

ORDINANCE NO. 271

AN ORDINANCE AMENDING ORDINANCE NO. 66, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS DELETING FROM ARTICLE VIII, "LR" LOCAL RETAIL DISTRICT CLASSIFICATION THE PERMITTED USE OF RESTAURANTS WITH DRIVE-IN FACILITIES, PROVIDED THAT NO FOOD OR DRINK MAY BE SERVED TO VEHICLES PARKED ON THE PUBLIC STREET; AND AMENDING ARTICLE XII, SPECIAL USAGE TO ADD SECTION 25(e) RESTAURANTS WITH DRIVE-IN FACILITIES, PROVIDED THAT NO FOOD OR DRINK MAY BE SERVED TO VEHICLES PARKED ON THE PUBLIC STREET; PRESERVING ALL OTHER PORTIONS OF ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; DETERMINING THAT PUBLIC INTEREST, MORALS, AND GENERAL WELFARE DEMAND A ZONING CHANGE AND AMENDMENT HEREIN MADE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the City of Addison, Texas, by making application for same with the Planning and Zoning Commission of the City of Addison, Texas, as required by State statutes and the Zoning Ordinance of the City of Addison, Texas, and all legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Addison, Texas at a public hearing called at a regular session of the City

Council did consider the following factors in making a determination as to whether this requested change should be granted or denied; safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the site; safety from fire hazards and measures of fire control, protection of adjacent property from flood or water damages, noise reducing elements and glare of vehicle and stationary lights and affect of such lights on established character of the neighborhood, location, lighting and types of sign and relation of signs to traffic control and adjacent property, street size and adequate width of traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood, adequacy of parking as determined by requirements of this ordinance for off-street parking facilities, location of ingress and egress points for parking and off-street loading spaces, and protection of public health by servicing all parking areas to control thus, the effect on the promotion of health and general welfare, effect on light and air, the effect on over-crowding of the land, the effect on concentration of population, the effect on transportation, water, sewer, schools, parks and other public facilities; and

WHEREAS, the City Council of the City 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 City of Addison, and helps

promote the general welfare, safety and welfare of the community;

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

SECTION 1. That Ordinance No. 66, the Zoning Ordinance of the City of Addison, Texas be, and the same is amended and changed in that the permitted use of " restaurants with drive-in facilities, provided that no food or drink may be served to vehicles parked on public streets" be deleted from Section 1, Use Regulations of Article VIII "LR" Local Retail District Regulations.

That Ordinance No. 66, the Zoning Ordinance of the City of Addison, Texas be, and the same is hereby amended and changed in that the permitted use of " restaurants with drive-in facilities " be added to Article XII, Special Usage 25 (e).

SECTION 2. 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 with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. 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 of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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 the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum

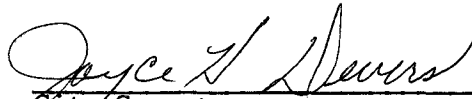
of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

WHEREAS, the above described amendment is required to permit proper development, and in order to protect the public interest, comfort and general welfare of the City, and creates an urgency and an emergency for preservation of the public health, safety and welfare and requires that this Ordinance take affect immediately from and after its passage and publication as captioned as the law in such cases provides.


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS
ON THE 13th DAY OF July, 1976.


MAYOR

ATTESTED:


City Secretary

APPROVED AS TO FORM:


City Attorney