

Nonconformities

City Council
September 17, 2019

Background

Review of the nonconforming provisions was identified as a FY2018-19 strategic initiative consistent with the Planning Department's work program and City Council's Critical Business Outcomes.

Through review and analysis of the existing nonconforming provisions a number of issues were identified:

- existing nonconforming uses are allowed to expand;
- conversion of properties from a nonconforming use to a lesser nonconforming use is allowed; and
- regulations are silent with respect to other site improvements (i.e. site elements).

Proposed nonconforming provisions are a result of staff analysis of the existing nonconforming provisions in the CZO, a review of nonconforming provisions from other municipalities, and direction provided by the Commission.

Goals

- To find a balanced approach between encouraging the discontinuance of uses and structures that are not in conformance with current regulations and long range planning policies, while also understanding the investment that landowners and tenants have made in Farmers Branch.
- For all properties to be in conformance with all provisions.
- To help meet the visions outlined in comprehensive plans.



Proposed Provisions

Main areas of change:

- improved layout of the provisions;
- clear introduction to the nonconforming standards;
- prevents expansion of a use;
- only allows change of a nonconforming use to a conforming use;
- clarifies abandonment;
- addresses site elements;
- addresses nonconformities resulting from acquisition of property by governmental entity; and

One additional amendment to the Board of Adjustment Jurisdiction provisions is proposed as the proposed amendment to nonconforming provisions renders the provision redundant.



Recommendation

Amendments to the provisions within the CZO have been drafted with the goal of:

- limiting the growth of nonconformities on a given lot or tract of land;
- limiting conversion from one nonconforming use to another;
- bringing other aspects of nonconforming properties into compliance; and
- establishing clear interpretation of the requirements.

If adopted the revised provisions will aim to:

- Encourage conversion of nonconformities to be in conformance with current zoning regulations.
- Aid in the implementation of comprehensive plans.
- Address matters not currently considered by the current provisions.

The Planning & Zoning Commission recommends approval of the proposed zoning request.

