



ORDINANCE NO. 3387

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 A FIREARMS INDOOR FACILITY FOR 1.3878± ACRES OUT OF BLOCK B, BELTWOOD BUSINESS PARK, FIRST INSTALLMENT, CITY OF FARMERS BRANCH (COMMONLY KNOWN AS 14400 MIDWAY ROAD) WHICH IS PRESENTLY LOCATED IN A LIGHT INDUSTRIAL (“LI”) ZONING DISTRICT; PROVIDING FOR THE APPROVAL OF THE SITE PLAN; FLOOR PLAN, AND LANDSCAPE PLAN; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; 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 (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR TERMINATION FOR ABANDONMENT; 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, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for a Firearms Indoor Facility for a 1.3878± acre tract of land out of Block B, Beltwood Business Park, First Installment, an Addition to the City of Farmers Branch, Texas (commonly known as 14400 Midway Road), said tract being more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (“the Property”) and located within a Light Industrial (“LI”) zoning district.

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within the Light Industrial (“LI”) zoning district, and if used and developed in accordance with the purposes for which this Specific Use Permit is granted, the Property shall be developed in accordance with the following special conditions:

- A. The Property shall be developed and used only in accordance with the Floor Plan, Landscape Plan, and Elevations attached hereto respectively as Exhibits “B,” “C,” and “D,” and incorporated herein by reference. No certificate of occupancy shall be issued until all required landscaping has been installed in accordance with Exhibit “C.”
- B. The firearms indoor facility shall be operated solely within the existing brick/concrete block building and designed to comply with all applicable state and federal laws and regulations and professional organization standards governing interior ventilation and exhaust air quality, and safe handling and appropriate management of lead projectile waste as required by the Occupational Safety and Health Administration (OSHA), Texas Commission of Environmental Quality (TCEQ), American National Standards Institute (ANSI), Environmental Protection Agency (EPA), National Institute for Occupational Safety and Health (NIOSH), National Fire Protection Agency (NFPA), and National Rifle Association (NRA) range development standards.
- C. The gun ranges will be equipped with a ventilation system to provide clean, constant, flow in-put air while properly filtering combustion by-products such as smoke, CO and CO₂, NO₂ and lead particles from exhaust air.
- D. All fired projectiles must be contained within the interior of the range firing area.
- E. Lead and other heavy metal projectile waste such as copper and nickel will be handled in accordance with applicable environmental laws and regulations. All debris will be delivered to a lead recycler for recycling or disposal in accordance with applicable provisions of the Resource Conservation and Recovery Act (RCRA).
- F. Noise generated by gunfire shall be controlled in such a manner to prevent such noise noxious from exceeding the noise standards within the Light Industrial (LI) Zoning District.

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 and the right to develop and use the Property for a firearms indoor facility shall terminate if such use does not commence on or before the second (2nd) anniversary of the effective date of this Ordinance. Furthermore, in the event the use of the Property for a firearms indoor facility shall cease and not occur for a continuous period of more than 180 days, this Ordinance shall terminate and the use of the Property as a firearms indoor facility after said period shall be illegal and not a legal non-confirming use.

SECTION 8. 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 16th DAY OF AUGUST, 2016.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:8/8/16:78192)

Ordinance No. 3387
EXHIBIT "A" – Description of the Property

BEING A TRACT OF LAND SITUATED IN THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, SAID TRACT BEING A 1.388 ACRE PORTION OF BLOCK B BELTWOOD BUSINESS PARK, FIRST INSTALLMENT, AN ADDITION TO THE CITY OF FARMERS BRANCH, TEXAS AS RECORDED IN VOLUME 72030, PAGE 2176 M.R.D.C.T., AND BEING THE TRACT CONVEYED TO 14400 MIDWAY, LLC BY THE DEED RECORDED IN INSTRUMENT 201200167245, O.P.R.D.C.T., AND SAID 1.388 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND IRON ROD FOR CORNER AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF MIDWAY ROAD WITH THE NORTH LINE OF A DALLAS POWER AND LIGHT EASEMENT ACCORDING TO THE DEED RECORDED IN VOLUME 4607, PAGE 319, D.R.D.C.T., AND BEING THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID BLOCK B BELTWOOD BUSINESS PARK, FIRST INSTALLMENT;

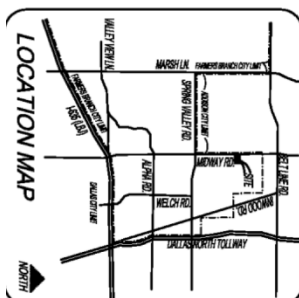
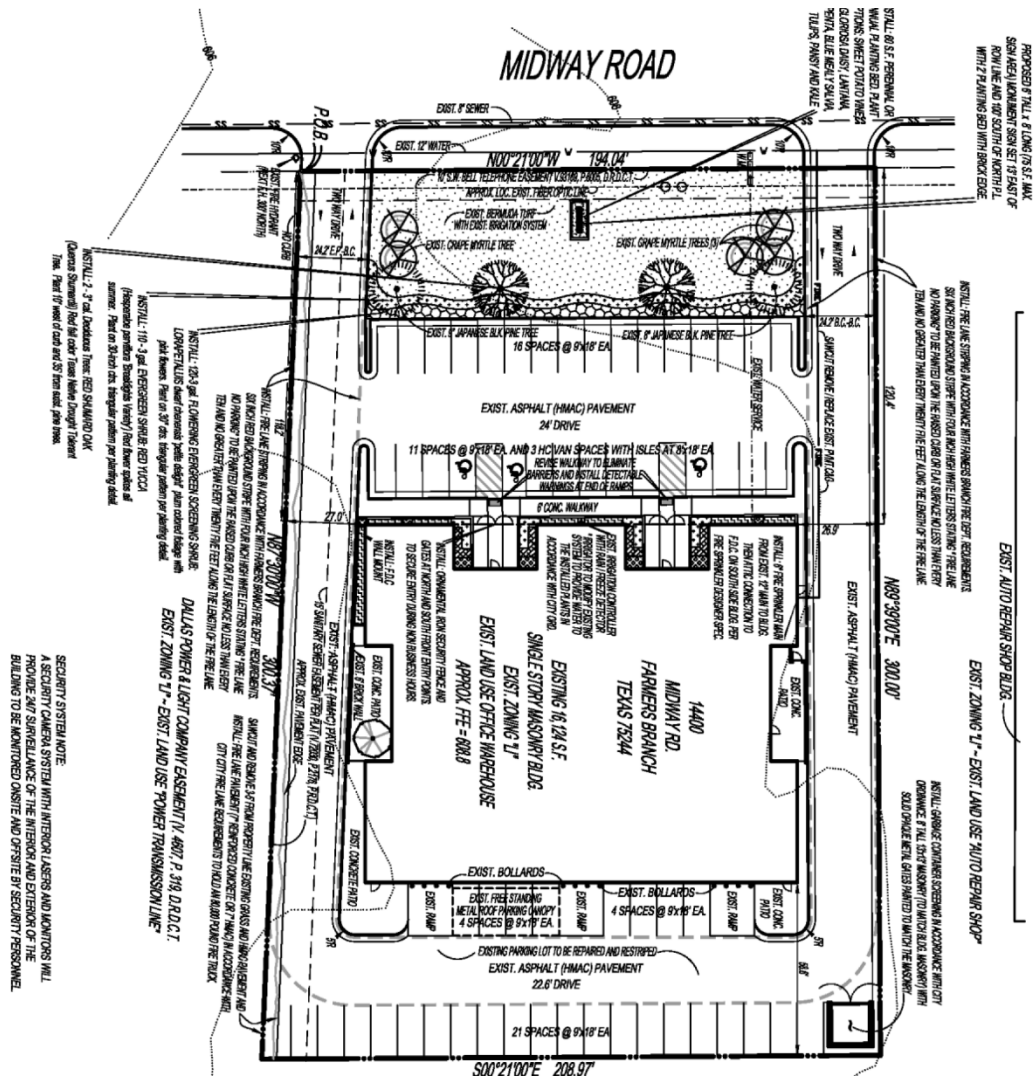
THENCE NORTH 00 DEGREES 21 MINUTES 00 SECONDS WEST, ALONG SAID EAST R.O.W. LINE OF MIDWAY ROAD A DISTANCE OF 194.04 FEET TO A FOUND IRON ROD FOR CORNER;

THENCE NORTH 89 DEGREES 39 MINUTES 00 SECONDS EAST LEAVING SAID EAST R.O.W. LINE OF MIDWAY ROAD A DISTANCE OF 300.00 FEET TO A FOUND IRON ROD FOR CORNER:

THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS EAST PARALLEL WITH SAID EAST R.O.W. LINE OF MIDWAY ROAD A DISTANCE OF 208.97 FEET TO A FOUND IRON ROD IN THE NORTH LINE OF SAID DALLAS POWER AND LIGHT COMPANY EASEMENT FOR CORNER;

THENCE NORTH 87 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID DALLAS POWER AND LIGHT COMPANY EASEMENT A DISTANCE OF 300.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 60,452 SQUARE FEET OR 1.388 ACRES OF LAND MORE OR LESS.

EXHIBIT “C” - Landscape Plan



Ordinance No. 3387
EXHIBIT "D" – Elevations

PREPARED BY : CGV

CHECKED BY: JH



COURTESY: L. B. SMITH ARCHITECTS, INC.

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ISSUED FOR PRELIMINARY PURPOSES ONLY.

IT IS NOTED THAT THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF ENTOS DESIGN.

NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ENTOS DESIGN.

Eagle Gun Range

Location: 14400 Midway Rd.
Farmers Branch, Texas

Sheet Title: Elevations

Sheet Number: PP4