



ORDINANCE NO. 3159

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT FOR AN AUTOMOTIVE PARTS STORE ON PROPERTY LOCATED WITHIN PLANNED DEVELOPMENT NO. 6 (PD-6) GENERALLY KNOWN AS 13330 JOSEY LANE FARMERS BRANCH, TEXAS, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", HERETO; PROVIDING FOR A SITE PLAN AND BUILDING ELEVATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR 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, 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 for an Automotive Parts Store within Planned Development District No 6 (PD-6), on property generally known as 13330 Josey Lane, Farmers Branch, Texas, and more particularly described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property").

SECTION 2. The development of Property for an Automotive Parts Store pursuant to the authority of this Ordinance shall conform in operation, location and construction to the development standards specified within PD-6 zoning district and in accordance with the Site Plan attached hereto as Exhibit "B," incorporated herein by reference.

SECTION 3. In addition to the requirements of Section 2, above, the development and use of the Property as an Automotive Parts Store shall also conform in operation, location and

construction to the following special conditions:

- A. Prior to issuance of a certificate of occupancy for the purpose of using the Property as an Automotive Parts Store, the exterior of the building located on the Property shall be substantially remodeled to appear substantially as set forth in the Building Elevations attached hereto as Exhibit "C" and incorporate herein by reference.
- B. The business shall only engage in the sale of new automotive parts, supplies, and equipment.
- C. Repair of vehicles on the Property is prohibited.
- D. Construction of the new dumpster enclosure shown on Exhibit B shall be complete before issuance of a final certificate of occupancy.

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. 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 8. 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.


**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS, THE 6TH DAY OF DECEMBER, 2011.**

ATTEST:


Cindee Peters, City Secretary

Shanna W. Sims-Bradish, Interim
City Secretary

APPROVED:


William P. Glancy, Mayor

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Peter G. Smith". The signature is written in dark ink and is positioned above a horizontal line.

Peter G. Smith, City Attorney
(kbl 11/28/11 52125)