



S-387
13605 midway

ORDINANCE NO. 3056

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW THE ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT LOCATED AT 13605 MIDWAY ROAD, SUITE 120, WITHIN THE PLANNED DEVELOPMENT NUMBER 64 (PD-64) ZONING DISTRICT; AND BEING A PART OF THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; 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 Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

SECTION 1. That the Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit with special conditions for the on-premise sale and consumption of alcoholic beverages within a qualifying restaurant for property zoned Planned Development Number 64 (PD-64) zoning district, with respect to property known as 13605 Midway Road, Suite 120, Farmers Branch, Texas, said property being a 2400 square foot area of the building, more or less, located on the real property described in Exhibit "A" attached hereto and incorporated herein for all purposes, said building area being graphically shown on Exhibit "B," attached hereto and incorporated herein by reference ("the Property").

SECTION 2. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 64 (PD-64) zoning district as well as the following special conditions:

- A. The sale of alcoholic beverages shall at all times be full compliance with all requirements of Texas State Law and the City of Farmers Branch Comprehensive Zoning Ordinance relative to such use.
- B. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "B", and which is hereby approved;
- C. The sales and service of alcoholic beverages on the Property shall at all times be in conformance with the Alcohol Awareness Program set forth in Exhibit "C," attached hereto and incorporated by reference.
- D. The operation of the business on the Property shall at all times be in conformance with the Plan of Operation set forth in Exhibit "D," attached hereto and incorporated by reference.

SECTION 3. That the Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 6TH DAY OF OCTOBER, 2009.

ATTEST:



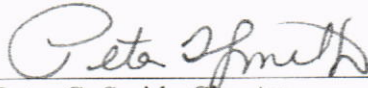
Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney