

**ORDINANCE NO. 3157**



**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 FOR AN ADULT DAY CARE FACILITY ON PROPERTY LOCATED WITHIN PLANNED DEVELOPMENT NO. 22 (PD-22) GENERALLY KNOWN AS 1870 CROWN DRIVE, SUITE 1520, FARMERS BRANCH, TEXAS; PROVIDING A SAVINGS CLAUSE; 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**, 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 laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** 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 for an Adult Day Care Facility within Planned Development District No 22 (PD-22) , on a portion of property described as: Lot 4R, Block A, Westwood Two Addition, an Addition to the City of Farmers Branch, Dallas County, Texas, according to the Plat thereof recorded in Volume 85212 Page 4230, Deed Records, Dallas County, Texas, and more commonly known as 1870 Crown Drive, Suite 1520, Farmers Branch, Texas (“the Property”), the location of which is depicted in Exhibit “A,” attached hereto and incorporated herein by reference.

**SECTION 2.** The development of Property for an Adult Day Care Facility pursuant to the authority of this Ordinance shall conform in operation, location and construction to the development standards specified within PD-22 zoning district and in accordance with the Site Plan attached hereto as Exhibit “B,” and incorporated herein by reference.

**SECTION 3.** In addition to the requirements of Section 2, above, the development and use of the Property as an Adult Day Care Facility shall also conform in operation, location and construction to the following special conditions:

- A. Subject to Section 3.B., below, total occupancy of the Property shall not exceed forty-nine (49) people at any one time, which occupancy limit shall be posted on a sign on the interior of the Property, the size, text, and location of which sign must be approved by the City Fire Marshall.
- B. Upon installation of an automatic fire suppression/sprinkler system within the Property that complies with NFPA 13 standards, the maximum occupancy of the Property shall be increased to not exceed 120 people at any one time.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** 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 whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

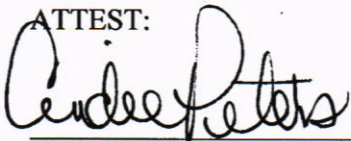
**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 7.** 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 8.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance as the law and the City Charter in such cases provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS, THE 20th DAY OF SEPTEMBER, 2011.**

ATTEST:



Cindee Peters, City Secretary

APPROVED:



William P. Glancy, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

(kbl 09/14/11 51302)