

**ORDINANCE NO. XXXX**

**SECTION 1.** Chapter 94 “Zoning” of the Code of Ordinances of the City of Farmers Branch, Texas, as previously amended, (i.e. the Comprehensive Zoning Ordinance) is hereby further amended as follows

**A.** Article 2 “Zoning Districts and Uses,” Section 2.6 “Alcoholic Beverage Sales in Restaurants and Private Clubs” Subsection F “Food Service” is amended to read in its entirety as follows:

**F.** Food Service

1. Qualifying restaurants shall provide regular food service for their customers.
2. All qualifying restaurants shall receive from the sale of food at least 50% of the restaurant's gross sales at that location which sales figures shall be accurately reflected on a quarterly basis, subject to verification by the City in accordance with Section 2.6.J.
3. No drive-in, drive-through, or curb service of alcoholic beverages is permitted.
4. The qualifying restaurant shall designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed herein.
5. A private club or mixed beverage serving area located in a hotel or motel will be allowed in an area totally separate from the restaurant area subject to the following:
  - a. The qualifying restaurant must be located within the same building as the hotel or motel.
  - b. Not less than 2,000 square feet of floor area shall be occupied by qualifying restaurant facilities (total qualifying restaurant operations).
  - c. The floor area devoted to the sale of alcoholic beverages within the qualifying restaurant does not exceed the floor area devoted to food service.

- d. The qualifying restaurant will designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed in this Chapter.
- e. The sale and consumption of alcoholic beverages may be permitted within the restaurant area.
- f. Pursuant to Texas Alcoholic Beverage Code § 28.01(b), the holder of a mixed beverage permit for a qualifying restaurant in a hotel zoned pursuant to this Chapter may deliver mixed beverages, including wine and beer, to individual rooms of the hotel or to any other location in the hotel building or grounds, except a parking area on the licensed premises or another alcoholic beverage establishment, without regard to whether the place of delivery is part of the licensed premises. A permittee in a hotel may allow a patron or visitor to enter or leave the licensed premises, even though the patron or visitor possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption.

**B.** Article 2 “Zoning Districts and Uses” is amended to by adding Section 2.10 titled “Outdoor Seating Areas” to read as follows:

## **2.10 OUTDOOR SEATING AREAS**

### **A. Purpose**

The purpose of this section is to provide development standards for outdoor seating areas located within required front yards for specified uses allowed in the LR-1, LR-2, C, LI, HI, and in PD zoning districts with a base zoning of LR-1, LR-2, C, LI, or HI. The intent of these regulations is to encourage outdoor seating areas in the front or side of buildings with frontage along public streets that do not create obstruction to public safety.

### **B. Applicability**

This article shall apply to all outdoor seating areas constructed within the required front yard setback associated with the use(s) listed below.

1. Restaurant, General;
2. Restaurant, Qualifying;
3. Brewery;

4. Brewpub;
5. Bar or Tavern; or
6. Distillery.

**C. General Requirements.** Outdoor seating areas described in Article 2.10.B shall comply with the following.

1. The area of the outdoor seating shall not be more than 25% of the indoor, enclosed floor area of the associated use specified in Article 2.10.B.
2. Outdoor seating areas may be covered. Covered areas may not exceed the height of the building or the maximum height permitted within the zoning district, whichever is less.
3. Outdoor seating areas may be enclosed by a perimeter fence and/or wall, not to exceed 42 inches in height, constructed of wood, wrought iron, tubular steel, masonry, and/or a combination thereof.
4. Outdoor seating areas may be partially or fully enclosed; however, the enclosure shall be constructed of canvas, screen mesh, sunshade fabric, clear vinyl, and/or other materials as approved by the City Manager or designee. Materials that are not intended for outdoor use shall not be used. Additionally, the enclosures shall be maintained in good condition free from damage, including but not limited to tears, cuts, rips, holes, stains, cloudiness appearance, or other decay or disrepair.
5. Improvements within an outdoor seating area may include, but not limited to, dining or seating furniture, lighting, outdoor firepits or fireplace, BBQ smokers, and umbrellas.

**D. Placement.** Outdoor seating areas shall be located as follows:

1. Not less than fifteen (15) feet from a public access door to the indoor area of the associated use.
2. In LR-1, LR-2, and C zoning districts, not less than five (5) feet from the street right-of-way line when adjacent to streets with a right-of-way width of 100 feet or less;
3. In LR-1, LR-2, and C zoning districts, not less than ten (10) feet from the street right-of-way line when adjacent to streets with a right-of-way width greater than 100 feet;
4. In LI and HI zoning districts, no minimum distance from the street right-of-way line shall be required;
5. Outside the area of any public utility or drainage easements unless approved in writing by the Public Works Director and, if required, following execution of a license or encroachment agreement with the city setting forth

the terms and conditions governing the encroachment within the easement;  
and

6. Shall not obstruct visibility at the street intersection and at driveway connections to adjacent streets.

**C.** Article 3 “Zoning District Dimensional Standards,” Section 3.18 “LR-1 (Local Retail District-1)” is amended by adding Note 4 to read as follows:

4. Outdoor seating areas may be allowed to encroach within the required front yard in compliance with Section 2.10.

**D.** Article 3 “Zoning District Dimensional Standards,” Section 3.19 “LR-2 (Local Retail District-2)” is amended by adding Note 4 to read as follows:

4. Outdoor seating areas may be allowed to encroach within the required front yard, in compliance with Section 2.10.

**E.** Article 3 “Zoning District Dimensional Standards,” Section 3.20 “C (Commercial District)” is amended by adding Note 4 to read as follows:

4. Outdoor seating areas may be allowed to encroach within the required front yard, in compliance with Section 2.10.

**F.** The Notes at the end of Article 3 “Zoning District Dimensional Standards,” Section 3.21 “LI (Light Industrial District)” are amended to read as follows:

1. Buildings may be built to any height not prohibited by other laws and ordinances.
2. Buildings constructed on a lot fronting on a street with a right-of-way width of 100 feet or greater must have a front yard setback of at least 30 feet, except for outdoor seating areas as allowed in Article 2.10. For corner lots, the frontage along each street is considered to be a front yard and the more restrictive front yard setback shall apply to both front yards.
3. The area between the face of the building and the front property line must be kept free and clear of structures, parking areas, accessory buildings, fences, and other uses, unless allowed in other sections of this ordinance.
4. Along streets with a right-of-way width less than 100 feet, automobile parking areas are allowed not less than six (6) feet from the front property line.
5. Loading docks located on the front of the building must be set back not less than 60 feet from the front property line.

6. The area between the lot line and the minimum side yard line must be kept free and clear of accessory buildings and storage areas, but may be paved and used as driveways.
7. When retail, commercial, or industrial uses back to a common lot line with a residential district, a 10 foot rear setback is required unless another provision of this zoning ordinance requires a greater rear setback, in which case the other provision shall control.
8. When commercial or industrial uses do not back upon an alley or easement with a width of at least 20 feet, a 10 foot rear setback is required.
9. Parking requirements shall comply with Section 4.3.

**G.** The Notes of Article 3 “Zoning District Dimensional Standards,” Section 3.22 “HI (Heavy Industrial District)” are amended to read as follows:

1. Buildings may be built to any height not prohibited by other laws and ordinances.
2. Gasoline pumps must be set back not less than 18 feet from the street right-of-way line.
3. Buildings constructed on a lot fronting on a street with a right-of-way width of 100 feet or greater must have a front yard setback of at least 30 feet, except for outdoor seating areas as allowed in Article 2.10. For corner lots, the frontage along each street is considered to be a front yard and the more restrictive front yard setback shall apply to both front yards.
4. The area between the face of the building and the front property line must be kept free and clear of structures, parking areas, accessory buildings, fences, and other uses, unless allowed in other sections of this ordinance.
5. Along streets with a right-of-way width of less than 100 feet, automobile parking areas are allowed not less than 6 feet from the front property line..
6. Loading docks located on the front of the building must be set back not less than 60 feet from the property line.
7. The area between the side lot line and the minimum side yard line must be kept free and clear of accessory buildings and storage areas but may be paved and used as driveways.
8. When retail, commercial, or industrial uses back to a common lot line with a residential district, a 10 foot rear setback is required unless another provision of this zoning ordinance requires a greater rear setback, in which case the other provision shall control.

9. When commercial or industrial uses do not back upon an alley or easement with a width of least 20 feet, a 10 foot rear setback is required.

10. Parking requirements shall comply with Section 4.3.

**H.** Article 4 “Site Development Standards,” Section 4.3 “Parking and Loading” Subsection 4 “Non-Residential Uses” is amended by amending the table in paragraph a to read as follows with respect to the uses “Bar or Tavern or Private Club,” “Brewery or Brewpub,” and “Distillery”:

<b>Use</b>	<b>Minimum Parking Spaces Required</b>
Bar or Tavern or Private Club	One space per 400 sq. ft. of GFA (excludes outdoor seating area)
Brewery or Brewpub	One space per 600 sq. ft. of GFA (excludes outdoor seating area)
Distillery	One space per 600 sq. ft. of GFA (excludes outdoor seating area)