ORDINANCE NO. 3704



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 OPEN STORAGE ON LOT 1, BLOCK A, FRESHPOINT ADDITION (COMMONLY KNOWN AS 4721 SIMONTON ROAD) WHICH IS LOCATED IN A LIGHT INDUSTRIAL (LI) ZONING DISTRICT; ADOPTING DEVELOPMENT CONDITIONS INCLUDING A DETAILED SITE PLAN, LANDSCAPE PLAN, AND SCREENING DETAILS; 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; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TERMINATION

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 and zoning map of the City of Farmers Branch, Texas, be amended by granting a Specific Use Permit for Open Storage on property described as Lot 1, Block A, Freshpoint Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded as Instrument No. 201900188049, Official Public Records, Dallas County, Texas (commonly known as 4721 Simonton Road) ("the Property") and presently located in a Light Industrial (LI) Zoning District.

SECTION 2. If any portion of the Property that is not being used for Open Storage on the effective date of this Ordinance is developed and used for Open Storage as authorized by Section 1 of this Ordinance, the development of the area of Property used for Open Storage, including those areas of the Property currently being used for Open Storage prior to the effective date of this Ordinance, shall be subject to the following special conditions:

A. The Property shall be developed and used only in accordance with the Detailed Site Plan attached hereto as Exhibit "A," and incorporated herein by reference ("the Detailed Site Plan").

- B. Open storage shall only be permitted on the portion of the Property indicated on the Detailed Site Plan.
- C. The Property shall be developed and screened in accordance with the Landscape Plan attached hereto as Exhibit "B," and incorporated herein by reference ("the Landscape Plan"). Use of the Property for Open Storage as authorized by Section 1, above, shall not commence until all landscaping and related irrigation system required by the Landscape Plan has been installed.
- D. The areas used for Open Storage shall be screened as follows:
 - (1) An eight foot (8.0') tall solid masonry screening wall shall be constructed along Simonton Road and along the west property line of the Property to a point approximately 70-feet north of Simonton Road as shown on the Detailed Site Plan; provided, however, a portion of the wrought iron fence existing on Simonton Road on the effective date of this Ordinance may remain as shown on the Detailed Site Plan to the extent necessary to allow for the function of the existing electric sliding gate. Said masonry screening wall shall be designed and constructed substantially in compliance with the Screening Wall Detail as shown on the Detailed Site Plan and Landscape Plan.
 - (2) The screening walls required by this Section 2.D. shall be maintained in good condition and repair for so long as the Property is used for Open Storage.
 - (3) Use of the Property for Open Storage shall not commence until construction of the screening walls and fences required by this Section 2.D. is completed.

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. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

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, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the

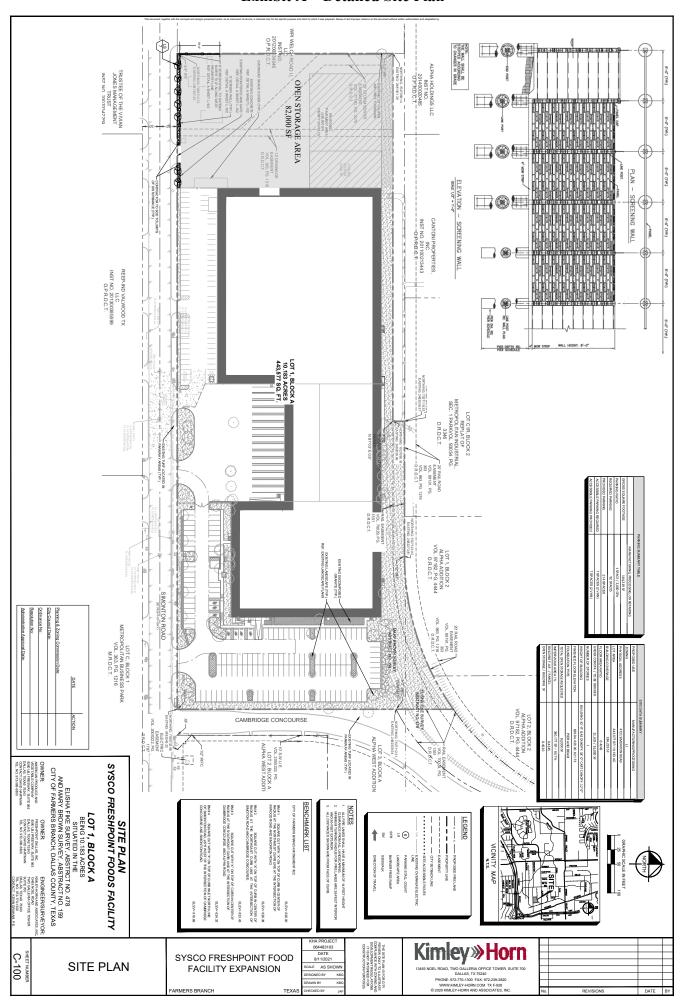
publication of the caption of said Ordinance as the law and the City Charter in such cases provides.

SECTION 8. This ordinance shall be subject to termination pursuant to Section 6.5.C of the Comprehensive Zoning Ordinance, as amended.

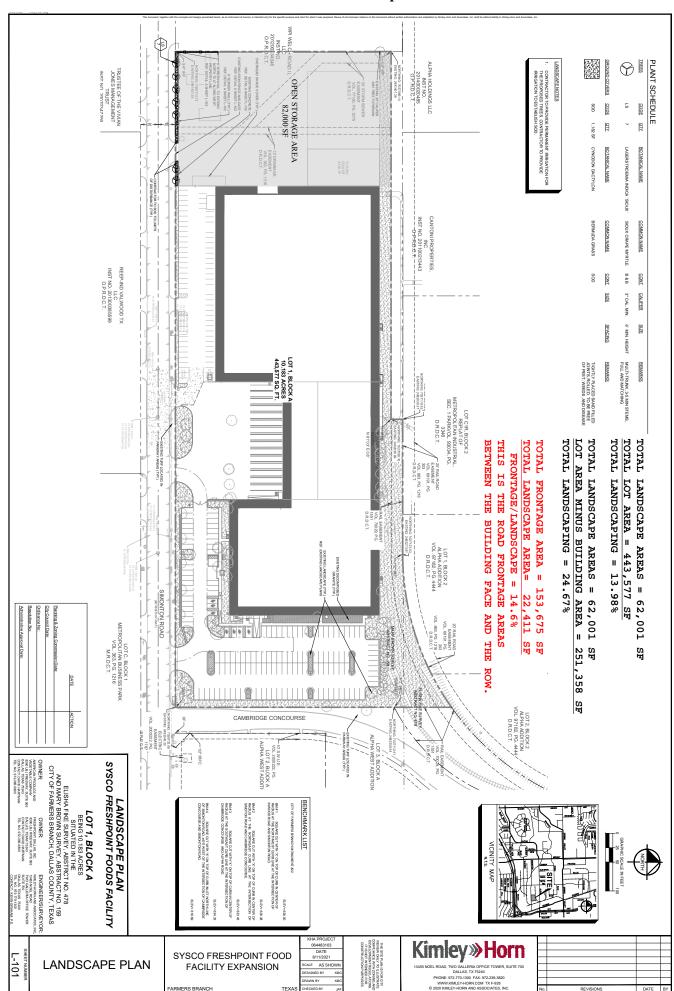
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS, THE $19^{\rm TH}$ DAY OF OCTOBER 2021.

ATTEST:	APPROVED:	
Amy Piukana, City Secretary	Robert C. Dye, Mayor	
APPROVED AS TO FORM:		
Peter G. Smith, City Attorney (kbl:9/27/2021:124960)		

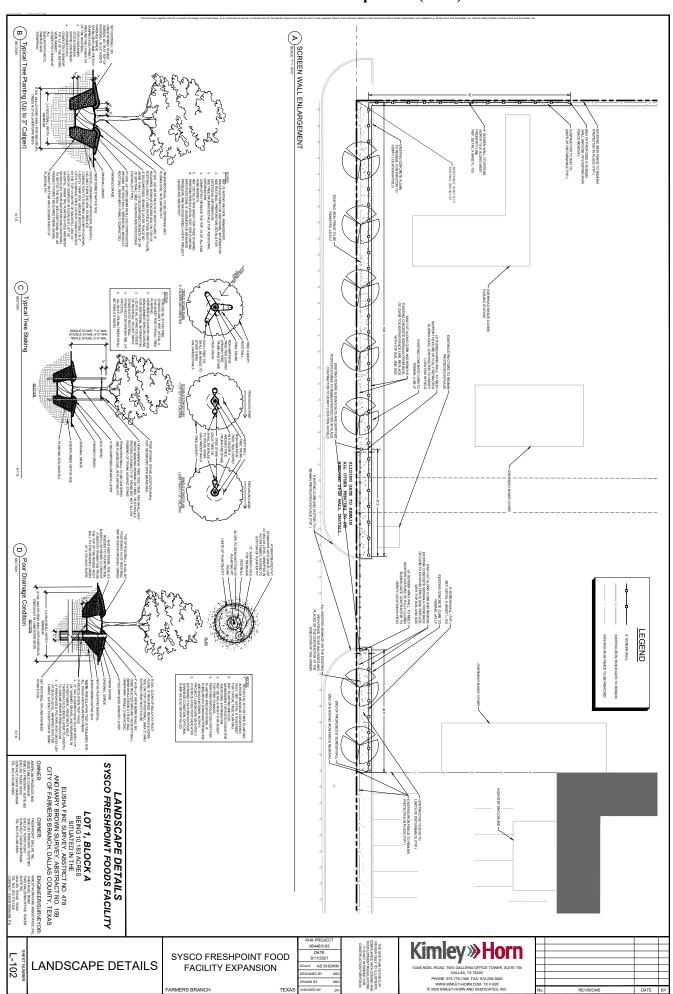
Ordinance No. 3704 Exhibit A – Detailed Site Plan



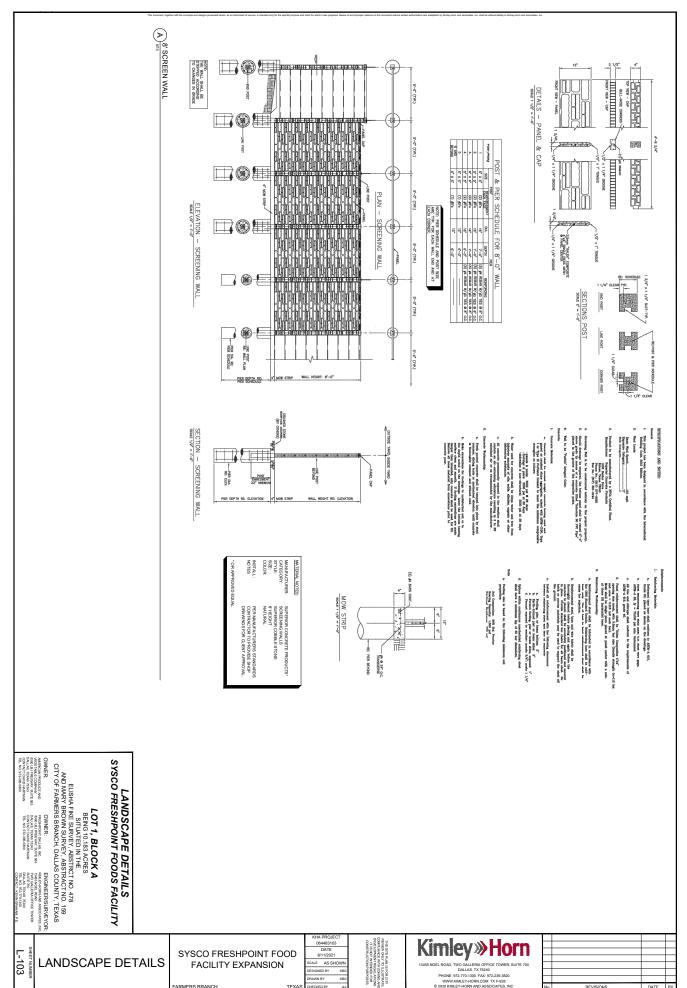
Ordinance No. 3704 Exhibit B – Landscape Plan



Ordinance No. 3704 Exhibit B – Landscape Plan (cont.)



Ordinance No. 3704 Exhibit B – Landscape Plan (cont.)



Ordinance No. 3704 Exhibit B – Landscape Plan (cont.)

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