



ORDINANCE NO. 3860

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH BY ADDING ARTICLE X “PAVING ON PRIVATE PROPERTY” TO CHAPTER 22 “BUILDINGS AND BUILDING REGULATIONS” REGULATING PAVED AREAS ON PRIVATE PROPERTY; AND BY AMENDING CHAPTER 56 “PROPERTY MAINTENANCE” BY RETITLING AND AMENDING SECTION 56-73 “PARKING SURFACE REQUIREMENTS AND MAINTENANCE;” AND RETITLING AND AMENDING SECTION 56-74 AS “PARKING ON UNIMPROVED SURFACES” PROHIBITING PARKING ON UNIMPROVED PARKING SURFACES AND PROVIDING FOR DEFENSES AND APPEALS; REPEALING CODE OF ORDINANCES SECTION 82-92 “PARKING ON UNIMPROVED PARKING SURFACES”; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmers Branch finds it to be in the public interest and necessary for the preservation of public health and safety within the City of Farmers Branch to amend the Code of Ordinances to revise the regulations setting forth minimum standards relating to construction and maintenance of paved areas installed on private property within the City.

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

SECTION 1. Chapter 22 “Buildings And Building Regulations” of the Code of Ordinance of the City of Farmers Branch, Texas, is amended by adding Article X “Paving on Private Property” to read as follows:

ARTICLE X. – PAVING ON PRIVATE PROPERTY

Sec. 22-571 – Scope of Article

- (a) This article shall apply to all paving installed on private property. Pavement installed before May 1, 2024, shall be deemed to be legal and conforming if such pavement was installed in compliance with all applicable provisions of this code prior to May 1, 2024.
- (b) This article does not apply to:

- (1) paving of streets (public or private), alleys, sidewalks, or trails expressly regulated by other provisions of this code; and
- (2) paving of fire lanes regulated by applicable provisions of the Fire Code.

Sec. 22-572 – Approved Materials and Standards

- (a) Unless an alternate paving material is approved in accordance with Sec. 22-573, paving materials installed on private property shall be concrete, asphalt, gravel, crushed granite or any other all-weather material approved by the Director of Community Services.
- (b) Concrete paving installed on private property shall be not less than three and one-half inches (3.5") thick using no smaller than eight (8) gauge steel wire mesh.
- (c) Asphalt paving installed on private property shall be a hot mix asphalt or a porous asphalt not less than two inches (2") thick applied on top of a solid base such as rock, lime, or any hard material able to support the asphalt application.
- (d) Gravel and crushed granite paving installed on private property must be installed with masonry curbs or reinforced concrete footings to retain the paving materials in place and not allow such materials to wash away or migrate onto the sidewalks, streets, or other areas outside of the property.

Sec. 22-573 - Alternative types of material

Alternative paving materials and applications may be approved by the Director of Community Services provided the material and/or the application has been tested to comply with all applicable standards and otherwise complies with the intent of this article.

Sec. 22-574 - Drive Approaches

- (a) The approach width of driveways in residential zoning districts shall be measured at the property line and subject to the following:
 - (1) No single-drive approach shall exceed 30 feet in width;
 - (2) The Total of all approach widths along a street frontage shall not exceed the lesser of:

- i. Fifty percent of the width of the frontage; or
 - ii. Thirty (30) linear feet;
- (b) Driveway pavement must be aligned with the edges of the driveway approach at the property line;
 - (c) If the driveway is wider or narrower than the approach, then the driveway must be designed to reduce or expand the width at a 45-degree angle until the width of the drive approach is achieved; and
 - (d) If more than one driveway approach is located along the same property line, the driveway approaches must be separated by not less than twenty (20) feet measured at the property line.

Sec. 22-575 - Additional Requirements

- (a) No driveway or improved parking surface shall cover more than 67 percent of a front yard in a residential zoning district.
- (b) A driveway or parking surface located parallel and adjacent to a public street or sidewalk shall be constructed with not less than five (5) feet between the driveway or parking surface and the front property line.
- (c) Improved parking surfaces, including the area covered by vehicle storage buildings, and their access driveway, shall not cover more than 33 percent of the rear half of the lot.

SECTION 2. Chapter 56 “Property Maintenance” of the Code of Ordinance of the City of Farmers Branch, Texas, is amended as follows:

- A. Section 56-73 is retitled as “Parking Surface Maintenance” and amended to read as follows:

Sec. 56-73. Parking surface maintenance.

Parking surfaces on all properties regardless of type or zoning district shall comply with the following:

- (a) Parking and driving surfaces must be maintained free of hazards;
- (b) Parking lots must be maintained free of potholes;
- (c) Parking surface attachments, improvements, and enhancements including, but not limited to, wheel stops, signs, and official or unofficial markings must be kept in functional condition free of

signs of deterioration including, but not limited to, broken or missing pieces, missing or fading paint, and/or unreadable text;

- (d) Repairs to parking or driving surfaces including, but not limited to, driveways, parking lots, drive isles, parking pads, parking spaces, and similar areas, shall be made of the same material as the existing parking or driving surface; and
- (e) Vehicular access to improved parking surfaces must be provided by means of a continuous full-width improved surface.

B. Section 56-74 “Driveway and Parking Surface Requirements” is retitled and amended to read as follows:

Sec. 56-74. Parking on unimproved surfaces.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Corner lot means a residential property located at the intersection or confluence of two or more streets such that public street rights-of-way are directly adjacent to at least two contiguous sides of the lot.

Driveway means the primary improved or unimproved parking surface which provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

Front yard shall have the same meaning as set forth in Chapter 94, Section 3.3.H.1 of this Code.

Improved parking surface means an area used for the parking or storage of vehicles that is overlaid or otherwise paved in accordance with Chapter 22, Article X of this Code.

Rear yard shall have the same meaning as set forth in Chapter 94, Section 3.3.J.1 of this Code.

Side yard shall have the same meaning as set forth in Chapter 94, Section 3.3.1.1 of this Code.

Unimproved parking surface means an area used for the parking or storage of vehicles that is not an improved parking surface.

- (b) *Regulations.*
 - (1) A person commits an offense if the person causes, suffers, permits or allows:
 - i. The parking or storage of any vehicle within a front yard of a residential single-family, townhouse,

duplex lot or tract, upon any surface other than an unimproved parking surface; or

ii. The parking or storage of any vehicle within a residential side yard or the residential rear yard of a corner lot, of a residential single-family, duplex or townhouse lot or tract, upon an unimproved parking surface unless otherwise concealed from view from all public street rights-of-way by:

1. A solid, opaque screening fence or wall at least six feet in height;
2. Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet;
3. Any combination of subsections (b)(1)(i)1 and (ii)2 of this section that effectively conceals the vehicle from view and accomplishes the required screening height; or
4. Any other form of compatible and appropriate screening as so determined by the building official.

(3) It is an affirmative defense to prosecution for the parking or storing of vehicles at an existing residence on a driveway constituting an unimproved parking surface where the driveway was constructed before February 19, 1990; however, the existing unimproved parking surface shall be maintained in a fashion that will support vehicular traffic, not allow vegetation to grow in the driveway or parking surface and at such time as the residence is completely rebuilt or improvements to the same real property constitute 25 percent or more of the property's total assessed value, compliance with this section shall be required.

(4) It is an affirmative defense to prosecution for parking or storing vehicles on an unimproved parking surface or in an unconcealed or unscreened manner if the vehicles are parked in the rear yard and the rear yard is not a corner lot or directly adjacent to a public street right-of-way.

(c) *Appeals.* The owner, occupant or person responsible for the property shall have ten days from receipt of a written notice that a vehicle is parked or stored upon property in violation of this section in which to file an appeal to the zoning board of adjustment by filing a request in writing for a hearing with the building official. In the event of an

appeal, the zoning board of adjustment shall review the determination of the building official and shall have, by majority vote, jurisdiction to:

- (1) Uphold the determination of the building official;
- (2) Approve alternative paving materials where such materials are demonstrated to meet or exceed the requirements of concrete, asphalt or other approved paving material;
- (3) Approve alternative screening materials where such materials are demonstrated to meet or exceed the requirements of this section;
- (4) Allow a reasonable length of time, not to exceed a maximum of 24 months, in which to comply with the paving requirements of this section; or
- (5) Upon the vote of no less than three-fourths of the members of the zoning board of adjustment voting at a meeting, grant a variance, to a requirement under this subsection where it is determined that, due to peculiarities of the property, such as shape or restricted area, literal enforcement of this subsection would result in an unnecessary hardship.

Notification of the appeal shall be sent, by first class mail, to all property owners within 200 feet of the subject property not less than ten days prior to the date of the appeal hearing. A sign giving notice of the appeal shall be posted by the city on the subject property not less than ten days prior to the date of the appeal hearing and be maintained on the property until the hearing as concluded. The application for an appeal filed pursuant to this Sec. 56-74(c) shall be accompanied by the fee established for appeals to the zoning board of adjustment set forth in Appendix A of this Code.

SECTION 3. Code of Ordinances Sec. 82-92 and all other provisions of the Code of Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be, and are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. 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 Ordinance as a whole.

SECTION 6. Unless a lesser fine is established in Chapter 56 of the Code of Ordinances as amended by this Ordinance, any person, firm or corporation violating any of the provisions or terms of this Ordinance 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 as set forth in Section 1-14 of the Code of Ordinances.

SECTION 7. This ordinance shall take effect on May 1, 2024, following its passage and publication in accordance with the provisions of the charter and state law.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 16TH DAY OF APRIL 2024.

ATTEST:

APPROVED:

Stacy Henderson, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM

Peter G. Smith, City Attorney
(kbl:4/4/2024:4860-2886-5454 v1)