

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 015-002

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN BY AMENDING APPENDIX A – ZONING THEREOF, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE XIV (I-3 INDUSTRIAL DISTRICT REGULATIONS), SECTION 1 (USE REGULATIONS) THEREOF BY ADDING TO THE LIST OF ALLOWED USES AN AIRPORT, AND BY AMENDING ARTICLE XXX (DEFINITIONS) PROVIDING THEREIN A DEFINITION OF AIRPORT; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the comprehensive Zoning Ordinance (the “Zoning Ordinance”) of the Town of Addison, Texas (the “City”), was adopted and made effective on October 13, 1964 pursuant to Ordinance No. 66 of the City, and with the subsequent codification of the ordinances of the City was thereafter included as (and is currently found in) Appendix A – Zoning to the City’s Code of Ordinances (the “Code”); and

WHEREAS, the City Council is authorized, pursuant to Chapter 211, Tex. Loc. Gov. Code, as amended, and Article XXIX of the Zoning Ordinance, to amend, supplement, or change by ordinance the regulations of 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 amending the Zoning Ordinance as set forth herein and as hereinafter described; 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 the amendment to the Zoning Ordinance as set forth in this Ordinance; 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 and all other relevant information and materials received 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 are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas is hereby amended by amending Appendix A – Zoning, the same being the City’s comprehensive Zoning Ordinance, in part as follows (additions are underlined; deletions are ~~struck through~~;

A. Article XIV, I-3 Industrial District Regulations, of the said Appendix A – Zoning is amended by amending Section 1 (Use regulations) thereof to read as follows:

Section 1. Use regulations.

In an I-3 district, no land shall be used and no building shall be erected for or converted to any use other than:

1. a use permitted in the I-2 district; and
2. an airport.

B. Article XXX, Definitions, of the said Appendix A – Zoning is amended by amending Section 1 (Terms defined) thereof by adding a new subsection 2.1 to read as follows:

2.1 Airport means (a) an area used or intended for use for the landing and takeoff of aircraft and other aviation uses, (b) an appurtenant area used or intended for use for an airport building or other airport facility or right-of-way, including a building or facility for the shelter, supply, repair, and maintenance of aircraft and related purposes, (c) an airport building or facility located on an appurtenant area, (d) facilities for the fueling of aircraft, and (e) buildings for office use, and (f) related uses and buildings and other uses and buildings incidental to any of the foregoing.

Section 3. 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 4. No Other Amendment; Savings. Except for the amendment and change made herein, Appendix A - Zoning of the City’s Code of Ordinances is not otherwise amended hereby, and all other provisions thereof shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City 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 5. 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 6. 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 7. 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 27th day of January, 2015.

Todd Meier, Mayor

ATTEST:

Chelsea Gonzalez, City Secretary

CASE NO: 1709-Z/Town of Addison

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney

PUBLISHED ON: _____