

ORDINANCE NO. 089-012

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY AMENDING ARTICLE VIII, SECTION 8A, ARTICLE IX, SECTION 8A, ARTICLE X, SECTION 7A, ARTICLE XI, SECTION 7A, AND ARTICLE XI-A, SECTION 7, OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS, BY ADDING A NEW PARAGRAPH, PARAGRAPH 5, TO EACH LISTED SECTION OF EACH LISTED ARTICLE, AND BY AMENDING ARTICLE XXI, DEFINITIONS, TO ADD A DEFINITION FOR "SPECIAL EVENTS," PROVIDING FOR SEVERABILITY AND PROVIDING FOR PENALTIES.

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

WHEREAS, the City Council of the Town 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 Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

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

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Article VIII, Local Retail, Section 8A, to read as follows:

Section 8A. OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS.

1. Any outside sales and/or commercial promotion shall be required to obtain a permit.
2. The above outside sales and/or commercial promotion may be permitted for a period of 14 days each calendar year with a maximum of two permits per business per year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
3. The above outside sales and/or commercial promotion shall be construed to apply to merchandise dispensing units placed adjacent to and outside of a business building.
4. The above outside sales and/or commercial promotion shall not be construed to prohibit the display of merchandise normally placed on gasoline pumps and/or gasoline pump islands.
5.
 - a. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event. Such outside sales and commercial promotions may involve the use of tents and the provision of food, alcohol and entertainment if the sponsors comply with the terms of this ordinance set in this section.
 - b. In order to qualify for a permit, the applicant must:
 1. provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
 2. provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion;
 3. if it chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
 4. provide for adequate trash and waste removal and clean-up of the area;

5. comply with all requirements of the Addison Noise ordinances;
6. submit a check in the amount of \$50.00 to the Planning and Zoning Office; and
7. comply with all other reasonable conditions imposed by the Planning and Zoning Office.

c. The duration of the outside sales and commercial promotions allowable under this section shall be limited to the actual days and times of the Event, with a time period of 48 hours allowed before the Event and 24 hours after the Event for setting up, removing and cleaning the area, tents and other items used during the sale or promotions.

SECTION 2. By amending Article IX, Commercial, Section 8A, to read as follows:

Section 8A. OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS.

1. Any outside sales and/or commercial promotion shall be required to obtain a permit.
2. The above outside sales and/or commercial promotion may be permitted for a period of 14 days each calendar year with a maximum of two permits per business per year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
3. The above outside sales and/or commercial promotion shall be construed to apply to merchandise dispensing units placed adjacent to and outside of a business building.
4. The above outside sales and/or commercial promotion shall not be construed to prohibit the display of merchandise normally placed on gasoline pumps and/or gasoline pump islands.
5. a. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event. Such outside sales and commercial promotions may involve the use of tents and the provision of food, alcohol and entertainment if the sponsors comply with the terms of this ordinance set in this section.

b. In order to qualify for a permit, the applicant must:

1. provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
2. provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion;
3. if it chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
4. provide for adequate trash and waste removal and clean-up of the area;
5. comply with all requirements of the Addison Noise ordinances;
6. submit a check in the amount of \$50.00 to the Planning and Zoning Office; and
7. comply with all other reasonable conditions imposed by the Planning and Zoning Office.

c. The duration of the outside sales and commercial promotions allowable under this section shall be limited to the actual days and times of the Event, with a time period of 48 hours allowed before the Event and 24 hours after the Event for setting up, removing and cleaning the area, tents and other items used during the sale or promotions.

SECTION 3. By amending Article X, Industrial -1, Section 7A, to read as follows:

Section 7A. OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS.

1. Any outside sales and/or commercial promotion shall be required to obtain a permit.
2. The above outside sales and/or commercial promotion may be permitted for a period of 14 days each calendar year with a maximum of two permits per business per year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
3. The above outside sales and/or commercial promotion shall be construed to apply to merchandise dispensing units placed adjacent to and outside of a business building.

4. The above outside sales and/or commercial promotion shall not be construed to prohibit the display of merchandise normally placed on gasoline pumps and/or gasoline pump islands.
5.
 - a. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event. Such outside sales and commercial promotions may involve the use of tents and the provision of food, alcohol and entertainment if the sponsors comply with the terms of this ordinance set in this section.
 - b. In order to qualify for a permit, the applicant must:
 1. provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
 2. provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion;
 3. if it chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
 4. provide for adequate trash and waste removal and clean-up of the area;
 5. comply with all requirements of the Addison Noise ordinances;
 6. submit a check in the amount of \$50.00 to the Planning and Zoning Office; and
 7. comply with all other reasonable conditions imposed by the Planning and Zoning Office.
 - c. The duration of the outside sales and commercial promotions allowable under this section shall be limited to the actual days and times of the Event, with a time period of 48 hours allowed before the Event and 24 hours after the Event for setting up, removing and cleaning the area, tents and other items used during the sale or promotions.

SECTION 4. By amending Article XI, Industrial-2, Section 7A, to read as follows:

Section 7A. OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS.

1. Any outside sales and/or commercial promotion shall be required to obtain a permit.
2. The above outside sales and/or commercial promotion may be permitted for a period of 14 days each calendar year with a maximum of two permits per business per year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
3. The above outside sales and/or commercial promotion shall be construed to apply to merchandise dispensing units placed adjacent to and outside of a business building.
4. The above outside sales and/or commercial promotion shall not be construed to prohibit the display of merchandise normally placed on gasoline pumps and/or gasoline pump islands.
5.
 - a. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event. Such outside sales and commercial promotions may involve the use of tents and the provision of food, alcohol and entertainment if the sponsors comply with the terms of this ordinance set in this section.
 - b. In order to qualify for a permit, the applicant must:
 1. provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
 2. provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion;
 3. if it chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
 4. provide for adequate trash and waste removal and clean-up of the area;

5. comply with all requirements of the Addison Noise ordinances;
6. submit a check in the amount of \$50.00 to the Planning and Zoning Office; and
7. comply with all other reasonable conditions imposed by the Planning and Zoning Office.

c. The duration of the outside sales and commercial promotions allowable under this section shall be limited to the actual days and times of the Event, with a time period of 48 hours allowed before the Event and 24 hours after the Event for setting up, removing and cleaning the area, tents and other items used during the sale or promotions.

SECTION 5. By amending Article XI-A, Industrial-3, Section 7, to read as follows:

Section 7. OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS.

1. Any outside sales and/or commercial promotion shall be required to obtain a permit.
2. The above outside sales and/or commercial promotion may be permitted for a period of 14 days each calendar year with a maximum of two permits per business per year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
3. The above outside sales and/or commercial promotion shall be construed to apply to merchandise dispensing units placed adjacent to and outside of a business building.
4. The above outside sales and/or commercial promotion shall not be construed to prohibit the display of merchandise normally placed on gasoline pumps and/or gasoline pump islands.
5. a. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event. Such outside sales and commercial promotions may involve the use of tents and the provision of food, alcohol and entertainment if the sponsors comply with the terms of this ordinance set in this section.
b. In order to qualify for a permit, the applicant must:

1. provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
2. provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion;
3. if it chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
4. provide for adequate trash and waste removal and clean-up of the area;
5. comply with all requirements of the Addison Noise ordinances;
6. submit a check in the amount of \$50.00 to the Planning and Zoning Office; and
7. comply with all other reasonable conditions imposed by the Planning and Zoning Office.

c. The duration of the outside sales and commercial promotions allowable under this section shall be limited to the actual days and times of the Event, with a time period of 48 hours allowed before the Event and 24 hours after the Event for setting up, removing and cleaning the area, tents and other items used during the sale or promotions.

SECTION 6. By amending Article XXI, Definitions, to add a new paragraph, 61A, which shall read as follows:

61A. Special Event

Any public event sponsored in whole or in part by the Town of Addison which shall include: Grand Prix, Founder's Day, Kaboom Town, Oktoberfest, and any other events as designated by the City Council.

SECTION 7. 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 of this ordinance shall remain in full force and effect.

SECTION 8. That should any paragraph, sentence, sub-division, 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 or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 9. 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 in 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 Thousand Dollars (\$2,000.00) and not less then Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 9th day of May, 1989.


MAYOR PRO TEMPORE

ATTEST:


CITY SECRETARY

CASE NO. 1028-Z

APPROVED AS TO FORM:



