

**ORDINANCE NO. 002-027**

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 095-002, AS HERETOFORE AMENDED, SO AS TO PROVIDE FOR AN ADDITIONAL 499 SQUARE FEET TO THE FRONT OF THE BUILDING, ON APPLICATION FROM TEXANA GRILL, LOCATED AT 14905 MIDWAY ROAD; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A SEVERABILITY 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, 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. 083-040, passed by the Addison City Council on the 28<sup>th</sup> July, 1983, and amended by Ordinance No. 095-002, passed by the Addison City Council on 10<sup>th</sup> of January, 1995 is hereby amended by amending Section 2 to read as follows:

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, floor plan, landscape plan, irrigation plan, and the elevation drawings showing four exterior walls, 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 5,461 square feet which includes a 499 square feet addition to the front of the building.
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 terms or graphic depictions that relate to the sale of alcoholic beverages in any exterior signs.

10. A landscape plan must be submitted for review and approval prior to issuance of a building permit.
11. A fire sprinkler is required, or an alternative is the installation of two-hour fire area walls dividing the space into areas of 5,000 square feet or less. Openings in the fire area walls will require 90-minute protection.
12. Back-of-house additions and changes (i.e. bakery room) must conform to the applicable codes regarding room finish-out and equipment requirements.
13. Deferred maintenance and general wear and tear in the existing kitchen and support areas must be addressed to the satisfaction of Environmental Services Officer.

SECTION 3. 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 be remain in full force and effect.

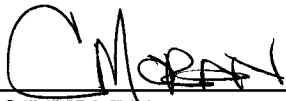
SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance 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 5. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,  
on this the 13<sup>th</sup> day of August, 2002.

  
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MAYOR

ATTEST:

  
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CITY SECRETARY

CASE NO. 1414-SUP

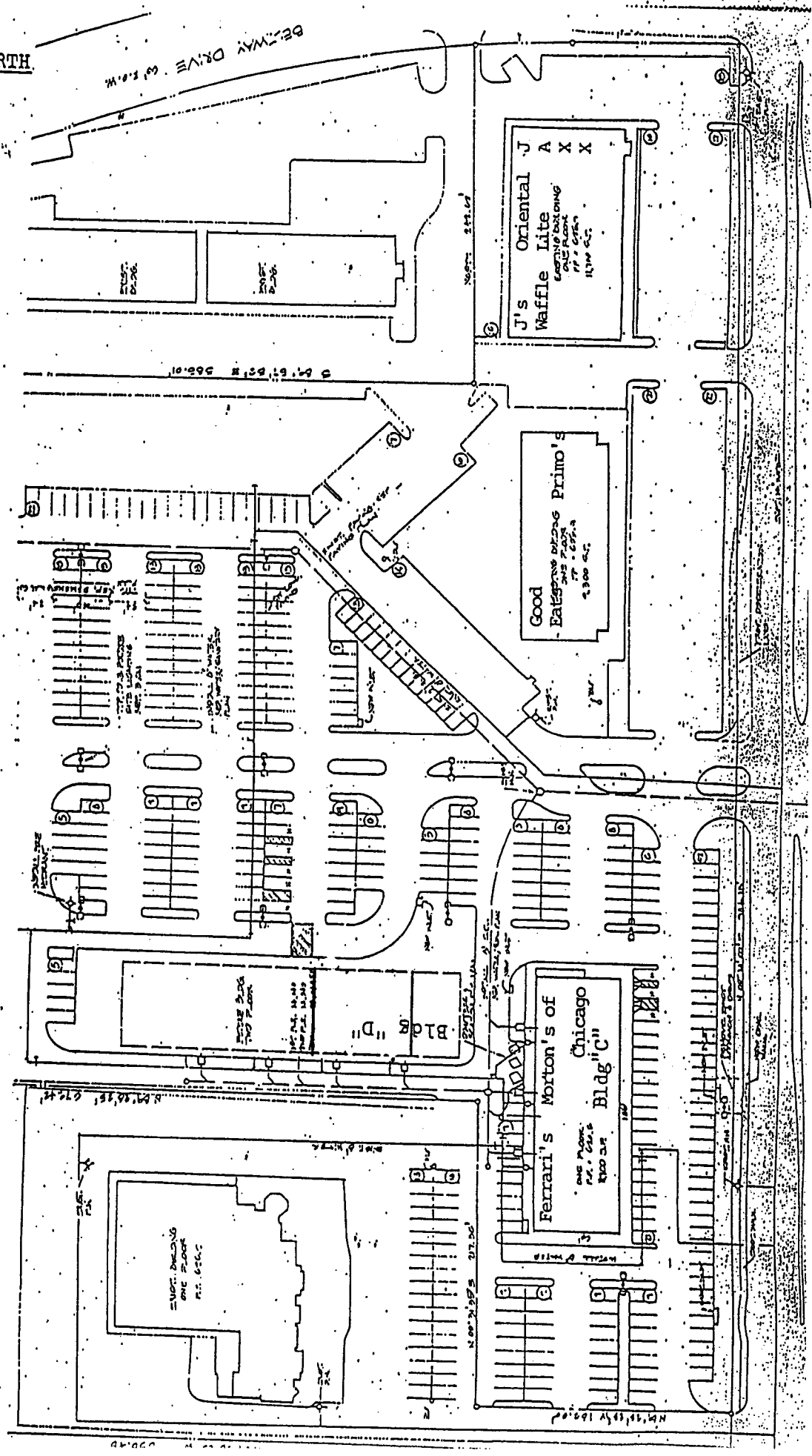
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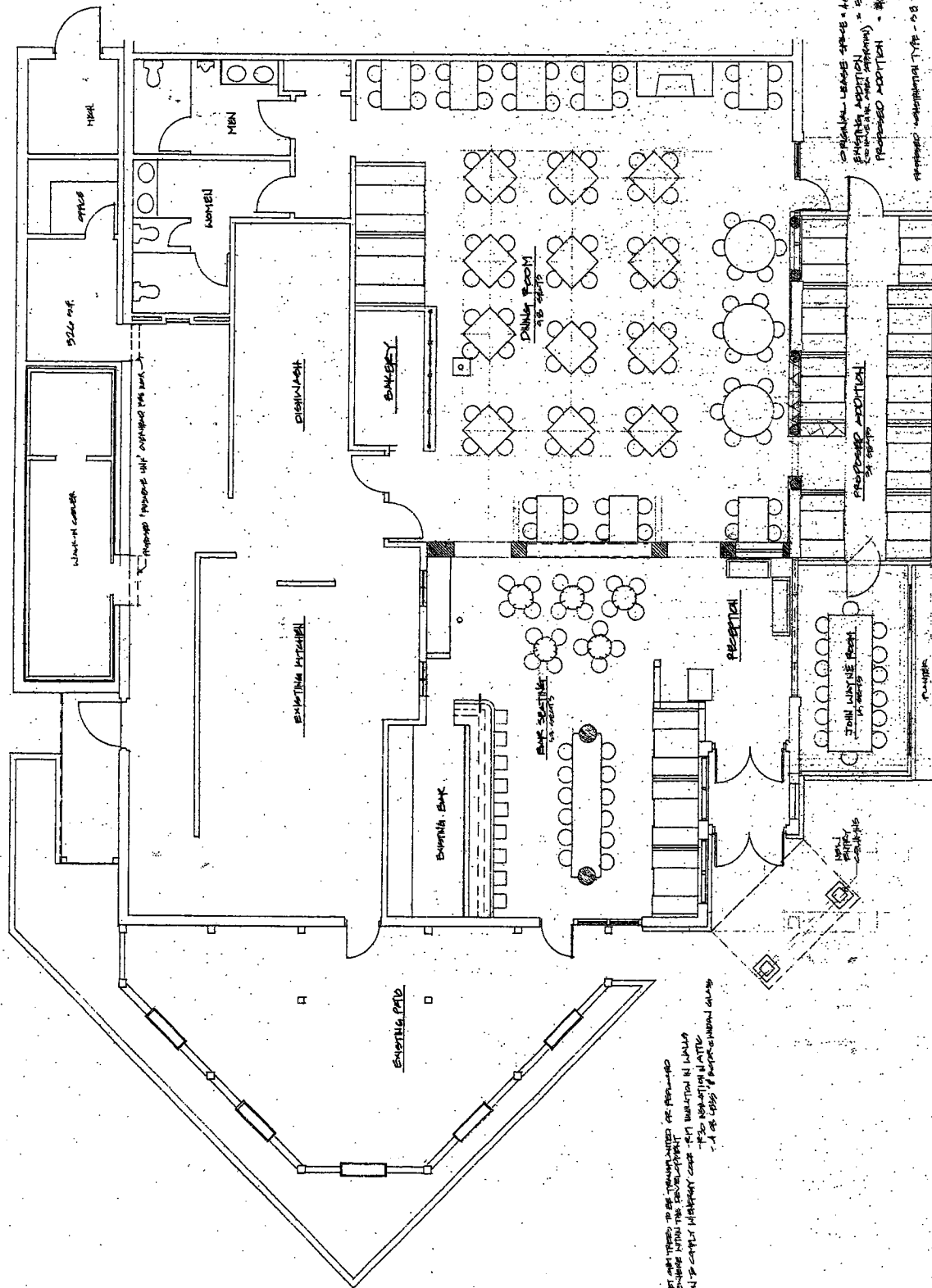
  
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DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: \_\_\_\_\_

NORTH

BELWAY DRIVE (S. 1/4 W.)





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2016-217

PROPOSED RENOVATION/ADDITION FOR TEXAS GIRLS - 14025 MIDWAY ROAD

