

ORDINANCE NO. 3581

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHARDSON BY AMENDING ARTICLE I SECTION 2 DEFINITIONS BY ADDING DEFINITIONS; AMENDING ARTICLE XXII-A SPECIAL PERMITS BY ADDING USES WHICH MAY BE AUTHORIZED BY SPECIAL PERMIT; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Plan Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article I Section 2 in part, by adding new definitions to read as follows:

“Sec. 2. Definitions.

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The following words shall, for the purpose of this ordinance, have the meaning here applied:

Beer and wine package sales means an establishment engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.

Retail sales of pre-packaged food or beverages for off-premise consumption in a drive-up, drive-through or drive-in facility means an establishment that sells food, beverages or other consumable products for off-premise use or consumption to customers in motor vehicles. This term shall not apply to restaurants that provide a drive-up, drive-through or drive-in service.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, and the same is hereby amended by amending Article XXII-A Section 2(b) by adding the following uses to read as follows:

...

Retail sales of pre-packaged food or beverage for off-premise consumption in a drive-up, drive-through or drive-in facility, in any LR-M(1), LR-M(2), or C-M district.

Beer and wine package sales establishments that derive more than 75% of their gross revenue from the sale of beer and/or wine in any LR-M(1), LR-M(2), C-M district or PD district with the following conditions:

- a) shall not be located closer than 1,500 feet from another beer & wine package sales establishment that derives more than 75% of their gross revenue from the sale of beer and/or wine, measured building-to-building (or outer wall of the lease space) in a straight line;
- b) shall not be located closer than 800 feet from the building to the property line of a residential zoning district; and
- c) shall not be located closer than 1,500 feet from the property line of a city park, or the property line of a property occupied by a religious institution, public hospital, public or private school, public or private college/university, rehabilitation care institution, or child or adult day care, measured in a straight line from front door of the establishment to the nearest property line of a residential zoning district, city park, religious institution, public or private hospital, public or private school, public or private college/university, rehabilitation center, or child or adult day care.

SECTION 3. That should any sentence, paragraph, 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 or 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. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. 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 of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 13th day of November 2006.

APPROVED:

/S/ Gary A. Slagel
MAYOR

CORRECTLY ENROLLED:

/S/ Pamela Schmidt
CITY SECRETARY

APPROVED AS TO FORM:

/S/ Peter G. Smith
CITY ATTORNEY
(PGS/si 71362)