

## **STAFF REPORT**

**Case Number:** 20-ZA-05

**Request:** Discuss and provide direction regarding draft amendments to the Comprehensive Zoning Ordinance related to parking requirements for residential and non-residential uses.

**Applicant:** City of Farmers Branch

**Planning & Zoning Commission Meeting:** August 31, 2020

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### **Background:**

On July 20, 2020, staff presented to the Planning and Zoning Commission proposed draft Comprehensive Zoning Ordinance (CZO) amendments for parking requirements for residential and non-residential zoning districts. There was general agreement with the overall proposed ordinance amendments. However, introduction of loading area screening and how to address existing loading operations within the city that does not have screening, was not discussed. Staff presented these proposed provisions related to loading area screening to the Commission on August 17, 2020. The Commission advised staff to take a proactive approach, bringing unscreened loading areas into compliance with the new screening requirements, sooner than later.

Staff has coordinated with the City Attorney's Office and the Director of Community Services to review any legal and code enforcement issues that might arise from attempting to enforce screening requirements on existing properties. The purpose of this agenda item is to have a follow-up discussion with the Commission regarding loading area screening provisions that have incorporated additional input from legal and code enforcement perspectives.

### **Current CZO Parking Provisions**

The current CZO parking provisions do not have any screening requirements for loading areas. This has resulted in a vast majority of warehouse and industrial buildings, mainly within the City's East Side, with loading areas facing public streets, where large semi-tractor-trailer trucks are visibly parked or connected to the overhead doors for delivery or receiving operations for most of the day. This is visually unappealing and reduces attractiveness of surrounding properties for redevelopment.

The proposed amendments to the parking provisions will add screening requirements for new loading areas and also attempt to address existing loading areas depending on certain conditions being met. This is a long-term approach, where over time, existing operations will come into compliance with the screening requirements of this ordinance and convert these industrial areas into more attractive developable properties.

## Proposed Amendments

Proposed screening requirements for loading areas and overhead rolling doors visible from public street view are comprised of three options:

1. Solid masonry screening wall of not less than six feet (6') height
2. A living vegetative screen of not less than three feet (3') tall planted on top an earthen berm with a slope not exceeding 3:1. Minimum height of the berm also required to be not less than three feet (3') tall providing an overall minimum height of six feet (6') at installation.
3. A living vegetative screen with plant material that provide appearance of solid screening not less than six feet (6') in height at the time of planting that grows to fill in all gaps within two-years after planting

Any combination of the screening methods described above are also permitted. Providing property/business owners with options to choose between a solid masonry wall or living screen gives them the flexibility to go with a cost-effective solution that is better suited for their property.

The proposed amendment also addresses existing properties that have loading areas or overhead rolling doors visible from public street view. Following the Commission's direction from their meeting on August 17, 2020, staff evaluated conditions where change in use or expansion of lease space may trigger the screening requirement for existing loading areas. However, after consulting with the city attorney's office, it was determined that requiring a non-conforming land use to comply with screening requirements, based on a change in use or expansion of lease space is not applicable due to no modifications being made to the site. In order to require the property owner to install screening on the site, other physical alternations to the site and/or building by the property owner (or tenant) have to occur to trigger screening compliance. The following updated provisions state when existing loading areas will have to comply with the screening requirements and it includes a condition based on damage or destruction of structure beyond a certain value.

1. Properties with existing buildings constructed prior to October 13, 2020, with loading areas or overhead rolling doors that are currently not screened from public street view in accordance with this Section 4.3.I.4, shall be required to install screening for their entire loading areas or overhead rolling doors visible from public street view with the method described in Section 4.3.I.4, upon the occurrence of one or more of the following:
  - a. The building is damaged by fire or other cause where the cost to repair and restore the building to the condition prior to the damage plus upgrades and changes required to bring the building into compliance with the City's current construction codes exceeds 50% of the assessed fair market value of the improvement prior the date the damage occurred as determined by the most current certified tax rolls of the Dallas Central Appraisal District;
  - b. Expansion of the square footage of the building by five percent (5%) or more than the square footage of the building as it existed on October 13, 2020;
  - c. Addition of 2 or more overhead rolling doors

The existing loading areas will have to comply with the new screening requirements when the building is expanded or the loading operations are expanded by adding more loading doors. These conditions are specific to site and structural alterations and thus more applicable and enforceable

in this case. These provisions will encourage the property owners to comply with this ordinance over time.

**Staff Recommendation:**

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