



**FARMERS
BRANCH**

*S-305
online*

ORDINANCE NUMBER 2607

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT – INTERIM USE BEGINNING ON MAY 23, 2001 AND EXPIRING ON DECEMBER 31, 2001 TO ALLOW THE OPERATION OF A FARMERS MARKET WITHIN A PLANNED DEVELOPMENT NUMBER 70 ZONING DISTRICT (PD-70) AT 12731 DENTON DRIVE; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR 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, City Council finds and determines, on the basis of facts presented on the application for a Specific Use Permit - Interim Use and at the public hearings, the following:

1. That the proposed use is consistent with the existing uses of adjacent and nearby property;
2. That the proposed use is not consistent with: (a) the reasonable foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; and (b) the use of the property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit.
3. That the proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit-Interim Use is in effect;
4. That the proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan; and
5. That any investment contemplated to be made by the applicant in the property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration of the permit.

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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 specific use permits-interim use 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 said change in zoning use should be made, subject to the conditions set out herein.

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, 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 - interim use beginning on May 23, 2001 and expiring on December 31, 2001, to allow the operation of a farmers market within a Planned Development Number Seventy (PD-70) zoning district at 12731 Denton Drive on the property shown on the attached Exhibit "A".

SECTION 2. That this specific use permit - interim use shall be operated in compliance with the approved site plan attached as Exhibit "A" and with the conditions as follows:

1. That the farmers market shall be permitted to operate on Wednesday and Saturday of each week between the hours of 7:00 a.m. and 5:00 p.m. or until sold out.
2. The metal frame awning structure may remain on the site at the location shown on the site plan on the days that the farmers market is not in operation for the period beginning May 23, 2001 through December 31, 2001.
3. The metal awning frame structure, and the awning and sign, shall be removed from the site when the specific use permit-interim use expires on December 31, 2001, or when the use of the property is no longer needed, whichever occurs first.

SECTION 3. That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as amended herein.

SECTION 4. That all ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same is hereby repealed and all other provisions of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.