



ORDINANCE NO. 2407

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT-INTERIM USE (BEGINNING AUGUST 4, 1998 AND EXPIRING AUGUST 3, 2003) TO ALLOW OUTDOOR SALES AT 3404 BELTLINE ROAD AND WITHIN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit-Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with the existing uses of adjacent and nearby property:
2. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit-Interim Use is in effect:
3. That the proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan; and
4. That any investment contemplated to be made by the applicant in the property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration of the permit.

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 Charter of the City of Farmers Branch, and the State law with reference to the granting of specific use permits-interim use under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording

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full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning use should be made, subject to the conditions set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use-permit-interim use beginning on August 4, 1998 and expiring on August 3, 2003 to allow outdoor sales at 3404 Beltline Road within the Light Industrial (LI) zoning district.

SECTION 2. That this specific use permit-interim use shall be operated in compliance with the approved site plan attached as exhibit "A" and with the conditions as follows:

1. The "headache bars" located across the parking lot entrances on Trend Drive and Enterprise Drive shall be removed within 48 hours subsequent to City council approval;
2. Merchandise to be placed within the outdoor sales and display area shall be limited to statuary, fountains, benches, light poles and similar outdoor art objects and furnishings made of stone, metal, or similar non-combustible, all-weather materials;
3. All merchandise shall be placed within the fenced area and will be for sales and display only, the area shall not be used for storage;
4. No signs, merchandise, or other articles or materials shall be attached to, or placed upon the fence enclosing the outdoor display and sales area;
5. No merchandise located within the outdoor sales and display area, except light poles, shall exceed a height of 12 feet. Light poles up to 18 feet in height would be permitted;
6. No merchandise shall be stacked to height greater than six (6) feet.

SECTION 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch,

SECTION 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same is hereby repealed and all other provisions of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would