



ORDINANCE NO. 1877

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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY IN A LOCAL RETAIL-2 (LR-2) ZONING DISTRICT AT 2740 VALWOOD PARKWAY, SUITE 122; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; 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 the granting of Specific Use Permits 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 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 use 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 amending the zoning map of the City of Farmers Branch so as to grant a specific use permit for an indoor commercial amusement facility within a Local Retail-2 (LR-2) zoning district at 2740 Valwood Parkway, Suite 122.

SECTION 2. That the indoor commercial amusement facility shall be operated in accordance with the following conditions:

- a. That no substantial alteration to the approved floor plan attached as Exhibit "A" be permitted; and
- b. That no billiard tables of any type shall be permitted within the lease space.
- c. That arcade-type games (e.g., shuffleboard, video games, pinball, air hockey, skee ball, pop-a-shot basketball, foosball or any similar type of game or activity but not including table tennis) be permitted only in the area shown on the approved floor plan and labeled "This area will be used for games and fun things for youngsters." and that this area shall not be expanded;
- d. That the number of arcade-type games be limited to a total of 18.

SECTION 3. 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 4. 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 5. That any person, firm or corporation violating any of the provisions or terms of this 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 Thousand Dollars (\$2000.00) for each offense.

SECTION 6. 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 7. 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 2nd day of April, 1990.

APPROVED:

Dave Blain

Mayor

APPROVED AS TO FORM:

T.O. Bartholow Jr

City Attorney

ATTEST:

Beat Annunzio

City Secretary