

STAFF REPORT

Case Number: N/A

Request: Discussion and direction regarding potential amendments to the nonconforming provisions of the Comprehensive Zoning Ordinance.

Address: City-wide

Lot Size: N/A

Petitioner: City of Farmers Branch

Purpose:

A review of the nonconforming provisions of the Comprehensive Zoning Ordinance (CZO) is a FY2018-19 strategic initiative, consistent with the Planning Department's work program and City Council's critical business outcomes. Given the new vision established in the East Side Plan and the upcoming IH35 visioning study, it is appropriate to review the nonconforming provisions within the CZO to ensure that the provisions are supportive of redevelopment that occurs within these aforementioned areas, as well as the City as a whole.

The current provisions allow nonconformities to continue and expand operations with limited instances in which to require nonconforming properties to be brought into conformance. Nonconforming properties are also afforded the opportunity to convert from an existing nonconforming use to a lesser nonconforming use that is otherwise not allowed under current zoning. Additionally, while current provisions are specific to uses and structures, there are no provisions to address other site improvements (or site elements) that may be nonconforming with current requirements, particularly those properties located within a form based zoning code. Therefore, amendments to the provisions within the CZO should be considered to limit the growth of nonconformities on a given lot or tract of land, limit conversion from one nonconforming use to another, and bring other aspects of nonconforming properties into compliance.

Staff reviewed the nonconforming provisions from 13 cities in the metroplex to identify potential regulatory strategies (or regulatory provisions) that could be considered for application in Farmers Branch. Based on that review, staff has identified five areas that could be considered for amendment:

- expansion of a use or structure;
- change of use;
- abandonment;
- site elements; and
- nonconformities resulting due to right-of-way (ROW) acquisition.

Staff believes that addressing these items identified above will provide an appropriate, balanced level of regulation as it relates to nonconformities given the desire to have properties come into compliance with current zoning requirements.

In addition, staff is also proposing reorganization of the provisions to improve ease of use, and clarification of their intent. The goal of these amendments is to ensure that the nonconforming provisions are comprehensive and clear, helping to ensure successful implementation.

In conducting this review and formulating recommendations, staff has been cognizant of the need to find a balanced approach between encouraging the discontinuance of uses and structures that are not in conformance with current provisions and long range planning policies, while also taking into consideration the investment that landowners and tenants have made in Farmers Branch.

Lastly, at the City Council meeting on April 16, 2019, Council discussed at length the 6-month time frame that is currently applied to abandonment of nonconforming uses. Council directed staff to retain the 6-month provision hence why no changes are proposed by staff as it relates to this provision.

Staff is seeking feedback and further direction from the Planning and Zoning Commission prior to moving forward with amendments to the nonconforming provisions of the CZO.

Study Area:

The current provisions within the CZO apply city-wide, excluding Planned Development Districts that contain nonconforming provisions.

Next Steps:

In order to complete the proposed amendments the following steps will be taken:

- Draft proposed ordinance amendments following direction received from the Commission; and
- Initiate the public hearing process for amending the nonconforming provisions within the CZO.

Recommendation:

Staff recommends the Planning and Zoning Commission provide direction regarding the proposed amendments to the nonconforming regulations within in the CZO.