

ORDINANCE NO. 023-41

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT (SUP) FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FOR THE PROPERTY LOCATED AT 14960 LANDMARK BOULEVARD; 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 15, 2023, the Planning & Zoning Commission considered and made recommendations on a request for a Special Use Permit (Case No.1889-SUP) for the sale of alcoholic beverages for off-premises consumption at the property located at 14960 Landmark Boulevard (the “Subject Property”); and

WHEREAS, the Subject Property is presently zoned Commercial-1 (C-1), with Special Use Permit (SUP) by Ordinance No. O14-022; 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 the sale of alcoholic beverages for off-premises consumption for the Subject Property, is hereby granted subject to the following conditions:

- (a) The SUP granted herein for the sale of alcoholic beverages for off-premises consumption, shall be limited to the reception and market area, encompassing a total area not to exceed 500 square feet, as designated on the final floor plan attached hereto as **Exhibit A**. This SUP is further limited to the sale of alcoholic beverages for off-premises consumption by hotel guests only and does not authorize the sale of alcoholic beverages to the general public. For the purposes of this ordinance, off-premises consumption shall be defined as hotel guests consuming alcoholic beverages within on-site hotel guest rooms.

- (b) 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 (hereinafter “City”).
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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, including the right to seek injunctive relief for any and all violations of this ordinance where the law in such cases so provides.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or of the Zoning Ordinance for the Town of Addison, as amended hereby, be adjudged or held, in whole or in part, to be invalid, voided or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinances, as amended hereby, which shall remain in full force and effect.

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 **12th** day of **SEPTEMBER** 2023.

TOWN OF ADDISON, TEXAS





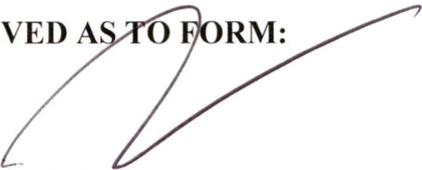
Bruce Arfsten, Mayor

ATTEST:



Irma G. Parker, City Secretary

APPROVED AS TO FORM:



Whitt Wyatt, City Attorney

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