



## **ORDINANCE NO. 3548**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS AMENDING ARTICLE 3 “ZONING DISTRICT DIMENSIONAL STANDARDS” OF CHAPTER 94 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, AS HERETOFORE AMENDED, BY AMENDING; SUBSECTIONS A, B, C, AND D OF SECTION 3.3 AND SECTIONS 3.4 THROUGH 3.11, INCLUSIVE, RELATING TO THE REGULATION OF THE MAXIMUM HEIGHT OF STRUCTURES GENERALLY AND THE MAXIMUM HEIGHT OF STRUCTURES IN THE R-1, R-2, R-3, R-4, R-5, R-6, D-1, AND D-2 ZONING DISTRICTS, SPECIFICALLY; 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.** Article 3 “Zoning District Dimensional Standards” of Chapter 94 “Zoning” of the Code of Ordinances, City of Farmers Branch, Texas, (“the Comprehensive Zoning Ordinance”) is amended by amending in their entirety Subsections A, B, C, and D of Section 3.3 and Sections 3.4 through 3.11, inclusive, to read as follows:

### **ARTICLE 3 ZONING DISTRICT DIMENSIONAL STANDARDS**

\* \* \*

#### **3.3 MEASUREMENT AND EXCEPTIONS**

##### **A. Description**

This section identifies and explains forms of measurement used throughout this Chapter and exceptions thereto.

**B. Height of Building**

1. The “height” of a building shall be the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:
  - a. The highest point of the roof’s surface; or
  - b. To the peak for hip, mansard and gable roofs.
2. Within the I-RU district only, building height shall be measured from the average established grade prior to development.
3. Notwithstanding paragraphs 1 and 2, above, height encroachments are permitted to the extent authorized by Section 3.3C., below.

**C. Height Encroachments**

All buildings must comply with the height encroachment restrictions set forth in this Article 3 applicable to the zoning district in which the building is located. “Height encroachments” shall include, but not be limited to, chimneys, cooling towers, elevator bulkheads, penthouse, tanks, water towers, radio towers, ornamental cupolas, domes and spires, steeples, and parapet walls. Additionally, water stand pipes and tanks, steeples, domes and spires, and school and institutional buildings located within a residential district may be constructed up to the maximum height allowed within the zoning district provided that the side and rear yard setbacks for such lot shall be increased by one foot (1.0') for each one foot (1.0') that such structures exceed 28 feet in height.

**D. Story Height**

The “height of a story” when “story” is used to mean the number of floors in a building means the height between the successive floors of a building or from the top floor to the roof. The standard height for a story is 14 feet.

*{remainder of Section 3.3 unchanged}*

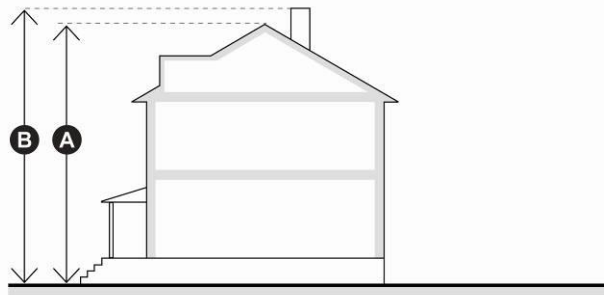
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### 3.4 R-1 (ONE FAMILY RESIDENCE DISTRICT-1)

#### Description

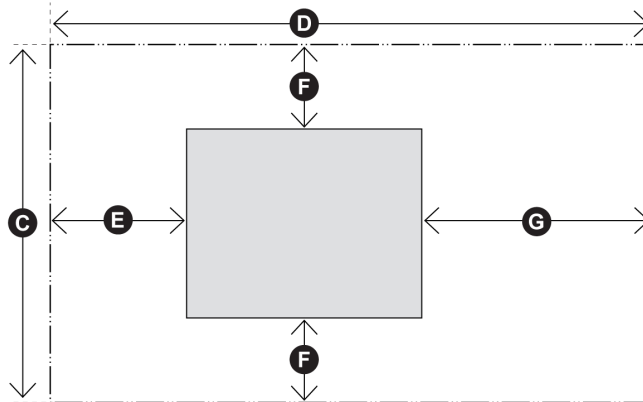
The R-1 District is intended to accommodate one-family detached houses on large individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 2,200 square feet. The minimum lot size of one acre generates a low density development pattern, the lowest of the R-districts. The district should be applied in areas where the land use pattern is predominately one-family detached houses on large individual lots or where such a pattern is desired in the future.

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



- A** Height of Building (max 40 ft)
- B** Height of Encroachments (max 45 ft)

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



- Lot Area (min 1 acre)
- C** Lot Width (min 150 ft)
- D** Lot Depth (min 150 ft)
- E** Front Yard (min 50 ft)
- F** Side Yard (min 10% of lot width, not to exceed 20 ft)
- G** Rear Yard (min 15 ft)
- Lot Coverage (max 25%)
- Floor Area Per Unit (min 2,200 sq ft)

#### Notes

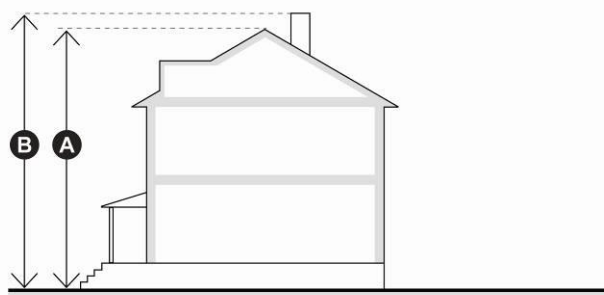
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements,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

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

#### Description

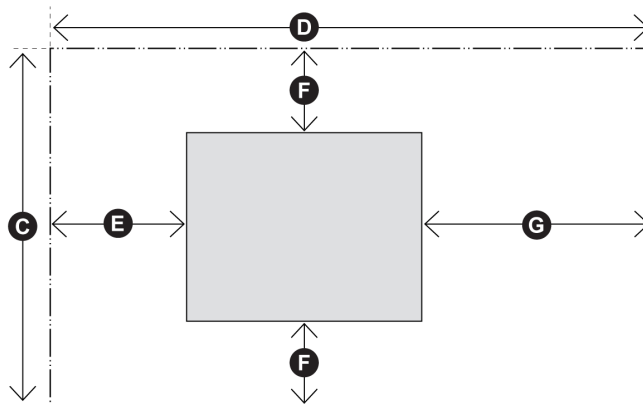
The R-2 District is intended to accommodate one-family detached houses on medium-sized individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,900 square feet. The minimum lot size of 13,000 square feet generates a low density development pattern 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)



- A** Height of Building (max 40 ft)
- B** Height of Encroachments (max 45 ft)

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



- Lot Area (min 13,000 sq ft)
- C** Lot Width (min 100 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 1,900 sq ft)

#### Notes

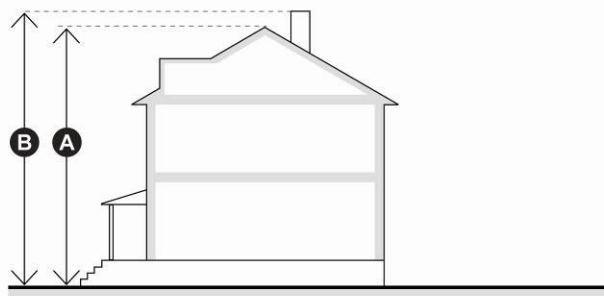
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements,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

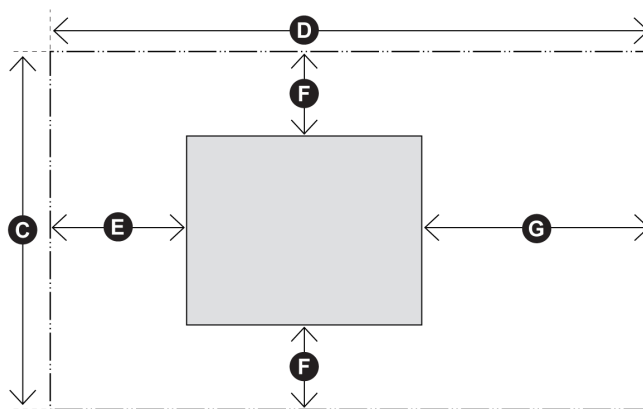
The R-3 District is intended to accommodate one-family detached houses on medium sized individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,800 square feet. The minimum lot size of 10,000 square feet generates a low density development pattern 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 of Building (max 40 ft)
- B** Height of Encroachments (max 45 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

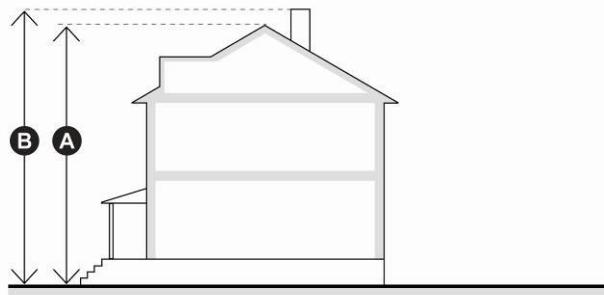
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements,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

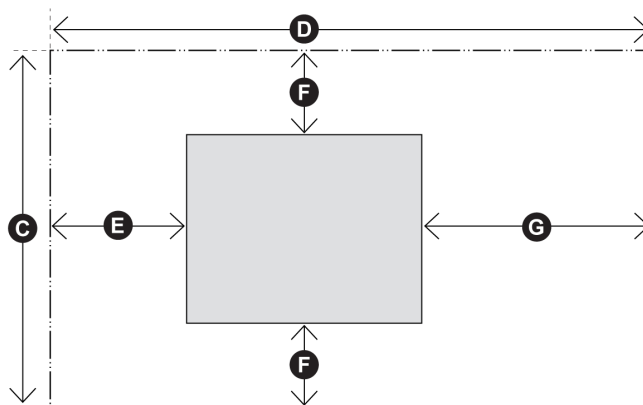
The R-4 District is intended to accommodate one-family detached houses on medium-sized individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,600 square feet. The minimum lot size of 10,000 square feet generates the same density as R-3, but 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 of Building (max 40 ft)
- B** Height of Encroachments (max 45 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

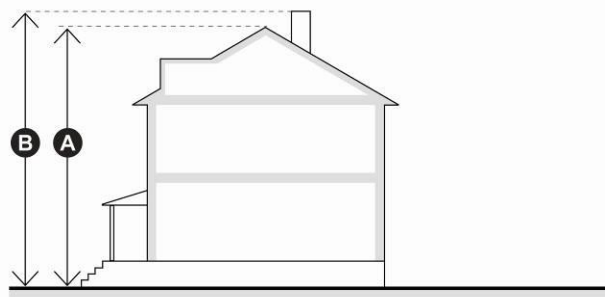
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements,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

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

#### Description

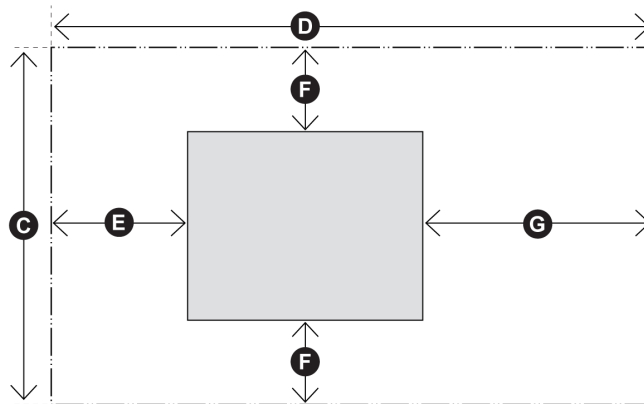
The R-5 District is intended to accommodate one-family detached houses on small individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,500 square feet. The minimum lot size of 8,700 square feet generates a low density development pattern that 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 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

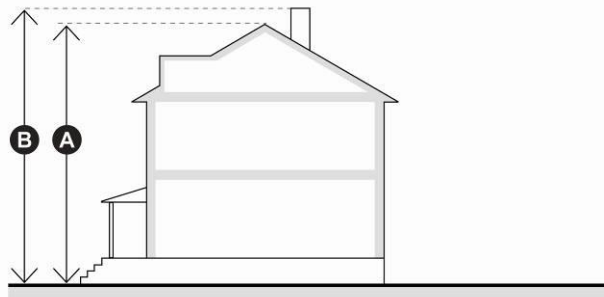
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c.
5. For rear yard and lot coverage requirements,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

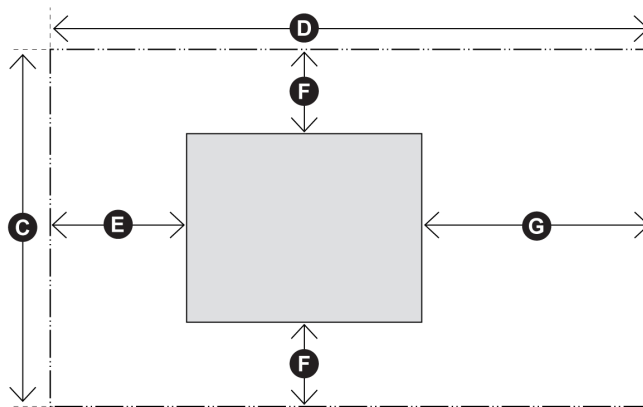
The R-6 District is intended to accommodate one-family detached houses on small individual lots. Compatible civic and institutional uses are also permitted. Houses have a minimum floor area of 1,300 square feet. The minimum lot size of 8,700 square feet generates a low density development pattern. R-6 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 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, 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.

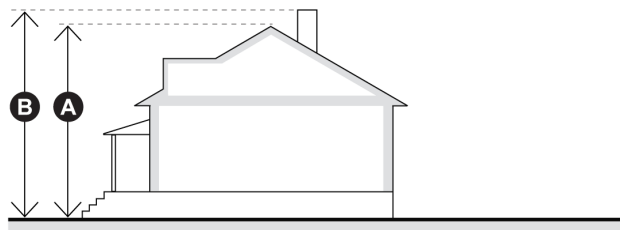


### 3.10 D-1 (TWO FAMILY RESIDENCE DISTRICT-1)

#### Description

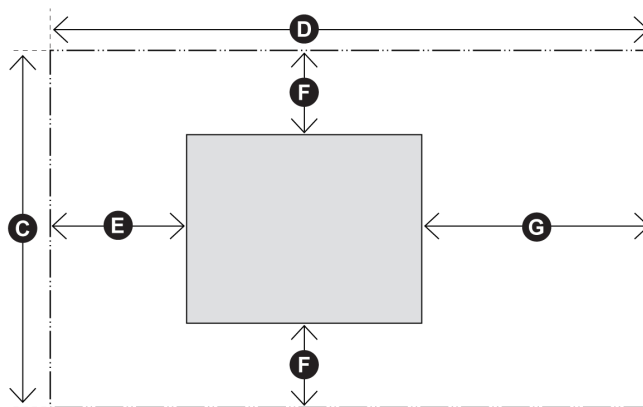
The D-1 District is intended to accommodate duplexes and one-family houses on individual lots and provide two housing options within the same district. Compatible civic and institutional uses are also permitted. Each dwelling unit has a minimum floor area of 1,200 square feet. Lot sizes are medium and 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 of Building (max 35 ft)
- B** Height of Encroachments (max 40 ft)

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



- 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 Area (min sq ft)
  - One Family Detached (8,700 per unit)
  - Two-Family (4,350 per unit)
- Lot Coverage (max 40%)
- Floor Area Per Unit (min 1,200 sq ft)

#### Notes

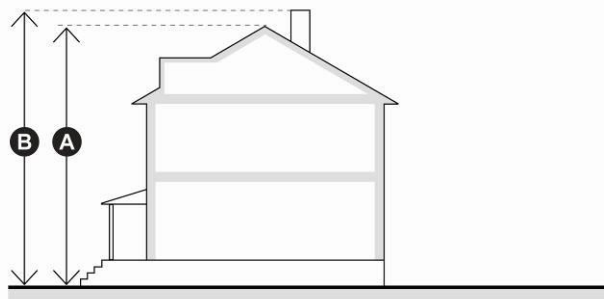
1. For placement of structures, parking areas and driveways in front yards, see Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments, see Section 3.3C.
4. For setbacks on corner lots, see Section 3.3I.2.c. and d.
5. For rear yard and lot coverage requirements,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

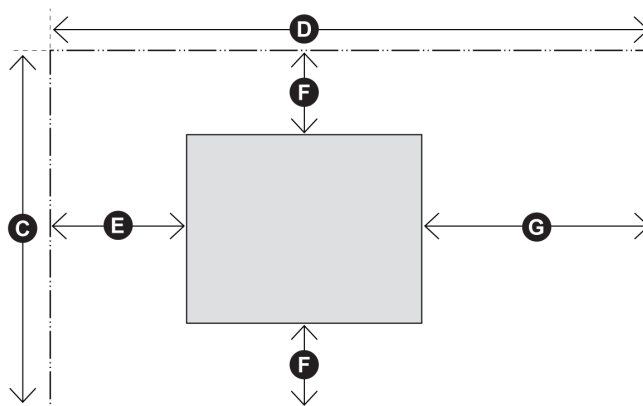
The D-2 District is intended to accommodate duplexes and one-family houses on individual lots and provide two housing options within the same district. Compatible civic and institutional uses are also permitted. Each dwelling unit has a minimum floor area of 1,000 square feet. Lot sizes are medium and 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 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 Section 3.3H.2.g.
2. Average front setback may apply, see Section 3.3H.2.d.
3. For allowed encroachments, 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.

**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 8<sup>TH</sup> DAY OF JANUARY 2019.**

ATTEST:

APPROVED:

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Amy Piukana, City Secretary

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Robert C. Dye, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:12/21/18:104899)