



ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING THE CHAPTER 94 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 2 “ZONING DISTRICTS AND USES” SECTION 2.6 “ALCOHOLIC BEVERAGE SALES IN RESTAURANTS AND PRIVATE CLUBS” BY AMENDING SUBSECTION F “FOOD SERVICE” TO ELIMINATE THE REQUIREMENT TO OBTAIN SPECIFIC USE PERMITS FOR OUTDOOR PATIOS AND MAKE OTHER CONFORMING AMENDMENTS; AMENDING ARTICLE 3 “ZONING DISTRICT DIMENSIONAL STANDARDS” BY REPEALING NOTE 5 IN SECTION 3.21 “LI (LIGHT INDUSTRIAL DISTRICT)” AND RENUMBERING SUBSEQUENT NOTES ACCORDINGLY, AND; BY REPEALING NOTE 6 IN SECTION 3.22 “HI (HEAVY INDUSTRIAL DISTRICT)” AND RENUMBERING SUBSEQUENT NOTES ACCORDINGLY; AND AMENDING ARTICLE 4 “SITE DEVELOPMENT STANDARDS” SECTION 4.5 “PERFORMANCE STANDARDS” BY AMENDING PARAGRAPH 8.b. OF SUBSECTION B “C, LI, AND PD DISTRICTS” AND PARAGRAPH 8.b. OF SUBSECTION C “HI DISTRICT” RELATING TO ALLOWABLE AREA USED FOR OPEN STORAGE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION

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 interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance 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, (i.e. the Comprehensive Zoning Ordinance) is hereby further amended as follows

- A. Subsection F “Food Service” of Article 2 “Zoning Districts and Uses,” Section 2.6 “Alcoholic Beverage Sales in Restaurants and Private Clubs” is amended to read as follows:

F. Food Service

1. Qualifying restaurants shall provide regular food service for their customers.
2. All qualifying restaurants shall receive from the sale of food at least 50% of the restaurant's gross sales at that location which sales figures shall be accurately reflected on a quarterly basis, subject to verification by the City in accordance with Section 2.6J.
3. Only attached patios or gardens that occupy an area greater than or equal to 50% of the total floor area occupied by the enclosed portion of a qualifying restaurant shall be included in the calculation of minimum required parking.
4. No drive-in, drive-through, or curbside service of alcoholic beverages is permitted.
5. The qualifying restaurant shall designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed herein.
6. A private club or mixed beverage serving area located in a hotel or motel will be allowed in an area totally separate from the restaurant area subject to the following:
 - a. The qualifying restaurant must be located within the same building as the hotel or motel.
 - b. Not less than 2,000 square feet of floor area shall be occupied by qualifying restaurant facilities (total qualifying restaurant operations).
 - c. The floor area devoted to the sale of alcoholic beverages within the qualifying restaurant does not exceed the floor area devoted to food service.
 - d. The qualifying restaurant will designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and

allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed in this Chapter.

- e. The sale and consumption of alcoholic beverages may be permitted within the restaurant area.
- f. Pursuant to Texas Alcoholic Beverage Code § 28.01(b), the holder of a mixed beverage permit for a qualifying restaurant in a hotel zoned pursuant to this Chapter may deliver mixed beverages, including wine and beer, to individual rooms of the hotel or to any other location in the hotel building or grounds, except a parking area on the licensed premises or another alcoholic beverage establishment, without regard to whether the place of delivery is part of the licensed premises. A permittee in a hotel may allow a patron or visitor to enter or leave the licensed premises, even though the patron or visitor possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption.

B. Article 3 “Zoning District Dimensional Standards” is amended as follows:

- 1. Section 3.21 “LI (Light Industrial District)” is amended by repealing and deleting Note 5 and renumbering Notes 6 through 9 to become Notes 5 through 8, respectively; and
- 2. Section 3.22 “HI (Heavy Industrial District)” is amended by repealing and deleting Note 6 and renumbering Notes 7 through 10 to become Notes 6 through 9, respectively.

C. Article 4 “Site Development Standards”, Section 4.5 “Performance Standards” is amended as follows:

- 1. Paragraph 8.b. of Subsection B “C, LI and PD Districts” is amended to read as follows:
 - b. The area of open storage authorized by right pursuant to paragraph a, above, shall not exceed 15% of the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use. Use of an area for open storage exceeding 15% of the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use shall require prior approval of a specific use permit in accordance with Section 6.5.

2. Paragraph 8.b. of Subsection C “HI District” is amended to read as follows:

- b. The area of the open storage authorized by right pursuant to paragraph a, above, shall not exceed the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use. Use of an area for open storage exceeding the total gross square footage of the area of the building(s) located on the same lot and to which such outside storage constitutes an accessory use shall require prior approval of a specific use permit in accordance with Section 6.5.

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 ____ DAY OF _____ 2020.

ATTEST:

APPROVED:

Amy Piukana, TRMC, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:5/7/2020:115331)