



ORDINANCE NO. 2779

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 AMENDING THE PLANNED DEVELOPMENT NUMBER 44 ZONING DISTRICT (PD-44) SIGN STANDARDS FOR AN APPROXIMATE 3.6375-ACRE TRACT LOCATED GENERALLY AT 5001 SPRING VALLEY ROAD; REPLACING ORDINANCE NUMBER 2541 IN ITS ENTIRETY; PROVIDING A SAVING CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS; 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 replace and restate the existing zoning districts; 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

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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 the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending the Zoning Map of the City of Farmers Branch so as to amend the sign standards within Planned Development Zoning District number Forty-four (PD-44) allowing an office development, and standards as set forth in Exhibit "B". Said tract of land being shown on Exhibit "A".

SECTION 2. That all uses in PD zoning district number Forty-four (PD-44) shall conform in operation, location and construction to the performance standards established by the Comprehensive Zoning Ordinance of the City of Farmers Branch.

SECTION 3. That all uses in PD zoning districts number Forty-four (PD-44) shall conform to the development standards as shown on Exhibit "B".

SECTION 4. That the above described tract of land shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as heretofore amended, and as amended herein.

SECTION 5. That Ordinance Number 2541 is hereby amended and replaced in its entirety with this Ordinance.

SECTION 6. 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 punished by a fine not to exceed the sum of Two Thousand Dollars (\$2000.00) for each offense.

SECTION 7. 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 part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

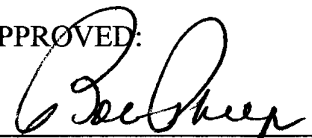
SECTION 8. Injunctive Relief. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

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SECTION 9. 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, and publication of the caption of said ordinance, as the law in such case provides.

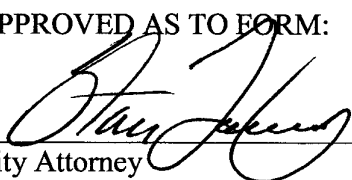
DULY PASSED by the City Council of the City of Farmers Branch, Texas, on this the 16th day of August, 2004.

APPROVED:



Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

EXHIBIT "A"

OWNER'S CERTIFICATE

STATE OF TEXAS :

COUNTY OF DALLAS :

WHEREAS, PROVIDENCE TOWERS LTD. BY SPRING VALLEY ROAD PROPERTY CORPORATION is the sole owner of a 3.6665 acre tract of land situated in the City of Farmers Branch, Dallas County, Texas, out of the Josiah Pancoast Survey, Abstract No. 1146; said tract of land being part of PROVIDENCE TOWERS, an addition to the City of Farmers Branch as recorded in Volume 83223, Page 5740, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set for corner situated in the intersection of the north line of Spring Valley Road (a 100' R.O.W.) and the west line of Dallas Parkway (a 158.59' R.O.W.);

THENCE N 89°57'00" W along the north line of said Spring Valley Road a distance of 735.88 feet to an iron rod set for corner;

THENCE N 16°49'00" W departing the north line of said Spring Valley Road and along the westerly line of said Providence Towers a distance of 215.50 feet to a 60 'd' nail found for corner;

THENCE S 89°52'00" E along the north line of said Providence Towers a distance 808.11 feet to an iron rod found for corner situated in the west line of said Dallas Parkway;

THENCE S 00°02'00" E along the west line of said Dallas Parkway a distance of 195.06 feet to an iron rod set for corner;

THENCE S 45°00'47" W along said Dallas Parkway and with a corner clip line a distance of 14.13 feet to the POINT OF BEGINNING and containing 159,714 square feet or 3.6665 acres of land, more or less.

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EXHIBIT "B"

DEVELOPMENT STANDARDS
FOR PLANNED DEVELOPMENT DISTRICT
NUMBER 44

The following standards shall be considered in the design, location and siting of structures and other development features within the Planned Development District. A detailed development plan will be required with each development as described in paragraph 8-502 of the Zoning Ordinance as well as herein.

I. BASIC PERFORMANCE STANDARDS

A. PRINCIPAL USES PERMITTED

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

1. Office Buildings.

This includes but is not limited to: private corporate offices, speculative offices, professional offices, medical and diagnostic offices.

2. Hotels and Motels.

3. Financial institutions.

B. SECONDARY USES PERMITTED

The following secondary uses shall be permitted only in a PD district which includes office or one other principal use.

1. Automobile oriented uses such as:

- a) Drive-in banks
- b) Automated teller machine stations

2. Business service establishments such as:

- a) Secretarial service

3. Commercial recreation uses, limited to:

- a) Commercial health clubs (with an “S” permit), including swimming pools and racquet sport courts
 - b) Skating rinks, ice or roller
 - c) Theatres, cinema or legitimate
 - d) Jogging tracks
 - e) Other similar retail recreation use
- 4. Retail and restaurant functions servicing the office, hotel and other principal uses.
 - 5. Private clubs (with an “S” permit).
 - 6. Commercial off-street parking (with an “S” permit).
 - 7. Personal service establishments.
 - 8. Transportation facilities, limited to:
 - a) heliports (with an “S” permit)
 - b) mass transit stops (with an “S” permit)
 - 9. Self-service automated food service facilities.

C. USE LIMITATIONS

- 1. All development shall conform to standards set forth in maximum and minimum development standards set forth herein.
- 2. Secondary uses shall be permitted only in the presence of principal uses.
- 3. The gross floor area of secondary uses, except parking, shall not exceed 20% of the total floor areas of principal uses of the development.
- 4. All uses shall be permitted only in the location shown on the approved final site development plan. Once constructed, any alteration to a given structure or change in a given use shall be governed by the regulations of that conventional zoning district which most closely characterizes the given development, such conventional district to be determined by the City Staff subject to review by the Planning and Zoning Commission and City Council. 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. The maximum floor area ratios including garages, shall be 4.014:1 (floor area is defined as the gross area of any built structure from ground level up). Basement of office and parking structures will not be counted in this ratio.
2. Maximum building heights: No greater than that allowed by FAA. A copy of approved FAA building height shall be submitted to The City Staff prior to obtaining building permits.
3. Building setbacks:

Public street right-of-way: structures shall be set back not less than 25 feet from the property line.

Public alleys and service ways: established on the development plan.

Side and rear yards: established on the development plan.

E. SITE COVERAGE AND LANDSCAPE

1. The gross building footprint of buildings and parking garages should not exceed 50% of the gross site area.
2. The landscaped open space shall be not less than 5% of gross site area.
3. Site coverage may be increased as landscaped open space is increased. For every 1% increase above 5% in landscaped open space, site coverage may be increased 2% above the 50% limit. This allowable increase shall proceed to an absolute maximum site coverage of 55% gross site area.
4. Landscaped areas shall be interpreted to mean zones of grass, ground cover, trees and shrubs, paved and landscaped areas for pedestrian uses, sculptures, and water features, when such areas are shown on a landscape plan approved by the City.

Paved areas for parking or regular traffic flow shall not be considered as part of this classification.

F. PARKING FACILITIES

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

1. Offices: one space per 300 square feet of gross floor area.
2. Retail and affiliated office support services: one space per 250 square feet of gross area.
3. Restaurant and eating establishments: one space for every four (4) seats in such facilities.
4. 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 retail, or restaurant uses outlined in this subsection.
 - b) 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.
 - c) Discount fifty percent of the required parking for all recreation, entertainment, private club, and restaurant uses when developed on the same lot as qualifying office or hotel uses outlined in this subsection.
 - d) Any change to the parking discounts shall be allowed after approval by the City Staff subject to review by the Planning and Zoning Commission and City Council.
5. All parking facilities may be permitted to be constructed up to property lines, provided such facilities are approved on the detailed development plan or are in conformance with presently existing building codes.

G. SERVICE FACILITIES

1. All office, commercial, and restaurant uses shall provide and maintain minimum off-street loading facilities in the quantities stated below:
 - a) Office uses:
 - i. 0 to 50,000 net rentable square feet of office area: no spaces

- ii. 50,000 to 150,000 net rentable square feet of office area: 1 space
- iii. each additional 200,000 net rentable square feet of office area: 1 space

b) Restaurant uses:

- i. 0 to 15,000 gross square feet: no spaces
 - ii. 15,000 to 25,000 gross square feet: 1 space
 - iii. 25,000 to 50,000 gross square feet: 2 spaces
 - iv. each additional 50,000 gross square feet: 1 space
2. The City Staff shall determine off-street loading requirements for uses not specified, based on the most similar use listed above.
 3. A structure containing more than one use must meet the loading requirements of each use unless one use occupies 90 percent or more of the gross building area, in which case the loading requirement is calculated as if that use occupied the entire structure.
 4. The first required space, and thirty percent of all other spaces, must be suitable for semi-tractor trailer delivery vehicles.
 5. Loading facilities for more than one building may be provided in a common terminal if connections between building and terminal are off-street.
 6. Loading facilities shall be designed to minimize interference with traffic flow.

H. STREETS

All streets shall be constructed in conformance with City engineering design criteria.

I. PHASING

If a tract is to be developed in phases under this Planned Development Ordinance, each sub-tract shall conform to the basic performance standards of the Planned Development Ordinance, as though it were a separate site.

J. PATHWAY SYSTEM

The project will conform to the City of Farmers Branch pathway system.

K. SIGNAGE

1. Building Signage.

a) Building Signs at Top Level: A total of 3 building signs shall be allowed and shall be located no higher than 15 feet above the roof parapet (to top of sign). Each sign shall not exceed 550 square feet in area and shall be limited to one tenant only. The letters comprising the signs shall not exceed 9'-3" in height and be constructed of internally illuminated individual channel letters with acrylic faces. Supporting brackets for the signs shall be painted to match the roof color. No signage shall be allowed on the east or west elevations.

b) Building Signs at Lower Level: A total of 2 building signs shall be allowed and shall be located no higher than 50 feet (to top of sign) above the finished floor elevation of the building's ground floor. Each sign shall not exceed 200 square feet in area and shall be limited to one tenant only. The letters comprising the signs shall not exceed 3 feet in height and shall be constructed of fabricated aluminum letters, painted finish, and non-illuminated.

2. Freestanding Signs. Freestanding signs shall be strictly of the monument type. one (1) project identification and five (5) tenant monument signs shall be allowed. All such signs shall be fabricated of a material architecturally consistent with and of similar coloration to the buildings. Lettering shall be externally illuminated, individual letters, architecturally consistent with other project and tenant monument signs in the development.

Exhibit "C" depicts the general type, location and approximate sizes of the building signs and freestanding signs for illustrative purposes. At such time that actual signs are to be permitted for installation, said signs shall be submitted to the City of Farmers Branch for review and approval. Staff shall have no authority to waive any requirement of this ordinance and shall only approve signage that fully complies with the standards established herein and the spirit and intent of this ordinance.

Sign standards are summarized below:

Sign Type	Description	Maximum Height (Feet)	Maximum Area (Square Feet)
Building Signs @ Top Level	Maximum 3 signs; Internally illuminated individual channel letters with acrylic faces situated in an area not to exceed 15' above the top of the roof parapet.	9'-3"	550
Building Signs @ Lower Level	Maximum 2 signs; Fabricated aluminum letters, painted finish, and non-illuminated situated within an area not to exceed 50 feet (to top of sign) above the finished floor elevation of the building's ground floor.	3	200
Project Monument	Lettering shall be externally illuminated, individual letters, architecturally consistent with other project monument signs in the development and located a minimum of 5 feet from any Right-Of-Way.	4	64
Tenant Monument	Lettering shall be externally illuminated, individual letters, architecturally consistent with other tenant monument signs in the development and located a minimum of 30' from any R.O.W.	4	56
Incidental Signs	The design, material, and color of the incidental signs shall be complimentary to the building design and located a minimum of 5 feet from any Right-Of-Way.	3	9

3. Incidental Signs: For the purpose of this Ordinance, an incidental sign shall be generally considered to be any informational sign that has a

purpose secondary to the use of the lot on which it is located, including but not limited to “no parking, handicap parking, entrance, loading only, telephone, traffic control, etc” and other directives. Incidental signs shall have a maximum size of 9 square feet in area. The design, material, and color of the incidental signs shall be complimentary to the building design. All incidental signs shall be submitted for and subject to approval by City staff.

4. Any future proposed modifications to signs are subject to approval by City staff.

II. REQUIRED SUBMISSIONS

A. CONCEPTUAL DEVELOPMENT PLAN

The following are submittal requirements for approval of a conceptual development plan under the proposed Planned Development designation for an entire site.

1. A Boundary Survey of the property, including the following:
 - a) Metes and bounds of all property lines
 - b) total area of property
 - c) scale and north arrow
 - d) names and route numbers of boundary streets and rights-of-way existing topography with a maximum contour interval of two feet
2. A statement confirming ownership of the subject property and stating the place of the record of the latest instrument in the chain of title.
3. An aerial photograph of the subject property and all adjacent properties within at least 500 feet.
4. A generalized land use plan showing approximate locations of land uses, circulation corridors, and public utility corridors. The plan shall include a statement of maximum allowable building area and parking spaces and anticipated building heights.
5. A statement or visual presentation of how adjacent and neighboring properties shall be affected by the proposed development. The statement should address vehicular access plans, site context, and existing and anticipated land uses.

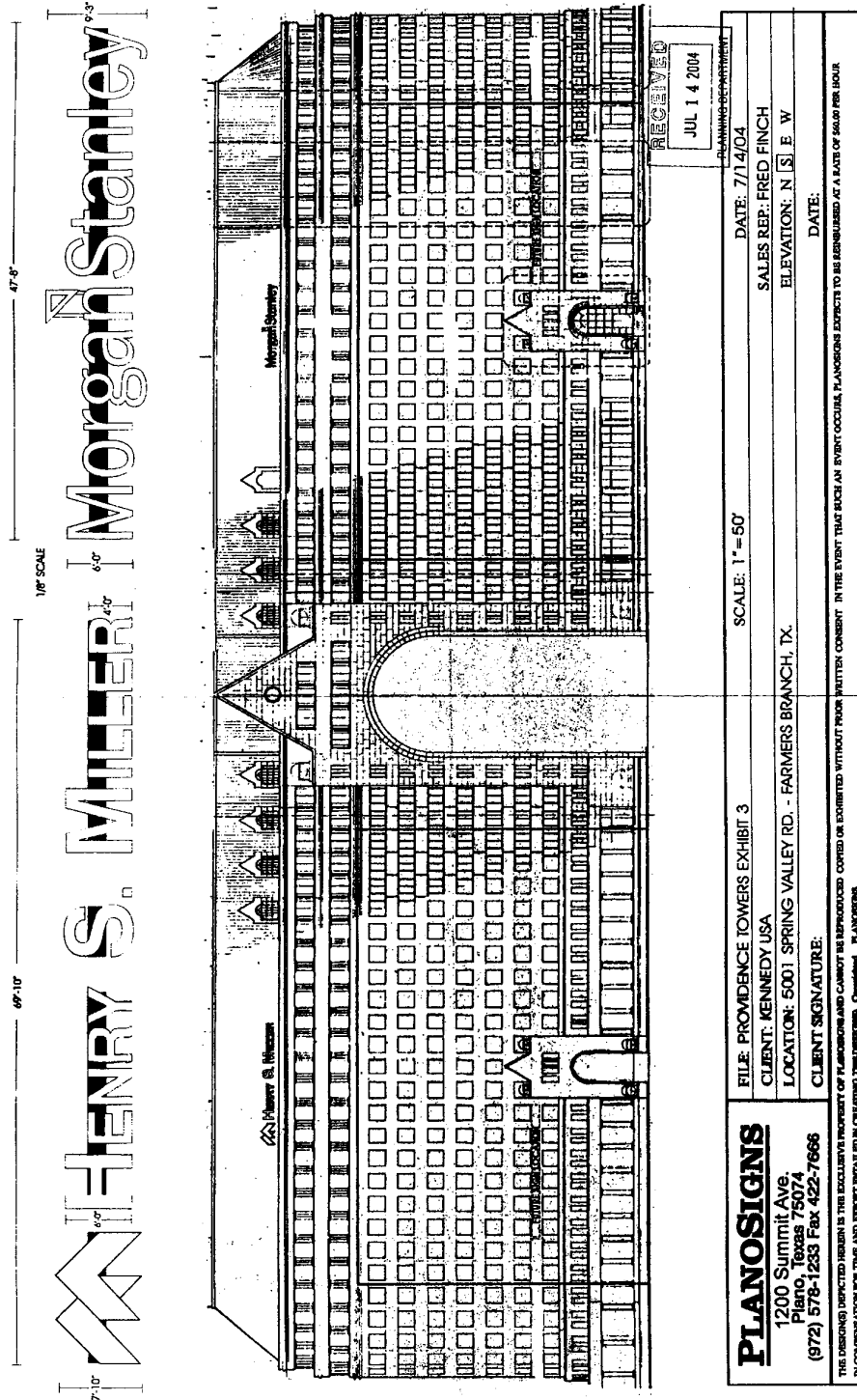
B. DETAILED DEVELOPMENT PLAN

The following are submittal requirements for approval of a detailed development plan under the proposed Planned Development designation. This submittal would address a particular phase of a project, and would be required before building permits would be considered.

1. A boundary survey of the property including the following:
 - a) Metes and bounds of all property lines
 - b) total area of property
 - c) scale and north arrow
 - d) names and route numbers of boundary streets and right-of-way
 - e) existing topography with a maximum contour interval of two feet.

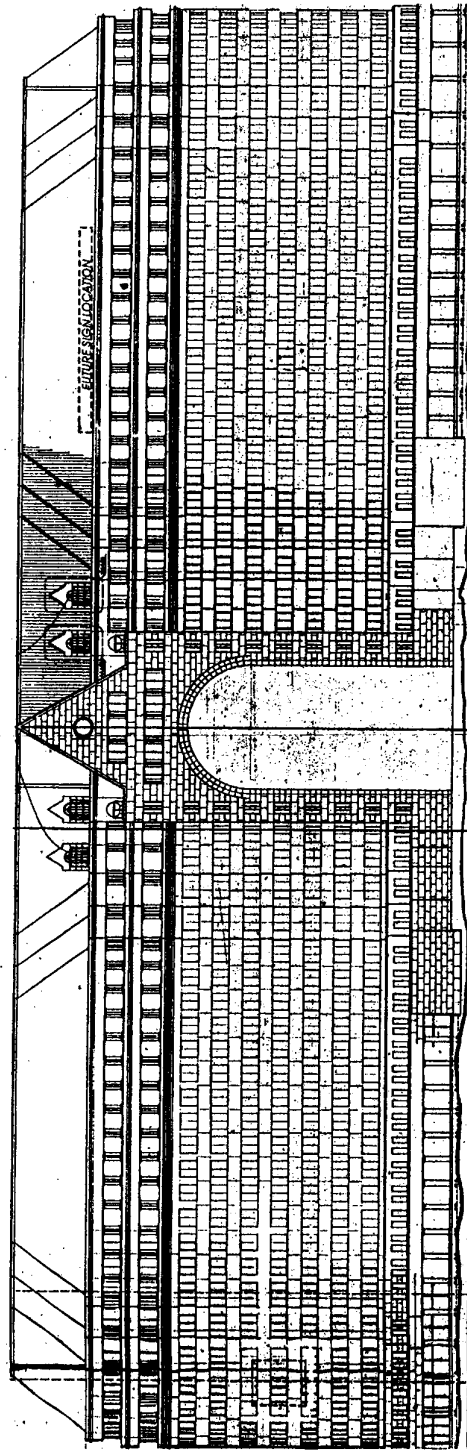
2. A detailed scaled Site Plan to no greater scale than 1 inch equals 40 feet, showing:
 - a) existing and proposed public or private streets
 - b) existing and proposed building or parking structure locations, including size in number of square feet, number of floors, and proposed approximate average height above grade
 - c) existing and proposed utility easements and fire lanes
 - d) landscape and irrigation plans showing proposed vegetation zones and their relationship to adjacent properties.
 - e) proposed at-grade parking lots and loading facilities
 - f) a statement of proposed floor area ratio, site coverage ratio, landscaped area ratio, and the relationship between these figures and the standards set forth in the Planned Development designation.
 - g) proposed on-site identification and directional signage.

Exhibit "C" – South Elevation Drawing



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Exhibit "C" (continued) – North Elevation Drawing

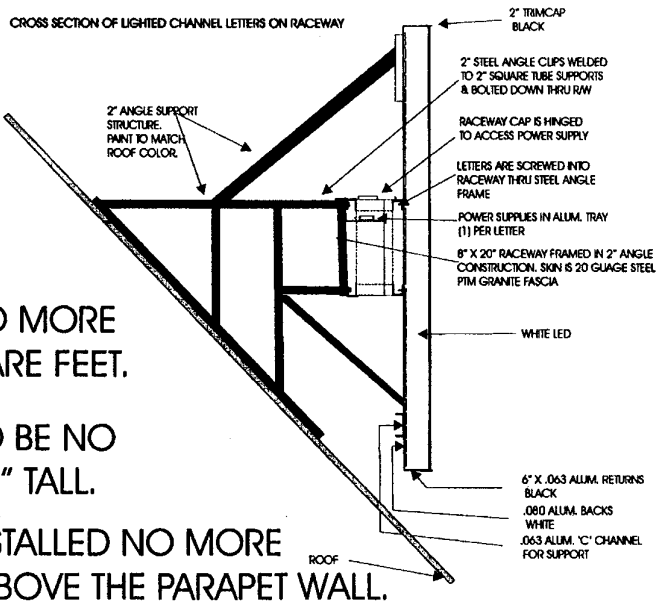


RECORDED JUL 14 2004 PLANNING DEPARTMENT	DATE: 7/14/04
	SALES REP: FRED FINCH
SCALE: 1" = 50'	ELEVATION: N S E W
FILE: PROVIDENCE TOWERS NORTH EXHIBIT 3	DATE:
CLIENT: KENNEDY USA	CLIENT SIGNATURE:
LOCATION: 5001 SPRING VALLEY RD. - FARMERS BRANCH, TX.	IN THE EVENT THAT SUCH AN EVENT OCCURS, PLANNERS EXPECTS TO BE REIMBURSED AT A RATE OF \$600 PER HOUR
CLIENT SIGNATURE:	IN COOPERATION FOR THIS AND REPORT INCULCATED IN CREATING THIS DESIGN. Copyright PLANNERS

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Exhibit "C" (continued) – Sign Cross-section Drawing Showing Mounting Assembly

TOP SIGN BAND INFORMATION



SIGNS TO BE NO MORE THAN 550 SQUARE FEET.

SIGN HEIGHT TO BE NO MORE THAN 9'3" TALL.

SIGNS TO BE INSTALLED NO MORE THAN 15 FEET ABOVE THE PARAPET WALL.

LOWER SIGN BAND INFORMATION

SIGNS TO BE NO MORE THAN 200 SQUARE FEET

SIGN HEIGHT TO BE NO MORE THAN 3 FEET TALL.

NO MORE THAN 1 TENANT NAME WILL BE PERMITTED AT EACH SIGN LOCATION.

PLANOSIGNS

1200 Summit Ave.
Plano, Texas 75074
(972) 578-1233 Fax 422-7666

FILE: PROVIDENCE TOWERS X-SECTION (E3) SCALE: NOT TO SCALE

DATE: 6/14/04

CLIENT: KENNEDY USA

SALES REP: FRED FINCH

LOCATION: 5001 SPRING VALLEY RD. - FARMERS BRANCH

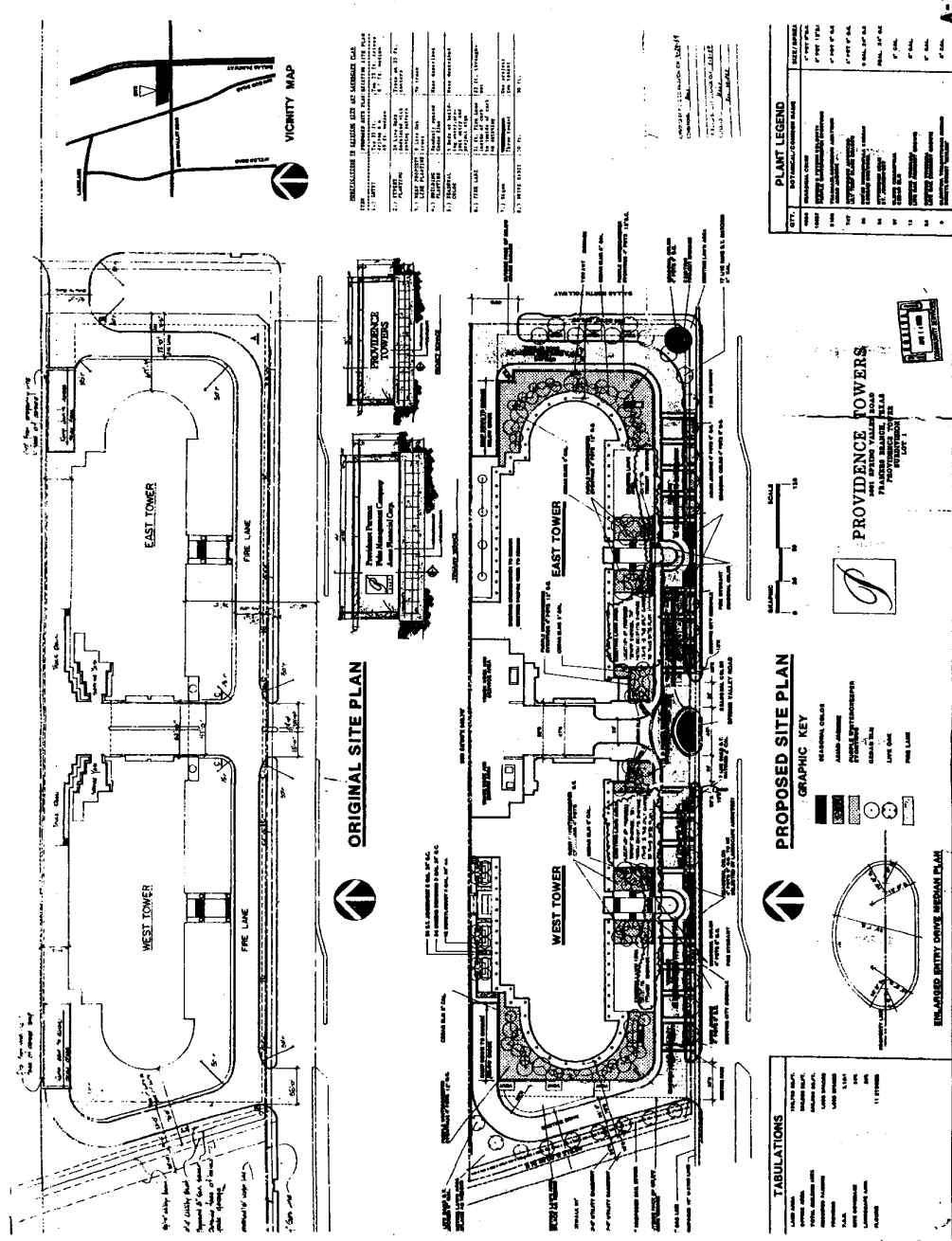
CLIENT SIGNATURE:

DATE:

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Exhibit "C" (continued) – Site Plan



PROVIDENCE TOWERS

PROVIDENCE TOWERS
 10000 S. W. 10th Street, Suite 100
 Farmers Branch, Texas 75381-9010
 Phone: (972) 247-3131
 Fax: (972) 247-3132
 Website: www.providencetowers.com

PLANT LEGEND

NO.	DESCRIPTION	SCALE
1	PROPOSED DRIVE	1" = 10'
2	PROPOSED SIDEWALK	1" = 10'
3	PROPOSED PAVEMENT	1" = 10'
4	PROPOSED UTILITIES	1" = 10'
5	PROPOSED CONSTRUCTION	1" = 10'
6	PROPOSED RESERVED COLOR	1" = 10'
7	PROPOSED EXISTING CONSTRUCTION	1" = 10'
8	PROPOSED EXISTING UTILITIES	1" = 10'
9	PROPOSED EXISTING DRIVE	1" = 10'
10	PROPOSED EXISTING SIDEWALK	1" = 10'
11	PROPOSED EXISTING PAVEMENT	1" = 10'

Refer to Ordinance 2941
 5/16/00
 CITY OF FARMERS BRANCH CITY COUNCIL

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