

**ORDINANCE NO. 097-017**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY AMENDING ORDINANCE 096-002, SECTION 4 TO PROVIDE FOR DELETION OF CONDITIONS OF APPROVAL RELATING TO THE REDUCTIONS OF NOISE LEVEL REQUIRED IN THE CONSTRUCTION OF THE HOUSING UNITS, AND AMENDMENT TO CONDITIONS OF APPROVAL RELATING TO THE CONSTRUCTION OF FENCES ALONG THE EAST AND WEST PROPERTY LINES, ON APPLICATION FROM RANDY NOLAN REAL ESTATE, PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 097-017

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Section 4 to read as follows:

SECTION 4. The following special conditions are placed on the above described property:

-The driveways shall be located where 350 feet of vehicular site visibility is provided.

-Adequate stormwater detention shall be provided in accordance with plans that shall be submitted to the staff for approval.

-A minimum setback for buildings, fences, large shrubs, etc. shall be provided adjacent to the proposed private streets, subject to staff approval.

-Light installations along the western property line shall be screened or hooded to mitigate the light intrusion into the adjacent neighborhood. A lighting plan for the project shall be submitted to staff for approval prior to the issuance of a building permit.

-The minimum centerline street radius shall be 50 feet.

-A detailed set of landscape plans shall be reviewed and approved by the staff before issuance of a building permit. Those plans shall indicate live oak trees along the west property line all the way to the southwest corner of the site, and trees along the east property lines with a spacing of at least one tree per 35 linear feet.

-The property shall be replatted into one tract, with additional easements and lot lines provided, prior to the issuance of the first building permit for the site.

-The pond shown on the plans shall have a fountain installed in it to provide water circulation. The pond must provide for water to be pumped into it, and a water level must be provided in the pond at all times. Engineering designs for all ponds on the site shall be approved by the staff.

-The applicant shall provide certification, by an acoustical expert, that a noise level reduction of 25 dB is provided through the proposed construction. Such certification shall be provided prior to the issuance of a building permit.

-The applicant shall provide certification, by an acoustical expert, that a noise level reduction of 25 dB was achieved through the construction. Such certification shall be provided prior to the issuance of a Certificate of Occupancy for any buildings.

-The fence along the west property line shall be constructed with brick columns set at 40 feet on-center and shall be eight feet (8') in height. If the adjacent property owners to the west (residents of Le Grande who back up to this property) remove the fence along their east property lines, the applicant shall finish the fence on both sides. The applicant will not be required to finish the fence on both sides for property owners who do not remove their fences. The applicant will not be required to finish the fence on the west side for adjacent residents who take their fences down at a later date.

-The applicant shall send out a letter advising the property owners that he will finish the fence on both sides for all property owners who take their fences down. He shall also send a second notice advising the property owners as to the date he will construct his fence, and the name of his fence contractor so that the property owners, if they choose, can hire the same fence contractor to take down their fences.

-The fence along the east property line shall be constructed of brick columns, set at 40 feet on-center, and CMU blocks. The "cut-faced" side of the CMU blocks shall face to the west (inside of the project). The northeastern corner of the fence, adjacent to Beltway Drive, shall be constructed of CMU double-sided block. The fence shall be eight feet in height, and shall be landscaped on the west side in accordance with a plan submitted to, and approved by staff. The landscaping must be irrigated and maintained by the applicant.

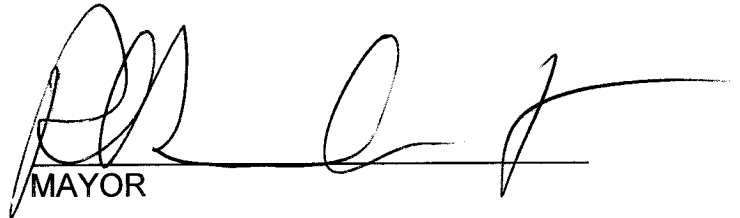
SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, on this the 22nd day of April, 1997.



MAYOR

ATTEST:



CITY SECRETARY

CASE NO. 1287-Z



APPROVED AS TO FORM

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 097-017

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 18 ("UTILITIES") OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING ARTICLE V THEREOF ("TELEPHONES") BY AMENDING THE DEFINITIONS AND BY AMENDING SECTION 18-201 RELATING TO THE 9-1-1 SERVICE FEE IMPOSED ON EQUIVALENT LOCAL EXCHANGE ACCESS LINES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendments. Chapter 18 ("Utilities") of the Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, articles, sections, paragraphs, sentences, phrases and words of the Code are not amended but are hereby ratified and affirmed:

A. Section 18-200 ("Definitions") is amended by amending the definition of "equivalent local exchange access lines" to read as follows:

*"Equivalent local exchange access lines means any telephone line (other than local exchange access lines/trunks) or service for which a federal subscriber line charge is assessed by a local exchange service supplier on the customer's bill or any cellular telephone, communication channel, personal communication system, commercial mobile radio service, cable/broadband services, or any other wire or wireless means that connects the customer to the public switched telecommunications network and provides the customer with ability to reach a public safety answering point by dialing the digits 9-1-1. The term does not include coin-operated public telephone equipment, public telephone equipment operated by card reader, commercial mobile radio service that provides access to a paging or other one-way signaling service, a communication channel suitable only for data transmission, a wireless roaming service or other nonvocal commercial mobile radio service, or a private telecommunications system."*

B. Section 18-201 ("Imposition of 9-1-1 service fee") is hereby amended so that it shall hereafter read as follows:

"Sec. 18-201. Imposition of 9-1-1 service fee.

(a) There is hereby imposed on each telephone subscriber's local exchange access line ~~and equivalent local exchange access line~~ in the Town of Addison

a 9-1-1 service fee in the amount of 6% of the customer's base rate which equals sixty-two cents (\$0.62) per month for each residential line, one dollar and fifty two cents (\$1.52) per month for each business line, or two dollars and forty cents (\$2.40) per month for each business trunk line (and said dollar amounts may change based upon the amount of the customer's base rate).

**(b) There is hereby imposed on each telephone subscriber's equivalent local exchange access lines a 9-1-1 service fee in the amount of sixty-two cents (\$0.62) per month.**


**(c) Such fees shall be used to provide for the purchase, installation and replacement of 9-1-1 service equipment, all operating and maintenance costs and other costs attributable to designing a 9-1-1 system including necessary personnel and any other emergency communications equipment and service and costs related thereto which are reasonably related to 9-1-1 service. Such 9-1-1 service shall be furnished pursuant to a written contract between the city and a service supplier, pursuant to the provisions of this Article, to provide for the billing and collection of fees imposed by the City herein."**

**Section 2. Savings.** This Ordinance shall be cumulative of all other ordinances of the City affecting telephone service and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

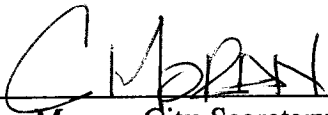
**Section 3. Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4. Effective date.** This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 22nd day of April, 1997.

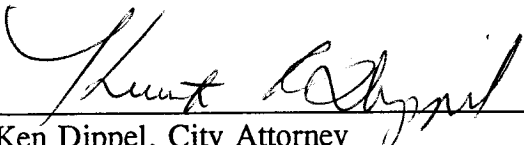
  
Rich Beckert, Mayor

ATTEST:

  
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Carmen Moran, City Secretary

[SEAL]

APPROVED AS TO FORM:

  
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Ken Dippel, City Attorney

Published  
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