ORDINANCE NO. 3857



AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, BY AMENDING THE REGULATIONS RELATING TO THE DEVELOPMENT AND USE OF LOTS 1, 2, 3, 4X, 5X, 6X, AND 7X, BLOCK A, MERCER BOARDWALK ADDITION WITHIN PLANNED DEVELOPMENT ZONING DISTRICT NUMBER 99 (PD-99); ADOPTING A DETAILED SITE PLAN; PROVIDING FOR ADDITIONAL DEVELOPMENT REGULATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING **CONFLICTS** RESOLUTION **CLAUSE**; REPEALING RESOLUTION NO. 2021-04; 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 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 and Zoning Map of the City of Farmers Branch, Texas, as previously amended (collectively, "the CZO") is further amended by amending as set forth in Section 2 of this Ordinance the regulations of Planned Development No. 99 (PD-99) as set forth in Exhibit "C" to Ordinance No. 3724 (the "PD-99 Development Regulations"), relating to the use and development of Lots 1, 2, 3 and Lots 4X-7X, Block A, Boardwalk Mercer Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof as recorded in Instrument No. 202200241316, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) (the "Property").

SECTION 2. The Property shall be developed and used in accordance with the use and development regulations of the CZO and the PD-99 Development Regulations, as previously amended, subject to the following modifications:

A. The Property shall be used and developed in accordance with the Detailed Site Plan, Landscape Plan, and Building Elevations attached hereto as Exhibits "A," "B," and "C," respectively and incorporated herein by reference.

- **B.** In addition to uses listed in Section III.B.1.a of the PD-99 Development Regulations, the Property may be developed and used for Banquet Hall or Events Center uses by right;
- C. In addition to uses listed in Section III.B.1.b of the PD-99 Development Regulations, the Property may be developed and used for Commercial (Outdoor) Amusement uses as an accessory use to a permitted use developed on the Property;
- **D.** The gross square footage of buildings constructed on the Property and developed and used for Banquet Hall and/or Events Center purposes may be counted for purposes of satisfying the requirements of Section III.B.1.e.(1)(a) of the PD-99 Development Regulations;
- **E.** Active operations on the Property for Banquet Hall or Events Center use shall comply with the special performance standards set forth in Section 2.5.F of the CZO;
- **F.** Notwithstanding Section IV.B. of the PD-99 Development Regulations, the façades of as the buildings identified on the Detailed Site Plan may be designed and constructed as shown on the Building Elevations;
- G. Notwithstanding Section IV.B.1.b.(7) of the PD-99 Development Regulations, the buildings constructed on the Property may be set back further than fifty feet (50.0') from the Interstate 635 (LBJ Freeway) right-of-way line provided they are located substantially as shown on the Detailed Site Plan;
- **H.** Notwithstanding Section IV.B.4.b. of the PD-99 Development Regulations, the north façades of the buildings constructed on the Property facing Interstate 635 (LBJ Freeway) may be designed and constructed with fenestration ranging from 16% to 24% as shown on the Building Elevations;
- I. Notwithstanding Sections V.C.1.c. and V.C.1.d. of the PD-99 Development Regulations, the number of required off-street parking spaces to be constructed on the Property may be reduced to 393 spaces, provided the Property is developed in accordance with the buildings and uses identified on the Detailed Site Plan;
- **J.** Notwithstanding Section V.C.1.c.(2) of the PD-99 Development Regulations, surface parking constructed on the Property may be located between Interstate 635 (LBJ Freeway) and the buildings constructed on the Property provided such parking is located as shown on the Detailed Site Plan; and
- **K.** Notwithstanding Section V.D.2.a of the PD-99 Development Regulations, one double-faced pylon sign with LED electronic message display shall be permitted on the Property subject to the following:
 - (1) Such sign shall be constructed at the location shown on the Detailed Site Plan;

- (2) Such sign shall be designed and constructed in accordance with the dimensions and materials shown on "Exhibit D," attached hereto and incorporated herein by reference;
- (3) The content of such sign is limited exclusively to the name, location, services, products, and activities of operations of businesses located on and events occurring within the Property and shall at no time communicate in any form information relating to business entities and/or events located or occurring respectively, off the Property; and
- (4) Such sign shall comply with Section 62.14(b) of the Code of Ordinances, as amended or succeeded except as modified by this Section 2.K.

SECTION 3. 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, including the provisions of the CZO, this Ordinance shall be controlling; however, in the absence of a relevant standard regulating the use or development of the Property in either this Ordinance of the PD-99 Development Regulations, as amended, then the provisions of the CZO, as amended, shall apply.

SECTION 4. Resolution No. 2021-04 is hereby repealed.

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 Comprehensive Zoning Ordinance as a whole.

SECTION 6. 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 7. 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.

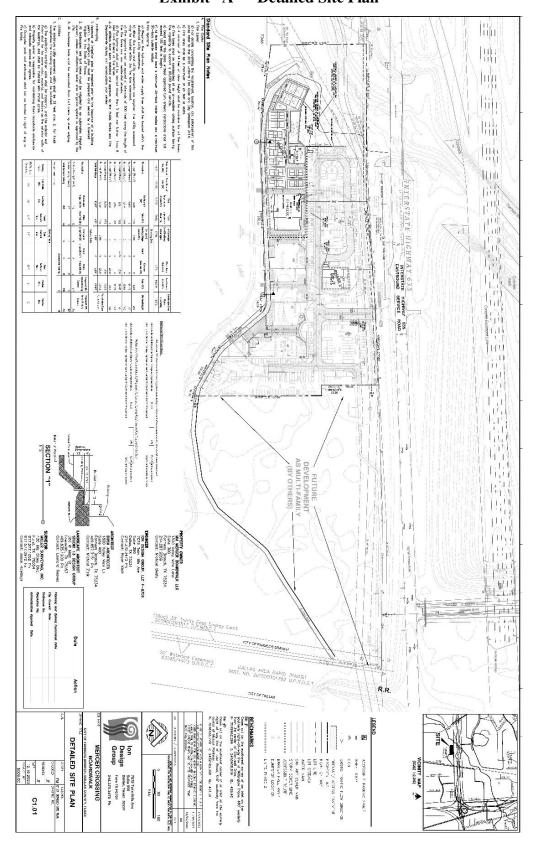
SECTION 8. In addition to and accumulative of all other remedies or penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 9. 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.

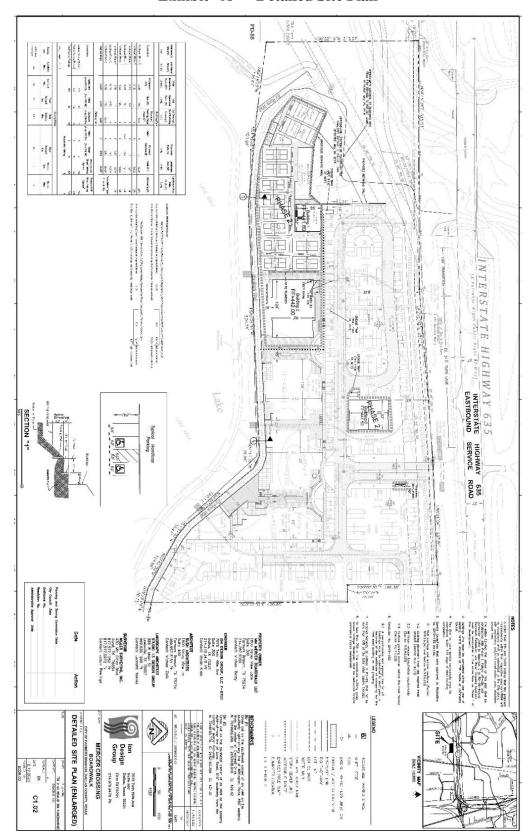
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE $7^{\rm TH}$ DAY OF MAY 2024.

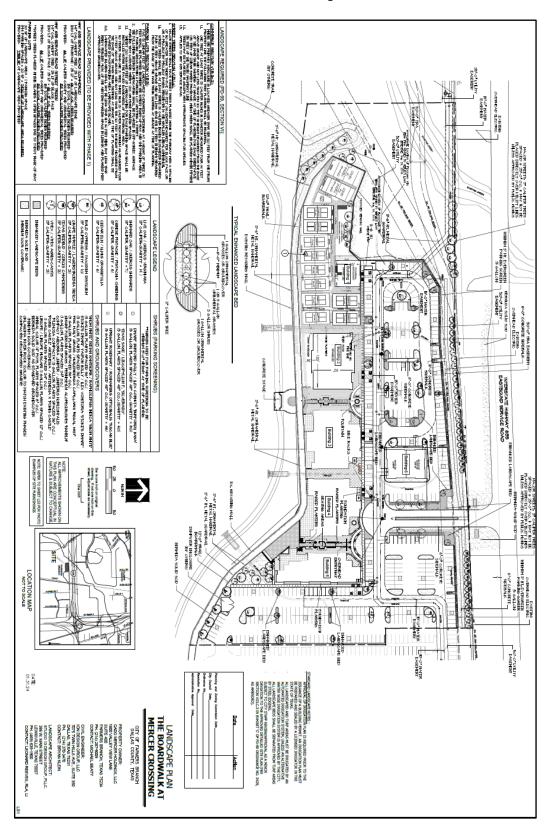
ATTEST:	APPROVED:	
Stacy Henderson, TRMC, City Secretary	Terry Lynne, Mayor	
APPROVED AS TO FORM:		
David M. Berman, City Attorney (kbl:4/2/2024:4868-8375-4674 v1)		

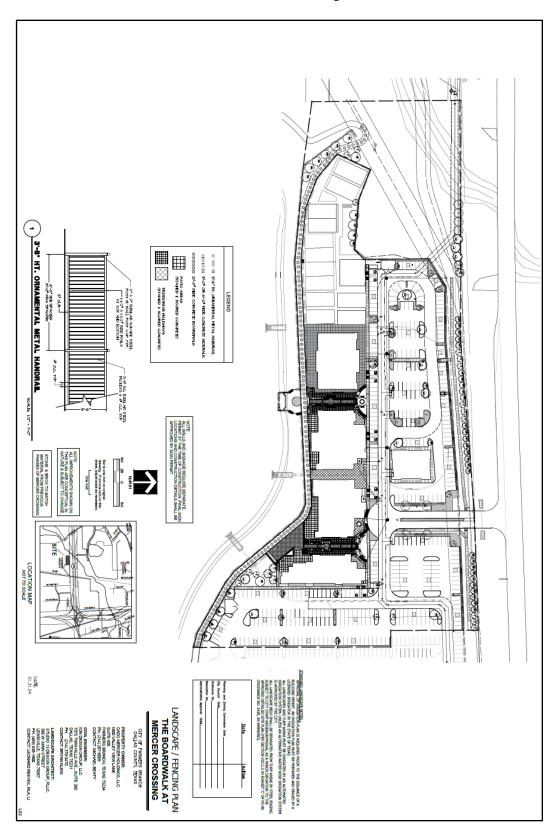
Ordinance No. 3857 Exhibit "A" – Detailed Site Plan

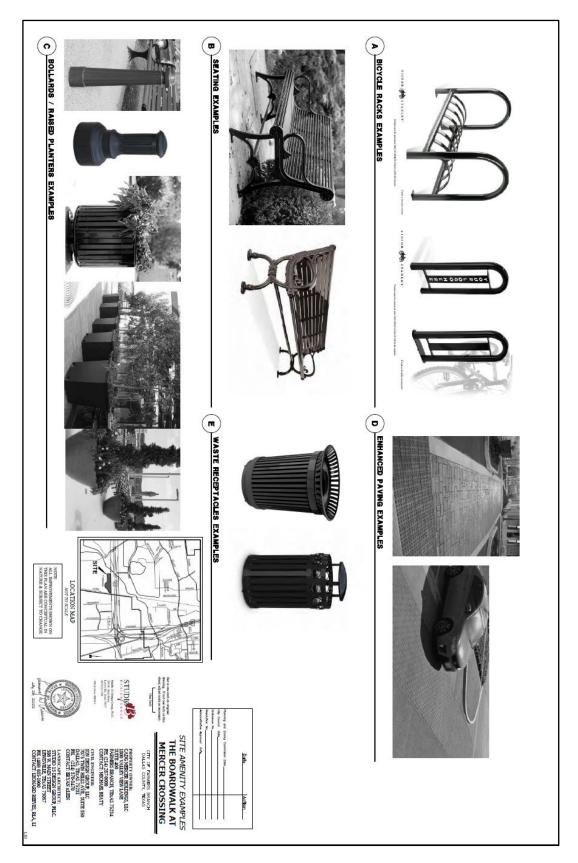


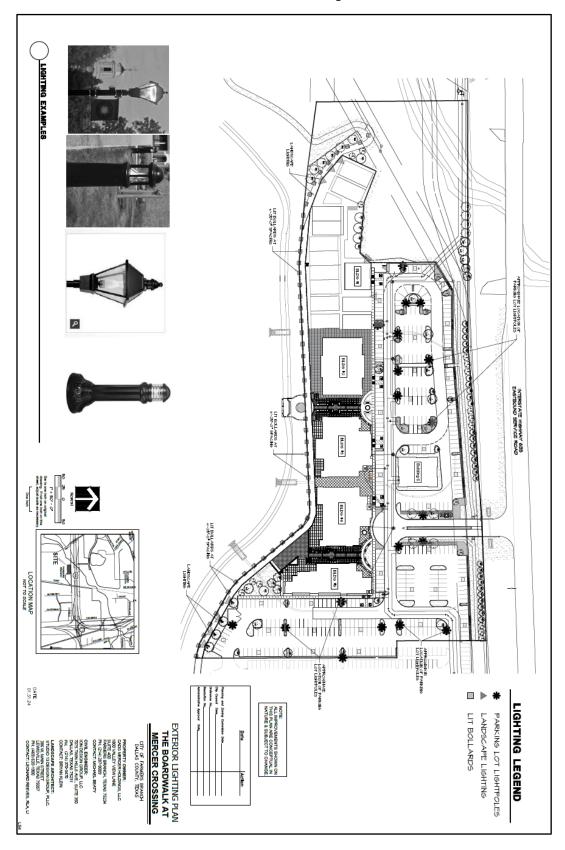
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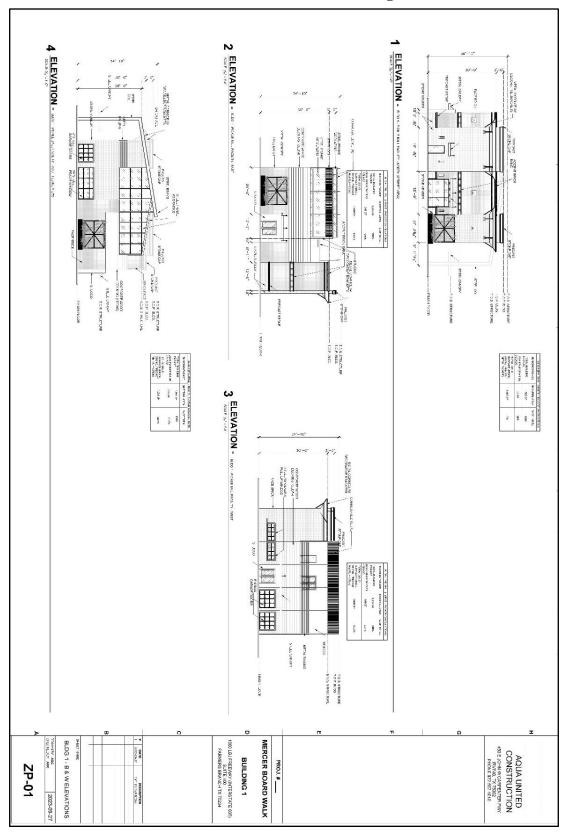




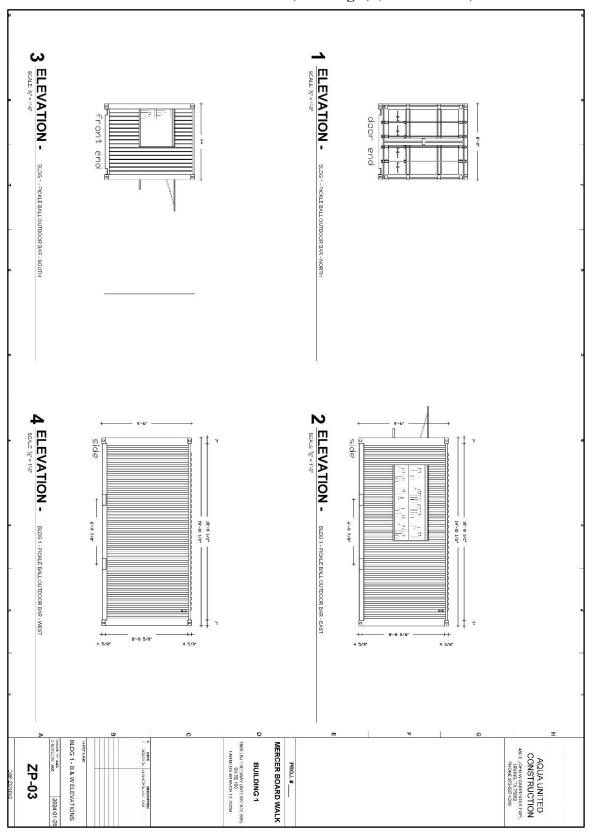




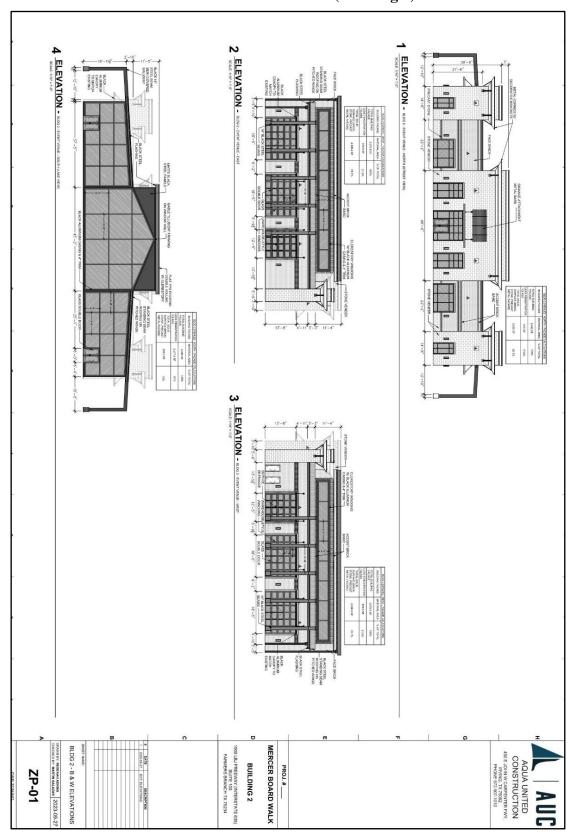
Ordinance No. 3857 Exhibit "C" – Elevations (Building 1)



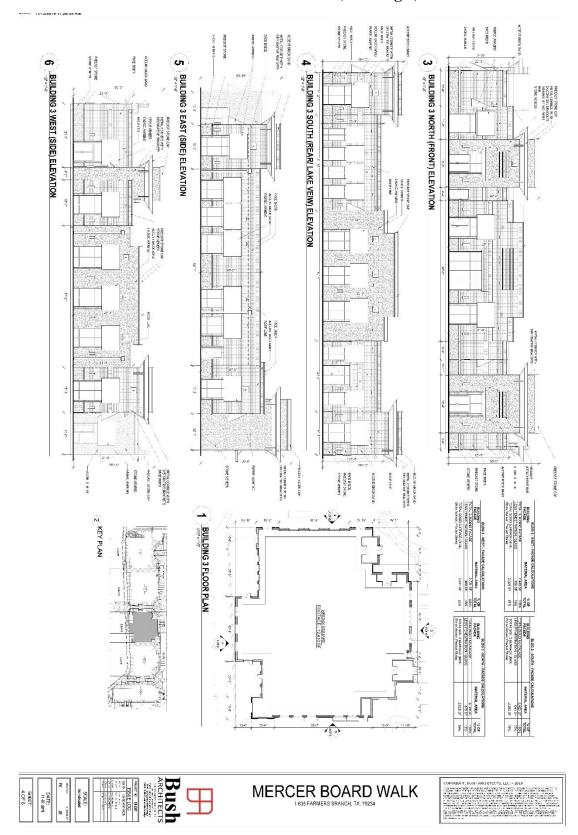
Ordinance No. 3857 Exhibit "C" – Elevations (Building 1) (Outdoor Bar)



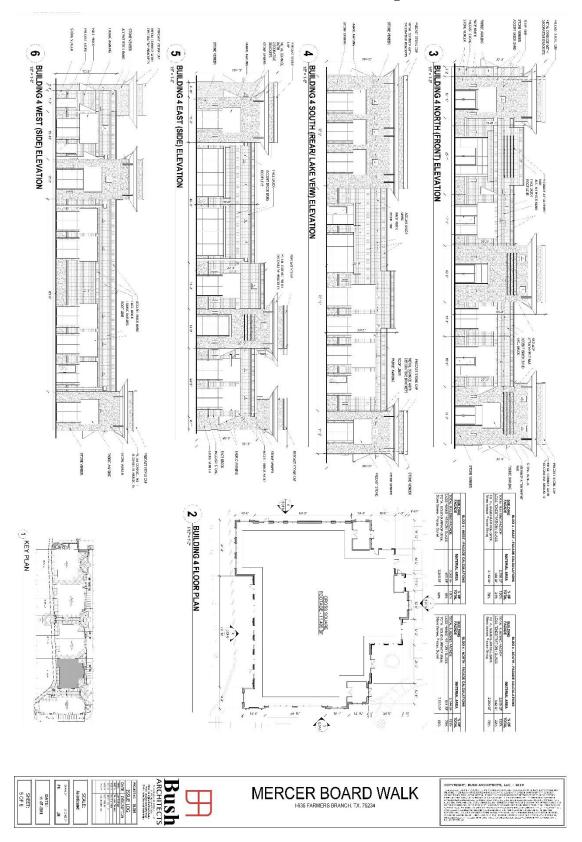
Ordinance No. 3857 Exhibit "C" – Elevations (Building 2)



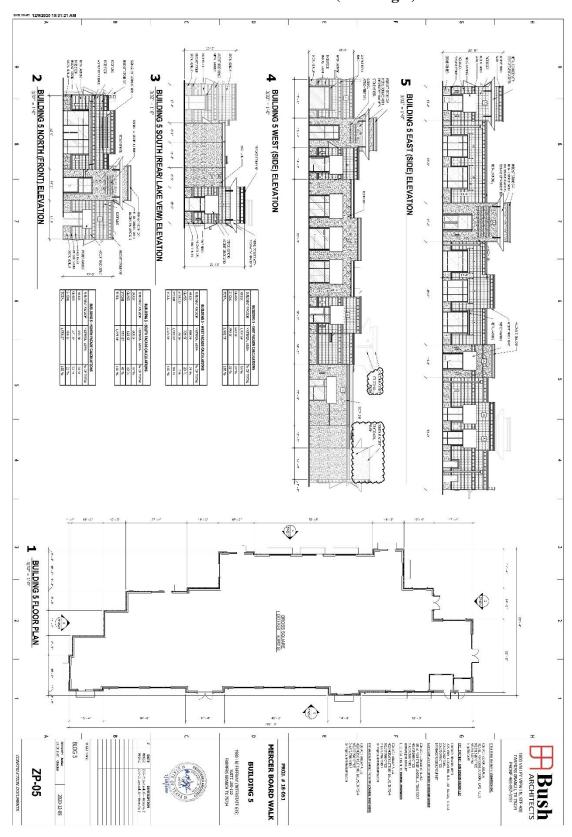
Ordinance No. 3857 Exhibit "C" – Elevations (Building 3)



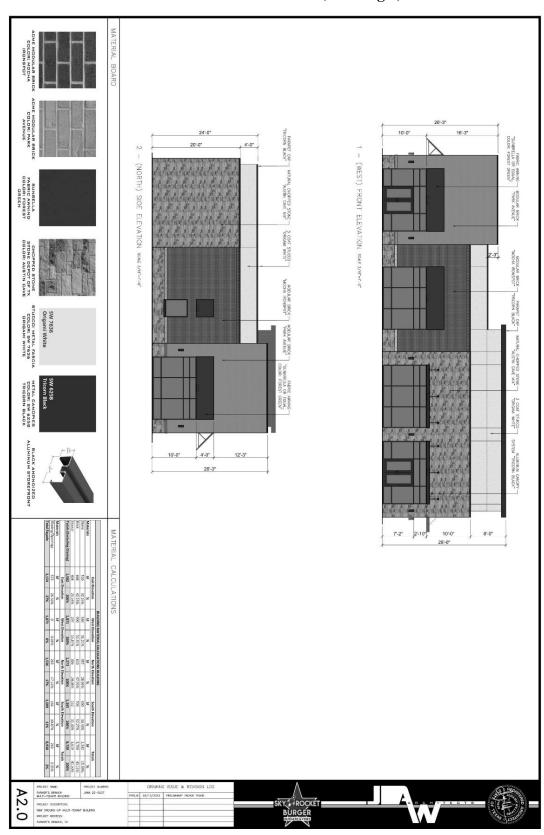
Ordinance No. 3857 Exhibit "C" – Elevations (Building 4)



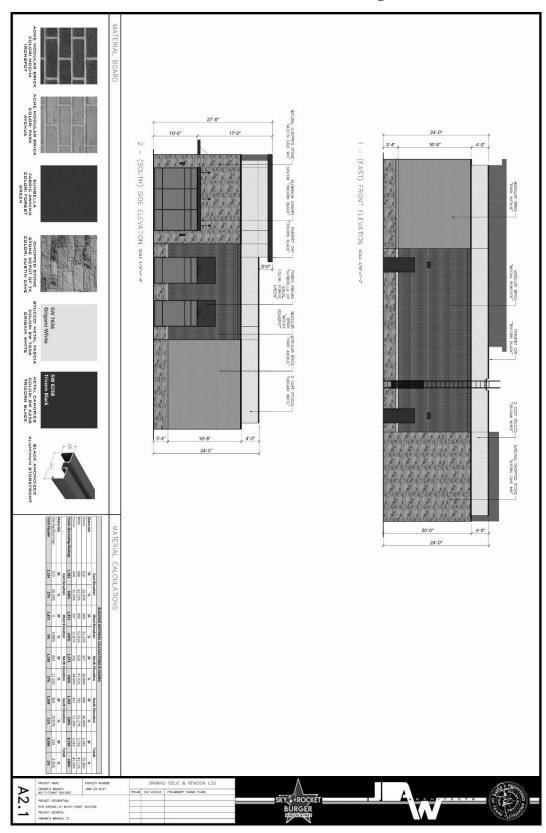
Ordinance No. 3857 Exhibit "C" – Elevations (Building 5)



Ordinance No. 3857 Exhibit "C" – Elevations (Building 6)



Ordinance No. 3857 Exhibit "C" – Elevations (Building 6)



Ordinance No. 3857 Exhibit "D" – Signage

