



ORDINANCE NO. 3859

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 RETITLING AND AMENDING SUBSECTION B “COMPREHENSIVE SITE PLAN” OF SECTION 5.3 “PLANNED DEVELOPMENT DISTRICT”; AMENDING VARIOUS ADDITIONAL SECTIONS OF THE COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE PHRASE “SITE PLAN” AND “COMPREHENSIVE SITE PLAN” TO READ “DETAILED SITE PLAN”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION

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 interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended;

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

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

A. Section 5.3 “Planned Development District” is amended by retitling and amending Subsection B “Comprehensive Site Plan,” to read as follows:

B. Detailed Site Plan

1. No development on property located within a Planned Development District established in accordance with this section shall commence prior to approval of a Detailed Site Plan relating to the development of such property by the City Council following review and recommendation by the Commission.
2. No building permit shall be issued for property located in a Planned Development District until approval of a Detailed Site Plan for the property on which the permit is sought.

3. A Detailed Site Plan for property located within a Planned Development District shall be substantially consistent with the development regulations of the Planned Development District in which the property is located and, as a minimum, set forth the following:
 - a. Requirements for ingress and egress to the property;
 - b. Locations and dimensions of public and/or private streets or drives;
 - c. Identify adequate right-of-way to be dedicated to conform to the City's thoroughfare plan, if applicable;
 - d. The location of sidewalks, utilities, drainage facilities, and on-street and off-street parking areas and space;
 - e. Height of buildings;
 - f. Maximum lot coverage;
 - g. Locations and area of yards and open spaces;
 - h. Design and location of screening walls and/or fences;
 - i. A detailed landscaping plan;
 - j. Building locations;
 - k. Location and area of recreation areas; and
 - l. Details of protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property, including varying the uses allowed, and their locations, within the district.
4. If new construction is required to comply with a Detailed Site Plan or to be able to use property for the use for which a Detailed Site Plan is granted, a development permit for construction of buildings and/or improvements on the property described in the Detailed Site Plan must be obtained from the City not later than two years after the later of the date of approval of the Detailed Site Plan or the date such Detailed Site Plan is to become effective; provided, however, the Director may authorize one or more extensions of such deadline for a period totaling not more than an additional one year after the original deadline. A Detailed Site Plan and the resolution approving

same shall terminate and be of no further effect if (i) a development permit has not been issued within the time required by this Section 5.3.B.4, or (ii) if a development permit has been issued for such construction but has subsequently expired without completion of construction of the buildings and/or improvements.

5. If no new construction is required to comply with a Detailed Site Plan or to make the property usable for the use for which a Detailed Site Plan is granted, the Detailed Site Plan and the resolution granting same shall expire and be of no further effect if a certificate of occupancy is not obtained and use of the property for which the Detailed Site Plan was granted has not commenced within the later of six months after the date of approval of Detailed Site Plan or the date of termination of the Detailed Site Plan expressly set forth in the resolution approving the Detailed Site Plan. If the resolution approving a Detailed Site Plan does not expressly state a deadline by which a certificate of occupancy must be issued following the approval of the Detailed Site Plan, the Director may authorize one or more extensions of such deadline for a period totaling not more than an additional one year after the original deadline.

B. Paragraph 4 of Section 5.3 “Planned Development District,” Subsection C “Approval” is amended to read as follows:

4. A public hearing may be held on any Detailed Site Plan required as a condition of a Planned Development District when such Detailed Site Plan is submitted or whenever significant changes are proposed in such plan and the public hearing shall be subject to the same procedure of notice as is specified for amending the zoning ordinance.

C. Section 2.8 “Antennas,” Subsection B “Mounted Antennas,” Paragraph 1 “General” is amended by amending subparagraph d. to read as follows:

- d. Mounted antennas may be installed in an O, LR-1, LR-2, C, LI or HI district with a building permit and in a PD district with Detailed Site Plan approval and a building permit provided it complies with Section 2.8.B.2.

D. Article 3 “Zoning District and Dimensional Standards, Section 3.2 “General.” Subsection A “Location of Dwellings and Buildings” is amended by changing the phrase “site plan” wherever such phrase appears in said subsection to read “Detailed Site Plan.”

E. Article 6 “Administration,” Section 6.6 “Nonconformities,” Subsection F “Nonconforming Site Elements” is amended by amending Paragraph 2.b. to read as follows:

- b. Amendments to an approved Detailed Site Plan or an approved landscape plan for a property with a nonconforming site element may be approved by the City Manager or designee to allow a change to a site element so long as the proposed change conforms to this Chapter and reduces or eliminates the nonconformity of the site element.

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, 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. 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 THE 21ST DAY OF MAY 2024.

ATTEST:

APPROVED:

Stacy Henderson, TRMC, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM:

David M. Berman, City Attorney
(kbl:5/8/2024:4881-7259-6919 v1)