

ORDINANCE NO. 342

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION, UNDER SPECIAL CONDITIONS, ON PROPERTY LOCATED IN THE JOSIAH PANCOAST SURVEY, ABSTRACT 1146, AND BEING ON INWOOD ROAD APPROXIMATELY 941.99 FEET SOUTH OF THE INTERSECTION OF BELT LINE ROAD AND INWOOD ROAD, AND CONTAINING 0.5828 ACRES OF LAND AND BEING MORE FULLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR NO SEVERABILITY; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE.

WHEREAS, the City Planning Commission of the City of Addison and the Governing Body of the City of Addison, in compliance with the laws of the State of Texas and the ordinance of the City of Addison, 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, and in the exercise of its legislative discretion, have concluded that the Comprehensive Zoning Ordinance should be amended; now, therefore,

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

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Addison, Texas, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Addison, so as to grant a Special Use Permit for the Sale of Alcoholic Beverages as follows:

" Sale of beer and wine for off-premises consumption  
only "

Said Special Use Permit shall be granted, subject to special conditions, on the following described property, to-wit:

Being a part of the Joshiah Pancoast Survey, Abstract 1146, and part of that certain tract described in deed to J.R. and Jack G.S. Maxfield, filed 8-18-59 and recorded in the Deed Records of said County, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod for corner in the present West line of Inwood Road, a 60 foot right-of-way, said point being S 17 degrees 15' E 941.99 feet from the Southern most corner of the visibility clip on the South line of Belt Line Road, a 100 foot right-of-way, point also being the southeast corner of that certain one acre tract of land conveyed to Thomas O'Dwyer by deed dated 2 May 1974 and recorded in the said Deed Records;

THENCE S 17 degrees 15' E 100.00 feet along the said present West line of Inwood Road to an iron rod for corner;

THENCE West 280.64 feet parallel to the South line of said O'Dwyer tract to an iron rod for corner;

THENCE North 95.50 feet to an iron rod for corner, the Southwest corner of said O'Dwyer tract;

THENCE East 250.99 feet along the South line of the said O'Dwyer tract to the point of beginning and containing 0.5828 acres of land.

SECTION 2. That the above Special Use Permit is granted subject to the following special conditions, to-wit:

- (1) That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan including landscape plan and the elevation drawings showing six (6) exterior walls which are attached hereto and made a part hereof for all purposes.
- (2) That the Specific Use Permit granted herein shall be limited to the sale of alcoholic beverages to that portion of the building designated on the site plan attached hereto as being outlined in red and encompassing 3,600 square feet. The remaining portion of said building or said property shall not be used for selling any kind of alcoholic beverages.
- (3) No signs advertising sale of alcoholic beverages shall be permitted under other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, as well as the approved elevations of the building.
- (4) Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the City of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
- (5) That if the property for which the Special Use Permit is granted herein is not used for the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purpose of considering a change of zoning on such property.

- (6) That if a license or permit to sell beer and wine on property covered by this Special Use Permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.

SECTION 3. That all ordinances and provisions contained therein of the City of Addison in conflict with the provisions of this ordinance be and the same are hereby repealed and all other provisions of said ordinances not in conflict with the provisions of this ordinance remain in full force and effect.

SECTION 4. That it is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 5. That any person, firm or corporation violating any of the provisions of this ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 6. The fact that the sale of alcoholic beverages in the City of Addison is authorized only under Special Use Permits as provided for in the Comprehensive Zoning Ordinance of the City of Addison, and the City Council having found that the property described herein is suitable for such uses, and that a special permit

for such use should be granted, this ordinance shall become effective from and after its adoption, and publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS on this the 12 day of July, 1977.

APPROVED:

  
MAYOR

ATTEST:

*Acting*   
CITY SECRETARY

APPROVED AS TO FORM:

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ATTORNEY