



ORDINANCE NUMBER 2162(A)

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; SO AS TO GRANT A SPECIFIC USE PERMIT FOR A CHURCH ON A 2.68 ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF LUNA ROAD AND LAKE DRIVE AND WITHIN THE PLANNED DEVELOPMENT SIXTY SEVEN ZONING DISTRICT (PD-67); APPROVING A SITE PLAN FOR PHASE I; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING 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 Charter of the City of Farmers Branch, and the State Law with reference to amendments to 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 governing body of the City of Farmers Branch is of the opinion that said change in zoning use should be made;

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, 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 a church on a 2.68 acre tract located at the southeast corner of Luna Road and Lake Drive within the PD-67 zoning district. Said tract being more specifically defined on Exhibit "A".

SECTION 2. That Phase I of the church facility shall be constructed, maintained, and operated in the manner shown on the approved site plan attached as Exhibit "B".

SECTION 3. That prior to issuance of any irrigation permits or any certificate of occupancy, an irrigation plan must be submitted to and approved by the City Staff.

SECTION 4. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, as herein amended, by the granting of a Specific Use Permit and approval of an associated site plan for Phase I only, an area of 2.68 acres located at the southeast corner of Luna Road and Lake Drive which includes a sanctuary, fellowship hall, classrooms, and offices as shown in Exhibit "B".

SECTION 5. That the Mar Thoma Church of Dallas initiated the request for a Specific Use Permit to allow a church use on the property located in the PD-67 zoning district as described in Exhibit "B", and the authorized representatives of the Mar Thoma Church have acknowledged in public hearings that the Mar Thoma Church is aware that properties surrounding and adjacent to the church site are zoned to allow restaurant and hotel uses and that should these properties be developed as such, alcoholic beverages may be sold at those establishments, and said representatives of the Mar Thoma Church have stated for the record in public hearings and in writing that the Mar Thoma Church will not oppose the sale of alcoholic beverages from restaurants and hotels that may be located in the surrounding or adjacent areas from the church site.

SECTION 6. That authorized representatives of the Mar Thoma Church of Dallas have acknowledged in public hearings that the Mar Thoma Church of Dallas is aware that the area surrounding the church site is zoned to allow a wide variety of uses including manufacturing, warehousing, retail, hotel, office, public building and assembly uses, that may include auditoriums and restaurants, and that possible changes in future legislation could allow other entertainment uses including gaming and gambling casinos, to be located in the surrounding and adjacent areas and said representatives of the Mar Thoma Church have stated for the record in public hearings and in writing that the Mar Thoma Church will not oppose such uses or land developments.

SECTION 7. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 8. If any section, paragraph, subdivision, clause, phrase, provision, or word of this ordinance shall be judged invalid or unconstitutional such judgement shall not affect the remainder of this ordinance.

SECTION 9. 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 10. This ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, and as the law in such case provides.