

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 016-___

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 008-043, TO INCREASE THE SIZE OF THE PATIO AND TO REQUIRE ADDITIONAL FENCING FOR FUTURE PATIO USE, ON PROPERTY LOCATED AT 4985 ADDISON CIRCLE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on December 15, 2015, the Planning & Zoning Commission considered and made recommendations on a request for a Planned Development District (Case No.1724-SUP); and

WHEREAS, this change of zoning is in accordance 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. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance 008-043, Section 2, to revise conditions 1 and 2 and to add a twelfth condition, to read as follows:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the revised site plan showing that a patio of approximately ~~421-603~~ square feet will be added to the south side of the building. The patio will enclose the area in front of the entrance to the restaurant. The area is covered by a building overhang that runs the length of Building A of Phase 1 of Addison Circle.
2. That the Special Use Permit granted herein shall be limited to a restaurant and the sale of alcoholic beverages for on-premises consumption only to that particular area designated on the final site plan as encompassing a total area not to exceed ~~3,970~~ 4,152 square feet.

12. Should the existing or proposed patio on the southern side of the building be utilized, the applicant shall submit a revised site plan incorporating the fencing required by Ordinance 008-043 with the exception of the area immediately in front of the main entrance.

Section 3. That in addition to the plans attached to Ordinance 008-043, the Property shall be developed in accordance **Exhibit A** attached hereto and incorporated herein.

Section 4. Save and except as amended by this Ordinance, Ordinance 008-043 and the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect.

Section 5. Any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 6. 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 7. 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 8. 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 or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of January 2016.

Todd Meier, Mayor

ATTEST:

Laura Bell, City Secretary

CASE NO: 1724-SUP/Antonio Ristorante

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney

Case No. 1724-SUP/Antonio Ristorante

PUBLISHED ON: _____

EXHIBIT A

ANTONIO RISTORANTE
4985 ADDISON CIRCLE
ADDISON, TX 75001
Restaurant SF: 3,975 SF
Total Patio SF: 1,152± SF
Patio 1 SF: 570± SF
Patio 2 SF: 284± SF
Patio 3 SF: 116± SF
Proposed Patio 4 SF: 182± SF

EXISTING BUILDING STRUCTURE
EXISTING BUILDING OVERHANG
EXISTING PATIO FENCE
EXISTING GREEN BARRIER (POTTED PLANTS)
PATIO 1
PATIO 2
PROPOSED PATIO 4
EXISTING GREEN BARRIER (POTTED PLANTS)
ADDISON CIRCLE
EXISTING ENTRY
EXISTING BRICK PLATFORM

01 PROPOSED PATIO ILLUSTRATION
SCALE: 1"=10'-0"

10'-0" 5'-0" 0 10'-0" 20'-0"
SCALE: 1"=10'-0"

02 PHOTO
SCALE: N.T.S.

03 PHOTO
SCALE: N.T.S.

04 PHOTO
SCALE: N.T.S.