



FARMERS
BRANCH

ORDINANCE NO. 3060

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 AN APPROXIMATELY 1.44 ACRE TRACT OF LAND OUT OF THE H.C. MARSH SURVEY, ABSTRACT NO. 915, CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, GENERALLY LOCATED AT 3135 BROOK HOLLOW DRIVE, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" HERETO, FROM ONE-FAMILY RESIDENTIAL DISTRICT 1 (R-1) TO PLANNED DEVELOPMENT NUMBER 94 (PD-94) ZONING DISTRICT INCLUDING ESTABLISHING PERMITTED USES AND DEVELOPMENT STANDARDS; INCLUDING A SITE PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

SECTION 1. The Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by rezoning the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), from One-Family Residential District 1 (R-1) to Planned Development Number 94 (PD-94).

SECTION 2. All uses in Planned Development Number 94 (PD-94) zoning district as created hereby 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 for One-Family Residential District 1 (R-1), except as follows:

B. The Property must be used and developed in accordance with Exhibit "C-Site Plan," attached hereto and incorporated herein by reference.

SECTION 3. That the above described 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 amended and as amended herein.

SECTION 4. That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

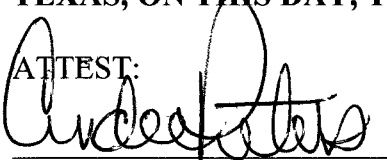
SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

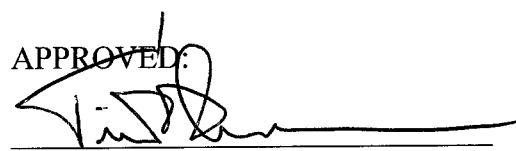
SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS DAY, THE 17th OF NOVEMBER 2009.

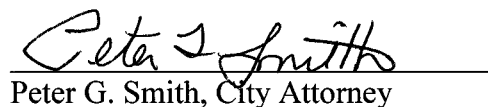
ATTEST:


Cindee Peters, City Secretary

APPROVED:


Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

Ordinance No. 3060
EXHIBIT "A" (Legal description of Property)

LEGAL DESCRIPTION

BEING all that certain lot, tract, or parcel of land located in the H.C. Marsh Survey, Abstract No. 915, Dallas County, Texas, and being known as Lot 35 of Brook Hollow Estates, an unrecorded addition in the City of Farmers Branch, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in concrete at the intersection of the South right-of-way line of Spur Trail (60' R.O.W.) with the West right-of-way line of Brookhollow Drive (60' R.O.W.) at the Northeast corner of said Lot 35;

THENCE South 00°02'00" West, along the West right-of-way line of said Brookhollow Drive, a distance of 125.00 feet to a 5/8" iron rod with a blue plastic cap stamped "RPLS 6096" set for corner at the beginning of a curve to the right having a radius of 340.00 feet, a central angle of 62°41'20", and a chord which bears South 31°22'40" West, a distance of 353.72 feet;

THENCE in a Southwesterly direction along said curve to the right and the Northwest right-of-way line of Brookhollow Drive, an arc distance of 372.00 feet to a 5/8" iron rod with a blue plastic cap stamped "RPLS 6096" set for corner at the South corner of said Lot 35, same being the Southeast corner of Lot 36 of said unrecorded addition;

THENCE North 00°02'00" East, along the common line of said Lots 35 and 36, passing at a distance of 197.10 feet a 1/2" iron rod found for reference at the common East corner of said Lot 36 and Lot 34 of said unrecorded addition, and continuing along the common line of said Lots 35 and 34 for a total distance of 427.10 feet to a 1/2" iron rod found for corner at the common North corner thereof, and being in the South right-of-way line of said Spur Trail;

THENCE South 89°58'00" East (Basis of Bearings), along the South right-of-way line of said Spur Trail, a distance of 184.00 feet to the POINT OF BEGINNING and containing 62,677 square feet or 1.439 acres of land.

Basis of bearings taken from unrecorded plat of Brook Hollow Estates obtained from City of Farmers Branch Plat Books located in the Dallas County Records Building at:

509 MAIN STREET, SUITE 200
DALLAS, TEXAS 75202
(214) 653-7099


JASON D. THOMPSON, RPLS 6096



JOB NUMBER: 09-08-007T
CLIENT: TOM SHORE
DATE: 09/10/09

PETER R. HINE, RPLS
2323 N. FIELD STREET, SUITE 1541
DALLAS, TEXAS 75201
phine@hine-thompson.com
(214) 502-2270



HINE-THOMPSON
land surveying

JASON D. THOMPSON, RPLS
201 LAURENCE DRIVE, PMB #409
HEATH, TEXAS 75032
jason@hine-thompson.com
(214) 498-8757

ORDINANCE NO. 3060
EXHIBIT "B" - DEVELOPMENT STANDARDS FOR
PLANNED DEVELOPMENT DISTRICT NUMBER 94 (PD-94)

INTRODUCTION. The standards set forth in **SECTION I. GENERAL REQUIREMENTS** shall be considered in the design and location and of structures and other development features within Planned Development District Number 94 (PD-94)("the District"). All proposed development within the District shall require an approved comprehensive site plan as outlined in **SECTION II. SITE PLAN**

I. GENERAL REQUIREMENTS

A. PRINCIPAL USES

The following Principal Uses shall be permitted within the District.

1. Detached Single-Family Residential

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 District 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.

C. USES REQUIRING A SPECIFIC USE PERMIT.

1. All uses that otherwise require a Specific Use Permit if conducted in a One-Family Residential District 1 (R-1).

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. All primary structures shall contain at least 3,000 square feet of heated living area.
2. All buildings shall not exceed 35 feet in height.

G. BUILDING SETBACKS

1. Front Yard Setback: All buildings facing Brookhollow Drive shall be at least 40 feet from the property line. All buildings facing Spur Trail shall be at least 50 feet from the property line.
2. Side Yard Setbacks: All primary structures shall be not less than 18 feet from the western property line. All primary structures shall be not less than 15 feet from the shared property line between the two proposed lots and as shown on Exhibit C – Site Plan.

H. LOT REQUIREMENTS

1. No more than two (2) lots shall be created within the District and shall be divided as generally shown on Exhibit C- Site Plan.
2. All lots shall contain no less than 30,000 square feet in area (approximately 0.7 acre per lot).
3. No more than 25% of the lot shall be covered with primary or accessory structures.
4. No more than 40% of the lot shall be covered with impervious surface (including driveways, parking areas and patios)

I. PARKING REQUIREMENTS

1. All lots shall contain a garage with space for parking no fewer than two (2) motor vehicles.
2. All lots shall also contain driveways or parking areas that provide space to park two (2) vehicles within the Property.
3. All proposed garages, parking areas, and driveways shall be as generally shown on the “Exhibit C”- Site Plan.

J. BUILDING AND BUILDING MATERIALS

1. The exterior of all buildings shall be constructed with a minimum of 75% masonry material or stucco. Stucco must be at least 0.875 inches thick and following standards outlined by the City Building Official. EIFS may only

be used for minor trim elements and shall not exceed 10% of the building exterior.

2. A 4-foot decorative metal fence may be used on the eastern side of both lots. This 4-foot decorative metal may encroach within the 40' building setback line as shown on Exhibit C- Site Plan.
3. All buildings and permanent improvements to the site shall be generally consistent with Exhibit C-Site Plan.

K. LANDSCAPING REQUIREMENTS

1. The owner shall install landscaping substantially as shown on Exhibit C- Site Plan.
2. The owner shall preserve at least two (2) of the existing large trees on the northern lot as shown on Exhibit C- Site Plan.

II. SITE PLAN

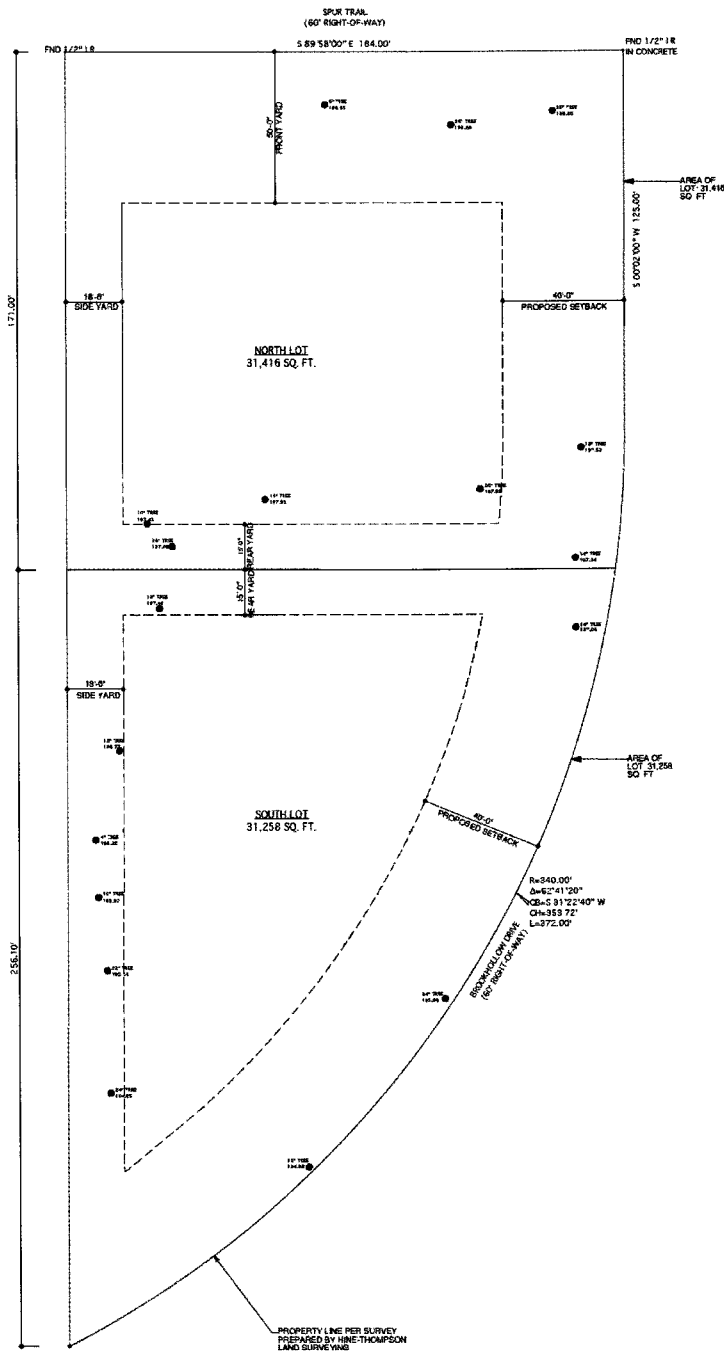
A. SITE PLAN APPROVAL.

Substantial changes to Exhibit C- Site Plan 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.

B. SITE PLAN AMENDMENTS AND WAIVERS.

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 (limited parking modifications, small building additions, accessory structures, fences, etc.).

EXHIBIT "C" – SITE PLAN



ORDINANCE NO. 3060
EXHIBIT C- SITE PLAN - Proposed Buildings and Driveways

