



ORDINANCE NO. 3560

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE DEVELOPMENT AND USE REGULATIONS OF PLANNED DEVELOPMENT NO. 97 (PD-97) AS ESTABLISHED BY ORDINANCE NO. 3230 AND AMENDED BY ORDINANCE NO. 3292 BY SPECIFICALLY AMENDING SECTION 2.A. OF ORDINANCE NO. 3230 RELATING TO LAND USES; CHANGING THE ZONING OF THE PROPERTY WITHIN THE BOUNDARIES OF MORGAN PARKWAY AS DEPICTED ON ATTACHMENT 1, HERETO, FROM PLANNED DEVELOPMENT NO. 88 (PD-88) ZONING DISTRICT TO PLANNED DEVELOPMENT NO. 97 (PD-97) ZONING DISTRICT; AMENDING EXHIBIT "A" TO ORDINANCE NO. 3230 AMENDING THE DESCRIPTION OF THE PROPERTY SUBJECT TO ORDINANCE No. 3230; 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 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 of the City of Farmers Branch, Texas, be, and the same is hereby amended by the development and use regulations of Planned Development No. 97 (PD-97) as established by Ordinance No. 3230 and amended by Ordinance No. 3292 by amending Section 2.A. of Ordinance No. 3230 to read as follows:

A. Land Uses:

(1) **Permitted Primary Uses:** Unless this Ordinance (i) requires a specific use permit to develop and use the Property for such use as provided in Section 2.A.(3) or (ii) expressly prohibits the Property from

being developed for such use as provided in Section 2.A.(4), the Property may be used and developed for the following primary uses:

- (a) All uses which are permitted uses in a Light Industrial “LI” District, inclusive of warehousing, “flex” product, research and development, logistical and distribution and inside light manufacturing, which, for purposes of this Ordinance, shall be referred to as “Mercer LI” uses.
- (b) Establishments (i) providing services to the general public including restaurants, banks (without drive-through only), real estate and insurance offices, travel agencies, health and educational services and galleries and (ii) engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, which uses shall, for purposes of this Ordinance, be referred to as “Mercer R” uses.
- (c) Professional, Corporate, and Business Office(s), which shall include, but be not limited to, offices for attorneys, professional engineers, architects, landscape architects, urban planners, accountants, economic consultants, realtors, doctors, dentists, chiropractors, real estate professionals, trade, logistical, or other professionals similar to those listed above, which uses shall, for purposes of this Ordinance, be referred to as “Mercer O” uses.

(2) **Permitted Accessory Uses:** Unless this Ordinance (i) requires a specific use permit to develop and use the Property for such use or (ii) expressly prohibits the Property from being developed for such use, the Property may be used and developed with the following accessory uses in association with a permitted primary use:

- (a) Public and semi-public open space uses including parks, playgrounds, and public structures to be used for the entertainment or relaxation of the owners and/or tenants of the Property; and
- (b) Carports are to be a use by right, confined only to buildings, structures, or developments pertaining to Professional, Corporate, Business or Call Center office and are defined further as Zoning “O”. All proposed carports must be located behind the primary building.

(3) Specific Use Permit Required. The Property may be developed and used for the following purposes following approval of a specific use permit in accordance with the procedures set forth Article 6.5 of the Comprehensive Zoning Ordinance, as amended:

- (a)** Unless such use is expressly permitted by Section 2.A.(1) of this Ordinance, any use within a Light Industrial (“LI”) District for which a specific use permit must be approved prior to the commencement of such use;
- (b)** Full-Service Hotel, which must include a full-service restaurant, room service, meeting space and concierge service;
- (c)** Call Centers; and
- (d)** Any Outdoor Storage or Outdoor Display associated with any use.

(4) Prohibited Uses: The Property may not be used or developed for any purpose which is not specifically permitted by right or pursuant to a Specific Use Permit by Section 2.A.(1), (2), or (3) of this Ordinance, any such use being expressly prohibited. In addition, notwithstanding any conflicts with provisions of the Comprehensive Zoning Ordinance or this Ordinance, the Property shall at no time be developed and used for the following purposes:

- (a)** Any establishment or business which is defined as a “sexually oriented business” pursuant to Section 26.211 of the Code of Ordinances or Section 7.3 of the Comprehensive Zoning Ordinance, including, but not limited to, adult arcades, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio, or sexual encounter center;
- (b)** Batching Plant (Permanent) Asphalt or Concrete
- (c)** Boat Sales
- (d)** Bottling plant;
- (e)** Bingo Parlor;
- (f)** Bus station or terminal;

- (g)** Cemetery or mausoleum;
- (h)** Commercial parking lot for automobiles;
- (i)** Commercial Parking Lot for Trucks;
- (j)** Dump or Sanitary Fill Area;
- (k)** Electrical Generating Plant;
- (l)** Enclosed Vehicle Storage Facility;
- (m)** Extraction and Storage of Sand, Caliche, Stone, or Gravel;
- (n)** Funeral services, including crematoriums;
- (o)** Massage parlors;
- (p)** Milk depot dairy or ice cream plant;
- (q)** Mining Storage or Mining Wastes;
- (r)** Outside sales (Permanent);
- (s)** Petroleum products storage – wholesale;
- (t)** Private utility shop or storage;
- (u)** Railroad Freight Terminal
- (v)** Recycling plant (non-putrescent materials only);
- (w)** Reflexology hand and foot massage;
- (x)** Retail Store consisting Primarily of Specialty and Novelty Items;
- (y)** Sale of used goods or merchandise;
- (z)** Sewage Treatment Plant
- (aa)** Tattoo Studios;
- (bb)** Tobacco sales (including e-cigarette);
- (cc)** Trailer rental and sales;

(dd) Transfer storage & baggage terminal;

(ee) Vehicle Maintenance;

(ff) Vehicle rental or sales facility;

(gg) Vehicle repair;

(hh) Welding or Machine shop.

(5) Uses Governed by Approved Site Plan. All uses shall be permitted only in the location shown on an approved site plan. Should a desired alteration or change in use represent a substantial departure from the approved site plan for that portion of the Property affected by the site plan, then such shall be allowed only after submission and approval of an amended site plan.

SECTION 3. The zoning of the property located within the right-of-way of Morgan Parkway (formerly known as Mercer Parkway) from its intersection with the southbound service road of Interstate Highway 35-E westerly to its intersection with the eastern DART-owned railroad right-of-way (also referred to as the Chicago, Rock Island and Pacific Railroad) as generally depicted on Attachment 1, hereto, and incorporated herein by reference, is changed from Planned Development No. 88 (PD-88) Zoning District to Planned Development No. 97 (PD-97) Zoning District.

SECTION 4. Exhibit “A” to Ordinance No. 3230 is amended to read as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 5. Upon the effective date of this Ordinance:

- A. The Property described in Exhibit “A” of Ordinance No. 3230 as amended by Exhibit “A” of this Ordinance shall be developed and used in accordance with the provisions of the Comprehensive Zoning Ordinance, as amended, the development and use regulations of Planned Development No. 97, as established in Ordinance No. 3230 and amended by this Ordinance;
- B. The Property described in Exhibit “A” of Ordinance No. 3292 shall be developed and used in accordance with the provisions of the Comprehensive Zoning Ordinance, as amended, the development and use regulations of Planned Development No. 97, as established in Ordinance No. 3230 and amended by Ordinance No. 3292, and this Ordinance.

SECTION 6. 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 7. 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 8. 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 9. That 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 10. 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 DAY, THE 5th OF MARCH, 2019.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:2/6/19:105130)

Ordinance No. 3560
Exhibit "A" – Description of the Property
(amending Exhibit "A" to Ordinance No. 3230)

TRACT 1 - 35.67 ACRES

A tract or parcel of land situated in the Robert J. West Survey, Abstract No. 1577, and the John L. Pulliam Survey, Abstract No. 1156, and the Noah Good Survey, Abstract No. 521, and the Felix H. Cook Survey, Abstract No. 1653, and the Thomas L. Chenowith Survey, Abstract No. 325, in the City of Farmers Branch, Dallas County, Texas, and being part of Block A of the WESTSIDE ADDITION, SECTION 2, an addition to the City of Farmers Branch recorded in Document No. 200600172709 in the Dallas County Plat Records (DCPR), and being the same as the called 35.67 acres tract described in the deed to The Residences of Austin Ranch No. 1, Ltd. Recorded in Document No. 201200384915 in the Dallas County Deed Records (DCDR), and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod with Pate RPLS564 cap, at the southeast corner of said Block A at the intersection of the west right-of-way line of Interstate Highway 35E (variable width right-of-way) and the north right-of-way line of Mercer Parkway (100' wide right-of-way);

THENCE Westerly along the north line of Mercer Parkway the following:

South 85°21'21" West 123.13 feet;

Westerly an arc distance of 407.40 feet with a tangent curve to the left said curve having a radius of 2,050.00 feet, a central angle of 11°23'11" and a chord bearing of South 79°39'46" West 406.73 feet;

South 73°58'10" West 801.74 feet to a found 5/8 inch iron rod;

Westerly an arc distance of 333.95 feet with a tangent curve to the right said curve having a radius of 2,950.00 feet, a central angle of 06°29'10" and a chord bearing of South 77°12'45" West 333.77 feet to a found 1/2 inch iron rod with Pate RPLS564 cap;

South 80°27'20" West 117.65 feet to a found 1/2 inch iron rod lying down;

Westerly an arc distance of 553.23 feet with a nontangent curve to the right said curve having a radius of 1,950.00 feet, a central angle of 16°15'19" and a chord bearing of South 88°36'02" West 551.38 feet to a found 1/2 inch iron rod with Pate RPLS564 cap;

THENCE Northerly along the west side of said Block A and the east side of Tract 2 called a 28.6216 acres tract described in the deed to the City of Dallas recorded in Volume 86057 Page 342 in the DCDR, the following:

North 08°49'27" East 521.86 feet to a corner witnessed by a found 1/2 inch iron rod with Graham & Assoc. cap which bears North 79°47'26" West 9.60 feet;

North 79°47'26" West 35.01 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

North 08°49'27" East 300.50 feet found scribed "X";

THENCE Easterly along the north side of said Block A the following

South 82°55'00" East 18.19 feet;

South 59°20'37" East 96.43 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

South 45°03'52" East 107.01 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

North 48°03'55" East 134.59 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

North 70°20'11" East 99.68 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

North 80°07'35" East 105.72 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

North 82°55'31" East 63.13 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

North 85°37'31" East 79.41 feet to a found 1/2 inch iron rod with D&D 4369 cap;

South 89°25'52" East 473.29 feet to a found 1/2 inch iron rod with Pate RPLS564 cap;

North 00°22'27" West 20.34 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

THENCE North 82°23'46" East 1,059.96 feet along the north side of said 35.67 acres tract to feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

THENCE Southerly along the west line of Interstate Highway 35E the following:

South 04°42'58" East 325.70 feet to a found 1/2 inch iron rod;

South 05°48'07" East 268.76 feet to the Point of Beginning and Containing 35.67 acres of land more or less.

TRACT 2 - 10.22 ACRES

A tract or parcel of land situated in the Robert J. West Survey, Abstract No. 1577, in the City of Farmers Branch, Dallas County, Texas, and being all of Block B of the WESTSIDE ADDITION, SECTION 2, an addition to the City of Farmers Branch recorded in Document No. 200600172709 in the Dallas County Plat Records (DCPR), and being part of the called 93.93 acres tract described in the deed to The Residences of Austin Ranch No. 1, Ltd. Recorded in Document No. 201200384915 in the Dallas County Deed Records (DCDR), and being more particularly described as follows:

BEGINNING at a found 5/8" iron rod at the southwest corner of said Block B and on the east side of the called 28.6216 acres tract described as Tract 2 in the deed to the City of Dallas recorded in Volume 86057 Page 342 in the DCDR;

THENCE North 08°49'27" East 500.93 feet to a found 1/2 inch iron rod with Pate RPLS 564 cap on the south right-of-way line of Mercer Parkway (100' wide right-of-way);

THENCE Easterly along the south line of Mercer Parkway the following:

Easterly an arc distance of 585.29 feet with a nontangent curve to the left said curve having a radius of 2,050.00 feet, a central angle of 16°21'30" and a chord bearing of North 88°39'05" East 583.30 feet to a found 5/8 inch iron rod;

North 80°27'20" East 117.65 feet to a found 1/2 iron rod with Pate RPLS 564 cap;

Easterly an arc distance of 80.38 feet with a tangent curve to the left said curve having a radius of 3,050.00 feet, a central angle of 01°30'36" and a chord bearing of North 79°42'02" East 80.38 feet to a found 1/2 iron rod with Pate RPLS 564 cap at the northwest corner of a remaining part of a called 35.3945 acres tract described in the deed to Mininvest, Inc. recorded in Volume 83245 Page 17 in the DCDR;

THENCE Southerly along the west side of said Mininvest, Inc. tract the following:

South 55°11'45" East 14.46 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

South 10°43'31" East 301.27 feet to a found 1/2 inch iron rod with Graham & Assoc. cap;

THENCE Southerly along the east side of said Block B the following:

South 10°43'15" East 120.76 feet;

Southerly an arc distance of 135.71 feet with a tangent curve to the left said curve having a radius of 950.00 feet, a central angle of 08°11'05" and a chord bearing of South 14°48'47" East 135.59 feet to a point;

THENCE North 89°20'04" West 980.22 feet along the south side of said Block B to the Point of Beginning; and Containing 10.22 acres of land more or less.

TRACT 3 - 2.21 ACRES

A tract or parcel of land situated in the Robert J. West Survey, Abstract No. 1577, and the John L. Pulliam Survey, Abstract No. 1156, in the City of Farmers Branch, Dallas County, Texas, and being the same as Block C of the WESTSIDE ADDITION, SECTION 2, an addition to the City of Farmers Branch recorded in Document No. 200600172709 in the Dallas County Plat Records (DCPR), and being part of the called 93.93 acres tract recorded in the deed to The Residences of Austin Ranch No. 1, Ltd. Recorded in Document No. 201200384915 in the Dallas County Deed Records (DCDR), and being more particularly described as follows:

BEGINNING at the intersection of the west right-of-way line of Interstate Highway 35E (variable width right-of-way) and the south right-of-way line of Mercer Parkway (100' wide right-of-way), said intersection witnessed by a found 1/2 inch iron rod with a red cap which bears South 02°40'35" East 54.10 feet;

THENCE South 02°40'35" East 165.26 feet along the west line of Interstate Highway 35E to a found 1/2 inch iron rod with Graham & Assoc. cap;

THENCE Westerly along the south side of said Block C and along the north side of Lot 1 Block A/6576 of the CITY POINTE GOLF CENTER, an addition to the City of Dallas recorded in Volume 93143 Page 3914 in the DCPR, the following:

Westerly an arc distance of 181.04 feet with a nontangent curve to the right said curve having a radius of 2,745.04 feet, a central angle of 03°46'44" and a chord bearing of South 89°16'32" West 181.01 feet;

North 88°50'06" West 266.09 feet;

Westerly an arc distance of 345.72 feet with a tangent curve to the left said curve having a radius of 1,411.16 feet, a central angle of 14°02'13" and a chord bearing of South 84°08'47" West 344.86 feet;

South 77°07'41" West 591.75 feet;

Westerly an arc distance of 99.91 feet with a tangent curve to the right said curve having a radius of 3,055.00 feet, a central angle of 01°52'26" and a chord bearing of South 78°03'54" West 99.91 feet to a found 1/2 iron rod with Graham & Assoc. cap;

THENCE North 00°42'31" West 2.19 feet to a found 1/2 inch iron rod with Pate RPLS 564 cap;

THENCE Easterly along the south line of Mercer Parkway the following:

Easterly an arc distance of 189.54 feet with a nontangent curve to the left said curve having a radius of 3,050.00 feet, a central angle of 03°33'38" and a chord bearing of North 75°44'59" East 189.51 feet to a found 1/2 inch rod with Pate RPLS 564 cap;

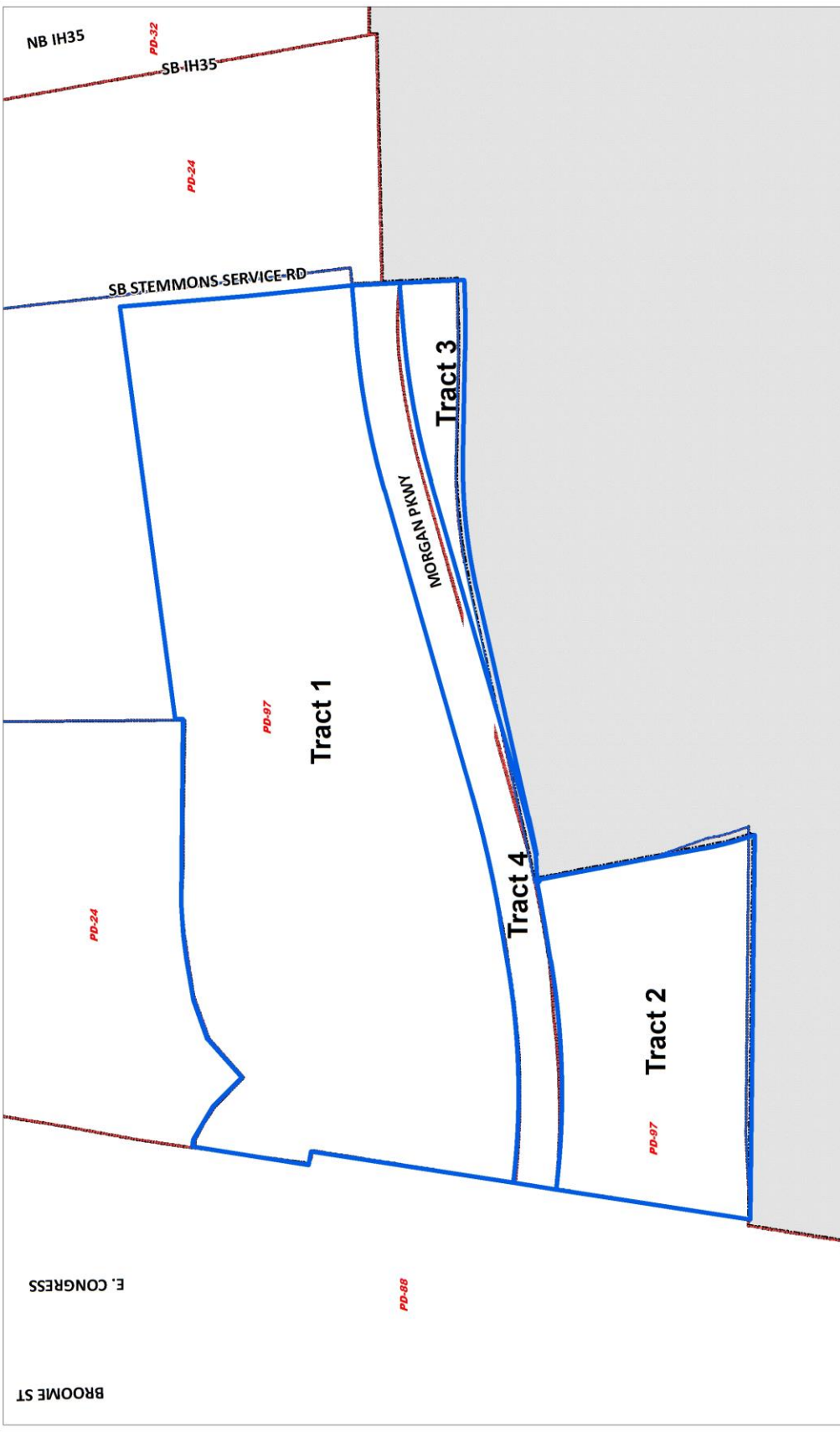
North 73°58'10" East 801.74 feet to a found 1/2 inch rod with Pate RPLS 564 cap;

Easterly an arc distance of 387.52 feet with a tangent curve to the right said curve having a radius of 1,950.00 feet, a central angle of 11°23'10" and a chord bearing of North 79°39'46" East 386.88 feet to a found 1/2 inch rod with Pate RPLS 564 cap;

North 85°20'43" East 122.59 feet to the Point of Beginning and Containing 2.21 acres of land more or less.

TRACT 4 – Morgan Parkway Right of Way

The property located within the right-of-way of Morgan Parkway (formerly known as Mercer Parkway) from its intersection with the southbound service road of Interstate Highway 35-E westerly to its intersection with the eastern DART-owned railroad right-of-way (also referred to as Chicago, Rock Island and Pacific Railroad) generally depicted as follows:



Legend:

- Tract
- Zoning
- City Limit

Tract Map

Planned Development District No. 97 (PD-97)

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and should not be used for any purpose other than the intended purpose of property boundaries. Texas HB1147, Effective 9/1/2011

NORTH

Date: 2/7/2019

0 250 500 Feet

FARMERS BRANCH