

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT (PD) DISTRICT ORDINANCE 099-025 TO MODIFY THE EXISTING LAND USE REGULATIONS TO ALLOW LIGHT ASSEMBLY OF JEWELRY AS A PERMITTED USE ON A 7.76 ACRE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WESTGROVE DRIVE AND EXCEL PARKWAY; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on August 10, 1999, the City Council for the Town of Addison, Texas adopted Planned Development (PD) District Ordinance 099-025 (“PD 099-025”) for a 7.76-acre property located at the southeast corner of Westgrove Drive and Excel Parkway (“Property”), being more particularly described in Exhibit A attached hereto and made a part hereof for all purposes; and

WHEREAS, at its regular meeting held on September 20, 2022, the Planning & Zoning Commission considered and made recommendations on a request to amend PD 099-025 to approve a modification to the use regulations to allow light assembly of jewelry as a permitted land use upon the Property (Case No. 1861-Z); and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes the general welfare and public interests of the community; and

WHEREAS, the City Council further finds this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended.

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

SECTION 1. The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. The Zoning Ordinance and official zoning map shall be amended so as to amend PD 099-025, to provide for light assembly of jewelry as a permitted use upon the Property. Accordingly, PD 099-025, Section 2, subsection 1 entitled “USE REGULATIONS” is hereby amended and restated in its entirety to read as follows:

“1. USE REGULATIONS

All buildings and uses permitted in the C-1 (Commercial-1) district as set forth in Addison Zoning Ordinance No. 66 (being previously referenced as Article IX, C-1 (Commercial- 1) in Ordinance No. 099-025), and all distribution and warehouse uses related to light assembly of paper goods, computer products, jewelry products, or similar materials. For the purposes of this ordinance, light assembly shall be defined as the process and procedures for the assimilation, packaging, and distribution of finished goods and materials. The allowed uses specifically exclude the manufacturing of goods and materials, including, without limitation, smelting,

soldering, or the use of hazardous chemicals in connection with the assembly of jewelry or other goods.”

SECTION 4. 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 Zoning Ordinance for the Town of Addison, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or of the Zoning Ordinance for the Town of Addison, as amended hereby, be adjudged or held, in whole or in part, to be invalid, voided or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. 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 7. This ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the **25TH** day of **OCTOBER 2022.**

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Whitt Wyatt, City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

BEING a 7.776 acre tract of land situated in the William Lomax Survey, Abstract No. 792, Town of Addison, Dallas County, Texas and being a portion of that called 31.3625 acre tract of land labeled as Tract II described in deed to FM Properties Operating Company, recorded in Volume 92115, page 4018 of the deed records of Dallas County, Texas, (DRDCT) also being all of Lot 3 and a portion of Lot 4, Lot 21 and Lot 2, Block "A" of Carroll Estates, an addition to the County of Dallas recorded in Volume 10, Page 473 of the map records of Dallas County, Texas: said 7.776 acre tract of land being more particularly described as follows:

BEGINNING at a cut "X" in concrete found for the point of intersection of the East right-of-way line of Westgrove Drive (a 60-foot right-of-way) with South right-of-way line of Excel Parkway (FKA Bent Tree Plaza Parkway, an 80-foot right-of-way) and being the Northwest corner of said 31.3625 acre tract of land, from which a cut "X" in concrete found for the point of intersection of said East right-of-way line with the North right-of-way line of said Excel Parkway, bears North 00 degrees 02 minutes 26 seconds West, a distance of 79.95 feet.

THENCE South 89 degrees 59 minutes 00 seconds East along said South right-of-way line, same being the North line of said 31.3625 acre tract of land, a distance of 724.64 feet to a 1/2 inch iron rod set for the Southwest corner of said Lot 1, Block "A" and being in the South line of said 31.3635 acre tract of land and being in the North line of that called 1.3431 acre tract of land labeled as Tract 14 described in deed to Sunbelt Development Company, Limited recorded in Volume 83240, page 5601, DRDCT.

THENCE North 89 degrees 59 minutes 00 seconds West along the South line of said 31.3625 acre tract of land, passing at a distance of 466.56 feet the Northwest corner of that called 4.2339 acre tract of land labeled as Tract 15 described in deed to Sunbelt Development Company, Limited. Recorded in volume 83240, page 5601, DRDCT, same being the Northeast corner of tract IV, Block "B" of Sunbelt Business Park tract VI, an addition to the town of Addison described by plat recorded in Volume 80092, page 808, DRDCT, from which a 1/2 inch iron rod found bears North 00 degrees 01 minutes 00 seconds East, a distance of 0.3 feet, continuing along the common line of said 31.3625 acre tract of land and said tract VI in all for a total distance of 724.18 feet to a 1/2 inch iron rod found for the Southwest corner of said 31.3625 acre tract of land same being the Northwest corner of said tract I and being the aforementioned East right-of-way line of Westgrove Drive, from which a 3/4 inch iron rod found bears South 70 degrees 05 minutes 25 seconds East, a distance of 4.71 feet.

THENCE North 00 degrees 02 minutes 26 seconds West, along the West line of said 31.3625 acre tract of land and said East right-of-way line, a distance of 467.55 feet to the POINT OF BEGINNING AND CONTAINING a computed area of 338.699 square feet or 7.776 acres of land.