



RECEIVED  
AUG 7 1986  
OFFICE OF CITY SECRETARY

ORDINANCE NO. 1640

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR A PRIVATE CLUB IN THE PD-39 ZONING DISTRICT AND LOCATED WITHIN THE BUILDING LOCATED AT 5005 L.B.J. FREEWAY; PROVIDING FOR CONDITIONS OF OPERATION, PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY.

Whereas, the City Plan Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to granting of a specific use permit under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning uses should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit for a private club permitting the sale of alcoholic beverages, in the PD-39 zoning district.

SECTION 2. That the private club shall be located within the property designated as 5005 L.B.J. Freeway.

SECTION 3. That the private club shall be operated in accordance with the following provisions:

- a. The Specific Use Permit for a private club shall be limited to the first floor only and more specifically to the location designated in Exhibit "A".

- b. The size of the private club shall be limited in size as specified in Exhibit "A".
- c. The arrangement of tables, equipment, furnishings, operations, method of operation, kitchen, service bar, or uses shown on the approved site plan shall not be changed, revised or altered without City Council approval or with a revised site plan. Should the requirements established by the approved site plan be violated or altered either inside or outside of the restaurant, the specific use permit shall become invalid and terminated and the private club operation shall cease. The city shall notify the owner of the land or operator of the restaurant in writing of any such violation and the owner or operator shall have 15 days from delivery of same written notice to rectify same.
- d. The sales shall conform to a minimum of 60% food sales and a maximum of 40% alcohol sales.

SECTION 4. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended and by the granting of a specific use permit for a private club in the PD-39 zoning district.

SECTION 5. That 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 of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense.

SECTION 6. If any section, paragraph, subsection, clause, phrase, provision or word of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. Whereas, it appears that the above described property requires that it be given the specific use permit in order to permit its proper use and development, and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance as the law in such case provides.

DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 21 day of July, 1986.