



**ORDINANCE NUMBER 2765**

**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 TO ALLOW AN INDOOR COMMERCIAL AMUSEMENT FACILITY ON AN APPROXIMATE 12.15-ACRE TRACT LOCATED AT 12700 STEMMONS FREEWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH FREEWAY SUBDISTRICT (PD-70 OFB-FW)) ZONING DISTRICT; 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 the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow an indoor commercial amusement facility on an approximate 12.15-acre tract located at 12700 Stemmons Freeway within Planned Development No. 70 Old Farmers Branch Freeway Subdistrict (PD-70 OFB-FW) 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 the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 70 Old Farmers Branch Freeway Subdistrict (PD-70 OFB-FW) zoning district and in accordance with the approved site plan attached as Exhibit "C."

**SECTION 4.** That the Property was granted the following special exceptions in accordance with Exhibit "C," by the Planning and Zoning Commission on March 22, 2004:

1. Allow a 10-ft. front yard setback from Denton Drive instead of the required 15-ft. front yard setback.
2. Allow the sanitation container within the front half of the site measured from Stemmons Freeway frontage road instead of within the rear half of the site.
3. Allow for sidewalk construction deferral along Farmers Branch Lane and along portions of Carrick Street and Denton Drive.
4. Allow a portion of the roof mounted equipment to be visible instead of being completely screened from view of all adjacent thoroughfares, streets, street rights-of-way and single family zoning districts.