



## **FARMERS BRANCH**

### **ORDINANCE NO. 3008**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING AND RESTATING PLANNED DEVELOPMENT NO. 25 (PD-25) ORDINANCE NO. 1263, AS HERETOFORE AMENDED BY ORDINANCE NOS. 1454 AND 1648 FOR THE APPROXIMATE 127 ACRE TRACT OF LAND BOUNDED ON THE NORTH BY THE NORTHERN CITY LIMITS, ON THE EAST BY THE CENTERLINE OF U.S. INTERSTATE 35E, ON THE WEST BY THE EASTERN RIGHT-OF-WAY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD AND ON THE SOUTH BY THE CENTERLINE OF VALLEY VIEW LANE AND BEING FURTHER DESCRIBED IN EXHIBIT "A"; BY PROHIBITING ADULT ARCADES, ADULT BOOKSTORES, ADULT VIDEO STORES, ADULT CABARETS, ADULT MOTION PICTURE THEATER, ADULT THEATER, ADULT MOTELS, ADULT NOVELTY RETAIL, NUDE MODELING STUDIOS, SEXUAL ENCOUNTER CENTER, MASSAGE STUDIOS, PAWN SHOPS, TATTOO STUDIOS, AND THE SALE OF USED MERCHANDISE; AND TO ALLOW AUTO-RELATED RETAIL AND SERVICE BY SPECIFIC USE PERMIT ONLY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; 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:**

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, and Zoning Map, be and the same is hereby amended, by amending and restating Planned Development Number 25 (PD-25) Ordinance No. 1263 as heretofore amended by Ordinance Nos. 1454 and 1648 for the approximate 127 acres of land bounded on the north by the northern city limits of the City of Farmers Branch, on the east by the centerline of U.S. Interstate 35E, on the west by the eastern right-of-way line of the Chicago, Rock Island and Pacific Railroad and on the south by the centerline of Valley View Lane, and being further described in Exhibit "A"

attached hereto and made a part hereof for all purposes by prohibiting adult arcades, adult bookstores, adult video stores, adult cabarets, adult motion picture theater, adult theater, adult motels, adult novelty retail, nude modeling studios, sexual encounter center, massage studios, pawn shops, tattoo studios, and the sale of used merchandise; and to allow auto-related retail and service by specific use permit only as set forth herein.

**SECTION 2.** The property shall be developed and used only in accordance with the following development conditions.

**A. Base Zoning District.** The property shall be used and developed only in accordance with the LI Light Industrial District regulations of the Comprehensive Zoning Ordinance, except as otherwise provided herein.

**B. Permitted Uses.** The property may be used for any of the uses permitted by right in the LI Light Industrial District except as otherwise provided herein.

**C. Prohibited Uses.** The following uses are prohibited:

- Adult Arcade
- Adult Bookstore
- Adult Video Store
- Adult Cabaret
- Adult Motel
- Adult Motion Picture Theater
- Adult Theater
- Adult Motel
- Adult Novelty Retail
- Nude Modeling Studio
- Sexual Encounter Center
- Massage Studio
- Pawn Shop
- Tattoo Studio
- Sale of Used Merchandise

**D. Uses allowed by Specific Use Permit.** All Auto Related repair and service uses shall require a specific use permit.

**E. Site Coverage.** The maximum allowable site coverage for any warehouse or light industrial uses shall be fifty-five (55%) percent of the total site area.

**F. Site Plan.** The approval of a detailed site plan by the City Council shall be required prior to the issuance of any building permit for any use, development or construction of any structure. Minor amendments to an approved site plan may be approved by the Planning Director, or designee.

**SECTION 3.** That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That 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.

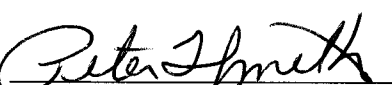
**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine 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.

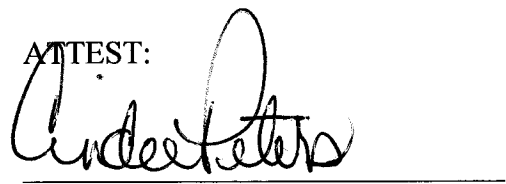
**SECTION 7.** In addition to and accumulative of all other penalties, the City of Farmers Branch shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, 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 20th day of January, 2009.**

APPROVED:  
  
\_\_\_\_\_  
Tim O'Hare, Mayor

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Peter G. Smith, City Attorney

ATTEST:  
  
\_\_\_\_\_  
Cindee Peters, City Secretary

**EXHIBIT "A"**  
**PLANNED DEVELOPMENT NUMBER 25 (PD-25)**  
**GENERAL AREA DESCRIPTION**

**BEING** a tract of land bounded on the north by the northern city limits of the City of Farmers Branch, on the east by the centerline of U.S. Interstate 35E, on the west by the eastern right-of-way line of the Chicago, Rock Island and Pacific Railroad and on the south by the centerline of Valley View Lane and containing 129 acres of land, more or less.

