

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF COPPELL, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE FROM PD-250R26-H (PLANNED DEVELOPMENT-250 REVISION 26-HISTORIC) TO PD-250R26R-H (PLANNED DEVELOPMENT-250 REVISION 26 REVISED-HISTORIC), TO ALLOW THE GROUND FLOOR PORTION OF THE BUILDING (775 SQUARE FEET GROUND FLOOR) OF RESTAURANT SPACE WITH THE REMINDER OF THE BUILDING (2,359 SQUARE FEET GROUND FLOOR) TO BE USED AS RETAIL OR RESTAURANT ON APPROXIMATELY 0.25 ACRES OF REAL PROPERTY LOCATED AT 767 W. MAIN STREET (LOT 4R, BLOCK D, OLD TOWN ADDITION), AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF THE DETAIL SITE PLAN; FLOOR PLAN AND SIGN PLAN, ATTACHED HERETO AS EXHIBITS "B", "C" AND "D" RESPECTIVELY; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Coppell, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Coppell, have given requisite notices 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 said governing body is of the opinion that Zoning Application No. PD-250R26R-H should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Coppell, Texas, duly passed by the governing body of the City of Coppell zoning change from PD-250R26-H (Planned Development-250 Revision 26-Historic) to PD-250R26R-H (Planned Development-250 Revision 26 Revised-Historic), to allow the ground floor portion of the building (775 square

feet ground floor) of restaurant space with the remainder of the building (2,359 square feet ground floor) to be used as retail or restaurant on approximately 0.25 acres of real property located at 767 W. Main Street (Lot 4R, Block D, Old Town Addition), and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes;

SECTION 2. That Planned Development-250 Revision 26 Revised-Historic shall be used and developed in accordance with the Historic District regulations except as provided herein and subject to the following development regulations:

- A) Except as amended herein and as provided in this Ordinance, the property shall be developed and used as provided herein in accordance with H, Historic District, as codified in Chapter 12, Article 28A of the Coppel Code of Ordinances.
- B) Except as amended herein and as provided in this Ordinance, the property shall be developed and used as provided herein in accordance as set forth in PD-250R26-H, Ordinance No. 91500-A-783 and PD-250R8-H, Ordinance No. 91500-A-615, which are incorporated herein as set forth in full and hereby republished and the exhibits attached hereto.
- C) No deliveries for the restaurant use shall be made between the hours of 10 p.m. and 6 a.m.
- D) The Director of Community Development shall have the authority to administratively approve the proposed signage for this development in accordance with planned development regulations for PD-250R8-H and the Historic District.
- E) No deliveries shall be made between the hours of 10 p.m. and 6 a.m.

- F) A grease trap shall be installed sufficiently sized to accommodate total restaurant use on the entire property subject to this ordinance.
- G) The hours of operation shall be from 9 a.m. to 9 p.m. Sunday through Thursday, and 9 a.m. to 11 p.m. on Friday and Saturday.
- H) The hours of operation shall be from 8 a.m. to 9 p.m. Sunday through Thursday, and 9 a.m. to 11 p.m. on Friday and Saturday for the additional restaurant use.
- I) The building shall have retail or restaurant on the first floor and the second-floor shall be used for residential purposes only, and shall be developed, constructed and maintained in accordance with local ordinance and building codes; as provided in Exhibits “B” through “D”.

SECTION 3. In addition, the Site Plan, Floor Plan, and Sign Plan set forth therein, are hereby adopted, attached hereto as Exhibits “B”, “C” and “D”, respectively, as development regulations; and, the Property shall be redeveloped, used and maintained in accordance with said Exhibits as adopted herein as development regulations.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Coppell, as heretofore amended, and as amended herein.

SECTION 5. That the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

SECTION 6. That all provisions of the Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. 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 unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 8. 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 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 of Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand and No/100 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 10. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day of _____, 2024

APPROVED:

Wes Mays, Mayor

ATTEST:

ASHLEY OWENS, City Secretary

APPROVED AS TO FORM:

ROBERT E. HAGER, City Attorney

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DULY PASSED by the City Council of the City of Coppell, Texas, this the _____ day of _____, 2024.

APPROVED:

WES MAYS, Mayor

ATTEST:

Ashley Owens, City Secretary