



**FARMERS  
BRANCH**

**ORDINANCE NO. 2926**

**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 PLANNED DEVELOPMENT NUMBER 14 (PD-14) ZONING DISTRICT AND PLANNED DEVELOPMENT NUMBER 47 (PD-47) ZONING DISTRICT TO PLANNED DEVELOPMENT NUMBER 91 (PD-91) ZONING DISTRICT INCLUDING ESTABLISHING PERMITTED USES, DEVELOPMENT STANDARDS AND PROCESSES; AN APPROXIMATE 28.81 ACRE TRACT LOCATED NORTH OF LBJ FREEWAY , EAST OF JOSEY LANE, SOUTH OF MAYBROOK DRIVE, AND WEST OF WEBB CHAPEL ROAD; REPEALING IN ITS ENTIRETY ORDINANCE NUMBER 1479 AND 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 (lie 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 14 (PD-14) zoning district and Planned Development District 47 (PD-47) zoning district to Planned Development Number 91 (PD-91) zoning district including establishing permitted uses, development standards and processes for an approximate 28.81acre tract located north of LBJ Freeway, east of Josey Lane, south of Maybrook Drive, and west of Webb chapel Road; 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 91 (PD-91) 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 91 (PD-91) zoning district shall conform to the standards as set forth in Exhibit "B", Exhibit "C" and Exhibit "D" attached hereto.

**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 described on Exhibit "A", Ordinance Number 1479 is hereby amended and replaced in its entirety and only portions Ordinance 769 (PD 14) that pertain to this tract with this Ordinance 2926.

**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

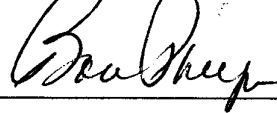
as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**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.

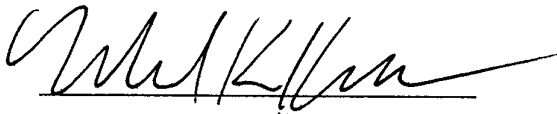
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS,** on this the 8<sup>th</sup> of January 2008.

APPROVED BY:



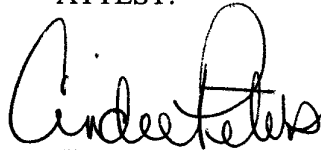
Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



Cindee Peters, City Secretary

**EXHIBIT "A" – Legal Description**

**METES AND BOUNDS**

**BEING** a tract of land situated in the B. Webb Survey, Abstract Number 1574, City of Farmers Branch, Dallas County, Texas, and being all of Lots 1 & 2, Block A, Brookhaven Park Addition, an addition to the City of Farmer's Branch recorded in Volume 96083, Page 3894, Official Plat Records, Dallas County, Texas, and being all of Lot A, Block 1, lot A, Block 2, and Treeview Lane (60' Right-of-Way), an addition to the City of Farmer's Branch recorded in Volume 73146, Page 61, Official Plat Records, Dallas County, Texas, being part of a vacant part of Brookhaven Park Addition, an addition to the City of Farmer's Branch recorded in Volume 96083, Page 3894, Official Plat Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at the southwest corner of Lot 1, Block A of said Brookhaven Park Addition, said point being the intersection of the north Right-of-Way of Interstate Highway 635 (L.B.J. Freeway, a variable width Right-of-Way) and the east Right-of-Way of Josey lane (variable width Right-of-Way);

**THENCE** with the east Right-of-Way of said Josey lane the following calls:

North 00°21'42" East a distance of 71.98 feet to a point for corner;

North.04°26'48" West a distance of 361.42 feet to a point for corner;

North 00°04'42" East a distance of 85.94 feet to a point for corner in the north Right-of-Way of Maybrook Drive (35' Right-of-Way) as dedicated to the City of Farmer's Branch recorded in Volume 96083, Page 3894, Official Plat Records, Dallas County, Texas;

**THENCE** with the north Right-of-Way of said Maybrook Drive, North 86°49'12" East a distance of 1144.70 feet to a point for corner at the beginning of a tangent curve to the left whose chord bears North 60°58'18" East a distance of 129.10 feet;

**THENCE** leaving said north Right-Of-Way, the following calls;

North 01°13'52" East, a distance of 232.65 feet to a point for corner;

North 75°41'03" East, a distance of 181.50 feet to a point for corner;

North 01°13'52" East, a distance of 51.86 feet to a point for corner;

North 75°41'03" East, a distance of 146.12 feet to a point for corner;

South 25°30'42" East, a distance of 30.00 feet to a point in the north Right-of-Way of said Maybrook Drive for beginning of a non-tangent curve to the right whose chord bears North 70°06'21" East a distance of 53.74 feet;

In a northeasterly direction with said non-tangent curve to the right having a radius of 274.48 feet, a central angle of 11°14'06", and an arc distance of 53.82 feet to a point for corner;

North 75°53'00" East a distance of 1016.18 feet to a point for corner in the west Right-of-Way of Webb Chapel Road (100' Right-of-Way);

**THENCE** South 00°34'00" West with the west Right-of-Way of said Webbs Chapel Road a distance of 316.00 feet to a point for corner in the north line of a tract of land described in a deed to Shell Oil Company recorded in Volume 428, Page 705, Deed Records, Dallas County, Texas;

**THENCE** with the north and west line of said Shell Oil Company tract the following calls:

South 71°41'00" West a distance of 165.83 feet to a point for corner;

South 00°31'23" West a distance of 199.98 feet to a point for corner in the north Right-of-Way of said Interstate Highway 635;

**THENCE** with the north Right-of-Way of said Interstate Highway 635 the following calls:

South 71°35'00" West a distance of 962.94 feet to a point for corner;

South 74°56'12" West a distance of 314.96 feet to a point for corner;

South 74°54'12" West a distance of 112.50 feet to a point for corner;

South 74°54'12" West a distance of 512.50 feet to a point for corner;

South 82°05'42" West a distance of 509.09 feet to the **POINT OF BEGINNING** and containing 28.81 acres of land.

Bearing system based on the north line of Lots 1 & 2, Block A, Brookhaven Park Addition, an addition to the City of Farmer's Branch recorded in Volume 96083, Page 3894, Official Plat Records, Dallas County, Texas.

**NOTE:** This document does not reflect the results of an on the ground survey, deed research or issuance of a title commitment, and is not to be used to convey or establish interests in real property.



## **EXHIBIT “C”**

### **DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT DISTRICT**

The following standards are established as a guideline for the development within all tracts or lots of this Planned Development District. These standards shall be strictly adhered to with regard to the use(s), operation, design, construction, location and siting of any structures and other development features within the district. Development within this Planned Development District shall remain consistent with the proposed Concept Plan as illustrated in Exhibit “D”. A comprehensive site plan will be required with each phase or lot within this Planned Development District.

#### **I. LAND USES**

##### **1. Primary Permitted Uses:**

###### **A. Commercial Uses:**

Commercial and Retail uses are the primary land use within this Planned Development District and shall conform to the following standards. The following uses are allowed by right within this district:

1. **Retail Services:** Establishments providing services, to the general public, including restaurants (without alcohol), banks and other financial institutions (including drive-through facilities), real estate and insurance office, travel agencies, health and educational services, and art galleries
2. **Retail Trade:** Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Such establishments shall include department stores, discount stores, furniture stores, wholesale clubs, grocery stores, pharmacies (including drive through facilities) and convenience stores (without petroleum sales). Sale of used goods or merchandise is prohibited.
3. **Personal Services:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel, including laundry (pick-up only, no drive-through), cleaning and garment services (pick-up only, no drive-through), garment pressing,, beauty and barber shops, shoe repair, health clubs and spa, etc.
4. **Office Uses:** General office uses, as well as professional office uses, shall include, but are not limited to lawyers, engineers, architects, landscape architects, urban planners, accountants, economic consultants, realtors, doctors, dentists, chiropractors, veterinarians (no kennel or overnight animal care facilities), or other professionals similar to those listed above.

5. Retail Specialty Shop: Include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel, or craft shops making articles exclusively for sale at retail on the premises. Sale of used goods or merchandise is prohibited.
6. Additional Permitted Uses: Medical clinics, outpatient surgery facilities, , Automated Teller Machines (ATM)

## **2. Accessory Permitted Uses**

Accessory uses are customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

- A. Public and semi-public open space uses, including parks, playgrounds, and public structures.
- B. Surface parking and parking garages.
- C. Kiosks: Provided kiosks are located immediately adjacent to a retail use and are located on private property. Kiosks shall not contain more than 150 square feet of area and not exceed one story in height.
- D. Outdoor seating associated with a restaurant; provided outdoor seating is adjacent to the restaurant and located on private property. Outdoor seating shall not block any pedestrian walkways.
- E. Outdoor storage, sales or display areas where attached to the exterior wall of retail establishment and partially enclosed and properly screened as reasonably determined by the Planning Director.

Temporary or Seasonal outdoor display and sale of merchandise are permitted within the property line of any given development within the Property. This type of outdoor display shall not block any streets, drives, parking areas, or pedestrian walkways, and shall not occur more than four (4) times a calendar year and shall not continue more than seven (7) days.

## **3. Specific Use Permit Required**

A Specific Use Permit will be required for the following land uses. Additional proposed uses not listed in this ordinance may also be required to receive a Specific Use Permit. The Planning director shall have the authority to make this determination.

- A. Hotel or other lodging facilities
- B. Day Care, private school, or business/technical school
- C. Restaurants serving alcohol.
- D. Sidewalk cafe not associated with an adjacent restaurant.



- E. Restaurants (with drive-through facilities)
- F. Convenience Stores ( selling petroleum products)
- G. Movie Theatre, or entertainment facility (indoor sports, etc)
- H. New automobile, truck , or motorcycle sales or leasing (including vehicle service, repairs and pre-owned sales associated with the new vehicle dealership)
- I. Senior Housing or Assisted Living Facility
- J. Hospitals
- K. Home Improvement or Hardware Store
- L. Government Facilities

**4. Prohibited Uses:**

Any uses not specifically allowed in Exhibit C, I-1, 2, and 3 are expressly prohibited. Following is a list of a few, but not all, of those prohibited uses:

- A. Pawn Shops
- B. Pornographically or sexually oriented businesses
- C. Tattoo Studios
- D. Massage parlors
- E. Funeral services
- F. Motor vehicle repair (not associated with an onsite dealership)
- G. Dry cleaning plant (a pick up station is permitted)
- H. Cell towers
- I. Bingo Parlor
- J. Coin Operated Laundries
- K. Car Wash Facilities

**5. Building Volume Regulations**

- A. Maximum floor area ratio: 1:1
- B. Building heights: Building height is defined as the vertical distance from grade plane to the average height of the highest roof surface.

1. All buildings located within 50 feet of Maybrook Drive shall be no more than two stories.
2. All buildings located between 50 and 120 feet of Maybrook Drive shall be no more than four (4) stories.
3. The maximum building height for the remainder of the property shall be five (5) stories.
4. The developer or owner shall certify the final approved height for each and every building within the District prior to the issuance of a permit for its construction.

**C. Building setback:**

1. Setback along the LBJ Freeway (635) frontage shall be at least 20 feet.
2. Setbacks along Maybrook Drive frontage shall be at least 15 feet.
3. Setbacks along Josey Lane and Webb Chapel frontage shall be at least 20 feet.

**D. Lot Size:**

1. All lots within the district shall have minimum lot width (at the proposed building line) of 100 feet. Flag lots, with the purpose of providing access to a public street, and having public street frontage of at least 15 feet are permitted.
2. No lot shall have a total area of less than 15,000 square feet.
3. Lot Coverage (all impervious surface) shall not exceed 90%

**6. Landscape Requirements**

- A. The landscaped open space shall be not less than 10% of gross site area. If development on a lot within the District is phased, the 10% requirement for developed Landscaped Open Space shall be required for each phase.
- B. Open courtyard areas internal to buildings may be included as Landscaped Open Space in meeting minimum Landscaped Open Space requirements provided for herein.
- C. All planted landscaped areas within the District shall be supplied with a fully automatic irrigation system.
- D. On-grade parking lots shall contain a minimum of fifty (50) square feet of landscaping area for every fifteen (15) parking spaces located within each parking lot. Either a landscaped island, median, or peninsula shall be located within one hundred and fifty (150) feet of any parking space located within the parking lot. Landscaped islands, medians, or peninsulas shall have a minimum width of five (5) feet, as measured from the inside of the curb. Those areas containing a tree shall have a minimum width of eight (8) feet. At least one tree of two (2) inches in caliper shall be located within one hundred (100) feet of any part of any parking spaces located within a parking lot.

- E. Any landscape requirement or provisions not addressed in this PD shall be as specified in the City of Farmers Branch Comprehensive Zoning Ordinance.
- F. Landscaped Open Space shall be interpreted to mean zones of grass, ground cover, trees and shrubs, hardscaped and landscaped areas for pedestrian and utility uses, and other water or decorative features. Paved areas for parking or regular traffic flow shall not be considered as part of this classification.
- G. Trees shall be provided around the perimeter and along all internal public streets of the District. Trees shall be installed approximately every 40 feet along all public streets or travelways, except where proper street sight distance or access is compromised.
- H. A landscaped buffer shall be installed by the owner/applicant along the central portion of the northern street edge of Maybrook Drive (or alternative alignment as proposed by city Staff). This dense vegetative screen should compliment the existing row of mature Ligustrum along the western portion of Maybrook Drive. Approximately 1 shrub (at least 5 gallon in size) shall be installed for every 5 feet within this portion of Maybrook Drive. City staff shall make final determination of all street tree or shrub placements. This landscaped buffer shall be installed within 180 days of final action of this ordinance.
- I. All landscaped open spaces within the District shall be maintained and managed by the owners or the Property Owners Association (POA). Such spaces, with the exception of open courtyard internal to a building, shall be open for public use at all times.
- J. The applicant/owner agrees to donate the approximate ½ acre undeveloped tract of land on the north side of Maybrook Drive to either the neighboring Homeowners Association or the City of Farmers Branch for a future park or open space. If both the city and Homeowners Association do not accept the land, the owner/developer shall mow and maintain the parcel as undeveloped open space. No parking of vehicles or storage of materials shall be allowed. Conveyance, or a decision not to accept this parcel, shall be completed within 180 days of final action of this ordinance.
- K. The applicant/owner agrees to install an 8 foot masonry wall (including concrete panelized walls with masonry form lines) approximately 10 feet south of the southern Maybrook Drive ROW. This wall shall not be constructed where any existing or proposed curb cuts, drives, public or private streets are generally shown on the Concept Plan (Exhibit D) or any approved site plan. Installation of this improvement shall be required on a “tract by tract” basis, prior to the issuance of any Certificate of Occupancy for any new building within any of the three (3) tracts as shown on Exhibit B. If any existing tree located near the new wall dies within one year of the wall installation, the owner/applicant agrees to replace it with two trees of similar species (at least 3” in caliper).

- L. The applicant/owner also agrees to install additional landscaping material along the northern side of the new masonry wall facing Maybrook Drive. This landscaping shall consist of at least one shrub (5 gallon size) for every ten (10) linear feet along Maybrook Drive. Installation of this improvement shall be required on a “tract by tract basis”, prior to the issuance of any Certificate of Occupancy for any new building within any of the three (3) tracts as shown on Exhibit B.
- M. The applicant agrees to preserve as many of the existing trees within ten (10) feet of the existing property line along Maybrook Drive, Webb Chapel, and Josey Lane.
- N. Within this Planned Development District the owner/applicant shall be responsible for the installation and maintenance of all required and existing landscaping. The required landscaping is as follows:
  - 1. All trees planted within the public street right of way shall be of a species selected from the following list: Red Oak, Live Oak, Cedar Elm, Chinquapin Oak, Lacebark Elm, Thornless Honey Locust, Chinese Pistache, Bald Cypress, and Pond Cypress. Exceptions to these trees may be approved by the City Staff. All installed trees should be at least 3” in caliper.
  - 2. All Shrubs planted within the public street right of way shall be of a species selected from the following list:, Nellie R. Stevens Holly, Burford Holly, Waxleaf Ligustrum, Japanese Ligustrum, Barberry, Compact Nandina, Dwarf Buford Holly, Indian Hawthorne, Junipers, Crepe Myrtle, Yaupon Holly, Crabapple, Redbud, and Texas Sage. Exceptions to these plants may be approved by the City Staff.

**7. Parking**

Parking shall be provided for the proposed uses at the following minimum ratios, and shall be accommodated at grade or in structures.

- A. Retail, service, and affiliated office support systems: one space per 333 square feet of gross area.
- B. Eating establishments: one space for every 150 square feet of eating area.
- C. Medical clinics and outpatient surgery facilities: one space for every 200 square feet of gross area.
- D. General Office: one space for every space for every 400 feet of gross area.
- E. Parking space requirements for all other proposed uses shall be in compliance with the Comprehensive Zoning Ordinance.

- F. Standard parking stalls shall be at least 9' wide and 18' in length and no parking bay (comprised of two rows of standard parking stalls and one travelway shall be less than 60' in width), inclusive of any structural columns. Roadside parking stalls shall be at least 8' wide by 22' in length. Provide one (1) landscape island for a maximum of every 8 continuous stalls (or approximately 178 feet). Such island can be modified in design if the island interferes with drainage of the street. Final design of the modified island shall be determined by City staff.

## **8. Loading**

- A. Off-street loading facilities shall be screened from all public streets by use of landscape, walls or facades. No dumpsters located within 50 feet of Maybrook Drive, Webb Chapel Road, LBJ Freeway, and Josey Lane shall face or open directly onto that street.
- B. Loading facilities shall be designed to minimize interference with traffic flow and to minimize the need to use any public street for the maneuvering of any delivery vehicle.

## **9. Signs**

The size, quantity, location, and type of on-premise signs allowed within the District shall be determined by the approved site plan, but shall not exceed the following:

### **A. Freestanding Signs.**

- 1. All lots with at least one hundred (100) feet of frontage along LBJ freeway shall be allowed one freestanding pylon sign not exceeding 30 feet in height and 150 square feet in area. Corner lots along the LBJ shall have the option of either this sign or a monument sign).
- 2. All lots with frontage along Josey Lane, Webb Chapel, or Treeview shall be allowed one monument sign not exceeding 8 feet in height and 75 square feet in area. The base and frame of these monument signs shall be constructed of masonry material.
- 3. No freestanding pylon or monument signs shall be allowed along Maybrook Drive.

B. Multi-Tenant Sign. One (1) Multi-Tenant pylon sign shall be allowed along the LBJ Freeway frontage road. This sign shall not exceed 50 feet in height and 250 square feet in area.

C. Wall Signs. All wall signs shall not exceed 10% of the total façade or 250 square feet, whichever is less. No wall signs shall be allowed on any façade of a building if that façade faces Maybrook and is located within 100 feet of

Maybrook Drive. All wall signs shall use individual channeled lettering (raceway or wireway mounted signs are acceptable). Box signs are prohibited .

- D. Shingle or blade signs must have at least 9 feet of clearance above the sidewalk, and shall not be larger than 6 square feet in area.
- E. Awning signs are allowable, but must have at least 9 feet of clearance above the sidewalk and shall not exceed more than 25% of the awning area or 50 square feet whichever is larger. No vinyl awnings shall be allowed.
- F. Directional signs are allowed but shall not exceed 3 feet in height and 12 square feet in area. City Staff shall have the authority to determine if the use of directional signs are appropriate within the site.
- G. Billboard signs are prohibited within this district.
- H. Off Premise signs are prohibited within this district. (Except for the abovementioned Multi-Tenant sign outlined in this subsection)

#### **10. Exterior Materials**

- A. For all buildings constructed within the District, exterior walls shall contain a minimum of seventy five (75%) percent masonry material, except for doors, windows, roofs, patios, balconies, awnings, gutters, special decorative features and trim areas. For purposes hereof, "masonry" shall mean stone, simulated stone, brick, or other similar materials, tile, split faced block, decorative concrete block, decorative concrete tilt wall, or such other materials as from time to time approved by City Staff.
- B. Use of exterior wood siding or wood shingle is prohibited, except as decorative features or trim area.
- C. Use of stucco or other plaster type material (not EIFS) or fiber cement product for exterior wall is allowed but shall not be more than 25 % of the exterior surface. The use of EIFS material shall be allowed a "trim" material only.
- D. No vinyl, wood, or plastic fence material shall be allowed, except as decorative features or trim area.
- E. Unless otherwise approved by City staff, roofs may be pitched or flat and the roofing materials used on all buildings shall be either concrete roofing tile, clay or slate tiles, simulated slate or tile, copper, standing seam anodized or factory coated metal, or thirty (30) year architectural composite shingle roofing material. Flat roofs must have a minimum of a forty two (42) inch parapet wall as a screening device, visually screening rooftop mechanical equipment.

- F. All above-ground structured parking garage facades that have frontage on a public street must have a finished front facade or screen, which is complementary to the adjacent building.
- G. No neon trim or neon lighting shall be allowed along walls directly fronting Maybrook Drive.

**11. Streets, Access Easements, and Sidewalks**

All public street rights-of-way, public access easements, public alleys, private streets and fire lanes within the District shall be constructed in conformance with City Engineering design criteria.

- A. The owner/applicant agrees to install new right turn lanes on Maybrook at both the Josey Lane intersection and the Webb Chapel intersection as generally shown on Exhibit D at the time required by a Traffic Impact Analysis for any phase of development within the district. In addition, the owner applicant recognizes that there may be a need for certain street improvements to address the impact of the development of the property on the City's or public streets. The owner/applicant, or its assignees, will be required to construct all street improvements along Webb Chapel Road or Josey Lane that are adjacent to the district to mitigate the impact of development as identified in a site traffic study or as otherwise may be required as a condition of site plan approval. The street improvements that are required to be constructed by the owner/applicant, or its assignees, shall minimally include (but not be limited to): traffic signals and intersection improvements at all entrances or exits to the Property. New streetlights, tree planters, trash receptacles, street benches, shall be installed and maintained by the owner/applicant.
- B. Sidewalks shall be provided on all new public streets. A minimum clear width of 6' is required for all sidewalks. Barrier-free ramps are required at all intersections and both sides of drives.
- C. At the election of the applicant/owner, and subject to City approval, Tree View Drive (south of MayBrook Drive) may be either vacated or relocated within the boundaries of the district. The owner/applicant shall bear all costs for relocating the street.
- D. All privately owned streets and easements within the District shall be maintained by the property owner/applicant or the Property Owners Association (POA). All such streets and easements shall be open for public access at all times, and includes sidewalks.
- E. All street lights, trash receptacles, street furniture, street signs shall be uniform in appearance and approved by City Staff prior to installation.
- F. The owner/applicant will be limited to only eight driveways along Maybrook Drive within the district (in addition to the Treeview Lane intersection).

**12. Lighting**

- A. All parking lot light fixtures shall be shielded or hooded so that light is generally directed downward to minimize excessive glare. Parking lot light standards shall be metal poles, not to exceed thirty-five (35) feet in height. Notwithstanding the above, any parking lot lights standards that are located within fifty (50) feet of the southern right of way of Maybrook Drive, shall not exceed twenty-five (25) feet in height.
- B. All lights attached to wall within fifty (50) feet of Maybrook Drive shall be shielded or hooded so that light is directed downward to minimize excessive glare. All lights attached to walls within fifty feet of the southern right of way of Maybrook Drive shall be mounted no higher than twenty (20) feet.

**13. Phasing**

- A. If a tract is to be developed in phases under this Planned Development Ordinance, each sub-tract shall conform to the performance standards of the Planned Development Ordinance, as though it were a separate site.
- B. Prior to the issuance of a Certificate of Occupancy for any phase of the development, a public access and fire lane of at least 24' in width shall be constructed within said easement to enable ingress and egress of the property. Such easement shall be indicated on the site plan for review and approval.

If a building site is to be developed in phases, the submittal shall also include a conceptual plan for future phases showing the approximate location of circulation corridors and public utility corridors for the remaining portion of the district.

**II. REQUIRED SUBMISSIONS**

**1. Concept Plan**

- A. For purposes of the future general development, the Concept Plan (Exhibit "D" ) is hereby approved and made part of this ordinance. This Concept Plan establishes the general development intent of the entire Planned Development District. All existing buildings and uses shall be allowed to continue into the future. General compliance with the Concept Plan will be required for all new development. Any substantial or significant deviation from this Concept Plan will require a complete zoning amendment approval through the Planning and Zoning Commission and City Council. It shall be at the discretion of the City Staff to determine whether a proposed site plan is consistent with the Concept Plan.
- B. This Concept Plan (Exhibit D) shall serve as a guide for the approval of any and all Site Plan submissions relating to the Property, but shall not be construed



to specify precise dimensions, uses, locations, or configurations; such details shall more accurately and appropriately be determined at time of Site Plan approval.

## **2. Site Plan Approval**

- A. Prior to beginning any development on a building site within the Property a comprehensive Site Plan detailing the proposed development shall be submitted to the Planning and Zoning Commission for review and recommendation and City Council for final approval. No construction permits shall be issued prior to Site Plan approval. Approval shall be based on compliance of the Site Plan with the standards, guidelines, and intent set forth in this ordinance and the Comprehensive Zoning Ordinance.
- B. Notwithstanding the above, with respect to the approval of any site plans, or any other approvals by the City of any proposed uses, subdivision plats, or any other matters pertaining to any phase of development within the District, to the extent that any conflicts, disputes, or variances occur between the interpretation and /or application of the terms and conditions contained in this Ordinance, including any of the Exhibits attached hereto, and any of the terms and conditions contained within the Comprehensive Zoning Ordinance, or any other ordinances, rules or regulations adopted by the City, then in all cases, the terms and conditions contained in this Ordinance, as well as in the Exhibits attached hereto, shall control and govern the disposition of any such conflicts, disputes or variances.

## **3. Special Exceptions**

- A. In those circumstances where the owner/applicant believes that, due to unique characteristics of the site or other special circumstances, strict compliance with the standards outlined in this ordinance 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 with the site plan application. The Planning and Zoning Commission shall consider all requests for special exception to the standard within the context of consistency with the overall concept of the proposed development.
- B. 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.

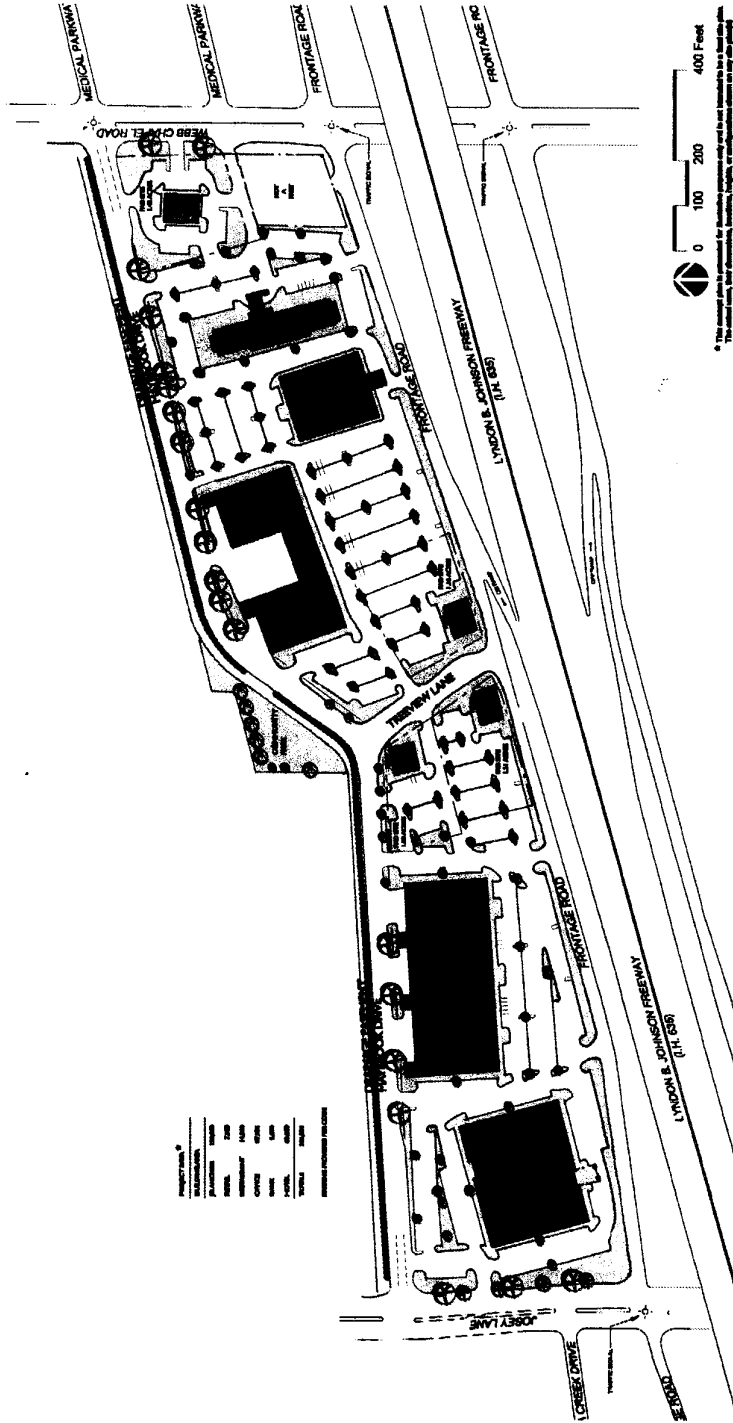
## **4. Successors And Assigns**

The terms and conditions contained in this Ordinance, as well as the benefits, rights, duties and obligations of the owner/applicant and the City, as contained herein, shall bind and inure to the benefit of all their respective transferees, owners, successors and assigns.

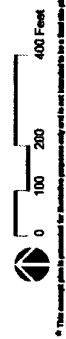
## **5. Existing Development**

All office buildings and associated structures existing within the district at the time of the adoption of this Ordinance are hereby declared legal and valid buildings and structures relative to zoning and the terms of this ordinance and may continue to exist as legal and valid buildings and structures subsequent to passage of this Ordinance.

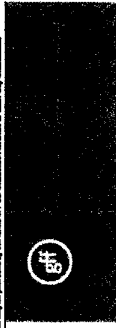
# Concept Plan (Exhibit D)



PROVIDENT REALTY	DATE	BY
APPROVED	10/15/07	PROVIDENT REALTY
DESIGNED	10/15/07	PROVIDENT REALTY
DRAWN	10/15/07	PROVIDENT REALTY
CHECKED	10/15/07	PROVIDENT REALTY
DATE	10/15/07	PROVIDENT REALTY
SCALE	AS SHOWN	PROVIDENT REALTY
PROJECT NO.	1000000000	PROVIDENT REALTY



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**PROVIDENT REALTY  
ADVISORS, INC.**

**BROOKHAVEN DEVELOPMENT  
CONCEPT PLAN**  
Jersey Lane and I-35 Freeway  
Farmers Branch, Texas

Job #: 0718  
File Name: Site Plan 1000000000.dwg  
Date: 10/15/07  
Drawn by: m