

**ORDINANCE NO. 2013-XX-XXX**

**AN ORDINANCE AMENDING CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (BIG TONY'S GRILL), LOCATED ON THE SOUTHWEST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND REDBUD BOULEVARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the owner or owners of a tract, located on the southwest corner of U.S. Highway 380 (University Drive) and Redbud Boulevard, have petitioned the City of McKinney to amend Chapter 146 of the City of McKinney Code of Ordinances in order to provide for a Specific Use Permit for a private club, and

**WHEREAS**, the owner or owners are willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, and

**WHEREAS**, after due notice of the requested zoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that such amendment should be made.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

- Section 1. From and after the effective date of this Ordinance, Chapter 146 of the Code of Ordinances of the City of McKinney, Texas, is hereby amended to provide for the specific use permit for a private club (Big Tony's Grill) located on the southwest corner of U.S. Highway 380 (University Drive) and Redbud Boulevard, and as depicted on Exhibit "A", attached hereto, in accordance with the provisions of Section 146-41 of the City of McKinney Code of Ordinances.
- Section 2. The owner or owners of said establishment shall have six (6) months from the effective date hereof to comply with all of the provisions of the Texas Liquor Control Act and receive a private club permit from the State of Texas.
- Section 3. The subject property shall be developed according to an approved floor plan referenced as Exhibit "B" and made a part hereof.
- Section 4. The subject property shall be operated in accordance with the private club regulations as defined in Section 146-46 of the City of McKinney Code of Ordinances.
- Section 5. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 6. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation

or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

Section 7. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 20<sup>th</sup> DAY OF AUGUST, 2013.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

CORRECTLY ENROLLED:

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SANDY HART, TRMC, MMC  
City Secretary  
BLANCA I. GARCIA  
Assistant City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney



# Exhibit B

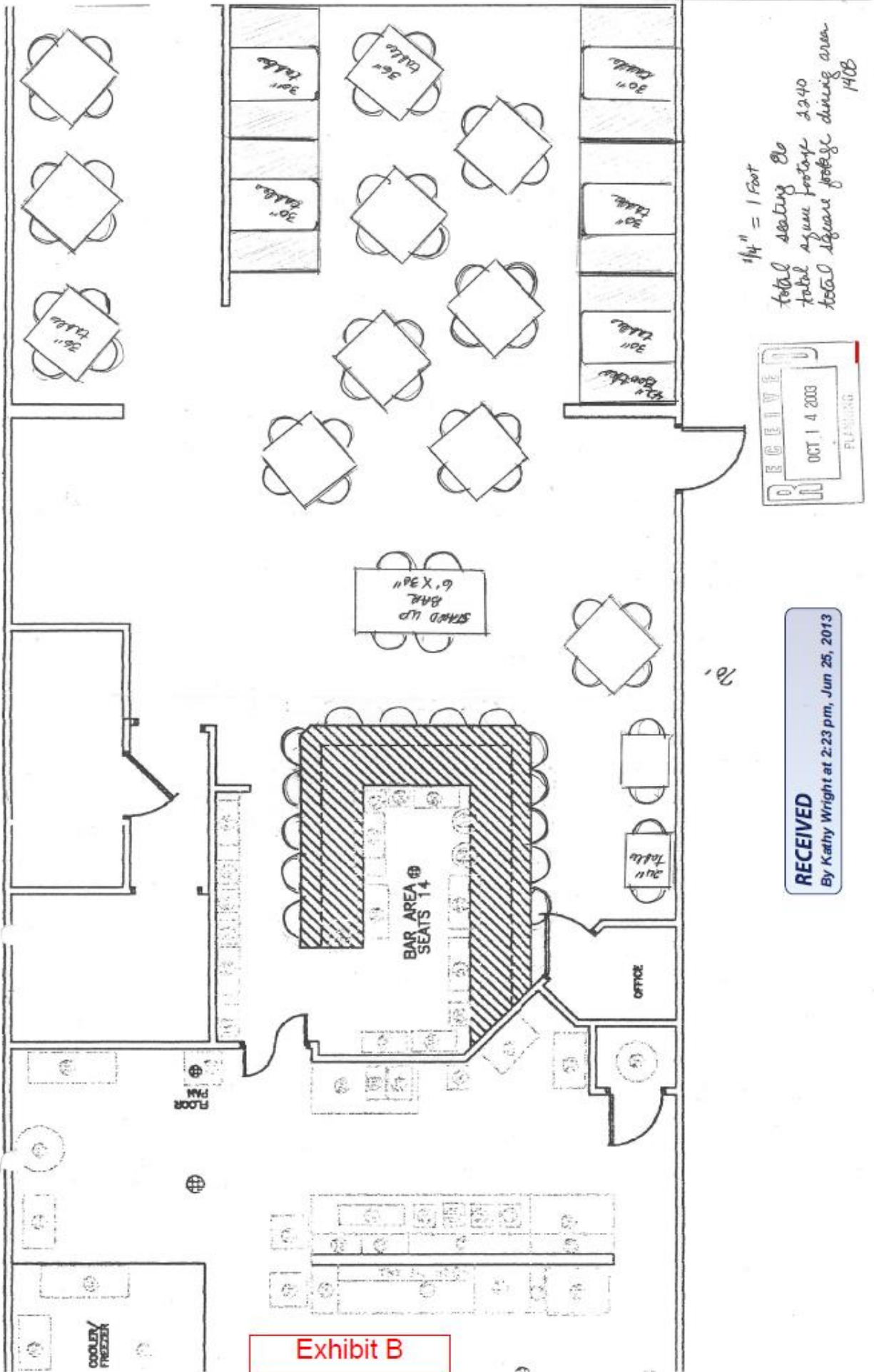


Exhibit B

RECEIVED  
By Kathy Wright at 2:23 pm, Jun 25, 2013

RECEIVED  
OCT 14 2003  
PLUMBING

1/4" = 1 Foot  
total seating 80  
total square footage 2240  
total square footage dining area 1408