



FARMERS BRANCH

ORDINANCE NO. 2940

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 FROM OFFICE (O) ZONING DISTRICT TO PLANNED DEVELOPMENT NUMBER 92 (PD-92) ZONING DISTRICT INCLUDING ESTABLISHING PERMITTED USES, DEVELOPMENT STANDARDS, AND PROCESSES; FOR AN APPROXIMATELY 1 ACRE TRACT LOCATED AT 13545 WEBB CHAPEL ROAD, REPEALING IN PART ORDINANCE NUMBER 769 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 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 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 changing the zoning from OFFICE (O) zoning district to Planned Development Number 92 (PD-92) zoning district including establishing permitted uses, development standards and processes; and approving a campus master plan for an approximately 1 acre tract located at 13545 Webb Chapel Road, as described in Exhibit "A" attached hereto, and as further depicted and located in Exhibit "B" attached hereto.

SECTION 3. That all uses in the Planned Development Number 92 (PD-92) zoning district shall conform in operation, location and construction to the development and performance standards as set forth in Exhibit "C" (Development Standards for Planned Development 92).

SECTION 4. That Ordinance No. 2821 is hereby repealed in its entirety.

SECTION 5. 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 6. 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 7. 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 8. 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.

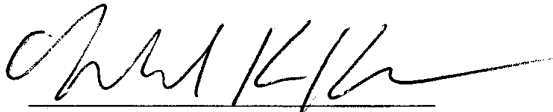
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS, on this the 20th of November 2007.**

APPROVED:



Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney
(Reviewed by Atty. M. Boyle 10-16-2007)

ATTEST:



Cindee Peters, City Secretary

EXHIBIT "A" (Legal description of subject tract)

LOT 1, BLOCK 1, OF THE MASSAD CLINIC, AN ADDITION TO THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 99251, PAGE 130, OF THE MAP OF RECORDS OF DALLAS COUNTY, TEXAS

EXHIBIT “C”

DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT DISTRICT NUMBER 92

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. All uses allowed in the “Office” Zoning District outlined specifically in Article 8 of the Comprehensive Zoning Ordinance (Ordinance 769)
2. Art Gallery, museum, or art/photography studio
3. Health care facility or clinic
4. Specialty retail (such as florist, jewelry store, bookstore, antique store, optical store, stationery or letter shop).
5. Personal Service (such as beauty salon, day care, barber shop, day spa)
6. Attached Single-Family or Townhomes (limited to a maximum of 9 dwelling units, 85% brick or stone, each unit requiring a garage)

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.

1. Any other specialty retail use not specified in the abovementioned sections I. A and I. B or not prohibited in Section I.D
2. Nursing home or assisted living facility
3. Pharmacy
4. Clothing Store (new merchandise only)

D. PROHIBITED USES.

It is the intent of this Planned Development District to significantly restrict the type of retail and service activity that may be allowed on this property. For that reason, any use not specifically allowed in the abovementioned sections shall be expressly prohibited. The following list been included to provide a better understanding of the type of retail goods and services not allowed within this district. This list does not include all prohibited uses within this district.

1. Restaurant or food service
2. Automobile or vehicle related sales or service
3. Convenience store
4. Gas station
5. Theatre
6. Massage parlor
7. Sexually oriented business
8. Funeral parlor
9. Pawn shop
10. Tattoo studio
11. Bingo parlor

12. Motel/Hotel
13. Used goods or novelty store
14. Animal clinic or kennel

E. USE LIMITATIONS.

1. All development shall conform to standards set forth in maximum and minimum development standards.
2. Secondary uses shall be permitted only in the presence of one or more of the principal uses.
3. The gross floor area of secondary uses, except parking, shall not exceed 20% of the total principal uses of the development.

F. BUILDING VOLUME REGULATIONS.

1. Maximum floor area ratio: 0.5:1 (Floor is defined as the gross area of any built structure, exclusive of garages, parking structures and enclosed walkways connecting separate buildings, from grade level up. Basements of office and parking structures will not be counted in this ratio).
2. Maximum building heights: Two (2) stories for all buildings. Maximum height shall not exceed 35 feet
3. Building setbacks:
 - i. Front Yard Setback: All buildings shall be at least 25 feet from the property line.
 - ii. Side Yard Setback: All buildings shall be at least 10 feet from the property line.
 - iii. Rear Yard: All buildings shall be at least 20 feet from the property line.
 - iv. All accessory buildings or structures shall be located at least 5 feet from any property line.
 - v. One monument sign may be located within the Front Yard Setback, but must be at least 20 feet from the 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 20% of gross site area.
3. All new parking areas at must have not less than 5% of their interior area landscaped and have perimeter landscaping as approved by City Staff.

H. PARKING.

1. Parking shall be provided for the proposed uses at the ratio of a minimum of one (1) parking space for every 300 square feet of building area.

I. SIGNS.

1. The size, quantity, location, and type of on-premise signs, other than directional signs, window signs and temporary signs, allowed within the Planned Development District shall be determined by site plan approval. Off-premise advertising signs shall not be permitted.
2. Free-standing signs:
 - i. Monument signs: One monument sign not exceeding 10 feet in width and 10 feet in height shall be permitted along Webb Chapel Road. This monument sign shall be set back a minimum of 20 feet from the property line. 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 63 square feet.
 - ii. Pylon signs shall not be permitted.
3. Attached signs: Attached signs other than directional signs shall be limited to one sign per façade. No attached sign shall exceed 75 square feet in area. Roof signs shall not be permitted.

4. Window signs: Window signs shall be allowed but shall not exceed 25 percent of the window in which the sign is placed.
5. Temporary signs: Temporary signs shall conform to Section 14-102 of the Comprehensive Zoning Ordinance.

J. SERVICE FACILITIES.

1. Loading facilities shall be designed to minimize interference with traffic flow and be located toward the rear of the building.

K. BUILDING MATERIALS

1. For all nonresidential buildings constructed subsequent to the enactment of this ordinance each exterior wall 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.
2. All residential buildings shall be constructed with a minimum of 85 % masonry material as defined in the above paragraph.

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.

C.

1. **Elements of a Site Plan.**

The following are the submittal requirements for such approval:

- i. A vicinity map at a scale of 1" = 1,000 ft. as part of Site Plan.
- ii. A boundary survey of the building site including 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.
- iii. A copy of the warranty deed showing current ownership of the Property.
- iv. An aerial photograph of the building site and all adjacent properties within at least 500 feet, stating date of photograph.
- v. A detailed and to-scale Site Plan showing:
 - a. Existing and proposed public or private streets, medians, sidewalks and curb cuts, adjoining and internal.
 - b. Existing and proposed building and parking structures locations, including size in number of

square feet, number in floors, number in spaces and size of spaces in parking structures, and height above grade. This should include a statement of maximum allowable building heights as restricted by the FAA.

- c. Proposed at-grade parking lots and loading facilities with table indicating required and proposed parking and parking ratios for proposed uses.
 - d. A statement of proposed floor area ratio, building site coverage ratio, and landscape area ratio.
 - e. Proposed on-site identification sign, announcement sign, and directional sign locations.
 - f. Anticipated uses within the building site.
 - g. Loading areas.
 - h. Screening.
 - i. Lighting facilities.
 - j. Proposed ADA facilities.
 - k. Any other information deemed essential by the Development Review Committee (DRC), Planning and Zoning Commission, or City Council to ensure compliance with this and any other applicable City Codes and ordinances.
- vi. Proposed drainage and grading plan.
- vii. Utility plan showing all existing and proposed utilities, including site and tap location of all fire hydrants, existing and proposed drainage and utility easements, storm drains, water and sewer facilities, refuse facilities and fire lanes.
- viii. Landscape and irrigation plan for Landscaped Open Space areas within the Property to include:
- 1) A planting plan showing the proposal locations, plant types (common and scientific names), sizes at time of planting, and sizes at maturity for all types of trees, shrubs, ground cover, flowering plants,

berms, water features, arbors, and any other plant materials and landscaping features.

- 2) An irrigation system plan showing: the proposed locations and sizes of supply pipes; locations, types, capacities and coverage areas for irrigation heads; and type, location(s) and zoning for any automatic control system or notation on the Landscape Plan that states all landscaped areas are to be irrigated with an automatic irrigation system which design shall be subject to City approval. (Irrigation plans shall be submitted during building permitting.)
- ix. Building and sign elevations with dimensions, materials, and colors.
- x. Photometric lighting plan with foot-candle readings on a grid of 10-foot intervals extending 10 feet beyond the property line.
- xi. If any portion of the buildings or parking structures within the building site are to be located below grade, a separate below-grade building site plan shall be submitted showing the boundaries of the building site; above ground public street rights-of-way and street paving; the elevations and grades of the ground level floor of all buildings and parking structures; the elevation and grade of all surface parking; plans for all proposed underground structures including parking levels and vehicle circulation; graphic scale and north arrow. The underground structures and the aboveground structures shall be illustrated in a manner that clearly distinguishes between the two types of structures without ambiguity and to the satisfaction of City Staff.
- xii. All other information requested by Staff, Planning and Zoning, and/or City Council reasonably necessary to determine compliance of the Site Plan with the Comprehensive Zoning ordinance, as amended hereby.

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.** 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:

- a) The basic relationship of the proposed development, improvements, or construction to adjacent property is not adversely affected.
- b) 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).
- c) The fundamental character of the building elevations (or elevations drawings) or the development as a whole is not detrimentally changed or altered.

4. **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 92.
- b) In those circumstances where the applicant 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.
- c) 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.

- i. 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.
- ii. 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.
- iii. 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.
- iv. A majority vote of members of the Planning and Zoning Commission shall be necessary to grant a Special Exception.
- v. 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.
- vi. 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.