

**TOWN OF TROPHY CLUB, TEXAS  
ORDINANCE NO. 2023-02 P&Z**

**AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS APPROVING A SPECIFIC USE PERMIT FOR ALCOHOLIC BEVERAGE SALES FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH A RESTAURANT USE OPERATED BY ROSATI'S RESTAURANT, LOCATED ON LOT 1, BLOCK A OF TROPHY CLUB TOWN CENTER ADDITION, WITHIN PD PLANNED DEVELOPMENT NO. 30; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING APPLICABLE REGULATIONS, DISCONTINUATION, & REVOCATION; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the applicant seeks to sell alcoholic beverages, including but not limited to beer, wine, and liquor, for on-premises consumption in conjunction with a restaurant use operated by Rosati's Restaurant, located on Lot 1, Block A of Trophy Club Town Center Addition; and

**WHEREAS**, all legal requirements and conditions were complied with, and after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning & Zoning Commission of the Town has recommended to the Town Council the adoption of this Ordinance; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning & Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the adoption of this Ordinance is in the best interests of the Town of Trophy Club, Texas and of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:**

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

## **SECTION 2. APPLICABLE REGULATIONS, DISCONTINUATION, & REVOCATION**

In all respects the Land shall be subject to the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances and regulations of the Town, including without limitation regulations governing PD Planned Development No. 30 and all amendments thereto. The Specific Use Permit granted by this Ordinance shall control in cases of conflict between this Ordinance and/or PD Planned Development No. 30 and/or the Comprehensive Zoning Ordinance. The Specific Use Permit granted hereby shall discontinue if the use for which this Specific Use Permit is granted ceases to be operated at the permitted location for a minimum period of six (6) continuous months. Further, this Specific Use Permit shall be subject to revocation in accordance with the Town of Trophy Club Code of Ordinances.

## **SECTION 3. SAVINGS AND REPEALER**

This Ordinance shall be cumulative of all other ordinances of the Town affecting the regulation of land and zoning and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance whether such Ordinances are codified or uncoded, and all other provisions of the Ordinances of the Town of Trophy Club, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Notwithstanding the foregoing, any complaint, action, cause of action or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such repealed Ordinance(s) shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall be deemed to remain and continue in full force and effect.

## **SECTION 4. SEVERABILITY**

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

## **SECTION 5. PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon

conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty provided by this section shall be cumulative of all other penalties allowed by law, including without limitation, civil remedies available for enforcement of this Ordinance.

#### **SECTION 6. PUBLICATION**

The Town Secretary of the Town of Trophy Club is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

#### **SECTION 7. ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance by filing this Ordinance in the ordinance records of the Town.

#### **SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED** by the Town Council of the Town of Trophy Club, Texas, this 14<sup>th</sup> day of February 2023.

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Alicia Fleury  
Town of Trophy Club, Texas

[SEAL]

ATTEST:

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Anita Otterson, Town Secretary  
Town of Trophy Club, Texas

APPROVED AS TO FORM:

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J. David Dodd III, Town Attorney  
Town of Trophy Club, Texas