TOWN OF ADDISON ORDINANCE NO. 007-022

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, APPROVING REVISED DEVELOPMENT PLANS, PREVIOUSLY APPROVED UNDER PLANNED DEVELOPMENT ORDINANCE NO. 085-037 AS AMENDED BY ORDINANCE 093-057, AS AMENDED BY ORDINANCE 099-020, FOR A SITE LOCATED ON 1.236 ACRES AT 16800 WESTGROVE, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; ON APPLICATION FROM SENECA INVESTMENTS SERVICES, INC.; PROVIDING FOR SPECIAL CONDITIONS; 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:

SECTION 1. That the zoning development plans for certain real property located within the Town of Addison (a true and correct copy of which development plans are attached hereto as <u>Exhibit A</u> and incorporated herein), which real property is described

below and is zoned Planned Development district pursuant to Ordinance 085-037 of the Town, as amended by Ordinance 093-057 and by Ordinance 099-020, are approved. The real property which is the subject of the said zoning development plans and this Ordinance is described as follows:

Lot 1, a tract of 8.128 acres, said tract being part of the Lots 1, 2, & 3, Block A, Sojourn Plaza Addition, an addition to the Town of Addison, situated in the Levi Nobles Survey, Abstract No. 1098, and the William Lomax Survey, abstract No. 792, Dallas County, Texas, and recorded in the Deed Records of Dallas County, Texas in Volume 99116, Page 00068.

SECTION 2. That the development plans are approved subject to the following conditions:

-The applicant shall secure an official Determination of No Hazard statement from the FAA prior to the issuance of a Certificate of Occupancy.

-The property owner shall grant an avigation easement to the city prior to the issuance of a building permit.

-The applicant shall provide certification, by an acoustical expert, that a noise level reduction of 30 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 30 dB is achieved with the construction. Such certification shall be provided prior to the issuance of a Certificate of occupancy.

SECTION 3. 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 4. 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 5. 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 6. 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 14th day of August, 2007.

a Chon MAYOR

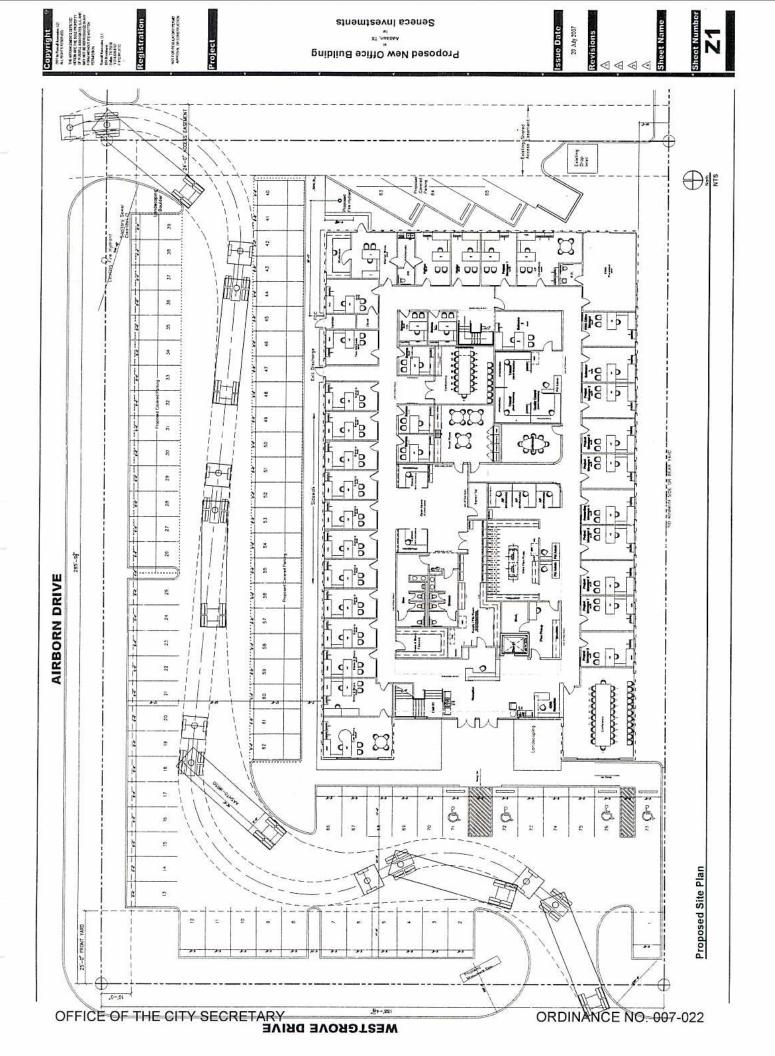
ATTEST:

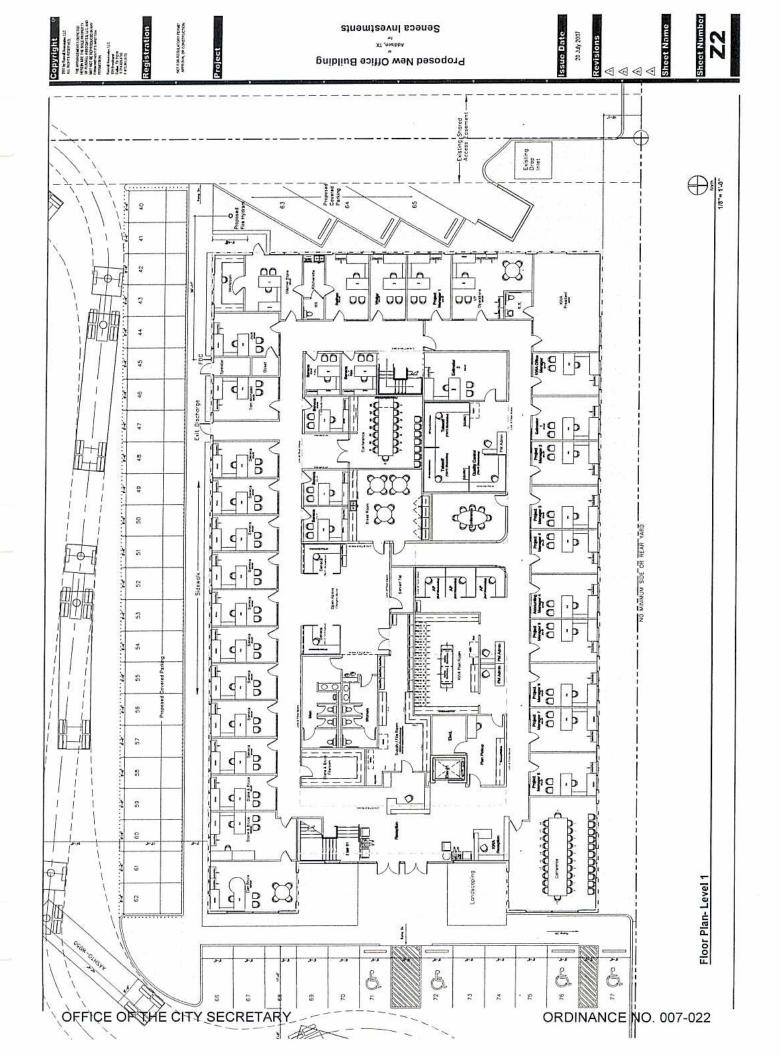
CASE NO: 1344-Z APPROVED AS TO FORM:

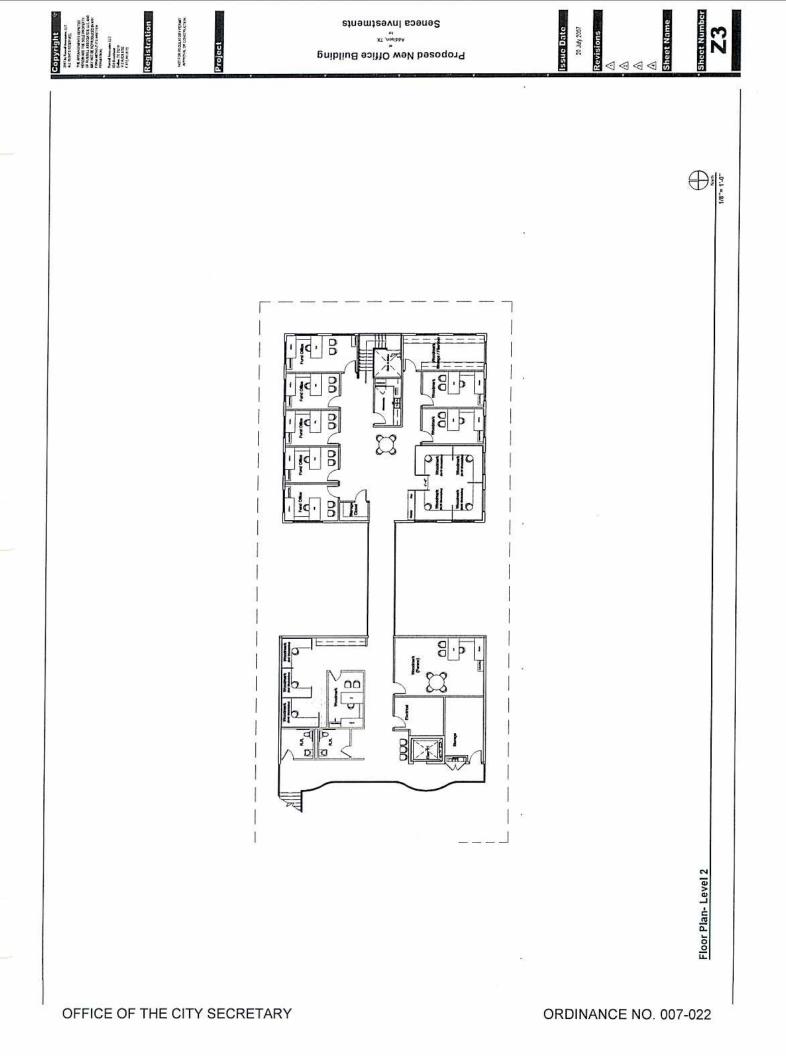
DIRECTOR OF DEVELOPMENT SERVICES

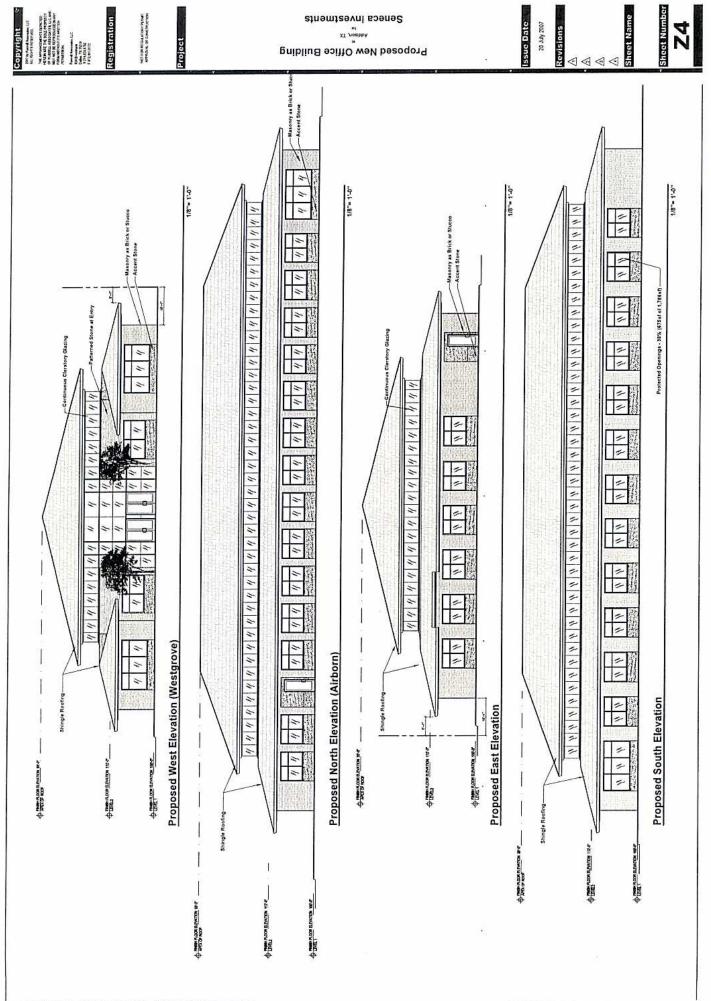
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