



## ORDINANCE NO. 3310

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; BY AMENDING SECTION 8-410-2 “DESIGNATED BEER AND WINE SALES OVERLAY DISTRICTS” TO ESTABLISH BEER AND WINE SALES (BW) OVERLAY DISTRICT 10 ON PROPERTY DESCRIBED AS LOT 3, BLOCK A, VALWOOD VILLAGE SHOPPING CENTER, AN ADDITION TO THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS (COMMONLY KNOWN AS 2702 VALWOOD PARKWAY); PROVIDING FOR ADOPTION OF A LANDSCAPE PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS; 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 laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

**Section 1.** Section 8-410-2 “Designated Beer and Wine Sales Overlay Districts” of the Comprehensive Zoning Ordinance, as amended, is hereby further amended by establishing Beer and Wine Sales (BW) Overlay District 10 as follows:

**Beer and Wine Sales (BW) Overlay District 10:** Being the property generally located at the southeast corner of the intersection of Josey Lane and Valwood Parkway described as Lot 3, Block A, Valwood Village Shopping Center, an Addition to the City of Farmers Branch, according to the plat thereof recorded in Volume 90155, Page 3065, Map Records, Dallas County, Texas. Before the City Secretary may certify to the Texas Alcoholic Beverage Commission that an applicant for a permit or license to sell beer and wine for off-premises consumption complies with all local zoning regulations, the Director of Planning shall certify to the City Secretary that property located within this overlay district has complied with the landscaping requirements set forth in Section 2 of Ordinance No. 3310.

**SECTION 2.** The landscaping on the property located within Beer and Wine Sales (BW) Overlay District 10 shall conform to the Landscape Plan attached hereto as Exhibit “A” and incorporated herein by reference prior to the City Secretary certifying to the Texas Alcoholic Beverage Commission that an applicant for a permit or license to sell beer and wine for off-premises consumption within said overlay district complies with all local zoning regulations.

**SECTION 3.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

**SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** 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, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 6<sup>TH</sup> DAY OF OCTOBER, 2014.**

**ATTEST:**

**APPROVED:**

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Angela Kelly, City Secretary

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Bob Phelps, Mayor

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(kbl:9/16/14:68242)

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**Exhibit "A" – Landscape Plan**

