

ORDINANCE NO. 084-080

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 845 (FIRST NATIONAL BISCUIT SPECIAL USE PERMIT), SO AS TO GRANT A SPECIAL USE PERMIT FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ON APPLICATION FROM SHERRILL'S RESTAURANT, 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 Ordinance No. 845 is hereby amended by amending the site plan to provide 642.5 square feet for dining, 600.00 square feet for kitchen, 133.5 square feet for bar, and 125.00 square feet for restrooms.

SECTION 2. 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 . Said special use permit shall be granted, subject to the special conditions, on the following described property to-wit:

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 Northeast corner of said Lot 4 in the West line of Runyon Road (60' R.O.W.);

THENCE South $0^{\circ}08'05''$ West with the West line of Runyon Road a distance of 203 feet to a point for corner;

THENCE West parallel with the North line of said Lot 4 a distance of 125 feet to a point for corner;

THENCE South a distance of 146.60 feet to a point for corner in the North line of Belt Line Road, said point being a curve to the left in a Westerly direction having a radius of 1960.08 feet, a central angle of $7^{\circ}12'21''$ whose center bears South $00^{\circ}11'06''$ East;

THENCE Westerly with the North line of Belt Line Road and along said curve to the left an arc distance of 246.51 feet to a point for corner;

THENCE North 0°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 place of BEGINNING and containing 113,194 square feet of land, more or less.

SECTION 3. 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.

12) That if an approved landscaping plan is not submitted and such landscaping has not been completed within thirty (30) days of the adoption of this ordinance, the special use permit for a restaurant and special use permit for the sale of alcoholic beverages on-premises will be revoke.

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 9th day of October, 1984.

MAYOR



ATTEST:


ASSISTANT CITY SECRETARY

TAX #

CASE #

APPROVED AS TO FORM:



