



## ORDINANCE NO. 3661

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING CHAPTER 94 “ZONING,” ARTICLE 4 “SITE DEVELOPMENT STANDARDS” OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH BY AMENDING IN ITS ENTIRETY SECTION 4.3 “PARKING AND LOADING” PROVIDING FOR THE REQUIREMENTS AND STANDARDS FOR THE DEVELOPMENT OF OFF-STREET PARKING; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION**

**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 interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended;

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

**SECTION 1.** Chapter 94 “Zoning,” Article 4 “Site Development Standards” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by amending in its entirety Section 4.3 “Parking and Loading” to read as follows:

### **4.3 PARKING AND LOADING**

#### **A. Applicability**

1. The regulations in this section apply to all zoning districts including Planned Development (PD) Districts (except to the extent modified by the regulations applicable to a Planned Development (PD) District) and for every use, when a building or structure is erected, enlarged or increased in capacity, or at any time a different use is established.
2. Additional parking spaces shall be constructed when the square footage of an existing building is increased to comply with the number of parking spaces for the property required by this section even if no change in use occurs.

3. If the occupancy of a building is changed to another use, no certificate of occupancy shall be granted for the new use until parking spaces have been constructed on the property on which the building is located in the minimum numbers required by this section for the new use.

## **B. Parking Space**

1. For purposes of this article, "parking space" means an enclosed or unenclosed all-weather surfaced area (including permeable pavement surfaces as outlined in Section 4.3.J.2), measuring minimum nine (9) feet by 18 feet (except as provided for in Section 4.3.D.), not located on a public street or alley, together with an all-weather surfaced driveway (including permeable pavement surfaces as outlined in Section 4.3.J.2), connecting the area with a street or alley permitting free ingress and egress without encroachment on the street or alley. Unless authorized by another section of this Code or another ordinance, a parking space adjacent to a public street for which access and entry requires maneuvering on the public street shall not be classified as a "parking space" for purposes of this section and shall not be included when computing the minimum number of parking spaces required for a use.
2. Driveways on private property within single family residential zoning districts R-1 to R-6, shall be all-weather surfaced area constructed with concrete, crushed granite, or permeable pavement surfaces (as outlined in Section 4.3.J.2) or any combination of these materials, subject to approval by the Director of Community Services and/or the Director of Planning. Alternate paving materials consisting of crushed granite or permeable pavement surfaces, must be installed with masonry curbs, or reinforced concrete footing to retain the materials in place. Alternate edging method may be approved by the Director of Community Services and/or the Director of Planning.

## **C. Parking Ratios**

1. The number of parking spaces required for one or more uses shall be located on the lot or tract occupied by the main use(s) for which the parking spaces are required except as provided in accordance with Section 4.3.E.
2. **Calculation of Parking**
  - a. In computing the number of parking spaces required for any building or development, the total number of parking spaces

required shall be the sum of the parking spaces required for each use located in the building or development.

- b. The floor area of a parking structure shall be excluded from the total building gross floor area when computing the number of parking spaces required for any use.
- c. In computing the number of parking spaces required for each use, "floor area" shall mean the gross floor area ("GFA") of the specific use.
- d. In computing the number of required parking spaces and/or loading spaces, fractional spaces shall be rounded up to the nearest whole space.

**3. Residential Uses**

- a. The number of parking spaces required for residential uses is as follows:

Use	Minimum Parking Spaces Required
One-Family Attached Dwelling	2 spaces per dwelling unit
One-Family Detached Dwelling	2 spaces per dwelling unit
Two-Family Dwelling	2 spaces per dwelling unit
Multiple-Family Dwelling or Apartment Dwelling	2.25 spaces per dwelling unit

**4. Non-Residential Uses**

- a. The number of parking spaces required for non-residential uses is as follows:

Use	Minimum Parking Spaces Required
Adult Day Care Center	One space per 500 sq. ft of GFA
Animal Clinic or Hospital	One space per 450 sq. ft of GFA
Art Gallery or Museum	10 spaces plus one per 450 sq. ft of GFA
Banquet Hall or Event Center, Indoor	One space per 400 sq. ft of GFA
Bar or Tavern or Private Club	One space per 400 sq. ft of GFA
Brewery or Brewpub	One space per 600 sq. ft of GFA
Commercial Amusement (Indoor or Outdoor)	One space per 1000 sq. ft of GFA
Distillery	One space per 600 sq. ft of GFA
Furniture Store	One space per 800 sq. ft of GFA
Gasoline Service Station	6 spaces
Hospitals	One space per 2 beds

Use	Minimum Parking Spaces Required
Hotel	One space per room, unit or guest accommodation plus requirements for clubs, restaurants and other uses
Manufacturing, Industrial or Warehouse/Distribution	One space per 2000 sq. ft of GFA
Nursing or Residence Home for Aged	One space per 6 beds
Offices, Professional and Administrative (includes Bank or Financial Institution, Medical or Dental Clinics or Offices)	One space per 400 sq. ft of GFA
Places of Public Assembly not listed	One space per 3 seats
Religious Institution or Worship Facility	One space per 5 seats in primary worship area
Restaurant	One space per 400 sq. ft of GFA (excludes outdoor seating area)
Retail, General or Personal Services	One space per 400 sq. ft of GFA
Retail, Warehouse	One space per 800 sq. ft of GFA
School, Day Care	One space per classroom plus one space per 450 sq. ft of GFA
School, Elementary or Junior High	One space per classroom, plus one space per 4 seats in any auditorium
School, High, College or University	One space per classroom, laboratory or instruction area plus one space per 2 students based on the maximum permitted occupancy of each classroom
Smoking Establishment	One space per 400 sq. ft of GFA
Theater, Indoor	One space per 3 seats
Vehicle Repair or Maintenance	3 spaces per service bay plus one space per employee

- b. The Director of Planning is authorized, but not obligated, to approve a reduction of the number of required parking spaces by an amount not to exceed 5% without requiring a parking study. The Director of Planning is authorized, but not obligated, to approve a reduction of the number of required parking spaces by more than 5% reduction in the number of required parking spaces if such reduction is supported by the findings of a parking study and alternate parking plan obtained by the owner or developer of the property that is prepared by a licensed transportation engineer. The study and alternate parking plan should establish that the reduction in total required parking shall not negatively affect optimum traffic flow and business operations of the property(s) in question.

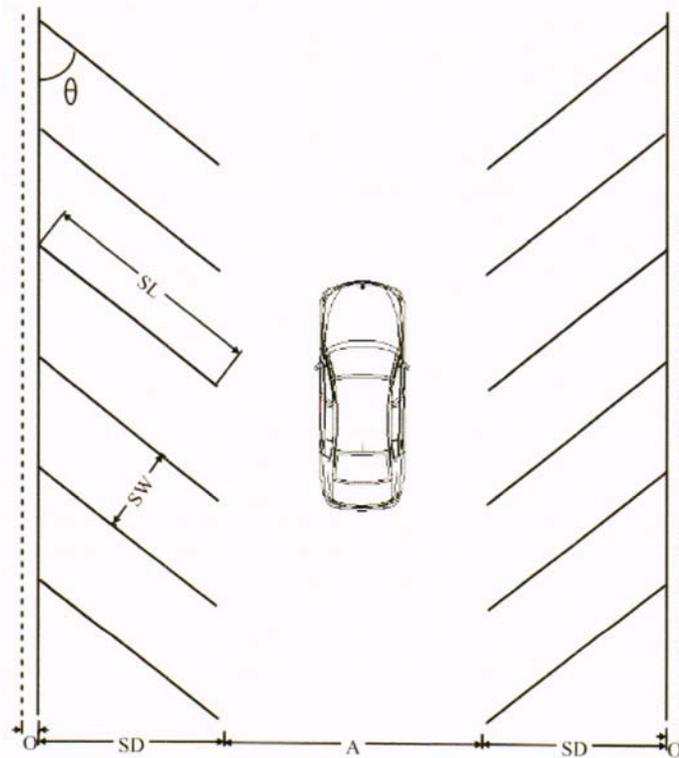
- c. Except for parking spaces located in a parking structure, the maximum number of parking spaces located on a property shall not exceed 125% of the minimum number of parking spaces required for the uses listed in the table provided for in Section 4.3.C.4.a.

**5. Parking Space Requirements for New and Unlisted Uses**

- a. The Director of Planning shall determine the minimum number of parking spaces required for any use not specifically listed in Section 4.3.C.a.
- b. If the minimum parking requirements cannot be readily determined by the Director of Planning for a new or unlisted use, or an owner disagrees with the determination of the Director of Planning, the minimum off-street parking requirement shall be established in accordance with the process for classifying new and unlisted uses as provided for in Section 2.4A.

**D. Parking Space and Parking Lot Layout Design**

Parking spaces required by this section shall be in accordance with the minimum standards set forth in Figure 4.3-1 and Table 4.3-1.



**Figure 4.3-1**

Minimum Parking Space and Drive Aisle Dimensions						
Parking Angle (θ)	Stall Width (SW)	Stall Length (SL)	Stall Depth (SD)	Aisle Width (A)		Overhang* <sup>2</sup> (O)
				One-Way* <sup>1</sup>	Two-Way* <sup>1</sup>	
30°	9 ft.	18 ft.	16 ft.-10 in.	11 ft.	20 ft.	2 ft.
45°	9 ft.	18 ft.	19 ft.	11 ft. - 10 in.	20 ft.	2 ft.
60°	9 ft.	18 ft.	20 ft. - 2 in.	13 ft. - 6 in.	20 ft.	2 ft.
90°	9 ft.	18 ft.	18 ft.	24 ft.	24 ft.	2 ft.
Parallel	9 ft.	22 ft.	22 ft.	12 ft.	24 ft.	NA

\*<sup>1</sup> In case of designated fire lane, minimum width shall be 24 ft.

\*<sup>2</sup> Overhang is required where adjacent to a required landscape edge or required sidewalk and shall be measured from the back-of-curb.

**Table 4.3 -1**

### **E. Off-Site Parking**

Required parking spaces may be located off-site subject to approval of the Director of Planning and the following criteria:

1. The off-site parking spaces must be located on a lot or tract within five hundred feet (500') of the boundary of the property on which the parking spaces are required to be located measured in a straight line;
2. The property on which the off-site parking spaces are located must have parking spaces in excess of the minimum number of parking spaces required for the uses located on the property; and
3. A parking easement or other agreement or instrument in a form approved by the Director of Planning that grants to the owner of the use that needs the off-site parking spaces an irrevocable right to use the off-site parking spaces in numbers sufficient to comply with this section when combined with the user's required on-site parking spaces for at least as long as the use requiring the off-site parking spaces continues to operate, which easement, agreement, or other instrument must be signed by both parties and recorded in the Official Public Records of Dallas County.

### **F. Shared Parking**

Parking may be shared between two or more uses where peak parking demand occurs at different times for the uses during the day, allowing a reduction in the total required number of parking spaces for the uses. For purposes of this section "shared parking" means the use of the same parking spaces to satisfy the number of required parking spaces for two or more

uses. The right to use shared parking in order to comply with this section is subject to the Director of Planning's approval and the following criteria:

1. The property owner(s) shall submit a parking study and alternate parking plan prepared by a licensed transportation engineer to establish that the peak hours of parking demand from all uses sharing parking do not coincide. The study needs to show that the shared parking and resulting reduction in total required parking shall not negatively affect optimum traffic flow and business operations of the property(s) in question.
2. The Director of Planning may place limitations or other requirements deemed necessary on the parking arrangement if required.
3. The shared parking study and alternate parking plan shall be re-visited if any of the existing uses change to a more intensive use requiring additional off-site parking or to any use with similar peak parking demand like the existing uses.
4. Shared parking shall be permitted by agreement only. The agreement shall:
  - a. Be in writing and executed by all owners of the properties affected;
  - b. Specify the parking being shared and the hours of operation of the uses involved; and
  - c. Be approved by the Director of Planning and approved as to form by the City Attorney.
5. A shared parking agreement may be amended or terminated only by an instrument approved by the Director of Planning and the City Attorney.
6. All shared parking spaces must be unrestricted and accessible at all times to all parties to the shared parking agreement and their respective employees, invitees, customers, and guests; provided, however, the shared parking spaces may by agreement be closed and inaccessible to all parties to the shared parking agreement during times of day when all uses are closed for business.

#### **G. Accessible Spaces**

1. Handicap accessible parking spaces shall be provided in all parking lots and parking structures in accordance with applicable state and federal laws and regulations, including, but not limited, to Chapter 469 of the Texas Government Code, as amended (the Texas Elimination of Architectural Barriers Act), Title 42, Chapter 126 of the United States Code, as amended (the Americans Disability Act of 1990), and

accessibility guidelines of the Uniform Federal Accessibility Standards as may be amended, and in accordance with the following, whichever is more restrictive:

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8*
401 to 500	9*
501 to 1,000	2 percent of total *
1,001 and over	20, plus 1 for each 100 over 1,000 *

\*One van accessible parking space shall be provided for every 8 accessible parking spaces or fraction thereof.

2. Accessible spaces provided in accordance with this section shall count towards the required minimum off-street parking for the site.

#### H. Stacking Requirement

1. Stacking spaces that allow vehicles to queue on-site prior to receiving a service shall be provided for uses that include, but are not limited to, drive-through restaurants, drive-in or drive-through banks, and similar uses that allow a person to receive services and/or conduct activities on the property without leaving the person's vehicle.
2. Stacking spaces shall be provided in compliance with the following:
  - a. A stacking space shall be not less than nine (9) feet wide and 20 feet long and shall not encroach or be located within a public street or any other circulation drive aisle, driveway, parking space, fire lane or maneuvering area.
  - b. Banks or financial institutions with drive-through facilities shall have one (1) space for each drive-up service window or station plus two (2) additional stacking spaces for each service lane.
  - c. Each automated drive-up teller machine (ATM) shall have one (1) stacking space plus one (1) additional stacking space for each station.

- d. Restaurants with a drive-up window shall have one (1) space for each drive-up window plus five (5) additional stacking spaces as measured from the first order board.

#### **I. Off-Street Loading Requirement**

1. All retail, commercial, service, and industrial uses shall provide and maintain off-street facilities for receiving, loading and unloading of merchandise, supplies and materials within the building or on the lot or tract subject to the provisions of this Section 4.3.I.
2. No off-street loading area or space shall be located within a designated fire lane or otherwise encroach upon or occupy a fire lane, maneuvering aisle, or parking space.
3. Off-street loading spaces or truck berths shall be not less than ten feet (10.0') wide and not less than forty-five feet (45.0') long.
4. Loading areas or overhead rolling doors shall not be visible from public street or constructed facing a public street, unless such loading area or overhead rolling doors are screened in accordance with one or combination of any of the following (driveways are exempt from these screening requirements):
  - a. A masonry screening wall not less than six feet (6.0') in height with same or similar appearance as the exterior building façade and designed by a licensed Professional Engineer (P.E) shall be constructed; or
  - b. A living vegetative screen planted on top an earthen berm not less than three feet (3') in height with a slope not exceeding 3:1 and subject to the following:
    - i. The berm shall vary in height to avoid a visual appearance of a straight-line levee;
    - ii. Shrubs planted on top of the berm shall not be less than three feet (3') in height at the time of planting and shall be spaced so that the shrubs grow to fill in all gaps within two-years after planting;
    - iii. The berm shall be sodded with turf grasses; and
    - iv. Both the berm and the shrubs shall be irrigated with an automatic irrigation system; or

- c. A living vegetative screen with plant material that provide appearance of solid screening not less than six feet (6') in height at the time of planting that grows to fill in all gaps within two-years after planting.
  - d. Required screening shall be provided for a linear distance equal to the length of the loading area or overhead rolling doors.
  - e. The Screening wall may be located within the required front setback area, provided that a minimum ten-feet (10') wide landscape edge is located on the outside (street side) of the screening wall, and includes shade trees of a variety as set forth in Section 4.2.K "Recommended Plant Materials" are planted not greater than 25 feet apart on center for the entire length of the distance adjacent to the screening wall.
5. Properties with existing buildings constructed prior to October 13, 2020, with loading areas or overhead rolling doors that are currently not screened from public street view in accordance with this Section 4.3.I.4, shall be required to install screening for their entire loading areas or overhead rolling doors visible from public street view with the method described in Section 4.3.I.4, upon the occurrence of one or more of the following:
- a. The building is damaged by fire or other cause where the cost to repair and restore the building to the condition prior to the damage plus upgrades and changes required to bring the building into compliance with the City's current construction codes exceeds 50% of the assessed fair market value of the improvement prior the date the damage occurred as determined by the most current certified tax rolls of the Dallas Central Appraisal District;
  - b. Expansion of the square footage of the building by five percent (5%) or more than the square footage of the building as it existed on October 13, 2020; or
  - c. Addition of 2 or more overhead rolling doors.

6. Loading spaces shall be provided in accordance with the following schedule:

<b>Retail, Commercial, and Industrial Uses</b>	
<b>Square Feet of Gross Floor Area in Structure</b>	<b>Minimum Required Spaces or Berths</b>
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

<b>Hotels, Office Buildings, Restaurants, and Similar Establishments</b>	
<b>Square Feet of Gross Floor Area in Structure</b>	<b>Minimum Required Spaces or Berths</b>
0 to 50,000	None
50,000 to 150,000	1
150,000 to 300,000	2
300,000 to 500,000	3
500,000 to 1,000,000	4
Each additional 500,000	1 additional

7. The Director of Planning shall determine the minimum off-street loading requirements for any circumstances not otherwise specified in this Section 4.3.I.

**J. Sustainable Parking Lot Design**

- For purposes of this Section 4.3.J, “sustainable parking lot design” means a parking lot with parking spaces and drives that use innovative stormwater management practices, vegetation, and permeable paving materials to mitigate adverse environmental impacts of large expanses of paving and designed to reduce storm water run-off, manage water as a resource by promoting infiltration, protect local water quality through effective filtration and minimizes the heat island effect through effective landscaping.
- The maximum number of parking spaces allowed for a particular nonresidential use as set forth in Section 4.3.C.4.c may be increased, or the required minimum number of parking spaces for a particular nonresidential use as set forth in Section 4.3.C.4.a may be decreased up to 15% of the number of required parking spaces, by applying two or more of the following sustainable design principals:

- a. **Bioswale or raingardens.** As part of the overall storm water management plan for a property, bioswale or rain gardens constructed and used to reduce storm water run-off and treat storm water through filtration subject to the following:
  - i. Drainage area map and calculations shall incorporate bioswale or rain gardens proposed within the parking lot and establish positive reduction in storm water drainage and sheet flow subject to review and approval by the Public Works Director;
  - ii. Plant materials installed within the depression or swale area of a rain garden shall be of native variety and shall tolerate wet roots for the amount of time the rainwater takes to drain; and
  - iii. Soil preparation, irrigation and fertilizer for the rain garden during installation shall be required.
- b. **Permeable Pavement.** Not less than 30% of the parking lot surface constructed with a porous or permeable pavement to allow transmission of water to aggregate base and subsoils. Runoff shall be temporarily stored in the base for infiltration into the subsoils and/or slow released to storm drain system. The three permeable pavement systems authorized by this paragraph b. are porous asphalt and concrete, permeable interlocking concrete pavers, and reinforced grass/gravel pavement systems. Additional types of permeable pavement may be considered subject to approval by the Director of Sustainability and Public Health and/or Public Works Director.
- c. **Additional Landscaping.** Installation of enhanced landscaping. For the purpose of this section “enhanced landscaping” means landscaping exceeding the landscape area and number of shade trees required by Article 4.2 “Landscaping” of this chapter, subject to the following:
  - i. Parking lot interior landscape islands shall be not less than 300 square feet in size;
  - ii. Each landscape island shall contain no fewer than one (1) shade tree;
  - iii. A landscape planting area not less than ten (10) feet wide shall be installed between two parking rows for the length of the parking rows with one (1) shade tree planted not greater than 25 feet apart for the length of the landscape planting area; and

- iv. Trees and plant materials shall comply with Section 4.2.K “Recommended Plant Materials.”

## **K. Additional Parking Requirements**

### **1. Parking Location**

- a. Required parking spaces shall be located in a manner that allows a person to maneuver a motor vehicle from each space to the nearest adjacent public street or alley without encroachment on other parking spaces.
- b. Required parking spaces for new residences in the R-1 through D-2 zoning districts shall be:
  - i. located behind the front building line;
  - ii. enclosed in a garage structure suitable for vehicle storage; and
  - iii. prohibited in the required side yard.
- c. All one-family and two-family residences with required parking spaces located in the front yard existing as of August 24, 1970, may retain and maintain the required parking in the required front yard provided the existing garage or carport is not converted into space other than vehicle storage space.

### **2. Commercial Vehicle Parking**

- a. On properties developed with residential uses, no off-street parking space, garage, carport or other automobile storage space or structure shall be used for the parking or storage of any commercial motor vehicle that exceeds a 10,000 Gross Vehicle Weight Rating (GVWR), except for one pickup truck or van not exceeding 14,000 GVWR, with commercial signage, operated by the owner of tenant of the property on which such truck or van is parked. A vehicle is deemed to have been “stored” if parked continuously for 48 hours or longer on the same property.
- b. In the O, LR-1 and LR-2 districts, no parking space or other automobile storage space which is visible from the street shall be used for the parking or storage of any commercial type vehicle that exceeds 16,000 GVWR, except for pick-up trucks and passenger vans.

### **3. Carports and Garages**

- a. On properties developed with one-family detached dwelling units with garages or carports that have been closed in or converted into space for use other than vehicle storage or converted to provide

additional living area in a dwelling, the required number of parking spaces shall be provided behind the front building line in an enclosed garage structure suitable for vehicle storage constructed to store the same number of vehicles as the garage or carport that has been enclosed. Head-in or dead-end parking spaces in the required front yard is prohibited.

- b. On properties developed with one-family detached dwelling units, driveways located in the front yard after closing in or converting a garage or carport, the driveway shall be removed or reconfigured to provide access to the required parking garage or structure behind the front building line. Head-in or dead-end parking spaces in the required front yard is prohibited.
- c. On properties developed with one-family attached, two-family, or multiple family dwelling units, garages, carports, or other similar structures originally intended and constructed for the parking of motor vehicles, boats, trailers or other similar items may not be converted, temporarily or permanently, to use for human habitation, storage, or any other use or purpose other than originally intended.

#### 4. **Screening**

When parking spaces for any use other than one-family or two-family dwellings is constructed adjacent to property that is developed with, or zoned to allow the adjacent property to be developed for, one-family or two-family dwellings, a structural masonry wall not less than six (6) feet in height shall be erected by the owner of the parking spaces prior to issuance of a certificate of occupancy for the use.

**SECTION 2.** 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 3.** 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 4.** 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.

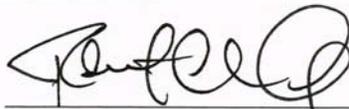
**SECTION 5.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS THE 13<sup>TH</sup> DAY OF OCTOBER 2020.**

ATTEST:

  
\_\_\_\_\_  
Amy Piukara, City Secretary

APPROVED:

  
\_\_\_\_\_  
Robert C. Dye, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:9/22/2020:117851)