



**ORDINANCE NO. 2820**

**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 CHANGING THE ZONING DISTRICT CLASSIFICATION OF APPROXIMATELY 7.765 ACRES OF PROPERTY LOCATED AT 13465 INWOOD ROAD, GENERALLY BOUNDED ON THE NORTH BY SIMONTON ROAD, ON THE EAST BY INWOOD ROAD, ON THE SOUTH BY MCEWEN DRIVE/GALLERIA DRIVE, AND ON THE WEST BY ST. LOUIS AND SOUTHWESTERN RAILROAD, FROM PLANNED DEVELOPMENT NO. 39 (PD-39) TO PLANNED DEVELOPMENT NO. 87 (PD-87) ESTABLISHING USES, DEVELOPMENT STANDARDS, AND PROCESSES FOR PD-87; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A 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 of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend, replace and restate 7.765 acres of the existing Planned Development No. 39 (PD-39), as amended; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for

particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

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 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 should be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by changing the zoning district classification of approximately 7.765 acres in area located at 13465 Inwood Road, generally bounded on the north by Simonton Road, on the east by Inwood Road, on the south by McEwen Drive/Galleria Drive, and on the west by St. Louis and Southwestern Railroad, from Planned Development No. 39 (PD-39) to Planned Development No. 87 (PD-87), and establishing uses, development standards, and processes as set forth in Exhibit "C." Said property being shown on Exhibit "B" and more specifically described in Exhibit "A."

**SECTION 3.** That all uses in the Planned Development No. 87 (PD-87) shall conform in operation, location and construction to the development standards as set forth in Exhibit "C," and to the extent not in conflict with Exhibit "C," to the development and performance standards as established by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

**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, void, 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.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 15<sup>th</sup> day of August, 2005.

APPROVED:



\_\_\_\_\_  
Mayor

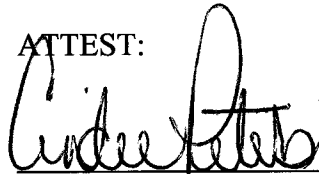
APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

(Reviewed by Atty. M. Boyle, 7/18/05)

ATTEST:



\_\_\_\_\_  
City Secretary

## EXHIBIT "A"

**BEGINNING**, at a "+" cut found in concrete at the intersection of the west right-of-way line of Inwood Road (a 60-foot right-of-way) and the north line of a variable width Public Street Easement (being Galleria Drive, formerly known as McEwen Road) recorded in Volume 85023, Page 1406 of said Deed records;

**THENCE**, South 89 degrees, 54 minutes, 28 seconds West , departing the said west line of Inwood Road, passing at a distance of 459.41 feet a 1/2-inch iron rod found for a northeast corner of Heritage Square Addition an addition to the City of Farmers Branch recorded in Volume 2001096, Page 623 of said Deed Records, also passing at a distance of 509.30 feet a 1/2-inch iron rod found for the southwest corner of said Lot A and the southeast corner of said Lot B, and also passing at a distance of 1009.41 feet the northwest corner of said Heritage Square Addition, said point also being a northeast corner of Farmers Branch Office Addition recorded in Volume 95011, Page 2986 of said Deed Records, in all a total distance of 1133.39 feet to a 1/2-inch iron rod found for the southwest corner of said Lot B and a southeast corner of Lot C, Block 1 of said Metropolitan Industrial Park Addition;

**THENCE**, North 00 degrees, 07 minutes, 08 seconds West, a distance of 21.47 feet to a 1/2-inch iron rod found for corner, said point being the beginning of a non-tangent curve to the left;

**THENCE**, In a northerly direction, along said curve to the left, having a central angle of 88 degrees, 14 minutes, 32 seconds, a radius of 459.28 feet, a chord bearing and distance of North 45 degrees, 37 minutes, 39 seconds East, 639.48 feet, an arc distance of 707.35 feet to a 1/2-inch iron rod found for corner at the end of said curve; said point being the northwest corner of said Lot B and the northeast corner of said Lot C of said Metropolitan Industrial Park Addition; said point also being in the south right-of-way line of Simonton Road (a 60-foot wide right-of-way);

**THENCE**, North 89 degrees, 42 minutes, 00 seconds East, along the said south line of Simonton Road, passing at a distance of 517.12 feet a 1/2-inch iron rod with "Pacheco Koch" cap set, in all a total distance of 532.12 feet to a point for corner at the intersection of the said south line of Simonton Road with the said west line of Inwood Road;

**THENCE**, South 17 degrees, 04 minutes, 13 seconds East, with the said west line of Inwood Road, passing at a distance of 15.00 feet a 1/2-inch iron rod found, in all a total distance of 491.28 feet to the **POINT OF BEGINNING**.

**CONTAINING:** 338,227 square feet or 7.765 acres of land, more or less.

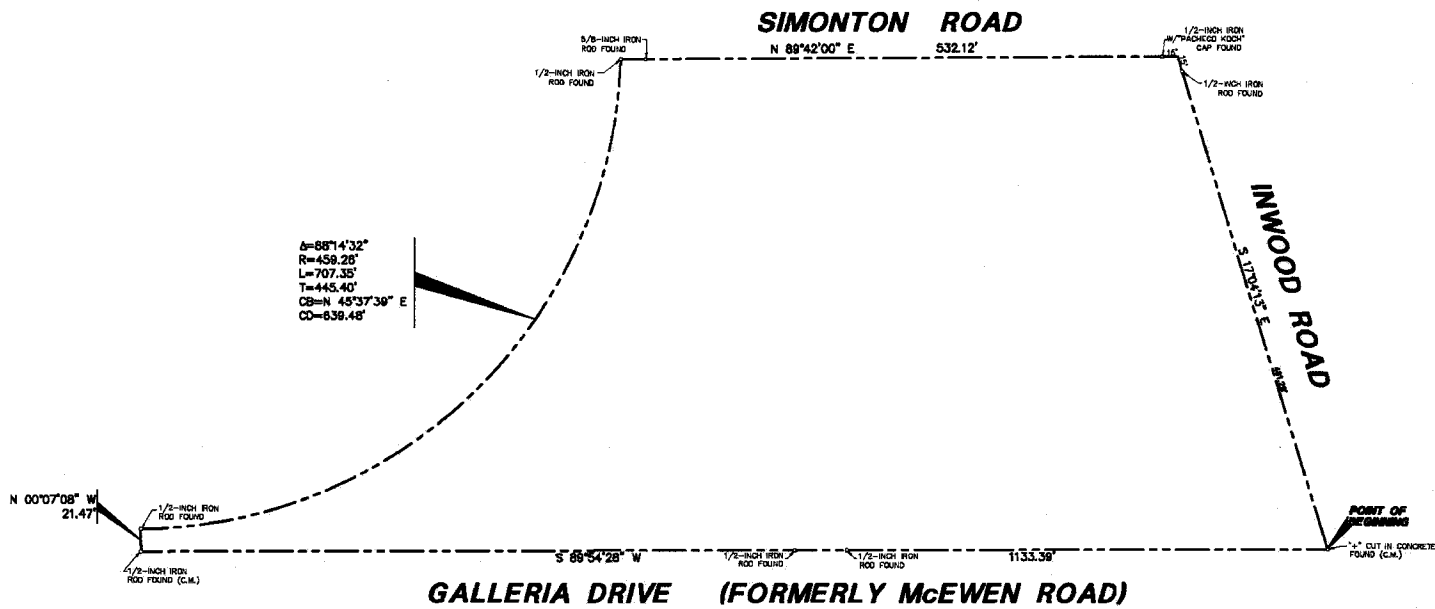


EXHIBIT "B"

## **EXHIBIT "C"**

### **DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT DISTRICT NUMBER 87**

The following standards shall be considered in the design, location and siting of structures and other development features within the Planned Development District. 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. LAND USES**

##### **A. PRINCIPAL USES PERMITTED**

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

1. Office
2. Retail and restaurant functions.
3. Dwellings, 30 dwelling units per acre and above.
4. Hotel (by Specific Use Permit).

##### **B. SECONDARY USES PERMITTED**

The following secondary uses shall be permitted only if provided in conjunction with a principal use.

1. Automobile oriented uses limited to:
  - a) drive-in banks
2. Commercial recreation uses (by Specific Use Permit) limited to:
  - a) commercial health clubs, including swimming pools and racquet sport courts.
  - b) skating rinks, ice or roller.
  - c) theaters, cinema.
  - d) any other similar retail recreation use.
3. Alcohol sales in a qualifying restaurant (by Specific Use Permit).

Secondary uses shall be designed to serve primarily the needs of occupants of the planned development in which they are located. Such uses shall be designed so as to maintain and protect the character of adjacent properties. Recognizing that developments may be subdivided for creation of specialty uses on separate sites, the requirements for one or more principal uses may be waived by the City for sites of one acre and smaller.

C. USE LIMITATIONS

1. The gross floor area of secondary uses, except parking, shall not exceed 20% of the total principal uses of the development.
2. All uses shall be permitted only in the location shown on the approved final site development plan. 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.

D. BUILDING VOLUME REGULATIONS

1. Maximum building heights: No greater than that allowed by FAA. A copy of approved FAA building height shall be submitted to the City Planner.
2. Building setbacks: Shall be determined by the approved site plan.

E. LANDSCAPE

1. The landscaped open space shall not be less than 5% of gross site area.
2. Parking lots at grade must have not less than 5% of their interior area landscaped. Border plantings at the perimeter of the lot shall not be considered as part of the interior landscaping requirements.
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 or fountains. Paved areas for parking or regular traffic flow shall not be considered as part of this classification.

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: one space per 333 square feet of gross area.

2. Hotels and Motels: one space per rental unit for the first 250 rooms, three-quarter space per rental unit for 251 to 500 rooms, and one-half space per rental unit for all additional rooms, plus such spaces as required by restaurants, ballrooms, and affiliated facilities.
3. Retail and affiliated office support services, one space per 250 square feet of gross area.
4. Eating establishments: one space per 100 square feet of gross area.
5. Theaters: one space for every four seats.
6. Residential uses: 1.5 space per each residential unit.
7. Mixed use parking discounts: In order to provide adequate off-street parking for large-scale mixed-use development projects, the following are excluded in the calculation of off-street parking requirements.
  - a) Discount ten percent of the required parking for an office use when that use totals in excess of 250,000 square feet in gross area and is developed on the same lot with qualifying hotel, retail, or restaurant uses outlined in this subsection.
  - b) Discount ten percent of the required parking for a hotel use when that use totals in excess of 250 guest rooms and is developed on the same lot with qualifying office, retail, or restaurant uses outlined in this sub-section.
  - c) Discount ten percent of the required parking for all retail uses, when those uses total in excess of 10,000 square feet and are developed on the same lot with qualifying office, hotel, or restaurant uses outlined in this sub-section.
  - d) Discount fifty percent of the required parking for all recreation, entertainment, bar, and restaurant uses when developed on the same lot as qualifying office or hotel uses outlined in this sub-section.
8. It is recognized that existing office and hotel uses may be integrated into future developments. To foster mixed-use interaction between existing and future uses, the Planning and Zoning Commission shall consider shared parking agreements between owners of adjacent properties, and authorize a reduction in the required parking as outlined in Section F-6 above. This shall be established on site plan by developers.



9. Standard parking stalls shall be at least eight feet, six inches (8'6") wide and eighteen feet (18') in length and no parking bay (comprised of two rows of standard parking stalls and one travel aisle from which motor vehicles enter and exit the stalls) shall be less than sixty feet (60') in width, inclusive of any structural columns.
10. A maximum of twenty percent (20%) of the required parking may be devoted to compact car spaces measuring not less than seven feet, six inches (7'6") wide and sixteen feet (16') in length. No more than twenty percent (20%) of any parking structure, parking lot or parking area shall be comprised of compact car parking spaces.

G. SIGNS

The size, quantity, location, and type of on-premise signs allowed within the District shall be determined by the approved site plan.

H. SERVICE FACILITIES

1. All office, commercial, hotel, and restaurant uses shall provide and maintain off-street loading facilities in the quantities stated below:
  - a) Up to 150,000 gross square feet: 1 space
  - b) 1 additional space for each additional 350,000 square feet or fraction thereof.

I. BUILDING MATERIALS

1. Each exterior wall constructed shall be a minimum of 75% masonry material. For this section masonry shall be defined as construction composed of stone, brick, concrete, hollow clay tile, concrete block, or other similar building units or material or combination of these laid up unit by unit and set in mortar, cast in place concrete, concrete tilt wall (cast on site or pre-cast) or other material approved by the building official. Stucco, or other plaster type applications shall not be considered as meeting this requirement. Exceptions to the 75% masonry material provision are:
  - a) Temporary buildings used for construction offices, sales offices leasing offices or other moved on to a project. Duration of the permit shall be determined by the building official or by the City Council as part of site plan approval.

- b) Internal courtyard walls not visible from public streets, street easements, or adjacent properties.

## II. REQUIRED SUBMISSIONS

### A. CONCEPT PLAN APPROVAL

1. A concept plan representing the general site assessment of the entire 7.765 acre tract of land described in Exhibit A and B shall be required and approved by the Planning and Zoning Commission and City Council, prior to site plan approval.
2. The concept plan shall include sufficient information to adequately assess the functionality of the proposed development and its impact on surrounding properties and circulation systems (e.g.: traffic, pedestrian).
3. Any development or subdivision of the property shall substantially be consistent with the concept plan as approved. No site plan, plat, building permit, or certificate of occupancy shall be issued for the property unless all construction and development substantially conforms to the concept plan. Should any development or subdivision of the property not be consistent with the approved concept plan, then approval of an amended concept plan must be approved prior to any development or subdivision of the property.

## III. VARIANCE

In those circumstances where the applicant believes that, due to unique characteristics of the site or other special circumstances, strict compliance with the standards is not feasible or desirable and that deviation from the standards will allow for equal or better results, the Planning and Zoning Commission may be petitioned to grant a variance with site plan application to the standard relative to the specific provision(s) in question.

The Planning and Zoning Commission shall consider all requests for variance to the standard within the context of consistency with the spirit and intent of the standard and whether such standard(s) represent the minimum modification(s) necessary.

All decisions of the Planning and Zoning Commission in this regard shall be final unless appealed to the City Council. An applicant may appeal the decision of the Planning and Zoning Commission 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. City staff may appeal any decision of the Planning and Zoning Commission by notifying

the applicant and the Chairman of the Planning and Zoning Commission, in writing, within fifteen (15) days of the date of the Planning and Zoning Commission's final decision.