.
4. Branches less than one-half inch in diameter and not more than five percent of the canopy can be removed without a permit.

C. Tree Permit Procedure

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



[107] Relocated from landscaping section in Consolidated Draft.

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 modification:

a. Tree Permit applications shall require the same submittal requirements as a Minor Site Plan as identified in the Administrative Manual. This includes aerial imagery of the subject lot and tree(s) to be pruned, removed, or transplanted, unless the Director of Parks and Recreation determines the extent of work does not warrant such imagery.

2. Staff Review

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

3. Review and Decision

a. 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 §2.6.3.D: *Review Criteria*.

b. The Director of Parks and Recreation shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the Director of Parks and Recreation.

c. Trees shall not be removed or transplanted (or trimmed, in the case of a utility company) unless the Director of Parks and Recreation approves the Tree Permit.

4. Post-Decision Actions and Limitations[108]

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

a. An approved Tree Permit shall expire within six months of the date of the approval of the permit by the Director of Parks and Recreation if substantial progress has not been made toward the approved work.

D. Review Criteria[109]

In reviewing a proposed Tree Permit application, the Director of Parks and Recreation shall consider:

1. Whether the removal of the protected tree is permitted by this section;

2. Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the protected tree;

3. The effect of the removal of the protected tree on erosion, soil moisture, retention, flow of surface waters and drainage systems;

4. The need for buffering of residential areas from the noise, glare, and the visual effects of nonresidential uses;

5. Whether the removal of the protected tree affects the public health, safety, or welfare of the Town;

6. Whether the application demonstrates the attempt to preserve existing trees on the site; and

7. How the tree removal will be mitigated.[110]

[108] 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.

[109] These are referred to as "guidelines" in the current ordinance.

[110] New.

~~2.10.4.~~2.6.4. Temporary Use Permit[111]

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 §4.2.7: *Table of Allowed Uses* or §4.5: *Temporary Uses and Structures*.

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.

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 §2.6.4.D: *Review Criteria*.

4. Post-Decision Actions and Limitations[112]

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

---

111 New.

112 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.

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 period indicated on the permit, but in no event, longer than 180 days.

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.

D. Review Criteria

In reviewing a proposed Temporary Use Permit application, the Director shall consider the general approval criteria in §2.4.6.C: *General Approval Criteria*, and the standards in §4.5: *Temporary Uses and Structures*.

~~2.10.5.~~2.6.5. Sign Permit[113]

A. Purpose[114]

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~~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 settled case law applicable to the Town concerning freedom of expression.

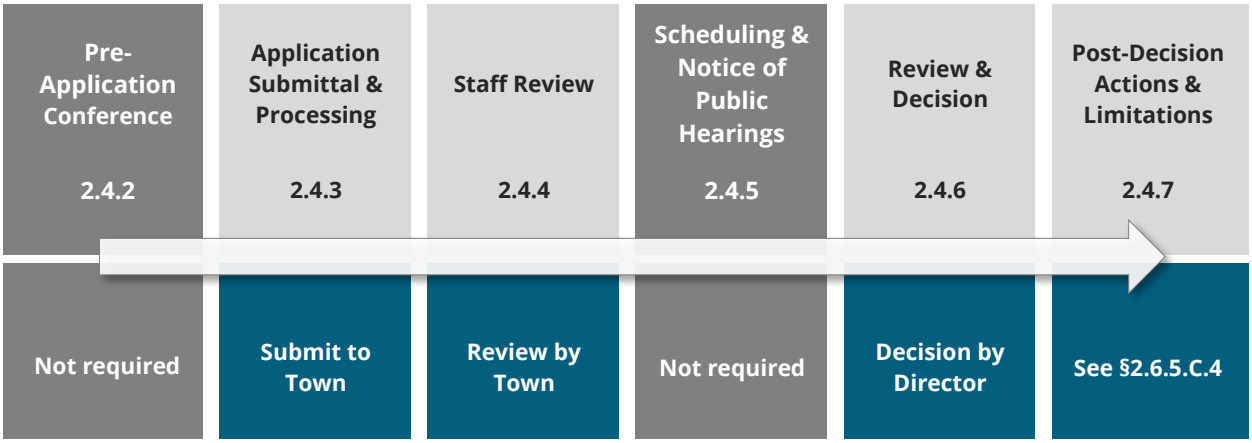
B. Applicability[115]

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.

[113] Replaces permitting procedures in Chapter 62.
[114] New.
[115] From current Chapter 62, Sec. 62-51.

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.



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 modification:

a. Application Contents[116]

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 §2.6.5.D: *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 Permit[117]

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. The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the Electrical Code. No sign shall be erected in violation of the Electrical Code.

[116] From current Chapter 62, Sec. 62-52.
[117] From Chapter 62, Sec. 62-58.

b. Lapse of Sign Permit[118]

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. Duration[119]

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.

d. Abandoned Signs[120]

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 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 constructed of professional quality materials. Plywood is prohibited.

e. Notice of Condemnation[121]

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 Zoning 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 §2.4.6.C: *General Approval Criteria*, and the standards in §5.9: *Signs*.

~~2.10.6.~~2.6.6. Zoning Verification Letter[122]

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 and does not verify compliance with ordinances of the Town beyond this UDC.[123]

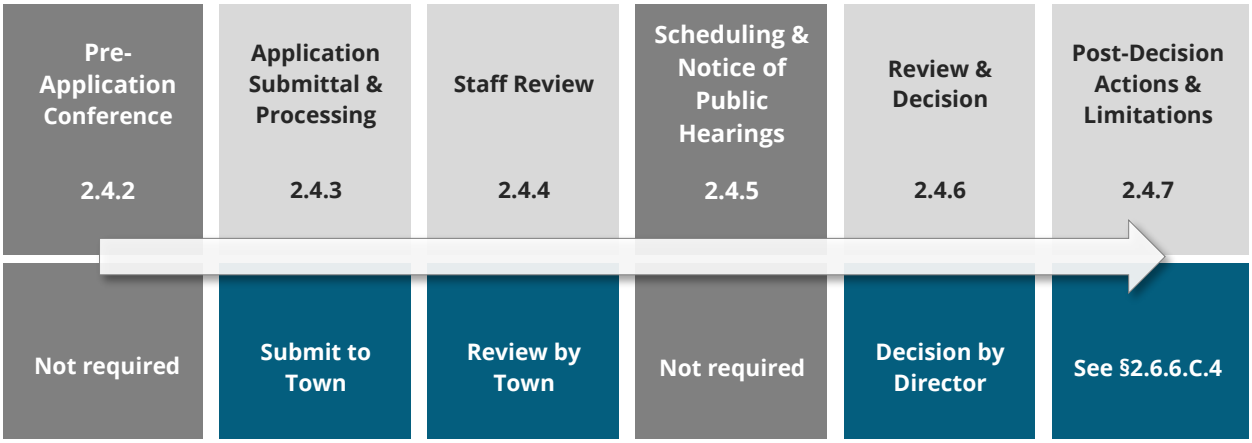
B. Applicability

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

118 Replaces Chapter 62, Sec. 62-54.
119 From Chapter 62, Sec. 62-56.
120 From Chapter 62, Sec. 62-81.Additional detail related to materials of blank face signs added in Consolidated Draft.
121 From Chapter 62, Sec. 62-59. Changed from Director authority to BOA.
122 New.
123 "does not verify compliance with ordinances of the Town beyond this UDC" is new.

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*.

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.

~~2.10.7.~~2.6.7. Change or Elimination of Nonconformity[124]

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

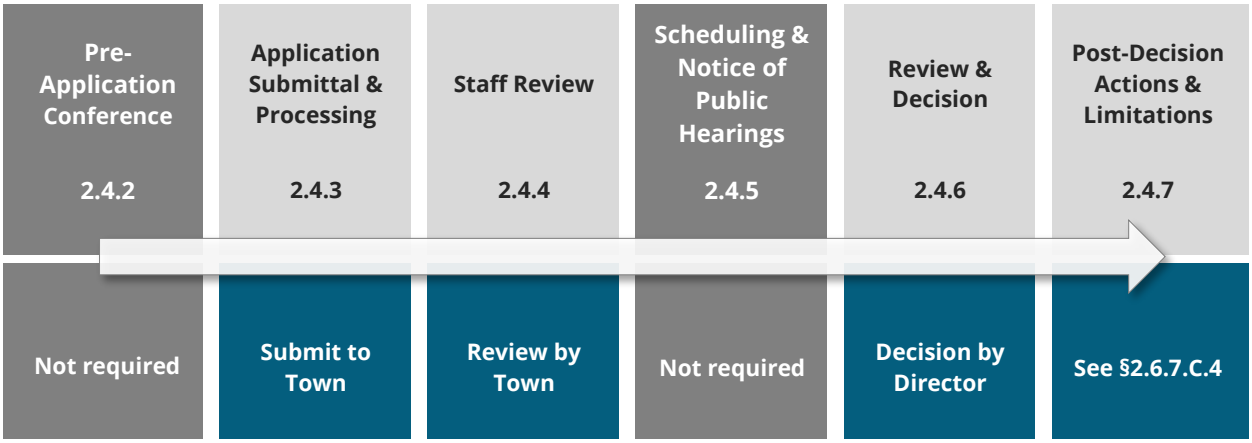
A Change or Elimination of Nonconformity is required:

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 §1.6.2.A: *Authority to Continue*.

[124] New.

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*.

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.

D. Review Criteria

In reviewing a proposed Change or Elimination of a Nonconformity application, the Director shall consider the general approval criteria in 2.4.6.C: *General Approval Criteria* and the standards in §1.6: *Nonconformities*.

~~2.11~~2.7 Engineering Plans, Studies, and Site Development Permits[125]

~~2.11.1.~~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.

~~2.11.2.~~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 with the approval of the Director of Public Works and Engineering and Director of Development and Neighborhood Services.

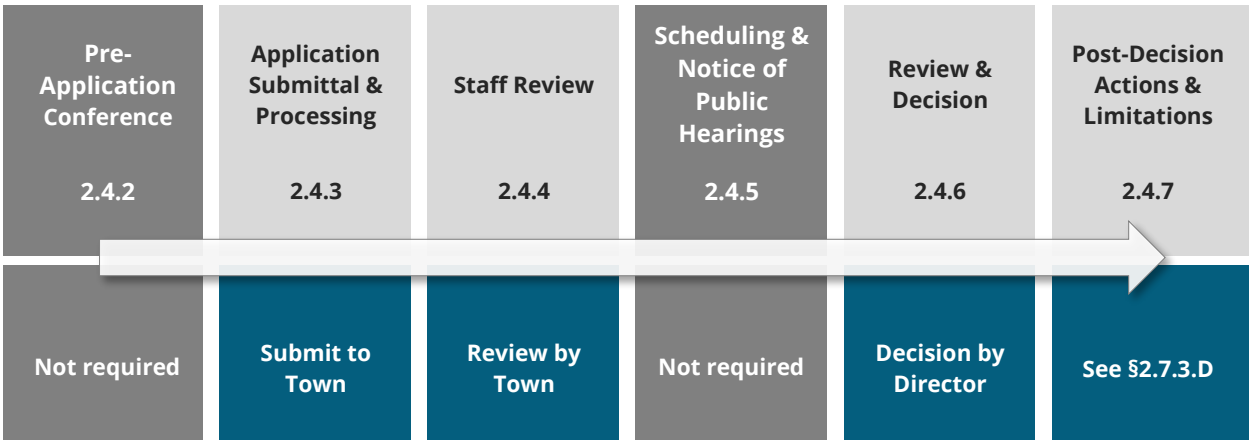
C. Flood hazard development permits shall also comply with the following:

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.

[125] New.

~~2.11.3.~~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: *Applicability*. Additions or modifications to the common review procedures are noted below.



A. Application Submittal & Processing[126]

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[127]

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

1. Construction of Public Improvements[128]

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 and Engineering 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. Such changes shall be minor and shall not substantially impact or burden

126 Removed application contents from current Sec. 42-59. This material will be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.
127 Removed requirements prior to construction in Consolidated Draft to be relocated to an Administrative Manual.
128 Carries forward Appendix B, §XII.

public facilities and utility infrastructure or substantively alter one or more components of the proposed development.[129]

2. Acceptance of Public Improvements[130]

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 satisfied within the timeframe specified in the letter.

c. Acceptance of the public improvements shall mean that title to all public 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.

3. Record Drawings[131]

Within 30 days of acceptance of the public improvements, 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 a 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 shall be submitted to the Public Works and Engineering Department.

~~2.11.4.~~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 §5.3: *Floods*, general approval criteria in §2.4.6.C: *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;

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.

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[129] New in Consolidated Draft
[130] Carries forward Appendix B, §XIII.
[131] Carries forward Appendix B, §XIV.

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 §2.4.6.C: *General Approval Criteria,* and all applicable requirements of the associated Criteria Manuals.

~~2.12~~2.8 Agreements

~~2.12.1.~~2.8.1. Parking Management Agreement

A. Purpose

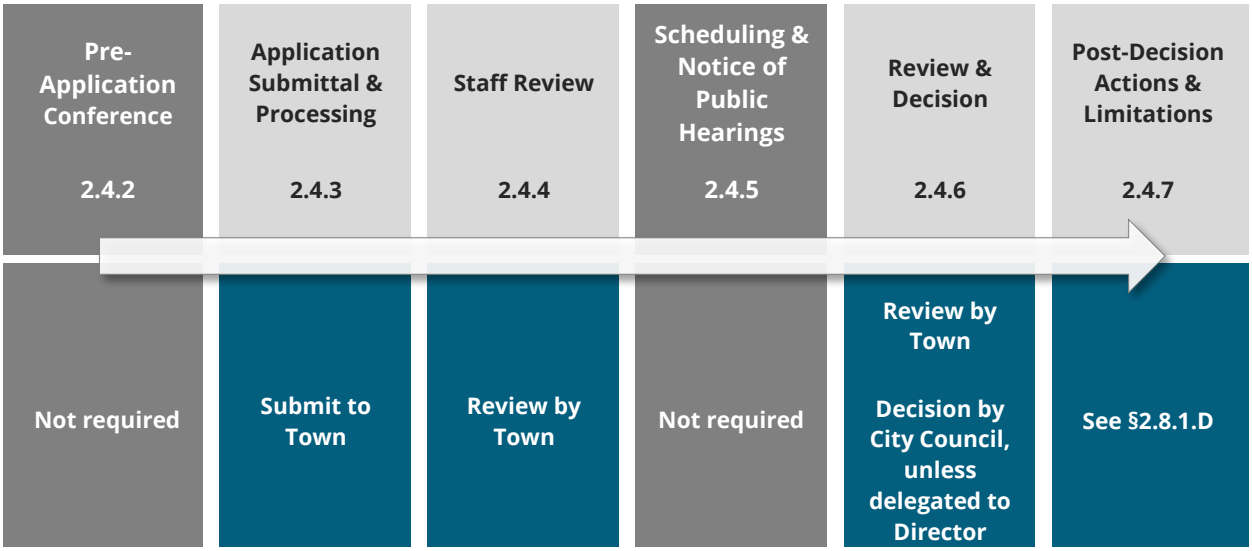
The purpose of this section is to establish the process by which parking reductions or alternatives are documented. Parking Management Agreements ensure the development will continue to provide the parking management strategy that allowed the development to obtain a parking reduction or alternative.

B. Applicability

This section shall apply to any development for which a parking reduction or parking alternative is proposed in accordance with §5.5.6: *Parking Alternatives*.

C. Procedure

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



A. Application Submittal & Processing

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 and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

C. Review and Decision

1. The application shall be reviewed and decided upon by the City Council in accordance with §2.4.6: *Review and Decision*, unless the decision is delegated to the Director by City Council. The City Council may remove the item from the consent agenda at a regular meeting and refer the decision to the Director if they determine the Parking Management Agreement is minor in nature.~~.~~

2. ~~-~~The City Council or Director may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.8.1.E: *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. No Certificate of Occupancy shall be issued until the City Council or Director has approved the Parking Management Agreement.
2. Parking Management Agreements shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement.[132]
3. If the Parking Management Agreement is later terminated or modified and the City Council or Director determine that the termination or modification has resulted in traffic congestion, overflow parking in residential neighborhoods, or threats to pedestrian, bicycle, or motor vehicle safety, the property owners involved in the agreement may be held in violation of this UDC.

E. Review Criteria

The City Council or Director may approve the Parking Management Agreement if they determine that the proposed reduction in parking or alternative parking meets the applicable requirements of §5.5.6: *Parking Alternatives*.

[132] New in Consolidated Draft.

~~2.13~~2.9 Platting Procedures[133]

~~**Commentary:**~~
~~This draft aligns platting procedures with the Texas Local Government Code to help streamline and simplify the development review process.~~

~~2.13.3.~~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~~Town, except as otherwise provided in this section.

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~~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.

[133] 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. Zoning[134]

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, 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 Proportionality[135]

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.[136]

E. Failure to Act[137]

If the Director does not approve or approve with conditions any plat application within 30 days after it has been submitted and deemed complete, the plat shall be considered approved. A certificate showing the acceptance date and the failure to take action on the application within the timeframe prescribed in this section shall, on demand by the applicant, be issued by the Director. In lieu of the written endorsement or other evidence of approval typically required in this section, such a certificate shall be sufficient for recordation.

~~2.13.4.~~2.9.2. Preliminary Plat or Preliminary Replat[138]

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~~Town.

B. Applicability[139]

1. 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 or Amending Plat processing; or
- **d.** Is not eligible to be processed as a Minor or Amending Plat, pursuant to §2.9.5: *Minor or Amending Plat*.

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134 Replaces Appendix B, §VI.
135 New.
136 Carries forward a portion of Appendix B, §IX.
137 New in Consolidated Draft to align with State requirements.
138 Replaces Appendix B, §VIII. References to Preliminary Replat are new.
139 New.

2. A Preliminary Replat is required if:

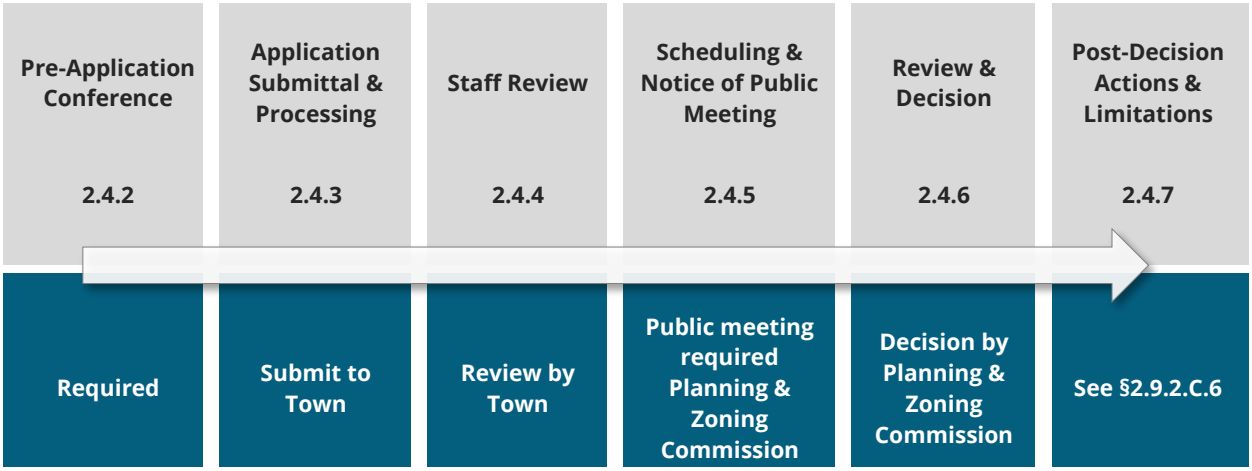
a. A Replat necessitates the construction of public infrastructure or requires amendments to previously approved infrastructure construction plans;

b. The Director determines a proposed Replat unusually complex or raises potentially unique or serious impacts on the ~~town~~Town or the surrounding areas; or

c. The applicant of a Replat requests a Preliminary Replat review.

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 Conference

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

2. Application Submittal & Processing[140]

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

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

a. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.5.A, *Neighborhood Meeting*.

b. Public ~~Hearings~~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*.

[140] Did not carry forward the content of application requirements in current Appendix B, §VIII. This material will be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

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.

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 for the remaining portions of the area shown.

iii. If 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 or Annexation 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 Criteria[141]

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

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.

[141] New.

~~2.13.5.~~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 Conference

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

2. Application Submittal & Processing[142]

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*.

[142] Did not carry forward the content of application requirements in current Appendix B, §IX. This material will be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

5. Review and Decision[143]

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. 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~~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 modifications:

a. Recording[144]

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 and Neighborhood Services Department. These copies shall bear all signatures but those of the Town officials. After signature by the Town officials, the Development and Neighborhood 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 Criteria

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

~~2.13.6.~~2.9.4. Replat[145]

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 or Amending 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 TLGC Chapter 212; 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.

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143 Carries forward Article XXV, Sec. 1 and 2.
144 Replaces Appendix B, §X.
145 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 Conference

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

2. Application Submittal & Processing[146]

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

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 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 Subdivision Variance pursuant to §2.10.2: *Subdivision Variance*, a public hearing shall be held prior to taking action on the proposed Replat.

b. If the proposed Replat requires §2.10.2: *Subdivision Variance* and is protested in accordance with §2.4.5.G: *Protest Procedures*, 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. 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 prior to the close of the public hearing. In computing the percentage of land area under this section, the area of streets and alleys shall be included.

[146] Did not carry forward the content of application requirements in current Appendix B, §IX. This material will be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

5. Review and Decision[147]

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 a Residential zoning district or deed-restricted property as specified in TLGC §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 modifications:

a. Recording[148]

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 and Neighborhood Services Department. These copies shall bear all signatures but those of the Town officials. After signature by the Town officials, the Development and Neighborhood 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.

~~2.13.7.~~2.9.5. Minor or Amending Plat[149]

A. Purpose

The Minor or Amending 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.

B. Applicability[150]

1. 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 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;

147 Carries forward Article XXV, Sec. 1 and 2.
148 Replaces Appendix B, §X.
149 New. This section introduces an abbreviated subdivision process for smaller projects.
150 Includes thresholds from TLGC § 212.0065 and carries forward Appendix B, §XVII.

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 or Amending Plat Procedure

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

1. Pre-Application Conference

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

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 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 or Amending 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.~~151~~

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 or Amending Plat application according to the approval criteria in §2.9.5.D, below.

b. The Director may, for any reason, elect to refer the Minor or Amending 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 modification:

a. Recording

Following approval of a Minor or Amending 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 or Amending Plat application, the Director shall consider the general approval criteria in §2.4.6.C: *General Approval Criteria* and if the proposed Minor or Amending 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.

~~2.13.8.~~2.9.6. Vacating Plat[152]

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.[153]

~~151 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?~~

152 New procedure for Vacating Plat as allowed by state law.

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

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 Conference

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

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. Following approval of a Vacating 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 Vacating Plat application, the Planning and Zoning Commission shall consider the general approval criteria in §2.4.6.C: *General Approval Criteria*.

~~2.14~~2.10 Flexibility and Relief Procedures

~~2.14.1.~~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 section codifies current practice and includes specific review criteria by which the Board of Zoning Adjustment would make a determination.~~

~~C.~~A. Purpose

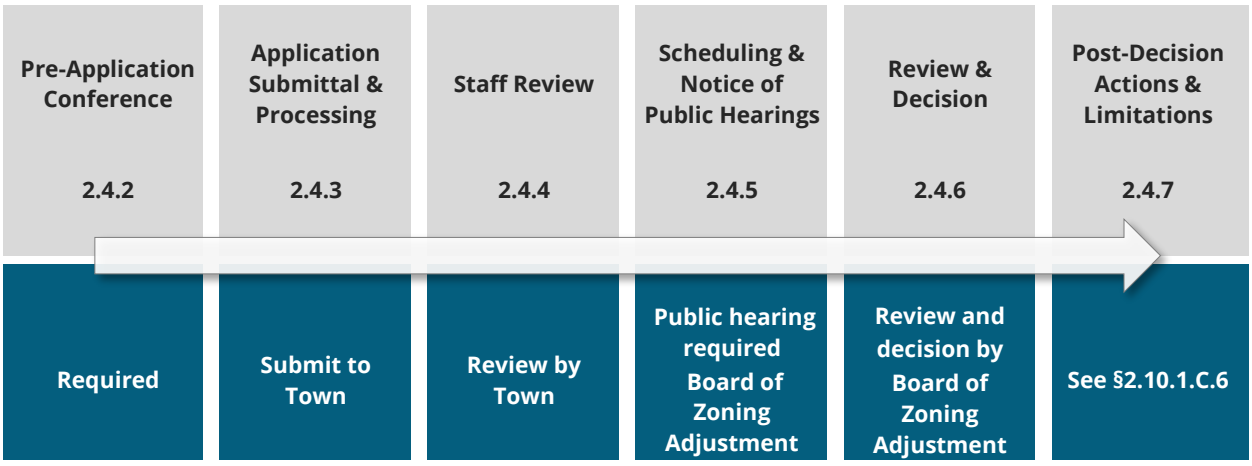
The Variance procedure provides a mechanism for the Town to authorize Variances from the development standards of this UDC when it is demonstrated that such a Variance will not be contrary to the public interest or the spirit of this UDC, where, owing to special conditions, literal enforcement of this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

~~D.~~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 §2.10.1.D. Requests for relief from the provisions of Article 6: *Subdivision Standards* shall not be included in this section and shall comply with §2.10.2: *Subdivision Variance*.

~~E.~~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 Conference**

   A pre-application conference is required in accordance with §2.4.2: *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 §2.10.1.D.

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 the majority of members of the Board of Zoning Adjustment shall be required to approve a Variance request.[154]

6. Post-Decision Actions and Limitations

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

~~F.~~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 §3.8.1: *AO – Airport Overlay* shall comply with the following standards:[155]

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 §3.8.1: *AO – Airport Overlay* pursuant to V.T.C.A., Local Government Code Chapter 41.

c. No application for Variance to the requirements of §3.8.1: *AO – Airport Overlay* 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

[154] Carries forward Appendix A, Article XXIV, Sec. 5.
[155] Carries forward Chapter 14-127.

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.

~~2.14.2.~~2.10.2. Subdivision Variance[156]

A. Purpose

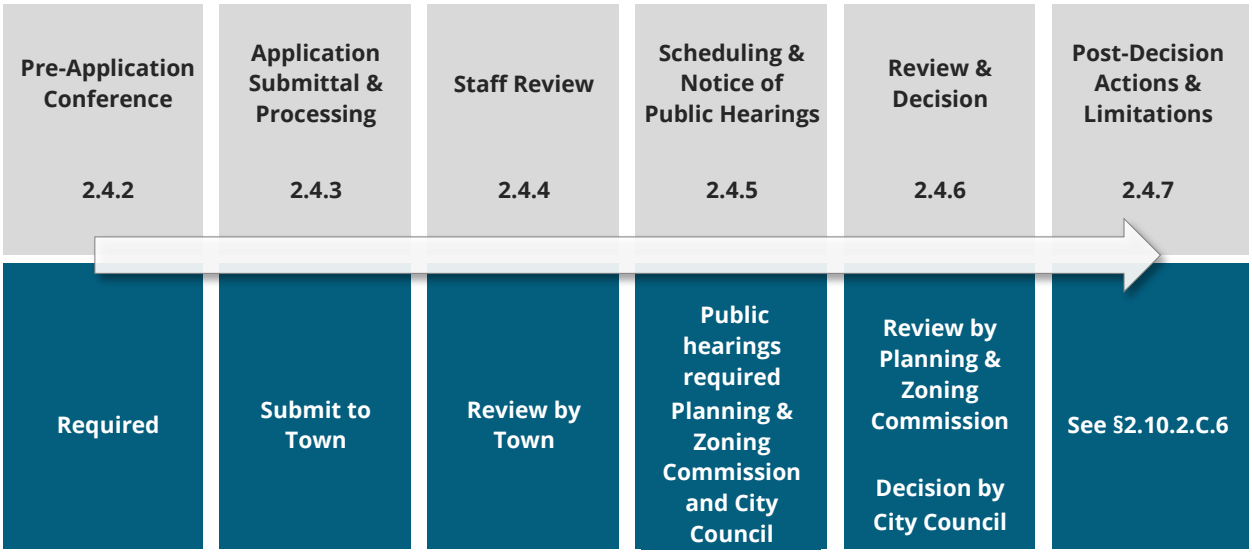
1. The Subdivision Variance procedure provides a mechanism for the Town to authorize Variances from the strict application of the UDC, where literal enforcement of the UDC will result in an unnecessary hardship from the subdivision regulations and where a Subdivision Variance is necessary to develop 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 Article 6: *Subdivision Standards* may request a Subdivision Variance when the strict application of this UDC meet the approval criteria listed in §2.10.2.D: *Review Criteria*.

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.



1. Pre-Application Conference

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

2. Application Submittal & Processing

The Subdivision 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*.

[156] New.

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 §2.10.2.D: *Review Criteria,* with the following modification:

a. 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.

~~2.14.3.~~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.~~

~~D.~~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.

~~E.~~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)[157] may request only the types of modifications shown below.

Table 2.10-1: Table of Allowable Minor Modifications

UDC Standard	Allowable Modification (maximum percentage)
Site Standards	
Lot width, minimum	10% decrease
Lot depth, minimum	10% decrease
Lot area, minimum	10% decrease
Building coverage, maximum	10% increase
Total impervious coverage, maximum	10% increase
Block length, minimum/maximum	10% decrease/increase
Lot Dimensional Standards	
Front building setback, minimum	15% decrease
Build-to range, minimum/maximum	15% decrease/increase
Front building façade at build-to range, minimum	15% decrease
Side building setback, minimum	15% decrease
Rear building setback, minimum	15% decrease
Building Standards	
Building height, maximum	10% increase
Building height, minimum for street facing facades	10% decrease
Development Standards	
Number of required vehicle parking spaces, minimum	20% decrease
~~Minimum~~ Landscaped area, minimum	10% decrease
~~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;

[157] RLUIPA is a federal law that prohibits land use regulations that impose "substantial burdens" on religious institutions, requires that religious institutions be treated the same as nonreligious institutions from a regulatory perspective, and prohibits land use regulations that totally exclude religious assemblies.

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.

~~F.~~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 Table 2.10-1: *Table of Allowable Minor Modifications* 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 §2.10.3.D 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 §2.10.3.D 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 by the approving body.

~~G.~~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 in alignment with the Comprehensive Plan; 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.

~~2.14.4.~~2.10.4. Appeal of Administrative Decision[158]

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.

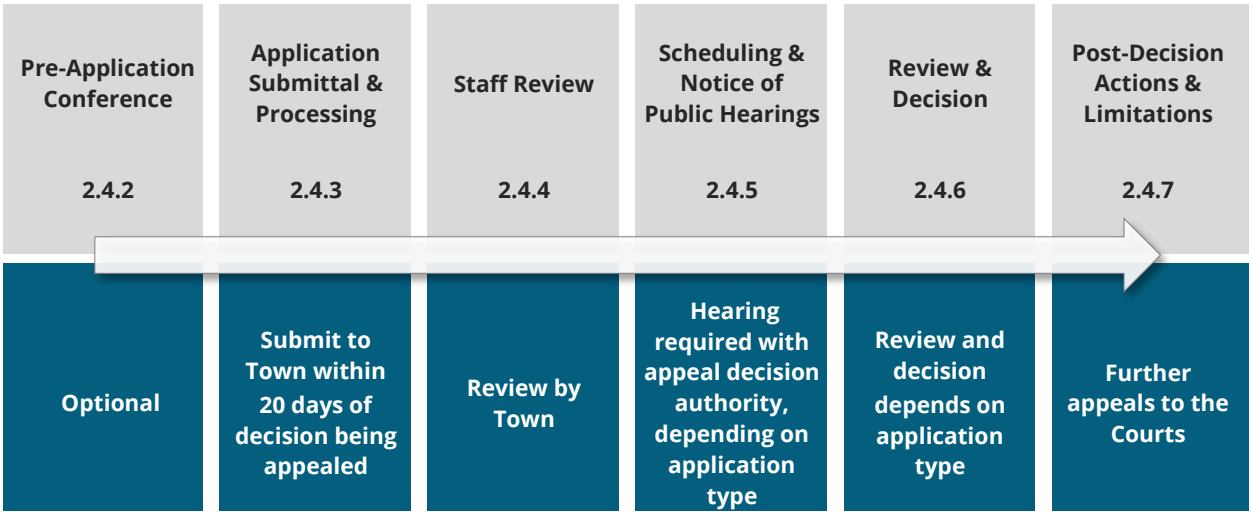
B. Applicability

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.

[158] 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.

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.



1. Pre-Application Conference

A pre-application conference is optional, but if elected such meeting shall be held in accordance with §2.4.2: *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. 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 §2.10.4.D: *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.* 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.

~~2.14.5.~~2.10.5. Interpretations[159]

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:

a. Interpretations as to which is the stricter and thus controlling provision in case of conflict with this UDC and other provisions of the Code of Ordinances;

b. Interpretations of compliance with a condition of approval;

c. interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district; and

d. Interpretations of the zoning district boundaries on the Official Zoning Map and application of ~~Future Land Use and~~ Place Type ~~boundaries~~and Spectrum of Change maps.

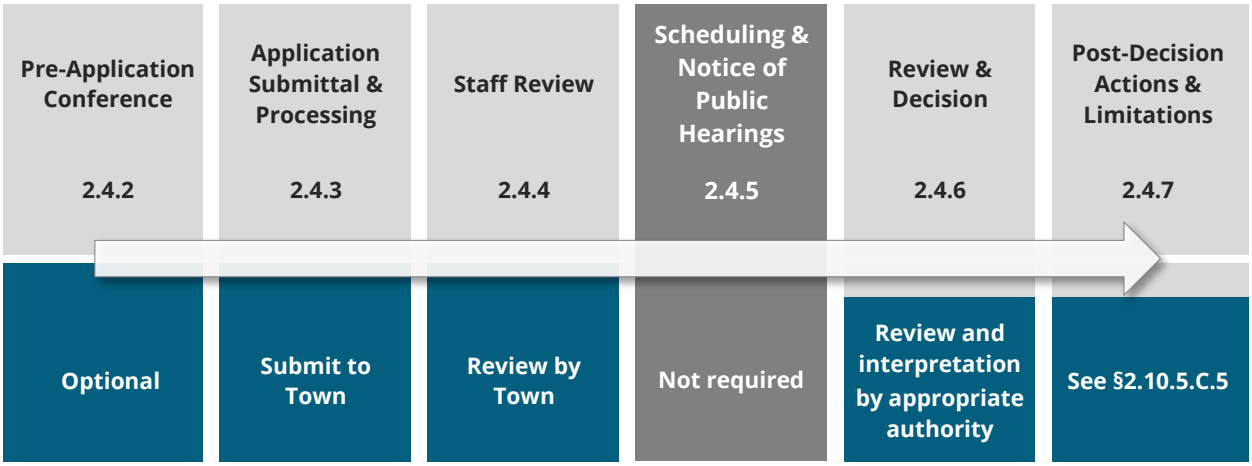
2. The Director of Public Works and Engineering shall be responsible for all interpretations of the floodplain management and engineering provisions in the text of this UDC.

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.

[159] 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.

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.



1. Pre-Application Conference

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

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 §2.10.5.D: *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 to the Board of Zoning Adjustment pursuant to §2.10.4: *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 Director, Director of Public Works and Engineering, the Building Official, or Fire Marshall 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*.

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 §4.2.5: *Classification of New and Unlisted Uses*, 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 §3.2.2: *Zoning District Boundaries*, and consistent with the Comprehensive Plan.

Article 3: 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 4: *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 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."

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.

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.~~

~~3.2~~13.1 Zoning Districts Established[160]

The following zoning districts are established by the Town's adoption of the Official Zoning Map pursuant to §3.2.

Table 3.1-1: Summary Table of Zoning Districts

~~Current~~ Zoning District	Section
Residential Districts	
R-1- Residential~~R-1 Single-Family Dwelling, R-16 Single-Family Dwelling~~	3.4.1
R-2 - Residential~~MXR Mixed-Use Residential Low Density~~	3.4.2
R-3 - Residential~~MXR Mixed-Use Residential Medium and High Density~~	3.4.3
Mixed-Use Districts	
M-1 - Mixed-Use Neighborhood~~UC- Urban Center Residential~~	3.5.1
M-2 - Mixed-Use Suburban Corridor~~BL Belt-Line~~	3.5.2
M-3 - Mixed-Use Urban Corridor~~[New]~~	3.5.3
M-4 - Mixed-Use Center~~UC -Urban Center Commercial~~	3.5.4
Nonresidential Districts	
CL - Commercial Limited~~LR- Local Retail~~	3.6.1
CG - Commercial General~~C-1 Commercial 1~~	3.6.2
LI - Light Industrial~~C-2, Commercial 2, I-1 Industrial 1, I-2 Industrial 2~~	3.6.3
AA - Addison Airport~~I-3 Industrial 3~~	3.6.4
Planned Development Districts	
PD - Planned Development~~[Carry forward]~~	3.7
Overlay Districts	
AO - Airport Overlay~~[Carry forward]~~	3.8.1
Legacy Districts	
A - Apartment Dwelling ~~[Carry forward]~~	8.1

[160] Replaces current Appendix A, Article II, §1: *Districts*.

Table 3.1-1: Summary Table of Zoning Districts	
PD-TH Planned Development Townhouse/Condominium~~[Carry forward]~~	8.2
PD-CC Planned Development Condominium Conversions	8.3

~~3.22~~3.2 Official Zoning Map[161]

~~3.22.1.~~3.2.1. 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~~Town, which is on file in the office of the City Secretary, available on the Town's website, and made a part of this UDC.

~~3.22.2.~~3.2.2. Zoning District Boundaries[162]

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 lot lines or ~~town~~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 §3.8: *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.

~~3.22.3.~~3.2.3. Zoning District Boundary Clarification[163]

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 §2.10.4: *Appeal of Administrative Decision*.

~~3.22.4.~~3.2.4. Amendments to the Official Zoning Map[164]

Changes in the boundaries of any zoning district shall require an amendment to the Official Zoning Map pursuant to §§2.5.2: *Rezoning* and 2.5.3: *Rezoning to Planned Development (PD)*. All changes in district boundaries shall be noted on the Official Zoning Map following approval by the City Council.

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161 Replaces current Appendix A, Article II, §2: *Boundaries*. Reworded for clarity.
162 Replaces current Article XXXII, §1: *Boundaries of Districts*.
163 New.
164 From current Appendix A, Article XXIX, §5. Reworded for clarity.

~~3.22.5.~~3.2.5. Annexations[165]

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 §§2.5.2: *Rezoning* and 2.5.3: *Rezoning to Planned Development (PD)*.

B. The Town may institute proceedings on its own motion to assign the newly annexed territory a zoning designation pursuant to §2.5.6.B: *Concurrent Zoning*.[166]

~~3.23~~3.3 Organization of this Article

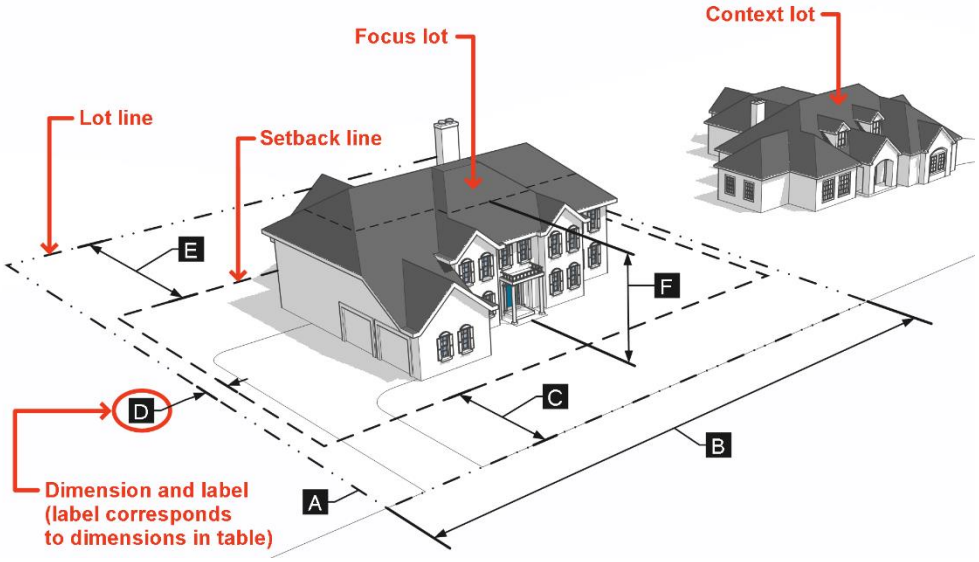
~~3.23.1.~~3.3.1. Base Zoning Districts

A. Content

Sections 3.4 through 3.6 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.



~~3.23.2.~~3.3.2. Overlay Zoning Districts

A. Overlay zoning districts are established by an amendment to the Official Zoning Map (see §§2.5.2: *Rezoning* and 2.5.3: *Rezoning to Planned Development (PD)*). They are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict

[165] 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.

[166] Replaced reference to "Planning and Zoning Commission" with "town."

with those for an underlying base zoning district, planned development district, or another overlay district, the more restrictive standards shall apply.

B. §3.8: *Overlay Districts*, identifies the overlay zoning districts and establishes each overlay district's purpose and the standards that modify those of underlying districts.

~~3.23.3.~~3.3.3. Legacy Zoning Districts[167]

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 Code of Ordinances. In addition, all other standards of this UDC shall apply to legacy zoning districts, including the standards in §8.1: *A – Apartment District Regulations*, and 8.2: *PD-TH – Planned Development, Townhouse/Condominium*, unless otherwise stated in the requirements and conditions in place at the time the properties were established under the Code of Ordinances, as amended.

[167] New.

~~3.2~~3.4 Residential Zoning Districts[168]

~~3.2.1.~~3.4.1. R-1 – Residential[169]

A. Purpose

The R-1 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 district may be used as a transition between larger-lot residential development and smaller-lot residential development.

B. Dimensional Standards

Lot Dimensions (minimum) [170]

A	Lot Area (sq ft)	16,000[171]
B	Lot Width (ft)	80

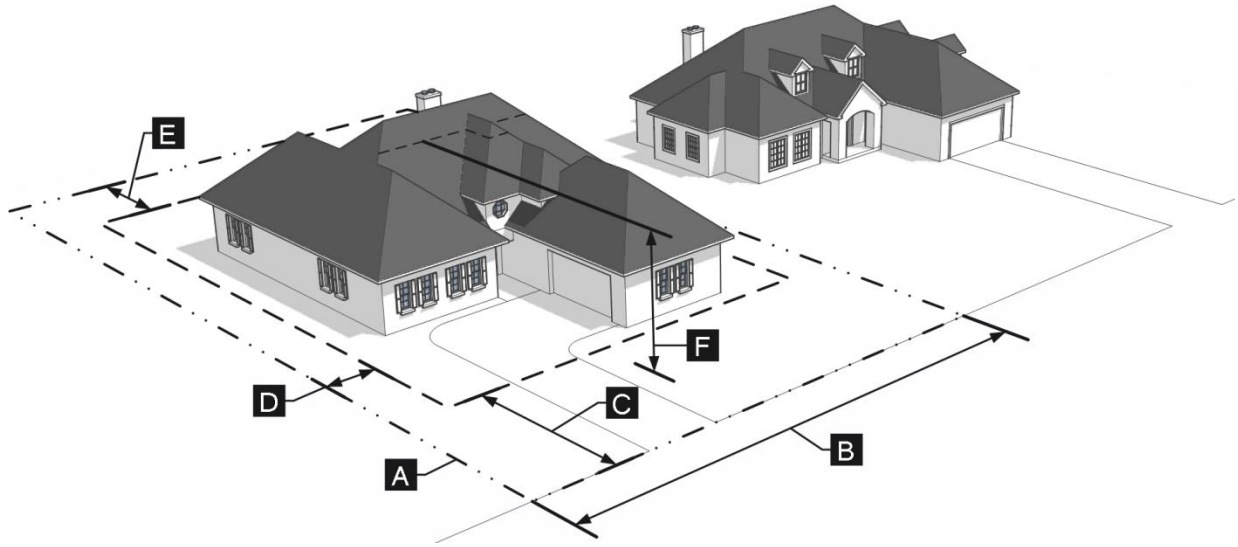
Building Setbacks (minimum) [173]

C	Front (ft)	30
D	Side, Interior (ft)	5
	Side, Street	20
E	Rear (ft)	20

Other Standards (maximum)

F	Building Height (ft)	35[172]
	~~Impervious Coverage (percent of lot area)~~ ~~Total Coverage~~	~~60~~

Figure 3-1~~3-1~~: R-1 Dimensional Standards



168 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.
169 From current Appendix A, Article VII: *R-16 Single-Family*.
170 Did not carry forward minimum lot depth standards (80 feet); we recommend retaining only the minimum lot area and width standards.
171 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).
172 Increased from 32 in Consolidated Draft.
173 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).

~~3.24.2.~~3.4.2. R-2 – Residential[174]

A. Purpose

The R-2 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 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 [175]
B	Lot Width (ft)	55

Building Setbacks[177]

C	Build-to Line (ft)	Arterial or Collector Street [1]	20
		All other	15 or 20 [2]
D	Side, Minimum (ft)	None [3]	
E	Rear, Minimum Front-Entry (ft)		10
	Rear, Minimum Rear-Entry (ft)		5

Other Standards

F	Building Height (maximum, ft)	35[176]
G	Building façade at build-to-line (minimum, percent)	60

~~Impervious Coverage (maximum, percent of lot area)~~

~~Total Coverage~~

~~80~~

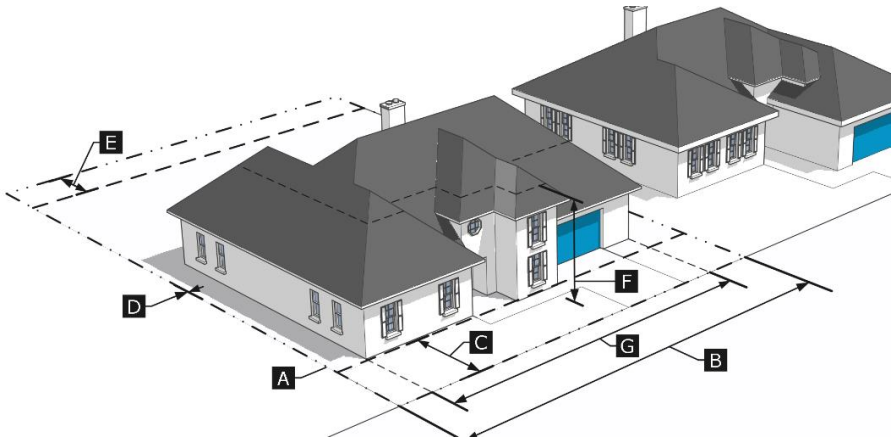
Notes:

[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.[178]

[2] Minimum of 20-feet for garages of front-entry residential dwellings.

[3] Minimum 10-foot building separation required.

Figure 3-2~~3-2~~: R-2 Dimensional Standards



174 Derived from the "low-density subdistrict" standards in current Appendix A, Article XVIII: *MXR Mixed Use Residential*.

175 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.

176 Increased from 32 in Consolidated Draft.

177 Replaced reference to "large street" with "arterial or collector street."

178 New.

~~3.24.3.~~3.4.3. R-3 – Residential[179]

A. Purpose

The R-3 district is intended to accommodate a variety of compatible residential housing types including single-family detached, single-family attached, duplex, triplex, fourplex, small-scale multifamily, and live/work 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. 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 Standards[180]

		Single-Family (detached) [1]	Single-Family (attached)	Duplex	Triplex/ Fourplex	Multifamily Live/Work [2]
Lot Dimensions (minimum)						
A	Lot Width (ft)	30[181]	20[182]	30[183]	40[184]	None
B	Lot Depth (ft)	75[185]	75[186]	75[187]	75[188]	None
Lot Dimensions (maximum)[189]						
	Lot Width (ft)	55	30	55	75	None
Building Setbacks [3]						
C	Build-to Range (min-max, ft)[190]	5-15[191] [3]				
D	Side, Minimum (ft)	5[192]	None	5[193]	5[194]	5[195]
E	Rear, Minimum (ft)	10	10	10	10	10[196]
Other Standards						
F	Building Height (maximum, ft) [4]	35[197]	40	40	40	48[198]
G	Building façade at build-to-range (minimum percent)	60	75	75	60	75

179 Derived from the "medium-density subdistrict" standards in current Appendix A, Article XVIII: *MXR Mixed Use Residential*.
180 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."
181 Decreased from 55.
182 Increased from none.
183 Decreased from 55.
184 Decreased from 80.
185 Decreased from 100.
186 Increased from none.
187 Decreased from 80.
188 Decreased from 100.
189 New.
190 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.
191 Decreased from 15-20.
192 Decreased from 6.
193 Decreased from 6.
194 Decreased from 6.
195 Increased from none.
196 Did not carry forward minimum rear setback (15 feet) for "city home."
197 Increased from 32 in Consolidated Draft.
198 Did not carry forward allowance for townhouse/condominium projects to be built to 48 feet if a 1:3 residential proximity slope is maintained.

			Single-Family (detached) [1]	Single-Family (attached)	Duplex	Triplex/ Fourplex	Multifamily Live/Work [2]
	~~Impervious Coverage (maximum, percent of lot area)~~ [199]	~~Total Coverage~~	~~85~~	~~85~~	~~85~~	~~85~~	~~85~~

Notes:
[1] See §4.3.2.A: *Cottage Development* for additional height, setback, and density limitations for cottage developments.
[2] See §4.3.2.D: *Dwelling, Multifamily* for minimum dwelling unit size requirements.
[3] See §5.7.6: *Neighborhood Transition Standards* for additional setback and height limitations.
[4] Minimum of 20 feet for garages of front-entry residential dwellings.

Figure 3-3~~3-3~~: R-3 Dimensional Standards

[199] ~~Revised total coverage from 65 percent for duplex, triplex, and fourplex uses, revised to simplify and align with single-family and multifamily figures.~~

~~3.25~~3.5 Mixed-Use Zoning Districts

~~3.25.1.~~3.5.1. 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.~~

~~C.~~A. Purpose[200]

The M-1 district is intended to accommodate small- to medium-scale mixed-use development that supports a comfortable and safe bicycle and pedestrian friendly 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 zoning districts. Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

~~D.~~B. Dimensional Standards[201]

			Residential	Mixed-Use/ Nonresidential
Lot Dimensions (minimum)[202]				
A	Lot Width (ft)		See R-3 District	None
B	Lot Depth (ft)			None
Building Setbacks[203]				
C	Build-to-Range (min-max, ft)[204] [1]	Arterial Street	See R-3 District	10-15 [2]
		Collector Street		10-15
		Local Street		5-10
		Alley/Mews Street		0-5
		Public Park/Open Space		5-10
D	Building façade at build-to-range (minimum, percent)			75
E	Side (minimum, ft) [3]			None
F	Rear (minimum, ft) [3]			None

200 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.

201 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*.

202 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-3 standards. Residential uses: current lot width (25 feet) and lot depth (60 feet).

203 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."

204 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/mews (0 ft), park/open space (5 ft).

			Residential	Mixed-Use/ Nonresidential
Other Standards				
	Building Height (minimum, ft)		See R-3 District	25
G	Building Height (maximum, ft) [3]			48
	Impervious Coverage (maximum, percent of lot area)	Total Coverage		95

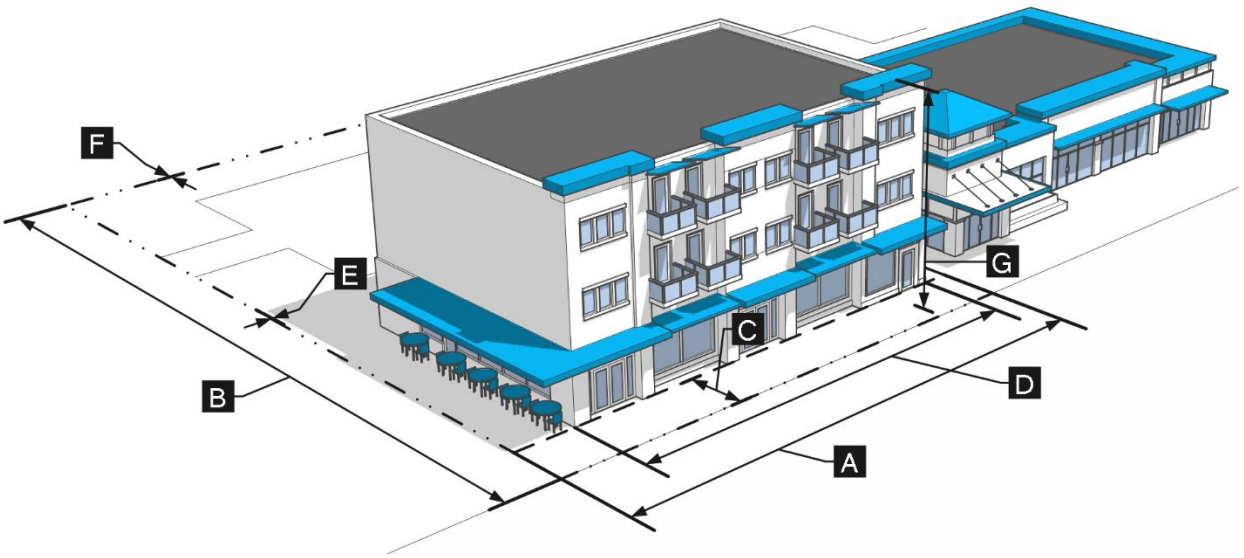
Notes:

[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] The build-to-line may be extended to accommodate one row of parking spaces in accordance with §5.5: *Parking and Loading*.

[3] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.[205]

Figure 3-4~~3-4~~: M-1 Dimensional Standards



[205] 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."

~~3.25.2.~~3.5.2. 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.~~

~~D.~~A. Purpose[206]

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.

~~E.~~B. Dimensional Standards[207]

Lot Dimensions (minimum) [208]

A	Lot Width (ft)	None
B	Lot Depth (ft)	None

Building Setbacks

C	Build-to-Range (min-max, ft) [1]	Arterial Street	10-90[209]
		Collector Street	10-90
		Local Street	10-90
		Alley/Mews Street	0-5[210]
		Public Park/Open Space	0-5[211]

206 Replaces current Appendix A, Article XIX, Sec. I.

207 From current Appendix A, Article XIX.A, §III; and Ord. 006-024. Proposed changes are identified with footnotes.

208 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%.

209 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.

210 Currently zero-foot build-to.

211 New.

G	Building façade at build-to-range (minimum, percent)		80[212]
D	Side (minimum, ft) [2]		None
E	Rear (minimum, ft) [2]		None

Other Standards[213]

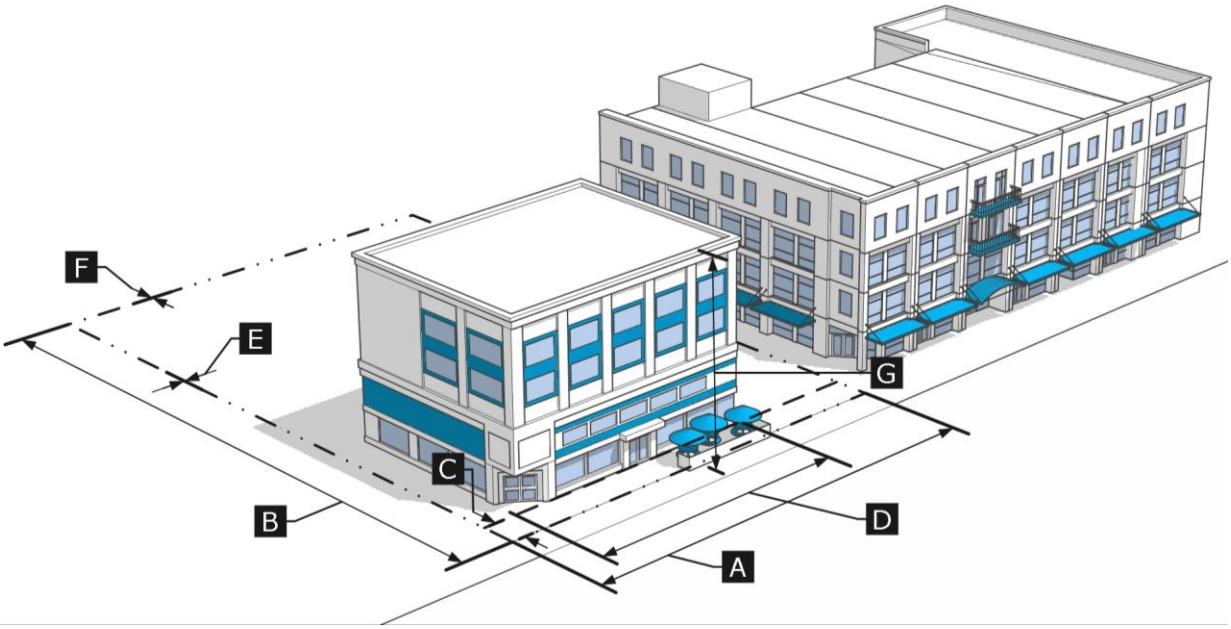
	Building Height (minimum, ft)		25[214]
F	Building Height (maximum, ft) [2]		70[215]
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	80

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, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.[216]

Figure 3-5~~3-5~~: M-2 Dimensional Standards



[212] 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%.

[213] Did not carry forward the minimum building height of two stories.

[214] Currently 2 stories.

[215] 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 allows 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.

[216] New.

~~3.25.3.~~3.5.3. M-3 – Mixed-Use Urban Corridor[217]

~~**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).~~

~~C.~~A. Purpose

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 zoning districts. Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

~~D.~~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	0-15 [2]
		Collector Street	0-10
		Local Street	0-10
		Alley/Mews Street	0-5
		Public Park/Open Space	0-5
D	Building façade at build-to-range (minimum, percent)		80
E	Side (minimum, ft) [3]		None
F	Rear (minimum, ft) [2]		None

Other Standards

	Building Height (minimum, ft)		25
G	Building Height (maximum, ft) [3]		70
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	85

Notes:

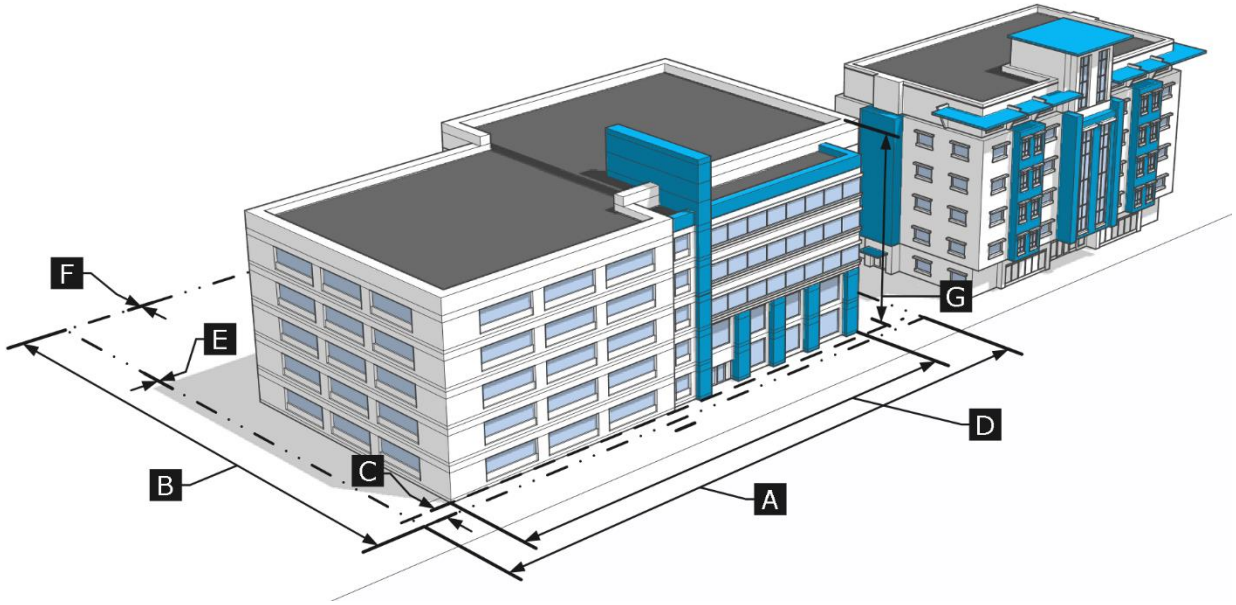
[1] The area between the street back-of-curb and the inside edge of the public sidewalk shall be dedicated as public right-of-way or have a public access easement.

[2] Activated outdoor patio areas serve as an extension of the building façade and may abut the build-to line.

[3] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

[217] New.

Figure 3-63-6: M-3 Dimensional Standards



~~3.25.4.~~3.5.4. 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.~~

~~C.~~A. Purpose[218]

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.

~~D.~~B. Dimensional Standards[219]

Lot Dimensions (minimum)

A	Lot Width (ft)		None
B	Lot Depth (ft)		None

Building Setbacks

C	Build-to-Range (min-max, ft)[220] [1]	Arterial Street	0-10
		Collector Street	0-10
		Local Street	0-10
		Alley/Mews Street	0-5
		Public Park/Open Space	0-5
D	Building façade at build-to-range (minimum, percent)		80[221]
E	Side (minimum, ft) [2]		None
F	Rear (minimum, ft) [2]		None

Other Standards

G	Building Height (maximum, ft)		None [3][222]
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	100

[218] 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.
[219] From current Appendix A, Article XIX, §5, and Ord. 095-019.
[220] Current build-to equivalents: arterial (10 ft), collector (15 ft), local (10 ft), alley/mews (not specified), park/open space (not specified).
[221] 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%.
[222] 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).

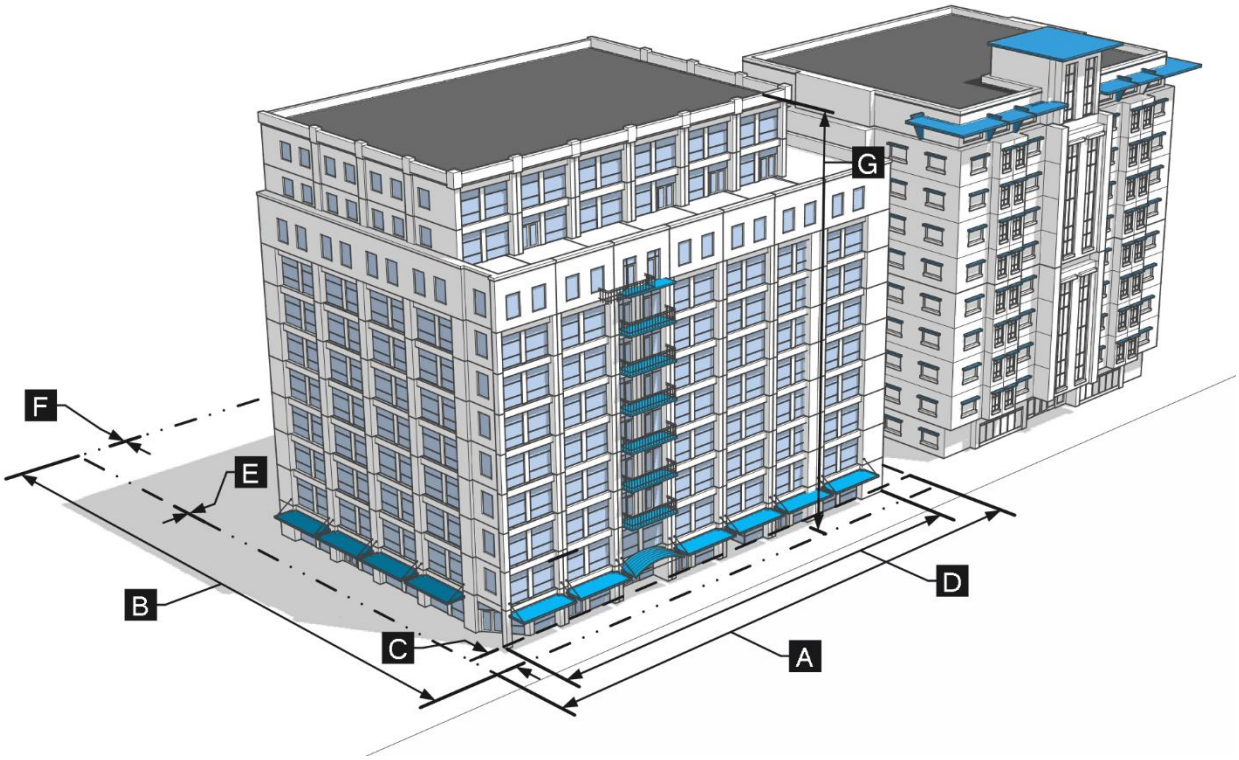
Notes:

[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, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.[223]

[3] Subject to the height limitations of the Airport Overlay District.

Figure 3-7~~3-7~~: M-4 Dimensional Standards



[223] 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."

~~3.26~~3.6 Nonresidential Zoning Districts

~~3.26.1.~~3.6.1. CL - Commercial Limited[224]

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

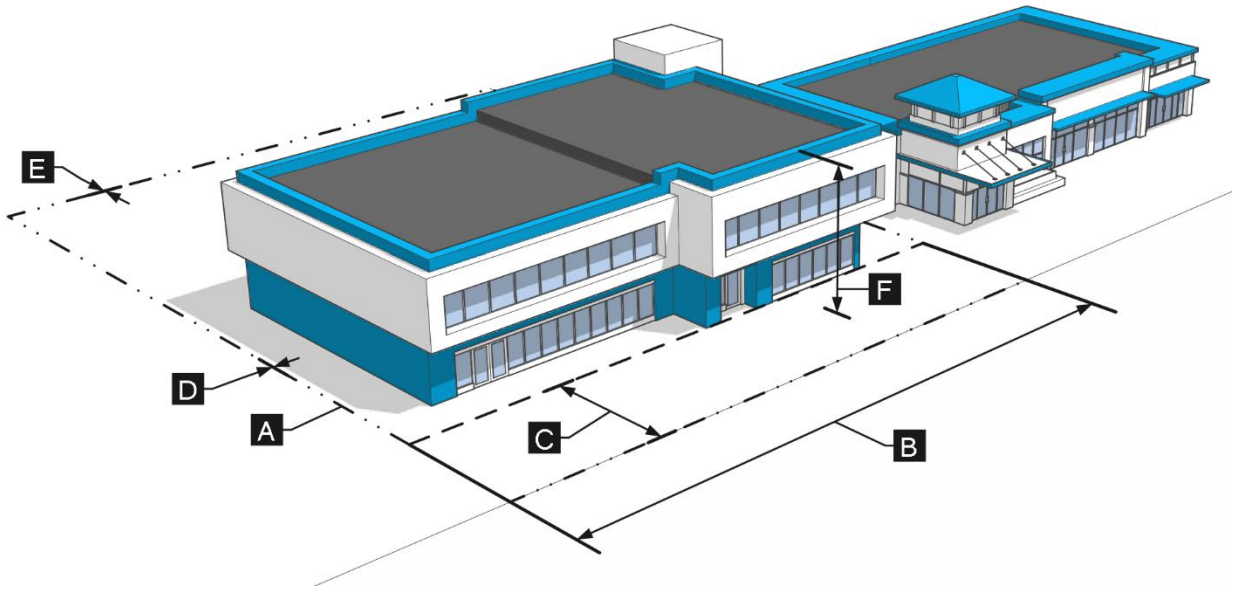
F	Building Height (ft) [2]		35
	Impervious Coverage (percent of lot area)	Total Coverage	80

Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3, or A zoning districts or Planned Developments that reference those zoning districts.[225]

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

Figure 3-8~~3-8~~: CL Dimensional Standards



[224] From current Appendix A, Article IX. Renamed from "LR Local Retail District."
[225] Added R-1 and R-2.

~~3.26.2.~~3.6.2. CG - Commercial General[226]

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

F	Building Height (ft) [2] [3]		None[227]
	Impervious Coverage (percent of lot area)	Total Coverage	80

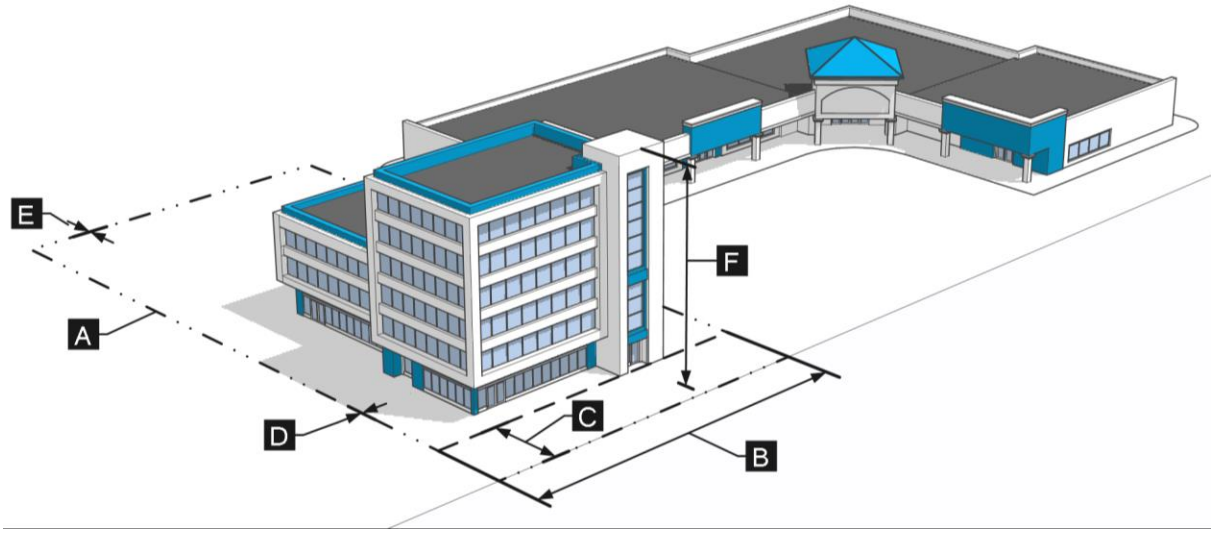
Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3 or A zoning districts or Planned Developments that reference those zoning districts.[228]

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

[3] Buildings may exceed 70 feet in height if the additional height is set back from the setback line one additional foot for each two feet of height above 70 feet.[229]

Figure 3-9~~3-9~~: CG Dimensional Standards



[226] From current Appendix A, Article X. Renamed from "C-1 Commercial-1 District."
[227] Currently 6 stories.
[228] Added R-1 and R-2.
[229] Did not carry forward height regulations from the I-1 zoning district.

~~3.26.3.~~3.6.3. LI – Light Industrial[230]

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

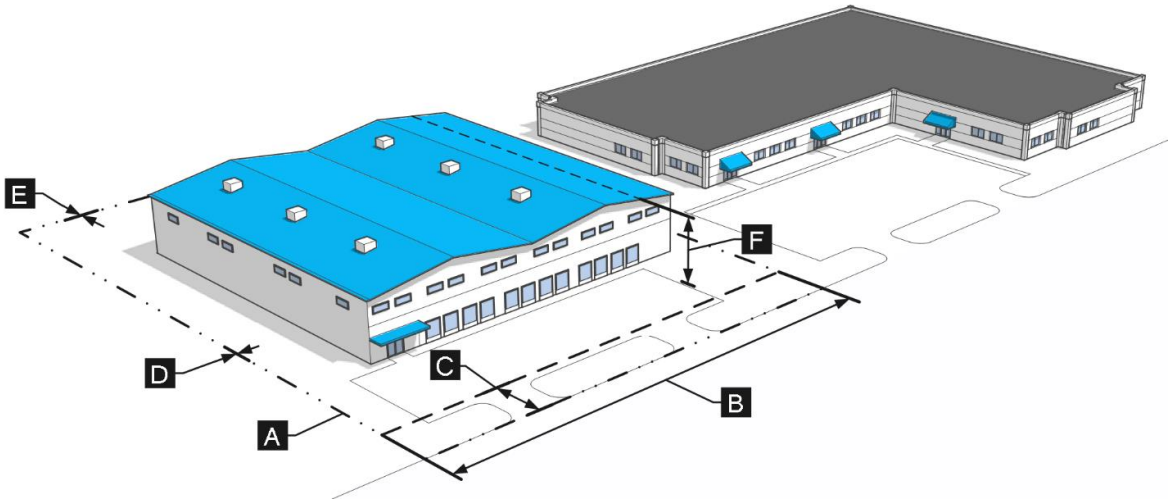
F	Building Height (ft) [2]		70[231]
	Impervious Coverage (percent of lot area)	Total Coverage	90

Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3, or A zoning districts or Planned Developments that reference those zoning districts .[232]

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6.

Figure 3-10~~3-10~~: LI Dimensional Standards



[230] Consolidated current C-2, I-1, and I-2 zoning districts and renamed to LI.
[231] Currently 6 stories.
[232] Added R-1 and R-2.

~~3.26.4.~~3.6.4. AA – Addison Airport[233]

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] [2]
E	Rear (ft)	None [1] [2]

Other Standards (maximum)

F	Building Height (ft) [2] [3]		~~Per FAA~~70 feet[234]
	Impervious Coverage (percent of lot area)	Total Coverage	90

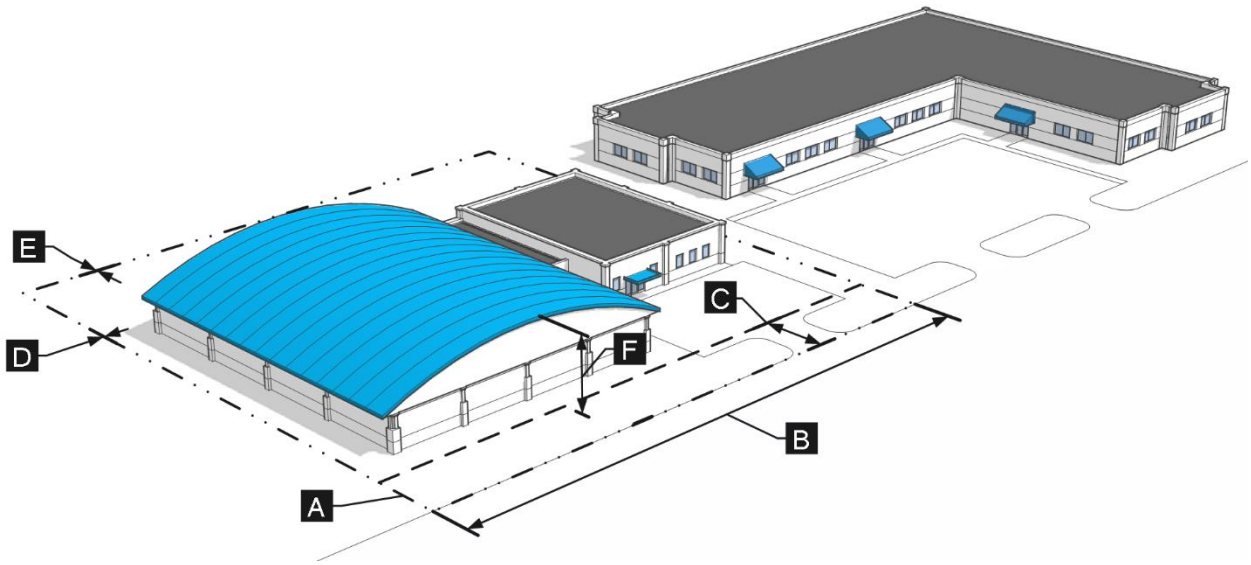
Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, R-3, or A zoning districts or Planned Developments that reference those zoning districts.[235]

[2] Buildings abutting a property in the R-1, R-2, or R-3 zoning districts shall comply with the neighborhood transition standards in §5.7.6: *Neighborhood Transition Standards*.

[3] All buildings shall comply with FAA height standards and regulations.

Figure 3-11~~3-11~~: AA Dimensional Standards



[233] From current Appendix A, Article XIV. Renamed from "I-3 Industrial District."
[234] Currently 6 stories.
[235] Added R-1 and R-2.

~~3.27~~3.7 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.~~

~~Current Appendix A, Article XVI: *Planned Development, Townhouse/Condominium*, has been relocated to Article 8 of this UDC as legacy districts. We did not carry forward Appendix A, Article XVII: *Planned Development, Condominium Conversions*.~~

~~3.27.13.~~3.7.1. Purpose[236]

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.

~~3.27.14.~~3.7.2. Qualifying Standards[237]

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 proposed PD could not be developed using conventional zoning districts or standards established in this UDC; and

B. 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.

[236] Replaces current Appendix A, Article XV, §1; substantially revised to better align with the true intent of the district.
[237] New.

~~3.27.15.~~3.7.3. Permitted Uses[238]

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 §§3.4 through 3.6, as determined by the Director, shall apply.

~~3.27.16.~~3.7.4. Planned Development Standards[239]

A. The PD standards in a PD district are subject to the approval of the Planning and Zoning Commission and City Council.

B. The PD standards shall identify the applicable base zoning district(s) that are modified according to specific adjustments approved through the PD review and approval process.

C. The PD 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.

D. Requested adjustment to the standards of the base zoning districts shall be identified by location on the PD Preliminary Concept Plan and Final PD Site Plan. 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 5: *Development Standards* or Article 6: *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 zoning districts in §3.4: *Residential Zoning Districts* through §3.6: *Nonresidential Zoning Districts*, as determined by the Director, shall apply.

~~3.27.17.~~3.7.5. Review and Approval Procedures

See §2.5.3: *Rezoning to Planned Development (PD)* for specific procedures and review criteria for evaluating a Rezoning to PD district request.

[238] Replaces current Appendix A, Article XV, §3; substantially revised to provide more clarity and direction in approving and administering PD developments moving forward.

[239] 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.

~~3.28~~3.8 Overlay Districts

~~3.28.1.~~3.8.1. AO – Airport Overlay[240]

A. Purpose[241]

The Airport 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 the Airport Master Plan and state and federal rules associated with land uses in the vicinity of airports. Such state and federal rules shall apply within the Airport Overlay District.

B. Airport Overlay District Established[242]

1. Federal Aviation Regulations (FAA) part 77 establishes civil airport imaginary surfaces for the regulation of airspace surrounding airports.[243] The Airport Overlay District is the area generally located within the zones created and established in §§3.8.1.B.1.a through 3.8.1.B.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 depicted in the current Airport Master Plan. 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 are symmetrically located on either side of runways and have variable widths. 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.

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240 From current Chapter 14, Article IV: *Airport Zoning*.
241 New.
242 From current Chapter 14, Article IV, Sec. 14-122. Renamed heading from "zones." Reworded first sentence for clarity.
243 New.

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 Amendments[244]

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 §3.8.1. 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~~Town, stating the time and place of such hearing.

C. FAA Requirements[245]

1. All development within the Airport Overlay District shall comply with FAA regulations.
2. Any proposed development or construction of buildings or structures shall require the submission of FAA Form 7460-1 to the local FAA office for review. A positive recommendation from the FAA stating that the development will have no negative effect on the airport or navigational airspace must be received and reviewed by the Town prior to initiation of construction. [246]

D. Height Limitations[247]

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.

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244 From current Chapter 14, Article IV, Sec. 14-146.
245 New.
246 New in Consolidated Draft.
247 From current Chapter 14, Article IV, Sec. 14-123.

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.

E. Permitted Uses[248]

1. The following uses are permitted in the AO district:

a. Airport, public-owned; and

b. Airport, private-owned

2. For private-owned airports, hangars are only permitted if there is legal access to a runway.

~~E.~~F. Use Restrictions[249]

Notwithstanding any other provisions of this §3.8.1: *AO – Airport Overlay*, 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.~~G. Nonconforming Uses[250]

1. Regulations Not Retroactive

The regulations prescribed by this §3.8.1, 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 §3.8.1, 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 §3.8.1.G.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.

~~G.~~H. FAA Form 7460-1 Permits[251]

1. Future Uses

Except as specifically provided 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 §3.8.1, 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 section. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a Variance has been approved in accordance with §3.8.1.I.

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

[248] New.
[249] From current Chapter 14, Article IV, Sec. 14-124.
[250] From current Chapter 14, Article IV, Sec. 14-125. Replaced "title" with "section reference."
[251] From current Chapter 14, Article IV, Sec. 14-126. Updated references.

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 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 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 §3.4: *Residential Zoning Districts* through §3.6: *Nonresidential Zoning Districts*, or this §3.8.1: *AO – Airport Overlay*, except as set forth in §3.8.1.D.5.[252]

2. Existing Uses

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 this UDC 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.~~I. Variances[253]

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 §3.8.1: *AO – Airport Overlay*, 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 §3.8.1, pursuant to TLGC Chapter 241.

4. No application for Variance to the requirements of this §3.8.1: *AO – Airport Overlay* may be considered by the Board of Zoning Adjustment unless a copy of the application has been furnished to the Director of Development and Neighborhood Services for advice as to the aeronautical effects of the Variance. If the Director of Development and Neighborhood Services does not respond to the

[252] Added reference to Sections 2.4 through 2.6 to clarify that the height limits established din the base zoning districts still apply.
[253] From current Chapter 14, Article IV, Sec. 14-127. Updated references.

application within 15 days after receipt, the Board of Zoning Adjustment may act on its own to grant or deny such application.[254]

~~I.~~J. Obstruction Marking and Lighting[255]

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 §3.8.1: *AO – Airport Overlay*, and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or object of natural growth in question to allow the Building Official to install, operate and maintain, at the expense of owner, such markings and lights as may be necessary.

[254] Replaced references to "Building Official" with "Director of Development and Neighborhood Services."
[255] From current Chapter 14, Article IV, Sec. 14-128. Updated references.

~~3.29~~3.9 Measurements and Exceptions[256]

~~3.29.1.~~3.9.1. 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.

~~3.29.2.~~3.9.2. Density[257]

The density of residential units expressed as the number of dwelling units per gross acre, calculated by multiplying the number of units permitted per gross acre by a fraction, the numerator of which is the number of gross acres and the denominator of which is the number of acres in the gross development site as defined in Article 7: *Definitions*.

~~3.29.3.~~3.9.3. 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 5: *Development Standards* and Article 6: *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 Lot[258]

1. Except for projects approved as a cottage development pursuant to §4.3.2.A: *Cottage Development*, or a manufactured home development pursuant to §4.3.2.H*: 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.

~~3.29.4.~~3.9.4. 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.”

[256] New.
[257] Replaces current Article XXX, Section 1, 76. And 77.
[258] Replaces current Appendix A, Article XXII, §5: *Location of Dwellings and Buildings*.

B. Multiple Buildings on One Lot[259]

For purposes of setback calculations for side-by-side multifamily, only those dwelling units 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 Requirements[260]

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 §5.4.6: *Vision Triangle*.[261]
3. Certain architectural features and improvements may encroach into required setbacks and extend beyond required build-to areas as follows:

Table 3.9-1: Setback and Build-To Exceptions

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.[262]
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.[263]
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 §5.6.9.B: *Mechanical and Utility Equipment*.
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, box windows, eaves, planters and light wells for a below-grade floor[264]
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 Setbacks[265]

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

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259 New.

260 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.

261 Patios (except for sidewalk cafes) are currently not allowed to encroach in required setbacks within the UC Residential Subdistrict. "Patio" is currently not defined.

262 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).

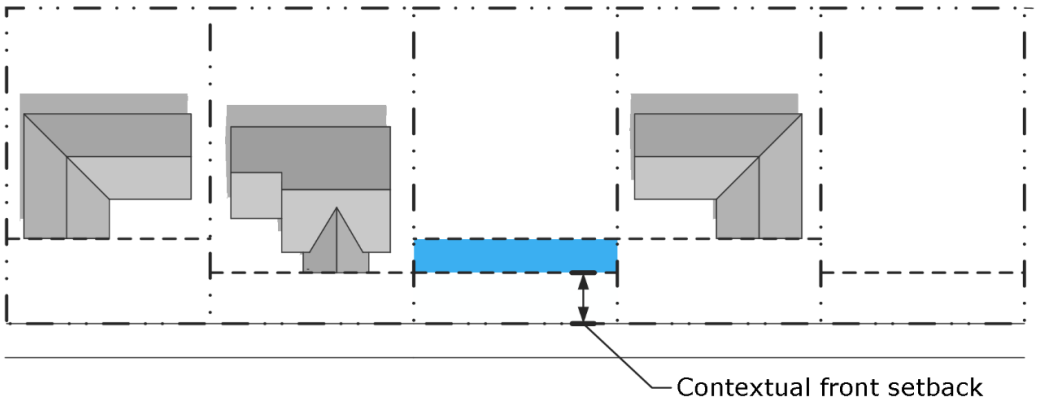
263 Currently 5 feet.

264 From current Appendix A, Article XIX.A, §IV(B)(2)(e).

265 New. Replaces current Appendix A, Article XXII, §2: *Front Yard [Exceptions]*.

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.

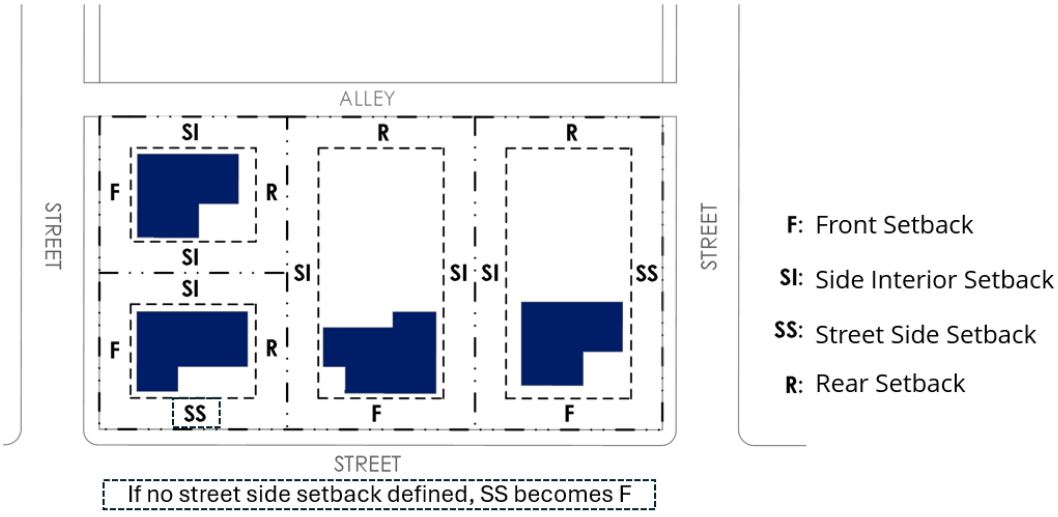
Figure 3-123-12: Contextual Front Setbacks



E. Corner Lots[266]

1. Unless a specific dimension is provided for a street side setback, 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.

Figure 3-13: Corner Lot Setbacks



~~1.~~

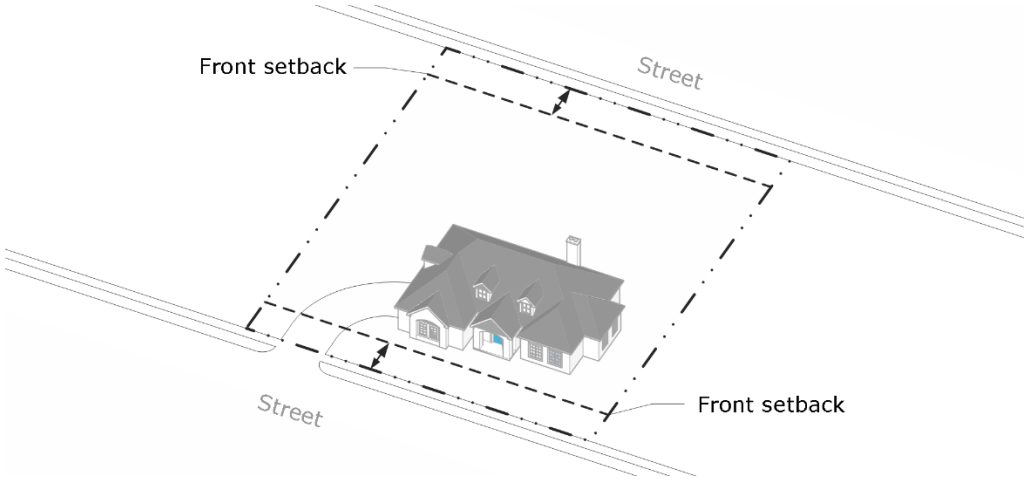
2. Corner lots shall comply with the vision triangle standards established in §5.4.6: *Vision Triangle*.

[266] 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.

F. Double-Frontage Lots[267]

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.

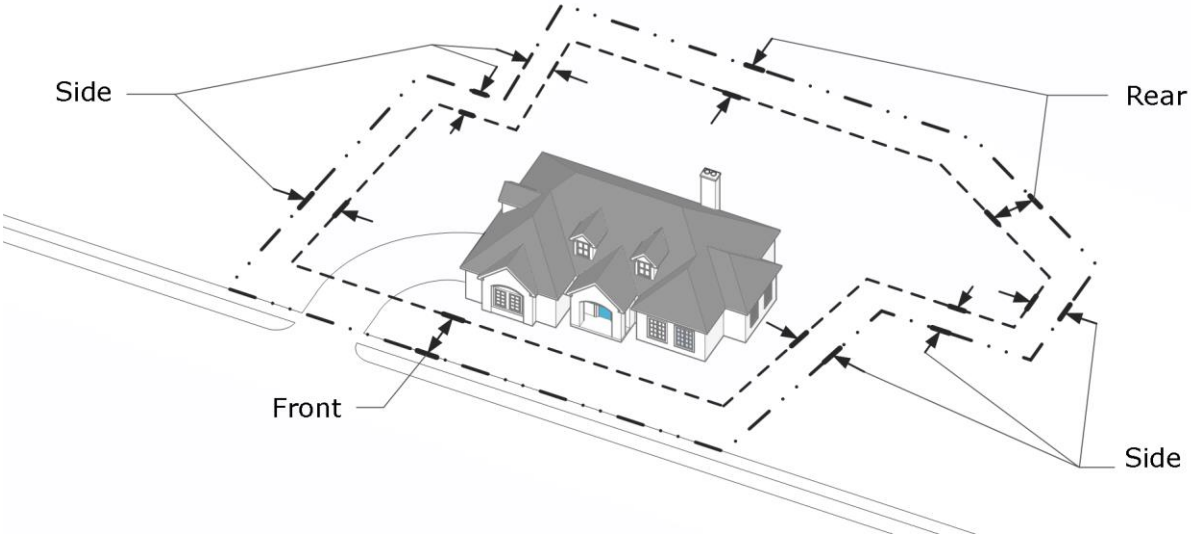
Figure 3-143-13: Double-Frontage Lots



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.
2. The Director may establish alternative setbacks for properties with irregularly shaped lots based on unique site and/or lot conditions.

Figure 3-153-14: Irregularly Shaped Lots



[267] 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.).

~~3.29.5.~~3.9.5. 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 §3.8.1: *AO – Airport Overlay.*

C. Exceptions to Height Requirements[268]

1. The height exceptions established in this section shall not authorize the encroachment of any development into any zones or areas identified in §3.8.1: *AO – Airport Overlay.*
2. Certain architectural features and improvements may exceed maximum building heights as follows:

Table 3.9-2: Maximum Height Exceptions

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 §5.6.9.B: *Mechanical and Utility Equipment*. 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.[269]

~~3.29.6.~~3.9.6. Impervious Coverage[270]

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 at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structures;

B. Accessory buildings, parking garages, carports, pools, and utility and storage sheds at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structures;

C. Sidewalks,[271] stairways, elevated walkways, or paved areas;

D. Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Director; and

E. Decomposed granite, gravel, flagstone, and river rock.

~~3.29.7.~~3.9.7. Minor Modification

Minor modifications to some of the dimensional standards in this section may be available through the Minor Modification process established in §2.10.3.

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268 New unless otherwise noted.
269 From current Appendix A, Article XIX, §3(D) and Appendix A, Article XIX, §5(B)(3).
270 Did not carry forward exemption for porches and arcades from lot coverage calculations in the UC district. Added "pools."
271 Sidewalks added for clarification in Consolidated Draft.

Article 4: Use Regulations

4.1 Purpose and Organization[272]

4.1.1. 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.

4.1.2. Organization

A. §4.2: *Table of Allowed Uses*, lists uses allowed by zoning district and provides cross-references to applicable use-specific standards.

B. §4.3: *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.

C. §4.4: *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.

D. §4.5: *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

4.2 Table of Allowed Uses[273]

~~**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 3: 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.~~

~~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~~

[272] New.

[273] New.

~~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.~~

§4.2.7: *Table of Allowed Uses* lists the uses allowed within all base zoning districts. Each listed use is defined in §7.2: *Use-Related Definitions*.

4.2.1. 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 §2.5.1: *Special Use Permit*.

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 §2.5.1: *Special Use Permit*.

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.

4.2.2. Table Organization

In §4.2.7: *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 systema1tic 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.

4.2.3. Use for Other Purposes Prohibited[274]

Approval of a use listed in §4.2.7: *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 §4.2.7: *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 §4.2.5: *Classification of New and Unlisted Uses* below.

4.2.4. Required Licenses, Permits, and Operational Rules[275]

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 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.

4.2.5. 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 §4.2.7: *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 Interpretation of Appropriate Use Type

The Director shall determine the appropriate use type for the proposed use pursuant to the procedures in §2.10.5: *Interpretations*. 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 §2.5.4: *Zoning Text Amendment*.

C. Appeal of Director's Determination

An appeal of the Director's determination shall be made pursuant to the procedures in §2.10.4: *Appeal of Administrative Decision*.

4.2.6. Townwide Performance Standards

A. Noise

No operation shall emit noise beyond the thresholds established in Chapter 34, Article 3 of the Code of Ordinances.

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[274] 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.

[275] New.

B. Residential Uses Near Airport[276]

Residential uses are not permitted within the approved Federal Aviation Administration (FAA) Contours as established in the Airport Master Plan.

[276] Generally applies various residential use restrictions in the mixed-use districts.

4.2.7. Table of Allowed Uses

Table 4.2-1: 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	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Residential Uses												
Household Living												
Cottage development ~~(NEW)~~			S	S								4.3.2.A
Dwelling, duplex			P									
Dwelling, fourplex			P	P								4.3.2.B
Dwelling, live/work		S	P	P	P	P	P					4.3.2.C
Dwelling, multifamily			S	P	P	P	P					4.3.2.D
Dwelling, single-family (attached)			P	P	P							4.3.2.E
Dwelling, single-family (detached)	P	P	P	P								4.3.2.F
Dwelling, triplex			P	P								4.3.2.G
Manufactured home development (HUD-Code)	~~S~~	~~S~~	~~S~~	S	S	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	4.3.2.H
Group Living												
Assisted living facility	~~S~~	S	S	S	S	S	S	S	S	~~S~~	~~S~~	
Continuing care facility ~~(NEW)~~			S	P	P	P	P	S	S			
Group care home, FHAA small[277]	P	P	P	P	P	P	P	~~S~~	~~S~~	~~S~~	~~S~~	4.3.2.I
Group care home, FHAA large			P	P	P	P	P	~~S~~	~~S~~	~~S~~	~~S~~	4.3.2.I
Supportive housing, small ~~(NEW)~~					S	S	S					
Supportive housing, large ~~(NEW)~~							S					
Public, Institutional, and Civic Uses												
Community and Cultural Facilities												
Club or lodge					S	S	S	S	S		S	
Day care center, adult or child[278]				S	~~S~~P	P	~~S~~P	P	P	A	A	4.3.3.A
Day care home, adult or child	A	A	A	A	A	A	A					4.3.3.B
Funeral facility								P	P			
Library				P	~~S~~P	P	P	P	P	P	S	
Museum				P	~~S~~P	P	P	P	P	P	S	
Park or open space, active[279]	P	P	P	P	P	P	P	P	P	P		

[277] 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.
[278] "Children's homes" is currently allowed in all districts with a Special Use Permit.
[279] Did not carry forward standard requiring Special Use Permit review for parks not owned and operated by the Town.

Table 4.2-1: 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	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Park or open space, passive ~~(NEW)~~	P	P	P	P	P	P	P	P	P	P		4.3.3.C
Place of worship[280]	S	S	S	S	~~S~~P	P	~~S~~P	~~S~~P	~~S~~P	~~S~~P	S	
Police, fire, or rescue facility (private)	~~P~~			S	S	P	P	P	P	P	S	
Police, fire, or rescue facility (public)	~~P~~S	S	S	S	S	P	P	P	P	P	S	4.3.3.D
Educational Facilities												
School, college or university					~~P~~S	S				P		
School, public or private	S	S	S	S	S	S	S	S	S	S		
School, vocational or trade						S	S			P	P	
Healthcare Facilities												
Hospital	~~S~~	~~S~~	~~S~~	~~S~~	S	S	S	S	S	S		
Medical clinic				~~S~~P	P	P	P	P	P	P	P	4.3.3.E
Commercial Uses												
Agricultural and Animal												
Kennel, commercial	~~S~~	~~S~~	~~S~~	~~S~~	S		~~S~~	S	S	S		4.3.4.A
Plant nursery or greenhouse	~~S~~	~~S~~	~~S~~	~~S~~	S	S	~~S~~	~~S~~P	~~S~~P	~~S~~P		
Urban agriculture, noncommercial	P	~~S~~A	~~S~~A	~~S~~A	~~S~~A	A	~~S~~A	~~S~~A	~~S~~A	~~S~~A		4.3.4.B
Veterinary hospital or clinic	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~P		~~S~~	~~S~~P	~~S~~P	~~S~~P		4.3.4.C
Recreation and Entertainment												
Recreation facility, indoor[281]	~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~P	P	~~S~~P	P	P	~~S~~P	A	4.3.4.D
Recreation facility, outdoor[282]	~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~P	P	S	~~S~~P	~~S~~P	~~S~~P	A	4.3.4.E
Sexually oriented business[283]										~~P~~S		4.3.4.F

[280] "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.

[281] "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.

[282] "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.

[283] 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.

Table 4.2-1: 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	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Food and Beverage												
Beer and Wine sales, off-premise consumption[284]				S	S	S	S	S	S	S		
Brewpub, distillery, or winery								S	P	P	P	
Catering establishment								P	P	P	P	
Hookah bar ~~(NEW)~~				S	S	S	S	S	S	S	S	4.3.4.G
Liquor sales, off-premise consumption	See Chapter 6: *Alcoholic Beverages* of the Code of Ordinances[285]											
Microbrewery[286]	~~S~~	~~S~~	~~S~~	S	S	S	S	S	S	S		4.3.4.H
Mobile food truck park ~~(NEW)~~				S	S	S	S	S	S	S	S	4.3.4.I
Restaurant[287]	~~S~~	~~S~~	~~S~~	P	P	P	P	P	P	P	P	4.3.4.J
Lodging												
Bed and breakfast			S	S	~~S~~							4.3.4.K
Hotel, Full Service	~~S~~	~~S~~	~~S~~	S	S	S	S	S	S	S	S	4.3.4.L
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)~~[288]									S			4.3.4.M
Laundromat, self-service			A	A	P	P	P	P	P	P	A	
Office[289]				P	P	P	P	P	P	P	P	

[284] 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.

[285] Chapter 6 of the Code of Ordinances establishes the more restrictive standards by which alcohol is permitted to be consumed on- or off-site.

[286] 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.

[287] 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.

[288] New. We have included a minimum separation requirement of 1,000 ft. in the use-specific standards which is common for several communities.

[289] 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.

Table 4.2-1: 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	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Personal services[290]				P	P	P	P	P	P	P	P	
Retail Sales												
Building supply store ~~(NEW)~~									P	P		
Pawn shop[291]										P		
Retail sales, less than 15,000 sq. ft. GFA				P	P	P	P	P	P	P	P	4.3.4.N
Retail sales, 15,000 to 50,000 sq. ft. GFA					S	S	S	P	P	P	P	4.3.4.N
Retail sales, more than 50,000 sq. ft. GFA				~~S~~	S		S	S	~~S~~P	~~S~~P	~~S~~	4.3.4.N
Transportation, Vehicles, and Equipment												
Equipment sales or rental ~~(NEW)~~									S	P	P	4.3.4.O
Fleet services[292]					~~P~~					P	P	
Parking facility, private				~~P~~	~~P~~S	S	~~P~~S	~~P~~S	~~P~~S	~~P~~S	P	
Parking facility, public				~~P~~	P	P	P	P	P	P	P	
Transit terminal or station[293]	~~S~~	~~S~~	~~S~~	S	S	S	S	S	S	~~P~~S	~~P~~S	
Vehicle fuel station[294]	~~S~~	~~S~~	~~S~~	~~S~~			~~S~~	S	P	~~S~~P	~~S~~P	4.3.4.P
Vehicle repair, major ~~(NEW)~~ [295]										P	P	
Vehicle repair, minor[296]									P	P	P	4.3.4.Q
Vehicle sales or leasing, indoors[297]					~~P~~S					P		
Vehicle wash[298]									P	P	P	4.3.4.R

[290] 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).
[291] 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.
[292] "Limousine service" is currently allowed as an accessory use in the Belt Line district (proposed M-2).
[293] "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.
[294] "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.
[295] Includes current use "paint shop." Use-specific standards are new.
[296] Use-specific standards are new.
[297] Use-specific standards are new.
[298] Use-specific standards are new.

Table 4.2-1: 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	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Industrial Uses												
Aviation												
Airport, public-owned[299]											P	
Manufacturing and Processing												
Commercial laundry facility										P		
Data center ~~(NEW)~~									S	S		4.3.5.A
Food production or processing				P	P	P	P	P	P	P		4.3.5.B
Manufacturing, artisan ~~(NEW)~~					P	P	P	P	P	P	P	4.3.5.C
Manufacturing, low-impact[300]									S	P		4.3.5.D
Resource or mineral extraction[301]	S	S	S	S	S	S	S	S	S	S	S	
Storage and Warehousing												
Contractor's office ~~(NEW)~~										P	P	
Storage, self-service										S	~~S~~P	4.3.5.E
Storage, outdoor	A	A	A	A	A					A	A	4.3.5.F
Warehouse or wholesale facility ~~(NEW)~~										P	P	4.3.5.G
Utilities and Communication Uses												
Public utility, major[302]	P	P	P	P	P	P	P	P	P	P	P	4.3.6.A
Public utility, minor	P	P	P	P	P	P	P	P	P	P	P	4.3.6.A
Satellite earth station	A	A	A	A	A	A	A	A	A	A	A	4.3.6.B
Solar energy system	A	A	A	A	A	A	A	A	A	P	P	4.3.6.C
Wind energy system, more than 100 kW	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~		~~S~~	S	S	S	S	4.3.6.D
Wind energy system, less than 100 kW	~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~A	A	~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~A	4.3.6.D
Wireless communication facility[303]												
Building- or Roof-Mounted				P	P	P	P	P	P	P	P	4.3.6.E
Ground-Mounted					S						S	4.3.6.E

[299] 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.
[300] Use-specific standards are new.
[301] Appendix A, Article XX: *Special Uses*, allows "rock quarries, sand, gravel, and earth excavations" in any district.
[302] Current use permissions of the uses that were consolidated into this use varies.
[303] "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

Table 4.2-1: 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	M-1	M-2	M-3	M-4 [1]	CL	CG	LI	AA	
Accessory Uses												
Alcohol sales, on-premise consumption				~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~A	~~S~~A	
Caretaker's quarters				A	A	A	A	A	A	A	A	
Drive-through ~~(NEW)~~					A			A	A	A	A	4.4.4.A
Donation box ~~(NEW)~~					A	A	A	A	A	A	A	4.4.4.B
Dwelling, accessory (ADU) ~~(NEW)~~	A	A	A	A								4.4.4.C
Event space					~~S~~				P			
Home occupation	A	A	A	A	A	A	A					4.4.4.D
Valet parking service ~~(NEW)~~[304]				A	A	A	A	A	A	A	A	4.4.4.E
Temporary Uses												
Construction support activities	T	T	T	T	T	T	T	T	T	T	T	4.5.5.A
Mobile food truck ~~(NEW)~~	T	T	T	T	T	T	T	T	T	T	T	4.5.5.B
Outdoor retail and display[305]				T	T	T	T	T	T	T	T	4.5.5.C
Portable storage structure	T	T	T	T	T	T	T	T	T	T	T	4.5.5.D
Real estate sales or model home	T	T	T	T	T	T	T	T	T	T	T	4.5.5.E
Seasonal sales	~~S~~ T	~~S~~ T	~~S~~ T	~~S~~ T	~~S~~ T	T	~~S~~ T	~~S~~ T	~~S~~ T	~~S~~ T	~~S~~ T	4.5.5.F
Special event ~~(NEW)~~	T	T	T	T	T	T	T	T	T	T	T	4.5.5.G

Notes:
[1] A maximum of 70 percent of the acreage of a proposed development may be used for residential or mixed-use with residential uses.[306]

[304] Use-specific standards have been consolidated and relocated from various chapters of the *Code of Ordinances*.
[305] Currently allowed with Special Use Permit review in the Belt Line Epicurean Subdistrict.
[306] Current Article XIX, Section 4.E(3), replaced "acreage east of Spectrum Drive" with "acreage of a proposed development" and increased 50 to 70 percent.

4.3 Use-Specific Standards

4.3.1. 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 §4.2.7, 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 §2.10.1.

C. In case of a conflict between these use-specific standards and the standards in Article 5: *Development Standards*, these use-specific standards shall apply unless otherwise noted.

4.3.2. 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 open 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.~~

~~3.~~1. Dimensional Standards

Table 4.3-1: Cottage Development Dimensional Standards

Lot or Building Element	Standard
Maximum density	10 dwelling units per gross acre
Minimum building setback	As required for single-family detached structures in the underlying zoning district (applied to project site as a whole, not individual units)
Minimum parking area setback	10 ft.
Minimum dwelling separation	10 ft.
Maximum building height	2 stories, not to exceed 25 ft.
Minimum shared open space	400 sq. ft. per dwelling unit

~~4.~~2. 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 or individual 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.

~~5.~~3. 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, Fourplex[307]

A fourplex dwelling may develop with a single staircase only if a 13D or 13R NFPA (National Fire Protection Association) system is installed, subject to Director approval.

C. Dwelling, Live/Work[308]

1. 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 and shall not include moving elements.
2. The residential dwelling unit shall have a minimum of 400 square feet of gross floor area.
3. The work activities shall not create adverse noise or operational impacts or create additional traffic on adjacent residential properties.
4. The nonresidential use shall be occupied and operated by a resident of the live/work dwelling. Individuals that do not reside at the live/work dwelling may be employed by the owner.

D. Dwelling, Multifamily

1. Dwelling Unit Size[309]

a. The gross floor area for each unit shall average 800 square feet per building, based upon the following minimum gross floor area requirements:

Table 4.3-2: Minimum Gross Floor Area by Multifamily Bedroom Type

Unit Type	Minimum Gross Floor Area per Unit[310]
Efficiency	300 sq. ft.[311]
1-bedroom	450 sq. ft.[312]
2-bedroom	700 sq. ft. [313]
3-bedroom	850 sq. ft. [314]

b. The minimum gross 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.[315]

E. Dwelling, Single-Family (Attached)[316]

1. Any tandem parking provided in a garage shall not be counted toward the minimum parking requirements.
2. Direct driveway access (ingress or egress) from any lot to any arterial street or commercial collector street is prohibited, unless no other legal access alternative is available.[317]

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307 New per staff request.
308 New per staff request.
309 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).
310 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.
311 Decreased from 450 sq. ft. in Consolidated Draft.
312 Did not carry forward the minimum area of 750 sq. ft. for the UC Commercial subdistrict. Decreased from 600 sq. ft. in Consolidated Draft.
313 Decreased from 850 sq. ft. in Consolidated Draft.
314 Decreased from 1,000 sq. ft. in Consolidated Draft.
315 Did not carry forward minimum 800 sq. ft. reference from UC Commercial subdistrict.
316 New per staff request.
317 Replaces current standard in UC-Residential subdistrict that prohibits direct vehicular access to individual townhouses/condominiums fronting Quorum Drive, Spectrum Drive, and Mildred Street. New standard broadens applicability Town-wide and includes any arterial or commercial collector street.

3. In the M-1 and M-2 zoning districts, site access and curb cuts shall be limited to one curb cut per lot.[318]

F. Dwelling, Single-Family (Detached)[319]

1. Direct driveway access (ingress or egress) from any lot to any arterial street or commercial collector street is prohibited, unless no other legal access alternative is available.[320]
2. In the R-1, R-2, and R-3 districts, single-family detached dwellings shall be a minimum of 1,000 square feet in gross floor area.[321]
3. In the M-1 and M-2 zoning districts, site access and curb cuts shall be limited to one curb cut per lot.[322]

G. Dwelling, Triplex[323]

A triplex dwelling may develop with a single staircase only if a 13D or 13R NFPA (National Fire Protection Association) system is installed, subject to Director approval.

H. Manufactured Home Development (HUD-Code)

The minimum lot area required for a manufactured home development (HUD-Code) shall be 20 acres.[324]

I. Group Care Home, FHAA (Small and Large)[325]

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 §4.2.7: *Table of Allowed Uses*, and subject to the licensing requirements of the state and the Town.
2. In the R-3 and M-1 zoning districts, group homes shall not be designed for or occupied by more than 20 residents living together.

4.3.3. Public, Institutional, and Civic Uses[326]

A. Daycare Center, Adult or Child[327]

1. 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.
2. In the M-4 zoning district, the following shall apply:
   a. Freestanding day care facilities shall not be permitted.
   b. Daycare facilities shall only be permitted on the ground level floor.
   c. Daycare facilities shall not exceed 5,000 square feet GFA.

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318 Replaces current Article XIX, Section 3(G).
319 Removed zero-lot line dwelling specific standards in Consolidated Draft.
320 Replaces current standard in UC-Residential subdistrict that prohibits direct vehicular access to individual townhouses/condominiums fronting Quorum Drive, Spectrum Drive, and Mildred Street. New standard broadens applicability Town-wide and includes any arterial or commercial collector street.
321 Current standard for R-2 is 1,200 and 1,000 for R-3 district.
322 Replaces current Article XIX, Section 3(G).
323 New per staff request.
324 Currently only applies to the C-1 and C-2 districts (proposed CG and LI).
325 New standards. Did not carry forward the 20-acre minimum site area requirement for all zones (except in C-1 and C-2).
326 Did not carry forward current Appendix A, Article XX, §1(A)(2), school use-specific standards.
327 From current Appendix A, Article XIX, §14(A).

B. Daycare Home, Adult or Child[328]

1. Where required by state law, daycare homes shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws.
2. Daycare homes shall be registered with the state and the Town.
3. The care of more than six persons, including the caregiver's dependent(s), at one time (up to the maximum number of persons allowed by state law) requires Special Use Permit approval pursuant to §2.5.1.
4. Daycare homes shall only operate between the hours of 6:00 a.m. and 12:00 a.m.

C. Park or Open Space, Active and Passive[329]

1. Parks or open space owned by the Town or dedicated to the Town shall not be subject to the dimensional standards of the underlying zoning district, but shall be subject to the height and setback limitations established in §5.7.6: *Neighborhood Transition Standards.*
2. All dedicated parkland shall be subject to the standards in §6.4.7: *Dedication of Land for Parks, Trails, and Recreational Areas and Assessment of Park Development Fees*.

D. Police, Fire, or Rescue Facility (Public) [330]

Police, fire, or rescue facilities owned by the Town shall not be subject to the dimensional standards of the underlying zoning district, but shall be subject to the height and setback limitations established in §5.7.6: *Neighborhood Transition Standards.*

E. Medical Clinic[331]

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.

4.3.4. Commercial

A. Kennel, Commercial[332]

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 Facilities[333]

Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any residential use or Residential zoning district.

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328 Replaced "children" with "persons" to capture range of persons that can be in care. Reworded for clarity and consistency.
329 New in Consolidated Draft.
330 New in Consolidated Draft.
331 From current Appendix A, Article XIX, §14(E).
332 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.
333 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.

B. Urban Agriculture, Noncommercial[334]

1. Generally

a. Retail sales shall be prohibited on the noncommercial urban agriculture site, except for the sale of produce grown on that site.

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.

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 10~~7~~:00 p~~a~~.m. to 7~~10~~:00 a~~p~~.m. unless otherwise allowed by the Director.

e. Noncommercial animal keeping shall be subject to the standards in Chapter 10 of the Code of Ordinances.

2. Backyard Chickens and Bees

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 zoning 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 the Code of Ordinances.

ii. For the keeping of chickens as an accessory use, permits may only be issued to properties with dedicated rear yards.

iii. Shared outdoor spaces for single-family attached or multifamily dwellings shall not be eligible for permits.

c. Number and Type of Chickens Allowed[335]

i. It shall be unlawful for any owner to keep or harbor a three or more fowl within the corporate limits of the ~~town~~Town in any pen, stable, shed, coop or enclosure, if any part of such enclosure or structure is within 150 feet of any residence, business or commercial establishment or office (other than the owner's residence, business or commercial establishment or office), grocery store, restaurant, school, hospital, assisted living facility, or continuing care facility.

ii. Roosters are prohibited.

d. Chicken Coop Standards

No free-range chickens are allowed. All chickens shall be kept in a coop. 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 7:00 a.m. to 10:00 p.m. unless otherwise allowed by the Director.

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.

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334 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.

335 Current Chapter 10, Sec. 10-9, updated use references to align with Use Table.

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.

3. Livestock[336]

It shall be unlawful for any owner to keep or harbor any livestock within the corporate limits of the ~~town~~Town:

a. In any pen, stable, shed, coop or enclosure, if any part of such enclosure or structure is within 150 feet of any residence, business or commercial establishment or office (other than the owner's residence, business or commercial establishment or office), grocery store, restaurant, school, hospital, assisted living facility, or continuing care facility; and

b. Where there is less than 5,000 square feet for each animal. It shall be unlawful for any owner to keep or harbor three or more fowl within the corporate limits of the ~~town~~Town where there is less than 100 square feet for each fowl.

C. Veterinary Hospital or Clinic[337]

A veterinary hospital or clinic shall comply with the same requirements for a commercial kennel in 4.3.4.A. 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.

D. Recreation Facility, Indoor

In the R-1, R-2, R-3, 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.

E. Recreation Facility, Outdoor

In the R-1, R-2, R-3, 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.

336 Current Sec. 10-9(b) of the Code of Ordinances.
337 New. Did not carry forward minimum lot area requirement of five acres for non-commercially zoned properties.

F. Sexually Oriented Businesses[338]

1. Purpose and Intent

a. It is the purpose of this §4.3.4.F, 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~~Town. The provisions of this §4.3.4.F, 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 §4.3.4.F.3.b are promulgated pursuant to TLGC Chapter 243. It is the intent of the City Council that all other provisions of this §4.3.4.F, 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 §§4.3.4.F.2.a, 4.3.4.F.3.b, and 4.3.4.F.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 §§4.3.4.F.2.a and 4.3.4.F.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.

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

[338] 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.

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.

b. Application

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 §4.3.4.F.2.c;

c. The name and address of each person required to sign the application pursuant to §4.3.4.F.2.b.iv below, and the name, address and type of entity of each entity required to sign the application pursuant to §4.3.4.F.2.b.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 §4.3.4.F, 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 §4.3.4.F.

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 §4.3.4.F.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 §4.3.4.F, 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 §4.3.4.F, 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:

   i. 4.3.4.F.2.e;

   ii. 4.3.4.F.3.a;

   iii. 4.3.4.F.3.b;

   iv. 4.3.4.F.3.d;

   v. 4.3.4.F.3.e;

   vi. 4.3.4.F.3.f;

   vii. 4.3.4.F.3.g; or

   viii. 4.3.4.F.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 10 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 §§4.3.4.F.2.c.i.o, 4.3.4.F.2.c.i.p, and 4.3.4.F.2.c.i.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 §4.3.4.F.2.b. Application for renewal should be made at least 30 days before the expiration date.

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 §4.3.4.F, 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. 4.3.4.F.2.e;

b. 4.3.4.F.3.a;

c. 4.3.4.F.3.b;

d. 4.3.4.F.3.d;

e. 4.3.4.F.3.e;

f. 4.3.4.F.3.f;

g. 4.3.4.F.3.g; or

h. 4.3.4.F.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 §4.3.4.F.

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 §4.3.4.F.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 §4.3.4.F.2.f.i, for which the time period required in §4.3.4.F.2.c.i.o through §4.3.4.F.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 §4.3.4.F.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. §4.3.4.F.2.g.ii.g 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 §4.3.4.F.2.g.ii.e, an applicant may not be granted another permit until the appropriate number of years required under has elapsed.

h. Appeal

i. Generally

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.

ii. Appeal Procedure

a. 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.

b. 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.

c. The appeal shall be filed with the City Secretary.

d. 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 §4.3.4.F 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;[339]

b. A school, college or university; school, public or private; or school, vocational or trade; [340]

c. A boundary of a R~~r~~esidential zoning district as established in §3.1: *Zoning Districts Established*;[341]

d. A park or open space (not including a private open space) adjacent to a Residential zoning district as established in §3.1: *Zoning Districts Established*; or[342]

e. The property line of a lot devoted to a residential use.

339 Renamed from "church" to align with the Table of Allowed Uses.
340 Renamed from "school" to align with the Table of Allowed Uses.
341 Included reference to districts table for clarity.
342 Renamed from "public park." Added reference to districts table for clarity.

These locational provisions apply whether or not the uses listed above are located within or outside the ~~town~~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.

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 gross 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 §4.3.4.F.3.b.i, 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 uses listed in §4.3.4.F.3.b.i.

v. For purposes of §4.3.4.F.3.b.ii, 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 §4.3.4.F.3.b.i.a through §4.3.4.F.3.b.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. §§4.3.4.F.3.b.ii and 4.3.4.F.3.b.iv shall apply to any sexually oriented business located within the ~~town~~Town, whether or not the measurement of the 1,000 feet is made wholly within the boundaries of the ~~town~~Town, or includes within such 1,000 feet area within the boundaries of any municipality adjoining the boundaries of the ~~town~~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 §4.3.4.F, to an applicant because the location of the sexually oriented business is in violation of §4.3.4.F.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 §4.3.4.F.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 §4.3.4.F.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 §4.3.4.F;

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 §4.3.4.F 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 §4.3.4.F.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 §4.3.4.F, other than the locational restrictions of §4.3.4.F.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 section 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 §§4.3.4.F.3.a and 4.3.4.F.3.b 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 10 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 10 hours from the time the room is rented to such person, they rent or subrent the same sleeping

room again to another different person. 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 gross 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 section 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 §4.3.4.F.3.h.i.e 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 §4.3.4.F.3.h.i.a.

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 §4.3.4.F.3.h.i.g is maintained at all times that any patron is present in the premises.

ii. A person having a duty under §4.3.4.F.3.h.i.a through §4.3.4.F.3.h.i.h commits an offense if they knowingly fail to fulfill that duty.

G. Hookah Bar[343]

1. Hookah bars that intend to operate after 11:00 p.m. shall specifically request so within their Special Use Permit application.

2. Hookah bars shall turn off amplified sound by 11:00 p.m.

H. Microbrewery

In the M zoning districts, microbreweries shall maintain at least 25 percent of the gross floor area of the facility for public use as a restaurant or tasting area.[344]

I. Mobile Food Truck Park[345]

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 and all required parking 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. Each mobile food truck shall provide trash receptables sized to meet expected demand and shall empty or remove them on a daily basis. The site shall include a trash collection facility such as a designated dumpster location accessible by trash collection vehicles.

e. Seating for the consumption of food and drink shall be provided.

f. Accessible restroom facilities, including handwashing facilities, shall be provided.

g. The site shall maintain access to water for the mobile food trucks to refill retention tanks.

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 7:00 a.m. and 10:00 p.m.

c. Any amplified sound shall comply with Chapter 34, Article III of the Code of Ordinances.

J. Restaurant[346]

1. Restaurants that operate after 11:00 p.m. shall require a Special Use Permit pursuant to §2.5.1: *Special Use Permit*.

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343 New in Consolidated Draft.
344 New.
345 New.
346 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).

2. Restaurants shall turn off amplified sound by 11:00 p.m.
3. In the M-3 and M-4 zoning districts, freestanding restaurants are not permitted.

K. Bed and Breakfast[347]

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 and shall comply with applicable sign regulations in §5.9.
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.

L. Hotel, Full Service[348]

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 full-service hotel 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.

M. Credit Access Business[349]

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.

N. Retail Sales[350]

1. In the M-2 zoning district, the ground floor adjacent to the street shall be constructed to Commercial Building Code standards for a depth of at least 50 feet. A smaller depth may be allowed by the Director if the retail is serving as a liner use to mask a parking garage.[351]
2. In the M-3 and M-4 zoning districts, a stand-alone building containing retail sales is prohibited along Spectrum Drive.

O. Equipment Sales or Rental and Fleet Services[352]

1. Maintenance of equipment shall be conducted entirely within an enclosed building.

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347 New.
348 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.
349 New.
350 New in Consolidated Draft.
351 From current Appendix A, Article XIX.A, §3(D)(2).
352 New.

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 §5.6.9.D: *Outdoor Storage Areas*.

P. Vehicle Fuel Station[353]

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.

Q. Vehicle Repair, Minor[354]

1. Maintenance of vehicles and equipment shall be conducted entirely within an enclosed building.
2. The storage of repair equipment and materials outside of an enclosed building shall be prohibited. Inoperable or wrecked vehicles or vehicles waiting for repair may be stored outside for a maximum of one week.[355]
3. The sale or leasing of vehicles shall be prohibited.

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.

4.3.5. Industrial

A. Data Center[356]

All activities shall occur entirely within an enclosed structure, excluding generators.

B. Food Production or Processing[357]

1. Special Use Permit

Food production or processing facilities located within 200 feet of the R-1, R-2, or R-3 zoning districts require Special Use Permit approval pursuant to §2.5.1.

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 §2.5.1.

353 New.
354 New.
355 New allowance for outdoor vehicle storage for a limited time period in Consolidated Draft.
356 New.
357 New.

C. Manufacturing, Artisan[358]

All activities shall occur entirely within an enclosed structure.

D. Manufacturing, Low-Impact[359]

1. Layout and Design

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.

E. Storage, Self-Service[360]

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, or R-3 zoning district shall have operating hours not earlier than 5:00 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.

F. Storage, Outdoor[361]

1. LI, AA, and CF Districts

a. Outdoor storage areas shall be located in the rear yard, material shall be set back 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 §5.6.9.D.

2. R-1, R-2, R-3, and M-1 Districts[362]

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.

G. Warehouse or Wholesale Facility[363]

Warehouse or wholesale facilities larger than 50,000 square feet GFA require Special Use Permit approval pursuant to §2.5.1.

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358 New.
359 New.
360 New.
361 Replaces current Appendix A, Article XII, §7; and Appendix A, Article XIV, §7.
362 From current Chapter 18, Article 3, Sec. 18-133. Reworded for clarity.
363 New.

4.3.6. Utilities and Communication

A. Public Utility, Major and Minor[364]

1. Major and minor public utilities owned by the Town shall not be subject to the dimensional standards of the underlying zoning district, but shall be subject to the height and setback limitations established in §5.7.6: *Neighborhood Transition Standards.*
2. In addition to the screening requirements set forth in §5.6.9.B: *Mechanical and Utility Equipment*, screening of electric substation shall include enhanced landscaping that is greater in the number and/or size of required plants.

B. Satellite Earth Station[365]

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. Permit Required

No person shall install, construct, or place a satellite earth station on any property within the ~~town~~Town without first obtaining a Building Permit from the Town.

3. 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. 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.

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364 New in Consolidated Draft.
365 From current Chapter 18, Article 11: *Satellite Earth Stations*.

b. A satellite earth station that is one meter or less in diameter: [366]

i. Is to be located or placed on property zoned for residential use shall not be required to comply with §4.3.6.B.3.a.ior §4.3.6.B.3.a.iv; 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. Solar Energy System[367]

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

iv. Have a neutral-color panel frame designed to blend in with the surroundings.

c. Freestanding Solar Collection Systems

Freestanding solar collector systems shall not exceed 20 feet in height.

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366 Need additional discussion about whether to attempt to limit multi-tenant properties, such as condos, from having multiple single-tenant antennae.

367 From current Chapter 18, Article 13: *Solar Energy Systems*.

D. Wind Energy Systems (all)[368]

1. In the R-1, R-2, or R-3 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 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.

E. Wireless Communication Facilities (WCF)

1. Purpose

The purpose of this section is to establish development standards that comply with the requirements of state and federal law for public and private telecommunication service and to:

- **a.** Protect the public safety and welfare, safeguard community land values, and promote orderly planning and development;
- **b.** Provide for the managed development, installation, maintenance, modification, and removal of wireless communications infrastructure in the ~~town~~Town with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent service;
- **c.** Encourage the joint use and location of new and existing WCFs; and
- **d.** Mitigate any adverse, undesirable visual impacts on the community.

2. Applicability

- **a.** This section shall apply to all WCF applications as indicated in §4.2.7: *Table of Allowed Uses* and shall not preempt underlying zoning regulations unless explicitly stated in this section or as explicitly stated in federal and/or state law.
- **b.** The requirements set forth in this section shall not apply to:
  - **i.** Network nodes and network support poles as regulated by Chapter 70, Article III, Division 6 of the Code of Ordinances.[369]
  - **ii.** Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met.[370]
  - **iii.** Any WCF for which a permit has been properly issued prior to the effective date of this UDC shall not be required to meet the requirements of this section, other than the operational standards set forth in this section. Changes and additions to pre-existing WCFs shall meet applicable operational standards set forth in this section.
  - **iv.** Antennas used for reception of television, multi-channel video programming and radio such as over the air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas.
  - **v.** A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the Director.

368 New.
369 Exemption for small cell facilities in the right-of-way.
370 These are exempt pursuant to federal direction.

vi. A temporary WCF installed for providing coverage of a special event such as a news coverage or sporting event.

3. General Provisions

a. Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.

b. Radio Frequency Standards

All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the Town, the Town may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the Town, that the WCF may not be in compliance, the Town may request and the owner or operator of the WCF shall then submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to this section. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator.

c. Signal Interference

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, and other communication services utilized by adjacent residential and nonresidential properties; nor shall any such facilities interfere with any public safety communications.

d. Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the Town concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Building Official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the Town may remove such WCF at the owner's expense.

e. Abandonment and Removal

i. For any WCF constructed after the effective date of this UDC, if the WCF is not used to transmit, receive, or relay voice and data signals to or from wireless communication devices for a period of six months, the WCF shall be considered abandoned and the owner of record shall notify the Building Official and apply for a permit to remove the structure at which point the prior permit approval shall be voided.[371]

ii. All WCFs shall be restored to service or removed by the person who constructed the facility, by the person who operated the facility, or by the property owner within 18 months

[371] Clarification that the prior WCF permit approval expires when the WCF has been abandoned in Consolidated Draft.

from the time the WCF ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices.

iii. If the use of the WCF has not been restored within an 18-month period from the time the WCF have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices, the WCF shall be removed and the WCF site restored to its original or better condition, at the property owner's expense.

f. Collocation Preferred[372]

Whenever possible, new WCFs shall be sited on existing WCFs or in areas already in use for telecommunications and/or utility distribution lines in order to preserve the aesthetic and scenic value of the ~~town~~Town.

4. Eligible Facilities Request[373]

a. Timing

i. Within 60 days of the date on which an applicant submits an application seeking approval of an eligible facilities request, the Director shall approve an application unless the Director determines that the application is not an eligible facilities request.

ii. The 60 -day review period begins to run when the application is filed. The Director and the applicant may agree to stop the review period. The 60-day review period shall also be stopped where the Director determines that the application is incomplete. The review period is stopped for incompleteness pursuant to the following standards:

a. Within 30 days of receipt of the application, the Director shall notify the applicant in writing, clearly and specifically delineating all missing documents or information required for determination of an eligible facilities request

b. The written incompleteness notice stops the timeframe for review;

c. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Director's notice of incompleteness

d. Within 10 days of the supplemental submission, the Director shall notify the applicant in writing that the supplemental submission did not provide the information identified in the original incompleteness notice; and

e. The timeframe is stopped in the case of a second or subsequent incompleteness notice pursuant to the procedures for the first incompleteness notice. Second or subsequent incompleteness notices may not specify missing documents or information that were not delineated in the original incompleteness notice.

iii. Failure to Act

a. In the event that the Director fails to act on a request seeking approval for an eligible facilities request within the timeframe for review, accounting for any stopping, the request shall be deemed granted.

b. The effective date of a deemed-granted approval shall be the day the Town receives written notice from the applicant, after the review period, accounting for any stopping, has expired, that the application has been deemed granted.

iv. Review Criteria

The Director shall approve an eligible facilities request if the request:

a. Is an eligible facilities request for an eligible support structure;

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372 New in Consolidated Draft.

373 There is an argument to be made for integrating this into the Administration section (perhaps a new section dealing with activities associated with Building Permit, but we think it makes sense to keep it here since it is so unique to the wireless situation.

b. Complies with the originally approved design elements and other conditions of approval, including but not limited to colors, textures, surfaces, scale, character, mounting, projection and siting, or any approved amendments thereto, except where noncompliance with those elements or conditions is solely limited to the thresholds of increase in height, increase in width, addition of cabinets or new excavation or deployment area identified in the definition of substantial change;

c. Does not defeat the concealment elements of the eligible support structure. Any design element that places the wireless communications facility out of view, hides it from being noticed, blends it with its surroundings or otherwise minimizes the visual or aesthetic impact of the facility is a concealment element of the eligible support structure; and

d. Does not result in a substantial change. A substantial change is a modification that substantially changes the physical dimensions of an eligible support structure that meets any of the following criteria: [374]

   i. For ground-mounted WCFs, an increase in the height of the facility by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for roof- and building-mounted WCFs, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the WCF, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

   ii. For ground-mounted WCFs, it involves adding an appurtenance to the body of the facility that would protrude from the edge of the facility more than 20 feet, or more than the width of the facility at the level of the appurtenance, whichever is greater for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

   iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or roof- and building-mounted WCFs, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

   iv. For any eligible support structure, it entails any excavation or deployment outside the current site; or would impair the concealment elements of the eligible support structure;

   v. It entails any excavation or deployment outside of the current site, except that, for ground-mounted WCFs, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

   vi. It would defeat the camouflaging elements of the eligible support structure; [375]

[374] Definition from 47 CFR §1.6100 (Code of Federal Regulations).

[375] Reference in 47 CFR §1.6100 (Code of Federal Regulations) to "concealment elements" updated to "camouflaging elements" to align with proposed standards.

vii. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or WCF equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in §§4.3.6.E.4.a.iv.d.i, 4.3.6.E.4.a.iv.d.ii, or 4.3.6.E.4.a.iv.d.iii of this definition.

v. Decision

If the Director finds the review criteria are met, the Director shall approve the eligible facilities request. If the Director finds that the applicant's request does not meet the review criteria, the Director may approve with conditions or deny the eligible facilities request and provide a written disposition with the reasons for conditional approval or denial to the applicant. The Director's decision shall be supported by substantial evidence in the written record.

vi. Compliance with Other Laws

All work done in association with the approved eligible facility request application shall be completed in accordance with all generally applicable laws, regulations or other rules reasonably related to public health and safety, including but not limited to, building and safety codes.

vii. Remedies

The applicant and the Town may bring a claim related to §6409 of the Spectrum Act (codified at 47 U.S.C. 1455) to any court of competent jurisdiction.

5. Standards for Specific Facility Types

All new WCFs or collocations that do not meet the definition of an eligible facilities request shall be subject to the standards below.

a. All WCF Types

i. Review Required

Table 4.3-3: Review Required by WCF Type and Zoning District

Zoning District	Residential	Mixed-Use	Nonresidential
WCF Type			
Building-Mounted Facilities	Special Use Permit	Building Permit	
Roof-Mounted Facilities			
Ground-Mounted Facilities	Special Use Permit		Building Permit

ii. Maximum Height

Table 4.3-4: Maximum Height by WCF Type and Zoning District

Zoning District	Residential	Mixed-Use	Nonresidential
WCF Type			
Building-Mounted Facilities [1]	Maximum height permitted in the underlying zoning district		
Roof-Mounted Facilities	10 feet above the existing roofline [1] [2]		

Table 4.3-4: Maximum Height by WCF Type and Zoning District			
Zoning District	**Residential**	**Mixed-Use**	**Nonresidential**
WCF Type			
Ground-Mounted Facilities [3]	Maximum height permitted in the underlying zoning district	45 feet[376]	60 feet[377]

Notes:
[1] Height measured to top of antenna.
[2] In the Mixed-Use and Nonresidential zoning districts, an additional five feet (up to 15 feet) above the existing roofline is allowed by-right for buildings of seven or more stories and by Special Use Permit for all other buildings.[378]
[3] Height measured from base of facility to top of antenna.

iii. Camouflage Techniques

a. WCFs shall be camouflaged by minimizing the visibility of antennae and transmission equipment and be screened from view by materials that are consistent and compatible with the building design, color and materials. Camouflaging includes locating facilities in bell steeples or clock towers, or on similar alternative design mounting structures.

b. Metallic surfaces shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than 40 percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.

iv. Transmission and Accessory Equipment

Transmission and accessory equipment, including equipment enclosures, shall be visually similar to the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture and character or screened using natural or manmade features that are consistent with surrounding landscaping, trees, and foliage.

v. Lighting

WCFs shall not be lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties as required by this Code.

vi. Noise

Noise generated on the site shall not exceed the standards permitted in the Code of Ordinances, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the Town.

[376] Maximum height allowances in the Mixed-Use districts range from 40 feet to 200 feet.
[377] Maximum height allowances in the Nonresidential districts range from 29-69 and include several that do not maintain maximum height limitations.
[378] By-right additional height allowance for 7+story buildings added in Consolidated Draft.

b. Additional Standards for Building-Mounted WCFs

A building-mounted facility shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible. The antenna and any associated screening or transmission equipment shall not project above the wall on which is mounted, excluding any conduit that may extend over and behind the roofline or parapet wall.

c. Additional Standards for Roof-Mounted WCFs

Screening of roof-mounted WCFs includes the use of existing parapets, walls, or similar architectural elements provided that it is painted and texturized to integrate with the architecture of the surrounding structure. Screening may be waived by the Director on buildings where the height of the roofline is 35 feet or less based on evidence provided by the applicant that the roof cannot structurally support the screen.

d. Additional Standards for Ground-Mounted WCFs

i. Ground-mounted WCFS shall be subject to the minimum setback and separation requirements set forth below.

Table 4.3-5: Ground-Mounted WCF Standards

Zoning District	Residential	Mixed-Use	Nonresidential
Minimum Setback	3 feet from any abutting property line for every 1 foot of tower height or the minimum setback required in the underlying zoning district, whichever is greater	2 feet from any abutting property line for every 1 foot of tower height or the minimum setback required in the underlying zoning district, whichever is greater	1 foot from any abutting property line for every 1 foot of tower height or the minimum setback required in the underlying zoning district, whichever is greater
Minimum Separation [1]	One-half mile	2,000 feet	1,760 feet

Notes:
[1] Separation measured from the outermost portion of the base of existing facility to the outermost portion of the base of proposed facility.

ii. Ground-mounted WCFs shall be enclosed by security fencing or wall and shall also be equipped with an appropriate anti-climbing device.

4.4 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.).~~

~~4.4.3.~~4.4.1. 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.

~~4.4.4.~~4.4.2. Accessory Uses and Structures Allowed

A. The specific accessory uses and structures identified in §4.2.7: *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 §4.2.7: *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 §4.3: *Use-Specific Standards*.

~~4.4.5.~~4.4.3. General Standards for All Accessory Uses and Structures[379]

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.[380]

4. The gross floor area of any detached accessory structure shall not exceed 50 percent of the gross 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.[381]

5. The total combined gross 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) 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. .~~

~~3.~~1. Accessory buildings shall meet the setback requirements applicable to the principal structure.

379 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.

380 Currently 20 feet, revised to be consistent with the height maximum for accessory dwelling units.

381 Currently 50 percent of the minimum required rear yard in the case of a one-story building.

~~4.~~2. Accessory buildings shall be located behind the front building plane of the principal structure.

~~5.~~3. In the R-1, R-2, or R-3 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. Maintenance[382]

All accessory structures, including, but not limited to, carports, 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.

~~4.4.6.~~4.4.4. Additional Standards for Specific Accessory Uses and Structures

A. Drive-Through[383]

1. Drive-through facilities located within 200 linear feet of a residential use shall require a Special Use Permit approval pursuant to §2.5.1.
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. Donation Box[384]

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 §5.6.9.C.

C. Dwelling, Accessory (ADU)[385]

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. An ADU is not allowed on a site without a principal dwelling unit.
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 40 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.

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.

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382 From current Chapter 18, Article 3, Sec. 18-131.
383 New.
384 New.
385 New.

c. The maximum height of any detached ADU shall be 25 feet.

d. Detached ADUs shall comply with the requirements for accessory structures in §4.4. Where one or more of the standards in §4.4 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 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 and Neighborhood 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 Direct~~after t~~or~~he application is deemed complete and prior to final approval.

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 section;

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. Home Occupation[386]

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 Gross Floor Area[387]

a. No more than 15 percent of the total gross 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.

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[386] 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. 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.

[387] 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.

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 section 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.
9. **Commercially Licensed Vehicles**
   No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any home occupation.
10. **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.

E. Valet Parking Services[388]

Any valet parking service provided in connection with a commercial establishment or commercial activity shall obtain a license and comply with the standards established in the Administrative Manual. A license shall not be required for occasional valet parking service provided:

1. At a private residence; or
2. In connection with a social or fund-raising activity.

4.5 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.).~~

~~4.5.3.~~4.5.1. 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.

[388] From current Chapter 70, Article VII, Sec. 70-320.

~~4.5.4.~~4.5.2. Temporary Uses and Structures Allowed

Temporary uses and structures not listed in §4.2.7: *Table of Allowed Uses* require approval under the procedure in §4.2.5: *Classification of New and Unlisted Uses*. All temporary uses are subject to the standards in this §4.5, in addition to any applicable requirements in §4.3: *Use-Specific Standards*.

~~4.5.5.~~4.5.3. Approval Process for Temporary Uses and Structures

All temporary uses and structures listed in this section require the review and approval of Temporary Use Permits in accordance with §2.6.3.

~~4.5.6.~~4.5.4. General Standards for All Temporary Uses and Structures[389]

Temporary uses and structures shall comply with the following general requirements unless otherwise specified in this Code:

A. No temporary use shall be allowed for a period exceeding 180 days, unless otherwise permitted by this Code. [390]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;

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 interfere 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.

~~4.5.7.~~4.5.5. Additional Standards for Specific Temporary Uses and Structures

A. Construction Support Activities[391]

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.

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[389] 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.

[390] New in Consolidated Draft.

[391] 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.

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[392]

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 vending equipment shall be placed on improved surfaces.

b. 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.

c. There is no limit to the total number of food trucks allowed on a site provided adequate fire access is maintained on site.

d. Each mobile food truck shall provide trash receptables sized to meet expected demand and shall empty or remove them on a daily basis.

3. Operational Standards

a. A Temporary Use Permit for a mobile food truck shall not exceed 90 days.

b. A food service license is required and shall be available on site for inspection by government officials.

c. Each individual food truck shall contain an electrical hookup or generator, meet Fire Code, and maintain access to a commercial kitchen within Dallas County.

d. When located adjacent to a Residential zoning district, the hours of operation shall be limited between 7:00 a.m. and 10:00 p.m.

e. All mobile food trucks shall return to their associated restaurant, a commissary kitchen, or other base of operation for necessary vehicle servicing, cleaning, and restocking on a daily basis. Overnight parking is prohibited.

C. Outdoor Retail and Display[393]

1. Operational Standards

a. A Temporary Use Permit shall only be issued to the operator of the associated permanent retail use.[394]

b. The outdoor retail and display uses shall be associated with an approved retail primary use on the property.[395]

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392 New.

393 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.

394 New.

395 New.

c. The outdoor retail and display area shall be of the same nature as the permanent retail activity conducted on the property.[396]

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.[397]

f. The outdoor retail and display areas shall comply with all other reasonable conditions imposed by the Development and Neighborhood 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.[398]

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 UDC.

3. Duration and Frequency

In those zoning districts where §4.2.7: *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.

D. Portable Storage Structure[399]

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 14 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.

396 New.
397 Current standard only references the food and alcohol sales and the Addison noise ordinance; however, we think more broad terminology is appropriate.
398 New.
399 From current Chapter 18, Article 3, Sec. 18-134.

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

E. 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.[400]

2. The Building Official may order the removal or discontinuance of real estate sales or model home uses.

F. Seasonal Sales[401]

1. Generally

a. Except for seasonal sales allowed pursuant to F.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 UDC;

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, and R-3 Zoning Districts

Seasonal sales shall be limited to those activities that would not qualify as a special event, including the sale of fruits, vegetables, flowers, herbs, plants, jams, honey, pickled products, sauces, and/or baked goods where the vendors are individuals who have raised the produce or have crafted the product on the same lot or parcel where the seasonal sales are taking place.

G. Special Event[402]

1. Temporary use permits for other special events not listed separately in §4.2.7: *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 and located on publicly owned land are exempt from this requirement.

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400 New.

401 New. These are common standards that tend to be effective for other communities in regulating seasonal sales. Did not carry forward date limitations for Christmas tree sales of between November 15 and December 26.

402 New.

Article 5: Development Standards

~~**Commentary:**~~

~~This article contains standards that address development quality, such as grading and drainage, parking, landscaping, and building design. The current ordinances contain development quality standards in multiple locations. The primary tasks in drafting this article were to consolidate the various related and overlapping provisions and to remove unnecessary material (either because it is outdated, or duplicative, or because it belongs in separate administrative or design review guidelines).~~

~~This proposed draft also contains a substantial amount of new material based on the Assessment Report and Annotated Outline and follow-up discussions with staff and other community stakeholders. In this article, and subsequent articles, we often refer to an "Administrative Manual," which was recommended in the Assessment report and 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. Keeping such material outside the UDC allows it to be updated more regularly without formal UDC amendments.~~

~~5.4~~5.1 Purpose[403]

This article includes standards that regulate the physical layout and design of development within Addison to ensure the protection of the health, welfare, safety, and quality of life and to implement the Addison Comprehensive Plan. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order and create and maintain an attractive, efficient, and livable community.

~~5.5~~5.2 Applicability[404]

Except as otherwise provided in this article, the standards of this article shall apply to all development located within the ~~town~~Town, pursuant to the TLGC and §1.4: *Authority, Applicability, and Jurisdiction*, and as further detailed below.

~~**Commentary**~~

~~This section specifies the applicability of this article to various types of development and redevelopment projects. While new construction always must comply with all the standards, the related question is what to do about partial redevelopment projects. The following sections propose a tiered approach to determining which and to what extent the development standards of this article apply to various types of redevelopment projects. A uniform tiered structure like this will increase the predictability of the development review process and better balance required development standards with the size and scale of a project.~~

~~Such an approach is not unusual around the country, but few of Addison's peer communities in north Texas have adopted such a methodical, formal approach in this way. Other local communities generally apply development standards based on the underlying zoning district or the building type (i.e., residential versus nonresidential) rather than based on the physical condition and extent of proposed changes to a structure.~~

~~5.5.4.~~5.2.1. Development Standards Applicability Table

A. Table 5.2-1 below identifies activities that trigger compliance with specific development standards contained in Article 5: *Development Standards.* These standards shall not exempt development activity that falls below the thresholds identified in §§5.2.2 or 5.2.3 from complying with applicable standards of this UDC or any applicable federal, state, or local regulations.

B. For purposes of this section:

[403] New.

[404] Based on and updates current 34-203, but mostly new. The current applicability thresholds are unnecessarily complex; this section attempts to apply more uniform applicability thresholds to development town-wide.

1. "Entire site" shall mean the total area of the lot on which development is occurring.
2. "Development impact area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development, as defined in Article 7: *Definitions*.

C. Specific applicability thresholds and applicable exemptions are provided in Sections 5.3 through 5.9.

Table 5.2-1: Development Applicability Thresholds

✓ = Entire Site ◊ = Development Impact Area Only

UDC Standard	UDC Reference	New Construction	Minor: Tier 1 §5.2.2	Major: Tier 2 §5.2.3
Floods	5.3	✓	All development, see §5.3	
Access and Circulation	5.4	✓	All development, see §5.4	
Parking and Loading	5.5	✓	◊	✓
Landscaping, Buffering, and Fences	5.6	✓	◊	✓
Site and Building Design	5.7	✓	◊	✓
Exterior Lighting	5.8	✓	All development, see §5.8	
Signs	5.9	✓	All development, see §5.9	

~~5.5.5.~~5.2.2. Minor Redevelopment: Tier 1

A. 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;

B. 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;

C. The alteration or expansion of any vehicular parking area by the greater of six spaces or 50 percent, excluding resurfacing or restriping; or

D. Any expansion or enlargement of a structure or land use that requires a Special Use Permit for at least one tenant.

~~5.5.6.~~5.2.3. Major Redevelopment: Tier 2

A. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by more than 50 percent;

B. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by more than 25 percent; or

C. An existing principal structure is relocated on the lot.

~~5.5.7.~~5.2.4. Timing of Applicability

A. The standards in this article shall become applicable to each individual lot at such time a Site Plan is submitted for review or an application for a Building Permit on such lot is made.

B. When this UDC becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.

~~5.5.8.~~5.2.5. Planned Development (PD)[405]

A. Development within any new planned development (PD) established after the effective date of this UDC shall be subject to this Article 5: *Development Standards*, unless alternative standards are adopted as part of the PD approval that, in the determination of the Director, are at least equal to the standards set forth in this article.

~~5.6~~5.3 Floods

~~**Commentary**~~
~~This section carries forward the current Chapter 42, Article II, with no changes. These regulations are typical of how Texas cities address flood issues.~~

~~5.6.3.~~5.3.1. Generally

A. Statutory Authorization

Local governments are authorized by State law to adopt regulations designed to minimize flood losses, and to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program.

B. Applicability

This section applies to all areas of special flood hazard within the jurisdiction of the Town.

C. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered, or have its use changed without full compliance with the terms of this section and all other applicable regulations. Violation of the provisions of this section by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $2,000.00 for each violation in accordance with §1.7: *Enforcement*. Each day a violation continues to exist will constitute a new and separate violation. Nothing contained in this section shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Interpretation

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the Town; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

E. Purpose

It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

[405] New.

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is in a flood area.

F. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the most recently updated Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) for the ~~town~~Town.

G. Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

H. Methods of Reducing Flood Losses

In order to accomplish its purposes, this section includes methods and provisions for:

1. Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood, or that cause excessive increases in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other areas.

I. Warning and Disclaimer or Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Town or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made under this section.

~~5.6.4.~~5.3.2. Flood Hazard Reduction

A. General Standards

In all areas of special flood hazards the following standards are required:

1. Anchoring

All new construction or substantial improvements must be designed (or modified) in such a manner that they are adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Construction Materials and Methods

a. All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage.

b. All new construction or substantial improvements must be constructed with materials resistant to flood damage.

3. Utilities

a. All new construction and substantial improvements must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

b. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.

c. All new and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system, and to minimize or eliminate discharge from the systems into flood waters.

d. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §5.3.1.F (regarding the basis for establishing the area of special flood hazard), §1.9.6.A (pertaining to the use of other base flood data), or §5.3.2.C (pertaining to standards for subdivision proposals), the following provisions are required:

1. Residential Construction

New construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated at least two feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that this standard is satisfied. The Floodplain Administrator shall maintain a record of such certification.

2. Nonresidential Construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure must either have the lowest floor, including basement, elevated at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify to the Floodplain Administrator that the design and methods of construction are in accordance with accepted standards of practice as outlined in this section. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed must be maintained by the Floodplain Administrator.

3. Enclosures

New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.

b. The bottom of all openings must be no higher than one foot above grade.

c. Openings equipped with screens, louvers, valves, or other coverings or devices must permit the automatic entry and exit of floodwaters.

4. Manufactured Homes

a. Manufactured homes to be placed within Zone A on the FHBM or FIRM must be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated to two feet above the base flood elevation and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the FIRM that are not subject to the provisions of §5.3.2.B.5.b. must be elevated so that either:

i. The lowest floor of the manufactured home is at or above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles

Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM must either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use; or

c. Meet the permit requirements of §2.7 and the elevation and anchoring requirements for "manufactured homes" in §5.3.2.B.4. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

C. Standards for Subdivision Proposals

1. All subdivision proposals, including the placement of manufactured home parks and subdivisions, must be consistent with the need to minimize flood damage.

2. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, must meet development permit requirements of this section.

3. Base flood elevation data must be provided for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, that is greater than 50 lots or 5 acres, whichever is less, if not otherwise provided pursuant to §5.3.1.F regarding the basis for establishing the areas of special flood hazard or §1.9.6.A pertaining to the use of other base flood data.

4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, must have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in §5.3.1.F, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of nonresidential structures must:
   a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified);
   b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section are satisfied.
4. Within Zones AH and AO, adequate drainage paths must be provided around structures on slopes to guide flood waters around and away from proposed structures.

E. Floodways

Located within areas of special flood hazard established in §5.3.1.F, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the ~~town~~Town during the occurrence of the base flood discharge, as determined by the Floodplain Administrator.
2. If §5.3.2.E.1 above is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of this section.
3. Under the provisions of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by the National Flood Insurance Program Regulations.

F. Severability

If any section, clause, sentence, or phrase of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this section.

~~5.7~~5.4 Access and Circulation

~~Commentary~~
~~This is generally a new section for the Town's consideration. All provisions are new unless otherwise noted. This section is included in the general development standards, versus the subdivision standards, so that many of these improvements will be applied to redevelopment projects and individual sites, not just new subdivisions. The subsections cover vehicular, pedestrian, and bicycle connectivity independently.~~

~~5.7.3.~~5.4.1. Purpose

The purpose of this section is to support the creation of a highly connected transportation system within the ~~town~~Town in order to:

A. Promote multimodal travel in Addison by providing options for automobiles, transit, bicycles, and pedestrians;

B. Connect neighborhoods to each other;

C. Connect neighborhoods to local destinations such as employment, schools, parks, and shopping centers;

D. Reduce vehicle miles of travel and travel times;

E. Mitigate the traffic impacts of new development and redevelopment;

F. Reduce stormwater runoff, reduce heat island effect from large expanses of pavement, improve water quality, and minimize dust pollution;

G. Improve air quality; and

H. Reduce emergency response times.

Generally, access and circulation systems associated with any development shall provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

~~5.7.4.~~5.4.2. Applicability

Except as otherwise provided in this section, the standards of this section shall apply to all development as established in §5.2: *Applicability*.

~~5.7.5.~~5.4.3. Developer Responsibility for Access and Circulation Improvements[406]

A. On-Site Circulation

1. If a street is proposed within a development site, the developer shall provide roadway, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards in this section, the Comprehensive Plan, the Master Transportation Plan, the City-wide Trails Master Plan, current engineering design standards, and shall dedicate any required rights-of-way or easements as determined necessary by the Town.

2. If a development site includes the proposed corridor of a street designated on an adopted plan, the development shall incorporate provision of the street into the design of the development and shall dedicate right-of-way that meets the right-of-way width standards for the street. If a Traffic Impact Analysis shows that the development itself is expected to generate sufficient traffic to warrant design

[406] This is intended to clarify when the Town may require a developer to construct public street improvements, reflecting limitations defined by the courts. This is likely already existing Town policy but is helpful to have spelled out in clear language in the code.

of the street as a principal or minor arterial thoroughfare, the developer shall be responsible for constructing the street (including any bikeway, sidewalk, and other associated access and circulation improvements) in accordance with the Town's standards for a principal or minor arterial thoroughfare, as appropriate; otherwise, the developer shall be responsible for constructing the street (including any bikeway, sidewalk, and other associated access and circulation improvements) to meet at least those standards in the Master Transportation Plan for a local or collector street as determined by the Director.

B. Off-Site Circulation

1. If a development site fronts on and obtains vehicular access from an existing street, the developer shall be required to dedicate additional right-of-way along the street frontage or in the vicinity of the development and to provide roadway, bikeway, sidewalk, and other access and circulation improvements within the street right-of-way that are reasonably necessary to ensure the safe, convenient, efficient, and orderly accommodation of vehicular and pedestrian traffic demands and impacts generated by the proposed development.
2. Such improvements may include, but are not limited to, turn lanes, deceleration and acceleration lanes, widening or paving of substandard roadways, medians, bikeways, sidewalks, sidewalk ramps and crossings, street lights, bus shelters, and the relocation or improvement of utility lines and facilities needed to accommodate street improvements. The extent of required dedications and improvements related to the abutting street shall be roughly proportional to the traffic demands and impacts generated to and along that street by the proposed development.

~~5.7.6.~~5.4.4. Streets, Alleys, and Vehicular Circulation

A. Uniform Street Standards

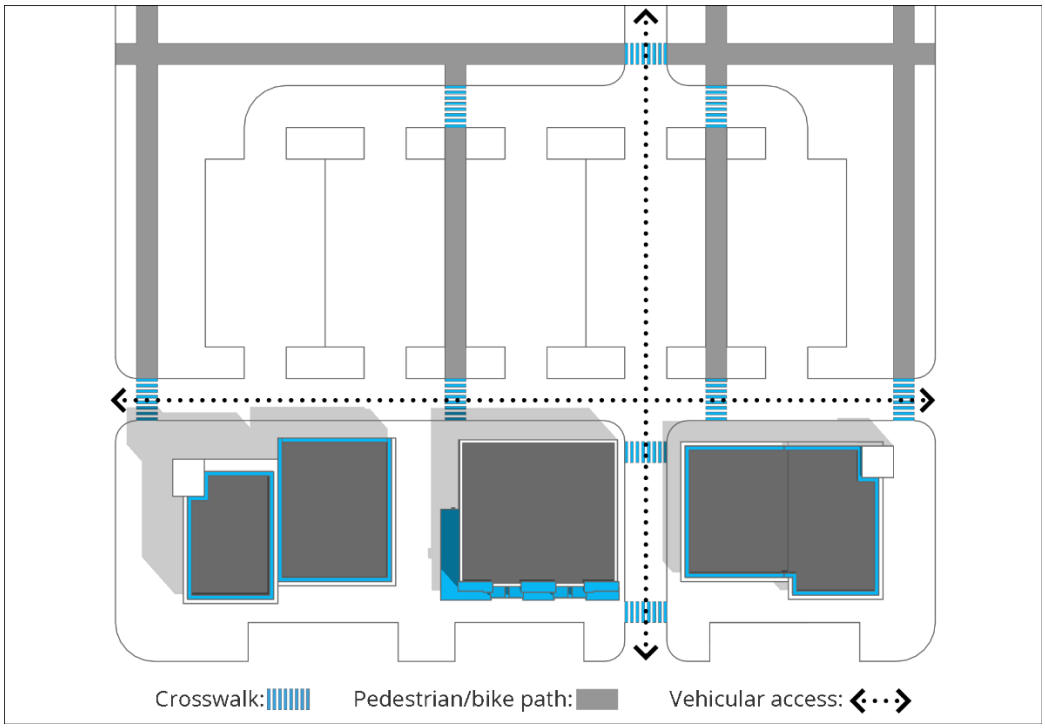
All streets and related improvements shall be constructed in accordance with the standards in the Master Transportation Plan and current engineering design standards.

B. Cross Access Between Abutting Development

To facilitate vehicular, pedestrian, and bicycle access between abutting developments, encourage shared parking, and minimize access points along streets, new single-family attached, multifamily, nonresidential, and mixed-use development shall comply with the following standards:

1. The internal circulation system shall be designed to allow for intentional, safe, and comfortable connections between the development's common use areas and common use areas in an abutting single-family attached, multifamily, nonresidential, or mixed-use development, or to the boundary of abutting vacant land zoned to allow single-family attached, multifamily, nonresidential or mixed-use development.
2. Required vehicular cross access between the abutting lots shall be provided through the use of a frontage or service street (if the lots front on a major arterial thoroughfare right-of-way), a single two-way driveway or drive aisle, or two one-way driveways or aisles that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
3. The Director, in conjunction with the Director of Public Works and Engineering, may waive or modify the requirement for cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands, steep slopes), or would create unsafe conditions or impede the application of other design requirements in this UDC.

Figure 5-~~15-1~~: Internal Circulation System for Cross Access



C. Use and Maintenance

1. Access and circulation routes are intended to provide pedestrian, bicycle, and vehicle access. Vehicle parking, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees, and other obstructions shall not encroach into the required minimum width of any required access or circulation route, unless otherwise authorized by this UDC.
2. Access and circulation routes required by this UDC shall be maintained in usable condition throughout the year as determined by the Director of Public Works and Engineering.

~~5.7.7.~~5.4.5. Driveways and Access

A. Access

1. The number of access points to any property shall be limited to one, unless it can be shown that the development will generate sufficient volumes to require two points of access for safe internal operations or unless required by Fire Code.[407]
2. All driveways shall meet the spacing, clearance, and design requirements set forth in the Transportation Technical Standards.
3. In the M-1, M-2, M-3, and M-4 zoning districts, site access and curb cuts shall be limited to two curb cuts per block, unless no other legal access alternative is available. [408]

B. Location

1. In the M-1, M-2, M-3, and M-4 zoning districts, driveways shall have a minimum setback of five feet from side lot lines measured to the edge of driveway pavement.[409] This requirement shall not apply

[407] From the "General Driveway Access Principles" in the current *Transportation Technical Standards*.
[408] Replaces current Article XIX, Section 3(G) and Section 5(E). UC-Commercial currently limits curb cuts along principal collectors (category B) and the special events parkway/retail street (category E/F). Added "unless no other legal access alternative is available."
[409] Clarified the setback is from edge of driveway in Consolidated Draft.

to zero-lot-line developments, provided there is a five-foot wide landscaping strip between driveways.[410]

2. In all other zoning districts, driveway surfaces must be located a minimum of two feet from an interior side property line unless prior approval, recorded in the property records of Dallas County, Texas, has been obtained from the adjoining property owner. Where driveways are located parallel and adjacent to a side street property line, a minimum of five feet shall be provided between the surface and the property line.[411]
3. Driveways located near intersections shall maintain the vision triangle areas as required by §5.4.6, and the Transportation Technical Standards.

C. Removing or Relocating Driveways[412]

1. Where the removal or relocation of one or more existing driveways or portions of driveways is necessary to comply with this UDC, any driveway or portion of driveway that is removed shall be replaced with the installation of curb and gutter along the gutter line of the street, in accordance with Public Works and Engineering Department specifications.
2. If there is no existing curb and gutter on the street, the driveway shall be removed in the manner specified by the Director of Public Works and Engineering.
3. The removal or relocation of one or more existing driveways or portions of driveways shall require the developer to maintain or improve drainage patterns to meet the standards of this UDC.
4. The removal or relocation of a driveway shall also require the installation of landscape treatments for that portion of the site pursuant to the standards in this UDC.

D. Surfacing[413]

1. All driveways and access drives to improved parking surfaces shall be constructed as a continuous improved surface of concrete, brick pavers over concrete base, approved pavestone, or other approved surfacing material approved by the Director of Public Works and Engineering.
2. Driveways and improved parking surfaces shall be designed and constructed in compliance with the improved driveway standards of the Town.

E. Vehicle Maneuvering[414]

1. Except for on-street vehicle parking spaces approved by the Director of Public Works and Engineering, groups of more than five vehicle parking spaces per lot shall be provided with adequate aisles or turn-around areas so that all vehicles may enter the public right-of-way in a forward manner.
2. Groups of more than five vehicle parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on or off the site, with due regard to pedestrian, bicycle, and vehicle safety, and shall be clearly and permanently marked and defined.
3. Vehicle surface parking lots exceeding 100 spaces shall be designed with a clear hierarchy of circulation. The hierarchy shall consist of:
   a. Major entry driveways without parking spaces; then
   b. Major circulation drives with little or no parking; then
   c. Parking aisles for direct access to parking spaces.

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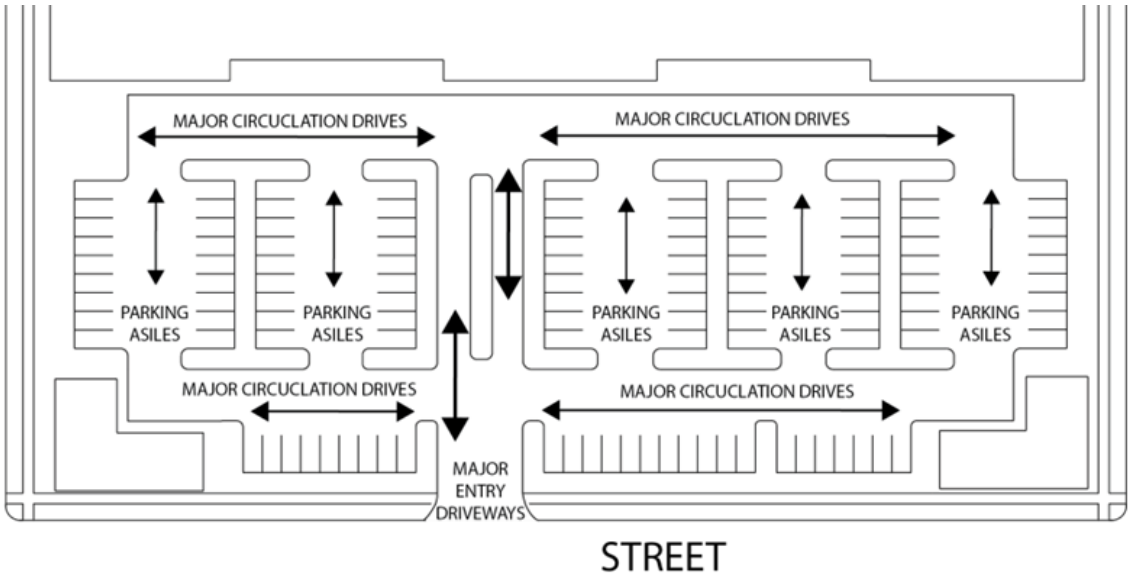
410 Consolidates standards from MXR and UC-Residential districts. Revised to apply to all mixed-use zoning districts.
411 From current Sec. 18-132, Driveway Requirements.
412 New, unless otherwise noted.
413 From current Sec. 18-132, Driveway Requirements.
414 New.

Figure 5-25-2: Vehicle Maneuvering



5.7.8.5.4.6. Vision Triangle[415]

A. For all lots on which a front setback or build-to is required, no obstruction over 18 inches that will obscure or partly obscure the view of vehicles drivers shall be placed within the triangular area determined by site-specific AASHTO standards.

B. This restriction shall not apply to traffic control signs and signals, street signs, or utility poles placed within such area by the Town.

C. The use of plant material in a vision triangle is intended to provide aesthetic appeal while not unduly limiting or restricting visibility, whether as a pedestrian or a passenger in a vehicle. Plants shall not reduce or limit visibility to such an extent that a safety hazard is presented.

D. Trees within the vision triangle may be placed subject to approval by the Director and shall be single trunked and have a minimum branching clearance of six feet from the ground to the first branch.

E. Vertical measurement shall be made from the top of the curb on the street adjacent to the nearest street of the vision triangle or, if no curb exists, from the edge of the nearest traveled way.

5.7.9.5.4.7. Pedestrian Circulation[416]

A. Sidewalks

Sidewalks shall be installed on both sides of all streets and within and along the frontage of all new development or redevelopment, as required by the Comprehensive Plan, Master Transportation Plan, Trails Master Plan,[417] and Belt Line Master Plan.

1. Where Required

a. Sidewalks shall be provided by the developer to allow convenient pedestrian access through or across the development and joining with pedestrian ways of adjacent properties.

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415 Replaces current Article XXII(1) and 34-207(c). New standards: two required site triangles including the standard 35-foot triangle with a required overlapping AASHTO site triangle for all sites. The current maximum height allowed within the vision triangle area is two feet in Sec. 34-207(c); we have applied the 30-inch standard from Article XXII(1).

416 New.

417 Reference to City-wide Trails Master Plan is new in Consolidated Draft.

b. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, and within and along the frontage of all new development and redevelopment.

2. Design and Materials

Sidewalks shall be constructed in accordance with the Comprehensive Plan, Master Transportation Plan, City-wide Trails Master Plan[418], Belt Line Master Plan, and current engineering design standards.

B. On-Site Pedestrian Walkways

All multifamily, nonresidential, and mixed-use development shall provide an on-site system of pedestrian walkways that meets the following standards:

1. Areas to Connect

On-site pedestrian walkways shall provide connections to and between:

a. The primary entrance or entrances to each building, including pad-site buildings;

b. Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development;

c. Any parking areas intended to serve the development as described in §5.4.7.C: *Pedestrian Access through Parking Areas*;

d. Any sidewalk system along the perimeter streets adjacent to the development;

e. Any public transit station areas, transit stops, park and ride facilities, or other transit facilities on-site or along an adjacent street; and

f. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.

2. Walkway Design

Required on-site pedestrian walkways shall be a minimum width of five feet. All required walkways shall:

a. Be distinguishable from areas used by vehicles using one or more of the following techniques:

i. Changing surfacing material, patterns, and/or paving color, but not including the painting of the paving material;

ii. Changing paving height;

iii. Decorative bollards;

iv. Raised median walkways with landscaped buffers;

b. Be designed with similar and/or complementary details, colors, and finishes as other interconnected walkways;

c. Have adequate lighting for security and safety;

d. Be conveniently and centrally located on the subject property;

e. Be ADA-accessible; and

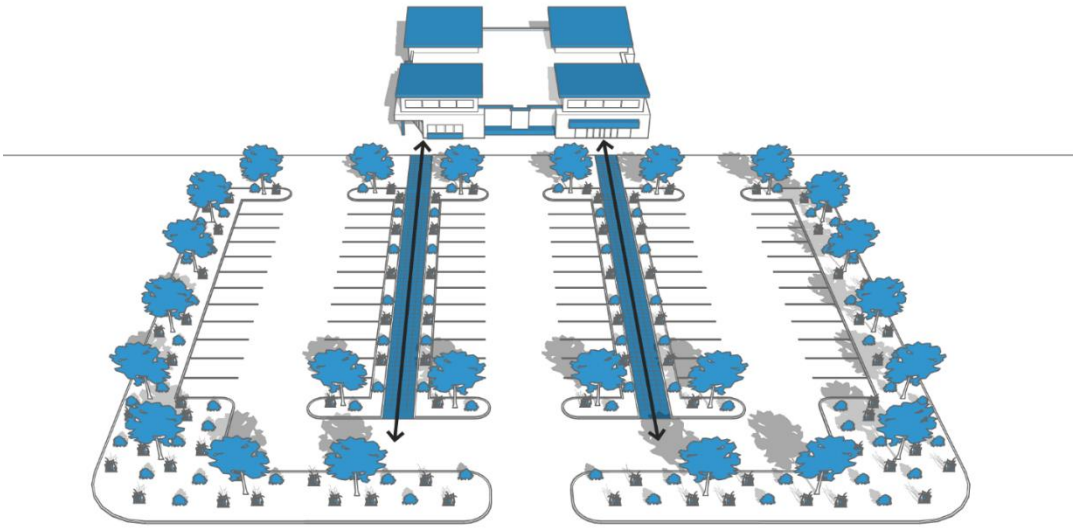
f. Not include barriers that limit pedestrian access between the subject property and required connections to adjacent properties.

[418] Reference to City-wide Trails Master Plan is new in Consolidated Draft.

C. Pedestrian Access through Parking Areas

All parking lots that contain more than two double rows of vehicle parking shall include pedestrian walkways through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less.

Figure 5-3~~5-3~~: Pedestrian Access through Parking Areas



D. Pedestrian Access through Parking Garages

Pedestrian walkways shall be provided through parking garages from the parking area to the abutting public right-of-way and sidewalk and/or to the primary entrance of the building served. Pedestrian walkways shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

E. Active Transportation Connectivity

Off-street trails, enhanced pedestrian paths, and active transportation corridors shall be installed in all new development or redevelopment, as required by the Comprehensive Plan, Master Transportation Plan, and City-wide Trails Master Plan.

~~5.7.10.~~5.4.8. Bicycle Circulation

A. Bicycle routes shall be established in accordance with the Comprehensive Plan, Master Transportation Plan, City-wide Trails Master Plan[419], and Public Works and Engineering Department specifications.

B. The development's internal bicycle circulation system shall permit safe, convenient, efficient, and orderly movement of bicycles between the development's internal origin and destination points and adjacent parts of an existing or planned external, community-wide and regional bicycle circulation system, as well as any adjacent transit stations, bus stops and shelters, public parks, greenways, schools, community centers, and shopping areas.

[419] Reference to City-wide Trails Master Plan is new in Consolidated Draft.

~~5.8~~5.5 Parking and Loading

~~**Commentary**~~
~~This is a new section that consolidates off-street parking and loading standards from several sections of the Code of Ordinances. This draft includes a new table of minimum vehicle parking requirements that corresponds to the table of allowed uses presented in Part 1 (ensuring that each proposed land use type has an associated off-street parking requirement). Several other new and revised sections are included, including parking alternatives, vehicle parking layout and design, vehicle loading areas, drive-through facilities, and use of parking.~~

~~**Peer community comparison.** Outside of this draft, we have prepared a parking comparison table using the use breakdown of §5.5.4 to compare the minimum required off-street parking standards proposed for Addison to those of surrounding communities. Generally, the Addison standards are equivalent to or less restrictive than peer communities excluding Carrollton where there are several use types (e.g. office, restaurant, vehicle repair and sales) with even less restrictive standards than Addison.~~

~~The proposed maximum off-street vehicle parking allowance in §5.5.5 would also be somewhat unique in north Texas, but not in other parts of the country. Other local communities generally either do not set maximums or only require them for a small amount of specific uses. (The exception is Plano, where the maximum is set at 110% of the required minimum number of off-street spaces for all uses unless otherwise required.)~~

~~5.8.5.~~5.5.1. Purpose[420]

This section is intended to regulate the amount and design of off-street parking and loading for different land uses and to help protect the public health, safety, and general welfare by:

A. Avoiding and mitigating traffic congestion and adverse impacts on residential neighborhoods;

B. Providing necessary access for service and emergency vehicles;

C. Providing for safe and convenient interaction between vehicles, bicycles, pedestrians, and other modes of travel;

D. Encouraging multi-modal transportation options and enhanced pedestrian safety;

E. Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the ~~town~~Town;

F. Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and

G. Avoiding and mitigating the adverse visual impact and inefficient land use of large concentrations of exposed parking;

H. Maximizing the use of on-street parking, except along arterial thoroughfares.

~~5.8.6.~~5.5.2. Applicability

The standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability.*

~~5.8.7.~~5.5.3. Calculations

A. Generally

1. All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.

2. When measurements of the minimum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number.

[420] Mostly new, some content taken from the Belt Line parking intent statement in current Article XIX.A(V)(A)(1).

3. When measurements of the maximum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction shall be rounded down to the next lowest whole number.
4. The following types of parking spaces shall not count towards the maximum parking requirement:
   a. On-street parking spaces provided pursuant to §5.5.6.C: *On-Street Parking*;
   b. Designated accessible parking;
   c. Parking spaces intended for storage of business vehicles, such as fleet vehicles or delivery vehicles; and
   d. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.
5. Lots containing more than one use may provide parking and loading based on the shared parking calculations in §5.5.6: *Parking Alternatives*.

B. Unlisted Uses[421]

For uses not listed in §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* or 5.5.5: *Maximum Off-Street Vehicle Parking Allowed,* the Director is authorized to establish minimum and maximum parking requirements pursuant to §5.5.4.A: *Director Determination Based on Demand Study*.

~~5.8.8.~~5.5.4. Minimum Off-Street Vehicle Parking Requirement

Each development or land use subject to this section pursuant to §5.5.2: *Applicability*, shall provide at least the minimum number of off-street vehicle parking spaces required below, unless otherwise provided in this UDC.

~~**Commentary**~~
~~This new table of minimum vehicle parking requirements corresponds to the table of allowed uses presented in Part 1 (ensuring that each proposed land use type has an associated off-street parking requirement). The current minimum parking requirement for each use is listed (if one exists) in the middle column for comparison against the new proposed requirement. Some existing parking requirements include a broad range of land use types (e.g. "service, general retail"). In these cases, we used our judgment to assign a current parking standard to the proposed land use type most closely related to it. Proposed changes are indicated with footnotes. The current standards column will be removed prior to adoption. This draft includes new minimum parking standards for the Town's consideration. This draft includes a new maximum parking standard of 125 percent of the parking required, except for residential uses that have a set maximum of 2 spaces per dwelling unit.~~

~~The current code does not specify parking standards for many uses, as can be seen in the table below. We have suggested new standards for all use types for discussion purposes, based generally on Texas and national research. We heard differing feedback as to whether current standards are too high or too low. We were not overly aggressive with the suggested new minimums in this draft (knowing that the Town is very auto-dependent). The applicability section can be more aggressive in setting exemptions for areas where parking ratios may not need to be as high (e.g., mixed-use areas).~~

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Residential Uses	
Household Living	
Cottage development ~~(NEW)~~	1 space per DU
Dwelling, duplex	1 space per DU
Dwelling, fourplex	1 space per bedroom

[421] New.

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Dwelling, live/work	1 space per DU
Dwelling, multifamily	Studio: 1 space per DU[422] 1 Bedroom: 1 space per DU 2 Bedroom: 1.5 spaces per DU 3 Bedroom: 2 spaces per DU Guest parking (to be located on development site): Additional 5% of total spaces provided
Dwelling, single-family (attached)	2 space per DU Guest parking (to be located on development site): Additional 5% of total spaces provided
Dwelling, single-family (detached)	2 spaces per DU
Dwelling, triplex	1 space per bedroom
Manufactured home development (HUD-Code)	1 space per DU
Group Living	
Assisted living facility	1 space per 6~~8~~ patient beds ~~plus 0.5 per staff member~~
Continuing care facility ~~(NEW)~~	0.5 space per unit
Group care home, FHAA small	1 space per 4 persons maximum occupancy per Building code
Group care home, FHAA large	1 space per 4 persons maximum occupancy per Building code
Supportive housing, small ~~(NEW)~~	1 space per 4 persons maximum occupancy per Building code
Supportive housing, large ~~(NEW)~~	1 space per 4 persons maximum occupancy per Building code
Public, Institutional, and Civic Uses[423]	
Community and Cultural Facilities	
Club or lodge	1 space per 250 sq. ft. GFA
Day care center, adult or child	1 space per 500 sq. ft. GFA
Day care home, adult or child	1 space per non-resident employee in addition to requirements for dwelling
Funeral facility	1 space per 250 sq. ft. GFA
Library	1 space per 1,000 sq. ft. GFA
Museum	1 space per 1,000 sq. ft. GFA
Park or open space, active	Director Determination
Park or open space, passive ~~(NEW)~~	Director Determination
Place of worship	1 space per 3 seats
Police, fire, or rescue facility (public and private)	1 space per 1,000 sq. ft. GFA, plus 1 space per commercial vehicle
Educational Facilities	
School, college or university	1 space per 500 sq. ft. office, research, and library area; plus 1 space per 250 sq. ft. assembly areas and classrooms
School, public or private	Elementary or middle school: 1 space per 20 students design capacity High school: 1 space per 8 students design capacity
School, vocational or trade	1 space per 500 sq. ft. GFA

[422] Increased from 0.5 in Consolidated Draft. Added guest parking requirement.

[423] The UC-Residential, UC-Commercial, and Belt Line districts currently defer minimum parking requirements for "civic" uses to a director determination based on a parking demand analysis.

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Healthcare Facilities	
Hospital	1 space per 35 patient beds design capacity ~~plus 1 per 2 staff members~~
Medical clinic	1 space per 300 sq. ft. GFA
Commercial Uses	
Agricultural and Animal Uses	
Kennel, commercial	1 space per 1,000 sq. ft. GFA
Plant nursery or greenhouse	1 space per 500 sq. ft. GFA
Urban agriculture, noncommercial	No requirement
Veterinary hospital or clinic	1 space per 500 sq. ft. GFA
Recreation and Entertainment	
Recreation facility, indoor	Bowling or similar use: 1.5 spaces per lane Theaters, auditoriums, gymnasiums, fieldhouse, or similar use: 1 space per 4 seats Health club, fitness facility, or similar use: 1 space per 500 sq. ft. GFA Other uses: Director Determination
Recreation facility, outdoor	Theaters, auditoriums, gymnasiums, stadiums, sports fields, or similar use: 1 space per 4 seats Other uses: Director Determination
Sexually oriented business	1 space per 350 sq. ft. GFA
Food and Beverage	
Beer and Wine sales, off-premise consumption	1 space per 350 sq. ft. GFA
Brewpub, distillery, or winery	1 space per 400 sq. ft. GFA (outdoor tasting/seating area included)
Catering establishment	1 space per 1,000 sq. ft. GFA
Hookah bar ~~(NEW)~~	1 space per 400 sq. ft. GFA
Liquor sales, off-premise consumption	1 space per 400 sq. ft. GFA
Microbrewery	1 space per 400 sq. ft. GFA (outdoor tasting/seating area included)
Mobile food truck park ~~(NEW)~~	1 space per mobile food business
Restaurant	1 space per 100 sq. ft. GFA
Lodging	
Bed and breakfast	1 space per guestroom
Hotel, f~~F~~ull s~~S~~ervice	1 space per guestroom, plus 1 space per 300 sq. ft. of conference, banquet, or meeting space
Hotel, l~~L~~imited s~~S~~ervice	1 space per guestroom, plus 1 space per 300 sq. ft. of conference, banquet, or meeting space
Residence h~~H~~otel	1 space per guestroom, plus 1 space per 300 sq. ft. of conference, banquet, or meeting space
Office, Business, Professional, and Personal Services	
Bank or financial institution	1 space per 400 sq. ft. GFA
Credit access business ~~(NEW)~~	1 space per 400 sq. ft. GFA
Laundromat, self-service	1 space per 400 sq. ft. GFA

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Office	1 space per 400 sq. ft. GFA
Personal services	1 space per 400 sq. ft. GFA
Retail Sales	
Building supply store ~~(NEW)~~	1 per 400 sq. ft. GFA
Pawn shop	1 per 400 sq. ft. GFA
Retail sales, less than 15,000 sq. ft. GFA	1 per 400 sq. ft. GFA
Retail sales, 15,000 to 50,000 sq. ft. GFA	1 per 400 sq. ft. GFA
Retail sales, more than 50,000 sq. ft. GFA	1 per 400 sq. ft. GFA
Transportation, Vehicles, and Equipment	
Equipment sales or rental ~~(NEW)~~	Indoor: 1 space per 500 sq. ft. GFA Outdoor: 1 space per 1,000 sq. ft.
Fleet services	1 space per 1,000 sq. ft. GFA, plus 1 space per commercial fleet vehicle
Parking facility, private	No Requirement
Parking facility, public	No Requirement
Transit terminal or station	No Requirement
Vehicle fuel station	1 space per 400 sq. ft. GFA
Vehicle repair, major ~~(NEW)~~	1 space per 400 sq. ft. of indoor office area, plus 1 space per service bay
Vehicle repair, minor	1 space per 400 sq. ft. of indoor sales/office area, plus 1 space per service bay
Vehicle sales or leasing	1 space per 400 sq. ft. of indoor sales/leasing/office area, plus 1 space per service bay
Vehicle wash	1 space per 400 sq. ft. of indoor sales/office area
Industrial Uses[424]	
Aviation	
Airport, public-owned	Director Determination
Manufacturing and Processing	
Commercial laundry facility	1 space per 1,000 sq. ft. GFA
Data center ~~(NEW)~~	1 space per 1,000 sq. ft. GFA
Food production or processing	1 space per 1,000 sq. ft. production area; plus 1 space per 300 sq. ft. indoor seating/tasting area; plus 500 sq. ft. outdoor seating/tasting area
Manufacturing, artisan ~~(NEW)~~	1 space per 500 sq. ft. GFA
Manufacturing, low-impact	1 space per 1,000 sq. ft. GFA
Resource or mineral extraction	Director Determination
Storage and Warehousing	
Contractor's office ~~(NEW)~~	1 space per 500 sq. ft. office area
Storage, self-service	1 space per 500 sq. ft. office area, plus 1 space per 30 storage units
Storage, outdoor	1 space per 500 sq. ft. office area

[424] "Manufacturing, industrial and processing establishments, repair shops, warehouses, storage buildings, lumber and supply yards" -1, I-2, I-3: 1 per 5 employees on duty at a time. Where number of employees is indeterminate, 1 per 1,000 sq. ft. floor area

Table 5.5-1: Minimum Vehicle Parking Requirements

DU = dwelling unit **sq. ft.** = square feet **GFA** = gross floor area

Use	Minimum Vehicle Parking Spaces Required
Warehouse or wholesale facility ~~(NEW)~~	1 space per 1,000 sq. ft. GFA
Utilities and Communication Uses	
Public utility, major	No Requirement
Public utility, minor	No Requirement
Satellite earth station	No Requirement
Solar energy system	No Requirement
Wind energy system, more than 100 kW	No Requirement
Wind energy system, less than 100 kW	No Requirement
Wireless cCommunication facility	No Requirement
Accessory Uses	
Alcohol sales, on-premise consumption	Based on primary use
Caretaker's quarters	1 space
Drive-through ~~(NEW)~~	Based on primary use
Donation box ~~(NEW)~~	No Requirement
Dwelling, accessory (ADU) ~~(NEW)~~	1 space
Event space	1 space per 1,000 sq. ft. GFA
Home occupation	1 space per non-resident employee in addition to requirements for dwelling
Valet parking service ~~(NEW)~~	Based on primary use
Temporary Uses	
Construction support activities	For all uses: As determined by Temporary Use Permit
Mobile food truck	
Outdoor retail and display	
Portable storage structure	
Real estate sales or model home	
Seasonal sales	
Special event ~~(NEW)~~	

A. Director Determination Based on Demand Study[425]

Uses in §5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, that reference this section have varied parking and loading demands, making it difficult to specify a single standard for off-street parking or loading requirements. With an application for a use that is subject to this section, the Director shall apply the off-street parking and loading standards on the basis of a demand study prepared by the applicant. Such study shall estimate the parking and loading demand based on recommendations of the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

[425] New.

B. Unlisted Uses[426]

For uses not listed in 5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, the Director is authorized to:

1. Apply the minimum off-street parking space requirement specified in §5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, for the listed use that is deemed most similar to the proposed use; or
2. Establish the minimum off-street parking space requirement by reference to standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE), or other acceptable sources of parking data; or
3. Establish the minimum off-street parking space requirement based on local or national best practices; or
4. Establish the minimum off-street parking space requirement based on a demand study prepared by the applicant. Such a study shall be prepared according to §5.5.4.A: *Director Determination Based on Demand Study*.

C. Accessible Parking[427]

All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. Ann. §9102 (Vernon Supp 2000.), the International Building Code (IBC) as adopted in the Code of Ordinances, and the American with Disabilities Act (ADA), as amended.

D. Garages[428]

Off-street parking spaces within garages shall not contribute to the minimum off-street vehicle parking requirement if they are converted into storage or living space.

~~5.8.9.~~5.5.5. Maximum Off-Street Vehicle Parking Allowed

~~**Commentary:**~~

~~We proposed maximum parking standards to reduce stormwater runoff and minimize negative impacts associated with large expanses of vacant parking areas. Rather than propose a maximum standard for each use type, we established a maximum percentage threshold above the minimum parking requirements (no more than 125 percent of the minimum parking required).~~

~~An alternative approached used in some codes is not to flat-out prohibit excess parking, but to say that any parking provided over a certain amount must be surfaced with permeable pavers, or feature additional landscaping, or provide some other benefit to minimize the environmental impacts of the extra pavement.~~

~~D.~~A. Nonresidential Uses

In no case shall any nonresidential use provide more than 125 percent of the minimum number of off-street parking spaces required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement*, unless otherwise provided in this UDC.

~~E.~~B. Change of Use[429]

Any development that exceeds the maximum parking requirements as a result of a change in use shall not add additional spaces, but is not required to remove previously constructed parking spaces.

426 New.
427 New.
428 New.
429 New in Consolidated Draft.

~~5.8.10.~~5.5.6. Parking Alternatives

The Director may approve parking alternatives that result in a cumulative adjustment not to exceed 25 percent of the minimum or maximum vehicle parking spaces required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* and §5.5.5: *Maximum Off-Street Vehicle Parking Allowed*, in accordance with the following standards.

A. Shared Parking Facilities[430]

1. When reviewing a shared parking proposal, the Director shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to §5.5.6.B through §5.5.6.D below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the Development and Neighborhood Services Department.
2. Where a minimum number of parking spaces is required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement,* the owners of two or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request, the Director may authorize the shared use of parking facilities subject to the following:
   a. Any property using shared parking facilities shall be located within 500 feet of such parking facility, using established sidewalks and crosswalks that meet current standards of the Master Transportation Plan and further the intent of the City-wide Trails Master Plan and Comprehensive Plan.
   b. The parking for the specific uses occurs at alternating time periods, as determined by a parking demand study pursuant to §5.5.4.A: *Director Determination Based on Demand Study*.
3. Required parking shall be determined based on parking demand for the peak parking period.
4. The owners of record involved in the joint use of shared parking facilities shall submit a Parking Management Agreement in accordance with §2.8.1.

B. Proximity to Transit

Except for single-family detached dwelling uses, the minimum vehicle parking required for development within one-quarter mile, measured radially in a straight line, of a fixed transit station, such as a commuter or light rail stop, may be reduced from those required by §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* by 20 percent.

C. On-Street Parking[431]

Any on-street vehicle parking may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following:

1. On-street parking may not be used to meet the minimum vehicle parking requirements for single-family detached and duplex dwellings;[432]
2. On-street parking along an arterial street as classified in the Master Transportation Plan shall not be used to meet any minimum vehicle parking requirements for any use;[433]
3. Only those street parking spaces abutting any lot line of the subject property, and with over one-half the length of a parking space located between the imaginary extension of the side property lines into the street right-of-way, may be counted.
4. Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot;

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430 New unless otherwise noted.

431 New standards. This replaces the current UC-Residential and UC-Commercial subdistrict standards allowing on-street parking within 300 feet of a nonresidential use to be credited toward the minimum parking requirement.

432 Revised from "residential uses" in Consolidated Draft.

433 New standard based on the Belt Line parking intent statement in current Article XIX.A(V)(A)(1)d. that limits on-street parking on major thoroughfares and supports the Addison Master Transportation's goals to improve traffic safety by eliminating potential vehicular and pedestrian conflict.

5. On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted; and
6. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by Town action and the remaining off-street vehicle parking does not meet the minimum vehicle parking requirements of this section.

D. Parking Demand Study

1. If an applicant submits a parking demand study pursuant to §5.5.4.A: *Director Determination Based on Demand Study*, demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be less or more than that calculated from §5.5.4: *Minimum Off-Street Vehicle Parking Requirement* or §5.5.5: *Maximum Off-Street Vehicle Parking Allowed*, and the Director determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses, the Director may authorize a reduction or increase in required off-street vehicle parking spaces based on that study.
2. The Director may require any parking spaces that have been approved to exceed the maximum off-street vehicle requirements be constructed using permeable materials such as pavers, permeable asphalt, or concrete.

~~5.8.11.~~5.5.7. Vehicle Parking Layout and Design

A. At-Grade Parking Standards[434]

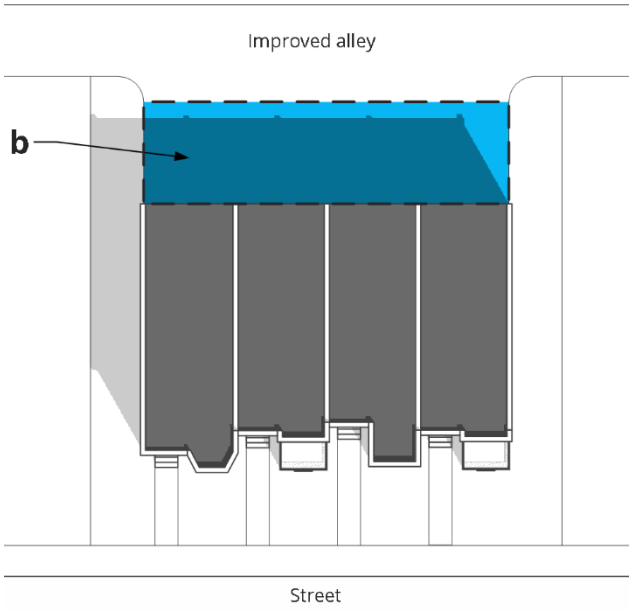
1. Single-Family, Duplex, Triplex, Fourplex, and Manufactured Home Dwellings

a. Vehicle parking for single-family detached, single-family attached, duplex, triplex, fourplex, and manufactured home dwelling uses shall only be allowed in a garage or on an approved surface. All other off-street vehicle parking within a required front setback area shall be prohibited.

b. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. The required parking area shall directly access the alley. Determinations of whether an alley allows for safe access shall be made by the Director.

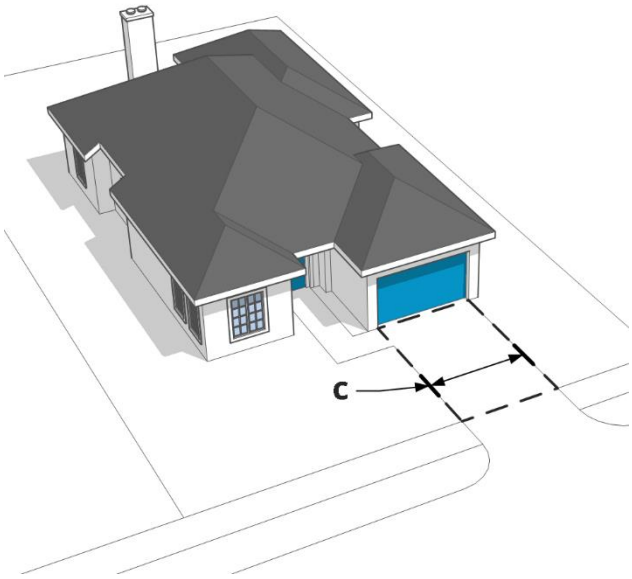
[434] Did not carry forward standard in MXR allowing parking in a parking plaza to satisfy minimum parking requirements for townhouse-condominium (multifamily) uses. Largely from current Sec. 78-179, relocated screening requirements to the screening and buffering section of the UDC.

Figure 5-45-4: Parking Area Accessed by Improved Alley



c. Where vehicle parking is permitted within the front setback area, the width of the driveway between the front building façade and the street shall not exceed the width of the garage door of an attached garage or 22 feet where there is no attached garage.[435]

Figure 5-55-5: Driveway Width Requirement



[435] Replaces current requirement limiting driveway or improved parking surface coverage to 67 percent of the residential front yard. This new standard is clearer and achieves the same intent without assigning a seemingly arbitrary percentage maximum.

2. All Other Uses[436]

Vehicle parking areas located between the front building façade and the adjacent street frontage is prohibited, unless the subject property satisfies all of the following standards:

a. It is not located within the M-1, M-2, and M-3 zoning districts;

b. It adjoins either side of an arterial street, as defined in the ~~Addison~~ Master Transportation Plan;

c. Development with 100 or fewer off-street vehicle parking spaces shall be limited to no more than two rows of vehicle parking or 80 feet, whichever is less, between the front building façade and the adjacent street frontage;

d. Development with 100 or more off-street vehicle parking spaces shall be limited to no more than four rows of parking or 160 feet, whichever is less, between the front building façade and the adjacent street frontage; and

e. Vehicle parking areas shall be setback a minimum of 10 feet from the adjacent right-of-way and shall satisfy the landscape and screening requirements established in §5.6.4.D: *Parking Area Landscaping.*

B. Below-Grade Parking Standards[437]

1. Below-grade vehicle parking shall be constructed in accordance with §5.3: *Floods*.

2. Below-grade vehicle parking is permitted to property lines; but shall be designed to satisfy the landscape requirements established in §5.6: *Landscaping, Buffering, and Fences*.

C. Structured Parking Standards

1. Location[438]

a. Parking structures shall be located an additional 10 feet beyond the minimum setbacks required in the district to allow for additional landscape screening.[439]

b. Parking structures shall not be located between the front building façade and the adjacent street frontage.

c. Parking structures are not required to meet minimum building height requirements, where applicable.[440]

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436 This new standard carries forward several concepts from the current regulations for the Beltline, MXR, and UC-Residential zoning districts. The Beltline district currently requires all surface parking to be located behind buildings which face on a street or public open space and accessed by an alley or short driveway between buildings. Exceptions for some areas (not defined in code) along Belt Line Road and Arapaho Road, or by approval of a major waiver. The MXR zoning district currently requires that all surface parking areas for townhouse-condominium (multifamily) uses be located at the rear of the lot, except when fronting on a thoroughfare (i.e., arterial street). This draft prohibits surface parking between the front building façade and a street in all mixed-use districts. Properties not zoned in a mixed-use district that are located along arterial streets may have front parking areas, subject to qualifying standards. The MXR zoning district currently allows at-grade parking along thoroughfares between 30 and 60 feet from the right-of-way line. The Belt Line and UC-Residential zoning districts require a minimum 10-foot setback from the right-of-way line, subject to landscaping and screening standards. This draft applies those standards more broadly.

437 The current MXR, UC-Residential, UC-Commercial, and Belt Line zoning districts allow below-grade parking to the lot lines, so long as landscaping standards are satisfied. This draft broadens the applicability of this standard town-wide. Revised standard from the Belt Line zoning district requiring that below-grade parking not be visible from the public right-of-way rather than from a sidewalk.

438 Standards taken from current language regulating parking structures in the UC-Residential, UC-Commercial, MXR, and Belt Line zoning districts. The Belt Line district requires parking structures to be a minimum of 50 feet from the adjacent street and lined with buildings occupied by a non-parking use. The MXR district requires structured parking to be located at the rear of the lot and screened from the street by the building.

439 New.

440 New.

2. Exterior Design[441]

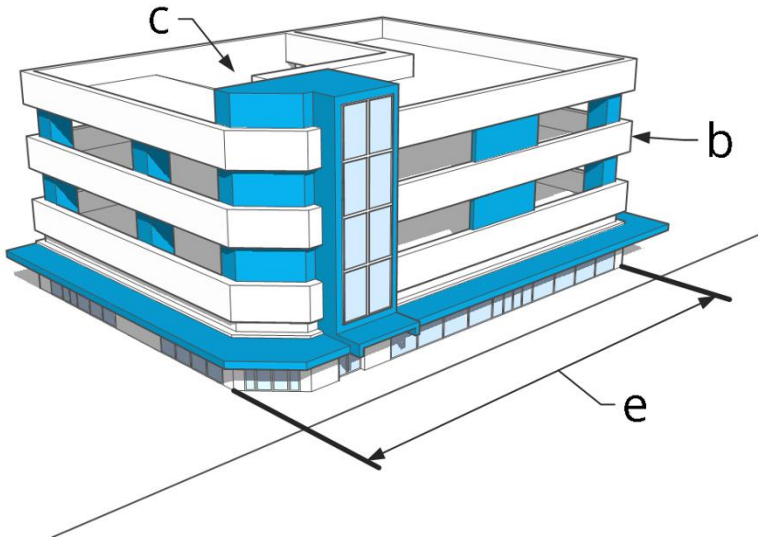
a. Parking structures that have frontage on public streets shall comply with the building design standards established in §5.7.5: *Parking Structure Design*.

b. Ramps shall not be expressed on the facades of parking structures fronting, or visible from, public streets.[442]

c. Steel parking garages and steel guard cables on garage facades are prohibited.[443]

d. The maximum frontage of parking structures along any one block face shall be limited to 250 feet.[444] If additional frontage is requested, the ground floor of the structure shall include retail, commercial, or other active ground floor uses.[445]

Figure 5-6~~5-6~~: Structured Parking Design



D. Dimensions of Parking Spaces and Drive Aisles[446]

All off-street parking and maneuvering areas shall be constructed according to the following dimensional standards:

1. All dead-end parking aisles shall terminate with a five foot bump-out[447] for turnaround maneuverability, unless required to connect to another drive aisle or other form of additional turnaround for fire lane purposes.[448]

2. Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed to allow vehicles to enter and exit in forward drive.

3. Parking spaces and drive aisles shall comply with the following dimensional standards. The letters (A through D) in Figure 4.10 correspond with the dimensions (in feet) in the table below:

441 The current UC-Residential, UC-Commercial, and Belt Line districts require compliance with respective exterior materials requirements. Belt Line requires compliance for any parking structure fronting a public street, UC-Commercial requires compliance for structures fronting on Spectrum Drive and Addison Circle, UC-Residential requires compliance for structures fronting Addison Circle.
442 Currently applicable in the Belt Line, UC-Residential, and UC-Commercial districts.
443 Currently applicable in the Belt Line, UC-Residential, and UC-Commercial districts. The Belt Line allows modifications through approval of a major waiver process.
444 Currently only applicable along Spectrum Drive and Addison Circle within the UC-Commercial subdistrict.
445 Second sentence is new in Consolidated Draft.
446 New. These dimensional standards reflect current trends in allowing smaller parking conventional parking spaces to reduce pervious surface and to increase overall development efficiency.
447 Five-foot specification added in Consolidated Draft.
448 Second clause is new in Consolidated Draft.

Figure 5-7~~5-7~~: Parking Space and Drive Aisle Dimensions

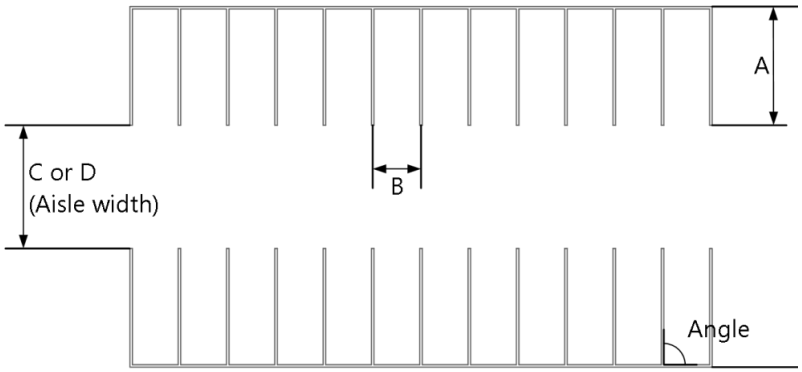


Table 5.5-2: Parking Space and Drive Aisle Dimensions

*Dimensions shown in feet

	Parking Space		One-Way Aisle	Two-Way Aisle
Angle	**A**	**B**	**C [2]**	**D**
0° (parallel)	8.0	22.5 [1]	12.0	20.0
30°	18.5	9	12.0	20.0
45°	18.5	9	12.0	20.0
60°	18.5	9	16.0	20.0
90°	18.5	9	20.0	20.0

Notes:
[1] End spaces may be a minimum of 20 feet in length where no obstruction exists.
[2] Fire lanes shall be a minimum of 24 feet in width.

4. The final decision-making body may approve alternative standards based on a professionally recognized source of parking lot design, pursuant to the Minor Modification process outlined in §2.10.3: *Minor Modification.*

E. Stormwater Drainage[449]

1. Parking lots shall be constructed such that all surface water is directed into an approved landscape bumpout, island, or endcap containing one or more approved Best Management Practices (BMPs) in accordance with the Drainage Criteria Manual. A stormwater professional with PE or LEED certification for environmental design shall design all BMPs or other Low Impact Design (LID) systems.

2. Water draining from a parking lot shall not flow across a sidewalk.

3. Stormwater drainage plans for off-street vehicle parking areas shall be reviewed and approved by the Town.

4. For all new parking lots containing 10 or more spaces, the following best management practices shall be used to improve stormwater infiltration and water quality:

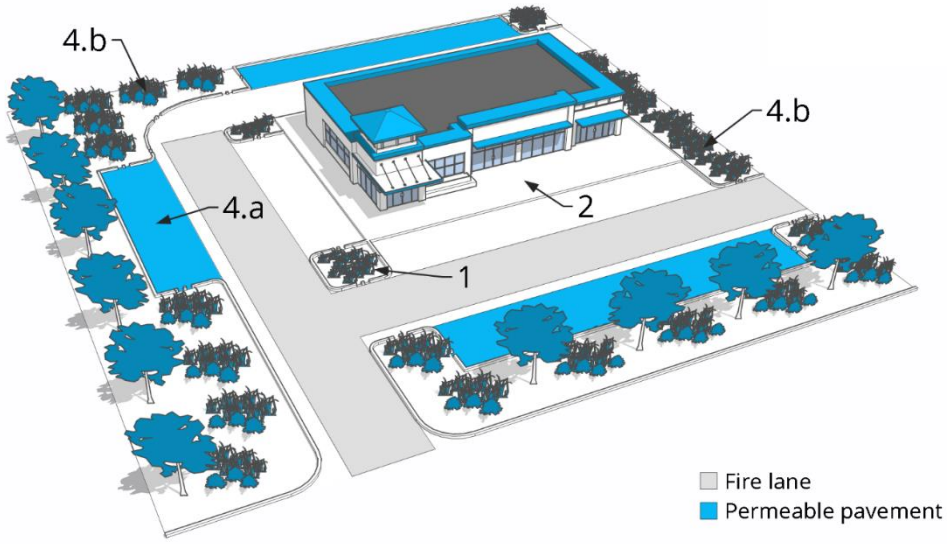
a. Permeable pavement materials shall be installed in non-fire lane areas covering at least 25 percent of the total parking lot area; or

b. Treatments such as culvert outfalls, bioretention basins, or vegetated swales designed to the specifications of the Public Works and Engineering Department shall be installed; or

[449] New. These standards are intended to provide improve stormwater quality and to minimize impacts to public infrastructure.

c. Other combinations of best management practices for stormwater infiltration and water quality subject to approval by the Development and Neighborhood Services and Public Works and Engineering Departments as outlined in the Drainage Criteria Manual.

Figure 5-8~~5-8~~: Parking Area Stormwater Drainage Standards



F. Surface Material

1. Except as stated in §5.5.7.E: *Stormwater Drainage*, or an exception is provided elsewhere in this UDC, all areas used for vehicle parking shall be an improved surface of concrete, asphalt, brick pavers, or other approved material.

2. All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with concrete. All driveway aprons shall be designed in accordance with Public Works and Engineering Department standards.

3. Areas using permeable parking pavers shall receive relief from impervious surface calculations in accordance with Public Works and Engineering Department standards.

4. Except for single-family attached, single-family detached, duplex, triplex, fourplex, manufactured home dwelling uses, and display areas for vehicle sales and rental uses, all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.[450]

5. All driving lanes and parking aisles in vehicle parking lots shall be curbed, unless an alternative design allowing for adequate stormwater management is approved.

G. Electric Vehicle Charging[451]

Parking areas with 4~~5~~0 or more vehicle parking spaces shall provide a minimum of one vehicle parking space dedicated to electric vehicles for every 25 vehicle parking spaces provided on site. Electric vehicle parking spaces shall count toward the minimum required number of vehicle parking spaces, but shall not count toward the maximum allowed. The electric vehicle parking space shall be:

1. Located on the same lot as the principal use;

2. Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and

3. Outfitted with an electric vehicle charging station as approved by the Director.

[450] Did not carry forward requirement in Belt Line district requiring public, customer, and visitor parking to be clearly signed. This is a private land managing concern and would be difficult to enforce and track.

[451] New.

H. Parking Area Landscaping

All development shall comply with §5.6.4.D: *Parking Area Landscaping*.

I. Parking Area Lighting

All development shall comply with §5.8.5.E: *Surface Parking Area Lighting*.

J. Pedestrian and Bicycle Circulation

All development shall comply with §5.4.7: *Pedestrian Circulation* and §5.4.8: *Bicycle Circulation*.

~~5.8.12.~~5.5.8. Vehicle Loading Areas

A. Number and Size of Loading Berths Required[452]

1. The Director may approve a variation from the required loading berth requirements if warranted by the building use.
2. The number and size of loading berths shall be provided pursuant to the table below:

Table 5.5-3: Minimum Loading Requirements

Use Category	Number of Loading Berths	Loading Berth Dimensions (ft)		
		Length	Width	Height
Office, Lodging, Personal Services, and Retail	1 per 50,000 sq ft of gross floor area, up to a maximum requirement of 3	25	10	14
Other Nonresidential Uses	1 per 50,000 sq ft of gross floor area, up to a maximum requirement of 2	25	10	14

B. Design and Use of Service and Loading Areas

1. Location[453]

a. Required off-street loading spaces shall not be permitted between the primary building façade and the street.

b. Streets or rights-of-way shall not be used for loading and unloading purposes, unless otherwise authorized in this UDC.

c. Alleys may be used for loading or unloading materials or merchandise for periods not to exceed 30 consecutive minutes so long as sufficient width of the roadway is available for free movement of vehicular traffic access to abutting property is maintained.

d. Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided or on the lot adjacent to a private alley or private service drive.

e. Delivery vehicles parked in a loading area shall not encroach into required parking spaces or required building setbacks.

f. Delivery vehicles loading or unloading materials shall not block required on-site access and circulation routes or fire lanes.

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[452] Replaces current standards – LR and C-2 zoning districts require retail and service buildings to provide loading/unloading space (no specific number or size requirement). C-1 zoning district references location and screening standards, but no specific number or size requirement. I-1 zoning district requires all business uses to provide loading/unloading areas and requires minimum 10-foot by 25-foot stall for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 square feet used for retail, storage, or service purposes. This draft proposes revised standards reducing the overall number of loading berths required. Many deliveries today occur multiple times during the day and by smaller vehicles.

[453] Standards carried forward and reworded for clarity and consistency.

2. Maneuvering

Loading areas shall be designed to provide for delivery vehicle backing and maneuvering on-site and not from or within a public right-of-way, unless otherwise authorized by this UDC.

3. Screening

Service and loading areas visible from a Residential zoning district or a public right-of-way shall be screened pursuant to §5.6.9.E: *Off-Street Loading Spaces.*

~~5.8.13.~~5.5.9. Drive-Through Facilities[454]

A. Number of Stacking Spaces Required

1. The Director may approve a variation from the required stacking requirements if warranted by the building use. The Director may require a stacking study for uses expected to generate higher than normal queuing.
2. All drive-through facilities shall provide at least the number of on-site stacking spaces required by the table below.

Table 5.5-4: Minimum Stacking Requirements

Use	Number of Stacking Spaces
Bank or financial institution or Automated Teller Machine (ATM)	2 per drive-through lane
Other uses with drive-through facilities	3 per drive-through lane
Personal services	3 per drive-through lane
Restaurant	6 per drive-through lane
Retail sales	3 per drive-through lane
Vehicle fuel station	1 per fuel pump
Vehicle wash	2 per washing bay

B. Location and Design of Drive-Through Facilities

1. Each stacking space shall be 20 feet in length unless otherwise approved by the Director. Required stacking distances shall be measured from the end of the queuing lane or property line to the first point of service.
2. Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces or areas, or internal circulation routes.
3. Drive-through service windows and speakers shall be oriented away from pedestrian areas, Residential zoning districts, and public streets to the maximum extent practicable.
4. Audible electronic devices such as loudspeakers, vehicle service order devices, and similar instruments shall not be audible beyond the property line within any Residential zoning district.

~~5.8.14.~~5.5.10. Bicycle Parking[455]

A. Purpose[456]

Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.

[454] New.
[455] New, unless otherwise noted.
[456] Carried forward from current Belt Line zoning district standards, now applicable Town-wide.

B. Applicability[457]

The following standards shall apply to all principal uses except for single-family attached, single-family detached, duplex, triplex, fourplex, cottage development, and manufactured home development residential uses.

C. Required Bicycle Parking[458]

1. Generally

Development subject to this section shall provide a minimum of six short- or long-term bicycle parking spaces or the number of bicycle parking spaces required in the table below, whichever is more. Short-term bicycle parking spaces are those that are typically used for 2 hours or less.

Table 5.5-5: Minimum Bicycle Parking Requirements

Use	All Other Zoning Districts	Mixed-Use Zoning Districts
Residential uses	10%	20%
Public, Institutional, and Civic Uses	5%	15%
Commercial Uses	5%	10%
Industrial Uses	2%	5%

Notes:
Percentages are based on the total number of vehicle parking spaces required on-site or in a permitted off-site location to serve the principal use(s).

2. Mixed-Use Developments

In all zoning districts, developments with both nonresidential and residential uses shall provide the cumulative required number of bicycle parking spaces as calculated for the respective nonresidential and residential requirements.

3. Building Expansions or Changes of Use

Building expansions or changes of use that require additional vehicle parking spaces pursuant to §5.5.2: *Applicability*, shall also provide additional bicycle parking spaces based on the percentages in the table above, applied to the building expansion area or the additional parking required by the change of use.

4. Existing Public Bicycle Parking Spaces

Permanent bicycle parking spaces available for public use, such as Town installed bicycle racks or bike corrals that exist at the time of development, expansion, or change of use, and are located within 100 feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.

5. Bicycle Parking Reduction

Subject to the approval of the Director, the number of bicycle parking spaces may be reduced if:

a. Unique or unusual characteristics exist on a development site such as topography, size, or relation to a public street that would preclude safe travel of bicycles to and from the site; or

457 Carried forward from current Belt Line zoning district standards, now applicable Town-wide.

458 Currently a minimum of one bicycle parking space per 10 required vehicle parking spaces. This approach tailors bicycle parking requirements based on land use and development context and will likely result in more bicycle parking overall. New standard also requires that any use subject to bicycle parking requirements provide a minimum of six spaces (regardless of how many vehicle parking spaces are provided). All other proposed standards are new.

b. Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on-site.

D. Bicycle Parking Layout and Design[459]

1. Bicycle parking spaces shall not be located fully or partially within a public right-of-way without prior approval of the Town.
2. Required bicycle parking spaces shall be designed to allow bicycles to be secured with a lock to a fixed object and shall comply with the rack types and standards established in the Administrative Manual.[460]
3. Short-term bicycle parking shall be located within 100 feet of the main entrance of each principal building on site and shall not be located farther than the closest motor vehicle parking space, excluding accessible vehicle parking spaces.
4. Bicycle parking spaces must be at least six feet long, two feet wide, and provide a minimum of seven feet of overhead clearance.
5. A five-foot aisle for bicycle maneuvering shall be maintained beside or between each row of bicycle parking.
6. Areas designated for bicycle parking shall be clearly marked and reserved for bicycle parking only.

~~5.8.15.~~5.5.11. Use of Parking Areas

A. Exclusive Use

1. Unless a shared parking agreement has been established in accordance with §5.5.6.A: *Shared Parking Facilities*, required vehicle and bicycle parking spaces shall be designed, maintained, and used exclusively for the tenants, occupants, and patrons of the buildings or uses on the site.
2. Excess or unused vehicle or bicycle parking spaces or loading areas may not be rented or leased to the general public or to those who are not tenants, occupants, or patrons of the buildings or uses where the parking is located unless:
   a. Otherwise allowed under the shared parking standards pursuant to §5.5.6.A: *Shared Parking Facilities*; or
   b. A parking facility is listed as a permitted or special use in the zoning district where the parking lot or parking garage is located pursuant to §4.2.7: *Table of Allowed Uses*.

B. Storage of Vehicles or Equipment

Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.

C. Vehicles and Trailers

Except for uses where vehicle repair is authorized, the parking of vehicles or trailers of any type without current state registration or in an inoperable condition shall be prohibited for periods in excess of 30 days, unless such vehicle or trailer is completely enclosed within a building.

D. Storage, Occupancy, or Similar Uses

Vehicles, campers, or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.

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459 Current standard allows bicycle parking to be located in the right-of-way with a minor waiver. Did not carry forward standards requiring 50 percent of bicycle parking spaces to be covered if covered vehicle parking is provided on site. Did not carry forward standard requiring signage if bicycle parking is not visible from the street.

460 Detailed street furniture and lighting specifications in the Belt Line District Engineering and Landscape Standards relocated to the Administrative Manual.

E. Overnight Parking[461]

Overnight parking of any truck-tractor, road-tractor, semitrailer, bus, truck, or trailer with more than three-quarter ton rated capacity between the hours of 12:00 a.m. and 6:00 a.m. shall be prohibited within the R-1, R-2, R-3, A, and PD-TH zoning districts.

~~5.8.16.~~5.5.12. Maintenance

All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of the adjoining property. Driveways and improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks, spalling, or other failures that may affect the use, drainage from the property, drainage on adjoining property or the longevity of the material.[462]

~~5.9~~5.6 Landscaping, Buffering, and Fences

~~**Commentary**~~
~~This section is built on a consolidation of multiple landscaping sections from throughout the current ordinances, primarily Chapter 34 (Environment), Article VI: Landscaping Regulations; Chapter 18, Article X: Fences; and various landscaping-related provisions found in the current zoning district standards. Many specific edits are noted to introduce new flexibility, to clarify requirements, and to raise the bar for landscape design quality generally. Buffering and fencing standards are enhanced.~~

~~5.9.3.~~5.6.1. Purpose[463]

The intent of this section is, through the preservation, protection, maintenance, and planting of trees and other plant materials, to:

A. Provide visual buffering and enhance the visual appeal of the ~~town~~Town;

B. Realize the environmental benefits of landscaping such as: storm water retention; recharging groundwater; retaining soil moisture; preventing erosion; providing bird and wildlife habitat; and mitigating air quality, water pollution, dust, noise, heat, and glare;

C. Conserve water resources by using sustainable design and maintenance techniques and native and/or adapted plant species that are low water-use and regionally appropriate;

D. Provide screening to minimize the visual impacts of some types of facilities, structures, and equipment;

E. Establish an attractive streetscape that contributes to the character and appearance of the ~~town~~Town; and

F. Improve the appearance of development to protect and enhance public and private investments and property values.

~~5.9.4.~~5.6.2. Applicability[464]

A. Generally

Unless otherwise exempted by §5.6.2.B below, the standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability*.

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461 Replaces current Sec. 78-175, reworded for clarity and simplicity. Did not include exemption for the "expeditious unloading and loading of passengers, freight, or merchandise."

462 From current Sec. 18-132.

463 Combination of current 34-3, 34-201, and new suggested language.

464 Based on but updates current 34-203. The current code's applicability provisions appear to be more complex than necessary. They both identify specific districts within which the landscaping standards apply, and also types of projects. This proposed new section simply states that standards apply throughout the city (with some exceptions) and then states the types of projects that must demonstrate compliance with landscaping standards.

B. Exemptions

Properties containing only single-family detached and/or duplex uses where only one such structure is constructed are exempt from all parts of this section except for the following:

1. §5.6.6.D: *Application to Residential Districts*; and
2. §5.6.8: *Buffering*.

C. Establishment and Modification of Planned Development Districts and Special Use Permits

1. The City Council shall, at a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this section as a part of any ordinance establishing or amending a planned development district, or amending a Special Use Permit.
2. All landscaping requirements imposed by the City Council shall be reflected in landscape plans that comply in form and content with the requirements of §5.6.3.

D. Special Exceptions to Landscaping Requirements

The Board of Zoning Adjustments may grant a special exception to the landscaping requirements of this section upon making a special finding from the evidence presented that strict compliance with the requirements of this section will result in substantial financial hardship to the applicant (as defined in TLGC Chapter 211.09) without sufficient corresponding benefit to the Town and its residents in accomplishing the objectives and purposes of this section. To be considered for special exception, the applicant shall submit a justification statement that describes which of the requirements set forth in this section will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance.

~~5.9.5.~~5.6.3. Landscape Plans[465]

A. Submittal[466]

Landscape plans that meet the requirements established in the Administrate Manual shall be submitted with applications for Site Plan Review or as part of Building Permit applications if Site Plan Review is not required.

B. Certificate of Occupancy[467]

It shall be unlawful to issue an occupancy permit prior to the approval and complete installation of the landscape plans pursuant to §5.6.11: *Installation and Maintenance*.

C. Evaluation of Landscape Plans[468]

The Director of Parks and Recreation shall review each landscape plan to determine whether it complies with the requirements of this section, including the landscape design standards in §5.6.5: *General Landscape Standards and Specifications.* The following considerations shall be used to evaluate proposed plans:

1. The landscape design should have proportion, balance, unity, variety of species, and a variety of color through the seasons.
2. Landscape designs should define spaces including entrance areas, pedestrian paths, vehicular avenues, parking areas, sitting areas, etc.
3. As an architectural feature, landscape designs should visually soften the mass of the buildings, parking areas, and other structures.

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465 Replaces and updates current 34-204.
466 Integrates parts of current 34-204 and 34-206.
467 Current 34-213.
468 Builds on current 34-201.

4. Native or adapted Texas Smartscape or Xeriscape landscape materials or those materials on the Pre-Approved Plant List in the Administrative Manual should be selected.[469]
5. Landscaping should use best management practices that reduce the reliance on irrigation, thus conserving the public water supply, and reduce the reliance on inorganic fertilizer and pesticides; thus reducing the amounts carried off by runoff to lakes and streams.

~~5.9.6.~~5.6.4. Minimum Landscaping Required[470]

A. General[471]

1. Trees and other plant material shall be provided according to this section.
2. Existing landscaping may be used to satisfy the landscaping requirements of this section.
3. Where fractional number results, the number of trees, shrubs, or perennials shall be rounded to the next highest whole number.

B. Minimum Landscaped Area

In the districts listed in the following table, a minimum percentage of the gross site shall be maintained as landscaped area meeting the standards of §5.6.5: *General Landscape Standards and Specifications*. All required screening, parking perimeter, and interior parking landscaping shall count toward this minimum landscaped area requirement. This shall include front, side, and rear landscaping abutting the building foundation.

Table 5.6-1: Minimum Landscaped Area Requirements

District	Minimum Landscaped Area
R-1 and R-2 Residential	N/A
A – Apartment	20%
R-3 Residential	
M-1 Mixed-use Neighborhood	10%
M-2 Mixed-Use Suburban Corridor	
M-3 Mixed-Use Urban Corridor	
M-4 Mixed-Use Center	
CL Commercial Limited	20%
CG Commercial General	
Planned Development Districts (all)	
Special Use Permits (any district)	
M-4 Mixed-Use Center	15%
LI Light Industrial	10%
AA Addison Airport	

469 Reference to xeriscape materials is new in Consolidated Draft.
470 Based on current 34-207 with a new title and updates as noted. Some provisions from 207 relocated into the Landscaping Standards section.
471 New.

C. Street Landscape Buffer[472]

1. Mixed-Use Districts

The following standards apply in the mixed-use zoning districts:

a. Streetscape Standards

i. ~~S~~Location-specific streetscape standards may apply as determined by the Director of Parks and Recreation and are established in the Administrative Manual ~~treetscape standards for the Belt Line District, as defined in Ordinance No. 006-024 are established in the Administrative Manual~~[473] for both residential and nonresidential ground-level frontages. Nonresidential ground-floor frontages shall not be required to provide additional landscaping beyond that required in the Administrative Manual.[474]

ii. Where on-street parking is adjacent to landscaping, a 1.5-foot dismount strip shall be provided behind the curb to facilitate passengers exiting from parked cars.

iii. Residential ground-floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for this area is limited to ground cover and low shrubs.

iv. Any bicycle parking in the public right-of-way should be located within the band created by street trees and pedestrian streetlights; however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

Figure 5-9~~5-9~~: Mixed-Use District Streetscape Standards

b. Plant Material

Front yards shall be landscaped except at building entries, seating areas, and adjacent to commercial uses, where the front yard may be paved. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, turf, and seasonal color.

[472] The streetscape landscaping is one of the areas where the code should draw a distinction between more urban development patterns versus more suburban. This draft does that by carrying forward the UC and Belt Line standards for the mixed-use districts.
[473] Replaced reference to Belt Line District Engineering and Landscape Standards.
[474] Replaced reference to Belt Line District Engineering and Landscape Standards.

c. Street Trees[475]

Street trees shall be provided in accordance with the following:

i. Each street shall have street trees planted at uniform spacing of 50 feet on center, commencing 40 feet from the face of curb of intersecting streets. Street trees may be clustered or strategically spaced if needed to provide adequate room for underground utility lines or to ensure proper view corridors for commercial tenants as long as the minimum required number of trees is provided.[476]

ii. Typically, street trees shall be planted two and one-half feet from back of curb, except on side streets, where trees shall be placed eight and one-half feet from back of curb.

iii. Street trees shall be large shade tree species having a minimum caliper of four inches selected in accordance with the Pre-Approved Plant List in the Administrative Manual. The Director of Parks and Recreation may allow the substitution of ornamental trees where space is limited by utilities, existing structures, or other built features abutting the landscape buffer strip.[477]

iv. Street trees shall be located and placed in a manner that does not block pedestrian lighting.[478]

2. All Other Districts

a. In all other zoning districts except the Mixed-Use zoning districts, a 20-foot wide landscape buffer strip measured from back of curb, including sidewalks, shall be provided along the entire length of the portion of the perimeter of the lot where a public or private street exists, exclusive of driveways and access ways to points of ingress and egress to and from the lot. The property owner shall be responsible for landscaping, irrigation, and maintenance of any right-of-way area between the property line and the curb line.

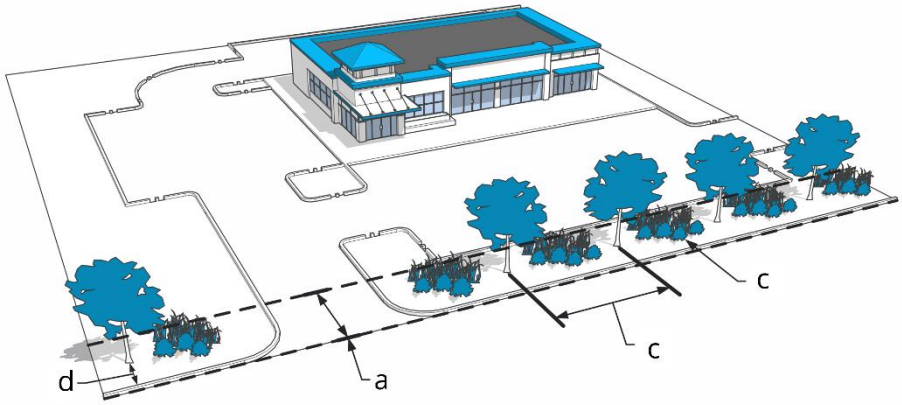
b. Town right-of-way shall be included in the 20-foot wide buffer and shall reduce the amount of required landscaping area of the lot by that amount (square foot for square foot).

c. The minimum requirement for street landscape buffers shall be one four-inch caliper shade tree for each 30 linear feet of frontage and evergreen shrubs planted three to three and one-half feet on center depending on the species selected. Plant material planted in the street landscape buffer strip can be massed together to create visual interest at key entry points or focal points.

d. No tree may be planted closer than 36 inches to any paved surfaces without being placed in a tree well.[479]

[475] These are currently required for more urban areas – Addison Circle, Vitruvian, Addison Grove, and some areas of MXR.
[476] Second sentence is new in Consolidated Draft.
[477] Second sentence is new in Consolidated Draft.
[478] New.
[479] Tree well provision is new in Consolidated Draft.

Figure 5-105-10: Street Landscape Buffer Requirements



D. Parking Area Landscaping

1. Screening from Adjacent Streets

a. Screening shall be provided for all surface parking lots to screen the site from all adjacent streets. The screening shall extend along the entire street frontage of the surface parking lot, exclusive of driveways and access ways at points of ingress and egress to and from the site, and vision triangles.

b. The surface parking lot screening shall be at least three and one-half feet higher than the finished elevation of the adjacent parking lot. The screening may be provided by using one of the following, unless the Director of Parks and Recreation approves an alternative screening plan capable of providing a solid appearance:

i. Evergreen shrubs planted three feet on center in a single row in a bed at least 42 inches wide;

ii. A berm at least three and one-half feet high with a slope not to exceed 33 percent. The minimum crown width must be three feet. Berms must be covered in live vegetation;

iii. A fence or wall at least three and one-half feet high constructed of materials compatible with the principle building. One-third of any fence or wall must be screened with plant material.

2. Perimeter Parking Lot Landscaping

a. A perimeter parking lot landscape strip shall be provided around the site perimeter, with a minimum width based on the size of the site.

i. For sites 10,000 square feet or more, the perimeter strip shall be at least 10 feet wide[480] and shall be planted with a minimum of one four-inch caliper shade tree for each 35 linear feet of perimeter and one shrub planted three to three and one-half feet on center.

ii. For a site smaller than 10,000 square feet, the perimeter strip shall be at least three feet wide and shall be planted with a minimum of one evergreen shrub planted three to three and a half feet on center.

b. Required perimeter landscaping between adjacent parking lots does not preclude the need to provide vehicular access between lots.

[480] Increased from 5 feet.

3. Interior Parking Lot Landscaping[481]

a. The required percentage of interior parking lot landscaping shall be determined based on the following sliding scale:

Table 5.6-2: Minimum Interior Parking Lot Landscaping Requirements

Total Parking Area	Interior Planting Area
7,000—49,999 sq. ft.	5 percent
50,000—149,000 sq. ft.	8 percent
150,000 sq. ft. and larger	10 percent

b. To calculate the total parking area and the subsequent percentage of required interior lot planting, total the square footage of all areas within the lot's perimeter including:

i. Planting islands;

ii. Curbed areas;

iii. Corner lots;

iv. Parking spaces; and

v. All interior driveways and aisles except those with no parking spaces located on either side.

c. Landscaped areas located outside the parking lot including perimeter parking lot landscaping shall not be used to meet the interior planting requirement; however, building front, side, or rear landscaping abutting the building foundation may be credited toward the interior planting requirement.

d. Curbs or wheel stops shall be provided to prevent cars from parking too close to trees or damaging shrubs and screens.

e. All planting islands located parallel to and between parking spaces shall be at least nine feet wide to prevent cars from damaging trees and shrubs.

f. Large shade trees shall be provided in each parking lot at a minimum average density of one shade tree for each 10 required parking spaces on the lot. Acceptable tree species are listed in the Administrative Manual.

g. No required parking space may be located further than 50 feet from the trunk of a shade tree, or farther than 75 feet from two or more shade trees.

h. Parking spaces shall not exceed 10 spaces in a row without being interrupted by a landscaped island. Islands shall be planted with a minimum of one shade tree per every 10 cars.[482]

i. No landscaping shall be required for the interior of structured parking facilities.

~~5.9.7.~~5.6.5. General Landscape Standards and Specifications[483]

A. General Standards

1. The best professional practices of the American Society of Landscape Architects, the International Society of Arboriculture, the American Nursery and Landscape Association and Texas Nursery and Landscape Association regarding planting installation, trimming, pruning, and fertilization shall apply to the landscape standards and specifications included in this section.

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[481] The Belt Line district has the following provision which does not require interior parking lot landscaping. We propose not carrying this provision forward: "Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long term parking. In which case, such long-term surface parking areas shall meet the requirements of section VII, landscaping. For the purpose of this section, long term parking shall be determined by the director of development services and may include parking which has a likelihood of being in place for a period of ten years or more."

[482] This provision is from the UC district.

[483] Current 34-209 with additions noted.

2. Nursery standards shall be based on the American Standard for Nursery Stock, ANSI Z60.1-2004.
3. Pruning standards shall be based on the International Society of Arboriculture Pruning Guidelines ANSI A300 - Pruning Guidelines.

B. Tree and Plant Materials Specifications

1. Suggested Tree and Plant Lists

The Town maintains a suggested list of trees and plants for replacements and that are suitable for new plantings in the Administrative Manual. Other species may be acceptable for new plantings; however, their suitability for the proposed planting area shall be approved by the Director of Parks and Recreation.

2. Minimum Tree Size Standards

a. General

i. Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches in diameter and larger.

ii. Tree heights shall be measured from the tops of root balls to the nominal tops of plants.

iii. Tree spread refers to nominal outer width of the tree, not to the outer leaf tips.

b. Shade Trees

i. Shade trees shall have a minimum caliper of four inches.

ii. Minimum branching height for all shade trees shall be six feet.

iii. Minimum size for newly planted shade trees shall be four inches in diameter, 14 to 16 feet in height. The maximum height shall not exceed 16 feet.

c. Ornamental Trees

i. Ornamental trees shall have a minimum caliper of two and one-half inches.

ii. Minimum size for ornamental flowering trees shall be eight to 10 feet in height.

d. Evergreens

Minimum size for evergreen trees shall be eight to 10 feet in height.

3. Minimum Tree Species Mix[484]

In order to ensure biodiversity and protect against tree disease, if 10 or more trees are planted, no one species of tree may exceed 50 percent of the total new trees on the site.

4. Tree Quality and Selection

a. Trees shall be healthy, vigorous, full-branched, well-shaped with symmetrical crowns. Root balls shall be firm, neat, slightly tapered and well burlapped. Trees shall be free of physical damage such as scrapes, bark abrasions, split branches, mistletoe or other parasitic growth. The Town shall reject any trees delivered and/or planted not meeting the minimum size and shape standards set forth above.

b. Red Oaks other than Shumard Oak (Quercus shumardii) or Texas Oak (Quercus texana) shall be rejected. The owner or contractor shall be responsible for providing certification that Red Oaks are true to variety.

c. Shade trees shall not be planted closer than 10 feet from either side of the outermost overhead utility obstruction. The average mature size of a shade tree shall be used to determine the 10 foot distance requirement.

d. Ornamental trees shall be substituted for shade trees in cases where maturing shade trees would otherwise interfere with overhead or underground utilities.

[484] New.

5. Tree Preservation Evaluation Required

Existing trees intended for preservation shall be evaluated by a licensed arborist prior to submitting an application for development, or prior to issuance of a grading or Building Permit. The arborist's written evaluation shall include an assessment of the likelihood of the survivability of the trees based on proximity to any grading activity on the site and recommendations for tree preservation during grading and construction activities.

6. Addison Airport Trees[485]

a. Tree planting is prohibited on the airside of the Addison Airport.

b. Any proposed tree mitigation shall meet the standards in §5.6.6, *Tree Protection and Replacement* and shall be paid for by the property owner or developer.

7. Shrubs

a. The minimum size for shrub containers shall be five gallons. Substitution of three-gallon material meeting the height requirement of five-gallon shrubs is acceptable. Shrubs shall be full bodied, well-shaped and symmetrical.

b. All shrub beds shall be edged using steel, concrete, masonry, or pre-cast concrete edging and all plant materials mulched with a two-inch layer of shredded hardwood mulch. Plastic edging shall not be acceptable.

8. Ground Cover

Ground cover spacing shall be eight inches on center maximum for four-inch pots and 16 inches on center maximum for one-gallon containers.

9. Artificial Turf

Artificial turf may be used to satisfy the landscaping requirements of this section provided it complies with Table 5.6-3: *Artificial Turf Installation Standards*.

10. Plant Material Substitutions[486]

Due to seasonal planting concerns and a lack of plant availability, approved landscape plans may require minor revisions. Planting plans shall be accepted if there is no reduction in the quality of plant material or no significant change in size or location of plant materials, and if the new plants are of the same general category (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced. Proposed materials must also be compatible with the area to ensure healthy plant growth. If these criteria are not fulfilled, changes to approved plans must be resubmitted and reviewed anew by the Director of Parks and Recreation.

11. Conflict with Drainage and Utility Easements

Trees shall not be placed within existing or proposed drainage or utility easements without proper mitigation as approved by the Director of Parks and Recreation. The trunk of a tree shall not be planted within eight feet of an existing or proposed utility or drainage line when measured from the outside edge of the trunk to the outside edge of the line without approval from the Director of Parks and Recreation.

C. Artificial Turf Pilot Program[487]

1. The Town shall initiate an artificial turf pilot program for ~~town~~Townhome properties with a Homeowners' Association within the previously designated Urban Center zoning district ("property") for a term of 10 years from the effective date of this section ("program"). If at any time the City

[485] New in Consolidated Draft.
[486] Current 34-205.
[487] Current 34-207(k).

Council determines in their sole discretion that the program is unsuccessful, damaging to the environment, or fails meet the expectations of Town staff, damaging to the environment, or fails to meet the expectations of Town staff, then the City Council may terminate the program through the repeal of this section and upon repeal, any property owner with artificial turf shall replace the artificial turf with natural grass within 180 days of the repeal.

2. Town staff may access any area of the property for environmental testing, which may include the placement of environmental testing equipment on the property. New installations of artificial turf shall be watered/sprinkled and, if available, include anti-microbial infill. If testing determines that watering/sprinkling is necessary on existing artificial turf, the Town staff may require the property owner to uncap and restore the existing irrigation lines to allow for watering/sprinkling.
3. Property owners shall install and maintain the artificial turf in a first-class condition as determined by the Director of Parks and Recreation, and in accordance with the maintenance requirements set forth in the table below. The Director of Parks and Recreation may require repair or replacement of existing artificial turf. Any future turf installation shall comply with turf component, appearance and installation requirements defined in the table below.

Table 5.6-3: Artificial Turf Installation Standards

	Allowed	Not Allowed
Turf Component		
Blade and backing	Lead-free polyethylene, polypropylene, vegetable-based or combination	Nylon or plastic
Infill	Clean washed sand, silica sand, cork or zeolite	Crumb rubber
Permeability	Permeable backing with 30-inch per hour or > drain rate	
Warranty	Minimum eight-year warranty	
Tear grab strength	Minimum 200 pounds	
Flammability	Pass the pill burn test for flammability	
Appearance		
Color	Include a minimum of two shades of green blade colors and contain a tan thatch color. Colors must mimic natural turf	Colors that do not mimic natural turf
Texture	Three-dimension ridge, spine cross-section and uneven tips	
Length	Blade between 1½ inches and 2½ inches	
Thickness	Tuft spacing of no more than ⅜ inch between rows	
Installation		
Seams	Sewn seams	
Edges	Edges not visible	
Base	Compacted aggregate that allows for adequate drainage	
Anchoring	Permanently anchored	
Maintenance		
	Maintained in clean and attractive conditions	
Wear	Shall not contain weeds, holes, tears, stains, discolorations, fading, seam separations, uplifted surfaces, heat degradations, depressions, odors or excessive wear	

Table 5.6-3: Artificial Turf Installation Standards		
	Allowed	**Not Allowed**
Damage	Damaged and worn areas must be repaired or removed and replaced in a manner that results in consistent appearance with existing synthetic lawn	
Grooming	Be groomed periodically to prevent compacted and flattened turf	

4. No person shall modify existing artificial turf installations or install new artificial turf without first completing the appropriate permit application and subsequently receiving an artificial turf permit approved by the Director of Parks and Recreation.
5. The Homeowners' Association (HOA) shall require and guarantee compliance of the requirements set forth in this section by property owners. Town staff are authorized to enforce the provisions of this section, including the issuance of citations to a property owner, in the event the HOA fails to guarantee and require compliance to the satisfaction of the Director of Parks and Recreation. The City Council directs and authorizes Town staff to enter into an agreement with an HOA related to the compliance and enforcement of this section, and the HOA shall execute said agreement within 60 days of the effective date of this section.

D. Irrigation System Design and Standards[488]

1. All required minimum landscape areas (including street trees and planting within the public right-of-way) shall be provided with adequate, inconspicuous, and properly maintained automatic irrigation systems.
2. Irrigation systems shall be professionally designed by a licensed irrigator.
3. Irrigation systems shall be designed to prevent water from spraying on impervious surfaces adjacent to landscape areas, neighboring properties, and adjacent buildings; shall use drip irrigation where appropriate to minimize run-off from sprinklers; and shall incorporate moisture sensors to reduce water consumption.
4. Reclaimed water may be used for irrigation following TCEQ guidelines. If the system is not supplemented by a potable water system, the irrigation plans must include a water storage container. Plans must provide calculations that verify the system is sized to provide adequate irrigation throughout the year as established by the Texas Water Development Board in the Texas Manual on Rainwater Harvesting.
5. Backflow prevention devices shall be placed per the Public Works and Engineering Department's standards.
6. Install separate valves for turf and non-turf areas to accommodate different water use requirements within the landscaped area.
7. Irrigation controllers shall be set to water between midnight and 5:00 a.m. This shall not apply to watering of newly planted turf or landscaping for a period of 90 days after installation.
8. Irrigation controllers for public space shall be tied into the Addison Central Control by Interspec.[489]
9. All automatically controlled irrigation systems required to be installed shall include rain and freeze shut-off devices and sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of rainfall or freezing temperatures. Repairs to existing automatic irrigation systems on all properties subject to this section that require replacement of an existing controller must include an operational sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of freezing weather and rainfall.

[488] Consolidates irrigation standards from current 34-204 and other sections.
[489] New.

10. Irrigation systems adjacent to any street, sidewalk, alley, highway, or parking lot shall not operate so as to cause damage to other property or to interfere with the free movement of any vehicle or pedestrian.

E. Vision Triangle[490]

The design and placement of landscaping materials shall be at the discretion of the owner or landscape architect; however, the landscaping shall not obstruct the view between access drives and dedicated streets, parking aisles, or access drives of parking lots as established in §5.4.6: *Vision Triangle*.

F. Structures and Fixture Features Allowed in Landscaped Area

1. The following structures and fixtures may be included in a required landscape or buffer area, in addition to the required landscaping:

a. Street furniture (e.g., benches);

b. Up to 25 percent hardscape (e.g., brick pavers, scored concrete); and

c. Structures to protect trees (e.g., tree grates and curbs).

2. In Residential and Mixed-Use zoning districts: [491]

a. Paving material in front yards and on sidewalks shall be concrete or natural materials such as brick and stone.

b. Asphalt and gravel as paving materials is prohibited.

G. Sustainable Landscapes[492]

1. The Town encourages sustainable landscaping. Sustainable landscapes are managed by using practices that preserve limited and costly natural resources, reduce waste generation, and help prevent air, water, and soil pollution. The goal is to minimize environmental impacts and maximize value received from dollars expended.

2. The Town encourages the use of water-conserving system design and materials including the use of drip irrigation and native plants.

~~5.9.8.~~5.6.6. Tree Protection and Replacement[493]

A. Maintain Existing Natural Landscape Character

1. The existing natural landscape character (especially native oaks, elms, and pecan trees) shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a stand of trees, the property owner shall use best good-faith efforts to preserve such trees.

2. Indiscriminate clearing or stripping of the natural vegetation on a lot or other property is prohibited.

3. In determining whether there is compliance with this section, the Director of Parks and Recreation shall consider topographical constraints on design, drainage, access and egress, utilities, and other factors reasonable related to the health, safety, and welfare of the public which necessitated disturbance of the existing natural landscape character; economic usefulness of the property without disturbance of its natural character; the nature and quality of the landscaping installed to replace it; and such other factors as may be relevant and proper.

490 Current 34-207(c).
491 From UC Residential and Belt Line.
492 From existing purpose statements.
493 Current 34-208.

B. Replacement Trees

1. General

a. Every property owner shall replace dead, removed, missing, improperly pruned, or damaged trees, by any act or omission, within 30 days after notification by the Town, unless the existing season, climate, or calendar dictates postponement of the tree replacement beyond the said period of 30 days as agreed to by the Town. In the event of such postponement, a property owner shall replace any such tree within the time period identified in the notification from the Town. This provision shall also apply to trees that have been severely damaged, or disfigured by improper pruning, including, but not limited to, lion-tailing or topping.

b. Acceptable types of replacement trees are designated in the Pre-Approved Plant List in the Administrative Manual.

c. If the physical limitations of the subject property are such that all of the replacement trees cannot be properly placed on the subject property, the property owner may pay a one-time fee per site to the Tree Mitigation Fund in lieu of tree replacements, as approved by the Director of Parks and Recreation.[494]

d. The removal of a heritage, significant, or protected tree without a permit or significant health impacts to such trees shall require the mitigation described below and a fine of $500 per caliper inch shall be paid into the Tree Mitigation Fund.[495]

2. Mitigation

Any tree that is removed, topped, severely damaged, or disfigured by improper pruning methods without the prior written approval of the Director of Parks and Recreation shall be replaced as follows:

a. Heritage Trees

i. An existing tree of more than 30 caliper inches (heritage tree) shall not be removed or replaced unless the City Council determines no other alternatives for development are possible and the proposed removal is the minimum relief required for development on the property in a reasonable manner.

ii. Heritage trees shall be replaced at a 1~~2~~:2~~1~~ caliper inch ratio.

b. Significant Trees

An existing tree between 20 and 30 caliper inches (significant tree) shall be replaced at a 1: 1.5~~5~~ caliper inch ratio.

c. Protected Trees

An existing tree between 4 and 19 caliper inches (protected tree) shall be replaced at a 1:1 caliper inch ratio.

C. Tree Permit

1. No person shall prune, remove or transplant a tree listed in the Pre-Approved Plant List in the Administrative Manual without first obtaining a Tree Permit approved by the Director of Parks and Recreation pursuant to §2.6.3: *Tree Permit*. For purposes of this section, "person" means the owner, tenant, and/or subtenant of, and/or any entity or individual with any interest in, the land on which a tree is located, and/or any contractor or subcontractor of any of them.

2. This section shall apply to shade trees four-inch caliper or larger, measured six inches from the soil surface, and two and one-half to three-inch caliper ornamental trees or larger measured six inches from the soil surface.

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494 Replaced alternative location options with reference to the Tree Mitigation Fund.
495 New per Council/staff request.

3. A Tree Permit shall be obtained by a utility company before any trimming and/or removal of tree(s) by or for a utility company, except in the case of emergency repairs.
4. Branches less than one-half inch in diameter and not more than five percent of the canopy can be removed without a permit.

D. Application to Residential Districts

On lots containing only a single-family detached and/or duplex dwelling in the Residential zoning districts, the provisions of this §5.6.6 shall apply only to trees listed in §5.6.4: *Minimum Landscaping Required* that are located within the right-of-way adjacent to the street.

~~5.9.9.~~5.6.7. Trees and Plant Materials on Public Property

A. Trees on Public Property[496]

The Director of Parks and Recreation shall have exclusive jurisdiction and supervision over all trees and plant materials planted or growing in public property. The Director of Parks and Recreation shall have the authority and it shall be their duty to plant, trim, spray, treat, preserve and remove trees and plant materials in public property to ensure safety or preservation of the symmetry and beauty of such public property.

B. Permit for Removal or Planting of Plant Materials on Public Property[497]

No person shall trim, spray, treat, remove, or plant any plant materials in any public property or excavate, trench, grade, remove, or fill dirt upon public property which may endanger or affect trees or plant materials growing thereon without first obtaining a permit from the Director of Parks and Recreation pursuant to this section. The Town shall issue a permit under this section when it is determined that the desired action is necessary, that the proposed methods are satisfactory and that the proposed plantings conform with this section and Town standards and practices.

1. Trim, Spray, Treat, or Remove Plant Materials

Any person desiring a permit to trim, spray, treat, or remove plant materials in any public property shall submit a written application that sets forth the following:

- **a.** The number, kind, and size of plant materials to be trimmed, sprayed, treated, preserved or removed;
- **b.** The kind of treatment to be administered;
- **c.** The kind and condition of the nearest plant material upon adjoining property; and
- **d.** Such other information as the Director of Parks and Recreation shall find reasonably necessary to a fair determination of whether a permit should be issued.

2. Excavate, Trench, Grade, Remove, or Fill Dirt

Any person desiring to excavate, trench, grade, remove, or fill dirt thereby endangering any plant material in a public property or area shall submit a written application setting forth the following:

- **a.** A diagram of the area showing the proposed work and location of plant materials;
- **b.** The number, location and variety of plant materials;
- **c.** A method of excavating, trenching, grading, removing or filling to be used; and
- **d.** Such other information as the Director of Parks and Recreation shall find reasonably necessary to a fair determination of whether a permit should be issued.

[496] Current 34-35 reorganized.
[497] Current 34-36.

3. New Plant Materials

Any person desiring a permit to plant any plant materials in any public property shall submit a written application with the information described in the Administrative Manual.

~~5.9.10.~~5.6.8. Buffering[498]

A. Where Required

To mitigate the impacts of significant differences in property use, size, or scale, landscaped buffers shall be provided along rear and side lot lines where a multifamily, mixed-use, or any nonresidential land use abuts:

1. The R-1, R-2, or R-3 zoning districts; or
2. Any property containing a single-family detached or duplex residential dwelling.

B. Exemptions

1. Rear and side lot buffers are not required between properties that are separated by a street.
2. Areas with sidewalks, walkways, multi-use paths, vehicle access, or other improvements allowing access from one property to another are exempt from buffering requirements.
3. Rear and side lot buffers are not required along any portion of the lot line covered by an access easement (e.g., vehicular connections, pedestrian walkways, etc.). In these cases, an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot lines, as applicable.

C. Buffer Options

Required side and rear buffers shall conform to one or a combination of the following options:

1. A landscape buffer with a minimum width of 15 feet planted at a minimum rate of two evergreen trees and three shrubs per 250 square feet with spacing designed to minimize sound, light, and noise impacts on adjacent properties; or
2. A solid wall or fence no less than six feet in height; or
3. The Director of Parks and Recreation may approve alternative screening methods if the intent of this section is met.

~~5.9.11.~~5.6.9. Screening

A. Credits Toward Required Landscaping[499]

Any landscaping provided to meet screening standards will be credited towards the overall landscaping requirements enumerated in this section.

B. Mechanical and Utility Equipment[500]

All mechanical and utility equipment, including but not limited to air-conditioning, heating and soft water tanks, television antennas, satellite dishes, security apparatus, and above ground electric and gas equipment shall be integrated into the building design, screened from public view, or enclosed in a suitable accessory structure, pursuant to the following standards:

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498 New. Currently the ordinance requires a six-foot fence when a property in the LR or C-2 district is adjacent to a residential use. Per the Assessment Report, this is an expanded and more flexible requirement to enhance the options for buffering.

499 New.

500 New. Consolidates, expands, and makes generally applicable standards from the Belt Line, C-1, C-2, I-1, I-2, I-3, LR, MXR, and UC districts.

1. Location

a. To the extent practicable, ground mounted mechanical and utility equipment shall be located out of view of public rights-of-way, customer entrances, and other public areas.

b. Ground-mounted mechanical and utility equipment shall be located outside of vision triangle areas in order to avoid obscuring vision at intersections.

2. Design

a. Materials and Landscaping

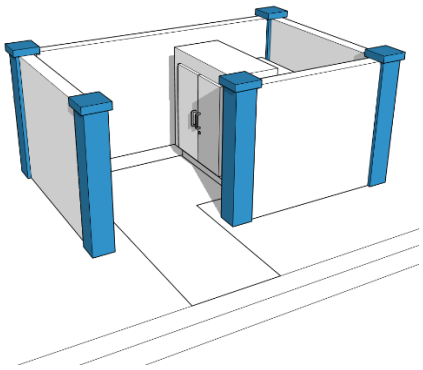
Materials used for walls, fences, or enclosures shall be wood or masonry. Landscaping materials may be used in accordance with §5.6.9.B.2.b.ii below.

b. Ground-Mounted Equipment

Ground-mounted mechanical and utility equipment located within view of customer entrances or public rights-of-way shall be integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following:

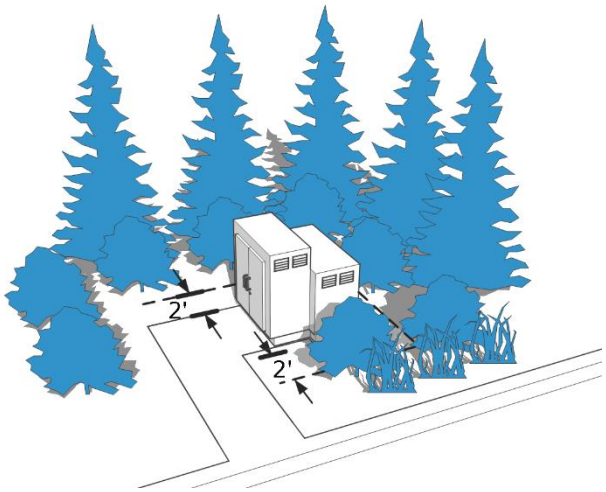
i. Decorative wall, fence (at least 80 percent opaque), or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or

Figure 5-115-11: Ground-Mounted Equipment Screening



ii. Landscaping that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment, and that is integrated into the overall landscaping plan. Landscaping shall maintain a minimum two feet of clearance from equipment, unless a larger clearance distance is required by a utility company.

Figure 5-125-12: Ground-Mounted Equipment Landscaping



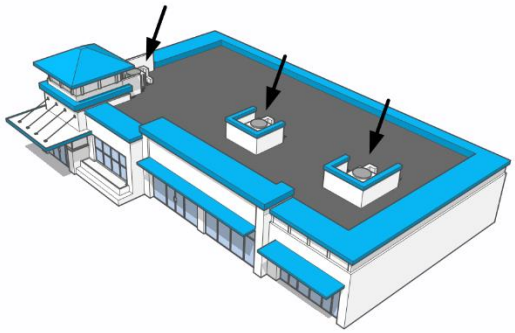
c. Roof-Mounted Equipment[501]

Roof-mounted equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, public parking areas, and/or adjacent properties using parapet walls or other means of screening. When reviewing the type and amount of screening, the Director of Parks and Recreation shall consider the following:

i. Whether the height of the parapet walls or screening adequately mitigates the visual impact that roof-mounted equipment may have.

ii. The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.

Figure 5-135-13: Roof-Mounted Equipment Screening



C. Refuse Containers[502]

All refuse and refuse containers shall be screened from all public rights-of-way. Such containers shall be placed on a designed reinforced concrete pad and approach.

1. Enclosures Required

Refuse containers that cover an area of 40 square feet or greater shall be located within an enclosure.

[501] Removed material-based requirements in Consolidated Draft.
[502] New. Consolidates and makes generally applicable standards from the Belt Line, C-1, C-2, I-1, I-2, I-3, LR, MXR, and UC districts.

2. Location

a. Refuse container enclosures shall be located at the rear of the property to the extent practicable and shall be sited to allow for easy vehicular access such that access does not require backing movements onto public rights-of-way, with the exception of alleys.

b. Refuse container enclosures shall be placed to avoid direct access to pedestrian walkways to the extent practicable and kept closed at all times except for pickup.

3. Design and Materials

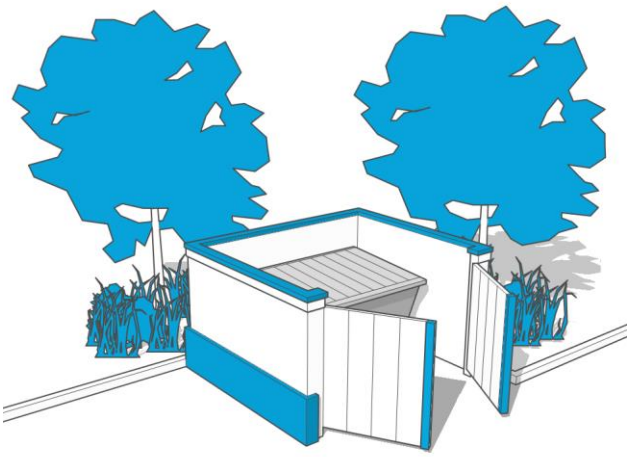
a. Refuse container enclosures shall be of sufficient height to screen containers but shall not exceed eight feet in height unless screening a refuse container taller than eight feet.

b. Enclosures shall be visually compatible with materials used on the primary building. In no case shall enclosures consist of chain link or corrugated metal.

4. Landscaping

Landscaping shall be used to soften the appearance of the enclosure where such enclosure is located within a side yard or can be viewed from public rights-of-way.

Figure 5-145 ~~-14~~: Refuse Enclosure Landscaping



D. Outdoor Storage Areas[503]

Outdoor storage areas shall be screened from view of public rights-of-way and from adjacent residential land uses or districts using any one or a combination of fences, walls, berms, or landscaping that is at least six feet in height and provides a permanent, opaque, year-round screen.

E. Off-Street Loading Spaces[504]

All off-street loading spaces on a site shall be screened from all public and private streets adjacent to that site.

1. All screening shall be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any one or combination of the following, subject to approval by the Director of Parks and Recreation:

503 Makes generally applicable a standard from the MXR district.
504 Current 34-207(b).

a. Evergreen shrubs planted three feet on center, in a single row; or

b. Evergreen trees planted six feet on center, unless the Director of Parks and Recreation approves an alternative planting density as being capable of providing a solid appearance within one year; or

c. A fence, wall, or berm. Fences and walls shall not consist of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh.[505]

2. When screening for off-street loading spaces is provided by earthen berm or evergreen plant materials, the following regulations apply:

a. An earthen berm shall be planted with ground cover recommended for local area use by the Director of Parks and Recreation. The slope of the berm shall not exceed 33 percent for lawn areas and shall have a minimum crown width of three feet.

b. Evergreen plant materials shall be recommended for local area use by the Director of Parks and Recreation. In addition, the plant materials:

i. Shall be located in a bed that is at least three feet wide; and

ii. Shall be placed a maximum of 36 inches on center in a single row over the entire length of the bed, unless the Director of Parks and Recreation approves an alternative planting density as being capable of providing a solid appearance within one year; and

iii. Shall provide a six-foot high visual barrier of the required height within one year.

F. Parking or Storage of Vehicle on Unimproved Surface[506]

The parking or storage of any vehicle within a residential side yard or the residential rear yard of a corner lot, of a residential single-family, duplex, or ~~town~~Townhouse lot or tract, upon any surface other than an improved parking surface is prohibited, unless otherwise concealed from view from all public street rights-of-way by:

1. A solid, opaque, screening fence or wall at least six feet in height;

2. Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet within one year;

3. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height; or

4. Any other form of compatible and appropriate screening as so determined by the Building Official.

~~5.9.12.~~5.6.10. Fences[507]

A. Height and Location[508]

1. General Height Standards

a. Front Yard

Walls and fences within a required front yard or on the front property line shall not exceed three feet in height.

b. Side and Rear Yards

Walls and fences along the interior side or rear lot lines shall not exceed eight feet in height provided, that the wall or fence does not extend into any required front yard.

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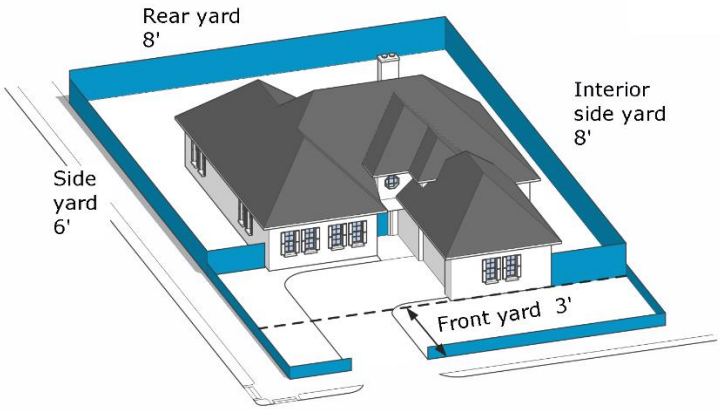
505 Removed the following vague language: "or any material that in the Planning and Zoning Commission's opinion is an unsightly material."
506 Current 78-179.
507 Based on current Chapter 18, Article X. Edited for clarity and organization, with new material and edits noted.
508 New.

c. Corner Lots

Walls and fences located between a primary structure and a public or private street shall not exceed six feet in height.

Figure 5-155 15: Fence Height Standards



2. Maximum Fence Height

No person shall build, erect, construct, or maintain any fence within the ~~town~~Town limits at a height exceeding eight feet as measured from ground level on the opposite side of the fence.[509]

3. Alternative Fence Height Standards[510]

Walls and fences exceeding eight feet in height may be allowed if:

a. They are temporary fences on construction sites erected for protection purposes during the period of construction only; or

b. They enclose loading, service, or refuse areas in Mixed-Use or Nonresidential ~~, Commercial, and Industrial~~ zoning districts outside the front setback area; or

c. They enclose outdoor storage areas in Mixed-Use or N~~n~~onresidential zoning districts outside the front setback area.

4. Walls and Fences in Easement Areas

a. Permanent walls and fences, except for standard wooden board fences, shall not be constructed within or across Town utility easements.

b. Permanent walls and fences shall not be constructed within drainage easements in a way that obstructs the natural flow of water runoff.

B. Fence Materials

1. Residential and Mixed-Use Districts[511]

a. Within Residential and Mixed-Use zoning districts, fences shall be constructed of new materials or products, such as wood planks and boards, masonry as defined by the Building Code, and wrought iron or ornamental iron.

b. Used or secondhand materials shall not be used in the construction of any fence in a Residential or Mixed-Use zoning district.

---

509 Measurement clarification added in Consolidated Draft.
510 New.
511 The current code distinguishes here between "residential uses" and "nonresidential uses." We have changed the references to districts and also included mixed-use districts in the residential category.

2. Prohibited Fence Materials[512]

The following are prohibited as fence materials:

a. Rope, string, or netting;

b. Wire and wire products including, but not limited to, barbed wire, razor ribbon wire, chicken wire, wire fabric, and welded wire fabrics;

c. Chain;

d. Cut or broken glass;

e. Paper;

f. Corrugated metal panels;

g. Plywood; and

h. Other wood, metal, or plastic products that are designed specifically for uses other than fence construction.

3. Front Yard[513]

The combination of materials used for walls and fences within a required front yard or on the front property line shall maintain a minimum 50 percent opaqueness. This restriction does not apply to property owned by the Town.

C. Fence Design

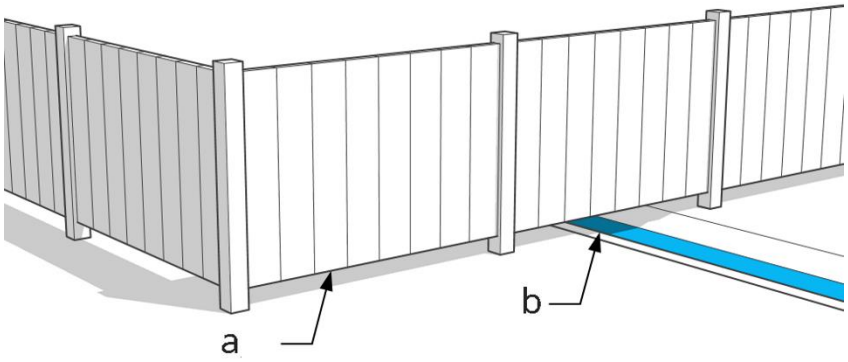
1. General Fence Design

a. Fences shall be of uniform construction throughout the fence. Once a pattern of materials and construction method is established, it shall be carried throughout the entire length of the fence section from corner post to corner post.

b. No fence shall be erected that alters the natural or planned drainage on any residential lot.

c. All fence materials, construction, and workmanship shall comply with all requirements of the Building Code and all approved plans and specifications.

Figure 5-165 ~~5-16~~: General Fence Design



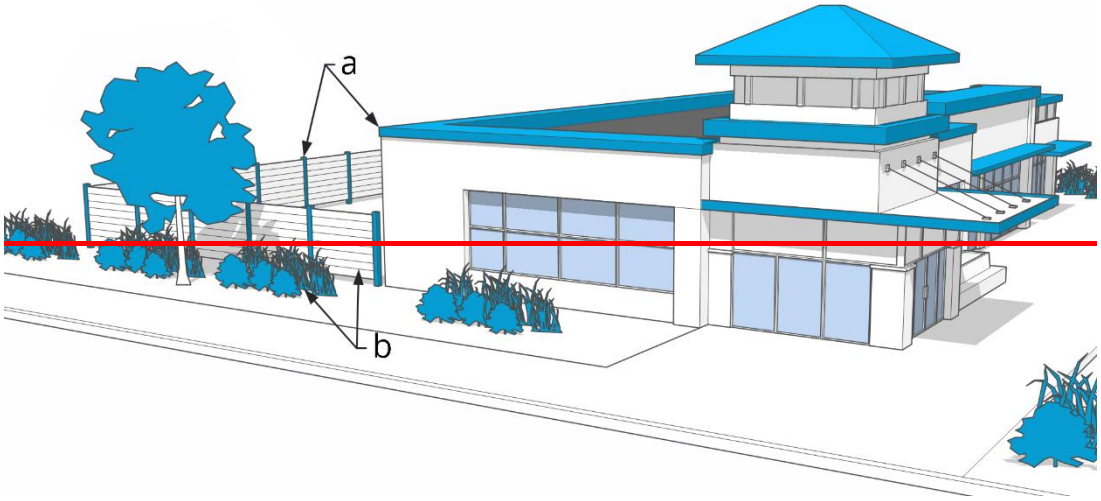
[512] This list of prohibited materials is carried forward but made generally applicable; currently it applies only to residential districts. We did not carry forward the allowance for barbed wire fences in nonresidential districts.

[513] New in Consolidated Draft.

2. Compatible Design[514]

Walls and fences shall be designed as an integral part of a new development project and shall be architecturally compatible with principal buildings in terms of materials, colors, and design.

~~Figure 5-17: Compatible Design for Walls and Fences~~



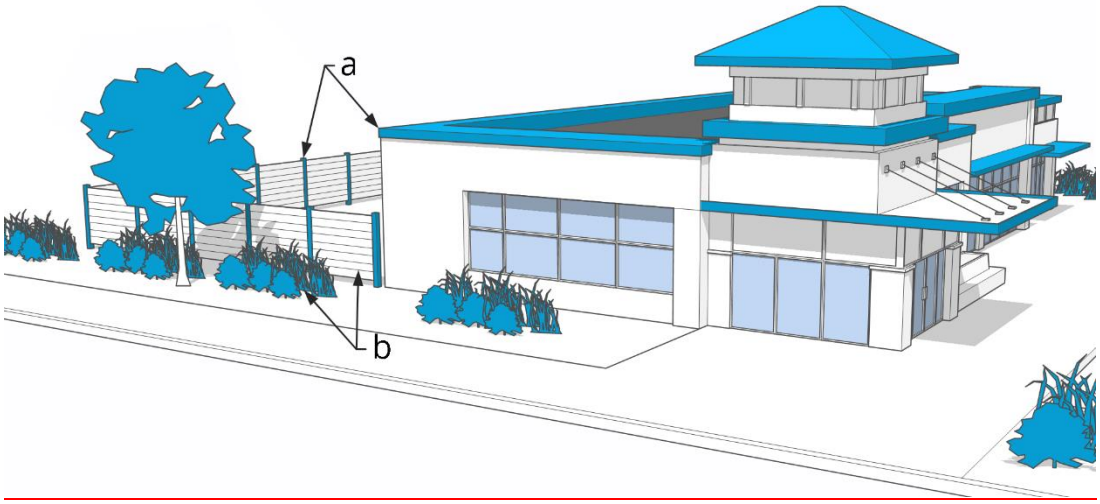
3. Articulation and Alignment[515]

Portions of walls or fences that face any public street right-of-way, public open space, or public trail shall incorporate the following features to break up the massing:

a. If the wall or fence exceeds 20 feet in length, a landscape area a minimum of three feet in width shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall; and

b. If the wall exceeds 40 feet in length, architectural features such as columns, vertical pilasters, changes in wall alignment, or terracing of walls shall be provided and planted with a minimum of four shrubs for each 20 linear feet of wall.

Figure 5-17: Compatible Design for Walls and Fences



~~b.~~

[514] New.
[515] New.

D. Gates and Access

1. Generally

It shall be unlawful for any person to erect, construct, or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct, or maintain any fence along or near a rear property line that adjoins an alley or easement without providing and maintaining a reasonable means of access to such alley or easement.

2. Emergency Personnel Access

In order to allow ingress and egress for emergency personnel and equipment, there shall be at least one gate or opening with a minimum width of three feet in each fence that is adjacent to or running parallel to any public alley, drainage easement or utility easement, except this standard shall not apply to utility easements that the Town has allowed to be completely fenced in. Equipment providing emergency personnel access through such gate may be required.

3. Electric Charge

No fence erected on property zoned for residential use or used for residential use, including residential units in a mixed-use development, shall be electrically charged in any manner or form.

E. Fences for Public or Private Schools

Notwithstanding other provisions of this section, the owner or operator of any public or private school as defined in this UDC may erect upon school ~~or kindergarten~~ property a fence to protect any schoolyard or playground, provided that no fence shall be erected or maintained in such a position or manner as to cause danger to traffic by obstructing the view.

F. Inspection and Maintenance

Upon completion of installation, the Building Official shall be called upon for inspection. A certificate of acceptance will then be issued or a rejection slip indicating the defects in fence. All fences constructed under the provisions of this section shall be maintained to comply with the requirements of this section at all times.

~~5.9.13.~~5.6.11. Installation and Maintenance[516]

A. Timing of Installation[517]

The developer shall install all landscape improvements including operable irrigation systems prior to receiving a Certificate of Occupancy. This requirement may be modified by the Director of Parks and Recreation if security is provided pursuant to §5.6.11.B below and the developer identifies an alternative timeframe for landscaping and/or irrigation system installation.

B. Maintenance Bond[518]

When a property owner seeks a Certificate of Occupancy, the Director of Parks and Recreation may, in their discretion, require a maintenance bond, letter of credit, cash escrow, or other security acceptable to the Director of Parks and Recreation that guarantees and secures maintenance of newly installed landscape for a period not to exceed two years. The amount of security shall be based on itemized cost estimates of all landscaping and irrigation system improvements, as well as related labor costs. Itemizations shall be generated from a qualified landscape architect, irrigation system specialist, and/or a local or regional landscaping nursery or garden center.

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[516] All provisions in this section are from the current 34-210 unless noted. Removed enforcement and inspection provisions, which were general and replaced by the new general enforcement provisions.

[517] New.

[518] From Sec. 34-212, modified to list what the security may cover.

C. Landscape Inspections

The installation of the approved landscape plan shall be inspected and approved by the Director of Parks and Recreation prior to issuance of a Certificate of Occupancy.

D. Maintenance

Every property owner and any tenants shall keep their landscaping in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance includes, but is not limited to, the following:

1. Prompt removal of all litter, trash, refuse and waste;
2. Lawn mowing on a weekly basis during the growing season;
3. Shrub pruning according to accepted practices of landscape professionals to maintain plants in a healthy condition;
4. Tree pruning according to tree-pruning guidelines approved by an arborist registered with the Town after obtaining a tree pruning permit;
5. Pruning/thinning that removes no more than one fourth of the tree canopy annually;
6. Watering of landscaped areas on a regular basis to maintain good plant health;
7. Sprinkler run times set on controllers to water between midnight and 5:00 a.m.;
8. Keeping landscape lighting in working order;
9. Keeping lawn and garden areas alive, free of weeds, and attractive;
10. Cleaning of abutting waterways and landscaped areas lying between public right-of- way lines and the property unless such streets, waterways or landscaped areas are expressly designated to be maintained by applicable governmental authority; and
11. Proper placement and maintenance of metal edging.
12. Any plant that dies shall be replaced with a similar living plant, including trees, as determined by the Director of Parks and Recreation, within 30 days after notification by the Town.

E. Discharge of Vegetation Waste

The discharge, deposit, blowing or sweeping of grass, leaves, other vegetation, or litter debris into public or private streets or alleys or storm drains is prohibited. In connection with yard or landscape maintenance, lawn or grass clippings, leaves, other vegetation, and litter debris caused by or resulting from such maintenance shall be promptly removed from any public or private street or alley adjacent to the property being maintained and shall be disposed of in a manner to prevent the material from blowing or falling from a maintenance truck, trailer, or disposal container. Lawn clippings, leaves, other vegetation, and litter debris shall be removed from sidewalks, streets and street gutters, and alleys after mowing and edging is performed to prevent collection in the storm water system.

F. No Obligation on Town[519]

Nothing in this section shall be deemed to impose any obligation upon the Town or upon any of its officers or employees or to relieve the property owner from the duty to keep trees and other plant materials in a safe condition.

[519] Current 34-33.

~~5.10~~5.7 Site and Building Design

~~Commentary~~
~~This section includes several improvements from the current regulations, including a new organization. Rather than relocating separate standards based on discrete areas (e.g., UC and Belt Line zone districts), this draft organizes building and site design based on development type (residential, mixed-use, and nonresidential). This draft also establishes new town-wide standards for greater consistency across projects and to minimize the need to use the PD tool to require higher-quality building design. The content in this section builds on the Town's current standards and retains area-based design standards when appropriate – particularly with building material requirements.~~

~~5.10.1.~~5.7.1. Purpose[520]

This section is intended to:

A. Promote high-quality development and construction that directly contributes to the attractiveness, safety, and function of the street and public areas;

B. Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas;

C. Mitigate negative impacts created by the scale and bulk of large buildings;

D. Provide variety and visual interest in the exterior design of buildings;

E. Enhance the streetscape and diminish the prominence of garages and parking areas;

F. Promote an environment that is friendly toward multiple modes of transportation and accommodates varying ages and abilities;

G. Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

H. Promote building designs and construction in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

I. Minimize negative impacts of on-site activities to adjacent uses; and

J. Balance the community's economic and aesthetic concerns.

~~5.10.2.~~5.7.2. Applicability[521]

A. General Applicability

Unless otherwise exempted by §5.7.2.B below, the standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability*.

B. Exemptions

Expansions and enlargements of a multifamily, mixed-use, or nonresidential use less than the greater of 1,000 square feet or 10 percent of the building's square footage.

C. Conflicting Standards

Where the site and building design standards in this section conflict with the design standards applicable to an overlay district or Planned Development, the standards in the overlay district or Planned Development shall govern.

D. Alternative Compliance

Alternatives to these standards may be approved by the Director if the applicant demonstrates that the proposed alternative:

[520] Mostly new, however, some content taken from the intent statement from the Belt Line district.
[521] New. The thresholds established are intended to distinguish relatively large projects that require greater attention to development and design quality.

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 the Comprehensive Plan and 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 adjacent properties than would occur through compliance with the specific requirements of this UDC.

~~5.10.3.~~5.7.3. Residential Site and Building Design

A. Single-Family, Duplex, Triplex, and Fourplex Dwellings[522]

1. Building Mass[523]

Exterior walls shall be broken by recessed entryways, bay windows, use of more than one exterior finish material, use of architectural details, or such other technique or combinations of techniques to prevent the appearance of featureless walls.

Figure 5-18~~5-18~~: Residential Building Mass

2. Exterior Finish Materials

a. Exterior cladding (including garages and accessory buildings) shall be composed of not more than two materials, excluding glass and roofing materials. Glass shall be clear or tinted, not reflective.

b. Exterior cladding materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials.

[522] From the current MXR and R-1 standards. Carries forward 80 percent masonry requirement. Updated to clarify that these standards apply to household living use types. Replaced reference to "masonry construction" with table listing materials that are acceptable as masonry, as provided in the current definition of "masonry construction." Added "cultured stone" to list to provide additional flexibility and variety.

[523] New.

c. At least 80 percent of the exterior cladding of all buildings (including garages and accessory buildings) shall be the following allowed materials:

Table 5.7-1: Allowed and Prohibited Building Materials (4 or less Units)

✓ = allowed blank cell = prohibited [1]

	Zoning District			
Material	**R-1**	**R-2**	**R-3**	**A**
Brick	✓	✓	✓	✓
Brick veneer	✓	✓	✓	✓
Stone	✓	✓	✓	✓
Stone veneer	✓	✓	✓	✓
Cultured stone	✓	✓	✓	✓
Concrete masonry units	✓			
Stucco	✓			
Class PB Exterior Insulating and Finishing Systems (EIFS)	✓			
Wood or composite siding	✓	✓	✓	✓
Other materials allowed by Building Code	✓	✓	✓	✓

Notes:
[1] Any project requesting the use of a prohibited material shall submit an application for an appeal to the Board of Appeals.

3. Colors

There are no restrictions on colors, except that fluorescent colors are prohibited.

B. Multifamily Dwellings

1. Building Placement and Orientation[524]

a. The siting of a building shall reflect the natural topography and preserve existing trees and landscaping material pursuant to §5.6: *Landscaping, Buffering, and Fences*.

b. The minimum percentage of building façades shall be built parallel to the street frontage at build-to-ranges as established in Article 3: *Zoning Districts.* Where a build-to-range is not established, a minimum of 60 percent of the primary building façade shall be parallel to the primary street frontage.

2. Multi-Building Developments[525]

For multifamily developments with three or more buildings, the buildings shall be arranged using one or more of the following techniques:

a. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;

b. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;

c. Provide common gathering spaces between buildings; and/or

d. Other site improvements as approved by the Director.

[524] New.
[525] New.

3. Building Entrances[526]

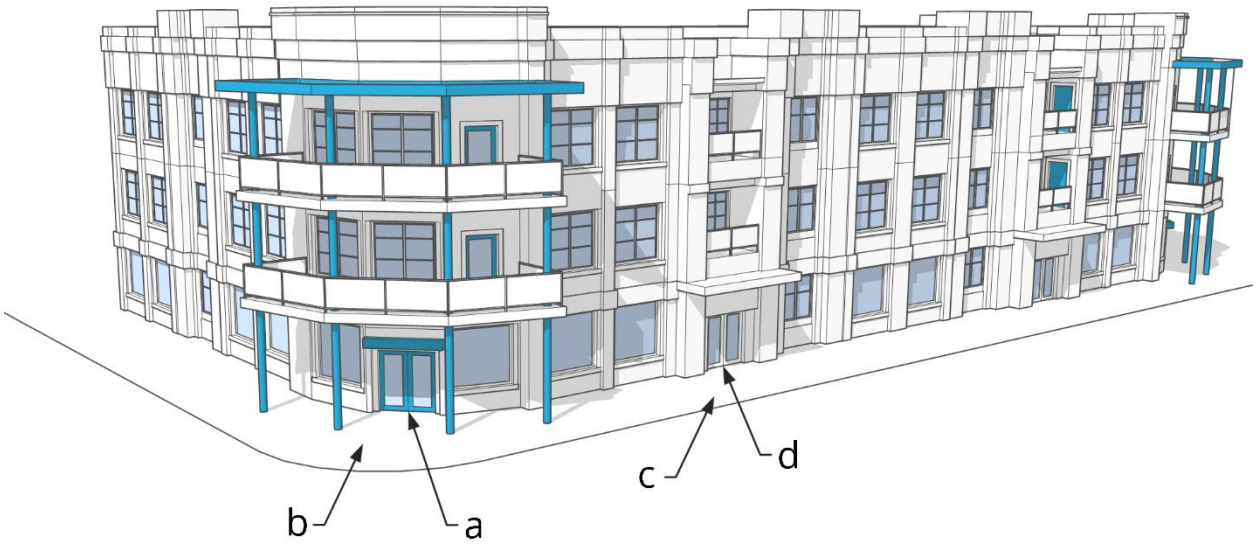
a. The primary building entrance shall face a public or private street. For buildings on corners, there shall either be an additional entrance on the side street frontage, or the primary entrance shall be on the corner. A façade containing a primary building entrance may be curved or angled toward an intersection at street intersections.

b. Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director.

c. For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.

d. All ground-floor pedestrian entrances shall be covered or inset.

Figure 5-19~~5-19~~: Building Entrance Requirements



4. Building Mass[527]

Buildings shall not extend more than 6~~5~~0 continuous feet without incorporating at least two of the following elements for each 6~~5~~0-foot segment:

a. Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;

b. Changes in materials, colors, patterns, or textures;

c. Changes in roof form pursuant to §5.7.3.B.5: *Roof Form*;

d. Windows, doors, and openings pursuant to minimum transparency requirements in §5.7.3.B.6: *Transparency (Windows, Doors, and Openings)*; and/or

e. Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

5. Roof Form[528]

Buildings shall be designed to avoid any continuous roofline longer than 60 feet. Rooflines longer than 60 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

[526] New.
[527] New.
[528] New.

Figure 5-205 ~~-20~~: Roofline Variation

6. **Transparency (Windows, Doors, and Openings)[529]**
   - **a.** At least 25 percent of the ground-floor wall area, as measured from floor plate to floor plate, of any façade facing a public street or other public area such as a plaza, park, or open space shall contain windows, other transparent materials, or doorways. Such windows, transparent materials, or doorways shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, and display areas.
   - **b.** At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.
   - **c.** Requirements for ground-floor transparency shall allow views into common areas such as foyers, hallways, and entryways, but may be translucent or opaque for individual dwelling units.
   - **d.** Windows and other materials intended to meet the minimum transparency requirements shall be clear or tinted and not be reflective.
   - **e.** Reductions to these minimum standards may be approved by the Director if required to comply with local energy codes.

[529] New.

Figure 5-215-21: Transparency Requirements

7. Exterior Finish Materials[530]

a. The exterior cladding of all multifamily dwellings (including garages and accessory buildings) shall be composed of not more than three materials, excluding glass and roofing materials. ~~Glass shall be clear or tinted, not reflective.~~

b. Exterior cladding materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials.

c. At least 80 percent of the exterior cladding of all multifamily dwellings (including garages and accessory buildings) shall be one or more the following allowed materials:

Table 5.7-2: Allowed and Prohibited Building Materials (5 or More Units)

✓ = Façades not visible from public street ◊ = Façades visible from public street
blank cell = prohibited [1]

	Zoning District					
Material	**R-3**	**A**	**M-1**	**M-2**	**M-3**	**M-4**
Architecturally finished concrete block	✓	✓	✓	✓	✓	✓
Brick	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Brick veneer	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Class PB Exterior Insulating and Finishing Systems (EIFS)				✓	✓	✓
Comparable materials as approved by the Director	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Concrete masonry units			✓	✓	✓	✓
Cultured stone	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	✓
Exterior cement plaster						
Galvanized steel or other bright metal						
Glass block				✓	✓	✓
Glass tile				✓	✓	✓
Plate glass						

[530] These standards carry forward the various building material lists from districts where multifamily units are allowed. We have revised the list to reflect typical multifamily cladding materials and removed those that would be more typical of nonresidential construction (plate glass). The limit of three materials is carried forward from the Urban Center (Addison Circle) standards. This table includes a new option for approval of comparable materials as approved by the Director for added flexibility and also specifies which materials are appropriate for facades facing public streets and those that are not.

Table 5.7-2: Allowed and Prohibited Building Materials (5 or More Units)

✓ = Façades not visible from public street ◊ = Façades visible from public street
blank cell = prohibited [1]

	Zoning District					
Material	**R-3**	**A**	**M-1**	**M-2**	**M-3**	**M-4**
Stone	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	✓
Stone veneer	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	✓
Stucco				✓	✓	✓
Unfinished concrete block						
Wood or composite siding						
Wood roof shingles						
Other materials allowed by Building Code	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓

Notes:
[1] Any project requesting the use of a prohibited material shall submit an application for an appeal to the Board of Appeals.

8. Colors

There are no restrictions on colors, except that fluorescent colors are prohibited.

~~5.10.4.~~5.7.4. Mixed-Use (Vertical or Horizontal) and Nonresidential Site and Building Design[531]

A. Building Placement and Orientation[532]

The minimum percentage of building façades shall be built parallel to the street frontage at build-to-ranges as established in Article 3: *Zoning Districts.*

B. Large and/or Multi-Building Developments[533]

Developments with more than 100,000 square feet of gross floor area shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by using the buildings to frame and enclose at least one of the following:

1. The corners of street intersections or entries into the development site;
2. A "main street" pedestrian or vehicle access corridor within the development site; and/or
3. A plaza, pocket park, square, or other outdoor gathering space for pedestrians; and/or
4. Other site improvements as approved by the Director.

C. Building Entrances[534]

1. Each building and separate lease space at grade along the street edge shall have a functioning primary entry from the sidewalk. Corner entries may count as a primary entry for both intersecting street frontages.[535] A façade containing a primary building entrance may be curved or angled toward an intersection at street intersections.

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531 From current UC-Residential and UC-Commercial subdistrict standards. Did not carry forward statement from UC-Commercial subdistrict indicating that standards apply to all buildings and parking structures within 150 feet of the UC-Residential subdistrict or the special events/retail street. These standards would now generally apply.
532 From current Belt Line standards.
533 New.
534 New unless otherwise noted.
535 Did not carry forward entrance inset requirements or entrance spacing standards.

2. Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director.
3. For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.
4. All ground-floor pedestrian entrances shall be covered or inset.

D. Building Mass[536]

1. Buildings that are located on axis with a terminating street or at the intersection of streets shall be considered a landmark building. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated entry and a unique building articulation that is off-set from the front wall planes and goes above the main building eave or parapet line.
2. Buildings shall not extend more than 6~~5~~0 continuous feet without incorporating at least two of the following elements for each 6~~5~~0-foot segment:
   a. Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;
   b. Changes in materials, colors, patterns, or textures;
   c. Windows, doors, and openings pursuant to minimum transparency requirements in §5.7.4.G: *Transparency (Windows, Doors, and Openings)*; and/or
   d. Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

E. Architectural Features

1. Residential at Grade[537]

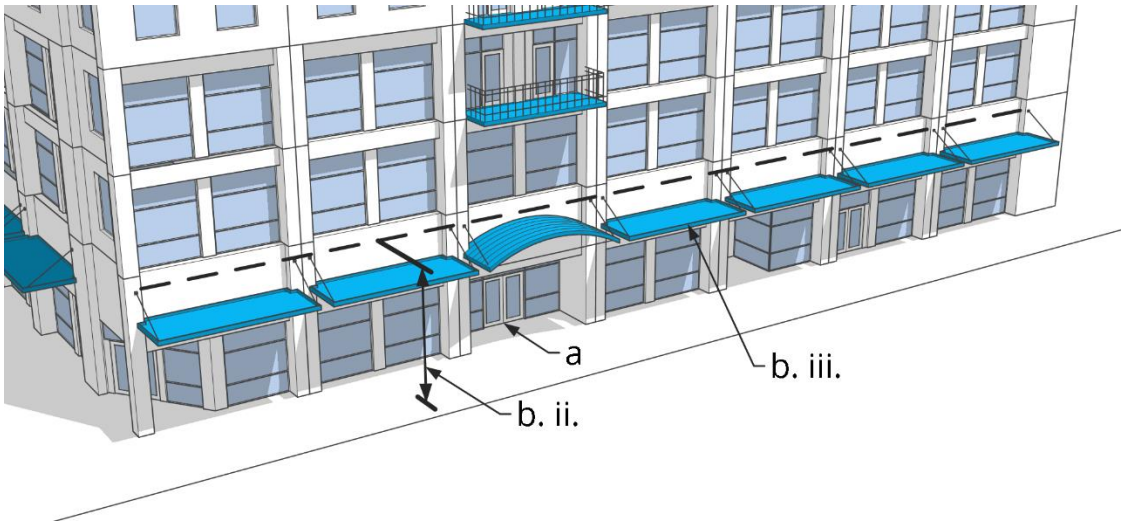
a. All buildings that have residential unit floor plates within six feet of finished grade shall include a primary front door entrance into the unit accessible from the sidewalk.
b. The entry shall be located a minimum of two feet above the sidewalk elevation and include a minimum 24 square foot stoop.
c. Units must also include windows that provide residents a view of the street and sidewalk area.
d. Lobbies to upper stories may be located at grade level.
e. Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited. Masonry columns may be used on patios provided that they are used as accents.

2. Nonresidential at Grade

a. The ground floor entry must be located at the elevation of the adjacent sidewalk.
b. Retail uses adjacent to the sidewalk at grade shall:
   i. Have a minimum clear height of 14 feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per Building Code; and
   ii. Have an awning or canopy that extends at least six feet over the sidewalk for at least 75 percent of the frontage on any portion of a building. Such awning or canopy shall maintain a minimum seven and one-half foot clearance over the sidewalk.

536 Paragraphs (1) and (2) are from current Belt Line standards. Other standards are new.
537 From current Belt Line standards. Did not carry forward allowance for changes to standards (a), (b), and (c) with approval of a major waiver.

Figure 5-225-22: Nonresidential Uses at Grade



3. In the M-1 district, 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.[538]

F. Exterior Finish Materials[539]

1. The exterior cladding of all mixed-use and nonresidential buildings (including garages and accessory buildings) shall be composed of not more than three materials, excluding glass and roofing materials. ~~Glass shall be clear or tinted, not reflective.~~
2. Exterior cladding materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials.
3. Unpainted metal, or metal subject to ordinary rusting shall not be used as a building material. Factory finished metal elements as well as metals that develop an oxidized finish, such as copper, galvanized metal, or weathering steel, may be used as architectural accents.[540]
4. Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.
5. At least 80 percent of the exterior cladding of all mixed-use and nonresidential buildings (including garages and accessory buildings) shall be one or more the following allowed materials:[541]

538 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.

539 These standards carry forward the various building material lists from districts. The limit of three materials is carried forward from the Urban Center (Addison Circle) standards. This table includes a new option for approval of comparable materials as approved by the Director for added flexibility.

540 From current Belt Line standards, did not carry forward requirement for minor waiver to use accents.

541 Urban Center (Addison Circle) currently requires 90 percent brick construction for exterior walls visible from public streets. We recommend this be reduced to 80 percent for consistency with other districts and to allow additional flexibility.

Table 5.7-3: Allowed and Prohibited Building Materials (Mixed-Use & Nonresidential)

✓ = Façades not visible from public street ◊ = Façades visible from public street
blank cell = prohibited [1]

	Zoning District							
Material[542]	**Residential Districts**	**M-1**	**M-2**	**M-3**	**M-4**	**CL, CG**	**LI[543]**	**AA 544**
Architecturally finished concrete block	◊ ✓	✓	✓	✓	✓	✓	✓	◊ ✓
Brick	◊ ✓	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Brick veneer	◊ ✓	◊ ✓	◊ ✓	✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Class PB Exterior Insulating and Finishing Systems (EIFS)			✓	✓	✓	✓	✓	◊ ✓
Comparable materials as approved by the Director	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓
Concrete masonry units	✓	✓	✓	✓	✓	✓	✓	✓
Concrete tilt-wall						✓	✓	✓
Corrugated metal								
Cultured stone	◊ ✓	✓	◊ ✓	✓	✓	◊ ✓	◊ ✓	◊ ✓
Exterior cement plaster	✓	✓	✓	✓	✓	✓	✓	✓
Architectural metals (e.g., stainless steel, galvanized steel)			◊ ✓ [1]					
Glass block		✓	✓	✓	✓	✓	✓	◊ ✓
Glass tile		✓	✓	✓	✓	✓	✓	◊ ✓
Plate glass		✓				✓	✓	◊ ✓
Prefabricated metal							✓	✓
Stone	◊ ✓	✓	◊ ✓	✓	✓	◊ ✓	◊ ✓	◊ ✓
Stone veneer	◊ ✓	✓	◊ ✓	✓	✓	◊ ✓	◊ ✓	◊ ✓
Stucco			✓	✓	✓	✓	✓	✓
Unfinished concrete block								✓
Wood or composite siding								
Wood roof shingles								
Other materials allowed by Building Code	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓	◊ ✓

Notes:
[1] Any project requesting the use of a prohibited material shall submit an application for an appeal to the Board of Appeals.

G. Transparency (Windows, Doors, and Openings)[545]

1. For live/work dwellings and residential uses, requirements for ground-floor transparency shall allow views into common areas such as foyers, hallways, and entryways, but may be translucent or opaque for individual dwelling units.

542 Did not carry forward limitation of composition shingles in the Urban Center (Addison Circle) district to areas not visible from a public street. Did not carry forward 90 percent brick requirement in UC-Commercial for minimum height of 50 feet.
543 Did not carry forward requirement to have side walls extending back 20 feet to be constructed of brick or stone.
544 New standards for the airport district, currently there are no architectural requirements.
545 New, unless otherwise footnoted.

2. Windows, except for retail at grade, shall be vertical in proportion and have at least a four-inch reveal.
3. No glass curtain wall shall be permitted, except as approved by the Director.[546]
4. Windows and other materials intended to meet the minimum transparency requirements shall be clear or tinted and shall not be reflective.
5. At least 50 percent and no more than 80 percent of the ground-floor wall area between three and eight feet above grade of any building façade facing a public street or other public area such as a plaza, park, or open space shall contain windows, other transparent materials, or doorways. Such windows, transparent materials, or doorways shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, and display areas.[547]
6. At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.[548]
7. Modifications to these standards may be approved by the Director if required to comply with local energy codes.

H. Colors

There are no restrictions on colors, except that fluorescent colors are prohibited.

~~5.10.5.~~5.7.5. Parking Structure Design[549]

The following standards shall apply to all above-ground parking garages or structures, whether freestanding or incorporated into a building:

A. Each façade or a parking garage adjacent to a public street or public space shall have an external skin designed to conceal the view of all parked cars. Examples include heavy gauge metal screen, precast concrete panels, live green or landscaped walls, laminated or safety glass, or decorative photovoltaic panels.

B. In mixed-use zoning districts, all parking garages or structures shall be designed to meet the building design standards applicable in the zoning district in which it is located. Alternative designs may be approved pursuant to §2.10.3: *Minor Modification*.

C. No horizontal length of the parking garage façade shall extend longer than 50 feet without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, and other external features to avoid visual monotony. Facade elements shall align with parking levels.

D. Internal circulation shall allow parking surfaces to be level (without any slope) along each parking garage façade adjacent to a public street or public space. All ramps between levels shall be located along building façades that are not adjacent to a public street or public space or shall be located internally so they are not visible from adjacent public streets or public spaces.

E. The location of elevators and stairs shall be highlighted through the use of architectural features or changes in façade colors, textures, or materials so that visitors can easily identify these entry points.

F. Interior garage lighting shall not produce glaring sources toward adjacent properties while providing safe and adequate lighting levels. The use of sensor dimmable LEDs and white stained ceilings are recommended to control light levels on-site while improving energy efficiency.

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546 Replaced reference to "minor waiver" with approval by the Director.
547 Current standards vary based on zoning district – between 60 and 80 percent in Belt Line, 70 percent in UC (Addison Circle).
548 Currently 50 percent in M-1 (UC-Residential) and 60 percent in M-4 (UC-Commercial).
549 Current standards require all parking structures to comply with building design standards. These new standards ensure screening of vehicles and enhanced parking structure design generally, but do not require parking structures outside of mixed-use zoning districts to comply with the building design standards.

G. Vent and fan locations shall not be located on parking garage façades facing public streets or public spaces, or adjacent to residential uses, to the greatest extent practicable.

H. Any parking garage with more than 100 parking spaces shall be designed with at least two vehicular access points unless a traffic study is submitted.

~~5.10.6.~~5.7.6. Neighborhood Transition Standards

~~**Commentary:**~~
~~These new standards enhance neighborhood transitions between more intense development and residential zoning districts. Increased building setback and building stepback provisions are intended to ensure that development immediately adjacent to residential zoning districts respect the scale of adjacent buildings and ensure an adequate buffer between uses.~~

A. Setbacks

Buildings abutting a property in the R-1, R-2, or R-3 zoning districts, or Planned Development districts with abutting residential uses shall comply with the minimum front setback of the adjacent R~~r~~esidential zoning district along the common property line or the minimum building setback of the zoning district where the building is located, whichever is greater.

B. Building Height

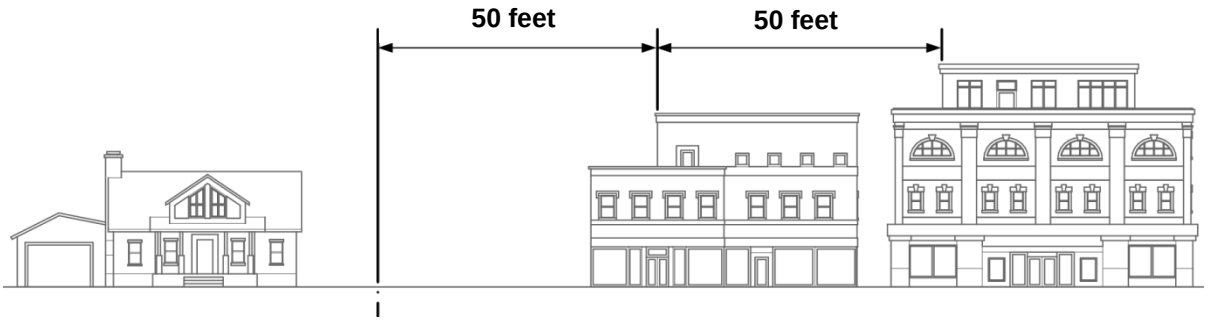
1. Any portion of a building within 50 feet of a property in the R-1, R-2, or R-3 zoning districts, or Planned Development districts with abutting residential uses shall not exceed the maximum building height allowed in the abutting Residential zoning district or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more Residential zoning districts, the Residential zoning district with the lowest maximum building height shall govern.

2. Any portion of a building between 50 feet and 100 feet of a property in the R-1, R-2, or R-3 zoning districts shall not exceed the maximum building height allowed in the abutting Residential zoning district, plus one story (not to exceed 15 feet); or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more Residential zoning districts, the Residential zoning district with the lowest maximum building height shall govern.

3. Any portion of a building beyond 100 feet from a property in the R-1, R-2, or R-3 zoning districts shall not exceed the allowed building height of the zoning district where the building is located.

4. Building features referenced in §3.9.5.C: *Exceptions to Height Requirements* shall be designed to minimize visibility from adjacent Residential zoning districts and fit within the allowed building height of the zoning district where the building is located, to the maximum extent practicable.

Figure 5-23~~5-23~~: Neighborhood Transition Standards



~~5.11~~5.8 Exterior Lighting

~~**Commentary**~~
~~The current Addison code has minimal exterior lighting standards, mostly which apply to only specific districts (Belt Line, LR, C-2). This draft proposes some relatively simple standards to apply more broadly throughout the Town, but they are more complex than what the Town is administering today. Comprehensive lighting standards require additional up-front submittal requirements to demonstrate compliance and can require additional code enforcement measurement devices.~~

~~5.11.1.~~5.8.1. Purpose

The purpose of this section is to provide for exterior lighting that enhances safety, preserves the ~~town~~Town's nighttime character, and improves the ability to view the nighttime sky from within the ~~town~~Town. This section is intended to:

A. Decrease light pollution;

B. Increase energy efficiency;

C. Promote high-quality lighting design as it relates to the built environment;

D. Ensure that parking areas, public gathering places, and other public places have adequate outdoor illumination;

E. Ensure that light levels are uniform to enhance night vision and security;

F. Minimize adverse impacts on public safety and neighborhood enjoyment due to excessive glare; and

G. Minimize spillover of light onto adjacent or nearby properties.

~~5.11.2.~~5.8.2. Applicability

A. Applicability

Unless otherwise exempted by §5.8.2.B below, the standards of this section shall apply to all development that meets the applicability thresholds established in §5.2: *Applicability*.

B. Exemptions

1. Single-Family Detached and Duplex Dwellings

a. Soffit or wall-mounted lights permanently attached to the dwelling shall be exempt from the exterior lighting regulations, provided the lights do not exceed the height of the eave; and

b. Such lights shall be downcast and directed away from abutting properties.

2. Emergency Lighting

Lighting used only under emergency conditions shall not be subject to this §5.8.

3. Seasonal Lighting

Temporary seasonal lighting between Thanksgiving and January 15 shall not be subject to this §5.8, provided such lighting does not create glare to motorists, result in light trespass onto adjacent properties, or flash at a speed that may result in medical issues for motorists or other passerbys. This exemption shall not apply to permanent exposed string lighting typically used for patio ambiance lighting.

4. Lighting Required by Federal Aviation Administration (FAA) or Federal Communications Commission (FCC)

Lighting required by the FAA or the FCC shall not be subject to this §5.8.

5. Special Events

Special events that have been issued a Temporary Use Permit pursuant to §2.6.3 shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties and complies with §62-273 of the Code of Ordinances.

6. Street Lighting

With the exception of shielding requirements, this UDC does not apply to street lighting within ~~town~~Town and state rights-of-way.

7. Underwater Lighting

Underwater lighting used for the illumination of swimming pools and decorative water fountains shall not be subject to this §5.8, though they must conform to all other provisions of this UDC.

8. Lighting Required by Building Code

Any lighting that is required by the Building Code for life safety purposes such as stairway lighting, walkways, and building entrances, shall not be prohibited by this §5.8 but shall be subject to the lighting standards.

~~5.11.3.~~5.8.3. Administration

~~**Commentary**~~
~~Many (but not all) communities that regulate exterior lighting tailor standards to recognize that different parts of the community, and/or different use types, have different lighting needs. This can be done through the designation of "lighting classes." Lighting classes may become complex and have many tiers in larger cities.~~

A. Lighting Districts Established[550]

Table 5.8-1: Summary of Lighting Districts

Lighting District	Zoning Districts
District 1	M-3, M-4, CL, CG, LI, and AA
District 2	R-3, M-1, M-2, and CF
District 3	R-1, R-2, and PO

B. Evaluation of Compliance

1. Lighting Plan Submittal Required

a. All new multifamily, mixed-use, or nonresidential developments shall provide a lighting plan with the applicable Site Plan application and/or Building Permit.

b. Lighting plans shall show the following:

i. The location and height above grade of light fixtures;

ii. The type of light source (such as incandescent, fluorescent, high pressure sodium, metal halide, LED), rated lumens, and wattage of each light source;

iii. The type of fixture (such as full-cutoff, cut-off, lantern, wall pack);

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[550] An example of an alternative classification system recently adopted in Sedona, Arizona:
1. Class 1 Lighting: Lighting used for outdoor sales or eating areas, assembly or repair areas, signage, recreational facilities, and other similar applications where color rendition is important to preserve the effectiveness of the activity.
2. Class 2 Lighting: Lighting used for illumination of walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is the primary purpose.
3. Class 3 Lighting: Lighting used for decorative effects such as architectural illumination, flag and monument lighting, and illumination of landscaping elements.
4. Multi-Class Lighting: Lighting used for more than one purpose such that the use falls within more than one class as defined for Class 1, 2, or 3 lighting. Multi-class lighting must conform to the standards that apply to the most restrictive included class.

iv. The Backlight, Uplight, Glare (BUG) rating for each fixture;

v. Calculations for site illumination resulting from the lighting, measured in footcandles including minimum, maximum and average footcandles and uniformity ratios;

vi. If building walls are to be illuminated, or if façade-mounted fixtures are to be used, drawings of all relevant building elevations showing the fixtures and the portions of the walls to be illuminated calculated point-by-point and light levels; and

vii. Other information deemed necessary to document compliance with the provisions of this section.

2. Plan Approval

If the Director determines that any proposed lighting does not comply with this UDC, the associated permit shall not be issued or the application approved unless an alternative is approved pursuant to §5.8.3.B.3 below.

3. Discretionary Approval of Lighting Alternatives

The Director may approve alternative lighting designs, materials, or methods of installation or operation not specifically prescribed by this UDC provided the proposed alternative:

a. Results in approximate equivalence to the applicable specific requirement of this UDC;

b. Complies with the intent of this UDC; and

c. Complies with building safety and property maintenance codes.

~~5.11.4.~~5.8.4. Prohibited Lighting Types

The following types of exterior lighting are prohibited unless allowed elsewhere in this UDC:

A. Unshielded lights, lamps, or floodlights that produce glare and light trespass in excess of that allowed in §5.8.5.B.1: *Maximum Lighting Trespass Levels*;

B. Lights affixed to the top of a roof, except where required by Building Code;

C. Lights that flash, move, revolve, blink, flicker, vary in intensity, change color, or use intermittent electrical pulsation, except for holiday lighting pursuant to §5.8.2.B.3: *Seasonal Lighting*;

D. Mercury vapor and low-pressure sodium lighting;

E. Activities and uses that create lighting which makes it difficult for pilots to distinguish between airport lights and nonairport lights, or that create glare in the eyes of pilots using the airport; and

F. Upward-directed lighting that allows spillage into the sky.

~~5.11.5.~~5.8.5. General Lighting Standards

A. On-Site Lighting Level

Maximum on-site illumination, including spillage from doorways, signs, and windows, shall not exceed 10 footcandles, unless otherwise allowed in this UDC.

B. Light Trespass

1. Maximum Lighting Trespass Levels[551]

The maximum measured light levels (footcandles) shall not exceed those provided in the following table:

[551] This type of table could also be more fine-grained and set different maximum light outputs for different types of uses or areas. As a general note, the methodology for regulating maximum light levels is a fast-changing and evolving field. While many communities focus on regulating maximum light trespass at property boundaries, as is shown in this draft text, we today see some communities moving toward regulating overall maximum light output per parcel (e.g., the new Sedona code sets a maximum light output per parcel of 100,000 lumens per acre).

Table 5.8-2: Maximum Lighting Trespass Levels

Lighting District	Point A (property line)	Point B (10 feet onto adjacent property)
District 1	5.0	3.0
District 2	0.5	0.2
District 3	0.3	0.1

2. Measurement

a. Methodology

i. Light trespass shall be measured at grade level unless otherwise noted. Two measurements shall be taken: one at any point along the property line (point A), and one taken 10 feet (measured perpendicular to property line) onto the property being trespassed (point B). Where grade changes or obstructions prohibit measurements at the same grade level, measurements shall be taken on the same horizontal plane.

ii. Lighting measurements shall be taken under normal conditions. Measurements to determine compliance shall not be taken when conditions are present that will influence the outcome of measurements including snow, snowpack, rain, fog, or other influences.

b. Cumulative Light Readings

Light sources from a property shall be measured as cumulative of all sources on the subject property, except for internally illuminated signs.

3. Transitions between Lighting Districts

The maximum light level for light trespass in any lighting district that borders a different lighting district shall be the lower of the two, along that border only. Where separated by a public street or right-of-way, the levels shall apply at the center line of the street adjacent to the light source.

C. Shielding and Light Trespass

1. All light fixtures are required to be fully shielded, unless approved by the Director pursuant to §5.8.3.B.3: *Discretionary Approval of Lighting Alternatives*.

2. All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Lighting shall not be aimed onto adjacent properties, except in cases of shared parking, shared pedestrian pathways, or for coordinated development sites spanning multiple parcels.

3. Light trespass onto adjacent public rights-of-way may be allowed subject to approval of the Director pursuant to §5.8.3.B.3: *Discretionary Approval of Lighting Alternatives*.

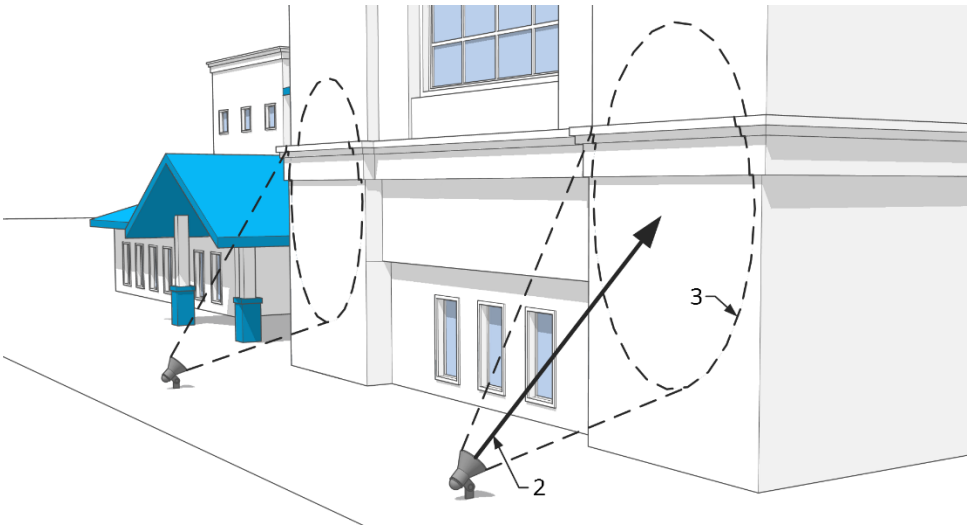
D. Uplighting

1. Subject to the approval of the Director, uplighting or ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping such as exceptional architectural features, specimen trees with dense year-round foliage, or large native shrub masses. Uplighting or ground-mounted lighting shall be designed and installed to minimize glare with special consideration to vehicular and pedestrian traffic.

2. All lighting that is directed upward shall be located so that the angle of the lamp does not exceed 45 degrees measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be fully shielded to contain and direct the light onto the featured to be illuminated.

3. All uplighting shall be selected, designed, installed, and aimed so that there is a minimum amount of spill beyond the area intended to be lighted.

Figure 5-245-24: Ground-Mounted and Uplighting



E. Surface Parking Area Lighting

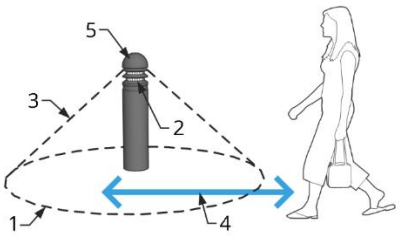
1. All lighting for surface parking lots and upper uncovered decks of parking structures shall use full cut-off fixtures.
2. Parking lot lighting poles shall not exceed 35 feet in height in District 1 and 20 feet in height in District 2. In District 3, parking area lighting shall be prohibited except for public or quasi-public facilities requiring exterior parking lot illumination; such facilities shall comply with the parking area lighting standards for District 2.[552]
3. Parking lot lighting used for after-hours security shall not exceed three footcandles at the designated area illuminated and shall comply with §5.8.5.G: *Security Lighting*.

F. Pedestrian-Scale Lighting

Low-level pedestrian lighting may be used along walkways pursuant to the following:

1. Shall direct light downward;
2. Shall use shatterproof lamp coverings;
3. Shall not cause the site to exceed the maximum trespass pursuant to §5.8.5.B.1: *Maximum Lighting Trespass Levels*;
4. Shall not be located to present hazards for pedestrians or vehicles; and
5. Post or bollard-type lights shall be painted dark colors such as black, dark gray, dark brown, or dark earth tone.

Figure 5-255-25: Pedestrian-Scale Lighting



[552] Some communities also set minimum footcandle measurements for parking lots for security reasons.

G. Security Lighting

1. Applicability

Security lighting shall be allowed in all lighting districts.

2. Standards

a. Examples of Appropriate Security Lighting Techniques

i. Recessed lights under a canopy.

ii. Full cut-off fixtures on parking lot poles.

iii. Fully shielded wall packs or other fixtures.

iv. Floodlights that are down-directed, fully shielded, and are controlled by motion sensors.

b. Fixtures

i. Security lighting fixtures shall be fully shielded and directed only to the designated area.

ii. Security lighting shall not be directed above a horizontal plane through the top of the lighting fixture.

iii. Security lighting fixtures shall include shields that prevent the light source from being visible from adjacent properties and roadways to the maximum extent practicable.

c. Light Levels

i. Security lighting may illuminate ingresses and egresses of buildings up to a level eight feet above grade or the bottom of doorways, windows, or entries, whichever is greater.

ii. Security lighting on a parcel in District 1 that shares a common lot line with a parcel located in Districts 2 or 3 shall comply with specifications for light levels and maximum mounting heights as noted in District 2.

iii. Security lighting for entrances, stairways, and loading docks shall not exceed five footcandles at the designated area illuminated.

H. Service Station Canopies

1. Canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least five footcandles. The maximum horizontal illuminance under canopies shall be 25 footcandles.
2. Light fixtures mounted on canopies shall be installed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or the fixture.
3. Lights shall not be mounted on the top or sides of the canopy. The sides (fascias) of the canopy shall not be illuminated for any purpose, with the exception of internally illuminated signage which shall comply with the sign regulations of this UDC.

~~5.11.6.~~5.8.6. Installation and Maintenance

A. Compliance with Building Code and other Applicable Codes

Exterior lighting fixtures shall comply with the Building Code and other applicable codes as adopted by the Town.

B. Maintenance

Exterior lighting shall be maintained in good structural condition at all times.

C. Electrical Service Underground

New electrical service required for exterior lighting shall be located underground unless the fixtures are directly mounted on utility poles.

~~5.12~~5.9 Signs

~~**Commentary**~~
~~This section carries forward the current Chapter 62: Signs, but includes updates for consistency, user-friendliness, and to maintain content-neutrality, while maintaining the current substance in terms of size, location, and design. This section has also been reorganized for a more logical flow.~~

~~In 2015, the U.S. Supreme Court (in *Reed v. Gilbert*) restricted the ability of local governments to apply content-based regulations to signage in order to protect free speech. Based on that decision, cities have been comprehensively updating their sign regulations to remove content-based standards (i.e., regulations that can only be understood and enforced by reading the sign). This draft includes significant revision to bring current regulations into compliance with the *Reed v. Gilbert* decision.~~

~~This draft also includes targeted revisions that focus on:~~

- ~~Increasing flexibility, especially for properties in more intense zoning districts;~~
- ~~Aligning content with current Town practices and interpretations;~~
- ~~Introducing a Master Sign Plan process; and~~
- ~~Standardizing methods of measurement.~~

~~5.12.1.~~5.9.1. Purpose

The regulation of the location, size, and placement of signs is necessary to enable the public to locate goods, services, and facilities located within the corporate limits of the ~~town~~Town, to encourage the general attractiveness of the community, and to protect property values. The general objectives of these standards are to promote public health, safety, and welfare, and specifically to achieve the following:

A. Safety

To promote the safety of persons and property by providing that signs do not:

1. Create a hazard due to collapse, fire, decay or abandonment;
2. Obstruct public safety response;[553] and/or
3. Create traffic hazards by confusing or distracting pedestrians.

B. Communications Efficiency

To promote the efficient transfer of information in sign messages providing that:

1. Signs that provide messages and information most needed and sought by the public are given priority;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate a business or service;
4. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
5. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose.

C. Landscape and Built Environment Quality and Preservation[554]

To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing signs that:

[553] Replaced "firefighting or police surveillance."
[554] Added "and Built Environment" to heading.

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height or movement;
4. Are not detrimental to land or property values;
5. Do not contribute to visual blight or clutter; and
6. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

~~5.12.2.~~5.9.2. Authority and Jurisdiction[555]

The terms and conditions of this section shall apply to all signs located within the ~~town~~Town, pursuant to TLGC Chapter 216. The provisions of this section shall be administered and enforced by the Director. Allegations of errors in orders, decisions, and/or determinations by the Director shall be handled in accordance with §2.10.4: *Appeal of Administrative Decision*.[556]

~~5.12.3.~~5.9.3. General Procedures

A. Permit Required[557]

1. Sign Permit

a. Except as provided in §5.9.5, no person shall erect, construct, enlarge, alter, repair, display, maintain, or use a sign, whether temporary or permanent, until a permit for the same has been issued by the Director in accordance with §2.6.5: *Sign Permit*.

b. Each sign shall require a separate Sign Permit.

2. Electrical Permit

Each sign requiring the installation of an electric power source shall require a separate electrical permit and inspection as required in the Electrical Code.

3. Building Permit

When determined by the Building Official a sign, pole or structure must be sealed by a professional engineer for structural and/or electrical compliance with the Building and Electrical Codes.

B. Contractor Registration Required[558]

1. No person shall install or erect, relocate, or maintain any sign, or contract for such service, until such person has applied through the Development and Neighborhood Services Department for a Contractor Registration to install, erect, relocate, and maintain such sign, and such registration has been approved and issued, except as otherwise provided in this section.
2. All sign contractors shall comply with the licensing requirements of Texas Occupations Code §§1305.160, 13.05.166, and 13.05.167.[559]

[555] Consolidated Sec. 62-3 and Sec. 62-31 and revised appeal provisions.
[556] Replaced references to Code Enforcement Administrator with Director.
[557] Replaces Sec. 62-51(a). Other permit requirements and information added.
[558] Sec. 62-96-101. Replaced references to "contractor license" with "contractor registration" where applicable.
[559] New.

~~5.12.4.~~5.9.4. Removal of Certain Signs

A. Removal of Public Nuisance or Hazardous Signs[560]

All of the following signs shall be considered a public nuisance, and the Town may, without notice, remove and impound any of the following signs:

1. Any sign erected or existing that constitutes a traffic hazard;
2. Any sign erected without a permit, either prior to or after the adoption of this section, if a permit was required;
3. Any sign erected in violation of the provisions of this section; and
4. Any sign erected in or over a public right-of-way, either prior to or after adoption of this section.

B. Recovery and Disposal of Impounded Signs[561]

1. Impounded signs may be recovered by the owner within 15 days of the date of impoundment by paying the fee established by the Town.
2. Signs not recovered within 15 days of impoundment may be disposed of by the Town in any manner it shall elect.

~~5.12.5.~~5.9.5. Signs Allowed Without Sign Permit[562]

All signs listed in this section may be erected and maintained under the conditions listed and shall not require a Sign Permit, provided all other provisions of this section are met.

A. Signs in Airport Overlay District[563]

Air side signs that are located outside the view of primary public areas and/or on the rear or side of buildings shall not require a Sign Permit. All primary, secondary, and tertiary signs as defined in the Airport Master Plan that are visible from the primary public areas of the airport including the public right-of-way, access roads, pedestrian areas, and parking areas, shall require a Sign Permit.

B. Construction Banner Signs[564]

1. Construction banner signs shall be allowed without a Sign Permit subject to the following:
   a. Such signs shall not be erected prior to the issuance of a building or Site Development Permit for the project to which the sign pertains and shall be removed prior to the issuance of a certificate of occupancy.
   b. Such signs shall be affixed to construction fences and firmly attached on all four corners.
   c. No sign shall contain more than 36 square feet in sign area.
2. All other construction signs shall require a Sign Permit.

C. Flags

Flags shall be allowed without a Sign Permit subject to the following:

1. Flags are limited to three per property[565].

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[560] Sec. 62-5. "or Hazardous" is new.
[561] Sec. 62-34.
[562] Based on Sec. 62-136-148. Deleted specific requirements related to fuel pump and pricing signage as these standards are challenging to enforce and major signage at fuel stations is addressed through standard permanent sign regulations. Deleted requirements for words on machinery or equipment, protective signs, and no trespassing/no dumping/no parking as exempt signage – reference new exemption for signs not readable from the public right-of-way. Removed current Sec 62-138 – to be relocated to the exterior lighting standards.
[563] Proposed to replace the current narrower exemption for "Air Traffic Signs." These regulations are based on the signage hierarchy and design standards in the Airport Master Plan.
[564] Replaces Sec. 62-210 to exempt signs on construction fences. See new definition of construction banner sign.
[565] Replaced "premises" with "property" for clarity.

2. Each flag shall not exceed 40 square feet in size.
3. Flagpoles shall not exceed 30 feet in height.
4. Flags smaller than six square feet are exempt from the limitations of §§5.9.5.C.1 and 5.9.5.C.2 above.
5. Approval of an alternative sign design as set forth in §5.9.6 is required for flags or flagpoles that exceed the above size and height limitations.

D. Government Signs[566]

Signs required to protect the public health, safety, and welfare of the Town and other regulatory purposes, including traffic signs, emergency and warning signs, information signs erected by the Town or other government agency, signs required to be displayed by law and signs of public service companies indicating danger and/or aids to service or safety shall be allowed without a Sign Permit.

E. Menu Boards and Drive-Through Signs[567]

Menu boards placed for the purpose of listing food or beverages available for sale and signs adjacent to, within, or above drive-through or drive-in lanes directing vehicles shall be allowed without a Sign Permit.

F. Residential Property[568]

Residential property signs shall be allowed without a Sign Permit subject to the following:

1. A residential property may display up to three detached, non-illuminated signs per lot. Each sign shall not exceed six square feet.[569]
2. Temporary signs during an election event are not subject to the three-sign limit set forth in above and shall comply with §5.9.8.B and V.T.C.A. Election Code §259.003, as amended.

G. Signs not Readable from the Public Right-of-Way[570]

Signs shall be considered not readable from the public right-of-way and therefore allowed without a Sign Permit subject to the following:

1. The sign or display is located entirely inside of a building and not visible from the building's exterior; or
2. Any letters, figures, or symbols are less than two inches in height and project no more than one inch from the surface on which the sign is mounted.

H. Vehicular Signs[571]

Vehicular signs shall be allowed without a Sign Permit and may be attached to vehicles subject to the following:

1. The vehicle is owned and operated by the Town or another governmental entity; or
2. The primary purpose of the vehicle is not for display of the sign; and
3. The signs are painted upon or applied directly to an integral part of the vehicle;
4. The vehicle is in operating condition, currently registered and licensed to operate on public streets, and actively used in the daily function of the business to which such sign relates; and
5. The vehicle, when on the premises of the business to which such sign relates, shall be parked in a location that does not unreasonably impact standard operating businesses.[572]

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[566] Sec. 62-137. Content revised to make content neutral. "Signs required to be displayed by law" added to address a range of additional signage including public notice signs required by a state or federal entity for air permits.
[567] New to reflect current practice.
[568] Broadened from "Single-family or duplex residential property."
[569] Updated for content-neutrality (removed reference to leasing and garage sale signs) and applied the more permissive sign area allowance to all signs.
[570] New.
[571] Updated for content neutrality (removed reference to static displays advertising a product or service).
[572] Removed specific requirement for vehicle to be parked out of view of public right of way.

I. Window Signs

Window signs shall be allowed without a Sign Permit subject to the following:

1. Each sign shall be no more than four square feet in area.[573]
2. Signs in windows visible from public rights-of-way are limited to 10 percent of the total area of each architecturally distinct ground floor window area.[574]
3. The outlining of a window on two or more of any sides with lighting, gaseous tubing, or similar means shall constitute 100 percent of the total window area as a sign.
4. In buildings with multiple tenants, these provisions shall be applied to each individual tenant based on the size of the windows located within that portion of the facade adjacent to the tenant's leased premises.

J. Works of Art[575]

Works of art, including murals, that do not advertise a product or business as determined by the Director shall be allowed without a Sign Permit provided they comply with the dimensional standards for wall signs in the applicable district.

~~5.12.6.~~5.9.6. Alternative Sign Designs[576]

A. Purpose

It is not the intention of these regulations to discourage innovation. Applications for alternative sign designs may be submitted that, while clearly not conforming to this section and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

B. Approval Criteria

The City Council may approve an alternative sign design if it:

1. Is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
2. Will not have a substantially adverse effect on neighboring properties; and
3. Will not substantially conflict with the purpose and standards of this article.

~~5.12.7.~~5.9.7. Prohibited Signs[577]

The following signs are specifically prohibited, except as otherwise prescribed within this section:

A. Animated or Moving Sign

Any sign that includes animation, parts which move, or flashing or blinking lights that may be distracting to motorists. This includes feather signs and a person holding or carrying wind devices, flags, balloons, or other sign structures.[578] This prohibition does not include time and temperature signs. Signs that have

[573] New.
[574] Replaced broad reference to façade with architecturally distinct window area to ensure an even distribution of window signs across a building's window space.
[575] New exemption for works of art to clarify what distinguishes art from signage. Reference new definition of mural.
[576] Replaces the vague "meritorious exceptions" language in current Sec. 62-33. Authority to review and approve sign Variances is kept with Council, as with current meritorious exceptions, per discussions. Application fees and submittal requirements not carried forward; should be located in a separate administrative manual.
[577] Sec. 62-270-288. Removed prohibitions on "temporary real estate directional signs" and "obscene, indecent, or immoral matter," both of which are content-based.
[578] New sentence to address "sign spinners."

copy that changes, moves, flashes, or blinks in no less than 8-minute intervals[579] shall not be considered as animated.

B. Building Code

Any sign in violation of the Building Code.

C. Hazardous or Nuisance Signs

Any sign illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed.

D. Electronic Sign

Any sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof, within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Noncommercial components of electronic signs are exempt from this prohibition.

E. Fence Sign[580]

Any sign painted or attached to the outside of a fence, railing or a wall that is not a structural part of a building, whether or not such fence, railing or wall is on the property line.

F. Imitation of Emergency Signs and Signals[581]

Any sign using any combination of forms, colors, or lights which imitate emergency signs or signals.

G. Inflatable Sign

Any inflatable sign, including balloons, anchored to the ground, a building or other structure.[582]

H. Interchangeable Copy

Any sign that allows for manual interchangeable copy, unless directly associated with and located on the same lot as a vehicle fuel station.[583]

I. Luminescent Gaseous Tubing

Any sign that uses exposed tubes that contain luminescent inert gases, including, but not limited to, neon, argon and krypton, and that are visible from the exterior of structures, except as an attached sign which shall conform to §5.9.10: *Permanent On-Site Signs*.

J. Mobile Billboards[584]

Any wheeled vehicle equipped with one or more poster panel units used primarily for the display of general advertising, by means of traversing upon any public street or parking on any public street in a manner that the advertising image(s) on the vehicle are visible from any portion of the public right-of-way.

K. Off-Premises Signs

Any off-premises sign is prohibited, unless specifically allowed by this UDC.

L. Portable Signs

Portable signs are prohibited.

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[579] Decrease from 20-minute as recommended in the Development Regulations Assessment.
[580] Updated to remove content-based regulation.
[581] Removed "words" for content-neutrality reasons.
[582] Removed reference to and content regarding flags as the standards related to flag exemptions are addressed in 4.10.5 above.
[583] Fuel station exemption is new per staff request.
[584] New.

M. Roof Signs

Any sign on the roof or project over the roofline of a building. This does not apply to signs located above structural elements of the building, but remain below the roof of the facade on which the sign is located.

N. Searchlights

Searchlights are prohibited.

O. Signs in Rights-of-Way[585]

Any sign that is erected or affixed within or projected over any public right-of-way or extended across a railroad right-of-way. This includes signs attached to or painted on any sidewalk, curb, gutter, street, tree, or public or private utility pole or structure. No sign shall be erected closer than 10 feet from the existing public right-of-way except as otherwise authorized by this section.

P. Wind-Driven Signs

Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

~~5.12.8.~~5.9.8. Temporary Signs

A. Standards Applicable to All Temporary Signs[586]

1. Sign Location

a. Signs shall be located so as not to create a hazard for pedestrian or vehicular traffic and comply with minimum setback and vision triangle requirements.

b. Unless otherwise specified in this section, temporary signs approved per this section may be located off-premises with the permission of the property owner, and may be allowed on a parcel in addition to the maximum amount of temporary and permanent signage permitted on that parcel.

2. Sign Illumination

Illumination of temporary signs is prohibited.

3. Sign Permit

Unless otherwise specified in this section, temporary signs require a Sign Permit.

B. Election Event Signs[587]

Election event signage shall be allowed without a Sign Permit subject to the following:

1. Duration

For a period of 60 days prior to a state, local, or national election, the total number of temporary signs permitted per property may be increased over the maximum amount of temporary signage permitted by this section. The number of increased signs shall be calculated by the number of federal, state, and local issues and elected positions on the ballot within the voting district where the property is located. The content of this additional signage is not subject to regulation by the Town, but the number shall not exceed the number of ballot issues and offices on the ballot. The signage shall be removed within two days following the election.

2. Size and Features

No election event sign shall:

[585] Consolidated Signs in Rights-of-Way, sign on sidewalk, street, etc. and signs on trees, poles, etc.
[586] New.
[587] Proposed replacement for current "political signs" section in Sec. 62-247, which is content-based.

a. Have a sign area greater than 36 square feet;

b. Exceed eight feet in height;

c. Be illuminated; or

d. Have any moving elements.

3. Location

a. Election event signage shall be located on private real property with the consent of the property owner. For purposes of this requirement, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality, including the Town, to use the property for a public purpose.

b. Election event signs are not permitted within the public right-of-way or on any real property owned by the Town, with the following exceptions:

i. On properties with single-family attached or detached dwellings,[588] election event signs may be placed in any portion of the front or side yard that may include the public right-of-way, if the sign is placed at least three feet away from the edge of the street. In locations with sidewalks, signs must be located behind the sidewalk so as to not obstruct the sidewalk.

ii. On any Town-owned property that has been designated as an election polling place, two election event signs per candidate, proposition, or measure may be placed in an area designated by Town staff while the property is serving as an active polling place. Such signs shall not:

a. Have an effective area greater than three square feet.

b. Exceed 18 inches tall and 24 inches wide.

c. Be illuminated.

d. Have any moving elements.

C. Public or Private Special Event Signs[589]

Unless sponsored by the Town and open to the public, special event signs shall comply with the following:

1. A maximum of one banner sign per vendor internal to the premises and up to 10 banners on the perimeter oriented outwards may be issued in conjunction with a special event permit or Temporary Use Permit. The Director may determine that a special event should be further limited or allowed additional signage based on the total area of the event, number of vendors, and potential adverse impact to neighboring properties.

2. The permit shall specify the location and removal dates of the temporary signs allowed in conjunction with the permit. If dates are not specified in the permit, such signs may be displayed no more than 14 days prior to the special event and must be removed within two days after the conclusion of the special event.

3. Banner signs shall not exceed 50 square feet of sign area, per side. Yard signs shall not exceed six square feet in sign area, per side.

4. Banner signs shall not be located in the public right-of-way and shall be firmly affixed to a stabilized structure such as tent or table on all four corners.[590]

[588] Proposed replacement for "single-family neighborhood."
[589] Replaces the current "special event banner" provisions, which are content-based.
[590] New.

D. Temporary Sidewalk Signs[591]

1. Temporary sidewalk signs are only permitted in the M-4 zoning district for businesses that have an entrance immediately adjacent to a public sidewalk or as permitted by previously approved Sign Districts or Master Sign Plans.[592]
2. Each tenant shall be allowed one sidewalk sign.
3. A minimum of four feet of clear sidewalk shall be maintained at all times.
4. Such signs shall be displayed during operating business hours only.

E. Temporary Banner Signs[593]

1. Temporary banner signs are prohibited in all zoning districts in the ~~town~~Town except for the following:
   a. Any nonresidential establishment may display one banner sign for a maximum of 60 consecutive days at the same location, one time during the first three months after the issuance of a certificate of occupancy or change in ownership; or
   b. The Director may allow additional temporary banner signs displaying a noncommercial message for a maximum of 30 days.[594]
2. Temporary banners allowed by §§5.9.8.E.1.a and 5.9.8.E.1.b above shall not exceed 50 square feet in sign area.
3. Contractor registration is not required for the installation of a temporary banner sign when approved and installed by the business operator.[595]

F. Undeveloped Real Estate Site Signs[596]

1. On undeveloped real estate sites, each lot may have one non-illuminated sign per each public right-of-way provided that each frontage is at least 300 feet in length and the signs are spaced at least 50 feet apart. Such signs shall not be placed on public or private utility or light poles and shall not be located within the public right-of-way, including roadway median strips.[597]
2. The sign shall not exceed 36 square feet in sign area per sign face.
3. The sign shall be a maximum height of 16 feet.
4. Signs up to 20 square feet in sign area per face shall be set back a minimum of 10 feet from the property line and signs up to 36 square feet in sign are per face shall be set back a minimum of 15 feet from the property line.[598]
5. The sign shall comply with the vision triangle standards in §5.4.6: *Vision Triangle.*[599]

[591] New. Based on current allowances for Addison Circle and Vitruvian Special Districts. Reference new definition for sidewalk sign.
[592] Reference to Sign Districts and Master Sign Plans are new in the Consolidated Draft.
[593] Sec. 62-246. Updated to remove content-based regulations.
[594] New.
[595] New.
[596] Replaces general reference to "Real estate/leasing signs." Sec 62-208(2) and Sec 62-207.
[597] New clarification that real estate signs cannot be located in roadway medians.
[598] Replaces current 62-184.
[599] Replaces "Observe 35-foot visibility triangle."

~~5.12.9.~~5.9.9. General Sign Regulations[600]

A. Sign Measurement and Calculations[601]

1. Sign Area[602]

Sign area is calculated as the area enclosed by drawing a rectangle of horizontal and vertical lines that fully contain all extremities of the sign, including architectural design elements such as decorative bordering, but exclusive of the sign supports.

2. Sign Height[603]

Sign height is measured as the vertical distance between ground elevation and the top of the sign, including all backgrounds and support structures, exclusive of any filling, berming, mounding, or landscaping, solely done for the purpose of locating the sign.

3. Sign Setback[604]

The setback of a sign is measured from the property line to the outermost perimeter of the sign, including support structures unless an alternative measurement is designated in this section or approved by the Director.

B. Signs Displaying Noncommercial Messages[605]

Notwithstanding any other provision of this section, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial messages, so long as the sign complies with other requirements of this section or other ordinances that do not pertain to the content of the message displayed.

C. Lighting[606]

1. No sign lighting shall reflect onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street.
2. Signs shall not exceed 0.3 footcandles over ambient light conditions.

D. Maintenance[607]

1. Every sign in the ~~town~~Town, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and sound structural and operational condition at all times, including the replacement of nonfunctioning, broken, defective, or missing parts including lighting elements[608], painting, repainting, cleaning and any other acts required for the maintenance of such sign. All signs and sign supports, brackets and frames shall be kept painted or otherwise treated to prevent rust, rot or deterioration.
2. Damaged or deteriorated signs shall be repaired within 30 days of notification by the Town.[609]
3. Signs not meeting the standards imposed by this section shall be subject to removal or repair as set forth in §5.9.4: *Removal of Certain Signs*.

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[600] New section for standards that are applicable to all signs.
[601] New section to standardize methods of measurement for consistency across all Sign Permits.
[602] Carries forward current definition of "effective area.
[603] Based on current measurement for detached signs.
[604] Replaces current setback measurement taken from the back of the curb of a public street in Sec. 62-184 as recommended in the Assessment, to increase accuracy.
[605] Sec. 62-248.
[606] New in Consolidated Draft.
[607] Sec 62-4.
[608] Added reference to lighting elements.
[609] New in Consolidated Draft.

~~5.12.10.~~5.9.10. Permanent On-Site Signs[610]

A. Applicability

This section shall apply to all attached and detached signs in the Mixed-Use and Nonresidential zoning districts.[611]

B. Requirements by Sign Type[612]

Unless otherwise allowed by §5.9.10.C: *Additional Allowances for Specific Sign Types*, all signs shall comply with the following standards:

Table 5.9-1: Requirements by Sign Type

Sign Type	Attached	Detached	
		Pole	Monument
Number	1 attached sign per tenant (See §§5.9.10.C and 5.9.10.D for additional allowances)	1 detached sign per lot street frontage [1][613] (See §5.9.10.C for additional allowances)	
Area	1.5 square feet of sign area for each linear foot of building frontage[614] [2] [3]	**Single-tenant:** 42 square feet (maximum)[615] **Multi-tenant:** 84 square feet (maximum)[616]	**Single-tenant:** 48 square feet in sign area per side (maximum) **Multi-tenant:** 72 square feet in sign area per side [4]
Dimensions	In the Mixed-Use and Nonresidential zoning districts, no wall sign shall have a length that exceeds 75 percent of tenant frontage.[617]	**Single-tenant:** 7 feet wide × 6 feet high × 1 foot deep (maximum)[618] **Multi-tenant:** 7 feet wide x 6 feet high x 1 foot deep (maximum)[619] [4] 2 feet high (minimum)[620]	Not applicable
Height	Not applicable	20 feet (exact)	**Single-tenant:** 6 feet (maximum) **Multi-tenant:** 8 feet (maximum)
Setback	Not applicable	10 feet[621] (minimum) from the property line given that the sign does not impede pedestrian and vehicular access or visibility and is not situated between the sidewalk and curb	

[610] Sec. 62-161-163. Eliminated maximum letter/logo height standards to be consistent with the Reed v. Gilbert decision.
[611] Updated reference to "business zoning districts" to reflect proposed changes from Part 1: Zoning Districts & Uses.
[612] New simplified summary table.
[613] Replaced "1 per site."
[614] New, more flexible and increased allowance.
[615] Increased from 40 square feet and clarified it as a maximum.
[616] Increased from 78.5 and clarified it as a maximum.
[617] New standard from Addison Town Center and Village on the Parkway Special Districts applied broadly. Added applicability to Nonresidential district in the Consolidated Draft.
[618] Increased from 6'10" wide × 5'10" high × 12" deep and clarified it as a maximum.
[619] Increased from 6'10" wide × 11'6" high × 12" deep and clarified it as a maximum.
[620] New.
[621] Decreased from 20 feet.

Table 5.9-1: Requirements by Sign Type			
Sign Type	Attached	Detached	
		Pole	Monument

Notes:
[1] If a property has more than one street frontage, the freestanding Sign Permitted for each frontage must be located adjacent to that frontage, and the minimum permissible horizontal distance between freestanding signs on the same property is 50 feet.
[2] Allowances for individual occupancies within a multi-tenant building shall be calculated on leased or occupied length of frontage. If the lot on which the building is located has frontage on more than one right-of-way, each street frontage shall be counted for purposes of determining attached sign allowance.
[3] For back-lit awnings, the area of the sign shall be based on the area of the awning that is back-lit or illuminated.
[4] No single tenant shall occupy more than 36 square feet of sign area per side on a multi-tenant sign.

C. Additional Allowances for Specific Sign Types

1. Site Directional Signs

Site directional signs may be erected at any occupancy or upon any site, other than a single-family detached or duplex dwelling, without limit as to quantity provided that such signs shall comply with the following: [622]

a. Each sign shall not exceed two square feet in sign area.

b. Each sign shall be set back at least 10 feet from the back of curb provided it complies with vision triangle standards and does not impede pedestrian or vehicular movement or visibility, or is situated between the curb and sidewalk.[623]

D. Additional Allowances for Specific Zoning Districts[624]

1. M-2, M-3, M-4, CL, CG, and LI[625]

Each tenant shall be allowed one additional projecting or under-canopy sign. The sign:

a. Shall not extend more than 36 inches from the building façade.

b. Shall not exceed 24 inches in height.

c. Shall be located a minimum of eight feet above grade.

2. CL, CG and LI

Attached signs located at a height of up to 36 feet are limited to one and one-half square feet of sign area for each linear foot of building frontage not to exceed 200 feet. All other provisions of §5.9.10.B shall apply.

E. Additional Standards for Pole-Mounted Banners[626]

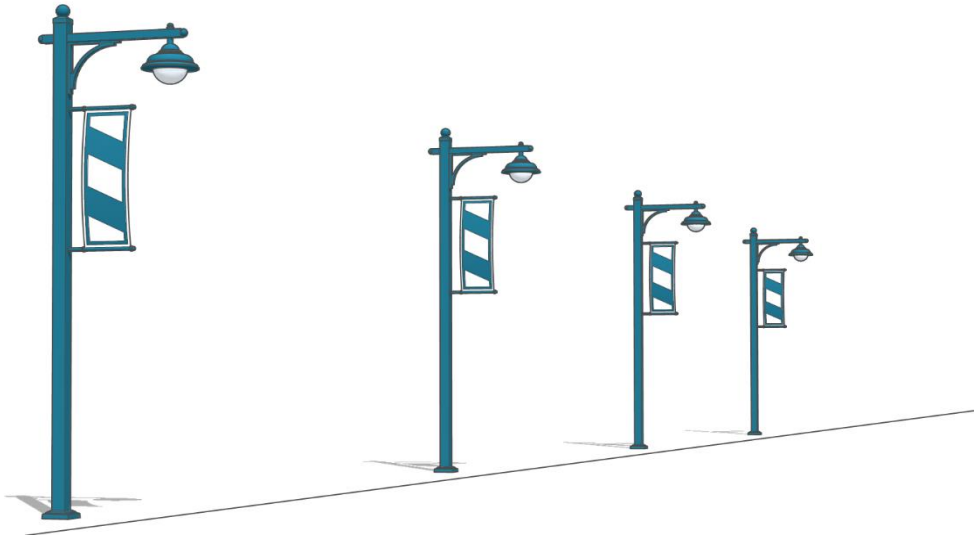
All pole-mounted banner signs shall:

1. Maintain a minimum eight-foot clearance from grade level to the bottom of the banner;

[622] Renamed from "Movement Control Signs." Sec. 62-226. Did not carry forward several current provisions that are content-based. Also did not carry forward the lettering height requirements to be consistent with later edits in the attached sign section.
[623] Decreased 50 feet to 10 feet and added reference to vision triangle requirements.
[624] New standards that allow larger buildings in more intense zoning districts to qualify for a larger sign and additional projecting and under tenant signs as recommended in the Development Regulations Assessment.
[625] Based on current allowances for the Village on the Parkway Special District.
[626] New – based on standards for Village on the Parkway and Vitruvian Park. Removed content-based restrictions.

2. Not exceed two feet in width and six feet in length.

Figure 5-265-26: Pole-Mounted Banners



F. Sign Materials

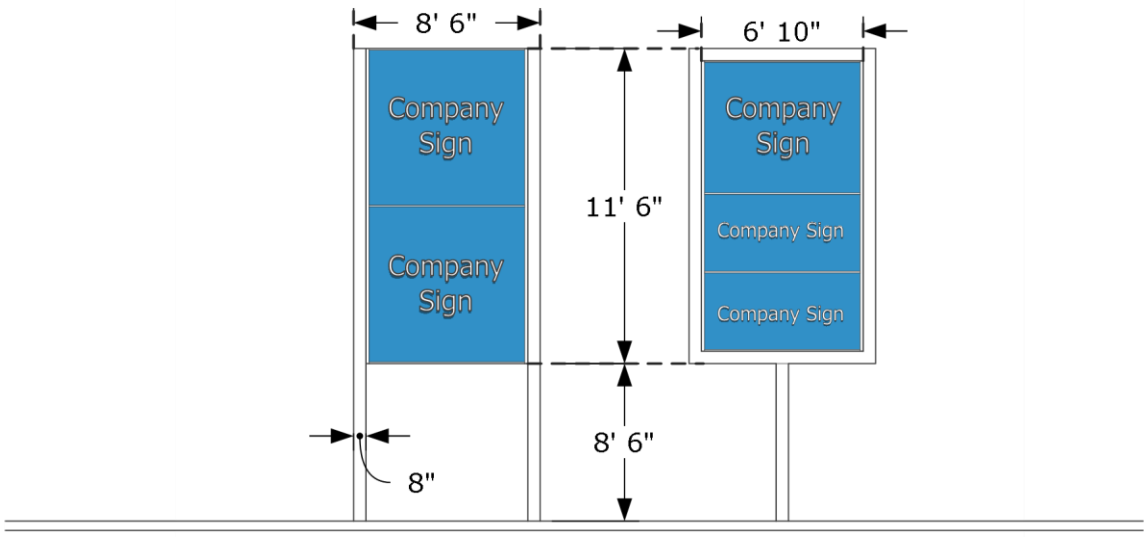
1. Wall Signs

Metal backing is required for all attached wall signs. Wood backing is prohibited.

2. Pole Signs

a. Sign supports shall consist of round or steel structural steel tubing or masonry wrapped steel supports up to 50 square inches in area.[627] Structural support tubing shall be limited to single- or double- support structures and installed in accordance with the figure below. Unpainted metal, or metal subject to ordinary rusting shall not be used.

Figure 5-275-27: Pole Sign Supports



b. The sign face shall be a plastic or metal sheet. Unused panels shall be solid neutral colors.[628]

[627] Revised from 8 inch diameter to allow for square support poles. Added option to provide masonry wrapped steel supports.
[628] Added "metal" to account for older pole signs that should not be considered nonconforming signs. Second sentence is new.

c. The sign supports and cabinet color shall be compatible with currently installed pole signs to the maximum extent practicable.

3. Monument Signs

Plastic faces may be used on monument signs provided only the letters, numbers or logo elements emit light.

G. Location

1. Attached Signs

a. All signs shall be mounted parallel to the building surface to which they are attached.

b. No sign shall project more than 18 inches from the surface to which they are attached.

c. No sign shall be located on the roof or project over the roofline of a building. This does not apply to signs located on structural elements that project above the roofline of the building, but that remain below the uppermost point of the facade on which the sign is located.[629]

2. Detached Signs

a. Detached signs shall comply with the vision triangle standards as set forth in §5.4.6: *Vision Triangle*.[630]

b. Detached signs shall be no closer than 150 feet apart, with no two detached signs of any type being closer than 50 feet apart, measured from center to center of both signs.

~~5.12.11.~~5.9.11. Master Sign Plan[631]

A. Purpose

For some developments, alternative standards and flexibility in the established standards may enhance the aesthetic qualities of the development and the community. Approval of a Master Sign Plan allows for unified presentation of signage throughout a development site, flexibility to provide for unique environments, and pre-approval of designs and design elements to make sign review more efficient.

B. Applicability

A Master Sign Plan shall be available for multi-tenant buildings, commercial, and mixed-use developments containing more than one building in a Mixed-Use, Commercial, or Planned Development zoning district.

C. Master Sign Plan Requirements

1. An application for a Master Sign Plan shall be submitted by the single developer, property owner, or property management company for the site or if all property owners within the development provide their approval, a managing member may be identified to submit an application for a Master Sign Plan and any amendments to a Master Sign Plan.[632]

2. An application for a Master Sign Plan shall identify all proposed signage for an entire parcel or development site and shall include the following information:

a. Sign dimensions and approximate locations;

b. Materials and colors;

c. Proposed illumination, including illumination levels;

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[629] Clarified that there are certain building forms where a structural element (e.g., fence or screening) may project above the roofline, but still support signage. Based on current allowance for Addison Circle.

[630] Additional detail describing the vision triangle deleted and replaced with cross reference to the Vision Triangle standards as drafted in Part 2: Development Standards.

[631] New section establishing a procedure for large campus- or center-style developments that allows deviations from the standards of the base sign regulations.

[632] New in Consolidated Draft.

d. Maximum numbers of tenant signs per sign face;

e. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;

f. A demonstration that the Master Sign Plan will improve the aesthetics of the development and will not have an adverse impact on the use, enjoyment, or value of adjacent properties; and

g. Any other maps, drawings or materials as required by the Director (including a colored rendering of the sign(s) to adequately describe the sign proposal. The application and any exhibits shall become the property of the Town).

D. Standards

1. Prohibited Signs and Sign Elements

Prohibited signs and sign elements are not eligible for inclusion in a Master Sign Plan unless specifically indicated in this section.

2. Architectural Theme

All signs shall be architecturally integrated into or complimentary to the design of the building(s) and character of the site, and shall use similar and coordinated design features, materials, and colors. The Master Sign Plan shall establish an integrated architectural vocabulary and cohesive theme for the development site.

3. Review Criteria

The height, area, number, and location of signs permitted through the Master Sign Plan may deviate from the standards of this section and shall be determined based on the following criteria:

a. §§5.9.11.D.1 and 5.9.11.D.2 above;

b. The overall size of the development site and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and/or more signs);

c. Relationship between the building setback and sign location (additional signage may be appropriate for buildings with less visibility, particularly where buffering is providing an aesthetic and/or environmental benefit to the Town);

d. Length of frontage on a public right-of way (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter from multiple adjacent parcels);

e. Access and visibility to the site;

f. Intended traffic circulation pattern and the need for wayfinding;

g. Hierarchy of signage;

h. Relationship between the site and adjacent uses; and

i. The desired function of the site.

4. Nonconforming Signs

If there are existing signs on-site, they shall be treated in accordance with §5.9.12: *Nonconforming Signs* upon adoption of the Master Sign Plan.

E. Master Sign Plan Review

1. Generally

An application for a Master Sign Plan shall be reviewed as part of the Major Site Plan process in §2.6.2: *Site Plan Review*.

2. Planning and Zoning Commission Approval

Master Sign Plans require approval by and a public meeting with the Planning and Zoning Commission.

F. Individual Sign Permits

Individual Sign Permits are required for signs installed in compliance with an approved Master Sign Plan that conforms with the provisions of this section.

G. Amendments

1. A Master Sign Plan may be amended by the Director if the proposed amendments do not:
   a. Deviate from the original approval of number of signs and size of signs by more than 10 percent;
   b. Include significant changes to the locations of three or more signs; and
   c. Result in a significant change to the architectural theme.
2. If the proposed amendments exceed the standards above, a full Master Sign Plan review is required.

H. Sign Districts[633]

Those areas previously established as sign districts shall comply with the standards in Appendix A.

~~5.12.12.~~5.9.12. Nonconforming Signs[634]

A. Purpose

The purpose of this section is to ensure that in time all privately owned signs shall either conform to the provisions of this section or be removed.

B. Generally

1. No presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this section and all other ordinances of the Town.
2. Any sign that does not conform to all provisions of this section shall be either:
   a. A nonconforming sign if it legally existed as a conforming or nonconforming sign under the terms of this section under prior ordinances; or
   b. An illegal sign if it did not exist as a conforming or nonconforming sign under prior ordinances.[635]

C. Repair and Removal

1. Except for nonconforming signs created by action of the Town or other government agency, no nonconforming sign shall be repaired or renovated, except to reface a sign without structurally altering the shape and size of the sign.[636] Otherwise, a nonconforming sign shall be brought into compliance with the provisions of §5.9: *Signs*.
2. Any nonconforming sign that is damaged in excess of 50 percent of its current value shall be demolished and not repaired unless such proposed repairs would bring the sign into compliance with the provisions of §5.9: *Signs*. Damaged signs shall be repaired within 30 days of notification by the Town.[637]

[633] New. All sign district content has been relocated to an Appendix. Staff is considering transitioning these districts to Master Sign Plans and maintaining their associated standards outside of the UDC.
[634] Sec. 62-32.
[635] Deleted repetitive language and clarified what constitutes a nonconforming sign.
[636] Clarified current Town practice of allowing nonconforming signs to be refaced only.
[637] 30-day timeframe is new in Consolidated Draft.

3. Upon voluntary demolition of a primary structure, a nonconforming sign that identified the primary structure shall be removed or modified to comply with §5.9: *Signs* within 30 days of the completion of the demolition.[638]
4. The Town will follow all applicable state regulations in the removal of nonconforming signs. Upon requirement of removal, the Town will institute any necessary procedures before any legal boards required by state legislation.

[638] New. 30-day timeframe is new in Consolidated Draft.

Article 6: Subdivision Standards

~~**Commentary**~~
~~This article consolidates and updates the current subdivision standards as outlined in the Assessment and Annotated Outline. This article also reorganizes content to be more user-friendly, beginning with general provisions, followed by subdivision design standards (i.e., how to layout and design the subdivision), and then regulations for subdivision improvements (i.e., required infrastructure and utilities). Footnotes throughout identify proposed changes from current standards.~~

6.1 General Provisions

~~**Commentary:**~~
~~This new section includes several new subsections to clarify the purpose, applicability, and administration of the subdivision standards. The current regulations lack a clear intent statement and do not explicitly identify when subdivision standards apply to development. Current sections related to the administration of the subdivision regulations have been relocated to this section.~~

6.1.1. Purpose[639]

This article establishes standards that regulate the subdivision of property in order to:

A. Facilitate the orderly growth and harmonious development of the ~~town~~Town and to protect and promote public health, safety, and welfare;

B. Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;

C. Protect the natural environment;

D. Promote the use of good design, landscape architecture, and civil engineering to preserve and enhance natural features, watercourses, drainage ways, floodplains, native vegetation, and trees;

E. Provide safe ingress and egress for vehicular and pedestrian traffic;

F. Ensure safe and efficient traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

G. Provide adequate water supply, sewage disposal, storm drainage, and other utilities and facilities;

H. Provide for adequate sites for schools, recreation areas, and other public purposes;

I. Protect or enhance real property values;

J. Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;

K. Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably; and

L. Encourage the clustering of dwellings and other structures to preserve open space, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards; and

M. Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

639 New.

6.1.2. Applicability[640]

A. Regulatory Jurisdiction

1. Generally

This article shall apply to all land and all developments within the corporate limits of the ~~town~~Town, except as otherwise provided for in this section.

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~~Town:

a. Any tract of land which has not been recorded by plat in the plat records of Dallas County, Texas, and which 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 tract of land which has been recorded as a lot or block by plat in the plat records of Dallas County, Texas; prior to and upon which no development has been constructed or placed prior to the effective date of this UDC.

c. The division of any previously platted lot into two or more parts prior to the effective date of this UDC.

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.

B. Exemptions

1. Prior to the subdivision, re-subdivision, or development of any land within the ~~town~~Town, all plans, plats, and construction plans for public improvements shall first be approved in accordance with these regulations, except as provided in §6.1.2.B.2 below.

2. 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 public improvements 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.

6.1.3. Compliance and Enforcement

A. It shall be unlawful for any person to begin, continue, or complete any development on any land within the corporate limits of the ~~town~~Town to which the provisions of this article apply, except in accordance with and upon compliance with the provisions of this article.

[640] New.

B. Except as otherwise authorized by this article, the Town shall not issue a Building Permit or certificate of occupancy required by any article of the Town for any land located within the corporate limits to which this article applies, until and unless there is compliance with this article.

C. The Town may refuse to authorize or make utility connections on the grounds set forth in TLGC §212.012.

D. No improvements shall be initiated until the approval of the Town has been given. Disapproval of a Final Plat by the Town shall be deemed a refusal by the Town to accept offered dedications shown thereon.

E. Approval of a Final Plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the Town have both given their written acceptance of the improvements and have actually appropriated the same by entry, use, or improvements.

F. All subdivisions, as proposed or reflected in any Preliminary Plat, Final Plat, Replat, Minor or Amending Plat, or otherwise, must conform to all applicable zoning regulations. A subdivision 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 subdivision, initial zoning shall be requested. Application for zoning includes completion of application forms, payment of required fees, and performance of other requirements of the zoning ordinance and the rules and regulations of the ~~town~~Town, as the same may be, from time to time, passed or amended.[641]

6.1.4. Withholding Improvements[642]

It shall be the policy of the Town to withhold all Town improvements, including the maintenance of streets and the furnishing of sewage facilities and water service, from all additions, the platting of which has not been officially approved by the City Council. No improvements should be initiated, nor contracts executed, until the approval of the City Council has been given.

6.1.5. Annexation[643]

If the property is not within the corporate limits of the ~~town~~Town and the owner desires that it be annexed so as to be qualified to receive Town services, when available, and be afforded zoning protection, the owner must petition the Town for Annexation through lawful Annexation proceedings.

6.1.6. Platting Requirements[644]

A. Division of Property

1. No land may be subdivided or platted through the use of any legal description other than with reference to a plat approved pursuant to the procedures established in §2.9: *Platting Procedures*, and in accordance with the standards in this UDC.

2. Excepting agricultural leases, no land described in this article shall be platted or sold, leased, transferred, or developed until the property owner has obtained approval of the applicable plat pursuant to the procedures established in §2.9: *Platting Procedures*, and in accordance with the standards in this UDC.

3. A division of a tract under this section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

641 Current Appendix B, Section VI.
642 Current Appendix B, Section II.
643 Current Appendix B, Section V.
644 New.

4. No plat may be recorded and no transfer of title to any part of a tract of land shall be made until a plat, accurately describing the property to be conveyed, is approved in accordance with these provisions and recorded.

B. Permits for Construction Activity or Public Improvements

The Town shall not issue permits for any construction activity or allow any public improvements for a development until a plat is approved and filed of record and all public improvements have been accepted (if applicable) except as provided in §6.1.2: *Applicability* or for the following:

1. Model Homes

A developer may construct no more than four model homes within a single-family, duplex, triplex, or fourplex development phase containing public improvements that have not yet been finally accepted, provided that:

- **a.** All off-site drainage or regional improvements have been installed, inspected and accepted;
- **b.** Each model home is inspected and found to meet all Building, Plumbing, and Fire Code requirements prior to being opened to observation by the public;
- **c.** The home will not be sold or occupied as a dwelling unit until all public improvements within that phase have been completed and accepted by the Town; and
- **d.** The applicant complies with §6.3: *Grading and Drainage.*

2. Multifamily or Nonresidential Development

Upon application and satisfaction of the following conditions, together with other UDC, Town ordinance, and Criteria Manual requirements, otherwise applicable to full Building Permits, the Building Official may issue a Building Permit for multifamily or nonresidential development to allow for limited construction subject to the following:

- **a.** The applicant shall complete installation of all drainage and other regional improvements, including off-site improvements. This requirement may be satisfied by constructing temporary drainage improvements (such as detention ponds) that, in the opinion of the Director of Public Works and Engineering, are adequate to offset the decrease in permeable surface of the permitted phase of development and prevent harm to downstream properties, pending completion and acceptance of required permanent regional improvements for drainage.
- **b.** The applicant must enter into an agreement with the Town, in a form approved by the City Attorney, which indemnifies and holds the Town harmless for any failure of the applicant, owner, or builder to obtain necessary access and drainage easements and permits, or to build needed offsite improvements.
- **c.** A Building Permit issued in this manner may be withdrawn upon failure to meet any imposed condition, as set forth in §1.7: *Enforcement*.
- **d.** The applicant shall install and demonstrate proper function of fire hydrants and all-weather access improvements for fire apparatus required by the Fire Code and the Code of Ordinances, prior to any construction above slab.
- **e.** The applicant complies with §6.3: *Grading and Drainage*.

6.2 Subdivision Design Standards

~~**Commentary:**~~
~~This section establishes the general standards for how subdivisions should be designed in Addison, including lot planning, access, block length, and block arrangement. This section also includes street design and construction standards, several of which are technical in nature and recommended to be relocated to a criteria manual outside of the UDC. Private street standards are also included in this section.~~

6.2.1. General

A. Every subdivision shall comply with all other ordinances and regulations of the Town and the TLGC.

B. Public infrastructure shall be constructed in accordance with this UDC, Criteria Manuals or, if no standard or specification can be found, then the standard or specification used shall be subject to approval by the Director of Public Works and Engineering based on professional engineering practices.

C. The applicant shall make all required improvements, at their expense, according to Town regulations, without reimbursement by the Town, except for certain reimbursable costs as provided in this UDC.

6.2.2. Lot Planning[645]

A. General

The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following lot design standards shall apply to all subdivisions:

1. All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards provided in this UDC. No subdivision shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.

2. The minimum area and dimensions of all lots shall conform to the requirements of Article 3: *Zoning Districts*, and Article 5: *Development Standards*, relating to the zoning district in which the lot is located, excluding lots established by a Homeowners Association that do not require conformance with the requirements, subject to Director approval.

3. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical.

4. Double frontage lots may be allowed; however, driveways are only permitted on one frontage.

5. Flag lots and other irregularly shaped lots shall be avoided to the maximum extent practicable.

6. Corner lots may be required to be wider than interior lots to facilitate conformance with required setbacks.

7. The ~~town~~Town, county, school district, or other taxing agency boundary shall not divide a lot except in conformance with this UDC.

B. Drainage

Lots shall be designed and located to provide positive drainage away from all buildings and shall comply with the standards in §6.3: *Grading and Drainage*.

C. Access

1. Lots shall be designed in accordance with §5.4: *Access and Circulation*.

2. Each lot shall be provided with adequate access to an existing or proposed public street.

D. Common Area and Facilities

Such areas shall be noted on the plat and the association's covenants shall be filed with the county. Alternatively, other arrangements for permanent maintenance of these areas and facilities may be approved by the final decision-making body.

[645] New.

6.2.3. Block Layout

A. Block Length[646]

Blocks shall not be less than 200 feet nor more than 600 feet in length. The Town may approve a longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

B. Block Arrangement[647]

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this UDC, except where lots back onto a collector or greater classified street, natural feature, or subdivision boundary, or where lots face an approved cul-de-sac.

6.2.4. Street Design and Construction

A. General Requirements[648]

In general, all public and private streets shall conform to the following standards:

1. Streets shall be in line and consistent with existing streets in adjoining subdivisions.
2. Streets shall be named so as to provide continuity with existing streets.
3. Dead-end streets shall be avoided except where planned for future extension.
4. The subdivision shall be platted with appropriate regard for all topographical features lending themselves to treatment and layout of utilities.
5. Cul-de-sacs shall not exceed 600 feet in length, measured from the centerline of the street it intersects with to the center point of the cul-de-sac.
6. In platting the subdivision, the developer shall provide additional right-of-way required for existing or future streets as shown in the ~~Addison~~ Master Transportation Plan or other plans approved by the City Council.
7. When land is subdivided or developed in areas adjacent to existing Town streets or County roads that are not improved to Town standards, the developer shall include the improvements of these streets in the overall development of the area. Should the City Council determine that it is not feasible to develop said street at the time of development of the area, the developer shall put their pro rata share for the improvements of said street in escrow until such time as improvement is deemed necessary by the City Council.

B. Master Transportation Plan

1. General

Streets and alleys shall be platted and constructed in accordance with the Master Transportation Plan or other plans approved by the City Council and shall conform to the current engineering design standards of the Town.

2. M-1, M-2, M-3 and M-4 Zoning Districts

All streets and blocks shall conform to the following provisions:

a. Streets within the M-1 and M-4 zoning districts shall comply with the standards established in §5.6.4.C.1.a: *Streetscape Standards*.

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646 Consolidates current block length standards from the MXR, UC-Residential, and Belt Line zoning districts and makes standard applicable generally town-wide. The current MXR standard does not include a minimum threshold. Did not carry forward language from Belt Line district allowing modifications through the major waiver procedure; the new Minor Modification tool may include allowances for minor deviations from this standard.

647 Exceptions are new.

648 Current Appendix B, Section XVI.

b. Streets within the M-2 zoning district shall comply with the standards established in Ordinance 006-024, Appendix II: *Street Types*, and made a part hereof by reference.

c. The types and pattern of all streets in the M-1, M-2, M-3 and M-4 zoning districts shall be in conformity with the ~~Addison~~ Master Transportation Plan. The location of streets on the Master Transportation Plan is approximate. Precise location of streets shall be determined in conjunction with approval of the concept and development plans. Street patterns shall be based upon a small-scale grid system of interconnecting streets.

6.2.5. Private Street Regulations[649]

A. General Requirements

1. A private street system shall comply with all design, construction, and other standards of the Town including, without limitation, this Article 6: *Subdivision Standards,* applicable to streets and alleys generally. Without limiting the foregoing, all references in this Article 6: *Subdivision Standards,* and other applicable regulations to "street," "public street," "right-of-way," "public right-of-way," or "alley" shall apply to a private street system.

2. A private street system shall provide access for emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and government employees in pursuit of their official duties.

3. The Town shall not pay for any portion of the cost of constructing, maintaining, repairing, or replacing a private street.

4. Each plat containing any private street shall contain the following wording on the face of the plat: "The streets have not been dedicated to the public, for public access, nor have been accepted by the Town of Addison, Texas as public improvements, and the streets shall be maintained by the property owners' or property owners' association within the subdivision, and the streets shall always be open to emergency vehicles, public and private utility maintenance and service personnel, the U.S. Postal Service, and governmental employees in the completion of their official duties."

5. Private streets leading into a private subdivision may not contain a gate or a controlled access mechanism at the entrance or exit of the private subdivision preventing free flow of traffic.

6. Private streets and alleys shall be located in a "public utility and storm sewer easement." The width of the easement shall be the same as the required right-of-way for a public street, unless specifically approved at a lesser width by the City Council upon a recommendation by the Director of Public Works and Engineering.

7. All building lines as required by zoning shall, in the case of private streets, be measured from the public utility and storm sewer easement.

B. Easements

1. Private street developments shall include any pre-existing easements unaffected by the platting process.

2. A private street and alley shall include and be subject to all public utility (including, without limitation, water and sanitary sewer) and storm sewer easements in favor of and reserved unto the Town, the width of which shall be the same as the entire width of the street or alley right-of-way.

3. A private street or alley shall include and be subject to all additional public utility easements required by any utility company (including, without limitation, any electric, telephone, gas, or cable television companies or providers) or public agency, as well as any easements existing at the time of the creation of the private street or alley.

[649] Current Appendix B, Section VII-A. All regulations of the approval of new private streets have been removed as the Town does not intend to approve new private streets. Only regulations affecting the maintenance of existing private streets remain.

4. There shall also be reserved other easements, including but not limited to easements for fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access, as may be necessary or convenient.
5. Easements shall also provide the Town with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement.
6. Easements shall permit the Town to remove any vehicle or obstacle within the street lot that impairs emergency access.
7. Private streets and alleys may be required to have fire lane markings as determined by the Fire Marshal.

C. Hold Harmless Agreement

In connection with the approval of a subdivision with private streets or alleys, the applicant shall provide, in form and content acceptable to the Town, an agreement to be recorded in the appropriate records of Dallas County, whereby the applicant or the property owners' association, as the case may be, as the owner of the private streets and alleys, agrees to release, defend, indemnify, and hold harmless the Town, its officials, officers, employees, and agents, and any other governmental entity and public utility, and their respective officials, officers, employees or agents, for any damage to the private street or alley occasioned by the use thereof by the Town, governmental entity, or public utility (or their respective officials, officers, employees, and agents), and for damages and injury (including death) arising from the condition of said private street or alley; and for damages and injury (including death) arising out of any use of the subdivision by the Town, government entity, or public utility (or their respective officials, officers, employees, and agents). Further, such language shall provide that all lot owners shall release and forever discharge the Town, governmental entities, and public utilities (and their respective officials, officers, employees, and agents) for such damages and injuries. The indemnifications contained in this section apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the Town, governmental entity, or public utility, or their respective officials, officers, employees or agents.

D. Conversion of Private Streets to Public Streets

1. Voluntary Conversion

The Town may in its sole discretion, but is not obligated to, accept private streets and alleys for public ownership, access and maintenance. The procedure to convert private streets and alleys to public streets and alleys must conform to all of the following provisions and such other standards as the Town may determine:

a. The property owners' association must submit a petition signed by at least 75 percent of its members.

b. All of the infrastructure to be converted from private to public status must be in a condition that is acceptable to the Town, in the Town's sole discretion.

c. All monies in the reserve fund must be delivered and paid to the Town.

d. The subdivision plat covering the area which is the subject of the conversion must be submitted as a Replat, and upon approval shall be re-filed to dedicate the streets, alleys, utility, storm sewer easements, and other appurtenances to the Town or other appropriate entity, as determined by the Town.

e. The property owners' association documents must be modified and re-filed to remove requirements specific to private street subdivisions.

2. Mandatory Conversion

a. The Town will notify the property owners' association of violations of the private street regulations, including the standards and provisions set forth in this section. Failure to bring the subdivision into compliance with the regulations may cause the Town to revoke, amend, or modify the PD District zoning for the area covered by the private streets and alleys, including, without limitation, an amendment to remove the allowance for private streets and alleys under the PD District zoning.

b. If the PD District zoning is so amended, modified, or revoked, the Town may correct all remaining violations and unilaterally re-file the subdivision plat thereby dedicating the streets, alleys, and appurtenances to the public. All monies in the reserve fund will become the property of the Town and will be used to offset any costs associated with converting the private streets to public streets. In the event the balance is not sufficient to cover all expenses, the property owners' association and/or the property owners will be responsible for the amount of unpaid work, and the Town shall have the right, in addition to any other rights it has or may have to collect such amounts from the property owners' association and/or the property owners, to levy an assessment upon each lot on a pro rata basis for the cost of such work and to collect the same, and the Town shall further have any and all liens and lien rights granted to the property owners' association to enforce such assessments; and/or to avail itself of any other enforcement actions available to the Town pursuant to state or Town codes, ordinances, and regulations. Provisions to this effect shall be included in the property owners' association documents, all property deeds, and the Final Plat.

6.2.6. Utilities[650]

A. All electric utility lateral and service lines shall be constructed underground in accordance with §70-65 of the Code of Ordinances. In special or unique circumstances or to avoid undue hardship, the City Council may authorize Variances or exceptions from this requirement and permit the construction and maintenance of overhead electric utility lateral or service lines and may approve any plat with such approved Variances or exceptions.

B. No overhead electric utility lateral or service lines shall be constructed without a Variance or exception having been obtained for the subdivision plat or Site Plan.

C. All wires and lines providing other utility services, and electric lines serving street lights, shall be placed underground in all subdivisions and on all sites where the final subdivision plat or Site Plan approved by the Town requires electric utility lateral and service lines to be placed underground. Utility support equipment, such as transformers, amplifiers, or switching devices necessary for or used in connection with underground installations shall be deemed to be placed underground if actually constructed underground or if pad-mounted on the surface.

D. Nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities. Each utility whose facilities are subject to the provisions of this section shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.

6.2.7. Alternatives to Subdivision Standards

A. Alternatives Generally

Alternatives to the standards in this article shall be subject to approval by the Director of Public Works and Engineering (and/or City Engineer) and Director prior to approval of the subdivision application pursuant to §2.10.3: *Minor Modification*.

[650] Paragraphs 3-6 of Appendix B, §XVI.G.2-5.

B. Identification and Maintenance of Protected Lands

1. Protected lands shall be identified on the final subdivision plat with a notation that indicates that those lands shall not be used for future development.
2. Protected lands shall be marked in the field with appropriate permanent signage markers in order to distinguish these areas from private property.
3. Protected lands shall be permanently maintained and preserved as:
   - **a.** Open space lots with deed restrictions; or
   - **b.** Land dedicated to the Town; or
   - **c.** Protected through a conservation easement; or
   - **d.** Other means of permanent protection approved by the Town.
4. For any protected land not dedicated to the Town, the developer shall provide a permanent mechanism acceptable to the City Attorney for the primary purpose of conservation, preservation, and management of protected lands.

C. Use of Protected Lands

1. Protected lands shall be left in an undisturbed natural state or landscaped pursuant to §5.6: *Landscaping, Buffering, and Fences*.
2. The protected lands shall be used for low-intensity recreation, buffers, or other passive park or open space purposes.
3. The use of protected lands may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

6.3 Grading and Drainage

~~**Commentary**~~
~~The Town's current grading and drainage standards are located in a separate Drainage Criteria Manual available on the Town's website. Rather than dismantling that document and relocating some standards here, we think it is more effective to reference that manual in the UDC to retain a "one stop shop" for these standards and so that readers know where to find that information. Some communities include general site layout and design standards in the UDC and reference an outside criterial manual for detailed engineering and other technical design standards.~~

All development is subject to the requirements in the Drainage Criteria Manual and any other applicable Public Works and Engineering Department standards.

6.4 Subdivision Improvements

~~**Commentary:**~~
~~This section includes standards for required subdivision improvements within public rights-of-way or recorded easements (i.e., storm sewer, sanitary sewer, water, street lighting, sidewalks, street trees). Updated parkland dedication standards derived from the current MXR and UC zoning districts are also included, providing developers with a dedication or fee-in-lieu option for providing required open space.~~

6.4.1. General Standards[651]

A. The developer shall furnish all easements and rights-of-way necessary for construction of electrical, gas, telephone service to the subdivision and all other public infrastructure identified in the standards.

B. The developer shall be responsible for all damage to improvements caused during installation of utilities.

[651] From current Appendix B, Section XVI.F.

C. The developer shall provide street signs for the subdivision. There shall be one sign for each three-way intersection and two signs for each four-way intersection. The signs will be ordered by the Public Works and Engineering Department and the developer billed a fixed fee for each sign. Such price shall include cost of the sign assembly, pole, and installation.

D. All lots shall meet the following monumentation standards:[652]

1. At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must be affixed to a metal pipe or rod and stamped with the addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

2. At all block corners, a minimum two-inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

3. At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

4. All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor or the name of the engineering or surveying firm that prepared the plat. In locations where such monuments cannot be installed, alternate types of monuments may be installed with the prior approval of the ~~chief city surveyor~~Director of Public Works and Engineering. ~~A request for alternate monumentation must be made in writing by the surveyor of record, and must include the City Plan File Number and the reason for the alternate monumentation request.~~

5. Any points of monumentation that cannot be set at the designated place must be referenced with sufficient witness monumentation.

6. If the monument is placed on the boundary of property being platted in which no areas are to be dedicated to the public, the following standards apply:

a. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency.

b. The size, shape, and substance of monuments found or installed on the perimeter of the platted boundary must be described on the drawing and in the owner's certificate of the submitted plat.

7. If the monument is placement on and within the boundary of property being platted in which areas are to be dedicated to the public, the following standards apply:

a. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency, except those points falling within areas to be dedicated. In areas to be dedicated, all points on new right-of-way lines must be monumented. Monuments must be installed within the boundary of such property being platted at the following points:

i. All corners of parks, squares, or other portions intended for public use.

ii. All block corners.

iii. On the right-of-way lines of all alleys and public and private streets at all points of intersections, angle points, and points of curvature and tangency.

8. Monuments must be installed on each lot line and boundary line where these lines are intersected by or tangent with a floodway management area, floodway easement, conservation easement area, or the escarpment zone.

[652] New.

9. Monuments for floodway management areas, floodway easements, and detention areas must be installed at all angle points and points of curvature or tangency.
10. Floodway management areas, detention areas, escarpment zones, and conservation easement areas must be monumented with a minimum 1/2-inch iron rod with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

E. Where subdivisions are platted so that the rear yards of single-family residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the developer shall provide, as their sole expense, a six-foot reinforced concrete or masonry wall to be located on private property at the public right-of-way line for the purpose of screening the rear yards from the street. The wall shall be maintained by an HOA and/or individual property owners as specified in the subdivision agreement and shall enter into a wall maintenance easement for access by the responsible party.[653] The City Council may waive or modify, in exceptional cases, this requirement. Plans and specifications for the wall shall be approved by the Public Works and Engineering Department. The wall shall conform to the requirements governing the sight distance for traffic safety and other Town ordinances.

F. Where landscaping in public rights-of-way or other public property is required or planned, such work shall first be approved by the Public Works and Engineering Department. Such approval is intended to assure that plant materials used in the work will not create maintenance problems or require excessive amounts of Town labor during future maintenance. The work shall also conform to the Town ordinance governing sight distance for traffic safety.

G. Before any street is opened to traffic in the ~~town~~Town, all necessary pavement markings necessary to comply with the most recent edition of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways shall be completed. All work must first have the approval of the Public Works and Engineering Department.

H. Maintenance of any and all easements shall be the responsibility of owners of the properties traversed by or adjacent to such easements. The Town shall have the right, but not the obligation, to enter upon such properties to abate any nuisances thereon in accordance with Chapter 34, Article IV of the Code of Ordinances with costs attendant to such abatement charged to such property owners, which costs shall become a lien against said property in favor of the Town pursuant to such article.

6.4.2. Storm Sewers[654]

An adequate storm sewer system, consisting of inlets, pipes, and other underground drainage structures, shall be constructed to conform with current drainage requirements and current engineering design standards of the Town. The following policy shall govern the installation of all drainage facilities within the ~~town~~Town:

A. Residential Subdivisions or Developments

1. The developer shall pay the total cost of storm drainage systems where pipe 72 inches in diameter or less is installed.
2. In cases where the storm drain is larger than 72 inches in diameter, but not larger than 84 inches, 25 percent of the cost of providing the additional pipe larger than 72 inches but smaller than 84 inches will be borne by the Town and shall be reimbursed to the developer when the Town funds become available. The developer shall pay for the remaining 75 percent and the cost of constructing the pipe to 72 inches in diameter. The developer shall also bear the cost of all channel excavation, inlets, laterals, headwalls, manholes, junction structures, and all other items required to complete the system.
3. In those cases where the runoff cannot be handled by a pipe 84 inches in diameter or smaller, the developer shall dedicate at their own expense a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall complete

[653] "and shall enter into a wall maintenance easement for access by the responsible party" is new.
[654] Current Appendix B, Section XVI.

all necessary excavation on the channel and shall sod or seed the channel to prevent erosion. If deemed necessary by the Public Works and Engineering Department, the channel shall be lined with reinforced concrete to prevent erosion. The Town will pay for 25 percent of the cost of such lining and shall reimburse the developer for such costs when Town funds become available.

4. In street crossings (bridges or culverts) with an opening larger than that of a double 72-inch pipe culvert, the Town will participate to the extent of 25 percent of the cost of the structure as approved by the Director of Public Works and Engineering, and shall reimburse the developer for such costs when Town funds become available.
5. Creeks may remain in open natural condition or excavated channels may be constructed provided they meet the criteria and standards set by the Town.
6. When a creek or excavated channel is allowed to remain open, or in its natural condition, it shall be dedicated to the Town through the use of the drainage and floodway easement form. The Planning and Zoning Commission may recommend waiving this dedication requirement only for the following exceptions:
   a. Replats which were originally platted prior to the dedication requirement; or
   b. Subdivisions of five lots or less.
7. The developer must provide sufficient access on each side of creeks and drainage ways for maintenance purposes. The location and size of the accessways shall be determined by the City Engineer and the Director of Public Works and Engineering. The maximum width of the accessway shall be 15 feet. Permanent physical markers, the type and locations of which to be determined by the City Engineer, shall be placed along the boundaries of the accessway and private property.

B. Commercial and Industrial Developments

1. The developer shall pay the total construction cost of storm drainage systems where a double 72-inch diameter pipe or smaller pipe will carry the runoff.
2. In those cases where the runoff cannot be handled by a double 72-inch pipe or smaller, the developer shall dedicate, at their own expense, a right-of-way of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The developer shall excavate the channel at their own expense and line the channel with reinforced concrete. The Town shall participate to the extent of 10 percent of the cost of such lining when Town funds become available.
3. In street crossings (bridges or culverts) with an opening larger than that of a double 72-inch pipe culvert, the Town will participate to the extent of 10 percent of the total construction cost of the structure as approved by the Director of Public Works and Engineering and shall reimburse the developer for such costs when Town funds become available.
4. A creek may remain open in its natural condition, provided that the requirements of §§6.4.2.A.5, 6 , and 7 shall apply.

6.4.3. Sanitary Sewers

A. Sanitary sewer facilities shall be provided to adequately service the subdivision and conform to the Wastewater Master Plan and current engineering design standards.

B. Sewer main pipes shall have a minimum internal diameter of eight inches. Construction and materials shall conform to the standard specifications of the Town.

C. Sewer services for each lot shall be carried to the property line.

D. Should the subdivision or addition abut and use a sewer main of the Town, the developer shall pay to the Town a "pro rata" charge as prescribed by the pro rata ordinance of the Town for the use of the same.

E. The developer shall construct all manholes, cleanouts, and other appurtenances as required on the plans.

F. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision, the developer shall construct a private lift station and all appurtenances, at their own expense. If and when the lift station is no longer needed, the developer or other responsible party shall retire adequately dispose of the station.

6.4.4. Water[655]

A. Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform to the Water Master Plan, Water System Design Standards and all other applicable current engineering design standards.

B. Should the subdivision or addition abut and use a water main of the Town, the developer shall pay to the Town a "pro rata" charge as prescribed by the pro rata ordinance of the Town for use of the same.

6.4.5. Street Lighting

Street lighting shall be provided in accordance with the following:

A. The developer shall pay for the number of streetlights required in the subdivision as determined by the Director of Public Works and Engineering. After acceptance of the subdivision, service charges for electricity will be paid by the Town.

B. Each street shall have streetlamps uniformly spaced between trees, located 2½ feet from back of curb.

C. On boulevards, large streets, and side streets, locate streetlamps at every corner and at intervals no greater than 250 feet.

D. Unless otherwise approved by the Town, mounting height of streetlamps shall be between 10 feet and 12 feet.

E. Unless otherwise approved by the Town, lamps shall be metal halide type.

6.4.6. Sidewalks[656]

A. Any owner or person in control of real estate fronting upon a public street which is improved with street paving and curbs and gutters shall not be issued a Building Permit for any construction when sidewalks have not been installed unless such owner, either as a part of the construction covered by the Building Permit or other separate arrangements satisfactory to the Director of Public Works and Engineering, constructs public sidewalks in accordance with the Master Transportation Plan, City-wide Trails Master Plan, and current engineering and design standards.

B. Sidewalk construction may be delayed until development of the residential lot, except across bridges or culverts. In these cases, the sidewalks shall be constructed with the other improvements to the subdivision.[657]

C. The City Council may upon application of a property owner, affected by the provisions herein, waive the requirements for installation of sidewalks because of unusual circumstances or hardship.

[655] Replaced specific provisions with general reference to the Water Master Plan and Water System Design Standards in Consolidated Draft.
[656] From current Chapter 70, Article I, Sec. 70-2.
[657] From current Appendix B, Section XVI.F(2).

6.4.7. Dedication of Land for Parks, Trails, and Recreational Areas and Assessment of Park Development Fees[658]

A. Generally

1. Purpose

a. It is hereby declared by the City Council that public parks, recreational facilities, trails, and open spaces are valuable assets that advance the public's health, safety, and welfare, and improve the overall quality of life of the community's residents. New residential development in the ~~town~~Town creates the need for additional parks, trails, and recreation resources because of the increased population. Requiring that new residential development dedicate parkland and pay park development fees in proportion to its impacts on the Town's parks and recreation resources is recognized as a fair, reasonable, and uniform method of financing these assets that does not impose an unfair burden on new or existing development.

b. The parkland dedication and park development fee requirements established in this section aim to maintain the current level of service in the ~~town~~Town and generally flow from the assessment of needs reported in the Comprehensive Plan, Parks, Recreation, Open Space Master Plan, City-wide Trails Master Plan, and Master Transportation Plan. Accordingly, this section requires the dedication of parkland and payment of park development fees to:

i. Meet the goals and objectives set forth in the Parks, Recreation, and Open Space Master Plan and the City-wide Trails Master Plan.

ii. Deliver new and/or updated parks, recreation facilities, trails, and open space resources to meet the increased demand generated by new development on the parks system.

iii. Establish proportionate costs that are associated with providing new or updated parks and facilities, so the increased costs are borne by those who are responsible for creating the additional demand.

iv. Create and maintain a variety of recreational opportunities for residents within reasonable proximity to their homes.

v. Provide credit for applicable private and semi-public parkland and park-like amenities that offset the increased demand on the parks system generated by new development.

2. Authority; Administration

a. The regulations contained in this section have been adopted under the following authority:

i. TLGC Chapter 212, *Municipal Regulation of Subdivisions and Property Development*, which authorizes a municipality to adopt rules governing plats and subdivisions of land within the municipality's jurisdiction.

ii. TLGC Chapter 51, *General Powers of Municipalities*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.

iii. The Home Rule Charter of the Town, which authorizes the City Council to exercise all powers granted to municipalities by the constitution or the laws of the State of Texas.

b. Unless otherwise specified, the provisions of this section shall be administered by the City Manager with the City Council having final approval authority. Various Town departments along with the Planning and Zoning Commission will review and make recommendations based on the standards and criteria contained within this section are deemed to be minimum standards.

[658] New ordinance 2022-02-029-5523 Park Ordinance. Minor copy edits made for stylistic consistency with new UDC format.

3. Definitions

The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. "Department" means the Parks and Recreation Department for the Town.

b. "Director" has the meaning ascribed in §58-1 of the Code of Ordinances.

c. "Developer" means any person, firm, partnership, joint venture, association, or corporation participating as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of real property that is developed or redeveloped subject to the provisions of this section.

d. "Park property" has the meaning ascribed in §58-1 of the Code of Ordinances.

4. Applicability; Effective Date

a. The parkland dedication and fee-in-lieu of dedication provisions of this section apply to the following activities upon any land within the corporate limits of the ~~town~~Town:

i. All new residential development; and

ii. All residential re-development involving the remodeling, rehabilitation, or construction of other improvements to an existing residential structure, including repair of a damaged residential structure, if such activity results in an increase in the number of dwelling units within the structure.

b. The park development fee provisions of this section apply to all development or re-development of any residential, retail, office, industrial, or hotel property within the corporate limits of the ~~town~~Town, excluding those dwelling units that are accessory to an existing principal single-family detached dwelling.

c. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be required, and may be made by payment of a fee-in-lieu of land in the discretion of the Town.

d. No Building Permit shall be issued or permanent utility service established until the requirements of this section have been met.

e. The provisions of this section shall take effect on December 1, 2024.

5. Exemptions; Waivers; Appeal

a. The following shall be exempt from the requirements of this section:

i. Non-residential development is exempt from the parkland dedication or paying a fee-in-lieu of land, but shall be subject to the park development fee.

ii. Remodeling, rehabilitation, or other improvements to an existing structure, or the rebuilding of a damaged structure that does not increase the number of dwelling units or commercial square footage, as applicable.

iii. A re-plat that does not increase the number of dwelling units or commercial square footage, as applicable.

iv. Any development plan, permit, or approval commenced or issued prior to the effective date of this section, or amendment hereto, that is subject to vesting under TLGC Chapter 245 shall not be affected by this section, provided, that any increase in the number of dwelling units or commercial square footage for the development after said effective date may require dedication under this section.

v. Development which was in the Planning and Zoning review process prior to the effective date of this section, provided, that any increase in the number of dwelling units or commercial square footage for the development after said effective date may require dedication under this section.

b. The City Council may waive a requirement imposed on development by this section upon application by a developer and a finding by the City Council that the requested waiver is in the best interest of the Town.

c. A developer may appeal a final determination by the Director related to the application of this section to a development by submitting the appeal in writing to the Director within 30 days following the final determination. The appeal shall identify the final determination being appealed, the basis for the appeal, and a description of the requested relief. The filing of an appeal shall not stay the enforcement of any other provisions in this section.

6. Parkland Fees; Review

a. The method for determining the value of parkland dedication and the other fees adopted in this section shall be as provided in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

b. The City Council shall review the valuations for parkland dedication and the other fees adopted in this section at least once every five years. Notwithstanding, the City Council's failure to timely review said valuations shall not affect the validity of the current valuations set forth in §6.4.7.G: *Parkland Dedication and Fee Calculations* or stay the enforcement of any other provision of this section, which shall remain in full force and effect.

c. If the City Council fails to timely review the valuations set forth in §6.4.7.G: *Parkland Dedication and Fee Calculations* in conformance with §6.4.7.A.6.b above, any person can submit a written request to the City Manager for the City Council to perform the review. If the City Manager finds that the City Council has not timely completed such review, the request will be presented to the City Council and cause such review to commence within 60 days after the date of the request and continue until completion.

d. The Director will review the fees in §6.4.7.G: *Parkland Dedication and Fee Calculations* on or before October 1st each year as part of the Town's annual budgeting process and may recommend an annual adjustment of any fee(s) therein based upon changes in the U.S. Department of Labor Statistics Dallas-Fort Worth-Arlington Consumer Price Index for All Urban Consumers.

7. Penalty; Enforcement

a. Any person that violates any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed $500.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

b. The penalty provided in this section is in addition to and cumulative of any other remedies as may be available at law and equity, including the assessment of civil penalties and Town's right to seek injunctive relief to enforce the provisions of this section.

B. Parkland Dedication Standards and Procedures

1. Parkland Dedication and Park Development Fee Standards in General

a. As a condition of subdivision development, a developer of property for residential uses shall dedicate land for parks, pay a fee-in-lieu of dedication, or a combination of both in accordance with provisions of this section as a condition of the Building Permit for the proposed development. The Town may, in its sole discretion, agree to allow an alternative to the foregoing, provided that the alternative satisfies the intent and purpose of this section.

b. In addition to the parkland dedication requirement, a developer of residential or commercial property shall pay a park development fee. Subject to the approval of the Town, a developer may elect to construct required park improvements as identified by the Director on Town-owned parkland in lieu of paying the associated park development fee as outlined in this section.

c. Requirements herein are based on actual residential dwelling units, actual commercial square footage, or a combination thereof for an entire development. Increases or decreases in the final measurement count may require an adjustment in fees paid or land dedicated.

d. Parkland dedication requirements (and/or payment of fees in lieu of parkland dedication) and payment of Park Development Fees shall be satisfied at the time of plat recordation for single-family and duplex residential units, and prior to the issuance of any Building Permit.

e. For a phased development the entire parkland shall be platted concurrently with the plat of the first phase of the development.

f. The required land dedications and schedules of fees are included as §6.4.7.G: *Parkland Dedication and Fee Calculations* and incorporated and made a part of this section for all purposes City Council has adopted a discount schedule to reduce certain park development fees listed in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

2. Parkland Dedication Procedures

During the pre-development meeting process, the Director shall make an initial determination whether parkland shall be conveyed or a fee-in-lieu of parkland dedication shall be paid to the Town under this section. Additional meetings between the developer and the Addison Parks and Recreation Department (referred to in this section as the "Department") may be needed in order to evaluate the suitability of potential land for parkland dedication. Additionally, the Department may request a site visit to the subject property as a part of its determination. The following information, regarding the land dedication and site development, may be required as a part of the process, prior to the Town accepting land as a public parks dedication.

a. A narrative outlining the intended use, number of residential units proposed, and description of housing and commercial type(s) within the subject property;

b. Lot dimensions or metes and bounds acreage of parkland to be dedicated;

c. Total acreage of floodplain, as well as the land located outside of the floodplain;

d. A tree survey;

e. A slope analysis; and

f. An environmental survey identifying critical environmental features, such as but not limited to, protected species, habitat, and water features.

3. Parkland Acceptance Criteria

a. General Parkland Dedication Requirements

Any parkland dedicated to the Town pursuant to the terms, conditions, and requirements under this section must be suitable for park uses.

i. Must be approved by the City Council based on recommendations of the Director.

ii. Must be conveyed at the time of Building Permit issuance.

iii. Must be by lot and block and shown on a recorded plat of record.

iv. For a phased development, the parkland dedication area shall not be accepted by the Town until such time that all necessary roadway, utility, and other public improvements are constructed to provide accessibility to the proposed parkland and have been accepted by the Town, unless otherwise approved by the Director.

b. Guidelines

i. The Town shall be dedicated fee simple title in the land, free and clear of any and all liens and encumbrances that may interfere with the use of the land for park purposes. The Town's representatives must be permitted to make onsite inspections of the proposed parkland for the purposes of determining site suitability and identifying any visual hazards or impediments to park development and use.

ii. If the property owner or developer has any form of environmental assessment on the tract, a copy of that assessment shall be provided. The Town may initiate and/or require the developer to initiate specific environmental studies or assessments if the Town's visual inspection of the proposed parkland gives rise to the belief that an environmental problem may exist on the site. The Director may also require the employment of consultants necessary to evaluate any environmental issues relating to the site. If an environmental hazard is identified, the developer must remove or remediate the hazard prior to Town's acceptance of the proposed parkland dedication. The Town will not accept parkland dedication sites previously or currently encumbered by hazardous and/or waste materials or dump sites.

iii. The developer is responsible for providing, at no cost to the Town, convenient access by improved streets, sidewalks, and adequate drainage improvements so the proposed parkland is suitable for the purpose intended. The developer is responsible for providing water, sewer, and electrical utilities to the proposed parkland in accordance with the procedures applicable to other public improvements, including:

a. A metered water supply located 12 feet behind the curb or as otherwise determined by the Director; and

b. If applicable, an appropriately sized sewer stub located 10 feet behind the curb or as otherwise determined by the Director.

iv. An ALTA land title survey and associated AutoCad File, certified to the Town and the title company must be provided 90 days prior to acceptance, unless otherwise determined by the Director.

v. If soils have been disturbed, they shall be restored to their pre-disturbance condition, have positive drainage, and the soil stabilized by vegetative cover by the developer prior to the dedication of the proposed parkland to the Town. All trash, debris, dead trees, and unusable material must be removed. The site must be sprayed with an approved herbicide to eliminate dangerous and undesirable plant materials, such as briars, poison ivy, and nettles. The selected herbicide shall be approved by the Director prior to spraying.

vi. Parks should be easy to access and open to public view to benefit area development, enhance the visual character of the ~~town~~Town, protect public safety, and minimize conflict with adjacent land uses.

vii. Sidewalks conforming to the Town's sidewalk design standards shall be constructed adjacent to or on parkland to provide contiguous walkways on all sides of the adjoining development unless this requirement is waived by the Town.

viii. A current title insurance policy acceptable to the Town in an amount equal to the fair market value of the proposed parkland dedication must be provided.

ix. Each corner of the parkland shall be marked with a permanent marker consisting of three-fourths iron pins set in concrete unless otherwise determined by the Director.

x. The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the parkland dedication by the Town. A tax certificate from the County Tax Assessor shall be submitted with the parkland dedication.

c. Land Requirements

i. Land that is unsuitable for development is typically unsuitable for neighborhood/community parks.

ii. The Town recognizes that maintaining many small parks is difficult and costly. Accordingly, parkland shall generally be:

a. No less than one acre of contiguous land;

b. A land area that is consistent with the Parks, Recreation, and Open Space Master Plan objectives;

c. Land identified as a trail connection to expand the existing trail network or as an identified need;

d. Land that can be connected to a larger tract of existing open space; or

e. Land that provides park space to an area that is lacking within ½ mile of the site.

The total parkland required shall be as provided in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

iii. Parkland dedication sites should be located to serve the greatest number of users and should be located to minimize the number of users crossing arterial roadways and shall be uninterrupted by roads or free from physical barriers that would prohibit walkable access to the park.

iv. Where feasible, parkland dedication sites should be located adjacent to schools to encourage shared facilities and joint development of new sites; access ways may be required to facilitate access to the parkland.

v. Parks should have well-drained and suitable soils and level topography. Parkland dedication sites should not be severely sloping or have unusual topography that would render the land unusable for recreational activities.

vi. Dedicated parkland shall not exceed a 20 percent grade on more than 50 percent of the land.

vii. Where feasible dedicated parkland shall provide connectivity to or enhance existing looped trails, hike, and bike trails.

viii. At least 25 percent, or proportionate to the size of the parkland, of the perimeter of the parkland should abut a public street.

ix. Dedicated parkland shall include at least visible, attractive, and suitable means of ingress and egress proportionate to the size and amenities in the park.

x. No more than two sides of a park may be adjacent to the rear lot lines of homes.

xi. The parkland dedication site should not be encumbered by overhead utility lines, above-ground improvements, or easements that might create a dangerous condition or limit the opportunity for park development and use.

xii. Parkland with existing trees or other scenic elements is preferred and may be reviewed by the Director to make recommendations.

xiii. Rare, unique, endangered, historic, or other significant natural areas will be given a high priority for consideration of a parkland dedication site pursuant to this section. Areas that provide an opportunity for linkages between parks or that preserve the natural character of the surrounding environment may be required by the Town to be included in the parkland dedication.

xiv. Consideration will be given to a potential parkland dedication site that is in the floodplain or an area that may be considered "floodable" even though not in a federally regulated floodplain if the proposed parkland site is suitable for park improvements. At the discretion of the Town, land in floodplains may be considered as part of a parkland dedication requirement on a three-to-one (3:1) basis. That is, three acres of floodplain will be deemed equal to one acre of parkland, but not more than 50 percent of any parkland dedication shall be allowed in a floodplain.

xv. Detention/retention areas may not be used to meet parkland dedication requirements but may be accepted by the Town in addition to the required parkland dedication. If accepted

as part of a park, the detention/retention area design must meet the Town's design specifications in the Drainage Criteria Manual.

C. Payment of Fees in Lieu of Parkland Dedication

1. The Town may require that a fee be paid in lieu of dedication to satisfy some or all of the dedication requirements set forth in this section. All fees required to be paid under this section shall be based on the average cost of land in the ~~town~~Town and calculated in conformance with the applicable fee schedules provided in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

2. The payment of fees in lieu of dedication under this section shall comply with the following:

a. The fees must be approved by the City Council upon recommendation of the Director.

b. The fees shall be used for the purpose of acquisition, development, or improvement of park property.

c. All fees shall be paid prior to issuance of any Building Permit, unless otherwise determined by the Director.

d. The fees shall be deposited in separate Town fund for parkland dedication.

D. Park Development Fee

1. Fee Required

Park development fees are required for all development to ensure that adequate park facilities conforming to the Town's parks and recreation standards, including neighborhood and community parks, and passive park conservation areas, are available to meet the needs created by such development. Accordingly, park development fees shall be used for the acquisition, development, and improvement of park facilities. Park development fees are required in addition to the parkland dedication requirements established by this section and shall be paid simultaneously with the dedication.

2. Administration of the Fee

The Director shall be responsible for the administration and approval of the park development fee; which shall be calculated based upon the fee schedule in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

3. Alternative Park Improvements

The developer may request to provide park improvements in conformance with §6.4.7.E: *Application of Credits to Park Development Fees* as an alternative to payment of all, or a portion of, the park development fee.

4. Right to Refund

The Town shall account for all fees paid in lieu of parkland dedication and all park development fees paid under this section. Any fees paid for such purposes should be encumbered or expended by the Town within 15 years from the date received by the Town for the acquisition, development, or improvement of park property in conformance with this section. Such funds shall be considered to be spent on a first-in, first-out basis. If not so expended, the current owner(s) of the property on the date of expiration of such period shall, upon timely written request, be entitled to a prorated share of the remaining unencumbered funds without interest. For residential developments, the prorated share shall be computed based on the number of dwelling units in the residential development for which such unencumbered and unexpended fees were paid. Any person entitled to a refund under this section shall submit a written request for refund within one year from the initial date of entitlement. Failure to timely submit the required application for refund shall constitute an absolute waiver of all rights, title, and/or interest the person may have to any portion of the funds eligible for reimbursement. Upon expiration of the reimbursement period, all remaining funds shall be retained by the Town and used for any lawful purpose.

E. Application of Credits to Park Development Fees

1. Park Improvements as an Alternative to Fees

Upon recommendation of the Director and subject to the City Council's approval, a developer may enter into a development agreement with the Town to construct required park improvements as an alternative to payment of the park development fees assessed by this section.

2. Requirements for Public Park Improvements

a. Park improvements provided by a developer shall be constructed on land dedicated for use by the public for park purposes and shall generally conform to the requirements set forth in this section.

b. Park improvements shall be designed and constructed in accordance with all applicable federal, state, and local laws, regulations, and guidelines, including, but not limited to the following:

i. International Play Equipment Manufacturer's Association (IPEMA);

ii. Consumer Product Safety Commission (CPSC) Handbook for Public Safety;

iii. American Society for Testing and Materials (ASTM and ASTM F08);

iv. Accessibility Standards for Play Areas through the ADA Accessibility Guidelines (ADAAG);

v. Illuminating Engineering Society of North American (IESNA RP- 6-01);

vi. Sports Turf Management Association (STMA);

vii. North Central Texas Council or Governments (NCTCOG) Construction Standards; and

viii. The Town's design standards.

c. A park site plan, developed in cooperation with Department staff, shall be submitted by the developer and approved by the Director prior to submission of Final Plat or upon application for a site Building Permit, whichever is applicable.

d. Detailed plans and specifications for proposed park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for Final Plats and for Building Permit issuance, whichever is applicable. Plans and proposed improvements must be reviewed and approved by the Town's Development Review Committee (DRC).

e. All plans and specifications for the proposed park improvements shall meet or exceed the Town's standards in effect at the time of the submission.

f. If the park improvements are constructed on land that is being dedicated to, has already been dedicated to, and/or is owned by the Town, then the developer shall provide at no cost to the Town payment and performance bonds in the form approved by the Town that identify the Town as a Beneficiary in an amount equal to the greater of the park development fees due or the cost of the park improvements pursuant to Texas Government Code 2253.001, et seq. to guarantee the developer completes the work in accordance with the approved plans, specifications, ordinances, or other applicable laws. The park improvements shall be completed, and final accepted by the Town prior to Final Plat recordation.

g. Park improvements may be constructed on parkland dedicated to the Town that satisfies the requirements of this section or, with the approval of the Director, improvements may be made in an existing or proposed park that is located in the ~~town~~Town.

h. The developer shall also provide to Town, at no cost to Town, a two-year maintenance bond that is equal in amount to 20 percent of the construction cost of said park improvements. The developer shall also provide to the Town a manufacturer's letter certifying that any play structure, equipment, facilities, and safety surfaces were installed in accordance with the manufacturer's installation requirements.

i. For a public park, the developer shall provide a copy of the application and subsequent inspection report prepared by the State Department of Licensing and Regulation of their contracted reviewer for compliance with the Architectural Barriers Act, codified as Vernon's Ann. Civ. St. art 9102.

j. Upon issuance of a Certificate of Completion and Acceptance, all manufacturers' warranties shall be provided for any equipment installed in the park as part of these improvements.

k. The developer shall warranty all park improvements for a period of two years from the date of the Town's acceptance of the same. The warranty shall be in the form of a maintenance bond covering 100 percent of the total cost of the improvements, provided, that the Director may accept an alternative form of warranty in the Director's sole discretion.

l. For a public park, the developer shall be liable for any costs required to complete park development if:

- **i.** Developer fails to complete the improvements in accordance with the approved plans; or
- **ii.** Developer fails to complete any warranty work.

m. All public park improvements shall be inspected by the Department while construction is in progress and when complete to verify park requirements have been satisfied.

n. Once the public park improvements are constructed, and after the Director of Parks and Recreation has accepted such improvements, the developer shall convey such improvements to the Town free and clear of any lien or other encumbrances.

o. The developer shall be liable for costs required to complete the public park improvements if:

- **i.** Developer fails to complete the park improvements in accordance with the approved plans; or
- **ii.** Developer fails to complete any warranty work.

p. The park improvements will be considered complete with a Letter of Completion and Acceptance from the Town and will be issued after the following requirements are met:

- **i.** Park improvements have been constructed in accordance with the approved plans; and
- **ii.** Park improvements have been inspected and reviewed by Park and Recreation Department staff and determined to satisfy the terms, conditions, and requirements under this section; and
- **iii.** Developer has provided the Town with a bills paid affidavit and such additional documentation as the Town may require to confirm that all of developer's contractors and materialmen have been fully paid; and
- **iv.** Developer has provided the Town with all warranties and the required maintenance bond.

3. Credits for Public Park Improvements

The developer shall receive a credit to the required park development fee equal to the amount paid by the developer for the public park improvements accepted by the Town. The credit shall be applied solely for costs directly attributable to the acquisition, construction, and installation of the improvements and generally excludes soft costs, such as developer's overhead and profit, and the costs associated with the developer's architects consultants, engineers, other consultants or advisors, and all other costs that would customarily be considered "soft costs" by industry standards. The developer shall provide the Town with all invoices, payment records, and any other supporting documentation reasonably necessary for the Town to verify the amount paid by the developer for the improvements.

4. Credits for Private Parks and Open Space

a. A credit of up to 50 percent of the total parkland dedication fees assessed by this section may be provided in consideration for the construction of private park facilities in conformance with

this section. The remaining parkland dedication fees will be deposited in the Town's parkland dedication fund to defray the financial burden private subdivisions impose on the Town's public park system.

b. Small passive spaces that are privately owned but provide public access may be considered for the 50 percent open space credit at the discretion of the Town.

c. Yards, court areas, setbacks, and other open areas required under the Town's zoning, subdivision, and other development regulations shall not be eligible for a credit if said areas are privately owned and maintained by the residents or, in the case of an apartment complex, the property manager.

5. Private Park Requirements

a. Private ownership and maintenance of the private park and open space shall be adequately provided for by recorded agreement, covenants, or restrictions.

b. Use of the private park is restricted for park and recreation purposes by a recorded covenant, which runs with the land in favor of future owners of the property and which cannot be defeated or eliminated without the written consent of the City Council or its successors.

c. Private parks and park improvements shall be owned by the property developer, owner, or an incorporated nonprofit homeowners association comprised of all property owners in the association, which is an organization, operated under recorded land agreements through which each lot owner in the subdivision is automatically a member, and each lot is subject to a charge for a proportionate share of maintaining the facilities.

d. The governing documents for private parks subject to the provisions of this section shall contain a covenant providing that if any owner fails to maintain the private park facilities in a safe and clean condition in accordance with the standards of the Town, then the Department may access the private park facilities for the purpose of maintaining or repairing the same in conformance with the standards of the Town. Further, the Town shall be entitled to assess and charge the costs of such maintenance and repairs to the person(s) having the primary responsibility for the maintenance of the same.

e. Private park facilities must be similar or comparable to the facilities that would be required to meet public park standards and recreational needs as required per the Town's development regulations and Parks, Recreation, and Open Space Master Plan and other federal, state, and local laws. The following design features are ineligible for private park credit:

i. Leasing offices;

ii. Yards;

iii. Common open space;

iv. Entry features

v. Areas devoted to decorative landscaping;

vi. Medians;

vii. Utility easements;

viii. Setback areas;

ix. Areas following perimeter walls;

x. Land used for mining or oil and gas wells; and

xi. Private personal areas.

f. Eligible private park improvements include various active and passive outdoor amenities, such as those amenities typically found in public parks.

g. For a multi-phased development, the private park design shall be reviewed and approved by the Director of Parks and Recreation before the platting of the first unit.

h. The cost of construction for private parks shall be equal to or greater than the park development fee per dwelling unit set forth in §6.4.7.G: *Parkland Dedication and Fee Calculations*.

i. Before a reimbursement is approved, the Town shall make written findings that certain conditions are met, pursuant to this section, including the following, but not limited to:

i. Developer is required to submit all invoices and checks paid or other proof of payment toward the construction of the private park.

ii. Developer shall allow the Department staff to conduct a site visit to verify private park improvements.

iii. Developer shall provide an affidavit stating the cost of private park improvements meets or exceeds the required full park development fee per dwelling unit from §6.4.7.G: *Parkland Dedication and Fee Calculations*.

j. All private parks shall be constructed no later than prior to the application of the final unit.

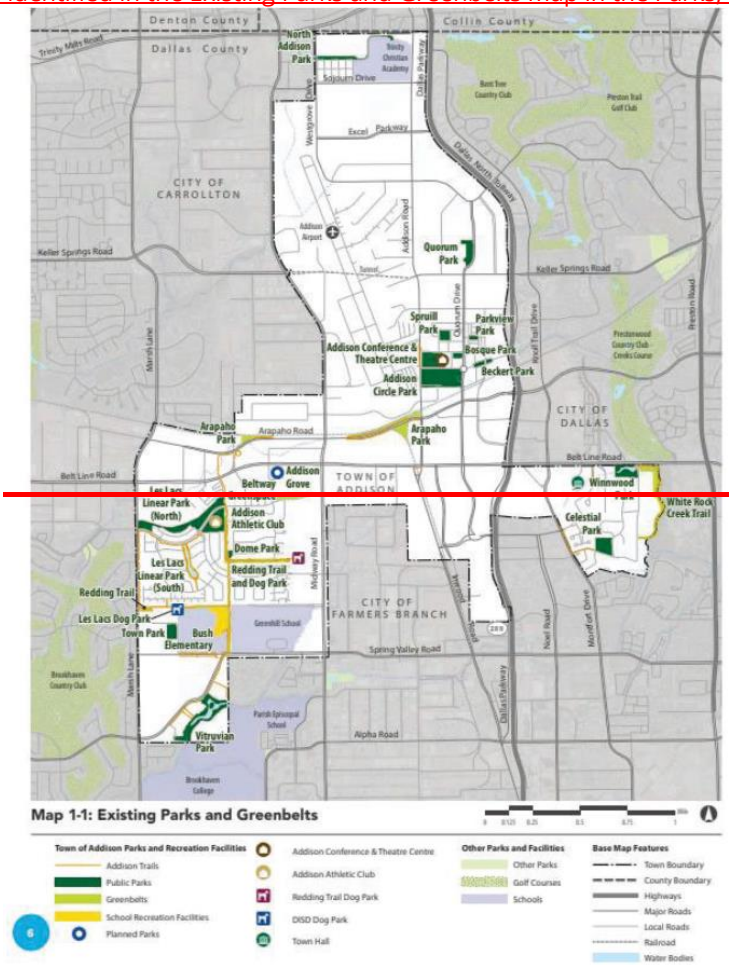
k. To receive the credit for private parks, the developer shall submit sufficient documentation to establish that the requirements of this section have been satisfactorily met on or before the date the Final Plat is approved by the Town. The Director shall evaluate and approve the documentation submitted prior to any credit being given.

6. Reimbursement For Town-Acquired Parkland

The Town may from time to time acquire land for parks and develop and improve park facilities on such land in advance of actual or potential development. If the Town acquires parkland and/or develops and improves park facilities thereon in advance of development, the Town may require subsequent parkland dedications to be made in the form of paying a fee in lieu of parkland dedication only.

F. Map of Town of Addison from the Parks, Recreation and Open Space Master Plan

Town parkland areas are identified in the Existing Parks and Greenbelts map in the Parks, Recreation, and



Open Space Master Plan.

G. Parkland Dedication and Fee Calculations

1. **Starting Values (per U.S. Census and ESRI data from 2019 Parks and Recreation Department Open Space Master Plan Master Plan)**
   - **a.** Population: 16,661
   - **b.** Number of Dwelling Units: 10,591
   - **c.** Average Persons Per Dwelling Unit: 1.57
2. **Current Level of Service (LOS)**
   - **a.** Number of Parks: 17
   - **b.** Total Park Acreage: 113.4
     - **i.** Developed Parks: 67.5 acres
     - **ii.** Greenbelts, linear parks, trail corridors, etc.: 45.9 acres
3. **Cost of Land per Acre**

   $536,000

4. Cost of Park Development per Acre

$400,000 per acre for developed parks and (based on recent construction costs)

5. Calculating the Value of Land Dedication

a. The number of dwelling units per acre of parks is calculated by dividing the population by the total park acreage (LOS) to determine the number of persons per acre:

16,661 ÷ 113.4 = 146.92 (rounded to 147).

b. Then, divide the number of persons per acre by the average persons per dwelling unit:

147 ÷ 1.57 = 93.4 (rounded to 100).

c. The result is a land dedication requirement of one acre per 100 dwelling units to meet the current level of service.

6. Calculating the Fee-in-Lieu of Dedication

The cost of land per acre is $536,000. The fee is the cost for an acre of land divided by the number of dwelling units, 100, per acre based on current level of service: $5,360.

7. Residential Fee Calculations

a. The park development fee per dwelling unit is calculated using a discounted approach to account for the difference in cost of a fully developed park versus a more passive park. The cost of park development per acre of a developed park is $400,000. This cost is divided by the dwelling units per acre of each park type:

$400,000 ÷ 157 = $2,549 fee per dwelling unit for developed parks, greenbelts, trail corridor, etc.

b. The combined maximum fee for fee-in-lieu of land and park development is $7,909 per dwelling unit for developed parks, greenbelts, trail corridor, etc.

8. Nonresidential Fee Calculations

a. To determine the fee per square foot of nonresidential development, first divide the number of persons per acre by the cost of park development per acre:

$400,000 ÷ 147 = $2,723.00 cost of park development per person per acre (A).

b. The fee per square foot calculation is (A x B x C x D) / E, whereas:

i. A = Cost of park development per person per acre

ii. B = Occupancy rate % (Commercial Edge and Economic Pulse)

iii. C = Operational hours %

iv. D = Commuter % (total employees in Addison less population)

v. E = Square feet per employee (U.S. Green Building Council)

Table 6.4-1: Nonresidential Fee Calculations

Type	Square Feet Per Employee (E)	Occupancy Rate % (B)	Operational Hours % (C)	Commuter % (D)	Fee Per Square Foot
Industrial	2,500	95%	71%	79%	$0.58
Hotel	1,500	60%	71%	79%	$0.61
Retail	550	93%	38%	79%	$1.36
Office	300	79%	24%	79%	$1.34

Article 7: Definitions

~~**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 Construction[659]

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.

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;

B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply; and

[659] New.

C. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.

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 Development[660]

A cluster of at least five 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)".

Dwelling, Duplex[661]

A single building on a single lot or tract containing two dwelling units under one roof, each of which is occupied by one family or two 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.

Dwelling, Fourplex[662]

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-Work[663]

A dwelling unit containing an integrated living and working space in different areas of the unit.

660 New.
661 Renamed from "two-family dwelling." Reworded for clarity. Did not carry forward the reference to "boarders or lodgers."
662 Revised definition to apply Town-wide (currently only applies to the MXR district). Reworded for clarity.
663 New definition, currently not defined.

Dwelling, Multifamily[664]

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)[665]

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 ~~town~~Townhouses.

Dwelling, Single-Family (Detached)[666]

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, Triplex[667]

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)[668]

A development on a single lot divided into more than one space 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 limited to recreational facilities and vehicle parking for occupants and staff. Specific use types within the group living use category include:

Assisted Living Facility[669]

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.

Continuing Care Facility[670]

An establishment for care of individuals that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally incudes a

664 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.

665 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.

666 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.

667 Renamed from "three plex." Revised definition to apply Town-wide (currently only applies to the MXR district). Reworded for clarity.

668 Replaces definition for "trailer camp or park." Standards related to minimum site area has been relocated to the use-specific standards.

669 Consolidated "retirement home," "old people's homes," and "convalescent homes." New definition, currently not defined.

670 New.

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. A "continuing care facility" does not contain equipment for surgical care or for treatment of disease or injury.

Group Care Home, FHAA[671]

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 Housing[672]

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.

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:

Police, Fire, or Rescue Facility[673]

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.

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671 Renamed from "homes for the insane, alcoholics, feeble-minded, and narcotics." New definition, currently not defined.
672 New.
673 Consolidates "civil defense, fire or police station," "fire stations," and "ambulance services." New definition, terms are not currently defined.

Club or Lodge[674]

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. This definition does not include any form of sleeping accommodations.

Day Care Center, Adult or Child[675]

A facility, other than a "Day Care Home, Adult or Child," "Assisted Living Facility," or "Continuing Care Facility," 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. A "Day Care Center" exempt from state licensing requirements shall provide proof of exemption.

Day Care Home, Adult or Child[676]

A residential dwelling unit used as the primary residence of the day care provider where adults or children receive care from the provider less than 24 hours per day. This use includes licensed, listed, and registered child care homes as defined by Texas Health and Human Services. Where required by state law, adult or child day care homes shall be and remain licensed, registered, or listed 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 Facility[677]

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.

Library[678]

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.

Museum[679]

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, retail sales of goods that are related in topic with the primary purpose of the museum, and similar support facilities.

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674 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.

675 Consolidated "day care facility," "daycare center or nursery school," and "adult day care center." New definition, terms are not currently defined.

676 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.

677 Consolidated "funeral home, mortuary" and "mortuary." New definition, currently not defined.

678 Consolidated "library (public)," "library, rental," and "public libraries." New definition, currently not defined.

679 Consolidated "aquarium," "museum," and "public museums." New definition, terms currently not defined.

Park or Open Space, Active[680]

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, Passive[681]

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 Worship[682]

Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural, and social activities. Accessory uses may include offices related to the operation of the organization, meeting rooms, columbariums pursuant to Section 711.008 of the Health and Safety Code, and similar support facilities.

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, secondary, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities. Specific use types include:

School, College or University[683]

A post-secondary 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 Private[684]

Any public or 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 and charter schools. 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 Trade[685]

A private or public educational facility offering instruction in a professional, vocational, or technical field. This use includes establishments providing instruction focused upon usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

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680 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.

681 New.

682 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. Second sentence is new in Consolidated Draft.

683 Renamed from "college, university or professional school." New definition, terms currently not defined.

684 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."

685 Consolidated "business or secretarial school," "cosmetology school," "fine art school," and "karate and martial arts school." New definition, terms currently not defined.

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:

Hospital[686]

An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and emergency medical services 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 Clinic[687]

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 and outpatient surgery centers. Accessory uses may include incidental retail sales of products incidental to the services provided.

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, Commercial

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 Greenhouse[688]

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.

Urban Agriculture, Noncommercial[689]

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 including eggs from backyard chickens. 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.

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686 Separated "hospital, children's homes, convalescent homes, old people's homes, maternity homes." Replaces current definition for "hospital."

687 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.

688 Renamed from "greenhouse and nurseries." New definition, currently not defined.

689 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."

Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Code of Ordinances.

Veterinary Hospital or Clinic[690]

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, Indoor[691]

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, or any other indoor recreational activity. Accessory uses may include limited retail, concessions, and maintenance facilities. This definition does not include "Sexually Oriented Business."

Recreation Facility, Outdoor[692]

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, amphitheaters, 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 M~~m~~ixed-U~~u~~se and N~~n~~onresidential zoning districts.

Sexually Oriented Business[693]

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 Consumption[694]

A licensed retail sales establishment selling packaged and sealed alcoholic beer and wine for consumption off-site.

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690 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.

691 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. Updated reference to State code in Consolidated Draft.

692 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.

693 From current Chapter 22, Article IV, Division 1, Sec. 22-131.

694 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 Winery[695]

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 Establishment[696]

An establishment that prepares food on-site, then transports and serves the food at a secondary location. On-site sale or consumption of food or beverages to patrons is prohibited.

Hookah Bar[697]

An establishment providing for the sale of on-site consumption of smoked flavored tobacco or herbs.

Liquor Sales, Off-Premise Consumption[698]

A licensed retail sales establishment selling packaged and sealed alcoholic liquors (including ~~beer, wine, and~~ spiritous liquors)[699] for consumption off-site.

Microbrewery[700]

A small-scale commercial operation engaged in the production and distribution of beer, wine, liquor, mead, or cider that may include a tap room and typically offers retail sales for consumption on site or off the premises.

Mobile Food Truck Park[701]

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. This use does not include mobile food trucks.

Restaurant[702]

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 Breakfast[703]

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.

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695 Replaces current definition for "brewpub." Renamed to also include "distillery, or winery."
696 Consolidates "caterer and wedding services," and "caterers/catering hall." New definition, terms currently not defined.
697 New.
698 New definition, term currently not defined.
699 Removed "beer and wine."
700 Relocated current definition to the use-specific standards section.
701 New.
702 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.
703 Renamed from "bed and breakfast inn." New definition, currently not defined.

Hotel, Full Service[704]

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 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 Service[705]

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 Hotel[706]

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 Institution[707]

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 Business[708]

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-Service[709]

An establishment providing washing or drying 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.

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704 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 of suites have been relocated to the use-specific standards.

705 New definition, term currently not defined.

706 Replaces "hotel, extended stay or suites." New definition, term currently not defined.

707 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.

708 New.

709 Consolidates "Laundromat," "dry cleaning and laundry service (self-service)," and "washeteria." New definition, currently not defined.

Office[710]

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 Services[711]

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, licensed massage therapy, 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. 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 Store[712]

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.

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710 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.

711 Consolidates "barber and beauty shop," "cleaning and pressing shops," "cleaning, dying 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.

712 New.

Retail Sales[713]

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 §4.2.7: *Table of Allowed Uses*.

Retail Sales, Less than 15,000 Square Feet GFA

A retail sales establishment with less than 15,000 square feet of gross floor area.

Retail Sales, 15,000 to 50,000 Square Feet GFA

A retail sales establishment with between 15,000 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 transit 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.

Equipment Sales or Rental[714]

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 Services[715]

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.

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713 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.

714 New.

715 Replaces "limousine service" and "courier and messengers" and includes a more broad definition to include other similar uses. New definition, currently not defined.

Parking Facility, Private[716]

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, Public[717]

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 Station[718]

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 Station[719]

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, Major[720]

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."

Vehicle Repair, Minor[721]

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 Leasing[722]

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 Wash[723]

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.

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716 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.

717 New. Includes "public garage, parking, no repairs.

718 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.

719 Consolidates "fuel station," "fuel station with convenience store," "and gasoline service stations and/or convenience stores." New definition, listed terms currently not defined.

720 New. Includes "paint shop."

721 Consolidates "auto seat covers, covering," "sales and installation of automotive batteries," "sales and installation of automotive tires." New definition, listed terms currently not defined.

722 Replaces "automobile equipment rental and leasing."

723 Renamed from "auto laundry." New definition, currently not defined.

7.2.4. Industrial

~~Aviation~~

~~Uses in this category are characterized by facilities for the operation and maintenance of aircraft, including airports, hangars, runways, landing strips, and fueling facilities.~~

~~Airport, Public-Owned~~[724]

~~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.~~

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 Facility[725]

An establishment that cleans clothing, carpeting, drapes, leather, and other cloth or synthetic fiber materials using a chemical process.

Data Center[726]

A facility used to house computer systems and associated components, telecommunications systems, and storage systems for the purpose of collection, processing, storage, or retrieval of data. This use generally includes redundant or back-up power supplies, redundant data communications connections, environmental controls (such as air conditioning and fire suppression), and security devices.

Food Production or Processing[727]

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 off the premises.

Manufacturing, Artisan[728]

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.

~~724 Renamed from "airport" and revised current definition for clarity.~~

725 Renamed from "commercial laundry and cleaning plant." New definition, currently not defined.

726 New.

727 Consolidates "bakery" and "frozen food lockers." New definition, listed terms currently not defined.

728 New.

Manufacturing, Low-Impact[729]

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 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 Extraction[730]

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 Office[731]

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-Service[732]

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, Outdoor[733]

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 Facility[734]

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.

7.2.5. 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:

729 Replaces "machine shop" and "beverage container recycling and processing facility." New definition, currently not defined.
730 Renamed from "rock quarries, sand, gravel, and earth excavations." New definition ,currently not defined.
731 New. Includes "exterminating company."
732 Renamed from "self-service storage facility." Replaces current definition.
733 New.
734 New.

Public Utility, Major[735]

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~~Town.

Public Utility, Minor[736]

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~~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 kW[737]

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.

Wireless Communication Facility (WCF)

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment and their permitted supporting structure, but does not include the support structure to which the wireless communications facility or its components are attached if the use of such structure for the wireless communications facility is not the primary use. The term does not include ham radio operations or mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

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735 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.

736 New definition, current not defined.

737 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.

Building-Mounted

A WCF that is mounted on a building with a primary purpose to be a use other than as an antenna support structure.

Roof-Mounted

A WCF that is mounted on a structure that is located on the roof of a building

Ground-Mounted

A WCF that is mounted on a freestanding support structure, such as a monopole or tower.

7.2.6. Accessory Uses[738]

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 Consumption[739]

The accessory or incidental sale of alcoholic liquors (including beer, wine, and spirituous liquors) by a licensed establishment, including restaurants, for consumption on-site.

Drive-Through[740]

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.

Donation Box, Self Service[741]

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)[742]

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.

Event Space[743]

A facility designed to accommodate and support meetings or conferences and incorporated into a hotel or office facility and may include eating and drinking facilities.

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738 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.

739 New definition, term is currently not defined.

740 New.

741 New.

742 New.

743 Renamed from "civic or convention trade show facility." New definition, currently not defined.

Home Occupation[744]

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.

Valet Parking Service[745]

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, and/or podiums.

Caretaker's Quarters[746]

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.

7.2.7. 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 UDC, 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 Activities[747]

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 but is not limited to contractor's offices, equipment storage, and portable lavatories.

Mobile Food Truck[748]

A 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 Display[749]

An area for the outdoor retail and display of goods, produce, plants, and/or handcrafts 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.

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744 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.

745 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.

746 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.

747 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.

748 New.

749 Renamed from "outside display." New definition, currently not defined.

Portable Storage Structure[750]

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 the Building Code and this UDC.

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~~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 Sales[751]

The temporary sale of goods or products associated with the season or a cultural event, including but not limited to the sale of healthy and nonhazardous cut or live evergreen trees, wreaths, tree stands, pumpkins, fireworks, and seasonal produce.

Special Event[752]

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 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

Alluvial Fan Flooding

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure

A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of shallow Flooding

A designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist,

750 From current Chapter 18, Article 3, Sec. 18-134.
751 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.
752 New.

where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year, also called the base flood.

Basement

Any area of the building having its floor sub-grade (below ground level) on all sides.

Certified Floodplain Manager (CFM)[753]

An individual who has demonstrated their expertise in floodplain management through the national certification program through the Association of State Floodplain Managers.

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building

A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, and V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

[753] New.

Existing Construction

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this UDC.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1) The overflow of inland or tidal waters; or
2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Study

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

Flood Insurance Study (FIS)

See flood elevation study.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain Administrator

The individual appointed by the City Manager to administer and implement the standards set forth in §5.3: Floods and other appropriate sections of Title 44 of the UDC of Federal Regulations (National Flood Insurance Program Regulations) pertaining to floodplain management.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of

police power, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the areas subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Proofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3) Individually listed on the state's inventory of historic places; or
4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    a) By an approved state program as determined by the Secretary of the Interior or;
    b) Directly by the Secretary of the Interior in states without approved programs.

Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

Manufactured Home

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park of Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Map are referenced.

National Flood Insurance Program Regulations

Those regulations contained in Chapter 1 of Title 44 of the Code of Federal Regulations (CFR) pertaining to floodplain management.

New Construction

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle

A vehicle that is:

1) Built on a single chassis;
2) 400 square feet or less when measured at the largest horizontal projections;
3) Designed to be self-propelled or permanently towable by a light duty truck; and
4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building, including a gas or liquid storage tank and a manufactured home, that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Building Official and which are the minimum necessary conditions; or
2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

7.3.2. Airport Definitions

Abandon

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.

Airport

The area of land owned by the Town and known as Addison Airport.

Airport, Private-Owned[754]

A private-owned facility designed, used, or intended to be used for aircraft, including all necessary 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, 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) Buildings for office use; and
5) Related uses and buildings and other uses and buildings incidental to any of the foregoing.

Airport, Public-Owned[755]

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)~~6) Areas for other aviation uses;
~~2)~~7) 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)~~8) Airport buildings or facilities located on an appurtenant area;
~~4)~~9) Facilities for the fueling of aircraft;
~~5)~~10) Buildings for office use; and
~~6)~~11) Related uses and buildings and other uses and buildings incidental to any of the foregoing.

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.

754 New.
755 Renamed from "airport" and revised current definition for clarity.

Airport Hazard Area

An area of land or water on which an airport hazard could exist.

Airport Reference Point

The point established as the approximate geographic center of the airport landing area and so designated.

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 set forth in §3.8.1.B: *Airport Overlay District Established*.

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.

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.

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 all zones set forth in the Airport Overlay District and shown on the zoning map, 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.

Landing Area

The surface area of the airport used for the landing, take-off or taxiing of aircraft.

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.

Obstruction

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §3.8.1.D: *Height Limitations*.

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 Surface

The width of the primary surface which is 1,000 feet.

Runway

A defined area on an airport prepared for landing and take-off of aircraft along its length.

Sign, Air Side[756]

A sign located in the area of an airport that is enclosed by a security barrier, to which aircraft have access, and to which the general public does not have access, including runways, taxiways, aprons, and ramps.

Sign, Landside[757]

In the Airport Overlay District, signs that serve the passenger and cargo terminals and the access system, that includes parking, roads, public transport facilities, and loading and unloading areas.

Structure

For the purpose of the Airport Overlay District, an object constructed or installed by one or more persons and includes a building, tower, smokestack and overhead transmission line.

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 a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

7.3.3. Sign Definitions

Animation

Copy or other images that flash or move or otherwise change.

Commercial Message

A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

1) Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or

[756] New.
[757] New.

2) Attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist or sale or for hire.

Copy

Letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof, designed to communicate information of any kind, or to advertise, announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of a premises.

Facade

Any separate face of a building, including parapet walls and omitted wall lines. Any part of a building oriented in the same direction, or in directions within 45 degrees of one another are considered a part of a single facade.

Festoon Lighting (String Lighting)

A string of outdoor lights suspended between two points as more fully defined in the National Electrical Code (NEC).

Flag

Any fabric or bunting containing distinctive colors, patterns, symbols or graphic depictions or text.

Luminescent Gaseous Tubing

Exposed tubes used in or as signs and which contain luminescent inert gases including, but not limited to, neon, argon and krypton.

Noncommercial Message

Any message that is not a commercial message.

Mural

A painting or picture applied to and made part of a wall which may be pictorial or abstract and is characteristically visually set off or separated from the background color or architectural environment.

Premises

A lot or tract, or a combination of contiguous lots or tracts if the lot or tract, or combination, is under single ownership and is reflected as a single premises in the plat records of the ~~town~~Town.

Roofline[758]

For the purpose of Section 5.9, *Signs,* the uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of the uppermost sloped roof structure

Searchlight[759]

An apparatus containing a light and reflector on a swivel, for projecting a strong, far-reaching beam in any direction.

Sign

Any device, flag, light, figure, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract attention.

[758] New definition based on staff's interpretation and administration of standards.
[759] New definition for existing term.

Sign, Animated or Moving

Any sign that includes animation, parts which move, or flashing or blinking lights that may be distracting to motorists. This includes feather signs and a person holding or carrying wind devices, flags, balloons, or other sign structures.

Sign, Attached

Any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, under-canopy, awning, arcade, projecting or marquee) that encloses or covers usable space.

Sign, Banner

A temporary sign composed of lightweight material secured or mounted so as to allow movement caused by wind.[760]

Sign, Construction Banner[761]

A temporary banner erected and maintained on a site during the period of construction.

Sign, Detached

Any sign connected to the ground that is not an attached sign, but excluding signs on vehicles that are moving or are parked only temporarily, incidental to their principal use for transportation.

Sign, Electronic

Any sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using light emitting diodes (LEDs), fiber optics, light bulbs, other illumination devices, or a combination thereof, within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes.

Sign, Feather[762]

A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images.

Sign, Fence

Any sign painted or attached to the outside of a fence, railing or a wall that is not a structural part of a building, whether or not such fence, railing or wall is on the property line.

Sign, Government

Signs required to protect the public health, safety, and welfare of the Town and other regulatory purposes, including traffic signs, emergency and warning signs, signs required to be displayed by law and signs of public service companies indicating danger and/or aids to service or safety shall be allowed without a Sign Permit.

Sign, Hazardous or Nuisance

Any sign illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance including moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs.

[760] Revised to remove content-based language.
[761] New.
[762] New definition for an existing term currently included in the definition of "flag."

Sign, Imitation of Emergency Signs and Signals

Any sign using any combination of forms, colors, or lights which imitate emergency signs or signals.

Sign, Inflatable

Any inflatable sign, including balloons, anchored to the ground, a building or other structure.

Sign, Interchangeable Copy

Any sign that allows for manual interchangeable copy.

Sign, Luminescent Gaseous Tubing

Any sign that uses exposed tubes that contain luminescent inert gases, including, but not limited to, neon, argon and krypton, and that are visible from the exterior of structures.

Sign, Mobile Billboards

Any wheeled vehicle used primarily for the display of general advertising, by means of traversing upon any public street or parking on any public street in a manner that the advertising image(s) on the vehicle are visible from any portion of the public right-of-way.

Sign, Monument[763]

A freestanding sign having a low profile and made of stone, concrete, metal, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves.

Sign, Menu Board and Drive Through

Menu boards placed adjacent to, within, or above drive-through or drive-in lanes directing vehicles.

Sign, Not Readable from the Public-Right-of-Way

A sign located entirely inside of a building and not visible from the building's exterior or a sign that displays letters, figures, or symbols less than two inches in height and project no more than one inch from the surface on which the sign is mounted.

Sign, Off-Premises[764]

Any sign which is not located on the premise of the advertised business.

Sign, On-Site[765]

Any sign that identifies or advertises the location, products, persons, accommodations, services or activities of or on the premises where the sign is located, or the sale, lease or construction of those premises.

Sign, Pole[766]

A free-standing sign, usually double-faced, mounted on a round pole, square tube, or other fabricated element without any type of secondary support.

Sign, Portable

Any sign that is moveable and not permanently attached to the ground or to a structure or another sign permanently attached to the ground, excluding sidewalk signs.

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[763] Deleted "routed wood planks or beams."
[764] Replaces Nonpremises Sign.
[765] Replaces Premises Sign.
[766] New definition for an existing term not currently specifically defined.

Sign, Projecting

A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Sign, Residential Property[767]

A sign located on a residential lot, excluding multifamily dwellings and assisted living and continuing care facilities.

Sign, Right-of-way

Any sign that is erected or affixed within or projected over any public right-of-way or extended across a railroad right-of-way.

Sign, Roof

Any sign on the roof or project over the roofline of a building. This does not apply to signs located above structural elements of the building, but remain below the roof of the facade on which the sign is located.

Sign, Sidewalk

A sign composed of a sign panel and spring-mounted supporting structure intended to be located on or near a sidewalk with the ability to be readily moved, and that is not affixed to a building, vehicle, or the ground. A-frame signs are not considered sidewalk signs.

Sign, Site Directional[768]

A sign located at a vehicular access point or that directs vehicular or pedestrian movement within the premises on which the site directional sign is located.

Sign, Under-Canopy

A sign suspended beneath a canopy, ceiling, roof, marquee, or similar structure.

Sign, Vehicular

A sign or other advertising device painted on or otherwise affixed to a car, truck, trailer, or other similar vehicle.

Sign, Wind-Driven

Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

Sign, Window

Any sign located on or within eight feet of an exterior window.

Sign Support

Any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that such fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, or is internally or decoratively illuminated.

[767] Broadened from "Single-family or duplex residential property."
[768] Combined current definitions of access point and movement control sign.

7.3.4. All Other Definitions

Abutting

Bordering or touching, such as sharing a common lot line. Lots that are separated by a street, right-of-way, or platted alley are not abutting.

Access or Access Way[769]

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 Manual[770]

The document containing the submittal requirements that applicants must submit in order to have a complete application and allow the Town to begin reviewing those applications and other additional details about development review requirements and processes such as fees, licensing, and document specifications.

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.

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;
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

[769] New.
[770] New.

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

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 10 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 10 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.

Alley[771]

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. See also “Mews.”

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.

Berth[772]

An off-street space provided for cargo vehicles to load or unload.

Best Management Practices (BMP)[773]

Methods, measures, practices, schedules of activities, and maintenance procedures to prevent or reduce nonpoint source pollutants, such as those found in stormwater runoff. Best management practices may include

771 Replaces current definition.
772 New in Consolidated Draft.
773 New.

treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction, best management practices may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water.

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.

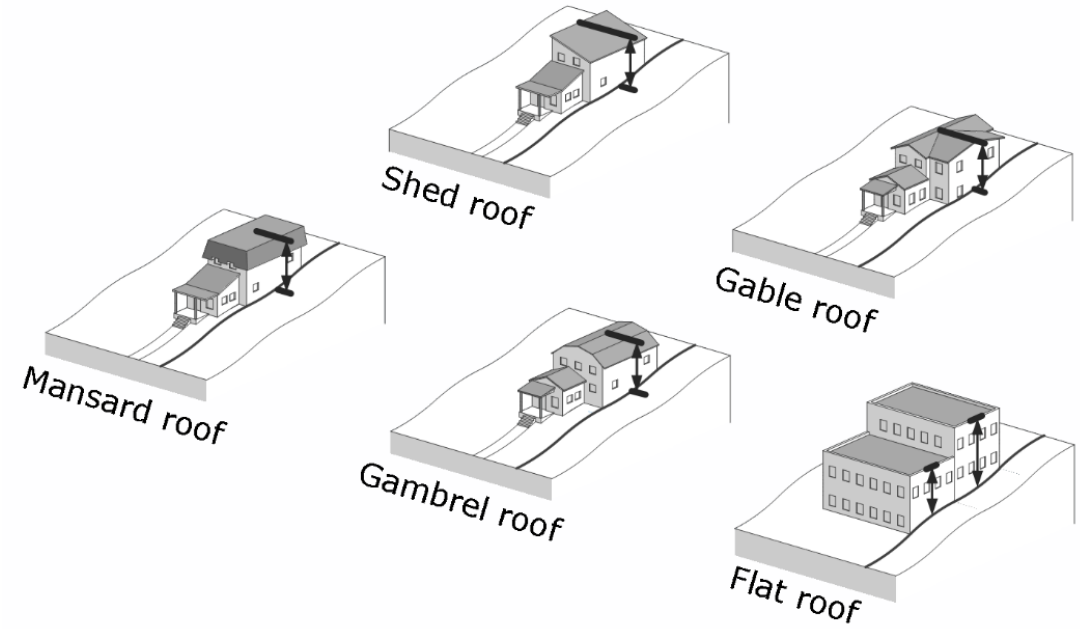
Building Façade, Primary

Any façade that fronts a public or private street or open space.

Building Height[774]

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.

Figure 7-1~~7-1~~: Building Height Measurement



Building Official

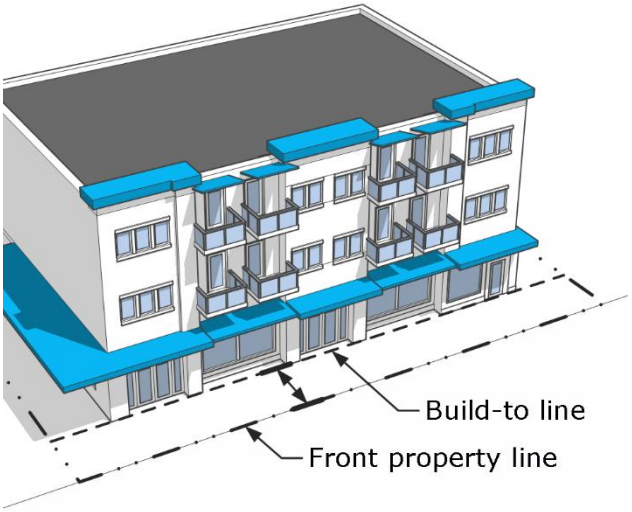
The Building Official of the Town of Addison or their designated representative.

774 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.

Build-to

An alignment establishing a certain distance from the front or street side property line where a building must be constructed.

Figure 7-2~~7-2~~: Build-to Line



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.

City Manager

The City Manager of the Town of Addison or their designee.

Code of Ordinances

The Code of Ordinances of the Town of Addison, Texas, as amended.

Collocation[775]

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

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.

[775] Definition from 47 CFR §1.6100 (Code of Federal Regulations).

Design Capacity[776]

When used in the context of parking or occupancy regulations, the approved capacity of building or facility based on the Fire or Building Code.

Development[777]

The new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

Development Site[778]

That area of a development that includes all lands for development, land dedicated or conveyed to the Town for any public facility other than a park, recreational area or floodplain area, or any street right-of-way for a proposed street when such street is not necessitated by the development of the subject lot.

Director[779]

Unless otherwise specified, the Director of Development and Neighborhood Services or their designee.

Director of Parks and Recreation

Unless otherwise specified, the Director of Parks and Recreation or their designee.

Director of Public Works and Engineering[780]

Unless otherwise specified, the Director of Public Works and Engineering 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.

Eligible Facilities Request[781]

Any request for modification of an existing Wireless Community Facility (WCF) that involves the collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Eligible Support Structure[782]

Any Wireless Community Facility (WCF) as defined in this Unified Development Code (UDC) that is existing at the time an application is filed.

Escort

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.

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776 New in Consolidated Draft.
777 Updated to align with TLGC Chapter 212.
778 New in Consolidated Draft.
779 New.
780 New in Consolidated Draft.
781 Definition from 47 CFR §1.6100 (Code of Federal Regulations).
782 Definition from 47 CFR §1.6100 (Code of Federal Regulations).

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.

Existing[783]

For the purpose of Section 4.3.6.E, *Wireless Communication Facilities (WCF),* a constructed WCF that was reviewed and approved in accordance with all requirements of applicable law as of the time of an eligible facilities request.

Family

Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

Feeder Lines

Those high voltage supply electric lines that emanate from substations used to distribute power throughout an area.

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 §2.9.3: *Final Plat*.

Fire Marshal

The Fire Chief or the Fire Chief's designee.

Frontage[784]

The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Grade, Finished[785]

The average of the ground elevations at the center of all walls of a building, following completion of site grading. If a wall is parallel to and within five feet of a sidewalk, finished grade is measured at the sidewalk.

Gross Floor Area (GFA)[786]

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.

Impervious Coverage[787]

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.

783 Definition from 47 CFR §1.6100 (Code of Federal Regulations).
784 New.
785 New in Consolidated Draft.
786 Replaces current definition.
787 Replaces current definition for "lot coverage."

Improved Parking Surface[788]

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.

Infill Development[789]

Development, redevelopment, or reuse of vacant and underutilized sites surrounded by existing development and where street access is available.

Landscape Plan[790]

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.

Lateral Lines

Those electric lines used to distribute power from a feeder line to an end user. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

Light Trespass[791]

The shining of light produced beyond the boundaries of the property on which it is located, where light is produced by a light fixture or reflected light.

Lot or Lot of Record[792]

A designated parcel, tract or area of land established by a plat to be used, developed, or built upon as a unit.

Lot Area[793]

The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

Lot Depth[794]

The horizontal distance from the midpoint of the rear of lot line to the midpoint of the front lot line.

Lot Lines[795]

A boundary of a lot. "Lot line" is synonymous with "property line."

Lot Width

The horizontal distance between the side lines, measured from the point on the building line that is closest to the front lot line. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned.

Low Impact Development (LID)[796]

Development that minimizes stormwater runoff from a lot or parcel by implementing site design techniques, natural grades and features, and soil treatment to allow cleansing and infiltration of stormwater on-site.

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788 Did not carry forward "as approved by the Building Official."
789 New.
790 Detailed specifications removed.
791 New in Consolidated Draft.
792 Replaces current definition.
793 Replaces current definition for "area of the lot."
794 Replaces current definition.
795 Replaces current definition.
796 New.

Masonry[797]

Building materials consisting of clay brick, natural and manufactured stone, granite, marble, architectural concrete block, tilt wall concrete panels and other similar materials. This definition does not include cementitious siding or EIFS.

Maximum Extent Feasible[798]

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."

Maximum Extent Practicable[799]

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.

Mews

A minor street or service lane that provides access to properties in a residential area.

Minor or Amending 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 §2.9.5: *Minor or Amending Plat*.

Nonconforming Lot

A lawfully established lot created prior to adoption of this UDC or any amendment thereafter that does not comply with lot dimensional 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 or any amendment thereafter 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 Use[800]

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.

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797 New.
798 New.
799 New.
800 Replaces current "nonconforming uses" definition.

Nonconformity

An existing use, structure, lot of record, site feature, or sign that was lawfully established prior to the effective date of this UDC 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.

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.

Parking Area[801]

An area designed and constructed for the parking, storage and maneuvering of vehicles.

Parking Space[802]

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.

Person[803]

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.

Pervious Pavement or Paving[804]

Paving materials that provide surfaces able to absorb water or allow the passage of water through the paving material to the ground below such as previous interlocking concrete paving blocks, concrete grid pavers, and perforated brick pavers.

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.

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801 New.
802 New.
803 From current Chapter 70, Article VII, Sec. 70-320.
804 New in Consolidated Draft.

Property Owner[805]

The owner, ~~occupant,~~ manager, or other person in control of property or his agent or designee.

Public Improvements[806]

Any drainage way or easement, street, culvert, pedestrian way, sidewalk, street sign, monument, flood control or storm drainage system, sewage disposal system, or other facility for which the municipality may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which municipal responsibility is established.

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-Way[807]

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.

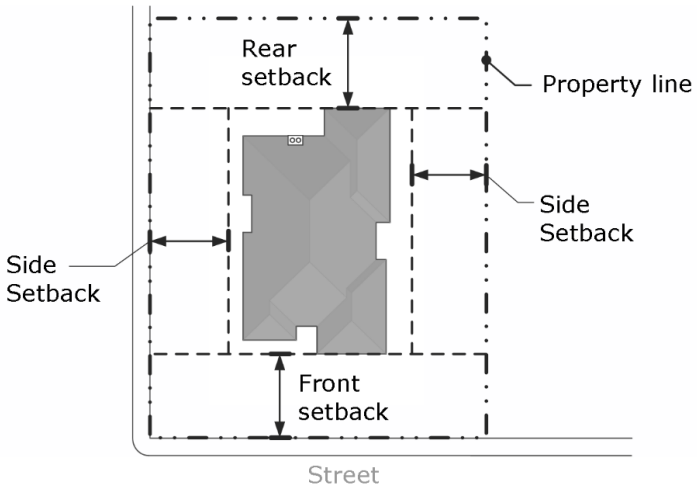
Service Line

Those electric lines used to connect between the utilities' supply system and the end user's service entrance.

Setback

The minimum distance between a lot line and a building or structure required by this UDC.

Figure 7-3~~7-3~~: Setbacks



[805] Removed occupant.
[806] New.
[807] From current Sec. 70-36.

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.

Site

1) For the purpose of §4.3.6.E: *Wireless Communication Facilities (WCF)*, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the Town, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.
2) In all other instances, any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.

Site Plan, Major

See §2.6.2.C.2.

Site Plan, Minor

See §2.6.2.C.1.

Special Flood Hazard Area (SFHA)[808]

The land subject to a one percent or greater chance of flooding in any given year. The SFHAs within the ~~town~~Town 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.

Street[809]

Any thoroughfare or public driveway, other than an alley or mew, 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.

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808 New.

809 Specific street type definitions (e.g., "arterial," "collector," and "local" streets) should be in a criteria manual.

TLGC

The Texas Local Government Code.

Town

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.

Transmission Equipment[810]

Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

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~~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*.

Variance

A development application authorizing a deviation from the standards of this Code where strict application of this Code results in a hardship due to circumstances with a particular lot and that is reviewed and decided pursuant to §2.10.1: *Variance* or §2.10.2: *Subdivision Variance*.

Zoning District[811]

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.

[810] Definition from 47 CFR §1.6100 (Code of Federal Regulations).
[811] New.

Article 8: Legacy District Regulations

8.1 A – Apartment District Regulations[812]

8.1.1. Legacy District[813]

The Apartment district is prohibited from future use. Property that is zoned A as of the effective date of this UDC shall be permitted to continue as conforming to this Code as described in §3.3.3: *Legacy Zoning Districts*, but Rezoning any additional areas to A is prohibited.

8.1.2. 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.

8.1.3. Building Regulations

A. Area of Dwelling Unit

1. The minimum gross floor area per dwelling unit shall be as follows:

Table 8.1-1: Minimum Gross Floor Area by Bedroom Type

Unit Type	Minimum Gross Floor Area per Unit[814]
Efficiency	300 sq. ft.[815]
1-bedroom	450 sq. ft.[816]
2-bedroom	700 sq. ft. [817]
3-bedroom	850 sq. ft. [818]

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.

B. Type of Materials

1. Apartment and accessory buildings shall be constructed of standard masonry construction.

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812 From current Appendix A, Article VIII: *"A" Apartment District Regulations*.

813 New.

814 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.

815 Decreased from 450 sq. ft. in Consolidated Draft.

816 Did not carry forward the minimum area of 750 sq. ft. for the UC Commercial subdistrict. Decreased from 600 sq. ft. in Consolidated Draft.

817 Decreased from 850 sq. ft. in Consolidated Draft.

818 Decreased from 1,000 sq. ft. in Consolidated Draft.

2. Vertical exterior walls shall not contain more than 20 percent non-masonry materials, excluding window and door openings.
3. The City Council may, after receiving a recommendation from the Planning and Zoning Commission, approve an alternate architectural design that is equal to masonry in appearance and maintainability.

8.1.4. 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 a residential use or Residential zoning district, inclusive of streets and alleys.

C. The City Council may, after receiving a recommendation from the Planning and Zoning Commission and after holding a public hearing, approve a height in excess of the above, subject to appropriate safeguards and conditions.

8.1.5. Area Regulations

A. Lot Area and Dimensions

Table 8.1-2: A District Dimensional Standards

Lot Dimensions	Standard
Minimum lot area	1 acre
Minimum lot area per dwelling unit	Efficiency: 1,400 sq. ft. per dwelling unit 1 Bedroom: 1,600 sq.ft. per dwelling unit 2 Bedroom: 2,000 sq. ft. per dwelling unit
Minimum lot width	200 ft.
Minimum lot depth	200 ft.
Maximum lot coverage	35 percent

B. Front Yard

1. General

a. There shall be a front yard having a minimum depth of 30 feet.

b. On corner lots, the required front yard shall be required on both sides.

c. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

d. 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.

e. 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.

2. Exceptions

a. Along streets already having a uniform building line, new structures shall conform to that so existing.

b. 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.

c. 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.

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 10 percent of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than 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 three and one-half 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.

8.1.6. 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, one and one-half for each one bedroom unit, two for each two bedroom unit and two and one-half 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 specifications and shall be constructed to dispose of all surface drainage according to Town specifications and ordinances.

D. Storage of Additional Cars

All complexes must provide an additional parking space for every 10 units for the storage of recreational vehicles, boats and additional cars.

8.1.7. 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.

8.1.8. 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.

8.1.9. 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 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 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 §5.6.10.D: *Gates and Access*.

8.1.10. 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.

8.1.11. 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.

8.1.12. 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.

8.1.13. Special Requirements

Apartment sites of two acres or more will comply with the Town's subdivision regulations.

8.1.14. Site Landscaping

All landscaping within the A district shall conform to the standards contained in §5.6: *Landscaping, Buffering, and Fences*.

8.2 PD-TH – Planned Development, Townhouse/Condominium[819]

8.2.1. Legacy District[820]

The Planned Development Townhouse/Condominium district is prohibited from future use. Property that is zoned PD-TH as of the effective date of this UDC shall be permitted to continue as conforming to this Code as described in §3.3.3: *Legacy Zoning Districts*, but Rezoning any additional areas to PD-TH is prohibited.

8.2.2. 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.

8.2.3. 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,

819 From current Appendix A, Article XVI: *Planned Development, Townhouse/Condominium*. Deleted purpose statements.
820 New.

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.

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.

8.2.4. 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 ~~town~~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.

8.2.5. Permitted Uses

A. Condominium.

B. Townhouses.

C. Community center.

D. Recreation buildings.

E. Laundry rooms.

8.2.6. 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 10 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.

8.2.7. Townhouse Yard Requirements

Every lot within this district shall have exterior yards of at least 25 feet, a rear yard of at least 10 feet and no side yard shall be required. The Uniform Building Code will regulate construction requirements where side property lines intersect with buildings.

8.2.8. 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 gross floor area exclusive of breezeways, basements, open and screened porches and garages of not less than 750 square feet.

8.2.9. 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 ~~town~~Townhouse units.

C. Balconies visible from public ~~R.O.W~~right-of-way~~.~~ 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.

8.2.10. Parking

A. Two parking spaces shall be provided for each dwelling unit.

B. Additional off-street parking, as determined by the C~~c~~ouncil, 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.

8.2.11. 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. Private streets shall meet Town widths and paving standards.

C. 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.

8.2.12. Open Space

In addition to paved parking and driving areas, at least 10 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.

8.2.13. Utilities

A. Each condominium/~~town~~Townhouse unit shall have its own underground electrical service.

B. All dwelling units must have washer and dryer connections.

8.2.14. Postal Service

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

8.2.15. Refuse Collection and Storage

Individual curbside refuse collection may be required for each unit in a collection unit approved by the C~~c~~ouncil.

8.2.16. Deed Restrictions and Owner Association Agreements

Agreements shall be approved by the Town and recorded in the County Clerk's office, prior to the issuance of the certificate of occupancy.

8.2.17. 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.

8.3 Planned Development, Condominium Conversions[821]

8.3.1. Legacy District[822]

The Planned Development Condominium Conversions district is prohibited from future use. Property that is zoned PD-CC as of the effective date of this UDC shall be permitted to continue as conforming to this Code as described in §3.3.3: *Legacy Zoning Districts*, but Rezoning any additional areas to PD-CC is prohibited.

8.3.2. Purpose of District

The Town of Addison finds that a different set of regulations are necessary when an apartment complex owner desires to convert the apartments into individually owned dwelling units, with other elements of the complex being common property, shared by all dwelling unit owners. The Town will require definite objectives and policies on condominium conversions.

8.3.3. Planned Development

In order to provide for individual review, it has been decided that all condominiums, be allowed only under planned development Townhouse condominium PD zoning. This UDC requires a comprehensive development plan and this "shall become part of the amending ordinance." Therefore, this article sets out the Council's expectations in regard to these various requirements.

8.3.4. Comprehensive Site Plan

This is to be a graphic plan including all of the area under consideration for zoning approval and shall be submitted with the application for such zoning. This plan must show use areas, principal roadways, parkways, buffers, screening, landscaped areas and the number and type of dwelling units and other such ideas which cannot be satisfactorily explained otherwise. Such notes, sketches, photographs and drawings shall be used to evaluate detailed site plans.

8.3.5. Detailed Conversion Site Plan

The detailed conversion site plan shall be approved by the City Council prior to the issuance of a building permit. This plan should show in detail the changes that are proposed that will improve the aesthetics of the present complex in open space, parking areas, entrances, berms, sidewalks, landscaped walkways, exterior of structures and balconies. All perimeter walls and fences shall be masonry, or a design acceptable to the Council.

8.3.6. Permitted Uses

A. Condominium.

B. Community center.

[821] Current Article XVII.
[822] New.

C. Reserved.

D. Recreation buildings.

E. Laundry buildings.

8.3.7. Parking

At least one covered and one uncovered parking space will be provided per dwelling unit on the existing parking layout. Additional improvements in the parking area will be expected.

8.3.8. Landscaping

Existing and proposed landscaped areas will be considered on a comparative basis. Proposed areas must show the kind of plants and the degree of intensity used in coverage. Parking areas shall be landscaped where possible. All landscaped areas shall have adequate and inconspicuous irrigation systems.

8.3.9. Utilities

A. All gas, water and sewer lines shall be tested as new lines. The building official may require that areas of existing lines be exposed, to determine to the best of his knowledge, if such lines have an expected life of five additional years. Otherwise, new lines must be installed or guaranteed for five years with replacement funds deposited in escrow by the developer with the homeowners association.

B. Wherever practicable, all dwelling units must be provided with washer and dryer connections.

C. Electrical services and wiring systems will be inspected and expected to meet the present electrical code.

8.3.10. Balconies

A. Balconies visible from public right-of-way must be screened.

B. Open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that a sphere six inches in diameter cannot pass between rails.

8.3.11. Postal Service

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

8.3.12. Refuse Collection and Storage

A. An individual storage area must be provided for each dwelling unit.

B. Individual curbside refuse collection may be required for each unit in a collection unit approved by the Council.

C. Refuse containers, when used, must set on a designed concrete pad and approach. The dumpster shall be screened from public view. The screening enclosure shall be of the same masonry as the exterior walls of the primary structure.

8.3.13. Creation of a Condominium Regime and Bylaws

A. A notice of intent to convert to a condominium complex to all tenants.

B. A provision for the right of first refusal for existing tenants to purchase their individual units at offered terms or better, at the time of conversion.

C. Create a council of co-owners.

D. Provision of covenants, conditions and restrictions subject to approval by the Town legal department.

E. Items C and D above shall be approved and recorded in the county clerk's office as required by state law prior to the issuance of the certificate of occupancy.

8.3.14. Fire Walls

A. The common walls and ceiling of each unit must be constructed of materials of one-hour construction.

B. The attic space must be firestopped as required by Uniform Building Code.

C. The above does not waive the area separation wall requirements contained in the Uniform Building Code.

~~**B.**~~

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Appendix A: Sign Districts and Master Sign Plans

Sign District Regulations

A. Purpose

The purpose of this section is to identify certain areas, or districts, within the Town with unique characteristics based on physical location, building design, pedestrian and vehicle circulation, and land uses and ensure the appropriate number and design of signs that are compatible with the characteristics of each district.

B. Sign Districts Established

The following sign districts are established for the purpose of this section **Error! Reference source not found.**.

1. Addison Town Center (being that area to which Ordinance No. 094-069, adopted October 11, 1994, applies)
2. Village on the Parkway (being that area shown in Fig. 62-289.A)
3. Addison Circle (being that area to which Ordinance No. 097-010, adopted March 25, 1997, applies)
4. Addison Walk Shopping Center (being that area to which Ordinance No. 004-002, adopted January 13, 2004, applies)
5. Inwood Quorum Village(being that area to which Ordinance No. 006-037, adopted August 22, 2006, applies)
6. Dallas Parkway
7. Vitruvian Park(being that area shown in Figure 62-289.6)

C. Addison Town Center

1. This section includes the regulations for the Addison Town Sign District sign district as established by Ordinance No. 018-24-A, adopted August 14, 2018.
2. One sign per facade not to exceed 100 square feet, maximum square footage shall be one and one-half times the length of facade, maximum letter height to be 24 inches for all letters, maximum width of sign to be 75 percent of width of facade; or
3. One sign allowed per 20 feet of linear frontage, maximum square footage of sign to be three and one-half percent of square footage of facade, maximum letter height to be six feet for all letters.

D. Village on the Parkway

1. **Pylon Signs/Multitenant Wall Signs**
   a. A multitenant pylon sign and a multitenant wall sign shall be allowed containing sign panels for multiple tenants.
   b. Shall be constructed as shown in Figure 62-289.B.
   c. Shall be placed as shown in Figure 62-289.A.
2. **Multi-tenant Monument Signs**
   a. Three multi-tenant monument shall be allowed containing sign panels for multiple tenants.
   b. Shall be constructed as shown in Figure 62-289.C.
   c. Shall be placed as shown in Figure 62-289.A.

3. **Single-tenant Monument Sign**
   - **a.** One single-tenant monument sign shall be allowed.
   - **b.** Shall be constructed as shown in Figure 62-289.D.
   - **c.** Shall be placed as shown in Figure 62-289.A.
4. **Grocery Tenant Signs**
   - **a.** Grocery Tenant, is defined as tenant located in Block 1000 of Figure 62.289.A.
   - **b.** Shall be allowed attached signs constructed as shown in Figure 62.289.E.
5. **Health Club Tenant Signs**
   - **a.** Health Club tenant is defined as tenant located in Block 600 of Figure 62.289.A.
   - **b.** Shall be allowed attached signs constructed as shown in Figure 62.289.F.
6. **Theatre Tenant Signs**
   - **a.** Theatre Tenant is defined as tenant located in Block 200 of Figure 62.289.A.
   - **b.** Shall be allowed attached signs constructed and placed as shown in Figure 62.289.G.
7. **Attached Commercial Tenant Identification Signs**
   - **a.** Attached Commercial Tenant Identification Signs shall include: Wall Signs and Flag Signs.
   - **b.** The maximum sign area per facade for all Attached Commercial Tenant Identification Signs is two square feet of attached sign area per linear foot of façade.
8. **Wall Sign**
   - **a.** Each commercial tenant may have one wall sign per façade.
   - **b.** Maximum Area of a wall sign on each façade shall not exceed the maximum sign area per façade as defined in Section 62-289(b)7(b).
   - **c.** No wall sign shall have a length which exceeds 75 percent of tenant frontage.
   - **d.** Individual letters and logos for wall signs shall not exceed 36 inches in height.
9. **Flag Sign**
   - **a.** Each commercial tenant may have one Flag Sign per façade in addition to one Wall Sign.
   - **b.** The combined area for a Wall Sign and a Flag Sign shall not exceed the Maximum Area per façade for all Attached Commercial Tenant Identification Signs, as defined in Section 62-289(b)7(b).
   - **c.** Flag Signs mounted at the corner of a building shall count 50 percent of the sign area square footage toward the total square footage for each façade.
   - **d.** Shall be constructed as shown in Figure 62.289.H.
   - **e.** Shall not be constructed of cloth or other synthetic fabric material.
10. **Signs on Awning**
    - **a.** Signs on the sloped surface of awnings are considered Wall Signs and shall be governed by the standards set forth for in Section 62-289(b)7. (Example of an awning sign shown in Figure 62.289.I.)
    - **b.** Signs on the valance of an awning (valance is defined as a vertical surface at the lower edge of an awning, not exceeding six inches in height) are exempt from regulation. (Example shown in Figure 62.289.I.)
11. **Secondary Business Identification Sign**
    - **a.** Each Commercial tenant may have a maximum of two additional secondary business identification signs selected from the following list:
      - **i.** Secondary Blade sign: constructed and placed in accordance with Figure 62.289.J.
      - **ii.** Secondary Wall Plaque sign: constructed and placed in accordance with Figure 62.289.K.

b. The area of the Secondary Business Identification Signs shall not be included in the maximum allowable square footage per façade as defined in Section 62-289(b)7.b.

12. Window Sign:

Signs in windows exempt from permitting requirements, and are not included in the maximum allowable square footage per façade, as defined in Section 62-289(b)7.b., but are limited to not more than ten percent of the window area per façade.

13. Pole-Mounted Banners

a. Shall only be of a Seasonal and Promotional type.

b. Shall not contain any advertising or promotional messages for individual tenants.

c. Shall be constructed as shown in Figure 62-289.L.

14. Kiosks Sign

a. Kiosk signs with way-finding and non-premises signage are exempt from permit.

b. Shall be constructed as shown in Figure 62-289.M.

c. Shall be placed as shown in Figure 62-289.A.

E. Addison Circle

1. Signs may project above the roof line, be placed perpendicular to the building, be placed on poles and in the city right of way in accordance with Figures 62-289.3.A.1, 62-289.3.A.2, 62-289.3.A.3, 62-289.3.A.4, and 62-289.3.A.5.

2. Portable signs do not need a permit but shall comply with the following:

a. Each commercial occupancy shall be allowed not more than one portable sign, which shall be located within the public sidewalk adjacent to the occupancy.

b. A minimum of four feet of clear sidewalk shall be maintained at all times.

c. Signs shall be constructed as shown in Figure 62-289.3.B.

F. Addison Walk Shopping Center

Blade signs, premises signs on building facades and two multitenant pole signs may be constructed in accordance with Figures 62-289.4.1, 62-289.4.2, 62-489.4.3, and 62-289.4.4.

G. Inwood Quorum Village

Attached signs with letter heights of 24 inches and 30 inches may be constructed in accordance with Figure 62-289.5.

H. Dallas Parkway

1. Monument signs for real property abutting Dallas Parkway may be constructed as follows: The sign with base shall not exceed eight feet in overall height above the natural grade, the actual sign face shall not exceed 72 square feet in area per side, and the sign shall be located within 50 feet of Dallas Parkway.

2. Real estate/leasing signs may be constructed as follows:

a. Maximum 108 square feet in area.

b. Maximum total square footage of the four allowed signs 144 square feet.

c. Minimum setbacks from street curb as set forth in section 62-184 of the Code of Ordinances of the town. Signs exceeding 36 square feet shall be located within 50 feet of Dallas Parkway.

d. Observe 35-foot visibility triangle.

e. The permit shall be renewed every 12 months. Prior to the issuance of the permit and any renewal thereof the sign shall be subject to inspection and approval to insure compliance with all ordinances of the Town of Addison.

3. Section 62-270 prohibiting luminaries of any type that outline the elements of a building facade, shall not apply to buildings that are six or more stories in height.

I. Vitruvian Park

1. Reference Ordinance

This section includes the regulations for the Vitruvian Park sign district as established by Ordinance No. 018-24-A, adopted August 14, 2018.

2. Attached Commercial Tenant Identification Sign

- **a.** Each commercial tenant may have one sign per 50 lineal feet of building frontage, with a maximum of two signs spaced a minimum of 25 feet apart.
- **b.** The sign area is limited to one square foot of sign per lineal foot of building frontage up to a maximum of 200 square feet of total sign area with no individual sign exceeding 100 square feet in area.
- **c.** The sign may project more than 18 inches from the building facade.
- **d.** Signs projecting more than 18 inches from the building facade shall be located a minimum of eight feet above grade.
- **e.** Signs shall be placed on exterior facades common with the tenant space.
- **f.** Letters and logos below 36 feet above grade may have a maximum height of 26 inches.

3. Attached Commercial Blade Signs

- **a.** Each commercial tenant may have a blade signs in addition to a tenant identification sign.
- **b.** Each commercial tenant may have one sign per 50 lineal feet of building frontage, with a maximum of two signs spaced a minimum of 25 feet apart.
- **c.** The maximum projection from the building facade shall not exceed four feet.
- **d.** The minimum height above the sidewalk shall not be less than eight feet.
- **e.** The maximum height above the sidewalk shall not exceed ten feet.
- **f.** The sign shall not exceed nine square feet in area.
- **g.** The signs shall be placed on exterior facades common with the tenant space.
- **h.** Letters and logos may have a maximum height of 26 inches.

4. Portable Signs

Portable signs do not need a permit but shall comply with the following:

- **a.** Each commercial tenant shall be allowed not more than one portable sign, which shall be located within the public sidewalk adjacent to the occupancy.
- **b.** A minimum of four feet of clear sidewalk shall be maintained at all times.
- **c.** Signs shall be constructed as shown in Figure 62-289.3B.

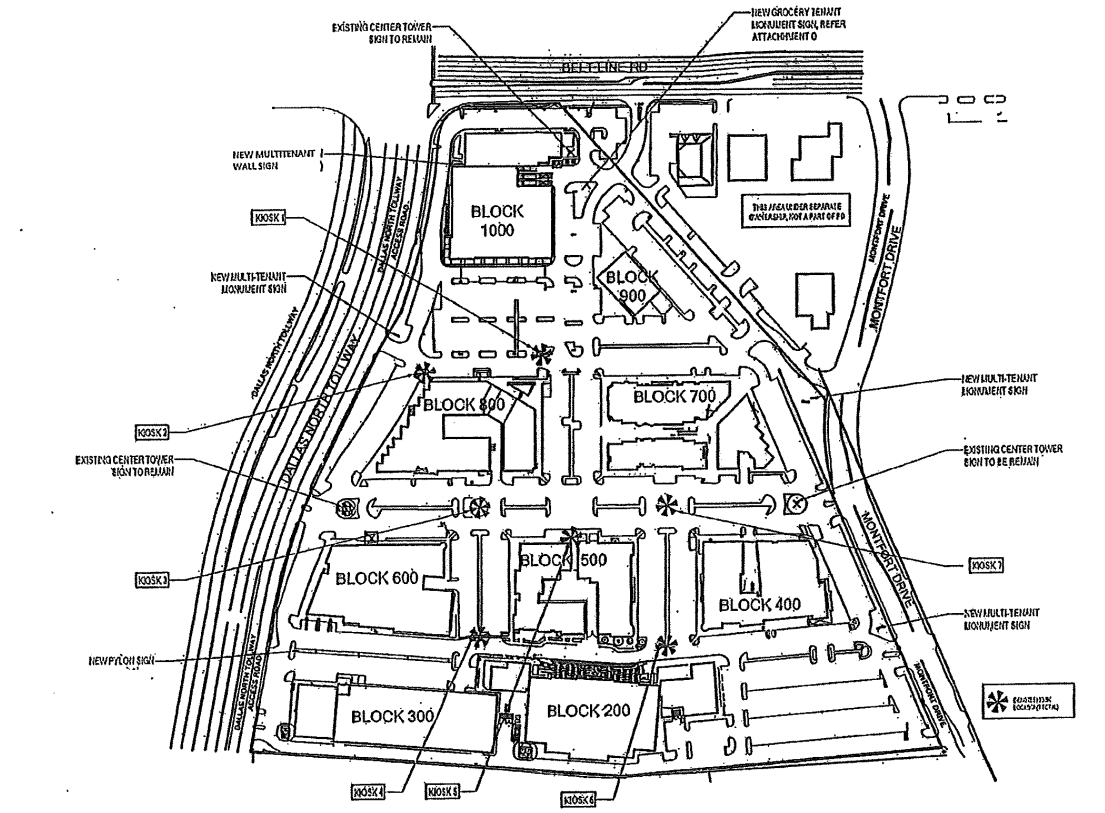
5. Monument Signs

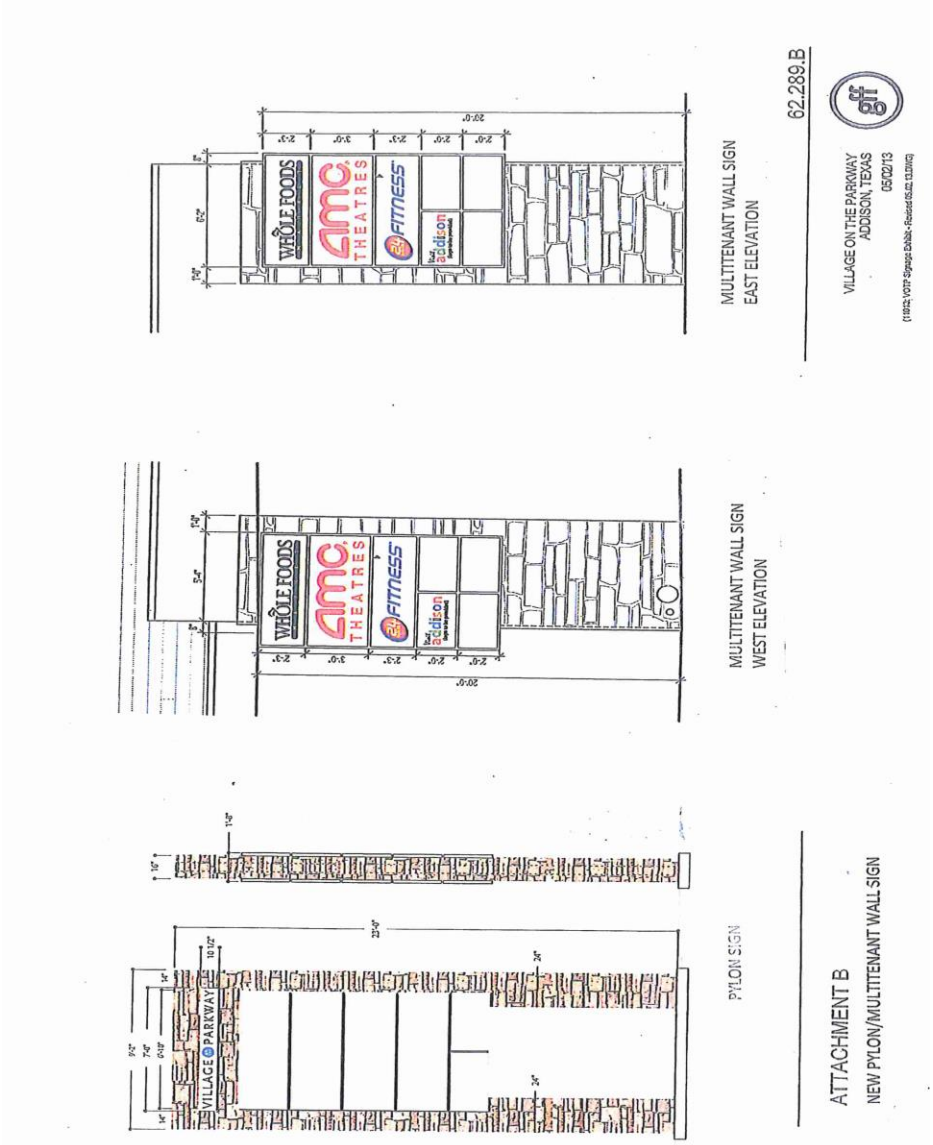
- **a.** Shall be constructed as shown in Figure 62-289.7, and Figure 62-289.7.B.
- **b.** Shall be placed as shown in Figure 62-289.8, and Figure 62-289.8.B.

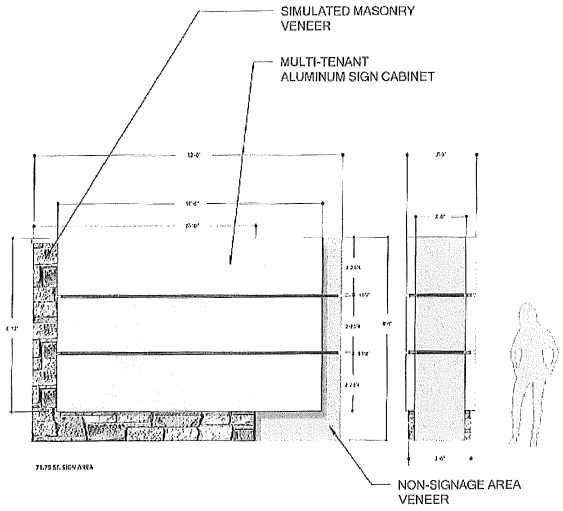
6. Pole Signs

- **a.** Shall be constructed as shown in Figure 62-289.9.
- **b.** Shall only be of a seasonal or decorative type.

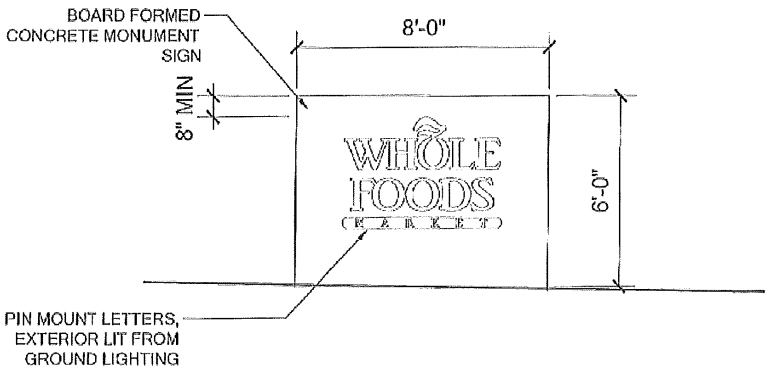
Village on the Parkway




62.289.B
MULTITENANT WALL SIGN
EAST ELEVATION
WHOLE FOODS
amc THEATRES
FITNESS
addison
MULTITENANT WALL SIGN
WEST ELEVATION
PYLON SIGN
VILLAGE @ PARKWAY
VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13
ATTACHMENT B
NEW PYLON/MULTITENANT WALL SIGN

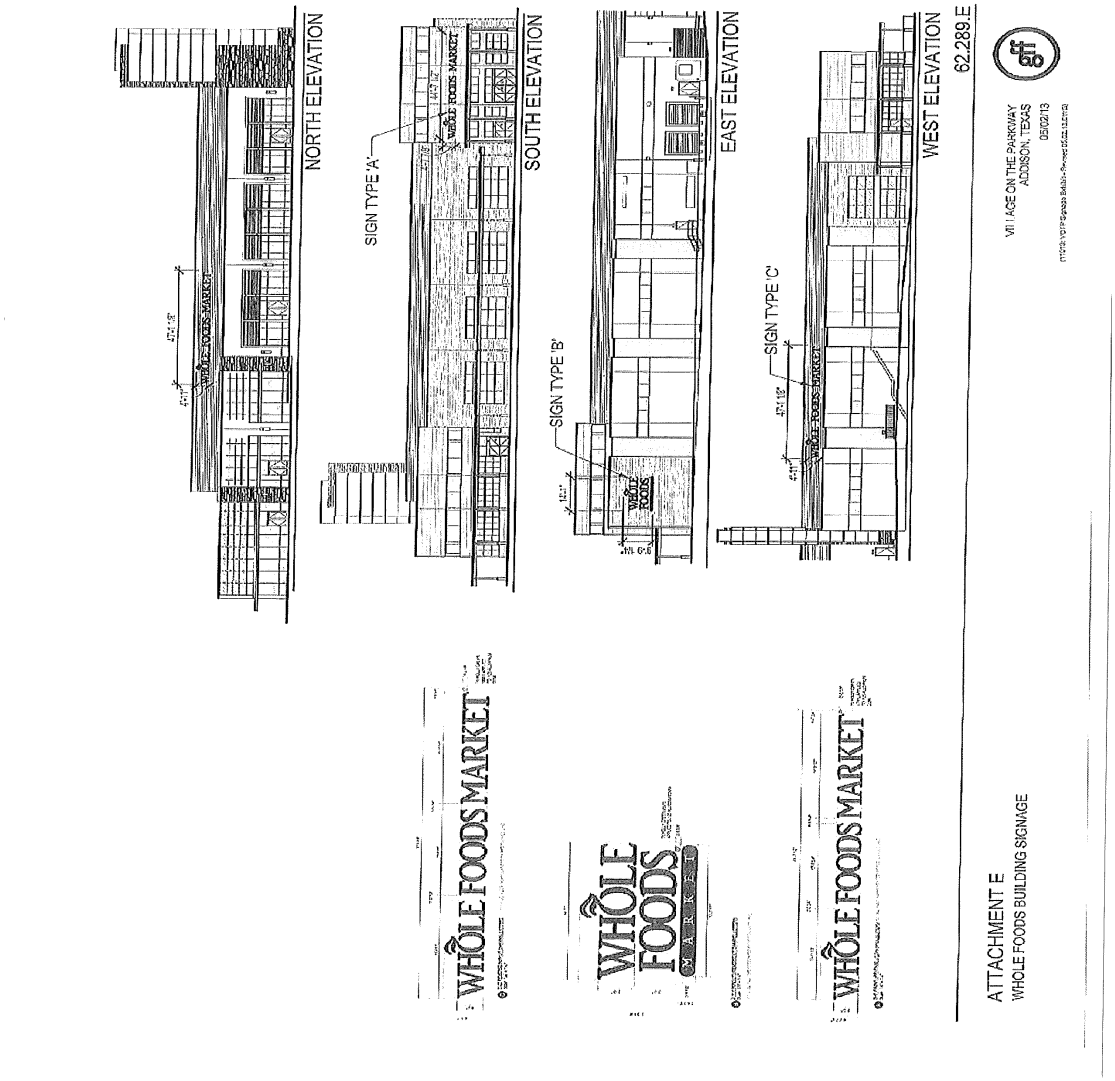


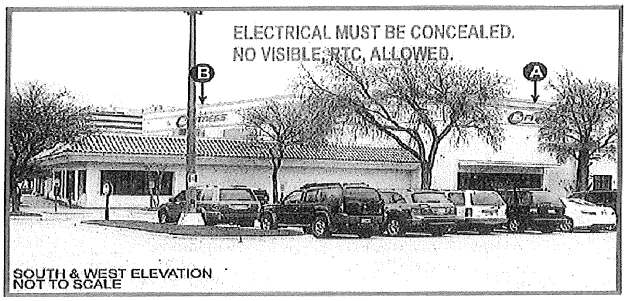
62.289.C

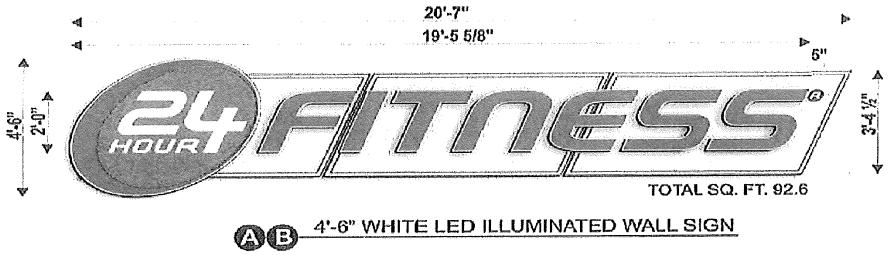


MONUMENT SIGN ELEVATION 01
1/4" = 1'-0"

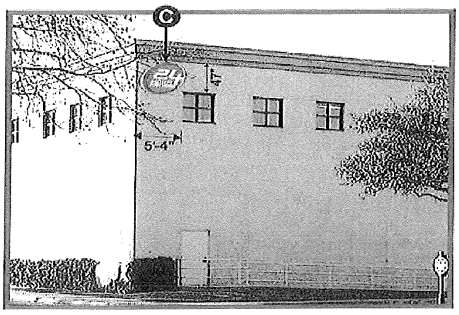
62.289.D


NORTH ELEVATION
SOUTH ELEVATION
EAST ELEVATION
WEST ELEVATION
SIGN TYPE 'A'
SIGN TYPE 'B'
SIGN TYPE 'C'
WHOLE FOODS MARKET
62.289.E
ATTACHMENT E
WHOLE FOODS BUILDING SIGNAGE
VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13





A B 4'-6" WHITE LED ILLUMINATED WALL SIGN

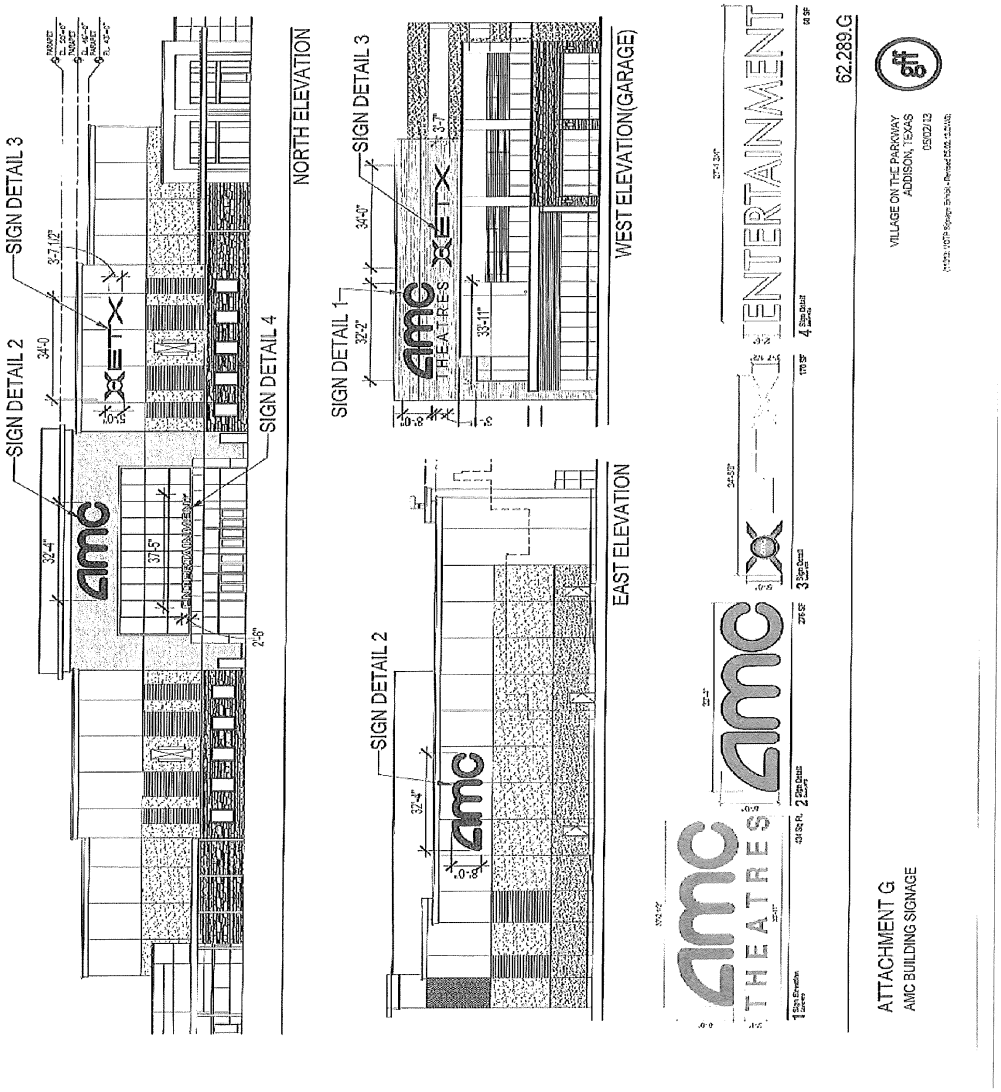


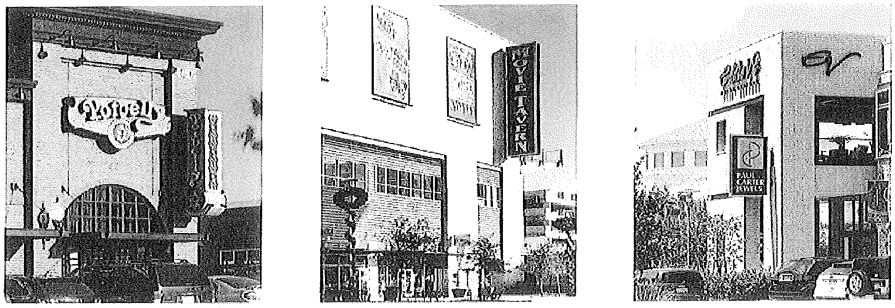
62.289.F

ATTACHMENT F
SIGNAGE FOR EXISTING 24-HOUR FITNESS

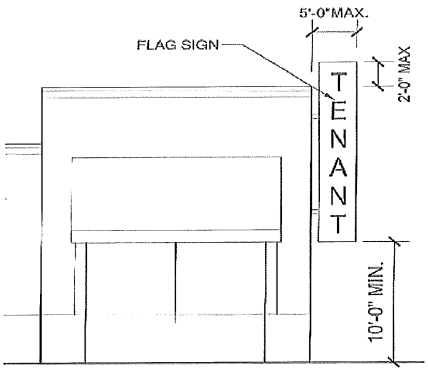
VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13

gff


SIGN DETAIL 2
SIGN DETAIL 3
SIGN DETAIL 4
NORTH ELEVATION
SIGN DETAIL 1
SIGN DETAIL 3
WEST ELEVATION(GARAGE)
SIGN DETAIL 2
EAST ELEVATION
ENTERTAINMENT
THEATRES
62.289.G
ATTACHMENT G
AMC BUILDING SIGNAGE
VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13



PRIMARY FLAG SIGN EXAMPLES

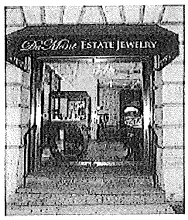


62.289.H

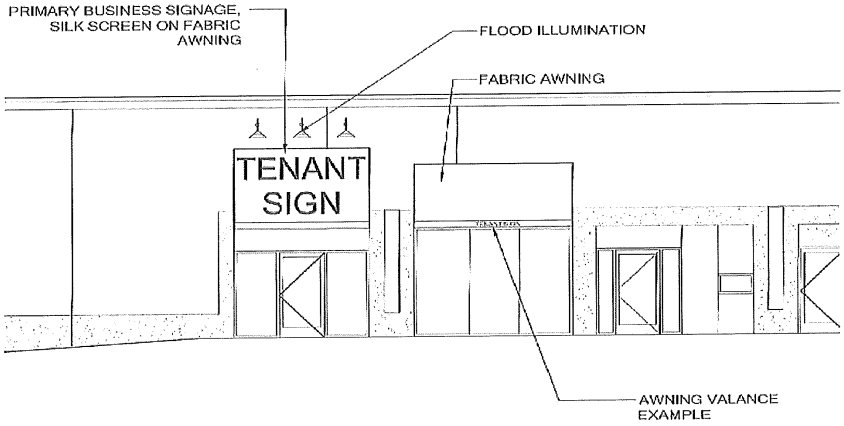
ATTACHMENT H
TYPICAL RETAIL PROJECTING FLAG SIGN

VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13

ATTACHED COMMERCIAL SIGN ON AWNING EXAMPLE



AWNING VALANCE EXAMPLE

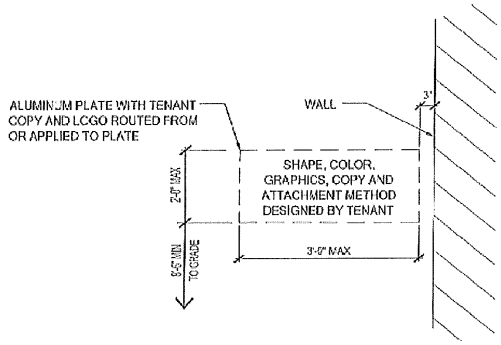


62.289.I

ATTACHMENT I
TYPICAL PRIMARY SIGN ON SLOPED AWNING

VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13

BLADE SIGN EXAMPLES



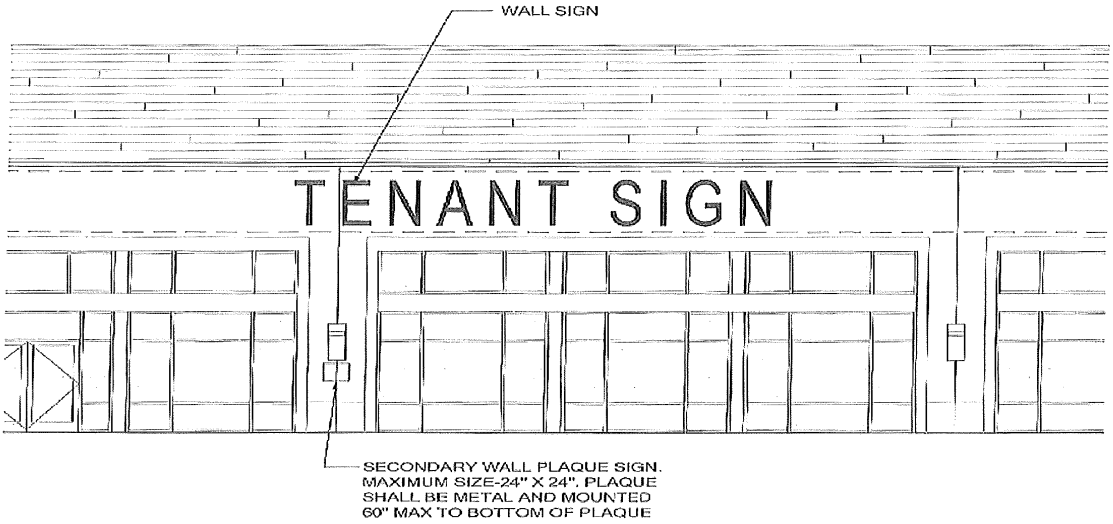
BLADE SIGN ELEVATION 01
Scale: 1/2" = 1'-0"

62.289.J

ATTACHMENT J
TENANT SECONDARY SIGN

VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13

SECONDARY WALL PLAQUE SIGN EXAMPLE

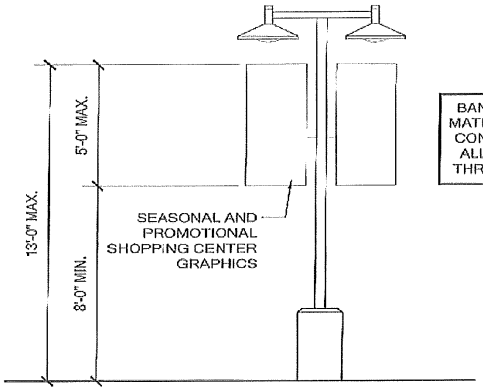


62.289.K

ATTACHMENT K
TYPICAL RETAIL WALL SIGN

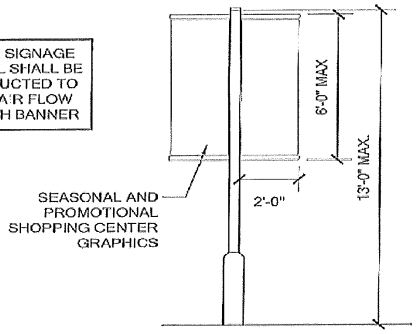
VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13

POLE MOUNTED BANNER EXAMPLES



LIGHT POLE MOUNTED BANNERS 02
Scale: 1/4" = 1'-0"

BANNER SIGNAGE MATERIAL SHALL BE CONSTRUCTED TO ALLOW AIR FLOW THROUGH BANNER



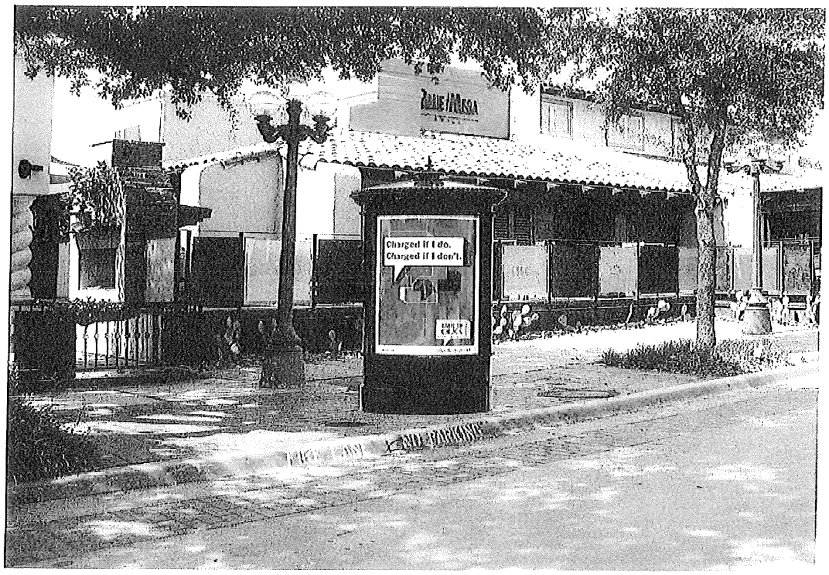
POLE MOUNTED BANNERS 01
Scale: 1/4" = 1'-0"

62.289.L

ATTACHMENT L
SHOPPING CENTER POLE BANNERS

VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/15

gff

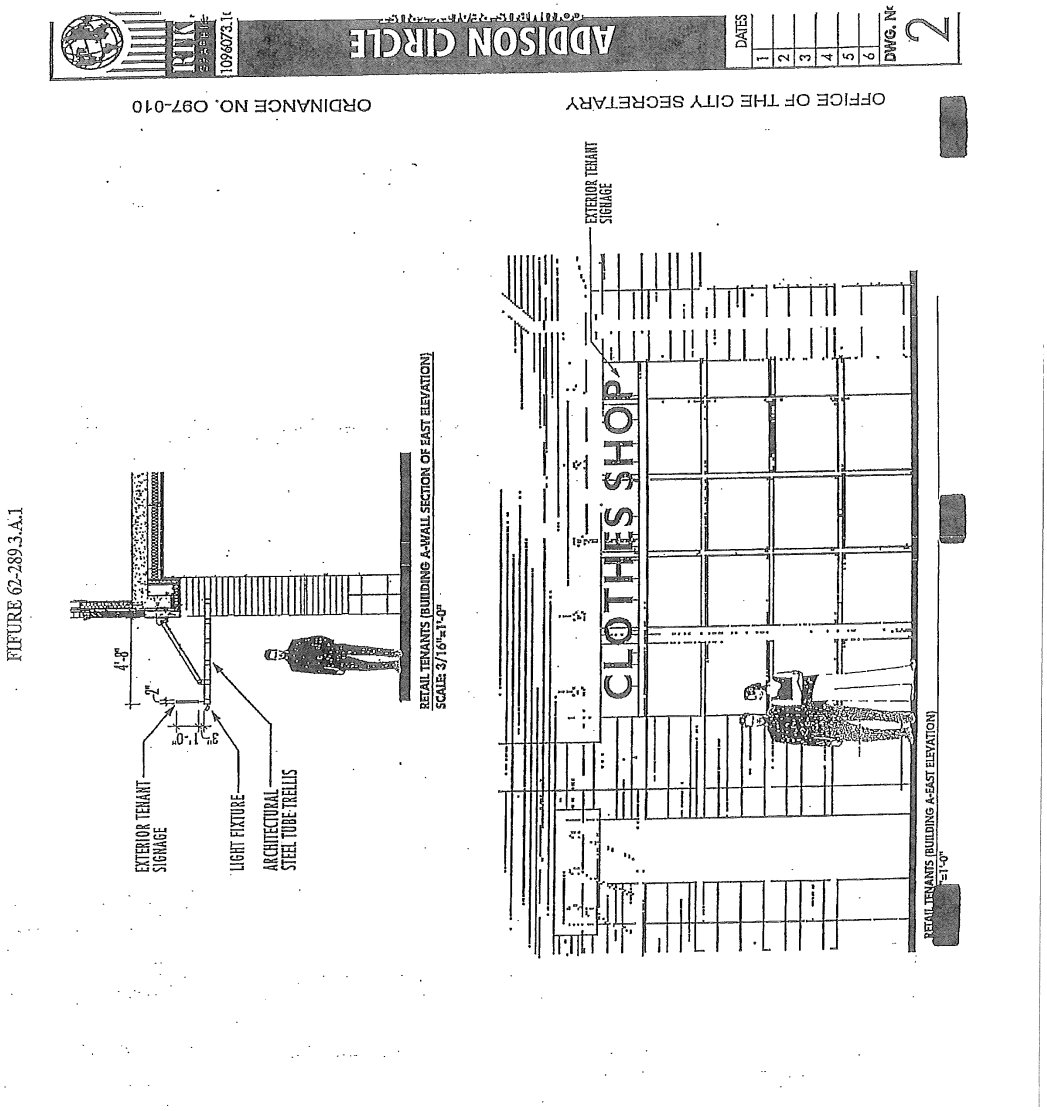


62.289.M

ATTACHMENT M
DETACHED NON-PREMISE KIOSK

VILLAGE ON THE PARKWAY
ADDISON, TEXAS
05/02/13

Addison Circle



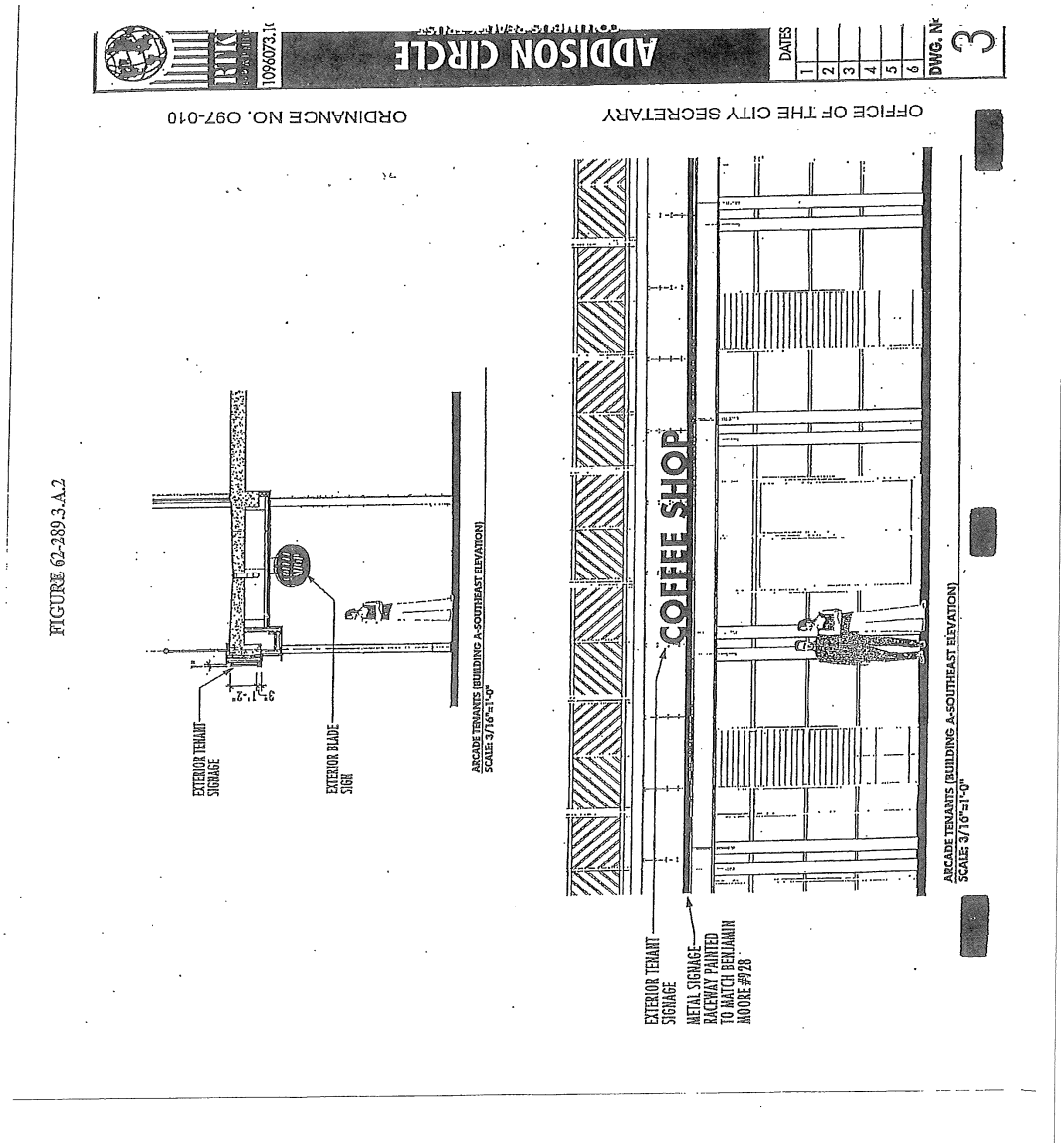

ADDISON CIRCLE
DATES
DWG. N
3
ORDINANCE NO. 097-010
OFFICE OF THE CITY SECRETARY
FIGURE 62-389.3.A.2
COFFEE SHOP
EXTERIOR TENANT SIGNAGE
METAL SIGNAGE RACEWAY PAINTED TO MATCH BENJAMIN MOORE #926
ARCADE TENANTS (BUILDING A-SOUTHEAST ELEVATION)
SCALE: 3/16"=1'-0"
EXTERIOR TENANT SIGNAGE
EXTERIOR BLADE SIGN
ARCADE TENANTS (BUILDING A-SOUTHEAST ELEVATION)
SCALE: 3/16"=1'-0"

FIGURE 62-289.3.A.3

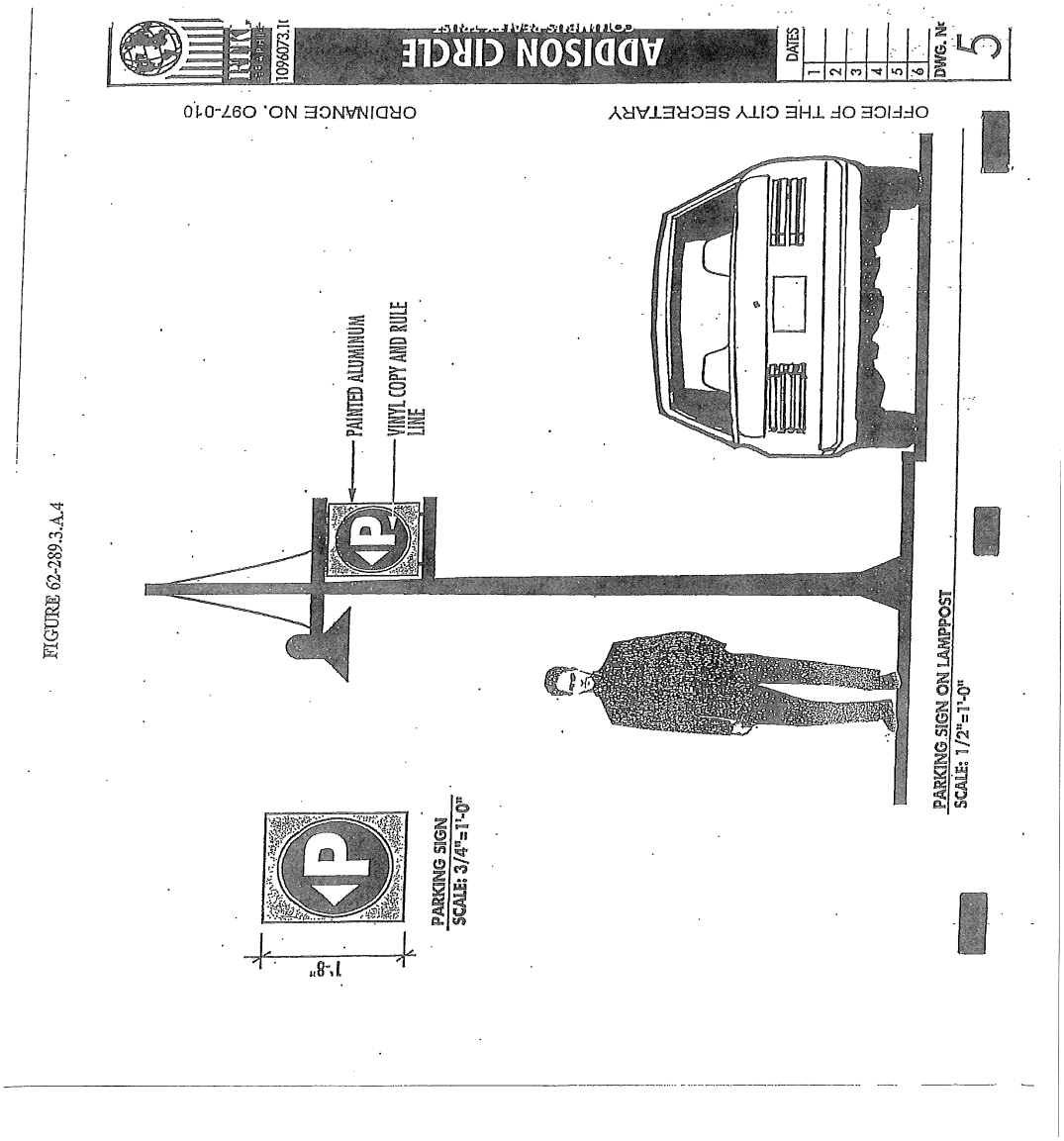


FIGURE 62-289.3.A.4

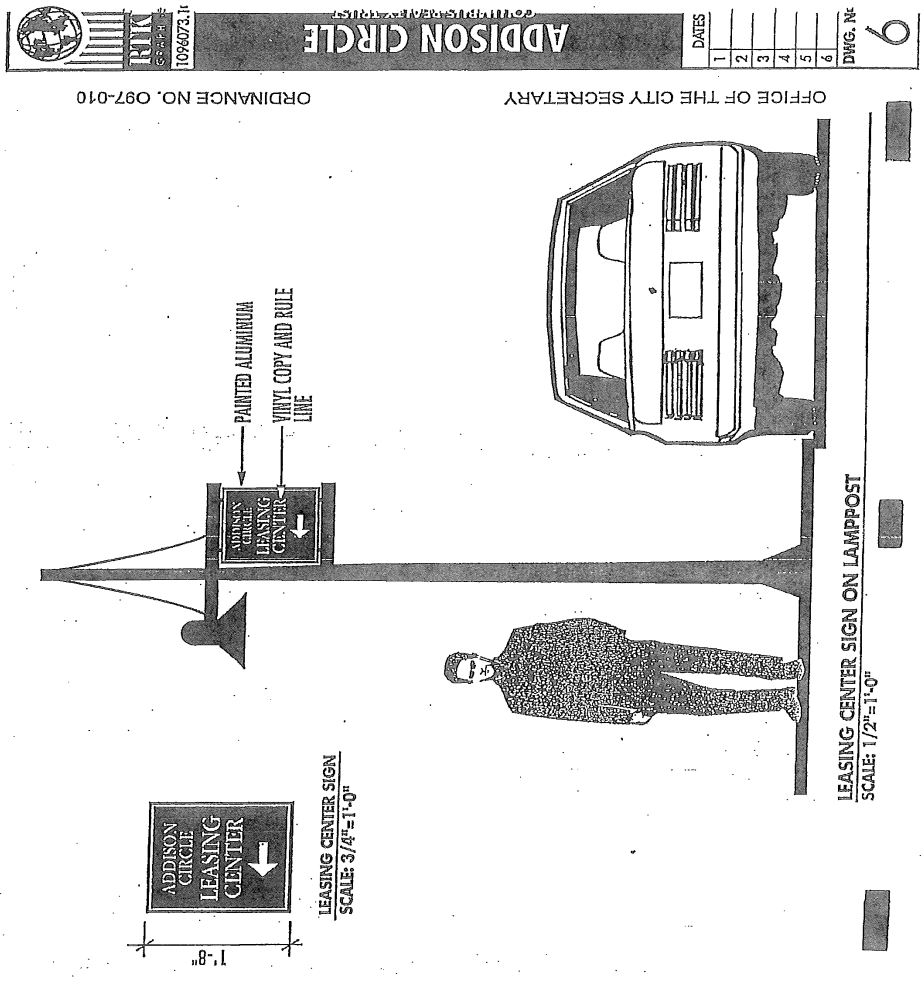
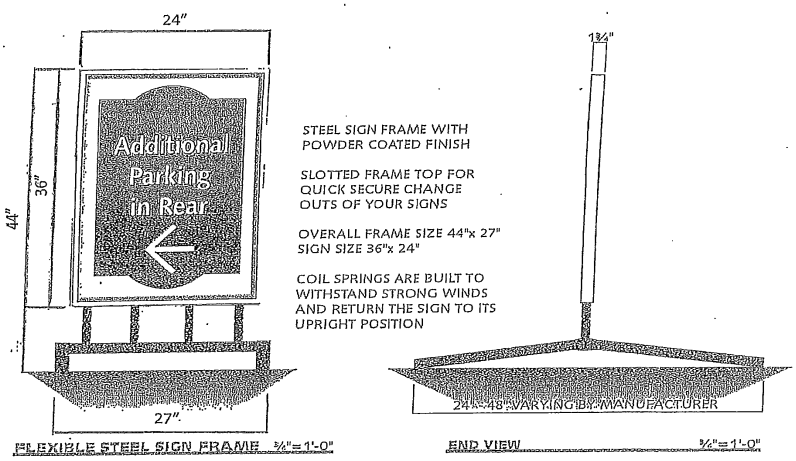


FIGURE 62-289.3.A.5

FIGURE 62-289.3.B



Addison Walk Shopping Center

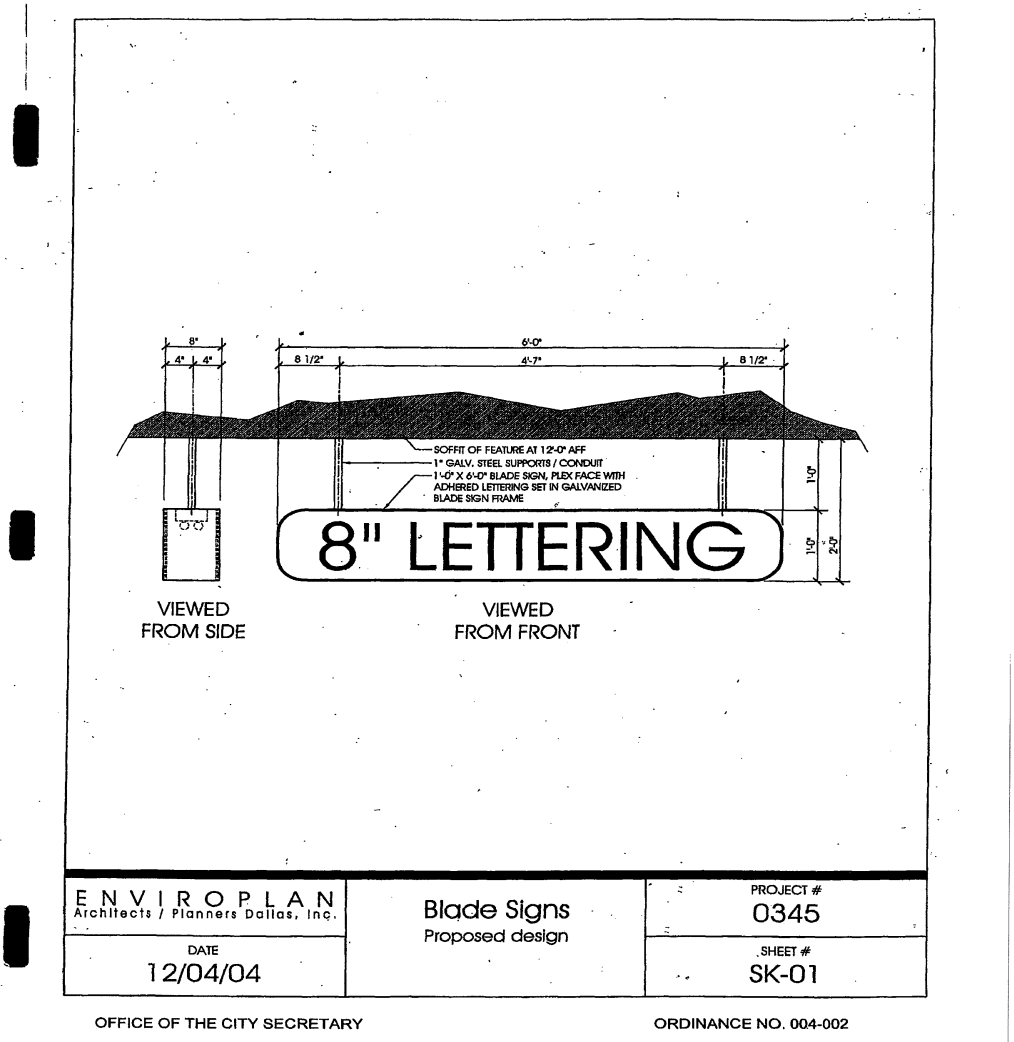


FIGURE 62.289.4.1

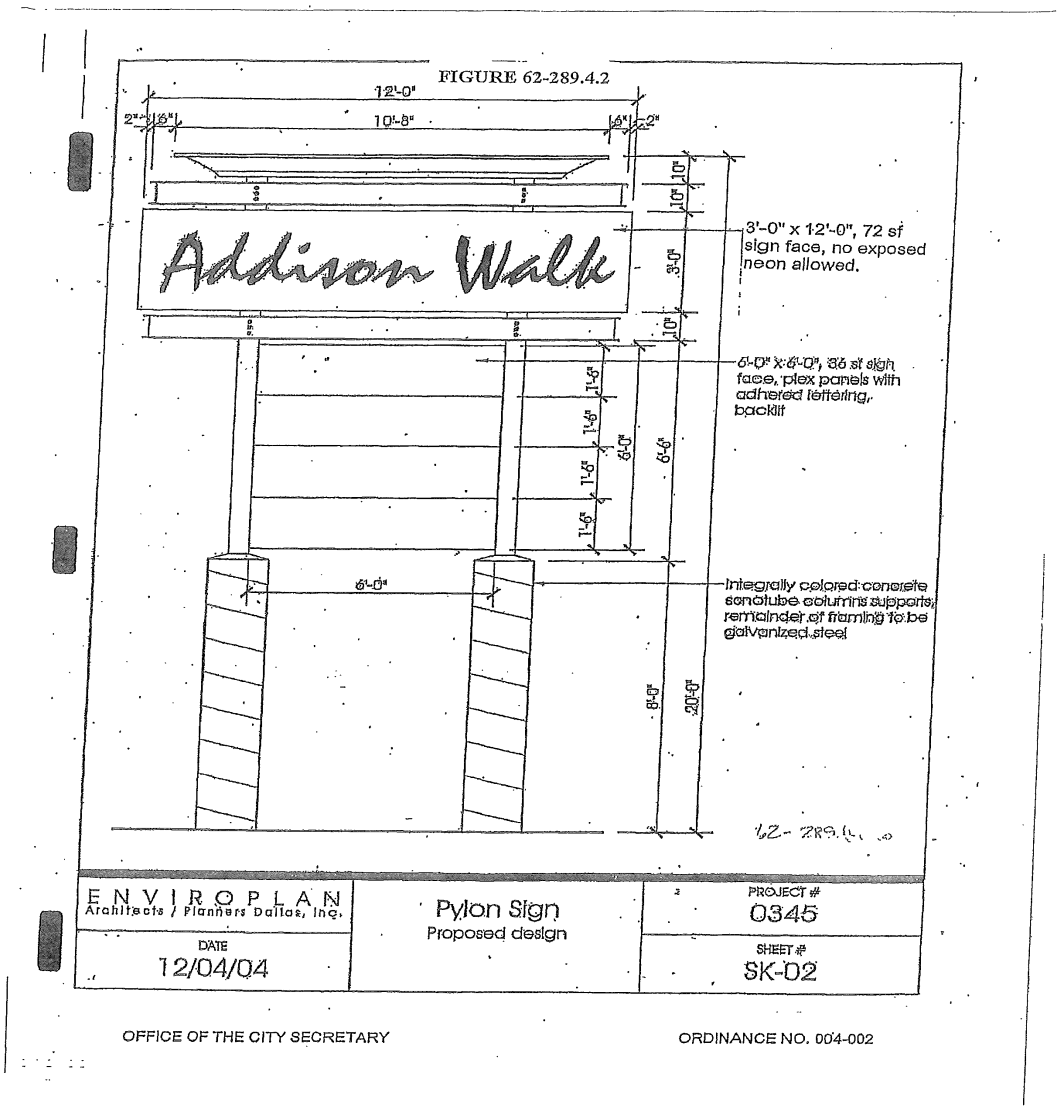
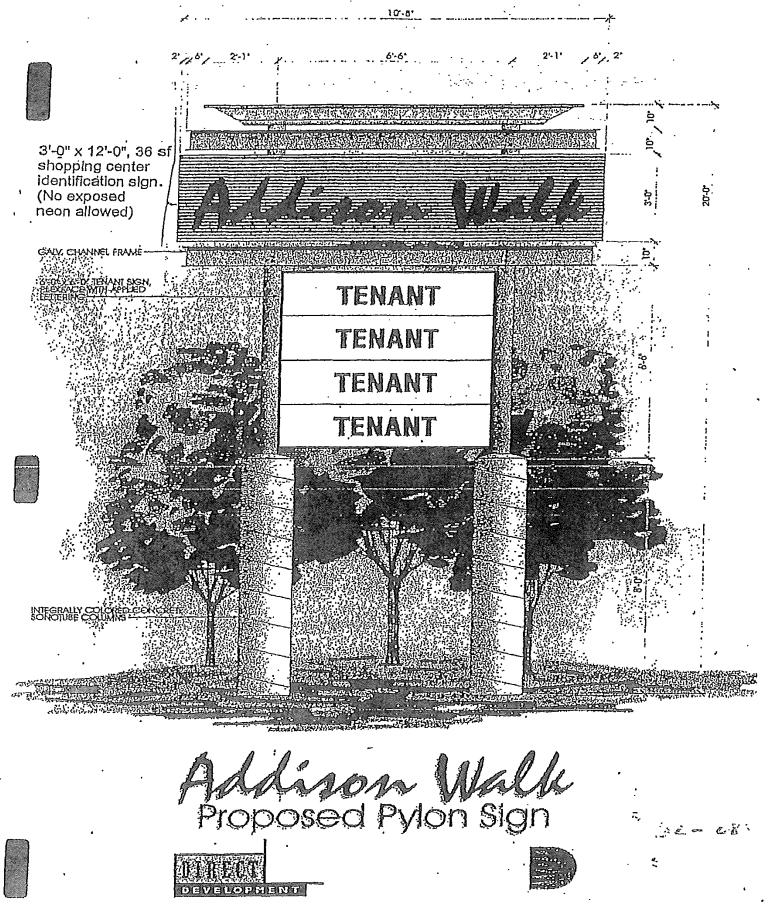


FIGURE 62-289.4.2
12'-0"
10'-8"
2"
8"
Addison Walk
3'-0" x 12'-0", 72 sf sign face, no exposed neon allowed.
6'-0" x 6'-0", 36 sf sign face, plex panels with adhered lettering, backlit
Integrally colored concrete sonotube columns supports; remainder of framing to be galvanized steel
20'-0"
ENVIROPLAN
Architects / Planners Dallas, Inc.
Pylon Sign
Proposed design
PROJECT #
0345
DATE
12/04/04
SHEET #
SK-02
OFFICE OF THE CITY SECRETARY
ORDINANCE NO. 004-002

FIGURE 62-289.4.3



Addison Walk
Proposed Pylon Sign

DEVELOPMENT

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 004-002

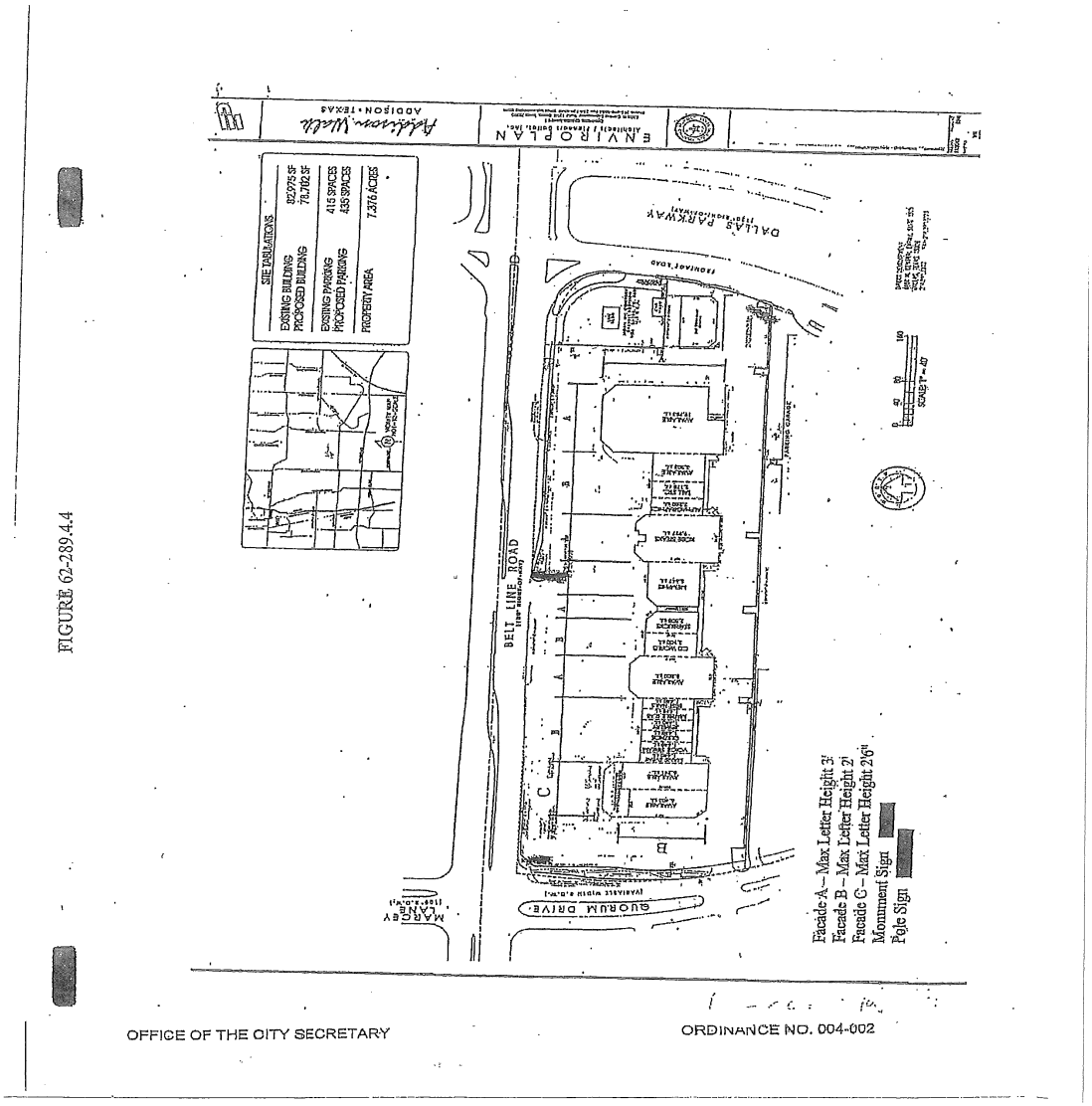


FIGURE 62-289.4.4

Inwood Quorum Village

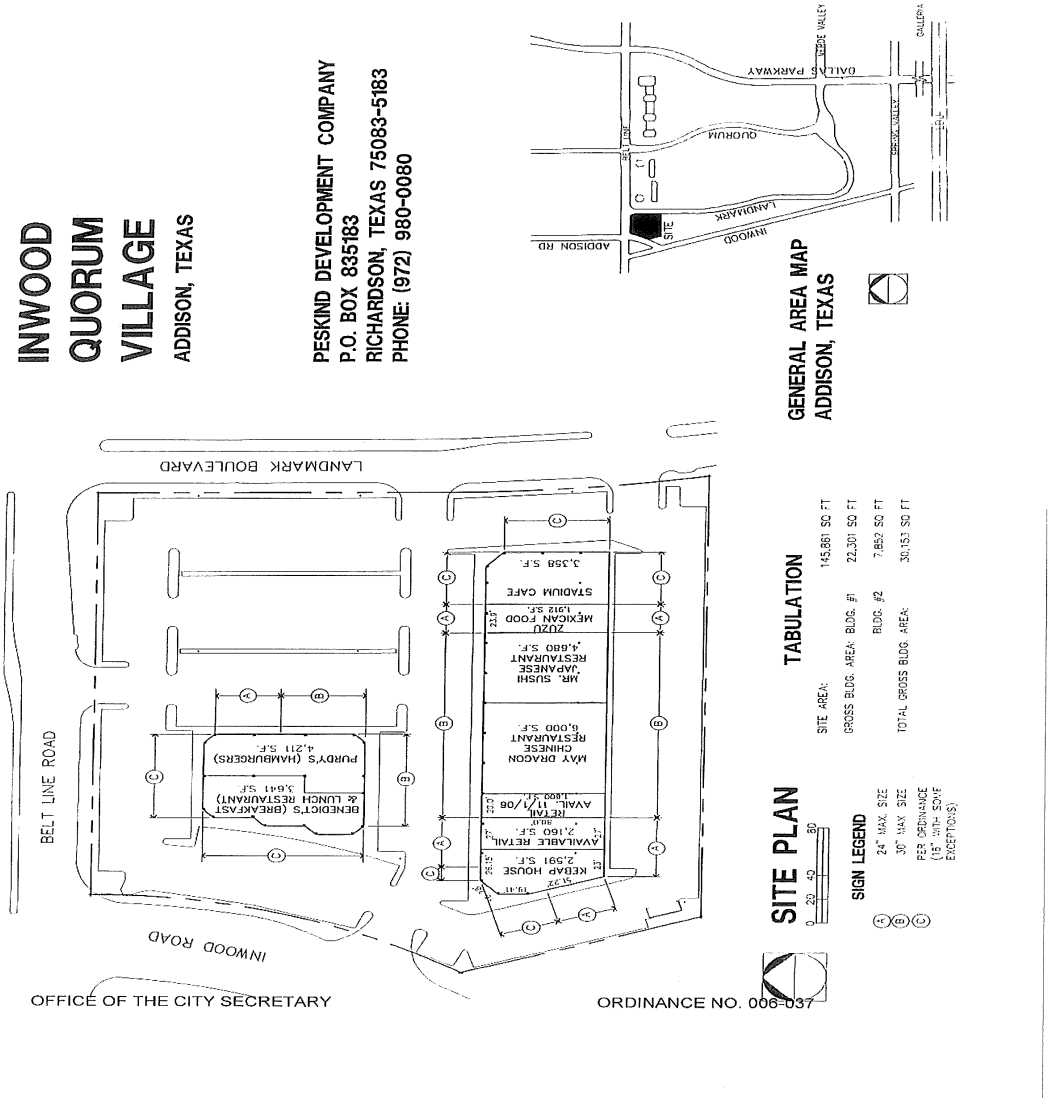


FIGURE 62-289.5

Vitruvian Park

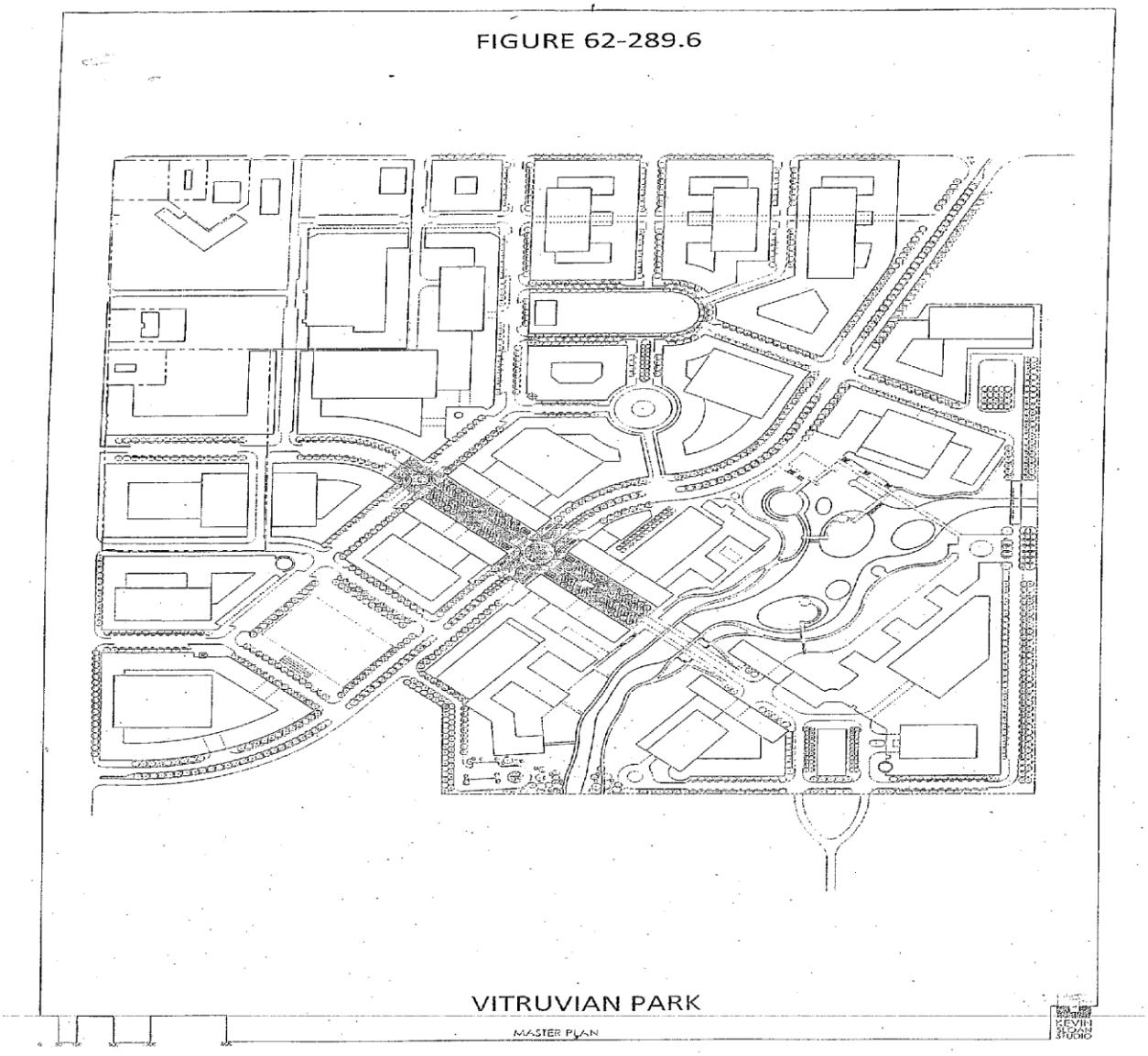
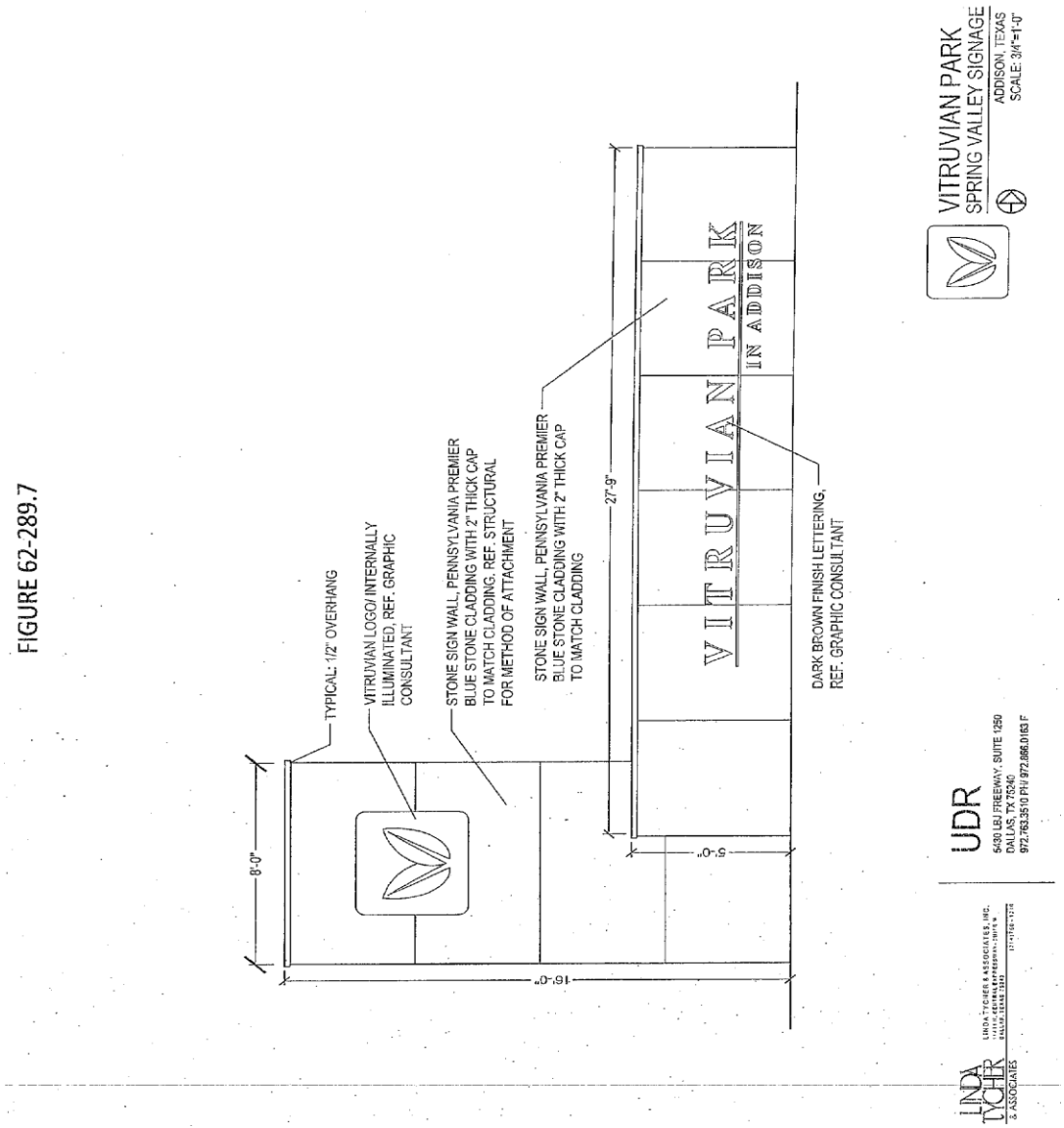


FIGURE 62-289.7



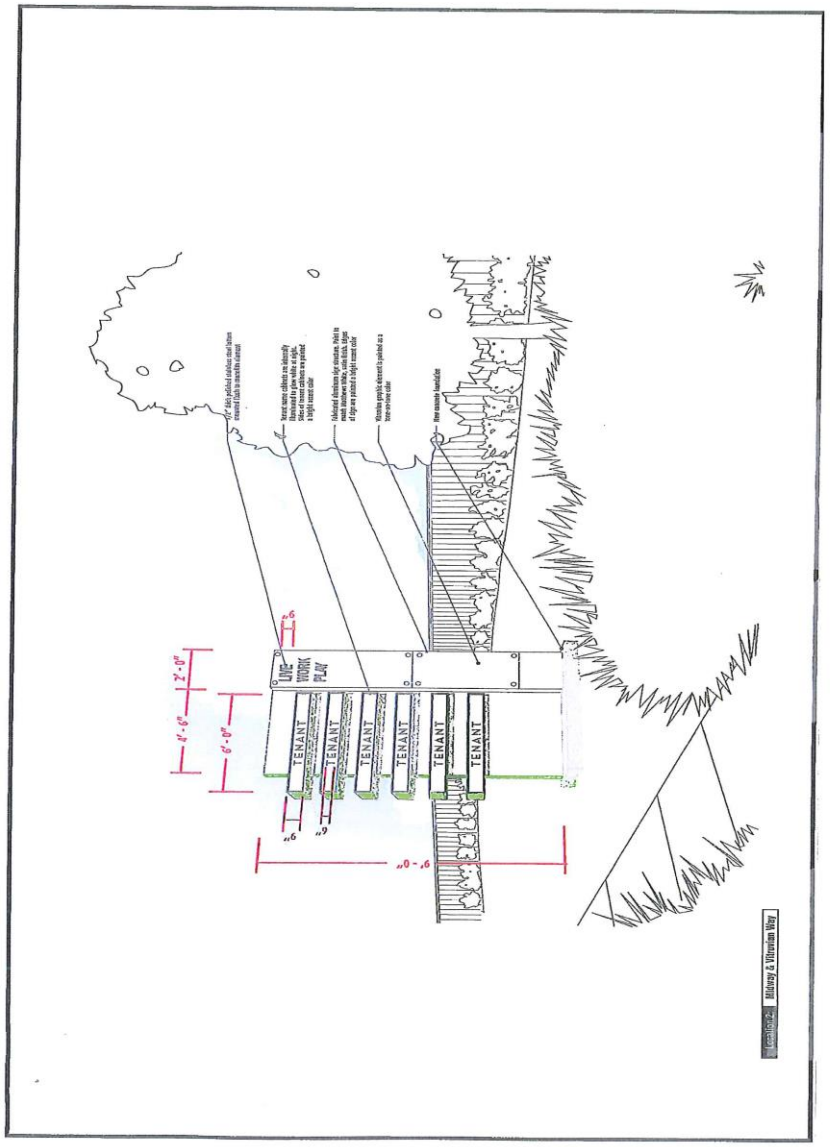
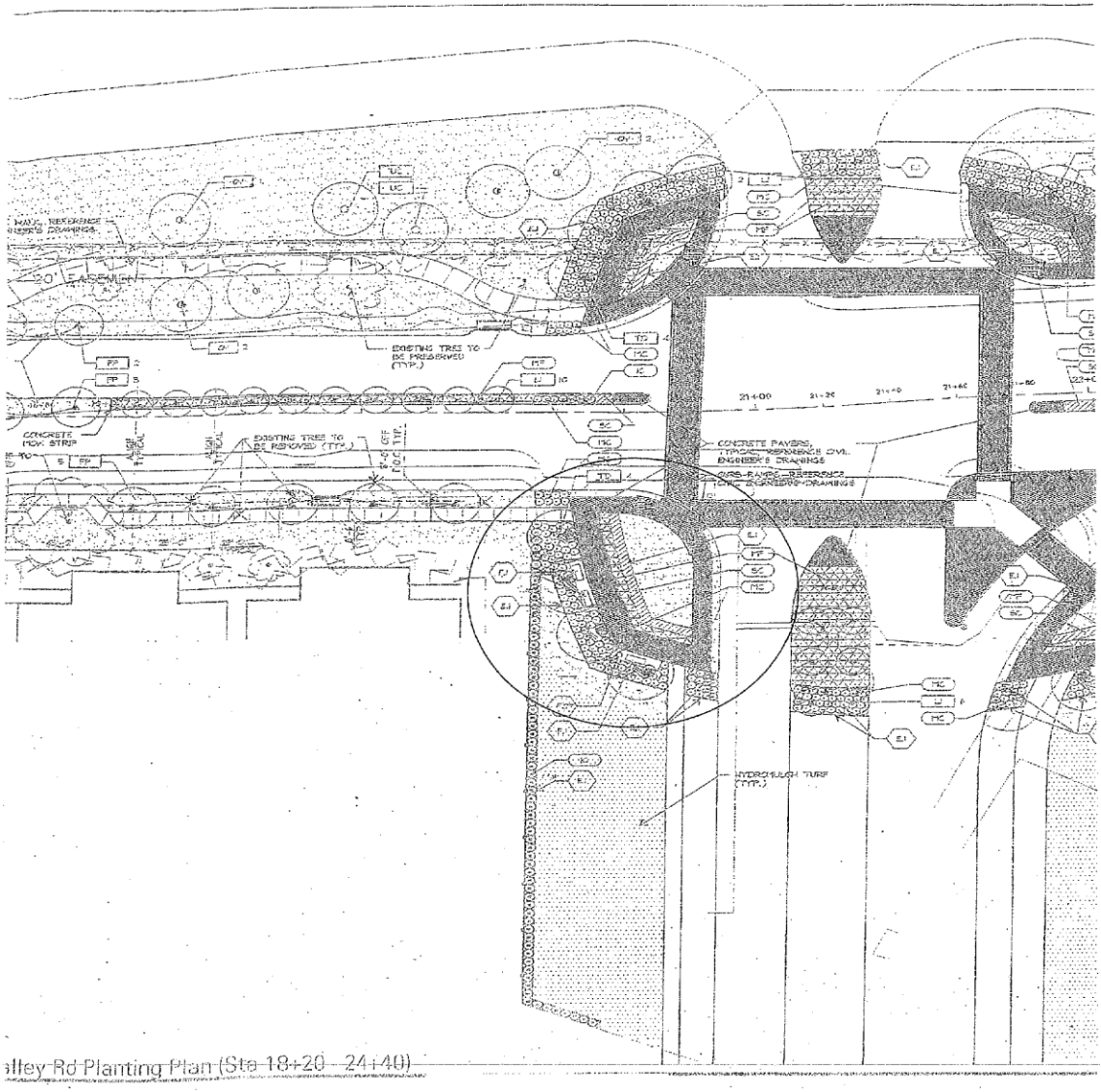


Figure 62-289.7B



alley Rd Planting Plan (Sta 18+20 - 24+40)

FIGURE 62-289.8

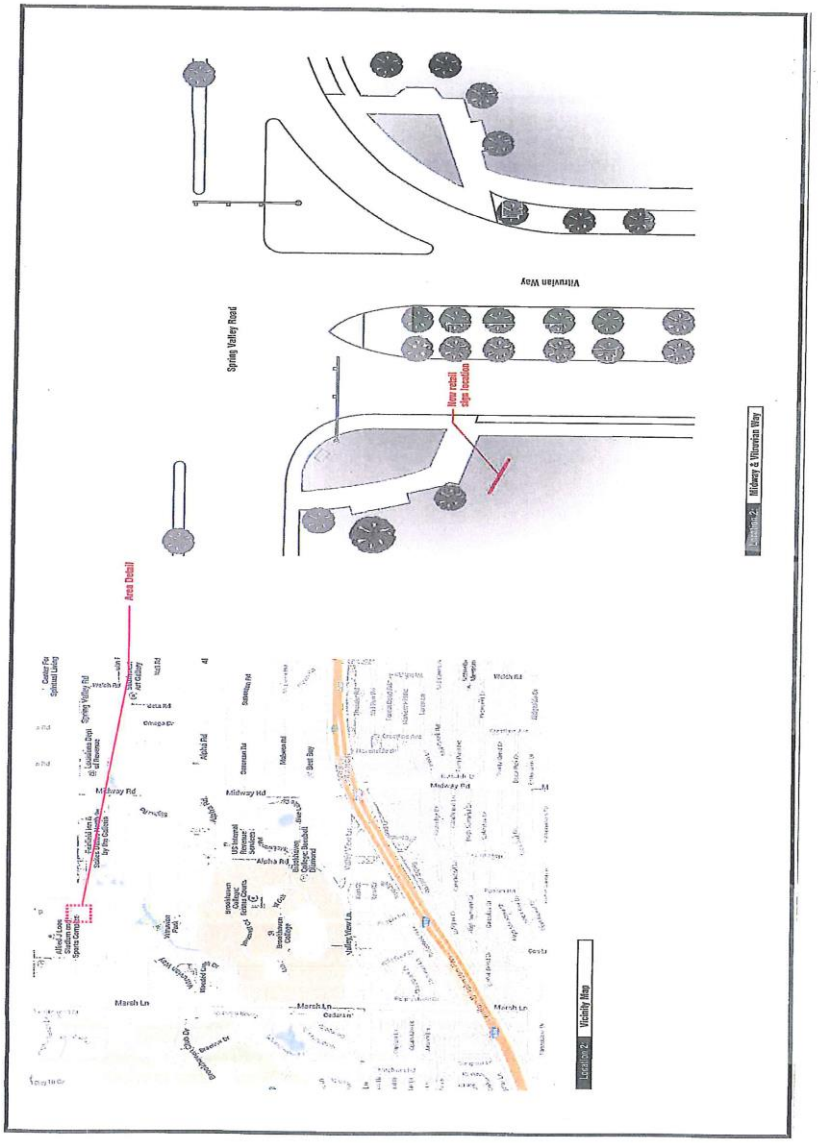


Figure 62-289.8B

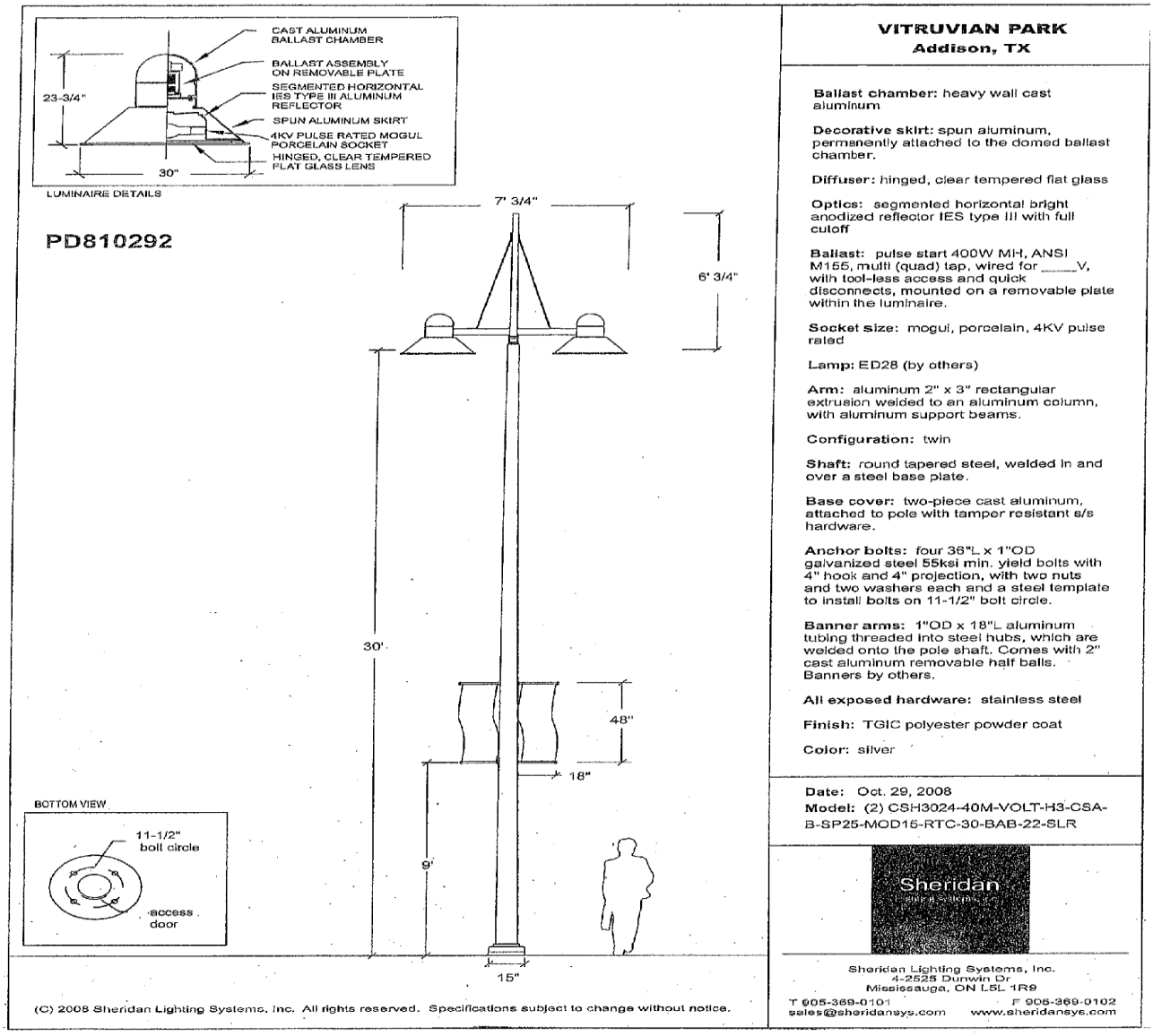
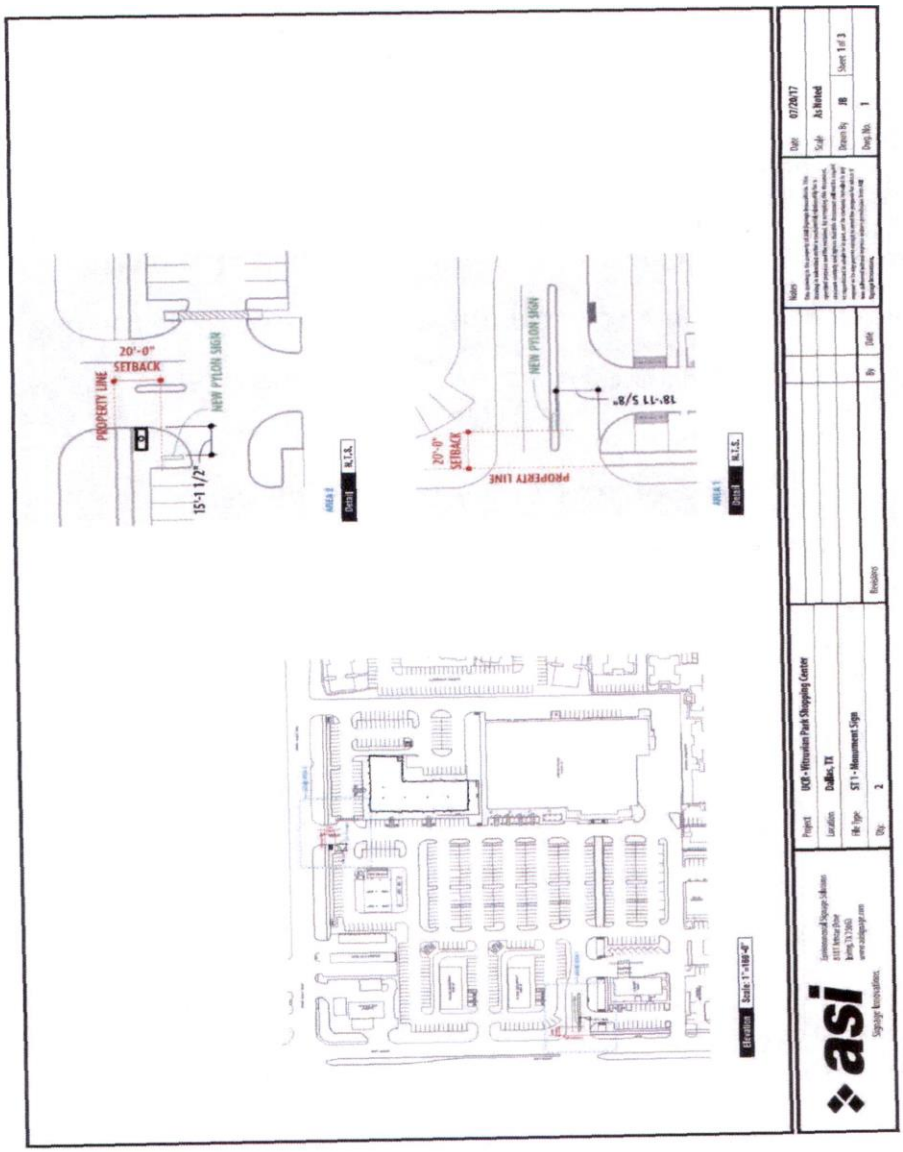
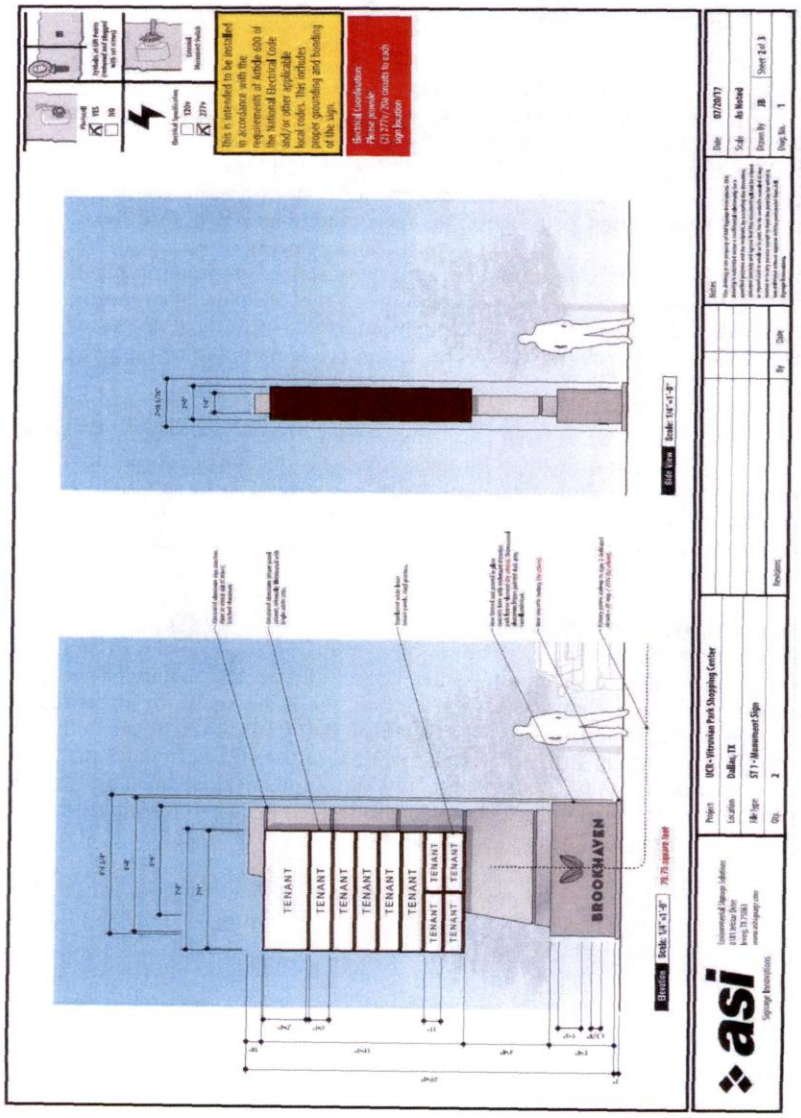


FIGURE 62-289.9


20'-0"
SETBACK
PROPERTY LINE
NEW PYLON SIGN
15'-1 1/2"
18'-11 5/8"
20'-0"
SETBACK
PROPERTY LINE
NEW PYLON SIGN
Date 07/26/17
Scale As Noted
Drawn By JB
Sheet 1 of 3
Dwg No. 1
Notes
Revisions
No. Date
Project UCR - Vitruvian Park Shopping Center
Location Dallas, TX
Sheet Type ST1 - Monument Sign
Qty. 2
asi
Signage Associates



(Ord. No. 010-003, § 2(Exh. A) 1-26-10; Ord. No. 011-001, § 2(Exh. A), 1-11-11; Ord. No. 011-038, § 2(Exh. A), 5-24-11; Ord. No. 013-018, § 2(Exh. A). 5-14-13; Ord. No. 014-005, § 2(Exh. A), 1-28-14 ; Ord. No. 014-016, § 2(Exh. A), 3-25-14 ; Ord. No. 015-024, § 22, 10-13-15 ; Ord. No. 018-24-A, § 1, 8-14-18)

ADDISON, TEXAS

UNIFIED DEVELOPMENT CODE

ADMINISTRATIVE MANUAL

CLARION

JANUARY 2025

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1: Introduction

This Administrative Manual is designed to supplement the Town of Addison Unified Development Code (UDC). This document includes:

- The submittal requirements that applicants must submit in order to have a complete application and allow the Town to begin reviewing those applications. The Director may waive certain submittal requirements or require additional information based on factors specific to an individual project.
- Supplemental landscaping and engineer standards.

Complete and consistent submissions to the Town of Addison will help the efficiency of the review process and ensure that new development is consistent with the UDC. The procedures that must be followed by applicants for each type of approval are detailed in Article 2: *Administration and Procedures*, of the UDC.

In addition to Town of Addison development standards, the UDC references certain land use application types as well as Town policy and planning documents and technical manuals. These resources are available on the Town's website at: https://developmentservices.addisontx.gov/Home

Further information can be found at the following links:

- Development Application Information
- Forms and Applications
- Zoning and Land Development Fee Schedule
- Public Works and Engineering Design Standards
- Pre-Application Conference
- Signs
- Frequently Asked Questions

2: Submittal Requirements

2.1 Public Notice Requirements

2.1.1. Neighborhood Meeting Notice

A. Applicability

A neighborhood meeting is required for applications for Rezoning, Rezoning to PUD, and Special Use Permit, or as required by the Director in their discretion. The meeting is recommended for any other 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.

B. Target Area[1]

1. The level of resident and landowner interest and area of involvement will vary depending on the nature of the application and the location of the site. At a minimum, the target area shall include the following:

- **a.** Residential and nonresidential property owners within the public hearing notice area required by other sections of this Code;
- **b.** The head of any homeowners association, or community/neighborhood appointed representative adjoining the project site; and
- **c.** Other interested parties who have requested that they be placed on the notification list for a particular project.
- **d.** The Director may determine that additional notices or areas should be provided.

C. 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 Director 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**.**

D. 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.

E. 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.

2.1.2. Mailed and Published Notice

[Reserved]

2.1.3. Posted Notice

[Reserved]

[1] New in Consolidated Draft to further describe "neighborhood."

2.2 Rezoning, Zoning Text, and Plan Amendments

2.2.1. Rezoning[2]

An application for Rezoning shall include:

A. Legal description of the property sought to be changed. The legal description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground, if necessary;

B. Five plats showing the area of the requested zoning change;

C. Zoning change desired;

D. Reasons for change;

E. Deed restrictions on the property, if any; and

F. Status of applicant—owner, tenant, or prospective purchaser.

2.2.2. Rezoning to Planned Development

A. Preliminary PD Concept Plan[3]

An application for a Preliminary PD Concept Plan shall include the following information for each phase of development:

1. Analysis as to why other flexibility and relief procedures in the UDC are not sufficient to accommodate the proposed development.
2. 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 the UDC; and
    j. Proposed phasing schedule, if applicable

B. Final PD Site Plan[4]

An application for a Final PD Site Plan shall include the following:

1. The location of individual development areas, identified by land use and development density and intensity;
2. The land area, use types, and number of units by type;
3. The location, amount, and type of common open space, parks, and recreation areas;

[2] Current Appendix A, Article XXIX, Section 8.
[3] Replaces current Appendix A, Article XIX, Section 7.B.1 and 8.B.
[4] Replaces current Appendix A, Article XIX, Section 9.B.

4. The location of landscaping and installation plans;
5. The location of environmentally sensitive lands, wildlife habitat, areas of visual impact, and waterways;
6. Tree inventory and tree preservation plan;
7. 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;
8. Final façade plans including colored elevations for each façade of all buildings proposed;
9. The location of water and wastewater facilities and how they will connect to existing and planned systems;
10. The location of on-site storm drainage facilities and how they will connect to existing and planned systems;
11. The location of all other public facilities serving the development;
12. Provisions addressing how on- and off-site transportation, water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
13. 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.

2.3 Site Planning and Miscellaneous Permits

2.3.1. Concept Plan, Rezoning[5]

A. Planned Development Preliminary Concept Plan

An application for a Planned Development Preliminary Concept Plan shall include:

1. The overall property boundary;

2. Proposed and existing thoroughfares, boulevards and large streets;

3. A time schedule of development;

4. Identification of development areas such as districts, blocks or parcels, with proposed phasing; and

5. All other features necessary to show the arrangement and pattern of public and private land uses.

6. [Reserved]

B. Special Use Permit Concept Plan

An application for a Special Use Permit Concept Plan shall include:

[5] Based on and replaces current Appendix A, Article XVIII, Section 4 (Q).

1. The overall property boundary;
2. Proposed and existing thoroughfares, boulevards and large streets;
3. A time schedule of development;
4. Identification of development areas such as districts, blocks or parcels, with proposed phasing; and
5. All other features necessary to show the arrangement and pattern of public and private land uses.
6. [Reserved]

2.3.2. Concept Plan, Other

A. [Reserved] Concept Plan

An application for a Concept Plan shall include:

1. The overall property boundary;
2. Proposed and existing thoroughfares, boulevards and large streets;
3. A time schedule of development;
4. Identification of development areas such as districts, blocks or parcels, with proposed phasing; and
5. All other features necessary to show the arrangement and pattern of public and private land uses.
6. [Reserved]

2.3.3. Minor Site Plan

A. Submittal Requirements

An application for a Minor Site Plan shall include:

1. A drawing to scale of the overall property boundary;
2. A drawing to scale of the proposed site improvements; and
3. Site data information for all existing and proposed structures identified on the Site Plan Checklist
4. [Reserved]

2.3.4. Tree Permit

A. Submittal Requirements

An application for a Tree Permit shall include:

1. All materials required for a Minor Site Plan, unless exempt by the Director of Parks and Recreation;
2. Consent of the owner of the land on which a tree which is the subject of the application is located;
3. A written document indicating the reasons for transplanting and/or removal (or trimming, in the case of a utility company) of a tree; and
4. A copy of a Site Plan or planting plan showing the tree(s) proposed for removal/transplanting (or trimmed, in the case of a utility company).
5. [Reserved]

2.3.5. Temporary Use Permit[6]

An application for a Temporary Use Permit for outdoor retail and display shall include:

[6] Current Appendix A, Article IX, Section 8. 5a.1. and 2.

A. A flammability certificate for each tent to be used;

B. A map, plan, or drawing to indicate adequate off-street parking for patrons, employees, and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion; and

C. Other necessary permits or approvals required by other entities.

2.3.6. Sign Permit[7]

An application for a Sign Permit shall include:

A. A drawing to scale of the proposed sign;

B. All existing signs maintained on the premise and visible from the right-of-way;

C. A site plan or property survey;

D. Setback dimensions for all existing and proposed buildings and signs; and

E. Building façade plan indicating the proposed location of the sign and specifications.

2.3.7. Sign Contractor Registration[8]

A. Application

An application for a registration under this division shall be made upon forms provided by the Development and Neighborhood Services Department, and shall contain or have attached thereto the following information:

1. Name, address, telephone number, and e-mail address of applicant.
2. Name, address, telephone number, and e-mail address of applicant's company.
3. Names of all persons who are authorized to apply for sign permits under applicant's registration.

B. Fee

The fee for registrations issued pursuant to this section shall be as required in Chapter 2, Article IX , Fees, of the Town's Code of Ordinances and each registration must be renewed on an annual basis.

C. Insurance or Bond Required

No registration for the installation, erection, relocation and maintenance of signs shall be issued to any person until such person has provided proof of general liability insurance covering the work to be performed pursuant to the registration in the amount of at least $100,000.00 or filed with the Director.

D. Cancellation

The registration of any sign contractor may be canceled by the Director, when such contractor persistently violates the requirements of this section. Conviction in municipal court, whether appealed or not, on two violations over a period of two calendar years shall constitute evidence of persistent violation. Any registration thus canceled shall not be renewed until such violations have been corrected. Upon correction of the violations, the contractor's registration shall be renewed upon the Town's discretion, provided the contractor furnished a bond in the amount of $5,000.00 guaranteeing compliance, and that this compliance bond is renewed for two years following the renewal of the registration.

E. Required Prior to Issuance of Permit

No permits for the erection, construction, relocation, alteration, repair, or maintenance of any sign shall be issued until a registration has been approved and issued by the Director and the fee paid, except as otherwise provided in this section.

[7] Current Sec. 62-52. Paragraphs C and D are new.
[8] Current Sec. 62-96 through 62-101.

2.3.8. Sign Violation Fees

A. Impounded Signs[9]

1. A fee of $20.00 for signs which are 12 square feet or less in size.
2. A fee of $25.00 for signs which are larger than 12 square feet in size .

B. Signs Erected Without Alternative Sign Design Approval[10]

If a sign is erected, placed, or maintained in violation of §5.9.6: *Alternative Sign Design*, prior to any authority, permission, or approval of the Town to do so, and an application for an Alternative Sign Design is then submitted for such sign, there shall be paid by the applicant for such Alternative Sign Design a late fee equal to twice the amount of the Alternative Sign Design fee. Payment of the late fee does not excuse full compliance with the provisions of §5.9.6: *Alternative Sign Design*.

2.3.9. Private Valet Parking Services[11]

A. Definitions

As it relates to valet parking service standards, "Licensee" shall mean a person licensed under the UDC to operate a valet parking service. Licensee includes:

1. Any employee, agent, or independent contractor of the licensee who works in connection with a valet parking service, or
2. Any tenant or lessee of a licensee or any person retained or used by such tenant or lessee who operates a valet parking service.

B. License Required; Application; Issuance

1. A person commits an offense if, without a license issued by the Development and Neighborhood Services Department, the person operates a valet parking service within the Town on or across any public right-of-way.
2. 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 and Neighborhood Services Department to the licensee, the licensee operates a valet parking service within the Town on or across any public right-of-way.
3. A person who desires to operate a valet parking service shall apply in writing to the Development and Neighborhood Services Department for a valet parking service license. 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:
    a. The names, addresses, and telephone numbers of:
        i. The applicant;
        ii. Any tenant or lessee of the applicant that will utilize a valet parking service;
        iii. Any person the applicant or any tenant or lessee of the applicant will use to provide valet parking service;
    b. A site plan drawn to scale of:
        i. The proposed location(s) of the valet parking service and any valet parking service stands; and
        ii. The location of off-street parking to be used in connection with the valet parking service;
    c. The proposed hours and days of operation of the valet parking service;
    d. A signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

[9] Current Sec. 62-34(a).
[10] Current Sec. 62-33(c).
[11] Current Chapter 70, Article VII, Division 1.

e. Proof of insurance; and

f. 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:

i. With signatures showing consent to the operation of a valet parking service by the applicant; or

ii. Without signatures, in which case the Director shall notify the listed persons of the valet parking service application and obtain comments.

4. 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.
5. The Development and Neighborhood Services Department shall forward a copy of any completed application to any person listed in the application 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.
6. After reviewing the application and comments of the departments and of any person notified, and upon receiving payment of all fees required by this UDC, the Development and Neighborhood Services Department may issue a valet parking service license unless denial is required.
7. 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 the UDC.

C. Fees

Fees shall be paid in accordance with the approved Fee Schedule.

D. Denial or Revocation of License; Temporary Suspension

1. The Development and Neighborhood Services Department shall deny a valet parking service license if:
   a. The applicant fails to comply with the requirements of this section or other applicable law;
   b. The applicant makes a false statement of material fact on an application for a valet parking service license; or
   c. The Development and Neighborhood Services Department determines that the operation of the valet parking service would:
      i. Endanger the safety of persons or property or otherwise not be in the public interest;
      ii. Unreasonably interfere with pedestrian or vehicular traffic;
      iii. 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
      iv. Unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.
2. The Development and Neighborhood Services Department shall revoke a valet parking service license if:
   a. The licensee fails to comply with the requirements of the valet parking service license, this section, or other applicable law;

b. The licensee made a false statement of material fact on an application for a valet parking service license; or

c. The Development and Neighborhood Services Department determines that the operation of the valet parking service:

i. Endangers the safety of persons or property or is otherwise not in the public interest;

ii. Unreasonably interferes with pedestrian or vehicular traffic;

iii. 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

iv. Unreasonably interferes with an existing use permitted at or near the location of the valet parking service.

3. The City Council may, at any time, unconditionally revoke a valet parking service license issued pursuant to this section.

4. The Development and Neighborhood 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 and Neighborhood 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.

E. Expiration of License

A valet parking service license expires one year from the date of issuance, unless sooner terminated by the Development and Neighborhood Services Department or by the City Council. A valet parking service license may be renewed by making application at least 30 days before expiration of the license.

F. Operational Standards

A licensee shall:

1. Allow only individuals who hold a valid Texas driver's license, and who are covered by the insurance required by these standards, to operate any vehicle in connection with the valet parking service;

2. Operate the valet parking service in a manner that does not:

a. Use or occupy more of the public right-of-way than is allowed by the valet parking service license;

b. Use more of their allocated share of parking spaces as provided in a shared parking agreement in a multi-tenant area;

c. Obstruct or impede a pedestrian's use of a sidewalk;

d. Obstruct or impede the flow of traffic on a public street;

e. Obstruct or impede access to fire lines;

f. Use or occupy more off-street vehicle parking spaces than are required for that specific use pursuant to §5.5.4: *Minimum Off-Street Vehicle Parking Requirement*;

g. Obstruct a vehicle operator's ability to see any part of an intersecting road;

h. Injure, damage, or create a hazard to persons or property;

i. Attempt to regulate motor vehicle traffic on any public right-of-way; or

j. Violate any law or ordinance regulating the operation or use of a motor vehicle.

3. 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 and Neighborhood Services Department;

4. 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;

5. Provide valet parking service only during the hours of operation authorized in the license;
6. 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
7. Notify the Development and Neighborhood Services Department within 10 days of a change in the location of off-street parking and provide the Development and Neighborhood Services Department with a signed agreement or other documentation showing that the licensee has a legal right to park vehicles at the new location.

G. Valet Parking Stands

1. A licensee may place a valet parking service stand on the public right-of-way at a location or locations approved by the Development and Neighborhood 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.
2. A valet parking service stand shall:
    a. Not occupy an area of the public right-of-way exceeding four feet in width and four feet in depth;
    b. Not be affixed to the public right-of-way in any manner;
    c. Be easily moveable by one person; and
    d. Be removed from the public right-of-way when the valet parking service is not being operated.
3. A name and logo may be placed on a valet parking service stand for the sole purpose of identifying the valet parking service. The identification of the valet parking service shall not:
    a. Have dimensions greater than four feet high and four feet wide; or
    b. Be placed on more than two sides of the valet parking service stand.
4. 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 require a Sign Permit and be erected only during the hours of operation of the valet parking service and in the locations approved by the Development and Neighborhood Services Department. The size of such signs shall be approved during the review of the Sign Permit.

H. Location of a Valet Parking Service

1. Spaces and stands for a valet parking service shall be located as set forth in the license (as determined by the Development and Neighborhood Services Department) and may not:
    a. Be located within:
        i. 10 feet of a crosswalk;
        ii. 10 feet of a fire hydrant, fire call box, police or other emergency facility; or
        iii. Five feet of a driveway;
    b. Reduce the unobstructed sidewalk widths for the passage of pedestrians to less than four feet.
2. The Development and Neighborhood Services Department may require greater or shorter distances than those prescribed above when warranted by special vehicular or pedestrian traffic conditions.
3. Only one valet parking service stand may be placed in any single location.

I. Reflective Clothing

1. 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.

2. This section shall 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.

J. Insurance

1. A licensee shall procure, or cause to be procured, and keep in full force and effect and on file with the Development and Neighborhood Services Department the following insurance requirements throughout the duration of a license:
    a. Statutory limits of workers' compensation; and
    b. Garage liability for premises and operations and for any auto or all owned autos and non-owned autos, and all autos left with licensee for service 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 section), 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).
    c. 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.
    d. As an alternative to b. 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.
2. The above policies shall be endorsed to provide the following, as applicable:
    a. In all liability policies, name as additional insureds the Town, its officers, agents, and employees;
    b. 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
    c. Waiver of subrogation in favor of the Town of Addison must be included in all liability and worker's compensation policies.
3. 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.

K. 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.

2.4 Engineering Plans, Studies, and Site Development Permits

2.4.1. All Engineering Plan, Studies, and Site Development Permits[12]

Prior to authorizing construction, Director of Public Works and Engineering 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. Three prints of the utility plan sheet, scale one inch equals 100 feet and five prints of the same, reduced to one inch equals 200 feet, shall be submitted to the director of public works, in addition to previous submittal of construction plans.

F. 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.

G. Manufacturer's drawings for all fabricated appurtenances or special construction items shall be submitted to the Director of Public Works and Engineering.

2.4.2. Flood Hazard Development Permit[13]

An application for a Flood Hazard Development Permit shall include plans drawn to scale showing:

A. The location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.

B. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.

C. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

D. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet all floodproofing requirements; and

E. A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

2.5 Platting of Land

2.5.1. All Plats[14]

All applications for subdivision plats shall:

[12] Current Appendix B, Section XI.
[13] Current Sec. 42-59(a).
[14] Current Appendix B Section XVI G.1.

A. Set forth a full and accurate description of the land subdivided.

B. Set forth a full and accurate description of all streets and other areas dedicated.

C. Contain a certificate of ownership.

D. Dedicate all streets, alleys, parks and playgrounds to public use forever.

E. Grant required easements for utilities, drainage floodway, fire lanes and other appropriate purposes with applicable language for responsibility for maintenance of the easements by owners of the property or properties traversed by the easements or adjacent thereto.

F. Be signed by the owner of the land.

G. Indicate, on the mylar sepia copy, easement locations.

2.5.2. Preliminary Plat or Replat[15]

An application for a Preliminary Plat shall include the following information:

A. The preliminary plat shall be drawn to a scale of one inch equals 100 feet or larger.

B. It shall contain the name of the proposed subdivision, the name and address of the subdivider and the engineer or surveyor responsible for the design or survey, the tract designation, and other descriptions according to the abstract and survey records of Dallas County, Texas.

C. It shall also contain a north point, scale, and date.

D. The boundary line of the tract, accurate in scale, shall be shown.

E. It shall show the names of adjacent subdivisions or names of record of owners of adjoining parcels, the location, widths, and names of all existing or platted streets, easements, or other public ways within or adjacent to the tract, existing railroad rights-of-way, and other important features such as section lines, political subdivisions or corporation limits and school district boundaries.

F. It shall show all parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose or conditions of limitations of such reservation.

G. It shall show the layout, names, and width of proposed streets, alleys, and easements.

H. It shall show the layout, numbers, and approximate dimensions of proposed lots and all building lines.

I. The preliminary plans shall show contours of the tract in intervals of five feet or less, referred to sea level datum.

J. The plans shall show existing sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations indicated.

K. The plans shall show proposed water, sanitary sewer and storm sewer pipelines with sizes indicated and valves, fittings, manholes, inlets, culverts, bridges, and other appurtenances or structures shown.

L. The plans shall show storm water retention basins as required.

M. The location of proposed screening walls shall be clearly indicated.

2.5.3. Final Plat and Replat[16]

An application for a Final Plat or Replat shall conform to the approved Preliminary Plat where applicable, and shall contain the following:

A. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

B. True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.

[15]Current Appendix B Section VIII.
[16] Current Appendix B Section IX

C. An accurate location of the subdivision with reference to the abstract and survey records of Dallas County.

D. The exact layout including:

1. Street names;
2. The length of all arcs, radii internal angles, points of curvature, length, and bearing of the tangents;
3. All easements for rights-of-way provided for public services or utilities and any limitations of the easements; and
4. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.

E. The accurate location, material, and approximate size of all monuments.

F. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

G. Setback building lines.

H. Private restrictions.

I. Proposed name of the subdivision.

J. Name and address of the subdivider.

K. North point, scale and date.

L. Certification by a registered professional surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown.

M. Proof of ownership of the property.

N. A certificate of ownership and dedication of all streets, fire lanes, alleys, parks and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lienholder of the land along with complete and accurate description of the land subdivided and the streets dedicated.

O. Names of lenders and lienholders on the property.

P. Additional certificates to properly dedicate easements or right-of-way as may be necessary and in the form as required by the town. Such easement certificates shall be in the following form, which form shall be required to be attached to and made a part of the final plat:

1. NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

   That _____ ("Owner") does hereby adopt this plat designating the hereinabove property as _____, an addition to the Town of Addison, Texas, and subject to the conditions, restrictions and reservations stated hereinafter, owner dedicates to the public use forever the streets and alleys shown thereon.
2. The easement shown on this plat are hereby reserved for the purposes as indicated, including, but not limited to, the installation and maintenance of water, sanitary sewer, storm sewer, drainage, election, telephone, gas and cable television. Owner shall have the right to use these easements, provided, however, that it does not unreasonably interfere or impede with the provision of the services to others. Said utility easements are hereby being reserved by mutual use and accommodation of all public utilities using or desiring to use the same. An express easement of ingress and egress is hereby expressly granted on, over and across all such easements for the benefit of the provider of services for which easements are granted.
3. Any drainage and floodway easement shown hereon is hereby dedicated to the public's use forever, but including the following covenants with regards to maintenance responsibilities. The existing channels or creeks traversing the drainage and floodway easement will remain as an open channel, unless required to be enclosed by ordinance, at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage and floodway easement. The town will not be responsible for the maintenance and operation of said creek or creeks or for

any damage or injury of private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of water runoff shall be permitted by construction of any type building, fence or any other structure within the drainage and floodway easement. Provided, however, it is understood that in the event it becomes necessary for the town to channelize or consider erecting any type of drainage structure in order to improve the storm drainage, then in such event, the town shall have the right, but not the obligation, to enter upon the drainage and floodway easement at any point, or points, with all rights of ingress and egress to investigate, survey, erect, construct or maintain any drainage facility deemed necessary by the town for maintenance or efficiency of its respective system or service.

4. Water main and sanitary sewer easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water service and sewer services from the main to curb or pavement line, and the descriptions of such additional easements herein granted shall be determined by their locations as installed.
5. This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Addison, Texas.

Q. The construction plans shall be prepared by or under the supervision of a registered professional engineer in the State of Texas and shall bear his seal on each sheet.

R. The plans shall contain all necessary information for construction of the project, including screening walls. All materials specified shall conform to the standard specifications of the Town of Addison.

S. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.

2.6 Building Permit[17]

An application for a Building Permit shall include a plat drawn to scale showing:

A. The actual dimensions of the lot to be built upon;

B. The size of the building to be erected;

C. The use of the property; and

D. Such other information as may be necessary to provide for the enforcement of the UDC.

3: Landscaping Manual

3.1 Pre-Approved Plant List

3.1.1. Canopy Trees

The trees listed below are approved for use throughout the town. Trees and permanent hardscape items or structures shall not be placed within public easements.

Common Name	Scientific Name
Cypress, Bald	*Taxodium distichum*
Cypress, Pond	*Taxodium ascendens*
Elm, Cedar	*Ulmus crassifolia*
Elm, Lacebark	*Ulmus parvifolia**
Ginkgo	*Ginkgo biloba*

[17] Current Appendix A, Article XXVII, Section 1.

Common Name	Scientific Name
Magnolia, Southern	*Magnolia grandiflora*
Maple, Autumn Blaze	*Acer freemanii*
Maple, Caddo	*Acer saccharum*
Maple, Shangtun	*Acer truncatum*
Oak, Chinquapin	*Quercus muhlenbergii*
Oak, Lacey	*Quercus glaucoides*
Oak, Live (Upright varieties encouraged in street plantings)	*Quercus virginiana*
Oak, Shumard	*Quercus shumardii*
Oak, Texas	*Quercus buckleyi*
Pistache, Chinese	*Pistacia chinensis*

3.1.2. Ornamental Trees

Common Name	Scientific Name
Crape Myrtle	*Lagerstromia indica*
Desert Willow	*Chilopsis linearis*
Eastern Red Cedar	*Juniperus virginiana*
Easter Redbed (Oklahoma or equal)	*Cercis canadensis*
Holly, Foster	*Ilex x attenuata 'Fosteri'*
Holly, Nellie R Stevens	*Ilex x 'Nellie R. Stevens'*
Holly, Possumhaw	*Ilex decidua*
Holly, Yaupon	*Ilex vomitoria*
Juniper, Taylor	*Juniperus Virginiana 'Taylor'*
Magnolia, Little Gem	*Magnolia grandiflora 'Little Gem'*
Prairie Flameleaf Sumac	*Rhus lanceolata*
Redbud, Mexican	*Cercis canadensis var. mexicana*
Redbud, Texas	*Cercis canadensis var. texensis*
Rusty Blackhaw Viburnum	*Viburnum rufidulum*
Texas Mountain Laurel	*Sophora secundiflora*
Vitex	*Vitex agnus - castus*
Wax Myrtle	*Myrica cerifera*

3.1.3. Evergreen Shrubs

Common Name	Scientific Name
Abelia 'Rose Creek' or approved equal	*Abelia grandiflora*
Holly, Dwarf Burford	*Ilex cornuta burfodii 'Pygmy'*
Holly, Dward Yaupon	*Ilex vomitoria 'Nana'*
Holly, Needlepoint	*Ilex cornuta*
Holly, Nellie R	*Ilex x. 'Nellie R. Stevens'*
Japanese Boxwood	*Buxus microphylla*
Mahonia, Leatherleaf	*Mahonia bealeii*

Mahonia, Soft Caress	*Mahonia eurybracteata 'Soft Caress'*
Nandina	*Nandina domestica*
Rosemary	*Rosemary officinalis*
Texas Sage	*Leucophyllum frutescens*

3.1.4. Deciduous Shrubs

Common Name	Scientific Name
Butterfly Bush	*Buddleia davidii*
Crape Myrtle	*Lagerstromia indica*
Oakleaf Hydrangea	*Hydranges quercifolia*
Sage, Autumn	*Salvia greggii*
Sage, Mexican Bush Sage	*Salvia leucantha*
Spirea	*Spirea spp.*
St. John's Wort	*Hypericum patulum*
Zexmenia	*Wedelia texana*

3.1.5. Ground Cover

Common Name	Scientific Name
Asian Jasmine	*Trachelospermum asiaticum*
Germander	*Teucrium chamaedrys*
Liriope	*Lirope spp.*
Purple Wintercreeper	*Euonymus fortunei 'Colorata'*

3.1.6. Accent Plants

Common Name	Scientific Name
Yucca, Colorguard	*Yucca fimamentosa 'Color Guard'*
Yucca, Red	*Hesperaloe parviflora*
Yucca, Soft Leaf	*Yucca recurvifolia*
Yucca, Twist-Leaf	*Yucca rupicola*

3.1.7. Ornamental Grasses

Common Name	Scientific Name
Blue Grama	*Bouteloua gracillis 'Blonde Ambition'*
Inland Sea Oats	*Chasmanthium latifolium*
Fountain Grass, Hameln's	*Pennisetum 'Hameln'*
Miscanthus	*Miscanthus sinensis*
Muhly, Gulf	*Muhlenbergia capillaris*
Muhly, Lindheimer's	*Muhlenbergia lindheimeri*

3.1.8. Unprotected Trees

Common Name	Scientific Name
Bois d'Arc	*Maclura pomifera*
Box Elder	*Acer negundo*
Catalpa	*Caltalpa spp.*
Chinaberry	*Melia azedarach*
Cottonwood	*Populus spp.*
Hackberry	*Celtis occidentalis*
Mulberry, Red	*Morus rubra*
Pear, Bradford	*Pyrus calleryana*
Western Soapberry	*Sapindus saponaria*

3.1.9. Tree Replacements

Existing Tree Size	Required Mitigation	Minimum Caliper of Replacement Tree	Examples
4" - 11"	1 to 1	4"	Remove 4" Tree Plant Back (1) 4" Tree Remove 8" Tree Plant Back (2) 4" Trees
12" or >	1 to 2	6"	Remove 12" Tree Plant Back (2) 6" Trees

3.2 Application Requirements

3.2.1. Landscape Plan

A. Contents[18]

Landscape plans required by §5.6: *Landscaping, Buffering, and Fences* shall be prepared to technical specifications established by the Director and shall at minimum contain the following information:

1. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;
2. Project name, street address, and lot and block description;
3. Location of walks, buildings, utilities, parking, drives and other site features.
4. Location of existing trees and landscaping.
5. Chart indicating required buffers, open space, frontage trees, parking lot trees, interior parking lot landscaping and other required landscaping elements.
6. Tree preservation and mitigation table that identifies the existing trees on site, the species and caliper inch of the tree, an indication of if the tree is to be preserved or removed, and how it will be mitigated, if necessary.
7. Location, height, and material of proposed screening and fencing (with berm to be delineated by one-foot contours);

[18] Some or all of this information could be relocated to a technical or administrative manual prepared by the Director (where it may be updated without code amendments), not in the actual code.

8. Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or caliper sizes, heights, spread, and spacing. The location, size and species of all existing trees on the lot must be specifically indicated;
9. Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area compared to gross site square feet. The Town right-of-way shall be included as part of the gross site landscaping;
10. Size, height, location, and material of proposed seating, lighting, planters, sculptures, decorative paving, and water features;
11. Cross-section drawing of berms and grading plan showing berm contours; and
12. Location of sprinkler heads, valves, double-check valve, water meter, automatic controller with rain and freeze sensors;

B. Seal Required

1. Landscape plans shall contain the seal of a landscape architect licensed in the State of Texas that such plans have been reviewed by such architect and satisfy all requirements of these landscape regulations.
2. Irrigation plans shall contain the certification and seal of an irrigator licensed by the Texas Commission on Environmental Quality that such plans were prepared by such irrigator and satisfy all requirements of these landscape regulations.

3.2.2. Permit for Planting on Public Property[19]

The permit submittal shall include:

A. A diagram of the area showing pavement, streets, sidewalks, curbs and gutters, with a definite indicated scale;

B. The number, location and variety of plant materials to be planted;

C. The number, location and variety of plant materials already existing in the area;

D. The method of planting, including the supplying of suitable soil;

E. The method of water maintenance; and

F. Such other information as the Director shall find reasonably necessary to a fair determination of whether a permit should be issued.

4: Engineering Standards

4.1.1. Master Transportation Plan and Pavement Requirements[20]

A. Thoroughfares

Thoroughfares shall generally be constructed as required in the Addison Master Transportation Plan. The developer's pro rata share shall include the outside 18½-foot lanes (measured from back of curb) adjoining their property, the outside curb, and any lime-treated subgrade. If requested by the City Council, the developer shall construct additional width pavement with reimbursement from the Town for such additional pavement when Town funds become available.

[19] Current Sec. 34-36(b).

[20] Current Appendix B Section XVI A.10. All asphalt requirements and allowances have been removed as the Town moves away from asphalt to only allow concrete streets for all street types.

1. **Concrete**

   Pavement shall be a minimum of eight-inch reinforced concrete (3,000 psi) and shall include six-inch monolithic curbs. The subgrade shall be thoroughly compacted and stabilized with hydrated lime for a minimum depth of six inches below the pavement.

B. Collector Streets

Collector streets shall generally be constructed within 60-foot right-of-way and consist of a 36-foot roadway measured from face-to-face of curb. The developer shall construct, at their own cost, the entire width of the roadway if it is located in the interior of the subdivision.

1. **Concrete**

   Pavement shall be six-inch thick reinforced concrete (3,000 psi) with six-inch monolithic curbs placed on six-inch lime stabilized subgrade.

C. Residential Streets

Residential streets shall generally be constructed within a 50-foot right-of-way and shall consist of a 26-foot wide roadway measured from face to face of the curbs.

1. **Concrete**

   Pavement shall be six-inch thick reinforced concrete (3,000 psi) with six-inch monolithic curbs placed on six-inch lime stabilized subgrade.

D. Alleys

Alleys shall be constructed within a 15-foot right-of-way and shall be 10 feet in width. Alley turnout shall be 12 feet wide at the property line then narrowing to 10 feet.

1. **Concrete**

   The pavement shall be six-inch reinforced concrete (3,000 psi) with a four-inch invert for drainage.

5: Belt Line Engineering and Landscape Standards[21]

5.1 Street Furniture

5.1.1. Bench

A. Manufacturer: Landscape Forms

B. Type: Town Square Vertical Strap Bench

C. Color/finish: black semi-gloss

D. Size: 49 inch and 70 inch lengths

E. Mounting: surface mounted

F. Representative: Diane Collier, 214-343-1145

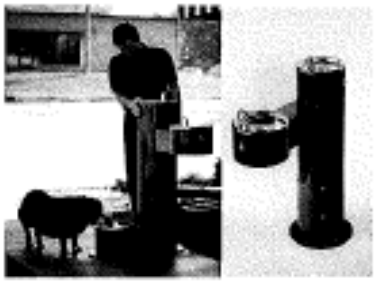
[21] Current Appendix A, Article XIX.A, Appendix III.

5.1.2. Trash Receptables

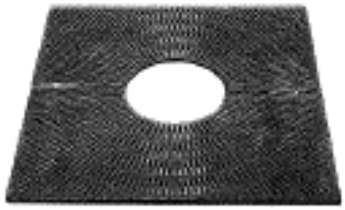
5.1.3. Trash Receptable with Ash Urn

5.1.4. Planters and Pots

5.1.5. Drinking Fountains



5.1.6. Tree Grates



5.1.7. Tree Guards

5.1.8. Bicycle Rack

5.1.9. Bollard

5.2 Light

5.2.1. Street Light

A. Manufacturer: Barbican Architectural Products Ltd.; Noral Lighting

B. Model: ATRIUM IV

C. Mounting options:

1. Model 11 single arm
2. Model 12 double arm
3. Model F wall-mounted

D. Post height: variable

E. Light source: metal halide

F. Color: graphite

G. Maximum wattage: 150 watt

H. Local representative: Architectural Lighting Association , Tim Galvin, 972-243-7111

5.2.2. Suspended Cable Light

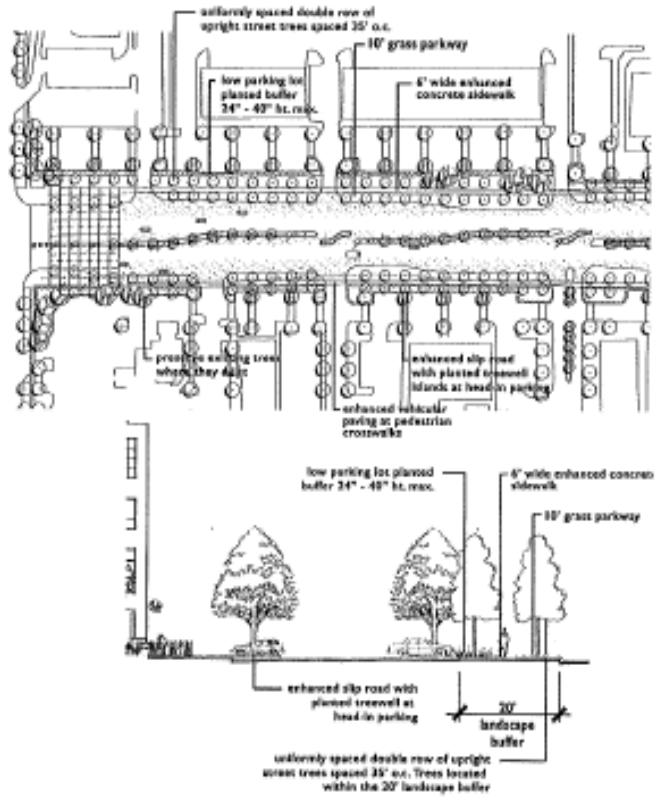
5.3 Landscape Requirements

5.3.1. Belt Line/Slip Road

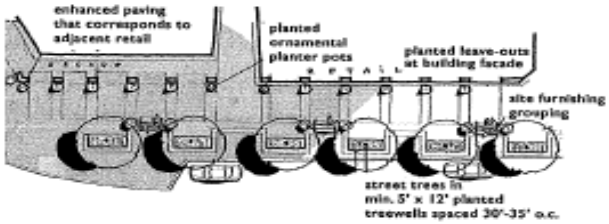
A. Provide uniformly spaced double row of upright street trees to allow for visibility to adjacent retail.

B. Provide a 4 feet minimum width parking lot buffer that is 24 to 40 inches at mature height.

C. Allows for a minimum 10 foot grass parkway/tree lawn with a 6 foot wide concrete sidewalk and 4 foot buffer within the 20 foot landscape buffer.



5.3.2. Local Street: Nonresidential



5.3.3. Local Street: Residential