



## **ORDINANCE NO. 3308**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AS HERETOFORE AMENDED, BY AMENDING THE DEVELOPMENT REGULATIONS OF PLANNED DISTRICT NO. 79 (PD-79) RELATING TO FRONT YARD SETBACKS, DRIVEWAYS, POOLS AND SPAS, FENCES, CHIMNEYS, EXTERIOR MATERIALS, WINDOWS AND GARAGES, AND SOLAR PANELS`; PROVIDING A SAVINGS CLAUSE; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING INJUNCTIVE RELIEF; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) DOLLARS; 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 and Zoning Map of the City of Farmers Branch, Texas, as amended, be further amended by amending the development and use regulations of Planned Development No. 79 Zoning District ("PD-79"), as set forth in Exhibit "B" titled "Development Standards for Planned Development Zoning District Number 79(PD-79)" of Ordinance No. 2430, as amended by Ordinance No. 2944 and Ordinance No. 2950 (collectively, "the Development Standards") as follows:

- A. Section C "Site Layout," Subsection 4 "Building Setback," Paragraph (a) "Front Yards" is amended to read in its entirety as follows:

**(a) Front Yards**

All uses shall maintain a minimum front yard setback of twenty-five (25) feet from the street right-of-way, except that garages facing the street shall maintain a minimum setback ten (10) feet greater than that of the main structure.

- B. Section C “Site Layout,” Subsection 8 “Driveways,” Paragraph (a) “Coverage” is amended to read in its entirety as follows:

**(a) Coverage**

(1) No more than forty-five percent (45%) of the required front yard may be paved as a front entry driveway or for vehicle parking or maneuvering.

(2) Circular driveways shall not exceed sixty-five (65%) of the required front yard and must contain an inside radius of the driveway of no less than five feet (5') from the property line.

- C. Section C “Site Layout,” Subsection 8 “Driveways,” Paragraph (d) “Extent” is amended to read in its entirety as follows:

**(c) Extent**

(1) Colored or textured driveway materials or finishes shall not extend beyond any adjoining public sidewalk. If no adjoining public sidewalk exists, such driveway materials or finishes shall not extend beyond the driveway approach apron.

(2) Driveway approach aprons shall be constructed only of smooth finished concrete and must comply with the City of Farmers Branch Public Works standards and specifications.

(3) Driveway pavement material shall not abut building foundations except as approaches to garages or as entry walks.

(4) Homes existing as of October 5, 1998, may have pavement material abut building foundations.

- D. Section C “Site Layout,” Subsection 11 “Pools and Spas,” Paragraph (a) is amended to read in its entirety as follows:

**(a)** Above-ground swimming pools are prohibited. Small children’s wading pools or splash pools not designed or intended for permanent installation are allowed.

- E. Section C “Site Layout,” Subsection 13 “Fences - General,” Paragraph (b) “Height” is amended in its entirety to read as follows:

**(b) Height**

A maximum fence height of eight feet (8') is allowed.

- F. The introductory paragraph and Paragraph (a) of Section C “Site Layout,” Subsection 14 “Fences – Creek and Park Lots,” are amended to read in their entirety as follows:

**14. Fences-Creek and Park Lots.** Fencing of property lines abutting on Rawhide Creek or a public park may be installed at the builder’s or owner’s discretion. If fencing is desired, in addition to the provisions of Subsection 13, above, such fences shall be designed, constructed and installed in accordance with the following requirements:

- (a) Only steel fencing shall be installed on the property line abutting on Rawhide Creek or public park and for the adjacent twenty feet (20’) of the lateral or side fence that abuts on the creek or park property; provided, however, this paragraph (a) shall not apply to homes existing as of October 5, 1998, which on that date had fences abutting on Rawhide Creek or a subsequently developed park.

- G. Section D “Architecture,” Subsection 2 “Chimneys” is deleted and hereby repealed.

- H. Section D “Architecture,” Subsection 3 “Exterior Materials,” Paragraph (a) “New Construction,” Subparagraph (ii) is amended in its entirety to read as follows:

- (ii) Brick, stucco, or stone finishes are acceptable, and shall occupy a minimum of 75% on the first floor. A minimum of 50% masonry shall be required for all additional floors.

Stone: Cast stone and cultured stone are prohibited as primary cladding material. Use as trim or accent materials is permitted.

Stucco: Stucco may be used as an exterior wall finish, provided its detailing is consistent with the style of the architecture. Stucco must conform in color with all other exterior housing materials. Artificial stucco systems are allowed only as trim accents, or applied to the trim. Stucco and plaster shall only be allowed when applied using a 3-step process over diamond metal lath mesh to a 7/8<sup>th</sup> inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications.

This subparagraph (ii) shall not apply to homes existing as of October 5, 1998.

- I. Section D “Architecture,” Subsection 4 “Windows and Garage Doors,” Paragraph (d) is amended in its entirety to read as follows:

(d) All garage doors are to be constructed of fiberglass, metal, wood, or translucent plastic. No particle board is allowed. Glass windows are permitted. All garage doors shall be multi-paneled.

- J. Section D “Architecture,” Subsection 6 “Screening-Mechanical Equipment,” is amended in its entirety to read as follows:

**6. Screening-Mechanical Equipment**

- (a) All meters, air conditioning units, and other mechanical equipment shall be screened from public view.
- (b) Evergreen hedges may be used for screens if plants are mature enough and spaced close enough to provide adequate screening. Screening with plant material shall be accomplished with initial installation, not assumed growth at maturity.
- (c) Solar panels are allowed to be placed on roofs subject to the following:
  - (i) panels must match the color of the roof as closely as possible;
  - (ii) when possible, panels must be placed at rear rooflines or behind gables and dormers; and
  - (iii) panels shall be installed in a uniform and consolidated pattern.
- (d) Homes existing on October 5, 1998, shall be exempt from paragraphs (a) and (b) of this Subsection 6; provided, however, the provisions of this Section 6 shall apply to any addition to a home existing on October 5, 1998, which is constructed after October 5, 1998.

**SECTION 2.** The property described in Section 2 of Ordinance No. 2430 (“the Property”) shall be used and developed only in the manner set forth in the Development Standards, inclusive of the amendments set forth in Section 1 of this Ordinance, and, to the extent the Development Standards do not conflict, the purposes and standards provided for by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and as amended herein.

**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, the provisions of this Ordinance shall be controlling.

**SECTION 4.** 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 5.** 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 6.** 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 7.** 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 16<sup>th</sup> DAY OF SEPTEMBER, 2014.**

**ATTEST:**

**APPROVED:**

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Angela Kelly, City Secretary

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Bob Phelps, Mayor

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(kbl:9/9/14:67983)