

FARMERS BRANCH

ORDINANCE NO. 2418

**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 NUMBER 61 (PD-61)
ZONING DISTRICT RELATIVE TO PERMITTED USES; PROVIDING
FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO
THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; AND
PROVIDING AN EFFECTIVE DATE.**

Whereas, the City Planning and Zoning Commission of the City of Farmers Branch, Texas 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 the granting of changes of zoning 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 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 should be made 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 Planned Development Number 61 (PD-61) zoning district so as to prohibit "Hauling and Storage Company", "Motor Freight Terminal", "Parking Lot, Truck", "Clothing Manufacture or Light Compounding or Fabrication", "Job Printing or Newspaper Printing", "Laundry Plant (Commercial)", "Distribution and Warehousing", "Storage or Sales Warehouse", and all "General Manufacturing and Light Industrial Uses".

SECTION 2. That "Parking Lot or Structure, Commercial", "Wholesale Office and Sample Room" and "Office/showroom" uses shall be permitted subject to the approval of a Specific Use Permit.

SECTION 3. That all PD-61 development standards specifically related to the uses referenced in Section 1 herein, shall not be construed to be applicable to any other permitted use within PD-61.

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SECTION 4. 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 (\$2,000.00) dollars for each offense.

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 a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. 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 7. This ordinance shall take effect immediately from and after its passage.

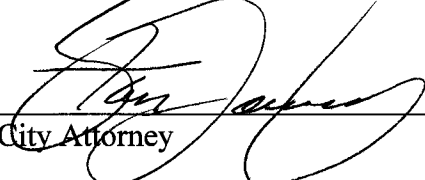
DULY PASSED BY THE City Council of the City of Farmers Branch, Texas on this 3rd day of August, 1998.

APPROVED:




Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

**DEVELOPMENT STANDARDS
FOR PLANNED DEVELOPMENT ZONING DISTRICT
NUMBER 61 (PD-61)**

Ordinance No. 1638 is deleted and replaced by this ordinance. The following standards shall be considered in the design, location and siting of structures and other development features within the Planned Development District Number 61 (the "District"). Unless specified in this ordinance, all development guidelines and standards shall comply with Light Industrial District standards.

I. Principal Uses Permitted:

Primary Residential Uses:

Hotel: a building or group of buildings designed and occupied as a temporary abiding place for fifty or more guest rooms. Individual rooms shall have no direct access to the outside. Hotels shall provide room service, maid service and other customary service.

Educational, Institutional and Special:

1. Community Center (Public)
2. Hospital (General Acute Care)
3. Hospital (Chronic Care)
4. Park, Playground, or Golf Course (Public)
5. School, Public or Private

Utility, Accessory, and Incidental:

1. Fire Station
2. Local Utility Distribution Lines
3. Off-Street Parking Incidental to Main Use
4. Police Station or Similar Public Safety Building
5. Telephone and Fiber Optics Switching Station
6. Water Reservoir, Water Pumping Station or Well

Recreational and Entertainment Uses:

1. Country Club (Private) with Golf Course
2. Golf Course (Commercial)

Transportation Related Uses:

1. Motor Freight Terminal
2. Parking Lot Truck
3. Parking Lot or Structure Commercial
4. Railroad Track or Right-of-Way

Retail and Service Type Uses:

1. Gasoline Service Stations
2. Office, Professional and Administrative

Commercial Type Uses:

1. Distribution and Warehousing
2. Job Printing or Newspaper Printing
3. Laundry Plant (Commercial)
4. Office Showroom/Warehouse
5. Scientific or Research Laboratories

General Manufacturing and Industrial Uses:

Light Manufacturing or Industrial Uses as defined by Section 8-600 as meeting Performance Standards for Light Industrial Classification. A light industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building. Typical items for processing, fabricating, assembly or disassembly under this use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers and other electronic devices.

Uses engaged in basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions are specifically excluded.

Miscellaneous Uses:

1. Banks and Savings and Loan Associations
2. Lab, medical or dental
3. Medical and dental offices and clinics
4. Municipal water tower

II. Secondary Uses Permitted:

1. Bakery and confectionery shop
2. Barber and beauty shop
3. Book and stationary store
4. Cafeteria
5. Child care facility
6. Commercial laundry or dry cleaning (< 3,000 square feet)
7. Custom personal service shop
8. Florist or garden shop

9. Non drive-in restaurant w/o outside sales window
10. Optical shop
11. Print shop (retail)
12. Retail stores and shops other than listed
13. Self-service laundry/dry cleaning

III. **Uses Requiring a Specific Use Permit:**

1. Amusement, commercial (outdoor)
2. Health club or fitness center
3. Mini-warehouse
4. Motel
5. Private club
6. Restaurants (except as otherwise provided for herein)
7. Any free-standing secondary use offering drive-in or drive-through service
8. Any secondary use(s) which becomes a principal use (i.e., located on separately platted lot)

IV. **Use Limitation:**

All development occurring 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.

Secondary uses shall be permitted within any permitted principal use or on the same lot as a principal use.

The gross floor area of secondary uses shall not exceed twenty five percent (25%) of the total gross floor area of the principal use on the same lot.

No change in the location of any principal or secondary use approved on a site plan shall be permitted unless an amended site plan showing proposed changes in the location of the use or uses is submitted in accordance with all requirements herein stipulated.

V. **Floor Area Ratio:**

The maximum allowable floor area ratio (F.A.R.), computed by comparing the total building square footage on a property to the area of the property measured in square feet, shall not exceed a one to one ratio (1:1) on each platted lot. Accessory parking structures shall not be included in the F.A.R. calculation.

VI. **Lot Coverage:**

Maximum lot coverage for all buildings, including above grade parking structures, shall not exceed sixty (60) percent on each platted lot.

VII. Streets:

All streets shall be constructed in conformance with the Master Thoroughfare Plan of the City of Farmers Branch relative to type and location, and the engineering design criteria of the City of Farmers Branch. Within PD-61 all streets (public or private) shall also be identified as either Major, Secondary, or Minor streets, for purposes of establishing appropriate setbacks, screening requirements, signage, etc.

Major Streets: Any street having a minimum right-of-way of one hundred (100) feet in width or greater.

Secondary Streets: Any street having a minimum right-of-way of sixty-four (64) feet in width or greater and not a Major Street.

Minor Streets: Shall include any street having a minimum right-of-way width of less than sixty-four (64) feet.

VIII. Building Setbacks:

Front yard setbacks: All sides of any building facing a street shall be setback from street right-of-ways as follows:

Major Streets: Buildings shall be setback a minimum of thirty (30) feet from the street right-of-way line.

Secondary and Minor Streets: Buildings shall be setback from the street right-of-way line a minimum of twenty (20) feet from the street right-of-way line.

Side yard setbacks: Buildings shall be setback a minimum of ten (10) feet from the side property lines.

Rear yard setbacks: Buildings shall be setback a minimum of ten (10) feet from the rear property line.

IX. Underground Setbacks:

All underground parking or other structures shall be setback a minimum of fifteen (15) feet from any property line or street right-it-of-way.

X. Heights:

Any legal height not prohibited by other laws or ordinances.

XI. Off-Street Parking.

Required Off-Street Parking Spaces: Off-street parking shall be provided adequate to meet the needs of all uses in order to completely eliminate the need for on-street parking. As a minimum, the following shall be required.

Assembly Operations: 1 space per 500 square feet of gross square feet
Manufacturing: 1 space per 500 square feet of gross square feet
Office: 1 space per 333 square feet of gross square feet
Retail: 1 space per 250 square feet of gross square feet
Research Laboratories: 1 space per 500 square feet of gross square feet
Restaurants: 1 space per 100 square feet of gross square feet
Warehouse/Distribution: 1 space per 1,000 square feet of gross floor area up to 30,000 square feet
1 space per 4,000 square feet of gross floor area for that portion of the structure greater than 30,000 square feet
All Other Uses: Compliance with the Zoning Ordinance of the City of Farmers Branch

Staged Parking Plan: Where the total number of off-street parking spaces required are not immediately needed for a particular use, a staged development plan may be permitted requiring that only a portion of the parking area, but not less than sixty-five percent (65%) of the required spaces, be completed initially, provided that:

1. The site plan shall clearly indicate both that portion of the parking area to be paved initially and the total parking needed to provide the number of spaces required. The site plan shall be in the phasing of staged parking and establish the time when all required parking will be provided. The City Manager or their designee may modify the phasing or their designee may modify the phasing or completion date upon written notice to the property owner.
2. The site plan shall provide for adequate drainage of the parking areas.
3. The portion of the parking area not to be paved initially shall be to prevent erosion, subject to City Manager or their designee approval.
4. Any change of use on a property for which a staged parking pavement plan has been approved to a use requiring more parking spaces than are provided for on the property, shall require submission of a new site plan.

Setbacks: Off-street parking shall be setback a minimum of fifteen (15) feet from all street rights-of-way. No side yard and rear yard setbacks are required.

Dimensions and Materials: All off-street parking spaces shall be comprised strictly of an improved surface of concrete and constructed in accordance with City of Farmers Branch engineering standards. Each off-street parking space shall measure nine feet in width by eighteen feet in length. An overhang of up to two feet is permissible, but may not encroach property lines or obstruct walkways adjacent to buildings.

XIII. Loading and Maneuvering:

Adequate area shall be required on the property for loading and maneuvering of trucks and other vehicles such that such operations will not encroach any street.

Major Street: Loading doors may face the street provided that the building is setback a minimum of 100 feet from the street right-of-way.

Secondary Street: Loading doors may face the street provided that the building is setback a minimum of 70 feet from the street right-of-way line.

Minor Street: Loading doors may face the street provided that the building is setback a minimum of 65 feet from the street right-of-way line.

XIV. Building Materials:

One hundred (100) percent of exterior walls of buildings, exclusive of windows and doors, shall be masonry construction which shall include brick, split-face concrete block, tilt wall concrete or similar materials. Stucco or other decorative materials may be used as trim and accents on the building.

X-V. Loading Facilities:

All office, commercial, hotel and restaurant uses shall provide and maintain off-street loading facilities in the quantities stated below:

- a. Office use:
 - i. 0 to 20,000 GSF; none
 - ii. Over 20,000 to 50,000 GSF; one space Over 50,000 to 100,000 GSF; one space
 - iii. Each additional 100,000 GSF; one space

- b. Commercial and Industrial uses (excluding warehousing, distribution and related uses):
 - i. 0 to 10,000 GSF; none
Over 10 000 to 20,000 GSF; one space
 - ii. Each additional 20,000 GSF up to 60,000 GSF; one space Over 60 000 10
100,000 GSF; one space
Each additional 50,000 GSF; one space

- C. Hotel use:
 - 1. One space per each 100,000 GSF

- d. Restaurant use:
1. 0 to 10,000 GSF; none
Over 10,000 to 50,000 GSF; one space
 - ii. Each additional 100,000 GSF; one space

The City Staff shall determine the off street loading requirements for uses not specified, based on the most similar use listed above.

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.

Loading facilities shall consist of a minimum of 10 feet by 45 feet.

Loading facilities shall be designed to minimize interference with traffic flow to eliminate the need to use any public street for maneuvering of any delivery vehicle.

XVI. Screening:

All roof top or ground equipment (i.e., mechanical) not located inside the building shall be screened on all sides.

Any outdoor storage visible from any street right-of-way shall be screened from public view.

Any loading doors permitted to face any street right-of-way shall be screened from public view.

XVII. Screening Requirements:

1. Screening shall at, consist of a solid opaque man made fence or wall a minimum of an adequate height to screen permanent equipment or stored materials up to a maximum height of 8 feet. Gates, if provided at drives, need not be solid or opaque.
2. The type and location of screening shall be shown on the site plan, and such screening shall be setback, at a minimum, 15 feet from a street-of-way line.
3. Loading areas that require screening may provide, as an alternative screening, a landscaped area adjacent to the street consisting of earthen berms, shrubbery or other plant materials.

XVIII. Outdoor Storage.

Outdoor storage, excluding trailers which are used in conjunction with the main use, shall be allowed only as an accessory.

All allowed outdoor storage, shall be screened on all sides fronting on a street and must be setback 50 feet from a major street and 30 feet from all other streets.

Refuse storage containers seen from any street shall be screened by masonry walls and shall not extend above the height of the screening wall or gate.

XIX. Site Landscaping:

A minimum of 10 percent of the total property area shall be landscaped between the building and all street right-of-way lines.

As a minimum, the following shall be required:

Major Street: All paving areas (except drives) shall be screened from the street with a landscaped earthen berm averaging 3 feet in height or 3 foot all shrubs installed as a continuous hedge. In addition, one tree must be provided per every 30 feet of street frontage (2" caliper minimum).

Secondary and All paving areas (except drives) shall be screened from the street with
Minor Streets: a landscaped earthen berm averaging 3 feet in height or 3 foot tall shrubs installed as continuous hedge. In addition, one tree must be provided for every 30 feet of street frontage (2" caliper minimum).

XX. Signs

Unless specified in this ordinance, all signs shall meet the standards for a Light Industrial District.

Detached Signs.

One monument sign shall be permitted per site and must be setback a minimum of 10 feet from the property line along a major street and 5 feet from the property line along a secondary street and minor street. No part of any monument sign shall be located within a radius of 25 feet to another monument sign on an adjacent site.

- a. No monument sign shall exceed a height of 10 feet or a length of 12 feet.
- b. A single tenant monument sign shall not exceed 100 square feet in area.
- c. A multiple tenant monument sign shall not exceed 200 square feet in area.
- d. No monument sign shall be located within a visibility triangle or create a hazardous condition of any kind.
- e. Monument sign materials determined at time of site plan approval.

Attached Signs.

Attached signs shall be limited in number to three signs per site. No attached sign shall exceed 200 square feet in area.

No billboards or advertising signs shall be allowed other than those identifying the user, nature of the business, and products. All signs should be affixed at ground level or on the face of the building. All signage shall be of a design and material consistent with the building itself. The only other allowed signs would be of a directional nature, or temporary signs indicating "for sale" or "for lease" or other marketing sign.

XXI. Administrative Site Plan Approval:

1. Administrative Approval Required. Administrative site plan approval is required for any development which does not require City Council approval of a specific use permit (SUP).
2. Development Review Committee (DRC). Review and approval of administrative site plan shall be the responsibility of the Development Review Committee (DRC). The DRC shall be comprised of City Staff personnel, designated by the City Manager, who are normally responsible for review of site plans, construction plans and engineering plans.

Representatives from private utility companies may also be permitted to participate in the review process when necessary.

3. DRC Authority. The DRC in its review of site plans, shall not be authorized to waive or vary requirements found herein, those of the Comprehensive Zoning Ordinance or any other applicable ordinance of the City of Farmers Branch.
4. Denial of Site Plan.
 - a. If a site plan is not approved by the DRC, reason(s) for such action shall be provided to the applicant in writing.
 - b. Site plans not approved by the DRC may be appealed to the Planning and Zoning Commission and City Council if so requested by the applicant, in writing, within fifteen (15) days following notice of the site plan's denial by the DRC.
5. Planning and Zoning Commission Authority. The Planning and Zoning Commission, in its review of site plans previously denied by the DRC, shall not be authorized to waive or vary the requirements of this ordinance, the Comprehensive Zoning Ordinance, or any other applicable ordinance of the City of Farmers Branch.
6. Elements of a Site Plan. All site plans submitted for review by the DRC, Planning and Zoning Commission or City Council shall be accurately and legibly drawn to scale with dimensions and shall show:
 - a. site location map;
 - b. the boundary of existing property;
 - c. existing and/or proposed buildings;
 - d. proposed use of the property;
 - e. parking layout and drives;
 - f. means of ingress and egress, loading areas and fire lanes;
 - g. areas to be landscaped and screened;
 - h. public and private sidewalks;

- i adjoining streets and alleys including curbs, medians, and storm drains;
- i drainage utility easements;
- k. zoning;
- 1. size of buildings and computations of building area for each use;
- M. site area and parking ratio;
- n. any other information deemed essential by the DRC, Planning and Zoning Commission or City Council to ensure compliance with this and any other applicable City codes and ordinances.

XXII. Special Exceptions:

In those circumstances where the applicant feels that, due to unique characteristics of the site or other special circumstances, strict compliance with the development standards set forth herein is not feasible or desirable, the Planning and Zoning Commission may be petitioned to grant a special exception to the requirements of the ordinance relative to the standards in questions.

1. The Planning and Zoning Commission shall review all requests for special exceptions to the development standards set forth in this ordinance and determine compliance with the intent of the standards.
 - a. The Planning and Zoning Commission shall hold a public hearing to consider all requests for special exceptions to the standards of this ordinance.
 - b. At least fifteen (15) days prior to the hearing date, notice of the time and place of such hearing shall be published in the official newspaper of the City of Farmers Branch.
 - c. Written notice of the public hearing shall be sent to all owners of real property located within the area to be considered for the special exception and to all owners of real property located within two hundred (200) feet of the area for which the special exception is requested. Such notice shall be given not less than ten (10) days before the date set for the public hearing by posting such notice, properly addressed and postage paid to each taxpayer as the ownership appears on the City tax roll.
2. All decisions of the Planning and Zoning Commission in this regard shall be final unless appealed to the City Council.
 - a. An applicant may appeal the decision of the Planning and Zoning Commission only by filing a letter requesting an appeal with the Planning Director within fifteen (15) days of the date of the Planning and Zoning Commission's denial.

XXIII. Site Plan Amendments and Waivers:

The Planning Director or appointed designee may authorize minor modifications to approved site plans or waive the requirement of a site plan for minor construction of site improvements (e.g., signs, limited parking lot modifications, landscaping, small building addition, accessory structures, fences, etc.) provided that:

- a. The basic relationship of the proposed development, improvements, or construction to adjacent property is not adversely affected.
- b. The parking requirements are not reduced.
- c. The floor area is not increased greater than allowed in this ordinance.
- d. The primary and secondary uses are consistent with the requirements of this ordinance.
- e. The minimum setbacks are not reduced.