



## **ORDINANCE NO. 3513**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH (THE COMPREHENSIVE ZONING ORDINANCE, TEXAS), AS HERETOFORE AMENDED, BY AMENDING; SECTION 3.3 “MEASUREMENT AND EXCEPTIONS,” SUBSECTION H “FRONT YARD,” SUBSECTION I “SIDE YARD,” AND SECTION J “REAR YARD” RELATING TO THE DEFINITION AND DETERMINATION OF MINIMUM SETBACKS; AMENDING SECTIONS 3.5 THROUGH 3.11 BY AMENDING THE MINIMUM SETBACKS FOR RESIDENTIAL PROPERTIES LOCATED IN AN R-2, R-3, R-4, R-5, R-6, D-1, OR D-2 ZONING DISTRICT; AND AMENDING SECTION 7.2 “DEFINITIONS OF WORDS, TERMS, AND PHRASES” BY AMENDING THE DEFINITION OF “LOT” AND ADDING DEFINITIONS FOR “CORNER LOT,” INTERIOR LOT,” AND “THROUGH LOT”; PROVIDING FOR 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; 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:**

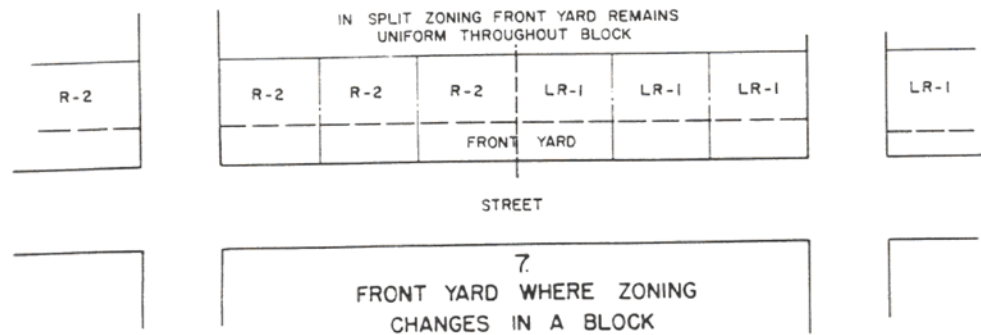
**SECTION 1. Chapter 94 “Zoning” of the Code of Ordinances, City of Farmers Branch, Texas, (i.e. the Comprehensive Zoning Ordinance”) is amended as follows:**

- A.** Article 3 “Zoning District Dimensional Standards,” Section 3.3 “Measurement and Exceptions,” Subsection H “Front Yard,” Subsection I “Side Yard,” and Section J “Rear Yard” are amended to read as follows:

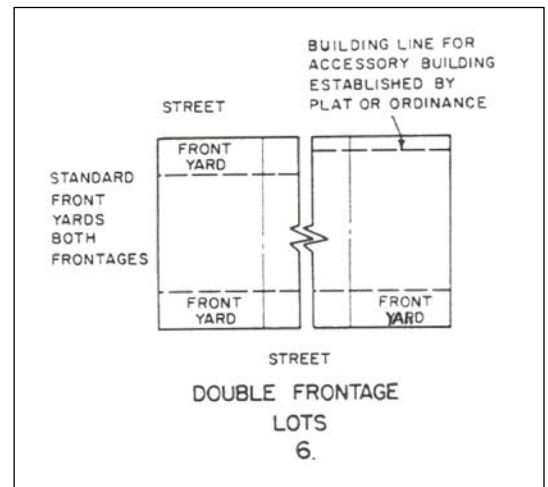
**H. Front Yard**

- 1.** “Front Yard” or “Front Yard Setback” means the open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the zoning district in which it is located.

2. All property developed within the City must comply with the front yard requirements set forth in this Article 3 applicable to the zoning district in which the building is located except as follows:
- Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.



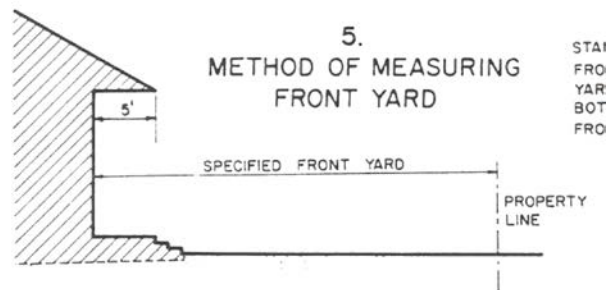
- The front yard prescribed by this Article 3 for the zoning district in which a platted lot is located that conflicts with the front yard established by a building line set forth on a recorded plat or by a City ordinance outside of this zoning ordinance shall be determined as follows:
  - Except as provided in paragraph ii, below, the front yard shall comply with the building line set forth on the plat or established by such other City ordinance; and
  - If the property is in an R-2, R-3, R-4, R-5, R-6, D-1 or D-2 district, the front yard shall be based on the least restrictive building line.
- Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by prior ordinance, in which event only one required front yard need be observed.
- If buildings along the frontage of any street in a residential block in an R-1, MF-1, MF-2, MF-3 or MF-4 zoning districts have been constructed with an average setback that conflicts with the



minimum front yard established for the zoning district, the minimum front yard for lots within that block shall be the average front yard of all buildings in the block. Solely, for purposes of the foregoing calculation, all vacant lots along the same street frontage shall be assumed to have been constructed subject to the minimum front yard specified by this Article for the zoning district. Notwithstanding anything herein to the contrary, this Paragraph d. shall not be applied in a manner to require a front yard of more than 50 feet or require any building to be constructed with a setback exceeding 10 feet greater than the minimum front yard setback applicable to any adjacent lot.

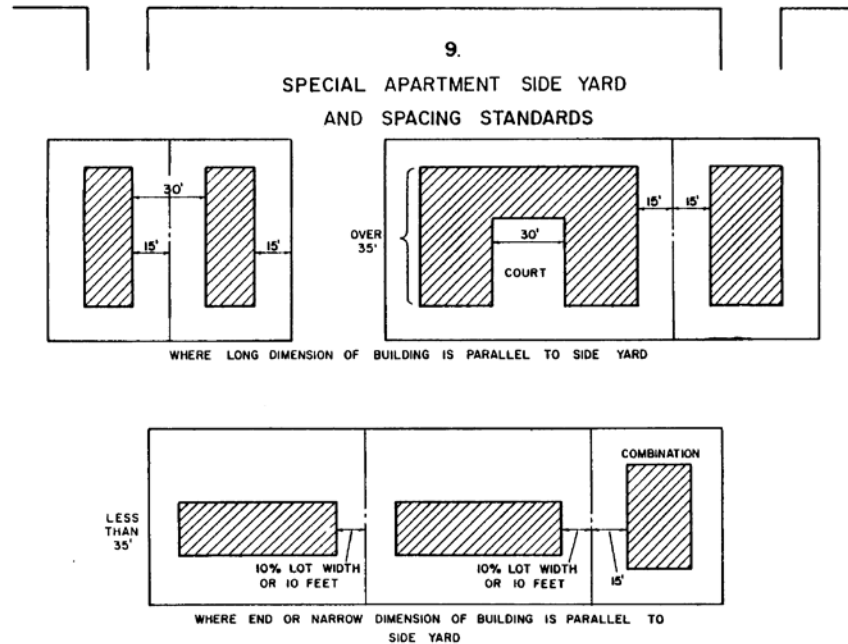
- e. The minimum front yard for property located within an MF-4 Zoning District shall be the greater of (i) 30 feet and (ii) the distance from the centerline of the street on which a building fronts to the front face of the building be less than one-half the height of the building; but in no case shall a front yard setback of more than 50 feet from the property line be required.
- f. In addition to setbacks required elsewhere in this Chapter, the building setback line along both sides of Dallas Parkway shall be 100 feet from the centerline of Dallas Parkway; provided, however, such setback line may be decreased by the City Council at the time of approval of a detailed site plan for the property or pursuant to an amendment to the zoning regulations applicable to the property.
- g. Unless expressly allowed by other City ordinance, in the R-1, R-2, R-3, R-4, R-5, R-6, D-1, D-2 and I-RU Districts, no building, structure, fence or improved parking area shall be located, erected or placed in the required front yard; provided, however, driveways, circular driveways, and landscaping shall be allowed within the required front yard.
- h. If 75% of the buildings that front any street in a residential block do not have garage doors that face the street in the front half of the lot, then the front facing garage doors must maintain a minimum setback of 10 feet greater than that of the main structure and must be designed in a way not to dominate the front façade of the structure. A maximum of (i) two single car garage doors, each being no greater than 10 feet wide) or (ii) one double car garage door no more than 22 feet wide shall be allowed. Only residential units constructed on lots with less than 81 feet of street frontage, with existing street oriented driveways, and located within the R-3, R-4, R-5 and R-6 zoning districts may be constructed with a garage orientation and design and provided in this paragraph h.

- i. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed 5 feet and subsurface structures may not project into the front yard to a height greater than 40 inches.



## I. Side Yard

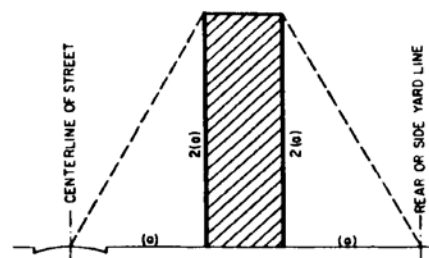
1. “Side yard” or “Side Yard Setback” means the open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard with the minimum horizontal distance between the side lot line and the main building as specified for the zoning district in which the property is located. Any lot line that is not a rear lot line or a front lot line shall be deemed a side lot line
2. All property developed within the City must comply with the side yard requirements set forth in this Article 3 applicable to the zoning district in which the building is located except as follows:
  - a. Multiple family dwellings not exceeding two stories in height shall be located on a lot to provide a minimum side yard between all building walls and any side lot line as follows;
    - i. The side yard adjacent to a building face or wall less than or equal to 35 feet in width shall be not less than 10 feet; and
    - ii. The side yard adjacent to a building face or wall greater than 35 feet in width shall be not less than 15 feet.



- b. Multiple Family Dwellings exceeding two stories in height shall be located on a lot in a manner to provide a side yard between all building walls and any side lot line as follows:
- i. If the building face or wall has openings for light, air, or access, the side yard adjacent to such wall shall be not less than 1 foot for every 2 feet of building height adjacent to such side yard, but in no case shall the side yard be required to exceed 50 feet; and
  - ii. If the building face or wall contains no openings for access, light or air, the side yard adjacent to such wall shall not be less than 10 feet.

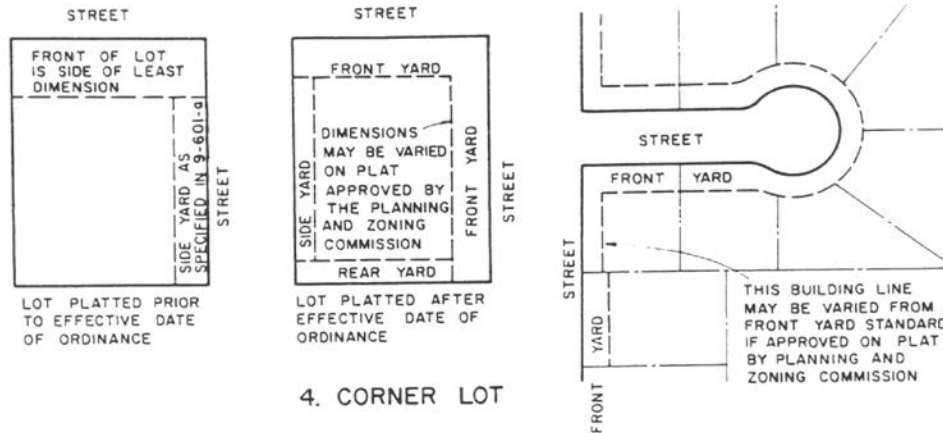
II.

**SET BACK STANDARDS HIGH RISE  
APARTMENT & SIMILAR STRUCTURES**



WHEN HEIGHT EQUALS 2(a), FRONT YARD MEASURED FROM STREET CENTERLINE MUST BE MINIMUM OF (a). SIDE AND REAR YARDS WITH OPENINGS FOR LIGHT OR AIR, SHALL BE MINIMUM DIMENSION OF (a) WHEN HEIGHT IS 2(a). IN NO CASE NEED (a) EXCEED FIFTY (50) FEET (SEE 9-502 f.)

- c. On a corner lot platted after February 24, 1969, and used for a one-family or two-family dwelling, both street exposures shall be treated as front yards; provided, however, a side yard building line of 10 feet or more designated and shown on a plat approved after February 24, 1969, shall control over a conflict with this paragraph c.
- d. The minimum side yard adjacent to a side street on a Lot of Record shall be 10 feet.



- e. The end of each one-family attached dwelling complex shall have a side yard of not less than 10 feet so that the end of any two adjacent building complexes shall be at least 20 feet apart.
- f. Every part of a required side yard shall be open and unobstructed except for permitted accessory buildings and the permitted encroachment of architectural features of the main structure, which encroachment shall not exceed:
  - i. 1 foot for window sills, belt courses, and cornices; and
  - ii. 2 feet for roof eaves.
- g. A side yard adjacent to a street of a corner lot developed with a multiple-family dwelling not exceeding two stories in height shall not be less than 30 feet. No balcony, porch, or any portion of the building may extend into such required side yard, except that a roof may overhang such side yard up to 4 feet. Notwithstanding the foregoing, a side yard established by other ordinances or plat on a lot of record shall control if in conflict with this paragraph g.

**J. Rear Yard**

1. “Rear Yard” or “Rear Yard Setback” means the open, unoccupied space, except for permitted accessory buildings, extending across the rear of a lot from one side lot line to the other side lot line and having a depth with the minimal horizontal distance between the rear lot line and the main building as specified in the zoning district in which the property is located.
2. All property developed within the City must comply with the rear yard requirements set forth in this Article 3 applicable to the zoning district in which the building is located except as follows:
  - a. No main residential building may be constructed closer than the following distances to (i) the rear property line or (ii) if a public or private utility or drainage easement is located on the lot adjacent to the rear lot line, the boundary of such easement, whichever is the farthest distance from the rear lot line:
    - i. Ten (10) feet if located in an R-2, R-3, R-4, R-5, R-6, D-1 and D-2 district; and
    - ii. Fifteen (15) feet if located in an R-1, MF-1, MF-2, MF-3, or MF-4 district.
  - b. The main residential building and all accessory buildings (subject to the provisions of Section 2.9) shall cover no more than 50% of that portion of the lot lying to the rear of a projected line joining the mid-point on one side lot line with the mid-point of the opposite side lot line.
  - c. Multiple-family dwellings exceeding two stories in height must be located on the lot in such a manner as to provide a rear yard equal to 1 foot for every 2 feet of building height; provided, however, such rear yard shall not be required to exceed 50 feet.

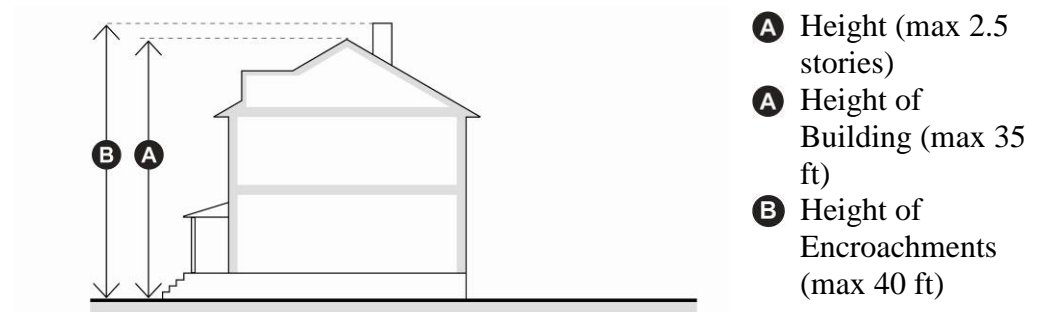
- B.** Article 3 “Zoning District Dimensional Standards,” Section 3.5 “R-2 (One-Family Residence District-2),” Section 3.6 “R-3 (One-Family Residence District-3),” Section 3.7 “R-4 (One-Family Residence District-4),” Section 3.8 “R-5 (One-Family Residence District-5),” Section 3.9 “R-6 (One-Family Residence District-6),” Section 3.10 “D-1 (Two-Family Residence District-1),” and Section 3.11 “D-2 (Two-Family Residence District-2)” are amended to read as follows:

### 3.5 R-2 (ONE FAMILY RESIDENCE DISTRICT-2)

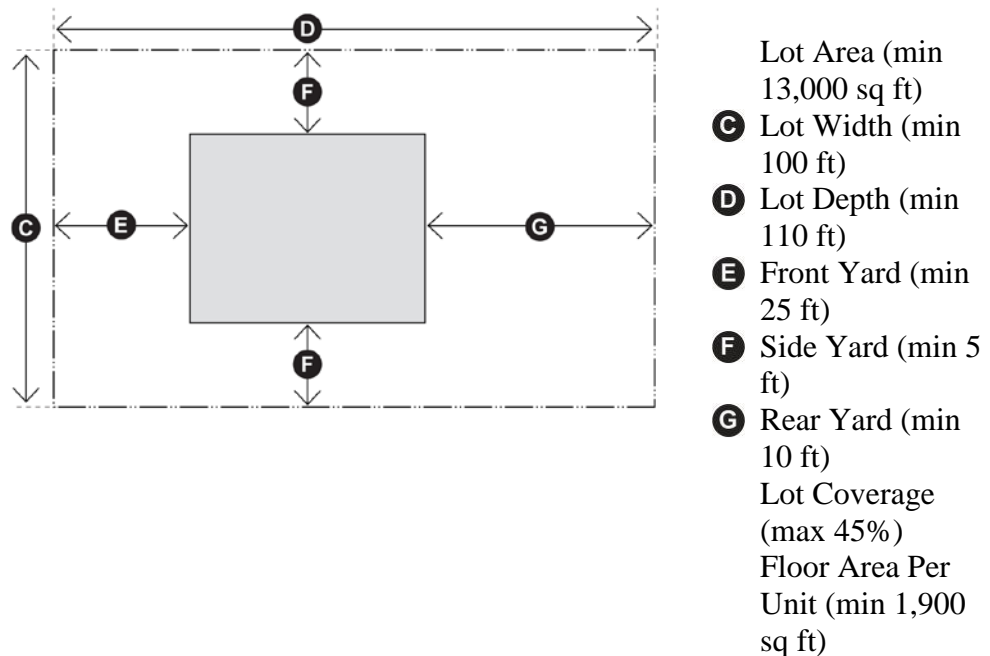
#### Description

The R-2 District is intended to accommodate one-family detached houses on medium-sized individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,900 square feet. The minimum lot size of 13,000 square feet generates a low density development pattern that is more dense than R-1. The district should be applied in areas where the land use pattern is predominately one-family detached houses on medium-sized individual lots or where such a pattern is desired in the future.

**Height** (see Section 3.3 for additional height provisions)



**Siting** (see Section 3.3 for additional lot and yard provisions)





### Notes

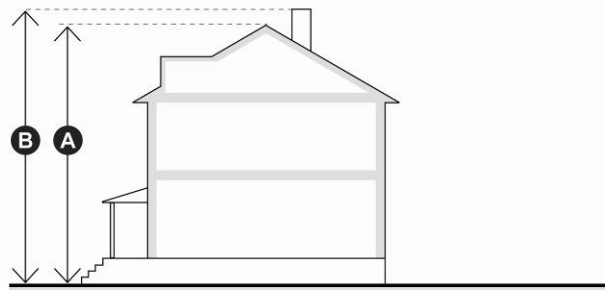
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments for 2 and 2½ story buildings, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements, see Section 3.3J.2.a.
6. For location and regulation of accessory structures, see Section 2.9.

## 3.6 R-3 (ONE FAMILY RESIDENCE DISTRICT-3)

### Description

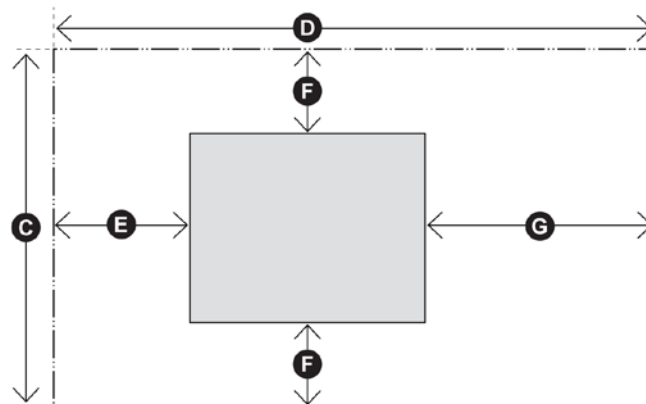
The R-3 District is intended to accommodate one-family detached houses on medium sized individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,800 square feet. The minimum lot size of 10,000 square feet generates a low density development pattern that is more dense than those allowed in the R-2 district. R-3 allows the same density as R-4, but the minimum floor area of a house in R-3 is greater than in R-4. The district should be applied in areas where the land use pattern is predominately one-family detached houses on medium-sized individual lots or where such a pattern is desired in the future.

**Height** (see Section 3.3 for additional height provisions)



- A** Height (max 2 stories)
- A** Height of Building (max 35 ft)
- B** Height of Encroachments (max 40 ft)

**Siting** (see Section 3.3 for additional lot and yard provisions)



- Lot Area (min 10,000 sq ft)
- C** Lot Width (min 80 ft)
- D** Lot Depth (min 110 ft)
- E** Front Yard (min 25ft)
- F** Side Yard (min 5 ft)
- G** Rear Yard (min 10 ft)

Lot Coverage  
(max 45%)  
Floor Area Per  
Unit (min 1,800  
sq ft)

#### Notes

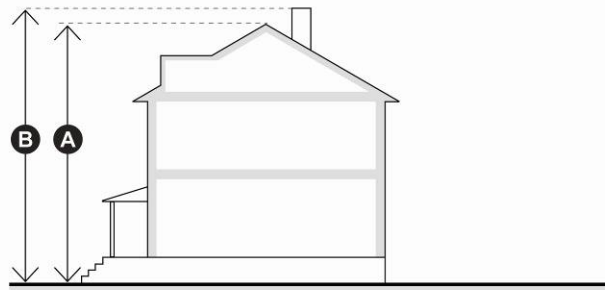
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d
3. For allowed encroachments for 2 story buildings, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements, see Section 3.3J.2.a.
6. For location and regulation of accessory structures, see Section 2.9.

### 3.7 R-4 (ONE FAMILY RESIDENCE DISTRICT-4)

#### Description

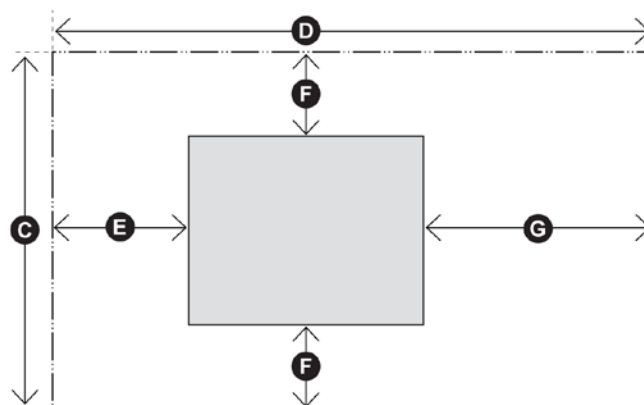
The R-4 District is intended to accommodate one-family detached houses on medium-sized individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,600 square feet. The minimum lot size of 10,000 square feet generates the same density as R-3, but the minimum floor area of a house in R-4 is less than in the R-3 district. The district should be applied in areas where the land use pattern is predominately one-family detached houses on medium-sized individual lots or where such a pattern is desired in the future.

**Height** (see Section 3.3 for additional height provisions)



- A** Height (max 2 stories)
- A** Height of Building (max 35 ft)
- B** Height of Encroachments (max 40 ft)

**Siting** (see Section 3.3 for additional lot and yard provisions)



- Lot Area (min 10,000 sq ft)
- C** Lot Width (min 80 ft)
- D** Lot Depth (min 110 ft)
- E** Front Yard (min 25 ft)

- F** Side Yard (min 5 ft)
- G** Rear Yard (min 10 ft)
- Lot Coverage (max 45%)
- Floor Area Per Unit (min 1,600 sq ft)

#### Notes

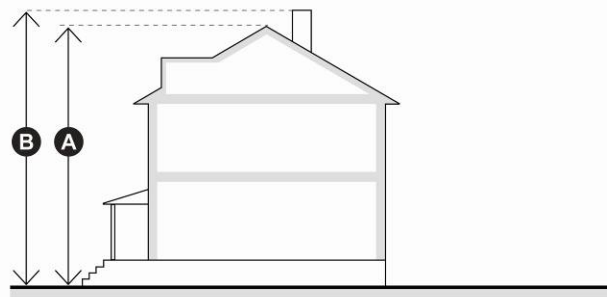
1. For placement of structures, parking areas and driveways in front yards, see 3.3H.2.g.
2. Average front setback may apply, see 3.3H.2.d
3. For allowed encroachments for 2 story buildings, see 3.3C.
4. For setbacks on corner lots, see 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements, see 3.3J.2.a.
6. For location and regulation of accessory structures, see Section 2.9.

### 3.8 R-5 (ONE FAMILY RESIDENCE DISTRICT-5)

#### Description

The R-5 District is intended to accommodate one-family detached houses on small individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,500 square feet. The minimum lot size of 8,700 square feet generates a low density development pattern that is higher than other R-districts. R-5 allows the same density as R-6, but the minimum floor area for a house in R-5 is greater than in R-6. The district should be applied in areas where the land use pattern is predominately one-family detached houses on small individual lots or where such a pattern is desired in the future.

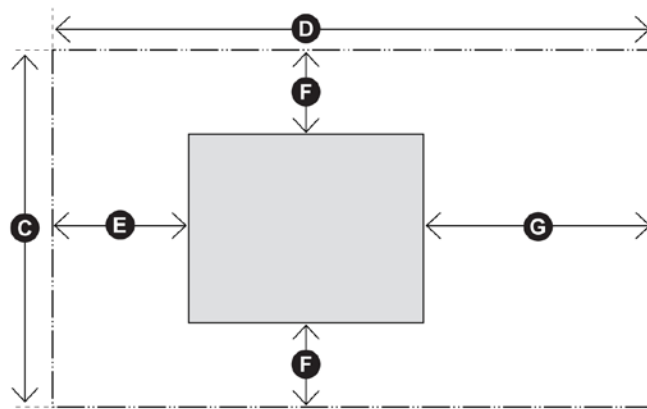
**Height** (see Section 3.3 for additional height provisions)



- A** Height (max 2 stories)
- A** Height of Building (max 35 ft)
- B** Height of Encroachments (max 40 ft)

**Siting** (see Section 3.3 for additional lot and yard provisions)

- Lot Area (min 8,700 sq ft)
- C** Lot Width (min 70 ft)



- D** Lot Depth (min 110 ft)
- E** Front Yard (min 25 ft)
- F** Side Yard (min 5 ft)
- G** Rear Yard (min 10 ft)
- Lot Coverage (max 50%)
- Floor Area Per Unit (min 1,500 sq ft)

#### Notes

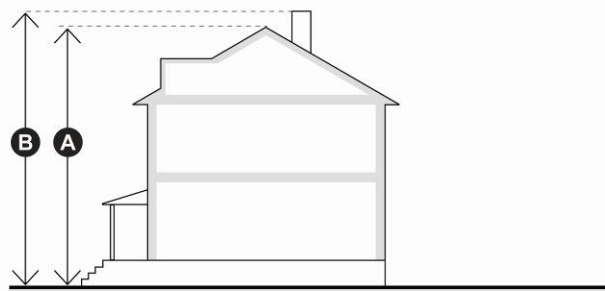
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d
3. For allowed encroachments for 2 story buildings, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c.
5. For rear yard and lot coverage requirements, see Section 3.3J.2.a.
6. For location and regulation of accessory structures, see Section 2.9.

### 3.9 R-6 (ONE FAMILY RESIDENCE DISTRICT-6)

#### Description

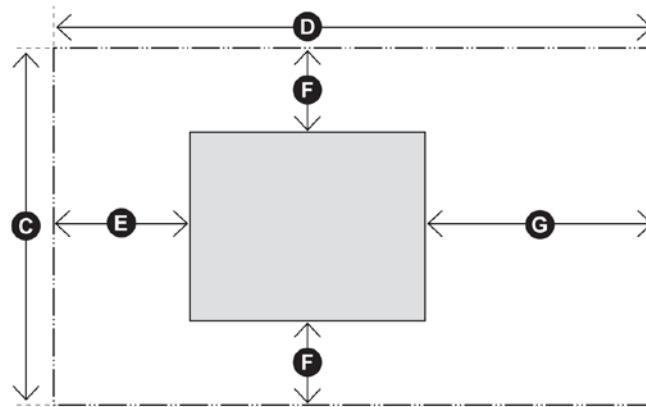
The R-6 District is intended to accommodate one-family detached houses on small individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,300 square feet. The minimum lot size of 8,700 square feet generates a low density development pattern. R-6 allows the same density as R-5, but the minimum floor area for a house in R-6 is greater than in the R-5 district. The R-6 district should be applied in areas where the land use pattern is predominately one-family detached houses on small individual lots or where such a pattern is desired in the future.

**Height** (see Section 3.3 for additional height provisions)



- A** Height (max 2 stories)
- A** Height of Building (max 35 ft)
- B** Height of Encroachments (max 40 ft)

**Siting** (see Section 3.3 for additional lot and yard provisions)



- Lot Area (min 8,700 sq ft)
- C** Lot Width (min 70 ft)
- D** Lot Depth (min 110 ft)
- E** Front Yard (min 25 ft)
- F** Side Yard (min 5 ft)
- G** Rear Yard (min 10 ft)
- Lot Coverage (max 50%)
- Floor Area Per Unit (min 1,300 sq ft)

**Notes**

1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d
3. For allowed encroachments for 2 story buildings, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements, see Section 3.3J.2.a.
6. For location and regulation of accessory structures, see Section 2.9.

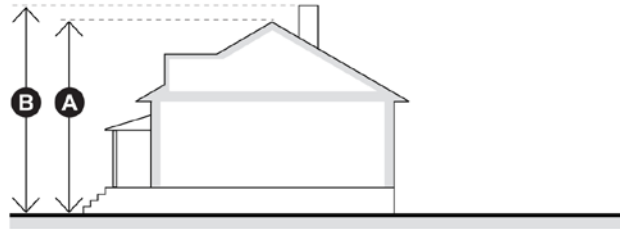
**3.10 D-1 (TWO FAMILY RESIDENCE DISTRICT-1)**

**Description**

The D-1 District is intended to accommodate duplexes and one-family houses on individual lots and provide two housing options within the same district. Compatible civic and institutional uses are also permitted. Each dwelling unit has a minimum floor area of 1,200 square feet. Lot sizes are medium and vary with building type. Lot sizes are larger than in D-2 and density is lower. The district should be applied in areas where the land use pattern is a mixture of duplexes and one-family houses or where such a pattern is desired in the future.

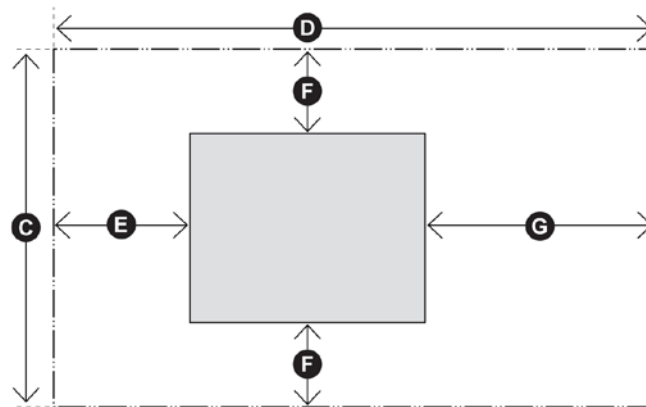
**Height** (see Section 3.3 for additional height provisions)

- A** Height (max 2 stories)
- A** Height of Building (max 35 ft)



- B** Height of Encroachments (max 40 ft)

**Siting** (see Section 3.3 for additional lot and yard provisions)



- Lot Area (min sq ft)  
One Family Detached (8,700 per unit)  
Two-Family (4,350 per unit)
- C** Lot Width (min 70 ft)  
**D** Lot Depth (min 110 ft)  
**E** Front Yard (min 25 ft)  
**F** Side Yard (min 5 ft)  
**G** Rear Yard (min 10 ft)  
Lot Coverage (max 40%)  
Floor Area Per Unit (min 1,200 sq ft)

**Notes**

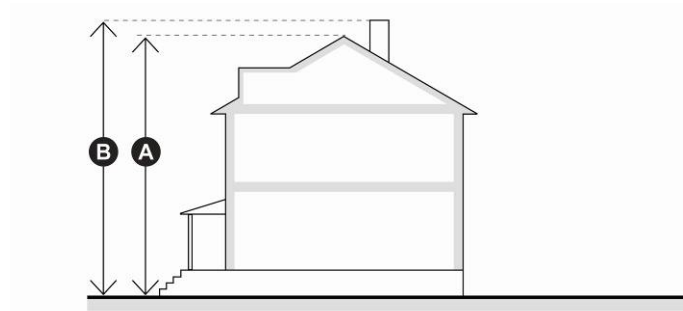
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments for 2 story buildings, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements, see Section 3.3J.2.a.
6. For location and regulation of accessory structures, see Section 2.9.

### 3.11 D-2 (TWO FAMILY RESIDENCE DISTRICT-2)

#### Description

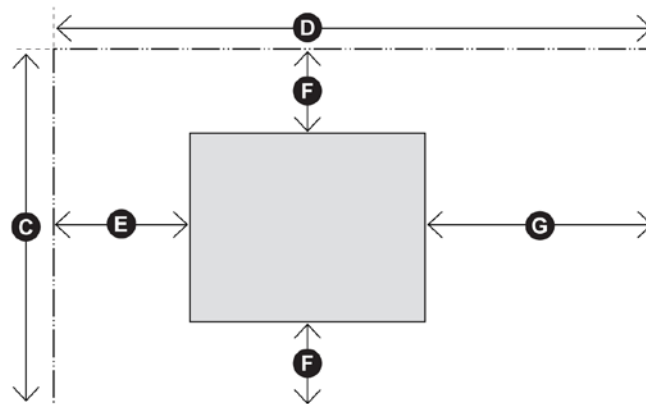
The D-2 District is intended to accommodate duplexes and one-family houses on individual lots and provide two housing options within the same district. Compatible civic and institutional uses are also permitted. Each dwelling unit has a minimum floor area of 1,000 square feet. Lot sizes are medium and vary with building type. Lot sizes are smaller than in D-1 and density is greater. The district should be applied in areas where the land use pattern is a mixture of duplexes and one-family houses or where such a pattern is desired in the future.

**Height** (see Section 3.3 for additional height provisions)



- A** Height (max 2 stories)
- A** Height of Building (max 35 ft)
- B** Height of Encroachments (max 40 ft)

**Siting** (see Section 3.3 for additional lot and yard provisions)



- Lot Area (min sq ft)
  - One Family Detached (7,500 per unit)
  - Two Family (3,750 per unit)
- C** Lot Width (min 60 ft)
- D** Lot Depth (min 110 ft)
- E** Front Yard (min 25 ft)
- F** Side Yard (min 5 ft)
- G** Rear Yard (min 10 ft)
- Lot Coverage (max 40%)
- Floor Area Per Unit (min 1,000 sq ft)

## Notes

1. For placement of structures, parking areas and driveways in front yards, see 3.3H.2.g.
2. Average front setback may apply, see 3.3H.2.d
3. For allowed encroachments for 2 story buildings, see 3.3C.
4. For setbacks on corner lots, see 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements, see 3.3J.2.a.
6. For location and regulation of accessory structures, see Section 2.9.

- C. Article 7 “Definitions,” Section 7.2 “Definitions of Words, Terms, and Phrases” is amended by amending the definition of “Lot” and adding definitions for “Corner Lot,” “Interior Lot,” and “Through Lot” to read as follows:

*Lot:* An undivided parcel or tract of land having its principal frontage upon a public street or officially approved place and designated as a distinct tract.

*Lot, Corner:* A lot that is abutting two or more intersecting streets.

*Lot, Interior:* A lot whose side property lines do not abut upon any street.

*Lot, Through:* A lot other than a corner lot abutting more than one street and having access to more than one street.

**SECTION 2.** 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 3.** 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 4.** 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 5.** 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 11<sup>TH</sup> DAY OF SEPTEMBER 2018.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Robert C. Dye, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:8/7/18:100922)