

ORDINANCE NO. O22-28

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REPEALING ORDINANCE NO. 094-044 AND GRANTING A SPECIAL USE PERMIT (SUP) FOR A RESTAURANT FOR PROPERTY LOCATED AT 3855 BELT LINE ROAD; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on August 16, 2022, the Planning & Zoning Commission considered and made recommendations on a request for a Special Use Permit (Case No.1854-SUP) for a restaurant at the property located at 3855 Belt Line Road (the “Subject Property”); and

WHEREAS, the Subject Property is presently zoned Planned Development (PD) through Ordinance Nos. 092-037 and 094-066; and

WHEREAS, this change of zoning is in conformance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this amendment promotes 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. The recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. Ordinance No. O94-044 granting a Special Use Permit to Joe’s Crab Shack, shall be repealed in its entirety upon issuance of a Certificate of Occupancy for the Subject Property in conformance with this ordinance.

SECTION 3. A Special Use Permit authorizing a restaurant on the Subject Property, is hereby granted subject to the following conditions:

- (a) Prior to issuance of a Certificate of Occupancy, said Property shall be improved in accordance with the site plan, landscape plan, floor plan, and façade plan, which are attached hereto as **Exhibit A** and made a part hereof for all purposes.
- (b) Operating hours shall result in venue closure no later than 12 am, Sunday – Wednesday, and 2 am, Thursday – Saturday.

(c) The use of speakers/sound systems and live music on the patio any time after 10 pm shall be prohibited.

(d) BYOB services shall be prohibited.

SECTION 4. 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, Section 1-7 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.

SECTION 6. 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.

SECTION 7. This ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the 13th day of SEPTEMBER 2022

TOWN OF ADDISON, TEXAS


Joe Chow, Mayor

ATTEST:


Irma G. Parker, City Secretary

APPROVED AS TO FORM:


Whitt L. Wyatt, City Attorney

Published in the Dallas Morning News 9/20/2022.



EXHIBIT A

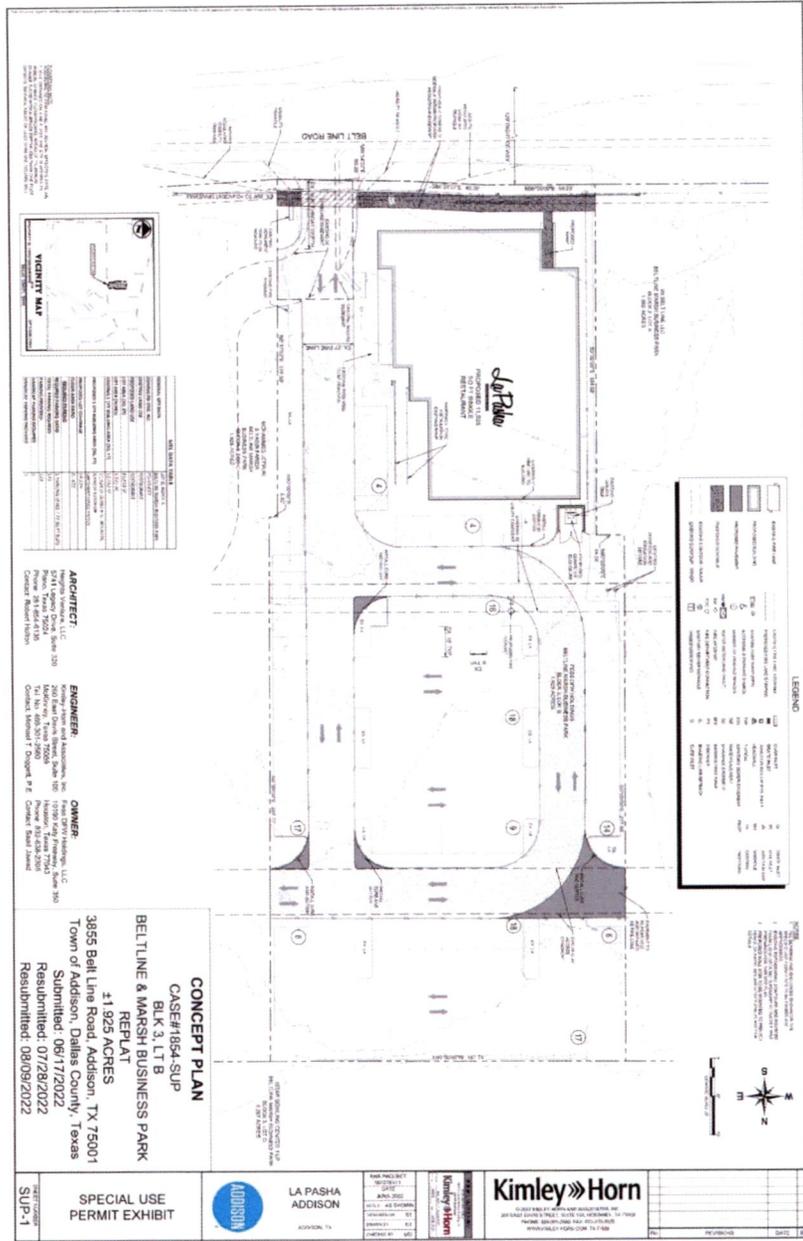
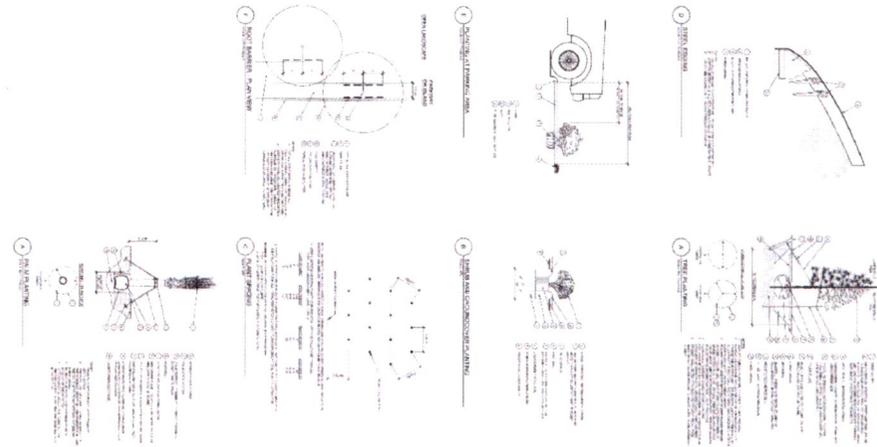


EXHIBIT A

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR MATERIALS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
4. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORD DURING CONSTRUCTION AND SUBMIT A COMPLETE RECORD UPON COMPLETION.
6. ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. THE CONTRACTOR SHALL MAINTAIN A CLEAN AND SAFE WORK SITE AT ALL TIMES.
10. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM WEATHER.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDS.
12. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR MATERIALS.

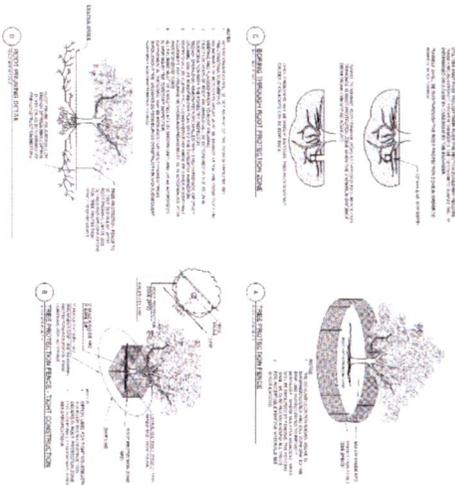


<p>LA PASHA</p> <p>LANDSCAPE ARCHITECTS</p> <p>12345 MAIN STREET SUITE 100 ADDISON, TX 75001 (972) 555-1234 www.lapasha.com</p>	<p>Heights Ventures</p> <p>12345 MAIN STREET SUITE 100 ADDISON, TX 75001 (972) 555-1234 www.heightsventures.com</p>	<p>LA PASHA</p> <p>LANDSCAPE ARCHITECTS</p> <p>12345 MAIN STREET SUITE 100 ADDISON, TX 75001 (972) 555-1234 www.lapasha.com</p>
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EXHIBIT A

SECTION 1. PURPOSE AND SCOPE
 The purpose of this Ordinance is to establish the minimum standards for the design, construction, and maintenance of trees and landscaping in the City of Addison, Texas. This Ordinance shall apply to all new construction, reconstruction, and substantial renovation of buildings, structures, and other improvements within the City of Addison, Texas.

SECTION 2. DEFINITIONS
 For the purposes of this Ordinance, the following definitions shall apply:
 "Tree" means any woody plant with a trunk diameter of at least one (1) inch at a point four (4) feet above the ground, measured at its base, and which is capable of surviving for more than two (2) years.
 "Landscaping" means the planting, maintenance, and care of trees, shrubs, and other plants and flowers.
 "New construction" means the construction of a new building, structure, or other improvement.
 "Reconstruction" means the rebuilding of a building, structure, or other improvement that has been destroyed or substantially damaged.
 "Substantial renovation" means the renovation of a building, structure, or other improvement that involves the replacement of a major portion of the exterior walls, roof, or structural elements.



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EXHIBIT A

