



**ORDINANCE NO. 2876**

**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 PLANNED DEVELOPMENT NO. 7 (PD-7) ZONING DISTRICT SO AS TO REQUIRE A SPECIFIC USE PERMIT FOR "SUPERSTORE BUILDING SPACE" AS DEFINED HEREIN; APPROXIMATELY 10.5 ACRES LOCATED GENERALLY AT THE SOUTHEAST CORNER OF JOSEY LANE AND VALLEY VIEW LANE AND ON THE WEST SIDE OF VERONICA ROAD; PROVIDING A SAVING CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to replace and restate the existing zoning districts; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the City is considering engaging in a long range land use planning exercise to develop a sustainable long-term vision and development of a comprehensive program for the area located generally at the intersection of Josey Lane at Valley View Lane to further promote the goals and vision of the comprehensive plan and to provide for public participation; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City 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 changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the 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 should be made;

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

**SECTION 1.** That all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2:** 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 amend the Planned Development No. 7 (PD-7) zoning district for an approximately 10.5 acres located generally at the southeast corner of Josey Lane and Valley View Lane and on the west side of Veronica Road, as described in Exhibit "A" and more fully depicted on Exhibit "B" attached hereto.

**SECTION 3.** That prior to the development, occupancy, consolidation or subdivision of any "Superstore Building Space" for any use presently allowed in Planned Development No. 7 (PD-7) zoning district, approval of a specific use permit by the City Council (as provided for in the Comprehensive Zoning Ordinance) shall be required.

**SECTION 4.** That "Superstore Building Space" is hereby defined as "Any vacant/unoccupied building minimum 20,000 square feet (gross floor area) or greater in existence as of the effective date of this ordinance; or any building minimum 20,000 square feet (gross floor area) or greater constructed after the effective date of this ordinance including consolidation of existing building area."

**SECTION 5.** That all uses in PD-7 shall conform in operation, location and construction to the performance standards established by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

**SECTION 6.** That the above described tract of land shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore amended, and as amended herein.

**SECTION 7.** 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, 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 8.** 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 a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

**SECTION 9.** In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 10.** Whereas, it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development, and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage, and publication of the caption of said ordinance, as the law in such case provides.

DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 18th day of September, 2006.

APPROVED:



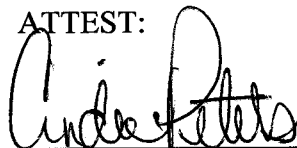
Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



Cindee Peters, City Secretary

Exhibit A – Legal description

Being a parcel of land situated in the Isaac B. Webb Survey, Abstract No. 1574 that includes portions of Josey Lane street right-of-way and Veronica Road street right-of-way and also includes part of the Valley View Village Shopping Center Addition as recorded in the map records of Dallas County, Texas, Volume 0034, Page 0085, said parcel being more particularly described as follows:

BEGINNING at a point in the centerline of Josey Lane, said point being the intersection of said centerline with the westward prolongation of the south line of said Valley View Shopping Center Addition and the centerline of Josey Lane (a 100 foot wide ROW);

THENCE in a northerly direction along said Josey Lane centerline a distance of approximately 590 feet to a point being at the intersection of said centerline with the westward prolongation of the south line of a tract of land previously conveyed to Mobil Oil Corporation by deed Volume 68086, Page 1417, D.R.D.C.T.

THENCE departing said centerline, in an eastwardly direction, along said prolongation line, passing said east right-of-way line of Josey Lane and continuing in an easterly direction along said south line of said Mobil Oil Corporation tract and continuing past the southeast corner of said Mobil Oil Corporation tract, with the easterly prolongation of the south line of said Mobil Oil Corporation tract a total distance of approximately 775 feet to a point in the centerline of Veronica Road (a 50 foot wide right-of-way);

THENCE in a southerly direction along said Veronica Road centerline a distance of approximately 590 feet to a point being the intersecting point of said centerline with the eastwardly prolongation of the south line of said Valley View Shopping Center Addition;

THENCE departing said centerline in a westerly direction along said prolongation line, passing the west right-of-way line of said Veronica Road and continuing in a westerly direction along the south line of said Valley View Village Shopping Center Addition and passing said southeast corner of said addition to the centerline of Josey Lane, a total distance of approximately 775 feet to the POINT OF BEGINNING.

August 16, 2006

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131  
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.  
Internet URL...<http://www.ci.farmers-branch.tx.us>

Exhibit A – Legal description (continued)

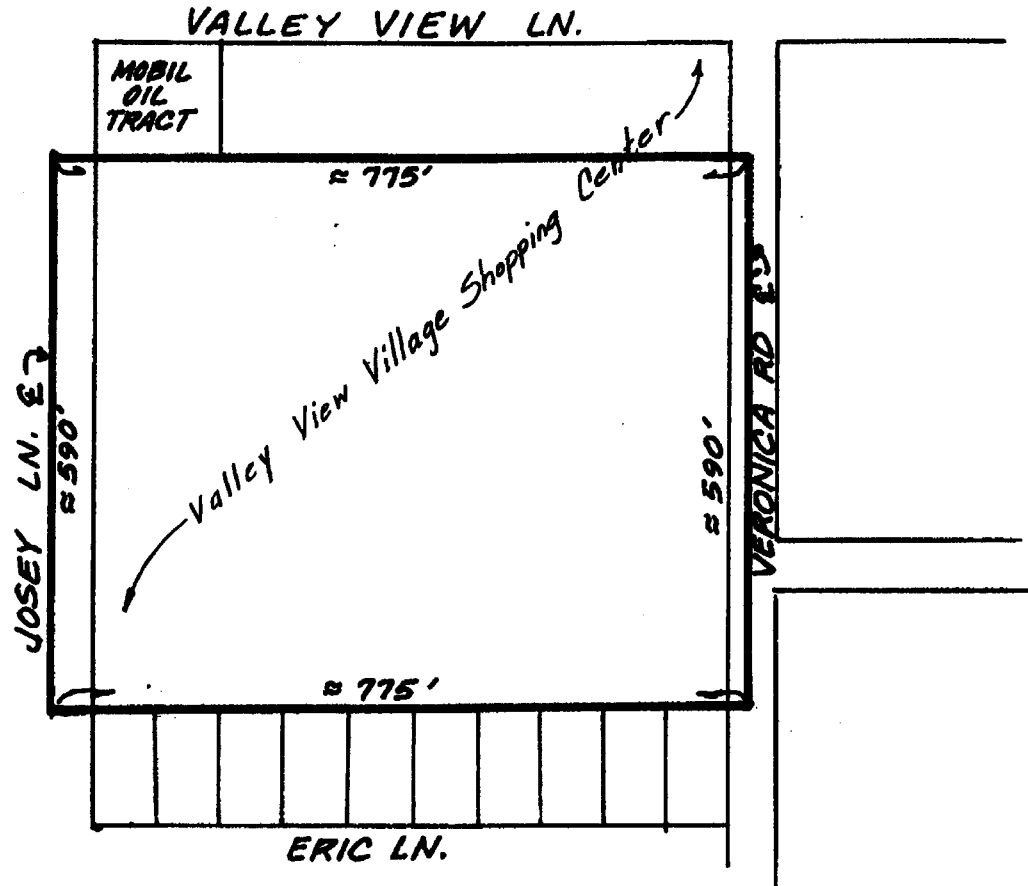
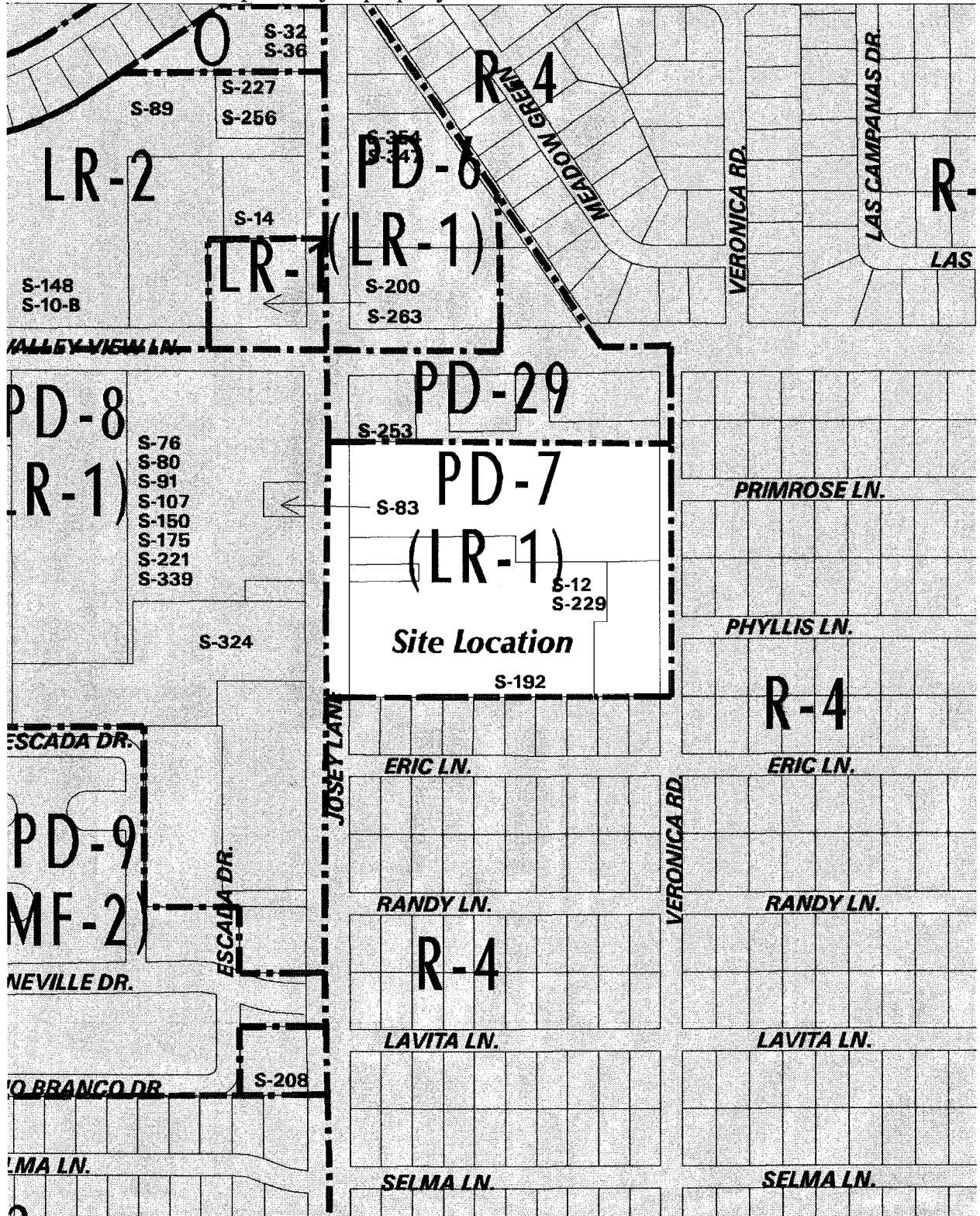


Exhibit B – Locator map of subject property



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