



ORDINANCE NO. 3535

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS PREVIOUSLY AMENDED; BY REZONING LOT 2, BLOCK A, THE SHOPS AT BRANCH CROSSING, FROM PLANNED DEVELOPMENT DISTRICT NO. 7 (PD-7) ZONING AND PLANNED DEVELOPMENT DISTRICT NO. 29 (PD-29) TO PLANNED DEVELOPMENT DISTRICT NO. 101 (PD-101); ADOPTING DEVELOPMENT STANDARDS; ADOPTING A DETAILED SITE PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; 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 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 of the City of Farmers Branch, Texas, be, and the same is hereby amended by rezoning the property described as Lot 2, Block A, The Shops at Branch Crossing, an Addition to the City of Farmers Branch, Dallas County, Texas, according to the Plat thereof recorded as Instrument No. 201100136878, Official Public Records of Dallas County, Texas ("the Property"), from Planned Development District No. 7 (PD-7) and Planned Development District No. 29 (PD-29) to Planned Development District No. 101 (PD-101), the use and development of which shall be subject to the regulations set forth in Section 2, below.

SECTION 2. In addition to applicable provisions of the Comprehensive Zoning Ordinance, the Property shall be used and developed in compliance with the following development and use regulations:

- A. LAND USES:** The Property may be used and developed solely for Detached Single-Family Residences as shown on the Detailed Site Plan as a Principal Use, including development as zero lot line residences, all other uses being prohibited except as otherwise authorized by this Ordinance. Notwithstanding the foregoing to the contrary, the Property may be used for conducting a Home Occupation according to the standards provided in the Comprehensive Zoning Ordinance.

B. DEVELOPMENT STANDARDS

The Property shall be developed in accordance with the development standards applicable to property within a One-Family Residence District-4 (R-4) except as follows:

(1) Building Area and Lot Area Dimensions: The Property shall be developed in accordance with the following building area and lot dimensions:

- (a)** Minimum lot area: 5,300 square feet.
- (b)** Minimum lot width: 47 feet
- (c)** Minimum dwelling unit area: 2,300 square feet

(2) Lot Setbacks:

- (a) Front Yard Setback:** The minimum front yard setback shall be ten (10) feet as measured from the property line.
- (b) Side Yard Setbacks:** The minimum side yard setback shall be seven (7) feet as measured from the side property line; provided, however, if the Property is developed as a detached single-family residential development with zero side lot line configuration:
 - (i)** the side setback for the zero side of the lot shall be zero (0) feet (unless encumbered by easements);
 - (ii)** the non-zero side of the lot shall have a minimum side setback of seven (7) feet; and
 - (iii)** Lot 1, as shown on the Detailed Site Plan, may have a non-zero side setback of less than seven (7) feet, but not less than five (5) feet.
- (c) Buildable Area:** An open area of not less than ten percent (10%) of total buildable area of a lot shall be preserved on each lot. "Buildable area" for purposes of this ordinance means the area of the lot that the building may occupy exclusive of any required building setbacks.
- (d) Garages and Parking:**
 - (i)** All garages shall have J-swing entry (i.e. the garage face shall be perpendicular to Veronica Road). No garage door shall face Veronica Road.
 - (ii)** Each dwelling unit must be constructed with not less than two (2) parking spaces enclosed within an attached garage.

- (iii) Carports, recreational vehicle covers, and other similar structures, whether attached or not attached to the main structure, are prohibited.
- (e) **Encroachments:** No portion of the structure, including roof eaves, may encroach into any utility easement.
- (3) **Screening:** All mechanical equipment shall be screened from public view. Evergreen hedges may be used for screening of mechanical equipment provided that a solid screening hedge is achieved within two years of planting.
- (4) **Landscaping:**
 - (a) One shade tree shall be planted within the front yard of each lot prior to the issuance of a certificate of occupancy or approval of the final inspection for the dwelling unit constructed on said lot.
 - (b) Plant material species shall be selected from the Recommended Plant Material list included in the Comprehensive Zoning Ordinance Article 4. Site Development Standards, 1. Landscaping, J. Recommended Plant Material.
 - (c) All landscaped areas for each lot shall be fully irrigated with an automatic irrigation system installed prior to issuance of a certificate of occupancy or approval of a final inspection for the dwelling unit constructed on said lot.
 - (d) All landscaping shall be maintained in a living growing condition. Any landscaping that is removed must be replaced with the same or comparable species and caliper plant, as when it was originally installed.
 - (e) All trees required to be planted in accordance with this Subsection 4 shall have a main trunk diameter of not less than three (3) caliper inches at the time of planting, measured four and one-half feet (4.5') above the top of the soil grade.
- (5) **Sidewalks:** Sidewalks shall be constructed along Veronica Road in accordance with the City's standards for the design and construction of sidewalks, the location, width, and design of which sidewalk shall be in accordance with the Detailed Site Plan. Construction of all required sidewalks must be completed and accepted by the City prior to issuance of a certificate of occupancy or approval of final inspection of any dwelling unit constructed on the Property.

C. Detailed Site Plan Amendments:

- (1) The Detailed Site Plan attached hereto as Exhibit "A" and incorporated herein by reference, is hereby approved and made a part of this ordinance and establishes the general development intent for the Property, including general street layout,

primary block configuration, conceptual building shape and layout on each block, off-street parking arrangement, and generalized public use and access easements.

- (2) Any significant deviation from the Detailed Site Plan not constituting a Minor Modification shall require an amendment to the Detailed Site Plan in accordance with the procedures required for a zoning amendment. The Planning Director shall make the initial determination as to whether a requested change constitutes a Minor Modification.
- (3) For purposes of this Ordinance, a “Minor Modification” to the Detailed Site Plan is a change to the development and design standard of this Ordinance or the Comprehensive Zoning Ordinance, whichever is applicable, that is determined to meet the goals and intent of PD-101 as set forth in this Ordinance. A Minor Modification may be approved administratively by the Planning Director if, and only if, the Minor Modification:
 - (a) Does not materially change the circulation and building locations shown on the Detailed Site Plan;
 - (b) Does not increase the building area permitted under this Ordinance;
 - (c) Does not materially alter the relationship between the buildings and the streets through the alteration of minimum setback requirements;
 - (d) Does not allow a use not otherwise authorized by this Ordinance;
 - (e) Does not increase the allowable intensity or density of any land use under this Ordinance; and
 - (f) Does not otherwise effectively result in an amendment to the Comprehensive Zoning Ordinance to an extent beyond the amendments established by this Ordinance.
- (4) The Planning Director shall have the right to present any Detailed Site Plan amendment to the Planning and Zoning Commission and City Council for approval, even if it constitutes a Minor Modification.
- (5) Any application for an amended Detailed Site Plan, even if the amendment constitutes a Minor Modification, must be in accordance with the application requirements set forth in the Comprehensive Zoning Ordinance, and as amended.

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. That 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 DAY, THE 16th OF OCTOBER 2018.

ATTEST:

APPROVED:

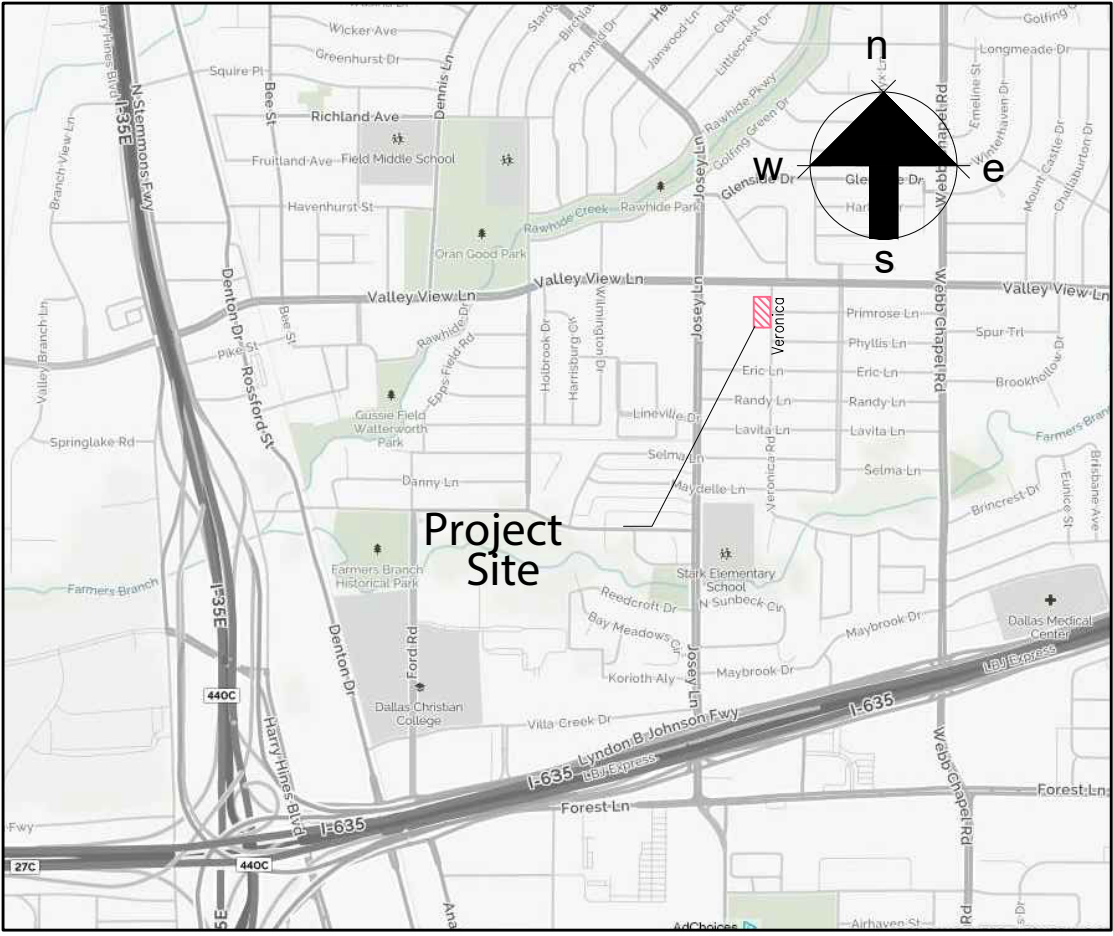
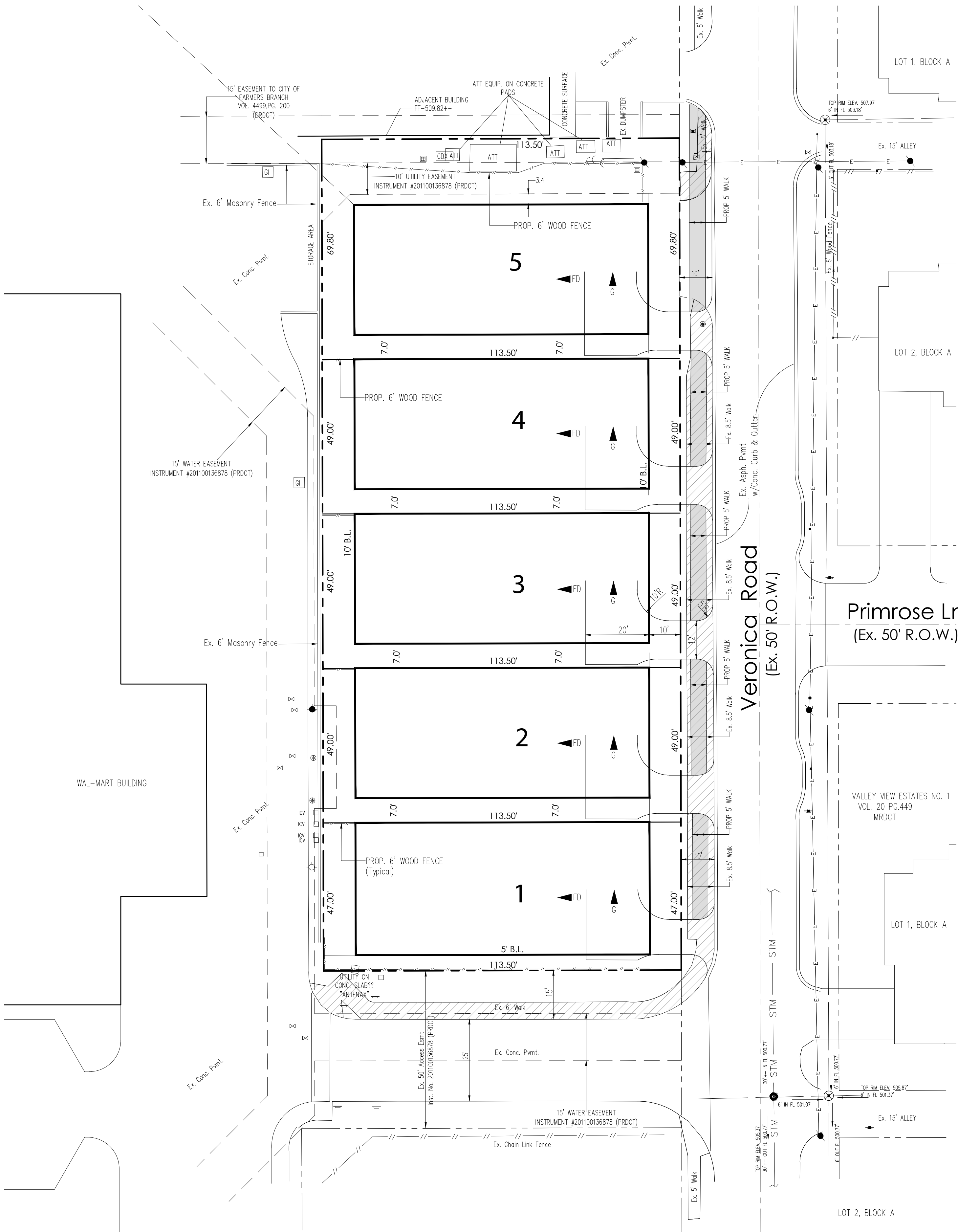
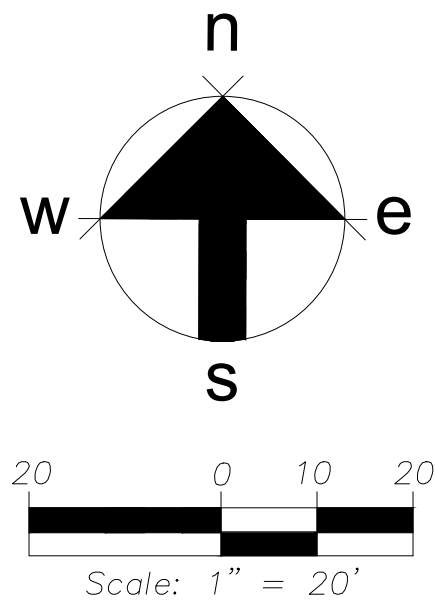
Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:10/2/18:103165)

Ordinance No. 3535
Exhibit “A” - Detailed Site Plan



Vicinity Map
n. t. s.

Legend

- ▲ G GARAGE DOOR LOCATION
- ◄ FD ENTRY DOOR LOCATION

Note:
All garages shall be J-Swing entry.
No garage doors shall face
Veronica Road.

SITE DATA	
Prop. Zoning	PD-101
Total Area	0.678Ac.
Min. SF Lot	5334 SF
Min. SF House	2300 SF
Min. Lot Width	47'
Min. Lot Depth	113.5'
Max. No. Stories	2

SITE PLAN

Exist. Zoning PD 7/LR-1
Prop. Zoning PD-SF

Bonneau Estates

Being 0.687 Acres
Block A, Lot 2, Shops at Branch Crossing
in the City of Farmers Branch, Dallas County, Texas

Owner:
TODD BONNEAU HOMES LLC
2710 Farmers Branch Ln.
Farmers Branch, Texas 75234

Developer:
KPA
consulting, inc.
Pat Atkins – Director
3076 Hays Lane
Rockwall, Texas 75087
972.388.6383