



## **FARMERS BRANCH**

### **ORDINANCE NUMBER 2950**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING ARTICLE 3 AND ARTICLE 10 OF ORDINANCE NO. 2578, WHICH ESTABLISHED THE PLANNED DEVELOPMENT NO. 81 ZONING DISTRICT, RELATIVE TO COMMERCIAL SPACE REQUIREMENTS ASSOCIATED WITH RESIDENTIAL DEVELOPMENT AND ROADWAY AND ACCESS REQUIREMENTS PRECEDENT TO ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR APPROXIMATELY 3 ACRES KNOWN AS LOT 1, BLOCK A OF LAGO VISTA EVERGREEN AND LOCATED AT 11701 MIRA LAGO BOULEVARD; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING 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 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 amend the Comprehensive Zoning Ordinance; 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 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 Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a 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 City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, 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 matters stated in the preamble are found to be true and correct and are incorporated herein 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 Article 3 and Article 10 of Ordinance No. 2578 relative to 3 acres known as Lot 1, Block A of Lago Vista Evergreen and located at 11701 Mira Lago Boulevard, within the Planned Development No. 81 (PD-81) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

**SECTION 3.** That Article 3 of Ordinance No. 2578, is hereby amended to read as follows:

**"A minimum of twenty (20) square feet of commercial use shall be incorporated into the development plans of each residential dwelling unit proposed within the Mixed Residential Area, except that such requirement shall not apply to the property located at 11701 Mira Lago Boulevard and known as Lot 1, Block A of Lago Vista Evergreen."**

**SECTION 4.** That Article 10, Section C of Ordinance No. 2578, as it pertains to property located at 11701 Mira Lago Boulevard and known as Lot 1, Block A of Lago Vista Evergreen is hereby amended as follows:

“Prior to the issuance of certificate of occupancy for private development pursuant to a site plan approved subsequent to February 2, 2001, **on the 7<sup>th</sup> day of May, 2007**, the following roadway improvements, **except the emergency vehicle roadway referenced in paragraph three (3) which the City has determined to be not feasible, and consequently shall not be required to be constructed**, must be in place and fully functional **or the following conditions satisfied**:

1. A two lane, eastbound frontage road along the south side of Interstate Highway 635 (LBJ Freeway), constructed to Texas Department of Transportation and/or Federal Highway Administration standards, minimally extending from the west terminus of Mira Lago Boulevard to Luna Road; **or**

**Funding, including potential contingencies, is advanced to the City of Farmers Branch by Transcontinental Realty Investors, Inc., adequate to fully finance a two-lane eastbound frontage road along the south side of Interstate Highway 635 (LBJ Freeway) extending from and connected to the west terminus of Mira Lago Boulevard to Luna Road.**

2. Mira Lago Boulevard as shown on the approved Concept Plan extending from Luna Road to its west terminus at Interstate Highway 635 eastbound frontage road **is constructed.**
3. The construction of an emergency vehicle roadway (or public street, if deemed mutually desirable by property owners and the City of Farmers Branch), extending from the eastbound Highway 635 frontage road to the subject property at a location east of the point of convergence of the LBJ Freeway 635 exit ramp and the eastbound frontage road. Actual location of the emergency access roadway shall be subject to approval of the appropriate Highway authority (i.e., Texas Department of Transportation or Federal Highway Administration of the City of Farmers Branch).”

**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 a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**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 and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

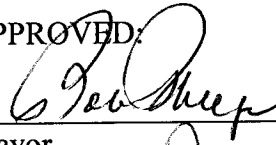
Proposed Ordinance 2950 (continued)

**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 as the law in such case provides.

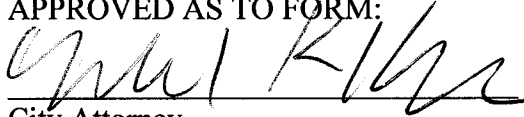
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 5th day of February, 2008.**

APPROVED:



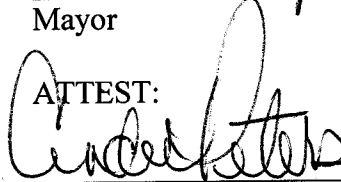
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

ATTEST:



\_\_\_\_\_  
City Secretary

Exhibit "A"

Lot 1, Block A of Lago Vista Evergreen

Exhibit "B"

