

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

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT (PD) DISTRICT ORDINANCE 095-054, AS PREVIOUSLY AMENDED BY ORDINANCES 096-006, 007-007, AND 018-43 TO MODIFY THE EXISTING LAND USE REGULATIONS TO ALLOW PRODUCTION, ASSEMBLY, AND DISTRIBUTION OF HYBRID ROCKETS AS A PERMITTED USE ON AN 11.163 ACRE PROPERTY LOCATED AT 4550 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 November 14, 1995, the City Council for the Town of Addison, Texas adopted Planned Development (PD) District Ordinance 095-054 (“PD 095-054”) for an 18.2-acre property located at the southwest corner of Addison Road and Excel Parkway; and

**WHEREAS**, on February 13, 1996, the City Council for the Town of Addison, Texas adopted PD District Ordinance 096-006, amending PD 095-054 to revise the legal description and special conditions and to adopt revised development plans, as described therein; and

**WHEREAS**, on February 13, 2007, the City Council for the Town of Addison, Texas adopted PD District Ordinance 007-007, amending PD 095-054, as amended, to revise special conditions and to adopt a revised site plan, as described therein; and

**WHEREAS**, on December 11, 2018, the City Council for the Town of Addison, Texas adopted PD District Ordinance 018-43, amending PD 095-054, as amended, to revise permitted uses, as described therein; and

**WHEREAS**, at its regular meeting held on November 15, 2022, the Planning & Zoning Commission considered and made recommendations on a request to amend PD 095-054, as amended, to approve a modification to the use regulations to allow production, assembly, and distribution of hybrid rockets as a permitted land use upon the Property (Case No. 1870-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 095-054, as amended, to provide for production, assembly, and distribution of hybrid

rockets as a permitted use upon the Property. Accordingly, PD 095-054, 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. 095-054), and all distribution and warehouse uses related to light assembly of paper goods, computer products, or similar materials and the production, assembly, and distribution of spinal fixation systems and hybrid rockets. 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 ignition or launch testing of rocket engines in connection with the assembly of hybrid rocket engines 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 **13<sup>TH</sup>** day of **DECEMBER** 2022.

**TOWN OF ADDISON, TEXAS**

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Joe Chow, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Irma Parker, City Secretary

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Whitt Wyatt, City Attorney