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**ORDINANCE NUMBER 2404**

**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 AMEND AN EXISTING SPECIFIC USE PERMIT TO ALLOW FOR THE EXPANSION OF A NON DRIVE-IN RESTUARANT WITHOUT OUTSIDE SALES WINDOW LOCATED AT 4455 ALPHA ROAD AND WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; REPEALING ORDINANCE NO. 2166; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; 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 the State Law with reference to amending 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 said change in zoning use 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 amend a Specific Use Permit to allow for the expansion of an existing non drive-in restaurant without outside sales window, within the Light Industrial (LI) zoning district and located on the northeast corner of the Alpha Road and Omega Road intersection (4455 Alpha Road).

**SECTION 2.** That the above referenced non drive-in restaurant without outside sales window shall be constructed and maintained as so shown on the approved site plan attached as Exhibit "A".

**SECTION 3.** That the above referenced property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch and as herein amended to allow for the expansion of a non drive-in restaurant without outside sales window.

**SECTION 4.** That Ordinance No. 2166 is hereby repealed.

**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 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 (\$2,000.00) Dollars for each offense.

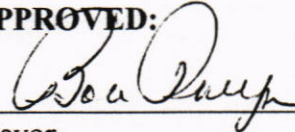
**SECTION 6.** If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**SECTION 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.** 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.

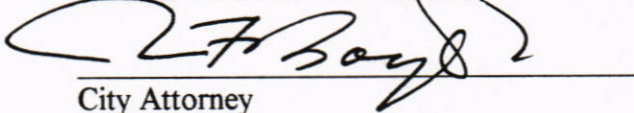
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS  
BRANCH, TEXAS, on this the 13<sup>th</sup> day of July, 1998.**

**APPROVED:**

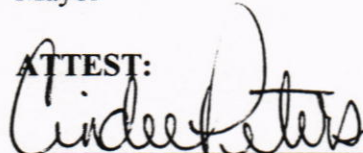


\_\_\_\_\_  
Mayor

**APPROVED AS TO FORM:**

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

**ATTEST:**



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