

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 010-023**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SPECIAL USE ORDINANCE NO. 004-036, AS HERETOFORE AMENDED, SO AS TO PROVIDE FOR A 700 SQUARE FEET PATIO, ON APPLICATION FROM ARTHUR'S RESTAURANT, LOCATED AT 15175 QUORUM DRIVE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A NO 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. 004-036, passed by the Addison City Council on the 10<sup>th</sup> of August, 2004, 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 showing a 700 square-foot patio, which is 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 9,6416 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. 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. 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.
8. 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.
9. 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.

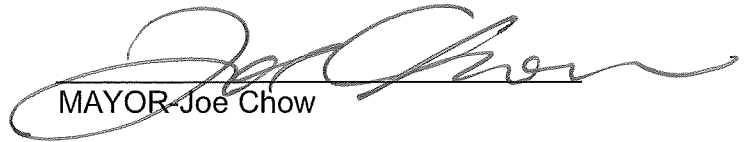
10. The establishment shall not use the term “bar”, “tavern”, or any other terms or graphic depictions that relate to the sale of alcoholic beverages in any exterior signs.
11. Any dead or missing landscaping must be replaced before a CO is issued for the new building.
12. The dumpster enclosure must be reconstructed out of the same brick as the new building. It must be large enough to contain all refuse containers, and it shall have a gate on the front. The new dumpster enclosure shall be completed prior to the issuance of a Certificate of Occupancy for the new office building.
13. All mechanical equipment on the new building shall be completely screened from view. The screening material shall be architecturally compatible to the building, and the Building Official shall make the determination of “architecturally compatible”.

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. 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,  
on this the 10<sup>th</sup> day of August, 2010.

  
MAYOR Joe Chow

ATTEST:

  
CITY SECRETARY-Lea Dunn

CASE NO. 1603-SUP/Arthur's Restaurant

APPROVED AS TO FORM:

  
DIRECTOR OF DEVELOPMENT SERVICES-  
Carmen Moran

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

010-023

PROJ LINE 109.50'

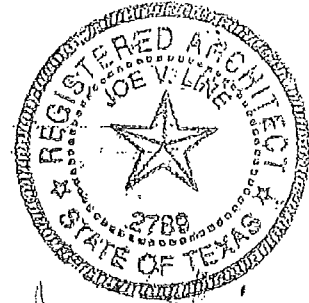
PROPOSED CONC. SLAB

ARTHUR'S RESTAURANT

QUORUM DRIVE

ADDISON, TEXAS

JOE V. LINE ARCHITECT



Joe V. Line  
6/25/2010

PR LINE 161.75'

