

ORDINANCE NO. O24-049

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT (SUP) FOR A RESTAURANT WITH THE SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION FOR THE PROPERTY LOCATED AT 5312 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 September 17, 2024, the Planning & Zoning Commission considered and made recommendations on a request for a Special Use Permit (Case No. 1920-SUP) for a restaurant with the sale of alcohol for on-premises consumption at the property located at 5312 Belt Line Road (the “Subject Property”); and

WHEREAS, the Subject Property is presently zoned Planned Development (PD), Ordinance No. 496; 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 the sale of alcohol 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, landscape plan, floor plan, and façade plans 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 3,350 square feet, inclusive of outdoor dining space, as designated on the final site plans attached hereto as **Exhibit A**.

- (c) 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”).
- (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.

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. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions 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 **8TH** day of **OCTOBER 2024**.
DS



TOWN OF ADDISON, TEXAS

Signed by:

Bruce Arfsten

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Bruce Arfsten, Mayor

ATTEST:

DocuSigned by:

Valencia Garcia

BCF0B0F8648444Z...

Valencia Garcia, City Secretary

APPROVED AS TO FORM:

Signed by:

Whitt Wyatt

BCBGE4D8116D41A...

Whitt Wyatt, City Attorney

EXHIBIT A

PLANT SCHEDULE

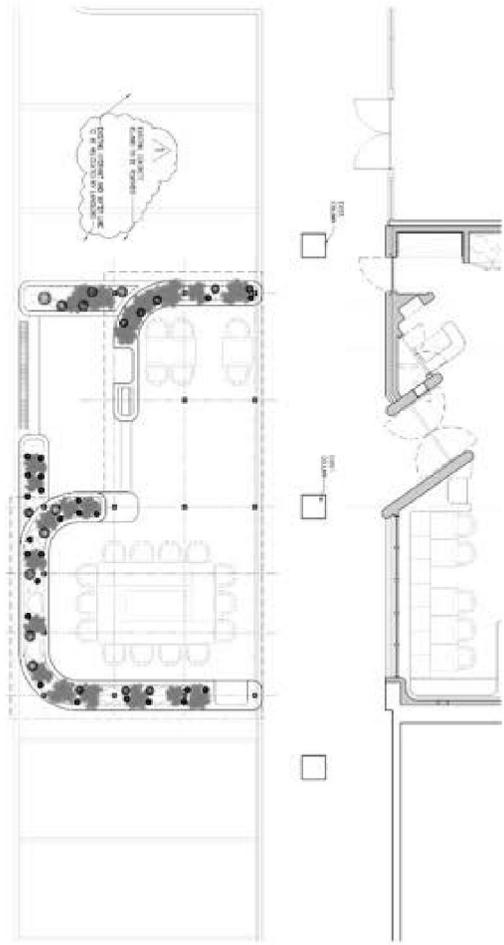
SYM. ID#	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
22	BANANA YUCCA	BANANO	12" H X 12" DIA	-
31	PERSEA GLAZIA	BLUE FEICHA PALM	6" H X 12" DIA	-

MAINTENANCE NOTES

1. ALL PLANTS SHALL BE MAINTAINED AS SPECIFIED.
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LANDSCAPE NOTES

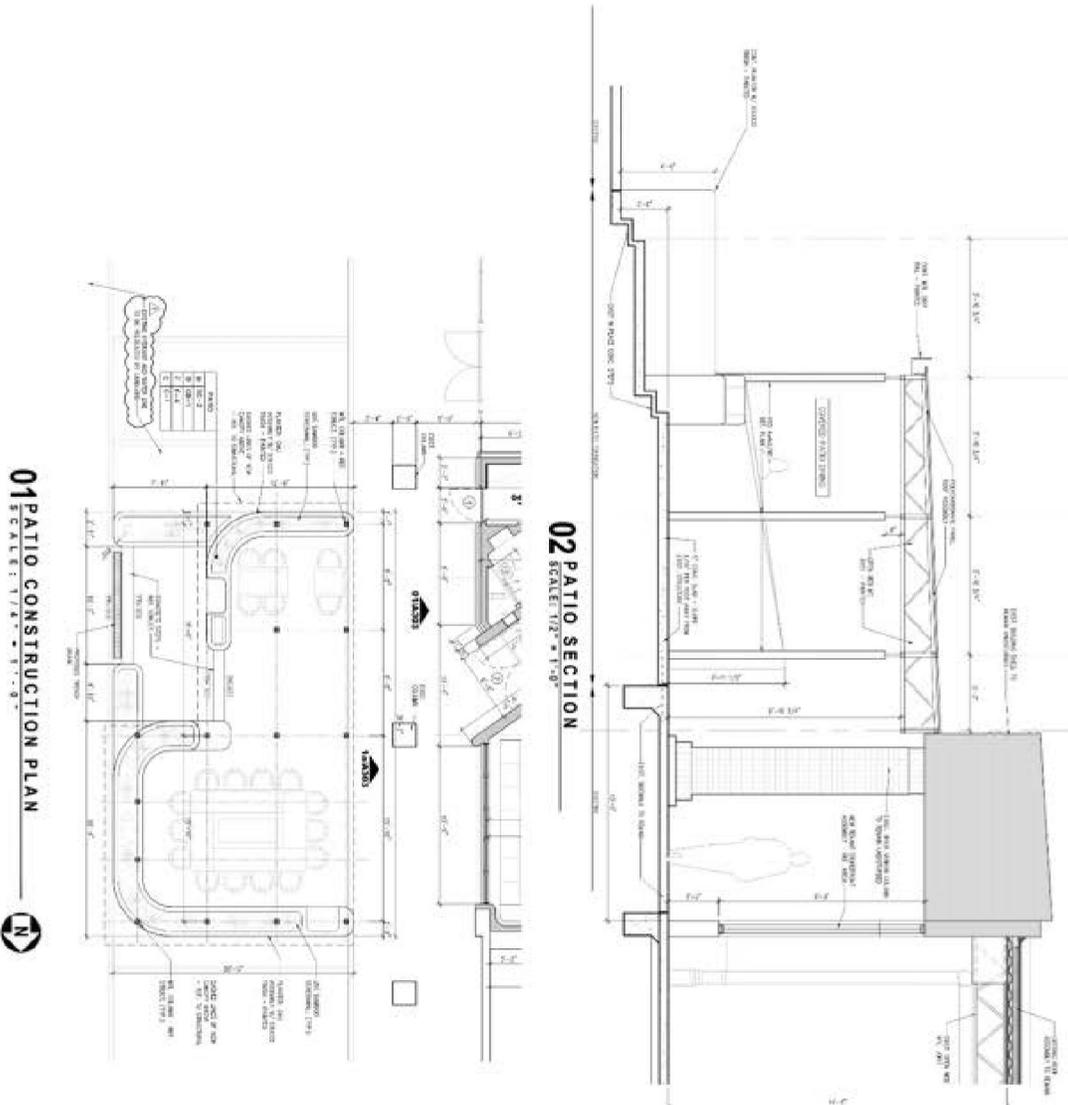
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01 LANDSCAPE PLAN
SCALE: 1/4" = 1'-0"

	<p>LANDSCAPE PLAN</p> <p>DATE: 11/11/2020 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT: HACHI RESTAURANT</p>	<p>HACHI RESTAURANT</p> <p>5312 BELTLINE ROAD • ADDISON, TX 75254</p>	
<p>DATE: 11/11/2020 PROJECT: 1920-SUP</p>	<p>SCALE: 1/4" = 1'-0"</p>	<p>DATE: 11/11/2020 PROJECT: 1920-SUP</p>	<p>DATE: 11/11/2020 PROJECT: 1920-SUP</p>

EXHIBIT A



	PATIO CONSTRUCTION PLAN		
	DATE NO. 1920-SUP	PROJECT NO. 24341	
A101	HACHI RESTAURANT		5312 BELTLINE ROAD • ADDISON, TX 75254

