



## **ORDINANCE NO. 3562**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS PREVIOUSLY AMENDED; BY REZONING A 8.099± ACRE TRACT OUT OF THE MARY BROWN SURVEY, ABSTRACT NO. 159, DESCRIBED IN EXHIBIT “A” HERETO, FROM LIGHT INDUSTRIAL (LI) ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 104 (PD-104); ADOPTING DEVELOPMENT STANDARDS; ADOPTING A CONCEPTUAL SITE PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.**

**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 property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

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

**SECTION 1.** The Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by rezoning a 8.099± acre tract out of the Mary Brown Survey, Abstract No. 159 described and depicted in Exhibit “A” attached hereto and incorporated herein by reference (“the Property”) from Light Industrial (“LI”) Zoning District to Planned Development District No. 104 (PD-104), the use and development of which shall be subject to the Development Standards and the Conceptual Site Plan set forth in Exhibits “B” and “C”, respectively, attached hereto and incorporated herein by reference.

**SECTION 2.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

**SECTION 3.** 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 4.** 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 5.** 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, 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 6.** 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 DAY, THE 19<sup>TH</sup> OF MARCH 2019.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:3/1/19:106488)



**EXHIBIT “B”**  
**DEVELOPMENT STANDARDS FOR**  
**PLANNED DEVELOPMENT NO. 104 (PD-104)**

**STATEMENT OF INTENT AND APPLICABILITY:**

1. The intent of these Development Standards for Planned Development No. 104 (“PD 104” or the “District”) is to allow for the Property to be used and developed as a mixed-use development consistent with the Regional Mixed-use sub-district vision as provided for in the City of Farmers Branch East Side Comprehensive Plan adopted January 24, 2017 pursuant to Ordinance No. 3420 (“the East Side Plan”). The vision for the District includes development of multi-story mixed uses, with a focus on entertainment and modified lifestyle center development. Mid-rise offices and high quality multiple-story multi-family housing with ground floor commercial uses are intended to provide a land use and building form transition to the lower-density uses farther north within the city’s East Side. This District provides for development which is intended to achieve a high degree of excellence in planning, design and/or function. Additionally, this District is designed with the intent of (i) assuring compatibility of land uses within the District and between the District and adjacent areas and (ii) providing maximum adaptability and feasibility in zoning and development controls to meet the changing and diverse needs of the City of Farmers Branch.
2. The Property shall be developed and used in accordance with the development and use regulations applicable to property located within the Light Industrial (LI) zoning district until such time that the building existing on the Property on the effective date of this Ordinance is demolished and removed from the Property by the owner and/or developer of the Property, after which time the Property shall be developed and used in accordance with the Development Standards set forth in this Ordinance.

**A. USES**

1. **Uses by Right:** The Property may be developed and used for the following purposes:

- a. The Property may be used for the following Retail Uses:

Antique shop  
Art gallery or museum  
Bakery or confection shop (retail)  
Barber shop or beauty salon  
Cleaning, pressing small shop and pickup  
Dry cleaners  
Florist or garden shop  
Household appliance sales with minor service  
Lab, medical or dental  
Mimeograph, stationery or letter shop

- Mobile food preparation vehicle/food truck<sup>1</sup>
- Optical stores
- Paint, wallpaper and related
- Pet shop
- Pet groomer and dog care, no outside runs
- Pop-up retail (maximum of 10)<sup>2</sup>
- Restaurant (without drive-in or drive-through) with or without outside sales window
- Studio for photographer, musician, artist or health
- Temporary outside sales
- Wine bar or pub (not less than 25% of gross revenues must be from the sale of food and non-alcoholic beverages)<sup>3</sup>
- General retail stores and shops - other than listed

b. The Property may be used for the following Office Uses:

- Bank, savings and loan, or similar financial institutions
- Medical and dental offices and clinics
- Offices, professional and administrative

c. The Property may be used for the following Residential Uses:

- Multi-family Dwelling (no fewer than 45 dwelling units/acre and no more than 80 dwelling units/acre)

d. The Property may be used for the following Community Serving Uses:

- Library
- Park or playground

2. **Uses Subject to SUP Approval:** The Property may be used and developed for the following purposes following approval of a Specific Use Permit:

a. Bar (not less than 10% of gross revenues must be from sale of food and non-alcoholic beverages)

b. Small micro-brewery (not to exceed 5,000 gross square feet)

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<sup>1</sup> Mobile food preparation vehicles or food trucks may be located in the area(s) shown on the Conceptual Site Plan and/or Detailed Site Plan subject to applicable provisions of Chapter 22, Article V of the Code of Ordinances, as amended from time to time, and other applicable laws, ordinances, or regulations applicable to the location and operation of mobile food preparation vehicles and/or food trucks (collectively, the "Food Service Regulations"). In the event of an irreconcilable conflict between this Ordinance and the Food Service Regulations, the Food Service Regulations shall control.

<sup>2</sup> Pop-up retail" means the retail sale of goods, wares, or merchandise at a location which is not within a permanent building from a motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, tent or other device designed to be portable and not permanently attached to the ground. Pop-up retail may be located in the area(s) shown on the Conceptual Site Plan and/or Detailed Site Plan.

<sup>3</sup> "Pub/wine bar" means an establishment having as its principal or predominant use the serving of alcoholic beverages for consumption on the premises. Light food service and/or full-service meals are available for consumption on the premises and make up at least 25% of the total sales of such establishment but are not the principal or predominant use of the establishment.

- c. Exterior display, storage, or sales of merchandise or products (other than temporary outside sales or pop-up retail allowed by right) provided such display or storage is:
  - i. Accessory to a primary use of the structure immediately adjacent to the location of the exterior display or storage area;
  - ii. Located immediately adjacent to the primary structure but not within any required build-to zone;
  - iii. Less than two (2) percent of the total gross floor area of the enclosed structures and buildings immediately adjacent to the exterior display or storage area; and
  - iv. Effectively contained by a solid or ornamental fence that is architecturally compatible in design and material with the primary structure. Chain link fence shall not be allowed.

## **B. DEVELOPMENT STANDARDS**

1. **Compliance with Standards.** The design, location, and siting of structures and other development features within PD-104 shall be in compliance with the following development standards; provided, however, exceptions to these development standards may be requested by the owner or developer of the portion of the Property being developed and shall be considered as a part of the Detailed Site Plan approval as described in Section C.3., below.

### **2. Streetscape, Access and Circulation**

#### **a. Intent.**

The streetscape standards in this Section B.2 are intended to provide for a cohesive streetscape along block faces, emphasizing the public realm with a consistent design theme, and enhancing the physical relations between buildings and their adjacent streets. The streetscape standards are also intended to promote increased walkability for pedestrians, and provide additional access opportunities for properties. In carrying out the intent of these streetscape standards, shared access driveways that offer access to multiple lots within a block should be provided where possible to minimize the number of access driveways from adjacent streets and allow for internal connectivity between lots.

#### **b. Standards.**

- i. The existing street system shall be preserved. No new dead-end or cul-de-sac streets configuration will be allowed.
- ii. Access drive aisles and/or fire lanes provided on-site shall be designed to integrate with the local street system and promote creating small-scale and walkable blocks.



- iii. All lots shall have direct frontage to a public or private street.
- iv. At such time when a portion of the Property adjacent to an existing street develops and/or redevelops, the owner of said portion shall dedicate to the City easements and/or rights-of-way in accordance with the streetscape standards provided in the table below, for the entire length of the street adjacent to said portion of the Property; provided however, the easements and/or rights-of-way to be dedicated shall at all times be of sufficient width to accommodate the necessary street improvements and allow for construction, operation, and maintenance of all public improvements in accordance with City's minimum standards, even if greater than the minimums set forth in the table below.

Streetscape Improvements	Dimension
Travel lanes	Minimum 11 feet wide (per lane)
On-street parallel parking*	Minimum 8 feet wide (measured to face-of-curb)
Landscape/amenity zone	Simonton Road: Minimum 5 feet wide (measured from back-of-curb).  Galleria Drive: None.
Sidewalk	Simonton Road: Minimum 6 feet wide, and located minimum 5 feet from back-of-curb.  Galleria Drive: Minimum 6 feet wide, and located adjacent to back-of-curb.

\*On-street parking shall be limited to maximum three contiguous parking spaces (end to end) with a bulb-out island provided for every three contiguous spaces, unless otherwise approved on a Detailed Site Plan.

vi. *Street trees.*

- (1) Street trees shall be planted within the required landscape/amenity zone and/or within bulb-outs for the on-street parking.
- (2) Street trees shall be shade tree varieties, planted at an average spacing of 30 feet on center, but in no case shall trees be placed greater than 40 feet apart (excluding drive approaches and visibility corners). Plant material species shall be selected from the Recommended Plant Material list included in the Comprehensive Zoning Ordinance, unless a different species is identified on an approved Landscape Plan.
- (3) Street trees shall have a minimum caliper size of three (3) inches at time of planting, measured at a point four feet (4.0') above the root ball.
- (4) Other landscaping materials provided in addition to the street trees located

within the landscape/amenity zones, if provided, shall be approved on a Landscape Plan.

- (5) All plant materials shall be fully irrigated by an automatic irrigation system, and maintained in a healthy living growing condition. Any landscaping that is removed must be replaced with the same or comparable species and caliper plant, as when it was originally installed.

vii. *Street furniture.*

All street lights, trash receptacles, street furniture, and street signs (if provided) shall be generally uniform in design and approved as part of the Detailed Site Plan for the portion of the Property being developed.

viii. *Maintenance.*

The owner of the portion of the Property adjacent to the street right-of-way on which stamped concrete, pavers or other enhanced pavement materials are constructed within the right-of-way shall be responsible for maintenance of said enhanced materials. Additionally, the owner of the portion of the Property adjacent to the street right-of-way on which landscape/amenity zones have been installed within the right-of-way, including street trees, landscaping, street furniture, and irrigation systems, shall be responsible for maintenance of same.

**3. Public and Private Open Space Requirements**

- a. Open spaces shall be provided within the Regional Mixed-Use Sub-district of the City's East Side. This Section B.3.a. shall not be construed as prohibiting the construction or installation of amenities and/or improvements within the required open space areas.
  - i. If the public does not have the right to access and use all of the open space developed on the Property, the minimum set aside for open space shall be 15% of the lot.
  - ii. If the public has the right to access and use all of the open space developed on the Property, the minimum set aside for open space shall be 10% of the lot.
  - iii. If the public has the right to access and use some, but not all, of the open space developed on the Property, the minimum set aside for open space shall be 15% of the lot.
  - iv. Open space shall be appropriately designed for its public or private purpose. If designed for public use, the open space area shall be highly visible from the public right-of-way and accessible to the public. Open space designed and accessible for public use may be counted towards satisfying building frontage build-out requirements in accordance with this Ordinance. If designed solely for private use, the open space area shall be centrally located and easily accessible to



all individuals it is expected to serve.

#### 4. **Building Placement**

- a. Building fronts and sides shall be placed parallel the adjacent street.
- b. Required build-to zones and building setbacks shall be measured from the property line and shall be established in accordance with the requirements in the table below. “Building frontage build-out” means the percentage of the lot width where the principal building and/or parking garage must be located within the required build-to zone.

Required Front Build-to Zone for Simonton Road*	Minimum 5 feet Maximum 15 feet
Required Front Building Setback for Galleria Drive	Minimum 40 feet
Required Rear Building Setback	No minimum setback (or as permitted by Building Code)
Required Interior Side Building Setback	No minimum setback
Building Frontage Build-out**	Minimum 70% of lot width

\*Where easements encumber the entire required Build-to Zone, the building shall be built to the easement line and in accordance with the required Building Frontage Build-out.

\*\*No minimum building frontage build-out requirement for Galleria Drive.

- c. Canopies, signs, awnings, and balconies may encroach over the build-to zone area and over the portion of the sidewalk located on private property (i.e. not within the street right-of-way). Retaining walls and private residential yard fencing (not exceeding 42-inches in height) may encroach the build-to zone area.
- d. Publicly accessible open spaces (such as plazas, squares, improved forecourts, pedestrian breezeway frontages, or other amenity which contributes to the streetscape) which are sited within the build-to zone and provided to satisfy on-site open space requirements required by Section B.3., above, may be applied towards satisfying building frontage buildout requirements.
- e. Structured parking, when provided, shall be placed in the side or rear yard where possible. Parking structures located fronting a street shall comply with build-to zone, building setback and building frontage placement requirements.

#### 5. **Building Heights**

The maximum building height for any building constructed within PD-104 shall not exceed the lesser of:

- a. The height approved by the Federal Aviation Administration (“FAA”), if FAA approval is required; and

- b. Two hundred (200) feet.

6. **Parking**

- a. For purposes of calculating required parking within the District, the District is considered one lot or building site notwithstanding any further subdivision of the Property.
- b. Parking shall be provided for the proposed uses in surface parking lots, on-street parallel parking for the distance adjacent to the portion of the Property being developed, and/or structured parking garages (as determined by the Detailed Site Plan) in accordance with the following minimum ratios:
  - i. Offices: One space per 300 square feet of gross area;
  - ii. Restaurants: One space per 200 square feet of gross area;
  - iii. Retail: One space per 200 square feet of gross area;
  - iv. Pop-up retail and mobile food preparation vehicle/food truck: no off-street parking spaces required;
  - vi. Multi-family residential: 1 space per bedroom; and
  - vii. All other uses: in accordance with applicable off-street parking standards set forth in the CZO.
- c. For purposes of calculating required off-street parking in accordance with this Section B.6., “gross area” does not include outside seating or activity areas that may or may not be covered by a roof, awning, canopy, or similar structure.
- d. **Mixed-use Parking Discounts.**

In order to provide adequate off-street parking for large scale mixed-use projects, the following discounts shall be applied in the calculation of off-street parking requirements when approved as part of a Detailed Site Plan.

- i. The minimum parking required for an office use may be reduced by ten percent (10%) if:
  - (1) The gross floor area of the office use is greater than 100,000 square feet;
  - (2) The office building is located on the same building site with retail or restaurant uses allowed within this District; and
  - (3) Construction of the parking for the associated retail and/or restaurant use is completed prior to the issuance of the office use with the reduced parking requirements.

- ii. The required minimum parking for all retail and restaurant uses may be reduced by twenty-five percent (25%) if the uses:
  - (1) Total more than 10,000 square feet of gross floor area;
  - (2) Are developed on the same building site with an office use greater than 100,000 square feet as allowed within this District; and
  - (3) Construction of the parking for the associated office building is completed prior to the issuance of the certificate of occupancy for the retail and/or restaurant use with the reduced parking requirements.
- e. Shared Parking Agreement Reduction.

A reduction in the required minimum parking as set forth in this Section B.6. may be approved if the property owners of adjacent properties enter into a shared parking agreement or perpetual mutual parking easements on the adjacent properties that provide, as a minimum, that no owner, tenant, or other person in possession of the property may prohibit access to the parking spaces on the other's property to the extent necessary for each owner to comply with the minimum parking requirements set forth in this Ordinance. The reduction in required minimum parking shall be shown on the approved Detailed Site Plan.

- f. Minimum Parking Space Dimensions:
  - i. On-street parking spaces: eight feet by twenty-two feet (8 ft. x 22 ft.)
  - ii. Surface and structured parking spaces: nine feet by eighteen feet (9 ft. x 18 ft.)
  - iii. If structured parking is provided, parking columns may encroach up to seven inches (7") into a parking space.
- g. Surface Parking Placement

Unless designed as part of an improved plaza area, all pavement of interior surface parking lots, vehicle maneuvering areas, or drive aisles running parallel to a public street shall be setback a minimum of ten feet from property lines fronting the public street. The ten (10) foot setback between the pavement area and the property line shall be landscaped.

## **7. Loading Areas**

- a. For purposes of calculating required loading spaces within the District, the District is considered one lot or building site notwithstanding any further subdivision of the Property.
- b. All loading areas, where provided, shall be located on the side or rear of the building.

c. Uses shall provide and maintain off-street loading facilities in the quantities stated below:

i. Office uses:

- (a) 0 to 50,000 gross square feet: no spaces
- (b) 50,000 to 150,000 gross square feet: 1 space
- (c) Each additional 100,000 gross square feet: 1 space

ii. Commercial uses:

- (a) 0 to 10,000 gross square feet: no spaces
- (b) 10,000 to 50,000 gross square feet: 1 space
- (c) Each additional 100,000 square feet: 1 space

iii. Restaurant uses:

- (a) 0 to 5,000 gross square feet: no spaces
- (b) 5,000 to 25,000 gross square feet: 1 space
- (c) 25,000 to 50,000 gross square feet: 2 spaces
- (d) Each additional 50,000 square feet: 1 space

iv. Multi-family residential uses:

- (a) 0 to 50,000 gross square feet: no spaces
- (b) 50,000 to 500,000 gross square feet: 1 space
- (c) Above 500,000 gross square feet: 2 spaces

v. All other uses: The applicable minimum standards required by the CZO.

## 8. **Landscaping requirements**

- a. Landscaped open space shall not be less than ten percent (10%) of the portion of the Property being developed (inclusive of internal courtyards/private landscaped areas).
- b. Landscaped areas may include a combination of zones of grass, ground cover, trees and shrubs, fountains and water treatments, and sculptures.

- c. Trees, where provided, shall have a minimum caliper size of three (3) inches at time of planting, measured at a point four feet (4.0') above the root ball.
- d. Surface parking lots shall have:
  - i. A minimum of one (1) tree per twenty (20) parking spaces located within parking islands;
  - ii. Not less than 10% of their interior area landscaped; border plantings at the perimeter of the lot shall not be considered as part of the interior landscaping requirements; and
  - iii. Landscape screening shrubbery, minimum 36-inches in height at planting which will achieve a continuous opaque screening at maturity, to screen the undercarriage of vehicles where visible from adjacent public streets.
- e. Loading areas shall be screened from view from adjacent streets with either a masonry screening wall consistent in design with the primary building and minimum eight feet in height, or screening shrubbery no less than five (5) feet tall at planting, and which will achieve continuous opaque screening at plant maturity.
- f. Plant material species shall be selected from the Recommended Plant Material list included in the Comprehensive Zoning Ordinance, unless a species not on said list is included on an approved Landscape Plan.
- g. All plant materials installed as required by the CZO or this Ordinance shall be fully irrigated by an automatic irrigation system and maintained in a healthy living growing condition. Any required landscaping that is removed must be replaced with the same or comparable species and be not less than the same caliper (if a tree) or size of the plant material that was required to be planted when originally installed.
- h. A Landscape Plan shall be submitted for review and approval concurrently with the Detailed Site Plan for each portion of the Property to be developed.

9. **Hike and Bike Trails**

Hike and bike trails shall be constructed in accordance with the East Side Plan. Final location and design of hike and bike trails shall be determined at the time of Detailed Site Plan approval and construction shall be completed on or before issuance of a certificate of occupancy for the first building constructed on the portion of the Property shown on the Detailed Site Plan unless the City Council authorizes a different deadline for completion of construction of such trail at the time of approval of the Detailed Site Plan.

## 10. Architectural Standards

### a. Building Design

- i. Each building shall include a functioning, primary building entrance accessible from a public sidewalk and shall be easily identifiable utilizing pedestrian-scale design elements including but not limited to: recessed entrances, canopies, awnings, and/or storefront windows.
- ii. In order to enhance visual quality of buildings and promote pedestrian-scale developments, the massing of new buildings shall be articulated in a variety of ways including but not limited to: recessed or projecting elements such as porches, cantilevers, balconies, bay windows and/or awnings; change in building plane; stepping portions of facades in and out; or changing types or colors of materials in combination with other techniques.
- iii. Except for structured parking garages, podium garages, and loading and service areas, non-residential buildings shall have a minimum of 50% of the length of the first floor wall area facing a street consisting of windows and doors.
- iv. Structured parking garages shall be designed to minimize the view of vehicles from adjacent streets and be consistent with and complimentary to the architectural style of the primary building.
- v. Outdoor patios, seating areas, stands or display, or similar temporary improvements may be placed within the sidewalk area provided that an unobstructed pathway not less than six feet (6.0') wide is maintained.

### b. Exterior Finish

#### i. *Primary Materials*

Not less than 65% of each exterior wall (exclusive of enclosed interior courtyard walls) shall be constructed of any one or a combination of the following masonry materials: brick; stone; ceramic tile. Office and retail uses may be constructed of glass wall as a primary material.

#### ii. *Secondary Materials*

The portion of each exterior wall of any building not constructed of an authorized masonry material may be constructed of any one or more of the following: composite wood, cementitious plank, high quality metal panel intended for wall application (no corrugated metal allowed), and/or glass. Buildings may be constructed of stucco (applied with a sand finish) as a secondary material as follows:

- (1) The continuous surface area of stucco located within the first three stories of a building facade shall not exceed 800 square feet.

(2) Within the fourth story of a building facade, no more than 2,000 square feet of continuous surface area of stucco may be provided without a material change or break in plane.

(3) Parapet walls may be stucco.

iii. *Accent Materials*

No more than 10% of each exterior wall of any building may be constructed of E.I.F.S.

**12. Sign Standards**

The size, quantity, location, and type of on-premise building signs within the District shall be as follows:

a. Wall Signs.

- i. Wall signs for non-residential and multi-family residential uses shall not cover more than 10% of the front exterior façade or 100 square feet, whichever is less, on the building elevation facing the street frontage, except as provided in Paragraph iii., below.
- ii. Box signs and internally illuminated signs are not permitted.
- iii. Painted wall signs (i.e. paint applied directly to the exterior wall surface) shall be allowed for multi-family residential uses only, and shall not exceed 200 square feet in area, on the building elevation facing the street frontage. If painted wall signs are provided, then no additional wall signage (as allowed in Paragraph i., above) for multi-family residential uses shall be allowed.

b. Marquee Signs.

- i. Marquee signs on multi-family residential buildings shall not exceed 100 square feet in area.
- ii. No more than one marquee sign shall be permitted along each street frontage.

c. Awning Signs.

- i. Awning signs are allowed, but (i) must be no closer than ten (10) feet above the sidewalk and (ii) shall not cover more than 25% of the awning area or 75 square feet, whichever is less.
- ii. No vinyl awnings shall be allowed.



d. Blade Signs.

- i. Blade signs perpendicular to the building shall not exceed 100 square feet in area and shall be not less than nine (9) feet clear height above the sidewalk.
- ii. No more than two blade signs per building shall be permitted along each street frontage.

**C. REQUIRED SUBMISSIONS FOR ALL SUBDISTRICTS**

The following regulations shall apply to the development and use of any portion of the Property.

**1. Conceptual Site Plan Approval**

- a. The Conceptual Site Plan establishes the general development intent for the District, including general street layout, primary block configuration, conceptual building shape and layout on each block, general location of public and private parks and amenities, parking arrangement, generalized public use, access easements, and development phasing if the site is to be developed in phases. The Conceptual Site Plan shall serve as a guide for the approval of any and all subsequent Detailed Site Plan submissions relating to the District, but shall not be construed to specify precise dimensions, locations, or configurations; such details shall more accurately and appropriately be determined at the time of Detailed Site Plan approval.
- b. Any significant deviation from the Conceptual Site Plan not constituting a Minor Modification as provided in Section C.4., below, shall require an amendment to the Conceptual Site Plan in accordance with the procedures required for a zoning amendment. The Planning Director shall make the initial determination as to whether a requested change constitutes a Minor Modification.
- c. The Planning Director shall have the right to present any Conceptual Site Plan amendment to the Planning and Zoning Commission and City Council for approval, even if it constitutes a Minor Modification.

**2. Detailed Site Plan Approval**

- a. Prior to beginning any development on a building site within the Property, a Detailed 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 for the portion of the Property within the boundaries shown on the Detailed Site Plan shall be issued prior to approval of the Detailed Site Plan. Approval shall be based on compliance of the Detailed Site Plan with the Development Standards and intent set forth in this Ordinance, the Comprehensive Zoning Ordinance, and the Conceptual Site Plan.
- b. A request for an amendment to a Detailed Site Plan may be reviewed and approved administratively if the Planning Director determines that the requested amendment is

consistent with the approved Detailed Site Plan and constitutes a Minor Modification as defined in Section C.4. below. All other amendments to the Detailed Site Plan shall be approved in the same manner as the original Detailed Site Plan. The Planning Director shall have the authority to require any requested amendment to a Detailed Site Plan to be reviewed by the Planning and Zoning Commission and approved by the City Council.

- c. A site may be developed in phases pursuant to the Ordinance, in which each phase shall conform to the Development Standards of this Ordinance as though it were a separate site.

### 3. **Special Exceptions**

In those circumstances where the owner/applicant believes that, due to unique characteristics of the site or other circumstances, strict compliance with the Development Standards set forth in this Ordinance is not feasible or desirable and that deviation from the Development Standards will allow for equal or better results, the Planning and Zoning Commission may be petitioned to grant a special exception concurrent with the application for approval of a Detailed Site Plan. 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. Notwithstanding the foregoing, the Planning and Zoning Commission may not grant a special exception which:

- a. Would result in the approval of a land use not otherwise authorized by this Ordinance or the Comprehensive Zoning Ordinance; or
- b. Increases the allowable intensity or density of any land use under this Ordinance; or
- c. Effectively results in an amendment to the Comprehensive Zoning Ordinance to an extent beyond the amendments established by this Ordinance.

### 4. **Minor Modifications**

For purposes of this Ordinance, a “Minor Modification” is a change to the Development Standards of this Ordinance or the Comprehensive Zoning Ordinance, whichever is applicable, that is determined to meet the goals and intent of PD-104 as set forth in this Ordinance. A Minor Modification may be approved administratively by the City Planning Director if, and only if, the Minor Modification:

- a. Does not materially change the circulation and building locations shown on the Conceptual Site Plan and/or Detailed Site Plan; or
- b. Does not increase the building area permitted under this Ordinance; or
- c. Does not materially alter the relationship between the buildings and the internal streets through the alteration of minimum setback requirements; or

- d. Does not allow a use not otherwise authorized by this Ordinance; or
- e. Does not increase the allowable intensity or density of any land use under this Ordinance; or
- f. Does not otherwise effectively result in an amendment to this Ordinance or the Comprehensive Zoning Ordinance to an extent beyond the amendments established by this Ordinance.

[illegible]

4 STORIES	5 TIERS
458,752 S.F.	280,280 S.F.
RESIDENTIAL BUILDING HEIGHT	PARKING GARAGE HEIGHT
RESIDENTIAL BUILDING GROSS AREA	PARKING GARAGE GROSS AREA
	PROJECT TOTAL GROSS AREA
	739,032 S.F.

ZONING SUMMARY - PARKING - OFF STREET	
PARKING PROVIDED:	
RESIDENTIAL PARKING:	
23 SPACES	23 SPACES
ON STREET	ON STREET
PARALLEL SPACES	10 SPACES
HEAD IN PARKING	10 SPACES
STRUCTURE SPACES	689 SPACES
TOTAL SPACES PROVIDED	722 SPACES
(1.5 PARKING PER BEDROOM)	(1.5 PARKING PER BEDROOM)
PARKING REQUIRED: 1 BEDROOM	2 BEDROOM
UNIT TOTAL	NO. OF UNITS
283	283
PROPOSED DENSITY:	283
NO. OF UNITS / ACRE	283

Planning and Zoning Commission Date:	
City Council Date:	
Ordinance No:	
Resolution No:	
Administrative Approval Date:	

