

ORDINANCE NO. 002- 016

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM MARCELLO'S RESTAURANT, LOCATED AT 14248 MARSH LANE, 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 PROVIDING FOR A REPEAL CLAUSE.

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 RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. 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 a special use permit for the sale of alcoholic beverages for on-premises consumption to Marcello's Restaurant. Said special use permits shall be granted subject to the special conditions on the following described property, to-wit:

BEING all of the W.G. Investments Addition to the City of Addison as filed in Volume 78186, Page 2208, or the map records of Dallas County, Texas, and also being out of the Noah Good Survey, abstract No. 520 of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the most northwest corner of said W.G. Investments Addition, said point also being in the east right of way line of Marsh Lane; thence from the east right of way line of Marsh Lane south 89 degrees 48'09" ease a distance of 160.0 feet to a corner,

THENCE south a distance of 132.0' feet to a corner,

THENCE north 89 degrees 48'09" west a distance of 160.0 feet to a corner in the east right of way line of Marsh Lane,

THENCE north along the east right of way line of Marsh Lane a distance of 132.0 feet to the place of beginning and containing 0.484 acres or 21,119.812 square feet of land.

SECTION 2. That the Special Use Permits are 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, floor plan, landscape plan which are attached hereto and made a part hereof for all purposes.
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 encompassing a total area not to exceed square feet.
3. No signs advertising sale of alcoholic beverages 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.
4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants are 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. 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.
7. That if the property for which the special use permit is granted and 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.
8. 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.
9. The establishment shall not use the term "bar", "tavern", or any other terms or graphic depictions that relate to the sale of alcoholic beverages in any exterior signs.
10. Any dead or missing plants shall be replaced on the site, and the irrigation System shall be inspected, prior to the issuance of the Special Use Permit.

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 set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 4. 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 all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 14th day of May 2002.



MAYOR

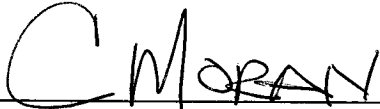
ATTEST:



CITY SECRETARY

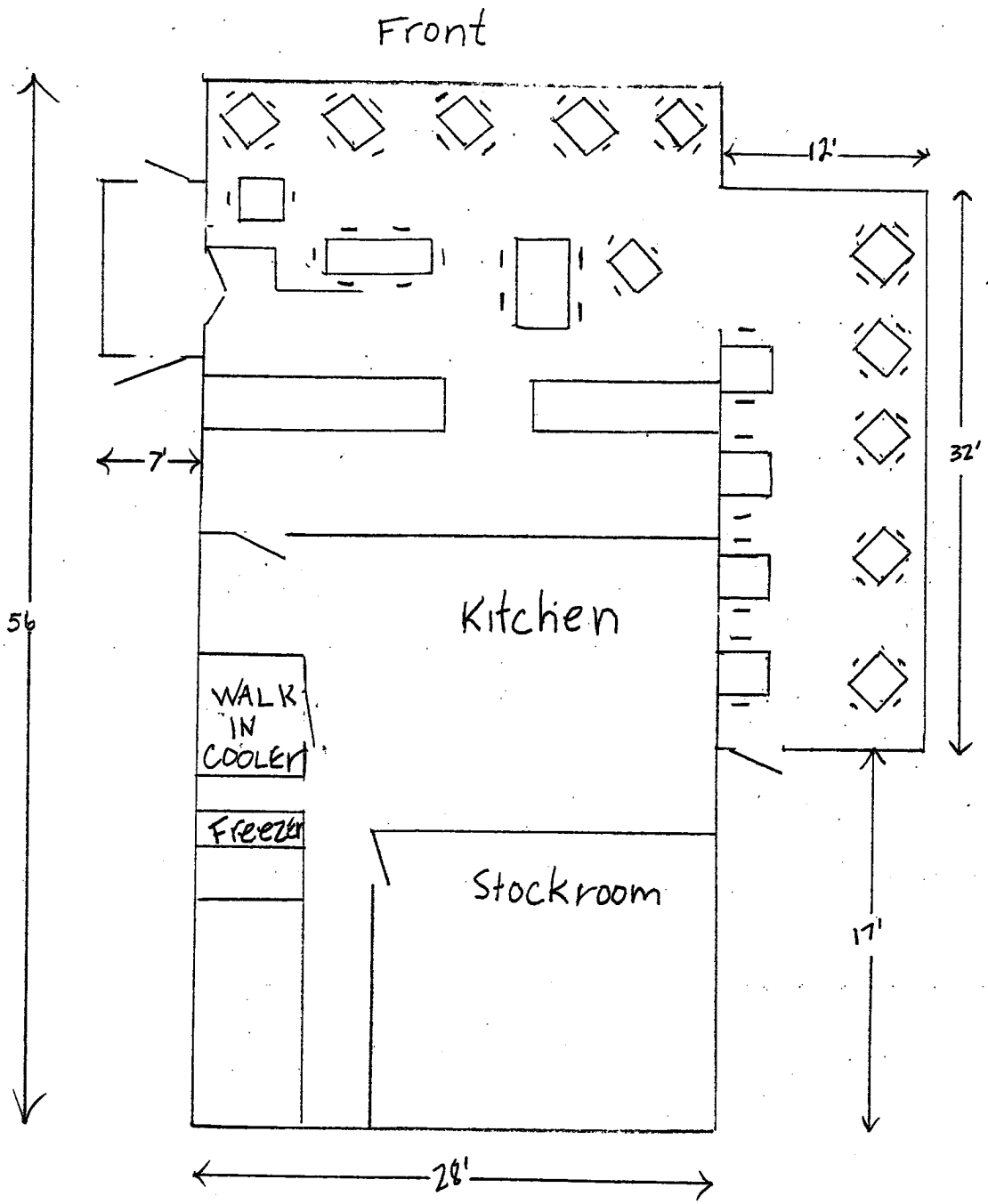
CASE NO. 1406-SUP

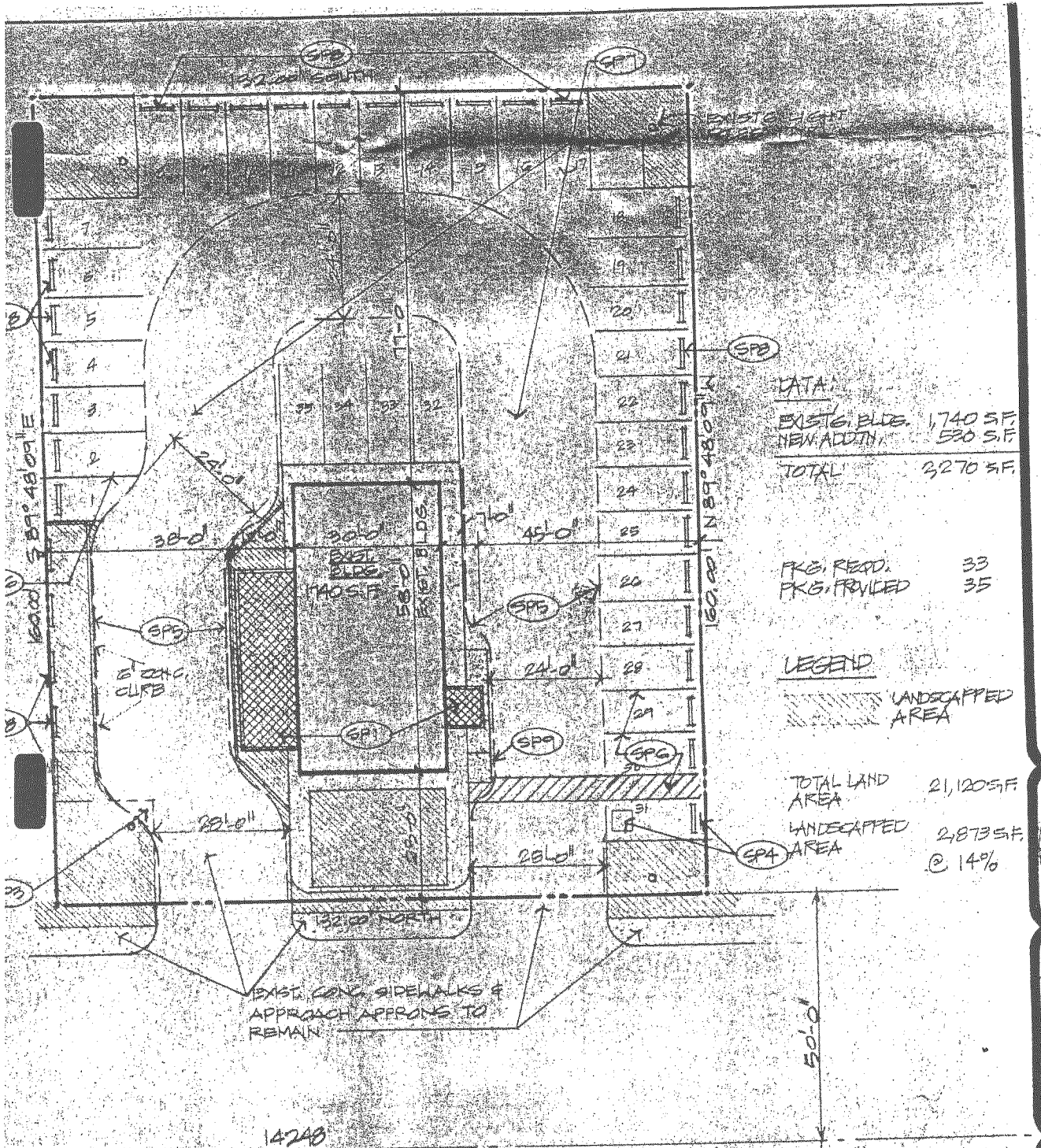
APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: _____





DATA:

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| EXIST'G. BLDG. | 1,740 SF. |
| NEW ADDITN. | 530 SF. |
| TOTAL | 2,270 SF. |

PKGS. REQD. 33
 PKGS. PROVIDED 35

LEGEND
 [Hatched Area] LANDESCAPED AREA

TOTAL LAND AREA 21,120 SF.
 LANDESCAPED AREA 2,873 SF.
 @ 14%

14240
 E MARSH LANE (100' R.O.W.)

101 SITE PLAN

