

Jan



**FARMERS
BRANCH**

ORDINANCE NUMBER 2125*

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 MASSAGE ESTABLISHMENT LOCATED AT 13615 WELCH ROAD, SUITE 103 AND WITHIN THE LIGHT INDUSTRIAL ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR INJUNCTIVE RELIEF; 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 changes to the zoning classifications 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;

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 massage establishment, as herein defined, located at 13615 Welch Road, Suite 103.

SECTION 2. That the term "massage establishment" shall mean any place of business where manipulative massage or manipulated exercises are practiced upon the human body for consideration whether with or without the use of mechanical therapeutic or bathing devices, in a State of Texas licensed hospital by a duly licensed physician or chiropractor; by a duly licensed beautician or barber in a licensed beauty shop or barber shop; in an establishment wherein State of Texas registered physical therapists treat only patients recommended by a licensed physician and operate under such physician's direction or any registered massage establishment under Texas Revised Civil Statute Annotated, Article 4512K.

SECTION 3. That no person, other than those duly licensed by the State of Texas, shall practice massage at this location.

SECTION 4. That no section, paragraph, subdivision, clause, phrase or provision of this ordinance, in any way, grants any entity whatsoever, the right to establish or operate a sexually oriented business of any type as so defined in City of Farmers Branch Ordinance No. 1710 or its future equivalent.

SECTION 5. That the massage establishment shall be operated and specifically located in accordance with the approved site plan attached as Exhibit "A".

SECTION 6. That on-premise signage identifying the massage establishment shall be limited to one wall sign no larger than 50 square feet in area and reading "Healthy Touch."

SECTION 7. 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, Texas as herein amended by the granting of a Specific Use Permit for a massage establishment.

SECTION 8. 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 (\$2,000.00) for each offense.

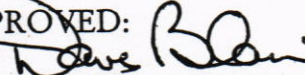
SECTION 9. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 10. 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 11. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, and as the law in such case provides.

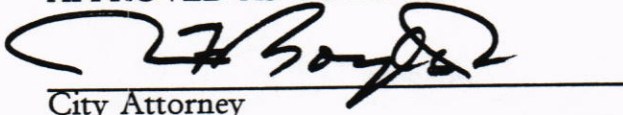
Duly passed by the City Council of the City of Farmers Branch, Texas, on this 20th
City of June, 1994.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary