



**FARMERS
BRANCH**

ORDINANCE NO. 2955

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 REZONING A PORTION OF PLANNED DEVELOPMENT NUMBER 26 (PD-26) ZONING DISTRICT TO PLANNED DEVELOPMENT NUMBER 93 (PD- 93) ZONING DISTRICT INCLUDING ESTABLISHING PERMITTED USES, DEVELOPMENT STANDARDS INCLUDING A SITE PLAN, AND PROCESSES; AN APPROXIMATE 0.749 ACRE TRACT LOCATED AT 2620 VALLEY VIEW LANE AND REPEALING A PORTION OF ORDINANCE 769 AS IT PERTAINS TO THE SUBJECT PROPERTY ONLY; 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; 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, 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 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 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 rezoning Planned Development Number 26 (PD-26) zoning district to Planned Development Number 93 (PD-93) zoning district including establishing permitted uses, development standards and processes for an 0.749 acre tract located at 2620 Valley View Lane (Lots 6,7,8, 9 Valley View Addition) and as described in Exhibit "A" attached hereto, and as further depicted in Exhibit "B" attached hereto.

SECTION 3. That all uses in the Planned Development Number 93 (PD-93) zoning district shall conform in operation, location and construction to the development and performance standards established by the Comprehensive Zoning Ordinance of the City of Farmers Branch, except as amended herein.

SECTION 4. That all uses in the Planned Development Number 93 (PD-93) zoning district shall conform to the standards as set forth in Exhibit "B-Site Plan ", Exhibit "C -Development Standards".

SECTION 5. That the Property 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 and hereafter amended, and as amended herein.

SECTION 6. That for the tract of land shown on Exhibit "A", all reference to Ordinance Number 1286 (PD-26) will be invalid and replaced with the standards established in this ordinance.

SECTION 7. 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.

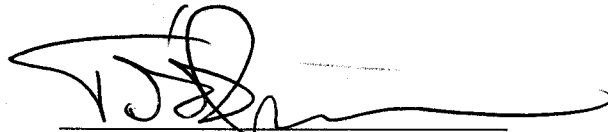
SECTION 8. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 9. 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 10. 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 DAY, THE 17th OF JUNE 2008.

APPROVED:



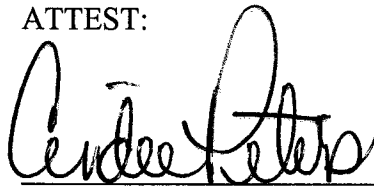
Tim O'Hare, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



Cindee Peters, City Secretary

EXHIBIT "A" (Legal description of subject tract)

**LOTS 6,7,8,9, OF THE VALLEY VIEW ADDITION, TO THE CITY OF FARMERS
BRANCH, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 13, PAGE 369, OF THE MAP OF RECORDS OF
DALLAS COUNTY, TEXAS**

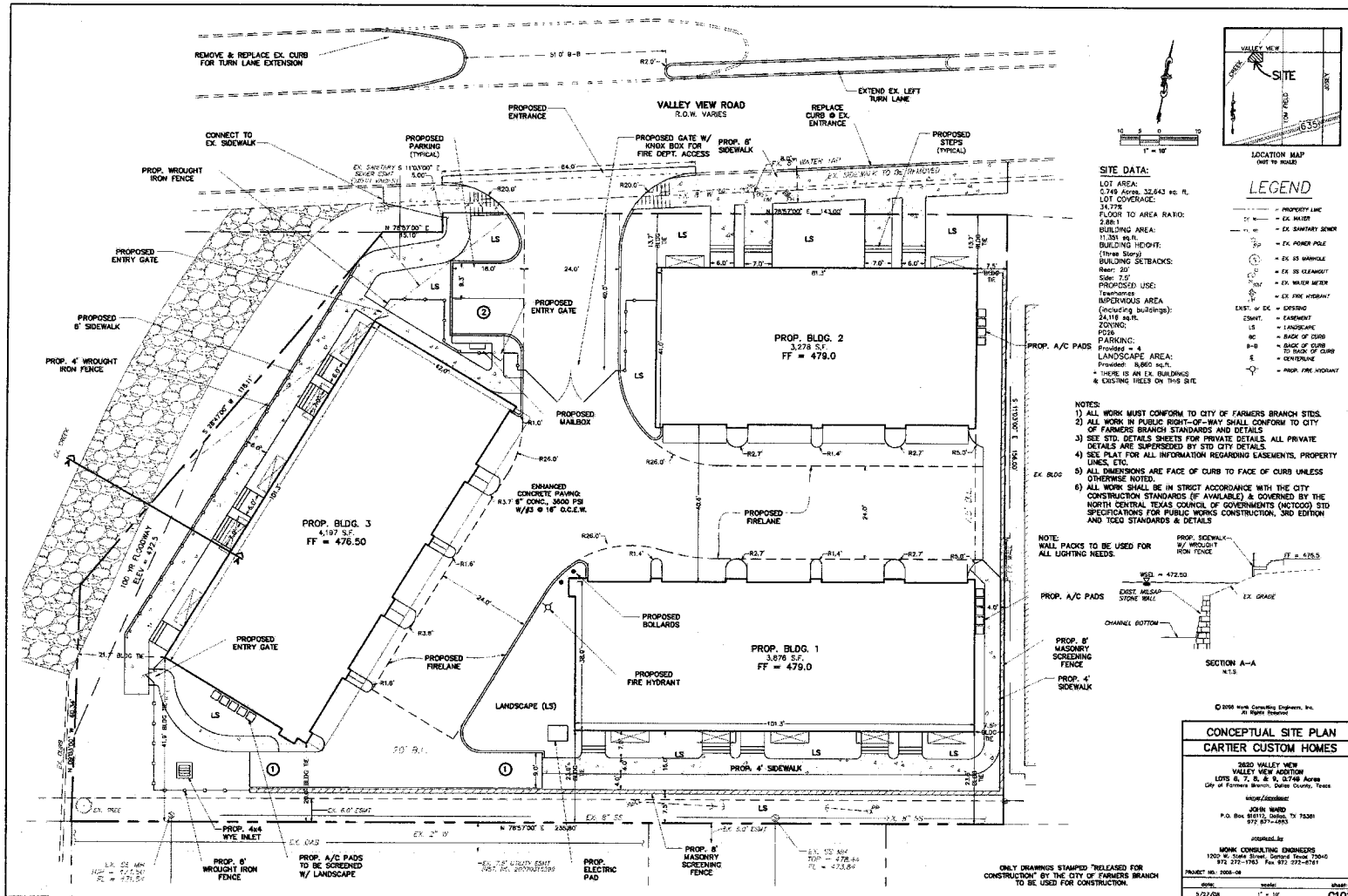


EXHIBIT "B" (Site Plan)

SITE DATA:
 LOT AREA: 0.745 Acres, 32,643 sq. ft.
 LOT COVERAGE: 24.7%
 FLOOR TO AREA RATIO: 2.88%
 BUILDING AREA: 11,351 sq. ft.
 BUILDING HEIGHT: (Three Story)
 BUILDING SETBACKS:
 Rear: 20'
 Side: 7.5'
 PROPOSED USE:
 Intermittent
 IMPERVIOUS AREA (including buildings): 24,116 sq. ft.
 ZONING: F-20B
 PARKING:
 Proposed: 4
 LANDSCAPE AREA:
 Proposed: 18,890 sq. ft.
 * THERE IS AN EX. BUILDING & EXISTING TREES ON THIS SITE.

LEGEND

---	PROPERTY LINE
---	EX. WATER
---	EX. SANITARY SEWER
---	EX. POWER POLE
---	EX. 18" MANHOLE
---	EX. 18" CLEANOUT
---	EX. WATER METER
---	EX. FIRE HYDRANT
---	EXIST. EX. EXISTING
---	CONCT. CONCRETE
---	LANDSCAPE
---	LS
---	BACK OF CURB
---	EDGE OF CURB
---	TO WALK OF CURB
---	CONCRETE
---	LANDSCAPE
---	PROP. FIRE HYDRANT

- NOTES:**
- 1) ALL WORK MUST CONFORM TO CITY OF FARMERS BRANCH STDS.
 - 2) ALL WORK IN PUBLIC RIGHT-OF-WAY SHALL CONFORM TO CITY OF FARMERS BRANCH STANDARDS AND DETAILS.
 - 3) SEE STD. DETAILS SHEETS FOR PRIVATE DETAILS. ALL PRIVATE DETAILS ARE SUPERSEDED BY STD CITY DETAILS.
 - 4) SEE PLAN FOR ALL INFORMATION REGARDING EASEMENTS, PROPERTY LINES, ETC.
 - 5) ALL DIMENSIONS ARE FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - 6) ALL WORK SHALL BE IN STRICT ACCORDANCE WITH THE CITY CONSTRUCTION STANDARDS (IF AVAILABLE) & GOVERNED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) STD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 3RD EDITION AND TCEQ STANDARDS & DETAILS.

CONCEPTUAL SITE PLAN
CARTIER CUSTOM HOMES

2820 VALLEY VIEW
 VALLEY VIEW ADDITION
 LOTS 6, 7, 8, & 9, 6746 Acres
 City of Farmers Branch, Dallas County, Texas

Drawn/Designed:
 JOHN WARD
 P.O. Box 81812, Dallas, TX 75281
 972-371-4953

www.wardjr.com
 WORKING CONSULTING ENGINEERS
 1202 W. 20th Street, Dallas, Texas 75240
 972-377-1792 Fax: 972-377-4741

PROJECT NO.: 2008-04
 DATE: 3/22/08
 SHEET: C101

ONLY DRAWINGS STAMPED "RELEASED FOR CONSTRUCTION" BY THE CITY OF FARMERS BRANCH TO BE USED FOR CONSTRUCTION.

EXHIBIT "C"

DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT DISTRICT NUMBER 93

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

All proposed development within the Planned Development District shall require an approved comprehensive site plan as outlined in **SECTION II. REQUIRED SUBMISSIONS** of this exhibit.

Provision for petitioning the Planning and Zoning Commission for special exceptions to the standards for unique characteristics of a site or other special circumstances is described in **SECTION III. SPECIAL EXCEPTIONS.**

I. LAND USES:

A. PRINCIPAL USES

The following Principal Uses shall be permitted within the District.

1. Attached Single-Family or Townhomes

B. SECONDARY USES

The following Secondary Uses shall be permitted only in association with the above listed Principal Uses. Secondary uses shall be designed to serve primarily the needs of occupants of the planned development area in which they are located. Such uses shall be designed so as to maintain and protect the character of adjacent properties.

1. Utility, Accessory, and Incidental Uses.
2. Parking lot or structure.

C. USES REQUIRING A SPECIFIC USE PERMIT.

None

D. PROHIBITED USES.

1. Any use not specifically allowed in the abovementioned sections shall be expressly prohibited.

E. USE LIMITATIONS.

1. All development shall conform to standards set forth in maximum and minimum development standards.

F. BUILDING VOLUME REGULATIONS.

1. Maximum building heights: Three (3) stories for all buildings. Maximum height shall not exceed 45 feet
2. Building setbacks:
 - i. Front Yard Setback: All buildings shall be at least 10 feet from the property line along Valley View Lane.
 - ii. Side Yard Setbacks: All buildings shall be at least 7 feet from the eastern property line. All buildings shall be at least 5 feet from the western property line.
 - iii. Rear Yard: All buildings shall be at least 20 feet from the southern property line.
 - iv. All accessory buildings or structures shall be located at least 5 feet from any property line.

G. SITE COVERAGE AND LANDSCAPE.

1. Site Coverage:
 - i. The gross building footprint of buildings and associated parking garages shall be determined by the approved site plan.

2. The landscaped open space shall be not less than 15% of gross site area.

H. PARKING.

1. Parking shall be provided for the proposed uses at the ratio of a minimum of two (2) garaged parking spaces for every dwelling unit.
2. In addition, four (4) guest parking spaces shall be provided within the property. Locations of the proposed guest parking spaces are generally shown on the Site Plan, "Exhibit B".

I. SIGNS.

1. Free-standing signs:
 - i. Monument sign: One monument sign not exceeding 10 feet in width and 5 feet in height shall be permitted along Valley View Lane. This monument sign shall be set back a minimum of 5 feet from the property line and be incorporated into the metal fence along Valley View Lane. However, no monument sign shall be located within a visibility triangle or create a hazardous condition of any kind. A monument sign shall be composed of a base and a sign face. The sign face area shall not exceed 40 square feet.

J. BUILDING MATERIALS

1. All buildings shall be constructed with a minimum of 85 % masonry material. Stucco shall not be considered a masonry material with reference to this ordinance.
2. An 8-foot masonry fence shall be installed generally along the southern property line. Within 50 feet of the western property line, this masonry wall shall transition into a 8-foot high wrought iron or metal fence in order to provide better visibility of Rawhide Creek and the City Park.
3. An 8-foot solid masonry fence shall be installed along the eastern property line.
4. A 4-foot wrought iron or metal fence shall be installed along the western property line.
5. A minimum 5-foot wide sidewalk shall be installed along the western portion of the site, and connect to the existing pedestrian bridge approximately 300 feet south of the property-if the city determines adequate land area exists to make such a connection. The owner shall pay the cost for this sidewalk extension.
6. A new 8-foot wide sidewalk shall be installed along the Valley View Lane frontage of this site.

7. All buildings and permanent improvements to the site shall be consistent with the **Site Plan "Exhibit B"**.
8. The owner shall modify the existing median located in Valley View Lane extending the westbound left turn lane westward as generally shown on the **Site Plan "Exhibit B"**. The owner shall install all median modifications as specified by the City of Farmers Branch.

K. LANDSCAPING REQUIREMENTS

1. The owner shall install additional shrubbery along the southern edge of the property but north of the new masonry wall. This landscape material shall be installed approximately five (5) feet on center. City Staff shall make final approval of this material.
2. The owner shall install additional landscaping along Valley View Lane, including at least two (2) street trees. City Staff shall make final approval of this material and streetscape design.
3. The owner shall preserve at least one of the existing large trees on site, especially along the southern portion of the site.
4. The owner shall establish a Home Owners Association (HOA) requiring mandatory financial participation by all property owners for the maintenance of all common areas, including landscaping, fences and parking areas. Establishment of the HOA shall be completed before recordation of the plat. The city shall review and approve the organization of the HOA before recordation of the HOA or any future plat.

II. REQUIRED SUBMISSIONS

A. INTENT

1. This section establishes a site plan review and approval process for proposed development. The intent is to ensure compliance with the requirements of this ordinance, to promote better site design, to integrate projects more effectively into their surrounding environment, to prevent the impairment or depreciation of property values, to improve internal vehicular and pedestrian circulation, to encourage quality and innovative site planning techniques, and to protect and enhance the overall general public welfare.

B. SITE PLAN

1. Any development or subdivision of the property shall require a site plan to be reviewed by the Planning and Zoning Commission and approved by City Council prior to any development or subdivision of the property. All

site plans must be consistent with this Planned Development District or appropriate sections of the Comprehensive Zoning Ordinance.

2. Site Plan Approval.

- a) All Site Plans shall require full review and recommendation of the Planning and Zoning Commission and approval by the City Council as outlined in section 8-502 of the Comprehensive Zoning Ordinance.

3. Site Plan Amendments and Waivers.

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

The basic relationship of the proposed development, improvements, or construction to adjacent property is not adversely affected.

There is no conflict or non-conformance with the requirements of intent of this ordinance, the Comprehensive Plan, Planning and Zoning Commission or City Council conditions or manner of previous approval(s).

The fundamental character of the building elevations (or elevations drawings) or the development as a whole is not detrimentally changed or altered.

III. SPECIAL EXCEPTIONS

A. INTENT

It is not the intent of this ordinance to discourage innovation in development design. It is conceivable that development proposals could be made that, while clearly not conforming to the requirements of this ordinance, nonetheless have obvious merit in not only being appropriate to a particular site or location but also substantially satisfy the fundamental intent behind the creation of Planned Development 93.

1. In those circumstances where the owner believes that, due to unique characteristics of the site or other special circumstances, strict compliance with the standards set forth herein 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 special exception to the standard relative to the specific provision(s) in question.

2. The Planning and Zoning Commission shall consider all requests for special exception to any standard(s) within the context of consistency with the spirit and intent of the standard(s) and whether such standard(s) represent the minimum modification(s) necessary.
3. The Planning and Zoning Commission shall hold a public hearing to consider all requests for special exceptions to the development standards set forth in this ordinance and determine compliance with the intent of the standards.
4. 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.
5. A majority vote of members of the Planning and Zoning Commission shall be necessary to grant a Special Exception.
6. 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.
7. Any fee(s) required of the applicant to petition the Planning and Zoning Commission for a special exception shall be set by a separate resolution of the City Council.