



ORDINANCE NO. 2038

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; BY AMENDING THE PLANNED DEVELOPMENT ZONING DISTRICT NUMBER 49 (PD-49) WHICH INCLUDES APPROXIMATELY TWO (2.0) ACRES OF PROPERTY LOCATED 270 FEET SOUTH OF ALPHA ROAD AND HAVING 1,100 FEET OF FRONTAGE ALONG THE EAST SIDE OF INWOOD ROAD; ESTABLISHING NEW USE AND DEVELOPMENT STANDARDS FOR PD-49 TO INCLUDE RETAIL USES AS PERMITTED WITHIN THE LOCAL RETAIL-1 (LR-1) ZONING DISTRICT AND TO INCLUDE "MASSAGE ESTABLISHMENT" AS A PERMITTED USE REQUIRING A SPECIFIC USE PERMIT (SUP); PROVIDING A DEFINITION OF "MASSAGE ESTABLISHMENT"; REPEALING ORDINANCE 1492 WHICH ORIGINALLY ESTABLISHED PD-49 AS A HIGH DENSITY OFFICE DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (2,000.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City 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 changes to 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 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 use 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 Planned Development Number 49 (PD-49) zoning use and development standards on the two (2.0) acre tract of land located approximately 270 feet south of Alpha Road and having 1,100 feet of frontage along the east side of Inwood Road. Said tract of land being shown on Exhibit "A" and more specifically described (when PD-49 was originally established) as follows:

LOT 2

Description of a 0.4628 acre tract of land; said tract being all of Lot 2 of Inwood Parkway Office Park Addition, an addition to the City of Farmers Branch, Dallas County, Texas, as filed for record September 17, 1977, Deed Records of Dallas County, Texas; said 0.4628 acre tract being more particularly described by metes and bounds as follows:

BEGINNING, at a point in the present east line of Inwood Road and in the east line of a 20-foot width strip conveyed to the City of Farmers Branch for the widening of Inwood Road; said point being S 17 deg. 01' 00" E, a distance of 271.20 feet from the present southwest corner of the southeast cut-off corner of Inwood Road and Alpha Road; said point being also the common front corner of Lot 1 and said Lot 2 in said addition;

THENCE, N 72 deg. 59'00" E, with the common line of said Lots 1 and 2, a distance of 80.00 feet to a point for corner in the west line of the Dallas Power and Light Company's 100 foot width right-of-way.

THENCE, S 17 deg. 01'00" E, with the said west line of the Dallas Power and Light Company's 100 foot width right-of-way, a distance of 252.00 feet to a point for corner; said point being the common rear corner of said Lot 2 and Lot 3;

THENCE, S 72 deg. 59'00" W, with the common line of said Lots 2 and 3, a distance of 80.00 feet to a point for corner in the said east line of Inwood Road;

THENCE, N 17 deg. 01'00" W, with the said east line of Inwood Road, a distance of 252.00 feet to the PLACE OF BEGINNING;

CONTAINING, 20,160.00 square feet or 0.4628 acres of land.

LOT 3

Description of a 0.4628 acre tract of land; said tract being all of Lot 3 of Inwood Parkway Office Park Addition, an addition to the City of Farmers Branch, Dallas County, Texas, as filed for record September 17, 1977, Deed Records of Dallas County, Texas; said 0.4628 acre tract being more particularly described by metes and bounds as follows:

BEGINNING, at a point in the present east line of Inwood Road and in the east line of a 20 foot width strip conveyed to the City of Farmers Branch for the widening of Inwood Road; said point being S 17 deg. 01'00" E, a distance of 523.20 feet from the present southwest corner of the southeast cut-off corner of Inwood Road and Alpha Road; said point being also the common front corner of Lot 2 and said Lot 3 of said addition;

THENCE, N 72 deg. 59'00" E, with the common line of said Los 2 and 3, a distance of 80.00 feet to a point for corner in the west line of the Dallas Power & Light Company's 100 foot width right-of-way;

THENCE, S 17 deg. 01'00" E, with the said west line of the Dallas Power & Light Company's 100 foot width right-of-way, a distance of 252.00 feet to a point for corner; said point being the common rear corner of said Lot 3 and Lot 4 of said addition;

THENCE, S 72 deg. 59'00" W, with the common line of said Lots 3 and 4, a distance of 80.00 feet to a point for corner in the said east line of Inwood Road;

THENCE, N 17 deg. 01'00" W, with the said east line of Inwood Road, a distance of 252.00 feet to the PLACE OF BEGINNING;

CONTAINING, 20,160.00 square feet or 0.4628 acres of land.

LOT 4

Description of a 0.4628 acre tract of land; said tract being all of Lot 4 of Inwood Parkway Office Park Addition, an addition to the City of Farmers Branch, Dallas County, Texas; as filed for record September 17, 1977, Deed Records of Dallas County, Texas; said 0.4628 acre tract being more particularly described by metes and bounds as follows:

BEGINNING, at a point in the present east line of Inwood Road and in the east line of a 20 foot width strip conveyed to the City of Farmers Branch for the widening of Inwood Road; said point being S 17 deg. 01'00" E, a distance of 775.20 feet from the present southwest corner of the southeast cut-off corner of Inwood Road and Alpha Road; said point being also the common front corner of Lot 3 and said Lot 4 of said addition;

THENCE, N 72 deg. 59'00" E, with the common line of said Lots 3 and 4, a distance of 80.00 feet to a point for corner in the west line of the Dallas Power & Light Company's 100 foot width right-of-way;

THENCE, S 17 deg. 01'00" E, with the said west line of the Dallas Power & Light Company's 100 foot right-of-way, a distance of 252.00 feet to a point for corner; said point being the common rear corner of said Lot 4 and Lot 5;

THENCE, S 72 deg. 59'00" W, with the common line of said Lots 4 and 5, a distance of 80.00 feet to a point for corner in the said east line of Inwood Road;

THENCE, N 17 deg. 01'00" W, with the said east line of Inwood Road, a distance of 252.00 feet to the PLACE OF BEGINNING;

CONTAINING, 20,160.00 square feet or 0.4628 acres of land.

LOT 5

Description of a 0.6266 acre tract of land; said tract being all of Lot 5 of Inwood Parkway Office Park Addition, an addition to the City of Farmers Branch, Dallas County, Texas, as filed for record September 17, 1977, Deed Records of Dallas County, Texas; said 0.6266 acre tract being more particularly described by metes and bounds as follows:

BEGINNING, at a point in the present east line of Inwood Road and in the east line of a 20 foot width strip conveyed to the City of Farmers Branch for the widening of Inwood Road; said point being S 17 deg. 01'00" E, a distance of 1027.20 feet from the present southwest corner of the southeast cut-off corner of Inwood Road and Alpha Road; said point being also the common front corner of Lot 4 and said Lot 5 of said addition;

THENCE, n 72 deg. 59'00" E, with the common line of said Lots 4 and 5, a distance of 80.00 feet to a point for corner in the west line of the Dallas Power & Light Company's 100 foot width right-of-way;

THENCE, S 17 deg. 01'00" E, with the said west line of the Dallas Power and Light Company's 100 foot width right-of-way, a distance of 345.10 feet to a point for corner in the northwest line of Dallas Parkway (100 foot width);

THENCE, S 78 deg. 34'00" W, a distance of 80.38 feet to a point for corner in the said present east line of Inwood Road;

THENCE, N 17 deg. 01'00" W, with the said east line of Inwood Road, a distance of 337.28 feet to the PLACE OF BEGINNING:

CONTAINING, 27,295.27 square feet or 0.6266 acres of land.

SECTION 2. That all uses in PD zoning district number 49 (PD-49) shall conform in operation, location and construction to the performance standards established by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 3. That all uses in PD zoning district number 49 (PD-49) shall conform to the development standards as stated in Exhibit "B".

SECTION 4. That the above described tract of land shall be used only in the manner for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore amended, and as amended herein.

SECTION 5. That Ordinance Number 1492 is hereby repealed.

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 Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. If any section, paragraph, subdivision, clause, phrase, or provisions of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

SECTION 8. Injunctive Relief. 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 9. Whereas, it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage, and publication of the caption of said ordinance, as the law in such case provides.


DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 19th day of April, 1993.

APPROVED:




Mayor

APPROVED AS TO FORM:

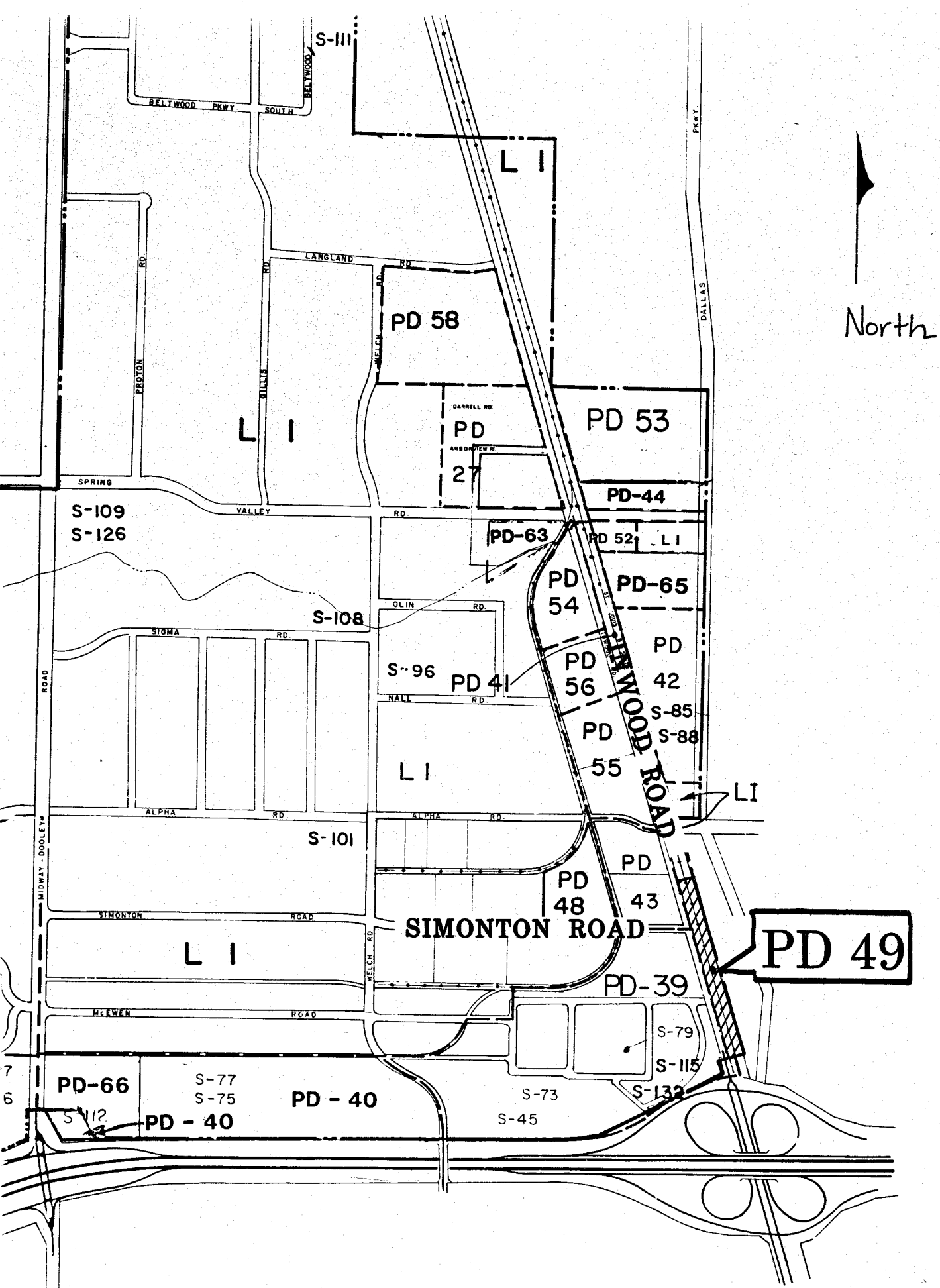


City Attorney

ATTEST:



City Secretary



S-III

BELTWOOD PKWY SOUTH

LI

North

PD 58

LI

DARRELL RD.
PD
ANSONVIEW RD.
27

PD 53

PD-44

S-109
S-126

VALLEY RD.

PD-63

PD 52

LI

PD
54

PD-65

S-108

OLIN RD.

S-96

PD 41

PD 56

PD 42

S-85
S-88

ROAD

MIDWAY - DOOLEY

SIGMA RD.

ALPHA RD.

LI

PD 55

LI

S-101

PD

PD
48

PD 43

SIMONTON ROAD

PD 49

PD-39

LI

WELCH RD.

SIMONTON ROAD

MC EWEN ROAD

PD-66

S-77
S-75

PD - 40

S-73
S-45

S-79
S-115

S-132

EXHIBIT "A"

EXHIBIT "B"
DEVELOPMENT STANDARDS
FOR PLANNED DEVELOPMENT DISTRICT NUMBER 49 (PD-49)

The following standards shall be considered in the design, location and siting of structures and other development features within the Planned Development District Number 49. A comprehensive site plan will be required with each development as described in paragraph 8-502 of the Zoning Ordinance as well as herein.

I. BASIC PERFORMANCE STANDARDS

A. USES PERMITTED

The following uses shall be permitted subject to approval of conceptual and detailed site plans.

1. Office buildings and office condominiums

This includes but is not limited to: private corporate offices, speculative offices, professional offices, medical and diagnostic offices.

2. Financial institutions.

3. Business service establishments.

4. Snack or sandwich shops.

5. Personal service establishments such as a barber shop, etc.

6. Any use as permitted within the Local Retail-1 (LR-1) zoning district and listed in the Comprehensive Zoning Ordinance Schedule of Uses under Article 8, Section 107 (Retail and Service Type Uses), Article 8, Section 114 (Miscellaneous Uses), and Article 8, Section 114(a) (Tires, Batteries, and Accessories).

B. USES REQUIRING A SPECIFIC USE PERMIT (SUP):

Massage Establishment. Massage Establishment means any place of business where manipulative massage or manipulated exercises are practiced upon the human body for consideration whether with or without the use of mechanical therapeutic or bathing devices, in a State of Texas licensed hospital by a duly licensed physician or chiropractor; by a duly licensed beautician or barber in a licensed beauty shop or barbershop; in an establishment wherein State of Texas registered physical therapists treat only patients recommended by a licensed physician and operate under such physician's direction or any registered massage establishment under TEX. REV. CIV. STAT. ANN. ART. 4512K.

C. USE LIMITATIONS

1. All developments shall conform to standards set forth in maximum and minimum development standards.
2. All uses shall be permitted only in the location shown on the approved final site development plan. Once constructed, any alteration to a given structure or change in a given use shall be governed by the regulations of that conventional zoning district which most closely characterizes the given development, such conventional district to be determined by the Building Official subject to review by the Planning and Zoning Commission and City Council. Should a desired alteration or change in use represent a substantial departure from the approved final development plan, then such shall be allowed only after resubmittal of the amended site plan and approval by the Planning and Zoning Commission and City Council.

D. BUILDING VOLUME REGULATIONS

1. Maximum floor area ratio, including garages, 3:1 (floor is defined as the gross area of any built structure from grade level up. Basements, office and parking structures below grade will not be counted in this ratio).
2. Maximum building heights: No greater than that allowed by FAA. A copy of the approved FAA building height shall be submitted prior to obtaining building permits.

3. Building Setbacks:

Public street right-of-way: Structures shall be setback 15 feet from the property line along Inwood Road.

Public alleys and service ways: established on site plan.

Side property lines: established on site plan.

Rear property lines: zero (0) rear yard setback required.

E. SITE COVERAGE AND LANDSCAPE

1. The gross building footprint of buildings and parking garages should not exceed 50 percent of the gross site area.
2. The landscaped open space shall be not less than five percent of the gross site area.

3. Landscaped areas shall be interpreted to mean zones of grass, ground cover, trees and shrubs, paved and landscaped areas for pedestrian uses and lakes, fountains and water treatments, and sculptures.
4. The 15 foot setback area along Inwood Road shall be a landscaped area.

F. PARKING SHALL BE PROVIDED FOR THE PROPOSED USES AT THE FOLLOWING MINIMUM RATIOS, AND SHALL BE ACCOMMODATED AT GRADE OR IN STRUCTURES.

1. The final parking requirements shall be determined on the site plan.

G. SERVICE FACILITIES

1. All offices shall provide and maintain off-street loading facilities in the quantities stated below:
 - a. Offices uses:
 - 1) 0 to 50,000 gross square feet: no spaces
 - 2) 50,000 to 150,000 gross square feet: 1 space
 - 3) Each additional 100,000 gross square feet: 1 space
 - b. Refuse collection shall be the sole responsibility of the developer and the owners.
 - c. Should at any time the collection of refuse from the development interfere with traffic in Inwood Road, such as the collection truck backing into Inwood Road; or block, halt or create any nuisance or hazard within Inwood Road or the development, the City may restrict the method and/or times of collection shall be no later than 30 days after notice from the Building Official.
 - d. A structure containing more than one use must meet the loading requirements of each use unless one use occupies 90 percent or more of the gross building area, in which case the loading requirement is calculated as if that use occupied the entire structure.
 - e. Loading facilities for more than one building may be provided in a common terminal if connections between building and terminal are off-street.
 - f. Loading facilities shall be designed to minimize interference with traffic flow.

H. STREETS

1. All streets shall be constructed in conformance with City engineering design criteria.
2. No vehicle stacking lanes shall be allowed within the Inwood Road right-of-way or within the fifteen foot setback line along Inwood Road.
3. Vehicle stacking requirements shall be provided by the developer and approved by the City.

II. REQUIRED SUBMISSIONS

A. CONCEPTUAL DEVELOPMENT PLAN

The following are submittal requirements for approval of a conceptual development plan under the proposed Planned Development designation for an entire site.

1. A vicinity map at a scale not smaller than 1 inch = 2,000 feet.
2. A boundary survey of the property, including the following:
 - a. Metes and bounds of all property lines.
 - b. Total area of property.
 - c. Scale and north arrow.
 - d. Names and route numbers of boundary streets and rights-of-way.
 - e. Existing topography with a maximum contour interval of two feet.
3. A statement confirming ownership of the subject property and stating the place of the record of the latest instrument in the chain of title.
4. An aerial photograph of the subject property and all adjacent properties within at least 500 feet.
5. A generalized land use plan showing approximate location of proposed land uses, circulation corridors and public utility corridors. This should include a statement of maximum allowable building and parking space and anticipated building heights as allowed by the Planning Development Ordinance.

B. DETAILED DEVELOPMENT PLAN

The following are submittal requirements for approval of a detailed development plan under the proposed Planned Development designation. This submittal would address a particular phase of a project and would be required before building permits would be considered.

1. A vicinity map at a scale not smaller than 1 inch = 2,000 feet.
2. A boundary survey of the property, including the following:
 - a. Metes and bounds of all property lines
 - b. Total area of property
 - c. Scale and north arrow
 - d. Names and route numbers of boundary streets and rights-of-way
 - e. Existing topography with a maximum contour interval of two feet.
3. A detailed scaled site plan showing:
 - a. Existing and proposed public and private streets.
 - b. Existing and proposed building or parking structure locations, including size in number of square feet, number of floors and proposed approximate average height above grade.
 - c. Existing and proposed utility easement and fire lanes.
 - d. Landscape plan showing proposed vegetation zones and their relationship to adjacent properties.
 - e. Proposed at-grade parking lots and loading facilities.
 - f. A statement of proposed floor area ratio, site coverage ratio, landscaped area ratio and the relationship between these figures and the standards set forth in the Planned Development designation.
 - g. Proposed on site identification and directional signage.
 - h. Letters from proper authorities, as determined by the City, approving the development, such as the Federal Aviation Authority and the Texas Turnpike Authority.

C. COVENANTS

Owners Association Covenants and restrictions must be submitted for approval by the City.