



**ORDINANCE NO. \_\_\_\_**

**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 AMENDING AND RESTATING THE DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT ZONING DISTRICT NUMBER 70 (PD-70), KNOWN AS THE “OLD FARMERS BRANCH SPECIAL DISTRICT” AS ENACTED BY ORDINANCE NO. 2111 AND AMENDED BY ORDINANCE NOS. 2153, 2416, AND 2771; REPEALING ORDINANCE NOS. 2111, 2153, 2416, AND 2771; PROVIDING FOR DISPOSITION OF SPECIFIC USE PERMITS GRANTED FOR PROPERTY LOCATED WITHIN PD-70; 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, be and the same is hereby amended, by amending and restating as set forth in Exhibit “A”, attached hereto and incorporated herein by reference (“the PD-70 Development Regulations”) the use and development regulations of Planned Development No. 70 (PD-70) as enacted pursuant to Ordinance No. 2111 and amended by Ordinance Nos. 2153, 2416, and 2771 relating to the use and development of the land depicted in the PD-70 Development Regulations (“the Property”).

**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3.** Except to the extent provided in Section 6 below of this Ordinance, Ordinance Nos. 2111, 2153, 2416, and 2771 are repealed.

**SECTION 4.** All ordinances granting a specific use permit for property located within PD-70 are hereby preserved and remain in full force and affect. Notwithstanding the foregoing, any use for

which a specific use permit was granted for property located within PD-70 prior to the effective date of this Ordinance, which use has become prohibited upon the effective date of this Ordinance, shall constitute a non-conforming use and shall terminate as set forth in Section 12 of the PD-70 Development Regulations.

**SECTION 5.** 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 6.** 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 7.** 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 8.** 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 \_\_\_\_ DAY OF \_\_\_\_\_ 2019.**

ATTEST:

APPROVED:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:4/1/19:107041)

**EXHIBIT “A” TO ORDINANCE NO. \_\_\_\_\_**

**AMENDED AND RESTATED DEVELOPMENT REGULATIONS  
FOR  
PLANNED DEVELOPMENT NO. 70 (PD-70)  
“THE OLD FARMERS BRANCH SPECIAL DISTRICT**

**DEVELOPMENT REGULATIONS FOR  
PLANNED DEVELOPMENT NO. 70 (PD-70)  
“OLD FARMERS BRANCH SPECIAL DISTRICT”**

**SECTION 1. ESTABLISHMENT OF DISTRICT; APPLICATION OF DEVELOPMENT REGULATIONS.** The property located within the boundaries depicted on Appendix “1” attached hereto and incorporated herein by reference (“the Property”) shall be developed and used in accordance with the applicable provisions of the Comprehensive Zoning Ordinance, as amended, and the provisions of these Development Regulations (“Development Regulations” or “Regulations”) and shall be known as Planned Development District No. 70 (PD-70) and also commonly known as the “Old Farmers Branch Special District”(“the District”).

**SECTION 2. CREATION OF SUBDISTRICTS.** The following subdistricts are hereby established within the Old Farmers Branch Special District:

- A. The General Business subdistrict (abbreviated designation OFB-GB) as shown in Appendix "1" and more specifically described in Section 4, Subsection B.
- B. The Freeway subdistrict (abbreviated designation OFB-FW) as shown in Appendix “1” and more specifically described in Section 5, Subsection B.

**SECTION 3. DEFINITIONS.** For purposes of these Regulations, the following words and phrases as used herein shall have the following meanings. Any word or phrase not specifically defined in these Regulations shall have the meaning assigned to such word or phrase as it appears in the Comprehensive Zoning Ordinance.

- (1) Abutting: Having a common property line.
- (2) Accessory Use: A use incidental to, and on the same lot as, a primary use.
- (3) Amusements, Commercial (Indoors): An enclosed facility which provides amusement, entertainment or games of skill for a fee or admission charge including, but not limited to, indoor amusements such as movie theaters, penny arcades, pool halls, bowling facilities, bingo parlors, and video arcades.
- (4) Amusements, Commercial (Outdoor): A non-enclosed facility which provides amusement, entertainment or games of skill for a fee or admission charge including, but not limited to, outdoor activities such as amusement park, golf driving range, outdoor zoo, pitch and putt course, archery, etc.
- (5) Architecturally finished: Substantially enhanced through the use of architectural details (e.g., porches, arcades, columns, lintels, quoins, cornices, etc.) and/or other design features or treatments which serve to animate a building facade and create texture. Plain or painted finishes shall not constitute architecturally finished

surfaces.

- (6) Assembly Use: Any use of property which accommodates the gathering together of people for such purposes as deliberation, education, instruction, worship, or entertainment, including, but not limited to, such uses as auditoriums, churches, civic clubs, commercial amusements, community centers, funeral homes, gymnasiums, health clubs, meeting rooms, museums, schools, stadiums, studios, theaters, etc.
- (7) Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including, but not limited to, advertising and mailing; building maintenance; employment service; management and consulting services; equipment rental and leasing (other than heavy construction equipment); commercial research; development and testing; photo finishing; and supplies services.
- (8) Dwelling, Duplex: A single structure designed and constructed with two dwelling units under a single roof, each dwelling unit being designed for occupancy by one family and having primary ground floor access to the outside and each located on a separately platted lot.
- (9) Dwelling, Multiple Family: Any building, or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.
- (10) Dwelling, Single Family-Attached: A residential building containing three or more dwelling units, each joined to another dwelling unit at one or more sides by party walls without openings, each designed for occupancy by one family and having primary ground floor access to the outside, and each located on a separately platted lot.
- (11) Dwelling, Single Family-Detached: A residential building designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.
- (12) Dwelling, Two-Family: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- (13) Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family and including permanent provisions for living, sleeping, eating, cooking and

sanitation.

- (14) Institutional Use: A non-profit or quasi-public use such as a church, synagogue, mosque, or other place of worship, library, eleemosynary or fraternal organization, civic club, public or private school, museum, hospital, municipally owned or operated building, structure, or land used for a public purpose but excluding penal institutions of any type.
- (15) Landscaping: Live plant material including, but not limited to, turf, groundcover, shrubs, trees, natural and man-made land forms, water forms and features, planters and walks (other than required sidewalks) and plaza areas comprised of enhanced paving materials.
- (16) Light Manufacturing and Industrial Uses: Any use engaged in the processing, fabrication, treatment, repair, assembly, packaging or manufacture of finished products or parts, predominantly from previously prepared materials, including the storage, sales, and distribution of such products, but excluding basic industrial processing. Such operations shall comply with the performance standards, bulk controls and other requirements of the Comprehensive Zoning Ordinance, as amended, relative to light manufacturing and industrial uses. “Light Manufacturing and Industrial Uses” expressly excludes uses engaged in basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
- (17) Masonry: A form of construction composed of stone, brick, patterned or textured concrete, hollow clay tile, or other similar building units, materials, or combination of these materials, laid up unit by unit and set in mortar. Cast in place concrete, tilt-wall concrete, stone panels, pre-cast concrete panels and other similar materials may be considered masonry provided they are architecturally finished. Stucco or exterior plaster shall not be considered masonry for purposes of these Regulations.
- (18) Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her apparel, including laundry, cleaning and garment services, garment pressing, coin operated laundries, beauty shops, barber shops, shoe repair, funeral services, reducing salons and health clubs, clothing rental, and similar used, but specifically excluding massage establishments and any type of sexually oriented business.
- (19) Professional Offices: Office uses that include, but are not limited to lawyers, engineers, architects, landscape architects, urban planners, accountants, economic consultants, doctors, dentists, chiropractors, veterinarians or other professionals similar to those listed above.

- (20) Retail Services: Establishments providing services, as opposed to products, to the general public, including restaurants, hotels and motels, finance, real estate and insurance, travel agencies, health and educational services, and galleries.
- (21) Retail Specialty Shops: include, but are not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel, or craft shops making articles exclusively for sale at retail on the premises. The phrase “Retail Specialty Shops” expressly excludes establishments selling used goods or merchandise, other than bona fide antiques, and retail store sales consisting primarily of “specialty and novelty items” as defined in the Comprehensive Zoning Ordinance.
- (22) Retail Trade: Establishments engaged in selling new goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The phrase “Retail Trade” expressly excludes establishments primarily engaged in the selling of used goods or merchandise.
- (23) Sexually Oriented Business shall have the same meaning as provided in the Comprehensive Zoning Ordinance, as amended.
- (24) Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person or institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.
- (25) Sign, area or surface area, of: The area of a sign enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
- (26) Sign, attached: An on-premise sign entirely attached to, painted on, or erected against the wall of a building or structure and having the exposed face of the sign in a plane parallel to the plane of the wall and not projecting more than twelve (12) inches from the surface upon which such sign is mounted.
- (27) Sign, Free-standing: Either a pole sign or a monument sign.
- (28) Sign, Monument: An on-premise sign placed upon or supported by the ground independent of any other structure and whose display face is contiguous with the ground and is not elevated above-grade by use of poles, beams, struts or wires.
- (29) Sign, Pole: An on-premise sign that is mounted on a free-standing pole or multiple poles, having no guys or braces to the ground or any other structure, the bottom edge of which is elevated above grade.
- (30) Sign, Window: A sign painted on, or placed in a window or near any opening of a building and designed to be seen off-site and intended to attract the attention of the

general public for any purpose whatsoever.

- (31) Single Family Zoning District: Any of the One Family Residence Districts established in the Comprehensive Zoning Ordinance (i.e., R-1, R-2, R-3, R-4, R-5, R-6 or their future equivalent).
- (32) Site: A building which houses a single activity and the contiguous grounds and parking areas which exclusively service that building, or, any number of activities housed by a single building or multiple buildings which share common egress or ingress from a public street or right-of-way.
- (33) Social Services: Establishments providing assistance and aid to persons requiring counseling, having learning disabilities or physical disabilities and including child and adult daycare facilities, but not including facilities that accommodate individuals who pose a direct threat to the health, safety, or welfare of themselves or others, half-way houses or medical care facilities.
- (34) Studios: Uses that include, but are not limited to dance, art, music, photography, radio, or television, but specifically excluding nude modeling studios and any type of sexually oriented business.
- (35) Visibility Triangle: A triangular-shaped area of land established at driveway and street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the vision of motorists entering or leaving such intersections.
- (36) Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Lumber, plywood and millwork yards such as building materials establishments shall be classified as wholesale trade.

#### **SECTION 4. GENERAL BUSINESS SUBDISTRICT (OFB-GB)**

A. **INTENT**: The Old Farmers Branch - General Business subdistrict (OFB-GB) is designed to serve two primary purposes:

- (1) accommodate small to moderate scale industrial and commercial enterprises; and
- (2) minimize the visual and functional conflicts between the non-residential uses within the subdistrict and the single-family residential uses abutting it.

The OFB-GB subdistrict will essentially create a transition or buffer area between the more intensive freeway corridor to the west and the single-family residential



neighborhoods to the east. It is not the intent of these Regulations to discourage innovation in development design, provided such development substantially satisfies the fundamental intent of this ordinance. Meritorious development proposals which may not fully comply with the requirements of these Regulations, but which embody its spirit and intent, may be submitted to the Planning and Zoning Commission for special exception consideration pursuant to Section 13.

**B. OFB-GB SUBDISTRICT BOUNDARIES:** The boundaries of the OFB-GB Subdistrict are generally described as follows:

North: Farmers Branch north city limit line, between the centerline of the Denton Drive and the west (side) property line of the residential lot fronting Valwood Parkway (i.e., the existing R-6 zoning district boundary).

East: Beginning at the Farmers Branch north city limit line and following south along the west (side) property line of the westmost residential lot fronting Valwood Parkway zoned R-6, projected south across Valwood Parkway and following along the west (rear) property lines of the residential lots fronting the west side of Bee Street between Valwood Parkway and the Cooks Branch creek channel, then, southwesterly, following the center line of the Cooks Branch channel to the north boundary of City-owned property (i.e., the Wicker Pump Station; east along the north property line of said City-owned property to the west (rear) property lines of the residential lots fronting Hermitage Street; following south along the west (rear) property lines of the residential lots fronting Hermitage Street to the centerline of Wicker Avenue, then east along the centerline of Wicker Avenue to the centerline of Bee Street; south along the centerline of Bee Street to the centerline of Havenhurst Street.

South: The centerline of Havenhurst Street, between the centerline of Bee Street and Denton Drive.

West: The centerline of Denton Drive extending from the Farmers Branch north city limit line, south to where it converges with Havenhurst Street. (on the west side of the DART Railroad tracks).

**C. USES PERMITTED BY RIGHT (except as otherwise provided):** The portion of the Property located within the OFB-GB subdistrict may be used and developed for the following purposes:

- (1) Business Services
- (2) Industrial and Manufacturing Uses
- (3) Institutional Uses
- (4) Personal Services

- (5) Professional Offices
- (6) Retail Services
- (7) Retail Specialty Shops
- (8) Retail Trade
- (9) Social Services
- (10) Studios
- (11) Warehousing and Distribution Facilities
- (12) Wholesale Trade

**D. USES PERMITTED WITH A SPECIFIC USE PERMIT (SUP):** The portion of the Property located within the OFB-GB subdistrict may be developed and used for the following purposes following approval of a specific use permit:

- (1) Any commercial amusement use (either indoor or outdoor)
- (2) Any permitted use having drive-in or drive-through service including adult or child day care facilities
- (3) Any permitted use having outdoor storage or display (except as may be permitted by other City codes and ordinances)
- (4) Any permitted use serving alcoholic beverages
- (5) Gasoline service stations;
- (6) Car washes
- (7) Hotels and motels
- (8) Mass transit depot (bus or rail)

**E. PROHIBITED USES:** Uses listed below and any structure erected, or land used, for other than one or more of the uses specifically allowed are expressly prohibited within the OFB-GB subdistrict.

- (1) Any use which includes outdoor activities related to animals
- (2) Commercial parking lot or garage

- (3) Enclosed vehicle storage facility
- (4) Establishments selling used goods or merchandise, other than bona fide antiques
- (5) Motor vehicle repair, maintenance or parts installation of any type
- (6) Motor vehicle sales, leasing or rental of any type
- (7) Off-premise signs
- (8) Pawn shops
- (9) Residential uses of any type
- (10) Retail store sales consisting primarily of specialty and novelty items as defined in the Comprehensive Zoning Ordinance
- (11) Sale or repair of firearms (primary use)
- (12) Salvage yards, junk yards and automobile graveyards
- (13) Sexually oriented businesses
- (14) Tires and wheel accessories
- (15) Vehicle parts and accessory sales

F. **SETBACKS:** Development of property within the OFB-GB subdistrict shall be subject to the following setback requirements:

- (1) **Front Yards:** Minimum front yard set backs shall be as follows:
  - (a) All uses fronting local and collector streets: fifteen (15) feet.
  - (b) All uses fronting thoroughfares: thirty (30) feet.
  - (c) Front yards shall be used exclusively as landscaped open space, visible and accessible from the street, except where parking is permitted in accordance with Section 6.C.
- (2) **Side Yards:** No side yard setback is required except when abutting a single-family residential zoning district, in which case all uses and accessory uses and structures (including parking) shall maintain a minimum side yard setback of ten (10) feet.

- (3) **Rear Yards:** No rear yard setback is required except when abutting a single-family residential zoning district, in which case all uses and accessory uses and structures (including parking) shall maintain a minimum rear yard setback of fifteen (15) feet.

**G. LOT COVERAGE AND FLOOR AREA RATIO:**

**(1) Lot Coverage**

- (a) The maximum lot coverage allowed, including above grade parking structures, is sixty percent (60 %).
- (b) Porches and arcades fronting public streets shall not be included in lot coverage calculations.

**(2) Floor Area Ratio**

- (a) The maximum allowable floor area ratio (FAR), computed by comparing the total building structure square footage on a property to the area of the property measured in square feet, shall not exceed a two to one ratio (2:1).
- (b) Parking structures shall not be included in the FAR calculation.
- (c) Porches and arcades fronting public streets shall not be included in FAR calculations.

**H. BUILDING HEIGHTS:**

- (1) All buildings exceeding a height of forty (40) feet shall maintain a residential proximity slope ratio of 1:3, originating from the nearest single-family residential zoning district boundary. Provided the 1:3 residential proximity slope is maintained, buildings may be erected to any legal height.
- (2) The 1:3 residential proximity slope described in paragraph (1), above, requires a horizontal setback of three (3) feet for each (1) foot of building height (e.g., a building 50 feet tall must be setback from the nearest single-family residential zoning district boundary no less than 150 feet).
- (3) Notwithstanding paragraph (1), above, the residential proximity slope restriction shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty percent (50 %) of a typical floor area), or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**I. EXTERIOR BUILDING APPEARANCE:**

- (1) **Masonry.** No less than seventy-five (75) percent of all exterior walls, exclusive of windows and doors, facing a public street, thoroughfare or street right-of-way shall be comprised of masonry cladding as herein defined.
- (2) **Mechanical Equipment.** All mechanical equipment, roof mounted or otherwise, shall be screened from public view (i.e., from streets, thoroughfares, rights-of-way and single-family zoning districts) and located to minimize noise intrusion.

**J. NEW AND USED AUTOMOBILE SALES OR RENTAL- SPECIAL STANDARDS**

The following standards are hereby established to regulate and control the location of new and used automobile sales or rental uses within the OFB-GB subdistrict and further ensure compatibility with surrounding land uses.

- (1) The sale of new and used automobiles within the OFB-GB subdistrict where previously granted by an approved Specific Use Permit or which were in existence as a nonconforming use prior to the effective date of this Ordinance shall be subject to the following:
  - (a) All vehicular use areas including parking spaces, display areas, storage areas, driveways, etc. shall be paved with either concrete or asphalt in accordance with City of Farmers Branch engineering standards.
  - (b) All vehicle storage areas (not display areas) shall be fully screened from all abutting properties and public street rights-of-way.
  - (c) No outdoor storage of discarded or salvaged materials, junk vehicles or vehicle parts shall be permitted.
  - (d) Elevated display of vehicles shall be prohibited.
  - (e) All repair and service work shall be conducted within a fully enclosed building.
- (2) **Automobile Rental and Leasing.** The rental of new or used automobiles within the OFB-GB subdistrict where previously granted by an approved Specific Use Permit or which were in existence as a nonconforming use prior to the effective date of this Ordinance shall be subject to the following:
  - (a) All vehicular use areas including parking spaces, display areas, storage areas, driveways, etc. shall be paved with either concrete or asphalt in accordance with City of Farmers Branch engineering standards.

- (b) All vehicle storage areas (not display areas) shall be fully screened from all abutting properties and public street rights-of-way.
- (c) No outdoor storage of discarded or salvaged materials, junk vehicles or vehicle parts shall be permitted.
- (d) Elevated display of vehicles shall be prohibited.
- (e) All repair and service work shall be conducted within a fully enclosed building.

## **SECTION 5. FREEWAY SUBDISTRICT (OFB-FW).**

**A. INTENT:** The Old Farmers Branch Freeway subdistrict (OFB-FW) is established to provide for a broad range of complementary commercial, light industrial, retail trade and office uses which can take advantage of the accessibility and visibility afforded by the 135-E Freeway (Stemmons). This subdistrict is designed to cultivate a high-quality development environment which will enhance the public image of the community. Its primary purpose is to attract and maintain viable land uses which will serve to revitalize the freeway corridor and encourage long-term economic investment. It is not the intent of these Regulations to discourage innovation in development design, provided such development substantially satisfies the fundamental intent of this ordinance. Meritorious development proposals which may not fully comply with the requirements of this ordinance, but which embody its spirit and intent, may be submitted to the Planning and Zoning Commission for special exception consideration as set forth in Section 13.

**B. OFB-FW SUBDISTRICT BOUNDARIES:** The boundaries of the OFB-FW subdistrict are substantially described as follows:

*North:* Farmers Branch north city limit line, between the centerline of the I-35E freeway (Stemmons) and the centerline of Denton Drive (north of Valwood Parkway).

*East:* The center line of Denton Drive, extending from the north city limit line, south of the centerline of Havenhurst Street, then continuing west along the centerline of Havenhurst Street to the centerline of Harry Hines Boulevard then continuing south to the centerline of Farmers Branch Lane.

*South:* The centerline of Farmers Branch Lane from the centerline of Harry Hines Boulevard and projected directly west to the centerline of the I-35E freeway (Stemmons).

*West:* The centerline of the I-35E freeway (Stemmons) between the Farmers Branch north city limit line and the projected centerline of Farmers Branch Lane.

C. **USES PERMITTED BY RIGHT (except as otherwise provided):** The portion of the Property located within the OFB-FW subdistrict may be developed and used for the following uses:

- (1) Business Services
- (2) Industrial and Manufacturing Uses
- (3) Institutional Uses
- (4) Personal Services
- (5) Professional Offices
- (6) Retail Services
- (7) Retail Specialty Shops
- (8) Retail Trade
- (9) Social Services
- (10) Studios
- (11) Warehousing and Distribution Facilities
- (12) Wholesale Trade

D. **USES PERMITTED WITH A SPECIFIC USE PERMIT (SUP):** The portion of the Property located within the OFB-FW subdistrict may be developed and used for the following purposes following approval of a specific use permit:

- (1) Any commercial amusement use (either indoor or outdoor)
- (2) Any permitted use having drive-in or drive-through service including adult or child day care facilities
- (3) Any permitted use serving alcoholic beverages
- (4) Gasoline service stations
- (5) Car washes
- (6) Hotels and motels
- (7) Mass transit depot (bus or rail)

**E. PROHIBITED USES:** Uses listed below and any structure erected or land used for other than one or more of the uses specifically allowed are expressly prohibited within the OFB-FW subdistrict.

- (1) Any use which includes outdoor activities related to animals
- (2) Any permitted use having outdoor storage or display (except as may be permitted by other City codes and ordinances)
- (3) Commercial parking lot or garage
- (4) Enclosed vehicle storage facility
- (5) Establishments selling used goods or merchandise, other than bona fide antiques
- (6) Motor vehicle repair, maintenance or parts installation of any type
- (7) Motor vehicle sales, leasing or rental of any type
- (8) Off-premise signs
- (9) Pawn shops
- (10) Residential uses of any type
- (11) Retail store sales consisting primarily of specialty and novelty items
- (12) Sale or repair of firearms (primary use)
- (13) Salvage yards, junk yards and automobile graveyards
- (14) Sexually oriented businesses
- (15) Tires and wheel accessories
- (16) Vehicle parts and accessory sales

**F. SETBACKS:** Development of property within the OFB-FW subdistrict shall be subject to the following setback requirements:

- (1) **Front Yards:** Minimum front yard setbacks shall be as follows:
  - (a) All uses fronting local and collector streets: fifteen (15) feet.



- (b) All uses fronting thoroughfares and the 135-E frontage road: thirty (30) feet.
  - (c) Front yards shall be used exclusively as landscaped open space, visible and accessible from the street except where parking is permitted in accordance with Section 6.C.
- (2) **Side Yards:** No side yard setback is required.
  - (3) **Rear Yards:** No rear yard setback is required.

**G. LOT COVERAGE AND FLOOR AREA RATIO:**

**(1) Lot Coverage**

- (a) The maximum lot coverage allowed, including above grade parking structures, is seventy percent (70 %).
- (b) Porches and arcades fronting public streets and thoroughfares shall, not be included in lot coverage calculations.

**(2) Floor Area Ratio**

- (a) The maximum allowable floor area ratio (FAR), computed by comparing the total building structure square footage on a property to the area of the property measured in square feet, shall not exceed a four to one ratio (4:1).
- (b) Parking structures shall not be included in the FAR calculation.
- (c) Porches and arcades fronting public streets and thoroughfares shall not be included in FAR calculations.

**H. BUILDING HEIGHTS:**

- (1) All buildings exceeding a height of forty (40) feet shall maintain a residential proximity slope ratio of 1:3, originating from the nearest single-family residential zoning district boundary. Provided the 1:3 residential proximity slope is maintained, buildings may be erected to any legal height.
- (2) The 1:3 residential proximity slope described in paragraph (1), above, requires a horizontal setback of three (3) feet for each (1) foot of building height (e.g., a building 50 feet tall must be setback from the nearest single family residential zoning district boundary no less than 150 feet).
- (3) The residential proximity slope restriction described in paragraph (1), above, shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators,

chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty percent (50%) of a typical floor area), or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**I. EXTERIOR BUILDING APPEARANCE:**

- (1) **Masonry.** No less than seventy-five (75) percent of all exterior walls, exclusive of windows and doors, facing a public street, thoroughfare or street right-of-way shall be comprised of masonry cladding as herein defined.
- (2) **Mechanical Equipment.** All mechanical equipment, roof mounted or otherwise, shall be screened from public view (i.e., from streets, thoroughfares, rights-of-way and single-family zoning districts) and located to minimize noise intrusion.

**J. NEW AND USED AUTOMOBILE SALES OR RENTAL - SPECIAL STANDARDS**

The following standards are hereby established to regulate and control the location of new and used automobile sales or rental uses within the OFB-FW subdistrict and further ensure compatibility with surrounding land uses.

- (1) The sale of new and used automobiles within the OFB-FW subdistrict where previously granted by an approved Specific Use Permit or which were in existence as a nonconforming use prior to the effective date of this Ordinance shall be subject to the following:
  - (a) The sale of used automobiles on properties fronting Stemmons Freeway (I-35E) shall be permitted strictly as an accessory use to new automobile sales only.
  - (b) As an accessory use, used automobile sales shall either be located on the same lot as the new motor vehicle sales use or on an abutting property that is owned or leased by the same entity owning or operating the new automobile sales use with which it is affiliated.
  - (c) All vehicular use areas including parking spaces, display areas, storage areas, driveways, etc. shall be paved with either concrete or asphalt in accordance with City of Framers Branch engineering standards.
  - (d) All vehicle storage areas (not display areas) shall be fully screened from all abutting properties and public street rights-of-way.
  - (e) No outdoor storage of discarded or salvaged materials, junk vehicles or vehicle parts shall be permitted.
  - (f) Elevated display of vehicles shall be prohibited.

- (g) All repair and service work shall be conducted within a fully enclosed building.
- (2) Automobile Rental and Leasing. The sale of new and used automobiles within the OFB-FW subdistrict where previously granted by an approved Specific Use Permit or which were in existence as a nonconforming use prior to the effective date of this Ordinance shall be subject to the following:
  - (a) The rental or leasing of automobiles which have been issued a title more than once (i.e., used automobiles) on properties fronting Stemmons Freeway (I-35E) shall be permitted strictly as an accessory use to automobile rental or leasing agencies that primarily rent or lease automobiles which have been issued titles only once.
  - (b) As an accessory use, used automobile rental or leasing shall either be located on the same lot as the new automobile rental or leasing use or on an abutting property that is owned or leased by the same entity owning or operating the new automobile rental or leasing use with which it is affiliated.
  - (c) All automobile rental and leasing agencies shall comply with all the minimum standards related to automobile sales uses as set forth in Section J.(1). of this Ordinance.

## **SECTION 6. OFF-STREET PARKING.**

- A. **MINIMUM SPACES REQUIRED:** Off-street parking shall be provided for all uses in the Old Farmers Branch Special District in accordance with the requirements of this Section 6. Uses for which off-street parking requirements are not specified herein shall comply with the off-street parking requirements of the Comprehensive Zoning Ordinance.
  - (1) Assembly Uses: 1 space per 6 persons normally accommodated, or 1 space per 6 seats
  - (2) Clinic - medical, dental or veterinary: 1 space per 400 square feet of gross floor area
  - (3) Day Care Center - child or adult: 1 space per 500 square feet of gross floor area
  - (4) Furniture Store: 1 space per 500 square feet of gross floor area
  - (5) Gasoline Service Station: 1 space per 400 square feet of gross floor area, with a minimum of 4 spaces

- (6) Hotel or motel: 1 space per guest suite plus requirements for restaurants or other associated uses
- (7) Light manufacturing and industrial uses: 1 space per 1000 square feet of gross floor area
- (8) Offices, banks and other financial institutions: 1 space per 600 square of gross floor area
- (9) Personal services: 1 space per 400 square feet of gross floor area
- (10) Residential Uses: 1 space per dwelling unit
- (11) Restaurants: 1 space per 100 square feet of gross floor area
- (12) Retail stores and specialty shops: 1 space per 400 square feet of gross floor area
- (13) Warehousing, distribution and wholesale trade: 1 space per 1000 square feet of gross floor area

**B. PARKING AS AN ACCESSORY USE:** All on-site accessory parking shall comply with the requirements of Section 6.C of this ordinance.

**C. PARKING AS A PRIMARY USE:** All parking lots or structures which constitute a primary use of property anywhere within the Old Farmers Branch Special District shall comply with the following requirements:

- (1) All surface parking lots fronting any street or thoroughfare shall maintain a minimum front yard setback of ten (10) feet.
- (2) All above grade parking structures shall comply with the setback requirements set forth in Sections 4.F and 5.F, respectively, established for uses within the subdistrict where such parking structure is located.
- (3) Required front yards (i.e., the setback area) shall be used exclusively as landscaped open space, visible and accessible from the street and designed to accommodate pedestrian activities.
- (4) All surface and above grade parking structures shall comply with all applicable landscaping and screening standards as set forth in Section 7 and Section 8 of these Regulations.
- (5) Above grade parking structures shall be architecturally finished on all sides facing a public street, street right-of-way or single-family residential zoning district.

**D. RESIDENTIAL ADJACENCY:**

- (1) Surface parking areas associated with nonresidential and multiple family uses that abut single family residential zoning districts shall be screened in accordance with the requirements of Section 9, below.
- (2) Above-grade parking structures that abut single family residential zoning districts shall not exceed two (2) levels or twenty-five (25) feet in height.
- (3) Above-grade parking structures shall be architecturally finished on all sides abutting single family residential zoning districts and be designed and oriented so as to minimize impact on the adjacent residential properties in terms of vehicle ingress/egress, lighting, and any other operational features.

**E. OFF-SITE PARKING:** In order to promote redevelopment within the Old Farmers Branch Special District that might otherwise be constrained by mandatory on-site parking, required off-street parking may be located off-site, subject to the following provisions:

- (1) Off-site parking in the General Business and Freeway subdistricts is permitted by agreement only. The agreement shall:
  - (a) be in writing and executed by all owners of the properties affected; and
  - (b) be approved by both the Building Official and the City Attorney.
- (2) Any amount of the required off-street parking for a use may be supplied off-site provided full compliance with the regulations contained in this ordinance are maintained.
- (3) All off-site parking shall be on lots located within three hundred (300) feet, including streets and alleys, of the use it is to serve, with the distance measured being the shortest distance between the lots; provided, however, in no case shall off-site parking be separated from the use it is to serve by a thoroughfare as defined herein.
- (4) An off-site parking agreement may be amended or terminated only by an instrument approved by both the Building Official and the City Attorney.
- (5) The Building Official shall not sign an instrument terminating an off-site parking agreement until all owners of properties affected fully comply with the off-site parking regulations contained in this section.

**F. SHARED PARKING:** In order to increase the efficiency of land use in the Old Farmers Special District and promote mixed-use development, certain land uses may be eligible to participate in shared parking agreements in order to maintain compliance with mandatory off-street parking requirements subject to the following:

- (1) Parking areas may be shared by two or more uses provided each of the uses has different peak-hour demands for the parking area.
- (2) For purposes of this section, "shared parking" means the use of the same off-street parking stall to satisfy the off-street parking requirements for two or more uses.
- (3) Shared parking is permitted by agreement only. The agreement shall:
  - (a) be in writing and executed by all owners of the properties affected;
  - (b) specify the parking being shared and the hours of operation of the uses involved; and
  - (c) be approved by both the Building Official and the City Attorney.
- (4) Up to fifty percent (50%) of the required off-street parking for a use may be provided by a shared parking agreement if the uses involved have reasonably compatible hours of operation. No more than fifty percent (50%) of the required off-street parking for any use may be shared parking.
- (5) All shared parking must:
  - (a) be on lots located within three hundred (300) feet, including streets and alleys, of the lots upon which the uses sharing the parking are located. The distance measured is the shortest distance between the lots; and
  - (b) fully comply with the off-street parking regulations contained in this section.
- (6) A shared parking agreement may be amended or terminated only by an instrument approved by both the Building Official and the City Attorney. The Building Official shall not sign an instrument terminating a shared parking agreement until all of the uses sharing the parking fully comply with the off-street parking regulations contained in this section.
- (7) A person commits an offense if he operates a use sharing parking at a time other than during the hours of operation specified in the shared parking agreement.
- (8) The certificate of occupancy may be revoked for any use being operated in violation of a shared parking agreement.

**G. MATERIALS AND DIMENSIONS:**

- (1) Any off-street parking spaces provided or used shall be comprised strictly of an improved surface of asphalt, concrete or other hard surface material (e.g., brick pavers) as may approved by the Building Official and constructed in accordance with City of Farmers Branch engineering standards.
- (2) Standard parking spaces shall measure at least eight feet, six inches wide (8'6") and eighteen feet (18') in length.

**H. COMPACT CAR PARKING:**

- (1) A maximum of ten (10) percent of the required off-street parking may be devoted to compact car spaces of not less than 128 square feet.
- (2) No more than twenty (20) percent of any parking structure, parking lot or parking area shall be comprised of compact car parking spaces.

**SECTION 7. LANDSCAPING.** Within the Old Farmers Branch Special District, the property developer, builder or owner shall be responsible for the installation and maintenance of required landscaping as set forth in this Section 7.

**A. REQUIRED LANDSCAPING:**

- (1) **Front Yards.** All required front yards, as established herein, shall be used exclusively as landscaped open space, visible and accessible from the street and designed to accommodate pedestrian activities.
- (2) **Minimum Requirement.** No less than five percent (5%) of the total lot area (excluding rights-of-way) shall be landscaped in accordance with this section.
- (3) **Irrigation.** All required landscaped areas shall be irrigated with an automatic irrigation system the design and operation of which shall be in accordance with applicable City ordinances.

**B. TREE REQUIREMENTS:**

- (1) **Quantity.** One (1) large tree is required for every thirty (30) lineal feet of street frontage. All fractions equal to or greater than 0.5 shall be rounded to the next higher number of trees.
- (2) **Tree Placement.** Required trees shall be planted within the front yard setback area or within the street right-of-way, provided they are placed no closer than three (3) feet to any public street pavement or sidewalk and are not located within a visibility triangle.

**(3) Tree Species.**

- (a) Trees to be planted within street right-of-way shall be of a species selected from the list of "street trees" provided in Section 7.E of this ordinance.
- (b) Required trees to be planted within front yards shall be of a species selected from the list of "street trees", "large trees" or "small trees" provided in Section 8.E of this ordinance,

**(4) Tree Size.**

- (a) Required large trees shall have a minimum height of twelve (12) feet and a minimum trunk caliper of three (3) inches, measured at a height of six (6) inches above the ground, at time of planting. Two (2) small trees may be substituted for one (1) large tree only for those required trees not to be planted within street right-of-way.
- (b) Small trees shall have a minimum height of eight (8) feet and a minimum trunk caliper of two (2) inches, measured at a height of six (6) inches above the ground, at time of planting.

**C. EXISTING TREE CREDITS:** Existing trees of a species identified in Section 7.E, below which are retained or relocated to the tree planting zone or front yard of the building site may be credited toward the required number of trees as follows:

- (1) Existing trees having a caliper equal to or greater than four (4) inches may count as one (1) required tree.
- (2) Existing trees having a caliper equal to or greater than six (6) inches may count as two (2) required trees.
- (3) Existing trees having a caliper equal to or greater than ten (10) inches may count as three (3) required trees.
- (4) Should a relocated tree die, it shall be replaced by the equivalent number of required trees. Replacement trees shall be planted within the required the front yard or street right-of-way in compliance with the provisions of this section.

**D. PARKING AREAS – INTERIOR:** All parking areas accommodating twenty-five (25) or more vehicles shall be landscaped in accordance with the following provisions:

- (1) A minimum of five (5) percent of the total vehicular surface area shall be landscaped. Such landscaping shall be located within medians, islands or peninsulas.



- (2) Required landscaped areas shall be no smaller than 150 square feet in area and have no dimension under eight (8) feet.
- (3) Landscaped planting areas shall be located at the property owner's discretion provided that no parking space is more than eighty-five (85) feet from the trunk of a natural shade tree, with no intervening building. Existing trees located within public rights-of-way or required setback areas may be used to meet the tree distribution requirements of this subsection.

**E. PLANT LIST:** This Section 7.E identifies acceptable plant materials to meet the minimum tree planting and screening requirements established herein. Trees and shrubs other than those listed and which are not intended to meet the minimum required standards may also be used.

**(1) Street Trees**

- (a) Red Oak (Quercus shumardii)
- (b) Live Oak (Quercus virginiana)
- (c) Cedar Elm (Ulmus crassifolia)

**(2) Large Trees:** Includes those listed as Street Trees, plus:

- (a) Pecan (Carya illinoensis)
- (b) Sweetgum (Liquidambar styraciflua)
- (c) Bald Cypress (Taxodium distichum)
- (d) Chinese Pistachio (Pistacia chinensis)
- (e) Western Soapberry (Sapindus drummondii)

**(3) Small Trees**

- (a) Crepe Myrtle (Lagerstroemia indica)
- (b) Yaupon Holly (Ilex vomitoria)
- (c) Bradford Pear (Pyrus callerya 'bradfordi')
- (d) Crabapple (Malus sp.)
- (e) Redbud (Cercis Canadensis)

(f) Goldenrain Tree (Koelreuteria paniculata)

(g) Mexiacan Plum (Prunus mexicana)

**(4) Screening Shrubs (large)**

(a) Fraser's Photinia (Photinia fraseri)

(b) Nellie R. Stevens Holly (Ilex "Nellie R. Stevens")

(c) Burford Holly (Ilex cornuta "Burfordii")

(d) Waxleaf Lingustrum (Lingstrum japonicum)

(e) Japanese Lingustrum (Ligstrum lucidum)

**(5) Screening Shrubs (medium)**

(a) Barberry (Berberis x mentorensis)

(b) Compact Nandina (Nandina domestica compacta)

(c) Dwarf Buford Holly (Ilex cornuta "Burfordi nana")

(d) Indian Hawthorne (Raphiolepis indica)

(e) Junipers (Junipers spp)

(f) Texas Sage (Leucophyllum frutescens)

**SECTION 8. SCREENING.** Within the Old Farmers Branch Special District, the property developer, builder or owner shall be responsible for the installation and maintenance of required screening as set forth in this Section 8.

**A. PARKING AREAS - ABUTTING STREETS:** All parking areas abutting a public street or street right-of-way shall be screened in accordance with the following requirements:

(1) **Height.** Screening shall be a minimum of three (3) feet in height.

(2) **Location.** Screening shall be located within the required setback areas as established under Sections 4 and 5.

(3) **Materials.** Screening shall consist of one or a combination of the following: walls, non-deciduous shrubs, or landscaped earthen berms.

- (a) Screening walls shall be masonry having the same or similar appearance as the facade of the building with which the parking is associated. If the parking is not associated with a particular building, any type of masonry wall shall be allowed.
  - (b) The maximum acceptable grade for screening areas, such as berms or planting beds shall be 1:3, i.e., for each (1) foot in height, the berm must be three (3) feet in width to the center of the berm.
  - (c) Screening shrubs shall be of a species selected from the list of "large shrubs or medium shrubs" provided in Section 7.E of this ordinance.
  - (d) Screening shrubs shall be spaced a maximum of three (3) feet on center and the container size shall be a minimum of five (5) gallons at time of planting.
- (4) **Wheel Stops Required.** Wheel stops shall be provided for parking spaces as needed to prohibit vehicle encroachment of planting areas.
  - (5) **Screening Augments Landscaping.** Parking area screening shall be required in addition to the minimum landscaping requirements otherwise set forth herein.

**B. LOADING AREAS - ABUTTING STREETS:** All loading areas not screened by an intervening building, shall be screened from view of any public street, street right-of-way or in accordance with the following requirements:

- (1) **Height.** Screening shall be a minimum of six (6) feet in height.
- (2) **Location.** Screening shall be located within the required setback areas as established under Sections 4 and 5.
- (3) **Materials.** Screening shall consist of one or a combination of the following: walls, non-deciduous shrubs, or landscaped earthen berms.
  - (a) Screening walls shall be masonry having the same or similar appearance as the facade of the building.
  - (b) The maximum acceptable grade for screening areas, such as berms or planting beds shall be 1:3, i.e., for each (1) foot in height, the berm must be three (3) feet in width to the center of the berm.
  - (c) Screening shrubs shall be of a species selected from the list of "large shrubs" provided in Section 7.E.
  - (d) Screening shrubs shall be spaced a maximum of three (3) feet on center

and the container size shall be a minimum of five (5) gallons at time of planting.

- (4) **Trailers Screened.** Screening shall be of a length to screen the maximum size trailer which can be accommodated on site. Sites which can accommodate a full-size tractor-trailer shall provide screening for a minimum length of forty-eight (48) feet.
- (5) **Screening Augments Landscaping.** Loading area screening shall be required in addition to the minimum landscaping requirements otherwise set forth herein.

C. **OUTDOOR STORAGE:** Outdoor storage of merchandise, equipment, or materials which are essential or incidental to the primary use and which are not on temporary display for the purpose of being immediately available for sale to the general public (as regulated by other City codes and ordinances) shall be screened from all public streets and street rights-of-way in accordance with the following requirements:

- (1) **Height.** Screening shall be a minimum of six (6) feet in height.
- (2) **Location.** Screening shall be located within the required setback areas as established under Sections 4 and 5.
- (3) **Materials.** Screening shall be comprised of the following materials:
  - (a) a solid structural masonry wall, or
  - (b) landscaped earthen berm having a slope no greater than 1:3, or
  - (c) a combination of screening shrubs selected from the list of "large" or "medium" shrubs provided in Section 7.E at least thirty-six (36) inches in height and spaced triangularly no greater than three (3) feet on center, and landscaped earthen berms of at least three (3) feet in height, or
  - (d) a combination of masonry walls and landscaped earthen berms which accomplish the required screening height.
- (4) **Abutting Nonresidential Properties.** Appropriate screening of outdoor storage areas abutting nonresidential properties shall be determined at time of site plan approval.
- (5) **Screening Augments Landscaping.** Outdoor storage area screening shall be required in addition to the minimum landscaping requirements otherwise set forth herein.
- (6) **Full Screening Required.** No merchandise, equipment, or materials stored outdoors shall extend above the height of the required screening.

**D. RESIDENTIAL ADJACENCY:** All multiple family and nonresidential uses abutting single family zoning districts shall be screened in accordance with the following requirements:

- (1) **Height.** Such screening shall be a minimum of six (6) feet above the grade of the abutting single family property.
- (2) **Materials.** Screening shall be comprised of the following materials:
  - (a) a solid structural masonry wall, or
  - (b) landscaped earthen berm having a slope no greater than 1:3, or
  - (c) a combination of screening shrubs selected from the list of "large" or "medium" shrubs provided in Section 7.E at least thirty-six (36) inches in height and spaced triangularly no greater than three (3) feet on center, and landscaped earthen berms of at least three (3) feet in height, or
  - (d) a combination of masonry walls and landscaped earthen berms which accomplish the required screening height.

**E. REFUSE AREAS:**

- (1) Refuse storage containers shall be located on the rear half of the lot, screened from view of public streets, street rights-of-way and abutting properties.
- (2) Where not entirely screened by meeting the requirements of other sections of these Regulations, refuse containers shall be screened by masonry walls having the same or similar finished appearance as the facade of the building.

**F. MECHANICAL EQUIPMENT:** All mechanical equipment, roof mounted or otherwise, shall be screened from view of all abutting thoroughfares, streets, street rights-of-way and single-family zoning districts.

**SECTION 9. SIGNS.** Free-standing and attached signs placed on properties located within the Old Farmers Branch Special District shall comply with the standards set forth herein. Signs not specifically addressed in this section shall comply with the requirements of the Comprehensive Zoning Ordinance and the Code of Ordinances.

**A. MONUMENT SIGNS:** Except as provided in Section 9.C, on-premise monument signs shall be the only type of free-standing sign permitted within the Old Farmers Branch Special District.

- (1) **Quantity.** No more than one (1) monument sign shall be permitted along each street or thoroughfare frontage per site. However:

- (a) No part of any monument sign shall be located within a radius of twenty-five (25) feet to another monument sign on an adjacent site, and
- (b) No part of any monument sign shall be located within a radius of one hundred (100) feet of another monument sign on the same site.

**(2) Dimensions.**

- (a) No monument sign shall exceed a height of six (6) feet or a length of ten (10) feet.
  - (b) Area - Single tenant monument signs shall not exceed forty (40) square feet in area.
  - (c) Multiple tenant monument signs shall not exceed sixty (60) square feet in area.
- (3) Setback.** Monument signs shall be set back a minimum of five (5) feet from the front property line along all streets and thoroughfares. However, no monument sign shall be located within a visibility triangle or create a hazardous condition of any kind.
- (4) Materials.** No less than seventy-five percent (75%) of a monument sign's exterior or visible materials shall be comprised of the same or similar materials as the facade of the building with which the sign is associated.

**B. ATTACHED SIGNS:**

- (1) Quantity.** Attached signs shall be limited in number to one (1) sign per tenant for each facade, with a maximum of two (2) attached signs per tenant per building.
- (2) Area.**
- (a) No attached sign shall exceed two hundred (200) square feet in area.
  - (b) Total attached sign area shall not exceed seventy-five (75) percent of the total surface area of the wall to which signs are attached (exclusive of windows and doors).
- (3) Window Signs.** In addition to permitted attached signs, window signs shall be allowed. However, no window sign shall exceed twenty-five percent (25%) of the window area in which the sign is placed.

**C. FREEWAY FRONTAGE:** The following provisions apply only to those properties that have frontage abutting the I-35E (Stemmons) freeway right-of-way.

- (1) **Free-standing Signs Generally.** One (1) free-standing sign (i.e., either a pole sign or a monument sign) shall be permitted for each site except that sites having frontage on more than one street or thoroughfare shall be permitted one (1) free-standing sign along each street or thoroughfare. However:
- (a) Not more than one free-standing sign shall be a pole sign.
  - (b) No part of any free-standing sign shall be located within a radius of fifty (50) feet to another free-standing sign on an adjacent site.
  - (c) No part of any free-standing sign shall be located within a radius of one hundred (100) feet of another free-standing sign on the same site.
  - (d) No free-standing sign shall be located within a visibility triangle or create a hazardous condition of any kind.
- (2) **Pole Signs.**
- (a) Quantity: One (1) pole sign shall be permitted on sites within the Old Farmers Branch Special District that have frontage abutting the I-35E freeway right-of-way.
  - (b) Area: No pole sign shall exceed two hundred (200) square feet in area.
  - (c) Setback: All pole signs shall be setback a minimum of thirty (30) feet from the property line abutting the freeway right-of-way and a minimum of fifty (50) feet from any other street or thoroughfare right-of-way.
  - (d) Height: Pole signs may be erected to a maximum height of thirty (30) feet above grade at the base of the sign, or twenty-five (25) feet above the nearest freeway travel lane, as measured perpendicularly from the base of the sign to the nearest freeway travel lane, whichever is higher.
  - (e) Landscaping required: At the base of all pole signs, landscaping shall be provided at a ratio of one (1.0) square foot of landscaped area for each square foot of sign area (e.g., a pole sign 80 square feet in area must have 80 square feet of landscaped area at its base). Required landscaping (including vegetative screens) may satisfy this requirement.

- (3) **Monument Signs.** The following standards apply only to monument signs located directly along the I-35E (Stemmons) freeway and oriented to be seen from the freeway or freeway frontage road. Monument signs located along any other street or thoroughfare shall comply with the standards set forth in Section 9.A.
- (a) Quantity - One (1) monument sign shall be permitted per site.
  - (b) Area-Single tenant monument signs shall not exceed sixty (60) square feet in area.
  - (c) Multiple tenant monument signs shall not exceed eighty (80) square feet in area.
  - (d) Setback - Monument signs shall maintain a minimum setback of five (5) feet from the property line abutting the freeway right-of-way and a minimum of thirty (30) feet from any other street or thoroughfare right-of-way.
  - (e) Height - Monument signs shall not exceed a height of eight (8) feet.
- (4) **Attached Signs.** All attached signs shall comply with the standards set forth in Section 9.B of this ordinance.

## **SECTION 10. STREET PLAN**

- A. **INTENT:** The street system is one of several basic “fixed” elements of the Old Farmers Branch Area's urban landscape. Like rail lines, creeks, floodplain and major utility easements, streets do not change much over time. These fixed elements comprise the development framework of the area; they affect land use and development patterns, help shape and define the character of the area, and generally establish the context in which future development and redevelopment will take place. Within the Old Farmers Branch Special District, streets are perhaps the most important of these fixed elements and will likely exert the greatest amount of influence over the area's future development.

Whereas the City's Master Thoroughfare Plan is primarily designed to address the movement of traffic on its broadest scale, citywide; this street plan focuses on the needs of the Old Farmers Branch Special District exclusively. A street plan for the Old Farmers Special District is necessary to ensure the area's basic access and vehicle circulation needs are sufficiently met and maintained as the area undergoes redevelopment.

This street plan is intended to serve as a complement to the City's Master Thoroughfare Plan and employs essentially the same design standards and policies established by the Master Thoroughfare Plan. However, this street plan supplements typical street design



standards with guidelines for street scape amenities including sidewalks and street lights. It identifies existing streets which should be abandoned, proposed new streets, streets to be extended and establishes some basic policies concerning the status of certain roadways, right-of-way acquisition, and street improvement costs.

- B. DESIGN STANDARDS:** Public streets within the Old Farmers Branch Special District are hereby designated as thoroughfares or collector streets as shown on the Street Plan Map attached hereto as Appendix 2 and incorporated herein by reference, and shall be constructed and maintained in accordance with the following requirements:

- (1) **Thoroughfares.** Six (6) lane, divided thoroughfare having a minimum right of way width of one hundred (100) feet.
- (2) **Collector Streets.** Four (4) lane, undivided street having a minimum right-of-way width of sixty-four (64) feet.

- C. STREET AMENITIES:**

- (1) **Public Sidewalks.**
  - (a) Continuous public sidewalks shall be required along both sides of all streets and thoroughfares except 135-E (Stemmons Freeway).
  - (b) Sidewalks shall be located within the street right-of-way between the back of the street curb and the private property line. However, should it not be practicable to locate required sidewalks within street right-of-way, they may be located on private property, as close to the right-of-way as possible, if sidewalk easements are provided.
  - (c) All sidewalks shall be a minimum of four (4) feet wide unless located adjacent to the back of the street curb, in which case they shall be no less than five (5) feet wide.
- (2) **Street Lights.** Street lights shall be provided in accordance with the requirements of the City Subdivision Ordinance (Ordinance No. 1430, as amended or succeeded).
- (3) **Crosswalks.** All crosswalks shall be a minimum of eight (8) feet wide.

- D. ACQUISITION OF RIGHT-OF-WAY:** Whenever a property is undergoing redevelopment, site planning, a zoning change or improvement such that platting or replatting of the property is required, needed right-of-way shall be provided by the property owner at that time, in accordance with the requirements of Section 10.B (i.e., the Street Plan Map) and the Master Thoroughfare Plan. When right-of way must be provided by a property which abuts only one side of an existing street having deficient

right-of way, or one side of a future street as shown on the Street Plan Map, the property owner shall be required to provide no more than one half of the total amount of minimum required right-of-way. Property owners on either side of a street are responsible for providing equal shares of the required right-of way as streets are improved or properties are developed or redeveloped.

- E. **SPRING VALLEY LANE:** Spring Valley Lane is a two-lane street twenty-two (22) to twenty-four (24) feet wide located within a right-of-way approximately forty (40) feet in width. No properties front this street on either side and functions strictly as an alley providing rear access to abutting lots. The existing right-of-way is adequate for alley use. No additional right-of- way or installation of street amenities are prescribed for this street.

## **SECTION 11. SITE PLAN APPROVAL PROCESS.**

- A. **INTENT:** This Section 11 establishes a site plan review and approval process for proposed development within the PD-70. The intent is to ensure compliance with the requirements of these Regulations, to promote better site design, to integrate projects more effectively into their surrounding environment, to prevent the impairment or depreciation of property values, to improve internal vehicular and pedestrian circulation, to encourage quality and innovative site planning techniques, and to protect and enhance the overall general public welfare.
- B. **SITE PLAN APPROVAL REQUIRED:** All development within the Old Farmers Branch Special District shall receive site plan approval prior to the issuance of a building permit. No permanent Certificate of Occupancy (C.O.) shall be issued unless all construction and development fully conform to the approved site plan.
- C. **CITY COUNCIL SITE PLAN APPROVAL:**
- (1) **Council Approval Required.** Any development or use which is required to obtain a Specific Use Permit (SUP) shall, at the time such SUP request is submitted to the City for processing, also submit an associated site plan subject to review and approval by the City Council following a recommendation by the Planning and Zoning Commission.
  - (2) **Site Plan Approval Criteria.** Site plans which must receive approval of the City Council may have additional stipulations placed on them. In considering whether to approve or deny a site plan submitted to the Planning and Zoning Commission and City Council in accordance with this ordinance, the following criteria shall be considered:
    - (a) Safety of the motoring and pedestrian public using the facility and area surrounding the site.
    - (b) Safety from fire hazards and measures of fire control.

- (c) Protection from flooding and water damage.
- (d) Noise and lighting glare elements and effect of such on adjacent neighbors.
- (e) Relation of signs to traffic control and effect on adjacent properties.
- (f) Adequacy of off-street parking and loading facilities for the uses specified.
- (g) Adequacy of streets to accommodate the traffic generation of the proposed use(s).
- (h) Appropriateness of the proposed ingress and egress points for access, parking and loading.
- (i) Landscaping and screening provisions appropriately placed in accordance with ordinance requirements and intent.
- (j) Siting of structures and other improvements relative to required setbacks, height limitations, and other density and dimensional requirements; and
- (k) Such other measures as might secure and protect the public health, safety, morals and general welfare.

**D. ADMINISTRATIVE SITE PLAN APPROVAL:**

- (1) **Administrative Approval Required.** Administrative site plan approval is required for any development which does not require City Council approval of a Specific Use Permit (SUP).
- (2) **Development Review Committee (DRC).** Review and approval of administrative site plans shall be the responsibility of the Development Review Committee (DRC). The DRC shall be comprised of City Staff personnel, designated by the City Manager, who are normally responsible for review of site plans, construction plans and engineering plans, including, but not limited to Staff from the following departments: Community Services (i.e., Building Inspections), Planning, Economic Development, Fire, Parks and Recreation, Police, Public Works (including Engineering, Sanitation, Utilities and Streets), and Sustainability and Public Health. Representatives from private utility companies may also be permitted to participate in the review process when necessary.
- (3) **DRC Authority.** The DRC, in its review of site plans, shall not be authorized to waive or vary requirements found herein, those of the Comprehensive Zoning

Ordinance or any other applicable ordinance of the City of Farmers Branch.

(4) **Denial of Site Plan.**

- (a) If a site plan is not approved by the DRC, reason(s) for such action shall be provided to the applicant in writing.
- (b) Site plans not approved by the DRC may be appealed to the Planning and Zoning Commission if so requested by the applicant, in writing, within fifteen (15) days following receipt of written notice of the site plan's denial by the DRC.
- (c) The Planning and Zoning Commission, in its review of site plans previously denied by the DRC, shall not be authorized to waive or vary the requirements of this ordinance, the Comprehensive Zoning Ordinance, or any other applicable ordinance of the City of Farmers Branch.

E. **ELEMENTS OF A SITE PLAN:** All site plans submitted for review by the DRC, Planning and Zoning Commission or City Council shall be accurately and legibly drawn to scale with dimensions and shall show: point of reference to accurately locate the site; the boundary of the existing property; existing and/or proposed buildings; building elevations; proposed use of the property; parking layout and drives; means of ingress and egress; loading areas; fire lanes; areas to be landscaped; screening; public and private sidewalks; refuse facilities; sign elevations and locations; lighting facilities; adjoining streets and alleys including curbs, medians and storm drains; drainage and utility easements; zoning; size of buildings; computations of building area for each use, site area, and parking ratio; and any other information deemed essential by the DRC, Planning and Zoning Commission or City Council to ensure compliance with this and any other applicable City codes and ordinances.

F. **SITE PLAN AMENDMENTS AND WAIVERS:** The Planning Director or appointed designee may authorize minor modifications to approved site plans and waive the requirement of a site plan for minor construction or site improvements (e.g., signs, limited parking lot modifications, small building additions, accessory structures, fences, etc.) provided that:

- (1) The basic relationship of the proposed development, improvements, or construction to adjacent property is not adversely affected;
- (2) There is no conflict or non-conformance with the requirements or intent of this ordinance, the Comprehensive Plan, Planning and Zoning Commission or City Council conditions or manner of previous approval(s); and
- (3) The fundamental character of the building elevations (or elevation drawings) or the development as a whole is not detrimentally changed or altered.

However, notwithstanding any other provisions of these Regulations as amended, the Planning Director may require a site plan for any development or improvement within the Old Farmers Branch Special District to be submitted for approval to the DRC, the Planning and Zoning Commission, or City Council, if it is deemed to be in the best interest of the City to do so.

## **SECTION 12. NONCONFORMING USES AND STRUCTURES**

- A. **INTENT:** It is the intent of this Section 12 to regulate nonconforming uses and structures because they have been found to be incompatible with the permitted uses and dimensional requirements set forth in this ordinance establishing the Old Farmers Branch Special District. It is further the purpose of this Section 12 to encourage the discontinuance of nonconforming uses. However, nothing herein contained shall be construed as prohibiting the change in tenancy, ownership or management of a nonconforming lot, use, or structure, provided such change is otherwise lawful. Single family uses existing at the time these Regulations are adopted shall not be treated as nonconforming uses.
- B. **SCOPE:** Except as herein provided, the provisions of the Comprehensive Zoning Ordinance regulating nonconforming uses and structures shall remain in full force and effect for all properties located within the Old Farmers Branch Special District.
- C. **CONVERSION PROHIBITED:**
- (1) The change of occupancy from one nonconforming use to a different nonconforming use shall be prohibited.
  - (2) Once a nonconforming use is changed to a conforming use, it may not revert to a nonconforming use.
- D. **EXPANSION PROHIBITED:** No nonconforming use shall be expanded or increased.
- E. **NONCONFORMING USE EXEMPTIONS:** Single family residences existing at the time of adoption of these Regulations are hereby declared to be legal and valid and may continue to exist as legal and valid uses subsequent to adoption of these Regulations.
- F. **ABANDONMENT;**
- (1) Once a nonconforming use has been abandoned, all nonconforming rights shall cease and use of the premises shall be in conformance to the provisions of this ordinance.
  - (2) Abandonment shall involve the intent of the user or owner to discontinue a

nonconforming operation and the actual act of discontinuance.

- (3) Any nonconforming use which is discontinued or which remains vacant for a period of six (6) months shall be considered to have been abandoned.

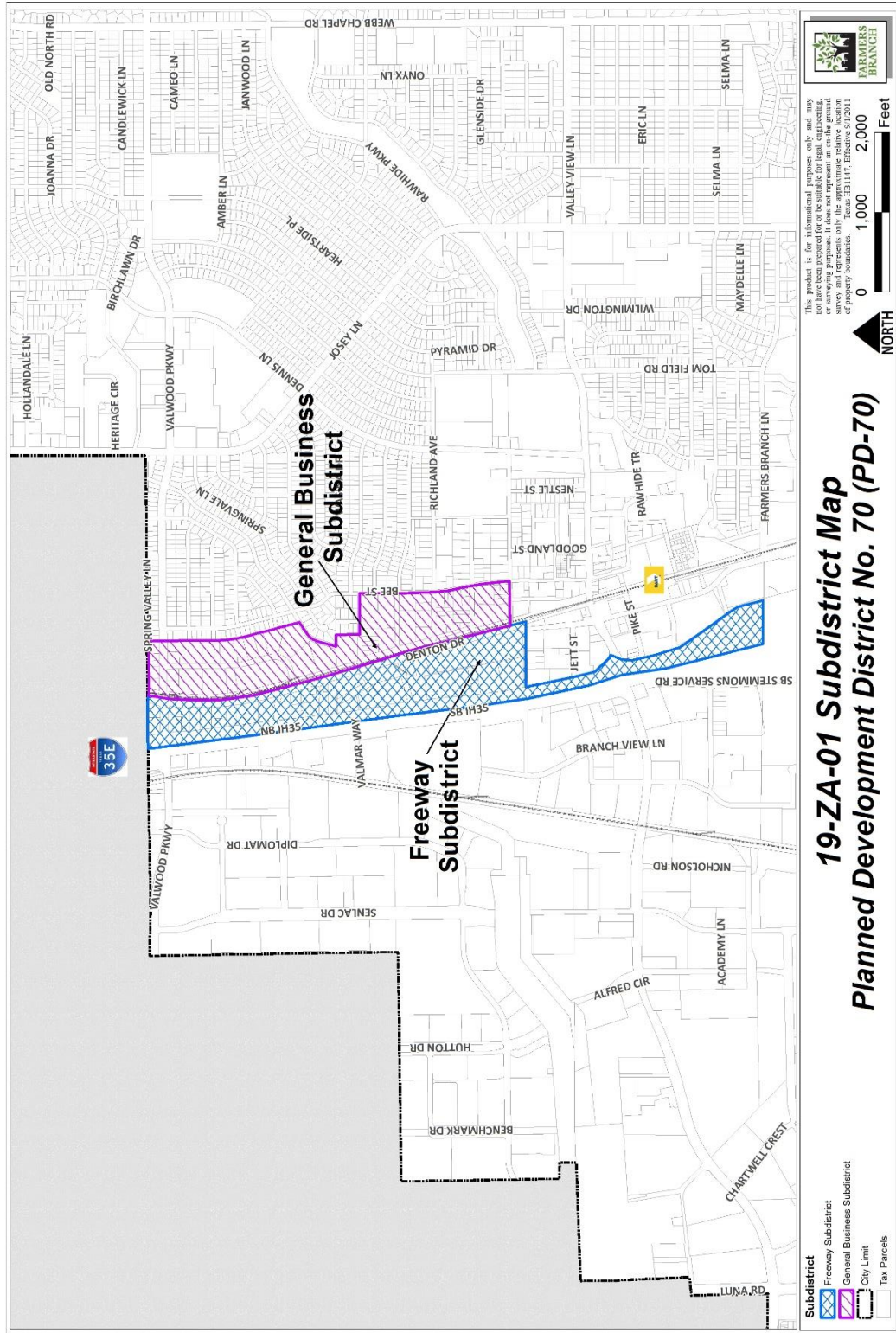
### **SECTION 13. SPECIAL EXCEPTIONS.**

- A. **INTENT:** It is not the intent of these Regulations to discourage innovation in development design. It is conceivable that development proposals could be made that, while clearly not conforming to the requirements of these Regulations, nonetheless have obvious merit in not only being appropriate to a particular site or location but also substantially satisfy the fundamental intent behind the creation of the Old Farmers Branch Special District.
- B. **REQUESTS FOR EXCEPTIONS:** In those circumstances where the applicant feels that, due to unique characteristics of the site or other special circumstances, strict compliance with the development standards set forth herein is not feasible or desirable, the Planning and Zoning Commission may be petitioned to grant a special exception these Regulations relative to the standard(s) in question.
  - (1) The Planning and Zoning Commission shall review all requests for special exceptions to these Regulations and determine compliance with the intent of the standards.
  - (2) The Planning and Zoning Commission shall hold a public hearing to consider all requests for special exceptions to these Regulations. Written notice of the public hearing shall be sent to all owners of real property located within the area to be considered for the special exception and to all owners of real property located within two hundred (200) feet of the area for which the special exception is requested. Such notice shall be given not less than ten (10) days before the date set for the public hearing by posting such notice, properly addressed and postage-paid to each taxpayer as the ownership appears on the City tax roll.
  - (3) All decisions of the Planning and Zoning Commission in this regard shall be final unless appealed to the City Council.
  - (4) An applicant may appeal the decision of the Planning and Zoning Commission only by filing a letter requesting an appeal with the Planning Director within fifteen (15) days of the date of the Planning and Zoning Commission's denial.
  - (5) The City Manager or any City department director may appeal any decision of the Planning and Zoning Commission by notifying the applicant and the Chairman of the Planning and Zoning Commission, in writing, of such intent, within fifteen (15) days of the date of the Planning and Zoning Commission's final decision.

- (6) Any fee(s) required of the applicant to petition the Planning and Zoning Commission for a special exception shall be set by a separate resolution of the City Council

# APPENDIX 1

## MAP OF OLD FARMERS BRANCH SPECIAL DISTRICT





## APPENDIX 2 STREET PLAN

