



**ORDINANCE NO. 2826**

**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 ARTICLE 8 – USE REGULATION DISTRICTS, ARTICLE 9 – AREA REGULATIONS AND ARTICLE 17 – MINIMUM ACCESS STANDARDS; REPEALING RESOLUTION NOS. 85-018 AND 85-044; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a

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view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and State Law with reference to the granting of changes to the zoning classifications under the

Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by amending Article 8 – Use Regulation Districts, Article 9 – Area Regulations and Article 17 – Minimum Access Standards.

**SECTION 3.** That Article 8-105 (“Transportation Related Uses - Schedule of Uses”) is hereby amended to establish a specific use permit requirement for “truck parking lots” within the Commercial (“C”), Light Industrial (“LI”) and Heavy Industrial (“HI”) zoning districts.

**SECTION 4.** That Article 8-700, 1 (“Definitions and Explanations Noted in Use Regulation”) is hereby amended to establish the following definition: “Open storage (or outside storage) – The placement, keeping or storage of personal or business property, including but not limited to motor vehicles in an area outside an enclosed building.”

**SECTION 5.** That Article 8-607, (a) [Open Storage (“C”, “LI” or “PD” Zoning Districts)] is hereby replaced in its entirety and amended to state: “Open storage shall be permitted in the “LI” (Light Industrial) zoning district or “PD” (Planned Development) zoning districts allowing uses and standards in accordance with the “LI” (Light Industrial) zoning district as an accessory use to a main use which is located in a building. The area designated as open storage shall not exceed fifteen percent (15%) of the total gross square foot of the building located on the same lot as the open storage. If the area designated for open storage exceeds fifteen percent (15%) of the total gross square foot of the building located on the same lot, then the open storage shall be permitted when such is approved with development and

operation standards as a Specific Use Permit. Open storage shall be located on the rear one-half of the lot and no open storage shall be located in front of the main building. No open storage shall constitute a wrecking, junk or salvage yard, except when such is approved with development and operation standards as a Specific Use Permit. All open storage areas shall be screened from view of the public by a masonry wall (minimum height 6 feet, maximum height 8 feet), and shrubs, trees or other landscaping as approved by the Building Official; and no allowed open storage shall extend above the specified screening fence or wall.

**SECTION 6.** That Article 8-607, (b) [Open Storage (“C”, “LI” or “PD” Zoning Districts)] is hereby replaced in its entirety and amended to state: “Open storage shall be permitted in the “C” (Commercial) zoning district or “PD” (Planned Development) zoning districts allowing uses and standards in accordance with the “C” (Commercial) zoning district as an accessory use to a main use which is located in a building. The area designated as open storage shall not exceed fifteen percent (15%) of the total gross square foot of the building located on the same lot as the open storage. If the area designated for open storage exceeds fifteen percent (15%) of the total gross square foot of the building located on the same lot, then the open storage shall be permitted when such is approved with development and operation standards as a Specific Use Permit. Open storage shall be located on the rear one-half of the lot and no open storage shall be located in front of the main building. No open storage shall constitute a wrecking, junk, or salvage yard, except when such is approved with development and operation standards as a Specific Use Permit. All open storage areas shall be screened from view of the public by a masonry wall (minimum height 6 feet, maximum height 8 feet), and shrubs, trees or other landscaping as approved by the Building Official; and no allowed open storage shall extend above the specified screening fence or wall.

**SECTION 7.** That Article 8-616 [Open Storage (“HI” Zoning Districts)] is hereby replaced in its entirety and amended to state: “Open storage shall be permitted in the “HI” (Heavy Industrial) zoning district or “PD” (Planned Development) zoning districts allowing uses and standards in accordance with the “HI” (Heavy Industrial) zoning district as an incidental use to a main use which is located in a building. The area designated as open storage shall not exceed the total gross square foot of the building located on the same lot as the open storage. If the area designated for open storage exceeds the total gross square foot of the building located on the same lot, then the open storage shall be permitted when such is approved with development and operation standards as a Specific Use Permit. Open storage shall be located on the rear one-half of the lot and no open storage shall be located in front of the main building. No open storage shall constitute a wrecking, junk or salvage yard, except when such is approved with development and operation standards as a Specific Use Permit. All open storage areas shall be screened from view of the public by a masonry wall (minimum height 6 feet, maximum height 8 feet), and shrubs, trees or other landscaping as approved by the Building Official; and no allowed open storage shall extend above the specified screening fence or wall.”

**SECTION 8.** That Article 8-619 (Sanitation) is hereby replaced in its entirety and amended to state: "Garbage, trash or refuse containers shall not be located in front of the main building and must be screened from view of the public. The container screening enclosure shall consist of minimum 6 feet tall masonry screening walls in which the exterior of the walls shall be architecturally consistent with the primary building and solid opaque metal gates shall be provided, primed and painted to match the masonry screening walls. In addition to the screening walls, shrubs, trees or other landscaping shall be required as approved by the Building Official."

**SECTION 9.** That Article 9-502 (i) (Special Front Yard Regulations) is hereby replaced in its entirety and amended to state: "In the "LI" and "HI" Districts, no building, structure or use shall be located, erected or altered so as to have a smaller front yard than 30 feet along streets with 100 feet right-of-way width or greater and so as to have a smaller front yard than 25 feet along streets with less than 100 feet right-of-way width. On corner lots the frontage along both streets shall be considered front yards. (Ordinance No. 995 exempts all properties platted before 2-18-74. On those properties in the "LI" and "HI" Districts, no structure may be erected nearer than thirty (30) feet to the centerline of any street upon which such structure fronts, nor may any building in the aforespecified be erected ahead of any building line established by Ordinance.)"

**SECTION 10.** That Article 17-101 (Minimum Access Standards) is hereby replaced in its entirety and amended to state: "Minimum right-of-way and street surfacing standards shall not be less than that required by the City's Thoroughfare Plans, Subdivision Ordinance or other City ordinances or policies."

**SECTION 11.** That Resolution Nos. 85-018 and 85-044 are hereby repealed in their entirety.

**SECTION 12.** If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

**SECTION 13.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

**SECTION 14.** In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 15.** This ordinance shall take effect immediately from and after its passage and as the law in such case provides.

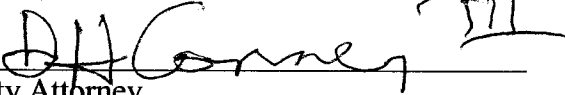
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 7th day of November 2005.

ADOPTED:



\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

ATTEST:



\_\_\_\_\_  
City Secretary