



ORDINANCE NO. 1567

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 CAR WASH AND RETAIL GASOLINE SALES OPERATION IN A LIGHT INDUSTRIAL (LI) ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY

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 granting of a specific use permit 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 the 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 uses 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 car wash and a retail gasoline sales operation in a Light Industrial (LI) zoning district.

SECTION 2. That the car wash and the retail gasoline sales operation shall be located within the property located generally at Beltline Road in the Light Industrial (LI) zoning district in the Brookhaven Business Park Phase I and as more specifically described in Exhibit "A" attached hereto and incorporated herein.

SECTION 3. That the car wash and retail gasoline sales operation shall be operated in accordance with the following provisions:

- a. A replat of the subject property shall be submitted to and approved by the Planning and Zoning Commission and the City Council prior to any certificate of occupancy being issued on the property.
- b. A site plan indicating the car wash and retail gasoline sales operation and designating all utility lines and taps shall be submitted to and approved by the Planning and Zoning Commission and the City Council prior to any certificate of occupancy being issued on the property.
- c. An unobstructed area twenty feet (20') in width shall be maintained between the west property line and the edge of the canopy covering the gas pumps.
- d. All underground gas storage tanks shall be located on the south side of the property, east of Detail clean and wax, so as to be twenty feet (20') from the south property line and a minimum of twenty feet (20') east from the west property line.
- e. The property owners have voluntarily agreed to deed restrict the property through written and recorded deed restrictions which reserve to the City the right to review the zoning on the property after a certain stated period of time and upon giving written notice to the then owner and after complying with all statutory notice and public hearing requirements to re-zone the property for a use other than a car wash and retail gasoline sales operation, and to order and obtain a cessation of the car wash and retail gasoline sales operation. A copy of said Voluntary Deed Restrictions and Agreement is attached hereto as Exhibit "B" and is incorporated herein.

SECTION 4. That the owner of the property did voluntarily offer to deed restrict the property in favor of the City, and said deed restrictions are acceptable and the City Administration is instructed to file same for record.

SECTION 5. 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 as herein amended and by the granting of a specific use permit for a car wash and retail gasoline sales operation.

SECTION 6. That 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 Hundred Dollars (\$200.00) for each offense.

SECTION 7. 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.