



## ORDINANCE NO. 3301

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS PREVIOUSLY AMENDED, BY GRANTING A SPECIFIC USE PERMIT FOR BEER AND WINE SALES FOR OFF-PREMISES CONSUMPTION FOR LOT 1, BLOCK 1, EXXON NO. 6-2649 ADDITION, CITY OF FARMERS BRANCH, TEXAS (MORE COMMONLY KNOWN AS 13115 STEMMONS FREEWAY) LOCATED IN PLANNED DEVELOPMENT NO. 24 (PD-24) WITH BASE ZONING OF LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) 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 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, THAT:**

**SECTION 1.** 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 Beer and Wine Sales for Off-Premises Consumption for the property described as Lot 1, Block 1, Exxon No. 6-2649 Addition, an Addition to the City Of Farmers Branch, Texas, according to the plat recorded in Volume 86157, Page 4934, Map Records, Dallas County, Texas, (more commonly known as 13115 Stemmons Freeway) ("the Property") which is located in Planned Development No. 24 (PD-24) with base zoning of Light Industrial (LI) District.

**SECTION 2.** The Property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch, and PD-24, as heretofore amended, and as amended herein; provided, however, if the Property is developed and used for the Beer and Wine Sales for Off-Premises Sales as authorized pursuant to Section 1, above, such development and use shall be in accordance with the Site Plan, Landscape Plan, and Floor Plan attached hereto as Exhibits "A," "B", and "C", respectively, and incorporated herein by reference, as well as the following additional conditions:



- A. Prior to the City Secretary certifying on any application to the Texas Alcoholic Beverage Commission that the sale of beer and wine on the Property for off-premises consumption complies with applicable zoning, the Director of Planning must certify that all landscaping improvements required by the attached Landscape Plan and all alterations required by the Site Plan and Floor Plan have been completed; and
- B. Sales of beer and wine on the Property shall occur only during the hours proscribed by Texas Alcoholic Beverage Code §105.05 applicable to sales for off-premises consumption.
- C. To the extent that this Ordinance conflicts with the site plan or landscaping requirements for the Property set forth in Ordinance No. 1634 granting a specific use permit for operation of a retail gasoline sales operation on the Property, the provisions of this Ordinance shall be deemed to be an amendment to said plans and shall be controlling.

**SECTION 3.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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 16<sup>TH</sup> DAY OF SEPTEMBER, 2014.**