

ORDINANCE NO. 1468

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACHSE, TEXAS AS HERETOFORE AMENDED, SO AS TO GIVE THE HEREINAFTER DESCRIBED TRACT OF LAND "PD - PLANNED DEVELOPMENT ZONING"; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION AND PROVIDING FOR AN EFFECTIVE DATE.

An Ordinance amending the basic Zoning Ordinance of the City of Sachse as enacted by the City Council by permitting the property described in Exhibit "A" to the ordinance to be used under Planned Development District No. 12 for single family dwellings, that Planned Development District No. 12 shall be granted with reference to the property described in Exhibit "A";, subject, however, to the special conditions hereinafter more fully expressed.

WHEREAS, the Planning and Zoning Commission of the City of Sachse and the Governing Body of the City of Sachse, in compliance with the rules and regulations of the City of Sachse and the State Law, with reference to the granting of Planned Development Districts under the Zoning Ordinance Regulations, have given the requisite notices by publications and otherwise and after holding due hearing and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof regarding the rezoning, proposed use or improvements of the property described in Exhibit "A", the Governing Body of the City of Sachse is of the opinion that said Planned Development District should be granted, subject to the conditions set out herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS;

SECTION I.

That the basic Zoning Ordinances of the City of Sachse as enacted by the City Council be, and they are hereby amended insofar as they apply to the property described in Exhibit "A" which shall be used under Planned Development District No. 12, for single family dwellings.

SECTION II.

That this Planned Development District No. 12 for single family dwellings with reference to the property described in Exhibit "A" is approved and granted upon the following express condition, and adopted as part of the City of Sachse Zoning Ordinance.

- (1). Subdivision Plat: A subdivision plat, meeting the requirements of the City of Sachse Subdivision Ordinances shall be submitted. Said plat shall be filed for record with the County Clerk.
- (2). Uses: The uses shall conform to the requirements listed in Exhibit "B", as attached.

**SECTION III.**

That all ordinances of the City of Sachse in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other provisions of the ordinances of the City of Sachse not in conflict with the provisions of the ordinance shall remain in full force and effect.

**SECTION IV.**

That the provisions of this ordinance are severable, so that the invalidity of one or more provisions shall not affect the validity of those valid portions.

**SECTION V.**

That the above-described tract of land shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and as amended herein by the granting of this zoning classification.

**SECTION VI.**

Whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such ordinance, the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished by a fine as provided in Chapter 1, Section 7 of the City of Sachse Code of Ordinances provided, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State. Each day any violation of this ordinance shall continue shall constitute a separate offense.

**SECTION VII.**

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

**DULY PASSED** by the City Council on this the 5th day of May, 1997.

APPROVED:

  
MAYOR

ATTEST:

  
CITY SECRETARY

*EXHIBIT "A"*  
*DEVELOPMENT PLAN*  
*FOR*  
*HUDSON*  
*CROSSING*

*SITUATED IN THE*  
*R. McCULLOUGH SURVEY*  
*ABSTRACT NO. 284*

*92.709 Acres 318 Lots*

*CITY OF SACHSE*  
*DALLAS COUNTY, TEXAS*

J, INC.  
LBJ Fwy  
: 68  
43

(fax)

March 20, 1997

## **EXHIBIT "B"**

### **PD (R8.4), Planned Development , Single-Family Dwelling District**

#### **1.1 General Description**

The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses. The PD (R8.4), Single-Family Dwelling District is further categorized in this section.

#### **1.2 Uses Permitted**

Property and buildings in PD (R8.4), Single-Family Dwelling District, shall be used only for the following purposes:

- (a) Detached one-family dwelling.
- (b) Churches, but not including missions tents or revival tents.
- (c) Public school or school offering general educational courses the same as ordinarily given in public schools and have no rooms regularly used for housing and sleeping.
- (d) Public park and playground.
- (e) Library.
- (f) Growing of farm products.
- (g) Municipal use.
- (h) Telephone exchanges.
- (i) Home occupation.
- (j) Transportation and utility easements, alleys and rights-of-way

- (k) Accessory buildings which are not a part of a main building, including one private garage, or accessory buildings which are a part of a main building, including one private garage.
- (l) A temporary bulletin board or sign, not exceeding twelve (12) square feet in area pertaining to the lease, hire or sale of a single building or premises, which board or sign shall be removed as soon as the premise is leased, hired or sold.
- (m) A temporary bulletin board sign, not exceeding fifty (50) square feet in area pertaining to the lease, hire or sale of multiple buildings or premises.
- (n) A church bulletin board or sign, not exceeding fifty (50) square feet in area, located on the same lot with the church building.
- (o) Temporary construction facilities incidental to the development of property as permitted in this district and which shall be removed when construction work is completed.
- (p) Parking lot required to serve the uses permitted in this district. All single-family dwelling districts shall have concrete surface pavement required for all applications.
- (q) Servant's quarters and quarters used by bona fide farm workers, or other accessory buildings such as barns, sheds and other structures necessary for farming operations may be permitted, provided, however, that no such accessory building or quarters to be used by servants or farm workers shall be occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker and actually and regularly employed by the land owner or occupant of the main building.
- (r) Accessory uses, which shall include the following, when the primary use is residential:
  - (1) Home occupations which are secondary to the primary residential use and which involve the manufacture, assembly, sale or service of goods, work which involve the providing of a service, subject to the following conditions:
    - a. The home occupation is conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s) or entirely within only one accessory building (not to include a driveway, yard or outside area).
    - b. No person, not a family member who resides in the dwelling unit, may participate in the home occupation on the premises.

- c. The lot and the dwelling maintain their residential character. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation. No additional buildings shall be added on the property to accommodate the home occupation.
- d. The home occupation does not generate customer-related vehicular traffic in excess of two (2) vehicles at any one time and a total of five (5) vehicles per twenty-four (24) hour date in the residential neighborhood.
- e. No direct selling of merchandise occurs on the premises.
- f. No equipment or materials associated with the home occupation are displayed or stored where visible from anywhere off the premises.
- g. The occupation produces no external noise, vibrations, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
- h. No vehicle used in connection with the home occupation which exceeds one (1) ton capacity is parked on the premises or on any street adjacent to the residentially zoned property.
- i. The home occupation does not advertise by any signs on the premises, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, newspapers or telephone directories.

Provided, however that nothing herein shall be construed to allow the following businesses or occupations in residential neighborhoods as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, dancing schools, junkyards, restaurants, rental outlets, vehicle repair shops or massage parlors.

- (2) A detached private garage or an attached private garage, in a compartment as a part of the main building.
- (3) A fence, hedge or enclosure wall in accordance with Article 4, Section 2.
- (4) A semi-public parking area.

1.3 Building Regulations

(a) Minimum Size

The minimum area of the main building shall be as specified below, exclusive of garages, breezeways and servant quarters:

25%	1600 sf to 1799 sf
50%	1800 sf to 1999 sf
25%	2000 sf and larger

(b) Height Regulations

No building shall exceed two (2) stories, or thirty feet (30') in height except as provided in Article 4, Section 3.

(c) Exterior Fire-Resistant Construction

An aggregate of the exterior walls of all main buildings and garages shall be at least 75 percent masonry excluding doors and windows.

(d) Garage Requirements

- (1) All residences shall include a private and enclosed garage for all required off-street parking spaces.
- (2) The entrance to all attached garages shall not face any street. Detached garages constructed ten feet (10) behind the main building may have an entrance that faces the front street.

1.4 Area Regulations

(a) Front Yard

- (1) The depth of the front yard shall be twenty-five (25) feet.
- (2) If twenty-five (25) percent or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than that specified above and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than the setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than the front yard setback limit specified above.



- (3) When a yard has double frontage, the front yard requirements shall be complied with on both streets.

(b) Side Yard

- (1) There shall be a side yard on each side of the lot having a width of not less than ten (10) percent of the width at the building line, except as hereinafter provided in Article 4, Section 2.
- (2) For unattached buildings of accessory use, there shall be a side yard of not less than five (5) feet; provided however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
- (3) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and shall conform to front yard requirements in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
- (4) Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

(c) Rear Yard

- (1) There shall be a rear yard for a main building of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller. Unattached accessory buildings may be located in the rear yard of a main building.

(d) Lot Width

For dwellings there shall be a minimum lot width of seventy (70) feet at the front building line, and such lot shall abut on a street for a distance of not less than forty (40) feet.

(e) Intensity of Use

- (1) For each dwelling and building accessory thereto, there shall be a lot area of not less than eight thousand four hundred (8,400) square feet.

- (2) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwelling, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Article 4, Section 5; provided, however, that the lot area for a church shall not be less than that specified above, nor less than twenty-one thousand (21,000) square feet, whichever is greater.

(f) Coverage of Lot

Main and accessory buildings shall not cover a greater percentage of the lot area than forty-five (45) percent.

(g) Provisions for Undersized Lots

- (1) The provisions for this paragraph permit undersized lots within a subdivision as follows. It is the intent of this paragraph that the requirements of the applicable zoning district be met, yet permitting some deviation to accommodate reasonable platting of the subdivision.
- (2) The provisions of this paragraph shall apply to each phase of a subdivision individually, and collectively, and the specific lot numbers of each undersized lot shall be noted on the final plat of each phase of a subdivision.
- (3) The average size of all lots within each phase of a subdivision shall be equal to or greater than the requirement of the applicable zoning district.
- (4) The number of undersized lots within a phase of a subdivision shall be less than ten (10) percent maximum of the total number of residential lots contained within the phase.
- (5) Such undersized lots shall contain at least ninety-five percent (95%) of the minimum percentage of the land area required by the PD (R8.4) zoning district.
- (6) The lot width at front building line and at the front street line of any undersized lot shall be a least ninety (90) percent of the requirement of the PD(R8.4) zoning district.
- (7) Any lot which is undersized in any dimension shall be counted as an undersized lot even if it meets all other dimensional and area requirements.

(h) Provisions for Irregularly Shaped Lots

- (1) In any residential zoning district, the front building line and the street frontage requirements may be amended as follows.
- (2) The provisions of this paragraph shall apply only to lots of irregular shape such as cul-de-sac lots or corner lots on irregular subdivision boundaries. It shall not be applied in general platting of subdivisions.
- (3) Except for front building line and street line, all other provisions of building construction and rear yards shall be as required in the PD(R8.4) zoning district, based on the full width requirement of the PD(R8.4) zoning district.
- (4) The width of the lot at the street right-of-way shall be thirty-five (35) feet minimum.
- (5) The width of the lot at the front building line shall be at least seventy-five (75) percent of the width required in the PD(R8.4) zoning district.
- (6) An irregularly shaped lot must have the full area requirement of the PD(R8.4) zoning district.
- (7) If the width of the lot at the front building line is less than the width required in the applicable zoning district, it will count as an undersized lot as specified in (g) above.

1.5 Outside Storage

- (a) Prohibition. A person commits an offense if he or she keeps, maintains or stores, outside of a building, in the PD(R8.4) Single-Family Dwelling District, any personal property which is visible from a public street or alley, or is visible from private property which is under separate ownership, including but not limited to household items, building materials, automotive parts, equipment, etc., without proper screening and located in allowed outside storage areas only. It shall not be a defense to prosecution that such items were covered with a tarp or similar covering.
- (b) Exceptions. It is not an offense to keep, store or maintain personal property customarily found outside of a building on property zoned for single-family use such as lawn furniture, dog houses, landscape containers, etc.
- (c) Parties Responsible. The owner (or owners) and persons in control of such residentially zoned property are responsible for violations of this subsection.

1.6 Perimeter Screening

- (a) A masonry perimeter fence shall be constructed adjacent and parallel to the right-of-way of Miles Road and shall be a minimum of six feet (6') in height and shall have masonry or stone columns measuring 24 inches by 24 inches, placed on forty foot (40') centers.

1.7 Required Foundation and Front Yard Landscaping

- (a) Prior to the issuance of a Certificate of Occupancy the following foundation and front yard landscaping shall be installed.

- (1.) The front and side yards of each home shall be fully sodded, to the back corner of the house;
- (2.) Each home shall have a six foot (6') privacy fence constructed around the back yard;
- (3.) Each front yard shall have two (2) 2 ½" to 3" caliper trees planted; these may be planted in the right-of-way or in the front yard; and
- (4.) A flower bed shall be planted along the front elevation of each house; as a minimum each home shall have:

- 1 - fifteen (15) gallon shrub
- 14 - five (5) gallon shrubs
- 8 - one (1) gallon shrubs
- 1 - flat of seasonal color

Each flower bed shall be properly mulched to protect the plantings and reduce water consumption.