



AGENDA



AGENDA

PLANNING & ZONING COMMISSION

Tuesday, February 27, 2024

7:00PM at City Hall

Chairman – Russell Newton

Commissioner – Jeff Cook

Commissioner – Judy Hudson

Commissioner – Jose Valencia

Commissioner – Derrick Little

Commissioner – OPEN

Commissioner – OPEN

REGULAR MEETING

1. Call to Order and Declaration of Quorum for the Planning and Zoning (P&Z) Commission.
2. Public comment-
Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a Government meeting is a violation of law.

CONSENT AGENDA: ACTION

3. Approval of Previous Meeting's Minutes – January 9, 2024

CONSENT AGENDA: ACTION

4. Deliberation and take any appropriate action on the Replat - Maverick Ridge Estates Lot 1-A and 1-B. Split 5.094 Acre Parcel into 2 Lots.
5. Deliberation and take any appropriate action on the Replat – 19090 FM 1778 Nevada, Texas 75173. Split 3.414 Acre Parcel into 3 Lots.
6. Deliberation and take any appropriate action on the Multi-Family Dwellings portion of the City Ordinance to prepare for future consideration.

FUTURE AGENDA ITEMS

7. *Future agenda items shall be designated by the Planning & Zoning Chairman. In addition, a motion and a second from any two P&Z commissioners shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Chairman to add an agenda item for a future meeting.*
 - 1.
 - 2.
 - 3.
 - 4.
8. Adjournment/Closing –

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Council reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of an interest in real property], 551.073 [contract for gift to City], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Nevada is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the Assistant City Secretary at (972) 853-0027 Ext: 101 for information.**

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the other boards, commissions and/or committees shall not deliberate or decide any matters relating to items listed on this agenda and no minutes shall be prepared.

A member or member of the government body holding this meeting may attend via videoconference pursuant to the provisions of Tex. Gov't Code 551.127. In the event that a member or members of the government body holding this meeting attends via videoconference, a quorum of the government body holding this meeting will be physically present at the location identified above.

I certify that the above agenda for this meeting of the City Council of the City of Nevada, Texas, was posted on the bulletin board at City Hall, in Nevada, Texas, **on Friday, February 23, 2024**, by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.



Heather Schell, Assistant City Secretary



AGENDA ITEM

#3



MINUTES

PLANNING & ZONING COMMISSION

Tuesday, January 9, 2024

7:00PM at City Hall

Planning & Zoning Chairman – Russell Newton

Commissioner – Jeff Cook

Commissioner – Shane Brinton

Commissioner – Judy Hudson

Commissioner – Jose Valencia

Commissioner – OPEN

Commissioner – OPEN

City Staff:

Heather Schell, Assistant City Secretary

Chris Donnan, City Engineer

Jim Shepherd, City Attorney

Citizens:

Bart Carroll

Nathan Olson

Jim Woomer

REGULAR MEETING

1. Call to Order and Declaration of Quorum-

Time: 7:20PM

Commissioners Cook and Brinton were absent.

2. Public Comment –

Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a government meeting is a violation of law.

There was no public commentary.

CONSENT AGENDA: ACTION

3. Approval of Previous Meeting Minutes – July 25, 2023

Commissioner Hudson made a motion to approve the Minutes as written; Commissioner Valencia seconded the motion. Y: 3 N: 0

REGULAR AGENDA

4. Review and Consider the Bear Creek Preliminary Plat

Chris Donnan, City Engineer spoke regarding the Bear Creek Preliminary Plat and provided his recommendation to approve the plat with the conditions outlined in his recommendation letter. Commissioner Hunson made a motion to accept the plat with the conditions to the Bear Creek Preliminary Plat. Commissioner Valencia seconded the motion.

Y: 3 N: 0

5. Review and Consider Potential Updates for the 1/2 – Acre Ordinance regarding Accessory Building Roof Height, Lot Width, and Roof Pitch:

Commissioner Hudson motioned to accept the amendments to the 1/2 – Acre Ordinance regarding Accessory Building Roof Height to 20ft and the Roof Pitch to 6 and 12. No action was taken regarding the Lot Width on the 1/2 Acre Ordinance. Commissioner Valencia Seconded the motion.

Y: 3 N: 0

6. Review and Consider Potential Updates for the 1 – Acre Ordinance regarding Accessory Building Roof Height, Lot Width, and Roof Pitch:

Commissioner Hudson motioned to accept and amend the 1 – Acre Ordinance regarding Accessory Building Roof Height to 20ft and the Roof Pitch to 6 and 12. No action was taken regarding the Lot Width on the 1/2 Acre Ordinance. Commissioner Valencia Seconded the motion.

Y: 3 N: 0

7. Future Agenda Items –

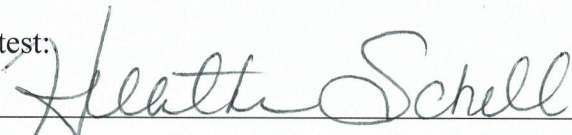
- 1.
- 2.
- 3.
- 4.

6. Adjournment / Closing –

Time: 8:07PM

Russell Newton, Chairman

Attest:



Heather Schell, Assistant City Secretary

Heather Schell, Assistant City Secretary



AGENDA ITEM

#4

City of Nevada
424 E FM 6, Nevada TX 75173
972 853-0027 Fax 972 853-0027
APPLICATION FOR PLAT

OFFICE USE ONLY

Case Number: 24-00027-01
Fee: \$510.00

Submittal Date: 2/13/2024
Received By: Heather Schell

DESCRIPTION OF PROPERTY

Legal Description: Attach a metes and bounds description of subject property and a survey plat.

Address of Property: 9343 County Road 591

General Location: North of County Road 590 and east of County Road 591

Proposed Name of Subdivision: Replat - Maverick Ridge Estates Lot 1-A and 1-B

Acreage of Subdivision: 5.094

Number of Lots: 2

Residential and Commercial Density: _____
(based on gross acreage)

Present Zoning of Subject Property: E.T.J.

Owner

Owner(s): Freyres Construction LLC

Applicant

Applicant: Carroll Consulting Group, Inc

Address: 9343 CR 591
Nevada, TX 75173

Address: 203 W. FM 6
Nevada, TX 75173

Telephone: _____

Telephone: 469-600-2571

Fax: _____

Fax: _____

E-mail: _____

E-mail: orders@landsurveytx.com

Person preparing Plat: Sam Carroll

Name of Firm: Carroll Consulting Group, Inc

Address: 203 W. FM 6, Nevada, TX 75173

Phone: 469-600-2571 Fax: _____ E-mail: orders@landsurveytx.com

Designation of Agent Form

I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing and representation of this request. The designated agent shall be the principal contact person with the city (and vice versa) in processing and responding to requirements, information requests or other issues relative to this request.

Signature of Owner Sam Carroll <small>Digitally signed by Sam Carroll DN: cn=Sam Carroll, o=US, ou=Carroll Consulting Group, Inc., email=sam@landsurveyix.com Reason: I agree to the terms defined by the placement of my signature on this document Date: 2024.02.13 12:29:06 -0600</small>	Printed Name	Date
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Signature of Applicant (if different from designated agent)	Printed Name	Date
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Signature of Agent	Printed Name	Date
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Address of Agent: _____

Phone: _____

Fax: _____

Cell Phone: _____

City of Nevada
424 E. FM 6
Nevada, TX 75173

Receipt #: 721
User: Deuce Waters
Payment Date: 2/14/2024
Batch: 50524 - 2/1/24 - 2/29/24

24-00027-01 Carroll Consulting Group, Inc.
Replat - 24-00027-01

9343 CR 591

Amount Due: \$510.00
Applied: \$510.00
Balance: \$0.00

Applied

Check #: 2442

Check: \$510.00

Applied: \$510.00
Change: \$0.00



AGENDA ITEM

#5

City of Nevada
424 E FM 6, Nevada TX 75173
972 853-0027 Fax 972 853-0027
APPLICATION FOR PLAT

OFFICE USE ONLY

Case Number: 24-00038-01
Fee: \$1515.00

Submittal Date: 2/22/2024
Received By: Heather Schell

DESCRIPTION OF PROPERTY

Legal Description: Attach a metes and bounds description of subject property and a survey plat.

Address of Property: 19090 Fm 1778

General Location: West of CR 939 on Fm 1778

Proposed Name of Subdivision: _____

Acreage of Subdivision: 3.414 Acres

Number of Lots: 3

Residential and Commercial Density: _____
(based on gross acreage)

Present Zoning of Subject Property: ETJ

Owner

Owner(s): McElrath Properties
Dave McElrath

Applicant

Applicant: McElrath Properties
Gretchen Yank

Address: 3914 Wesley St.
Greenville, TX 75401

Address: 3914 Wesley St.
Greenville, TX 75401

Telephone: 972-210-9125

Telephone: 972-210-9125

Fax: N/A

Fax: N/A

E-mail: Sell to dave@gmail.com E-mail: gretchenymp@gmail.com

Person preparing Plat: Grayson Co Ballos

Name of Firm: Traverse Land Surveying, LLC.

Address: 14200 Midway Rd Ste 130, Dallas, TX 75244

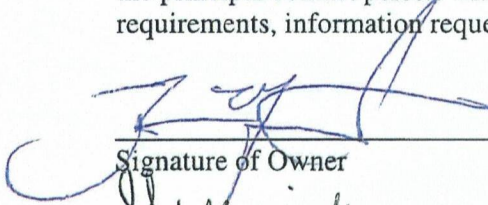
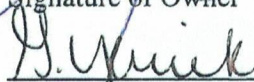
Phone: 469-784-9321

Fax: N/A

E-mail: grayson@traverseland
Surveying.com

Designation of Agent Form

I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing and representation of this request. The designated agent shall be the principal contact person with the city (and vice versa) in processing and responding to requirements, information requests or other issues relative to this request.

	Dave McIlrath	
Signature of Owner	Printed Name	Date
	Gretchen Yarnik	
Signature of Applicant (if different from designated agent)	Printed Name	Date

Signature of Agent	Printed Name	Date
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Address of Agent: _____

Phone: _____

Fax: _____

Cell Phone: _____

City of Nevada
424 E. FM 6
Nevada, TX 75173

Receipt #: 731
User: Deuce Waters
Payment Date: 2/22/2024
Batch: 50524 - 2/1/24 - 2/29/24

24-00038-01 McIlrath Properties
Replat - 24-00038-01

19090 FM 1778

Amount Due: \$533.25
Applied: \$533.25
Balance: \$0.00

Applied

Reference: QB1341

Other: \$533.25

Applied: \$533.25
Change: \$0.00

A light blue silhouette of the state of Texas is centered on the page. Overlaid on this map is the text 'AGENDA ITEM #6' in a bold, dark blue font.

AGENDA ITEM

#6

ARTICLE XIII-A. A-1000-M APARTMENT DISTRICT REGULATIONS

Sec. 1. Use regulations.

In the A-1000-M Apartment District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Apartments in compliance with all provisions and area regulations of this district.
- (b) Duplex dwellings in compliance with all provisions and area regulations of the D-1400-M Duplex District.
- (c) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
- (d) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
- (e) Townhomes in compliance with all provisions and area regulations of the RA-1100-M Residential Attached (Townhome) District.

(Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Building regulations.

- (a) *Minimum floor area of dwelling unit.* The minimum floor area per apartment living unit shall be 1,000 square feet.
- (b) *Building separation.* Buildings shall be separated from other buildings on the same lot by a minimum of 16 feet, unless one of the exposed walls is constructed as a fire wall in accordance with the Richardson Building Code.
- (c) *Type of materials.* **REPEALED**
 - (1) All buildings shall have a minimum of 75 percent of the exterior walls constructed of masonry construction; provided, however, that chimneys for newly constructed apartments or additions to existing apartment buildings shall be of 100 percent masonry construction. At the time of site plan review, the city plan commission may approve alternate materials, which are allowed by the Building Code, to provide a superior appearance.
 - (2) A maximum of 15 percent of the exterior walls may be of a nonmasonry material as defined in the comprehensive zoning ordinance.
 - (3) The remaining exterior walls may be constructed of masonry-type materials, such as exterior stucco, manmade or natural stone, exterior insulating finishing systems (E.I.F.S.) or other materials approved by the Building Code.
 - (4) For "chateau," "mansard" or any other design where the roof serves as an exterior wall, the above percentages shall apply.
- (d) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, day care facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 836-A, § 4, 3-26-73; Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 3, 7-14-08)

Editor's note(s)—Section 6 of Ord. No. 836-A provides as follows:

"Section 6. That Section 2 of Articles XII-A, XIII-A and XV of the Comprehensive Zoning Ordinance of the City be and the same are hereby amended by adding thereto the drawing marked Exhibit 'A' which is attached hereto and made a part hereof for all purposes and which shall become a part of and attached to the above articles of the Comprehensive Zoning Ordinance."

Exhibit A is not set out herein, but is on file and available for inspection in the office of the city secretary.

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height. In addition, no building shall exceed one story when located within 150 feet of a residential or duplex zoning district, said measurement to include streets and alleys.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall be limited to one story not to exceed 25 feet in height.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Lot area and dimensions.*
 - (1) *Lot area.* The minimum lot area shall be one acre.
 - (2) *Lot dimensions.* The minimum lot dimensions shall be:
 - (a) Minimum width: 200 feet.
 - (b) Minimum depth: 200 feet.
 - (3) *Density.* In no instance shall the density in the A-1000-M district exceed 14 units per acre.
- (b) *Lot coverage.* The principal building(s) and any accessory buildings (exclusive of parking structures) shall not cover more than 30 percent of the total area of the lot, tract, parcel, estate, or other land upon which apartment building is located.
- (c) *Front setback.*
 - (1) There shall be a landscaped front setback having a minimum depth of 30 feet, subject, however, to the following exceptions.
 - a. *Exceptions to front setback requirements.* Along streets already having a uniform building line, new structures shall conform to that so existing. If there is a variance in the depth of those already existing in the same block and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building on its right when looking toward the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block. In no event shall a building line setback of less than 30 feet or more than 50 feet from the front lot line be required.

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- (2) On corner lots, the required front setback shall be required on both streets.
 - (3) Where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
 - (4) No structures shall be located in the required front setback or in a required side setback abutting a street.
 - (5) No parking shall be allowed in any front setback area. However, drives of ingress and egress from the public street to the parking area shall be allowed to cross the front setback from front to rear.
- (d) *Side setback.*
- (1) Where the ends of the building are adjacent to and parallel to the side lot lines, the setback shall be not less than ten feet or ten percent of the width of the lot, whichever is smaller, but in no case shall the side setback be less than eight 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 setback shall be not less than ten percent of the length of the building side adjacent to the side setback, but in no case shall the side setback be less than 12 feet.
 - (3) Where the side of a building containing openings for access to the building faces the side lot line, side setbacks shall have a minimum width equal to ten percent of the length of the building but in no case shall this distance be less than 16 feet.
 - (4) In the case of open court, closed court apartment buildings or the construction of parallel apartment buildings facing or backing to each other on a single lot or tract or a combination of lots, or where the ends of an apartment building are adjacent to and parallel to the side of another apartment building, or where corners of apartment buildings are the closest points between buildings, then a side lot shall be assumed to exist along the centerline of any such court, yard or open space across which the sides or corners of apartment buildings face or back upon each other.
- (e) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet.
- (f) *Unusable land areas.* No pond, creek or other unusable terrain shall be changed without the approval of such plans by the director of public works. All required setback areas shall be measured from the edge of the usable land available for development as determined by the city plan commission.
- (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 maximum of 3½ feet into the required front, side or rear yards.
- (h) Reserved.
- (i) *Accessory buildings and uses.* Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of use 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 ten feet.
- (j) Reserved.
- (k) Reserved.
- (l) Reserved.
- (m) Reserved.
- (n) Reserved.

(Ord. No. 635-A, § 2, 10-13-69; Ord. No. 636-A, §§ 1(1), 3, 10-20-69; Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 2881-A, § 2, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3530, § 3, 11-28-05; Ord. No. 3598, § 3, 3-26-07)

Sec. 5. Special requirements.

(a) *Reserved.*

(b) *Recreational areas.*

- (1) Each apartment complex shall provide indoor or outdoor recreational or playground to meet the requirements of the residents in such complex, including facilities for children, adolescents and adults.
- (2) Each apartment complex shall provide at least one indoor or outdoor play area for the first 250 apartment units or portion thereof. Said play area shall be a minimum of 900 square feet in area and shall be designed for use by children under ten years of age. Safe, weather-resistant play equipment suitable for children of this age shall be provided. All play equipment must meet the guidelines of the Consumer Product Safety Commission for play equipment and safety surface. Playground access and equipment must be in compliance with A.D.A. requirements.

One additional playground meeting the specifications described above shall be provided for each 250 additional units within the development or portion thereof.

- (3) In addition, with each apartment complex, additional recreational amenities must be provided. These amenities, listed below, shall accrue points based on the values assigned. A minimum of 70 recreational amenity points must be accumulated for each 250 apartment units or portion thereof.
 - a. Additional playgrounds designed for children ten years or age or younger meeting the specifications listed above. (Ten points; maximum ten points per apartment complex.)
 - b. Clubhouse/gameroom/multi-purpose room a minimum of 400 square feet in area for each 250 units. (Ten points.)
 - c. Equipment, such as pool tables, ping-pong tables, foosball tables, etc., in the clubhouse/gameroom/multi-purpose room; electronic videogames or pinball games shall not be eligible for points. The appropriateness of the equipment shall be determined by the city's director of parks and recreation. (One point for each piece of approved equipment.)
 - d. Outdoor multi-use sport court, tennis court, racquetball court or similar facility. (Five points/court.)
 - e. Indoor multi-use sport court, tennis court, racquetball court or similar facility. (Ten points/court.)
 - f. Indoor fitness center at least 400 square feet in area for each 250 units. (Ten points.)
 - g. Swimming pool, including wading area. Pools shall be fenced and secured according to the requirements of the City of Richardson. (Ten points; 20 points maximum per 250 unit apartment complex.)
 - h. Reinforced concrete jogging trail, bike path or combination thereof, a minimum of eight feet in width. (Ten points.)
 - i. Usable open space, at least 1,000 square feet in area, to include at least three of the following: cluster of trees, water features, seating areas, picnic tables, barbecue grills, gazebos or other elements as approved by the city's director of parks and recreation. (Ten points; maximum 30 points per 250 unit apartment complex.)
 - j. Other recreational amenities as approved by the city's director of parks and recreation. (One through ten points, to be determined by the director of parks and recreation.)

Creeks and drainageways, which would otherwise be required to remain in an open state, shall not be eligible for the accumulation of points toward the total requirement, nor shall improvements in any required front or side yard areas.

- (4) It shall be the responsibility of the director of parks and recreation of the city to review the proposed recreational amenities and provide a written assessment of their adequacy to the city plan commission prior to consideration of the site plan.
- (5) Open space shall be disposed in such a manner as to ensure the safety and welfare of residents.
- (c) *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.
- (d) *Additional special requirements for apartments.*
 - (1) All apartment developments shall have roof coverings applied in accordance with the Richardson Building Code and/or in accordance with manufacturer's recommendations. The following materials shall be permitted: slate, concrete or clay roofing tile, copper, steel or aluminum, laminated asphalt shingles of at least 300 pounds per square, or other material approved by the building official. Wood shingles are expressly prohibited.
 - (2) Each apartment complex shall be enclosed by a perimeter fence. Where the fence is adjacent to a street or within any front yard area or adjacent to any street, it shall be constructed of masonry, native stone, wrought iron or other material approved by the city engineer as being at least equivalent to the above and shall provide at least 50 percent through vision. Where the fence is within a side or rear yard area, it may be constructed of masonry material, native stone, wrought iron, chain link with a landscape hedge material which will reach at least the height of the fence at maturity. Said perimeter fence may include access control features at the entrances to the development. Access control shall be in conformance with city policies for such devices.
 - (3) Exterior front doors on all structures except garages shall be constructed of metal a minimum of 20 gauge in thickness with an insulated core or fiberglass with an insulated core. Glass inserts to allow light shall be permitted. Patio doors may be of a French or sliding glass type with metal or solid wood frames. Garage doors shall be constructed of metal a minimum of 24-gauge thickness. No hollow core or wooden doors shall be permitted.
 - (4) All balcony and stairway surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Standard Building Code. All handrails and guardrails shall be constructed of noncombustible materials. Trim on balconies and stairways may be constructed of noncombustible or combustible materials.
 - (5) For purposes of this section, "apartment communities" shall be defined as multifamily developments with a maximum of 250 dwelling units that share common access and circulation, parking areas, recreational areas and other facilities. Any new multifamily developments or substantial redevelopment of existing multifamily developments shall be determined to be apartment communities and shall be designed in such a way so that a maximum of 250 dwelling units share common access and circulation, parking areas, recreational areas and other facilities. Physical separation between apartment communities shall be required by means of permanent perimeter fencing with no openings for vehicular or pedestrian traffic.

(Ord. No. 358-A, 8-3-64; Ord. No. 635-A, § 1, 10-13-69; Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3598, § 4, 3-26-07; Ord. No. 4330, § 2, 2-10-20)

Sec. 6. Reserved.

Editor's note(s)—Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 6, which pertained to site plan approval and derived from Ord. No. 635-A, § 1, adopted Oct. 13, 1969; and Ord. No. 2816-A, § 17, adopted Jan. 14, 1971.

Sec. 7. Reserved.

Editor's note(s)—Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 7, which pertained to landscape plan approval and derived from Ord. No. 2816-A, adopted Jan. 14, 1991.

ARTICLE XV. A-950-M APARTMENT DISTRICT REGULATIONS¹

Sec. 1. Use regulations.

In the A-950-M Apartment District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Apartments in compliance with all provisions and area regulations of this district.
- (b) Duplex dwellings in compliance with all provisions and area regulations of the D-1400-M Duplex District.
- (c) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
- (d) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
- (e) Townhomes in compliance with all provisions and area regulations of the RA-1100-M Residential Attached (Townhome) District.

(Ord. No. 2816-A, § 18, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Building regulations.

- (a) *Minimum floor area of dwelling unit.* The minimum floor area per apartment living unit shall be 700 square feet.
- (b) *Building separation.* Buildings shall be separated from other buildings on the same lot by a minimum of 16 feet, unless one of the exposed walls is constructed as a fire wall in accordance with the Richardson building code.
- (c) *Type of materials.* **REPEALED**
 - (1) All buildings shall have a minimum of 75 percent of the exterior walls constructed of masonry construction; provided, however, that chimneys for newly constructed apartments or additions to existing apartment buildings shall be of 100 percent masonry construction. At the time of site plan

¹Editor's note(s)—See the editor's note to article XIII-A.

review, the city plan commission may approve alternate materials, which are allowed by the Building Code, to provide a superior appearance.

- (2) A maximum of 15 percent of the exterior walls may be of a nonmasonry material as defined in the comprehensive zoning ordinance.
 - (3) The remaining exterior walls may be constructed of masonry-type materials, such as exterior stucco, manmade or natural stone, exterior insulating finishing systems (E.I.F.S.) or other materials approved by the Building Code.
 - (4) For "chateau," "mansard" or any other design where the roof serves as an exterior wall, the above percentages shall apply.
- (d) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, day care facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.
- (Ord. No. 836-A, § 5, 3-26-73; Ord. No. 2816-A, § 18, 1-14-90; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 4, 7-14-08)

Editor's note(s)—Section 6 of Ord. No. 836-A provides as follows:

"Section 6. That Section 2 of Articles XII-A, XIII-A and XV of the Comprehensive Zoning Ordinance of the City be and the same are hereby amended by adding thereto the drawing marked Exhibit 'A' which is attached hereto and made a part hereof for all purposes and which shall become a part of and attached to the above articles of the Comprehensive Zoning Ordinance."

Exhibit A is not included herein, but is on file and available for inspection in the office of the city secretary.

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height. In addition, no building shall exceed one story when located within 150 feet of a residential or duplex zoning district, said measurement to include streets and alleys.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall be limited to one story not to exceed 25 feet in height.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Lot area and dimensions.*
 - (1) *Lot area.* The minimum lot area shall be 16,000 square feet.
 - (2) *Lot dimensions.* The minimum lot dimensions shall be:
 - (a) Minimum width: 75 feet;
 - (b) Minimum depth: 120 feet.
 - (3) *Density.* In no instance shall the density in the A-950-M district exceed 18 units per acre.

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- (b) *Lot coverage.* The principal building(s) and any accessory buildings (exclusive of parking structures) shall not cover more than 30 percent of the total area of the lot, tract, parcel, estate, or other land upon which apartment building is located.
- (c) *Front setback.*
- (1) There shall be a landscaped front setback having a minimum depth of 30 feet, subject, however, to the following exceptions:
 - a. *Exception to front setback requirements.* Along streets already having a uniform building line, new structures shall conform to that so existing. If there is a variance in the depth of those already existing in the same block and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building on its right when looking toward the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block. In no event shall a building line set back less than 30 feet or more than 50 feet from the front lot line be required.
 - (2) On corner lots, the required front setback shall be required on both streets.
 - (3) Where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
 - (4) No structures shall be located in the required front setback or in a required side setback abutting a street.
 - (5) No parking shall be allowed in any front setback area. However, drives of ingress and egress from the public street to the parking area shall be allowed to cross the front setback from front to rear.
- (d) *Side setback.*
- (1) Where the ends of the building are adjacent to and parallel to the side setback shall be not less than ten feet or ten percent of the width of the lot, whichever is smaller, but in no case shall the side setback be less than eight 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 setback shall be not less than ten percent of the length of the building side adjacent to the side setback, but in no case shall the side setback be less than 12 feet.
 - (3) Where the side of a building containing openings for access to the building faces the side lot line, side setbacks shall have a minimum width equal to ten percent of the length of the building, but in no case shall this distance be less than 16 feet.
 - (4) In the case of open court, closed court apartment buildings or the construction of parallel apartment buildings facing or backing to each other on a single lot or tract or a combination of lots, or where the ends of an apartment building are adjacent to and parallel to the side of another apartment building, or where corners of apartment buildings are the closest points between buildings, then a side lot shall be assumed to exist along the centerline of any such court, yard or open space across which the sides or corners of apartment buildings face or back upon each other.
- (e) *Rear yard setback.* There shall be a rear setback having a depth of not less than 25 feet.
- (f) *Unusable land areas.* No pond, creek or other unusable terrain shall be changed without the approval of such plans by the director of public works. All required setback areas shall be measured from the edge of the usable land available for development as determined by the city plan commission.

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- (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 to a maximum of 3½ feet into the required front, side or rear yards.
 - (h) *Reserved.*
 - (i) *Accessory buildings and uses.* Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of use permitted in this district.

All accessory buildings which are not a part of the main building shall be separated from the main buildings by a minimum of ten feet.

(Ord. No. 635-A, § 2, 10-13-69; Ord. No. 636-A, §§ 1(2), 3, 10-20-69; Ord. No. 2816-A, § 18, 1-14-91; Ord. No. 2881-A, § 3, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 3, 3-26-07)

Sec. 5. Special requirements.

- (a) *Reserved.*
- (b) *Recreational areas.*
 - (1) Each apartment complex shall provide indoor or outdoor recreational or playground to meet the requirements of the residents in such complex, including facilities for children, adolescents and adults.
 - (2) Each apartment complex shall provide at least one indoor or outdoor play area for the first 250 apartment units or portion thereof. Said play area shall be a minimum of 900 square feet in area and shall be designed for use by children under ten years of age. Safe, weather-resistant play equipment suitable for children of this age shall be provided. All play equipment must meet the guidelines of the Consumer Product Safety Commission for play equipment and safety surface. Playground access and equipment must be in compliance with A.D.A. requirements.

One additional playground meeting the specifications described above shall be provided for each 250 additional units within the development or portion thereof.
 - (3) In addition, with each apartment complex, additional recreational amenities must be provided. These amenities, listed below, shall accrue points based on the values assigned. A minimum of 70 recreational amenity points must be accumulated for each 250 apartment units or portion thereof.
 - a. Additional playgrounds designed for children ten years or age or younger meeting the specifications listed above. (Ten points; maximum ten points per apartment complex.)
 - b. Clubhouse/gameroom/multi-purpose room a minimum of 400 square feet in area for each 250 units. (Ten points.)
 - c. Equipment, such as pool tables, ping-pong tables, foosball tables, etc., in the clubhouse/gameroom/multi-purpose room; electronic videogames or pinball games shall not be eligible for points. The appropriateness of the equipment shall be determined by the city's director of parks and recreation. (One point for each piece of approved equipment.)
 - d. Outdoor multi-use sport court, tennis court, racquetball court or similar facility. (Five points/court.)
 - e. Indoor multi-use sport court, tennis court, racquetball court or similar facility. (Ten points/court.)
 - f. Indoor fitness center at least 400 square feet in area for each 250 units. (Ten points.)

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- g. Swimming pool, including wading area. Pools shall be fenced and secured according to the requirements of the City of Richardson. (Ten points; 20 points maximum per 250 unit apartment complex.)
 - h. Reinforced concrete jogging trail, bike path or combination thereof, a minimum of eight feet in width. (Ten points.)
 - i. Usable open space, at least 1,000 square feet in area, to include at least three of the following: cluster of trees, water features, seating areas, picnic tables, barbecue grills, gazebos or other elements as approved by the city's director of parks and recreation. (Ten points; maximum 30 points per 250 unit apartment complex.)
 - j. Other recreational amenities as approved by the city's director of parks and recreation. (One through ten points, to be determined by the director of parks and recreation.)

Creeks and drainageways, which would otherwise be required to remain in an open state, shall not be eligible for the accumulation of points toward the total requirement, nor shall improvements in any required front or side yard areas.

- (4) It shall be the responsibility of the director of parks and recreation of the city to review the proposed recreational amenities and provide a written assessment of their adequacy to the city plan commission prior to consideration of the site plan.
 - (5) Open space shall be disposed in such a manner as to ensure the safety and welfare of residents.
- (c) *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.
- (d) *Additional special requirements for apartments.*
- (1) All apartment developments shall have roof coverings applied in accordance with the Richardson Building Code and/or in accordance with manufacturer's recommendations. The following materials shall be permitted: slate, concrete or clay roofing tile, copper, steel or aluminum, laminated asphalt shingles of at least 300 pounds per square, or other material approved by the building official. Wood shingles are expressly prohibited.
 - (2) Each apartment complex shall be enclosed by a perimeter fence. Where the fence is adjacent to a street or within any front yard area or adjacent to any street, it shall be constructed of masonry, native stone, wrought iron or other material approved by the city engineer as being at least equivalent to the above and shall provide at least 50 percent through vision. Where the fence is within a side or rear yard area, it may be constructed of masonry material, native stone, wrought iron, chain link with a landscape hedge material which will reach at least the height of the fence at maturity. Said perimeter fence may include access control features at the entrances to the development. Access control shall be in conformance with city policies for such devices.
 - (3) Exterior front doors on all structures except garages shall be constructed of metal a minimum of 20 gauge in thickness with an insulated core or fiberglass with an insulated core. Glass inserts to allow light shall be permitted. Patio doors may be of a French or sliding glass type with metal or solid wood frames. Garage doors shall be constructed of metal a minimum of 24-gauge thickness. No hollow core or wooden doors shall be permitted.
 - (4) All balcony and stairway surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Standard Building Code. All handrails and guardrails shall be constructed of noncombustible materials. Trim on balconies and stairways may be constructed of noncombustible or combustible materials.

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- (5) For purposes of this section, "apartment communities" shall be defined as multifamily developments with a maximum of 250 dwelling units that share common access and circulation, parking areas, recreational areas and other facilities. Any new multifamily developments or substantial redevelopment of existing multifamily developments shall be determined to be apartment communities and shall be designed in such a way so that a maximum of 250 dwelling units share common access and circulation, parking areas, recreational areas and other facilities. Physical separation between apartment communities shall be required by means of permanent perimeter fencing with no openings for vehicular or pedestrian traffic.

(Ord. No. 358-A, 8-3-64; Ord. No. 635-A, § 1, 10-13-69; Ord. No. 2816-A, § 18, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3598, §§ 4, 5, 3-26-07; Ord. No. 4330, § 3, 2-10-20)

Sec. 6. Reserved.

Editor's note(s)—Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 6, which pertained to site plan approved and derived from Ord. No. 635-A, § 1, adopted Oct. 13, 1969; and Ord. No. 2816-A, § 1, adopted Jan. 14, 1991.

Sec. 7. Reserved.

Editor's note(s)—Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 7, which pertained to landscape plan approval and derived from Ord. No. 2816-A, § 18, adopted Jan. 14, 1991.

ARTICLE XVI. A-850-F APARTMENT DISTRICT REGULATIONS

Sec. 1. Use regulations.

The use regulations, building regulations, height regulations, area regulations and other requirements of the A-850-F Apartment District classification shall be the same as those contained in article XV, A-950-M Apartment District regulations, of the comprehensive zoning ordinance.

(Ord. No. 358-A, 8-3-64; Ord. No. 3377-A, § 1, 1-14-02)