



ORDINANCE NO. 2790

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 PLANNED DEVELOPMENT NUMBER 23 ZONING DISTRICT (PD-23) PERTAINING TO PERMITTED USES, DEVELOPMENT STANDARDS AND ESTABLISHING A SPECIAL EXCEPTION PROCESS FOR AN APPROXIMATE 3.53-ACRE TRACT LOCATED GENERALLY AT THE SOUTHWEST CORNER OF MARSH LANE AND BELT LINE ROAD; AMENDING ORDINANCE NUMBER 1177; 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 amend 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 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

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
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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 governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and 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 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 so as to amend Planned Development Number 23 (PD-23) zoning district pertaining to permitted uses, development standards and establishing a special exception process for an approximate 3.53-acre tract located generally at the southwest corner of Marsh Lane and Belt Line Road (hereinafter the "Property"), as described in Exhibit "A."

SECTION 3. That Ordinance 1177 is hereby amended by this Ordinance as it pertains to the Property only.

SECTION 4. That all uses and development standards in Planned Development Number 23 (PD-23) zoning district shall conform in operation, location and construction in accordance with Ordinance 1177 and the Comprehensive Zoning Ordinance of the City of Farmers Branch, except as amended herein for the Property.

SECTION 5. That motor vehicle related uses allowed by right in the Comprehensive Zoning Ordinance Article 8-105 "Transportation and Related Uses," Article 8-106 "Automobile and Related Service Uses," Article 8-110 "Commercial Type Uses," Article 8-114a "Tires, Batteries and Accessories" and Article 8-114b "Auto Repairs, Service and Installation" shall be subject to approval of a specific use permit.

SECTION 6. That open storage regardless of type, location or scale shall be subject to approval of a specific use permit.

SECTION 7. That multiple tenant identification signs shall be allowed by right and the size and location of said signs shall be considered through the site plan approval process. The City reserves the right to reject the size, location and type of multiple tenant identification signs as part of the site plan approval process.

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SECTION 8. That the Planned Development Number 23 (PD-23) zoning district allows special exceptions to the District's development standards to be requested by the developer and those requests to be considered as part of the site plan approval process. Such special exceptions do not require a finding of hardship to justify their approval. Good design, sound planning principles and equitability should be considered in regards to these special exceptions.

SECTION 9. 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 10. 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 (\$2000.00) for each offense.

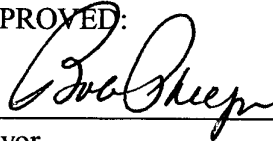
SECTION 11. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

SECTION 12. Injunctive Relief. 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 13. 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.

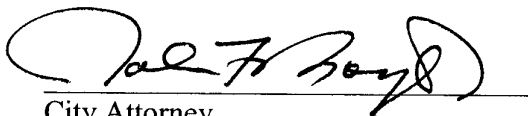
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 20th day of September, 2004.

APPROVED:



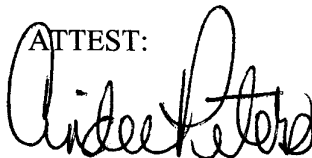
Mayor

APPROVED AS TO FORM:



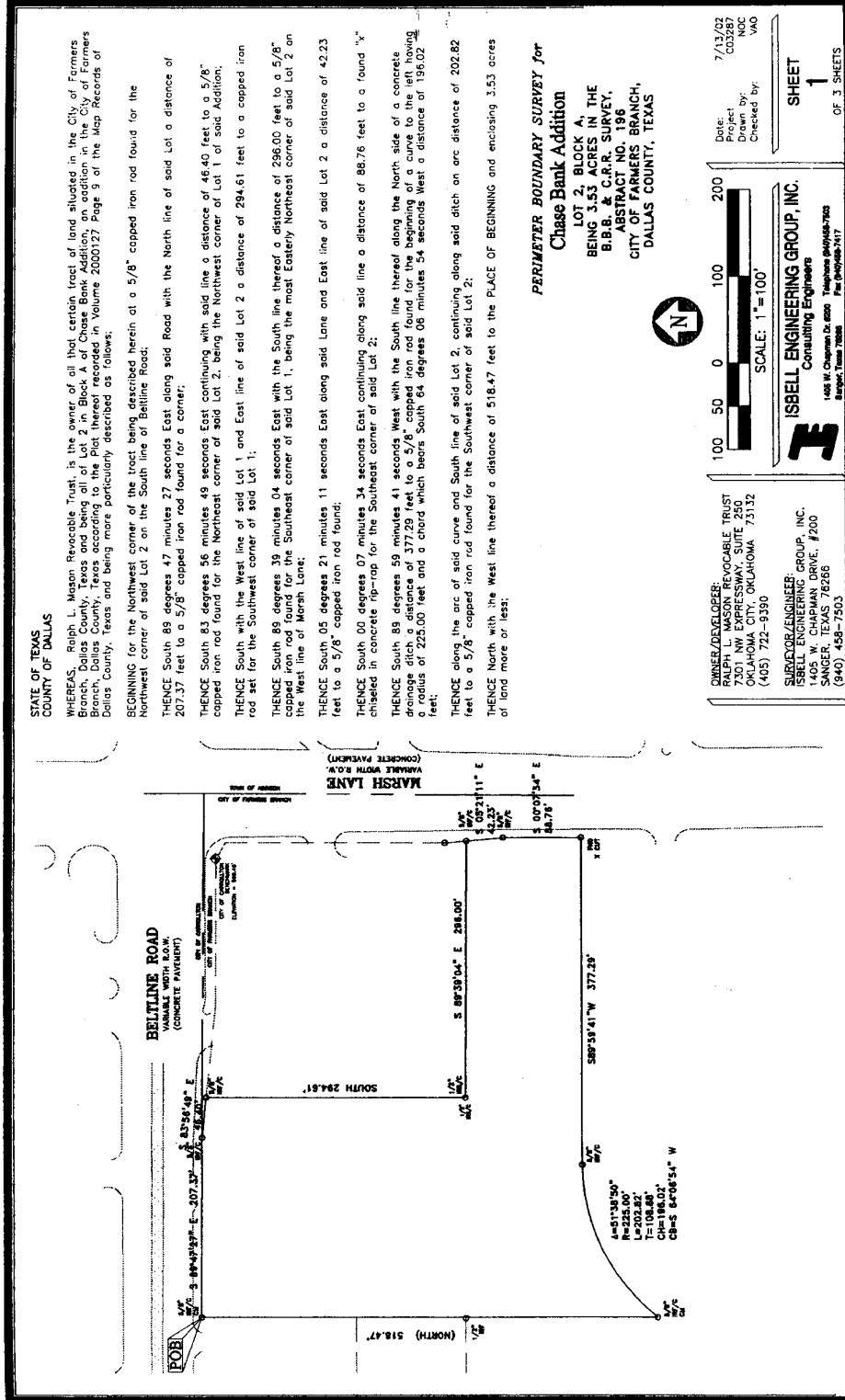
City Attorney

ATTEST:



City Secretary

Exhibit "A" - Legal Description



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