

ORDINANCE NO. 094-008

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ARTICLE XII OF THE ADDISON ZONING ORDINANCE TO REQUIRE A SPECIAL USE PERMIT FOR VIDEO ARCADES, BILLIARD PARLORS, OR BOWLING ALLEYS; AMENDING ARTICLE XXI OF THE ADDISON ZONING ORDINANCE TO PROVIDE FOR DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the Town of Addison has considered an amendment to Article XII of the Addison Zoning Ordinance to require a special use permit for Video Arcades, Billiard Parlors, or Bowling Alleys; and

WHEREAS, the amendment is deemed reasonable and appropriate and in accordance with the public's welfare and benefit;

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

Section 1. Recitals. The above recitals are hereby found to be true and correct and are incorporated herein.

Section 2. Amendments.

(a) Section 1 Use Regulations of Article VIII of the Addison Zoning Ordinance is hereby amended by the addition of the following:

"Arcade, or Billiard Parlor, or Bowling Alley are subject to the provisions of Article XII."

(b) Subsection 25(f) of Article XII of the Addison Zoning Ordinance is hereby amended to read as follows:

"(25f) Arcade, or Billiard Parlor, or Bowling Alley, which shall be permitted only in a Local Retail District or in a Planned Development District where such use is specifically allowed in the ordinance establishing the planned development."

(c) Article XXI of the Addison Zoning Ordinance is amended to provide for the following additional definitions (to be inserted in alphabetical order with subsections to be renumbered as applicable):

"Arcade: Any establishment where there are four or more gaming machines. Gaming machines that are not operated for profit in private residences, apartment complexes, churches and schools are exempt."

Billiard Parlor: Any establishment where there are one or more billiard tables. Billiard tables that are not operated for profit in private residences, apartment complexes, churches, or schools are exempt.

Bowling Alley: Any establishment with one or more lanes used for the game of bowling.

Gaming Machine: Any machine or device that is actually used or capable of being used or intended to be used for amusement, or skill, or pleasure.

Gaming machines include, without limitation, video games, arcade games, pinball machines, shuffle board tables, and bocce ball courts, and similar machines or devices. Gaming machines do not include machines designed for the dispensing or vending of merchandise, music or service, as those terms are defined in Tex. Rev. Civ. Stat. Ann. Articles 8801 through 8817."

Section 3. **Severability.** If any part or provision in this Ordinance, or application to any person or circumstance is held invalid 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 it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. **Repealer.** If any provision of any existing ordinances of the Town conflicts with the provisions of this Ordinance such conflicting provisions are hereby repealed.

Section 5. **Effective Date.** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the Town of Addison.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 11th day of January, 1994.



Rich Beckert, Mayor

ATTEST:



Carmen Moran, City Secretary

APPROVED AS TO FORM:



Kenneth Q. Dippel, City Attorney

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