



## **ORDINANCE NO. 3937**

**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 APPROXIMATELY 7.48± ACRES OF LAND OUT OF THE ISAAC WEBB SURVEY ABSTRACT NO. 1574, WITHIN PLANNED DEVELOPMENT DISTRICT NUMBER 74 (PD-74); ADOPTING A CONCEPTUAL SITE PLAN; PROVIDING FOR ADDITIONAL DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; AND PROVIDING FOR 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, is hereby amended by amending as follows the regulations of Planned Development No. 74 (PD-74), as previously amended, with respect to the use and development of approximately 7.48 acres described as the Revision of the Revised Final Plat of the Second Installment of Metro Square Addition, according to the plat thereof recorded in Volume 73009, Page 1123, Deed Records of Dallas County (D.R.D.C.T) ("the Property"):

- A.** The Property shall be developed and used in accordance with the use and development regulations of Planned Development No. 74 (PD 74), as previously amended, except as set forth below.
- B.** The Property shall be used and developed in accordance with the Conceptual Site Plan, Landscape Plan, and Building Elevations attached hereto as Exhibits "A," "B," and "C," respectively and incorporated herein by reference.
- C.** Notwithstanding the provisions of PD-74, the Property may be developed in accordance with the following development regulations:

- (1) In addition to uses listed in Section 5 of the PD-74 Development Requirements, Warehouse and Distribution shall be permitted by right.
- (2) Buildings constructed on the Property shall not be required to comply with the residential proximity setback requirements set forth in Section 7.A.3 of the PD-74 Development Requirements, provided the buildings are located no closer to the northern property line of the Property as shown on the Conceptual Site Plan; and
- (3) Loading doors may face north in the locations shown on the Conceptual Site Plan and Conceptual Building Elevations. In lieu of the required masonry screening wall, a wood fence not less than eight (8) feet tall may be constructed along the northern property line adjacent to property zoned "R-4" One-Family District.
- (4) Paving areas and off-street parking spaces may be located within the required front yard setback along Villa Creek Drive.

**D.** Prior to commencement of any development on any portion of the Property, a Detailed Site Plan must be submitted to the Development Review Committee (DRC) for approval. No construction permits for any portion of the Property shall be issued prior to approval of the Detailed Site Plan. Prior to the granting of such permits, all outstanding liens, taxes, and fees owing from the property, including hotel occupancy taxes, penalties, and interest, must be paid in full to the City. Approval of the Detailed Site Plan shall be based on compliance with the PD-74 Development Regulations, the Comprehensive Zoning Ordinance, and the Conceptual Site Plan, and subject to the following:

- (1) Any significant deviation in the development of the Property from the Conceptual Site Plan, Landscape Plan, and/or Elevations not constituting a Minor Modification as provided below shall require an amendment to the Site Plan, Landscape Plan, and/or Elevations, as applicable, in accordance with the procedures required for a zoning amendment. The Planning Director shall make the determination as to whether a requested deviation set forth in any application for a development permit and/or plans and specifications relating to the development of the Property constitutes a Minor Modification.
- (2) For the purposes of these Development Regulations, a "Minor Modification" is a deviation to the Site Plan, Landscape Plan, and/or Elevations set forth in any application for a permit and/or plans and specifications relating to the development of the Property that does not:
  - a. Materially change the circulation and building locations shown on the Site Plan;
  - b. Increase the building area permitted by these Development Regulations;
  - c. Materially alter the relationship between building(s) and the internal streets through the alteration of minimum setback requirements;
  - d. Allow a use not otherwise authorized by these Development Regulations;
  - e. Increase the allowable intensity or density of any land use within the District;
  - f. Increase or decrease the number of stories as shown on the Elevations;
  - g. Substantially alter the architectural character and/or building form as shown on the Elevations; or

- h.** Otherwise effectively result in an amendment to these Development Regulations or the Comprehensive Zoning Ordinance to an extent beyond the amendments established by these Development Regulations.
- (3)** The Planning Director shall have the authority to require any proposed Detailed Site Plan be reviewed by the Planning and Zoning Commission and approved by the City Council.

**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 19<sup>th</sup> DAY OF AUGUST 2025.**

ATTEST:

APPROVED:

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Erin Flores, TRMC, City Secretary

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Terry Lynne, Mayor

APPROVED AS TO FORM:

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Whitt Wyatt, City Attorney

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