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ORDINANCE NO. 2064

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 WINDOWS LOCATED AT 11925 JOSEY LANE, THE NORTHWEST CORNER OF JOSEY LANE AND THE LBJ FREEWAY FRONTAGE ROAD, AND WITHIN THE LOCAL RETAIL-2 (LR-2) ZONING DISTRICT; 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 DOLLARS (\$2,000.00) 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 granting a Specific Use Permit under the Zoning Ordinance regulations and Zoning Map, have given the requisite notices by publication and otherwise, 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 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, be, and the same is hereby amended by granting a Specific Use Permit for a Non Drive-In Restaurant With Outside Sales Windows on a .489 acre lot located at 11925 Josey Lane, the northwest corner of Josey Lane and the LBJ frontage road, and within the Local Retail-2 (LR-2) zoning district.

SECTION 2. That the use granted by this Specific Use Permit shall be constructed and operated in compliance with the conditions established by the approved site plan attached as "Exhibit A", provided that the on-premise pole sign shall comply with the Comprehensive Zoning Ordinance sign regulations regarding height and area. The noted location of the sign in front of the established building line shall be allowed only upon receipt of approval of said location by the Zoning Board of Adjustment. Should the Zoning Board of Adjustment fail to approve the noted location of the sign, the sign shall be erected at a location on the property which fully complies

with the requirements of the Comprehensive Zoning Ordinance.

SECTION 3. That the above described property 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 4. That 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 determined to be invalid or unconstitutional.

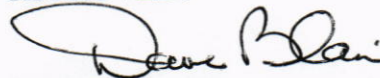
SECTION 5. That in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 6. 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 thousand dollars (\$2,000.00) for each offense.

SECTION 7. 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.

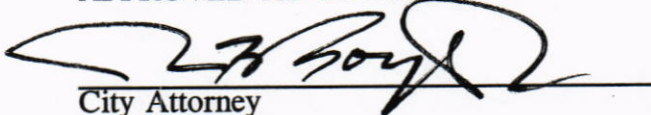
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 12 DAY OF July, 1993.

APPROVED:



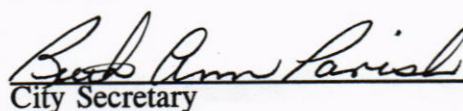
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary