

**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 IN ZONING FROM PD-133R4-HC (PLANNED DEVELOPMENT DISTRICT-REVISION 4- HIGHWAY COMMERCIAL) TO PD-133R4R-HC (PLANNED DEVELOPMENT-133 REVISION 4 - REVISED-HIGHWAY COMMERCIAL) TO ATTACH AN AMENDED DETAIL SITE PLAN FOR A DIGITAL DRIVE-THRU MENU BOARD WITH SPEAKER TO AN EXISTING RESTAURANT ON 0.88 ACRES OF LAND, LOCATED AT 605 N. DENTON TAP ROAD AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF A DETAIL SITE PLAN, LANDSCAPE PLAN, SOUTHERN ELEVATION, AND MENU BOARD PLANS ATTACHED HERETO AS EXHIBITS "B", "C", "D", AND "E" RESPECTIVELY; PROVIDING 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 Coppel, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Coppel, 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-133R4R-HC 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 Coppel, Texas, duly passed by the governing body of the City of Coppel, Texas, as heretofore amended, be and the same is hereby amended to grant a change in zoning from PD-133R4-HC (Planned Development-133-Revision 4-Highway Commercial) to PD-133R4R-HC (Planned Development-133 Revision 4- Revised-Highway Commercial) to approve an amended Detail Site Plan and

addition of a drive through menu board and speaker system on 0.88 acres of land located at the southwest quadrant of Denton Tap Road and SH 121 and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes, subject to the development regulations.

**SECTION 2.** That PD-133R4-HC is hereby amended subject to the following development regulations:

- A. Except as amended herein and as provided in this Ordinance, the property shall be developed in accordance with Highway Commercial zoned property as set forth in the Code of Ordinances, as amended and the requirements of PD-133R4R-HC.
- B. Compliance with additional engineering or building official comments at the time of permitting subject to Detail Engineering Review and the condition set forth herein.
- C. Amended Detail Site Plan and additional PD Conditions as follows:
  - (1) Speaker system (speaker and microphone) and menu board shall be located on the south face of the current building as depicted in the amended Site Plan, Exhibit B.
  - (2) Hours of operation remain from 6:00 a.m. to 10:00 p.m., Sunday through Saturday.
  - (3) The volume of the speaker system shall not exceed 70 dB at 3-ft from the system in accordance with the Digital Menu Board Elevation Plan, Exhibit E.
  - (4) The speaker system will be directed southward as provided herein in the Southern Building Elevation, Exhibit D.
  - (5) Lighting for the speaker system and digital menu board shall be down-lit as noted on the Southern Building Elevation, Exhibit D.
  - (6) The digital Menu Board Plan shall be constructed and maintained in accordance with Digital Menu Board Elevation, Exhibit E.

**SECTION 3.** That, amended Site Plan, Landscape Plan, Southern Building Elevation and Menu Board Plans respectively, attached hereto as Exhibits “B”, “C”, “D”, and “E” for amendments provided herein, are made a part hereof for all purposes, and hereby approved as

development regulations for the applicable portions of the Development within the Planned Development.

**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 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 \_\_\_\_\_, 2020.

APPROVED:

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KAREN SELBO HUNT, MAYOR

ATTEST:

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CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

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ROBERT E. HAGER, CITY ATTORNEY

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KAREN SELBO HUNT, MAYOR

ATTEST:

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CHRISTEL PETTINOS, CITY SECRETARY