

ORDINANCE NO. 084-069

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, 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 CHEESEBURGER AND CHIPS, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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 Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town 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 Town 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 Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

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

SECTION 1. That The Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, be amended, by amending the zoning map of the Town 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 Cheeseburger and Chips. Said special use permit shall be granted, subject to the special conditions, on the following described property to-wit:

Situated in the City of Addison, Dallas County, Texas, and being a part of the JOSIAH PANCOST SURVEY, ABSTRACT NO. 1146 and being a part of that certain tract of land described in the Deed to J.R. and JACK G.S. MAXFIELD, files 8-18-59 and recorded in the Deed Records of Dallas County, Texas, and also being a part of LOT 1, BLOCK 1 of the RINEHART INWOOD ADDITION to the City of Addison as recorded in Volume 77012, Page 1563 Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set for a corner in the West ROW line of INWOOD ROAD (a 60' ROW), said point being North 17° 15' West, a distance of 11.31 feet from the Southeast corner of the aforementioned Lot 1 and South 17° 15' East, a distance of 1030.68 feet from the Southern most corner of the visibility clip at the intersection of the South ROW line of Belt Line Road and the West ROW line of Inwood Road;

THENCE South 17° 15' East with the West ROW line of Inwood Road and the East line of said Lot 1 passing the Southeast corner of Lot 1 at 11.31 feet and continuing for a total distance of 201.31 feet to an "X" cut in concrete for a corner;

THENCE West, a distance of 336.98 feet to an iron rod for a corner;

THENCE North, a distance of 181.45 feet to an "X" cut in concrete for a corner at the Southwest corner of said Lot 1;

THENCE East with the South line of Lot 1, a distance of 5.40 feet to an iron rod set at the East edge of a concrete slab;

THENCE No 37° 11' 42" East, along the Southeast edge of a concrete slab, a distance of 13.56 feet to an iron rod set at the edge of said slab for a corner;

THENCE East, along the South line of said slab, a distance of 263.69 feet to the POINT OF BEGINNING and containing 1.353 acres (58,944 Square Feet) of land.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

- 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 1,500 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 Town 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 or 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 Town 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. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 11TH day of September, 1984.


MAYOR

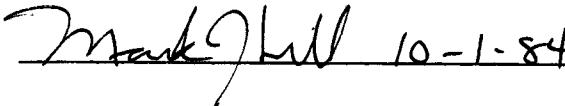
ATTEST:


CITY SECRETARY, ASST.

TAX #

CASE # 862-SUP

APPROVED AS TO FORM:


10-1-84