



## ORDINANCE NO. 3337

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR OUTDOOR SALES AND STORAGE ON A 2.918± ACRE PORTION OF FIRST CITY BANK-FARMERS BRANCH ADDITION (COMMONLY KNOWN AS 12895 JOSEY LANE, SUITE 140), LOCATED IN PLANNED DEVELOPMENT DISTRICT NO. 8 (PD-8); PROVIDING FOR A SITE PLAN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR 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.** The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be amended by granting a Specific Use Permit for Outdoor Sales and Outdoor Display on a 2.918± acre portion of First City Bank-Farmers Branch Addition, an Addition to the City of Farmers Branch, Texas, more particularly described in that certain Special Warranty Deed to Josey Val Retail, L.P., recorded November 26, 2014, as Instrument No. 201400303349, Official Public Records, Dallas County, Texas, and incorporated herein for all purposes (“the Property”)(commonly known as 12895 Josey Lane) and presently located in Planned Development District No. 8 (PD-8).

**SECTION 2.** The development of the Property with outdoor sales and outdoor storage in accordance with the specific use permit granted pursuant to Section 1, above, shall be subject to the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan, the Screening Plan, and Landscape Plan attached hereto respectively as Exhibits “A,” “B,” and “C,” and incorporated herein by reference.

- B. Outdoor storage and outdoor sales shall be permitted on the Property only within the areas shown on the Site Plan and labeled with such uses.
- C. The area marked on the Site Plan as “Temporary Sales” may be used for outdoor sales of goods beginning on March 1 and ending on June 15 of each calendar year after the effective date of this Ordinance.
- D. The height of any item or items located within the area for Outdoor Sales or Outdoor Storage, either individually or when stacked, shall not exceed the height of the required screening around such area in accordance with the Screening Plan in Exhibit “B”, hereto.
- E. Between the period beginning June 16 calendar year and ending the last day of February of the immediately following calendar year, all temporary structures, fences, screening materials, containers, and other items used to screen or operate the Temporary Sales area shall be removed so that said area may be used for parking and internal driveways on the Property.
- F. The goods sold within the areas marked “Temporary Sales” and “Permanent Sales” shall be limited to lawn and garden supplies, tools, and equipment, outdoor landscaping materials and furnishings, and live plants

**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 18<sup>TH</sup> DAY OF AUGUST, 2015.**

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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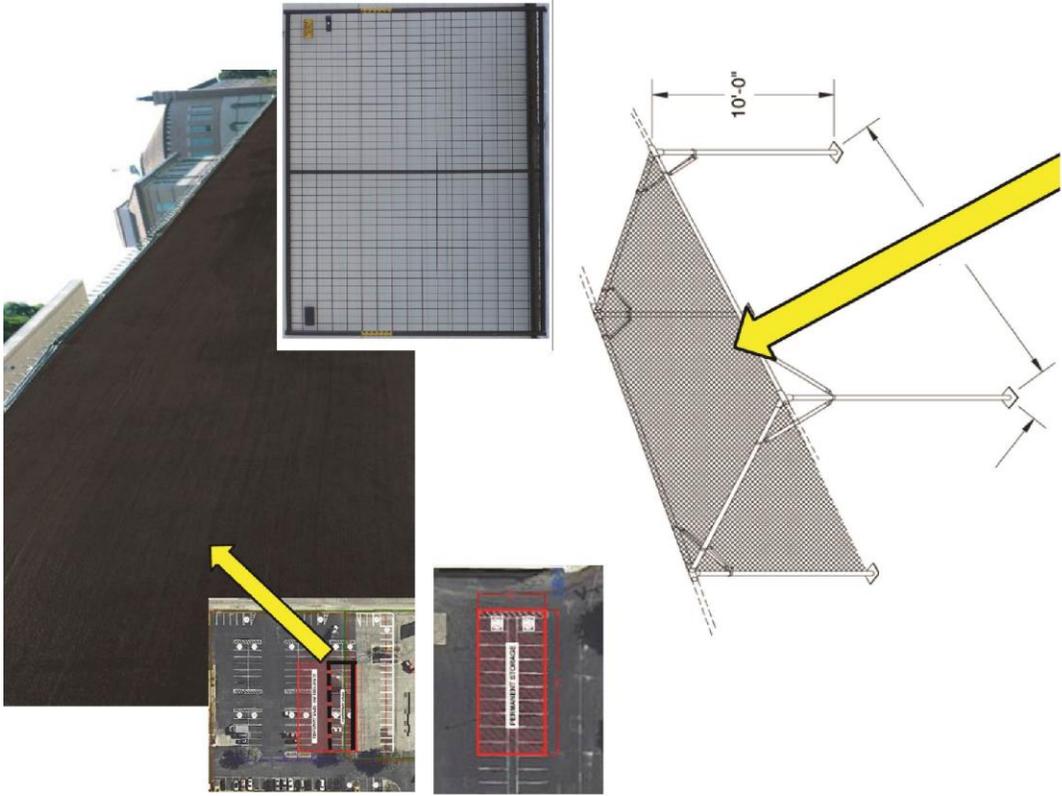
Peter G. Smith, City Attorney

(kbl:8/9/15:72787)

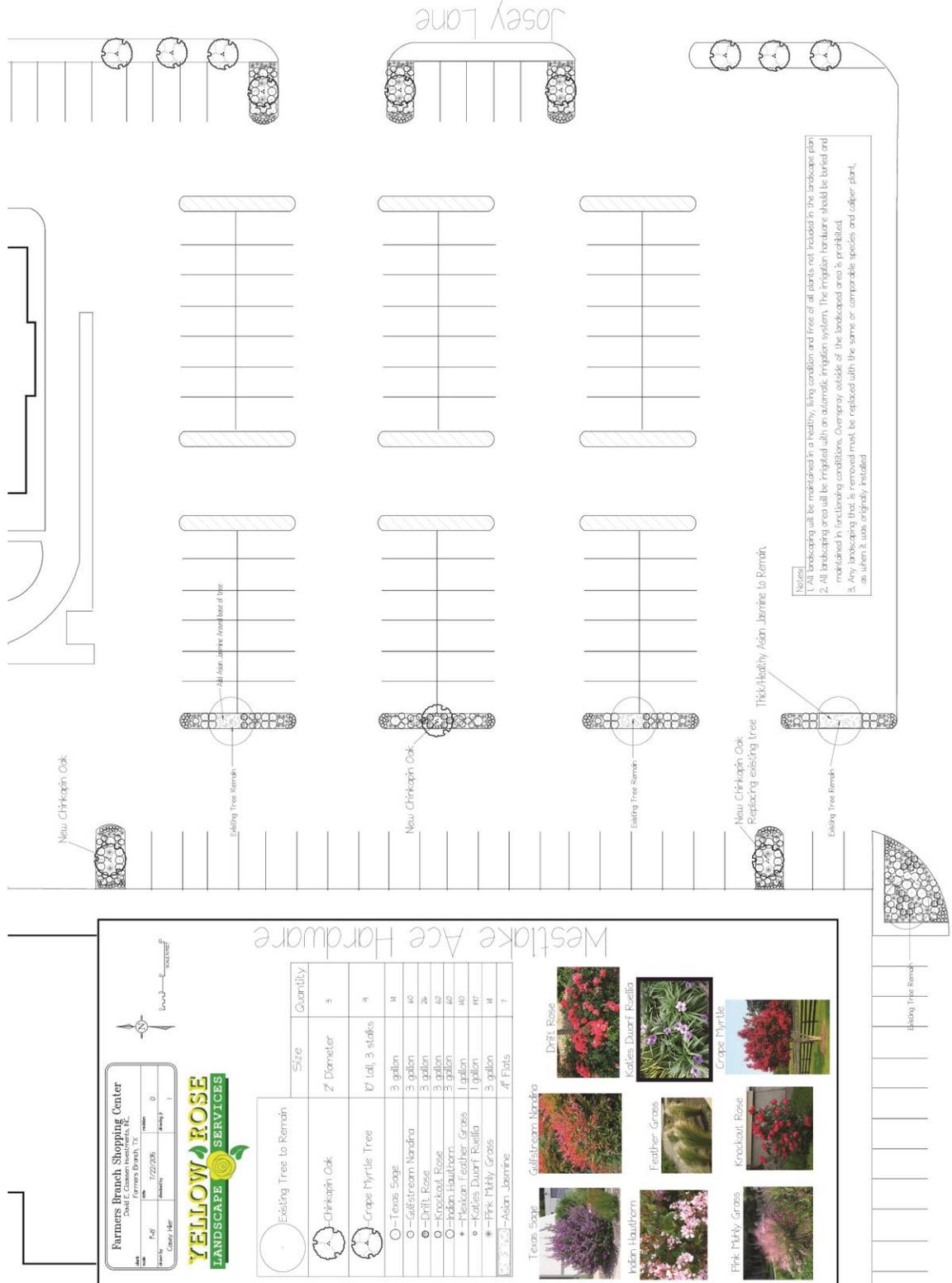
Ordinance No. 3337  
Exhibit "A"  
Site Plan



**Ordinance No. 3337**  
**Exhibit "B"**  
**Screening Plan**



# Ordinance No. 3337 Exhibit "C" Landscape Plan



Josey Lane

**Notes:**

- All landscaping will be maintained in a healthy, living condition and free of all plants not included in the landscape plan.
- All landscaping area will be irrigated with an automatic irrigation system. The irrigation hardware should be listed and maintained in functioning conditions. Over-spray outside of the landscaped area is prohibited.
- Any landscaping that is removed must be replaced with the same or comparable species and caliper plant, as when it was originally installed.

Replacing existing tree  
Thick Healthy Asian Jasmine to Remain.

New Chickapin Oak

New Chickapin Oak

New Chickapin Oak

Existing Tree Remain

Existing Tree Remain

Existing Tree Remain

Existing Tree Remain