



ORDINANCE NO. 3367

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 AN INSTITUTIONAL USE (PRIVATE NURSING SCHOOL) FOR A 22,000± SQUARE FOOT AREA OF A BUILDING LOCATED ON THE FIFTH INSTALLMENT OF METRO SQUARE – PHASE II, AN ADDITION TO THE CITY OF FARMERS BRANCH, TEXAS (COMMONLY KNOWN AS 2711 LBJ FREEWAY), SAID PROPERTY BEING LOCATED IN A PLANNED DEVELOPMENT DISTRICT NO. 74 (PD-74); ADOPTING DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR TERMINATION IN THE EVENT OF CESSATION OF SPECIFIC USE; 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 and zoning map of the City of Farmers Branch, Texas, be, and the same are hereby amended, by granting a Specific Use Permit for Institutional Use (Private Nursing School) for a 22,000± square foot area of a building located on property described as the Fifth Installment of Metro Square – Phase II, an Addition to the City of Farmers Branch, Texas, according to the map or plat thereof recorded in Volume 83131, Page 3153, Deed Records, Dallas County, Texas (commonly known as 2711 LBJ Freeway) (“the Property”), which is located in Planned Development District No. 74 (PD-74).

SECTION 2. If the Property is used and developed for Institutional Use (Private Nursing School) as authorized by Section 1 of this Ordinance, such use shall be subject to the following special conditions:

A. The use of the Property shall be limited solely to the area of the First Floor and all of the

Second Floor of the building located on the Property as shown on the Floor Plan attached hereto as Exhibit "A" and incorporated herein by reference.

- B. All classroom activity related to the operation of the Nursing School shall be limited to the 2nd floor.
- C. All activities related to the Nursing School use shall be limited to the interior of the Property.
- D. No clinic activities or the practice of nursing on live patients shall be permitted on the Property pursuant to this Ordinance.
- E. The type of Institutional Use granted by this Ordinance shall be limited to a private nursing school.
- F. For purposes of Section 7 of this Ordinance, commencement of the use of a portion of the second floor area shown on the attached Floor Plan for the use granted by Section 1, above, shall not result in termination of this Ordinance and the Specific Use Permit granted hereby for the unused remainder of the second floor.

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. 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 5. 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 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, 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 7. This Ordinance and the right to use the Property for Institutional Use (Private Nursing School) pursuant to Section 1 of this Ordinance shall terminate if:

- A. Such use does not commence on or before the second anniversary of the effective date of this Ordinance; or
- B. If after commencement of the use of the Property for the Institutional Use (Private Nursing School) as authorized by this Ordinance, such use ceases for a period of 180 consecutive days.

SECTION 8. This Ordinance shall take effect after the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 3RD DAY OF MAY, 2016.

ATTEST:




Amy Piukana, City Secretary

APPROVED:

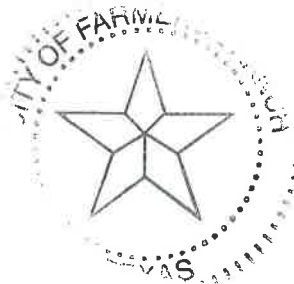


Bob Phelps, Mayor

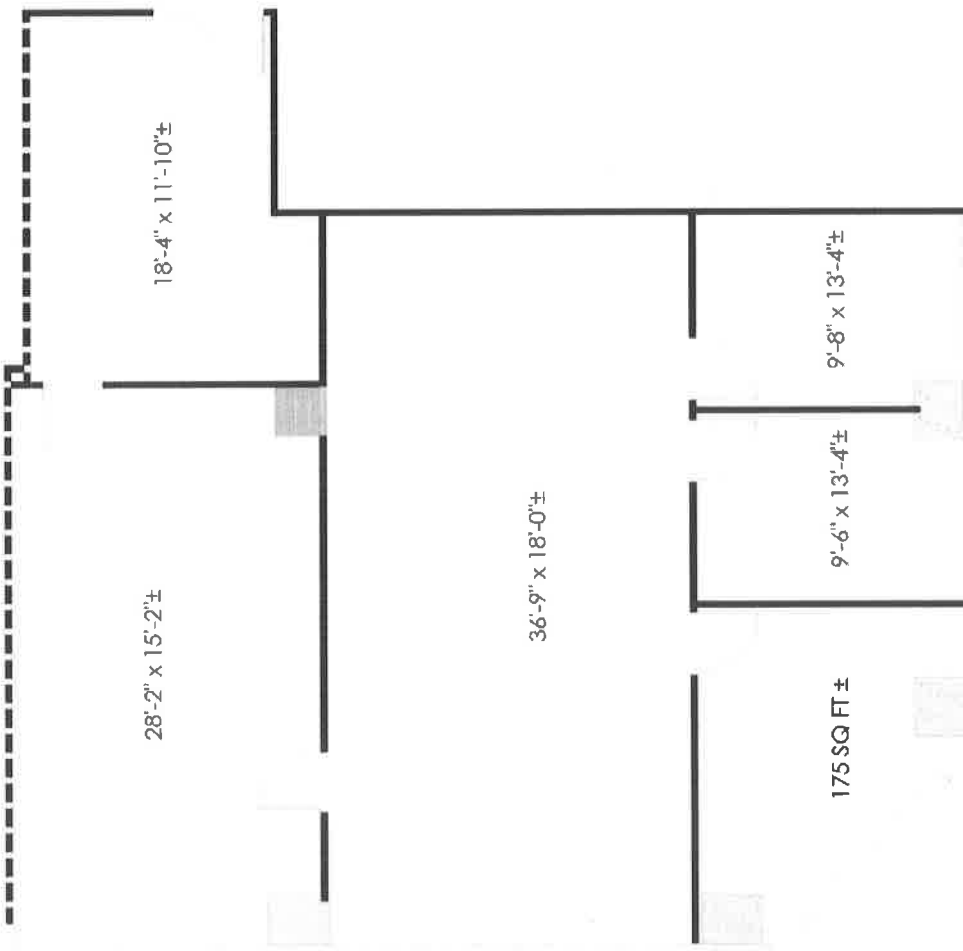
APPROVED AS TO FORM:



Peter G. Smith, City Attorney
(kbl:4/25/16:76616)



Ordinance No. 3367
Exhibit A – Floor Plan (1st Floor)



Ordinance No. 3367
Exhibit A – Floor Plan (2nd Floor)



01 Preliminary Plan
DATE: 08/14/12