

## **ORDINANCE NO. 3450**



**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 VEHICLE SALES AND VEHICLE REPAIR ON A PORTION OF A 0.869 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK A, BLOCK A, B.E. MALONE SUBDIVISION (BEING 13830 STEMMONS FREEWAY, SUITE 100) LOCATED IN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH – FREEWAY SUBDISTRICT (PD-70 OFB-FW); APPROVING DEVELOPMENT REGULATIONS, A SITE PLAN; AND A LANDSCAPE PLAN; 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, 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 City of Farmers Branch Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, (collectively, “the Zoning Ordinance”) be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit for Vehicle Sales and Vehicle Repair within the Planned Development Number 70 Old Farmers Branch – Freeway Subdistrict (PD-70 OFB-FW) zoning district on a portion of land described in Exhibit “A” attached hereto and incorporated herein for all purposes (“the Property”).

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 70 (PD-70) Zoning District, and, if used and developed for the use authorized by Section 1, above, shall also be used and developed in association with the following regulations:

- A.** The Property shall be developed and used only in accordance with the Site Plan attached hereto as Exhibit “B” and incorporated herein by reference. Only the 14,638 square foot portion of the Property designated on the Site Plan as “Suite 100” (including the adjacent

warehouse area) may be developed and used for Vehicle Sales and Vehicle Repair pursuant to this Ordinance.

- B.** The Property shall be developed in accordance with the Landscaping Plan attached hereto as Exhibit “C” and incorporated herein by reference. Notwithstanding anything to the contrary in the Zoning Ordinance, installation of all landscaping required by the Landscaping Plan shall be completed not later than ninety (90) days after the effective date of this Ordinance.
- C.** Notwithstanding anything to the contrary set forth in the use and development regulations of PD-70, as amended, the minimum number of off-street parking spaces to be located on the Property shall be thirty-five (35), which parking spaces shall be located as shown on the Site Plan.
- D.** The outside display and storage of vehicles for sale or lease, equipment, tools, or supplies is prohibited on the Property.
- E.** Work constituting the repair or maintenance of vehicles or the installation or removal of parts may not occur on the exterior of any building on the Property.

**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. 3088 shall not constitute a violation for the said ordinance not the Zoning Ordinance notwithstanding the expiration of Ordinance No. 3088.

**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 11<sup>TH</sup> DAY OF JULY, 2017.**

ATTEST:

**APPROVED:**

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:7/2/17:87695)

**Ordinance No. 3450**  
**Exhibit "A"**  
**Description of the Property**

BEING 0.869 acres of land located in Lot 1, Block A, B. E. MALONE SUBDIVISION, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat recorded in Volume 78091, Page 3040 of the Deed Records of Dallas County, Texas, said 0.869 acres being more particularly described by metes and bounds, as follows:

BEGINNING at a 1/2" iron rod found at the Northwest corner of said Lot 1, Block A, B. E. MALONE SUBDIVISION, and lying in the East right-of-way line of Interstate Highway No. 35E (a 300 foot wide right-of-way);

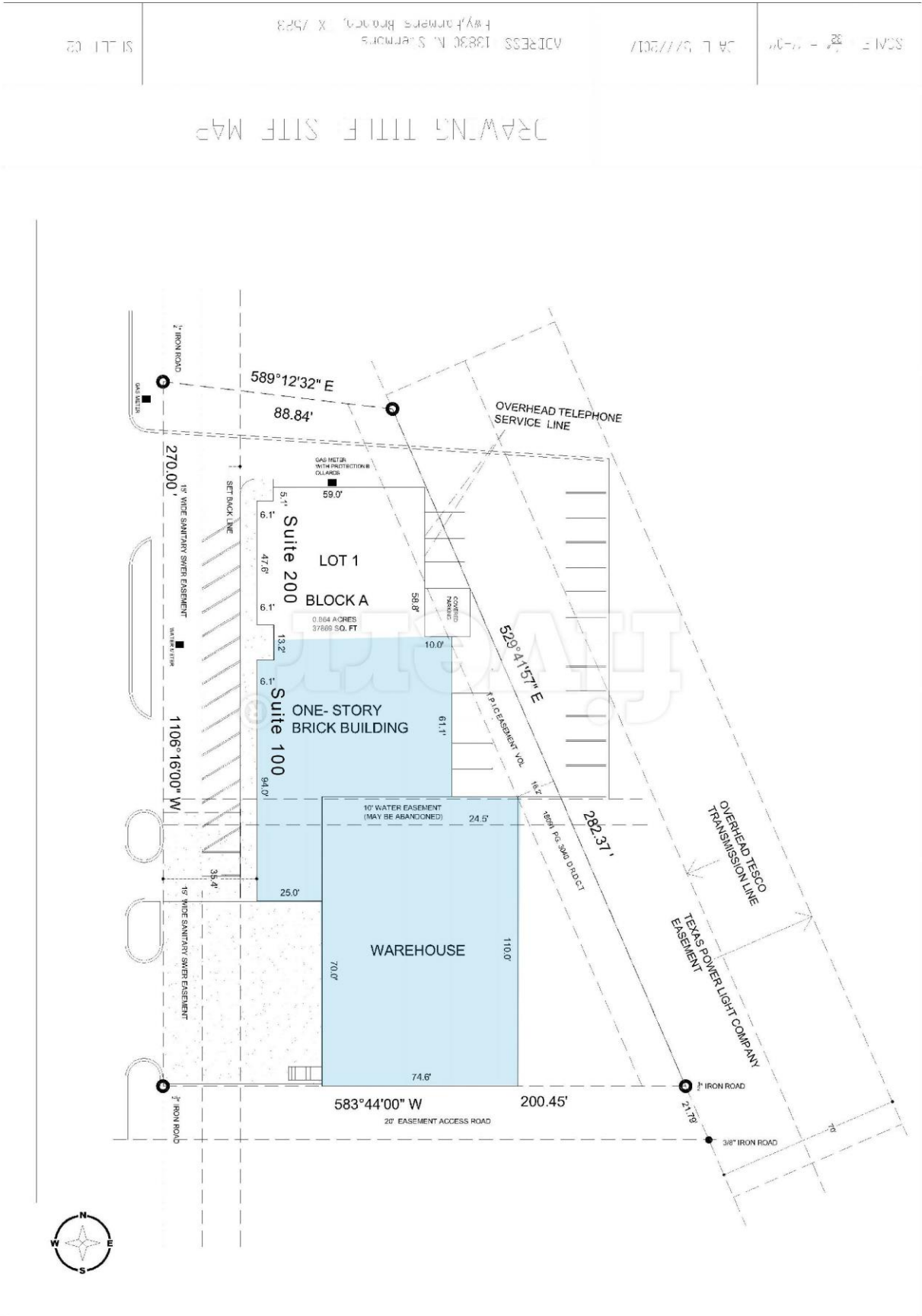
THENCE, S 89° 12' 32" E, 88.84 feet along the North boundary line of said Lot 1 to a 1/2" iron rod at the Northeast corner thereof, located in the Southwest boundary line of the Texas Power & Light Company Easement, recorded in Volume 2202, Page 171 of the Deed Records of Dallas County, Texas;

THENCE, S 29° 41' 57" E, 282.37 feet along the Northeast boundary line of said Lot 1, Block A, and the Southwest boundary line of said Texas Power & Light Company Easement to a 1/2" iron rod at the intersection of the North line of a 20 foot easement and access road;

THENCE, S 83° 44' 00" W, 200.45 feet along the North line of said easement and access road, and along a line 20 feet North of and parallel to the South boundary line of said Lot 1, Block A, to a 1/2 inch iron rod in the West boundary line of said Lot 1, Block A, also being the East right-of-way line of aforesaid Interstate Highway No. 35E;

THENCE, N 06° 16' 00", W 270.00 feet along said East right-of-way line and the West boundary line of said Lot 1, Block A to THE PLACE OF BEGINNING, containing 0.869 acres (37,869 square feet) of land.

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Exhibit "B" - Site Plan



# Ordinance No. 3450 Exhibit "C" - Landscape Plan



DRAWING TITLE: Irrigation Map