



ORDINANCE NO. 3701

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CITY OF FARMERS BRANCH CODE OF ORDINANCES CHAPTER 94 “ZONING,” BY AMENDING ARTICLE 5 “SPECIAL DISTRICTS,” SECTION 5.5 “BEER AND WINE SALES OVERLAY DISTRICT” AND SECTION 5.6 “ALCOHOLIC BEVERAGE (ON-PREMISE) OVERLAY DISTRICT” TO INCLUDE INTO BOTH OVERLAY DISTRICTS 67.6± ACRES GENERALLY BOUNDED BY IH-635/LBJ FREEWAY ON THE NORTH, LUNA ROAD ON THE EAST, THE ELM FORK OF TRINITY RIVER ON THE WEST, AND FARMERS BRANCH CREEK ON THE SOUTH AND SOUTHEAST; AND ADDING APPENDIX “D” “OVERLAY DISTRICTS MAP”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; 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. Chapter 94 “Zoning” of the Code of Ordinances of the City of Farmers Branch, Texas, as previously amended, (the “Comprehensive Zoning Ordinance”) is hereby further amended as follows:

- A.** Article 5 “Special Districts,” Section 5.5 “Beer and Wine Sales Overlay District,” Subsection B.2 “Designated Beer and Wine Sales Overlay Districts” is amended by establishing and adding “Beer and Wine Sales (BW) Overlay District 10 (Mira Lago Peninsula Tract)” to read as follows:

Beer and Wine Sales (BW) Overlay District 10 (Mira Lago Peninsula Tract): Being an area bounded by IH-635/LBJ Freeway on the north, Luna Road on the east, the Elm Fork of Trinity River on the west, and Farmers Branch Creek on the south and southeast, comprising approximately 67.6 acres, as depicted on Appendix D.

- B. Article 5 “Special Districts,” Section 5.6 “Alcoholic Beverage (On-Premise) Overlay District,” Subsection E is amended by establishing and adding “Mira Lago Peninsula Tract Alcoholic Beverage (On-Premise) Overlay District” to read as follows:

Mira Lago Peninsula Tract Alcoholic Beverage (On-Premise) Overlay District: Being an area bounded by IH-635/LBJ Freeway on the north, Luna Road on the east, the Elm Fork of Trinity River on the west, and Farmers Branch Creek on the south and southeast, comprising approximately 67.6 acres, as depicted on Appendix D.

- C. Appendix D “Overlay Districts Map” is added to Chapter 94 “Zoning” to read as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. 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, the provisions of this Ordinance shall be controlling.

SECTION 3. 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 4. 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 5. 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 6. 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 21st DAY OF September 2021.

ATTEST:

APPROVED:

Amy Piukana, TRMC, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:8/16/2021:124162)

ORDINANCE NO. ____
Exhibit "A"

Appendix D – Overlay Districts Map

