ZONING REGULATIONS
OF THE
CITY OF BENBROOK

A compilation of the regulatory text of Ordinance Number 808, the "Zoning Ordinance of the City of Benbrook, Texas", approved March 3, 1988, and amended by Ordinance Number 828 approved September 15, 1988; Ordinance Number 862 approved January 4, 1990; Ordinance Number 874 approved July 5, 1990; Ordinance Number 890 approved February 7, 1991; Ordinance 909 approved February 6, 1992; Ordinance 934 approved April 15, 1993; Ordinance 949 approved December 3, 1993; Ordinance 952 approved April 7, 1994; Ordinance 966, approved February 2, 1995; Ordinance 971, approved July 6, 1995; Ordinance 978 approved February 1, 1996; Ordinance 991, approved October 17, 1996; Ordinance 993 approved December 19, 1996; Ordinance 1002 approved July 3, 1997;Ordinance 1022, approved June 18, 1998; Ordinance 1052, approved December 16,1999; Ordinance 1065, approved June 1, 2000; Ordinance 1100, adopted September 20, 2001; Ordinance 1107, adopted December 7, 2001; Ordinance 1125, adopted August 1, 2002; Ordinance 1138, adopted January 2, 2003; Ordinance 1149, adopted June 5, 2003; Ordinance 1151, adopted July 17, 2003; Ordinance 1182, adopted February 3, 2005, Ordinance 1191, adopted August 4, 2005; Ordinance 1230, adopted March 15, 2007; Ordinance 1257, adopted April 17, 2008; Ordinance 1270, adopted September 18, 2008; Ordinance 1280, adopted December 18, 2008; Ordinance 1309, adopted November 18, 2010; Ordinance 1314, adopted January 20, 2011; Ordinance 1344, repealing Ordinance Number 808, adopted October 18, 2012; Ordinance 1347, adopted June 6, 2013; Ordinance 1348, adopted July 18, 2013; Ordinance 1350, adopted July 18, 2013; Ordinance 1356, adopted October 17, 2013; Ordinance 1361, adopted February 6, 2014; and Ordinance 1371, adopted June 5, 2014.

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CHAPTER 17.04
TITLE, PURPOSE, SCOPE

Sections:

17.04.010 TITLE
17.04.020 INTERPRETATION AND PURPOSE
17.04.030 SCOPE

17.04.010 TITLE OF ORDINANCE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Benbrook, Texas."

17.04.020 INTERPRETATION AND PURPOSES

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. The zoning regulations and districts as herein established, have been made in accordance with a comprehensive plan, for the purpose of promoting health, safety, morals and the general welfare of the City of Benbrook, including aesthetics; they have been designed, among other things to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and pure air; to avoid undue concentration of population, and to facilitate adequate provisions for transportation, water, sewerage, schools, parking areas and other public requirements.

17.04.030 SCOPE

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, (except as the same may be specifically repealed by the terms of this ordinance) or with private restrictions placed upon property by covenant, deed, easement or other private agreement. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by other laws, ordinances, deed, covenants or agreements, the provisions of this ordinance shall govern.

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CHAPTER 17.08
DEFINITIONS

Sections:

17.08.010 GENERALLY
17.08.020 DEFINITIONS

17.08.010 GENERALLY

For the purpose of this Ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," the word "shall" is mandatory, and not directory. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel."

17.08.020 DEFINITIONS

ABUTTING, ADJACENT, ADJOINING – Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley, but shall not include property across a street.

ACCESSORY BUILDING OR USE – A subordinate building having a use customarily incident to and located on the same lot occupied by the main building; or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

ADMINISTRATIVE OFFICIAL – The official, or his designee, appointed by the City Manager to enforce and administer the terms of this Ordinance. The individual whose decisions and interpretations are appealed to the Zoning Board of Adjustment (ZBA).

ADULT ARCADE – "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE OR ADULT VIDEO STORE – "Adult Bookstore" or "Adult Video Store" means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides, or other visual representations which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas"; or

2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

ADULT CABARET – "Adult Cabaret" means a night club, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL – "Adult Motel" means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any telephone transmission, films, motion pictures, video cassettes, slides or photographic reproductions which are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER – "Adult Motion Picture Theater" means a commercial establishment where motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".

ADULT THEATER – "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by and emphasis on "specified sexual activities".

ALLEY – Public minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street or highway.

ALTERNATIVE ENERGY SYSTEMS – Alternative energy systems include wind, solar and geothermal systems.

1. **CLOSED-LOOP GEOTHERMAL HEAT PUMP SYSTEM –** A geothermal heat pump provides central heating and/or cooling by pumping heat to or from the ground. The heat pump uses the earth itself as a heat source and heat sink. It is coupled to the ground by means of a closed-loop heat exchanger installed horizontally or vertically underground. A closed-loop system is a ground-coupled system consisting of a ground heat exchanger, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere.
2. **SOLAR ENERGY SYSTEM –** A device or combination of devices or elements that rely on direct sunlight as an energy source, including any substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or, generating electricity.
3. **TURBINE** - The parts of a wind energy system including blades, generator and tail.
4. **UTILITY GRID WIND ENERGY SYSTEM** -- A wind energy system designed and built

primarily to provide electricity to the electric utility grid.

5. **WIND ENERGY SYSTEM** – A wind energy conversion system that converts wind energy into electricity and may consist of a wind turbine, a tower, associated control or conversion electronics, and other components. The system is primarily intended for on-site production and consumption of electricity to serve the needs of the consumer. Refer also to TOWER HEIGHT.

AMUSEMENT ARCADE (INDOORS) – A building or part of a building in which pinball machines, video games, amusement machines, or other similar player-operated amusement devices are present and maintained as the primary use. For the purposes of this definition, "primary use" means fifty-one percent (51%) or more of the gross floor area (including player space and aisle space) of the portion of the structure being used (not to include any area of a structure being used as storage).

AMUSEMENT MACHINE – Any machine or device of any kind or character, that is operated by or with coins, metal slugs, tokens, or checks, when such machine dispenses or is used or is capable of being used or operated for amusement or pleasure or when such machine is operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of "merchandise or music" or "service" exclusively, as those terms are defined in the Texas Revised Civil Statutes, Title 132, Chapter 8 (section 8801 et seq.), as amended. (An "amusement machine" pursuant to this definition is the same as a "skill or pleasure coin-operated machine" pursuant to the Texas Revised Civil Statutes, Title 132, Chapter 8, Section 8801(5), as amended.) An "amusement machine" shall also include any billiard tables operated for profit, whether operated by or with coins, metal slugs, tokens, or checks inserted into the machine or paid to an attendant.

ANIMAL LOT – Any area for quartering and/or grazing of any hoofed (even-toed and odd-toed) animals, including but not limited to horses, cows, sheep, goats, etc., and ratites (large flightless birds), including but not limited to emus and ostriches, etc.

ANIMAL UNIT – The equivalent of one (1) horse, one (1) cow or steer, one (1) mule, four (4) emus or ostriches, ten (10) sheep, ten (10) goats, one hundred (100) poultry, or one hundred (100) rabbits, or an equivalent combination thereof.

ANSI -- The American National Standards Institute.

ANTENNA – Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

ANTIQUE VEHICLE – A passenger car or truck that is at least thirty-five (35) years old.

APARTMENT -- A room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit or residence by a single family, individual, or group of individuals.

APARTMENT HOTEL – Any building larger than an apartment house designed or built as a series of separate apartments to be occupied by persons living independently of each other.

APARTMENT HOUSE – Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or dwelling units or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

APARTMENT SIGN – Refer to SIGN, APARTMENT.

APPROACH/DEPARTURE CLEARANCE SURFACE (SLOPE) – An inclined plane that extends outward from the end of the runway of NAS Fort Worth for a distance of twenty-five thousand feet (25,000'), and rises at a rate of one foot (1') above the runway (elevation 650 feet msl) for every fifty feet (50') from the end of the runway. The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004, or later).

ARCADE – An arcade is a portion of the main facade of the building that is at or near the street setback line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one (1) or two (2) stories.

ARENA, RIDING – An area, either indoor or outdoor, used for the riding or driving of horses or mules for pleasure or competition on a fee or other renumeration basis.

ATTICS/MEZZANINES – Attics are located in the interior part of a building contained within a roof structure. A mezzanine is a partial story between two main stories of a building.

AUTO-RELATED SALES AND SERVICE - An establishment that provides retail sales and services related to automobiles including, but not limited to, cars, tires, batteries, and gasoline.

AUTOMOBILE SALES AREA – An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

BALLOON – Refer to SIGN, BALLOON.

BANNER – Refer to SIGN, BANNER.

BASEMENT – A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

BEACON – Refer to SIGN, BEACON.

BICYCLE PARKING SPACE – A four feet wide by six feet long (4' wide x 6' long) space provided for securing two (2) bicycles to a City approved Bicycle Rack.

BICYCLE RACK – A framework which permits the locking of the bicycle frame and one (1) wheel to the rack and supports the bicycle in a stable position without damage to wheels, frame or components. Bicycle rack design shall adhere to requirements set forth in this Ordinance.

BILLBOARD – Refer to SIGN, BILLBOARD.

BLOCK – An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets that intersect said street on the said side. In cases where platting is incomplete or disconnected, the zoning administrative official and/or Planning Director shall determine the outline of the block.

BOARD – The Zoning Board of Adjustment (ZBA) as established in Chapter 17.16, Board of Adjustment.

BOARDING HOUSE – A building other than a hotel, where lodging and meals for five (5) or more persons are served for compensation.

BREEZEWAY – A covered passage one (1) story in height and six feet (6') or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

BUFFERYARD – A bufferyard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILD-TO-ZONE (BTZ) - The area between the minimum and maximum setbacks within which the principal building's front facade is to be built.

BUILDING – Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.

BUILDABLE AREA -- The portion of a lot remaining after required yards have been provided.

BUILDING FACADE LINE - The vertical plane along a lot where the portion of the building's front facade closest to the street is actually located.

BUILDING FOOTPRINT – The area of the building in contact with the ground.

BUILDING FORM STANDARDS - The standards that specify the height, bulk, orientation, and elements for all new construction and redevelopment.

BUILDING FRONTAGE – The percentage of the building's front facade that is required to be located at the front Build-to Line or Zone as a proportion of the block frontage along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

BUILDING, HEIGHT OF – Refer to HEIGHT OF BUILDING.

BUILDING LINE – A line parallel or approximately parallel to the street right-of-way line at a specific distance marking the minimum distance from the street right-of-way line that a building may be erected.

BUILDING MARKER – Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING MASSING - The general outline of the three-dimensional volume of the building.

BUILDING OFFICIAL – The administrative officer charged with the administration and enforcement of the City's Building Codes, or a duly authorized representative.

BUILDING SCALE - Different than size, scale is the building form in relation to adjacent buildings or spaces.

BUILDING STORY – The height of a single floor of a multi-level building.

BUSINESS – Includes local retail, commercial, industrial, and manufacturing uses and districts as herein defined.

CALIPER – Diameter of the trunk of a tree measured one foot (1') above ground level. This method of measurement is used for trees that are planted as a requirement of the Zoning and Subdivision Ordinances.

CANOPY TREES – A perennial woody plant (single trunk or multiple trunks) contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees. Refer to Table 17.98.080, Recommended Plants.

CARPORT – An open-sided shelter for automobiles which may be formed by the extension of a roof from the side of a building and which has no more than one (1) of its sides enclosed.

CELLAR – A building story with more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY (OR PERMIT) -- An official certificate issued by the City through the administrative official which indicates conformance with or approved conditional waiver from the Building Codes and Zoning Ordinance and authorized legal use and occupancy of the premises for which it is issued.

CHARACTER ZONE - An area within a Form Based Code District that creates a distinct urban form different from other areas within the project area. Character Zones are identified in the regulating plan. Refer to REGULATING PLAN.

CITY COUNCIL – The governing body of the City of Benbrook, Texas.

CLINIC – Offices for (1) one or more physicians, surgeons, dentists, optometrists, and chiropractors engaged in treating the sick or injured, but not including rooms for the abiding of patients.

CLOSED-LOOP GEOTHERMAL HEAT PUMP SYSTEM – Refer to ALTERNATIVE ENERGY SYSTEMS.

COLLECTOR STREET – As defined by the City's latest approved Comprehensive Plan.

COMMERCIAL AMUSEMENT CENTER, INDOOR OPERATIONS ONLY – A facility providing for entertainment and amusement. Games contained in the facility may include skilled games or activities such as, but not limited to, shuffle boards, darts, bowling facilities, roller/ice skating rinks or dominoes. Any combination of these games may be used in the facility. Not included in this definition is an AMUSEMENT ARCADE (INDOORS).

COMMERCIAL MESSAGE – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. Refer to SIGN.

COMMERCIAL OR MIXED USE BUILDING - A building in which the ground floor is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

COMMERCIAL READY - A space constructed to the specified standard for the minimum height of the ground floor which may be used for noncommercial uses and/or converted into retail/commercial use. The intent of Commercial-Ready space is to provide the flexibility of

occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

COMMUNITY CENTER – A building dedicated to social or recreational activities, serving the City or a neighborhood, and owned and operated by the City or by a non-profit organization, and dedicated to promoting the health, safety, morals or general welfare of the City.

COMMUNITY GARDEN - A small to medium size garden (approximately one acre or smaller) cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).

COMPREHENSIVE PLAN – The Comprehensive Plan of the City of Benbrook, Texas, as adopted by the City Council of the City of Benbrook.

COMPRESSION STATION, NATURAL GAS – Those facilities within the City that compress natural gas after production-related activities occur and, under Federal and State rules and regulations, are not exempt from City regulations and ordinances regarding construction standards, safety standards or reporting requirements.

CONDITIONAL USE -- A use which would not be appropriate generally or without certain restrictions throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood would promote the health, safety, and welfare of the community. Refer to Chapter 17.80, Conditional Uses.

CONDOMINIUM -- A multi-family dwelling facility within which designated units or apartments are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roofs, parking space, and the land.

CONICAL SURFACE – An inclined plane that extends outward from the periphery of NAS Fort Worth for a distance of seven thousand feet (7,000'), and rises at a rate of one foot (1') above the runway (elevation 650 feet msl) for every twenty feet (20') from the end of the runway. The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004 or later.)

CONVALESCENT HOME – Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

COTTAGE MANUFACTURING - Small scale assembly and light manufacturing of commodities fully enclosed within the building without producing any noise, noxious odors, gas, or other pollutants. This category may include workshops and studios, electronics, pottery, glass-blowing, metal working, screen printing, sculpture, painting, and weaving.

COURT – An open, unoccupied space, bounded on three (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one (1) side open to a street, alley, yard or other permanent space.

COURTYARD - A landscaped open space in the center of the block with no street frontage, surrounded by walls or buildings on all sides. It shall be large enough to allow for public activities and have sunlight during midday. It should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage(s).

DAY CARE NURSERY – A place where twelve (12) or more children are left for care a part of the twenty-four (24) hours of the day.

DAY CARE HOME, FAMILY – A place meeting the requirements and registered as a Registered Family Home with the Texas Department of Human Services where twelve (12) or less children are left for care for less than twenty-four (24) hours a day.

dB(A) -- The sound pressure level in decibels. Refers to the "a" weighted scale defined by American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

DBH or dbh - Diameter at breast height; the average diameter (outside the bark) of a tree four and one-half feet (4 1/2') above mean ground level. This method of measurement is used for measuring existing trees.

DECIBEL – The unit of measure used to express the magnitude of sound pressure and sound intensity. Refer also to SOUND PRESSURE and SOUND PRESSURE LEVEL.

DIRECTIONAL SIGN – Refer to SIGN, DIRECTIONAL.

DIRECTORY SIGN – Refer to SIGN, DIRECTORY.

DISTRICT (ZONING) -- A section of the City of Benbrook, Texas, for which the regulations governing the area, height, or use of the land and buildings are uniform.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND – Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

DWELLING, ONE FAMILY – A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

DWELLING, TWO FAMILY – A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

DWELLING, THREE FAMILY – A detached residential building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

DWELLING, FOUR FAMILY – A detached residential building containing four (4) dwelling units, designed for occupancy by not more than four (4) families.

DWELLING, MANUFACTURED HOME – Manufactured Home means a structure that was constructed after June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site, is three hundred twenty square feet (320 sq. ft.) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system, and bearing a seal issued in accordance with Section 5521f V.A.T.C.S.

DWELLING, MOBILE HOME – Mobile Home means a structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site, is three hundred twenty square feet (320 sq. ft.) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when

connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system.

DWELLING, MODULAR – A dwelling unit constructed on-site in accordance with applicable State and City codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. For purposes of this Ordinance, a modular dwelling may be located anywhere a detached single family dwelling is permitted.

DWELLING, SUBSIDIARY – A separate living quarters with separate kitchen facilities which is in addition to the principal dwelling unit on a single-family lot.

DWELLING UNIT – One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EFFICIENCY APARTMENT – An apartment having a combination living and bedroom, including independent cooking facility (no separate bedroom).

ELECTRONIC MESSAGE CENTER SIGN – Refer to SIGN, ELECTRONIC MESSAGE CENTER.

ENCROACHMENT - Any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

ENHANCED PAVEMENT – Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped or stained concrete.

ENTRYWAY SIGN – Refer to SIGN, ENTRYWAY.

FAMILY – One (1) or more persons who are related by blood, marriage, adoption, or foster assignment living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three (3) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

FENCE – Any construction or screening shrubs greater than thirty inches (30") in height and of any material the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, or to mark a boundary. A wall that is not part of a building shall be considered a fence. Dikes and retaining walls for the purpose of diverting water and retaining soil are not classified as a fence.

FLAG – Refer to SIGN, FLAG.

FLASHING – Operation that creates flashing light, change in light intensity, color or copy, or intermittent light impulses.

FLOODPLAIN – An area identified by the Federal Emergency Management Agency (FEMA) as possibly being flood prone or within the Special Flood Hazard Area (SFHA) or below the base flood, also known as the flood having a one-percent chance of being equaled or exceeded in any given year or the 100-year flood. The issuance of building permits for construction of any

structure within such floodplain is regulated by a separate ordinance (Chapter 15.40, Flood Hazard Protection, of the Benbrook Municipal Code, as amended) governing the safeguards, preventive actions against flooding, types of uses permitted in flood prone areas, etc.

FLOOR AREA -- The total (gross) square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, porches, carports or garages that are not designed for residential or business occupancy.

FLOOR AREA RATIO (FAR) – An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building(s) floor area by the lot area.

FOOD TRUCK – A vehicle establishment that is designed to be readily moveable and from which merchandise is sold or food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle. Often also called a mobile food establishment.

FOOD TRUCK PARK – A location at which more than one (1) food truck operates on a regular basis.

FORECOURT - Similar to a courtyard, it is located in the front of a building such that the forecourt is surrounded on two or three sides by a building(s).

FRONTAGE – All the property abutting on one (1) side of the street between two (2) intersecting streets, measured along the street line.

GALLERY - A roofed walkway or promenade, it is an extension of the main facade of a building that is at or near the front property line. The gallery may overlap the public sidewalk.

GARAGE, PRIVATE – An enclosed accessory building for storage only of motor vehicles, boats, travel trailers, and household goods owned and used by the owners or tenants of the premises.

GARAGE, PUBLIC – A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

GARAGE, STORAGE (PARKING) – A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

GARAGE SALE – An occasional sale at retail open to the public and conducted on a residential premise in a residential district, or in a community facility district, for the purpose of disposing personal property by a person who does not hold himself out as engaging in, or does habitually engage in, the business of selling such property at retail. The term includes, but is not limited to all sales entitled “lawn”, “yard”, “room”, “backyard”, “patio”, or “rummage” sale. The term does not include situations where no more than three (3) specific items are offered for sale and all advertisements of such sale specifically name those products to be sold.

GASOLINE PRICE SIGN – Refer to SIGN, GASOLINE PRICE.

GRADE – The measure of vertical elevation relative to some reference point usually mean sea level (msl). Grade is measured as follows:

1. For buildings having walls adjoining one (1) street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;

2. For buildings having walls adjoining more than one (1) street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street;

3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building.

Any wall approximately parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Building Official and/or Planning Director shall establish such sidewalk level or its equivalent for the purpose of these regulations.

GROUND COVER – Low growing, dense spreading plants typically planted from containers.

HEIGHT OF BUILDING – The vertical distance of a building or structure measured from the highest adjoining sidewalk or ground surface within a five-foot (5') horizontal distance of the exterior wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Height shall exclude chimneys, cooling towers, ventilators, elevator bulkheads, penthouses, tanks, water towers, radio antennae, ornamental cupolas, domes or spires, belfries, parapet walls or other appurtenances not exceeding ten feet (10') in height above the top of the roof and not intended for human occupancy. Refer also to BASEMENT and CELLAR.

HEIGHT OF YARD OR COURT – The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

HIGH INTENSITY LIGHTING – Light, which when measured at ten feet (10') from the source exceeds eleven thousand (11,000) lumens.

HOBBY – An accessory use housed in a dwelling or in an accessory building in which the residents of the premise engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof and from which no compensation, revenue, or value may be derived, and in which no goods may be publicly displayed, offered for sale or advertised for sale, nor any sign be used in connection therewith.

HOME OCCUPATION – An occupation conducted in a dwelling unit in accordance with Chapter 17.84.160, Home Occupation.

HOTEL – One (1) or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. A hotel includes a tourist hotel, a motor hotel, and a motel, but does not include an apartment hotel.

JUNK – The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.

JUNKED VEHICLE – A vehicle that is inoperable as defined in Chapter 10.44, Abandoned and Junked Vehicles of the Benbrook Municipal Code (1985, as amended).

KENNEL – Any lot or premises on which six (6) or more dogs, cats, or other domestic animals, at least four (4) months of age, are housed or accepted for boarding, trimming, grooming and/or

bathing for which remuneration is received.

KINDERGARTEN – A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

LANDSCAPE ARCHITECT – A person registered as a Landscape Architect in the State of Texas pursuant to state law.

LANDSCAPE CONTRACTOR AND/OR DESIGNER – A person knowledgeable in plant materials and landscape design.

LANDSCAPE AREA – An area which is covered by natural grass, ground cover, or other natural plant materials.

LAWN GRASSES – Thin bladed surface growing plants typically planted from seed, sprigs or plugs.

LEGAL NON-CONFORMING USE, BUILDING OR YARD – A use, building or yard existing legally at the time of the passage of this Ordinance which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be illegal.

LICENSED IRRIGATOR – A person duly licensed by the State of Texas to design and install irrigation systems.

LIVESTOCK – Animals typical of those that may be kept or raised on a farm or ranch, including but not limited to hoofed animals (horses, cows, sheep, goats, etc.), ratites (ostriches, emus, etc.), poultry (chickens, ducks, geese), and fur-bearers (rabbits, minks, etc.).

LIVE-WORK UNIT - A mixed use building type with a dwelling unit that is also used for work purposes. The following standards apply to the work component of the unit:

1. Located on the ground floor and at street level;
2. Restricted to the uses of professional office, artist's workshop, studio, or other similar uses;
3. Constructed to commercial ready standards; and
4. Constructed as separate units under a condominium regime or as a single unit.

The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

LIVING FENCE - A Street Screen composed of landscaping to create a screen/fence.

LIVING UNIT – Same as DWELLING UNIT.

LOADING SPACE, OFF-STREET – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOT – An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed or recorded. Refer to LOT OF RECORD.

LOT COVERAGE – The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

LOT FRONTAGE – The length of street frontage between property lines.

LOT LINES – The lines bounding a lot as defined:

1. **Lot Line, Front –** The boundary between a lot and the street on which it fronts.
2. **Lot Line, Rear –** The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Planning Director shall determine the rear line.
3. **Lot Line, Side –** Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on any alley or place or side street line.

LOT MEASUREMENTS – (See Figure 17.08-1)

1. **Area** of the lot shall be the area of the lot within the lot lines, expressed in square feet or acreage, including easements, and shall not include portions of any public street or alley.
2. **Depth** of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot line in the rear (the mean horizontal distance between the front and rear lot line).
3. **Interior Area** is the area of the lot remaining after subtracting out the area included in the bufferyards.
4. **Width** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the County Clerk.

LOT TYPES – (See Figure 17.08-2)

1. **Corner Lot –** A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Planning Director.
2. **Interior Lot –** A lot other than a corner lot with only one (1) street frontage and whose side lot lines do not abut upon any street.
3. **Through Lot –** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as "double frontage" lots.
4. **Cul-de-Sac Lot –** A lot whose frontage is along the turnaround portion of a street that has only one (1) opening and terminates with a turnaround at the closed end.

Figure 17.08-1

LOT MEASUREMENTS

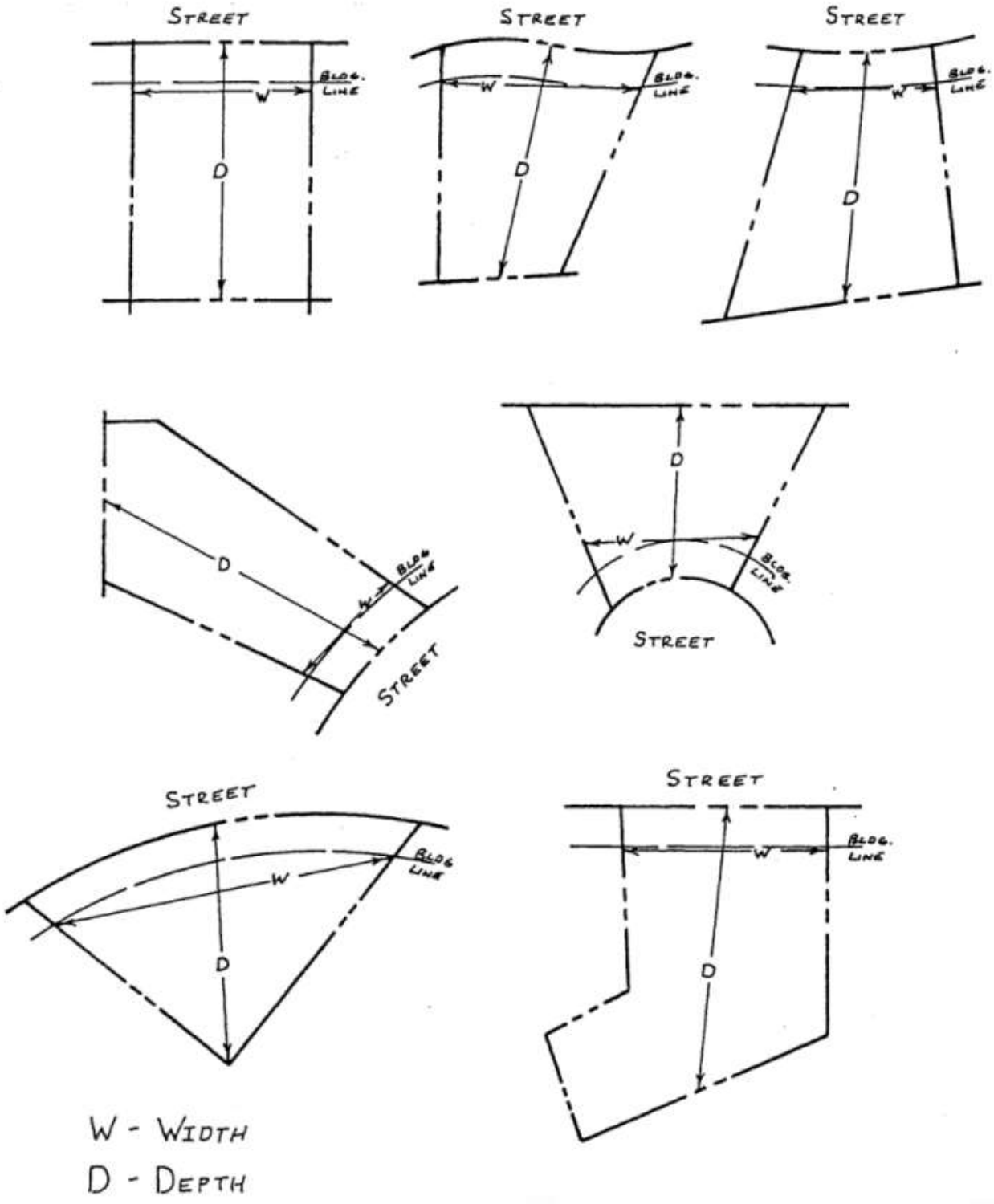
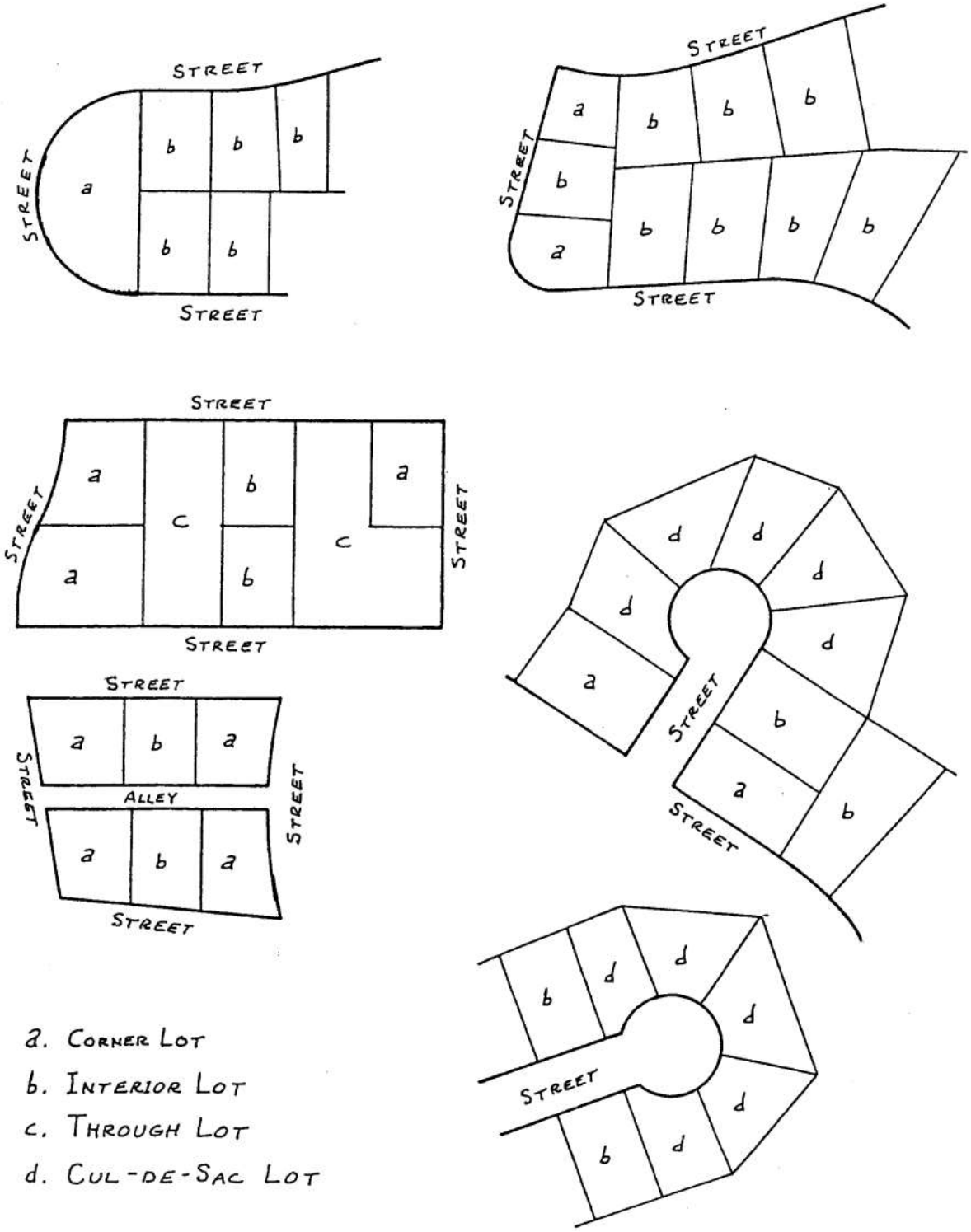


Figure 17.08-2

LOT TYPES



MAIN (PRINCIPAL) BUILDING – The building or buildings on a lot which are occupied by the primary use.

MARQUEE – Refer to SIGN, MARQUEE.

MASONRY CONSTRUCTION –

1. **Residential Construction**:

   a. Masonry construction in single family and duplex zoning districts ("RE", "A", "B", "BR", and "CR" Zoning Districts) shall be considered as being kiln-fired brick veneer, stone veneer or stucco. Cementitious fiber board and exterior insulating finish system (EIFS) may be used according to the applicable architectural requirements of the zoning district.

   b. Masonry construction in multifamily zoning districts ("C" and "D" Zoning Districts) may include the materials listed in paragraph a. above and split-face concrete masonry units (CMU).

   c. Concrete or cinder block (except split-faced CMU), exposed or painted cement, or concrete tilt wall systems shall not be considered masonry construction for the purposes of this Ordinance.

2. **Commercial Construction**: Masonry construction in commercial and industrial zoning districts ("E", "F", "HC", "G", and "H" Zoning Districts) shall comply with the requirements in Chapter 17.84.100, Architectural Standards for Nonresidential Buildings.

MASONRY FENCE AND/OR WALL – Refer to the requirements in Chapter 17.84.100, Architectural Requirements, and Chapter 17.98, Landscape and Buffer Requirements. A masonry wall is an upright structure of masonry construction serving to enclose, divide, screen or protect an area, a use or a building. A masonry fence or wall shall be made of kiln-fired brick, stone, cast concrete with texture and/or pattern of neutral tone or color, cement masonry units with texturing and/or stucco, cast or artificial stone, or cinder blocks with masonry veneer. Refer to FENCE and MASONRY CONSTRUCTION.

MENU BOARD – Refer to SIGN, MENU BOARD.

MERITORIOUS EXCEPTION – An alternative architectural design that meets the City's goal for attractive, human-scale architectural style in an innovative or unique manner, but does not conform to the Architectural Requirements of this Ordinance.

MINI WAREHOUSE – A totally enclosed facility involving one (1) or more buildings and multiple individual units the purpose of which is exclusively for the storage of goods. Retail or wholesale, offices, manufacturing, fabrication, service, repair, or any other type of commercial or business enterprise is expressly prohibited from this type facility. Storage of hazardous and flammable materials as designated by the Fire Marshal is expressly prohibited from this type facility.

MOBILE HOME – Refer to DWELLING, MOBILE HOME.

MOBILE HOME PARK OR SUBDIVISION – A parcel of land upon which mobile homes are placed or located for purposes of occupancy.

MODEL HOME SIGN – Refer to SIGN, MODEL HOME.

MOTION – The moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a message center as hereinafter defined.

MOTOR VEHICLE COLLECTOR -- A person who owns one (1) or more antique or special interest vehicles; and acquires, collects or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve as an antique or special interest vehicle for historic interest.

MULTI-TENANT GROUND SIGN – Refer to SIGN, MULTI-TENANT GROUND.

NATIVE LANDSCAPE – Cultivated land that is characterized by the use of native plants, including trees, shrubs, groundcover and grasses which are indigenous, or adapted, to the geographic area of land.

NATURAL AREA – Uncultivated land that is undisturbed and allowed to grow in its natural state without direct human intervention. Natural areas are set aside for conservation purposes, as examples of typical and unique plant and/or animal communities, or as examples of natural interest and beauty.

NON-CONFORMING USE – A building, structure or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, and which does not conform to the use regulations of the zoning district in which it is situated.

NUDE MODEL STUDIO – "Nude Model Studio" means any place where a person appears in a state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a person appearing in a state of nudity who did so in a modeling class operated:

1. By a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
    a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
    b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
    c. Where no more than one nude model is on the premises at any one time.

NUDITY, STATE OF NUDITY – "Nudity" or "State of Nudity" means less than completely and opaquely covered:

1. Human genitals, pubic region or pubic hair; or
2. Human buttock; or
3. Female breast or breasts below a point immediately above the top of the areola; or
4. Any combination of the foregoing.

OCCUPANCY – The use or intended use of the land or buildings by proprietors or tenants.

OPEN SPACE – Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

OPEN SPACE, CIVIC - Open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned but are used for public purposes.

1. **Green** – A civic/open space spatially defined by landscaping rather than building frontages and intended for unstructured recreation.
2. **Park** – A civic/open space left in a natural state available for unstructured recreation.
3. **Plaza** – A civic/open space defined by the surrounding buildings with formal landscaping and a paved surface, and is available for community purposes and commercial activities.
4. **Playground** – A civic/open space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block.
5. **Paseo** - A civic space dedicated for pedestrian movement located between blocks, buildings or along alleys.

OPEN SPACE, PRIVATE - An open space which is privately owned and for private use. The private open space could include a pool (swimming, lap pool, spa area), play courts (basketball), or picnic areas with shade structures.

OVERLAY DISTRICT – A set of zoning requirements that are described in the text, are mapped, and are imposed in addition to those of the underlying zoning district. Development within the overlay zone must conform to the requirements of both the underlying district and the overlay zone, or the more restrictive of the two. The zoning classification will typically be shown as a suffix to the underlying district (e.g. "CF-NAS," Community Facility – Naval Air Station Overlay District.)

PARKWAY – That area within the public right-of-way (ROW) between the back of curb or edge of pavement and the right-of-way line.

PARKING SPACE, OFF-STREET – For the purposes of this Ordinance, an off-street parking space shall consist of an indoor or outdoor space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PATIO - An outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Spanish and Spanish-style dwellings.

PAVING SETBACK – A line parallel or approximately parallel to the street right-of-way at a specified distance therefrom marking the minimum distance from the street right-of-way line that any pavement, including parking lots and necessary maneuvering areas, may be constructed, except for approved driveway and pedestrian access.

PENNANT – Refer to SIGN, PENNANT.

PERMEABLE PAVEMENT – A paving material that permits water penetration.

PERMITTED USES – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON – "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

PLANNING AND ZONING COMMISSION – The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the Zoning Ordinance and fulfill the functions authorized by the City Council and State Law.

PLAYGROUNDS - Open spaces designed and equipped for the recreation of children.

PLAT – A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Benbrook and subject to approval by the Planning and Zoning Commission. Reference to a plat in this Ordinance means an official plat of record that has been approved by the Planning and Zoning Commission and filed in the plat records of Tarrant County.

PREMISES – Land together with any buildings or structures occupying it.

PRIMARY ENTRANCE - The principal entrance to a building expressly utilized for daily pedestrian ingress and egress, typically easily identified due to special architectural treatment.

PRIVATE DRIVE (STREET OR PLACE) – An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

PRIVATE CLUB – As association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

PROHIBITED USES – Any use prohibited in a zoning district and subject to the restrictions applicable to that zoning district.

PROTECTED USE – The following uses are considered protected uses in relation to a natural gas compression station:

1. Residence,
2. Religious institution,
3. Hospital building,
4. School,
5. Day care center,
6. Library, and
7. Public building or park.

READER BOARD – Refer to SIGN, READER BOARD.

REAL ESTATE SIGN – Refer to SIGN, REAL ESTATE.

RECREATIONAL EQUIPMENT, MAJOR – Major recreational equipment is defined to include boats, trailers and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, horse trailers, utility trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

RECREATIONAL VEHICLE – A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel

trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

RECREATIONAL VEHICLE CAMPING AREA – Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term (14 days or less) occupancy of camper vehicles, recreational vehicles, tents, or trailers.

REFLECTIVE – A sign having copy or background made of reflective surfaces made to shimmer.

REGULATING PLAN - A zoning map that shows the layout of a specific Form-Based Code District, including building locations and street type designations applicable to the project area and subject to the standards in Chapter 17.75, "FBC" Form-Based Code District of the Zoning Ordinance.

RELIGIOUS INSTITUTION – A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, recreational or other uses not normally associated with worship. Includes churches, chapels, cathedrals, temples and similar designations.

RESIDENCE – When used with the word "district," an area of residential regulations. Refer to DWELLING.

RESIDENTIAL BUILDING - A building that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

REVERSED FRONTAGE – Reversed frontage is a lot abutting two (2) or more streets at their intersection. A reversed frontage lot shall be deemed to front on that street at which it has its greatest frontage unless otherwise specified by the Planning Director.

ROOF SIGNS – Refer to SIGN, ROOF.

ROOF TERRACES - Flat areas on top of a building which are accessible for use as a passive recreation space for the residents and users of the building.

ROOM – A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

ROOMING HOUSE – A building other than a hotel where lodging for three (3) but not more than twelve (12) persons is provided for definite periods for compensation pursuant to previous arrangements.

SCREENING DEVICE – A fence, wall, hedge or other device that is solid, made of durable material and without holes, penetrations or other openings other than those required for passage and which is designed to prevent persons from seeing through. A screening device shall be at least six feet (6') in height but no more than eight feet (8') in height unless otherwise specifically permitted by the provisions of this Ordinance or unless approved as a variance by the Zoning Board of Adjustment (ZBA).

SCREENING SHRUBS – Evergreen shrubs that maintain their foliage year round, and of sufficient mass and spacing to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.

SEASONAL COLOR – Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

SETBACK – The distance from the property line to the nearest part of the building, structure or sign, measured perpendicularly to the property line. See also BUILDING LINE.

SEXUALLY ORIENTED BUSINESS – "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio.

SHOWROOM WAREHOUSE – A sales and office facility for a product that by nature of the bulk dimensions of the product requires a larger than normal storage area ratio to sales and office area to maintain a normal operating product inventory. A showroom warehouse is specifically not intended to be a wholesale distribution center.

SHRUBS – Plants which grow vertically in a multi-branched growth pattern.

SIGN – A presentation of letters, numbers, figures, pictures, emblems, insignias, lines or colors or any combination thereof, displayed for the purpose of information, direction or identification, or to advertise or promote a business, service, activity, interest or product. The following characteristics of signs are regulated in Chapter 17.92, Sign Regulations.

1. **Beacon** - Any light with one (1) or more beams that may rotate or move and are directed into the atmosphere. A searchlight is a beacon. Refer to SIGN, BEACON.
2. **Flashing --** Operation that creates flashing light, change in light intensity, color or copy, or intermittent light impulses.
3. **Motion --** The moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a message center as hereinafter defined. Refer also to SIGN, ANIMATED.
4. **Reflective --** A sign having copy or background made of reflective surfaces made to shimmer.

SIGN, ABANDONED -- Any sign:

1. Which, for at least six (6) continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product or activity; or
2. For which no legal owner can be found; or
3. Which pertains to a time, event, or purpose which no longer applies.

SIGN, ANIMATED – Any sign having a conspicuous and intermittent variation in illumination, or physical position of any or all of its parts, or that uses movement or change of lighting to depict action or create a special effect or scene. Signs that have an electronic display operated in accordance with Chapter 17.92, Sign Regulations, (other than time and temperature) shall be considered as Changeable Copy Signs under this Ordinance.

SIGN, APARTMENT – A sign identifying the name of a multi-family dwelling complex not for transient use.

SIGN, BALLOON – An inflated device carried aloft or fixed to the ground used for the purpose of advertising or drawing attention.

SIGN, BANNER – Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered banners.

SIGN, BEACON – Any light with one (1) or more beams that may rotate or move and are directed into the atmosphere. A searchlight is a beacon.

SIGN, BENCH – A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

SIGN, BILLBOARD – A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

SIGN, BLADE – A pedestrian-oriented sign which is installed perpendicular to the building facade. The sign may be affixed directly to the building, suspended under a bracket that is mounted to a building, or suspended under a canopy, awning or arcade.

SIGN, BUILDING – Any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space, as contrasted to a freestanding sign.

SIGN, CABINET/CAN – A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

SIGN, CANOPY – Any sign that is a part of, attached to, or affixed to the top of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign, including electronic and light-emitting diode (LED) signs. A sign on which the message changes more frequently than permitted in Chapter 17.92, Sign Regulations, (other than time and temperature), shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time and temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this Ordinance.

SIGN, CONTRACTOR – A temporary sign providing information about future development or current construction on a site and the parties involved in the project or identifying an architect, engineer, contractor, subcontractor, and/or material supplier who participates in construction on the property on which the sign is located.

SIGN, DETACHED – Any sign that is not attached, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation.

SIGN, DEVELOPMENT – A temporary sign providing information about future development on a site and the parties involved in the project or identifying an real estate agent who represents property or lots on which the sign is located.

SIGN, DILAPIDATED OR DETERIORATED – Any sign:

1. Where any portion of the finished material, surface, or message portion of the sign is visibly faded so as to no longer be clearly read, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or

2. Whose elements or structural support or frame members are visibly bent, broken, dented, or torn, twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown or by the failure of a structural member).

SIGN, DIRECTORY – A sign identifying the names of the tenants and the number of the building, suite or room in which they are located.

SIGN, ELECTRONIC MESSAGE CENTER – A sign displaying public service information, any similar public interest information and/or related advertising for a general business located on the same premises through electronically controlled intermittent light impulses. Refer also to SIGN, CHANGEABLE COPY.

SIGN, ENTRYWAY – A permanent sign identifying a subdivision or development project by name located at the entrance(s).

SIGN, FREESTANDING – Any sign supported by structures or supports that are placed on, anchored in, the ground and that are independent from any building or other structure. Pylon signs and monument signs are examples of freestanding signs.

SIGN, FLAG – Displays on cloth or other flexible material attached on only one (1) side.

SIGN, GASOLINE PRICE – An outdoor advertising display with changeable copy letters and numerals or an electronic display without movement visible from off the premises and intended to have a change of message no more frequently than once a day that displays the current price of diesel fuel or gasoline for sale. Refer also to SIGN, ELECTRONIC MESSAGE CENTER.

SIGN, ILLEGAL – Any sign erected or maintained in violation of this Ordinance.

SIGN, INCIDENTAL – A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone," and other similar directives. No sign with a commercial message greater than one square foot (1 sq. ft.) shall be considered incidental.

SIGN, INTEGRAL ROOF – Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches (6”).

SIGN, MARQUEE – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MENU BOARD – A sign displaying the menu for a drive-up window for a fast food restaurant.

SIGN, MODEL HOME – Sign identifying a single-family residence owned by the builder as being displayed for public view.

SIGN, MONUMENT – A freestanding sign having a low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. Monument signs must include a solid masonry base at least twelve inches (12”) in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the monument sign. A monument sign may

contain the name, logo, address, product or service of the establishment, and a changeable copy panel.

SIGN, MULTI-TENANT FREESTANDING – A freestanding sign with provisions for separate sign copy for two (2) or more separate tenants located within the same development.

SIGN, NONCONFORMING – Any sign that was lawfully constructed and maintained prior to the effective date of this Ordinance and which does not conform to the requirements of this Ordinance.

SIGN, PAINTED WALL – A sign applied to a building wall with paint and which has no sign structure.

SIGN, PENNANT -- Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE – A sign that is mounted on a pole or other support so that the bottom edge of the sign cabinet is more than eight feet (8') above grade. A pole sign is a prohibited sign.

SIGN, POLITICAL – A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

SIGN, PORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frame; menu or sandwich board signs; and umbrellas used for advertising.

SIGN, PROJECTING – Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6") beyond the surface of such building or wall.

SIGN, PYLON – A freestanding sign other than a pole sign, permanently affixed to the ground by two (2) columns or supports with the sign face contained entirely between the two (2) columns and the bottom edge of the sign cabinet is a minimum of eight feet (8') above grade.

SIGN, REAL ESTATE – A sign that advertises a parcel of land or a structure for rent, lease or sale. An apartment sign as defined in this Chapter shall not be deemed to be a real estate sign.

SIGN, RESIDENTIAL – Any temporary sign located in a district zoned for residential uses that may include political matter, notice of sale or rent of the property upon which it is located, advertisement for home contractors, or other messages not otherwise prohibited.

SIGN, ROOF – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, SANDWICH BOARD - A portable sign consisting of two (2) panels of equal size, which are hinged at the top of one (1) panel with a support and placed on the ground or pavement so as to be self- supporting.

SIGN, SEARCHLIGHT – An apparatus for projecting a powerful beam or beams of light.

SIGN, SUSPENDED – A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.

SIGN, TEMPORARY -- Any sign that is used only temporarily and is not permanently mounted.

SIGN, VEHICLE – Any sign attached to or painted on vehicles parked and visible from the public right-of-way.

SIGN, WALL – Any sign attached parallel to, but within six inches (6”) of a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one (1) sign surface. For the purpose of this section, awnings, canopy fascias and mansards extending along a building side shall be considered a part of the wall. Lighted signs in a window affixed to a window, or otherwise located for the purpose of being viewed from the exterior of a building through a window shall also be considered a wall sign.

SIGN, WINDOW – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN ALTERATION – Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

SIGN AREA – The area of the smallest individual rectangle, triangle or circle or combination of not more than two (2) contiguous rectangles, triangles or circles which will encompass all elements of the sign which form an integral part of the display, including background, borders and structural trim. The area of a double face sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two (2) faces does not exceed thirty degrees (30°).

SIGN COPY – Any combination of letters or numbers, which is intended to inform, direct or otherwise transmit information.

SIGN HEIGHT – The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

1. Existing grade prior to construction or
2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot be reasonable determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the main building on the lot, whichever is lower.

SIGN SETBACK – The minimum distance required between any property line and any portion of a sign or sign structure.

SIGN SPACING – Sign spacing shall be measured along a straight line, being the shortest horizontal distance between two (2) signs.

SOLAR ENERGY SYSTEMS (Ground- or Roof-Mounted) – Refer to ALTERNATIVE ENERGY SYSTEMS.

SOUND PRESSURE – The average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL -- The sound pressure mapped to a logarithmic scale and reported in A-weighted decibels (dB(a)).

SPACING – Refer to SIGN SPACING.

SPECIAL EXCEPTION – A Special Exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would be wholly compatible with conditions affecting the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions if approved by the Board of Adjustment (ZBA). Refer also to Chapter 17.16, Board of Adjustment.

SPECIAL INTEREST VEHICLE – A motor vehicle of any age that has not changed from original manufacturers' specifications, and because of its historic interest, is being preserved by a hobbyist.

SPECIFIED ANATOMICAL AREAS – "Specified Anatomical Areas" means human genitals in a state of sexual arousal.

SPECIFIED SEXUAL ACTIVITIES – "Specified Sexual Activities" means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; and
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

STABLE OR BARN (COMMERCIAL) – A structure or building used for the boarding and quartering of horses, cows or other domestic livestock on a fee or other renumeration basis.

STABLE OR BARN (PRIVATE) – A structure or building used for quartering horses, cows or other domestic livestock of the property owner.

STOREFRONT – A store or other establishment that has frontage on a street or thoroughfare; usually containing display windows.

STORY – That part of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

STREET – A public way between two (2) right-of-way lines, other than an alley or private drive, which has been dedicated or deeded to the public and accepted by the City for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

STREET DESIGNATIONS: The following Street Designations shall be established for all streets within the "FBC" Form-Based Code District and are in accordance with the street types defined in the Comprehensive Plan:

1. **Arterial** – The Arterial is a major thoroughfare connecting the City to adjacent cities and to the freeway system. Typically, the Arterial shall establish a hybrid development

context in a FBC District that has a more pedestrian friendly development context at the intersections of streets and major driveways. Auto-related functions and surface parking is accommodated in the middle of the block. Surface parking shall be screened from the Arterial with a "slip lane," on-street parking, and/or landscaping.

2. **Collector Street** – The Collector Street carries traffic which connects local residential and commercial areas within the City. The Collector is intended to balance pedestrian orientation with automobile accommodation.

3. **Local Street** –The Local Street is intended to provide the most pedestrian friendly development context. Buildings along Local Streets shall be held to the highest standard of pedestrian-oriented design. The Local Street carries traffic from within a neighborhood to Collector Streets and Arterials

4. **Alley** - A public way permanently reserved as a secondary means of access.

5. **Interior Street** – A vehicular driveway located in the interior of lots providing access to parking and outbuildings and may contain utility easements. Interior streets which provide access across a lot shall comply with the streetscape standards.

STREET FRONTAGE – The distance for which a lot line of a lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET LINE – The right-of-way of a street.

STREET SCREEN - A freestanding wall or living fence built along the frontage line or in line with the building facade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the City Building Code.

STUCCO – Stucco shall be considered a masonry material when composed of cementitious ingredients, aggregate and water to create an exterior surface and moisture barrier with the aesthetics consistent with other masonry material of block, brick and/or stone. Stucco shall be applied using a 3-step process over galvanized metal lath mesh to a minimum of 3/4 inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability. It must meet the requirements of the American Concrete Institute ACI 524, Guide to Portland Cement Plastering and the Portland Cement Association Stucco Manual, and the American Society for Testing and Materials (ASTM) specifications for Stucco and Plaster.

THOROUGHFARE – As defined in the City's latest approved Comprehensive Plan.

TILE ROOF– A roofing material composed of clay, concrete, slate and/or a similar local natural material. For the purposes of this Ordinance, clay, concrete, slate and/or similar tiles comply with the architectural requirements for tile roofs in the residential zoning districts

TOURIST HOME OR DUDE RANCH – A dwelling in which accommodations are provided or offered for transient or temporary guests for compensation.

TOWER – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, personal telecommunications towers and similar structures.

TOWER HEIGHT – The height above grade of the fixed portion of the tower, including the wind turbine and blades. Refer to ALTERNATIVE ENERGY SYSTEMS.

TOWNHOUSE – A single family dwelling facility constructed in a series, or group of units having common walls, each on a separate lot of record.

TRANSITIONAL SURFACE – Inclined planes that connect the Approach/Departure Clearance Surface (Slope), the Conical Surface, and the Horizontal Surface (a horizontal plane at one thousand one hundred fifty feet mean sea level (1,150' msl)). The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004 or later.)

TRANSITION ZONES - The areas with specific adjacencies within a Form-Based Code District which certain limitations on building heights apply as established.

TRAVEL TRAILER – A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor vehicle or other prime mover and not requiring a special permit for moving on the highway as contrasted to a mobile home.

TURBINE – Refer to ALTERNATIVE ENERGY SYSTEMS.

UNDERSTORY/ACCENT TREES – Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically have unique branching, textural or seasonal color characteristics. Refer to Table 17.98.080, Recommended Plants.

UTILITY GRID WIND ENERGY SYSTEM – Refer to ALTERNATIVE ENERGY SYSTEMS.

UTILITY FACILITIES – Any water supply, water treatment, water pumping, water storage or other water facility; any sewerage treatment or pumping facility; any electrical generating facility, electrical transmission, switching facility, or electrical substation; any telephone exchange or other similar telephone communication facility; any natural gas pumping or storage facility; or any cable television receiving or transmission facility, when owned and operated by the City of Benbrook the Benbrook Water Authority, or any utility or communications concern operating under a franchise approved by the City Council.

WIND ENERGY SYSTEM – Refer to ALTERNATIVE ENERGY SYSTEMS.

VARIANCE – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Except as specifically authorized in Chapters 17.16 and 17.100, a variance is authorized only for height, area, size of structure or size of yards, and open spaces. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance except as provided in Chapters 17.16 and 17.100, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

YARD – A required open space, other than a court, unoccupied and unobstructed by any

structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding thirty inches (30"), may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT – A yard extending between side lot lines across the front of a lot adjoining a public street. (See Figure 17.08-3) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Planning Director may waive the requirement for the normal front yard and substitute a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of the depths required for second front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Planning Director shall determine the front yard requirements, subject to the following limitations:

1. At least one (1) front yard shall be provided having the full depth required generally in the district;
2. No other front yard on such lot shall have less than the minimum required second front yard for corner lots.

Depth of required front yards shall be measured at right angles to the front lot line.

YARD, SIDE – A yard extending from the rear line of the required front yard to the front of the required rear yard, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. (See Figure 17.08-3) Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

YARD, REAR – A yard extending across the rear of the lot between lot lines. In the case of through lots there will be no rear yards, but only front and side yards. All other lots will have rear yard. (See Figure 17.08-3)

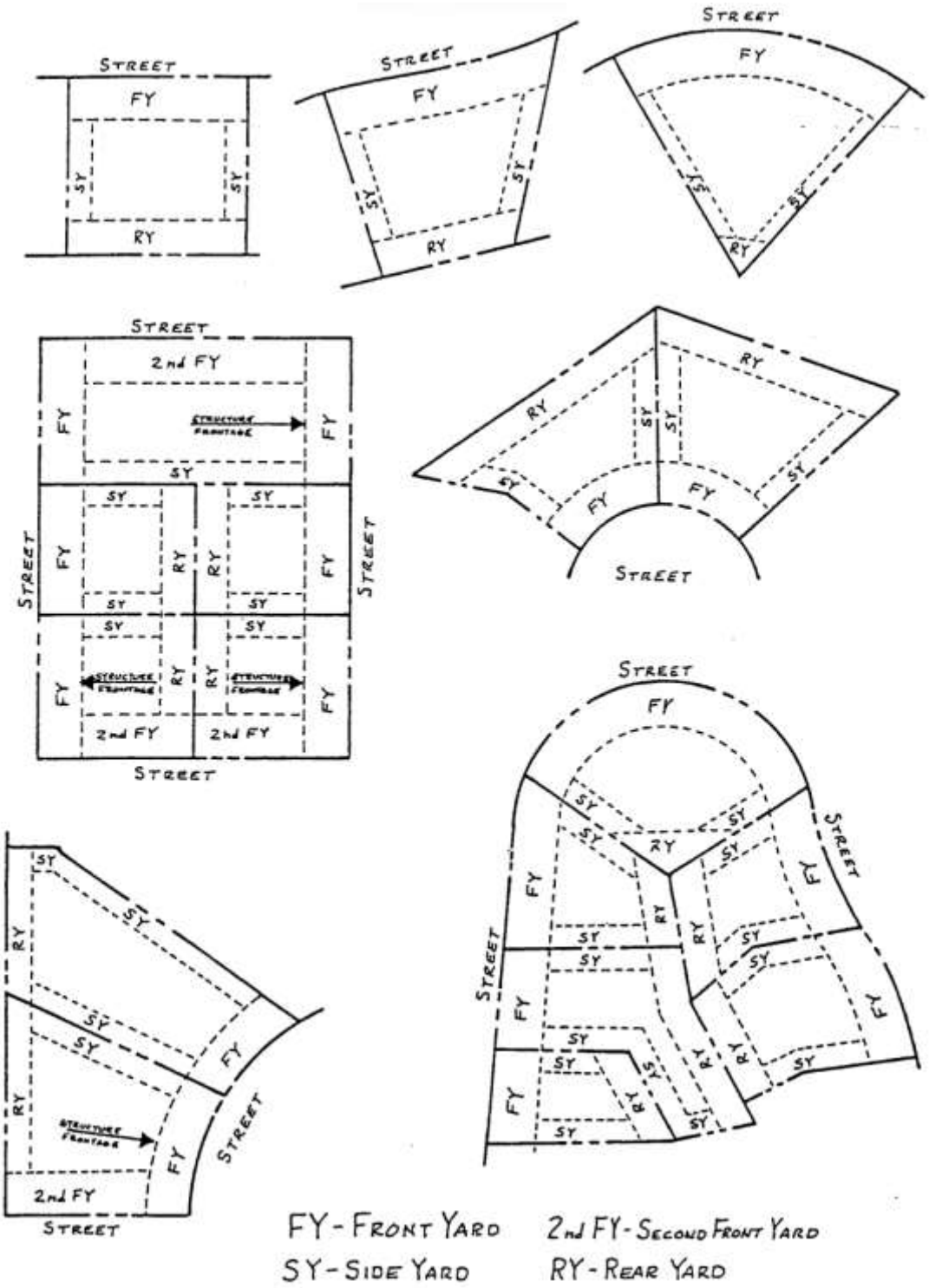
Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

In cases where a rear lot line is not evident, or if evident but not parallel to the front building line, the minimum rear yard requirement shall be the distance from the rear-most point of the lot along a line from that point drawn perpendicular to a line drawn from the foremost points of the two side lot lines, providing that the rear yard is parallel to at least one lot line along the rear of the lot.

YARD, SPECIAL – A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Planning Director shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Figure 17.08-3

YARD ORIENTATION



CHAPTER 17.12
GENERAL PROVISIONS

Sections:

17.12.010 ORDINANCE AND BOUNDARY AMENDMENTS
17.12.020 FEES, CHARGES AND EXPENSES
17.12.030 LIMITATION OF REAPPLICATION
17.12.040 BUILDING PERMITS
17.12.050 CERTIFICATE OF OCCUPANCY—GENERALLY
17.12.055 CERTIFICATE OF OCCUPANCY FOR A LEGAL NON-CONFORMING USE

17.12.010 ORDINANCE AND BOUNDARY AMENDMENTS

A. The City Council may from time to time amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Before taking action on any such proposed amendment, supplement, or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change, notice of which hearing shall be given by publication one (1) time in the official paper of the City of Benbrook, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. If a proposed change to a regulation or boundary is protested in accordance with this section, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths (3/4) of all members of the City Council. A protest must be written and signed by the owners of at least twenty percent (20%) of either (1) the area of the lots or land covered by the proposed change, or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200’) from that area. In computing the percentage of land area, the area of streets and alleys shall be included. The affirmative vote of at least three-fourths (3/4) of all members of the City Council is also required to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a regulation or boundary be denied.

B. Written notice of all public hearings on proposed changes in district boundaries shall be sent to, all owners of property, or to the person rendering the same for City taxes, located within two hundred feet (200') of any such reclassification not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Post Office. This shall be the method of notice for all public hearings of the Planning and Zoning Commission and the Board of Adjustment.

17.12.020 FEES, CHARGES AND EXPENSES

A. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, application for amendments, and other matters pertaining to this Ordinance.

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

17.12.030 LIMIT OF REAPPLICATION

When the City Council has denied a proposal with prejudice, or when the applicant has withdrawn his proposal after notice of the Planning and Zoning Commission meeting thereon has been made, no reapplication requesting the same zoning classification shall be accepted by the City or scheduled for hearing by the Planning and Zoning Commission within a period of twelve (12) months of the Council's denial with prejudice or the applicant's withdrawal. Provided, however, on receipt of a request stating how conditions have changed substantially within the community since the prior denial with prejudice or withdrawal, the Planning and Zoning Commission may waive the mandatory delay period and authorize the acceptance of a new application.

17.12.040 BUILDING PERMITS

All applications for building permits shall be accompanied by a drawing or plat, in triplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of the building and lot and such other information as may be necessary to provide for the enforcement of these regulations. This plat shall be prepared after the lot has been staked by a licensed surveyor. A careful record of the original copy of such application and plats shall be kept in the office of the Building Official and a duplicate copy shall be at the building at all time during construction.

17.12.050 CERTIFICATE OF OCCUPANCY – GENERALLY

A. No vacant land shall be occupied or used, except for agricultural purposes, and no building hereafter erected, reconstructed, altered, enlarged, or vacated shall be occupied or used until a Certificate of Occupancy shall have been issued by the Building Official stating that the building or proposed use of a building or premises complies with the building laws and the provisions of this Ordinance.

B. Certificates of Occupancy shall be applied for coincident with the application for building permit, and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this Ordinance and any other ordinance of the City and approval of all required inspections. Approval of the final building inspection by the Building Inspection department shall serve as a Certificate of Occupancy for all one-family and two-family residential dwelling units.

17.12.055 CERTIFICATE OF OCCUPANCY FOR A LEGAL NON-CONFORMING USE

A. Certificates of Occupancy shall be required for all legal non-conforming uses. Application for Certificate of Occupancy for such non-conforming uses shall be filed within twelve (12) months from the effective date of this Ordinance (March 3, 1988), accompanied by affidavits of proof that such non-conforming uses were not established in violation of this Ordinance, or any previous zoning ordinance.

B. Certificate of Occupancy shall state that the building or proposed use of a building or land, complies with all building and health laws and ordinances and with the provisions of this Ordinance. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. (No fee shall be charged for a Certificate of Occupancy for a legal non-conforming use.)

CHAPTER 17.16
BOARD OF ADJUSTMENT

Sections:

17.16.010 PURPOSE
17.16.020 ORGANIZATION
17.16.030 JURISDICTION
17.16.040 APPEALS
17.16.050 HEARING
17.16.060 POWERS
17.16.070 CONCURRING VOTE
17.16.080 GRIEVANCES
17.16.090 SPECIAL EXCEPTIONS

17.16.010 PURPOSE

It is the declared purpose of this Ordinance that non-conforming uses be eliminated and be required to conform to the regulations prescribed in the preceding articles of this Ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Governing Body shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any non-conforming use within the City.

17.16.020 ORGANIZATION

A Board of Adjustment shall be established and have all the powers and authority in accordance with the Charter of the City of Benbrook and Section 211.008, Local Government Code, as amended. The Board of Adjustment shall consist of five (5) voting members, appointed by the City Council. Board members shall serve two (2) year terms, with Places 1, 3, and 5 appointed in odd numbered years and Places 2 and 4 appointed in even numbered years. In addition, the City Council may appoint up to four (4) alternates to serve in the absence of any Board member. The Board shall elect a chairperson from its members. Any member or alternate of the Board of Adjustment may be removed for just cause by the City Council. "Just Cause" as that term is used herein shall include three (3) unexcused absences from meetings, regular or special, of the Board of Adjustment. Vacancies shall be filled by appointment by the City Council of a suitable person to serve out the unexpired term of any person whose place on the Board of Adjustment, either as a member or as an alternate, has become vacant for any cause.

The Board of Adjustment may adopt rules to govern its proceedings, providing, however, that such rules are not inconsistent with the terms of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman, who may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the offices of the Board of Adjustment and kept as public record.

17.16.030 JURISDICTION

The Board of Adjustment shall have all powers granted by and be organized and controlled by the provisions of Section 211.009, Local Government Code. The Board of Adjustment is hereby

vested with power and authority, and in appropriate cases and subject to appropriate conditions and safeguards, to make such exemptions and exceptions to the terms of this Ordinance in harmony with its general purposes and intent in accordance with general or special rules herein contained for the purpose of rendering full justice and equity to the general public.

17.16.040 APPEALS

Appeals to the Board of Adjustment can be taken by any person aggrieved by any officer, department, or board of the municipality or affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceeding of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed, otherwise, than by restraining order which may be granted by the Board of Adjustment or by a court of record on application, after notice to the officer from whom the appeal is taken on due case shown.

17.16.050 HEARING

The Board of Adjustment shall fix a reasonable time for the hearing of any appeal, variance, special exception, or other matter which the Board of Adjustment is authorized to review hereunder, give public notice thereof, as well as due notice to the parties and interests and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney or agent. The notice provided in this section shall be given by publication in the official City publication stating the time and place of such hearing, which shall not be earlier than ten (10) days from the day of such publication, and in addition thereto, the Board of Adjustment shall mail notices of such hearing to the petitioner and the owners of the property lying within two hundred feet (200') of any point of the lot or portion thereof, on an appeal, variance, exception or other action is proposed, and to all persons deemed by the Board of Adjustment to be affected, such owners and persons shall be determined according to the current tax rolls of the City and substantial compliance therewith shall be deemed sufficient, provided, however, that the depositing of such written notice in the mail by the Board of Adjustment shall be deemed sufficient compliance with the purpose of this matter.

Any variance or special exceptions authorized by the Board of Adjustment, either under the provisions of this chapter, or under the authority granted to the Board of Adjustment under the Statutes of the State of Texas, shall authorize the issuance of a building permit for a period of ninety (90) days from the date of the favorable action on the part of the Board of Adjustment, unless said Board of Adjustment in its minutes shall, at the same time, grant a longer period. If a building permit shall not have been issued within said ninety (90) day period or as the Board of Adjustment may specifically grant the special exceptions shall be deemed waived, and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to said Board of Adjustment in accordance with the rules and regulations regarding appeals.

The same appeal to the Board of Adjustment shall not be allowed on the same piece of property prior to the expiration of one (1) year from a ruling of the Board of Adjustment on any appeal to such body unless other property in the same zoned areas shall have, within such one (1) year period, been altered or changed by ruling of the Board of Adjustment, in which case such change

of circumstance shall permit the allowance of an appeal but shall in no way have force in law to compel the Board of Adjustment after a hearing to grant such subsequent appeal, but such appeal shall be considered on its merits as in all other cases.

17.16.060 POWER

The Board of Adjustment shall have the following powers:

A. Variances

The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary or desirable to protect the public interest. In making its findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Board finds:

1. That there were special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance deprive the applicant of reasonable use of his land; and

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

4. That the granting of a variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this Ordinance.

Such findings of the Board, together with the specific facts upon which it is based, shall be incorporated into the official minutes of the Board of Adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

B. Special Exceptions

The Board of Adjustment may permit a special exception when such use or development is specifically authorized under Section 17.16.090 of this Chapter. In reaching its decision the Board of Adjustment shall determine that the requested exception will establish only those uses permitted under the Ordinance, that the location of the proposed activities and improvements are clearly defined on the site plan filed by the applicant; that the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the Board of Adjustment finds to be necessary to protect and maintain the stability of adjacent properties.

A special exception that has not been implemented within two (2) years of approval shall expire unless specifically extended by the Zoning Board of Adjustment.

C. Appeals of Decisions of Administrative Officers

1. The Board of Adjustment may hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this Ordinance.

2. In exercising its power, the Board of Adjustment may, in conformity with the provisions of Chapter 211, Local Government Code, revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as sought to be made and shall have all the powers of the officer from whom the appeal is taken, and may require such conditions and safeguards as the Board finds necessary to preserve the spirit and intent of this Ordinance.

D. Non-Conforming Uses

1. The Board of Adjustment may permit the reconstruction, extension or enlargement of a building occupied by a pre-existing non-conforming use on the lot occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use.

2. The Board of Adjustment may require the discontinuance of non-conforming uses under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Ordinance.

3. The Board of Adjustment may determine whether an existing non-conforming animal lot, barn or stable may continue, may continue with additional restrictions, or be discontinued if petitioned under the provisions of Chapter 17.100.130. It making its determination, the Board shall consider public health, animal welfare, and nuisance conditions, as well as the general character of the neighborhood.

17.16.070 CONCURRING VOTE

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative officer, or to decide in favor of the application on any matter upon which it is required to pass under this Ordinance or to affect any variance in said Ordinance.

17.16.080 GRIEVANCES

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or board of the City may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten (10) days of the questioned decision of the Board of Adjustment, and not thereafter, and shall comply in all respects with the requirements set forth in Section 211.011 of the Local Government Code.

17.16.090 AUTHORIZED SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Board of Adjustment, in the District specified, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board of Adjustment may impose:

SPECIAL EXCEPTION	DISTRICTS REQUIRING BOARD APPROVAL
A. Split-zoned lots, extension of use. Conditions: Extension of a use to lot line or for a distance of not more than one hundred feet (100') where the boundary line of district divides a lot held in single ownership.	ALL
B. Helistop for loading and unloading of passengers and cargo. Subject to any conditions as may be determined by the Board	ALL
C. Sand and gravel mining. As a condition to approval, the Board may require the submittal of engineering data regarding the proposed operation and closure of the mine. The Board may require additional conditions as deemed appropriate.	ALL
D. Carport that extends into the required front, A and B side or rear yard of a lot. To qualify for this special exception, the carport must: 1. Have been completed or under construction by December 17, 1992; 2. Have no more than one (1) of its sides enclosed; and 3. Comply with all applicable requirements of the Building Code.	A and B
E. Compression Stations, Natural Gas	CF, RE, E, F, G, HC, MU

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CHAPTER 17.20
DISTRICTS, DISTRICT BOUNDARIES AND DISTRICT USES

Sections:

17.20.010 DESIGNATED
17.20.020 TERMS DEFINED
17.20.030 ZONING MAP
17.20.040 BOUNDARIES OF DISTRICTS
17.20.050 NEWLY ANNEXED TERRITORY
17.20.060 NEW USES
17.20.070 SUMMARY OF USES

17.20.010 DESIGNATED

In order to regulate and restrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged, to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the City of Benbrook is hereby divided into nineteen (19) zoning districts to be known as follows:

"CF"	**Community Facilities District or District "CF"**
"SD"	**Suburban District, or District "SD"**
"RE"	**Residential Estate District, or District "RE"**
"A"	**One-Family District, or District "A"**
"B"	**One-Family District, or District "B"**
"BR"	**One-Family Reduced District, or District "BR"**
"CR"	**Multiple-Family Restricted District, or District "CR"**
"C"	**Multiple-Family District, or District "C"**
"D"	**Multiple-Family District, or District "D"**
"E"	**Commercial District, or District "E"**
"F"	**Commercial District, or District "F"**
"HC"	**Highway Corridor District, or District "HC"**
"G"	**Commerce District, or District "G"**
"H"	**Industrial District, or District "H"**
"MH"	**Manufactured Home District, or District "MH"**
“MU”	**Mixed Use District, or District “MU”**
“FBC”	**Form-Based Code District, or District “FBC”**
"PD"	**Planned Development District, or District "PD"**
NAS”	**NAS Overlay District, or District “NAS”**

17.20.020 TERMS DEFINED

The term "more restricted district" means one with fewer permitted uses and the term "less restricted district" means one with more permitted uses.

17.20.030 ZONING MAP

The districts aforesaid, and the boundaries of such districts, shall be as hereinafter described, and as shown upon the map attached hereto and made a part of this Ordinance, said map being designated "Zoning Map of the City of Benbrook, Texas", and said map and all notations, references, and other information shown thereon shall be a part of this Ordinance the same as if all such matters and information were fully described herein. The original of said map shall bear the date with the passing of this Ordinance and shall be signed by the Mayor and attested by the City Secretary, under the seal of the City of Benbrook, Texas; said original map shall be kept in the office of the City Secretary in the Benbrook City Hall, and a replica thereof shall be produced upon paper in such reduced scale as will permit its being attached to this Ordinance.

It shall be the duty of the Planning Director to keep the official maps and current copies up to date, by entering on such maps any changes that the City Council may from time to time order by amendments to the Zoning Ordinance and Map.

17.20.040 BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map accompanying and made a part of this Ordinance, the following rules shall apply:

A. The district boundaries are either streets, alleys, creeks, pipe lines, electric transmission lines, railroads, or other natural or manmade features not likely to change, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, said lot line shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

C. On unsubdivided property, the district boundary lines on the map accompanying and made a part of this Ordinance shall be determined by use of the scale contained on such map, unless dimensions are shown.

17.20.050 NEWLY ANNEXED TERRITORY

All territory hereafter annexed into the City of Benbrook, Texas, shall be classified as "SD" Suburban District, until permanently zoned by the City Council of the City of Benbrook. The Planning and Zoning Commission may, after annexation of any territory into the City of Benbrook, institute proceedings on its own motion to give newly annexed territory a permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

17.20.060 NEW USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Benbrook. In order to provide for such changes and contingencies, the Planning Director may make a preliminary determination of the acceptability of a new use

within a certain district. At the next appropriate time, the Planning Director shall make recommendations to the Planning and Zoning Commission for changes to the Zoning Regulations to accommodate new uses.

17.20.070 SUMMARY OF USES

The uses allowable in each District are summarized in Table 17.20.070 and described in detail in the narrative discussion of each district in Chapters 17.24 through 17.78. In the event of a conflict between Table 17.20.070 and the narrative description, the narrative prevails.

Table 17.20.070 Table of Uses

	ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
USE	**RESIDENTIAL USES**																	
One Family dwellings		P	P	P	P	P						CUP	CUP	CUP	P	P	X	X
Single Family dwellings incidental to farm and ranch operations		P																
Group homes			P	P	P	P	P	P	P							P	P	
Subsidiary dwelling			CUP	CUP	CUP	CUP												
Two family dwellings							P	P	P							P	P	X
Three and Four Family dwellings								P	P							P	P	CA
Multiple Family dwellings, less than 25 du/acre									P							P	P	CA
Multiple Family dwellings, greater than 25 du/acre									CUP								P	CA
Manufactured home															P		X	X
Motel or hotel	CUP								CUP	P	P	P	P			P	P	
USE	**ACCESSORY USES**																	
Accessory building	P	P	P	P	P	P	CUP	CUP	CUP	P	P	P	P		P	P	P	
Antennae, not exceeding the height of district	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Antennae and towers exceeding the height allowed in district	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP			
Garage sales, not exceeding 2 per year	P	P	P	P	P	P	P	P	P						P	P	P	
Home occupations (Ch. 17.84.170)		P	P	P	P	P	P	P	P						P	P	P	
Hobbies and crafts as an accessory use			P	P	P	P									P	P	P	
Temporary building for construction	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

	ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
USE		**AGRICULTURAL USES**																
Commercial stable or barn	CUP	CUP												CUP				
Riding arena	CUP									CUP	CUP	CUP	CUP	CUP				
Farms, orchards		P	P												CUP			
Nurseries, retail sales	CUP	P	P							P	P	P	P		CUP	P	P	
Animal lots, more than 10 acres	CUP	P	P	P	P	P	P	P	P	P	P	P	P	P	CUP	P		
Animal lots, less than 10 acres		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP			
Private barn or stable, more than 10 acres	CUP	P	P	P	P	P	P	P	P	P	P	P	P	P	CUP	P		
Private barn or stable, less than 10 acres		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP			
USE	**RECREATION AND ENTERTAINMENT USES**																	
Golf courses	CUP									P	P	P	P			P		
Recreation vehicle camping area	CUP								CUP	P	P	P	P			P	X	
Auditorium, theater, cinema	CUP									P	P	P	P			P	P	
Indoor commercial amusement centers, bowling alleys	CUP									P	P	P	P			P	P	
Outdoor commercial amusement area										CUP	CUP	CUP	CUP	CUP				
Amusement arcade, indoors	CUP													CUP			P	

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

	ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
USE	**COMMERCIAL, RETAIL AND SERVICE USES**																	
Day nursery and kindergarten	CUP						CUP	CUP	CUP	P	P	P	P			P	P	
Private club, fraternity, lodge									CUP								P	
Day care centers operated with religious institution	CUP																P	
Family day care homes (12 children or less)			P	P	P	P	P	P	P							P	P	
Real estate sales office			P	P	P	P									P	P	P	
Offices	CUP								CUP	P	P	P	P			P	P	
Antique shop	CUP									P	P	P	P			P	P	
Automobile parking area	CUP									P	P	P	P			P	P	
Automobile parts, retail sales	CUP									P	P	P	P			P	P	
Bakeries less than 5,000 sq ft	CUP									P	P	P	P			P	P	
Barber and beauty shops	CUP									P	P	P	P			P	P	
Bicycles and bicycle repair shops	CUP									P	P	P	P			P	P	
Blueprints and photostats	CUP									P	P	P	P			P	P	
Books or stationary stores, newsstands	CUP									P	P	P	P			P	P	
Business college or trade school	CUP									P	P	P	P			P	P	
Food truck park										CUP	CUP	CUP	CUP	CUP		CUP	CUP	
Temporary outdoor seasonal sales inc. a single food truck	CUP									P	P	P	P			P	P	
Cigar or tobacco stores	CUP									P	P	P	P			P	P	
Cleaning, dying, laundry and washaterias less than 5,000 sq ft	CUP									P	P	P	P			P	P	
Confectionary store	CUP									P	P	P	P			P	P	
Crematory													P	P				
Custom dressmaking or millinery shop	CUP									P	P	P	P			P	P	
Dancing schools	CUP									P	P	P	P			P	P	

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

USE	COMMERCIAL, RETAIL AND SERVICE USES																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
Delicatessen	CUP									P	P	P	P			P	P	
Department store	CUP									P	P	P	P			P	P	
Dog, cat, small animal hospitals	CUP									P	P	P	P			P	P	
Health service facilities, doctors, dentists	CUP									P	P	P	P			P	P	
Drug stores	CUP									P	P	P	P			P	P	
Dry goods and notions	CUP									P	P	P	P			P	P	
Duplicating, printing, lithography less than 5,000 sq.ft.	CUP									P	P	P	P			P	P	
Electrical and gas appliances sales and service	CUP									P	P	P	P			P	P	
Financial institutions	CUP									P	P	P	P			P	P	
Florist and gift shops	CUP									P	P	P	P			P	P	
Frozen food lockers	CUP									P	P	P	P			P	P	
Garages, storage only	CUP									P	P	P	P			P	P	
Grocery stores, meat markets	CUP									P	P	P	P			P	P	
Hardware, paint, wallpaper and home improvement	CUP									P	P	P	P			P	P	
Health and physical fitness centers	CUP									P	P	P	P			P	P	
Household and office furniture, furnishings	CUP									P	P	P	P			P	P	
Jewelry stores, optical goods	CUP									P	P	P	P			P	P	
Leather and leather goods, not exceeding 5,000 sq. ft. in area	CUP									P	P	P	P			P	P	
Mortuaries, funeral homes	CUP									P	P	P	P			P	P	
Photograph, camera shops, photofinishing	CUP									P	P	P	P			P	P	
Piano stores, musical instruments	CUP									P	P	P	P			P	P	
Plumbing & heating appliances, repair & installation	CUP									P	P	P	P			P	P	

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

USE	COMMERCIAL, RETAIL AND SERVICE USES																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
Radio and television sales and service	CUP									P	P	P	P			P	P	
Restaurants, tea rooms, cafeterias, fast food	CUP									P	P	P	P			P	P	
Retail stores, pawn shops	CUP									P	P	P	P			P	P	
Service stations, gasoline	CUP									P	P	P	P			P	P	
Showroom warehouse	CUP									P	P	P	P			P	P	
Sporting goods, including gun sales and service	CUP									P	P	P	P			P	P	
Studios for artists	CUP									P	P	P	P			CUP	P	
Tailor, clothing shops	CUP									P	P	P	P			P	P	
Variety stores	CUP									P	P	P	P			P	P	
Radio television transmission	CUP									P	P	P	P			P	P	
Automobile sales and rentals										CUP	P	P	P			P	P	
Boat sales, service and repair										CUP	P	P	P			P	P	
Automobile laundry, car wash										CUP	P	P	P			P	P	
Auto repair garages										CUP	P	P	P			P	X	
Mini-warehouse										CUP	P	P	P			P	P	
Farm implement sales/ service										CUP	P	P	P			P	P	
Recreation vehicle storage										CUP	P	P	P			P	X	
Skating rinks, ice or roller										CUP	P	P	P			P	P	
Printing lithography or duplicating shops										CUP	P	P	P			P	P	
Sexually-oriented business										CUP	P	P	P	P		P	X	
Commercial parking lot or garage										P	P	P	P	P		P	P	

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

Table 17.20.070 Table of Uses

	ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
USE	**EDUCATIONAL, INSTITUTIONAL AND SPECIAL COMMUNITY FACILITY USES**																	
Public, private or parochial elementary or secondary schools	P									P	P	P	P			P	P	CA
Junior and senior colleges and universities	P									P	P	P	P			P	P	CA
Religious institutions, churches	P									P	P	P	P			P	P	CA
Museums, libraries, community centers	CUP									P	P	P	P			P	P	CA
Medical care facilities, nursing homes, hospitals	CUP								CUP	P	P	P	P			P	P	
Public safety facilities, civil defense centers, police and fire stations	CUP																P	
Post offices, utility administrative offices, government uses not otherwise permitted	CUP																P	
USE	**INDUSTRIAL, MANUFACTURING AND WAREHOUSING USES**																	
Clothing manufacturing										CUP	CUP	CUP	P					
Hauling and storage company										CUP	CUP	CUP	P					
Industrial cleaning plant										CUP	CUP	CUP	P					
Laboratory										CUP	CUP	CUP	P					
Laboratory manufacturing										CUP	CUP	CUP	P					
Light fabrication and assembly										CUP	CUP	CUP	P					
Office warehouse										CUP	CUP	CUP	P					
Warehousing and wholesaling										CUP	CUP	CUP	P					
Gas drilling and production (Ch. 8.36 of Municipal Code)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Any industrial use meeting performance standards														P				

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

	ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
USE	**UTILITY AND SERVICE USES**																	
Installations owned by City, County, State or Public Utility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Sanitary landfill														CUP				
Natural gas compression Station (Ch. 17.84.120)	SE	X	X	X	X	X	X	X	X	SE	SE	SE	SE	P	X	SE	X	
Geothermal heat pump systems (Closed-Loop)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground-mounted solar system and solar water heater (less than 1,000 sq ft)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P
Ground-mounted solar system and solar water heater (greater than 1,000 sq ft) [1]	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	X	CUP
Roof-mounted solar system and solar water heater (less than 1,000 sq ft)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Roof-mounted solar system and solar water heater (greater than 1,000 sq ft) [1]	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Wind energy systems[2]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

1 - Any Solar Energy System over 1,000 square feet in area requires an approved Conditional Use Permit and a letter of no objection from the Commanding Officer of the Naval Air Station prior to building permit approval. (Refer to Chapter 17.84.130.B.4.)

2 - Any Wind Energy System taller than permitted in Chapter 18.84.130.A requires an approved Conditional Use Permit prior to installation. Any system 100 ft. or taller is also required to receive a letter of no objection from the Commanding Office of the Naval Air Station prior to building permit approval. (Refer to Chapter 17.84.130)

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

CHAPTER 17.24
"CF" COMMUNITY FACILITIES DISTRICT

Sections:

17.24.010 PURPOSE
17.24.020 USE REGULATIONS
17.24.022 PERMITTED USES
17.24.024 CONDITIONAL USES
17.24.026 SPECIAL EXCEPTION USES
17.24.030 HEIGHT AND AREA REGULATIONS
17.24.032 ADDITIONAL DESIGN REQUIREMENTS

17.24.010 PURPOSE

The Community Facilities District is for those institutions, health care facilities and related uses that are established in response to the health, safety, educational and welfare needs of the community. These uses are separated from others in the community due to their unique service and often very special area requirements in the community in relation to the whole. Their replacement should not be arbitrary but should be located to respond to the community's needs.

17.24.020 USE REGULATIONS

In the "CF" Community Facilities District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged except for one or more of the uses In Sections 17.24.022 through 17.24.026 below.

17.24.022 PERMITTED USES

The following uses may be established as principal uses upon compliance with the provision of Height and Area Regulations below:

A. Public, private, and parochial elementary and secondary schools whose curricula satisfy the requirements of the State Public School Laws and the regulations of the State Department of Education. Not including correctional institutions or trade schools.

B. Higher Education Institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.

C. Religious institutions, churches and facilities for related activities including those of worship, fellowship and education.

D. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.24.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent

impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

E. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

F. Private garages and accessory buildings (including storage buildings and greenhouses), greater than one hundred twenty square feet (120 sq. ft.).

G. Wind Energy Systems that do not exceed the maximum height specified in Section 17.24.030 below and comply with the provisions of Chapter 17.84.130.A.

H. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

I. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.24.024 CONDITIONAL USES

The following are conditional uses in the “CF” Community Facilities District:

A. Museums, libraries, fine arts centers, parks, playgrounds, community centers or recreational areas owned and operated by the City of Benbrook, Tarrant County, or the State of Texas, or owned by such agencies and operated under their control and supervision.

B. Golf courses (except commercially operated miniature golf courses and/or commercially operated golf driving ranges) on a site containing a total area of not less than forty (40) acres; parks, playgrounds, community centers, or country clubs not otherwise permitted.

C. Medical Care Facilities: Nursing and care homes; hospitals with their related facilities and supportive retail and personal services uses operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors.

D. Public Safety Facilities: Civil Defense Operational Centers, Police and Fire Stations and training facilities.

E. Post offices, utility administrative offices, and other governmental uses not otherwise permitted.

F. Day care centers operated as part of and in the facility of a religious institution.

G. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

H. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae.

Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

I. Commercial Stable or Barn, subject to the restrictions in Chapter 17.84.080.

J. Riding arena, subject to the restrictions in Chapter 17.84.080.

K. Any uses permitted in the "E" Commercial District in Chapter 17.56.022.

L. Wind Energy Systems that exceed the maximum height specified in Section 17.24.030 below and comply with the provisions of Chapter 17.84.130.A.

M. Solar Photovoltaic Systems and Solar Water Heaters and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.24.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.24.030 HEIGHT AND AREA REGULATIONS

It is intended by these regulations that development in the "CF" Community Facilities District shall be compatible with development regulations in the district(s) which it adjoins.

A. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35’) within one hundred feet (100’) of a property line of “A” zoned, “B” zoned, “BR” zoned, “CR” zoned, or “C” zoned property. Any building in excess of one hundred feet (100’) from these property lines shall not exceed three and one-half (3 ½) stories or forty-five feet (45’), provided that the required front, side and rear setback are increased by one foot (1’) for each foot of height in excess of thirty-five feet (35’).

B. Parking: The parking requirements of Chapter 17.88 shall apply to all uses established in the "CF" District.

C. Site: The site for any use permitted in the "CF" District may be composed of one (1) or more parcels of land whether or not the same are contiguous or separated by a dedicated right-of-way. No permit shall be issued for any construction or to establish a use on any site unless the lot is correctly identified in an approved subdivision filed in the Tarrant County Plat Records.

D. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet

(20’) from the right-of-way.

E. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

F. Side Yard: There shall be a minimum side yard of not less than five feet (5'). Where a lot abuts upon the side of a residentially-zoned lot, there shall be a side yard of not less than ten feet (10'). In a unified commercial development, interior side yards setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval**.**

17.24.032 ADDITIONAL DESIGN REQUIREMENTS

A. Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

B. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

C. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by a fence, planting or other suitable visual barrier.

D. Architectural Requirements: Any building exceeding one thousand two hundred square feet (1,200 sq. ft.) must comply with the architectural requirements in Chapter 17.84.100.

E. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

CHAPTER 17.28
"SD" SUBURBAN DISTRICT

Sections:

17.28.010 PURPOSE
17.28.020 USE REGULATIONS
17.28.022 PERMITTED USES
17.28.024 CONDITIONAL USES
17.28.026 SPECIAL EXCEPTION USES
17.28.028 PROHIBITED USES
17.28.030 HEIGHT AND AREA REGULATIONS
17.28.032 ADDITIONAL DESIGN REQUIREMENTS

17.28.010 PURPOSE

The purpose of this district is for the general continuation of certain farm, ranching, residential uses and non-urban uses of land that is not anticipated to be put to an urban-developed use in the immediate future. This district classification is to be used only in the outlying areas of the City's urban development, in newly annexed areas, or on major tracts of land containing ten (10) acres of land or more. Upon the subdivision of land within this district for sale or intended use other than those noted below, the appropriate zoning district and classification for which the land subdivision is intended shall be required.

17.28.020 USE REGULATIONS

In the "SD" Suburban District no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, nor shall a certificate of occupancy be issued, except for one or more of the uses in Sections 17.28.022 through 17.28.026 below.

17.28.022 PERMITTED USES

The following are permitted uses in the “SD” Suburban District:

A. One-family dwelling.

B. Farms, orchards, truck gardens, nurseries for the growing of plants and similar agrarian activities, involving the growing of plants, provided that no operation shall be conducted which will be obnoxious or offensive.

C. Animal lots and ranches for pasturing of horses, mules, cattle, sheep, goats, poultry, rabbits, or ratites (emus, ostriches, etc.). Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. (See performance standards in Chapter 17.84.080)

D. Single-family dwellings clearly incidental to the operation of the above listed activities, including dwellings on the same farm or ranch used exclusively for the housing of employees working on the premises.

E. Principal and accessory buildings and structures clearly incidental to the above operations, including but not limited to private barns, private stables, equipment sheds, granaries, pump houses, and water tanks.

F. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

G. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.28.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

H. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

I. Home occupations in accordance with Chapter 17.84.160.

J. Wind Energy Systems that do not exceed the maximum height specified in Section 17.28.030 below and comply with the provisions of Chapter 17.84.130.A.

K. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

L. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.28.024 CONDITIONAL USES

The following are conditional uses in the “SD” Suburban District:

A. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

B. Commercial Barn or Stable or Riding arena, subject to the requirements of Chapter 17.84.080.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. No more than one (1) horse may be kept per acre, or one (1) animal unit other than horses per five (5) acres. Ratites

(emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

D. Wind Energy Systems that exceed the maximum height specified in Section 17.28.030 below and comply with the provisions of Chapter 17.84.130.A.

E. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.28.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.28.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.28.030 HEIGHT AND AREA REGULATIONS

In the "SD" Suburban District the height of buildings and structures, and the minimum dimensions of yards shall be as follows:

A. Height: No building or structure hereafter erected, reconstructed, altered or enlarged shall exceed three and one-half (3 1/2) stories nor shall it exceed forty-five feet (45').

B. Front Yard: There shall be a front yard of not less than fifty feet (50'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

C. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

D. Side Yard: There shall be a minimum side yard of fifteen feet (15').

E. Width of Lot: The width of a lot shall be a minimum of two hundred feet (200’) at the building line.

F. Lot Area: The minimum area of a lot shall be ten (10) acres.

G. Maximum Lot Coverage: The maximum portion of the lot area that may be covered by the main building and all accessory buildings shall not exceed twenty-five percent (25%).

17.28.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

   The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

   a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

   b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

CHAPTER 17.32
"RE" RESIDENTIAL ESTATE DISTRICT

Sections:

17.32.010 PURPOSE
17.32.020 USE REGULATIONS
17.32.022 PERMITTED USES
17.32.024 CONDITIONAL USES
17.32.026 SPECIAL EXCEPTION USES
17.32.028 PROHIBITED USES
17.32.030 HEIGHT AND AREA REGULATIONS
17.32.032 ADDITIONAL DESIGN REQUIREMENTS

17.32.010 PURPOSE

This zoning classification is for large-lot residences with a capability of keeping and maintaining limited numbers of livestock and other animals. It should be applied in areas of large lots and rural estate-type subdivision design and layout. This zoning classification should be applied in areas of the City to conserve rural neighborhood character and value and buildings.

17.32.020 USE REGULATIONS

In the "RE" Residential Estate District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.32.022 through 17.32.026 below.

17.32.022 PERMITTED USES

The following are permitted uses in the “RE” Residential Estate District:

A. One-family dwellings.

B. Accessory buildings, accessory storage buildings, private garages, and greenhouses less than one hundred twenty square feet (120 sq. ft.) when located behind front setback, a minimum of five feet (5') from other property lines and not on any easement. Accessory buildings and structures greater than one hundred twenty square feet (120 sq. ft.) when located in accordance with the setbacks of the zoning district.

C. Hobbies or crafts, as an accessory use.

D. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

E. Family Day Care Homes (twelve (12) children or less).

F. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.

G. Private barn or stable, subject to the requirements of Chapter 17.84.080.

H. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, rabbits, or ratites (emus, ostriches, etc.) Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres.

I. Uses customarily incident to any of the above uses when situated in the same dwelling and when not involving the conduct of a business or industry, except for home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.

J. Real Estate sales office for property located within the sub-division in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel within the sub-division. Field offices for the sale or rental of real estate shall be removed upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the sub-division in which it is located.

K. Any typically permitted secondary or accessory uses allowed in the District in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Planning Director determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.

L. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

M. Group homes as provided under State and Federal law.

N. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.32.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meters (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

O. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

P. Home occupations in accordance with Chapter 17.84.160.

Q. Wind Energy Systems that do not exceed the maximum height specified in Section 17.32.030 below and comply with the provisions of Chapter 17.84.130.A.

R. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

S. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.32.024 CONDITIONAL USES

The following are conditional uses in the “RE” Residential Estate District:

A. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

B. Subsidiary dwelling.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. No more than one (1) horse may be kept per acre, nor one (1) animal unit other than horses per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080)

D. Wind Energy Systems that exceed the maximum height specified in Section 17.32.030 below and comply with the provisions of Chapter 17.84.130.A.

E. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.32.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.32.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.32.030 HEIGHT AND AREA REGULATIONS

In the "RE" Residential Estate District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: The main residence shall contain a minimum of one thousand five hundred square feet (1,500 sq. ft.) of livable floor space, exclusive of garage, porches and breezeways, and incidental storage area.

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35').

C. Front Yard: There shall be a front yard of not less than thirty feet (30'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way

D. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

E. Side Yard: Corner lots have a minimum side yard of ten feet (10') on side yards adjacent to interior lots. Interior lots shall have a minimum side yard dimension of ten feet (10').

F. Width of Lot: The width of a lot shall be a minimum of one hundred feet (100') at the building line.

G. Lot Area: The minimum area of a lot shall be one acre (1 ac.) or forty-three thousand five hundred sixty square feet (43,560 sq. ft.).

H. Maximum Lot Coverage: The maximum portion of the lot area that may be covered by the main building and all accessory buildings shall not exceed thirty percent (30%).

17.32.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

CHAPTER 17.36
"A" One-Family District

Sections:

17.36.010 PURPOSE
17.36.020 USE REGULATIONS
17.36.022 PERMITTED USES
17.36.024 CONDITIONAL USES
17.36.026 SPECIAL EXCEPTIONS USES
17.36.028 PROHIBITED USES
17.36.030 HEIGHT AND AREA REGULATIONS
17.36.032 ADDITIONAL DESIGN REQUIREMENTS

17.36.010 PURPOSE

This zoning classification is the most restrictive of all residential zones and should be applied in areas of larger lots, more contemporary subdivision design and layout, and, for areas that are designed solely for residential uses. This zoning classification should be applied in areas of the City to conserve neighborhood character and value and buildings. It is not intended that this zoning district be the subject of major alterations except for a possible re-classification in minor areas for a less restrictive residential use for reasonable adjustment necessary for orderly development of vacant lots or the gradual transition from other districts.

17.36.020 USE REGULATIONS

In the "A" One-Family District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.36.022 through 17.36.026 below.

17.36.022 PERMITTED USES

The following are permitted uses in the "A" One-Family District:

A. One-family dwellings.

B. Accessory buildings, accessory storage buildings, private garages, and greenhouses less than one hundred twenty square feet (120 sq. ft.) when located behind front setback, a minimum of five feet (5') from other property lines and not on any easement. Accessory buildings and structures greater than one hundred twenty square feet (120 sq. ft.) when located in accordance with the setbacks of the zoning district.

C. Hobbies or crafts, as an accessory use.

D. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

E. Family Day Care Homes (twelve (12) children or less).

F. Group homes as provided under State and Federal law.

G. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080)

H. Private barn or stable, in accordance with the requirements of Chapter 17.84.080 when more than ten (10) acres are available and the barn/stable is located no closer than one hundred fifty feet (150’) from a property line.

I. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.36.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meters (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

J. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

K. Home occupations in accordance with Chapter 17.84.160.

L. One (1) Real Estate sales office for each builder for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel owned by the builder within the subdivision. Sales offices shall be removed or converted upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located. One sign, not exceeding forty-eight square feet (48 sq. ft.) in area and six feet (6’) in height, is allowed for the duration of operation of the sales office. If the garage is enclosed, then two off-street parking spaces behind the front building line must be provided elsewhere.

M. Wind Energy Systems that do not exceed the maximum height specified in paragraph Section 17.36.030 below and comply with the provisions of Chapter 17.84.130.A.

N. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

O. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.36.024 CONDITIONAL USES

The following are conditional uses in the “A” One-Family District:

A. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.

B. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. No more than one (1) horse may be kept per acre, nor one (1) animal unit other than horses per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080)

C. Private barn or stable, in accordance with the requirements of Chapter 17.84.080 when less than ten (10) acres are available.

D. Uses customarily incident to any of the above uses when situated in the same dwelling and when not involving the conduct of a business or industry, except for home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.

E. Any typically permitted secondary or accessory uses allowed in the District in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Planning Director determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.

F. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

G. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090).

H. Subsidiary dwelling.

I. Wind Energy Systems that exceed the maximum height specified in Section 17.36.030 below and comply with the provisions of Chapter 17.84.130.A.

J. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.36.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provisions Chapter 17.16.

17.36.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.36.030 HEIGHT AND AREA REGULATIONS

In the "A" One Family District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: The main residence shall contain a minimum of one thousand0 five hundred square feet (1,500 sq. ft.) of livable floor space, exclusive of garage, porches and breezeways, and incidental storage area.

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35').

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20'). The Building Inspector may authorize encroachments of up to twenty square feet (20 sq. ft.) for fire places and/or bay windows that do not restrict access for public safety and/or adjacent property.

E. Side Yard: Corner lots have a minimum side yard of five feet (5') on side yards adjacent to interior lots.

Interior lots shall have a minimum side yard dimension of five feet (5') with a combined total of not less than fifteen feet (15').

F. Width of Lot: The width of a lot shall be a minimum of seventy-five feet (75') at the building line.

G. Lot Area: The minimum area of an interior lot shall be nine thousand square feet (9,000 sq. ft.). Corner lots shall be a minimum of ten thousand, eight hundred square feet (10,800 sq. ft.).

H. Maximum Lot Coverage: The maximum portion of the lot area which may be covered by the main building and all accessory buildings shall not exceed forty percent (40%).

17.36.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

   The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

   a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

   b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

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CHAPTER 17.40
"B" ONE-FAMILY DISTRICT

Sections:

17.40.010 PURPOSE
17.40.020 USE REGULATIONS
17.40.022 PERMITTED USES
17.40.024 CONDITIONAL USES
17.40.026 SPECIAL EXCEPTION USES
17.40.028 PROHIBITED USES
17.40.030 HEIGHT AND AREA REGULATIONS
17.40.032 ADDITIONAL DESIGN REQUIREMENTS

17.40.010 PURPOSE

This zoning classification should be applied in areas of larger lots, more contemporary subdivision design and layout, and, for areas that are designed solely for residential uses. This zoning classification should be applied in areas of the City to conserve neighborhood character and value of buildings. It is not intended that this zoning district be the subject of major alterations except for a possible re-classification in minor areas for a less restrictive residential use for reasonable adjustments necessary for orderly development of vacant lots or the gradual transition from other districts.

17.40.020 USE REGULATIONS

In the "B" One-Family District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.40.022 through 17.40.026 below.

17.40.022 PERMITTED USES

The following are permitted uses in the “B” One-Family District:

A. One-family dwellings.

B. Accessory buildings, accessory storage buildings, private garages, and greenhouses less than one hundred twenty square feet (120 sq. ft.) when located behind front setback, a minimum of five feet (5') from other property lines and not on any easement. Accessory buildings and structures greater than one hundred twenty square feet (120 sq. ft.) when located in accordance with the setbacks of the zoning district.

C. Hobbies or crafts, as an accessory use.

D. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

E. Family Day Care Homes (twelve (12) children or less).

F. Group homes as provided under State and Federal law.

G. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080)

H. Private barn or stable, in accordance with the requirements of Chapter 17.84.080, when more than ten (10) acres are available and the barn/stable is located no closer than one hundred fifty feet (150’) from a property line.

I. Antennae and towers not exceeding the maximum height of the District (see Section 17.40.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meters (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

J. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

K. Home occupations in accordance with Chapter 17.84.160.

L. One (1) Real Estate sales office for each builder for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel owned by the builder within the subdivision. Sales offices shall be removed or converted upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located. One (1) sign, not exceeding forty-eight square feet (48 sq. ft.) in area and six feet (6’) in height, is allowed for the duration of operation of the sales office. If the garage is enclosed, then two (2) off-street parking spaces behind the front building line must be provided elsewhere.

M. Wind Energy Systems that do not exceed the maximum height specified in Section 17.40.030 below and comply with the provisions of Chapter 17.84.130.A.

N. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

O. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.40.024 CONDITIONAL USES

The following are conditional uses in the “B” One-Family District:

A. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.

B. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080)

C. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

D. Uses customarily incident to any of the above uses when situated in the same dwelling and not involving the conduct of a business or industry, except home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.

E. Any typically permitted secondary or accessory uses allowed in the District in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivision and neighborhoods, the Planning Director determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.

F. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

G. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

H. Subsidiary dwelling.

I. Wind Energy Systems that exceed the maximum height specified in Section 17.40.030 below and comply with the provisions of Chapter 17.84.130.A.

J. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.40.26 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.40.28 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.40.030 HEIGHT AND AREA REGULATIONS

In the "B" One-Family District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: The main residence shall contain a minimum of one thousand two hundred and fifty square feet (1,250 sq. ft.) of livable floor space, exclusive of garage, porches and breezeways, and incidental storage areas.

B. No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35').

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20'). The Building Inspector may authorize encroachments of up to twenty square feet (20 sq. ft.) for fire places and/or bay windows that do not restrict access for public safety and/or adjacent property.

E. Side Yard: Corner lots have a minimum side yard of five feet (5') on side yards adjacent to interior lots.

Interior lots shall have a minimum side yard dimension of five feet (5') with a combined total of not less than fifteen feet (15').

F. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width than herein required, this Ordinance shall not prohibit the erection of a one-family dwelling.

G. Lot Area: The minimum area of an interior lot shall be eight thousand four hundred square feet (8,400 sq. ft.). Corner lots shall be a minimum of ten thousand eighty square feet (10,080 sq. ft.).

H. Maximum Lot Coverage: The maximum portion of the lot area which may be covered by the main building and all accessory buildings shall not exceed forty-five percent (45%).

17.40.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

   The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

   a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

   b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

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CHAPTER 17.44
"BR" ONE-FAMILY REDUCED DISTRICT

Sections:

17.44.010 PURPOSE
17.44.020 USE REGULATIONS
17.44.022 PERMITTED USES
17.44.024 CONDITIONAL USES
17.44.026 SPECIAL EXCEPTION USES
17.44.028 PROHIBITED USES
17.44.030 HEIGHT AND AREA REGULATIONS
17.44.032 ADDITIONAL DESIGN REQUIREMENTS

17.44.010 PURPOSE

This one-family residential zoning district is not as restrictive in its requirements and will allow greater design flexibility of residential uses. This district is to be applied in areas permitting smaller residential lots, smaller residential structures and in areas of transition between Commercial and "A" and "B" One-Family Districts.

17.44.020 USE REGULATIONS

In the "BR" One-Family Reduced District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.44.022 through 17.44.026 below.

17.44.022 PERMITTED USES

The following are permitted uses in the “BR” One-Family Reduced Districts:

A. One-family dwellings.

B. Accessory buildings, accessory storage buildings, private garages, and greenhouses less than one hundred twenty square feet (120 sq. ft.) when located behind front setback, a minimum of five feet (5') from other property lines and not on any easement. Accessory buildings and structures greater than one hundred twenty square feet (120 sq. ft.) when located in accordance with the setbacks of the zoning district.

C. Hobbies or crafts, as an accessory use.

D. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

E. Family Day Care Homes (twelve (12) children or less).

F. Group homes as provided under State and Federal law.

G. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per (5) five acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080)

H. Private barn or stable, in accordance with the requirements of Chapter 17.84.080, when more than ten (10) acres are available and the barn/stable is located no closer than one hundred fifty feet (150’) from a property line.

I. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.44.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

J. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

K. Home occupations in accordance with Chapter 17.84.160.

L. One (1) Real Estate sales office for each builder for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel owned by the builder within the subdivision. Sales offices shall be removed or converted upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located. One (1) sign, not exceeding forty-eight square feet (48 sq. ft.) in area and six feet (6’) in height, is allowed for the duration of operation of the sales office. If the garage is enclosed, then two (2) off-street parking spaces behind the front building line must be provided elsewhere.

M. Wind Energy Systems that do not exceed the maximum height specified in Section 17.44.030 below and comply with the provisions of Chapter 17.84.130.A.

N. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

O. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.44.024 CONDITIONAL USES

The following are conditional uses in the “BR” One-Family Reduced District:

A. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.

B. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per (5) five acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (ostriches, emus) are prohibited. (See also the requirements in Chapter 17.84.080).

C. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

D. Uses customarily incident to any of the above uses when situated in the same dwelling and not involving the conduct of a business or industry, except home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.

E. Any typically permitted secondary or accessory uses allowed in the District in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivision and neighborhoods, the Planning Director determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.

F. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

G. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

H. Subsidiary dwelling.

I. Wind Energy Systems that exceed the maximum height specified in Section 17.44.030 below and comply with the provisions of Chapter 17.84.130.A.

J. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.44.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.44.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.44.030 HEIGHT AND AREA REGULATIONS

In the "BR" One-Family Reduced District, the height of buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: The main residence shall contain a minimum of one thousand two hundred square feet (1,200 sq. ft.) of livable floor space, exclusive of garage, porches and breezeways, and incidental storage areas.

B. No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35').

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If the building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard having a depth of not less than fifteen feet (15'). The Building Inspector may authorize encroachments of up to twenty square feet (20 sq. ft.) for fire places and/or bay windows that do not restrict access for public safety and/or adjacent property.

E. Side Yard: Corner lots have a minimum side yard of five feet (5') on side yards adjacent to interior lots. Interior lots shall have a minimum side yard dimension of five feet (5') with a combined total of not less than fifteen feet (15').

F. Width of Lot: The width of a lot shall be a minimum of sixty feet (60') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width than herein required, this Ordinance shall not prohibit the erection of a one-family dwelling.

G. Lot Area: The minimum area of an interior lot shall be seven thousand square feet (7,000 sq. ft.). Corner lots shall be a minimum of eight thousand four hundred square feet (8,400 sq. ft.).

H. Maximum Lot Coverage: The maximum portion of the lot area that may be covered by the main building and all accessory buildings shall not exceed forty-five percent (45%).

17.44.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

   The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

   a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

   b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

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CHAPTER 17.48
"CR" MULTIPLE-FAMILY RESTRICTED DISTRICT

Sections:

17.48.010 PURPOSE
17.48.020 USE REGULATIONS
17.48.022 PERMITTED USES
17.48.024 CONDITIONAL USES
17.48.026 SPECIAL EXCEPTION USES
17.48.028 PROHIBITED USES
17.48.030 HEIGHT AND AREA REGULATIONS
17.48.032 ADDITIONAL DESIGN REQUIREMENTS

17.48.010 PURPOSE

This district is the most restrictive of the multiple family districts and is intended for two-family and multiple-family uses. This district is intended for zones of transition from the single family zone to higher density multiple-family or commercial zones.

17.48.020 USE REGULATION

In the "CR" Multiple-Family Restricted District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses Sections 17.48.020 through 17.48.026 below.

17.48.022 PERMITTED USES

The following are permitted uses in the “CR” Multiple-Family Restricted District:

A. Two-family dwellings.

B. Family Day Care Homes (twelve (12) children or less).

C. Group homes as provided under State and Federal law.

D. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

E. Private barn or stable, in accordance with the requirements of Chapter 17.84.080, when more than ten (10) acres are available and the barn/stable is located no closer than one hundred fifty feet (150’) from a property line.

F. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.48.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1 m) in diameter. Except for

satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

G. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

H. Home occupations in accordance with Chapter 17.84.160.

I. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

J. Wind Energy Systems that do not exceed the maximum height specified in Section 17.48.030 below and comply with the provisions of Chapter 17.84.130.A.

K. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

L. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.48.024 CONDITIONAL USES

The following are conditional uses in the “CR” Multiple-Family Restricted District:

A. Accessory buildings, same as District "A"; except in District "CR," a private garage may not provide space for more than one (1) motor vehicle for each one thousand five hundred square feet (1,500 sq. ft.) of lot area.

B. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per (5) five acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

C. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

D. Uses customarily incident to any of the above uses: Same as District "A".

E. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

F. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

G. Day nursery and Kindergarten.

H. Wind Energy Systems that exceed the maximum height specified in Section 17.48.030 below and comply with the provisions of Chapter 17.84.130.A.

I. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.48.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.48.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.48.030 HEIGHT AND AREA REGULATIONS

In the "CR" Multiple Family Restricted District, the height of buildings, the minimum dimension of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: Each two-family dwelling shall contain a minimum of seven hundred fifty square feet (750 sq. ft.) of livable floor space, exclusive of garage, porches, and breezeways, and incidental storage, for each family to be housed in said dwelling.

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35').

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20'). The Building Inspector may authorize encroachments of up to twenty square feet (20 sq. ft.) for fireplaces and/or bay windows that do not restrict access for public safety and/or adjacent property.

E. Side Yard: There shall be a side yard having a width of not less than ten feet (10’) on the interior side of corner lots and on both sides of interior lots.

F. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line.

G. Lot Areas: The minimum area of an interior lot shall be eight thousand four hundred square feet (8,400 sq. ft.). Corner lots shall be a minimum of ten thousand two hundred square feet (10,200 sq. ft.).

H. Maximum Lot Coverage: The maximum portion of the lot area that may be covered by the main building and all accessory buildings shall not exceed forty-five percent (45%).

17.48.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

CHAPTER 17.52
"C" MULTIPLE-FAMILY DISTRICT

Sections:

17.52.010 PURPOSE
17.52.020 USE REGULATIONS
17.52.022 PERMITTED USES
17.52.024 CONDITIONAL USES
17.52.026 SPECIAL EXCEPTION USES
17.52.028 PROHIBITED USES
17.52.030 HEIGHT AND AREA REGULATIONS
17.52.032 ADDITIONAL DESIGN REQUIREMENTS
17.52.040 SITE PLAN REQUIREMENTS

17.52.010 PURPOSE

This District allows low density multiple-family development and is intended for two (2) family and low density multiple-family uses. This district is intended for zones of transition from the single family zone to higher density multiple family or commercial zones.

17.52.020 USE REGULATIONS

In the "C" Multiple-Family District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses Sections 17.52.022 through 17.52.028 below.

17.52.022 PERMITTED USES

The following are permitted uses in the “C” Multiple-Family District:

A. Two-family, three-family, or four-family dwellings.

B. Family Day Care Homes (twelve (12) children or less).

C. Group homes as provided under State and Federal law.

D. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than (1) one horse may be kept per acre available for grazing for the first two (2) acres, and (1) one horse per (5) five acres thereafter. No more than one (1) animal unit other than horses may be kept per (5) five acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per (5) five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

E. Private barn or stable, in accordance with the requirements of Chapter 17.84.080, when more than ten (10) acres are available and the barn/stable is located no closer than one hundred fifty feet (150’) from a property line.

F. Antennae and towers not exceeding the maximum height allowed in the District (see Sections 17.52.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'),

and dish antennae not exceeding one meter (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

G. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

H. Home occupations in accordance with Chapter 17.84.160.

I. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

J. Wind Energy Systems that do not exceed the maximum height specified in Section 17.52.030 below and comply with the provisions of Chapter 17.84.130.A.

K. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

L. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.52.024 CONDITIONAL USES

The following are conditional uses in the “C” Multiple-Family District:

A. Accessory buildings, same as District "A", except in District "C," a private garage may not provide space for more than one (1) motor vehicle for each one thousand five hundred square feet (1,500 sq. ft.) of lot area.

B. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

C. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

D. Uses customarily incident to any of the above uses: Same as District "A."

E. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

F. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90%) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

G. Day care nursery and Kindergarten.

H. Wind Energy Systems that exceed the maximum height specified in paragraph Section 17.52.030 below and comply with the provisions of Chapter 17.84.130.A.

I. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.52.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.52.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.52.030 HEIGHT AND AREA REGULATIONS

In the "C" Multiple-Family District, the height of buildings, the minimum dimension of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: Each two-, three-, or four-family dwelling shall contain a minimum of seven hundred fifty square feet (750 sq. ft.) of livable floor space, exclusive of garage, porches, and breezeways, and incidental storage, for each family to be housed in said dwelling.

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35').

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

E. Side Yard: There shall be a side yard having a width of not less than ten feet (10’) on the interior side of corner lots and on both sides of interior lots. When more than one main building is erected on a lot of record, there shall be a separation of at least ten feet (10’) between buildings.

F. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line.

G. Lot Areas: In the "C" Multiple Family District, the lot area for every two-, three-, or four-family dwelling hereafter singularly or collectively erected, reconstructed, altered, or enlarged shall provide an aggregate lot area of not less than three thousand five hundred square feet (3,500 sq. ft.) per dwelling unit within the lot. Minimum lot area shall in no case be less than eight thousand four hundred square feet (8,400 sq. ft.). Corner lots shall be a minimum of ten thousand two hundred square feet (10,200 sq. ft.).

H. Maximum Lot Coverage: The maximum portion of the lot area that may be covered by the main building and all accessory buildings shall not exceed forty-five percent (45%).

17.52.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

17.52.040 SITE PLAN REQUIREMENTS

A. Any owner, builder, or developer of two (2) or more contiguous lots shall submit to the Planning Director the site and building plan for the proposed development for review. The contents of this site plan shall contain drawings to scale to indicate as needed:

1. Location of all existing and proposed structures on the subject property and within twenty feet (20') on adjoining property;
2. Landscaping and buffering of yards and setback areas in accordance with Chapter 17.98 of this Ordinance;
3. Design of ingress and egress;
4. Off-street parking and loading facilities;
5. Height of all structures;
6. Proposed uses; and
7. Location, types and heights of all signs and lighting.
8. Scale drawing with north arrow, all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property, the names, addresses and phone numbers of the property owner, the applicant and the person preparing the site plan.
9. Total land area, total building area and building to land ratio, the total floor area per dwelling unit, drainage information, existing and/or proposed fire hydrants, and provisions for external illumination and trash collection.

B. The purpose of the site plan review is:

1. To insure compliance with the Zoning Ordinance, while allowing for design flexibility;
2. To assist in the orderly and harmonious development of the City;
3. To protect adjacent property and uses from obstructions to light, air, and visibility;
4. To provide protection from fire;
5. To avoid undue concentrations of population and overcrowding of land; and
6. To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.

C. The Planning Director shall approve an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this Ordinance and other applicable ordinances, and if the Planning Director finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. Any applicant aggrieved by a decision of the Planning Director may appeal the decision to the Planning and Zoning Commission.

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CHAPTER 17.54
"D" MULTIPLE-FAMILY DISTRICT

Sections:

17.54.010 PURPOSE
17.54.020 USE REGULATIONS
17.54.022 PERMITTED USES
17.54.024 CONDITIONAL USES
17.54.026 SPECIAL EXCEPTION USES
17.54.028 PROHIBITED USES
17.54.030 HEIGHT AND AREA REGULATIONS
17.54.032 ADDITIONAL DESIGN REQUIREMENTS
17.54.034 USABLE OPEN SPACE
17.54.040 SITE PLAN REQUIREMENTS

17.54.010 PURPOSE

This district allows medium to high density multiple-family dwelling use of the land and is intended to comprise larger tracts of land designed to provide total residential amenities of open space, recreation space and areas of protected off-street parking. This district is intended to be located near high volume thoroughfares due to the traffic generating probability of medium to high-density dwelling units within this district. This district may be coupled with a Planned Development (PD) suffix to allow for site plan development in those areas that would be appropriate for contemporary design of the structures and their arrangement.

17.54.020 USE REGULATIONS

In the "D" Multiple-Family District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses Sections 17.54.022 through 17.54.026 below.

17.54.022 PERMITTED USES

The following are permitted uses in the “D” Multiple-Family District:

A. Any uses permitted in the "C" Multiple-Family District.

B. Multi-family residential up to twenty-five (25) units per acre.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

D. Private barn or stable, in accordance with the requirements of Chapter 17.84.080, when more than ten (10) acres are available and the barn/stable is located no closer than one hundred fifty feet (150’) from a property line.

E. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.54.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

F. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

G. Home occupations in accordance with Chapter 17.84.160.

H. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

I. Wind Energy Systems that do not exceed the maximum height specified in Section 17.54.030 below and comply with the provisions of Chapter 17.84.130.A.

J. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

K. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.54.024 CONDITIONAL USES

The following are conditional uses in the “D” Multiple-Family District:

A. Multi-family residential exceeding twenty-five (25) units per acre.

B. Apartment hotel.

C. Convalescent Home.

D. Private clubs, fraternities, sororities and lodges; excluding those whose chief activity is a service customarily carried on as a business.

E. Kindergartens and day care nurseries.

F. Detached accessory buildings including storage garages are subject to the same regulations as District "A"; except that the lot area per car limitations shall be waived and off-street parking shall be provided as set out in Chapter 17.88. Private or storage garages may be constructed as a part of the main building.

G. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per (5) five acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres. Ratites (ostriches, emus) are prohibited. (See also the requirements in Chapter 17.84.080.)

H. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

I. Office building.

J. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

K. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meter (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90%) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

L. Recreational vehicle camping area.

M. Wind Energy Systems that exceed the maximum height specified in Section 17.54.030 below and comply with the provisions of Chapter 17.84.130.A.

N. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.54.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.54.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.54.030 HEIGHT AND AREA REGULATIONS

In the "D" Multiple-Family District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: In the "D" Multiple-Family District the floor space requirements for two-, three- or four-family dwellings shall be the same as District "C."

Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged, shall contain an average of seven hundred square feet (700 sq. ft.) and a minimum of five hundred fifty square feet (550 sq. ft.) of total floor area,

exclusive of garage, porches, breezeways, and exterior storage for each family to be housed in said building.

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This minimum total floor area shall not apply to hotels, or apartment hotels where no provision is made for cooking in any individual room, suite, or apartment. It shall not apply to apartment complexes constructed and used exclusively for elderly retirees.

Additionally, in apartment complexes having fifty (50) or more units, the computation of minimum and average square footage of total floor area may include pro rata of separate recreational rooms or buildings up to ten percent (10%) of the required square footage of livable area.

Total floor area required in apartments constructed and used exclusively for elderly citizens shall provide a minimum average of five hundred square feet (500 sq. ft.). Dining room and recreational area are included in computing total floor space average. The minimum apartment size shall be four hundred square feet (400 sq. ft.).

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, or "C" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed three and one-half (3 ½) stories or forty-five feet (45'), provided that the required front, side and rear setback are increased by one foot (1’) for each foot of height in excess of thirty-five feet (35’).

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

E. Side Yard: There shall be a side yard having a width of not less than ten feet (10’) on the interior side of corner lots and on both sides of interior lots. When more than one main building is erected on a lot of record, there shall be a separation of at least ten feet (10’) between buildings.

F. Width of Lot: The width of a lot shall be a minimum of seventy-five feet (75') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width than herein required, this Ordinance shall not prohibit the erection of a one-family dwelling.

G. Lot Area: In the "D" Multiple-Family District the lot area for two-, three- or four-family dwellings shall be the same as District "C."

Every other building or portion thereof, hereafter erected, reconstructed, altered, or enlarged, shall provide a lot area of not less than one thousand five hundred square feet (1,500 sq. ft.) per family.

This lot area requirement shall not apply to hotels, apartment hotels, or elderly retirement facilities, where no provision is made for cooking in any individual room, suite or apartment.

17.54.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Any building exceeding one thousand two hundred square feet (1,200 sq. ft.) must comply with the architectural requirements in Chapter 17.84.100.

B. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

C. Each complex shall provide bufferyards and landscaping in accordance with Chapter 17.98 of this Ordinance.

17.54.034 USABLE OPEN SPACE

All residential use shall provide and maintain a minimum of two hundred square feet (200 sq. ft.) of Usable Open Space for each dwelling unit. For the purpose of this Ordinance, Usable Open Space is as follows:

Usable Open Space shall mean outdoor area, excluding parking and other service areas that are utilized for livable and/or related amenity, such as outdoor living, associated recreation and/or landscaping, and which is open and unobstructed from its lowest level to the sky except for roof overhangs and architectural projections. All usable open space, unless hereinafter excepted, shall be accessible to, and usable by, all residents residing on the site. Private courtyards or balconies may constitute usable open space for the purpose of calculating up to thirty percent (30%) of the total required usable open space. Usable open space may include areas at the ground level and/or on roof, decks or balconies designed for common use; provided that such areas meet other criteria as hereinafter set forth. The minimum dimension for usable open space at the ground level shall be ten feet (10') and the minimum area shall be one hundred square feet (100 sq. ft.). The minimum dimensions for usable open space located on roofs or decks that are available for common use shall be twenty feet by twenty feet (20' x 20') and the minimum area shall be four hundred square feet (400 sq. ft.). At least one-half (1/2) of the required open space shall be at the ground level.

17.54.040 SITE PLAN REQUIREMENTS

A. Any owner, builder, or developer of a multiple-family condominium or townhouse dwelling complex shall submit to the Planning and Zoning Commission the site and building plan for the proposed development for review. The contents of this site plan shall contain drawings to scale to indicate as needed:

1. Location of all existing and proposed structures on the subject property and within twenty feet (20') on adjoining property;

2. Location and screening of outdoor storage of trash receptacles in accordance with the City Design Standards and Criteria;

3. Landscaping and/or fencing of yards and setback areas and proposed changes;

4. Design of ingress and egress;

5. Off-street parking and loading facilities;

6. Height of all structures;

7. Proposed uses; and

8. Location, types and heights of all signs and lighting.

9. Scale drawing with north arrow, all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property, the names, addresses and phone numbers of the property owner, the applicant and the person preparing the site plan.

10. Total land area, total building area and building to land ratio, the total floor area per dwelling unit, drainage information, existing and/or proposed fire hydrants, and provisions for external illumination and trash collection.

B. The purpose of the site plan review is:

1. To assure compliance with the Zoning Ordinance, while allowing for design flexibility;

2. To assist in the orderly and harmonious development of the City;

3. To protect adjacent uses from obstructions to light, air, and visibility;

4. To provide protection from fire;

5. To avoid undue concentrations of population and overcrowding of land; and

6. To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.

C. The Planning and Zoning Commission shall, after conducting a public hearing, approve an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this Ordinance and other applicable ordinances, and if the Commission finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. The Commission shall disapprove or conditionally approve any application that fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.

CHAPTER 17.56
"E" COMMERCIAL DISTRICT

Sections:

17.56.010 PURPOSE
17.56.020 USE REGULATIONS
17.56.022 PERMITTED USES
17.56.024 CONDITIONAL USES
17.56.026 SPECIAL EXCEPTION USES
17.56.030 HEIGHT AND AREA REGULATIONS
17.56.032 ADDITIONAL DESIGN REQUIREMENTS

17.56.010 PURPOSE

This district is a commercial category providing a uniform set of standards for retail shopping facilities and general commercial activities. It is intended that this zoning district be served by major thoroughfares and be of such size that all parking and traffic maneuvering can take place on the commercial site. The principal business activity of any permitted use in this district shall be conducted wholly within an enclosed building with the specific exception of certain outdoor activities that are customary and typically appropriate to the permitted uses listed. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.

17.56.020 USE REGULATIONS

In the "E" Commercial District, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses Sections 17.56.022 through 17.56.026 below.

17.56.022 PERMITTED USES

The following are permitted uses in the “E” Commercial District:

A. Antique shops.

B. Auditorium, theaters, cinemas.

C. Automobile parking areas.

D. Automobile parts, retail sales.

E. Bakeries, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.).

F. Barber and beauty shops.

G. Bicycles and bicycle repair shops.

H. Blueprinting or photostating.

I. Book or stationary stores, or newsstands.

J. Business colleges, trade schools, or private schools operated as a commercial enterprise.

K. Temporary seasonal outdoor sales operations such as Christmas tree sales, firewood sales, crafts, new and/or used merchandise and food sales, such as snow-cone stands, food trucks, and the like when such temporary operation exceeds seventy-two (72) hours in a twelve (12) month period. Such temporary sales operations may be a principal use on a property or an outdoor operation in conjunction with and subordinate to any existing permitted permanent indoor retail establishment. Only one (1) temporary seasonal outdoor sales operation is permitted on a tract or lot. Such temporary outdoor sales operations shall require the submittal of an operations site plan for approval by the Planning Director prior to setting up operations. The operations site plan shall show the proposed location of sales areas, storage areas, parking areas, traffic flow and street access, fencing and signage in relation to existing improvements to the property. Portable signs may be approved for the duration of the temporary outdoor sales operations when such sign is included in the approved operations site plan. A temporary outdoor sales operation on a single site shall not be approved for more than three (3) occurrences in a calendar year, the total of which shall not exceed one hundred fifty (150) days.

L. Cigar or tobacco stores.

M. Cleaning, dyeing and pressing works; laundry and washaterias, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.) for separate or combined uses.

N. Commercial amusement centers and bowling alleys, indoor operations only.

O. Confectionery stores.

P. Custom dressmaking or millinery shops.

Q. Dancing schools.

R. Day Care Nurseries and Kindergartens.

S. Delicatessen shops.

T. Department stores.

U. Dog and cat hospitals or small animal hospitals, if conducted wholly within a completely enclosed soundproof and air conditioned building, provided, that noise or odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time.

V. Health Service Facilities: Clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive health service fields such as physical, audio and speech therapy, podiatry and psychological testing and counseling; dental, medical and optical laboratories and blood banks; ambulance dispatch stations, prescription pharmacies and offices, stores and display rooms for the sale and rental of medical supplies and equipment.

W. Drug stores.

X. Dry goods and notions stores.

Y. Duplicating service, printing, lithographing, multigraphing and offset printing, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.).

Z. Electrical and gas appliances and supply sales, electrical and gas repair and installation services.

AA. Financial institutions.

BB. Florist or gift shops.

CC. Frozen food lockers for individual or family use, not including the processing of food except cutting or wrapping.

DD. Garages, storage only.

EE. Grocery stores and meat markets.

FF. Hardware, paint, wallpaper stores and other home improvement items.

GG. Health and physical fitness centers.

HH. Hotel, motel or motor hotel subject to the following restrictions:

1. No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than fifty feet (50') from any residential district.

2. No building shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35') within one hundred feet (100') of any residential zoned property.

3. Any external lighting shall be mounted and maintained to not illuminate any adjacent residential zoned property.

II. Household and office furniture, furnishings and appliances.

JJ. Jewelry stores, optical goods.

KK. Golf course, including miniature course, driving tee, driving range and "Pitch and Putt" course. Lighting of any such use shall be directed away from residential areas.

LL. Leather and leather goods shops, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.).

MM. Mortuaries, funeral homes and undertakers, not including crematories.

NN. Museums, libraries, fine arts centers, parks, playgrounds, community centers or recreational areas.

OO. Medical Care Facilities: Nursing and care homes; hospitals with their related facilities and supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors.

PP. Nursery yards or buildings for retail sales, provided that all incidental equipment and supplies including fertilizer and empty containers are kept within a building.

QQ. Offices.

RR. Photograph, portrait or camera shops and photo finishing.

SS. Piano stores, musical instruments and supplies.

TT. Plumbing and heating appliances, repair and installation services. All storage of materials must be indoors.

UU. Radio and television sales and servicing.

VV. Restaurants, tea rooms, cafeterias, fast food and "take-out" food restaurants.

WW. Retail stores, businesses, pawn shops, or shops for custom work or the manufacturing of articles to be sold at retail on the premises, providing that in such manufacture the total mechanical power shall not exceed five horsepower (5 hp) for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.

XX. Service stations, gasoline, oil, greasing, and tuning, not including fender or body repairs, major mechanical rear end, transmission, and engine overhaul. Car washing as a secondary use. No bay door or overhead door shall face any residential district when located less than one hundred feet (100') from any residential district.

YY. Showroom warehouse, subject to the following restrictions: All activities and storage shall be totally within an enclosed building; a maximum of eighty percent (80%) of the gross floor area of any unit or multiple unit facility shall be used for warehouse activity; no manufacturing fabrication or assembly operation shall be conducted in any part of any unit except for articles to be sold at retail on the premises providing that in such manufacture the total mechanical power shall not exceed five horsepower (5 hp) for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, and all activities shall be conducted totally within the same building.

ZZ. Sporting goods including gun sales and repair.

AAA. Studios for artists.

BBB. Tailor, clothing or wearing apparel shops.

CCC. Variety stores.

DDD. Public, private, and parochial elementary and secondary schools whose curricula satisfy the requirements of the State Public School Laws and the requirements of the State Board of Education.

EEE. Higher Education Institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.

FFF. Religious institutions, churches and facilities for related activities including those of worship, fellowship and education.

GGG. Radio, television, microwave broadcast, relay, transmission and retransmission facilities, satellite earth stations (home dish antennas) and any electronic emission equipment when operated in conformance with all Federal Communications Commission and other regulations, and provided the following additional conditions are met:

1. No satellite dish shall exceed two meters (2 m) in diameter, and

2. No portion of any such dish or other equipment, in any position, shall exceed the specified height regulation of this Zoning District, and

3. No portion of any ground-mounted antenna or other equipment, in any position, shall be less than five feet (5') from any property line, utility easement, or building, and

4. No such dish or other antenna may be located in any required front yard or second front yard.

HHH. Recreational vehicle camping area.

III. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

JJJ. Private barn or stable, in accordance with the requirements of Chapter 17.84.080 when more than ten (10) acres are available and the barn/stable is located no closer than one hundred and fifty feet (150’) from a property line.

KKK. Accessory buildings and uses customarily incident to any of the above uses including air conditioners, ice and refrigerating plants purely incidental to the main activity permitted on the premises. No accessory use shall be constructed to permit the keeping of articles or materials in the open or outside the building.

LLL. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.56.030 below), antennae attached to existing structures and not

increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

MMM. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

NNN. Wind Energy Systems that do not exceed the maximum height specified in Section 17.56.030 below and comply with the provisions of Chapter 17.84.130.A.

OOO. Solar Energy Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

PPP. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

QQQ. Food Truck Park in accordance with Chapter 17.80 and Chapter 17.84.150.

17.56.024 CONDITIONAL USES

In the “E” Commercial District, the following are conditional uses:

A. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

B. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (ostriches, emus) are prohibited. (See also the requirements in Chapter 17.84.080.)

D. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

E. Riding arena, subject to the requirements of Chapter 17.84.080.

F. Outdoor commercial amusement enterprise.

G. Any uses permitted in "G" Commerce District.

H. Wind Energy Systems that exceed the maximum height specified in Section 17.56.050.A below and comply with the provisions of Chapter 17.84.130.A.

I. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.56.130.B.

17.56.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.56.030 HEIGHT AND AREA REGULATIONS

In the "E" Commercial District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, or "C" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed three and one-half (3 ½) stories or forty-five feet (45'), provided that the required front, side and rear setback are increased by one foot (1’) for each foot of height in excess of thirty-five feet (35’).

B. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

C. Rear Yard: There shall be a rear yard of not less than ten feet (10’) except where the "E" Commercial District abuts a residential district there shall be a rear yard of not less than twenty feet (20').

D. Side Yard: There shall be a minimum side yard of not less than five feet (5'). Where a lot abuts upon the side of a residentially-zoned lot, there shall be a side yard of not less than ten feet (10'). In a unified commercial development, interior side yards setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval.

E. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width than herein required, this Ordinance shall not prohibit its use for commercial purposes.

17.56.032 ADDITIONAL DESIGN REQUIREMENTS

A. Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

B. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

C. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be fully enclosed in accordance with the City Design Standards and Criteria.

D. Architectural Requirements: Any nonresidential building must comply with the architectural requirements in Chapter 17.84.100.

E. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

CHAPTER 17.60
"F" COMMERCIAL DISTRICT

Sections:

17.60.010 PURPOSE
17.60.020 USE REGULATIONS
17.60.022 PERMITTED USES
17.60.024 CONDITIONAL USES
17.60.026 SPECIAL EXCEPTION USES
17.60.030 HEIGHT AND AREA REGULATIONS
17.60.032 ADDITIONAL DESIGN REQUIREMENTS

17.60.010 PURPOSE

This is the least restrictive commercial zoning district normally reserved for areas that provide the greatest number and mix of retail and commercial uses. This district is reserved for areas of adequate size and location so that its broad range of high intensity land uses will not cause or create nuisances to adjoining zoning districts. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.

17.60.020 USE REGULATIONS

In the "F" Commercial District, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses Sections 17.60.022 through 17.60.026 below.

17.60.022 PERMITTED USES

The following are permitted uses in the “F” Commercial District:

A. Any use permitted in the "E" Commercial District.

B. Automobile, motorcycle, truck, and trailer sales, or rental areas. No more than two (2) vehicles may be offered for sale except by an authorized Motor Vehicle Dealer licensed or bonded by the Texas Department of Motor Vehicles. An existing business may offer up to two (2) vehicles for sale provided that the premises contain an office that is occupied during regular business hours.

C. Boat sales, service and repair.

D. Automobile laundry and steam cleaning subject to the following restrictions:

1. All automobile, laundry and steam cleaning uses shall be completely within a building having not less than two sides.

2. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than twenty-five feet (25') from "A", "B", "BR", "CR", "C", or "D" Zoning Districts.

3. The building surfaces shall be faced with masonry or other material equal in durability and appearance and in accordance with Chapter 17.84.100.

4. The building shall not be less than one hundred feet (100') from "A", "B", "BR", "CR", "C", or "D" Zoning Districts.

5. The building set back shall not be less than thirty feet (30') from the front property line.

6. Any lights used to illuminate the area shall be directed away from adjacent residential properties.

E. Mini-Warehouse.

F. Garages, public, for repairs or storage facilities for automobiles when such facilities and activities are maintained within a building, provided no painting or body or fender repairs shall be conducted on any premises. No bay door or overhead door shall face any residential district when located less than one hundred feet (100') from the residential district.

G. Farm implement sales and service.

H. Recreational vehicle storage.

I. Skating rinks, ice and roller.

J. Printing, lithographing, or duplicating shops.

K. Golf courses, including miniature golf, and driving ranges and batting cages.

L. Sexually oriented businesses meeting the location requirements specified in Chapter 17.84.070.

M. Accessory buildings and uses customarily incident to the above. No accessory use shall be construed to permit the keeping of articles or material in the open or outside the building.

N. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.60.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

O. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of 180 days only, with a renewal clause for similar period.

P. Wind Energy Systems that do not exceed the maximum height specified in Section 17.60.030 below and comply with the provisions of Chapter 17.84.130.A.

Q. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

R. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.60.024 CONDITIONAL USES

The following are conditional uses in the “F” Commercial District:

A. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

B. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (ostriches, emus) are prohibited. (See also the requirements in Chapter 17.84.080.)

D. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

E. Riding arena, subject to the requirements of Chapter 17.84.080.

F. Outdoor commercial amusement enterprise.

G. Any uses permitted in "G" Commerce District.

H. Wind Energy Systems that exceed the maximum height specified in Section 17.60.030 below and comply with the provisions of Chapter 17.84.130.A.

I. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

J. Food truck park in accordance with Chapter 17.80 and Chapter 17.84.150.

17.60.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.60.030 HEIGHT AND AREA REGULATIONS

In the "F" Commercial District, the height of the buildings, the minimum dimensions of lots and yards, the minimum floor space of buildings shall be as follows:

A. Floor Space: No limit on floor space for shops, stores, or businesses except as specified herein.

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, "C" Zoned or "D" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed the maximum height envelope described in Chapter 17.84.050.

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard of not less than ten feet (10') except where the "F" Commercial District abuts a residential district there shall be a rear yard of not less than twenty feet (20').

E. Side Yard: There shall be a minimum side yard of five feet (5'). Where a lot abuts upon the side of a residentially-zoned lot, there shall be a side yard of not less than ten feet (10'). In a unified commercial development, interior side yards setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval.

F. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line. Provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width as herein required, this Ordinance shall not prohibit its use for commercial purposes.

17.60.032 ADDITIONAL DESIGN REQUIREMENTS

A. Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

B. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

C. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be fully enclosed in accordance with the City Design Standards and Criteria.

D. Architectural Requirements: Any nonresidential building must comply with the architectural requirements in Chapter 17.84.100.

E. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

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CHAPTER 17.64
"G" COMMERCE DISTRICT

Sections:

17.64.010 PURPOSE
17.64.020 USE REGULATIONS
17.64.022 PERMITTED USES
17.64.024 CONDITIONAL USES
17.64.026 SPECIAL EXCEPTION USES
17.64.030 HEIGHT AND AREA REGULATIONS
17.64.032 ADDITIONAL DESIGN REQUIREMENTS
17.64.040 DEVELOPMENT SITE PLAN
17.64.042 REVIEW AND APPROVAL OF DEVELOPMENT SITE PLAN

17.64.010 PURPOSE

This Commerce Zoning District is intended to provide for the development of commercial uses, office parks, restricted light industry, and their related facilities. Appropriate standards for the varied uses are designed to assure compatibility with other acceptable uses. It is not the intent of these regulations to allow the construction or development of residential uses within this district and those residential uses existing at the time of the adoption of this Zoning Ordinance and its Zoning District Map may continue but shall be classified as non-conforming uses. All proposed uses shall be accompanied by a development site plan.

17.64.020 USE REGULATIONS

In the "G" Commerce District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the following uses and subject to conformance with development site plan standards specified in Sections 17.64.022 through 17.64.026 below.

17.64.022 PERMITTED USES

The following are permitted uses in the “G” Commerce District:

A. Any uses permitted in the "F" Commercial District.

B. Clothing Manufacturing.

C. Hauling and storage company.

D. Industrial cleaning plant.

E. Laboratory.

F. Laboratory manufacturing.

G. Light fabrication and assembly process, including food processing.

H. Office warehouse.

I. Parking, commercial lot or garage.

J. Schools, business or trade.

K. Warehouse and wholesaling.

L. Showroom warehouse.

M. Antennae and towers not exceeding seventy-five feet (75') in height, antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

N. Wind Energy Systems that do not exceed the maximum height specified in Chapter 17.64.030 below and comply with the provisions of Chapter 17.84.130.A.

O. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

P. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

Q. Crematories.

17.64.024 CONDITIONAL USES

The following are conditional uses in the “G” Commerce District:

A. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

B. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (ostriches, emus) are prohibited. (See also the requirements of Chapter 17.84.080.)

D. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

E. Riding arena, subject to the requirements of Chapter 17.84.080.

F. Outdoor commercial amusement enterprise.

G. Wind Energy Systems that exceed the maximum height specified in Section 17.64.030 below and comply with the provisions of Chapter 17.84.130.A.

H. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

I. Food Truck Park in accordance with Chapter 17.84.150.

17.64.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.64.030 HEIGHT AND AREA REGULATIONS

In the "G" Commerce District, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor area ratio of buildings shall be as follows:

A. Front Yard: There shall be a front yard of not less than twenty-five feet (25’). In the case of lots fronting on more than one street, front yards will be required on all fronts. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than twenty-five feet (25’), then the platted building line shall be required for the front yard.

B. Side Yard: There shall be a side yard of not less than ten feet (10'). Where a lot abuts residentially- zoned property, there shall be a side yard of not less than thirty feet (30'). In a unified commercial development, interior side yards setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval.

C. Rear Yard: There shall be a rear yard of not less than ten feet (10’) except where the "G" Commerce District abuts a residential district there shall be a rear yard of not less than twenty feet (20').

D. Lot Area Regulations: There shall be a minimum lot area of not less than thirty-five thousand square feet (35,000 sq. ft.). In addition, there shall be a minimum lot width of one hundred fifty feet (150') and lot depth of not less than two hundred feet (200').

E. Floor Area Ratio: All buildings shown on the required site plan shall have maximum lot coverage of not more than fifty percent (50%) of the site. The building(s) shall not have a floor area ratio greater than 1.5, unless specifically approved by the Planning and Zoning Commission.

F. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR"

Zoned, "CR" Zoned, "C" Zoned or "D" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed the maximum height envelope described in Chapter 17.84.050.

17.64.032 ADDITIONAL DESIGN REQUIREMENTS

Unless otherwise specifically provided in this Section, the following restrictions shall apply to this District:

A. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No light source shall exceed four-tenths (0.4) of a foot-candle when measured at the nearest property line adjacent to a residential district. No noise, odor, or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibrations emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

B. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be fully enclosed in accordance with the City Design Standards and Criteria.

C. Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

D. Architectural Requirements: Any nonresidential building must comply with the architectural requirements in Chapter 17.84.100.

E. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

F. Any manufacturing or storage use that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or screening fence a minimum of six feet (6') and a maximum of ten feet (10') in height. No exterior storage shall encroach into any required yard.

G. No loading or storage of material or products shall be permitted in the required front yard.

H. Notwithstanding the yard regulations for this district, no part of any building or accessory structure shall be located closer than one hundred feet (100') to any "A", "B", "BR", "CR", "C", or “D” residential district boundary.

17.64.040 DEVELOPMENT SITE PLAN

A development site plan shall be required for each development application. The site plan shall be submitted to the Planning Director for approval and shall contain the following information:

A. A scale drawing showing the boundary of the tract and topography with a contour interval of not less than two foot (2') intervals, and drainage information.

B. A site plan showing the location of each building and the minimum distance between buildings and between buildings and the property lines, street line and/or alley line shall be submitted. The plan shall include all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property.

C. A plan indicating the arrangement and provision of hard-surface off-street parking, off-street loading, outside storage areas, method and location of storage area screening and points of entry from adjoining thoroughfares.

D. A table showing net land area, ratio of building area and outside storage areas to net land area.

E. A table of performance standards of the characteristics of the activities to be conducted on the site, if required by the Planning Director.

F. Scale, north arrow, and names and addresses of owners and/or developers with name(s) and address(es) of those responsible for preparation of the development plan.

G. Existing and proposed fire hydrants, sign information, and provisions for external illumination and trash collection.

H. For development projects influenced by or containing major drainage ways or containing areas flood prone by definition of the City Engineer, preliminary drainage plan shall become a part of the development site plan. This requirement may be waived only by the recommendation of the City Engineer.

17.64.042 REVIEW AND APPROVAL OF DEVELOPMENT SITE PLAN

The Planning Director shall review the development site plan for conformance with applicable ordinances, regulations and codes. The Planning Director, in consultation with other City Officials, shall also review and evaluate the site plans for fire and safety concerns, traffic circulation, drainage, environmental constraints and impacts, landscaping, amenities and adequacy of buffers. If the proposed site plan conforms to applicable requirements and, in the opinion of the Planning Director, provides adequate design features to reasonably mitigate adverse effects, the Planning Director shall approve the site plan. An applicant may appeal a denial of site plan approval to the Planning and Zoning Commission for reconsideration at its next available agenda. Adjacent landowners potentially affected by the appeal shall be notified in writing of the consideration by the Commission prior to the meeting.

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CHAPTER 17.66
"HC" HIGHWAY CORRIDOR DISTRICT

Sections:

17.66.010 PURPOSE
17.66.020 USE REGULATIONS
17.66.022 PERMITTED USES
17.66.024 CONDITIONAL USES
17.66.026 SPECIAL EXCEPTION USES
17.66.030 HEIGHT AND AREA REGULATIONS
17.66.032 ADDITIONAL DESIGN REQUIREMENTS

17.66.010 PURPOSE

This commercial zoning district is reserved for areas that provide a mix of retail and office uses along major highway corridors. The purpose of this district is to promote economic development and retail activity, while promoting traffic circulation and safety, protecting adjacent residential neighborhoods, and promoting a pleasing image of the community. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.

17.66.020 USE REGULATIONS

In the "HC" Highway Corridor District, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.66.022 through 17.66.026 below.

17.66.022 PERMITTED USES

The following are permitted uses in the “HC” Highway Corridor District:

A. Any use permitted in the "F" Commercial District.

B. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.66.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

C. Wind Energy Systems that do not exceed the maximum height specified in Section 17.66.030 below and comply with the provisions of Chapter 17.84.130.A.

D. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

E. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.66.024 CONDITIONAL USES

The following are conditional uses in the “HC” Highway Corridor District:

A. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

B. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (ostriches, emus) are prohibited. (See also the requirements in Chapter 17.84.080.)

D. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

E. Riding arena, subject to the requirements of Chapter 17.84.080.

F. Outdoor commercial amusement enterprise.

G. Any uses permitted in "G" Commerce District.

H. Wind Energy Systems that exceed the maximum height specified in Section 17.66.030 below and comply with the provisions of Chapter 17.84.130.A.

I. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.C.

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J. Food Truck Park in accordance with Chapter 17.84.150.

17.66.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.66.030 HEIGHT AND AREA REGULATIONS

In the "HC" Highway Corridor District, the height of the buildings, the minimum dimensions of lots and yards, the minimum floor space of buildings shall be as follows:

A. Floor Space: No limit on floor space for shops, stores, or businesses except as specified herein.

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, "C" Zoned or "D" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed the maximum height envelope described in Chapter 17.84.050.

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25’) or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of twenty-five feet (25') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. Frontage on third streets shall be considered as second front yards. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than twenty-five feet (25'), then the platted building line shall be required on the second front yard.

D. Rear Yard: There shall be a rear yard of not less than ten feet (10’) except where the "HC" Highway Corridor District abuts a residential district there shall be a rear yard of not less than twenty feet (20').

E. Side Yard: Where a lot abuts upon the side of a residentially-zoned lot, there shall be a side yard of not less than twenty-five feet (25') otherwise a side yard of ten feet (10') shall be required. In a unified commercial development, interior side yards setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval.

F. Width of Lot: The width of a lot with highway frontage shall be a minimum of one hundred fifty feet (150') at the building line; however, the minimum separation of drive approaches shall not be less than three hundred feet (300'). Lots less than three hundred feet (300’) in width shall provide for common access with an adjacent lot. Pad sites without direct highway drive approach access, or when such access is provided as part of a larger development, shall have a minimum width of one hundred feet (100'). Provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width as herein required, this Ordinance shall not prohibit its use for commercial purposes.

17.66.032 ADDITIONAL DESIGN REQUIREMENTS

A. Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

B. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

C. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be fully enclosed in accordance with the City Design Standards and Criteria.

D. Architectural Requirements: Any nonresidential building must comply with the architectural requirements in Chapter 17.84.100.

E. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

CHAPTER 17.68
"H" INDUSTRIAL DISTRICT

Sections:

17.68.010 PURPOSE
17.68.020 USE REGULATIONS
17.68.022 PERMITTED USES
17.68.024 CONDITIONAL USES
17.68.026 SPECIAL EXCEPTION USES
17.68.030 HEIGHT AND AREA REGULATIONS
17.68.032 ADDITIONAL DESIGN REQUIREMENTS
17.68.040 DEVELOPMENT SITE PLAN
17.68.050 PERFORMANCE STANDARDS

17.68.010 PURPOSE

The purpose of this district is to regulate those uses of the land that involve the manufacturing, assembly, processing, storage and/or distribution, sale and repair of materials, goods, parts, products, equipment, machinery, and other such operations incidental to industrial uses. It is not the intent of these regulations to allow the construction or development of residential uses within this district and those residential uses existing at the time of the adoption of this Zoning Ordinance and its zoning district map may continue but shall be classified as non-conforming uses. All proposed industrial uses shall be accompanied by a development site plan. Since the intended use may cause a detrimental change to the environment or substantially affect the municipally operated utility or thoroughfare systems, detailed descriptions of performance standards are included in these district regulations and are determined to be the maximum allowable within any single or combined industrial use or district.

17.68.020 USE REGULATIONS

In the "H" Industrial District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.68.022 through 17.68.026 below.

17.68.022 PERMITTED USES

The following are permitted uses in the “H” Industrial District:

A. Any industrial and/or commercial use meeting the included development site plan requirements and performance standards.

B. Sexually oriented businesses meeting the location requirements specified in Chapter 17.84.070.

C. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.68.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent

impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

D. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres. (See also the requirements in Chapter 17.84.080.)

E. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

F. Gathering Station, Natural Gas that meets the performance standards in Chapter 17.84.120.

G. Wind Energy Systems that do not exceed the maximum height specified in Section 17.68.030 below and comply with the provisions of Chapter 17.84.130.A.

H. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

I. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.68.024 CONDITIONAL USES

The following are conditional uses in the “H” Industrial District:

A. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

B. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

C. Riding arena, subject to the requirements of Chapter 17.84.080.

D. Commercial barn or stable, in accordance with the requirements of Chapter 17.84.080.

E. Outdoor commercial amusement enterprise.

F. Sanitary landfill.

G. Amusement Arcade (Indoors), subject to the requirements of Chapter 17.84.110.

H. Wind Energy Systems that exceed the maximum height specified in Section 17.68.030 below and comply with the provisions of Chapter 17.84.130.A.

I. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

J. Food Truck Park in accordance with Chapter 17.84.150.

17.68.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.68.030 HEIGHT AND AREA REGULATIONS

In the "H" Industrial District, the height of the buildings and the minimum dimension of yards shall be as follows:

A. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, "C" Zoned or "D" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed the maximum height envelope described in Chapter 17.84.050.

B. Front Yard: There shall be a front yard of not less than thirty feet (30'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way

C. Side Yard: There shall be a side yard of not less than ten feet (10'), unless additional emergency access is required by the Fire Marshal.

D. Rear Yard: There shall be a rear yard of not less than ten feet (10’) except where the "H" Industrial District abuts a residential district there shall be a rear yard of not less than twenty feet (20').unless additional emergency access is required by the Fire Marshal.

17.68.032 ADDITIONAL DESIGN REQUIREMENTS

A. Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

B. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

17.68.040 DEVELOPMENT SITE PLAN

A development site plan shall be required for each building permit application, shall be submitted to the Planning Director for approval and shall contain the following information:

A. A scale drawing showing the boundary of the tract and topography with a contour interval of not less than two foot (2') intervals, and drainage information.

B. The location of each building and the minimum distance between buildings and between buildings and the property lines, street line and/or alley line shall be submitted. The plan shall include all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property.

C. A plan indicating the arrangement and provision of off-street parking, off-street loading, outside storage areas, method and location of storage area screening and points of entry from adjoining thoroughfares.

D. A table showing net land area, ratio of building area and outside storage areas to net land area.

E. A table of performance standards of the characteristics of the industrial activities to be conducted on the site, if required by the Planning Director.

F. Scale, north arrow, and names and addresses of owners and/or developers with name(s) and address(es) of those responsible for preparation of the development plan.

G. For development projects influenced by or containing major drainage ways or containing areas flood prone by definition of the City Engineer, preliminary drainage plan shall become a part of the development site plan. This requirement may be waived only by the recommendation of the City Engineer.

H. Existing and proposed fire hydrants, sign information, and provisions for external illumination and trash collection.

The Planning Director shall review the development site plan for conformance with applicable ordinances, regulations and codes. The Planning Director, in consultation with other City Officials, shall also review and evaluate the site plans for fire and safety concerns, traffic circulation, drainage, environmental constraints and impacts, landscaping, amenities and adequacy of buffers. If the proposed site plan conforms to applicable requirements and, in the opinion of the Planning Director, provides adequate design features to reasonably mitigate adverse effects, the Planning Director shall approve the site plan. An applicant may appeal a denial of site plan approval to the Planning and Zoning Commission for reconsideration at its next available agenda. Adjacent landowners potentially affected by the appeal shall be notified in writing of the consideration by the Commission prior to the meeting.

17.68.050 PERFORMANCE STANDARDS

The following are maximum accepted levels of noise, vibration, smoke, particulate matter and toxic and noxious matter allowable for industrial uses. If the proposed use results in the discharge of sanitary sewage effluent containing industrial wastes or other effluent into the Benbrook Water and Sewer Authority's sanitary sewage system, a characterization of the effluent and a description of proposed methods of pretreatment (if any) must accompany the development site plan.

The performance standards report may be waived by the Planning Director if the proposed use is considered not to produce the listed effects.

A. Noise: The day-night average sound level at the property line shall not exceed seventy-five decibels (75 db(A)), unless the property line adjoins property zoned for residential uses where the maximum day-night average sound level shall not exceed sixty-five decibels (65 db(A)). The day-night average sound level (Ldn) is the twenty-four (24) hour average sound level, in decibels, obtained after addition of ten decibels (10 db(A)) to sound levels in the night from 10:00 p.m. to 7:00 a.m.

B. Vibration: The sound pressure level or impact level of any operation or plant shall not exceed the decibel limits for the octave bands designated in Column I below as measured at the point which has the highest reading on the property line of the source property. If the point of measurement is located on a property line which is also the boundary line of a residential district, the limits set forth in Column II shall apply.

Frequency (Cycles per Second)	Column I Displacement (inches)	Column II* Displacement (inches)
0 to 10	.0022	.0008
11 to 20	.0016	.0005
21 to 30	.0010	.0002
31 and over	.0005	.0001

*Steady State -- Vibrations, for the purpose of this Chapter, which are continuous or, if in discrete pulses, are more frequent than sixty (60) per minute. Impact vibrations, i.e. discrete pulses that do not exceed sixty (60) pulses per minute, shall not cause in excess of twice the displacement stipulated.

C. Smoke, Particulate Matter and Visible Emissions: Smoke or visible emissions emitted from any vent, stack, chimney, skylight, or window shall exceed an opacity of twenty percent (20%) averaged over a five (5) minute period. Any emission of air pollutant must be in accordance with the requirements of the State of Texas. Emissions shall not exceed any of the following net ground level concentrations:

1. One hundred micrograms (100 µgm) per cubic meter of air sampled, averaged over any five (5) consecutive hours.

2. Two hundred micrograms (200 µgm) per cubic meter of air sampled, averaged over any three (3) consecutive hours.

3. Four hundred micrograms (400 µgm) per cubic meter of air sampled, averaged over any one (1) hour.

D. Toxic and Noxious Matter: The handling, processing, storage and disposal of hazardous, toxic, or noxious materials within this District shall be in accordance with applicable State and Federal laws and regulations. In addition, the Planning and Zoning Commission may establish additional performance standards, including setbacks, berms, and buffers, for the siting of facilities which handle, treat, store, or dispose of potentially hazardous or dangerous materials.

Additional Standards: The Planning and Zoning Commission may establish additional performance standards to protect neighboring areas and land uses from potential industrial hazards and nuisances.

CHAPTER 17.72
"MH" MANUFACTURED HOME DISTRICT

Sections:

17.72.010 PURPOSE
17.72.020 USE REGULATIONS
17.72.022 PERMITTED USES
17.72.024 CONDITIONAL USES
17.72.026 SPECIAL EXCEPTION USES
17.72.028 PROHIBITED USES
17.72.030 HEIGHT AND AREA REGULATIONS
17.72.032 ADDITIONAL DESIGN REQUIREMENTS
17.72.040 SITE PLAN REQUIREMENTS

17.72.010 PURPOSE

This zoning classification is established to provide adequate space and restrictions for the placement of manufactured homes in the City of Benbrook, where adequate streets and other community facilities are available for present and future needs. This district is designed to protect residential areas from pollution, environmental hazards and other objectionable influences, and to provide for adequate vehicular and pedestrian circulation. The "MH" District is established to provide housing densities compatible with existing and proposed neighborhoods and to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to preserve the value of the land and buildings; and to protect the City's tax base.

17.72.020 USE REGULATIONS

In the "MH" Manufactured Home District, no building or land shall be used and no buildings shall be hereafter erected or placed, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.72.022 through 17.72.026 elow.

17.72.022 PERMITTED USES

The following are permitted uses in the “MH” Manufactured Home District:

A. Manufactured Home.

B. One-family dwellings.

C. Accessory buildings, accessory storage buildings, private garages, and greenhouses less than one hundred twenty square feet (120 sq. ft.) when located behind front setback, a minimum of five feet (5') from other property lines and not on any easement. Accessory buildings and structures greater than one hundred twenty square feet (120 sq. ft.) when located in accordance with the setbacks of the zoning district.

D. Hobbies or crafts, as an accessory use.

E. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary

buildings for a period of six (6) months only, with a renewal clause for similar periods.

F. Antennae and towers not exceeding the maximum height allowed in the District (Section 17.72.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding one meter (1 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

G. Garages sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

H. Home occupations in accordance with Chapter 17.84.160.

I. Real estate sales office for property located within the subdivision in which it is located. Sales offices shall require payment of an annual permit fee, to be established by the City Council. Use of a sales office shall cease within thirty (30) days of the sale of the last parcel within the subdivision. Field offices for the sale or rental of real estate shall be removed upon request of the Building Inspector. Sales offices shall not be used for the sale of property outside of the subdivision in which it is located.

J. Wind Energy Systems that do not exceed the maximum height specified in Section 17.72.030 below and comply with the provisions of Chapter 17.84.130.A.

K. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

L. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.72.024 CONDITIONAL USES

The following are conditional uses in the “MH” Manufactured Home District:

A. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.

B. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals

shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres. (See also the requirements in Chapter 17.84.080.)

C. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

D. Uses customarily incident to any of the above uses when situated in the same dwelling and not involving the conduct of a business or industry, except home occupations as heretofore defined, such as the office of a physician, surgeon, dentist, or art gallery.

E. Any typically permitted secondary or accessory uses allowed in the District in the absence of the principal use if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Planning Director determines that replatting the principal and secondary lots into a single lot is not possible or desirable.

F. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

G. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety (90) days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

H. Wind Energy Systems that exceed the maximum height specified in Section 17.72.030 below and comply with the provisions of Chapter 17.84.130.A.

I. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.72.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.72.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.72.030 HEIGHT AND AREA REGULATIONS

In the "MH" Manufactured Home District, the following requirements shall apply:

A. All manufactured homes must be affixed to a permanent foundation and be connected to all required utilities.

B. Only one (1) residential structure may be placed upon an approved lot.

C. Floor Space: The main residence shall contain a minimum of one thousand two hundred square feet (1,200 sq. ft.) of livable floor space, exclusive of garage, porches and breezeways, and incidental storage areas.

D. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35').

E. Front Yard: There shall be a front yard of not less than twenty-five (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

F. Rear Yard: There shall be a rear yard having a depth of not less than fifteen feet (15').

G. Side Yard: Corner lots having a minimum side yard of five feet (5') on side yards adjacent to interior lots.

Interior lots shall have minimum side yard dimensions of five feet (5') with a combined total of not less than fifteen feet (15').

H. Width of Lot: The width of a lot shall be a minimum of sixty feet (60') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width than herein required, this Ordinance shall not prohibit the erection of a one-family dwelling.

I. Lot Area: The minimum area of a lot shall be seven thousand square feet (7,000 sq. ft.), providing that where a lot has less than herein required and was of record and in separate ownership at the time of passage of this Ordinance, this Ordinance shall not prohibit the erection of a one-family dwelling.

J. Maximum Lot Coverage: The maximum portion of the lot area that may be covered by the main building and all accessory buildings shall not exceed forty-five percent (45%).

17.72.032 ADDITIONAL DESIGN REQUIREMENTS

A. Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

1. Exterior Materials:

The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (excluding the area for actual doors or windows) in accordance with the definition of Masonry Construction. Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious

exceptions in accordance with Chapter 17.84.100.D.

2. Roof Pitch:

a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

B. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

C. Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

17.72.040 SITE PLAN REQUIREMENTS

A site plan must be submitted to the Planning and Zoning Commission prior to the approval of any proposed development within the "MH" Manufactured Home District. The site plan shall include, but not be limited to the location and height of all structures, landscaping, fencing, setbacks, design of ingress and egress, off-street parking and loading facilities, height of all structures, proposed uses, and location and types of all signs in addition to the following:

A. Scale drawing with north arrow, all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property, the names, address(es) and phone numbers of the property owner, the applicant and the person preparing the site plan.

B. Total land area, total building area and building to land ratio, the total floor area per dwelling unit, drainage information, existing and/or proposed fire hydrants, and provisions for external illumination and trash collection.

The Planning and Zoning Commission may require suitable screening and buffering devices and areas if necessary to preserve the existing and future character and value of adjoining property.

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CHAPTER 17.74
"MU" MIXED USE DISTRICT

Sections:

17.74.010	**PURPOSE**
17.74.020	**USE REGULATIONS**
17.74.022	**PERMITTED USES**
17.74.024	**CONDITIONAL USES**
17.74.026	**SPECIAL EXCEPTION USES**
17.74.030	**HEIGHT, AREA AND PERFORMANCE REGULATIONS**
17.74.032	**ADDITIONAL DESIGN REQUIREMENTS**
17.74.034	**DESIGN SPECIFICATIONS APPLICABLE TO SPECIFIC USES WITHIN THE DISTRICT**
17.74.040	**DEVELOPMENT SITE PLAN**

17.74.010 PURPOSE

The purpose of this district is to provide areas with a combination of residential, commercial, office, and institutional uses commingled in a pedestrian-friendly environment.

17.74.020 USE REGULATIONS

In the "MU" Mixed Use District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.74.022 through 17.74.026 below.

17.74.022 PERMITTED USES

The following are permitted uses in the "MU" Mixed Use District:

A. Any uses allowed in the "BR", "C", "D", "E", or "F" Zoning Districts. Drive-through commercial uses are prohibited, unless specifically approved as part of the Development Site Plan. Outdoor storage, display or sale of merchandise shall be prohibited, unless specifically approved as part of the Development Site Plan.

B. Wind Energy Systems that do not exceed the maximum height specified in Section 17.74.030 below and comply with the provisions of Chapter 17.84.130.A.

C. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

D. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.74.024 CONDITIONAL USES

The following are conditional uses in the "MU" Mixed Use District:

A. Any uses allowed in the "G" District.

B. Utility facilities.

C. Artists’ studios, if located within a building housing residential uses.

D. Wind Energy Systems that exceed the maximum height specified in Section 17.74.030 below and comply with the provisions of Chapter 17.84.130.A.

E. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

F. Food Truck Park in accordance with Chapter 17.84.150.

17.74.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.74.030 HEIGHT, AREA AND PERFORMANCE REGULATIONS

In the "MU" Mixed Use District, the height of the buildings and the minimum dimension of yards shall be as follows:

A. Height: No building hereafter erected, reconstructed, altered, or enlarged shall be less than two (2) stories. No building shall exceed three (3) stories, nor shall it exceed forty-five feet (45’) within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, or "C" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed the maximum height envelope described in in Chapter 17.84.050.

B. Front Yard: There shall be a front yard of not more than ten feet (10'). Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

C. Rear Yard: There shall be a rear yard of not less than five feet (5'), unless additional emergency access is required by the Fire Marshal.

D. The City encourages two (2) to three (3) story buildings in the “MU” Mixed Use District, with second and third stories used for retail, work space, or living areas. Developments that provide only off-street parking shall have a minimum floor area ratio of 1.5, while developments that utilize approved on-street parking shall have a minimum Floor Area Ratio of 2.0. Plazas and pedestrian areas shall count as floor area for the purpose of meeting the minimum floor area ratio.

E. Blocks shall strive to have a minimum residential use of twenty percent (20%) or more of gross floor area and minimum retail, office, eating uses of ten percent (10%) or more of the building gross floor area.

F. Normal business activities shall not create a sound level at the adjacent property line that exceeds sixty-five decibels (65 dB(A)) from 7:00 AM to 10:00 PM and fifty-five decibels (55 dB(A)) from 10:00 p.m. to 7:00 a.m..

17.74.032 ADDITIONAL DESIGN REQUIREMENTS

A. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

B. Parking lot and interior landscaping shall be provided in accordance with Chapter 17.88 of this Ordinance. A “D” Bufferyard shall be provided where the “MU” Mixed Use District abuts a residential district zoned “A”, “B”, or “BR” District. All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of canopy trees in Table 17.98.080.

1. Location for Street Trees: Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than eight feet (8’) wide and designed to accept trees in tree wells. Street trees shall include irrigation, root barriers, and generally conform to the standard established by the City of Benbrook.

2. Spacing, Placement, and Pruning of Street Trees: All tree spacing may be made subject to special site conditions, which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the review and approval of the Planning Director. The placement, spacing, and pruning of street trees shall be as follows:

a. Street trees shall be placed at the rate of one (1) tree for every thirty feet (30’) of street frontage; however they shall not unduly compromise visibility triangles at intersections and non-residential driveways.

b. Trees shall not be planted closer than twenty-five feet (25’) from the curb line of intersections of streets or alleys, and not closer than ten feet (10’) from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

c. Street trees shall not be planted closer than twenty feet (20’) to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet (10’) to any existing street tree, and preferably such locations will be at least twenty feet (20’) distant.

d. Trees shall not be planted closer than six feet (6 ft.) from the face of the curb except at intersections where it shall be five feet (5’) from the curb, in a curb return area.

e. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

f. Trees shall not be planted within 4 feet (4 ft.) of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least sixty-four square inches (64 sq. in.); however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.

g. Trees, as they grow, shall be pruned to provide at least eight feet (8’) of clearance above sidewalks and fifteen feet (15’) above street roadway surfaces. Responsibility for pruning will fall on

the person responsible for maintenance of the land on which the tree is planted.

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Planning Director.

3. Replacement of Street Trees: Existing street trees removed by development projects shall be replaced by the developer with those from the Recommended Plants in Table 17.98.080. The placement trees shall be of size and species similar to the trees that are approved by the Planning Director.

C. Designated Creek Protection and Environmental Buffer Areas:

1. Designated stream protection areas shall be considered positive design elements and incorporated in the overall design of a given project.

2. When a creek area is disturbed or without vegetation, native riparian plant materials shall be planted in and adjacent to the creek to enhance the creek habitat.

3. 100-year floodplains shall be preserved to the extent practical.

D. Access, Parking and Circulation Standards:

1. Head-in on-street parking may be provided on most streets that are not designated as collectors or thoroughfares on the City’s Thoroughfare Plan.

2. Parking shall be provided for proposed uses in accordance with Chapter 17.88 of this Ordinance, except that the overall requirement may be reduced by twenty percent (25%) for mixed use buildings. Adjacent on-street parking may be counted toward the overall total. Required parking may be located offsite if within five hundred feet (500’) of the proposed use.

3. Pedestrian access: All non-residential buildings shall provide pedestrian access from the street to the building frontage in at least one (1) location. Such pedestrian access shall minimize conflicts with automobiles by such means as sidewalks.

E. Drive-up Uses:

1. Drive-up uses are prohibited in the “MU” Mixed Use District, unless specifically approved on the Development Site Plan.

F. Light and Glare Performance Standards:

1. Lights shall be fully shielded to minimize light trespass on residential zones. “Fully Shielded” means a technique or method of construction or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. Any structural part of the light fixture providing this shielding shall be

permanently affixed to the light fixture.

G. Building and Screening Standards:

1. Buildings shall incorporate arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.

2. At least sixty percent (60%) of the frontage on a Street shall have buildings within ten feet (10’) of the front property line.

3. The first floor of each building should provide retail, restaurant or service uses where practical.

4. Parking lots shall not be located between the structure and street.

5. Buildings shall be setback not more than twenty feet (20’) from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas.

6. Other Screening: Other screening and buffering shall be provided as follows:

a. Refuse Container Screen. Refuse containers or disposal areas shall be screened from view from any public right of way by placement of a masonry wall from six to eight feet (6’-8’) in height in compliance with the City Design Standards and Criteria. All refuse materials shall be contained within the refuse area.

b. Service Corridor and Loading Dock Screen. When adjacent to residential uses, commercial and industrial service corridors and loading docks shall be screened. Location and design of such service areas shall reduce the adverse effects of noise, odor and visual clutter upon adjacent residential uses.

17.74.034 DESIGN SPECIFICATIONS APPLICABLE TO SPECIFIC USES WITHIN THE DISTRICT

A. Design Standards for Single-Family (attached and detached) Residential Areas:

1. Buildings shall utilize at least two of the following design features to provide visual relief along the front of the residence:

a. Dormers,

b. Gables,

c. Recessed entries,

d. Cupolas,

e. Pillars or posts, or

f. Bay window (min. 24" projection)

2. The garage frontage shall not occupy more than forty percent (40%) of

the total building frontage.

3. Garages shall be recessed from the front of the structure by at least ten feet (10’).

4. No more than five (5) adjacent detached single family homes or contiguous groups of attached single family homes may be of the same design and floor plan.

5. Walls, which face a street other than an alley, must contain at least twenty percent (20%) of the wall space in windows or doors.

6. Primary entries shall be accessed directly from the public street and sidewalk.

7. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.

8. Flat roofs are permitted only when accompanied by a parapet.

9. Exterior finishes shall be primarily masonry, stone, horizontal wood, HardyPlank or other high quality wood substitute.

10. Each attached or detached unit must be built on a lot that is one hundred fifty percent (150%) of the footprint of the unit constructed on the lot.

B. Design Standards for Multi-Family Residential Areas:

1. Orientation requirements for developments:

a. At least sixty percent (60%) of the building face shall be within twenty feet (20’) of the front lot line.

b. Buildings which are located within forty feet (40’) of a front yard property line or twenty feet (20’) of any yard adjacent to a street shall have at least twenty-five percent (25%) of the wall facing the street in window or door areas.

c. Parking areas shall not be located between buildings and the street.

d. Buildings shall be directly accessed from the street and the sidewalk.

e. Buildings shall provide a porch or balcony at the street entrance.

f. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor are permitted between the building and the street, and must be screened in an opaque manner such as masonry or vegetative screening.

2. Block Size: A project may not contain a block of greater than three (3) acres. Projects larger than three (3) acres shall develop a public or private street system that creates blocks of three (3) acres or less.

3. Private Streets shall be required to contain sidewalks and street trees, and meet all other public street standards.

4. Streetscape:

   a. Street trees are required for private internal streets as well as public streets.

   b. Front yard landscaping shall contain a mixture of ground cover, shrubs, and trees. Pine straw, bark chips, granite chips, gravel and other similar ground cover may not be a major component of the mature landscaping.

   c. Sidewalks shall be placed along all street frontages and in the interior where appropriate for pedestrian circulation.

5. Open Space:

   a. An area equal to at least eight percent (8%) of the lot area shall be dedicated to open space for recreation for use by the tenants of the development in Multi-family zones for all projects with greater than twenty (20) dwelling units per acre.

   b. Areas covered by shrubs, pine straw, bark mulch and other ground covers which do not provide a suitable surface for human use may not be counted toward this requirement.

   c. Decks, patios, rooftop terraces and similar areas are eligible for open space criteria. Play areas for children are required for projects of greater than twenty (20) units that are not designed as age limited or student housing.

6. Exterior finishes shall be primarily masonry, stone, horizontal wood, HardyPlank or other high quality wood substitute.

7. Special Standards for Large Scale Multi-Family Developments (greater than thirty (30) units):

   a. The same exterior design may not be used for more than thirty (30) units in a project. A variety of compatible exterior materials use and type, building styles, massing, composition, and prominent architectural features, such as door and window openings, porches, rooflines, should be used.

C. Development Standards for Commercial Uses:

1. Orientation and Scale:

   a. Buildings shall have their primary orientation toward the street rather than the parking area. Public sidewalks shall be provided adjacent to a public street along the street frontage.

   b. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor are permitted between the building and the street, and must be screened in an

opaque manner such as masonry or vegetative screening. Gasoline pumps must be screened from the street by an “E” Bufferyard (berm or hedge), as specified in Chapter 17.98 of this Ordinance. Off-street loading areas shall be located at the rear or side of a building and shall be hidden from the street.

c. Buildings that are open to the public and are within thirty feet (30’) of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be open to the public during all business hours.

d. Building frontages greater than one hundred feet (100’) in length shall have offsets, jogs, or other distinctive changes in the building façade.

e. Any wall which is within thirty feet (30’) of the street, plaza or other public open space shall contain at least forty percent (40%) of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas. Blank walls within thirty feet (30’) of the street are prohibited. Up to forty percent (40%) of the length of the building perimeter can be exempted from this standard if oriented toward loading or service area.

f. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.

g. At least sixty percent (60%) of the frontage on a designated Main Street or within the Town and Village Centers and forty percent (40%) of the frontage on a Boulevard shall have buildings within ten feet (10’) of the front property line.

h. Prominent horizontal lines at levels similar to surrounding buildings shall be maintained along the street-facing side of the building.

2. Streetscape:

a. Hardscape (paving material), such as concrete, unit masonry, scored and colored concrete, Grasscrete®, or combinations of the above, shall be utilized to designate “people” areas.

3. Parking and On-site Circulation:

a. Parking areas shall be located behind buildings or on one or both sides.

b. Protected, raised walkways shall be installed through parking areas of fifty (50) or more spaces or more than one hundred feet (100’) in average width or depth.

c. Parking lots with fifty (50) spaces or more shall be divided into separate areas landscaped areas or walkways at least ten feet (10’) in width, or by a building or group of buildings.

d. Developments provide a pedestrian circulation plan for each block. Pedestrian walkways shall be directly linked to entrances and the internal circulation of the building.

e. Connections shall be made when feasible to any streets adjacent to the property and to any pedestrian facilities that connect with the property unless pedestrian and/or traffic hazards prohibit such connections.

4. Lighting:

Lighting shall include adequate lights so that pedestrian areas are illuminated with at least one half-foot candle (1/2 FC)of illumination. Light may not directly illuminate property beyond the development, except for the public right of way.

5. Building Materials:

a. Buildings in a commercial use area shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast stone, smooth stucco or a combination of those materials. Buildings may not be clad in plain concrete block or plain concrete walls if visible from the front or side yard adjacent to a street. Brick Masonry shall occupy at least fifty percent (50%) allowing portions of a building to be designed in decorative or split face concrete block or stucco, or high quality wood for up to fifty percent (50%) of the portion of the structure visible from a public street.

b. Metal siding shall not occupy more than fifteen percent (15%) of a building’s frontage for “C” Multiple-Family Districts and must be finished with enamel or anodizing.

c. For every eighty feet (80’) of building wall there shall be a change in relief, such as columns, cornices, bases, fenestration, and fluted masonry for at least fifteen percent (15%) of the exterior wall area.

d. Glass shall not be relied upon for structural integrity, and therefore, buildings may not incorporate glass for more than fifty percent (50%) of the building skin.

6. Signs:

Signs shall be regulated in accordance with Chapter 17.92 of this Ordinance, with the exception that projecting and/or suspended signs may be allowed if approved as part of the Development Site Plan.

7. Public spaces:

One square foot (1 sq. ft.) of plaza or public space shall be provided for every ten square feet (10 sq. ft.) of gross floor area used for nonresidential use. Plazas shall incorporate sitting space, sunlight and shade, and trees. Outdoor eating areas, public art and water features are encouraged.

17.74.040 DEVELOPMENT SITE PLAN

A. A development site plan shall be required for each block or group of blocks, shall be submitted to the Planning and Zoning Commission for approval, following a public hearing, and shall contain the following information:

1. Project name.

2. Vicinity map.

3. Scale.

4. North arrow.

5. Date.

6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks, and bikeways.

7. Lot layout with dimensions for all lot lines.

8. Zoning designations adjacent to the proposed development.

9. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.

10. Infrastructure:

    a. Water lines and appurtenances (valves, fire hydrants, etc.).

    b. Sewers, manholes and cleanouts.

11. The proposed:

    a. Connection to the Benbrook Water Authority water and sewer system,

    b. Method of drainage of the site, and

    c. Method of erosion and sedimentation control.

12. Location of drainage ways, environmental buffer zones, or public utility easements in and adjacent to the proposed development.

13. Locations, sizes and uses of contemplated and existing public areas within the proposed development.

14. A topographic map of the site at a contour interval of two feet (2’) or less.

15. Location of all parking areas and all parking spaces, ingress and egress on the site, and onsite circulation.

16. Use designations for all areas not covered by buildings, parking, or landscaping.

17. Locations of all significant landscape features including, but not limited to, any existing healthy trees greater than six inches (6”) dbh, generally forested areas, creeks, wetlands, 100-year floodplains, or existing ponds. Indicate any planned modifications to a natural feature.
18. A landscape plan showing in detail the location, type, and size of the proposed landscaping and plantings, in accordance with Chapter 17.98 of this Ordinance.

19. The elevations, surface area in square feet, illumination type, height, construction material and style, and locations of all proposed signs for the development.

20. Architectural elevations for all buildings proposed on the property. Such plans shall indicate the material, color, texture, windows, doors, and other design features of the building, including all visible mechanical equipment, such as for heating and cooling. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet (1” = 10’) or greater. In the case of subdivisions which contain attached units or lots of less than ten thousand square feet (10,000 sq. ft.), plans for homes which may be built on lots may be submitted without specifying which lot the unit is to be located on, however, building envelopes on the lot must be sufficient to accommodate the units planned for the lot.

21. A written summary showing the following:

    a. The total area contained in the area proposed to be developed.

    b. The total number of parking spaces.

    c. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g. 10 one-bedroom units, 25 two-bedroom units, etc.).

    d. Total area and percentage of lot coverage by:

        i. Structures.

        ii. Streets, roads, and alleys.

        iii. Sidewalks.

        iv. Recreation areas.

        v. Landscaping.

        vi. Tree canopy at maturity of the trees.

        vii. Parking areas (and number of spaces).

B. Traffic Impact Analysis Required:

1. A Traffic Impact Analysis (TIA) shall be required for any proposed site development that can be reasonably expected to generate more than one thousand (1,000) vehicle trip ends during a single day and/or more than one hundred (100) vehicle trip ends during a single hour. Determination of the applicability of this requirement shall be made by the Planning Director or City Engineer using the latest edition of Trip Generation published by the Institute of Transportation Engineers.

2. The Traffic Impact Analysis (TIA) shall address at least the following areas:

a. All proposed site access points.

b. All intersections bordering or adjacent to the site frontage including the closest intersecting collector or arterial street.

c. Any road segment or intersection where the proposed development can be expected to generate more than twenty-five (25) additional vehicle trips during a single hour.

d. Any road segment or intersection where the additional traffic volumes created by the proposed development is greater than ten percent (10%) of the current traffic volume (for road segments) or the current entering volume (for intersections).

3. The analysis shall include the following study time frames: existing conditions, full site build-out conditions, and a five-year (5 yr.) forecast.

4. The TIA Report shall conform to the requirements of the Subdivision Ordinance.

C. Storm Water Management Impact Analysis:

A Preliminary Drainage Plan shall be prepared in accordance with the requirements in Section 16.20.005 of the Subdivision Ordinance

CHAPTER 17.75
"FBC" FORM BASED CODE DISTRICT

Sections:

17.75.010 PURPOSE
17.75.020 USE REGULATIONS
17.75.022 PERMITTED USES
17.75.024 PERMITTED ACCESSORY USES
17.75.026 PERMITTED USES WITH SPECIFIC DESIGN STANDARDS
17.75.028 PROHIBITED USES
17.75.030 NON-CONFORMING USES, BUILDINGS AND SIGNS
17.75.040 BUILDING FORM AND DEVELOPMENT STANDARDS
17.75.045 DISTRICT DESIGN STANDARDS
A. BUILDING DESIGN STANDARDS
B. STREETSCAPE STANDARDS
C. SIGN STANDARDS
D. CIVIC AND OPEN SPACE STANDARDS
E. NEIGHBORHOOD TRANSITION STANDARDS
17.75.047 DESIGN STANDARDS FOR SPECIFIC PERMITTED USES
17.75.050 DEVELOPMENT REVIEW PROCESS
Table 17.75.050-A FBC District Applicability Matrix
Table 17.75.050-B Minor Modifications Allowed

17.75.010 PURPOSE

The purpose of the Form-Based Code (FBC) District is to support economic development and reinvestment along aging commercial corridors. The FBC District is designed to implement pedestrian-oriented development with convenient access to the residential neighborhood areas as well as provide opportunities for a variety of uses - shopping, employment, housing, and neighborhood retail.

The corresponding standards enable a sustainable tax base, and further job creation by establishing predictable private redevelopment. Graphic standards are also provided to guide the design, location, and height of building elements. Such standards promote flexibility in land use, walkable mixed-use development, transitions to existing neighborhoods, and transportation choice. The predictability of the redeveloped area will support and leverage investment in and around existing commercial corridors within the City of Benbrook.

The FBC District is intended to promote redevelopment along any commercial corridor in the City. Any redevelopment project rezoned to FBC District will require an approved Regulating Plan and Design Standards. The Regulating Plan should be carefully crafted to precisely layout the total redevelopment of the site. Once approved through the discretionary approval process, the Regulating Plan will dictate the development as it occurs in phases. Further discretionary approval will not be necessary if development proceeds according to the approved Regulating Plan and Design Standards.

The FBD District is intended to be a zoning tool that is both flexible and fixed. A mixture of uses are permitted within the development and within the buildings. Once a building is constructed, a change of occupancy requires only administrative approval through the Building Official. All structures (buildings, parking lots or structures and large civic spaces) must be built according to the Regulating Plan and Design Standards in order to avoid further discretionary approvals.

The FBC District emphasizes the form of the building as well as pedestrian spaces along the street and within civic spaces. Therefore, only general land use categories have been identified. Uses not listed in the following section, but are substantially similar, may be permitted upon approval of the Planning Director or designee, subject to appeal to the Planning and Zoning Commission.

17.75.020 USE REGULATIONS

The FBC District emphasizes the form of the building as well as pedestrian spaces along the street and within civic spaces. Therefore, only general land use categories have been identified. Uses not listed in the following section, but are substantially similar, may be permitted upon approval of the Planning Director or designee, subject to appeal to the Planning and Zoning Commission.

17.75.022 PERMITTED USES

A. Residential Uses

1. Hotels and motels.
2. Live-work units.
3. Multi-family residential on the upper floors.
4. Single-family residential attached dwelling units as follows:
    a. Three (3) units or more if in the Naval Air Station Overlay Zone; and
    b. As a transition to existing single-family development.

B. Recreation and Entertainment Uses

1. Amusement or theme park establishment (indoor) including, but not limited to, bowling alleys, bingo parlors, games arcades in accordance with Chapter 17.84.110.
2. Art galleries and artist studios in compliance with the performance standards specified in Chapter 17.68.050 of the Zoning Ordinance.
3. Theater, cinema, dance, or music establishment.

C. Educational, Institutional, and Special Community Facility Uses

1. Business associations and professional membership organizations.
2. Child day care and preschools.
3. Hospitals and nursing establishments.
4. Museums and other special purpose recreational institutions.
5. Public administration uses (including local, state, and federal government uses, public safety, health, and human services).
6. Religious institutions
7. Schools, libraries, and community halls.
8. Technical, trade, and specialty schools.
9. Social and fraternal organizations.
10. Social services and philanthropic organizations.
11. Universities and Colleges.

D. Commercial, Retail, and Service Uses

1. Antique, furniture, or electronics studio (retail, repair, or fabrication; excludes auto electronics sales or service) in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.

2. Commercial parking lot and garage.
3. Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive-through facility.
4. Food Service Uses such as full-service restaurants, cafeterias, bakeries, and snack bars with no drive through facilities. Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation.
5. Funeral homes (excluding crematories).
6. Health and physical fitness centers.
7. Offices for business, professional, administrative, health, and technical services such as such as accountants, architects, lawyers, doctors, etc.
8. Pet and Animal sales or service (not veterinary clinic).
9. Retail Sales or Service (personal service uses) with no drive-through facility. Excluded from this category are retail sales and service establishments geared towards the automobile.

E. Industrial, Manufacturing, Warehousing, and Utility Uses

The following uses are permitted in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.

1. Information services and data processing.
2. Motion picture and sound recording.
3. Publishing (newspaper, books, periodicals, software).
4. Research laboratory headquarters, laboratories and associated facilities.
5. Telecommunications and broadcasting (radio, TV, cable, wireless communications, including stealth telecommunications towers, telephone).

F. Other Uses

1. Parks, greens, plazas, squares, and playgrounds.
2. Parking:
   a. Surface parking as an accessory use of property.
   b. Parking structure in accordance with Section 17.75.047 below.
3. Private garage (attached or detached) in Transition Zone.
4. Special Event subject to approval of a Special Events permit.
5. Vendors:
   a. Individual kiosk and/or food truck in accordance with Chapter 17.56.022.K of the Zoning Ordinance.
   b. Food trucks in accordance with Chapter 17.84.150 of the Zoning Ordinance, if more than one (1) food truck per property.

17.75.024 PERMITTED ACCESSORY USES

A. Residential Uses

1. Home occupations in accordance with Chapter 17.84.160 of the Zoning Ordinance.
2. Subsidiary dwelling as defined in the Zoning Ordinance.

B. Commercial, Retail, and Service Uses

1. Auto-related Sales or Service establishments in accordance with Section 17.75.045 below.

C. Other Uses

1. Temporary Season Outdoor Sales Operations in accordance with Chapter 17.56.020.K of the Zoning Ordinance

17.75.026 PERMITTED USES WITH SPECIFIC DESIGN STANDARDS

The following uses are only permitted with the specified design criteria for each use in accordance with Section 17.75.045 below.

A. Residential Uses

1. Live-work units on the ground floor.
2. Residential dwelling units on the ground floor.

B. Commercial, Retail, and Service Uses

1. Any permitted use with a drive-through facility.
2. Auto-related uses such as gas stations and/or auto service and repair.
3. Veterinary Clinic with indoor kennels only.

C. Industrial, Manufacturing, Warehousing, and Utility Uses

1. Cottage manufacturing uses in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.

D. Other Uses

1. Antennas including cell, accessory, and those mounted on top of buildings in compliance with Chapter 17.84.100.A.3 of the Zoning Ordinance and subject to standards in this Section 17.75.026.C.5 below.
2. Community Garden.
3. Parking structures.
4. Surface parking (when it is the primary use of the property).

17.75.28 PROHIBITED USES

“Prohibited Uses” include any use specifically listed below or a use that is similar to a use listed below.

A. Residential Uses

1. Single-family residential.
2. Single-family residential attached dwelling unit fronting onto an Arterial

Street.

3. Single-family residential attached dwelling units (less than three (3) units per building) in the “NAS” Naval Air Station Overlay District.

B. Commercial, Retail, and Service Uses

1. Amusement or theme park establishment (outdoor) including miniature golf and go-kart tracks.
2. Automotive repair garages
3. Sexually-oriented business.
4. Veterinary Clinic with outdoor kennels

C. Industrial, Manufacturing, Warehousing, and Utility Uses

The following uses are permitted in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.

1. Food and textile product manufacturing.
2. Machinery, electronics, and transportation equipment manufacturing.
3. Transportation services (air, rail, road, truck, and freight).
4. Telecommunications tower.
5. Wholesale trade establishment.
6. Warehouse and storage services.
7. Wood, paper, and printing products manufacturing.

17.75.030 NON-CONFORMING USES, BUILDINGS AND SIGNS

A. Non-Conforming Building and Use

Regardless of transfer of ownership, existing non-conforming buildings with a non-conforming use that do not conform to the provisions of this FBC District may continue as they are until:

1. The building is reconstructed or substantially modified such that the collective reconstructions or modifications within any continuous three (3) year period are valued at more than either $100,000 or a total of fifty percent (50%) of the assessed tax value of the structure in the most recently certified tax rolls, whichever is greater; or
2. Any building facade on a designated Arterial, Collector, or Local Street is changed. These may include changes to architectural elements, windows, doors, or any other feature that alters that facade (excluding facade colors, window/glass replacement and maintenance of existing signage).

B. Change of Use within Non-Conforming Building

Regardless of transfer of ownership, existing non-conforming buildings that do not conform to the provisions of this FBC District may change use within the same building, provided the new use is permitted in Section 17.75.022 above and conforms to building code for Certificate of Occupancy until:

1. The building is reconstructed or substantially modified such that the

collective reconstructions or modifications within any continuous three (3) year period are valued at more than either $100,000 or a total of fifty percent (50%) of the assessed tax value of the structure in the most recently certified tax rolls, whichever is greater; or

2. Any building facade on a designated Arterial ,Collector,or Local Street is changed. These may include changes to architectural elements, windows, doors, or any other feature that alters that facade (excluding facade colors, window/glass replacement and maintenance of existing signage).

C. Conformance Required

Regardless of transfer of ownership, existing non-conforming buildings and non-conforming uses that have lost their non-conforming status as specified in Chapter 17.100 of the Zoning Ordinance shall meet the standards the City of Benbrook Zoning Ordinance including, but not limited to:

1. Design Standards specified in Section 17.75.045 below.
2. Sign regulations specified in Chapter 17.92.

D. Any reconstruction or modification of or change to a building facing an Arterial Street or an Arterial facade of a non-conforming building or non-conforming sign shall meet the provisions of the approved FBC District that affect the facade design of a building unless a Meritorious Exception is granted by the Planning and Zoning Commission. In granting or denying a Meritorious Exception for such modifications, the Planning and Zoning Commission shall evaluate the extent to which the proposed modifications result in greater or lesser conformance with the specifications of this FBC District and the extent to which the modifications meet the vision and intent of the approved FBC District.

E. For all improvements over either $100,000 or sixty-five percent (65%) of the assessed tax value of the structure, any changes to non-conforming buildings that do not comply with the provisions of this FBC District shall only be approved by the Planning and Zoning Commission. Approval shall be granted based on the extent to which standards in this District can feasibly be met.

17.75.040 BUILDING FORM AND DEVELOPMENT STANDARDS

The following standards place an emphasis on the form of the building and the open spaces, whether a pedestrian plaza or a civic space. The goal is to build structures that can be utilized for a variety of uses and, thereby, extend the functional and economic viability of the building.

Use the graphic standards in the following pages in conjunction with the District Design Standards in Section 17.75.045 below and in accordance with the street designations from the City’s Comprehensive Plan. The following Street Designations shall be established for all streets within the FBC District and are in accordance with the street types defined in Chapter 7 of the Comprehensive Plan:

A. Arterial Street

The Arterial Street is a major thoroughfare connecting the City to adjacent cities and to the freeway system. Typically, the Arterial shall establish a hybrid development context in a FBC District that has a more pedestrian friendly development context at the intersections of streets and major driveways. Auto-related functions and surface parking is accommodated in the middle of the block. Surface parking shall be screened from the Arterial with a “slip lane,” on-street parking and/or landscaping.

B. Collector Street

The Collector Street carries traffic which connects local residential and commercial areas within the City. The Collector is intended to balance pedestrian orientation with automobile accommodation.

C. Local Street

The Local Street is intended to provide the most pedestrian-friendly development context. Buildings along Local Streets shall be held to the highest standard of pedestrian-oriented design. The Local Street carries traffic from within a neighborhood to Collector and Arterial Streets.

D. Alley

A public way permanently reserved as a secondary means of access.

E. Interior Street

A vehicular driveway located in the interior of lots providing access to parking and outbuildings and may contain utility easements. Interior streets which provide access across a lot shall comply with the streetscape standards.

The graphic standards in the following pages are arranged as follows:

Building Placement and Block Standards – Arterial and Collector Streets

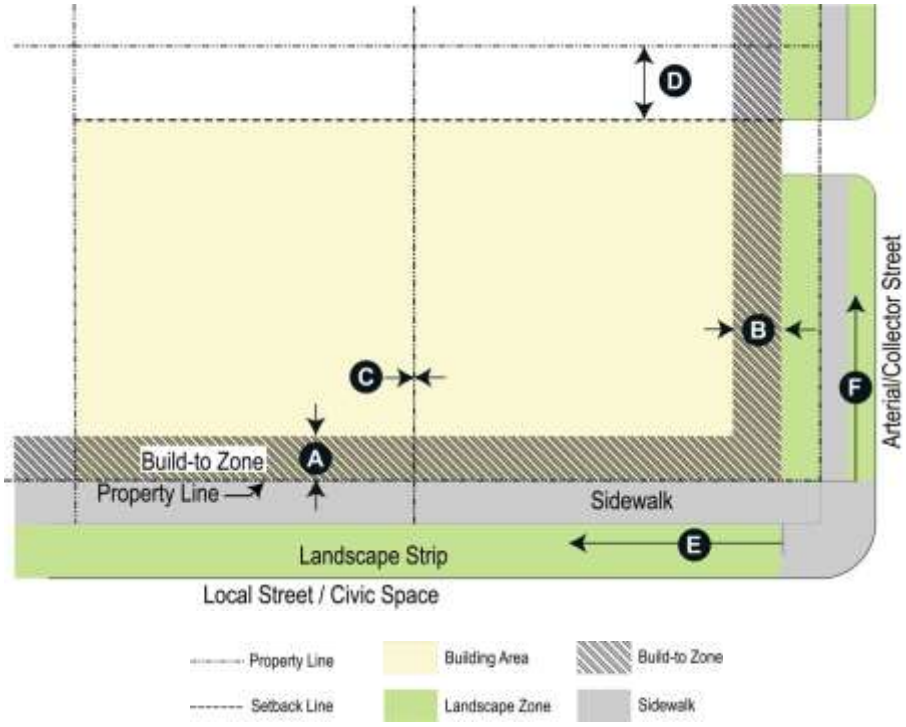
Building Placement and Block Standards – Local Street and Civic Space

Building Height and Uses – All Streets Designations and Civic Space

Parking – All Street Designations and Civic Space

Facade Requirements and Facade Elements – All Street Designations and Civic Space

BUILDING PLACEMENT AND BLOCK STANDARDS
ARTERIAL AND COLLECTOR STREET



1.0 BUILDING PLACEMENT

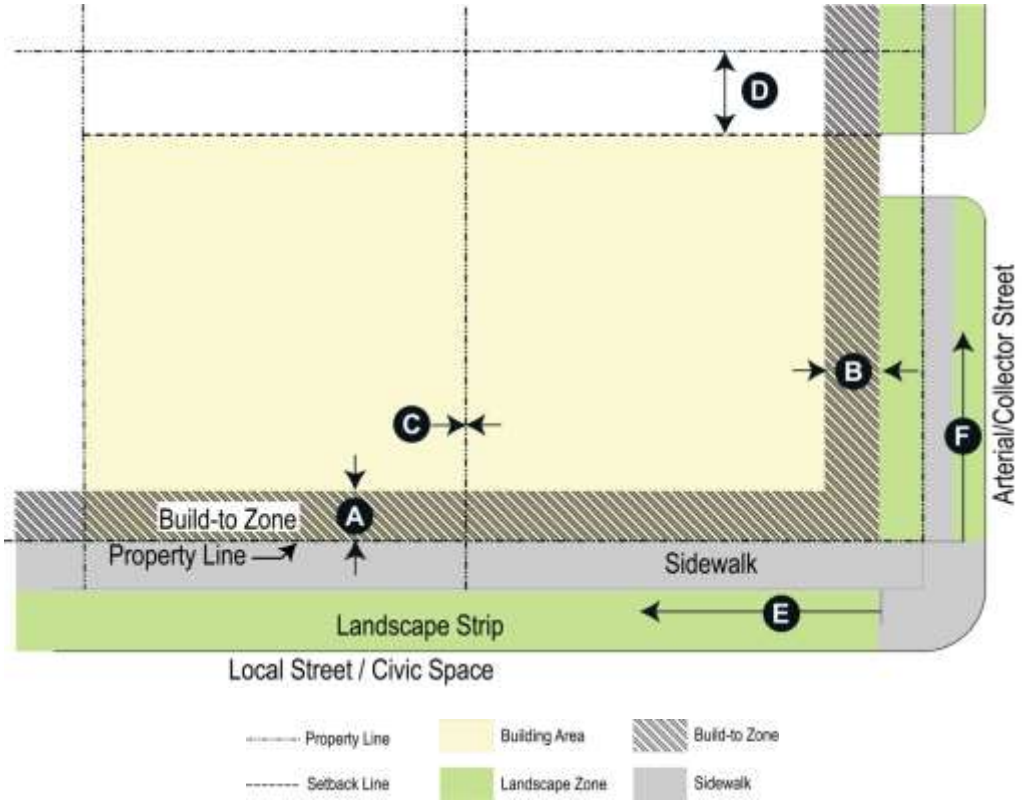
1.1 Building Frontage Required		1.2 Build to Zone (BTZ)	
A minimum of 75% of the length of the Front BTZ must be occupied by the building.	F	Front: 10 ft. minimum 25 ft. maximum	B
Corner buildings shall have street facades built to the BTZ for a min. of 30 ft. from the corner along both streets or the width of corner lot, whichever is less.		The area between the building and the edge of the BTZ shall be paved flush with the public sidewalk.	
Any frontage along the Arterial not defined by a building at the BTZ shall be defined by a 4 ft.-high Street Screen.			
1.3 Side Yard Setback		**1.4 Rear Yard Setback**	
Side: 0 ft.	C	Rear: 0 ft.	D

Side and rear setbacks shall be measured as the distance from the property line and may be based on minimum fire separation required between buildings, if applicable.

2.0 BLOCK STANDARDS

2.1 Block Length	2.2 Block Perimeter
250 ft. typical – 400 ft. maximum	2800 ft. maximum

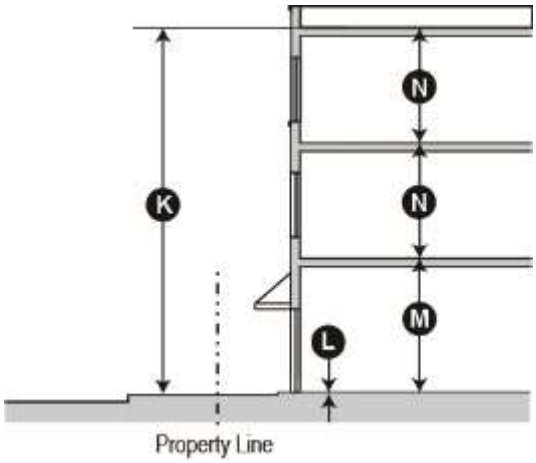
BUILDING PLACEMENT AND BLOCK STANDARDS
LOCAL STREET AND CIVIC SPACE

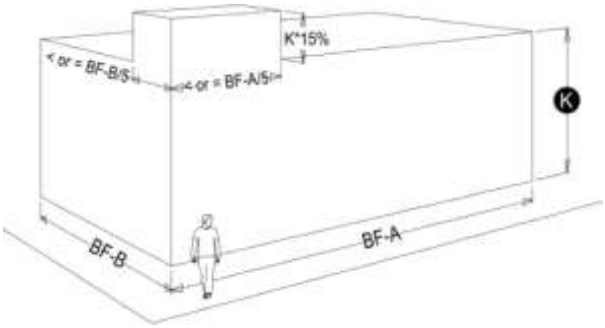


1.0 BUILDING PLACEMENT			
1.1 Building Frontage Required		**1.2 Build to Zone (BTZ)**	
A minimum of 50% of the length of the Front BTZ must be occupied by the building.	E	Front: 5 ft. minimum 10 ft. maximum	A
Corner buildings shall have street facades built to the BTZ for a min. of 30’ from the corner along both streets or the width of corner lot, whichever is less.		The area between the building and the edge of the BTZ shall be paved flush with the public sidewalk.	
Any frontage along Local Streets not defined by a building at the BTZ shall be defined by a 4’ high Street Screen.			
1.3 Side Yard Setback		**1.4 Side or Rear Yard Setback**	
Side: 0 ft. 10 ft. maximum	C	Rear: 0 ft.	C, D
Side and rear setbacks shall be measured as the distance from the property line and may be based on minimum fire separation required between buildings, if applicable.			

2.0 BLOCK STANDARDS	
2.1 Block Length	**2.2 Block Perimeter**
250 ft. typical – 400 ft. maximum	2800 ft. maximum

BUILDING HEIGHT AND USES
ALL STREET DESIGNATIONS and CIVIC SPACE





3.0 BUILDING HEIGHT

3.1 Building Height		3.2 Story Heights	
3-story building maximum, not to exceed 45 feet	K	First floor: 15 ft. ht. minimum	M
Corner buildings may exceed maximum height by 15% for 20% of the building’s facade along the street.		Upper floor: 10 ft. ht. minimum	N
Attics and mezzanines less than 7 ft. (avg) in height shall not be counted as a story.		Story heights shall not apply to parking structures.	
3.3 Ground Floor Finish Level		**3.4 Ground Floor Frontage Requirements**	
Commercial: 12 in. max. above sidewalk	L	Ground floors of all buildings fronting on an Arterial shall be built to Commercial Ready standards (see definitions).	
Residential: Not Applicable			
3.5 Parking Garage Height		**3.7 Parapet Height**	
Parking garages shall be no taller than the building at the front BTZ or the eave height of the adjacent buildings to the sides or rear.		Parapets must be a minimum of 2 ft. in height.	

4.0 USES

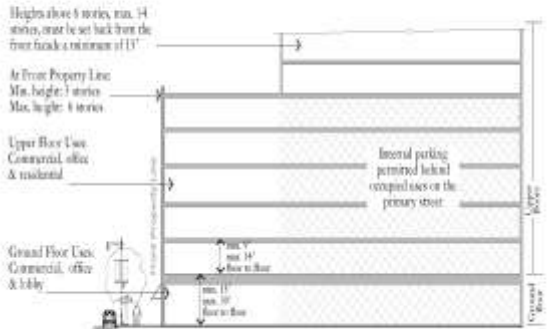
4.1 Ground Floor Uses

Commercial, office, and lobby uses are permitted. Live-work uses are permitted when built to commercial ready standards.

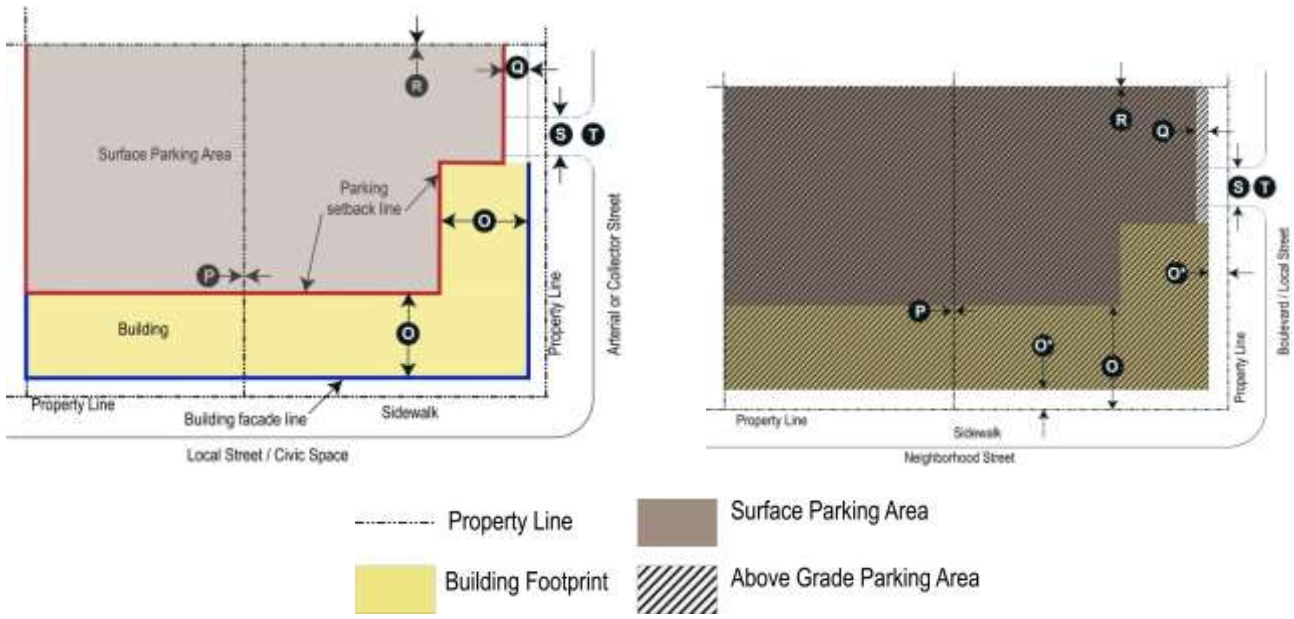
4.2 Upper Story Uses

Commercial, office and residential uses are permitted.

Internal parking facilities are permitted behind occupied uses on the Local Streets. No parking on ground floor for a minimum depth of 30 feet on Local Streets. Ground floor parking is permitted along Arterial and Collector Streets.

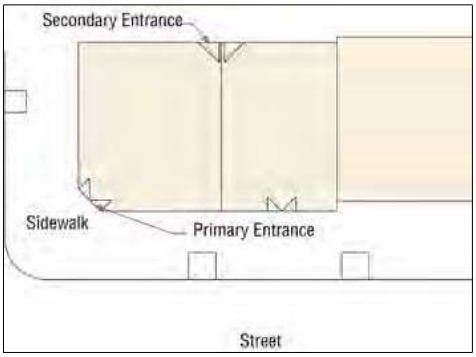


PARKING
ALL STREET DESIGNATIONS and CIVIC SPACE



5.0 PARKING Location			
5.1 Surface/At Grade Parking		**5.2 Above Grade/Structured Parking**	
Local Street/Civic Space: Located behind the principal building.	**O**	Front: (refer to paragraph 17.74.045.C below) Built up to the building facade.	**O**
Arterial or Collector Street: 3 ft. min. behind the building facade.	**Q**	Side or Rear setback: No minimum applies.	**P, R**
5 ft. behind property line if no bldg. at front of BTZ			
In instance of a side or rear setback (distance from property line) no minimum space applies.			
5.3 Off-Street Parking Spaces		**5.4 Driveways Width to Parking Areas**	
Non-residential uses: 1 space per every 300 square feet (gross)		Arterial or Collector Street: TxDOT standards apply	**S**
Residential uses: 1.5 spaces per unit		All other streets: 24 ft. width max. for driveway	
Shared driveways, parking areas and cross access easements are encouraged between lots.			**T**
Driveways, off-street loading /unloading, and trash pick-up areas in accordance with Section 17.75.047.			
5.5 On-Street Parking Spaces		**5.6 Bicycle Parking**	
Parallel on-street parking permitted on all streets.		Total number of bicycle parking spaces for the entire project in accordance with Chapter 17.88.050 of the Zoning Ordinance.	
Head-in angled parking permitted on interior streets only.		Minimum of 1 bike rack per block.	
5.7 Service Access		**5.8 Screening and Landscaping**	
Porte-cocheres may be permitted on Local Streets to provide drop-off and valet-service.		Surface parking lots must be landscaped with 1 shade tree per 10 parking spaces min.; 1 tree minimum.	
		4’ Street Screen; see Streetscape Standards	

FACADE REQUIREMENTS AND FACADE ELEMENTS
ALL STREET DESIGNATIONS and CIVIC SPACE



6.0 FACADE REQUIREMENTS	7.0 FACADE ELEMENTS
6.1 Ground Floor Transparency	**7.1 Allowable Base Types**
Arterial and/or Collector Streets: 50% - 90% of the area of the facade shall be windows and doors	Storefront is the allowable base type.
Local Streets: No requirement for transparency.	
6.2 Upper Floor(s) Transparency	**7.2 Allowable Cap Types**
Arterial and Collector Streets: 25% of the facade area shall be windows located between 3 ft. and 9 ft. above finished floor.	Parapet is the allowable cap type, screening the roof and roof appurtenance beyond.
6.3 Building Entrance	**7.3 Facade Proportions**
Arterial and/or Collector Streets: Primary entrance required.	Cap and Base should be defined by horizontal articulation of the building or in materials.
Local Streets: No requirement for primary entrance.	Upper floor windows must be oriented vertically.
6.4 Other Facade Requirements	**7.4 Other Facade Elements**
Arterial and/or Collector Streets: No blank walls greater than 25 ft. in length along the frontage of the street.	Arcades and colonnades are permitted within the BTZ and shall be a min. of 6 ft. in depth and shall have a min. interior vertical clearance of 12 ft.
Adjacent to Residential: Windows on the ground floor which face single-family residential shall have sills higher than 6 ft. above finished floor unless screened by a 6 ft. fence, wall, or landscaping.	Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is 8 ft. In no case shall an encroachment be located over on-street parking or a travel lane.
	Building projections on all other facades may not be closer than 5 ft. to any adjacent property line.

17.75.045 DISTRICT DESIGN STANDARDS

A. Building Design Standards

Building Design Standards and Guidelines shall be established for each project rezoned to FBC District to establish a specific, coherent urban character and encourage enduring and attractive development. Development plans, such as Site Plans and Construction Documents, shall be reviewed by the Planning Director or designee for compliance with the typical standards below, the standards established with the rezoning ordinance, and with the approved Regulating Plan. The key design principles establish essential goals for the FBC District to ensure the preservation, sustainability, and visual quality of different areas within the development character areas within the project area. The design of buildings and their relationship to the street shall depend on the context of the development. Generally, buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The overarching key design principles are:

- New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm within the project area, along the street frontages and at streets intersections..
- Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.
- Building facades shall include appropriate architectural details and ornament to create variety and interest.
- Open space, also referred to as Civic Space, shall be incorporated to provide usable public areas integral to the urban environment.

1. Building Orientation

The following regulations are in addition to the standards outlined and depicted in Section 17.75.040 above.

a. Buildings shall be oriented towards the street and/or Civic Spaces.

b. Primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.

c. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.

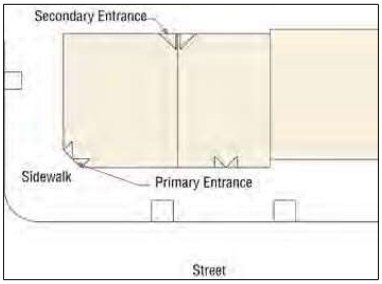


Figure showing required building orientation and location of primary entrances

d. Design of building and layout of site shall comply with Chapter 17.84.140 of the Zoning Ordinance (CPTED – Crime Prevention Through Environmental Design).

e. Garages, carports, or new surface parking for residential buildings shall be located and accessed from Local Streets or alleys at the rear of residential buildings.

2. Building Massing and Scale

The following architectural standards supersede Chapter 17.84.100 of the Zoning Ordinance.

a. Building massing:

i. Commercial and mixed-use buildings shall be simple, rectilinear forms with low pitched roofs or flat roofs with parapets.

ii. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.

b. Building scale: Building height, width, and architectural treatments shall be proportionate to adjacent buildings along a street frontage.

3. Architectural Elements and Features

a. The approved Regulating Plan and associated Building Form Standards shall specify the architectural style for the approved FBC District. Building Form Standards not addressed with the approved FBC District shall be governed by the City of Benbrook Zoning Ordinance to the extent they are not in conflict with the intent or text of the FBC District.

b. Gable roofs, if provided for residential buildings, shall have a minimum pitch of 5:12. When hipped roofs are used, the minimum pitch shall be 5:12. Other roof types shall be appropriate to the architectural style of the building. Porch roofs may be a minimum pitch of 3:12.

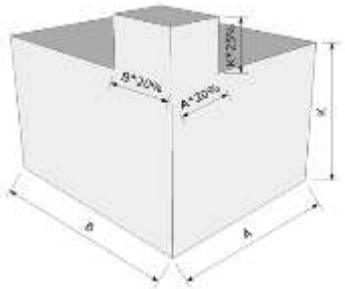
c. Mansard roofs shall comply with the following standards:

i. Mansard roofs shall only be used on buildings that are three stories.

ii. The mansard roof shall project no more than 18 inches (18”) forward of the building facade line.

iii. The lower slope of the roof should be inclined at no greater than seventy-five degrees (75º) to the horizontal.

d. Featured corner or vista terminating tower elements, tower time clocks, and varied height parapet walls at the building facade are permitted. The maximum height extending above the building shall not be greater than twenty-five percent (25%) of the height of the building.



e. Corner buildings may exceed the maximum building height by twenty-five percent (25%) for twenty percent (20%) of the length of the front of the building along each corresponding street facade.

f. Roof top mechanical equipment shall be screened in accordance with Chapter 17.84.100.A.3 of the Zoning Ordinance.

B. Streetscape Standards

1. General Requirements

a. Streets in the FBC District need to support the overall intent for the district. They should balance all forms of mobility while maximizing convenience for residents and visitors.

b. The Regulating Plan shall designate the required and recommended street network within the District. This section specifies the typical configuration of streets within a FBC District. The specifications address vehicular lane width, parkway widths, ROW widths, number of travel lanes, on-street parking, and pedestrian accommodation.

c. New streets shall be addressed on a project by project basis and shall be reviewed by the Community Development Department.

2. Streetscape & Landscape Standards

a. Streetscape standards shall apply to all streets and development within an approved FBC District. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. All streetscape elements shall be maintained in accordance to the City standards and ordinances.

b. The following Street Designations shall be established for all streets within the FBC District and are in accordance with the street types defined in Chapter 7 of the Comprehensive Plan:

i. Arterial: The Arterial is intended to balance pedestrian orientation with automobile accommodation. Typically, the Arterial shall establish a hybrid development context in a FBC District that has a more pedestrian friendly development context at the intersections of streets and major driveways. Auto-related functions and surface parking is accommodated in the middle of the block. Surface parking shall be screened from the Arterial with a “slip lane,” on-street head-in parking and/or landscaping. The Arterial is a major thoroughfare connecting the City to adjacent cities and to the freeway system.

ii. Collector Street: The Collector Street carries traffic which connects local residential and commercial areas within the City.

iii. Local Street: The Local Street is intended to provide the most pedestrian friendly development context. Buildings along Local Streets shall be held to the highest standard of pedestrian-oriented design. The Local Street carries traffic from within a neighborhood to Collector Streets and Arterials.

c. The following are streets that may be established within an approved FBC District:

i. Alley: A public way permanently reserved as a secondary means of access. Alleys shall be designed in accordance with the Chapter 16.28 of the Subdivision Ordinance.

ii. Interior Street: A vehicular driveway located in the interior of lots providing access to parking and outbuildings and may contain utility easements. Interior Streets which provide access across a

lot shall comply with the streetscape standards.

3. Street Trees and Landscaping

a. Alley: Street trees shall be required on all streets except alleys.

b. Interior Street: Street tree location along Interior Streets shall comply with the approved Regulating Plan. Spacing shall be an average of seventy-five feet on center (75’ o.c.; measured per block face).

c. Local, Collector, and Arterial Streets:

i. Street trees shall not be planted closer than six feet (6’) from the face of the curb except at intersections where it shall be five feet (5’) from the curb in a curb return area.

ii. Spacing shall be an average of seventy-five feet on center (75’ o.c.; measured per block face) along Local, Collector, and Arterial Streets; however, they shall not be placed in visibility triangles at intersections and non-residential driveways.

iii. Trees shall not be planted closer than twenty-five feet (25’) from the curb line of intersections of streets or alleys, and not closer than ten feet (10’) from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

iv. Street trees shall not be planted closer than twenty feet (20’) to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet (10’) to any existing street tree, and preferably such locations will be at least twenty feet (20’) distant.

v. The minimum caliper size for each tree shall be two inches (2”) and shall be a minimum of six feet (6’) in height at planting.

vi. Each tree shall be planted in a planting area no less than thirty-six square feet (36 sq. ft.). However, the tree well area may be no smaller than twenty-five square feet (25 sq. ft.). Space between the tree and hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.

d. Turf and groundcover: When clearly visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.

e. Species shall be selected and planted in accordance with the Chapter 16.28.050.D of the Subdivision Ordinance.

f. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

g. Trees, as they grow, shall be pruned to provide at least eight feet (8’) of clearance above sidewalks and fifteen feet (15’) above street roadway surfaces. The responsibility for pruning is in accordance with the City of Benbrook Municipal Code.

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Planning Director.

i. Street Screen required: Any frontage along a street not defined by a building or civic space located within the build-to-zone (BTZ) shall be defined by a four-foot (4’) high Street Screen.

4. Street Furniture, Lighting, and Materials:

a. Street Furniture:

i. Trash receptacles and bike racks shall be required along Local, Collector, and Arterial Streets. Total number of required bicycle parking spaces shall be calculated in accordance with Chapter 17.88 of the Zoning Ordinance. The approved Regulating Plan shall show locations of street furniture. A minimum of one (1) trash receptacle and bicycle rack is required per block along the street frontage.

ii. Street furniture and pedestrian amenities such as benches are recommended along all streets.

iii. All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of six feet (6’).

b. Lighting:

i. Pedestrian scale lighting, with the top of fixture being no more than twenty feet (20’) from the ground, shall be provided along all streets except alley.

ii. Street lights shall be placed at each intersection and at a maximum spacing of seventy-five feet on center (75’ o.c.), approximately three feet (3’) behind the curb line.

iii. The light standard selected shall be compatible with the design of the street and the approved Building Form Standards.

iv. Lights shall be fully shielded to minimize light trespass on residential zones. “Fully Shielded” means a technique or method of construction or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.

c. Materials selected for paving and street furniture shall be of durable quality and require minimal maintenance.

C. Sign Standards

Except as specifically listed below, all other signage and sign standards shall comply with Chapter 17.92 of the Zoning Ordinance. For new signs, the standards in Table 17.75.045 C shall apply and sign permits shall be approved administratively by the City of Benbrook Building Official.

An applicant has the option to establish unique sign standards including size, color, type, design, and location to be approved by the Planning and Zoning Commission as part of the FBC District, Regulating Plan, and/or Design Standards. In evaluating a unique sign standards, the Planning and Zoning Commission shall consider the extent to which the application meets the following:

1. Promotes consistency among signs within a development thus creating visual

harmony among signs, buildings, and other components of the property;

2. Enhances the compatibility of signs with the architectural and site design features within a development;

3. Encourages signage that is in character with planned and existing uses thus creating a unique sense of place; or

4. Encourages multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.

Table 17.75.045 C New Signs

SIGN	STANDARD
Marquee Signs	Permitted for theatres, auditoriums, and other public gathering venues of 100 persons or more. Marquee signs shall be attached to the building or located above or below a canopy only. Size is limited to a maximum area of 100 square feet. Message board may be changeable copy (non-electronic).
For Sale/ For Lease Signs	Size is limited to 32 square feet per sign face. All other standards are the same as City of Benbrook Sign Regulations.
Address Signs	Same as City of Benbrook Sign Regulations
Development Signs	Same as City of Benbrook Sign Regulations
Banners	Same as City of Benbrook Sign Regulations
Sandwich Board Signs	Permitted only for retail, service, or restaurant uses. Limited to 8 square feet per sign face per storefront. Sign may not exceed 4 ft. in height. A minimum of 6 ft. of sidewalk shall remain clear. Chalkboards may be used for daily changing of messages. Reader boards (electronic and non-electronic) shall be prohibited. Sign shall be removed every day after the business is closed.
Directory Signs	Shall be allowed for all multi-tenant commercial and mixed use buildings only. One directory sign per multi-tenant building limited to 12 sq. ft. in area. Design of the sign shall be integral to the facade on which the sign is to be affixed.

D. Civic Space and Open Space Standards

This chapter establishes the public Civic Space and Private Open Space Standards for the FBC District. The detailed Civic Space Standards for each type are included in this Section. These standards include general character, typical size, frontage requirements, and typical uses.

1. Private Open Space Standards

Given the mixed use nature of development within the FBC District, all new residential and lodging uses shall meet the private open space standards established in this Section in lieu of the city’s adopted park dedication standards.

Table 17.75.045 D-1 Private Open Space Types

PRIVATE OPEN SPACE	STANDARDS AND CRITERIA
Balconies	Balconies that are not flush with the facade shall be a minimum of five feet (5’) deep and eight feet (8’) wide. Balconies may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support.
Patios	Patios shall be a minimum of 150 square feet. Patios shall have a clear sense of enclosure and separation from the public realm.
Courtyard	Courtyards shall be surrounded on all sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk. The courtyard shall be a minimum of 200 square feet. The courtyard may be landscaped or a combination of landscape and hardscape, and shall include amenities for residents such as seating, water features, etc.
Forecourt	A Forecourt shall be surrounded on at least two (2) sides by buildings. A Forecourt shall be a minimum of 150 square feet.
Playground	Playgrounds shall be a minimum of 400 square feet.
Roof terraces	The minimum area for a Roof Terrace shall be 50% of the area of the building footprint. A Roof Terrace shall provide seating, landscaping (potted plants), and other amenities for the users of the building. A Roof Terrace may also include a portion of the roof as a green roof which may or may not have public access.
Private Open Space	Includes a pool, play courts or a picnic area. Such private open spaces may be incorporated with roof terraces or courtyards based on the appropriateness of the design and accommodation of privacy.

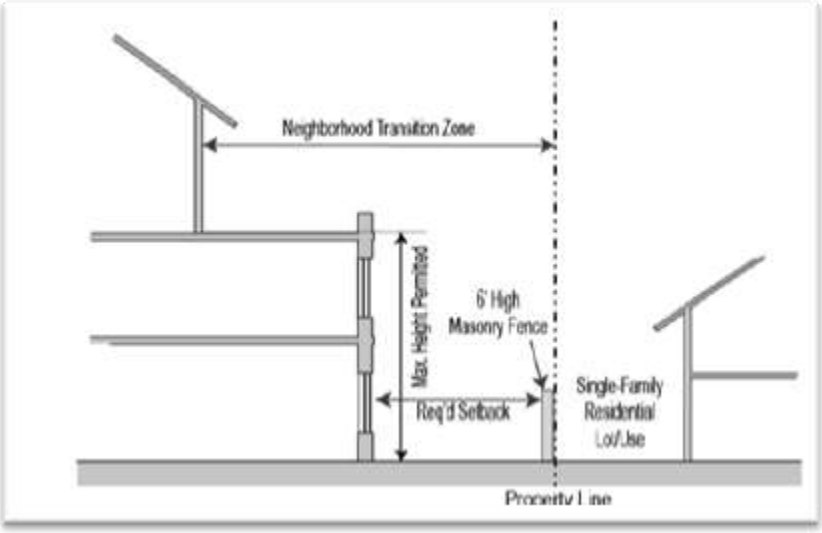
Table 17.75.045 D-2 Private Open Space Standard

PROPOSED NO. OF RESIDENTIAL UNITS	STANDARDS AND CRITERIA
1-4	None
5-12	The development shall provide: • At least 40% of all residential units fronting on a street, public civic space, fore court, or courtyard shall provide one balcony or patio; or • One (1) playground or other private open space amenity. All other private open spaces are optional.
13-25	The development shall provide: • At least 40% of all residential units fronting on a street, public civic space, fore court, or courtyard shall provide one balcony or patio; and • One (1) playground or other private open space amenity. All other private open spaces are optional.
26-50	Any three (3) of the private open spaces listed in Table 17.75.045.D-1.
Over 50	Shall provide at least one (1) public civic space such as a green, square, plaza or paseo.
Hotel with more than 200 Lodging Rooms	Shall provide at least one (1) public civic space such as a green, square, plaza or paseo.

2. Public Civic Space Standards

The design of public Civic Space shall be regulated by the Civic Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities may be accommodated in a variety of spaces ranging from larger parks to local-scaled greens to urban squares and plazas. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike.

E. Neighborhood Transition Standards



1. A Transition Zone shall be established on all development sites adjacent to single family residences. The zone shall be comprised of an area that is twenty-five feet (25’) parallel to any lot line that is common with an existing single family residential lot.
2. The maximum height of any building and/or parking structure within the Transition Zone shall not exceed two (2) floors or 25 feet.
3. Screening:
   i. A six foot (6’) privacy fence (masonry or opaque vegetation) shall be required for any new development within an FBC zoned district when abutting single family residential lots.
   ii. A six foot (6’) high privacy fence is optional when adjacent to existing non-residential uses.

17.75.047 DESIGN STANDARDS FOR SPECIFIC PERMITTED USES

A. Residential Uses

1. Residential uses other than Live/Work units are not permitted on the ground floors of buildings with direct frontage on Arterial Street and Collector Streets. Store front shall remain as the front of the Live/Work unit.
2. Residential uses are permitted on the ground floors of buildings that front on Local Streets or on interior driveways.
3. All ground floors of buildings with frontage on Arterial and Collector Streets shall be built to Commercial Ready standards.
4. Minimum of one (1) parking space required for single-family attached.
5. Size of parking spaces shall comply with Chapter 17.88 of the Zoning Ordinance.
6. Parking of recreational vehicles is prohibited.

B. Commercial, Retail, and Service Uses

1. Auto-related Uses

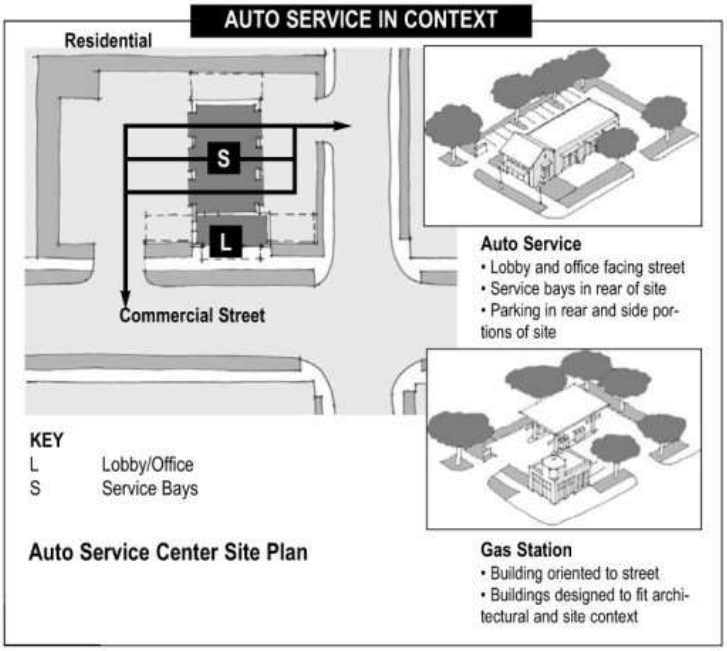


Illustration showing a site concept plan for an auto service centers

a. Any buildings associated with any automobile related use, such as gas stations and/or auto service and repair, shall also have a pedestrian entrance along the street frontage.

b. Gas pumps, canopies, and/or service bays:

   i. Local Streets: Gas pumps, canopies, and/or service bays shall not be permitted on the frontage of the lot.

   ii. Arterial and Collector Streets: Gas pumps, canopies, and/or service bays shall not exceed fifty percent (50%) of the frontage of the lot.

   iii. There shall be no such limitation along Interstate frontage roads.

c. Outdoor storage of vehicles and/or sales of related products:

   i. Local Streets: Outdoor storage and/or sales shall not be permitted on the frontage of the lot.

   ii. Arterial and Collector Streets: Outdoor storage and/or sales shall not exceed fifty percent (50%) of the frontage of the lot.

   iii. There shall be no such limitation along Interstate frontage roads.

d. Off-street loading, unloading, and trash pick- up areas:

   i. Local and Collector Streets: Off-street loading, unloading, or trash pick-up areas are permitted to be located along Collector Streets or Local Streets or alleys unless permitted in the specific Building Form and Development standards in Section 17.75.050 below.

ii. Arterial Streets: Off-street loading, unloading, or trash pick- up areas are not permitted to be located along Arterial Streets.

iii. Screening Required: Any off-street loading, unloading, or trash pick- up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening at the BTZ. The Street Screen shall be a living screen; a wall or fence comprised of the same material as the principal building; or a combination of the two.

2. Uses with Drive-through Facilities

a. Drive-through lanes for commercial uses are not permitted along the frontage of a Local Street.

b. Drive-through lanes for commercial uses are permitted along the frontage of Collector and Arterial Streets. Drive-through lanes shall be screened with a Street Screen along the frontage.

c. Any buildings associated with any use with a drive-through facility shall also have a pedestrian entrance along the street frontage.

d. Off-street loading, unloading, and trash pick- up areas:

i. Local and Collector Streets: Off-street loading, unloading, or trash pick- up areas are permitted to be located along Collector Streets or Local Streets or alleys unless permitted in the specific Building Form and Development standards in Section 17.75.050 below.

ii. Arterial Streets: Off-street loading, unloading, or trash pick- up areas are not permitted to be located along Arterial Streets.

iii. Screening Required: Any off-street loading, unloading, or trash pick- up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening at the BTZ. The Street Screen shall be a living screen; a wall or fence comprised of the same material as the principal building; or a combination of the two.

3. Veterinary Clinic

a. Only indoor kennels are permitted.

b. Noise and odors created by the activities within the building shall comply with the Performance Standards in Chapter 17.68.050 of the Zoning Ordinance.

c. No animal shall be kept outside the building at any time.

C. Industrial, Manufacturing, Warehousing and Utility Uses

1. Cottage manufacturing Uses:

a. Built and operated in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.

b. Buildings are limited to ten thousand square feet (10,000 sq. ft.).

c. Service bays, loading, and unloading shall be located along the Collector or Local Street.

D. Other Uses

1. Surface Parking (primary use of the property)

   a. Local Street: Garages, carports, or new surface parking for residential buildings shall be located and accessed from Local Streets or alleys at the rear of residential buildings.

   b. Arterial and Collector Streets:

      i. Surface parking shall be located a minimum of three feet (3’) behind the line of the principal building facade.

      ii. Surface parking shall be located a minimum of five feet (5’) behind the property line if there is no adjacent or principal building.

   c. New surface lots shall include submittal of a conceptual plan depicting the location of future buildings and for approval by the Planning Director.

   d. New surface parking fronting onto Local Streets shall be setback a minimum of thirty feet (30’) from the right-of-way.

   e. New surface parking lots shall not be located within the thirty feet (30’) from any street intersection.

2. Parking Structures

   a. Local Streets:

      i. No parking uses on the ground floor at the build-to-zone (BTZ).

      ii. Ground floor parking is allowed if setback a minimum depth of thirty feet (30’) from the property line along the Local Street frontage.

      iii. The shortest dimension(s) of the parking structure shall be along the Local Street frontage(s) to minimize the impact of the structure.

   b. Arterial and Collector Streets:

      Distance of parking structure from property line shall match the distance of the adjacent building(s) from the property line.

   c. Architectural requirements:

      The facades of any parking structure shall be designed with both vertical and horizontal articulation. Architectural screens shall be used to articulate the facade, hide parked vehicles, and shield lighting.

      i. Vertical articulation shall include a change of architectural elements every twenty to thirty feet (20’-30’).

      ii. Horizontal articulation of the parking structure shall align with the horizontal articulation of other structures within the block.

   d. Where above ground structured parking is located at the perimeter of a building of any street, it shall be screened in such a way that cars on all parking levels are completely screened from view from all adjacent public streets.

   e. Parking garage ramps shall not be visible from any public street.

   f. When parking structures are located at corners, corner architectural

elements shall be incorporated such as corner entrance, signage, and glazing.

g. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.

3. Community Garden:

a. A Community Garden shall be no larger than one (1) acre.

b. Gardens shall be enclosed by a fence on all open sides.

c. Fences shall be constructed of pressure treated wood, wrought iron, and/or painted galvanized steel.

4. Antennas:

a. Antennas used in association with a residential or commercial use shall comply with the regulations in residential and commercial districts in the Zoning Ordinance.

b. Antennas located on rooftops shall be screened on all sides with materials and colors that are similar with the principle building.

c. Antennas shall not be visible from any public street.

17.75.050 DEVELOPMENT REVIEW PROCESS

A. Applicability

1. Table 17.75.050-A shall determine which sections of the FBC District apply to any proposed development based on the type and scope of the proposed development.

2. Provisions of this FBC District are activated by “shall” when required, “should” when recommended, and “may” when optional.

3. The provisions of an approved FBC District, Regulating Plan and Design Standards when in conflict, shall take precedence over those of other City of Benbrook codes, ordinances, regulations and standards, as amended, except as noted herein.

4. Development regulations and standards not addressed within an approved FBC District, Regulating Plan and Design Standards shall be governed by the City of Benbrook Zoning Ordinance to the extent they are not in conflict with the text of the approved FBC District.

5. The Architectural Standards in the Zoning Ordinance shall not apply to the FBC District except as specifically referenced herein.

6. Parking and Vehicular Circulation Requirements under Chapter 17.88 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein.

7. Sign Standards under Chapter 17.92 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein. Signs specifically prohibited in the Zoning Ordinance or in an approved FBC District are prohibited.

8. Fence Standards under Chapter 17.96 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein. Fences specifically prohibited in the Zoning Ordinance or in an approved FBC District are prohibited.

9. Landscape and Buffer Requirements under Chapter 17.98 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein

10. Terms used throughout this FBC District are defined in Chapter 17.08, Definitions of the City of Benbrook Zoning Ordinance. For terms not defined in either section, they shall be accorded commonly accepted meanings

11. Where in conflict, numerical metrics shall take precedence over graphic metrics.

12. Projects Subject to Review: All private new development and redevelopment projects are subject to review by the Community Development Department for compliance with the approved FBC District. All buildings, streets, and public spaces by public entities are also subject to review.

13. Table 17.75.050-A establishes the standards for the applicability of all development and redevelopment within an approved FBC District.

B. Discretionary Review

1. The Planning and Zoning Commission shall consider and the City Council may approve an application of zoning to FBC District and the associated Regulating Plan and Design Standards.

2. An ordinance establishing a FBC District must include a Regulating Plan for the proposed area with the following elements:

   a. District boundaries.

   b. Build-to-Zone line.

   c. Specific location of existing overlays, if any.

   d. Location of building footprints.

   e. Location and dimensions of existing and proposed thoroughfares, streets, alleys and access drives.

   f. Location of existing and proposed public open space.

   g. Location of streetscape elements and landscaping.

   h. Location of surface parking and/or structured parking and, including bicycle racks. Include a table of parking calculations – required parking and provided parking.

   i. Other plan elements and features as specified and provided by the applicant and/or developer.

3. An ordinance establishing a FBC District must include Design Standards in and should include the following:

   a. Permitted building materials and specifications for different materials.

   b. Permitted and/or unique signs and specifications for different type of signs.

   c. Other architectural elements and features as specified by the applicant and /or developer.

4. The Planning Director may forward to the Planning and Zoning Commission any development plan associated with an approved FBC District that may require interpretation or discretionary judgment with respect to the compliance with the Regulating Plan and/or Design Standards.

5. Forwarding any appeals to the decision of the Planning Director and/or major modifications to the Planning and Zoning Commission.

C. Administrative Review

Projects that clearly comply with all standards of an approved FBC District Regulating Plan and Design Standards shall be processed administratively by the Community Development Department. All development must receive site plan approval prepared in accordance with Chapter 17.74.040 of the Zoning Ordinance before issuance of the building permit. The Planning Director shall be responsible for the following:

1. Reviewing and approving the site plan applications for compliance with the requirements of the approved FBC District and in compliance with the approved Regulating Plan and Design Standards.
2. Approving revisions to previously approved site plans that comply with an approved FBC District and all applicable city ordinances.
3. Approving any minor modifications to an approved Regulating Plan and Design Standards. Minor modifications to the Regulating Plan and/or Design Standards are modifications that:
   a. Do not materially change the circulation and building location on the site;
   b. Do not increase the building area permitted under the approved FBC District ;
   c. Do not change the relationship between the buildings and the street;
   d. Do not allow greater height of any building or reduction of any parking requirement established in the approved FBC District; or
   e. Change any required element of the Regulating Plan beyond the thresholds established in Table 17.75.050-B below.
4. Appeals to the decisions of the Planning Director on minor modifications shall be heard by the Planning and Zoning Commission.
5. The requirements of an approved Regulating Plan for an approved FBC District are conditions that must be met prior to the issuance of a Certificate of Occupancy.

D. Amendments to the Zoning District and Regulating Plan

Amendments and changes to the text of an approved FBC District and/or the Regulating Plan and/or Design Standards shall be considered by the Planning and Zoning Commission and may be approved by the City Council in accordance with the procedure set out in Chapter 17.12 of the Zoning Ordinance.”

Table 17.75.050-A FBC District Applicability Matrix

TYPE OF DEVELOPMENT X denotes that compliance is required	**APPLICABILITY BY PARAGRAPH**	**Use Regulations**	**Building Placement**	**Building Height**	**Parking Parking Structures**	**Street Screen Screening**	**Other Facade Elements**	**Transitions**	**Building Design Stds**	**Landscaping**	**Streetscape**	**Lighting**	**Signs**	**Civic/Open Space**
Commercial, Lodging, Mixed-use Building, Apartment/Multi-Family and Live-work Building														
New Construction		X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use/Expansion of use (no expansion of building)		X			X	X								
Expansion of Existing Building Area: • Any increase in building value with NO increase in building area		X												
• 0% - 49% increase in building area (Standards in applicable sections shall apply only to the expansions).		X	X	X	X	X	X	X	X	X			X	X
• 50% or greater increase in building area AND less than both of the criteria below (Standards in applicable section shall apply only to the expansions): (i) 50% increase in building value or (ii) $100,000 cumulative value of improvements over a 3-year period.		X	X	X	X	X	X	X	X	X			X	X
• 50% or greater increase of building area AND more than either of the criteria below (Standards in applicable sections shall apply to the entire building including retrofitting of the existing building if non-conforming): (i) 50% increase in building value or (ii) $100,000 cumulative value of improvements over a 3-year period.		X	X	X	X	X	X	X	X	X	X	X	X	X

TYPE OF DEVELOPMENT X denotes that compliance is required	**APPLICABILITY BY PARAGRAPH**												
	Use Regulations	**Building Placement**	**Building Height**	**Parking Parking Structures**	**Street Screen Screening**	**Other Facade Elements**	**Transitions**	**Building Design Stds**	**Landscaping**	**Streetscape**	**Lighting**	**Signs**	**Civic/Open Space**
Commercial, Lodging, Mixed-use Building, Apartment/Multi-Family and Live-work Building (continued)													
Expansion of existing parking area only (not in conjunction with a building or use expansion): • Up to 10 spaces				X	X								
• 11 or more additional spaces				X	X				X				
Facade changes to existing buildings • Arterial and Collector Street facades (only building design standards impacting the facade along that street shall apply)								X				X	
• All other street facades													
Signage • Refacing or changing a panel on an existing sign • Modification of an existing sign where the cost of the modification is valued at less than 50% of the replacement value of the sign • Modification of an existing sign where the cost of the modification is valued at more than 50% of the replacement value of the sign												X	
New sign or complete replacement of an existing sign												X	

TYPE OF DEVELOPMENT X denotes that compliance is required	**APPLICABILITY BY PARAGRAPH**												
	Use Regulations	**Building Placement**	**Building Height**	**Parking Parking Structures**	**Street Screen Screening**	**Other Facade Elements**	**Transitions**	**Building Design Stds**	**Landscaping**	**Streetscape**	**Lighting**	**Signs**	**Civic/Open Space**
Residential (single family attached and detached buildings)													
New construction	X	X	X	X	X	X		X	X	X	X	X	X
Change of Use (no expansion of building)	X			X	X								
Expansion of use/structure (any building addition, deck, porch, etc.)	X	X				X		X					
Expansion of use/structure (new accessory building/structure on the lot or pool)	X	X											
Facade changes • Local Street facade (only building design standards impacting the facade along that street shall apply) • All other street facades								X					

Table 17.75.050-B Minor Modifications Allowed

STANDARD	MINOR MODIFICATION ALLOWED	CRITERIA
Area/boundary	No more than a 15% change (increase or decrease) in the area of the project area (aggregate or per block)	• An area or boundary adjustment shall not eliminate an approved FBC District. • 15% measurement shall be based on the total area of that specific project area.
Building Form and Development Standards:		
Build-to-Zones/setbacks	No more than a 20% change in the maximum or minimum setback.	• Changes to the build to zones (BTZ) and setbacks may only be due to changes to the street cross sections or changes in the width of a sidewalk. • In no case shall the sidewalk be less than six feet (6’) in width.
Building Frontage	No more than a 15% reduction in the required building frontage along each block of a Local Street.	Any reduction in the required building frontage shall be to accommodate porte-cocheres for drop-off and pick-up.
Street Screen	Waiver of Street Screen requirement along an Arterial.	• Requirement for a Street Screen may only be waived along an Arterial Street along the frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure. • In no case shall any portion of the surface parking have frontage along a Local Street without a required Street Screen. • In no case shall the (off-street) surface parking lot be located at a street intersection for a minimum depth of twenty feet (20’) along each street (regardless of the Street designation).
Streetscape standards	Street tree planting, street lighting, and other streetscape standards may be adjusted based on the development context and street cross section.	Any changes to the streetscape standards shall be based on specific development context such as vegetation, natural features, drainage, and fire access and is subject to approval by the City.

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CHAPTER 17.76
"PD" PLANNED DEVELOPMENT DISTRICT

Sections:

17.76.010 PURPOSE
17.76.020 DEVELOPMENT REGULATIONS
17.76.030 PARKING REGULATIONS
17.76.040 APPLICATION AND PROCESS PROCEDURES
17.76.050 REQUIRED DEVELOPMENT SITE PLAN AND/OR SUPPLEMENTAL DEVELOPMENT REGULATIONS
17.76.060 NATURAL FEATURE REQUIREMENT
17.76.070 DEVELOPMENT SCHEDULE
17.76.080 SPECIAL CONDITIONS
17.76.090 APPROVAL
17.76.100 EXPIRATION

17.76.010 PURPOSE

The purpose of this district, generally identified as a suffix to one of the other districts, is to permit flexibility and encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns and to best utilize special site features such as topography, size and shape. It is intended that the flexibility permitted by this zoning category extends to discretionary approval, through site plan review, of items such as parking space requirements, building line setbacks, square footage of buildings and structures, protective screening, or sign placement and specifications in order to achieve the purposes and objectives stated in conformance with good planning practices.

This district, when used as a suffix to another district, is intended to accommodate planned associations of uses developed as integral land use units, including mixed uses, which may be planned, developed and operated either by a single owner or a combination of owners.

For purposes of this district, the following definitions shall apply.

A. Residential Planned Developments

1. Dwelling units grouped into clusters, allowing an appreciable amount of land for open space.

2. Part of the land uses for non-residential purposes, such as shopping or employment centers.

3. For areas exhibiting environmentally sensitive natural features which should be considered for preservation and/or enhancement.

B. Non-Residential Planned Development

1. Commercial or industrial uses grouped into clusters, allowing an appreciable amount of the land for open space or joint use such as parking and storage.

2. Commercial or industrial projects with part of the land uses for residential purposes.

3. Single purpose commercial or industrial uses of innovative land utilization.

17.76.020 DEVELOPMENT REGULATIONS

A. Height Regulations: The maximum height requirement for permissible uses in this District shall conform to the maximum height requirements that would be applicable to such uses if the same were situated in the most restrictive district in which such uses are permitted. However, the Planning and Zoning Commission may establish specific heights after consideration of the building height on the surrounding and adjacent property.

B. Area Regulations: The minimum dimensions of lots and yards of any lot shall conform to the minimum lot and yard requirements that would be applicable to such uses if the same were situated in the most restrictive districts in which such uses are permitted. However, the Planning and Zoning Commission may establish specific lot, yard and area requirements after consideration of density, building coverage, relationship of proposed buildings and relationship to surrounding and adjacent property. The area requirements for the applicable zoning district to which the "PD" District is to be applied shall be in effect in these regulations.

C. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED –Crime Prevention Through Environmental Design).

17.76.030 PARKING REGULATIONS

A. All parking and vehicle use areas shall be paved with an all-weather surface.

B. Off-street parking facilities shall be provided at locations designated on the approved development plan.

C. Minimum off-street parking requirements shall be established in the approved development plan. Any deviation less than the minimum requirements specified in Chapter 17.88 shall require specific approval from the Planning and Zoning Commission.

D. Parking area and numbers of spaces for the applicable district shall apply to these regulations.

17.76.040 APPLICATION AND PROCESS PROCEDURES

A. Application**:** An application for a “PD” Planned Development District may be made to the Planning and Zoning Commission and City Council in the same manner that an application for zoning change is made. Application for approval of a Planned Development District shall be processed in accordance with Chapter 17.12.030 and the procedures specified herein and a development site plan and related data shall be submitted for approval in accordance with the requirements outlined below.

1. An application for a “PD” Planned Development District shall be accompanied by a development site plan meeting the requirements set forth in this Ordinance.

2. Upon receipt of an application, the Planning Director shall make notification of a public hearing as set forth in the Zoning Ordinance.

3. The Planning Director shall prepare a written report analyzing the development site plan and such report shall be given to the Planning and Zoning Commission and applicant at least three (3) working days prior to the public hearing.

17.76.050 REQUIRED DEVELOPMENT SITE PLAN AND/OR SUPPLEMENTAL DEVELOPMENT REGULATIONS

An application for a “PD” Planned Development District shall be accompanied by a Development Site Plan or a list of supplemental development regulations which will become a part of the amending ordinance and be referenced on the Zoning District Map. Changes in the Development Site Plan or supplemental development regulations shall be considered the same as changes in the Zoning District Map. The proposed application and site plan shall be processed as required except that minor changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor-area ratio, height or coverage of the site, or which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site as indicated on the approved ordinance and associated development regulations or site plan may be authorized by the Planning Director or referred to the Planning and Zoning Commission.

A. Site Plan

The application for a Planned Development District shall include a Site Plan that provides as much detail as possible including, but not necessarily limited to:

1. A scale drawing showing all proposed public or private streets and alleys; building sites, or building lots; any areas proposed for dedication, or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of the tract and existing and proposed finished grades with contour intervals of not less than two feet (2'), or spot grades where the relief is limited.

2. A land use plan delineating the specific areas to be devoted to various uses shall be required where multiple types of land uses are proposed.

3. The Site Plan shall show the location of each building and the distances between buildings, and between buildings and the property line, street line and/or alley line shall be submitted. For buildings more than one (1) story in height, except single-family and two-family residences, elevations and/or perspective drawings may be required in order that the relationship of the buildings to adjacent property, open spaces and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light, and air.

4. The Site Plan shall indicate data for and the arrangement and provisions of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangements proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to

assure the safe function of the circulation plan shall also be shown. All streets shall be constructed to the adopted street design standards and section design.

5. A designation of the maximum building coverage of the site shall be indicated upon the Site Plan.

6. For development projects influenced by, impacting on flood prone areas, or containing major drainage ways or containing areas flood prone by definition of the City Engineer, preliminary drainage plan shall be a part of the Development Site Plan. This requirement may be waived only by the recommendation of the City Engineer.

7. The Site Plan shall show north arrows, true scale, name(s) and address(es) of developer, licensed engineer or architect preparing Site Plan and a land description by reference to name of subdivision or survey tract in which it is located.

8. A screening and landscaping plan shall be required in accordance with Chapter 17.98 of this Ordinance, where such treatment is essential to the proper arrangement of the development in relation to adjacent property. When required, such plan shall include screening walls, planting, wooded areas to be retained, and lawns if such are determined to be necessary by the Planning Commission.

9. The location of existing and proposed fire hydrants.

10. The location of all outside facilities for waste disposal; location and orientation for all external illumination facilities; the location, size, height and orientation of all signs.

11. All pedestrian walks, malls, and open area for use by tenants or the public; the types of surfacing such as paving, or turf to be used at all locations on the site.

12. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and may be evaluated by the Planning Director, the Planning and Zoning Commission, City Council and interpretation by the Building Official.

B. Supplemental Development Regulations

An application for a “PD” Planned Development District may include supplemental development regulations in lieu of a detailed site plan. When supplemental development regulations are proposed, the application shall include:

1. A specific listing of land uses that may be allowed or that shall be excluded from the proposed Planned Development District.

2. Regulations that address the minimum or maximum size of lots, minimum and maximum separation between structures, minimum or maximum setbacks from existing and/or proposed lot lines, parking regulations, maximum building coverage or floor-area ratios, building orientation standards, architectural standards, landscaping standards,

sign regulations, and any other pertinent development restrictions.

On property that has been zoned Planned Development with the use of supplemental regulations, or in those cases where property was previously-zoned Planned Development without a site plan or supplemental development regulations, a Development Site Plan complying with the requirements above shall be submitted to and approved by the Planning and Zoning Commission prior to any development or building construction. The purpose of the Site Plan shall be to assure conformance with the supplemental development regulations and other applicable City regulations to protect the health, safety and welfare of the neighboring property and the community at large. Such Site Plan approval shall be made by the Planning and Zoning Commission, following a public hearing conforming to the public notification requirements in Chapter 17.12.010.

17.76.060 NATURAL FEATURE REQUIREMENT

In those areas that contain certain natural features causing an area to be unique and worthy of preservation and denoted as a Natural Feature Area and so designated on the Zoning Map, a "PD" Development Site Plan is not required unless specifically requested by City Council. However, the following features and requirements shall be met and shown on the Building Permit Plot Plan required:

A. There shall be a building line or setback line for the construction of residences located no less than twenty feet (20') from the upper bank of the Trinity River. Outbuildings or accessory buildings may be erected and maintained between the twenty foot (20') setback line and the upper bank of the Trinity River in the same manner and under the same conditions as is permitted in the rear yards under the applicable land use zoning classification of the area. Except, however, vegetation must be preserved as set forth in the following paragraph.

B. No trees or other natural vegetation having a trunk diameter of four inches (4” dbh) or more may be cut or removed within ten feet (10') of the top of the river bank (as determined by the City Engineer) without Zoning Board of Adjustment approval. Outbuildings or accessory buildings may be located between the aforementioned ten feet (10') vegetation setback line and the upper bank of the Trinity River in the same manner and under the same conditions as permitted in the rear yards under the applicable land use zoning classification of the area provided that no trees or other natural vegetation having a truck diameter of four inches (4" dbh) or more need be cut or removed in order to erect and maintain any such outbuilding or accessory building or structure.

C. Individual building permit plot plan conformance for each lot or tract involved shall be reviewed by the City Building Inspection Department and in addition to the standard plot plan requirements shall show the top of the bank (as determined by the City Engineer) of the Trinity River and the ten feet (10') and twenty feet (20') setback lines.

D. The City Council may by specific action require a Natural Feature Site Plan to be submitted.

17.76.070 DEVELOPMENT SCHEDULE

An application for a Planned Development District shall be accompanied by a Development Schedule indicating the approximate date on which construction is expected to begin, the rate of

anticipated development and the date of completion. The Development Schedule, if adopted and approved by the City Council, shall become part of the development site plan and shall be adhered to by the owner, developer, and his successors in interest.

Annually, the Building Official shall confirm a report provided by the developer to the Planning and Zoning Commission of the actual development accomplished in the various Planned Development Districts as compared with Development Schedules.

If the Planning and Zoning Commission determines that the owner or owners of property are failing or have failed to meet the approved schedule, the Commission may initiate proceedings to amend the Zoning District Map or the “PD” Planned Development District by removing all or part of the Planned Development District from the Zoning District Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the Development Schedule or adopt such new Development Schedule as may be indicated by the facts and conditions of the case.

17.76.080 SPECIAL CONDITIONS

The permanent character of common space lands shall be insured by private reservation for the use and benefit of residents, by dedication to public use, or by a combination thereof. Common open spaces not dedicated to public use shall be maintained by the owner thereof. Land required for common open space shall not include the following:

A. Areas reserved for the exclusive use and benefit of an individual tenant or owner.

B. Dedicated streets, alleys, or other public right-of-ways.

C. Vehicular driveways, private streets or parking, loading or storage areas.

When homeowners associations are to be established for the purpose of ownership and/or management of common open spaces, all such associations shall meet the recommended guidelines as established by the Department of Housing and Urban Development (H.U.D.).

17.76.090 APPROVAL

Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Zoning Ordinance as applicable to the property involved. In carrying out the development of a Planned Development District, the development conditions and the Development Schedule shall be complied with and such conditions as are specified for the development of a Planned Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance.

17.76.100 EXPIRATION

A “PD” Development Site Plan or Condition that is not implemented within five (5) years of approval or completion of the schedule in Section 17.76.070 above shall expire. The zoning regulations shall be extended for five (5) years upon the recordation of a final plat of any phase of the development and/or the issuance of any building permit, whichever is later. Extension of the zoning may also be requested of the Planning and Zoning Commission. Upon expiration, the zoning remains “PD” Planned Development but a new Development Site Plan or new set of development regulations must be adopted prior to any future construction.

CHAPTER 17.78
"NAS" OVERLAY DISTRICT

Sections:

17.78.010 PURPOSE
17.78.020 USE REGULATIONS
17.78.022 PERMITTED USES ALLOWED ONLY WITH SOUND ATTENUATION
17.78.026 PROHIBITED USES

17.78.010 PURPOSE

The purpose of this overlay district is to provide uses that are compatible with the aircraft operations at the Naval Air Station Fort Worth Joint Reserve Base. The boundaries of the district will be adopted by the City Council and will approximate the area within the City that may be affected by Day-Night Level (DNL) noise levels of 65 decibels (dB) or greater. The basis for the determination of the area affected by the 65 DNL will be the most recently-adopted Air Installation Compatible Use Zone (AICUZ) for NAS Fort Worth JRB adopted by the Department of Defense.

17.78.020 USE REGULATIONS

In addition to the zoning restrictions contained within the underlying zoning district and not withstanding any other provisions in the underlying district, no new building or newly-developed land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, within the "NAS" Overlay District unless they comply with the following restrictions:

17.78.022 PERMITTED USES ALLOWED ONLY WITH SOUND ATTENUATION (Minimum of 25 dB reduction)

A. Public, private, and parochial elementary and secondary schools.

B. Higher education institutions

C. Religious institutions

D. Museums, libraries and fine arts centers (including auditoriums and concert halls)

17.78.026 PROHIBITED USES

A. One- and Two-family dwellings are prohibited.

B. Multiple-family dwellings

Exception: One-, two- or multiple family dwellings that were constructed or occupied on the date of the adoption of this Ordinance, or any existing platted lot that is zoned for one-, two- or multiple family dwellings, may construct or reconstruct within the NAS Overlay zone provided that construction methods are used to achieve an inside sound level reduction of thirty decibels (30 db (A)) from the outside noise level.

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CHAPTER 17.80
CONDITIONAL USES

Sections:

17.80.010 PURPOSE
17.80.020 PERMIT REQUIREMENTS AND PROCEDURES
17.80.030 REVIEW AND EVALUATION CRITERIA
17.80.040 APPEALS
17.80.045 LIMIT OF REAPPLICATION
17.80.050 LAPSE OF APPROVAL AND MODIFICATIONS

17.80.010 PURPOSE

The purpose of the Conditional Use procedure is to allow for review of uses which would not be appropriate generally or without certain restriction throughout a zoning district, but which, if controlled as to the number, area, location or relation to the neighborhood would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts.

17.80.020 PERMIT REQUIREMENTS AND PROCEDURE

An application for a Conditional Use Permit shall be submitted to the Planning Director, along with any applicable fee required by Chapter 17.12.020, in accordance with rules established by the Planning and Zoning Commission prior to the established application filing deadline for the next regular meeting of the Planning and Zoning Commission. The application shall include the same information required in Chapter 17.76 for a development site plan. The Planning Director shall schedule a public hearing at the next regular meeting of the Planning and Zoning Commission and shall provide notice to property owners of real property lying within two hundred feet (200') of the property on which a conditional use is sought. Such notice shall be mailed to property owners no less than ten (10) days before the date set for the public hearing. Notice of the public meeting shall be posted at least seventy-two (72) hours prior to the public hearing in accordance with State law.

The Planning Director shall review the application and submit a report to the Planning and Zoning Commission. This report shall be made available to the applicant prior to the public hearing.

The Planning and Zoning Commission shall review the application against the Review and Evaluation Criteria and approve, conditionally approve, or deny the Conditional Use Application.

17.80.030 REVIEW AND EVALUATION CRITERIA

The Conditional Uses application shall be reviewed and evaluated using the following criteria:

A. Conformance with applicable regulations and standards established by this Zoning Ordinance.

B. Compatibility with existing or permitted uses on abutting, adjacent, or adjoining sites in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation features.

C. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.

D. Location, lighting, and type of signs and relation of signs to traffic control; external illumination; and adverse effect on adjacent properties.

E. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses anticipated in the area considering existing zoning and land uses.

17.80.040 APPEALS

A decision by the Planning and Zoning Commission may be appealed to the City Council by filing written notice of such appeal with the City Secretary within ten (10) days of the Planning and Zoning Commission decision. The appeal shall be placed on the agenda of the next available regularly scheduled meeting of the City Council. An appeal may be submitted by an applicant if a conditional use is denied or approved with restrictions. An appeal may be submitted by the owners of twenty percent (20%) of the property within two hundred feet (200') of the subject property if an application is approved as requested or in the opinion of the appellants, the application was approved with insufficient restrictions.

17.80.045 LIMIT OF REAPPLICATION

“When the Planning and Zoning Commission has denied a proposal for a Conditional Use Permit, or when the applicant has withdrawn his proposal after notice of the Planning and Zoning Commission meeting thereon has been made, no reapplication requesting the same conditional use for the same property shall be accepted by the City or scheduled for hearing by the Planning and Zoning Commission within a period of twelve (12) months of the denial or the applicant's withdrawal. Upon receipt of a request stating how conditions have changed substantially within the community since the prior denial or withdrawal, the Planning and Zoning Commission may waive the mandatory delay period and authorize the acceptance of a new application.

17.80.050 LAPSE OF APPROVAL AND MODIFICATIONS

A Conditional Use Permit shall be valid for one (1) year from the date of approval unless prior to such expiration date a building permit is issued and construction occurs or the actual use, if not requiring a building permit, is commenced. The expiration date may be extended by the Planning and Zoning Commission upon application. The notification procedures specified in 17.80.020 PERMIT REQUIREMENTS AND PROCEDURE shall be followed for consideration of any requested continuance.

Approval of a Conditional Use Permit automatically expires upon change in ownership of the land, unless the Commission or City Council determines as part of its specific approval of a Conditional Use Permit that transfer of the authorization to a subsequent owner is in the best interest of the City. The Planning and Zoning Commission may grant continuance of the conditional use upon application to the Commission. The notification procedure specified in Section 17.80.020, Permit Requirements and Procedure shall be followed for consideration of any requested extension.

Minor modifications of a Conditional Use Permit may be made if the Planning Director determines that such modifications will not change the intent and effect of the approval by the Planning and Zoning Commission.

CHAPTER 17.84
SUPPLEMENTARY DISTRICT REGULATIONS

Sections:

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17.84.010 USES GENERALLY, BUILDING AND LAND

A. No building shall hereafter be erected, reconstructed, altered or enlarged, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

B. No building shall hereafter be erected, reconstructed, altered or enlarged to exceed the height or bulk limit herein established for the district in which such building is located, nor shall any building be erected, reconstructed or altered as to provide a floor space smaller than the minimum prescribed by this Ordinance.

C. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.

D. Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one (1) building on one (1) lot, except as herein provided.

17.84.012 PRE-EXISTING PLATTED LOT

Any residentially-zoned lot having less area and/or width than herein required and which was platted of record and in separate ownership at the time of the passage of this Ordinance may be occupied by not more than a one-family structure. Nothing in this Ordinance shall prevent the residential use of any lot platted of record prior to the effective date of this Ordinance provided that all front yard, side yard, rear yard, floor area, parking and all provisions other than lot area and/or lot width are met or exceeded.

17.84.014 ACCESS TO LOTS AND STRUCTURES

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

17.84.020 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet (2 ½') and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines thirty-five feet (35') from the point of intersection.

17.84.030 ACCESSORY BUILDING/ACCESSORY USE

No accessory building or accessory use shall be erected or established on a lot that does not contain a principal structure or use in accordance with the Zoning District. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet (5') of any other building.

17.84.040 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

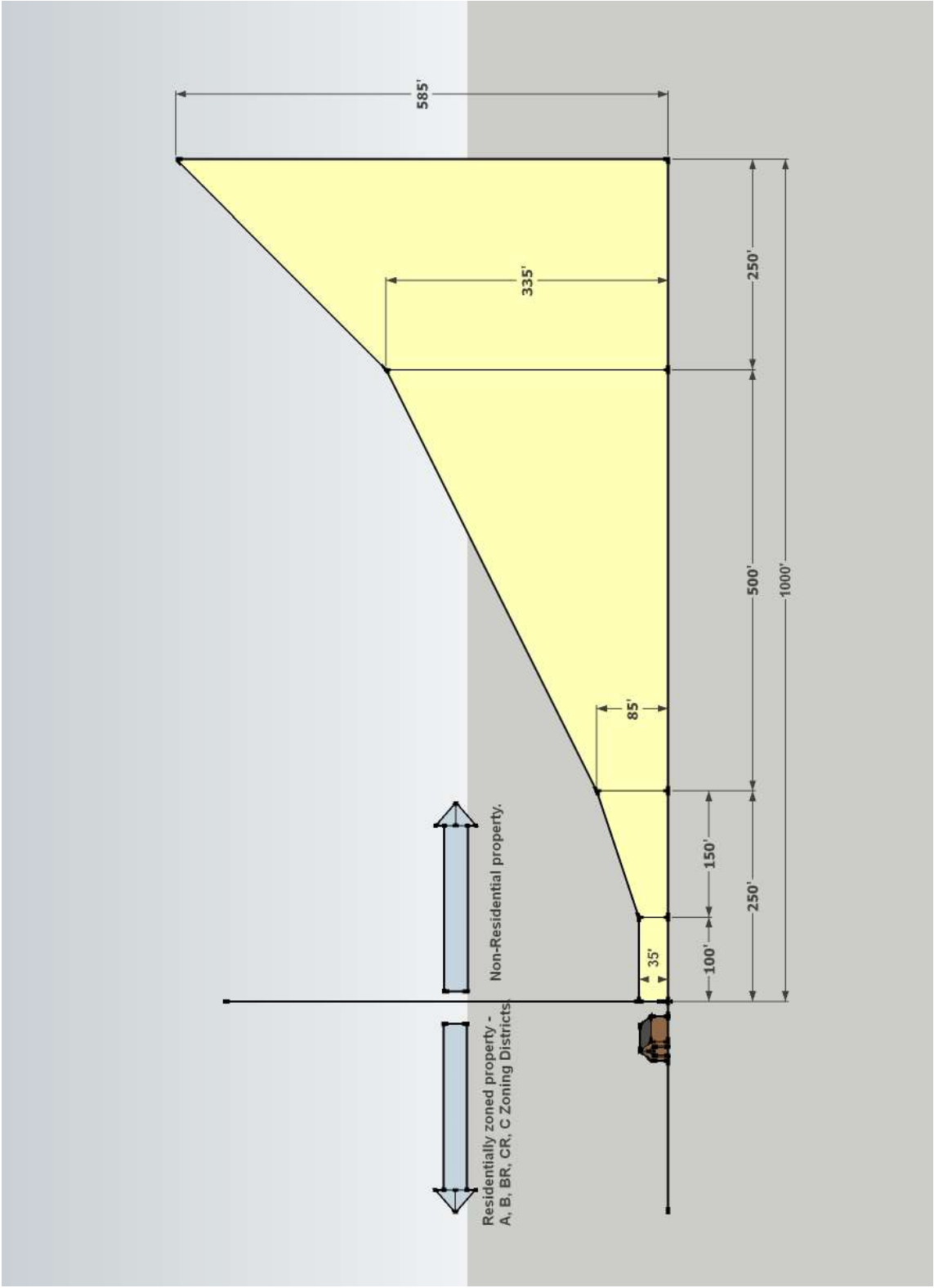
17.84.050 HEIGHT-SETBACK ENVELOPE

The height setback envelope is a plane projected upward and outward for one thousand feet (1,000') from the property line of property zoned "A", "B", "BR", "CR", "C", or "D" residential district. When referring to height setback envelopes, all slopes are stated as horizontal run to vertical rise. The height-setback envelope is shown in Figure 17.84.050, and begins at a point of thirty-five feet (35') above the immediate grade at the residential property line. For the first one hundred feet (100') the envelope shall be thirty-five feet (35') above the immediate grade at the residential property line. The envelope provides for a 3 to 1 slope (3:1) for the next one fifty hundred feet (150'), a 2 to 1 slope (2:1) for structures between two hundred fifty-one feet (251') and seven hundred fifty feet (750'), and a 1 to 1 slope (1:1) between seven hundred fifty-one feet (751') and one thousand feet (1,000'). There is no height limitation for structures more than one thousand feet (1,000') from a residential boundary line.

The allowable height of a structure shall be based on the elevation of the property zoned "A", "B", "BR", "CR", "C" or "D" District at the residential district property line, less any increased elevation of the height of the proposed elevation of the foundation of the structure being proposed. The allowable height of a building may be reduced because its elevation is higher than the adjacent property, but may not be increased if it is lower than the adjacent property.

Notwithstanding any other provision in this Ordinance, no structure within the City may exceed an elevation of one thousand one hundred fifty feet (1,150') above mean sea level, nor shall any structure exceed the allowable height within the Approach/Departure Clearance Surface (Slope), the Conical Surface, or the Transitional Surface, without the express permission of the City of Benbrook and the Commanding Officer of NAS Fort Worth Joint Reserve Base.

Figure 17.84.050 Height-setback Envelope



17.84.060 LIVING QUARTERS IN COMMERCIAL DISTRICTS

In "E", "F", “HC”, "G", and "H" Districts, not intended for residential use and where residential use is not a permitted use, living quarters may be provided for resident managers, resident security and maintenance personnel and the like provided that:

A. The living quarters is clearly subordinate to the permitted use in "E", "F", “HC”, "G" or "H" Districts.

B. The living quarters are only occupied by a manager, security, maintenance or other individual employed with full time duties on the site on which the living quarters are located. This is not intended to preclude the additional occupancy of the living quarters by family members of the full time individual employed on the site.

C. The living quarters are incorporated into the design of the permitted use in such a manner that the living quarters are not perceptible as such.

D. Two (2) off-street parking spaces are provided per living quarter in addition to the required parking for the permitted use.

E. Not more than one (1) such living quarter shall be authorized per platted lot without prior specific approval of the Planning and Zoning Commission as a conditional use following procedures established in Chapter 17.80.

17.84.070 LOCATION OF SEXUALLY-ORIENTED BUSINESSES

A. No person shall operate or cause to be operated a sexually oriented business within one thousand feet (1,000') of:

1. A church;

2. A public or private elementary or secondary school;

3. Any District zoned "RE" Residential Estates, "A" One-Family, "B" One-Family, "BR" One-Family Reduced, "CR" Multiple-Family Restricted, "C" Multiple-Family, "D" Multiple-Family, or "MH" Mobile Home; inhabited residence; or

4. A public park.

For the purposes of this provision, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or to the nearest boundary of a public park or residentially-zoned district.

B. No person shall operate or cause to be operated a sexually oriented business within one thousand feet (1,000') of another sexually oriented business. For the purpose of this provision, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

C. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

D. A sexually oriented business lawfully operating as a conforming use after the effective date of this Ordinance is not rendered a non-conforming use by the location, subsequent to the operation of the sexually oriented business, of a church, public or private elementary or secondary school, public park or residentially-zoned district within one thousand feet (1,000') of the sexually oriented business.

17.84.080 STANDARDS FOR ANIMAL LOTS AND STABLES

(Refer also to Title 6, Chapter 6.04 of the City of Benbrook Municipal Code.)

A. The minimum lot area for a commercial animal lot and/or stable or barn shall be five (5) acres or one (1) acre for each animal unit, whichever is greater. If animals are maintained on pasture as their primary source of feed, then in no case shall more than one (1) animal unit be kept for each acre of land available. If horses are kept inside a building at all times (excluding exercise, then the maximum number of horses permitted shall be limited to the building capacity to house, show, and ride said horses.

B. If horses are kept inside a building, then one (1) sheltered stall shall be provided for each horse. A box stall shall be a minimum of ten feet by ten feet (10' x 10').

C. Stables, barns, corrals, areas of natural congregation (as determined by the Animal Control Officer) and piles of manure, feed, bedding shall be located at least fifty feet (50') from any right-of-way or lot line and at least one hundred fifty feet (150') from any adjacent existing residence to minimize odor and nuisance problems. Animal lot pasture may not extend within ten feet (10') of the lot line. Runoff containing any animal waste shall be controlled from entering onto an adjacent residential lot.

17.84.090 STANDARDS FOR TELECOMMUNICATIONS TOWERS AND ANTENNAE

The City of Benbrook has a goal of minimizing the number of new telecommunications towers and antennae, while balancing the needs of telecommunication providers to establish a reasonable network to provide quality service.

A. Before a Conditional Use Permit is granted for a new telecommunications tower, the applicant must demonstrate a good faith effort to locate on an existing tower or other structure. Such effort shall be demonstrated by providing evidence that all potential existing structures were contacted and were determined unavailable, or engineering data showing that there were no acceptable existing structures that met the grid requirements.

B. Any new telecommunications tower shall be designed to accommodate at least one (1) additional antenna.

C. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not

removed within said ninety (90) days, the City may remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not become effective until all users cease using the tower.

17.84.100 ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS

A. Standards that apply to all nonresidential buildings exceeding one thousand two hundred square feet (1,200 sq. ft.) in the "CF" and "D" Zoning Districts, and to all buildings in the "E", "F", "HC", and "G" Zoning Districts.

1. Materials:

All building facades that are visible from adjoining properties and/or public streets (excluding facades facing residential property that are screened by an eight-foot masonry wall or fence) shall be of architectural block, face brick, granite, marble, stucco, stone, cast stone, face tile, or tinted, textured or split-faced concrete masonry units. Glazing and framed glazing with less than twenty percent (20%) reflectance are considered acceptable alternatives.

Tilt-up concrete construction is permitted, provided the exterior surface is textured or covered with brick, stone, or material fabricated to simulate brick or stone.

EIFS (Exterior Insulation Finished System) is permitted, provided it is located 10 feet (10') above grade and does not exceed twenty percent (20%) of a facade area. Smooth concrete block and prefabricated metal panels are prohibited.

Glazing doors, windows and door frames, roof system trim, mansards, and similar visible exterior treatments shall be made of materials which complement construction materials.

Accessory buildings shall be constructed of materials that complement the main structure.

When rear facades are visible from adjoining properties and/or a public right-of-way, they shall be of a finished quality and consist of colors and materials that blend with the remainder of the building's primary facades.

A meritorious exception in accordance with Section 17.84.100.D below may be granted to the above requirements for non-principal buildings (e.g. accessory buildings) that do not exceed one thousand two hundred square feet (1,200 sq. ft.) in floor area. In considering such an exception, the Planning and Zoning Commission shall consider the character of the area, the reasonableness of the requirement, and may impose conditions on the exception to protect adjacent properties and promote community appearance.

For any non-facade walls that are not visible from adjacent property or a public right-of-way, the following materials shall be permitted:

a. Smoothed-faced concrete block that is non-tinted or non-burnished;

b. Tilt-up concrete panels that are unadorned or untextured; or

c. Pre-fabricated steel panels.

2. Colors:

All surfaces shall be low-reflectance, subtle, neutral or earth tone colors (such as white, tan, brown and gray.) Metallic or fluorescent colors are prohibited.

Trim and accent areas may feature brighter colors, including primary colors. Accent colors on each facade shall be limited to a maximum of twenty-five percent (25%) of the facade area for logo colors and a maximum of ten percent (10%) of the facade area for other accent colors. A logo color is a color commonly used by a large retail store as an identifying characteristic.

3. Ground-Mounted and Roof Top Mechanical Equipment:

All ground-mounted equipment shall be screened from view with masonry construction similar to the primary structure.

All roof-mounted equipment including, but not limited to, fans, vents, air conditioning units, cooling towers, and alternative energy systems (installed on a flat roof) shall be screened so as not to be visible at ground level from adjacent properties and/or public rights-of-way. The overall screening height shall be the height of the highest element of roof-mounted equipment. The outside of the screening device, if independent of the building facade, shall be painted or otherwise finished in a similar color to the color of the building facade, trim, or roof surface, whichever color is more effective in minimizing the visibility of the equipment and screen from ground level.

4. Outdoor Storage, Service and Loading Areas:

a. Areas for outdoor storage, truck parking, trash collection/compaction, loading and unloading, or other such uses shall not be visible from abutting streets, adjacent non-industrial properties and/or public/private streets. Service areas including, but not limited to, loading docks and truck courts shall be oriented away from the view of any freeway or public streets or adjacent residential zoning district or use unless screened by an eight foot (8') masonry wall extending the entire length of the service area. Such service areas shall have additional screening along the exterior side of the masonry wall in the form of evergreen landscaping which must be opaque and eight feet (8') in height within eighteen (18) months of planting.

b. Permanent outdoor display, sales and storage: Merchandise may be stored or displayed for sale to customers in areas contiguous to the front or side of the building. This area shall be enclosed by a minimum eight foot (8') wall of like appearance to the building or a base of like appearance to the building topped by wrought iron or tubular steel fencing with the minimum total

height being eight feet (8'). The masonry base enclosing this area shall be at least three feet (3') in height.

c. Automotive service bays, overhead doors, or other service areas shall be oriented away from the view of any freeway, public street, or adjacent residential zoning district or use unless screened by a minimum eight foot (8') masonry wall.

d. Shopping cart storage: Shopping carts may be stored outside the front of the building provided there are no more than two (2) cart storage areas (one on each side of the entryway). The cart storage area shall be screened with building materials substantially similar to the building facade.

B. Architectural Features that Apply to Single-Tenant Buildings over five thousand square feet (5,000 sq. ft.) in Floor Area or Multi-tenant buildings with a single main entrance.

1. Horizontal Facade Articulation:

No building facade shall extend for a distance greater than three (3) times the mean elevation of the wall's height without having an offset of fifteen percent (15%) or more of the wall's height. This offset shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

2. Vertical Facade Articulation:

No horizontal wall shall extend for a distance greater than three times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

3. Additional Architectural Features:
Ground floor facade walls shall incorporate the following features:

a. Entryway Features:
(At least three (3) of the five (5) items from the following list)

i. Raised cornice parapets over the door, peaked rook forms having an average slope greater than or equal to a minimum 5:12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.

ii. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;

iii. Enhanced exterior lighting such as wall sconces, light coves with concealed light source, ground-mounted accent lights, or decorative pedestal lights;

iv. Prominent three-dimensional entryway features projecting from the plane of the main exterior walls by a minimum of eight feet (8') and raised above the adjoining

parapet wall/roof by a minimum of three feet (3'), clock towers and other similar architectural design elements; and

v. Pilasters projecting from the plane of the wall by a minimum of eight inches (8") and/or architectural or decorative columns to create visual breaks and interest In the facade walls and exterior walls.

b. Detail Features:

Building facade walls shall include a repeating pattern that incorporates no less than two (2) of the five elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet (30'), either horizontally or vertically.

i. Color change;

ii. Texture Change;

iii. Material change;

iv. Architectural or structural bays created through a change in plane no less than twenty-four inches (24") wide such as an offset, reveal, or projecting rib; and/or

v. Repetitive ornamentation including decorative applied features such as wall-mounted fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of fifty feet (50').

C. Architectural Features that Apply to Multiple-Tenant Buildings over five thousand square feet (5,000 sq. ft.) in Floor Area with separate entrances for each tenant

1. Vertical Facade Articulation:

No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

2. Additional Architectural Features:
Ground floor facade walls shall incorporate the following features:

a. Entryway features:
(At least three (3) items from the four (4) in the following list)

i. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;

ii. Enhanced exterior lighting such as wall sconces, light coves with concealed light source, ground-mounted accent lights, or decorative pedestal lights;

iii. Prominent three-dimensional entryway features projecting from the plane of the main exterior walls by a minimum of eight feet (8') and raised above the adjoining parapet wall/roof by a minimum of three feet (3'), clock towers and other similar architectural design elements; and

iv. Pilasters projecting from the plane of the wall by a minimum of eight inches (8") and/or architectural or decorative columns to create visual breaks and interest In the facade walls and exterior walls.

b. Pedestrian Features:

i. Arcades, covered walkways, architectural awnings, canopies or porticoes are required along one hundred percent (100%) of the primary facade and/or street facing facades.

ii. Display windows, faux windows, decorative windows or regular fenestration are required along one hundred percent (100%) of the primary facade and/or street facing façade.

c. Detail Features:

Building facade walls shall include a repeating pattern that incorporates no less than two (2) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet (30'), either horizontally or vertically.

i. Color change;

ii. Texture Change;

iii. Material change;

iv. Architectural or structural bays created through a change in plane no less than twenty-four inches (24") wide such as an offset, reveal, or projecting rib; and/or

v. Repetitive ornamentation including decorative applied features such as wall-mounted fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of fifty feet (50').

D. Meritorious Exception

The Planning and Zoning Commission may waive any of the specific requirements of this subsection to approve alternate materials, colors, or architectural designs that meet the City's goal of attractive, human-scale architectural style in an innovative or unique manner.

In considering the request, the Planning and Zoning Commission shall consider the following factors in determining the extent of any exception granted:

1. The extent to which the application meets other specific standards of the architectural requirements;

2. The extent to which the application meets the spirit and intent of this chapter through the use of alternative building materials, colors, and facade design to create a building of high quality and appearance;

3. The positive or negative impact of the proposed project on surrounding property use, in comparison to the expected impact of a project, which could be built in conformance with standards of this section; and

4. The extent to which the proposed project accomplishes City goals as stated in the Comprehensive Plan or other approved document.

A meritorious exception shall not be granted to only serve as a convenience to the applicant, or only for reasons related to economic benefit.

17.84.110 CONDITIONS FOR AMUSEMENT ARCADES (INDOOR)

An amusement arcade (indoors) requiring an approved Conditional Use Permit shall comply with the following:

A. Permit and Certificates of Occupancy: If a Conditional Use Permit is approved for an Amusement Arcade (Indoor) prior to the commencement of business, a permit in accordance with Chapter 5.20 of the Benbrook Municipal Code, as amended, may be approved and issued by the City Secretary. Once said permit is issued, the Building Official must approve and issue a Certificate of Occupancy.

B. Location restrictions: No Amusement Arcade (Indoors) may be located within three hundred feet (300') of a church, school, or hospital, measured from property line to property line.

17.84.120 STANDARDS FOR NATURAL GAS COMPRESSION STATIONS

All natural gas compression stations shall comply with the following requirements:

A. Site Plan required: Prior to construction, a site plan shall be submitted for review and approval by the City Engineer and Planning Director.

B. Landscaping and Screening: An F2 bufferyard (as specified in Chapter 17.98, including masonry wall) shall be installed on all four (4) sides of the compression station pad, except for a reasonable opening on one side to allow access of maintenance and service vehicles. The bufferyard wall and/or vegetation shall be designed so that the equipment is not visible from an adjacent public roadway or residential area.

C. Noise Abatement: The masonry wall shall be designed to reduce the noise level emanating from any equipment within the compression station at any adjacent property zoned or used for residential, church, hospital or public park uses to no greater than fifty-five decibels (55 dB(A)), such noise level to be measured at the property line of the protected use. The design shall account for transmitted, diffracted and reflected noise. The evaluation shall also consider the additive

effects of other noise sources (aircraft, railroad, roadways) such that the addition of the compression station noise does not exceed fifty-five decibels (55 dB(A)), or existing ambient noise levels, whichever is greater.

D. Signage: Signage on the site shall be limited to a single identification sign, either monument or wall mounted, not exceeding thirty-two square feet (32 sq. ft.) in area and six feet (6') in height.

E. Minimum Separation:
Notwithstanding any other provision in this Ordinance, in relation to a protected use, no natural gas compression station shall be located:

1. Within three hundred feet (300') of property zoned or used for residential uses,
2. Within six hundred feet (600') of property zoned or used for residential uses with written consent obtained from each of the affected property owners, or
3. Within one thousand feet (1000') of a hospital, religious institution, school, day care center, library, or public park or building.

17.84.130 ALTERNATIVE ENERGY SYSTEMS

Alternative energy systems, including wind, solar, and geothermal, may be used where allowed within a zoning district, provided that they also comply with the following conditions:

A. Wind Energy Systems:

1. General Regulations:
The following general regulations apply to all wind energy systems located within an approved district.

a. Utility grid wind energy systems are prohibited within the City.

b. Primary Structure Required on Lot: A wind energy system may be erected on a lot only after a primary structure has been constructed on the lot.

c. Vertical or Tower System:

i. Maximum Height: The maximum height shall be the height at the highest point of the tower or structure of the system including the height of any blades when attached thereto. The maximum height shall not exceed the maximum building height allowed within the zoning district plus five (5) feet, or as permitted by a Conditional Use Permit. Additionally, no tower height shall exceed the tower height recommended by the manufacturer or the distributor of the wind energy system. Any tower that exceeds one hundred feet (100') in height must obtain a letter of no objection from the Commanding Officer of the NAS Fort Worth JRB.

ii. Location and Setbacks: No wind energy system shall be allowed in or extend into any front yard. The wind energy system may be no closer to the side and rear property line

than a distance equal to the allowed maximum height of the system.

d. Horizontal or Building System:

i. Maximum Height. The maximum height shall be the height at the highest point of the structure of the system including the height of any blades or encasement when attached thereto. The maximum height of the structure and the attached system shall not exceed the maximum building height allowed within the zoning district plus five (5) feet, or as permitted by a Conditional Use Permit.

ii. Location and Setbacks. The wind energy system shall be wholly attached to a permitted structure and shall not extend beyond the structure into any required setbacks.

e. Signs: No advertising or other signs shall be allowed on a wind energy system.

f. Building Permit Required: A building permit must be obtained prior to the construction or installation of a wind energy system. A complete application includes:

i. The appropriate permit fee as established in the City's Fee Schedule and submitted once the application for the building permit has been approved.

ii. A survey and legal description of the property on which the proposed wind energy system will be installed.

iii. A plan view layout of the proposed wind energy system at a scale of one inch equals thirty feet (1" = 30') or larger on a single sheet not exceeding twenty-four inches by thirty-six inches (24" by 36") clearly showing:

a) North arrow and scale;

b) Orientation and dimension of all property lines;

c) Location of all existing structures on the site;

d) Location of all components of the system in respect to the structure and/or property on which the system will be built;

e) Distance from the system to all property lines and easements;

f) Required setbacks for the structures and the system;

g) Maximum reach of any blade in any position;

h) Identification of adjoining property;

i) Adjacent land uses and zoning designations; and

j) Natural features such as watercourses and trees.

iv. Elevation drawings of the proposed wind energy system drawn to scale clearly showing:

a) Elevation of the system structure and/or elevation of the structure on which the system will be installed with the highest point of the structure dimensioned;

b) Dimension the maximum height of system;

c) Detailed drawings of all system components.

v. Standard Details. Standard installation drawings of the system including the wind turbine structure, tower, base, footings, fasteners, bracing and/or guyed wires, as applicable.

vi. Electrical Plan Required. Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

vii. Certification by engineer. The application shall include standard details, engineer analysis of the system, and certification by a professional engineer (engineer's seal) demonstrating compliance of the system with the City's building code (International Building Code) in effect at the time of construction. An engineering analysis shall be provided and certified by a registered professional engineer in the State of Texas. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.

viii. Evidence of notice to the City's franchised electric utility for transmission and distribution, informing the electric utility of the customer's intent to install a grid-connected customer-owned wind energy system and that the customer's system meets the utility's approved specifications for interconnection.

2. Construction Standards:
A wind energy system must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. All components of a wind energy system shall comply with applicable state and Benbrook building codes.

a. Sound Pressure Levels: Sound Pressure Levels shall not exceed fifty decibels (50 dB(A)) between the hours of 7:00 a.m. and 10:00 p.m. and thirty-five decibels (35 dB(A)) between the hours of 10:00 p.m. and 7:00 a.m. as measured from the property line closest to the wind energy system.

b. Lights: All lighting not required by the Federal Aviation Administration (FAA) is prohibited. When obstruction lighting is required by the FAA, such lighting shall not exceed the minimum requirements of said agency. Upward lighting, flood lights or other lighting not strictly required by the FAA is prohibited.

c. Building Codes/Safety Standards. To ensure the structural integrity of a wind energy system, the owner of such system must maintain the system in compliance with all provisions of the City of Benbrook's building code and zoning regulations. If, upon inspection, the City concludes that a wind energy system fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the wind energy system, the owner shall have thirty (30) calendar days to bring such system into compliance with applicable standards. Failure to bring such system into compliance shall constitute grounds for the removal of the wind energy system at the owner's expense. This notice requirement shall not preclude immediate action by the Building Official as allowed by law if public safety requires such action.

d. Compliance with State and Federal Requirements: All wind energy systems must meet or exceed current standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate wind energy systems at the date of permitting. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the wind energy system governed by this Ordinance shall bring such wind energy system into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

e. Maintenance: A wind energy system shall be maintained at all times, including, but not limited to, painting and maintaining structural integrity.

f. Upgrades and/or Modifications to an Existing System. Any upgrades, modifications or changes that materially alter the size or placement of an existing wind energy system shall comply with the provisions of this section.

g. Removal of Unsafe Wind Energy System: Wind energy systems that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within sixty (60) days following notice given by the Building Official. If

the wind energy system is not made safe or removed within sixty (60) days of notification from the City, the City may remove the wind energy system and place a lien upon the property for the costs of the removal. The Building Official may order immediate action to prevent an imminent threat to public safety or property.

h. Abandonment:

i. At such time as an owner plans to abandon or discontinue, or is required to discontinue, the operation of a wind energy system, such owner must notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations.

ii. In the event that an owner fails to give such notice, the wind energy system shall be considered abandoned if the wind energy system is not operated for a continuous period of twelve (12) months, unless the owner of said wind energy system provides proof of continued maintenance on a quarterly basis.

iii. Upon abandonment or discontinuation of use, the person who constructed the wind energy system or the person who operated the wind energy system or the property owner shall physically remove the wind energy system within ninety (90) days from the date of abandonment or discontinuation of use. “Physically remove” shall include, but not be limited to:

a) Removal of the tower, turbine and all other components of the wind energy system;

b) Transportation of the tower, turbine and all other components of the wind energy system to an appropriate disposal site;

iv. The owner of the wind energy system shall be responsible for all site reclamation including costs deemed necessary and reasonable to return the site to its pre-construction condition.

v. If a party as stated in Subsection (g) above herein fails to remove a wind energy system in accordance with this Section, the City shall have the authority to enter the subject property and physically remove the wind energy system. Costs for the removal of the wind energy system shall be charged to the landowner of record in the event the City must remove the wind energy system, and the City may place a lien on the property for such costs of removal.

vi. Failure to remove an abandoned wind energy system as required by this Section shall constitute a violation and

be subject to the penalties prescribed herein.

B. Solar Energy Systems:

1. General Regulations:
The following general regulations apply to solar energy systems located within an approved district.

a. Primary Structure Required on Lot: A solar energy system may be erected on a lot only after a primary structure has been constructed on the lot.

b. Ground-Mounted Systems:

i. Height: The height of system shall not exceed eight feet (8') above the existing grade at the location of the installed system.

ii. Placement:

a) Front Yard: No system shall be located forward of the primary structure on the lot or within the front yard setback.

b) Side and Rear Yard: No system shall be located less than ten feet (10') from any side or rear property line.

c. Roof-Mounted Systems:

i. Height:

a) Front and Side: System shall be installed parallel to the roof of the structure with no greater than six inches (6") clearance between the bottom of the panel and the roof material.

b) Rear: System may be installed with no greater than twelve inches (12") clearance between the bottom of the panel and the roof material, and may be angled to increase efficiency.

ii. Placement:

a) Flat roof: No portion of the system shall extend beyond the roof edges and shall be screened in accordance with the screening requirements in Chapter 17.84.100.A.3 of Zoning Ordinance regardless of floor area and use.

b) Pitched roof: No portion of the system shall extend beyond or above the roof ridge or edges.

d. Any solar energy system that exceeds one thousand square feet (1,000 sq. ft.) in surface area must apply for a Conditional Use Permit and obtain a letter of "no objection" from the Commanding

Officer of the NAS Fort Worth JRB.

e. Building Permit Required: A building permit must be obtained prior to the construction or installation of a wind energy system. A complete application includes:

i. The appropriate permit fee as established in the City's Fee Schedule and submitted once the application for the building permit has been approved.

ii. A survey and legal description of the property on which the proposed solar energy system will be installed.

iii. A plan view layout of the proposed solar energy system at a scale of one inch equals thirty feet (1" = 30') or larger on a single sheet not exceeding twenty-four inches by thirty-six inches (24" by 36") clearly showing:

a) North arrow and scale;

b) Orientation and dimension of all property lines;

c) Location of all existing structures on the site;

d) Location of all components of solar energy system in respect to the structure and/or property on which the system will be built;

e) Distance from the system to all property lines and easements;

f) Required setbacks for the structures and system;

g) Identification of adjoining property;

h) Adjacent land uses and zoning designations; and

i) Natural features such as watercourses and trees.

iv. Elevation drawings of the proposed solar energy system drawn to scale clearly showing:

a) Elevation of the system and/or elevation of the structure on which the system will be installed with the highest point of the structure dimensioned;

b) Dimension the maximum height of system;

c) Dimension the clearance(s) of a roof mounted system between the bottom of the panel and the

roof material; and

d) Detailed drawings of all system components.

v. Electrical Plan Required: A line drawing of the electrical components of the solar energy system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

vi. Standard Details: Standard installation drawings of the solar energy system and its structure, including a copy of the manufacturing specifications demonstrating compliance of the system with the City's building code (International Building Code) in effect at the time of construction.

vii. Certification by engineer. The application shall include a standard drawing and engineer analysis by professional engineer (engineer seal) providing certification of the roof structure. If the proposed installation causes the roof load to exceed the requirements of the International Residential Code or International Building Code, an engineered design is required.

2. Construction Standards:
Any solar energy system must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. All components of a solar energy system shall comply with applicable state and Benbrook building codes.

a. Upgrades and/or Modifications to an Existing System. Any upgrades, modifications or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this section.

b. Abandoned: If a solar energy system (ground- or roof-mounted) has been abandoned meaning not in operation for a period of six (6) months or is defective or is deemed to be unsafe by the Building Official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the City may pursue legal action to the system removed at the owner's expense.

c. Compliance with State and Federal Requirements: All solar energy systems must meet or exceed current standards and regulations of any other agency of the state or federal government with the authority to regulate solar energy systems at the date of permitting. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the solar energy system governed by this Ordinance shall bring such solar energy system into compliance with the revised standards and regulations within

six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

C. Geothermal Heat Pump Systems:

1. General Regulations:
The following general regulations apply to all geothermal heat pump systems located within an approved district.

a. Open-loop systems shall be prohibited.

b. Placement: No portion of a closed-loop system may be constructed within five feet (5') of a property line or within a dedicated easement without obtaining written permission from the City and/or all franchised utilities.

c. Building Permit Required: A building permit must be obtained prior to the construction or installation of a closed-loop geothermal heat pump system. A complete application includes:

i. The appropriate permit fee as established in the City's Fee Schedule and submitted once the application for the building permit has been approved.

ii. A survey and legal description of the property on which the proposed system will be installed.

iii. A plan view layout of the proposed system at a scale of one inch equals thirty feet (1" = 30') or larger on a single sheet not exceeding twenty-four inches by thirty-six inches (24" by 36") clearly showing:

a) North arrow and scale;

b) Orientation and dimension of all property lines;

c) Location of all existing structures on the site;

d) Location of all components of system in respect to the primary structure and/or property on which the system will be built;

e) Distance from the system to all property lines and easements;

f) Required setbacks for the structures and the system;

g) Identification of adjoining property;

h) Adjacent land uses and zoning designations;

and

i) Natural features such as soils, watercourses and trees.

iv. Electrical Plan Required: A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

v. Standard Details: Standard installation drawings of the closed loop geothermal installation, including a copy of the manufacturing specifications demonstrating compliance of the system with the City's building code (International Building Code) in effect at the time of construction.

2. Construction Standards:
Any closed-loop geothermal heat pump system must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. All components of a closed-loop geothermal heat pump system shall comply with applicable state and Benbrook building codes.

a. All closed-loop geothermal heat pump systems must be constructed in accordance with all applicable State regulations, including regulations of the Texas Department of Licensing and regulation for water well drillers.

b. Compliance with State and Federal Requirements: All geothermal energy systems must meet or exceed current standards and regulations of any other agency of the state or federal government with the authority to regulate geothermal energy systems at the date of permitting. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the geothermal energy system governed by this Ordinance shall bring such geothermal energy system into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

c. Upgrades and/or Modifications to an Existing System. Any upgrades, modifications or changes that materially alter the size or placement of an existing closed-loop geothermal heat pump system shall comply with the provisions of this section.

d. Abandoned: If a closed-loop geothermal heat pump system has been abandoned meaning not in operation for a period of six (6) months or is defective or is deemed to be unsafe by the Building Official, the closed-loop geothermal heat pump system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Official in

accordance with federal, state and local regulations. If the owner fails to remove or repair the defective or abandoned closed-loop geothermal heat pump system, the City may pursue legal action to the system removed at the owner's expense.

17.84.140 STANDARDS FOR CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The City of Benbrook has a goal of promoting public safety through implementation of principles of crime prevention through environmental design. Every application for a site plan or plot plan for projects in the "D" Multiple Family, "E" Commercial, "F" Commercial, "HC" Highway Corridor, "G" Commerce, "H" Industrial, "MU" Mixed Use or "PD" Planned Development District shall be reviewed by a City of Benbrook CPTED review team made up of one law enforcement officer and one CPTED-trained planner or building inspector prior to approval. The applicant must respond to all suggestions and concerns noted by the CPTED team prior to consideration and approval and only the Planning and Zoning Commission may grant waivers to the recommendations of the CPTED team.

The applicant is encouraged to consider the following principles and guidelines in the design of his/her project to assist in the creation and maintenance of developments that decrease the opportunity for crime and increases the perception of safety. The CPTED review shall encompass, but not be limited to the following principles:

A. Provision of natural surveillance:

1. The placement and design of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences and walls, signage and any other physical obstructions.

2. The placement of persons and/or activities to maximize surveillance possibilities.

3. Lighting that provides for nighttime illumination of parking lots, walkways, entrances and exits.

B. Provision of natural access control:

1. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.

2. The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

C. Provision of territorial enforcement:

The use of pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership of property.

D. Maintenance:

The use of low-maintenance landscaping and lighting treatments to facilitate CPTED principles of natural surveillance, natural access control and territorial reinforcement. All exterior lighting fixtures shall be maintained in an operative state and landscaping shall be maintained to present a healthy and orderly appearance and shall be kept free from refuse and debris.

17.84.150 FOOD TRUCK PARKS

A. A site plan is required in conjunction with the application for a Conditional Use Permit showing the following:

1. An accurate boundary survey;

2. North arrow and true scale;

3. Name(s) and address(es) of developer, licensed engineer or architect preparing site plan;

4. Legal description by reference to name of subdivision or survey tract in which it is located;

5. Ownership and zoning of subject property;

6. Ownership and zoning of adjacent properties;

7. All existing and proposed public or private streets and alleys;

8. Paved food track pad sites;

9. Easements;

10. Location and screening of dumpster;

11. The points of ingress and egress from existing public streets;

12. Existing and proposed finished grades with contour intervals of not less than two feet (2'), or spot grades where the relief is limited;

13. Building setback lines in accordance with Zoning District regulations;

14. The distances between the food truck pad sites and the property line, street line and/or alley line;

15. Building footprint showing the distances between the restroom facility and the property line;

16. Electricity utility service to each food truck pad site;

17. Parking spaces in compliance with Chapter 17.88; and

18. Location and width of sidewalks to and between each pad site.

B. Floor plan and elevations are required of the proposed restroom facility.

17.84.160 HOME OCCUPATION

A home occupation may be conducted in a dwelling unit, provided that it complies with the following:

A. A home occupation shall be permitted only when it is an accessory use to a dwelling unit;

B. A home occupation shall not involve any external structural alteration of the main building;

C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty percent (20%) of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;

D. Only one (1) employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home occupation shall be considered an employee for the purposes of this section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business;

E. No outdoor storage of materials, goods, supplies or equipment shall be allowed;

F. A person who engages in a home occupation shall not place a sign or display on the premises;

G. A home occupation shall not involve more than one (1) patron on the premises at one time;

H. Any outdoor activities associated with a home occupation shall be screened from the neighboring property by a solid fence of at least six feet (6') in height.

I. A home occupation may include the sale of products on the premises provided that the business has a valid sales tax permit and that compliance is maintained with all other conditions specified herein; and

J. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dirt, odors, heat, or solid waste in excess of that normally found in residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.

CHAPTER 17.88
PARKING AND VEHICULAR CIRCULATION REGULATIONS

Sections:

17.88.010 PARKING REQUIREMENTS BY USE
17.88.012 OFF-STREET LOADING REQUIREMENTS
17.88.014 STACK SPACE REQUIREMENTS
17.88.020 GENERAL REQUIREMENTS
17.88.021 HANDICAPPED PARKING SPACES
17.88.022 SAFETY STANDARDS
17.88.023 LIGHTING
17.88.024 FENCING AND SCREENING
17.88.025 MAINTENANCE
17.88.026 DRAINAGE
17.88.030 RECREATIONAL VEHICLE PARKING
17.88.040 PARKING AND STORAGE OF CERTAIN VEHICLES
17.88.050 BICYCLE PARKING

17.88.010 PARKING REQUIREMENTS BY USE

In all zoning districts, off-street vehicle parking spaces shall be provided in accordance with the following requirements. In any case where specific requirements result in a fraction of a parking space the next larger whole number of spaces shall be required. In any case where specific requirements include the number of persons employed on the premises, the number persons employed in two (2) shifts shall be used for calculating parking requirements when a use customarily exceeds nine (9) hours of operation in a twenty-four (24) hour period. Parking spaces shall be required as follows:

Table 17.88.010
PARKING LOT REQUIREMENTS BY USE

1. One-Family Dwellings	One (1) space for each one thousand five hundred square feet (1,500 sq. ft.) of livable floor area or fraction thereof up to four (4) spaces. Minimum of two (2) spaces required.
2. Two-, Three-, Four- Family Dwelling	Two (2) spaces for each family dwelling unit.
3. Multiple Family Dwelling(s) (five units or more)	One and three quarters (1.75) spaces for each family unit.
4. Boarding, Lodging House, Dormitory Residence Hall	One (1) space for proprietor plus one (1) space for each sleeping unit or fraction thereof.
5. Hotel, Motor Hotel	One and one quarter (1.25) spaces for each bedroom unit plus one (1) space per two hundred square feet (200 sq. ft.) of display room, meeting room, or ballroom area or fraction thereof. Restaurant parking requirements - see below.
6. Day Nursery, Kindergarten	One (1) space per employee plus one (1) space per ten (10) children or fraction thereof based on occupant load
7. Church	One (1) space for each four (4) seats in the auditorium or fraction thereof.

8. Auditorium, Theater	One (1) space for each four (4) seats or fraction thereof, plus one (1) space for each two hundred square feet (200 sq. ft.) or fraction thereof of lobby and concession area.
9. Restaurant, Cafeteria	One (1) space for each one hundred square feet (100 sq. ft.) of gross floor area or fraction thereof.
10. Food Truck Park	Two (2) spaces for each food truck pad in park.
11. General Hospital	One (1) space for each one and one-half (1.5) beds.
12. Nursing and Care Home	One (1) space for each two (2) beds, based on licensed capacity.
13. Office, Bank & Professional Bldg.	One (1) space for each four hundred square feet (400 sq. ft.) of gross floor area or fraction thereof.
14. Medical & Dental Office or Clinic	One (1) space for each two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof.
15. Commercial Building	One (1) space for each two hundred and fifty square feet (250 sq. ft.) of gross floor area or fraction thereof. Minimum of two (2) spaces required.
16. Home Improvement, Hardware or Paint Store	One (1) space for each three hundred square feet (300 sq. ft.) of gross floor area or fraction thereof. Minimum of two (2) spaces required.
17. Mini Warehouse	One (1) space for each twenty (20) storage units or fraction thereof. Minimum of three (3) spaces required.
18. Industrial Building - Manufacturing	One (1) space per employee for a maximum possible employment of two (2) shifts combined or one (1) space per five hundred square feet (500 sq. ft.) or fraction thereof of manufacturing space whichever is greater. Other areas of building by use.
19. Industrial Building - Warehouse	One (1) space for each one thousand square feet (1,000 sq. ft.) or fraction thereof of warehouse area, provided that the spaces for any warehouse shall not be less than four (4). Other areas of building by use.
20. Elementary, Middle School, Public Parochial and Private	One (1) space for each faculty member and one (1) space for and each person employed on the premises. In addition, in cases where buses for the transportation of children are kept at the school, one (1) off-street bus parking space shall be provided for each bus. Parking shall also be provided for auditorium and assembly areas to a ratio of one (1) parking space per four (4) seats, whichever is a greater number of spaces.

21. Senior High School Public, Parochial and Private	One (1) space for each faculty member and one (1) space for each person employed on the premises, plus one (1) additional space for each four (4) students enrolled. In addition if buses for the transportation of children are kept at the school one (1) off-street bus parking space shall be provided for each bus.
22. Colleges and University	One (1) space for each faculty member plus one (1) space for each employee on the premises, plus one (1) space for each four (4) day students not residing on campus.
23. Outdoor Manufacturing	One (1) space for each seven thousand five hundred square feet (7,500 sq. ft.) of work area or fraction thereof not counting parking, buildings or required parking for buildings. Minimum of three (3) spaces.
24. Outdoor Recreation Activities	One (1) space shall be provided to meet the greatest average peak hour trips per land area presented for the most appropriate land use in the latest edition of Trip Generation published by the Institute of Transportation Engineering, with a minimum of four (4) spaces. Any building by use.
25. Outdoor Sales	One (1) space per two thousand five hundred square feet (2,500 sq. ft.) or fraction thereof of land area net of any building, with a minimum of eight (8) spaces. Any buildings by use. All parking spaces to be in addition to sales inventory area.
26. Showroom Warehouse	Minimum of one (1) space per five hundred square feet (500 sq. ft.) of gross floor area or fraction thereof. A minimum of three (3) parking spaces shall be provided per unit in multiple unit developments.
27. Car Wash	Minimum of one (1) space for each washing stall, in addition to the washing stall.
28. Bowling Alley	Minimum of five (5) spaces for each bowling lane, plus any restaurant, office, pro shop, etc. by use.
29. Commercial Amusement Centers, Games Arcade, Recreation Parlors, Amusement Arcade (Indoor)	One (1) space for each one hundred square feet (100 sq. ft.) or fraction thereof of gross floor area. Minimum of four (4) spaces.
30. Manufactured Home	One (1) space for each one thousand five hundred square feet (1,500 sq. ft.) of livable floor area or fraction thereof up to four (4) spaces. Minimum of two (2) spaces required.
31. Utility Facility	Parking for approved Conditional Use utility facilities, the purpose of which does not include or require vehicular access by the public, shall be

	adequate for a specific facility, but in no case be less than two (2) spaces. Parking maneuvering and drive space for such facilities, under the above circumstances, may be other than hard surface and dust free.
32. Riding Arena, Commercial Riding Stable, Commercial Barn or Stable	All parking requirements for such facilities shall be determined by the Planning and Zoning Commission in conjunction with and as a condition of each Conditional Use approval.
33. Helistop	All parking requirements for such facilities shall be determined by the Board of Adjustment in conjunction with and as a condition of each Special Exception approval by the Board.
34. Funeral Home	One (1) space per four (4) seats in chapel or fraction thereof, plus sufficient parking for funeral vehicles.
35. Museum	One (1) space per four hundred square feet (400 sq. ft.) of gross floor area or fraction thereof.
36. Service Station	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof, minimum of four (4) spaces not counting area at pump island or in service bays.
37. Repair Garage	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof, minimum of five (5) spaces not counting space in building.
38. Library	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof.
39. Barber/Beauty Shop	One (1) space per one hundred square feet (100 sq. ft.) of gross floor area or fraction thereof.
40. Laundry/Self-Service	One (1) space per fifty square feet (50 sq. ft.) of gross floor area or fraction thereof.
41. Community Center	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof.
42. Lodge/Fraternity Hall	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof.
43. Trade/Business School	One (1) space per two hundred square feet (200 sq. ft.) of gross floor area or fraction thereof.

17.88.012 OFF-STREET LOADING REQUIREMENTS

All retail or wholesale sales, distribution, manufacturing and warehouse uses shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement

of traffic on the public street in addition to other parking requirements. Such space shall consist of a minimum area of ten feet by twenty-five feet (10' x 25') and be provided as follows:

Gross Floor Space (sq. ft.)	Loading or Unloading Berths
25,000 or less	1
25,001 to 84,000	2
84,001 to 156,000	3
156,001 to 236,000	4
Each 100,000 additional	1 additional

In cases of unusual design considerations, exemptions or modifications to the Off Street Loading Requirements will be permitted only by approval of the Planning and Zoning Commission.

17.88.014 STACK SPACE REQUIREMENTS

All business uses containing an automobile drive-in type ordering or service facility, whether manned or unmanned, shall provide automobile stack space in conjunction with the drive-in facility. Stack spaces shall be nine feet wide by eighteen feet long (9' wide x 18' long) and shall be located in a sequential arrangement oriented to the drive-in ordering or service area.

The space occupied by an automobile placing an order or being served shall not be considered as a stack space.

Required stack space(s) shall not be on any street right-of-way or alley, any necessary maneuvering area for parking spaces, within the general traffic circulation pattern of a parking lot, or a designated fire lane. Stack spaces may be situated in a straight alignment or in a curved pattern with functional radii.

All stack space requirements shall be in addition to all parking space and loading requirements specified in Sections 17.88.010 and 17.88.012 above. Such stack spaces shall be provided as follows:

	Use	Required Stack Spaces
A.	Bank, Savings & Loan or other Financial Transaction Facility	Three (3) spaces.
B.	Food Service Facility	Three (3) spaces from ordering location if separate from pick-up area.
C.	Car Wash, Self Service or Automatic	Three (3) spaces.
D.	Film/Film Processing Sales, Laundry and/or Cleaning Facility, and similar Sales or Retail Facilities	One (1) space.
E.	Drug Store, Convenience Store, Drive-thru Beverage Store and similar Sales and Retail Facilities	Three (3) spaces

17.88.020 GENERAL REQUIREMENTS

A. Parking requirements in all "A", "B", "BR", "CR", and "C" Districts shall be provided behind the required front yard and second front yard setback.

B. For the purpose of this section, an off-street parking space shall be a minimum of nine feet in width and eighteen feet in length (9' wide x 18' long), plus off-street maneuvering space.

C. For a single row of ninety degree (90º) head-in parking, the minimum width for a parking space plus aisle shall be thirty-eight feet (38'). For two (2) rows of ninety degree (90º) head-in parking using the same aisle, the minimum width for parking spaces plus aisle shall be fifty-six feet (56'). (See Figure 17.88.020-1)

D. For a single row of sixty degree (60º) head-in parking, the minimum width for parking space plus aisle shall be thirty-four feet (34'). For two (2) rows of sixty degree (60º) head-in parking, using the same aisle, the minimum width for parking spaces plus aisle shall be fifty-two feet (52'). (See Figure 17.88.020-1)

E. For a single row of forty-five degree (45º) head-in parking the minimum width for parking space plus aisle shall be thirty feet (30'). For two (2) rows of forty-five degree (45º) head-in parking, using the same aisle, the minimum width for parking spaces plus aisle shall be forty-eight feet (48'). (See Figure 17.88.020-1)

F. A single line of parking spaces may be provided parallel to an aisle provided they are at least twenty-two feet (22') in length and nine feet (9') in width and twenty-two feet (22') of maneuvering space in front of and diagonal to the front most parallel parking space. (See Figure 17.88.020-2)

G. When driveways are less than twenty feet (20') in width, marked separate entrances and exits shall be provided so that traffic shall flow in one direction only. Entrances and exits to an alley may be provided, if prior approval is obtained in writing from the City.

H. When more than one (1) aisle is provided, adequate internal circulation shall be provided between the aisles to allow movement between the aisles without using public right-of-way.

I. No parking shall be allowed within an area measuring eighteen feet (18') square with one side of the square along a property line and a second side of the square along the width limit of a drive approach in any district. The above noted eighteen foot (18') square area of no parking shall be behind the property line and adjacent to the throat of a driveway. Attached hereto is Figure 17.88.020-3 which is incorporated in and made part of this Ordinance.

J. Maneuvering space shall be completely off the right-of-way of a public street, place or court. Drives and parking areas, including one and two family dwellings, shall be asphalt, concrete, or other approved hard, all-weather surface, free of litter, debris, weeds, grass, or other objectionable material or objects. All parking requirements applying to a stated unit of measurement shall be understood to include a parking space for each unit or fraction thereof.

K. Parking areas that would require the use of public right-of-ways for maneuvering shall not be acceptable, other than for one- and two-family dwellings, unless specifically approved by the Planning and Zoning Commission. Parking parallel to the curb on a public street shall not be substituted for off-street requirements, unless specifically approved by the Planning and Zoning Commission. Any on-street parking approved by the Planning and Zoning Commission shall be limited

to parallel parking or forty-five degree (45 º) or less head-in parking.

L. Nothing in this section shall require the furnishing of additional parking spaces for existing buildings to meet the requirements of this section for the existing use.

M. When the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this section for the new use.

N. For existing buildings that are enlarged, parking spaces shall be required for the overall building.

O. When permanent seating is not provided in any public assembly area, the occupant load shall be computed in accordance with current Fire Code Regulations of the City of Benbrook as the Fire Code currently exists or may be amended in the future without requiring amendment to this Ordinance. The applicable parking requirement will then be calculated as if each occupant had a permanent seat.

P. The location of ingress and egress driveways shall be subject to the approval of the Department of Community Development under curb cut or laid down curb authorization procedures.

Q. Auxiliary parking may be used if sufficient parking to meet the requirements under paragraph A above is available on the premises. A private parking lot may be provided within five hundred feet (500'), either on property zoned for that purpose or as approved by the Planning and Zoning Commission under the following restrictions:

1. The parking must be subject to the front yard setback requirements of the district in which it is located.

2. The parking area must be hard surfaced and dust free.

3. A minimum five foot (5') high screen type fence or planting must be provided on all sides for the protection of the adjacent properties zoned for residential use.

4. Area lights must be directed away from adjacent properties and adjacent roadways.

Figure 17.88.020-1

PARKING LOT LAYOUT

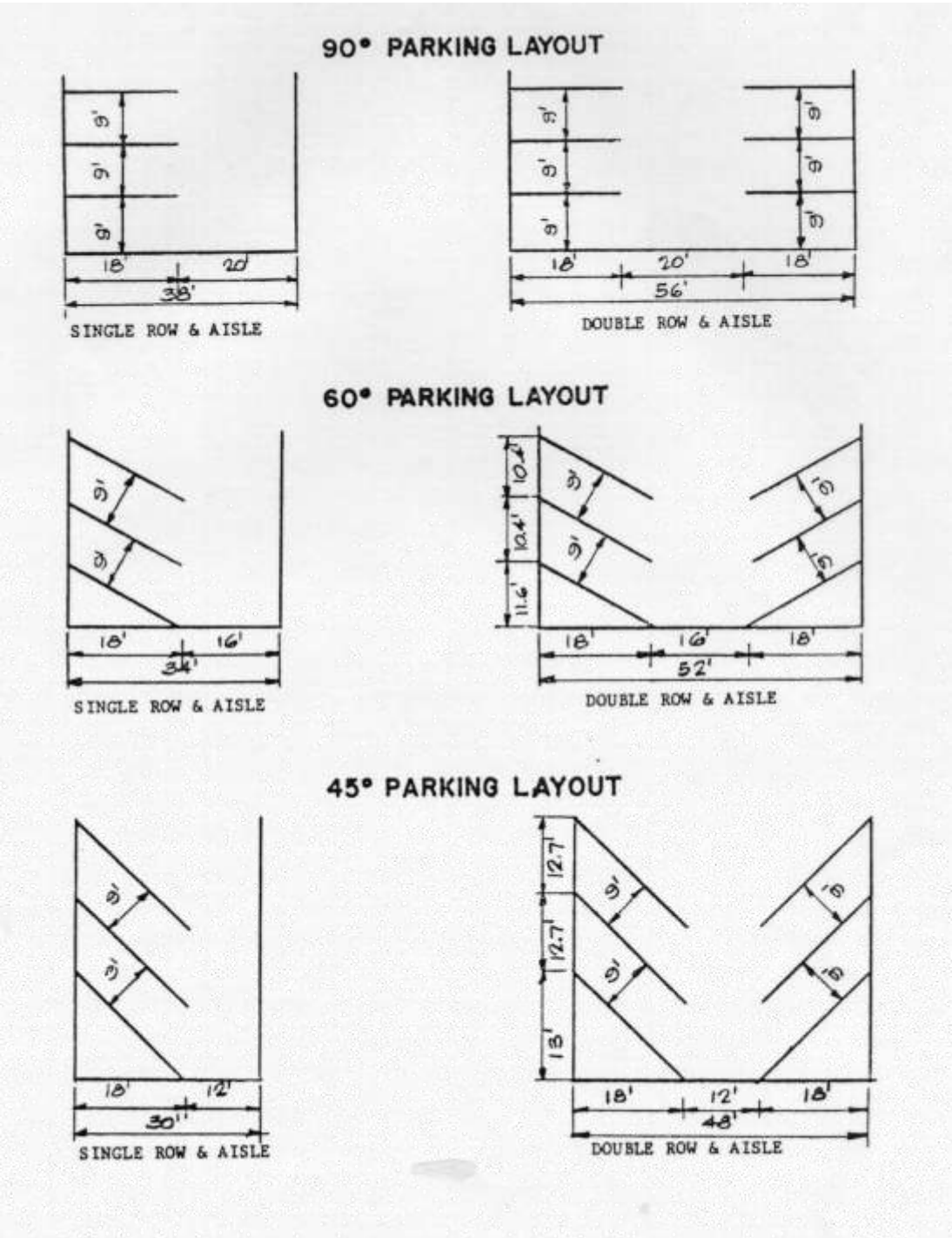


Figure 17.88.020-2

PARALLEL PARKING LAYOUT

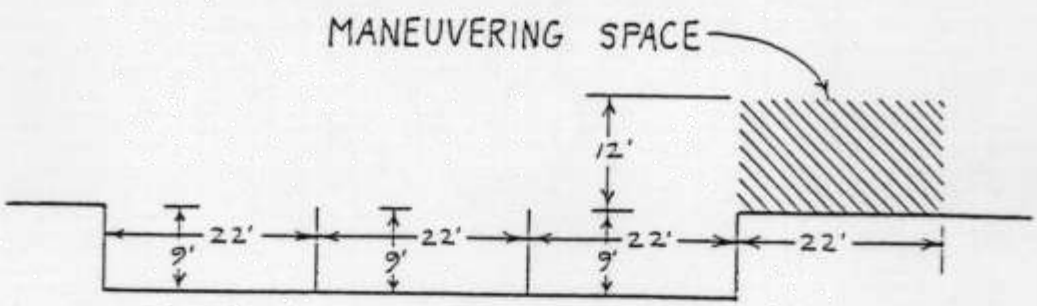
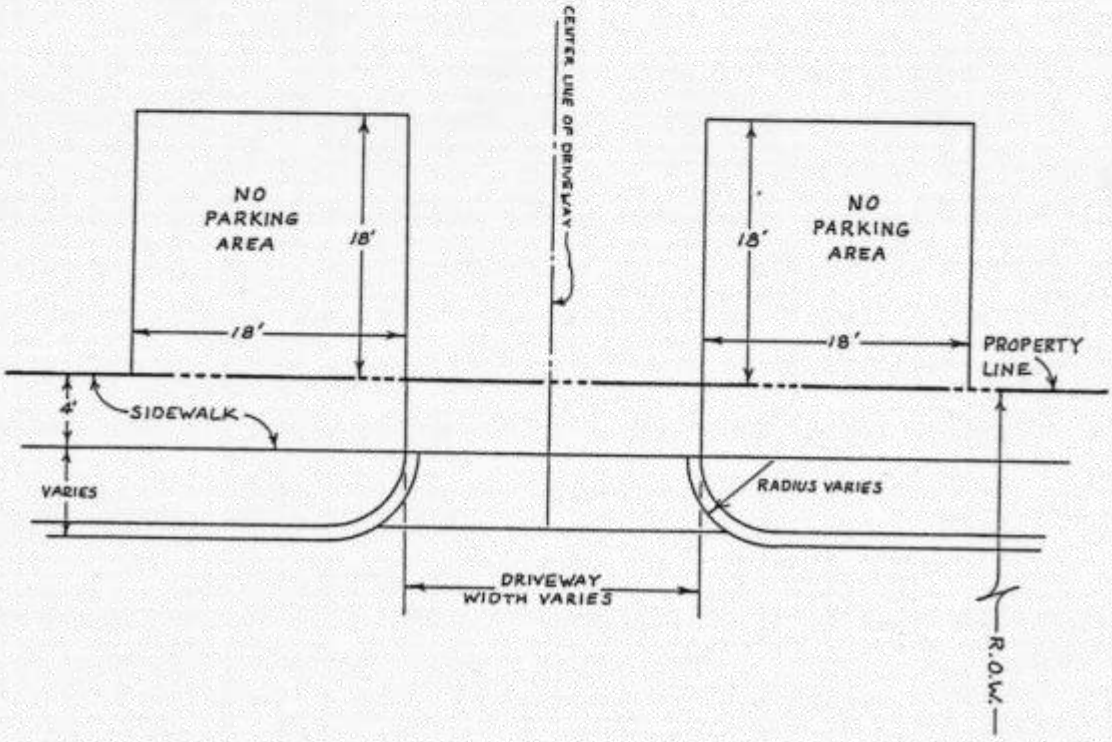


Figure 17.88.020-3

NO PARKING ADJACENT TO DRIVE APPROACH



17.88.021 HANDICAPPED PARKING SPACES

In each parking facility in "CF", "D", "E", "F", “HC”, "G", “MU” and "H" Districts, a portion of the total parking spaces available shall be specifically designed, located and reserved for vehicles licensed by the State for use by the handicapped. These spaces shall be provided according to the following schedule:

Total Spaces in lot	**Number of Handicapped Spaces**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 per 100 over 1000

Each parking space designated for use by the handicapped shall consist of a rectangular area not less than nine feet wide by eighteen feet long (9' wide x 18' long), with a vertical clearance of nine and one-half feet (9 ½'), shall be located in an area not exceeding two percent (2%) slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons. A five-foot (5’) wide access aisle shall be provided adjacent to the handicapped parking space, except that for one (1) of every eight (8) spaces, but not less than one (1), shall be provided with an eight foot (8’) wide access aisle for van access. Parking spaces for the handicapped shall be designated with a vertically mounted or suspended sign in accordance with State law (Texas Accessibility Standards) and restricted for use by the handicapped only.

17.88.022 SAFETY STANDARDS

A. Safety barriers, protective bumpers or curbing shall be provided to prevent encroachment onto adjoining public or private property.

B. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.

C. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

17.88.023 LIGHTING

Lights provided to illuminate any parking facility or paved area shall, to the maximum extend feasible, be designed to reflect away from any residential use.

17.88.024 FENCING AND SCREENING

Landscaping and bufferyards shall be provided in accordance with Chapter 17.98 of this Ordinance.

17.88.025 MAINTENANCE

All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.

17.88.026 DRAINAGE

All parking facilities shall be graded and provided with permanent storm drainage facilities, meeting the construction specifications set by the City Engineer. Surfacing, curbing, and drainage improvements shall be sufficient to preclude the free flow of water onto adjacent properties or public streets or alleys, and to provide adequate drainage.

17.88.030 RECREATIONAL VEHICLE PARKING

A. No more than one (1) recreational vehicle shall be parked in any required front yard the total length of which shall not measure more than thirty-five feet (35') in length, including any transport accessory and shall not under any circumstances extend into or upon any right-of-way or public access easement. The parking surface in any required front yard shall be asphalt or concrete surface not less than nine feet wide by eighteen feet long (9’ wide by 18' long) in size, free of litter, debris, weeds, or other objectionable material or objects. Use of an alternate all-weather hard surface may be approved only by the City Engineer. The vehicle and transport accessory must be totally operational and ready for use and have current license plates and inspection certificate. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or any location not approved for such use.

B. Parking of recreational vehicles will be permitted behind the front building line; however, such vehicles shall be currently licensed and in good repair and be parked on a concrete or asphalt surface at least nine feet wide by eighteen feet long (9’ wide by 18' long) in size.

C. Recreational vehicles shall not be parked in any street or public right-of-way for a period exceeding three (3) hours.

17.88.040 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers meeting the definition of “junked vehicle” shall not be parked or stored on any property other than completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property. Antique or special interest vehicles may be parked by a motor vehicle collector on the collector’s property behind the front building line provided that the vehicle is parked on a concrete or asphalt surface at least nine feet wide by eighteen feet long (9’ wide by 18' long) in size,

the area is maintained in an orderly manner and not a health hazard, and that the area is screened from ordinary public view by not less than a six foot (6') solid fence. Covering of a junked, antique or special interest vehicle by a tarp or other fabric cover alone is not sufficient to comply with the screening requirement herein. Parking or storage of all licensed trailers shall conform to requirements of major recreational equipment. All automotive vehicles or trailers of any kind shall be parked on a concrete or asphalt surface not less than nine feet wide by eighteen feet long (9' wide by 18' long). Use of an alternate all-weather hard surface may be approved only by the City Engineer. The temporary parking (not exceeding forty-eight (48) hours) of automotive vehicles or trailers on a surface other than concrete or asphalt at special community events hosted or authorized by the City may be approved on a case-by-case basis by the Director of Public Services.

17.88.050 BICYCLE PARKING

A. Bicycle Parking Requirement

1. All new non-residential developments ("CF", "E", "F", "G", "H", and "HC" Zoning Districts) shall provide parking spaces for bicycles equivalent to five percent (5 %) of their automobile parking requirement.

2. In all cases where bicycle parking is required, no fewer than two (2) spaces (one (1) rack) shall be required.

3. A reduction in the minimum required automobile parking may be allowed equal to one (1) automobile space for each two (2) bicycle parking spaces provided. Additional bicycle parking spaces provided above the required number may not reduce the required number of automobile parking spaces by more than thirty-five percent (35%).

B. Locations

1. Bicycle parking shall be located as close as or closer than the nearest car parking space to the building entrance, other than those spaces for persons with disabilities.

2. Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the Americans with Disabilities Act of 1990.

3. Bicycle Racks shall not block the building entrance or inhibit pedestrian flow.

4. Bicycle Racks shall be located in highly visible and well-lit areas to minimize theft and vandalism.

5. Alternative Locations: In the event that compliance may not be feasible because of demonstrable hardship, the Planning Director may approve an alternative location. The Planning Director shall be guided by the following criteria:

a. Alternative locations shall be well lit and secure.

b. All Bicycle Parking Spaces shall be located within one hundred feet (100') of the primary building entrance.

C. Layout and Design

1. Bicycle Rack Design - Structures That Require a User-Supplied Locking Device

   a. Each bike rack shall be designed to accommodate two (2) bike parking spaces using the allowed bike rack designs below.

   b. Racks shall be designed to accommodate U-shaped locking devices and support the bicycle in two (2) places.

   c. Racks shall be designed to resist cutting, rusting, bending and deformation.

   d. The surfacing of such facilities shall be designed and maintained to be mud and dust free.

2. Bicycle Parking Space Size, Access Aisles, and Vertical Clearance

   a. Required bicycle parking spaces shall be at least four feet wide by six feet long (4’ x 6’).

   b. An access aisle of at least four feet (4’) shall be provided in each bicycle parking facility.

   c. Such space shall have a vertical clearance of at least six feet (6’).

   d. Racks shall be placed on forty-eight-inch centers (48” o.c.).

3. Bicycle parking shall be located to protect bicycles from damage from automobiles.

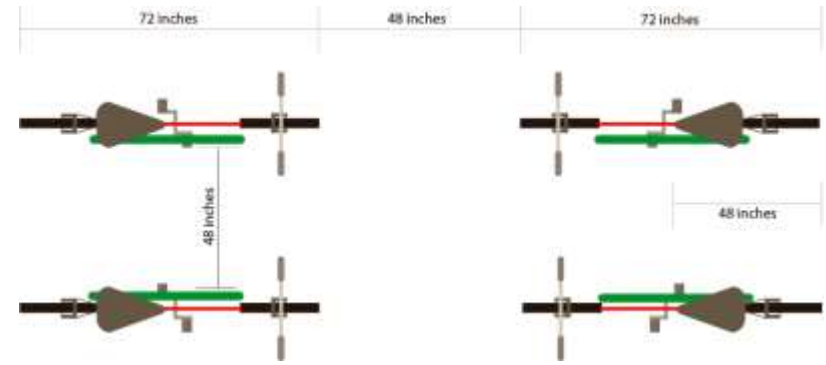
4. In cases where Bicycle Parking Spaces are not visible from the primary street, signage shall be used to direct cyclists safely to bicycle parking areas (see example next page).

5. All Bicycle Racks and lockers shall be securely anchored to the ground using a concrete footing and tamper-proof spike anchors.

6. Bicycle parking shall be designed to minimize visual clutter to the extent possible.

D4-3

(Manual for Uniform Traffic Devices sign D4-3)



CHAPTER 17.92
SIGN REGULATIONS

Sections:

17.92.010	**PURPOSES**
17.92.020	**AUTHORITY**
17.92.030	**ADMINISTRATIVE PROCEDURES**
17.92.040	**DESIGN, CONSTRUCTION, AND MAINTENANCE**
17.92.050	**SIGNS ALLOWED ON PRIVATE PROPERTY**
17.92.060	**SIGNS IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY**
17.92.070	**PORTABLE SIGNS**
17.92.080	**EXEMPT SIGNS**
17.92.090	**PROHIBITED SIGNS**

17.92.010 PURPOSES

The purposes of these sign regulations are:

A. To encourage the effective use of signs as a means of communication in the City, by providing that

1. Businesses and services may identify themselves,
2. Customers and other persons may locate a business or service,
3. No person or group is arbitrarily denied the use of sight lines from the public right-of-way for communication purposes, and
4. Persons exposed to signs are not so overwhelmed by the number of messages presented that they cannot find the information they seek, and are able to observe or ignore messages according to the observer's purpose.

B. To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, by providing that signs:

1. Do not interfere with scenic views,
2. Do not create a nuisance to persons using public rights-of-way,
3. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement,
4. Are not detrimental to land or property values, and
5. Contribute to the special character of particular places or districts within the City, helping the observer to understand the City and orient within it.

C. To promote safety, by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay or abandonment,
2. Do not obstruct firefighting or police surveillance, and
3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

D. To minimize the possible adverse effect of signs on nearby public and private property, and

E. To enable the fair and consistent enforcement of these sign restrictions.

17.92.020 AUTHORITY

These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in Chapter 17.04.020 of Ordinance 1344.

The effect of this Ordinance as more specifically set forth herein, is:

A. To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance.

B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits,

C. To prohibit all signs not expressly permitted by this Ordinance, and

D. To provide for the enforcement of the provisions of this Ordinance.

Notwithstanding any provision of this Ordinance to the contrary, a non-commercial message is allowed in lieu of a commercial message on any sign which is permitted in the City.

17.92.030 ADMINISTRATIVE PROCEDURES

A. Permit Required**:** It shall be unlawful for any person to erect, replace, alter, enlarge or relocate any sign within the City without first obtaining a permit to do so from the Building Official, except as may be hereinafter provided. A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. Separate electrical permits are required for those signs requiring electrical inspection.

B. Application for Sign Permit: Application for a permit required by this Ordinance shall be made upon forms provided by the Building Official, and shall contain or have attached thereto the following information:

1. Sign use;
2. Name, address and telephone number of applicant;
3. Name, address and telephone number of owner;
4. Name, address and telephone number of person or firm erecting the sign;
5. Location of the building, structure or tract to which or upon which the sign is to be attached or erected;
6. Location and dimensions of other signs on property:
7. Position of the sign in relation to nearby buildings or structures or other related signs:
8. Certification by a registered professional engineer confirming a design load of thirty pounds per square foot (30 psf) for any free-standing sign over six feet (6’) in height; and
9. Such other information as the Building Official may require to show full compliance with this Ordinance and all other laws and ordinances of the City and State.

All applications for sign permits of any kind shall be submitted to the Inspections Department.

C. Fees: Application and permit fees for each sign shall be as established by the City Council. Application fees shall be nonrefundable. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution.

D. Not to Issue to Persons Previously Failing to Pay Fees**:** The Building Official shall not issue a sign permit to any person who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this Ordinance, until such fees are paid.

E. Completeness: Within five (5) days of receiving an application for a sign permit, the Building Official shall review it for completeness. If the Building Official finds that it is complete, the application shall then be processed. If the Building Official finds that it is incomplete, the Building Official shall, within such five-day period, send to the applicant a notice specifying why the application is deficient, with appropriate references to the applicable sections of this Ordinance.

F. Permit Revocable: The Building Official may suspend or revoke any permit under the provisions of this Ordinance whenever he shall determine that the permit was issued in error or on the basis of incorrect or false information supplied, or whenever such permit be issued in violation of any of the provisions of this Ordinance or any other ordinance of this City or laws of this State or the Federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the owner of the premises upon which the sign is located.

G. Inspection: The Building Official shall inspect at times as he deems necessary, each sign regulated by this Ordinance for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.

H. Permit Valid Only for Sixty (60) Days: If the work authorized by a permit issued under this Ordinance has not been commenced within sixty (60) days after the date of issuance, the permit shall become null and void.

I. Removal of Abandoned or Obsolete Signs**:** Any sign which the Building Official determines is abandoned or no longer serves a bona fide purpose or use conforming to this Ordinance, shall be removed by the sign erector, owner or lessee of the land, buildings, or structure upon which the sign is located within ten (10) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the sign erector, owner or lessee of the land, building or structure to which such sign is attached or upon which it is erected. Effective two (2) years from the effective date of this Ordinance, when a sign panel on a nonconforming multi-tenant sign advertises an abandoned business, is blank for a period of six (6) months, or is removed, the sign cabinet or case containing that panel shall be removed from the nonconforming sign.

J. Removal or Repair of Dilapidated, Deteriorated or Unsafe Signs**:** If the Building Official shall determine that any sign is dilapidated, deteriorated, unsafe, insecure, or is a menace to the public, he shall give written notice to the owner, lessee or sign erector for such sign. Conforming signs may be repaired or removed, while nonconforming signs must be removed. If the owner lessee or sign erector fails to remove or repair the sign within ten (10) days after such notice, such sign may be removed by the Building Official at the expense of the

owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice and the cost of same shall be paid by the land owner.

K. Appeals: Any person aggrieved by the decision of the Building Official or any City Officer, Department or Board of the City in relation to enforcement of these sign regulation, or who may petition the City for a variance to these regulations, may appeal to the City's Board of Adjustment. All applications and processing of appeals shall be in accordance with the Rules of the Board and with applicable City and state law. When in its judgment in specific cases, where the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, and after public notice and hearing, and subject to the appropriate conditions and safeguards, the Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the building official in the enforcement of this Ordinance.

2. To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the Board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into compliance is achieved.

3. To authorize such variances where the literal enforcement of the provisions of this Ordinance would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs permitted on other parcels of land in the same district. The modification of the standards established in this Ordinance shall not be granted to relieve a self-created or personal hardship, not for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not permitted by this Ordinance to other parcels of land in that district.

4. A hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.

5. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is permitted.

6. In order to make a finding of hardship and to grant a variance, the Board shall find:

   a. The requested variance does not eliminate any requirement of this Ordinance and does not allow any prohibited signs;

   b. The hardship is not in any way the result of the applicant's own action; and

   c. The hardship is peculiar to the property of the applicant and not due to the general conditions of the neighborhood. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

7. A variance is only for the particular sign for which it was granted and any

attempt to change the sign terminates the variance. A change or alteration of a sign requires a new permit, without considering any prior variance or previous ordinance. If a sign face is removed from a non-conforming sign, then all appurtenant hardware, including the sign cabinet/case associated with that face shall also be removed.

17.92.040 DESIGN, CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed and maintained in accordance with the following standards:

A. All signs shall comply with applicable provisions of the International Building Code and the National Electric Code, as adopted by the City, including separation requirements from electrical lines, at all times.

B. Except for banners, flags, temporary signs, and window signs conforming to all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. All freestanding signs shall be designed and installed to withstand wind speeds as required by the International Building Code and shall be constructed to receive dead loads as required by the International Building Code.

D. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with the code, at all times.

E. No sign shall be erected, relocated or maintained in a location that obstructs or hinders free ingress to or egress from any door, window or fire escape.

F. Signs that contain exposed bulbs and/or exposed neon shall be prohibited.

G. Signs that contain reflective materials shall be prohibited.

H. Signs that are made structurally sound by guy wires or unsightly bracing shall be prohibited.

17.92.050 SIGNS ALLOWED ON PRIVATE PROPERTY

A. Signs shall be allowed on private property in the City in accordance with, and only in accordance with, Table 17.92.050-A. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by the column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

B. Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 17.92.050-A shall be allowed only if the size, location, and number of signs on the lot conform to the requirements of Table 17.92.050 - B, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 17.92.050-A.

C. The following regulations shall apply to the composition of signs:

1. Non-text graphics shall be limited to no more than fifty percent (50%) of the total sign area of all signs except changeable copy signs.

2. Changeable Copy Signs:

   a. Dwell time: Changeable copy signs, whether electronic digital, manual or automatic that changes more frequently than one frame every 30 seconds shall be prohibited, except those displaying time and temperature information only.

   b. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two seconds and shall not include fading, movement, or other electronic effects.

   c. Dim control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than 0.3 foot-candles greater than ambient light conditions when measured at the closest property line.

   d. Prohibited content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.

   e. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within 48 hours by the owner or operator of such sign.

   f. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

D. The following regulations apply to development signs:

1. Off-premise signs after acceptance of improvements: Two signs, not to exceed sixteen square feet (16 sq. ft.) or six feet (6') in height each, may be allowed for a period up to twelve (12) months beginning on the date of acceptance of site improvements by the City. The signs must conform to all restrictions for the zoning district in which they are located.

2. On-premise signs prior to acceptance of improvements: One sign, maximum area twelve square feet (12 sq. ft.), maximum height six feet (6'), will be allowed from ground breaking until the acceptance of improvements by the City, but not longer than twelve (12) months.

3. On premise signs, after acceptance of improvements: One sign, maximum area sixty-four square feet (64 sq. ft.), maximum height six feet (6'), for a twelve (12) month period beginning on the date of acceptance of improvements by the City.

4. For purposes of timing, each phase shall be considered a separate development. The number of signs shall not be increased with each phase.

Table 17.92.050 - A

Permitted Signs by Type and Zoning District

	ZONING DISTRICT				
SIGN TYPE	**A, B, BR, CR, C, SD, RE, MH**	**D**	**E, CF**	**F, HC, G, MU, FBC**	**H**
FREESTANDING					
Residential[k]	P	P	N	N	N
Other	N	S	S	S	S
Incidental[b]	N	P	P	P	P
BUILDING					
Banner[i,j]	N	N	S	S	S
Blade[m]	N	N	S	S	S
Building Marker[d]	P	P	P	P	P
Canopy[n]	N	N	S	S	S
Identification[c]	P	P	P	P	P
Incidental[b]	N	P[e]	P[b]	P	P
Residential[a]	P	P	N	N	N
Projecting	N	N	N	N	N
Roof	N	N	N	N	N
Roof, Integral	N	N	S	S	N
Wall	N	N	S	S	S
Window[h]	N	N	P	P	N
MISCELLANEOUS					
Noncommercial Flag[g]	P	P	P	P	P
Commercial Flag[a,g]	N	S	S	S	S
Pennant[j]	N	N	S	S	S
Portable[f]	N	N	S	S	S

P = Allowed without sign permit
S = Allowed only with sign permit
N = Not allowed

Notes for Table 17.92.050 - A

a. Must be displayed in conjunction with U.S. or State flag.

b. No commercial message shall exceed one square foot.

c. Only address and name of occupant allowed on sign.

d. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.

e. No commercial message of any kind allowed on sign.

f. The conditions of Section 17.92.070 of this Ordinance apply.

g. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty square feet (60 sq. ft.) in area and shall not be flown from a pole the top of which is more than forty feet (40') in height. These flags must be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178.) One (1) corporate flag containing only the name and/or logo of a business or institution may be flown in conjunction with flags of the US or State provided that the corporate flag does not exceed the size or height of the U.S. flag on the property, or exceed fifteen square feet (15 sq. ft.), whichever is larger. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

h. Window signs are allowed so long as they are painted on or affixed within the building and do not cover more than twenty-five percent (25%) of the total window area. Window signs shall be included in the area allowed for wall signs.

i. Banners other than those approved for special events (see j below) allowed only when securely mounted flush with the surface of the building.

j. Pennants and banners for special events (e.g. grand openings) allowed only for thirty (30) days in a twelve (12) month period.

k. One (1) sale of premises sign, up to six square feet (6 sq. ft.) allowed per lot. One (1) six square foot (6 sq. ft.) sale of personal property up to thirty (30) days per year from any residence within the City.

l. Wall signs shall be affixed to the building; signs painted on the structure itself shall be prohibited.

m. A blade sign shall be affixed perpendicular to the building facade and may be located under a canopy or awning or under the soffit of an arcade. The blade sign shall be installed with a minimum clearance of eight feet (8') above grade and/or sidewalk. A blade sign shall not extend over any parking or travel lane.

n. A canopy sign that is affixed to the top of an awning, canopy or structural cover over an entry or outdoor service area shall not extend more than twenty-four inches (24") above the edge of the structure to which it is attached. Individual letters attached across the length of the awning, canopy or structural cover are permitted. Signs on the angled portion of a canopy or awning shall not exceed more than 75 percent (75%) of the canopy area to which it will be applied.

Table 17.92.050-B

Number, Dimensions, and Location of Individual Signs By Zoning District

SIGN TYPE	ZONING DISTRICT				
	A, B, BR, CR, C, RE, SD, MH	D	E, CF	F, HC, G, MU, FBC	H
FREESTANDING					
Area (Sq. Ft.)	6	40	80[e]	120[e]	120[e]
Maximum Height (feet):					
Monument Sign	4	6	6	6	6
Pylon Sign[c]		NA	35[a]	35[a]	35[a]
Setback (feet):[b]	0				
Monument Sign		5	5	5	5
Pylon Sign over six Feet in Height		NA	25	25	30
Maximum Number					
Permitted Per Lot[g]	1	NA	NA	NA	NA
Street Frontage required:					
by type of sign	NA				
per monument sign		100 ft.	100 ft.	100 ft.	100 ft.
per pylon sign over six feet high		200 ft.	200 ft.	200 ft.	200 ft.
Minimum spacing between signs on a single lot	NA	50 ft.	50 ft.	50 ft.	50 ft.
INCIDENTAL SIGNS					
Maximum height (feet)		4	4	4	4
Maximum area (square feet)		4	4	4	4
BLADE[c]					
Area (max. sq. ft.)	NA	8	8	8	8
BUILDING					
Area (max. sq. ft.)	1[d]	60	NA	NA	NA
Wall Area (percent, including windows)	NA	NA	25 %	25 %	25 %

Notes for Table 17.92.050 - B

a. The maximum sign height is thirty-five feet (35') and minimum setback is twenty-five feet (25'); however, in no case shall the actual sign height exceed the actual sign setback from a street or any adjacent lot that is zoned and used for residential purposes. For example, if the sign setback is thirty feet (30') from such lot, it may be no more than thirty feet (30') high.

b. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three feet (3') and ten feet (10') in a triangle formed by the corner and points on the property line extending thirty-five feet (35') from the intersection or entrance. Encroachments into the visibility triangle may be authorized by the Planning Director upon a determination that traffic visibility is not hindered.

c. Minimum clearance of eight feet (8') is required between the grade and the bottom of the sign cabinet and/or structure.

d. A subdivision entryway sign or plaque, not exceeding thirty square feet (30 sq. ft.), may be permitted on either side of a subdivision entry, attached to an approved masonry screening wall, and illuminated only by spot-lighting. A subdivision entryway sign shall not include the name or logo of the developer or builder.

e. Multiple tenant projects are permitted a ten percent (10%) increase over the single tenant maximum for each additional tenant, up to a maximum of one hundred percent (100 %) of the single tenant maximum. Only one (1) sign per property may qualify for the multiple tenant increase.

f. (deleted)

g. No limit on campaign signs during political season, as defined Chapter 17.92.080.F.

h. Street frontage on a second front yard may be included provided it faces property that is not residentially zoned.

17.92.060 SIGNS IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY

No sign shall be allowed in the public right-of-way, except for the following:

A. Governmental or Utility Signs: Permanent signs, including:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; and

2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

B. Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

C. Government Banners: Seasonal and/or promotional banners installed by the City of Benbrook, Benbrook Economic Development Corporation or Fort Worth Independent School District attached to street light poles, utility poles or other authorized structures not exceeding fifteen square feet (15 sq. ft.) per banner and not exceeding two (2) banners per pole.

D. Other Signs Forfeited: Any sign installed or placed on public property, except in conformance with the requirements of this Chapter, shall be forfeited to the public and subject to confiscation. A violation of this provision is subject to a fine as provided in Chapter 17.104.020 of the Zoning Ordinance. In addition to other remedies hereunder, the City shall have the right to recover from the owner or persons placing such a sign the full costs of removal and disposal of such sign.

17.92.070 PORTABLE SIGNS

Portable Signs may be temporarily located on property in "CF", "E", "F", “HC”, "G", and "H" Zoning Districts subject to the following conditions:

A. No portable sign shall be located within the City unless a permit is issued by the Inspection Department of the City.

B. Except as provided in Section 17.92.070.K below, not more than one (1) portable sign may be located on a single platted lot of record or parcel as shown on the City's tax records at any time.

C. Portable signs may not exceed fifty square feet (50 sq. ft.) of sign area and eight feet (8’) on overall height.

D. All portable signs must be located on private property, a minimum of thirty-five feet (35') from the intersection of any street or highway right-of-way.

E. Portable signs may not be located in areas that may, in the judgment of the Building Inspection Department or the Police Department, create a safety hazard to vehicular or pedestrian traffic.

F. Except as provided in Section 17.92.070.K below, permits may be issued by the Inspection Department for periods not to exceed twenty-eight (28) days per occasion and not to exceed four (4) occasions per calendar year for a portable sign on any single platted lot of record or parcel as shown on the City's tax records under the same ownership.

G. All applications for portable sign permits presented to the Building Inspection Department must include the following information: name, address, phone number of the owner of the property, the renter of the sign, and the owner of the sign; the proposed dates the sign would be located on the property; the signature of the sign owner responsible for removal of the portable sign; and a scale drawing including the legal description of the property, all applicable property lines, and dimensions, all street intersections, all applicable driveways, all applicable parking and off-street traffic circulation areas, and accurately showing the proposed location of the portable sign. Except as provided in Section 17.92.070.K below, the owner of any portable sign shall be responsible for obtaining the permit required herein and shall be responsible for any violations of this Ordinance whether the sign is leased or rented to another or not. Upon obtaining a building permit, the owner of said sign shall sign a statement

indemnifying and holding the City harmless for any damages which may result from the placement of said sign.

H. Portable signs, when permitted, may not be relocated to any other location on the property or to another property without prior authorization from the Building Inspection Department. Any approved relocation of a permitted portable sign does not extend the authorized time period of the sign.

I. Portable signs shall be required to meet all applicable building and electrical codes.

J. Portable signs shall be maintained in good state of repair and shall not be allowed to become dilapidated, unsightly or deteriorated.

K. Portable Signs on Multiple Tenant Properties: Properties with multiple tenants (e.g. shopping centers or strips) and having more than four hundred feet (400') of street frontage are permitted to have two (2) portable signs present on a single property. For properties with over six hundred feet (600') of street frontage are permitted an additional sign for each two hundred feet (200') of street frontage above four hundred feet (400'). Properties with multiple tenants may increase the total number of occasions allowed per calendar year by four (4) for each two hundred feet (200') of frontage above the first two hundred feet (200'). Applications for portable signs on multiple tenant properties must be made by the property owner or their designated property manager or by the sign contractor with written authorization from the owner or property manager authorizing the specific sign being requested. It is the duty of the property owner or manager to determine which tenant shall be authorized for a sign within the total number allowed.

17.92.080 EXEMPT SIGNS

The following signs shall be exempt from regulation under this Ordinance:

A. Any public notice or warning required by a Federal, State, or local law, regulation, or ordinance.

B. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located.

C. Works of art that do not include a commercial message.

D. Holiday lights and decorations with no commercial message, provided they are maintained in accordance with applicable regulations.

E. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet standards of the Texas Manual on Uniform Traffic Control Devices and which contain no commercial message of any sort.

F. Temporary political campaign signs on private property beyond the one sign allowed by right, so long as the sign meets the size, height, and setback requirements established for freestanding signs within the zoning district and only

for a period not more than thirty (30) days prior nor more than ten (10) days following an official election. Political signs placed within rights-of-way or upon public property may be removed and disposed of by City personnel.

G. Vehicle signs, when such vehicle is used in the normal day-to-day operations of the business (i.e. is used or moved at least once during a seventy-two hour (72 hr.) period).

H. Informational and/or welcome signs erected by the Benbrook Economic Development Corporation on private or public property with owner's authorization, but not on street right-of-way. Such signs may not exceed one hundred twenty square feet (120 sq. ft.) in area or ten feet (10') in height, unless otherwise approved by the City Council. Such signs may include information on commercial and nonprofit organizations within the City, provided that the area provided for each organization does not exceed four square feet (4 sq. ft.) and that the total area provided for commercial and/or nonprofit organizations does not exceed fifty-one percent (51%) of the total sign area.

I. Bench signs on benches placed by the official transit agency for the City.

17.92.090 PROHIBITED SIGNS

All signs not expressly permitted under this Ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

A. Signs which imitate or resemble any official traffic sign, signal or device; or which use a revolving beam or beacon resembling any emergency vehicle, or are located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging, or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of two hundred fifty feet (250’) along the street.

B. Signs which are erected or maintained upon trees or which are painted or drawn upon rocks or other natural features.

C. Beacons and Searchlights.

D. Strings of lights not permanently mounted to a rigid background, except those holiday lights and decorations exempt under Section 17.92.080.D above.

E. Projecting signs; except blade or canopy signs.

F. Roof Signs.

G. Signs advertising off-premises businesses, products or services. Signs advertising garage sales that otherwise comply with this Ordinance are exempt from this prohibition.

H. Animated or moving signs.

I. Signs located on private property without the consent of the owner of said premises.

J. Signs that are located in or interfere with the use of a required off-street parking space or maneuvering area.

K. Signs which are, or are becoming deteriorated, dilapidated or in danger or falling or otherwise unsafe.

L. Any unauthorized sign on or attached to a public street light, utility pole, hydrant, bridge, traffic control device, street sign or other public structure or building, or any sign located in, on, over, or within a public street, sidewalk, alley, easement, or right-of-way.

M. Illuminated signs, illuminated from within or without, which

1. Are illuminated in such a manner, to high intensity, or without proper shielding, so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or

2. Have any type of intermittent illumination, including flashing, fading, revolving, intermittently lighted, changing color or blinking lights, except those displaying time and temperature information only.

N. Balloons or other inflatable devices used as a sign.

O. Signs which display obscene, indecent or immoral matter.

P. Pole signs, unless approved by variance by the Zoning Board of Adjustment.

Q. Painted wall signs.

CHAPTER 17.96
FENCE REGULATIONS

Sections:

17.96.010 PERMIT REQUIRED
17.96.020 USE REGULATIONS
17.96.030 MAINTENANCE REQUIREMENTS

17.96.010 PERMIT REQUIRED

A. A permit is required from the City Inspection Department for any fence that:

1. Exceeds thirty inches (30”) in height and is parallel to and visible from a public street, right-of-way, public park or other City-owned property, or

2. Any fence over six feet (6') in height, whether visible or not.

B. Permit fees shall be in accordance with Title 1 of the Benbrook Municipal Code (1985), as amended.

17.96.020 USE REGULATIONS

A. Property Lines: No fence, guy wire, brace, light standard sign, vee arm, barbed wire base and arm, or any structure attached to a fence shall protrude over any property lines.

B. Dimensions of Fences: No fence shall be constructed at a height exceeding eight feet (8'). Exception -- Fences serving as backstops for tennis, basketball, or volleyball courts; baseball or softball fields; or other similar facilities may exceed a height of eight feet (8') but shall not be constructed at a height exceeding twelve feet (12').

C. Placement of Fences: The purpose of the placement regulations of this Ordinance is to prevent sight restrictions, promote safety for vehicles and pedestrians, and provide an open atmosphere in developments.

1. Front Yard:

No fence shall be constructed in front of the designated front building line of any property zoned "A," "B," "BR," "CR," "C," "D," "MH," "E," "F," “HC”, or “MU.” Fences may be constructed on all property lines of any property zoned “SD,” “RE,” "G," "H," or "CF,” with the exception of corner lots or as otherwise specified. Fences located in the required front yards in Districts “SD,”, “RE”, "G," "H," or "CF," or on second front yards on residential-zoned lots, shall observe a visibility triangle clear area adjacent to all private drives or alleys adjoining a public street. All visibility triangles shall be in accordance with Section 16.28.020 of the Subdivision Ordinance (Benbrook Municipal Code, as amended).

No fence or screening shrubs shall be placed in the front yard that effectively limits the vision of pedestrians or vehicle operations.

2. Side Yards:

   a. Interior Lots: Fences may be placed on side property lines from the rear of a lot to the front building line.

   b. Corner Lots with Interior Lots behind them: Fences may not extend beyond the second front building line, and may not encroach into the visibility triangle in Section 17.96.020.C.1 above.

   c. Corner Lots with no Interior Lots behind them: Fences may be placed from the rear property line to the front building line and not more than ten feet (10') beyond the second front yard building line, and may not encroach into the visibility triangle in paragraph 3.a. above.

3. No fence of any height or type shall be permitted on a corner lot within a sight visibility triangle in accordance with Section 16.28.020 of the Subdivision Ordinance (Benbrook Municipal Code, 1985, as amended.)

4. For any fence located less than twenty feet (20') from a public street right-of-way or public alley, any gate shall be located not less than twenty feet (20') from the street right-of-way or alley.

D. Fence Materials:

1. Any and all materials used in the construction of a fence built within the legal limits of the City shall meet or exceed standards set by the International Building Code.

2. Vee arms or base and arms with barbed wire not to exceed three (3) strands will be permitted in all districts except "A," "B," "BR," "CR," "C," and "D" and said attachments shall be considered as part of the fence in determination of the height of said fence and shall not protrude over property lines. The lowest strand of barbed wire shall be a minimum of six feet (6') above ground level.

E. Prohibited Materials:

1. Electrical fences or electrical attachments of any type, dimension or compositions shall not be constructed within the legal limits of the City.

2. Products manufactured for other uses such as plywood, corrugated steel or fiberglass panels are prohibited as fence materials.

3. Permanent barbed wire fences of any type or dimension shall not be constructed within the legal limits of the City, except in the "SD" Suburban District or on property with an active and valid agricultural exemption granted by the Tarrant Appraisal District.

4. Permanent fences with razor wire of any type or dimensions shall not be constructed within the legal limits of the City, except where required by other state and federal regulatory agencies. If permitted, razor wire shall be attached only to the top of fence at a minimum height of eight feet (8') above grade.

F. Fence Orientation: When any stockade fence or other screening device, whether required or not, is located on a lot adjacent to a public street, right-of-way, public park, or other City-owned property, said fence shall have its back side oriented away from view from the adjacent public area. For the purpose of this section, the back side of a stockade fence shall be the side with exposed posts or rails.

G. Temporary Fences: Temporary fencing for the purpose of protecting or securing construction sites may be allowed. A time schedule for the use of temporary fencing must be specified in the permit for fencing. Barbed wire fences may be allowed for temporary use but must be approved by height, location and number of strands by the Building Official.

H. Inspection: When a fence that requires a building permit is completed it must be inspected. The office of the Building Inspector shall be notified upon completion of the fence. The Building Inspector will issue a card of acceptance if the fence complies with the provisions of this Ordinance or it will be rejected. All fences constructed under the provisions of this Ordinance shall be maintained so as to comply with the requirements of this Ordinance at all times.

17.96.030 MAINTENANCE REQUIREMENTS

A. All fences required by a City Ordinance, regulation or approval for screening, buffering or other requirement shall be perpetually maintained, repaired or replaced by the owner.

B. All portions of fences required or not, in a dilapidated state shall be repaired or replaced by the owner of the property upon which the fence is located. Fences not required by City Ordinance or approval may be removed. For the purpose of this Ordinance, a dilapidated fence shall be defined as:

1. Any masonry fence with loose, cracked or broken brick, stone, rock, mortar or similar materials;

2. Any masonry fence with brick, stone, rock, mortar or similar materials that is discolored from the predominant original fence color in an amount that comprises ten percent (10%) or more of the total fence area of a property;

3. Any eight-foot (8') section of any fence that is more than fifteen degrees (15°) out of vertical alignment; or

4. Any eight-foot (8') section of a wood fence that has ten percent (10%) of its pickets or structural elements damaged, missing, or rotted.

C. Repairs and partial replacements of any nature shall be made with materials of comparable composition, color, size, shape, quality and otherwise similar appearance of the original fence to which the repairs or replacements are being made. Products manufactured for other uses such as plywood, corrugated steel or fiberglass panels are prohibited as fence materials. For the masonry fence fronting Benbrook Boulevard and RM 2871, surrounding the Westpark Development, the sole color permitted by this Section is Pittsburg Paints, Color Name: West Park Wall 9630-972-2011, Color Code #96003000000841 or equivalent unless otherwise approved by City Council.

D. Fences may not be braced by guy wires, braces, or any other material that may be viewable from any public street, right-of-way, alleyway, or property and easements controlled by the City.

E. If an owner of land fails to correct a violation of this Section 17.96.030, a City official may give notice to the owner of the land to abate a violation within thirty days of the date of the notice.

1. The notice must be hand delivered to the owner in writing, or by letter addressed to the owner at the owner's post office address as shown on the latest tax roll.

2. If personal service cannot be obtained or the owner's post office address is unknown, notice may be given;

a. By publication in the City's official newspaper at least twice within ten (10) days; or

b. By posting the notice on or near the front door of the main building on the property to which the violation relates; or

c. If the property contains no building, by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

F. If the owner fails to abate a violation of this section within thirty (30) days of the notice, the City may, at its discretion, do the work and charge the expenses to the owner of the property and assess the expenses against the land on which the work is done. In order to assess the expenses incurred against the land on which the work is done, the City shall notify owner of the land upon which the work was done, in a manner described in five (5.) above, and such notice shall include:

1. Identification of the property;

2. Description of the violation;

3. A statement that the City has abated the condition;

4. A statement of the City's charges and expenses in abating the condition;

5. An explanation of the property owner's right to request a hearing within ten (10) days of the date of the notice;

6. A statement that if the owner fails or refuses to pay the expense within thirty (30) days after the first day of the month following the month in which the work was done, the Mayor or the Mayor's designee shall place a lien against the property by filing with the County Clerk of Tarrant County, a notice of the lien and a statement of expenses incurred;

7. The City Manager or the City Manager's designee will conduct a hearing if the property owner submits a written request to the City Manager within ten days of the property owner's receipt of the notice. The City Manager may, based on a preponderance of the evidence presented at the hearing, affirm or modify the charges.

8. If no hearing is requested, or a hearing is held and the charges are determined to be valid, and the owner fails or refuses to pay the expenses within thirty days after the first day of the month following the one in which the work is done, the Mayor or the Mayor's designee shall place a lien on the property by filing with the County Clerk of Tarrant Country a notice of lien and statement of expenses incurred.

9. The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum from the date such amount was owed to the City until payment is made.

10. When the statement is filed, the City shall have a privileged lien on the property second only to tax liens and liens for street improvements.

11. The City may institute suit to recover the expenditures with interest and may foreclose on the property. The original or a certified copy of the statement of expenses is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.

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CHAPTER 17.98
LANDSCAPE AND BUFFER REQUIREMENTS

Sections:

17.98.010 PURPOSE
17.98.020 BUFFERYARDS AND LANDSCAPING REQUIRED
17.98.030 BUFFERYARDS
17.98.040 INTERIOR LANDSCAPING REQUIREMENTS
17.98.050 PARKING LOT LANDSCAPING REQUIREMENTS
17.98.060 LANDSCAPE AND TREE CANOPY REQUIREMENTS
17.98.070 PLANT MATERIALS
17.98.080 LANDSCAPE/IRRIGATION PLAN REQUIREMENTS
17.98.090 MAINTENANCE

17.98.010 PURPOSE

The purpose of the landscaping and buffer requirements is to provide for the orderly and aesthetic development of the City. It is the intent of these requirements to:

A. Provide a balance between the need for landscape treatments and the need for commercial growth in the City.

B. Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.

C. Promote mutually beneficial improvements by utilizing incentives rather than penalties.

D. To aid in stabilizing the environmental balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, stormwater runoff retardation and erosion control.

E. Provide for the separation and buffering of incongruous uses and intensity of activities and provide for the visual softening of building masses.

F. Reduce glare from paved surfaces, dust nuisances and the impact of noise.

G. Protect and promote the value of residential and commercial properties within the City.

H. Promote a positive image for the attraction of new business enterprises within the City.

I. Encourage the protection of healthy trees and vegetation and promote the natural ecological, environmental and aesthetic qualities of the City.

17.98.020 BUFFERYARDS AND LANDSCAPING REQUIRED

The requirements of this Section shall apply to all new residential and nonresidential construction. Buildings in existence on the effective date of this Ordinance shall be considered legally nonconforming. Any new construction which exceeds two thousand five hundred square feet (2,500 sq. ft.), or more than a thirty percent (30%) expansion of an existing building, shall be required to meet the requirements herein. Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the interior landscaping requirements of Section 17.98.040 below. Bufferyard and landscaping requirements include required bufferyards, interior landscaping, parking lot landscaping and tree canopy requirements. Each requirement is in addition to the others, with the exception of tree canopy requirements.

17.98.030 BUFFERYARDS

Bufferyards shall be required in accordance with this Section to separate different land uses from each other, to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fire or explosions. Both the amount of land and the type and amount of planting and specified structures for each bufferyard are designed to lessen nuisances between adjacent land uses or between a land use and a public road.

A. Location

Bufferyards shall be located within and along the outer perimeter of the developing lot or boundary line.

Bufferyards may overlap drainage and/or utility easements; however, plantings should not impede the flow of water within a drainage easement.

Bufferyards shall not be located on any portion of an existing or dedicated public street or right-of-way.

B. Bufferyard Requirements

1. Tables 17.98.030 - A and 17.98.030 - B determine the type of bufferyard required between two adjacent parcels or a parcel and a roadway. The letter designations contained in the tables refer to the different bufferyards described in Figure 17.98.030-1, Illustration of Bufferyards, in this Chapter. The following is a summary of the bufferyards:

SUMMARY OF BUFFERYARDS

Bufferyard	Width (feet)	Required Plantings (per 100 linear feet)			Fence Requirements
		Canopy Trees	Understory Trees	Shrubs	
A	5	1	2	8	none
B	10	2	3	10	none
C	10	3	4	12	none
D	10	3	5	18	none
E	10	1	2	8	Berm-B1
F1	10	3	6	8	Fence-F1
F2	10	3	8	12	Fence-F2

Note: Plant material shall be credited to meet only one (1) bufferyard (i.e. plants on corners do not satisfy two (2) bufferyards).

2. Existing Plant Credits: Existing trees which are within fifty feet (50') of the property line and have a minimum of fifty percent (50%) of the drip line within a landscaped area shall be granted credits toward reducing the required plantings for canopy trees <u>or</u> understory trees as follows:

SUMMARY OF REDUCTIONS

Size of Tree Saved	Reduction of Required Plantings (Only One Column may be Applied for Credit)	
	Canopy Tree	Understory Tree
6" to 12" dbh	2	3
12" dbh or greater	3	4

Note: Existing trees between 1-1/2" dbh and 6" dbh that are within the bufferyard may be granted credits on a one-for-one basis.

3. Requirements for Plant Materials: Plant materials shall conform to Section 17.98.060 below. All bufferyards, unless grass or ground cover is already established, shall be seeded with grass or planted with ground cover so as to assure coverage within three (3) years.

C. Required Structures

1. Walls and Fences: Whenever a wall or fence is required within a bufferyard, it shall be six feet (6') in height and constructed in accordance with specifications set forth in the City's Design Standards and Criteria. A "F1" fence may be wood stockade; a "F2" fence shall be of masonry construction. A "finished side of a wall or fence shall face the residential or less intense land use side.

2. Berms: Whenever a berm is required in a bufferyard, it shall be a minimum of three feet (3') in height and constructed in accordance with the specifications set forth in the City's Designs Standards and Criteria. Berms shall have side slopes no steeper than 2:1. When possible, all berms shall be curvilinear, rather than straight. Berms are not required to be continuous and are preferred to be broken periodically, but must cover a minimum of seventy-five percent (75%) of the length of the property line to be buffered. A hedge of plants obtaining a mature height greater than three feet (3') may be substituted for a berm. When planting, this hedge shall be a minimum of two feet (2') in height and planted no further than thirty inches on center (30" o.c.).

D. Uses of Bufferyards: A bufferyard may be used for passive recreation, such as pedestrian, bike or equestrian trails, provided that (a) no plant material is eliminated, (b) the total width of the bufferyard is maintained, and (c) all other requirements of this section are met. Bufferyards may not be used for playfields, stables, swimming pools, tennis courts, accessory buildings, parking facilities or trash dumpster locations.

TABLE 17.98.030 - A
BUFFERYARDS ADJACENT TO OTHER LAND USES

Zoning of Developing Tract	Zoning of Adjacent Tract							
	CF	SD, RE	A, B, BR, CR,	C, D	E, F, HC,G, MU	FBC	H	MH
CF[1]	*	F1	F2	A	A	E	*	*
CF[2]	*	F1	F2	F2	F2	F2	F2	F2
SD, RE	*	*	B	B	B	B	B	B
A, B, BR, CR	*	B	*	A	A	A	A	A
C, D	A	C	F2	A	A	A	*	A
E, F, HC, G, MU	A	D	F2	F1	A	A	*	F1
FBC	E	F2[3]	F2[3]	*	*	*	*	F2[3]
H	E	E	F2	F1	F1	F1	A	F1
MH	*	B	F2	D	A	A	*	*

* No bufferyard required

Notes:

1 Permitted Uses in "CF" Community Facilities District, as described in Chapter 17.24.022, and City parks and golf courses are exempt from buffer fence requirements.

2 Conditional Uses in "CF" Community Facilities District, as described in Chapter 17.24.024, are subject to buffer wall requirements in accordance with the conditional use permit.

3 Bufferyards required adjacent to single family residential districts in accordance to Chapter 17.75.

TABLE 17.98.030 - B
BUFFERYARDS REQUIRED ADJACENT TO STREETS [b]

Zoning of Developing Tract	Frontage On Interstate Frontage Road and Principal Arterials	Adjoining on Minor Arterials/ Collectors		Adjoining on Residential/ Local Street
		Across From Non-Residential Zoning District	Across From Residential Zoning District	
CF	E	*	*	*
SD, RE	B	B	B	A
A, B, BR, CR	B [a]	F2[a]	F2[a]	*
C, D, MH	C [a]	C	C	C
E, F, HC, G, MU	E	B	E	E
H	E	E	E	F2
FBC	*	*	*	*

* No bufferyard required

Notes:

a. An F2 screening fence and a five-foot bufferyard is required when the rear yards and/or side yards of a residential subdivision abut a frontage road, arterial, collector or local street. The screening wall and landscaping shall be located in a five-foot (5') screening wall easement with the wall located between the landscaping and the residential lots.

b. The canopy tree requirement may be reduced on a one-for-one basis if street trees have been provided in accordance with Section 16.28.050 of the Benbrook Municipal Code (Subdivisions).

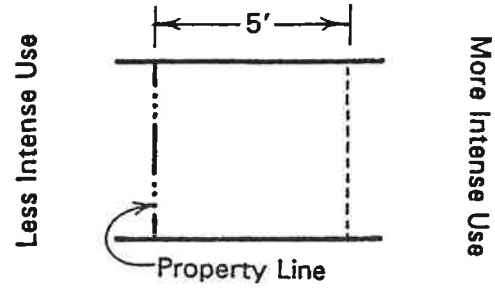
Figure 17.98.030-1 Bufferyards

Bufferyard "A"

Minimum width is five feet (5')
a minimum width of ten feet (10') may be
used in combination with a twenty percent (20%)
reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	1
Understory	2
Shrubs	8

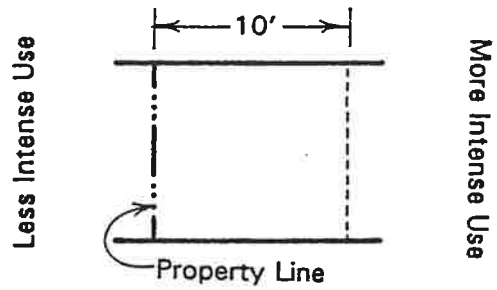


Bufferyard "B"

Minimum width is ten feet (10')
a minimum width of twenty (20') may be
used in combination with a twenty percent (20%)
reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	2
Understory	3
Shrubs	10

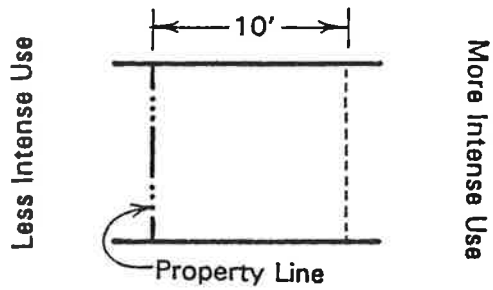


Bufferyard "C"

Minimum width is ten feet (10')
a minimum width of twenty (20') may be
used in combination with a twenty percent (20%)
reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	4
Shrubs	12



Bufferyard "D"

Minimum width is ten feet (10')
a minimum width of twenty (20') may be
used in combination with a twenty percent (20%)
reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	5
Shrubs	18

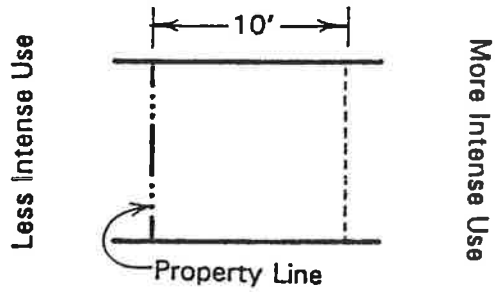


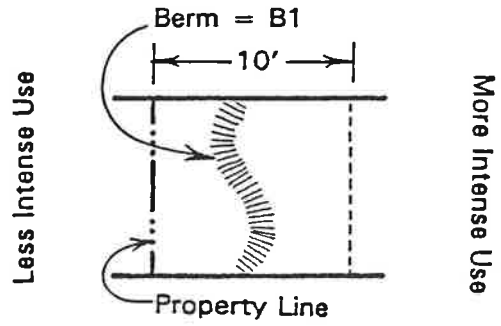
Figure 17.98.030-1, Continued

Bufferyard "E"

Minimum width is ten feet (10')
a minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	1
Understory	2
Shrubs	8

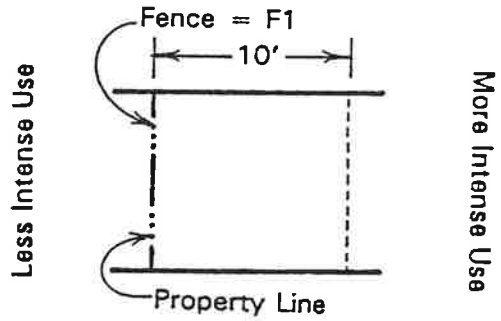


Bufferyard "F1"

Minimum width is ten feet (10')
a minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	6
Shrubs	8



Bufferyard "F2"

Minimum width is ten feet (10')
a minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	8
Shrubs	12

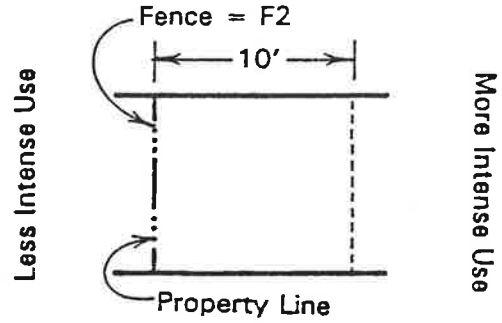
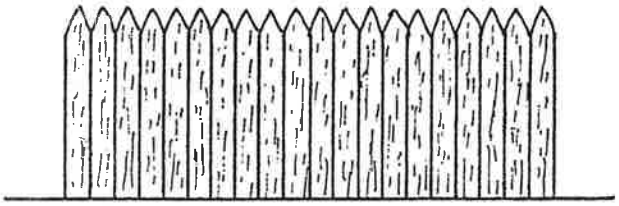
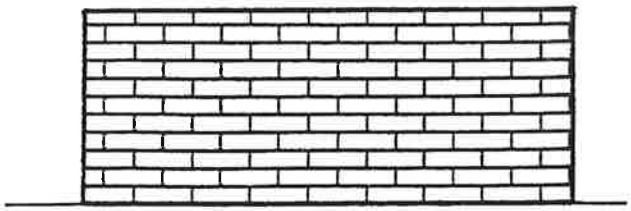
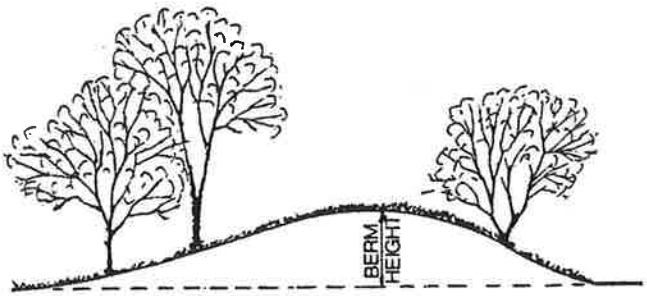


Figure 17.98.030-1, Continued

Required Structures

Fence/Berm Type	Graphic Depiction	Notes
F1	 Wood stockade fence	Finished side to face the less intense use Six feet (6') minimum height
F2	 Masonry wall	Ornamental/textured face towards the less Intense use Six feet (6') minimum height
B1	 Earthen berm	Three feet (3') Curved layout Cover seventy five percent (75%) of total length Shrubs in a hedge may substitute for berm

17.98.040 INTERIOR LANDSCAPING REQUIREMENTS

A. Interior Landscaping Requirements: The amount of landscape area required on the interior of the lot (excluding bufferyards) shall be based on the square footage of the building footprint of the proposed buildings.

For single story anchor tenants having more than twenty thousand square feet (20,000 sq. ft.) of floor area, the building square footage shall be the front width of the building multiplied by a depth of sixty feet (60').

The required landscape area for the zoning districts listed below shall be ten percent (10%) of the floor area.

Zoning District	Percent of Floor Area
CF, D, E, F, HC, G, H, MU	10 %

1. Planting Requirements: The following plants shall be required within the interior landscape areas:

   a. 1 Canopy Tree per six hundred square feet (600 sq. ft.)

   b. 1 Understory Tree per three hundred square feet (300 sq. ft.)

   c. 1 shrub per sixty square feet (60 sq. ft.)

   d. Ground cover - ten percent (10%) of required area

2. Location requirements: A minimum of seventy-five percent (75%) of all required plant materials within the interior landscape area shall be in the front or along either side of the building between the building and the interior edge of the required bufferyards.

3. Enhanced Pavement Credits: For every one square foot (1 sq. ft.) of enhanced pavement area, the required interior landscape area may be reduced by one-half square foot (1/2 sq. ft.). The maximum credit given for enhanced pavement shall be ten percent (10%) of the required interior landscape area.

4. Right-of-way Landscaping Credits: The required interior landscape area may be reduced by a maximum of ten percent (10%) when the applicant chooses to establish, irrigate and maintain turfgrass within the parkway along the front of their property. The percent credit given will be prorated based on the portion of the parkway irrigated (i.e. fifty percent (50%) parkway irrigated provides five percent (5%) credit.)

B. Residential Lots: Each residential lot shall have a minimum of one (1) canopy trees within the required front yard.

17.98.050 PARKING LOT LANDSCAPING REQUIREMENTS

Planter islands shall be provided in parking areas on the basis of twenty square feet (20 sq. ft.) of landscape area for each parking stall provided (approximately one (1) island per eight (8) stalls.) Each row of parking stalls shall provide the required landscape area. The Building Official may modify the island requirement for each row in situations where it would be beneficial to combine islands into a larger island. Planter islands shall have a minimum width of eight feet (8') back to

back, if curbed, or nine feet (9') edge to edge if no curb is provided. Parking lot landscaping does not count toward the total required interior landscape area.

A. Existing Trees: The Building Official may approve variations to the planter island requirements to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as follows:

Caliper	Width
6" dbh or less	8' minimum width
6" to 12" dbh	12' minimum width
More than 12" dbh	18' minimum width

B. Planting Requirements: A minimum of ninety percent (90%) of all planter islands in parking areas shall contain a minimum of one (1) canopy tree with the remaining area in shrubs, ground cover, grasses or seasonal color. Planter islands shall not be combined with light poles.

17.98.060 LANDSCAPE AND TREE CANOPY REQUIREMENTS

The following requirements shall apply to all lots within residential and nonresidential developments:

A. The minimum percentages of Landscape and Tree Canopy Requirements are listed in Table 17.98.060-A entitled Landscape and Tree Canopy Requirements. Landscaping that is preserved from natural conditions, or is provided to meet the bufferyard, parking lot, or interior landscaping requirement may be counted toward meeting the minimum coverage requirements in this subsection.

TABLE 17.98.060-A
MINIMUM LANDSCAPE AND TREE CANOPY REQUIREMENTS

Districts	Minimum Lot Size (Square feet)	Maximum Lot Coverage	Percent Landscape Area	Interior Landscape Area (17.98.040)	Percent Tree Canopy Cover
SD	435,600	25%	70%	--	10%
RE	43,560	30%	70%	--	15%
A	9,000	40%	60%	--	30%
B, C, MH	8,400	45%	55%	--	30%
BR, CR	7,000	45%	55%	--	30%
D	8,400	NA	40%	10%	30%
CF, E, F, G, HC, , MU, FBC	NA	NA	20%	10%	30%
H	NA	NA	10%	10%	15%

B. The following may count towards meeting the Landscape and Tree Canopy Requirements:

1. Undisturbed vegetative areas, natural areas, or native landscape areas.
2. Landscaping in the adjacent public right-of-way
3. Plazas and pedestrian circulation areas if constructed with pervious material.

4. A percentage of parking areas if constructed with brick pavers or pervious pavement systems as approved by the Planning Director

C. Landscape Areas: Landscape area is the portion of a site which is not defined as "lot coverage" and meets the definition in Chapter 17.08 of this Ordinance.

D. Tree Canopy: Tree canopy is measured by computing the area that the mature canopy will encompass based on the Tree List contained in Table 17.98.060-B. The mature canopies shall be estimated for existing trees on site. Any tree not on the Tree List shall be estimated by use of standard landscaping references.

TABLE 17.98.060-B
STANDARD TREE CHARACTERISTICS

Common Name	Botanical Name	Mature Height (ft.)	Mature Spread (ft.)	Mature Canopy (sq. ft.)
Pecan	*Carya illinoensis*	70	70	3,848
White ash	*Fraxinus Americana*	70	60	2,827
Shumard red oak	*Quercus shumardii*	70	50	1,963
American elm	*Ulmus Americana*	70	70	3,848
Bur oak	*Quercus macrocarpa*	60	60	2,827
Bald cypress	*Taxodium distichum*	60	30	707
Cedar elm	*Ulmus crassifola*	60	40	1,256
American sweetgum	*Liquidambar styraciflua*	50	30	707
Live oak	*Quercus vriginiana*	50	50	1,963
Chinquapin oak	*Quercus muehlenbergii*	50	40	1,256
Common persimmon	*Diospyrus virginiana*	40	30	707
Texas ash	*Fraxinus texensis*	40	30	707
Afghan pine	*Pinus eldorica*	40	30	707
Chinese pistache	*Pistacia chinensis*	40	40	1,256
Lacebark elm	*Ulmus parvifolia*	40	40	1,256
Winged elm	*Ulmus alata*	30	30	707
Eastern redbud	*Cercis Canadensis*	25	25	491
Mexican plum	*Prunus Mexicana*	20	20	314
Eve's necklace	*Sophora affinis*	20	15	177

E. Artificial Lot Line: An artificial lot is intended to provide administrative relief for large sites that will achieve planting areas that exceed substantially more than twenty (20%) of gross platted lot area after development is completed. The use of artificial lots is limited by the following:

1. If the platted property is over two (2) acres in size, the applicant may request permission to create an "artificial lot" to satisfy the requirements of this Subsection.

2. The Planning Director shall approve the creation of an artificial lot only if the spirit and intent of this chapter will not be violated. If approved by the Director, artificial lot lines shall be indicated on the proposed Landscape Plan and shall contain, at minimum, the total amount of impervious surface coverage, plus twenty (20%) of the area inside the artificial lot reserved for required planting area.

3. The area within the artificial lot lines shall provide trees and landscaping in compliance with the requirement of this section, and may not extend

beyond the property boundaries of a single platted lot.

4. The area outside the artificial lot shall be maintained as planting area with live vegetation determined by the applicant. No trees located outside the artificial lot lines may be used for tree credits.

5. The artificial lot lines shall include areas that are adjacent to a public right-of-way or are necessary to accomplish buffering of adjacent properties.

17.98.070 PLANT MATERIALS

A. Quality Standard: All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current edition of the American Standard for Nursery Stock.

B. Recommended Plants: A list of recommended plants within each plant material type is included in Table 17.98.080. Plants designated as native and/or adapted are recommended. Plants designated with an "I" require irrigation. The applicant may propose plants other than those listed if the plant is appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material.

Plant materials shall be appropriate for the region and local soil conditions and shall be planted in accordance with good horticultural practice. Plants selected should require only low maintenance and should be temperature and drought tolerant. The applicant is encouraged to refer to the Texas Smartscape website (www.txsmartscape.com) for additional information on native and adapted species.

C. Size Requirements When Planted: All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used, but use of such plants shall not decrease the size requirements of other proposed plants.

1. Tree measurement: Canopy and understory trees with single trunks shall be measured by caliper size one foot (1') above the ground line. Multi-trunk trees shall be measured by the height of the tree.

2. Minimum sizes: The minimum plant size when planted shall be as follows:

Plant Material Type	**Minimum Size**
Canopy Tree:	
Single Stem/trunk	2 inch caliper
Multi-trunk clump	6 feet high
Understory Tree	4 feet high
Shrub:	
Deciduous	15 inches high
Evergreen	12 inches high
Groundcover	4 inch containers

The Planning Director or Building Official may approve smaller size shrubs based on unusual growing circumstances and/or on a specific design which reflects the overall intent of this Section.

17.98.080 LANDSCAPE/IRRIGATION PLAN REQUIREMENTS

A. Qualification to Prepare Plans: Landscape plans shall be prepared by a Registered Landscape Architect, Landscape Designer or Landscape Contractor knowledgeable in plant materials and landscape design. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect.

B. Landscape Plan Requirements: The following items shall be provided on the required landscape plan:

1. Sheet size twenty-four inch by thirty-six inch (24" x 36"), or as approved;

2. Acceptable scale: 1"=10', 1"=20', 1"=40', or as approved;

3. North arrow, graphic and written scale;

4. Appropriate title (i.e. "Landscape Plan");

5. Title block, including street address, legal description, and date of preparation;

6. Name and address of owner;

7. Name, address and telephone number of person preparing plan;

8. Property line shown with dimensions;

9. Existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);

10. Width and type of bufferyards labeled on all sides;

11. Location, size and species of all existing trees six inch (6”) dbh or greater which are to be preserved;

12. Location, quantity, size and species of all proposed plant materials;

13. Maintenance Note (see Section 17.98.090);

14. Label type of any enhanced pavement proposed;

15. Visibility triangles shown;

16. Seal and dated signature of Landscape Architect (if applicable);

17. Plant list; and

18. Any berms delineated with one-foot (1') contours

C. Irrigation Requirements: The City of Benbrook encourages water conservation through the use of native and/or adapted plant materials. Landscaping using plants in Table 17.98.080 designated as having low water demand (LW) do not require permanent irrigation. Temporary irrigation may be necessary during the

initial period of plant establishment. Landscapes using non-native species or a mixture of native and nonnative species require an irrigation system to maintain plant viability. The Planning Director has the ultimate authority to determine whether an irrigation system is required or not. The City of Benbrook encourages the use of irrigation systems with rain sensors and drip irrigation to promote efficient use of water.

D. Irrigation Plan Requirements: The following items shall be provided on the required irrigation plan:

1. Sheet size twenty-four inch by thirty-six inch (24" x 36"), or as approved;

2. Acceptable scale: 1" = 10', 1"=20', or 1"=40', or as approved (Must be at same scale as landscape plan);

3. North arrow, graphic and written scale;

4. Appropriate title (i.e. "Irrigation Plan");

5. Title block including street address, legal description, and date of preparation;

6. Name and address of owner;

7. Name, address and telephone number of person preparing plan;

8. Property line with dimensions;

9. Location of all existing trees six inch (6”) dbh or larger which are to be saved in accordance with the Tree Survey

10. All pipes labeled as to size;

11. All sprinkler heads labeled as to type (key is acceptable);

12. Backflow prevention device labeled with type and size;

13. Location of water meter and connection to water service;

14. Any existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);

15. Note indicating that installation must be inspected by the Benbrook Water Authority (Telephone Number 817-249-1250);

16. Maintenance Note indicated; and

17. Seal and dated signature of professional who prepared plan.

Table 17.98.080
RECOMMENDED PLANTS

Canopy Tree	Understory Trees	Shrubs	Ground Covers	Vines
Pecan (N, LW) Cedar Elm (N, LW) Texas Red Oak (N, LW) Live Oak (N, LW) Bur Oak (N, LW) Lacebark Elm (A, LW) Afghan Pine (A, LW) American Elm (N, LW) Arizona Cypress (N, LW) Bigelow Oak (N, LW) Caddo Maple (A, LW) Chinquapin Oak (N, LW) Durrand Oak (N, LW) Lacey Oak (N, LW) Shumard Oak (N, LW) Southern Live Oak (N, LW) Texas Ash (N, LW) Western Soapberry (N, LW) Chinese Pistache (I) Austrian Pine (I) Bald Cypress (A, I) Honeylocust (I) Southern Magnolia (N, I)	Buckeye, Mexican (N, LW) Buckeye, Red (N, LW) Buckeye, Texas (N, LW) Carolina Buckthorn (N, LW) Desert Willow (N, LW`) Eastern Red Cedar (N, LW) Eve's Necklace (N, I) Hawthorne (N, LW) Mesquite (N, LW) Mexican Plum (N, LW) Possumhaw Holly (N, LW) Redbud (N, LW) Roughleafed Dogwood (N, LW) Texas Persimmon (N) Wax Myrtle (N, I, LW) Yaupon Holly (N, LW) Birds of Paradise (A, LW) Crape Myrtle (tree form) (A, LW) Hollywood Juniper (A, LW) Vitex (A, LW) Japanese Black Pine (A, LW) Juniper, Blue Point (A, LW) Juniper, Wichita Blue (A, LW) Little Gem Magnolia (A, I) Ornamental Pear (A) Pomegranate (A, LW) Rose of Sharon (Althea) (A, LW) Winter/Brush Honeysuckle (A) Slash Pine (I) Texas Mountain Laurel (I) Sweetgum (I) Purpleleaf Plum (I) Bradford Pear (I) Rusty Blackhaw Viburnum (A, LW) Japanese Red Maple (I)	American beautyberry (N, LW) Argarita (N, LW) Buckeye, Red (N, LW) Buckeye, Texas (N, LW) Coral Berry (N) Dwarf Wax Myrtle (N,I) Red Yucca (N, LW) Smooth Sumac (N, LW) Texas Sage (N, LW) Aromatic Sumac (A, LW) Bridal Wreath Spiraea (A, LW) Burford Holly (A,I) Chinese Photinia (A, LW) Cleyera (A,I) Compact Nandina (A, LW) Crimson Pygmy Barberry (A,I) Dwarf Burford Holly (A,I) Dwarf Burning Bush (A, LW) Dwarf Chinese Holly (A,I) Dwarf Crape Myrtle (shrub form) (A) Dwarf Glossy Abelia (A,I) Dwarf Pomegranate (A,I) Dwarf Spirea (A,I) Dwarf Yaupon Holly (A) Elaeagnus (A, LW) Flowering Quince (A, LW) Forsythia (A, LW) Foster Holly (A,I) Glossy Abelia (A, LW) Harbor Dwarf Nandina (A, LW) Hypericum (A,I) Indian Hawthorne (A,I) Italian Jasmine (A, LW) Japanese Aucuba (A,I) Leatherleaf mahonia (A, LW) Miniature Crape Myrtle (A, LW) Nellie R. Stevens Holly (A,I) Oakleak Hydrangea (A,I) Purpleleaf Japanese Barberry (A,I) Rose of Sharon (Althea)(A, LW) Semi-dwarf Crape Myrtle (A) Standard Nandina (A, LW) Winter/Bush Honeysuckle (A, LW) Photinia (I) Tam Juniper (I) Sea Green Juniper (I) Pampas Grass (I) Skeleton Leaf Goldeneye (A, LW) Nolina, Lindheimer (A, LW) Nolina, Texas (A, LW)	Avens, White (N, LW) Frog Fruit (N, LW) Horse Herb (N, LW) Pigeonberry (N, LW) Snake herb (N, LW) Wood violet (N, LW) Asiatic Jasmine (A,I) Ground Ivy (A, LW) Hardy Plumbago (A,I) Liriope or Lily turf (A,I) Mondo Grass/Monkey Grass (A,I, LW) Purpleleaf Euonymus (A,I) Santolina (A, LW) Juniper species (I) Vinca/Periwinkle (I)	Coral Honeysuckle (N, LW) Cross Vine (N, LW) Trumpet Vine (N, LW) Boston Ivy (A, LW) Carolina Jasmine (I) Halls Honeysuckle (I) Lady Banks Rose (I)

The City reserves the right to approve plants and planting through an appointed horticulturist, landscape architect, or other persons so qualified.
N = Native,
A = Adapted
I = Requires irrigation
LW – Low water demand

17.98.090 MAINTENANCE

A. General: The owner, tenant and the agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. All irrigation heads or lines that are broken and flow water shall be replaced or repaired immediately to prevent the waste of water.

B. Plant Replacement: The owner shall be responsible for replacing all plant materials which shows dead branching over seventy-five percent (75%) or more of the normal branching pattern and repair irrigation system for a period of two years from the date of issuance of the Certificate of Occupancy. Plant materials which die shall be replaced with plant material of similar variety and similar initial size. The Owner shall make such necessary replacements within thirty (30) days of notification by the City.

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CHAPTER 17.100
NON-CONFORMING USES

Sections:

17.100.010 GENERALLY
17.100.020 REPAIRS AND ALTERATIONS
17.100.030 USE
17.100.040 CHANGE OF USE
17.100.050 DISCONTINUED OR ABANDONED
17.100.060 EXTENSION
17.100.070 REPAIR LIMITATIONS
17.100.080 CERTIFICATE OF OCCUPANCY
17.100.090 CONSTRUCTION COMPLETION REQUIREMENT
17.100.100 SIGNS
17.100.110 AMENDMENTS TO ZONING REGULATIONS
17.100.120 REGULATIONS WHEN UNDER CONSTRUCTION
17.100.130 HORSES AND LIVESTOCK
17.100.140 ACQUISITION OF PUBLIC RIGHT-OF-WAY OR EASEMENT

17.100.010 GENERALLY

The lawful use of a "building" or fence existing at the time of this Ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is removed, every future use of such premises shall be in conformity with the provisions of this Ordinance.

17.100.020 REPAIRS AND ALTERATIONS

Repairs and alterations may be made to a legal non-conforming building, provided that no structural alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use and provided that no additional dwelling units shall be added where the non-conforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The Board of Adjustment shall have the authority after a hearing to grant extension of a building non-conforming as to uses not to exceed twenty-five percent (25%) of the ground area of the same in case of evident hardship, subject to the yard restrictions herein provided.

17.100.030 USE

The lawful use of "land" existing at the time of the passing of this Ordinance, although such does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this Ordinance.

17.100.040 CHANGE OF USE

A legal non-conforming use, if changed to conforming use, may not thereafter be changed back to a non-conforming use. A legal non-conforming use, may not thereafter be changed unless to an equal or to a more restricted use.

17.100.050 DISCONTINUED OR ABANDONED

A legal non-conforming use, when discontinued or abandoned, shall not be resumed, except that the existing yards for all single family residences existing at the time of the passage of this Ordinance shall be deemed to be conforming. Discontinuance or abandonment shall be defined as follows:

A. When land used for a legal non-conforming use shall cease to be used in a bona fide manner for one (1) calendar month.

B. When a building designed or arranged for a non-conforming use shall cease to be used in a bona fide manner as a legal non-conforming use for a continuous period of six (6) consecutive calendar months.

C. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a legal non-conforming use for a period of three (3) consecutive calendar months.

17.100.060 EXTENSION

Upon evidence of hardship, the Board of Adjustment shall have the power to extend the time limits in Section 17.100.050 above not to exceed six (6) months.

17.100.070 REPAIR LIMITATIONS

A building occupied by non-conforming uses that is destroyed by fire or the elements may not be reconstructed or rebuilt except to conform to provisions of this Ordinance. In the case of partial destruction by fire or other causes, not exceeding fifty percent (50%) of its value, the Building Inspector may issue a permit for reconstruction. If greater than fifty percent (50%) and less than total, the Board of Adjustment may grant permit for repair after public hearing, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property.

17.100.080 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall be issued for all legal non-conforming uses.

17.100.090 CONSTRUCTION COMPLETION REQUIREMENT

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a legal building permit has been heretofore issued, provided such construction shall have been started and shall be diligently prosecuted to completion.

17.100.100 SIGNS

The lawful location and maintenance of commercial signboards and billboards existing at the time of the passage of this Ordinance may be continued, although such use does not conform with the provisions hereof, provided, however, that no alterations are made thereto and provided, however, any sign installed and in use prior to the enactment of this Ordinance will not be restricted by the Ordinance so long as its location, height, basic construction, message and other significant characteristics remain unchanged. Any sign in any zoning district which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenance to the configuration existing at the time of enactment of this Ordinance shall be regulated by this Ordinance.

17.100.110 AMENDMENTS TO ZONING REGULATIONS

The foregoing provisions of this section shall also apply to uses, yards, or buildings made non-conforming by subsequent amendments to zoning regulations.

17.100.120 REGULATIONS WHEN UNDER CONSTRUCTION

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of passage of this Ordinance and which such entire building shall be completed within one (1) year from the passage of this Ordinance. Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a building permit has been heretofore issued and which entire building shall be completed within six (6) months from the date of passage of this Ordinance. If any amendment to this Ordinance is hereafter adopted changing the boundaries or districts, the provisions of this Ordinance with regard to buildings or premises existing or building under construction or building permits issued in the area affected by such amendment at the time of the passage of such amendment shall not be affected.

17.100.130 HORSES AND LIVESTOCK

A person keeping horses or other livestock and holding a valid permit issued under Chapter 6.04.020 of the Benbrook Municipal Code shall be considered as a legal nonconforming use and may continue to operate the animal lot and/or stables in accordance with the terms of the permit and Section 17.100.050 above. The Animal Control Officer is authorized to continue issuance of permits on an annual basis under the previous terms so long as no complaints are received. If a complaint is received regarding the continued use of property for livestock, then the Animal Control Officer shall forward the complaint to the Zoning Board of Adjustment on the next available agenda for a determination whether the nonconforming use should be allowed to continue, be allowed to continue with additional restrictions, or be discontinued.

17.100.140 ACQUISITION OF PUBLIC RIGHT-OF-WAY OR EASEMENT

If a building is rendered non-conforming solely because of the acquisition of a public right-of-way or easement, and that building is destroyed by fire or the elements, then the owner may be granted a permit to reconstruct the building provided that the setback and size of the building are identical to the previous non-conforming building, and otherwise conform with all other provisions of this Ordinance.

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CHAPTER 17.104
ENFORCEMENT

Sections:

17.104.010 VIOLATION AND PENALTY
17.104.020 ENFORCEMENT
17.104.030 INJUNCTIVE RELIEF

17.104.010 VIOLATION AND PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, shall be fined not less than five dollars ($5.00) nor more than two thousand dollars ($2,000) for each offense. Each day that a violation exists shall constitute a separate offense. This penalty should not be construed as exclusive, and the City is hereby provided that any other remedy available to it, in law or in equity, is not intended to be, and is not, foreclosed by the provision of such penalty.

17.104.020 ENFORCEMENT

The provisions of this Ordinance shall be administered by the City Manager or his duly authorized representatives. The Planning Director or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the enforcement of this Ordinance.

17.104.030 INJUNCTIVE RELIEF

The City shall have and retain the right to seek injunctive relief and/or civil penalties against any person, firm or corporation who is in the process of or about to violate any section, paragraph or part of this Ordinance. Such right for injunctive relief and/or civil penalties shall exist independent of the other penalty provisions of this Ordinance and not in lieu thereof.

SECTION II
PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars ($500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.