

**ORDINANCE NO. O22-38**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT (SUP) FOR A RESTAURANT AND FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION FOR THE PROPERTY LOCATED AT 14380 MARSH LANE, SUITE 160; 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.1858-SUP) for a restaurant and for the sale of alcoholic beverages for on-premises consumption at the property located at 14380 Marsh Lane, Suite 160 (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 and authorizing the sale of alcoholic beverages for on-premises consumption for 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 and floor plan, which are attached hereto as **Exhibit A** and made a part hereof for all purposes.
- (b) The SUP granted herein for a restaurant and for the sale of alcoholic beverages for on- premises consumption, shall be limited to that particular area encompassing a total area not to exceed 4,510 square feet as designated on the final site plans attached hereto as Exhibit A.

- (c) No signs advertising the 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 (hereinafter “City”).
- (d) The sale of alcoholic beverages under this SUP shall be permitted in restaurants. For the purposes of this ordinance, the term “restaurant” means an establishment which receives at least sixty percent (60%) of its gross revenues from the sale of food.
- (e) Said establishment shall, upon request by the City, make available to the City or its agents, during reasonable hours its bookkeeping records for inspection to ensure that the conditions of subparagraph (d) above are being met.
- (f) Any nonconforming use of the Subject Property that is not considered a legal nonconforming use under the City’s Comprehensive Zoning Ordinance shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
- (g) If the Subject Property 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 and repeal of the Special Use Permit granted herein.
- (h) If a license or permit to sell alcoholic beverages on the Subject Property is revoked, terminated, or cancelled by any authority with jurisdiction over the same, the City Council may authorize hearings to be held for the purpose of considering a change of zoning and repeal of the Special Use Permit granted herein.
- (i) The establishment shall not use the term “bar”, “tavern”, or any other terms or graphic depictions that relate to the sale of alcoholic beverages on any signs visible from the exterior of the premises.

**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.

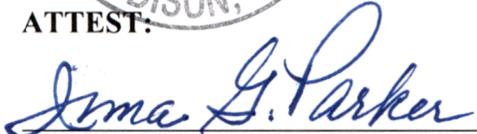
**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas, on this the **11<sup>TH</sup>** day of **OCTOBER 2022**.



**TOWN OF ADDISON, TEXAS**

  
Joe Chow, Mayor

**ATTEST:**

  
Irma G. Parker, City Secretary

**APPROVED AS TO FORM:**

DocuSigned by:  
  
Whitt Wyatt, City Attorney

*Published in the Dallas Morning News on Friday, October 14, 2022 edition.*

