

ORDINANCE NO. 763

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON APPLICATION FROM ZEPHYR'S RESTAURANT LOCATED AT 4021 BELT LINE ROAD AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR NO SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the City of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the City of Addison, Texas as required by State Statutes and the zoning ordinance of the City of Addison, Texas and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Addison, Texas does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the City of Addison, and helps promote the general welfare and safety of this community, 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, be, and the same is hereby amended by amending the zoning map of the City of Addison, Texas, so as to grant a special use permit for a restaurant and the sale of alcoholic beverages for on-premises consumption to Zephyr's Restaurant. Said special use permit shall be granted, subject to special conditions, on the following described land:

Being part of Lot 4 of WATSON & TAYLOR SUBDIVISION NO. 2, an Addition to the City of Addison, Texas, according to the plat thereof recorded in Volume 79180, Page 0888 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the North line of Belt Line Road (100' R.O.W.) with the west line of Runyon Road (60' R.O.W.), said point being the southeast corner of said Lot 4;

THENCE North $89^{\circ}51'55''$ west with the north line of Belt Line Road a distance of 113.75 feet to the beginning of a curve to the left having a radius of 1960.08 feet, a central angle of $7^{\circ}31'32''$, whose center bears south $00^{\circ}08'05''$ west;

THENCE westerly with the north line of Belt Line Road and along said curve to the left an arc distance of 257.45 feet to a point for corner;

THENCE North $0^{\circ}26'30''$ west parallel with the west line of said Lot 4 a distance of 365.87 feet to a point in the north line of said Lot 4;

THENCE east with the north line of said Lot 4 a distance of 374.13 feet to the northeast corner of said Lot 4 in the west line of Runyon Road;

THENCE south $00^{\circ}08'05''$ west with the west line of Runyon Road, 349.86 feet to the place of BEGINNING and containing 131,508 square feet of land, more or less.

SECTION 2. That the 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, landscape plan, and the elevation drawings showing four exterior walls which are attached hereto and made a part hereof for all purposes. The landscaping shall be maintained in the condition as set forth in such drawings.

2) That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only and to that particular area designated on the final site plan as being outlined in red and encompassing a total area not to exceed 1435 sq. ft.

3) No signs advertising sale of alcoholic beverage shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, Texas, and all permitted signs must be shown on elevation drawings.

4) That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants is hereby defined as establishments which receive at least sixty percent (60%) of their gross revenues from the sale of food.

5) Said establishment shall make available to the city of its agents, during reasonable hours its bookkeeping records for

inspection, if required by the city to insure that the conditions of Paragraph 4 are being met.

6) The use of gaming devices, such as billiards (pool) tables, pinball machines, marble tables, and other coin operated amusement machines, other than machines for music are hereby prohibited.

7) Where the sale or serving of alcoholic beverages is permitted, dancing is hereby prohibited.

8) 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.

9) 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.

10) That if a license or permit to sell alcoholic beverages 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.

11) The sale of alcoholic beverages is prohibited in drive-in restaurants where food and beverages are served to customers for consumption on the premises but outside of the building. Such drive-in restaurants shall not be considered to be restaurants under the provisions of this ordinance.

SECTION 3. 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 as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.


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. Whereas, the above described property required that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall

take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS this the 5 day of January, 1981.

MAYOR



ATTEST:

Jacque Sharp
CITY SECRETARY

APPROVED AS TO FORM:



DATE:

1-20-82