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**ORDINANCE NUMBER 2398**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT A SPECIFIC USE PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED AT 13717 OMEGA ROAD AND WITHIN THE LIGHT INDUSTRIAL ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

Whereas, the City 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 the state law with reference to the granting of changes to the zoning classifications 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 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 due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning 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 massage establishment, as herein defined, located at 13717 Omega Road.

**SECTION 2.** That the term "massage establishment" shall mean any place of business where manipulative massage or manipulated exercises are practiced upon the human body for consideration whether with or without the use of mechanical therapeutic or bathing devices, in a State of Texas licensed hospital by a duly licensed physician or chiropractor; by a duly licensed beautician or barber in a licensed beauty shop or barber shop; in an establishment wherein State of Texas registered physical therapists treat only patients recommended by a licensed physician and operate under such physician's direction or any registered massage establishment under Texas Revised Civil Statute Annotated, Article 4512K.

**SECTION 3.** That no person, other than those duly licensed by the State of Texas shall practice massage at this location.



**SECTION 4.** That no section, paragraph, subdivision, clause, phrase, provision of this ordinance in any way, grants any entity whatsoever, the right to establish or operate a sexually oriented business of any type as so defined in the City of Farmers Branch Ordinance No. 2359 or its future equivalent.

**SECTION 5.** That the massage establishment shall be located and specifically operated in accordance with the approved site plan attached as Exhibit "A".

**SECTION 6.** That the exterior signage associated with the massage establishment shall be limited to two (2) separate signs, each comprised of plastic window lettering, reading "BODYWORKS", and each sign measuring no greater than thirty (30) inches by five (5) inches in area.

**SECTION 7.** That the above described tract of land shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore and hereafter amended, and as amended herein.

**SECTION 8.** 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 convictions shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each and every day the offense occurs.

**SECTION 9.** 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 a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**SECTION 10.** 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.

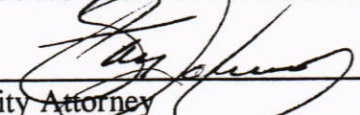
**SECTION 11.** This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, and as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the** 8 **day of** June **, 1998.**

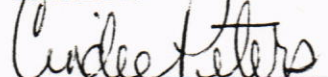
APPROVED:

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Secretary