



**ORDINANCE NUMBER 2792**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A NON DRIVE-IN RESTAURANT WITHOUT OUTSIDE SALES WINDOW ON AN APPROXIMATE 0.57-ACRE TRACT OF LAND GENERALLY KNOWN AS 14951 MARSH LANE AND WITHIN THE PLANNED DEVELOPMENT NUMBER 23 (PD-23) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of 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 City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

**SECTION 2.** 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 to allow a non drive-in restaurant without outside sales window on an approximate 0.57-acre tract of land generally known as 14951 Marsh Lane within Planned Development No. 23 (PD-23) zoning district (hereinafter the "Property"), as described in Exhibit "A," subject to the terms and conditions contained herein.

**SECTION 3.** That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 23 (PD-23) zoning district and in accordance with the approved site plan attached as Exhibit "B," with the following conditions to be addressed prior to issuance of a building permit:

1. The ventilation grease collection system shall be revised to comply with City ordinances and address concerns pertaining to odor, aesthetics and operations, subject to review and approval by the Environmental Health Division.
2. Subject Property shall be replatted including dedication of fire lane, access and utility easements.

**SECTION 4.** That the City Council does hereby approve the following special exceptions, in accordance with the approved site plan attached as Exhibit "B:"

1. Allow 9-ft by 18-ft. parking stalls with a 2-ft. vehicle overhang at the front of the parking space instead of 180 square feet parking spaces.
2. Allow a 15-ft. building setback instead of a 30-ft. building setback.