



ORDINANCE NO. 2242

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 ZONING DISTRICT CLASSIFICATION OF TWO ADJACENT TRACTS OF LAND, TRACT ONE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SPRING VALLEY ROAD AND WELCH ROAD, AND TRACT TWO GENERALLY LOCATED AT THE SOUTHWEST CORNER OF INWOOD ROAD AND SPRING VALLEY ROAD, ADJACENT TO THE EAST OF TRACT ONE, FROM THE CURRENT ZONING DISTRICT CLASSIFICATION OF LIGHT INDUSTRIAL (LI) AND PLANNED DEVELOPMENT DISTRICT NUMBER 63 (PD-63) TO PLANNED DEVELOPMENT ZONING DISTRICT NUMBER 73 (PD-73) ALLOWING OFFICE, RETAIL AND OTHER SPECIFIED USES WITH SPECIFIC PERFORMANCE AND DEVELOPMENT STANDARDS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED 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, having 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, is hereby amended by amending the zoning map of the City of Farmers Branch so as to change the zoning classification on the following described tracts of land from Light Industrial (Tract One) and Planned Development Zoning District Number 63 (Tract Two) to Planned Development Zoning District Number 73, allowing office, retail and other uses with performance and development standards as set out in Exhibit "B". Said tracts of land being specifically described in Exhibit "A".

SECTION 2. That all uses in the Planned Development Zoning District Number 73 zoning district shall conform in operation, location and construction to the performance and development standards set out in Exhibit "B" and, except as modified by Exhibit "B" to those established by the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas.

SECTION 3. 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 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 punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) 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. 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 cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 18th day of December, 1995.

APPROVED:



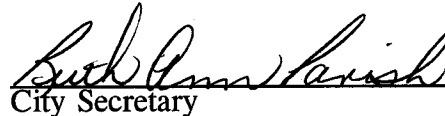
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST



City Secretary

EXHIBIT "A" (1 of 2)

Tract 1:

Part of the Elisha Fike Survey, Abstract Number 478, situated in the City of Farmers Branch, in Dallas County, Texas, embracing a portion of lot C of Metropolitan Industrial Park, an addition to the City of Farmers Branch, in Dallas County, Texas, as shown on the plat recorded in Volume 64363, Page 1216 of the Dallas County Deed Records, and all the tract of land described in the Deed to TEXAS COLOR PRINTERS, INC. recorded in Volume 72116, Page 1855 of said Deed Records, being bounded on the south of Olin Road, a variable width right of way, bounded on the west by Welch Road, a 60 feet wide right of way, bounded on the north by Spring Valley Road, a 100 feet wide right of way, and bounded on the east by the tract of land described in the deed to S.P. Bush recorded in Volume 818, Page 929 of said Deed Records.

Beginning at a 5/8 inch iron rod set at the intersection of the south line of Spring Valley Road and the east line of Welch Road for the northwest corner of said TEXAS COLOR PRINTERS, INC., tract.

Thence North 90 degrees 36 minutes East, along the south line of Spring Valley Road and the north line of said TEXAS COLOR PRINTERS, INC., tract, passing the northeast corner of said TEXAS COLOR PRINTERS, INC., tract, and continuing along the south line of Spring Valley Road for a distance of 849-75/100 feet to a 1/2 inch iron rod found in the east line of said S.P. BUSH tract from which the northwest corner of said S.P. BUSH tract bears North no degrees 18 minutes West 50 feet.

Thence South no degrees 18 minutes East, along the west line of said S.P. BUSH tract, a distance of 540-02/100 feet to a 5/8 inch iron rod set in the north line of Olin Road for the southwest corner of said S.P. BUSH tract.

Thence along the north line of Olin Road:

South 90 degrees 42 minutes west 385-04/100 feet to a 5/8 inch iron rod set for a corner; South 85 degrees 30 minutes West 34-1/10 feet to a 5/8 inch iron rod set for a corner; and South 89 degrees 42 minutes West 433-42/100 feet to a 5/8 inch iron rod set at the intersection of the north line of Olin Road with the east line of Welch Road for the southwest corner of said TEXAS COLOR PRINTERS, INC. tract.

Thence North no degrees no minutes 40 seconds West, along the east line of Welch Road and the west line of said TEXAS COLOR PRINTERS, INC., tract at 16-81/100 feet pass a 3/8 inch iron rod, and continuing for a total distance of 541-04/100 feet to the point of beginning and containing 10-562/1000 acres of land.

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EXHIBIT "A" (2 of 2)

Tract 2:

Part of the Elisha Fyke Survey, Abstract Number 478, situated in the City of Farmers Branch, in Dallas County, Texas embracing a portion of Lot C of Metropolitan Industrial Park, an addition to the City of Farmers Branch, in Dallas County, Texas, as shown on the plat recorded in Volume 64363, Page 1216 of the Dallas County Deed Records and a portion of the tract of land described in the deed to S.P. BUSH recorded in Volume 818, Page 929 of said Deed Records, being bounded on the north by Spring Valley Road, a 100 feet wide right of way.

Beginning at a 60d nail set at the intersection of the south line of Spring Valley Road and the center line of a 40 feet wide railroad easement described in Volume 514, Page 13; of said Deed Records, said point bears North 89 degrees 36 minutes East 1458-54/100 feet from a 5/8 inch iron rod set at the intersection of the south line of Spring Valley Road with the east line of Welch Road, a 60 feet wide right of way.

Thence along the centerline of said 40 feet wide railroad right of way and the east line of said S.P. BUSH tract:

In a southwesterly direction along a curve to the right having a radius of 459-28/100 feet, a central angle of 12 degrees 13 minutes 47 seconds, an arc length of 98-03/100 feet, and a chord which bears South 25 degrees 22 minutes 06 seconds West 97-85/100 feet to a 60d nail set at the end of said curve; and South 31 degrees 29 minutes West 144-03/100 feet to a point for a corner.

Thence along the southeast line of said S.P. BUSH tract:

South 72 degrees 59 minutes West 62-35/100 feet to a point for a corner; South 31 degrees 29 minutes West 130-86/100 feet to the beginning of a curve to the right; and in a southwesterly direction along said curve to the right having a radius of 425-28/100 feet, a central angle of 58 degrees 16 minutes 09 seconds, and an arc length of 432-5/10 feet to a 5/8 inch iron rod set at an end of said curve for the southwest corner of said S.P. BUSH tract.

Thence North no degrees 18 minutes West, along the west line of said S.P. BUSH tract, a distance of 540-02/100 feet to a 1/2 inch iron rod found in the south line of Spring Valley Road from which the northwest corner of said S.P. BUSH tract bears North no degrees 18 minutes West 50 feet.

Thence North 89 degrees 36 minutes East, along the south line of Spring Valley Road, a distance of 608-79/100 feet to the point of beginning and containing 5-055/1000 acres of land.

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EXHIBIT "B"

**DEVELOPMENT STANDARDS
FOR PLANNED DEVELOPMENT ZONING DISTRICT
NUMBER 73 (PD-73)**

The following standards shall be considered in the design, location, and siting of structures and other development features within the Planned Development District Number 73 (the "District").

Special Exceptions to these development standards may be requested by the developer and shall be considered as a part of the site plan approval. Unless otherwise specified in this Ordinance, all development guidelines and standards shall comply with Light Industrial District standards.

I. PRINCIPAL USES PERMITTED:

Educational, Institutional and Special

Community Center (Public)
Hospital (General Acute Care)
Hospital (Chronic Care)
Park, Playground, or Public Community Center
School, Private, Primary or Secondary
School, Public or Denominational

Utility, Accessory, and Incidental

Electrical Transmission Line
Fire Station or Similar Public Safety Building
Gas Transmission Line and Metering Station
Local Utility Distribution Lines
Off-Street Parking Incidental to Main Use
Police Station or Similar Public Safety Building
Telephone Line and Exchange, Switching or Relay Station
Water Reservoir, Water Pumping Station or Well
Railroad Track or Right-of-way

Recreational and Entertainment Uses

Country Club (Private) with Golf Course
Golf Course (Public)
Golf Course (Commercial)

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Retail and Service Type Uses

Bakery and Confectionery Shop (retail)
Barber and Beauty Shops
Bookstore
Cafeteria
Child Care Facility
Cleaning and Pressing Shop (Retail)
Custom Personal Service Shop
Florist or Garden Shop
Non Drive-in Restaurant without outside sales window
Office, Professional and Administrative
Optical Shop
Print Shop (Retail)
Retail Stores and Shops other than Listed
Snack and Sandwich Shop
Travel Agency

Commercial Type Uses

Job Printing or Newspaper Printing
Commercial Printing (Heatset Offset & Rotogravure)*
Scientific or Research Laboratories
Wholesale Office and Sample Room

Miscellaneous Uses

Banks and Savings and Loan Associations
Medical and Dental Offices and Clinics
Lift Station
Municipal Water Tower
Lab, Medical or Dental

Secondary

Distribution and warehousing*
Storage or sales warehousing*

* Shall not include or allow a use engaged in storage of or manufacturing process using Class 1A flammable liquids having a flash point below 73 degrees fahrenheit and having a boiling point below 100 degrees fahrenheit.

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II. USES REQUIRING A SPECIFIC USE PERMIT:

- Amusement, Commercial (outdoor)
- Gasoline Service Station
- Hotel or Motel
- Any use offering drive-in or drive-through service (including child care facilities)
- Any secondary use(s) which becomes a Principal Use (i.e., located on a separately platted lot)
- Health Club or Fitness Center
- Private Club
- Restaurants (except as otherwise provided for herein)

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 (GFA) of secondary uses shall not exceed fifty (50) percent of the total GFA 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 and subsequently approved.

V. STREETS:

All streets shall be constructed in conformance with the Thoroughfare Plan of the City of Farmers Branch relative to type and location, and the engineering design criteria of the City.

Curb intersections on all streets shall have a minimum radius of 30 feet. Right-of-way intersections shall be chamfered as needed to accommodate such radius.

VI. BUILDING SETBACKS:

Welch Road- All structures shall be setback a minimum distance of 30 feet from the street right-of-way line that will exist after dedication or reservation of additional right-of-way needed to allow the street to be improved to the width required by the Thoroughfare Plan.

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Spring Valley Road-

Any expansion of existing buildings shall be setback a minimum distance of 15 feet from the street right-of-way line that will exist after dedication or reservation of additional right-of-way needed to allow the street to be improved to the width required by the Thoroughfare Plan.

All future buildings and structures shall be setback a minimum distance of 30 feet from the street right-of-way line that will exist after dedication or reservation of additional right-of-way needed to allow the street to be improved to the width required by the Thoroughfare Plan.

Olin Road-

All buildings and structures shall be setback a minimum distance of 25 feet from the street right-of-way line.

Other Streets-

All buildings and structures shall be setback a minimum distance of 30 feet from street right-of-way lines.

VII. UNDERGROUND SETBACKS:

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

VIII. SITE COVERAGE:

The maximum lot coverage, for all buildings, including accessory buildings and above grade parking structures, shall not, in the aggregate, exceed more than 60 percent of the total lot area. The remaining area may be utilized for surface parking or maneuvering areas, and landscaping.

IX. 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). Above grade accessory parking structures shall not be included in the F.A.R. calculation.

X. BUILDING MATERIALS:

All of the exterior walls of buildings, exclusive of windows and doors, shall be masonry construction which shall include brick, split-faced concrete block, tilt-wall concrete or similar materials. No exterior wall surface of any building shall be covered with sheet or corrugated aluminum, asbestos, iron, wood or steel; provided however, that stucco, painted concrete, plaster, or other decorative materials may be used as trim and accents on the building.

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XI. OFF-STREET PARKING:

Surfaced off-street parking shall be provided adequate to meet all of the parking requirements and needs of all the users to totally eliminate the need for on-street parking. As a minimum, the following ratios shall be required, whichever is greater:

Personnel Parking:

- 1 space per 1 ½ production or warehousing employee
- 1 space per each managerial personnel
- 1 visitor space for each 10 managerial personnel

Parking in relation to Building Area:

Warehousing and Distribution:	1 space per 1,000 square feet of gross square feet
Commercial Printing	1 space per 1,000 square feet of gross square feet
Office	1 space per 333 square feet of gross square feet
All Other Uses:	As required by the Comprehensive Zoning Ordinance of the City of Farmers Branch

Parking Dimensions and Materials:

All off-street parking spaces shall be comprised strictly of an improved surface of concrete and constructed in accordance with the City of Farmers Branch engineering standards. Each off-street parking space shall measure no less than nine (9) feet in width by eighteen (18) feet in length. An overhang of up to two (2) feet is permissible, but may not encroach property lines or obstruct walkways adjacent to buildings.

XII. SITE POSITIONING:

Off-Street parking shall be setback from all street right-of-way lines as follows:

- Welch Road: Existing paving permitted to remain, any future paving (other than repair to existing paving) a 10 foot setback.
- Spring Valley Road: Existing paving permitted to remain, any future paving (other than repair to existing paving) a 15 foot setback.

All other paving setbacks determined at time of site plan approval.

XIII. LOADING REGULATIONS:

Adequate area shall be provided on-site for loading, receiving and staging operations such that maneuvering of trucks and other vehicles will not encroach any street or that the staging of trucks on streets is not necessary. *The parking storage, loading, unloading, or staging of trucks or truck trailers on any street is prohibited.*

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Loading Doors: The orientation of loading doors shall be governed as follows:

Spring Valley Road: No loading doors shall face the street.

Welch Road: Loading doors may face Welch Road provided that the loading doors be setback a minimum of 85 feet from the street right-of-way line and the loading and receiving area is screened from view of all public streets and street rights-of-way in accordance with the Landscaping and Screening requirements established herein.

Olin Road: Loading doors may face Olin Road provided that the loading doors be setback a minimum of 45 feet from the street right-of-way line and the loading and receiving area is screened in accordance with the Landscaping and Screening requirements established herein.

Eastern Railroad Tracks: Loading doors may face the railroad tracks to the east provided that the loading doors be setback a minimum of 85 feet from the eastern property line and are screened from view of all public streets and streets rights-of-way in accordance with the Landscaping and Screening requirements established herein.

XIV. TRUCK LOADING BERTH REQUIREMENTS:

At a minimum, all uses shall provide and maintain on-site truck loading berths in the quantities stated below:

- a. For normal commercial sales or service, buildings and establishments, off-street loading facilities shall be provided in accordance with the following:

<u>Square feet of gross floor area</u>	<u>minimum berths required</u>
0-5,000	None
5,000-15,000	1
15,000-40,000	2
40,000-65,000	3
65,000-100,000	4
Each additional 50,000 or fraction thereof	1 additional berth

- b. For hotels, office buildings, restaurants, and similar establishments, off-street loading facilities shall be provided in accordance with the following:

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Square feet of gross floor area minimum berths required

0-10,000	None
10,000-50,000	1
50,000-100,000	2
100,000 to 200,000	3
Each additional 200,000 or fraction thereof	1 additional berth

Truck Loading Berth Dimensions:

All truck loading berths shall measure no less than twelve (12) feet in width and sixty (60) feet in length.

- b. The City Manager or designee, shall determine the number of on-site truck loading berths required for uses not specified, based on the most similar use listed above.
- c. A structure containing more than one use must meet the truck loading berth requirements of each use unless one use occupies 90 percent or more of the gross building area, in which case the truck loading berth requirement is calculated as if that use occupied the entire structure.
- d. At a minimum, all uses shall provide and maintain one on-site truck staging space per required truck berth or as determined on site plan.

XV. SCREENING:

All parking, truck loading and receiving areas, refuse containers, mechanical equipment shall be screened from view of neighboring properties and street rights-of-way as follows:

Parking Areas:

Automobile parking areas facing a public street or street right-of-way shall be screened in accordance with the requirements set forth in the Landscaping section of these standards.

Loading and Receiving Areas:

Truck loading and receiving areas facing a public street right-of-way or railroad track right-of-way shall be screened in accordance with the requirements set forth in the Landscaping section of these standards.

Mechanical Equipment:

All mechanical equipment not located inside the building, roof mounted or otherwise, shall be screened from Spring Valley Road and Welch Road street right-of-ways.

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Refuse Containers:

Each refuse container shall be screened from view from all adjacent properties, street and railroad rights-of-way by a solid, opaque screening fence or wall comprised of materials architecturally consistent with the main building, and of a height equal to, or greater than the height of the refuse container.

XVI. SIGNAGE:

All signage shall comply with the requirements of the City of Farmers Branch Comprehensive Zoning Ordinance and Code of Ordinances as they pertain to the Light Industrial (LI) Zoning District allowable uses and standards..

XVII. LANDSCAPING:

The property developer, builder or owner shall be responsible for the installation and maintenance of required landscaping as set forth in this section.

- a. No less than ten (10) percent of the total lot area (excluding rights-of-way) shall be landscaped. Landscaping shall include live plant material including, but not limited to, turf, ground cover, shrubs and trees.
- b. All required landscaped areas comprised of live plant material shall be irrigated with an underground automatic irrigation system that provides complete coverage, the design of which shall be subject to City Staff approval prior to issuance of building permits.
- c. Surface parking areas with bays (i.e., two parking stall depth plus vehicle access lane) exceeding 62 feet in width shall have not less than 5 percent of the total internal area of such parking area landscaped. The landscaping shall be located within medians, islands, or peninsulas.
- d. One tree, no less than three (3) inches in diameter, measured at a height of one (1) foot above the ground at time of planting, shall be required for every twenty (25) feet of street frontage. Fractions equal to, or greater than 0.5 shall be rounded up to the next higher number of trees. Required trees shall be planted within the required front yard.
- e. All parking areas abutting a public street right-of-way shall be screened with nondeciduous shrubs a minimum of three (3) foot tall and spaced three (3) feet on center.
- f. Loading and receiving areas facing Welch Road shall be screened with a 6 foot tall masonry wall having the same or similar appearance as the facade of the building.

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- g. Loading and receiving areas facing the street right-of-way or eastern railroad right-of-way shall be screened with nondeciduous screening shrubs a minimum of six (6) foot tall and spaced three (3) feet on center.
- h. Landscaping materials (i.e., shrubs) shall not interfere with visibility triangle or sight line requirements at street or driveway intersections.
- i. A nondeciduous solid screening hedge, with shrubs a minimum of six (6) feet tall and spaced three (3) feet on center shall be provided along the west side of the railroad and drainage easement along the east property line.

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SITE PLAN APPROVAL

Prior to beginning of any development on a building site within the District, a comprehensive site plan detailing the proposed development shall be submitted for approval as required by paragraph 8-502 of the Comprehensive Zoning Ordinance. This submittal shall be required before a building permit shall be issued. The following are the submittal requirements of such approval:

1. Vicinity map - 1" = 1,000 feet.
2. Boundary survey which includes the following:
 - a. Metes and bounds of all boundary lines of the building site.
 - b. Total land area within the 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 two feet.
3. A copy of the warranty deed showing current ownership of the property.
4. An aerial photograph of the building site and all adjacent properties within at least 500 feet, stating date of the property.
5. A detailed and to scale site plan showing:
 - a. Existing and proposed building and parking structures locations, including size in number of square feet, number of floors, number of spaces and size of spaces in parking structures, and height above grade.
 - b. Existing and proposed public and private streets and curb cuts.
 - c. Existing and proposed utility easements and fire lanes.
 - d. Landscape plan which includes a planting plan showing the proposed location, type, and sizes at time of planting for all trees, shrubs, ground cover and other plant materials.
 - e. Proposed at-grade parking lots and loading facilities.
 - f. A statement of proposed floor area ratio, building site coverage ratio, and landscape ratio.
 - g. Proposed on-site identification and directional signage.
 - h. Anticipated uses within the building site.
 - i. Proposed drainage and grading plan.
 - j. All existing and proposed utilities, including site and tap locations and all fire hydrants.
6. Any other information requested by Staff, Planning and Zoning Commission, and/or City Council reasonably necessary to determine compliance of the site plan with the Comprehensive Zoning Ordinance, as amended hereby.

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SITE PLAN AMENDMENTS AND WAIVERS

The City Manager or 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 minimum setbacks are not reduced.

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