



## **ORDINANCE NO. 3501**

**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 REFLEXOLOGY (HAND AND FOOT MASSAGE) AND MASSAGE BUSINESS FOR A 1,280± SQUARE FOOT PORTION OF THE BUILDING LOCATED ON THE PROPERTY DESCRIBED IN EXHIBIT “A” HERETO (COMMONLY KNOWN AS 12879 JOSEY LANE, SUITE 115) LOCATED IN PLANNED DEVELOPMENT NO. 8 (PD-8); APPROVING DEVELOPMENT REGULATIONS AND A SITE PLAN, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR TERMINATION UNDER CERTAIN CIRCUMSTANCES; 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 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 Reflexology (Hand and Foot Massage) and Massage Business for a 1,280± square foot portion of the building located on property described in Exhibit “A,” attached hereto and incorporated herein by reference (commonly known as 12879 Josey Lane, Farmers Branch, Texas) (“the Property”) which is located in Planned Development No. 8 (PD-8).

**SECTION 2.** If developed and used for Reflexology (Hand and Foot Massage) and Massage Business as authorized pursuant to Section 1, above, the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 8 (PD-8) Zoning District as well as the following special conditions:

- A. The use of the Property for a Reflexology (Hand and Foot Massage) and Massage Business shall be limited to the 1,280± square foot portion of the building located on the

Property as generally located and depicted on the Site Plan as “Suite 115” attached hereto as Exhibit “B” and incorporated herein by reference (“the Site Plan”); provided, however, the parking areas located on the Property may be used by owners, employees, and customers of the Reflexology (Hand and Foot Massage) and Massage Business for parking vehicles.

- B. The configuration of the floor plan for the interior of Suite 115 shall be substantially as set forth in Exhibit “C,” attached hereto and incorporated herein by reference.

**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 use the Property in accordance with the Specific Use Permit granted pursuant to Section 1 of this Ordinance is subject to termination in accordance with Section 6.5.C. of the Comprehensive Zoning Ordinance, as amended.

**SECTION 8.** This Ordinance shall take effect after the passage of this Ordinance, the publication of the caption hereof 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 15<sup>TH</sup> DAY OF MAY, 2018.**

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:5/2/18:98919)

**Ordinance No. 3501**  
**Exhibit "A" – Description of Property**

BEING a tract of land situated in the Isaac B. Webb Survey, Abstract No. 1574, City of Farmers Branch, Dallas County, Texas and being all of that certain 1.618 acre tract of land conveyed to Josey-Val Shopping Center, Inc. by Special Warranty Deed recorded in Volume 94242, Page 5145, Official Public Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a cross found in the West ROW line of Josey Lane (a 100' ROW), South 00 degrees 23 minutes 00 seconds West, a distance of 1205.00 feet from the intersection of the West ROW line of Josey Lane with the South ROW line of Valley View Lane (a 100' ROW), said cross being at the Southeast corner of Lot 2, Block 1, Farmers Branch-Chase, recorded in Instrument No. 201100154173 and the Northeast corner of a tract of land conveyed to JDBM Texas LLC by Deed recorded in Instrument No. 20080244193, Official Public Records, Dallas County, Texas;

THENCE: North 89 degrees 40 minutes 00 seconds West, departing the said West ROW line of Josey Lane, along the common line of said Lot 2, Block 1 and said JDBM Texas tract, at a distance of 150.00 feet passing the Northwest corner of said JDBM Texas tract and the Easternmost Northeast corner of Tara Addition, recorded in Volume 69095, Page 2069, Official Public Records, Dallas County, Texas, continuing along the North line of said Tara Addition and the South line of said Lot 2, a total distance of 190.00 feet to a cross set at the TRUE PLACE OF BEGINNING;

THENCE: North 89 degrees 40 minutes 00 seconds West, along the common line of said Tara Addition and said Josey-Val Shopping Center tract, a distance of 174.00 feet to a RR spike found at the Southwest corner of said Josey-Val Shopping Center tract;

THENCE: North 00 degrees 23 minutes 00 seconds East, along the West line of said Josey-Val Shopping Center tract and said Tara Addition, a distance of 405.00 feet to a railroad spike found for corner in the South line of First City Bank-Farmers Branch, recorded in Volume 82040, Page 1649, Official Records, Dallas County, Texas, said railroad spike being at the Northwest corner of said Josey-Val Shopping Center tract and the most Northerly Northeast corner of said Tara Addition;

THENCE: South 89 degrees 40 minutes 00 seconds East, along the North line of said Josey-Val Shopping Center tract and the South line of said First City Bank-Farmers Branch, a distance of 174.00 feet to a railroad spike found at the Northeast corner of said Josey-Val Shopping Center tract and the Northwest corner of Lot 1, Block 1 of said Farmers Branch-Chase;

THENCE: South 00 degrees 23 minutes 00 seconds West, along the common line of said Josey-Val Shopping Center tract and said Farmers Branch-Chase, a distance of 405.00 feet to the TRUE PLACE OF BEGINNING and containing 70,470 square feet or 1.618 acres of land.

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**Ordinance No. 3501**  
**Exhibit “C” – Floor Plan**

