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AWAITING
CORRECTED
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ORDINANCE NUMBER 2134

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 LOCATED AT 13233 STEMMONS FREEWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 25 ZONING DISTRICT (PD-25); PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A SITE PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING 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, in compliance with the Charter of the City of Farmers Branch, and the State law with referenced to the granting of a specific use permit under the Comprehensive 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 for the consumption, serving and storage of alcohol in the PD-25 zoning district.

SECTION 2. That the private club shall be located within the building designed as 13233 Stemmons Freeway and more specifically described in Exhibit "A" (subject property).

SECTION 3. That construction and use of the subject property shall strictly comply with the site plan submitted to and approved by the City Council and attached herein as Exhibit "B".

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-25 zoning district.

SECTION 5. That consumption of alcoholic beverages is strictly limited to members of JoJo's Restaurant.

SECTION 6. That the use of the subject property as a private club be contingent upon the operation of the club being under the direct administration of JoJo's Restaurant, Inc.

SECTION 7. That JoJo's Restaurant will use the subject property as a private club as so indicated on the approved site plan and attached as Exhibit "B".

SECTION 8. That, should JoJo's Restaurant fail to comply fully with any of the provisions of this ordinance, as determined by the City Council, a zoning case may be initiated by the City for the purpose of rezoning the property and removing the Specific Use Permit for the private club use.

SECTION 9. 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-thousand (\$2000.00) dollars for each offense.

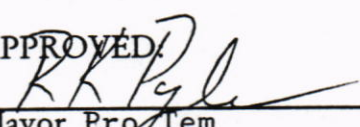
SECTION 10. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 11. 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 12. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, and as the law in such case provides.

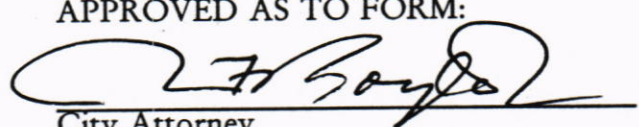
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 15th day of August, 1994.

APPROVED:



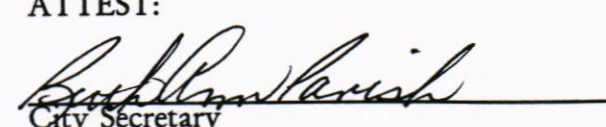
Mayor Pro Tem

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary