



**FARMERS
BRANCH**

"BEST LIVING PLACE"

ORDINANCE NO. 1702

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 NON DRIVE-IN RESTAURANT WITH OUTSIDE SALES WINDOW LOCATED AT THE SOUTHEAST CORNER OF MIDWAY ROAD AND SPRING VALLEY ROAD IN A LIGHT INDUSTRIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED (\$200.00) 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 Charter of the City of Farmers Branch, and the State Law with reference to granting of a specific use permit 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 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, subject to the conditions set out herein.

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 granting a Specific Use Permit for a Non Drive-In Restaurant With Outside Sales Window located at the southeast corner of Midway Road and Spring Valley Road in a Light Industrial Zoning District.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch is hereby amended by amending the zoning map of

the City of Farmers Branch so as to indicate a Specific Use Permit for a Non Drive-In Restaurant With Outside Sales Window in a Light Industrial Zoning District.

SECTION 3. That the above described restaurant shall be constructed in the manner setforth in the approved site plan attached as Exhibit "A".

SECTION 4. The property owners have voluntarily agreed to deed restrict the property through written and recorded deed restrictions which reserve to the City the right to review the zoning on the property after a certain stated period of time and upon giving written notice to the then owner and after complying with all statutory notice and public hearing requirements to re-zone the property for a use other than a Non Drive-In Restaurant With Outside Sales Window, and to order and obtain a cessation of the Non Drive-In Restaurant With Outside Sales Window operation. A copy of said Voluntary Deed Restrictions and Agreement is hereto as Exhibit "B" and is incorporated herein.

SECTION 5. That the owner of the property did voluntarily offer to deed restrict the property in favor of the City, and said deed restrictions are acceptable and the City Administration is instructed to file same for record.

SECTION 6. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same is hereby repealed and all other provisions of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of the ordinance shall be subject to the same penalty provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of Two-Hundred Dollars (\$200.00) for each offense.

SECTION 9. Whereas, it appears the above described property requires that it be given the Specific Use Permit in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch creates an urgency and an emergency for the preservation of the public health, safety and welfare requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED BY the City Council of the City of Farmers Branch, Texas, on the 20th day of July, 1987.