

ORDINANCE NO. O22-37

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT (SUP) FOR A RESTAURANT WITH DRIVE-THRU SERVICE FOR PROPERTY LOCATED AT 14380 MARSH LANE, SUITE 100; 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 September 20, 2022, the Planning & Zoning Commission considered and made recommendations on a request for a Special Use Permit (Case No.1855-SUP) for a restaurant at the property located at 14380 Marsh Lane, Suite 100 (the "Subject Property"); and

WHEREAS, the Subject Property is presently zoned Planned Development (PD), Ordinance No. 007-034, as amended by Ordinance Nos. 013-026, O16-017, O16-018, and O19-06; 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. A Special Use Permit authorizing a restaurant with drive thru service on the Subject Property, is hereby granted subject to the following condition:

- (a) Prior to issuance of a Certificate of Occupancy, said Property shall be improved in accordance with the site and floor plan, which is attached hereto as **Exhibit A** and made a part hereof for all purposes.

SECTION 3. 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 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. 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 6. 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 **11TH** day of **OCTOBER 2022**.

TOWN OF ADDISON, TEXAS



ATTEST:

Irma G. Parker
Irma G. Parker, City Secretary

Joe Chow
Joe Chow, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Whitt Wyatt
Whitt Wyatt, City Attorney

Published in the Dallas Morning News on 10/15/2022 edition

