

ORDINANCE NO. 1380

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 NON-DRIVE IN RESTAURANT WITH OUTSIDE SALES WINDOW IN A PD-4 (MF-2, LR-1) ZONING DISTRICT; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY.

Whereas, the City Plan 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;

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 non-drive in restaurant with outside sales window in a PD-4 (MF-2, LR-1) zoning district.

SECTION 2. That the non-drive in restaurant with outside sales window shall be located within the property designated as Taco Bell and more specifically located as follows:

Being a 78' x 140' portion of Josey Square Shopping Center, said center being located at the Southeast corner of Josey Lane and Fyke Road, situated in the John Nix Survey, Abstract No. 1088, Farmers Branch, Texas and further being a part of Lot 16, Block 1, of the revised Plat of Heritage Park #1 an addition to the City of Farmers Branch, Texas as filed of record in Volume 595, Page 147 of the Map Records of Dallas County, Texas.

SECTION 3. That the restaurant shall be operated in accordance with the information shown on Exhibit "A".

SECTION 4. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended and by the granting of a specific use permit for a non-drive in restaurant with outside sales window in a PD-4 (MF-2, LR-1) zoning district.

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 as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) 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