



**FARMERS  
BRANCH**

ORDINANCE NO. 1658

"BEST LIVING PLACE"

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 RESTAURANT WITH DRIVE-THRU SERVICE IN PLANNED DEVELOPMENT (PD-4) ZONING DISTRICT LOCATED AT THE SOUTHEAST CORNER OF FYKE ROAD AND JOSEY LANE; PROVIDING A SAVINGS CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Planning and Zoning 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 State Law with reference to the granting of Specific Use Permits under the zoning ordinance regulations and zoning map, have given the requisite notice by publication and otherwise, and holding due hearings and affording a full and fair hearing to all property owners generally and to 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 of zoning use should be made, subject to the conditions set out herein.

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 granting a Specific Use Permit for a restaurant with drive-thru service in Planned Development (PD-4) Zoning District. Said restaurant shall be located at the southeast corner of Fyke Road and Josey Lane. Said restaurant being located within the Josey Square Shopping Center No. 1 Subdivision.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch is hereby amended by amending the zoning map of the City of Farmers Branch so as to indicate a Specific Use Permit for a restaurant with drive-thru service in Planned Development (PD-4) Zoning District.

SECTION 3. That the above described restaurant shall be constructed in the manner setforth in the approved site plan attached as Exhibit "A".

SECTION 4. That the granting of the Specific Use Permit is conditioned upon the applicant's completion of the following:

- a. A joint access agreement is filed with the City to permit unrestricted movement between lots
- b. Curbing will be constructed around the sign
- c. A curbed island will be constructed along the parking stall adjacent to the exit driveway at Josey
- d. Curb stops will be added to the angle parking in order to maintain a minimum of four feet of sidewalk in front of the parking.

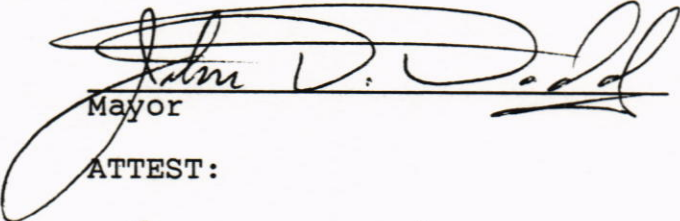
SECTION 5. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same is hereby repealed and all other provisions of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of the ordinance shall be subject to the same penalty provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of Two-Hundred Dollars (\$200.00) for each offense.

SECTION 8. Whereas, it appears the above described property requires that it be given the Specific Use Permit in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch creates an urgency and an emergency for the preservation of the public health, safety and welfare 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 cases provides.

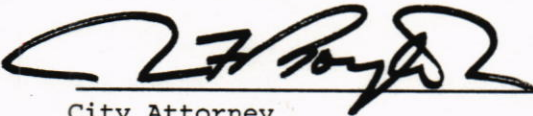
DULY PASSED BY the City Council of the City of Farmers Branch, Texas, on the 6th day of October, 1986.

  
Mayor

ATTEST:

  
City Secretary

APPROVED AS TO FORM

  
City Attorney