



## **FARMERS BRANCH**

### **ORDINANCE NUMBER 2528**

**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 GASOLINE SERVICE STATION WITH A CAR WASH AND CONVENIENCE STORE LOCATED AT 13995 MIDWAY ROAD, THE SOUTHWEST CORNER OF MIDWAY ROAD AND SPRING VALLEY ROAD AND WITHIN THE PLANNED DEVELOPMENT NO. 64 (PD-64) ZONING DISTRICT; REPEALING ORDINANCE NUMBERS 1344 AND 2468; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) 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 to amend, replace and restate the existing Ordinance Numbers 1344 and 2468 as amended; 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 City 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 the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite

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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 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 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 gasoline service station with a car wash and convenience store located on a 0.833 acre tract of land at the southwest corner of Midway Road and Spring Valley Road, specifically addressed as 13995 Midway Road, and within the Planned Development Number 64 (PD-64) zoning district.

**SECTION 2.** That the gasoline service station, convenience store and car wash shall be constructed and located in accordance with the approved site plan file-dated March 6, 2000 and attached as Exhibit "A," including the following conditions:

1. Maintenance of the proposed pavers at each drive approach shall be the responsibility of the property owner.
2. All convenience store windows shall be of tinted glass with dark bronze aluminum frames.
3. A lighting plan shall be submitted and subject to Staff approval prior to issuance of an occupancy permit.
4. Ordinances 1344 and 2468 are hereby repealed.
5. The applicant shall install the approved plant materials consisting of crape myrtles and photinias along the west property line and not construct the landscape berm.

**SECTION 3.** 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 4.** 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 5.** This ordinance shall take effect immediately from and after its passage as the law in such case provides.