



ORDINANCE NO. 3291

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING ARTICLE VIII "MID-DENSITY RESIDENTIAL" OF THE MERCER CROSSING CODE ("PD-88"), SECTION A "DEVELOPMENT REGULATIONS" BY ADDING A NEW SUBSECTION 6 "SIGNAGE" PROVIDING FOR CERTAIN EXCEPTIONS RELATING TO THE PROHIBITION OF MONUMENT SIGNS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; 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 and Zoning Map of the City of Farmers Branch, Texas, is hereby amended by amending Article VIII "Mid-Density Residential", Section A "Development Regulations" of Planned Development No. 88 (PD-88) Mercer Crossing Code ("the Mercer Crossing Code"), as previously amended, by adding a new Subsection 6 "Signage" to read as follows:

6. *Signage.* Notwithstanding Article V, Section F of the Mercer Crossing Code, property within PD-88 which has been designated as Mid-Density Residential may be developed with monument signs (as defined in Section 62-4 of the Code of Ordinances) for a single tenant subject to the following regulations:
 - a. The maximum height of the monument sign shall be six feet (6.0') above grade;
 - b. Maximum area of each sign face shall not exceed seventy-five (75) square feet;

- c. Only one (1) monument sign may be located on any platted lot; provided, however, if a lot has multiple street frontages, one (1) monument sign may be located on each street frontage;
- d. The minimum setback for each monument sign shall be five feet (5.0') from the back of the street curb; provided; however, in no case shall the monument sign be located within any street right of way or utility easement or be located in a manner that violates Section 70-173 of the Code of Ordinances;
- e. A seasonal landscape planting bed of not less than two feet (2.0') in depth shall be installed and planted around the entire perimeter of the monument sign.

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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

SECTION 5. 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, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 15TH DAY OF JULY, 2014.

ATTEST



Angela Kelly, City Secretary

APPROVED



Bob Phelps, Mayor

APPROVED AS TO FORM



Peter G. Smith, City Attorney
(617) 814-6459