



ORDINANCE NO. 1404

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-8 (LR-1) ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING 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-8 (LR-1) zoning district.

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

One restaurant to be located on Tract 1 of the Farmers Branch Shopping Center.

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 inwdow in a PD-8 (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 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. Whereas, it appears that the above described property requires that it be given the specific use permit in order to permit its proper use and development, and in order to protect the public interest, comfort and general

welfare of the City of Farmers Branch, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and 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 case provides.

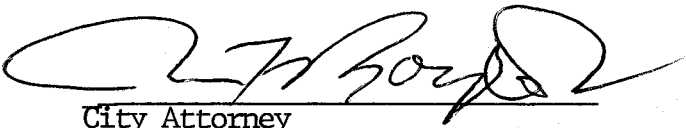
DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 4th day of October, 1982.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

EXHIBIT "A"

PROPOSED WENDY'S RESTAURANT

Location - Tract 1 of Farmers Branch Shopping Center

Zoning - PD-8 (LR-1)

Size of Restaurant - 2400 sq. ft.

Hours of Operation - 10:30 a.m. til 10:30 p.m. Sunday thru Thursday
10:30 a.m. til 11:00 p.m. Friday and Saturday

Seating - 76 Customers

Parking - 30 spaces

Number of Employees - 18

Types of Food - Sandwiches, chile, salads, soft drinks, lunch and dimer