



# **AGENDA**



## AGENDA

### PLANNING & ZONING COMMISSION

Tuesday, March 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 Variance Request – 124 West Street Nevada, Texas 75173.

**Summary:** Install 2 ¼ inch welded pipe fence with 6ft. livestock panels; 2 gates 14ft. in length.

5. Deliberation and take any appropriate action on the Multi-Family Dwellings portion of the City Ordinance to prepare for future consideration.

## FUTURE AGENDA ITEMS

6. *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.
7. Adjournment/Closing –

### CERTIFICATION

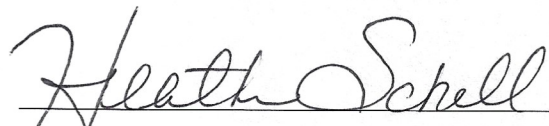
This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Council reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation 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, March 22, 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 – Jose Valencia

Commissioner – Shane Brinton

Commissioner – OPEN

Commissioner – Judy Hudson

Commissioner – OPEN

#### City Staff:

Heather Schell, Assistant City Secretary

Chris Donnan, City Engineer

Jim Shepherd, City Attorney

#### Citizens:

Bart Carroll

Nathan Olson

Jim Woomeer

### 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

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Russell Newton, Chairman

Attest:



Heather Schell, Assistant City Secretary





# **AGENDA ITEM**

## **#4**

**City of Nevada, TX**

**RESIDENTIAL  
BUILDING PERMIT  
APPLICATION  
PACKET**



SUBMIT ALL APPLICATIONS TO  
[cityclerk@cityofnevadatx.org](mailto:cityclerk@cityofnevadatx.org)

**424 E FM 6, Nevada, TX 75173**



# NEW-RESIDENTIAL SUBMITTAL REQUIREMENTS

## ADOPTED CONSTRUCTION CODES:

- 2021 International Residential Code and Local Amendments
- 2021 International Plumbing Code and Local Amendments
- 2021 International Mechanical Code and Local Amendments
- 2021 International Fuel Gas Code and Local Amendments
- 2021 International Energy Conservation Code and Local Amendments
- 2020 National Electrical Code and Local Amendments

## PERMIT REQUIREMENTS:

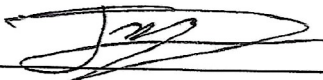
The General Contractor and Sub-Contractors (Plumbing, Mechanical, and Electrical) are required to register or validate a Building Permit. A building permit or contractor permit will not be accepted if the application is not properly completed. This means that all required information must be submitted, and all **VALIDATED** contractors must be licensed and currently registered with the city of Nevada.

### The following items must be submitted at the time of the permit application:

- Completed Residential Plan Check List (this form)
- Completed Building Permit Application.
- Current certificate of liability insurance
- 3 copies of house plans, (scaled to 11 x 17 minimum)
- One (3) copy of the plot plan (scaled to 11 x 17 minimum)
- Plumbing, Electrical, and Mechanical design. The mechanical design can be limited to the location and size of the HVAC units with location of exhaust fans, the Electrical outlet locations and service size and location. Location of smoke Detectors and carbon monoxide detectors/alarms as required by code.
- 3 copies of Engineered shear wall and portal frame plan prepared by a Texas licensed Engineer (scaled to 11 x 17 minimum)
- 3 copies of Engineered foundation plan prepared by a Texas licensed Engineer (scaled to 11 x 17 minimum)
- Original letter from the engineer stating that the foundation was designed for the soil conditions of the lot. The letter must also state that the foundation design criteria comply with the requirements of the 2021 International Residential Code.
- 3 copies of Energy code plan review (3<sup>rd</sup> party certified)
- 3 copies of Grading plan prepared by a Texas Licensed Engineer (scaled to 11 x 17 minimum)
- Thumb drive or CD, prepared by an Architect or approved designer.

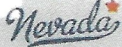
**This form must be completed, signed, & turned in with your permit application.**

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

03-13-2024



# Residential Building Permit Application

City of Nevada | 424 E. 6 Nevada, TX 75173 | (972)-853-0027 | cityclerk@cityofnevadatx.org

**Building Permit Number:** \_\_\_\_\_  
(Given after approval / payment)

**Project Address:** 124 West Street **Valuation:** \$600,00

**Lot:** 52 **Block:** \_\_\_\_\_ **Subdivision:** SD951-Nevada Outlots (CNV)

**Total Square Feet:** 136 sqft

**Project Description:**

NEW SFR	<input type="checkbox"/>	SFR REMODEL/ADDITION	<input type="checkbox"/>	FENCE	<input checked="" type="checkbox"/>
PLUMBING	<input type="checkbox"/>	ACCESSORY BUILDING	<input type="checkbox"/>	OTHER	<input type="checkbox"/>
MECHANICAL	<input type="checkbox"/>	LAWN IRRIGATION	<input type="checkbox"/>	SPECIFY OTHER	_____
ELECTRICAL	<input type="checkbox"/>	SWIMMING POOL	<input type="checkbox"/>		

**Description of Work:** 2 1/4 inch welded pipe fence w/ 6ft livestock panels; 2 gates 14ft.

**Living Sqft:** 1250 **Garage Sqft:** 550 **Covered Porch Sqft:** 64/225 **Number of stories:** 1

**Owner:** Jesus Arcos-Garcia

**Contact Person:** Jesus Arcos-Garcia

**Address:** 124 West Street Nevada, TX 75173

**Phone Number:** \_\_\_\_\_ **Mobile Number:** 214-579-4895 **Email:** jesusgarcia2282@icloud.com

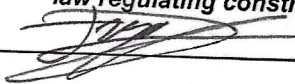
ALL CONTRACTORS AND SUBCONTRACTORS MUST BE REGISTERED WITH THE CITY OF NEVADA

Contractor Type	Contact Person	Phone Number	Contractor License Number
<b>General Contractor</b>	<u>Jesus Arcos-Garcia</u>	<u>214-579-4895</u>	<u>N/A</u>
<b>Mechanical Contractor</b>			
<b>Electrical Contractor</b>			
<b>Plumbing Contractor</b>			

A permit becomes **NULL AND VOID** if authorized work/construction is not commenced within 180 days, or if construction/work is suspended or abandoned for a period of 180 days at any time after work is commenced. All permits require final inspection.

\*A separate permit is required for each residence or building.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

**Signature of Applicant:**  **Date:** 03-13-2024

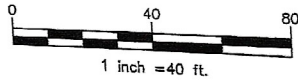
### OFFICE USE ONLY:

<b>Approved by:</b> _____	<b>Date approved:</b> _____
New SFR Permit Fee: _____	Pool Permit Fee: _____
Remodel Permit Fee: _____	Fence Permit Fee: _____
Electrical Permit Fee: _____	Plumbing Permit Fee: _____
Mechanical Permit Fee: _____	Misc. Permit fee: _____
<b>Total Fees:</b> _____	<b>Issued Date:</b> _____
	<b>Issued By:</b> _____

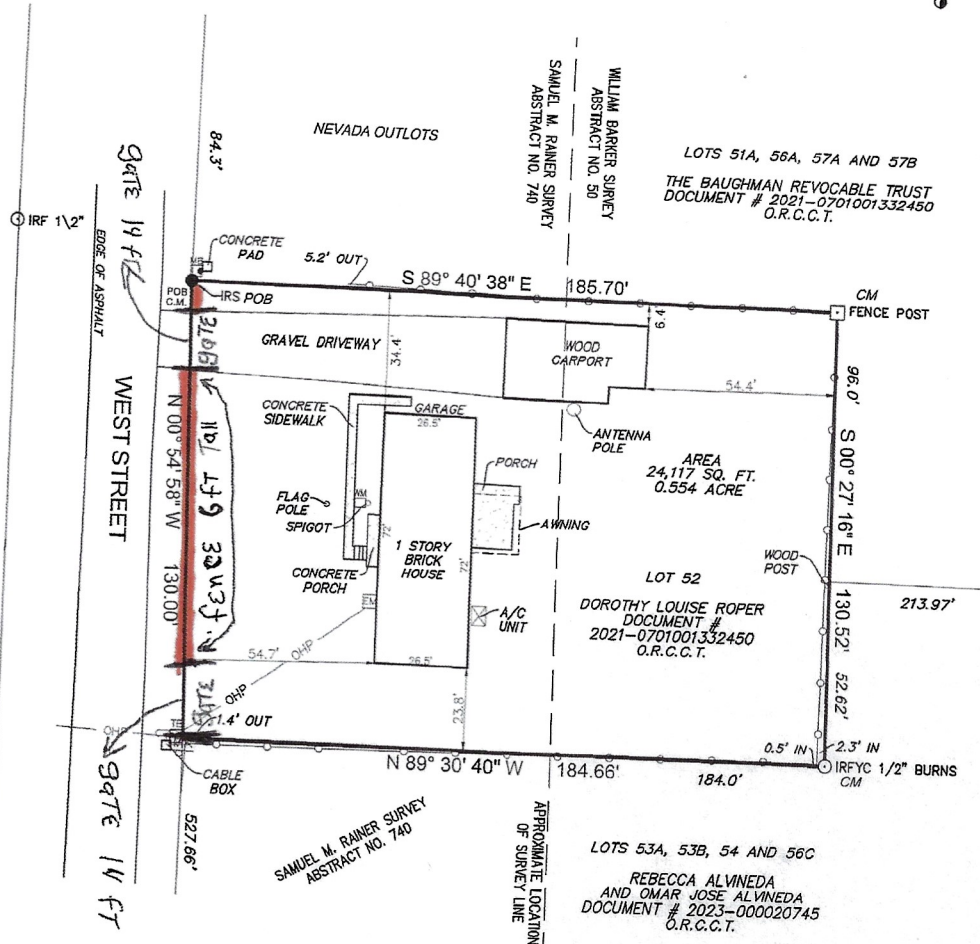
**Please contact Building Code Consulting Service for inspections | Email: [scheduling@bccscode.com](mailto:scheduling@bccscode.com)**

# EXHIBIT A: TITLE SURVEY

I HEREBY DECLARE THAT I HAVE MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY LOCATED AT 124 WEST STREET, IN THE CITY OF NEVADA, COUNTY OF COLLIN, TEXAS, KNOWN AS LOT 52, NEVADA OUTLOTS, AND DESCRIBED IN EXHIBIT B:



Drawing: G:\My Drive\Survey\24006-124 West St Nevada-Title.dwg Saved By: elosi Save Time: 1/31/2024 4:16 PM



**NOTES:**

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON GPS OBSERVATIONS USING THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983 (2011).
2. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA, ACCORDING TO THE FEMA FIRM MAP # 48085C0445J, DATED: 06/02/2009.
3. THIS SURVEY WAS PERFORMED IN CONNECTION WITH AND LIMITED TO TITLE COMMITMENT NUMBER OF NO. 5328-01-24 OF STEWART TITLE GUARANTY COMPANY.

**LEGEND**

POB	POINT OF BEGINNING	— OHP —	OVERHEAD POWER LINE
CM	CONTROLLING MONUMENT	— O — O —	CHAIN LINK FENCE
IRF	IRON ROD FOUND (AS NOTED)	●	BOLLARD
IRS	IRON ROD SET "ARA 6671"	⊙	UTILITY POLE
EM	ELECTRIC METER	— CMK —	CABLE TV MARKER
WM	WATER METER	— TMS —	TELEPHONE MARKER
MB	MAIL BOX	— TP —	TELEPHONE PEDESTAL



01/31/2024

ANEL RODRIGUEZ  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NO. 6671

PREPARED FOR:  
JESUS ARCOS GARCIA

<p>3615 KARNAGHAN LANE MELISSA, TEXAS 75454 TEL: (972) 946-4172</p>		<p>TITLE SURVEY OF 124 WEST STREET NEVADA, TEXAS</p>	
		<p>SURVEY DATE 01-24-24</p>	<p>JOB NO. 24006</p>
<p>CALCULATIONS RODRIGUEZ</p>	<p>DRAWN GONZALEZ</p>	<p>TEXAS SURVEYING FIRM NO. 10194713</p>	

ANEL RODRIGUEZ, RPLS NO. 6671

City of Nevada, TX  
424 E FM  
TX  
972-853-0027  
citysecretary@cityofnevadatx.org



# Receipt

**Received From**  
Jesus Arcos-Garcia  
124 West Street  
Nevada, Texas 75173  
United States

**Date:** 03/13/2024

**Reference No:**

Invoice Number	Invoice Date	Due Date	Original Amount	Balance	Payment
1360	03/13/2024	03/20/2024	414.00	414.00	414.00

Memo: Paid via QuickBooks Payments: Payment ID MQ0215275758

Amount Credited: \$0.00  
Total: \$414.00

No additional transfer fees or taxes apply.

Intuit Payments Inc (IPI) processes payments as an agent of the business. Payment processed by IPI constitutes payment to the business and satisfies your obligation to pay the business, including in connection with any dispute or case, in law or equity. Money movement services are provided by IPI pursuant to IPI's licenses (NMLS #1098819, [www.intuit.com/legal/licenses/payment-licenses/](http://www.intuit.com/legal/licenses/payment-licenses/)). IPI is located at 2700 Coast Avenue, Mountain View, CA 94043, 1-888-536-4801.









# **AGENDA ITEM**

## **#5**



## **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.

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(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)

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## 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.)

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- 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)

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**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 REGULATIONS<sup>1</sup>**

**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

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

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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.)

- 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)