

**FARMERS
BRANCH**

ORDINANCE NO. 2029

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 ESTABLISHING REVISED DEVELOPMENT STANDARDS FOR THE PLANNED DEVELOPMENT NO. 53 (PD-53) ZONING DISTRICT WHICH IS A 13.7 ACRE TRACT OF LAND LOCATED APPROXIMATELY 205 FEET NORTH OF SPRING VALLEY ROAD, GENERALLY BOUNDED BY THE DALLAS NORTH TOLLWAY TO THE EAST, THE TOWN OF ADDISON TO THE NORTH, A 100 FOOT T.U. ELECTRIC UTILITY RIGHT-OF-WAY, TO THE WEST, AND THE PROVIDENCE TOWERS SUBDIVISION TO THE SOUTH; DELETING THE CONCEPT PLAN; REPEALING ORDINANCES 1532 AND 1649; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 amendments to 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 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 due to a change in condition and in order to protect the public health, welfare and safety, said changes of zoning should be granted, as set forth herein;

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 Development Standards of the 13.7 acre Butts-Olds Subdivision generally located between Inwood Road and the Dallas North Tollway approximately 205 feet north of Spring Valley Road and being more specifically described on Exhibit "A" attached to and made a part of this ordinance.

SECTION 2. That all uses in the Planned Development Number 53 (PD-53) zoning district shall conform in operation, location and construction to the performance and development standards set out in Exhibit "B" and, to those established by the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, except as amended herein.

SECTION 3. That the 4-lane, divided thoroughfare, required by the Master Thoroughfare Plan, shall be constructed prior to the issuance of a Certificate of Occupancy for any development in excess of fifty thousand (50,000) square feet in area or at such time that access to PD-53 via Inwood Road is secured.

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

SECTION 5. That Ordinance No. 1532 and Ordinance No. 1649 are 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 provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable 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 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.

SECTION 8. 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
1st day of March, 19 93.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

EXHIBIT "A"

THE STATE OF TEXAS, COUNTY OF DALLAS, BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Handwritten signature]

PACIFIC REALTY CORPORATION
 CHARTER PLAN
 FARMERS BRANCH, TEXAS

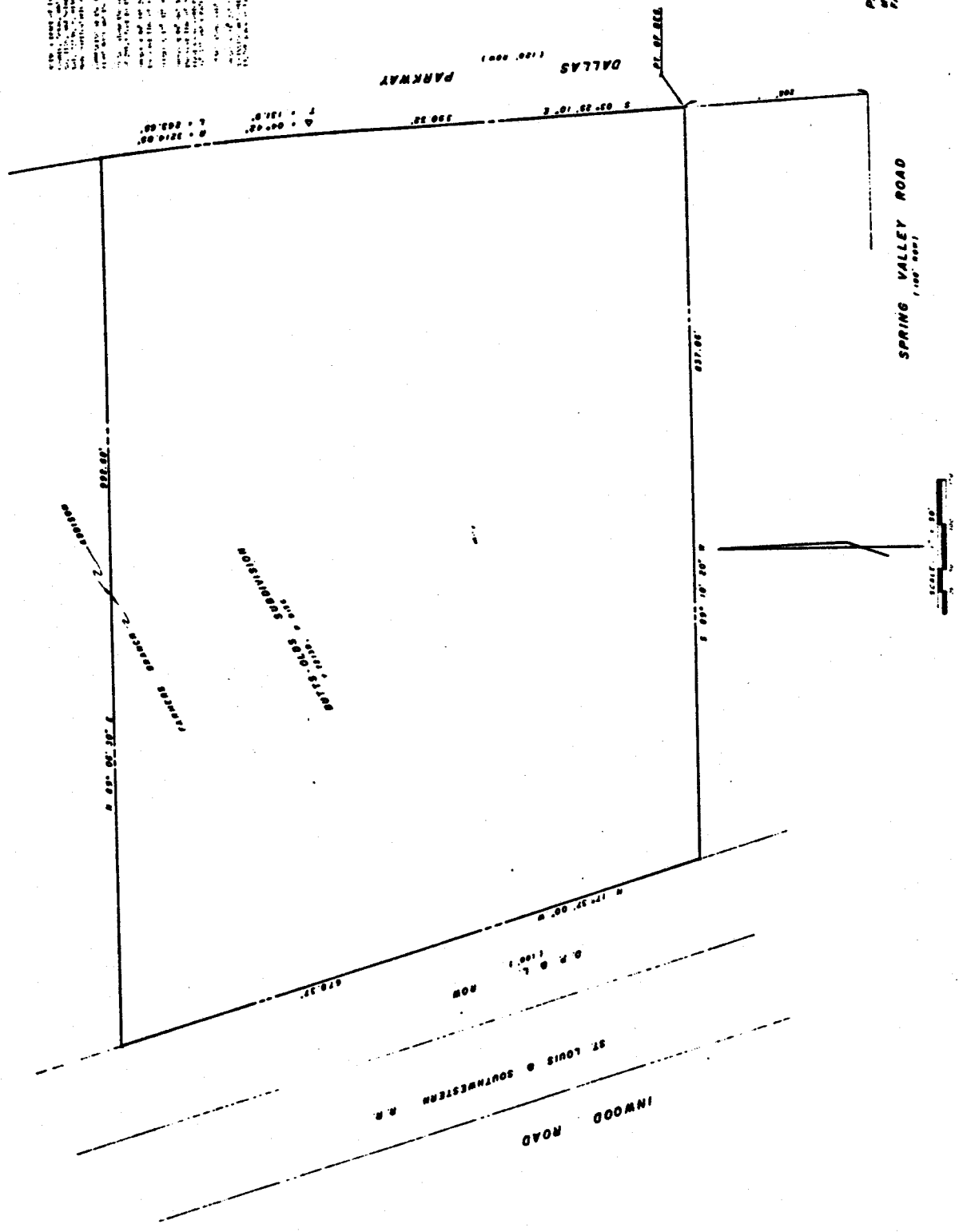


EXHIBIT "B" (Ref. Ordinance No. 2029)
DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT NO. 53

The following standards shall be strictly followed with regard to the use, operation, design, location, and siting of structures and other development features within the Planned Development Number 53 (PD-53) zoning district. A comprehensive site plan shall be required with each development as described in paragraph 8-502 of the Comprehensive Zoning Ordinance as well as herein.

A. PRINCIPAL USES

The following uses shall be permitted within the District:

Hotel
Swim or tennis club
Art gallery or museum
Hospital (general acute care)
Institutions of religious or philanthropic nature
School, business or trade
Offices, professional and administrative
Banks and Savings and Loan Associations
Telephone, business office
Medical and dental offices and clinics
Lab, medical or dental
Cafeteria
Snack and sandwich shop
Non drive-in restaurant without outside sales window
Travel agencies
Optical shops
Barber shop
Beauty shop
Studio for photographer, musician, artist or health
Antique shop
Bakery or confectionery shop (retail)
Florist or garden shop
Mimeograph, stationery or letter shop
Pet shop, small animals and related, no outside runs
Paint, wallpaper and related (retail)
Household appliance sales with minor service
Cleaning and pressing - small shop and pickup
Custom personal - service shop
Drapery, needlework or weaving shop
Retail stores and shops - other than listed
New auto-truck authorized dealer (sales, services, repairs, installation)

B. USES REQUIRING A SPECIFIC USE PERMIT

The following uses shall be permitted only with a Specific Use Permit:

Private club
Amusement, commercial (indoor)
Theater, indoor
Non drive-in restaurant with outside sales window
Small handtool and hand carried equipment (indoor)
Greenhouse plants or nursery stock (retail)
Animal clinic or hospital (no outside runs or pens)
Parking lot or structure - commercial
Brake and alignment
Tune-up ignition, carburetion
Muffler, shock absorbers
Tires, batteries, and accessories

C. USE LIMITATIONS

1. All development within the District, whether constructed at one time or in phases, shall be done in strict accordance with all requirements established by the City, including but not limited to these standards.
2. All uses shall be permitted only in locations specifically designated on an approved site plan.
3. No significant change to an approved site plan shall be permitted unless an amended site plan showing the proposed change is resubmitted in accordance with all requirements herein stipulated and approved by the City Council following a recommendation of the Planning and Zoning Commission.
4. The 4-lane, divided thoroughfare required by the Master Thoroughfare Plan shall be constructed prior to the issuance of a Certificate of Occupancy for any development in excess of fifty thousand (50,000) square feet in area or at such time that access to PD-53 via Inwood Road is secured.

D. BUILDING VOLUME REGULATIONS

1. Floor to area ratio (F.A.R.).

Overall maximum floor to area ratio for the entire PD, including above grade garages, is 3.35:1. Floor area is defined as the gross area of any built structure from grade level up, excluding cellars, mechanical enclosures such as rooftop mechanical penthouses and screens, parking structures occurring below grade in office buildings and/or garages.

2. Maximum buildings heights.

The maximum building height shall not exceed that height approved by the FAA, to maximum of two hundred (200) feet, and shall be established on the concept plan.

3. Building setbacks.

Minimum setback distances from the right-of-way line of public streets and adjacent property lines are as follows:

Dallas North Tollway

Above ground building structures shall be setback a minimum of 40 feet from the Dallas North Tollway frontage road right-of-way.

Interior Streets

Above ground building structure setbacks from interior streets within the District shall be established by site plan approval.

Side and Rear Property Lines:

All above ground building structure setbacks from side and rear property lines shall be established by site plan approval.

E. **SITE COVERAGE AND LANDSCAPE**

1. The gross ground floor area of buildings shall not exceed 50% of the gross site area.
2. The landscaped open space shall not be less than 10% of the gross site area.
3. Landscaped areas shall be interpreted to mean zones of grass, ground cover, trees and shrubs, fountains and water treatments, and sculptures.

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

1. Offices

- A. One space per 300 square feet of gross area; or

B. One space per 333 square feet of gross floor area provided the building owner:

1. enters into an agreement to join an area-wide Transit Management Organization at such time that the organization is formed and to contribute an initial fee of not less than five (5) cents nor more than ten (10) cents per square foot of gross building area; and
2. agrees to pay an annual assessment of up to two (2) cents per square foot of gross building area; and
3. reserves up to 5% of the required parking spaces for carpools, a carpool being a car having more than three occupants; and
4. locates these reserved carpool spaces in a more desirable parking area.

C. Small car parking - 25% of the total parking spaces required for office uses is allowed to be developed following small or compact vehicles standards.

1. Fifteen (15) percent of the total parking spaces required for retail, hotel, entertainment, restaurants and other consumer serving uses shall be allowed to be developed following small or compact vehicle standards.
2. The standard compact vehicle parking space shall be a minimum of seven and one half feet wide by sixteen feet long (7.5' x 16') with a twenty four (24') foot isle space.

G. **SERVICE FACILITIES**

1. All offices shall provide and maintain off-street loading facilities in the quantities stated below:
 - a. Offices uses:
0 to 150,000 gross square feet: 1 space

Each additional 100,000 gross square feet: 1 space
 - b. Refuse collection - the method of collection shall be approved on the Concept Plan.
 - c. Off street loading - established on Concept Plan.

H. STREETS

1. All streets and drives shall be constructed in conformance with City engineering design criteria.
2. Private internal streets and drives may have pavestone, cobbles, pressed concrete, or other landscape treatments to enhance the overall appearance of the project, if approved on detailed site plan.
3. Fire lanes must be constructed to City standards.

I. PHASING

A. CONCEPTUAL DEVELOPMENT PLAN

The following are submittal requirements for approval of a conceptual development plan for an entire site.

1. A boundary survey of the property, including the following:
 - a. Metes and bounds of all property lines.
 - b. Total area of property.
 - c. Graphic scale and north arrow.
 - d. Names and route numbers of boundary streets and rights-of-ways.
2. A statement confirming ownership of the subject property and stating the place of the record of the latest instrument in the chain of title.
3. A generalized land use plan showing approximate location of proposed land uses, circulation corridors, and public utility corridors.
4. Vicinity map.
5. A traffic planning study for the site as affecting adjacent thoroughfares and vicinity area as defined by staff.

B. DETAILED DEVELOPMENT PLAN

The following are submittal requirements for approval of a detailed development plan. This submittal would address a particular phase of a project and would be required before building permits would be considered:

1. A boundary survey of the property, including the following:
 - a. Metes and bounds of all property lines.
 - b. Total area of property.
 - c. Graphic 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 2 feet.
 - f. Vicinity map - 1" = 1,000 feet.
 - g. Map showing property and properties adjacent, size, ownerships, configuration, etc., (aerial photo may suffice).

2. A detailed, scaled site plan showing:
 - a. Existing and proposed public and private streets, dimension, R.O.W., curblines, cuts, signalization, driveways, median cuts, turn lanes.
 - 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 and below grade.
 - c. Existing and proposed utility easements 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.
 - i. Sprinkler plans, irrigation plans per site and phase.

- j. Landscaping plans.
- k. Below and above grade improvements and dimensions.
- l. Standards not addressed herein shall comply with other pertinent City of Farmers Branch codes and ordinances.
- m. Any other information requested by the City needed to determine conformance with City written policies, codes and ordinances.