

ORDINANCE NO. 3439



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 COMMERCIAL AMUSEMENT (INDOOR) FOR AN INDOOR CRICKET AND BASEBALL FACILITY FOR A 14,410 SQUARE FOOT PORTION OF THE BUILDING LOCATED ON LOT 1, BLOCK 1 OF THE STEWCO DEVELOPMENT NUMBER FOUR ADDITION (COMMONLY KNOWN AS 2435 SQUIRE PLACE, SUITES 600, 700 AND 800) LOCATED IN PLANNED DEVELOPMENT NO. 70 “OLD FARMERS BRANCH - FREEWAY SUBDISTRICT” (PD-70-OFB-FW) ZONING DISTRICT; ADOPTING A SITE PLAN AND DEVELOPMENT REGULATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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 its 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 Commercial Amusement (Indoor) for an indoor Cricket or Baseball Facility for a 14,410± square foot portion of the building located on Lot 1, Block 1, Stewco Development Number Four, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Volume 81084, Page 2928, Map Records, Dallas County, Texas, more commonly known as 2435 Squire Place, Suites 600, 700, and 800, Farmers Branch, Texas (“the Property”) and property located in Planned Development No. 70 “Old Farmers Branch - Freeway Subdistrict” (PD-70-OFB-FW) Zoning District.

SECTION 2. The use and development of the Property shall be subject to the use and development regulations set forth in the Comprehensive Zoning Ordinances and PD-70-OFB-FW, as amending, and if used and developed for Commercial Amusement (Indoor) for an indoor

Cricket or Baseball Facility as authorized by Section 1, above (“the SUP Use”), the Property shall be subject to the following:

- A.** The SUP Use shall be limited to the area of the building as shown on the Site Plan attached hereto as Exhibit “A” and incorporated herein by reference; provided, however, use of the off-street parking located adjacent and on the lot on which the Property is located in association with the SUP Use is permitted;
- B.** The Property shall be used and developed substantially in accordance with the Site Plan attached hereto as Exhibit “A” and incorporated herein by reference;
- C.** Prior to issuance of any Certificate of Occupancy for use of Suite 800 portion of the Property as authorized by Section 1 of this Ordinance, all landscaping and screening material shown on the Site Plan, must be verified to exist and be in a living, growing condition and, if any such plant material is dead or diseased, must be replaced; and
- D.** Hours of Operation for the indoor baseball or cricket facility shall be limited so that they commence not earlier than 9:00 a.m. and end not later than 9:00 p.m. on any day. The Property may be used for the purposes authorized by Section 1 of this Ordinance every day of the week.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

SECTION 5. 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 6. 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. Notwithstanding the foregoing, the continuation of the use of the Property for the purposes set forth in, and subject to the regulations of, Ordinance No. 3189 shall not constitute a violation for the said ordinance not the Zoning Ordinance notwithstanding the expiration of Ordinance No. 3189.

SECTION 7. 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 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 18TH DAY OF APRIL, 2017.

ATTEST:

APPROVED:

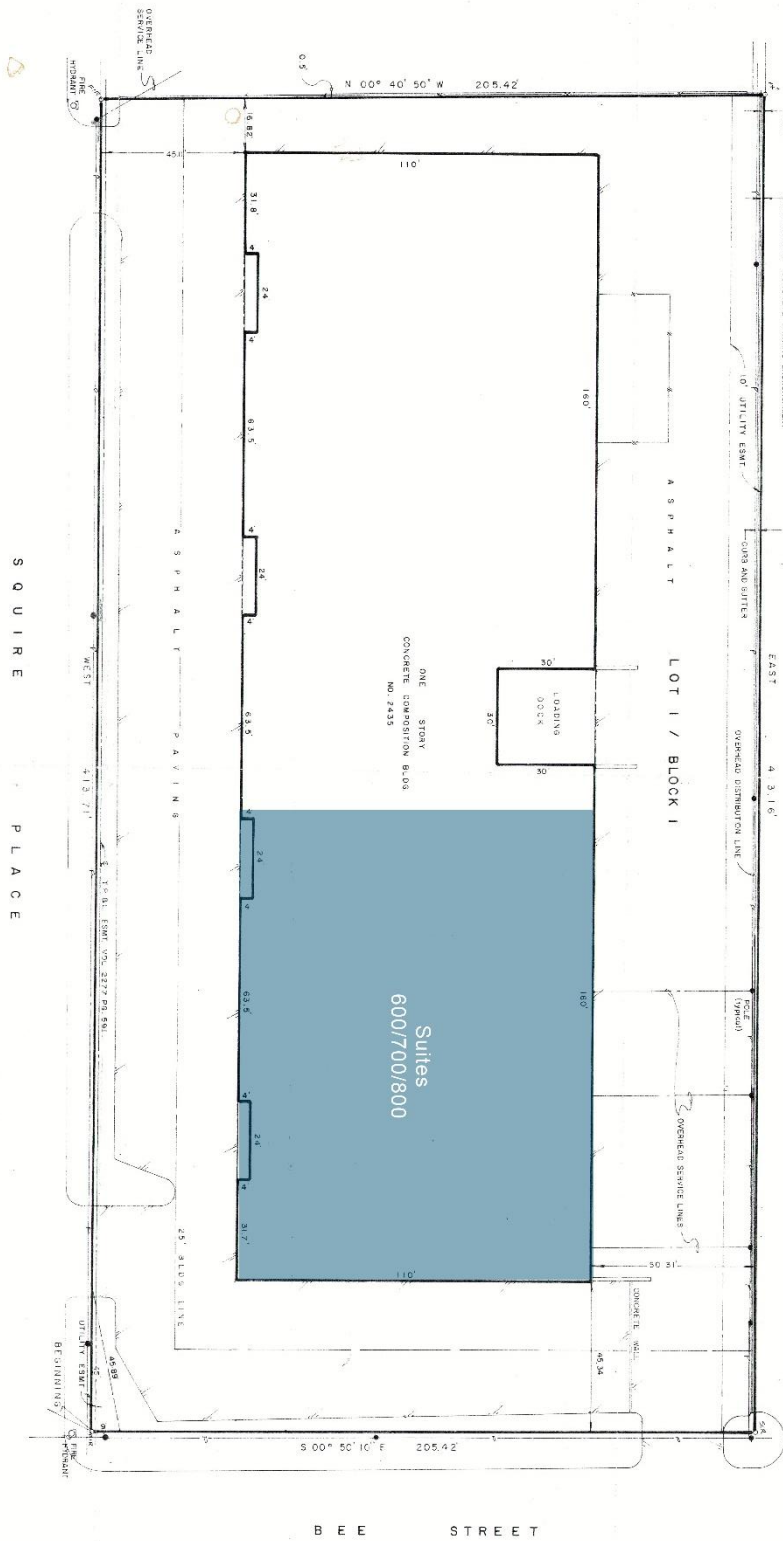
Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:4/9/17:85194)

Ordinance No. 3439
EXHIBIT "A" Site Plan



Ordinance No. 3439
EXHIBIT "A" Site Plan (cont.)

