



## **ORDINANCE NO. 3512**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING THE USE AND DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT ZONING DISTRICT NO. 100 (PD-100) RELATING TO THE ACCEPTANCE AND APPROVAL OF APPLICATIONS FOR USE AND DEVELOPMENT OF THE PROPERTY WITHIN PD-100; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING 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 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 are hereby amended by amending Section VIII. Administration, F. Condition of Development of Exhibit "C" to Ordinance No. 3480 establishing Planned Development District No. 100 to read as follows:

**F. Condition of Development**

Unless and until the TCEQ has issued, and the City has received a copy of a Certificate of Completion pursuant to the TCEQ's Voluntary Cleanup Program ("VCP") relating to the cleanup and remediation of soil and other environmental contamination of the PROPERTY occurring during the PROPERTY's prior use and development as a lead battery manufacturing facility:

- a. No application for any subdivision plat (including replat), or for any permit related to the subdivision, use, or development of the PROPERTY shall be accepted by the City;

- b. No permits or other consents authorizing any development of the PROPERTY of any kind relating to the development and use of the PROPERTY shall be issued by the City, including, but not limited to, any grading permits, permits authorizing commencement of construction of any public improvements, and approval by the Director of Public Works or designee of any plans and specifications relating to the design and construction of any public improvements; and
- c. No activity constituting development of the PROPERTY for the uses permitted under this Ordinance shall be permitted.

Notwithstanding the foregoing to the contrary, one or more applications for Detailed Site Plan(s) may be accepted, considered, and approved in accordance with this Ordinance with respect to the development of all or a portion of the Property; provided, however, the approval of any such Detailed Site Plan(s) shall not entitle the owner or developer of said portion(s) of the Property to proceed with any activity relating to development of the Property or portion thereof until the above-described Certificate of Completion has been issued by the TCEQ.

**SECTION 2.** 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, including the provisions of the CZO, this Ordinance shall be controlling; however, in the absence of a relevant standard regulating the use or development of the Property in Exhibit “C,” then the provisions of the CZO, as amended, shall apply.

**SECTION 3.** 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 4.** 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 5.** In addition to and accumulative of all other remedies or penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 6.** 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 SEPTEMBER, 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:7/23/18:100609)