

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, THE SAME BEING APPENDIX-A ZONING OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING AND MODIFYING THE ZONING APPLICABLE TO THE PROPERTY GENERALLY LOCATED WITHIN THE TOWN AT 14901 DALLAS PARKWAY AND AS MORE PARTICULARLY DESCRIBED HEREIN BY PROVIDING FOR THE REMOVAL OF THE SWIMMING POOL FACILITY THEREON AND THE ADDITION, IN ITS PLACE OF ADDITIONAL MEETING SPACE; PROVIDING THAT DEVELOPMENT, USE, AND OCCUPANCY OF THE PROPERTY SHALL BE IN ACCORDANCE WITH AND SUBJECT TO THIS ORDINANCE, THE ORDINANCES, INCLUDING THE CITY'S COMPREHENSIVE ZONING ORDINANCE, LAWS, RULES, STANDARDS, CODES, AND REGULATIONS OF THE CITY AND OF OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER THE PROPERTY, AND THE ATTACHED SITE PLAN; PROVIDING THAT NO PERMITS SHALL BE ISSUED REGARDING THE DEVELOPMENT, USE, AND OCCUPANCY OF THE PROPERTY UNLESS THERE IS COMPLIANCE WITH ALL ORDINANCES AND OTHER LAWS, RULES, AND REGULATIONS; PROVIDING THAT THE OFFICIAL ZONING MAP; SHALL BE AMENDED TO REFLECT THE CHANGES HEREIN MADE, AS NECESSARY; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a tract of land located within the Town of Addison, Texas (the "City"), containing approximately 6.36 acres of land, the street address of which is 14901 Dallas Parkway, Dallas, Texas 75254 and which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the "Property"), is zoned PD Planned Development District No. 20 pursuant to Ordinance No. 666 of the City, which Ordinance permits the use of the Property for a hotel as set forth therein and on which Property a Marriott (Marriott Hotels®) brand full service hotel (the "Hotel") is located and operated; and

**WHEREAS**, the zoning on the Property further includes special use zoning for restaurants located within the Hotel and for the sale of alcoholic beverages for on-premises consumption only as set forth in Ordinance No. 667 of the City, which Ordinance was amended by Ordinance No. 086-014 of the City that modified the square footage within the Hotel in which restaurants and the sale of alcoholic beverages for on-premises consumption are allowed; and

**WHEREAS**, the Hotel includes an indoor swimming pool and related facilities ("Swimming Pool"), and the owner of the Property desires and intends to convert the Swimming

Pool into a ballroom or meeting space containing approximately 3,000 square feet of space together with related and supporting amenities (e.g., bathroom facilities) (the “Additional Meeting Space”) (the location of the area within the Hotel where the conversion will occur is shown in the Site Plan for the Property attached hereto as Exhibit B and incorporated herein by this reference (the “Site Plan”); and

**WHEREAS**, it is anticipated that the addition of the Additional Meeting Space will increase the use of the Hotel by third parties who will not be using the Hotel for overnight accommodations, but rather will be using the Hotel and the Additional Meeting Space for meeting and event purposes, thereby creating a more intense or dense (e.g., higher traffic volume) use of the Hotel and its facilities; and

**WHEREAS**, the owner of the Property filed an application with the City requesting an amendment to the zoning on the Property to reflect the removal of the Swimming Pool and the addition of the Additional Meeting Space as shown by the Site Plan, in accordance with City’s comprehensive Zoning Ordinance, the same being Appendix A-Zoning of the City’s Code of Ordinances (the “Zoning Ordinance”); and

**WHEREAS**, the City Planning and Zoning Commission and the City Council, in accordance with State law and the ordinances of the City, have given the required notices and have held the required public hearings regarding this modification of the zoning of the Property; and

**WHEREAS**, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at the said public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City recommended to the City Council, and presented a final report to the City Council regarding, the amendment to the zoning of the Property as set forth in this Ordinance, subject to the conditions set forth herein; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing conducted by the City Council, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety and welfare.

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

Section 1. Incorporation of Premises. The above and foregoing premises and recitals are true and correct and are incorporated herein and made a part of this Ordinance for all purposes.

Section 2. Amendment. The Comprehensive Zoning Ordinance of the Town of Addison, Texas, the same being Appendix A – Zoning of the Code of Ordinances of the City (the “Zoning Ordinance”), is hereby amended as follows:

The zoning on the Property is amended and modified to provide for the addition of the Additional Meeting Space, in place of the Swimming Pool, as described in the premises and recitals above. The Property, the Hotel, and the location of the Additional Meeting

Space, consisting of approximately 3,000 square feet of space together with related and supporting amenities (e.g., bathroom facilities), is shown in the Site Plan of the Property attached hereto as Exhibit B.

Section 3. Development, Use of Property. The development, use, and occupancy of the Property shall be in accordance and conformance with and subject to the zoning on the Property as set forth in City Ordinance No. 666, Ordinance No. 667, and Ordinance No. 086-014, and this Ordinance, the Site Plan attached hereto as Exhibit B, all applicable parts of the Zoning Ordinance (Appendix A – Zoning of the Code of Ordinances of the City), and all other applicable laws, statutes, constitutions, charters, ordinances, rules, regulations, codes and standards of the City (and as the same may be hereafter amended or superseded) and of any other applicable governmental entity, agency, or authority.

Section 4. Permits, Certificates of Occupancy. No building permit, certificate of occupancy, or any document or instrument used by the City in connection with construction, development, use, or occupancy of property, shall be issued until there has been full compliance with this Ordinance and all other ordinances, rules, and regulations of the City.

Section 5. Zoning map. The official Zoning Map of the City shall be modified to reflect the zoning change herein made, as appropriate.

Section 6. Purpose. The amendment to zoning herein made has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

Section 7. No Other Amendment; Savings. Except for the amendment and change made herein as set forth in Section 2 hereof, this Ordinance does not, is not intended to, and shall not be construed to modify, amend or change the zoning on (including the provisions of City Ordinance No. 666, Ordinance No. 667, and Ordinance No. 086-014) or any ordinance, rule, regulation, code, or standard applicable to or affecting the Property, and all of the same shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal, modify, or amend 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 8. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 9. 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, void, unlawful 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,

voidness, unlawfulness or unconstitutionality, which remaining portions shall remain in full force and effect.

Section 10. Effective date. This Ordinance shall become effective from and after its passage and approval and after publication as provided by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this \_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

By: \_\_\_\_\_  
Matt McCombs, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
John Hill, City Attorney