

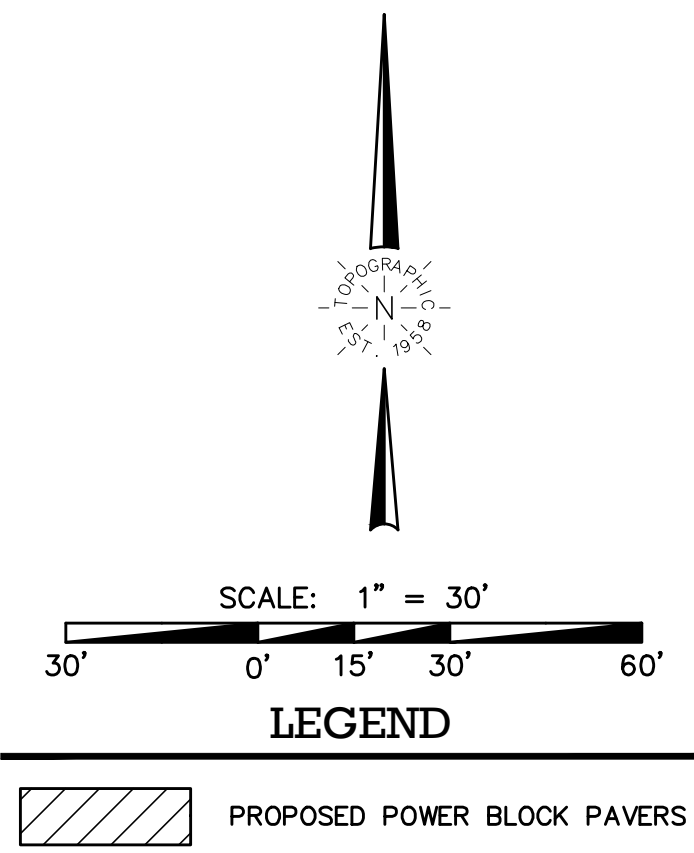
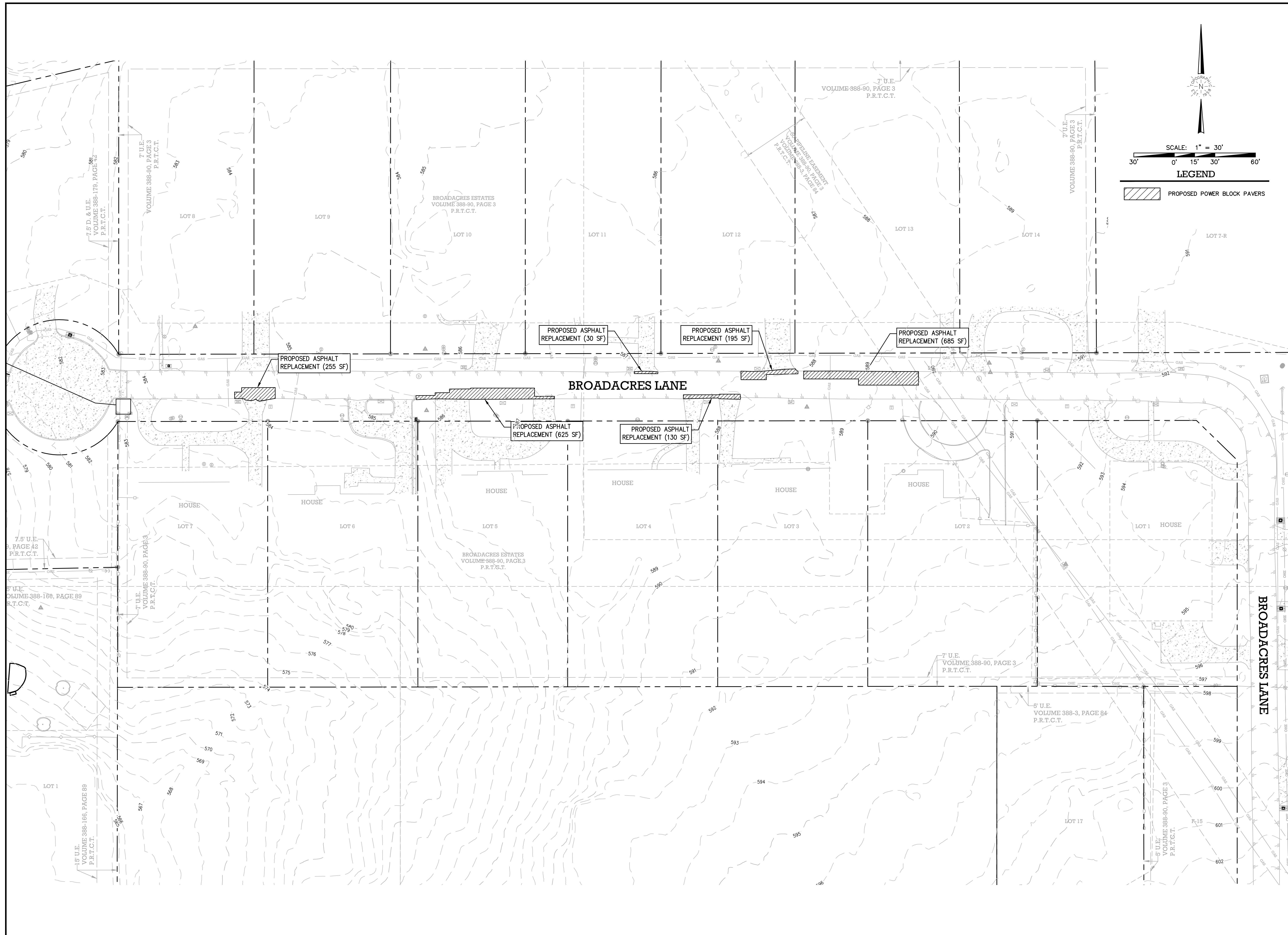






Demo Video of Pavers in Rain

Click Link for Video: <https://www.dropbox.com/s/i3os20od9nopxly/Untitled%20video%20-%20Made%20with%20Clipchamp%20%282%29.mp4?dl=0>



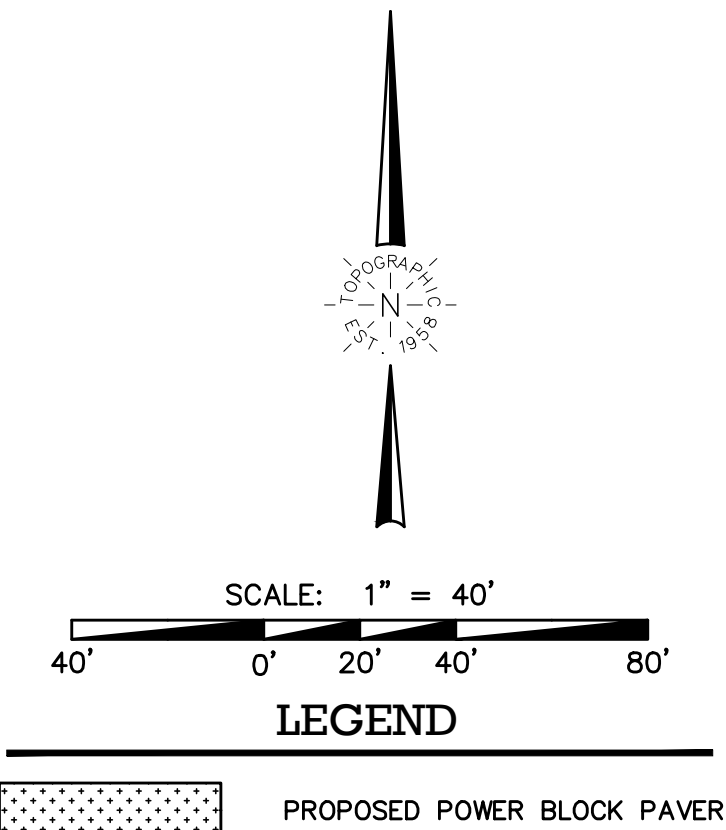
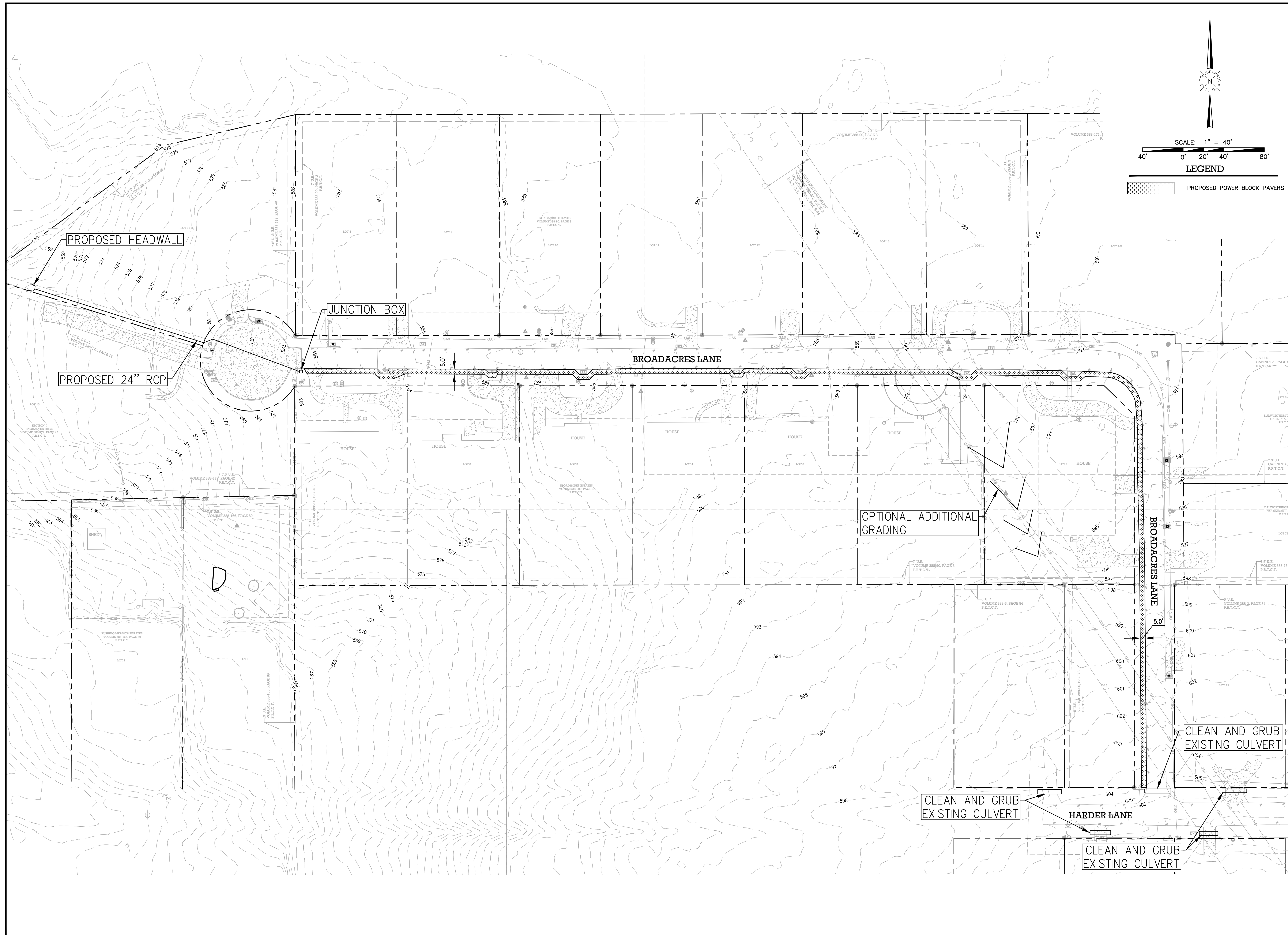
TOPOGRAPHIC
 LOYALTY INNOVATION LEGACY
 481 WINSKOTT RD. STE. 200 • BENBROOK, TEXAS 76126
 TELEPHONE: (817) 744-7512 • FAX: (817) 744-7554
 TEXAS FIRM REGISTRATION NO. 18409
 WWW.TOPOGRAPHIC.COM

BROADACRES REHAB
DALWORTHINGTON GARDENS, TARRANT COUNTY, TX
ASPHALT REPAIR EXHIBIT

NO.	DATE	REVISION DESCRIPTION

PRELIMINARY. THIS DRAWING SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS FINAL CONSTRUCTION DRAWINGS.
 PLANS PREPARED UNDER THE DIRECT SUPERVISION OF KYLON M. WILSON, P.E. TEXAS REGISTRATION NO. 77520

SHEET NO.
EX-1



TOPOGRAPHIC
 LOYALTY INNOVATION LEGACY

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 TELEPHONE: (817) 744-7512 • FAX: (817) 744-7554
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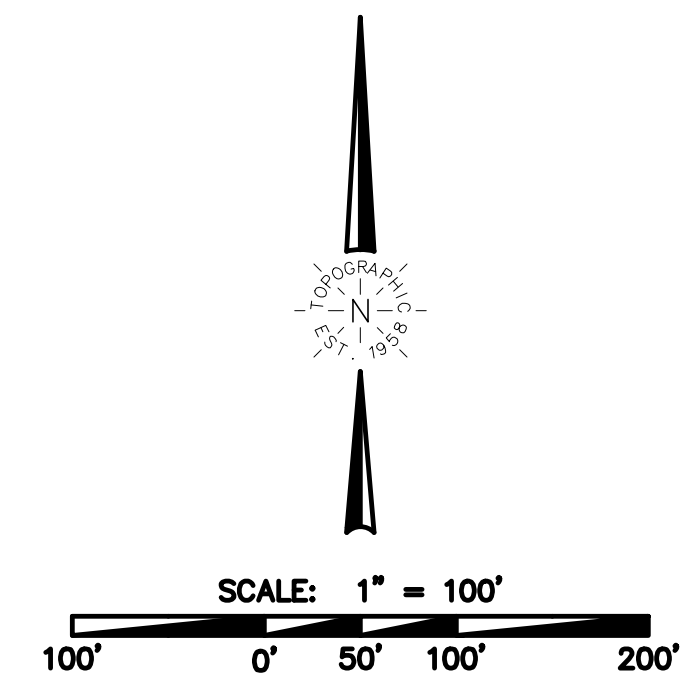
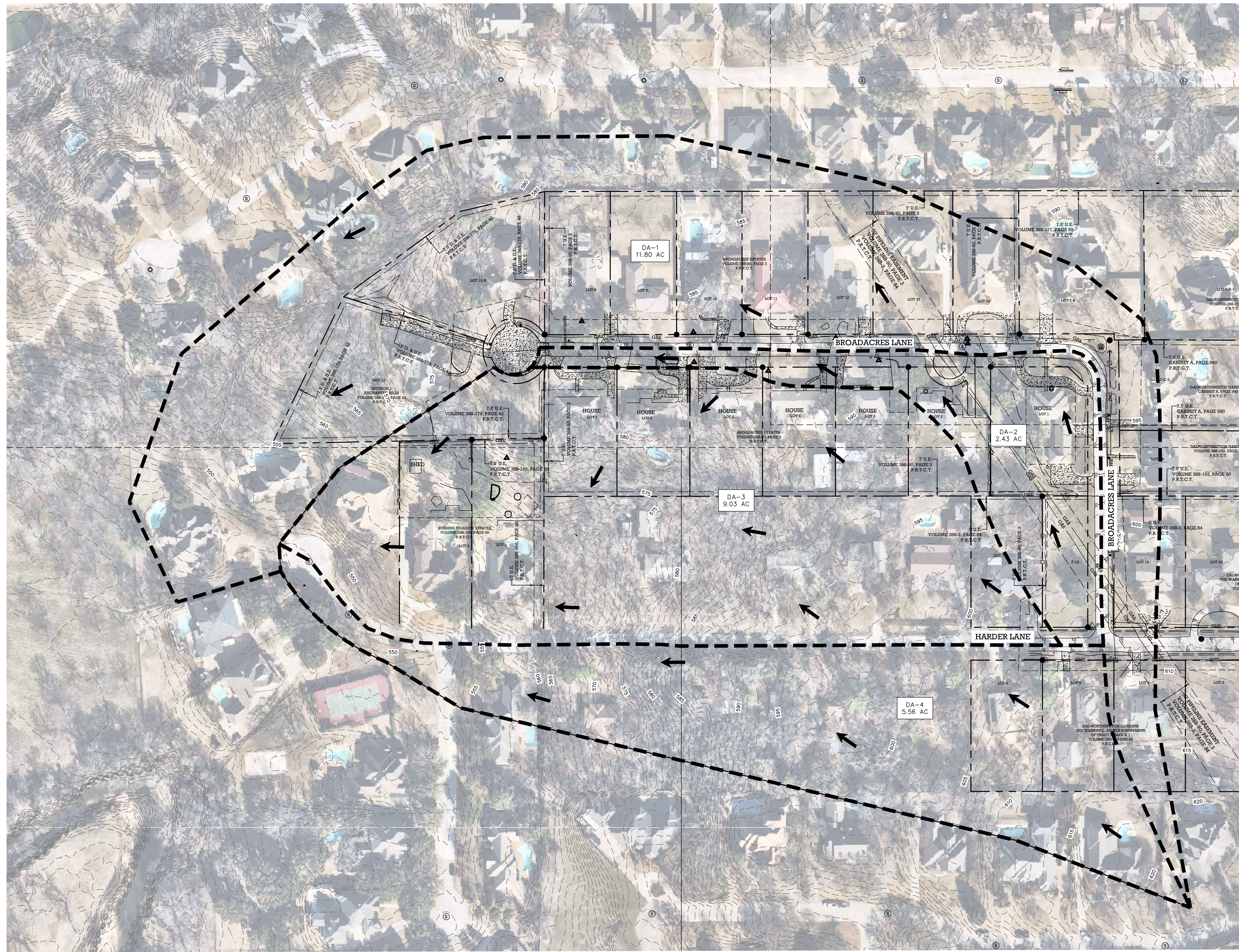
BROADACRES REHAB
DALWORTHINGTON GARDENS, TARRANT COUNTY, TX
DRAINAGE REHAB PLAN

NO.	DATE	REVISION DESCRIPTION

PRELIMINARY. THIS DRAWING SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS FINAL CONSTRUCTION DRAWINGS.

PLANS PREPARED UNDER THE DIRECT SUPERVISION OF KYLON M. WILSON, P.E. TEXAS REGISTRATION NO. 77520

SHEET NO.
EX-2



TOPOGRAPHIC
 LOYALTY INNOVATION LEGACY
 481 WINSITT RD. STE. 200 • BENBROOK, TEXAS 76126
 TELEPHONE: (817) 744-7512 • FAX: (817) 744-7554
 TEXAS FIRM REGISTRATION NO. 18409
 WWW.TOPOGRAPHIC.COM

BROADACRES REHAB
 DALWORTHINGTON GARDENS, TARRANT COUNTY, TX
 DRAINAGE AREA MAP

DRAINAGE AREA ID	AREA (Acres)	C	Ca	Tc (minutes)	I ₁₀ (inch/hour)	Q ₁₀ (cfs)	I ₁₀₀ (inch/hour)	Q ₁₀₀ (cfs)
DA-1	11.80	0.58	1.25	15	5.53	47.31	7.98	68.27
DA-2	2.43	0.58	1.25	10	6.51	11.47	9.24	16.28
DA-3	9.03	0.58	1.25	15	5.53	36.20	7.98	52.24
DA-4	5.56	0.58	1.25	15	5.53	22.29	9.24	37.25
TOTAL	28.82					117.27		174.04

NO.	DATE	REVISION DESCRIPTION

PRELIMINARY. THIS DRAWING SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS FINAL CONSTRUCTION DRAWINGS.
 PLANS PREPARED UNDER THE DIRECT SUPERVISION OF KYLON M. WILSON, P.E. TEXAS REGISTRATION NO. 77520

SHEET NO.
EX-3

**City Council
Staff Agenda Report**

Agenda Item: 9b.

Agenda Subject: Discussion and possible action on proposed changes to the City Park Reservation Form and associated city ordinances.

<p>Meeting Date:</p> <p>March 20, 2023</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input checked="" type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background information: The Park Board is suggesting changes to the Park Reservation Form. Because changes would affect city ordinances as that is the origin of most of the form content, they are being presented to City Council for consideration.

Recommended Action/Motion: Provide direction to staff by way of motion on any suggested changes.

Attachments: Redlined reservation Form

See attached page for rental locations.

(1) ~~Individuals or representatives of groups must be a minimum of 18 years of age.~~

Commented [IB1]: Seems out of place. This should be right at the top of the form

(2) Alcoholic beverages ~~generally are prohibited~~

(a) No possession or consumption of any alcoholic beverage while on ~~any city park property.~~

Commented [IB2]: Two stmts appear to contradict. See change

(3) Availability of Facilities

(a) Facilities are generally available for rent by any individual or group, whether a resident of the city or not. Reservations are on a first-come, first-served basis. Park reservations may be made up to 6 months in advance.

(4) City and City Sponsored Events

(a) All rentals that conflict with a City sponsored event will be cancelled and a full refund issued.

(5) Rental Time

(a) The renter will have priority of facilities during reserved times. Reservation times must include full set-up and clean-up time within park hours of 7:00AM-10:30PM.

(i) Rentals are in 2hr blocks with a 2hr minimum.

(ii) Deck and Park Pavilion may be rented for no more than 6 hrs.

(iii) Baseball and Practice fields may be rented for no more than 2 hrs.

Commented [IB3]: What if someone was having a game? Game would be more than 2hrs. Should the City allow for an exception?

(6) Restrictions

(a) The following are strictly prohibited : sparklers/fireworks, confetti, or glitter. No items may be taped, tacked, or nailed to the pavilion columns/posts or deck.

Commented [IB4]: Should we add anything about using the grill during drought conditions?

(7) Refusal or Limitation of Rental Privileges

(a) The City may refuse or limit reservations to individuals/groups if they:

(i) Leave untied/loose trash at the rented location.

(ii) ~~Damaged~~ previously damaged/destroyed city ~~property, or property~~ or violated policies regarding use during previous rental.

(iii) The applicant's intended use is likely to damage facility or violate applicable laws, regulations or ordinances.

(iv) The applicant frequently rents and his/her use deprives others of facility usage. No individual may reserve any park facility more than twice per calendar week.

~~Individuals or representatives of groups must be a minimum of 18 years of age.~~

(8) Indemnification of City

(a) Each renter agrees to compensate the City and its employees, for any claims of damaged property, arising from the renter's use of the facility.

(9) Order to Leave Premises

(a) If the renter or any of his/her guests ~~violate the terms above~~ engage in property damage, the City may immediately revoke the renter's facility usage. Facility premises must then be cleared immediately.

I hereby certify that special events are regulated by city code and may be subject to alteration to align with code compliance of the City of Dalworthington Gardens.

Phone: 817-275-1234 Ext 2

Signature of Applicant Date

Commented [IB5]: This number is different than the number (817-274-7368) at the top of the reservation application.



Park Reservation Number _____

A.H. "Pappy" Elkins Park Reservation Application

For Event Questions, Contact:
CITY OF DALWORTHINGTON GARDENS
TEL. 817-274-7368 FAX 817-265-4401
www.cityofdwg.net

Date of Application:	Date for Reservation:
Applicant's Name:	Phone #:
Start Time of Reservation:	End Time of Reservation:
Total Number of Attendants:	Email:
Location of Reservation: <input type="checkbox"/> Baseball Field <input type="checkbox"/> Deck <input type="checkbox"/> Pavilion <input type="checkbox"/> Practice Fields	

Deck	Number of blocks <input style="width: 40px;" type="text"/>	per 2hr block Rental	<input type="checkbox"/> Resident: \$15.00	<input type="checkbox"/> Non-Resident: \$30.00
Park Pavilion	Number of blocks <input style="width: 40px;" type="text"/>	per 2hr block Rental	<input type="checkbox"/> Resident: \$15.00	<input type="checkbox"/> Non-Resident: \$30.00
Baseball Field		per 2hr block Rental	<input type="checkbox"/> Resident: \$15.00	<input type="checkbox"/> Non-Resident: \$30.00
Practice Fields		per 2hr block Rental	<input type="checkbox"/> Resident: \$15.00	<input type="checkbox"/> Non-Resident: \$30.00

Reservations can be paid for online at <https://www.municipalonlinepayments.com/dgtx/easypay> when you receive the approved application with Park Reservation Number.

See attached page for rental locations.

- (1) Alcoholic beverages generally prohibited
 - (a) No possession or consumption of any alcoholic beverage while on any city park.
- (2) Availability of Facilities

Facilities are generally available for rent by any individual or group, whether a resident of the city or not. Reservations are on a first-come, first-served basis. Park reservations may be made up to 6 months in advance.
- (3) City and City Sponsored Events

All rentals that conflict with a City sponsored event will be cancelled and a full refund issued.
- (4) Rental Time

The renter will have priority of facilities during reserved times. Reservation times must include full set-up and clean-up time within park hours of 7:00AM-10:30PM.

 - (a) Rentals are in 2hr blocks with a 2hr minimum.
 - (b) Deck and Park Pavilion may be rented for no more than 6 hrs.
 - (c) Baseball and Practice fields may be rented for no more than 2 hrs.
- (5) Refusal or Limitation of Rental Privileges

The City may refuse or limit reservations to Individuals/groups if they:

 - (a) previously damaged/destroyed city property, or violated policies regarding use
 - (b) The applicant's intended use is likely to damage facility or violate applicable laws, regulations or ordinances.
 - (c) The applicant frequently rents and his/her use deprives others of facility usage. No individual may reserve any park facility more than twice per calendar week.

Individuals or representatives of groups must be a minimum of 18 years of age.
- (6) Indemnification of City

Each renter agrees to compensate the City and its employees, for any claims of damaged property, arising from the renter's use of the facility.
- (7) Order to Leave Premises

If the renter or any of his/her guests engage in property damage, the City may immediately revoke the renter's facility usage. Facility premises must then be cleared immediately.

I hereby certify that special events are regulated by city code and may be subject to alteration to align with code compliance of the City of Dalworthington Gardens.

Signature of Applicant **Date**

Phone: 817-275-1234

Rental Locations



**City Council
Staff Agenda Report**

Agenda Item: 9c.

Agenda Subject: Discussion and possible action to approve Ordinance No. 2023-07 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, Section 14.02.031, Special Exception, to allow special exceptions for fence height.

<p>Meeting Date:</p> <p>March 20, 2023</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input checked="" type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background information: After a recent special exception request for a fence, City Council instructed our attorney’s office to ensure the appropriate special exception item included all fences. Special exceptions come to both Planning and Zoning and City Council for approval. This was recently changed as previously special exceptions went to the Zoning Board of Adjustment. Variances, which currently include fences, come to the Zoning Board of Adjustment for approval. The proposed highlighted item changes this so all fences not meeting ordinance requirements would follow a special exception process instead of a variance process which means said fence cases are heard by City Council instead of the Zoning Board of Adjustment.

Recommended Action/Motion: Provide direction to staff by way of motion on approval of Ordinance No. 2023-07 amending the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, Section 14.02.031, Special Exception, to allow special exceptions for fence height.

Attachments: **Applicable Ordinance Sections for Screening Devices and Fences**
Redlined Special Exception Section
Ordinance

Board. The board of adjustment of the city.

Fence. A masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls.

Masonry. Referring to building exterior walls and screening devices, fired clay brick or natural stone.

Screening device. A barrier of stone, brick, pierced brick or block, uniformly colored wood or other permanent material of equal character, density and design, not more than six (6) feet in height.

§ 14.02.125 **Screening devices.**

- (a) Where required. A screening device, as herein defined, shall be erected before any use other than uses permitted in the “SF” or “MF” districts is made of property in “B-1” or less restrictive districts when such property abuts residentially zoned property. Insofar as it is practical, such screening device shall be erected along the entire length of the common line between such nonresidential property and the abutting residentially zoned property.
- (b) Erection and maintenance responsibility.
 - (1) When a screening device is required under the terms of subsection (a) of this section, it shall be the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which said device is located.
 - (2) All screening devices required by this article or action of the board of adjustment shall be perpetually maintained by the user of the property on which said device is located.
 - (3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without prior board approval.
- (c) PD screening. In residential planned developments the council may approve as part of the PD site plan masonry walls higher than provided above in required yards so long as the same do not violate visibility restrictions.

(2005 Code, sec. 17.4.05)

**Division 8
Special Exceptions and Other Permits**

§ 14.02.321 **Special exceptions.**

- (a) Purpose. Certain uses are classified as special exceptions, and may be permitted in designated districts when specifically authorized by this division after approval by the city council. Such exceptions may be granted in order that the city may develop in accordance with the intent and purpose of this article, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.
- (b) Criteria for granting a special exception. In reaching a decision on any application for a special exception, the city council shall determine:
 - (1) That the requested exception will establish only those uses permitted under this division;
 - (2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant; and
 - (3) 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 city council may find necessary to protect and maintain the stability of adjacent properties.
- (c) Authorized special exceptions. The following uses may be allowed as special exceptions in the districts specified, subject to full and complete compliance with all conditions herein provided, together with such other conditions as the city council may impose. The conduct of any of the uses described in this subsection (c) shall be illegal in the city unless on property bearing a valid special exception therefor issued in accordance with the terms of this division.

Special Exception	District Requiring City Council Approval
(1) Construction field office and storage yard (other than on jobsite). Conditions: Temporary, for time fixed by the City Council.	All districts
(2) Amusement or entertainment, commercial, indoor or outdoor.	B-2 - LI
(3) Child care facilities.	MF - LI
(4) Residential recreation facilities.	SF - MF
(5) Parking, under division 9 conditions.	All districts
(6) Development sign of more than one year duration.	SF - MF
(7) Screening devices/fences, over height or in required front yard.	All districts
(8) Except for brewpubs and wineries, service of alcoholic beverages for on-premises consumption; for brewpubs and wineries, service of alcoholic beverages for on-premises and off-premises consumption may be permitted	B-2 - LI
(9) Light industrial or manufacturing uses, other than storage, to be conducted outside buildings.	LI
(10) Real estate sales office: A temporary real estate sales office.	SF - MF
(11) Retail gasoline service stations, pumps and facilities, storage tanks underground.	B-3 - LI
(12) A private stable under the following conditions: (A) The use must be one that would in all respects qualify as an incidental use under the terms of section 14.02.172(6) of this article if located on the same property as a primary residential use; (B) The property on which the use is to be conducted must be adjacent to or within 500 feet of the primary residence to which it would be incidental if located on the same property; (C) The owner of the primary residence and the private stable must be the same; and (D) The private stable shall not be used for commercial purposes.	SF

Special Exception

- This special exception may be revoked by the City Council upon notice and after hearing in the event of a violation of any of the conditions described above.
- (13) Private school. B-2 - LI
 - (14) Motor vehicle sales. LI
 - (15) Retail specialty and novelty establishment. B-3 - LI
- Definitions: For the purpose of this subsection:
- (A) "Retail specialty and novelty establishment" is a place of business which derives more than 50% of its monthly revenues from the retail sale of specialty and novelty items.
 - (B) "Specialty and novelty items" means any of the following:
 - (i) Drug paraphernalia, as that term is defined in 481.002 of the Texas Health and Safety Code;
 - (ii) Wearing apparel containing obscene pictures or words, such as T-shirts, belt buckles, jewelry or any other wearing apparel;
 - (iii) Salves, ointments, gels, creams, jellies, lotions and oils advertised and designed as a sexual stimulus;
 - (iv) Magazines, books, records, videocassettes, pictures, drawings and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption;
 - (v) Incense.
- (16) Billiard table establishment. B-3 - LI
- Definitions: For the purposes of this subsection:
- (A) "Billiard table establishment" means any business containing a billiard table for commercial use and not merely for sale.
 - (B) "Billiard table" means a table surrounded by a ledge or cushion with or without pockets on which balls are impelled by a stick or cue, but not including a coin-operated billiard table.
- (17) Skill or pleasure coin-operated machines, commercial use of eight (8) or more per occupancy. B-3 - LI
- Definitions: For the purposes of this subsection, the term "skill or pleasure coin-operated machine" shall have the meaning ascribed thereto by article 8801, V.T.C.S. [V.T.C.A., Occupations Code, chapter 2153]
- (18) Sexually oriented business. LI
- Definition: For the purpose of this subsection, "Sexually oriented business" shall have the meaning ascribed thereto by chapter 243 of the Texas Local Government Code.
- Condition: No such use may be permitted at a location within one thousand (1,000) feet of a church, school, public park, boundary of a residential district or property line of a lot devoted to residential use.
- (19) Motor vehicle parking, commercial. B-3 - LI
 - (20) Long-term personal care facility. SF - MF
- Definition: For the purposes of this subsection, a "long-term personal care facility" is a residence used as an assisted living residence for not more than four (4) unrelated persons.
- Conditions: No such use shall be permitted unless:
- (A) The State of Texas has issued a license for the location under chapter 142 of the Texas Health and Safety Code; and
 - (B) The owner of the facility resides in the residence.

Special Exception	District Requiring City Council Approval
The special exception shall continue for so long as a valid state license, as described in subsection (A), shall be in effect, unless the special exception should otherwise be terminated for violation of its terms or applicable laws.	
(21) Schools, clubs or centers for gymnastics, exercise or physical fitness. Condition: The use shall comply with all regulatory provisions of the district in which it is located.	B-1 - B-2
(22) Mobile food unit: Special exception sought by property owner required for all zoning districts if mobile food unit remains on property longer than twenty- four (24) hours.	All districts
(23) HUD-code manufactured home as primary dwelling	MF
(24) Credit access business under the following conditions: (A) No such use may be permitted at a location within one thousand (1,000) feet of a school, designated place of worship, public park, boundary of a residential district, or property line of a lot devoted to residential use.	L-I
(25) Tattoo Shop under the following conditions: (A) No such use may be permitted within 1,000 feet of another tattoo shop (B) A tattoo shop may be open for business only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday. A tattoo shop may not open for business on Sunday. (C) No such use may be contiguous to any residential land use, designated place of worship, or school.	L-I
(26) Short- term rental in excess of density limitation.	SF, MF, GH Subject to section 4.09.004(p) of the code

(d) Application for special exception.

- (1) Qualification of applicant. Application for a special exception may be made by the owner of, or other person having a contractual or possessory interest in, the subject property. Any application filed by a person who is not the owner of the property for which the special exception is sought shall be accompanied by evidence of the consent of the owner.
- (2) Contents of application. An application for a special exception shall be filed with the zoning administrator. The application shall contain the following information as well as such additional information as may be prescribed by rule of or reasonably requested by the commission or the zoning administrator:
 - (A) The applicant’s name, address and interest in the subject property;
 - (B) The owner’s name and address, if different from that of the applicant, and the owner’s signed consent to the filing of the application;
 - (C) The street address and legal description of the property;
 - (D) The zoning classification and present use of the subject property;
 - (E) A description of the proposed special exception;
 - (F) A site plan sketch, showing the location of the use on the property;
 - (G) A statement as to why the proposed special exception will not cause substantial injury to the value, use or enjoyment of other property in the neighborhood;

- (H) A statement as to how the proposed special exception is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected; and
 - (I) An identification of any potentially adverse effects that may be associated with the proposed special exception and the means proposed by the applicant to avoid, minimize or mitigate such effects.
- (3) Processing of application. Upon receipt of an application for a special exception, it shall be referred to the commission for investigation as to the manner in which the proposed character and location of the special exception will affect the master plan of the city. The commission shall report the results of its study to the city council, and thereafter the city council may, after public notice and hearing, grant the permit, including the imposition of conditions of use which the city council may deem essential to insure that the special exception is consistent with the spirit, purpose and intent of this article, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(Ordinance 2022-11 adopted 5/19/22; Ordinance 2022-17 adopted 7/21/22; Ordinance 2022-22 adopted 11/17/2022; Ordinance 2022-31 adopted 12/15/2022)

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING SECTION 14.02.031 “SPECIAL EXCEPTION” OF DIVISION 8 “SPECIAL EXCEPTIONS AND OTHER PERMITS” OF ARTICLE 14.02 “ZONING ORDINANCE” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, TO ALLOW SPECIAL EXCEPTIONS FOR FENCE HEIGHT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Zoning Ordinance of the City of Dalworthington Gardens regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Dalworthington Gardens to amend the Zoning Ordinance, City of Dalworthington Gardens, Texas to allow special exceptions for fence heights; and

WHEREAS, the Planning and Zoning Commission of the City of Dalworthington Gardens, Texas held a public hearing on February 22, 2023, and the City Council of the City of Dalworthington Gardens, Texas, held a public hearing on March 20, 2023 with respect to the Zoning Ordinance text amendment provided herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, the Zoning Ordinance of the City of Dalworthington Gardens, and all other laws dealing with notice, publication, and procedural requirements for these text amendments; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Dalworthington Gardens to amend the Zoning Ordinance to allow special exceptions for fence height.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

SECTION 1.

Section 14.02.321 “Special Exceptions” of Division 8 “Special Exceptions and Other Permits” of Article 14.02 “Zoning Ordinance” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended by adding a new special exception to (c)(7) to read as follows:

“Sec. 14.02.321 Special exceptions

Special Exception

District Requiring Board Approval

(7) Screening devices/fences, over height or in required front yard.

All districts”

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 4.

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

SECTION 5.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary is hereby directed to publish this ordinance or its caption and penalty in the official newspaper as required by Section 52.011 of the Texas Local Government Code.

SECTION 7.

This Ordinance shall be in full force and effect immediately after passage and it is so ordained.

PASSED AND APPROVED on March 20th, 2023.

By: _____
Laurie Bianco, Mayor

ATTEST:

Lola Hazel, City Secretary

**City Council
Staff Agenda Report**

Agenda Item: 9d.

Agenda Subject: Discussion and possible action regarding replacement of street lighting on Ambassador Row, and addition of lighting on Arkansas Lane.

<p>Meeting Date:</p> <p>March 20, 2023</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input checked="" type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background information: Staff received a complaint from a citizen a while back about lighting in the Ambassador Row neighborhood, and has been working for some time to find the right solution. The entire neighborhood was surveyed for lighting and then eventually narrowed down to the parking lot because of cost. Staff then tried to include said lighting in the Tarrant County CDBG grant application submitted January 2023, but did not have details nailed down in time to include it. However, just to note, the total cost of the CDBG project is quoted at \$252,217 (which includes contingency) with Tarrant County only covering, at most, \$175,000. So, any additional lighting would have been paid by the city for this project.

Oncor has offered to place a street light at no cost to the city on Arkansas Lane near the DWG pump station. Although this isn't exactly where the city desired, it is across from Madrid Court and adds light where there is none on that stretch of Arkansas Lane. The city would have preferred the lighting be on the north side at Madrid Court, but Oncor can't place the light there because there are too many existing utilities on that pole. The approximately added monthly electricity cost would be between \$10-\$30 (estimated from current billing amounts).

Oncor has also provided two quotes for light replacement in the parking lot on Ambassador Row. Just replacing the lamps would be approximately \$11,000, and adding a new pole with double lights, which would be recommended by staff, would be \$19,000. The existing poles are high pressured sodium and Oncor no longer carries them, plus they do not support LED lighting.

Recommended Action/Motion: Provide direction to staff by way of motion on moving forward with lighting addition on Arkansas Lane and lighting on Ambassador Row.

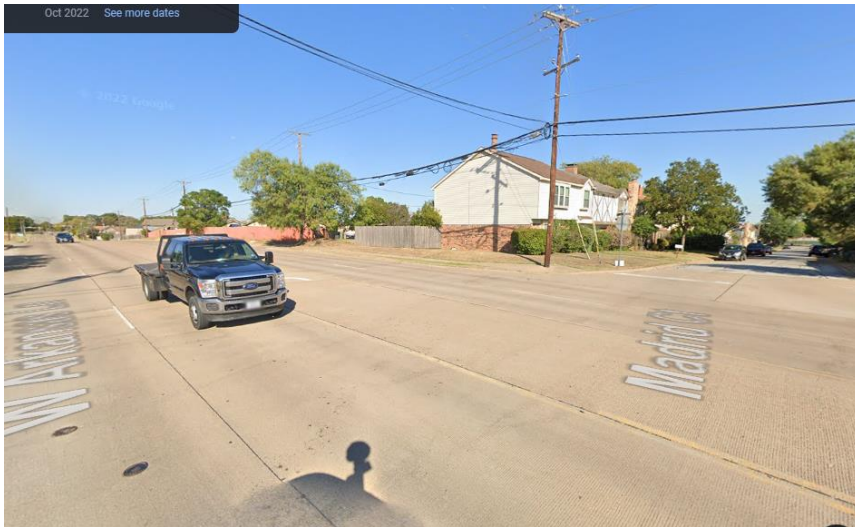
Attachments: Images of Lighting Locations

Light locations, south side near water tower – no cost to us for install. The one across the street has too many utilities on it.

Showing view of light pole near DWG water tower on Arkansas Lane where light would be installed.

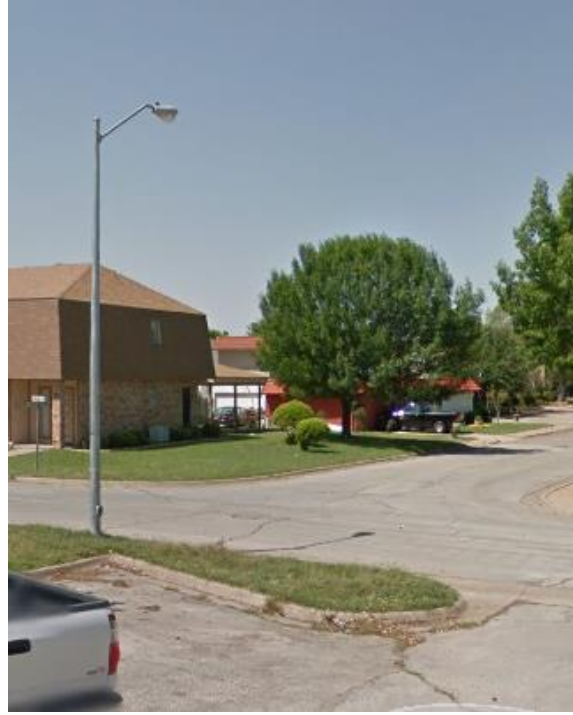


Showing view of across the street at Madrid Court and W. Arkansas Lane. Oncor says the poles on this side have too many utilities on them to add a light here.



Parking lot Ambassador Row – just replacing lamps 11k, they have to do new bases. A new pole with double lights would be 19k. They would do concrete bases. They no longer carry high-pressure sodium poles and they do not fit or support an LED light.

Ambassador Row Locations – Parking Lot in Grass Median



Example of Double Arm Street Light



**City Council
Staff Agenda Report**

Agenda Item: 9e.

Agenda Subject: Discussion and possible action entering into an agreement for professional services with Teague Nall and Perkins for a Topographical Survey for the DPS Building.

<p>Meeting Date:</p> <p>March 20, 2023</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input checked="" type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background information: AME Engineering is needing a topographical survey of the DPS building to complete drawings for the wheelchair accessible ramp in the DPS remodel. As noted in article I of the proposal the basic survey is \$3,400 and only focuses on the area pertaining to the proposed ramp location at the main lobby entrance on the south side of the building. We have the option of adding a “as-built survey” of the remainder structure (not including topo) for an additional \$6,500.

Recommended Action/Motion: DPS is requesting the approval of the topographical survey and the additional asbuillt survey to be performed by Teague Nall & Perkins and not to exceed \$9900 and pending city attorney’s approval.

Attachments: TNP Professional services agreement



AUTHORIZATION FOR PROFESSIONAL SERVICES

PROJECT NAME: Dalworthington Gardens Police & Fire Department – Topographic Survey
TNP PROJECT NUMBER: _____
CLIENT: Dalworthington Gardens Police & Fire
Attention: Greg Petty
ADDRESS: 2600 Roosevelt Drive
Arlington, Texas 76016

That Dalworthington Gardens Police & Fire (the CLIENT) hereby requests and authorizes Teague Nall and Perkins, Inc., (the CONSULTANT) to perform the following services:

Article I

SCOPE OF BASIC SERVICES:

Topographic Survey

Our services shall include all office and field work necessary to perform a Topographic Design Survey for the design of an ADA ramp at the entrance to the Police Department as well as update the parking lot with any needed ADA parking spaces as depicted on Attachment B.

The Survey will identify topography (one foot contours), visible features and above ground improvements including pavement, curbs, fences, trees, sidewalks, utilities, valves, hydrants, inverts, landscaped areas and other pertinent features within the project area as necessary for engineering design. Benchmarks will be established within or near the project areas for use during the design and construction phases of the project.

Texas811 will be notified to coordinate marking of underground utilities. However, lacking excavation, the exact location of underground utilities and features cannot be accurately, completely, and reliably depicted. In some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, the CLIENT is advised that excavation may be necessary.

Survey information provided by TNP will be referenced to Grid North of the Texas Coordinate System of 1983 {North Central Zone No. 4202; NAD83(2011) Epoch 2010} as derived locally from Allterra Central’s Continuously Operating Reference Stations via real time kinematic survey methods.

The services proposed herein shall be performed in accordance with the General Rules and Procedures of Practice and the Professional and Technical Standards established by the Texas Board of Professional Engineers and Land Surveyors.

FEE - \$3,400.00

OPTIONAL TASK:

Perform and prepare an Asbuillt Survey of the remainder of said Police and Fire Department building (no topographic work will be performed in this remaining area.

ADDITIONAL FEE - \$6,500.00

Article II

COMPENSATION to be on a basis of the following:

1. **BASIC SERVICES:** The CLIENT agrees to pay the CONSULTANT a fixed fee of \$3,400.00 for **BASIC SERVICES**, as outlined above.

2. **ADDITIONAL SERVICES:** **ADDITIONAL SERVICES** shall be any service provided by the CONSULTANT which is not specifically included in **BASIC SERVICES** as defined herein. **ADDITIONAL SERVICES** shall include, but shall not be limited to:
 - a.) All subsurface utility identification or designating for SUE Levels A, B, C or D;
 - b.) Construction staking;
 - c.) Boundary surveys;
 - d.) Tree surveys;
 - e.) Abstract, easement and land title research;
 - h.) Land planning, platting, zoning applications or exhibits;
 - i.) Participation in real property acquisition;
 - j.) Trips and meetings beyond a 100 mile radius of Fort Worth;
 - k.) Subcontract charges, photocopies, plan reproduction, computer charges, etc. not described in **BASIC SERVICES** or Attachment 'A';

ADDITIONAL SERVICES shall be considered additional work and shall be reimbursed at standard TNP hourly rates or TNP standard rates for items provided in-house, or direct expenses times a multiplier of 1.10 for non-labor, subcontract or mileage items, except for subcontracted or outsourced survey services, which shall be billed at rates comparable to TNP's billing rates for similar services, as shown on Attachment A.

3. **PAYMENT TERMS:** CLIENT shall be billed monthly for services rendered and pay promptly upon receipt of invoice. Delays of transmitting payments to CONSULTANT more than 30 days from invoice date may result in cessation of services until payment is received.

Article III

SCHEDULE:

The services proposed herein shall be completed within 20 working days, pending authorization to proceed.

Article IV

CONTRACT PROVISIONS: Contract provisions are attached hereto and made a part hereof.

Please execute and return a signed copy for our files. Receipt of an executed copy of this contract or a signed project-specific purchase order will serve as notice to proceed. No work shall commence on the project until an executed copy of this contract or purchase order is received by CONSULTANT. By signing below or on a purchase order, the signer warrants that he or she is authorized to execute binding contracts for the CLIENT.

Approved by CLIENT:
Dalworthington Gardens Police & Fire

Submitted by CONSULTANT:
Teague Nall and Perkins, Inc.

By: _____
 Title: _____
 Date: _____

By: Theron W. Sims
 Title: Team Leader
 Date: March 2, 2023

PROVISIONS

1. **AUTHORIZATION TO PROCEED**
Signing this agreement shall be construed as authorization by CLIENT for TNP, Inc. to proceed with the work, unless otherwise provided for in this agreement.
2. **LABOR COSTS**
TNP, Inc.'s Labor Costs shall be the amount of salaries paid TNP, Inc.'s employees for work performed on CLIENTS Project plus a stipulated percentage of such salaries to cover all payroll-related taxes, payments, premiums, and benefits.
3. **DIRECT EXPENSES**
TNP, Inc.'s Direct Expenses shall be those costs incurred on or directly for the CLIENT's Project, including but not limited to necessary transportation costs including mileage at TNP, Inc.'s current rate when its, or its employee's, automobiles are used, meals and lodging, laboratory tests and analyses, computer services, word processing services, telephone, printing and binding charges. Reimbursement for these expenses shall be on the basis of actual charges when furnished by commercial sources and on the basis of usual commercial charges when furnished by TNP, Inc.
4. **OUTSIDE SERVICES**
When technical or professional services are furnished by an outside source, when approved by CLIENT, an additional amount shall be added to the cost of these services for TNP, Inc.'s administrative costs, as provided herein.
5. **OPINION OF PROBABLE COST**
In providing opinions of probable cost, the CLIENT understands that TNP, Inc. has no control over costs or the price of labor, equipment, or materials, or over the Contractor's method of pricing, and that the opinions of probable cost provided to CLIENT are to be made on the basis of the design professional's qualifications and experience. TNP, Inc. makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.
6. **PROFESSIONAL STANDARDS**
TNP, Inc. shall be responsible, to the level of competency presently maintained by other practicing professional engineers in the same type of work in the State of Texas, for the professional and technical soundness, accuracy, and adequacy of all design, drawings, specifications, and other work and materials furnished under this Authorization. TNP, Inc. makes no other warranty, expressed or implied.
7. **TERMINATION**
Either CLIENT or TNP, Inc. may terminate this authorization by giving 10 days written notice to the other party. In such event CLIENT shall forthwith pay TNP, Inc. in full for all work previously authorized and performed prior to effective date of termination. If no notice of termination is given, relationships and obligations created by this Authorization shall be terminated upon completion of all applicable requirements of this Authorization.
8. **MEDIATION**
In an effort to resolve any conflicts that arise during the design or construction of the project or following the completion of the project, the CLIENT and the CONSULTANT agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbonding mediation unless the parties mutually agree otherwise.

The CLIENT and the CONSULTANT further agree to include a similar mediation provision in all agreements with independent contractors and consultants retained for the project and to require all independent contractors and consultants retained also to include a similar mediation provision in all agreements with subcontractors, subconsultants, suppliers or fabricators so retained, thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements.
9. **LEGAL EXPENSES**
In the event legal action is brought by CLIENT or TNP, Inc. against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for fees, costs and expenses as may be set by the court.
10. **PAYMENT TO TNP, INC.**
Monthly invoices will be issued by TNP, Inc. for all work performed under the terms of this agreement. Invoices are due and payable on receipt. If payment is not received within 30 days of invoice date, all work on CLIENT's project shall cease and all work products and documents shall be withheld until payment is received by TNP. Time shall be added to the project schedule for any work stoppages resulting from CLIENT's failure to render payment within 30 days of invoice date. Interest at the rate of 1½% per month will be charged on all past-due amounts, unless not permitted by law, in which case, interest will be charged at the highest amount permitted by law.
11. **LIMITATION OF LIABILITY**
TNP, Inc.'s liability to the CLIENT for any cause or combination of causes is in the aggregate, limited to an amount no greater than the fee earned under this agreement.
12. **ADDITIONAL SERVICES**
Services not specified as Basic Services in Scope and Attachment 'A' will be provided by TNP, Inc. as Additional Services when required. The CLIENT agrees upon execution of this contract that no additional authorization is required. Additional services will be paid for by CLIENT as indicated in Article II, Compensation.
13. **SALES TAX**
In accordance with the State Sales Tax Codes, certain surveying services are taxable. Applicable sales tax is not included in the fee set forth and will be added on and collected when required by state law. Sales tax at the applicable rate will be indicated on invoice statements.
14. **SURVEYING SERVICES**
In accordance with the Professional Land Surveying Practices Act of 1989, the CLIENT is informed that any complaints about surveying services may be forwarded to the Texas Board of Professional Land Surveying, 12100 Park 35 Circle, Building A, Suite 156, MC-230, Austin, Texas 78753, (512) 239-5263.
15. **LANDSCAPE ARCHITECT SERVICES**
The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as landscape architects in Texas. The CLIENT is informed that any complaints about landscape architecture services be forwarded to the Texas Board of Architectural Examiners, Hobby Building: 333 Guadalupe, Suite 2-350, Austin, Texas 78701, Telephone (512) 305-9000, Fax (512) 305-8900.
16. **INVALIDITY CLAUSE**
In case any one or more of the provisions contained in this Agreement shall be held illegal, the enforceability of the remaining provisions contained herein shall not be impaired thereby.
17. **PROJECT SITE SAFETY**
TNP, Inc. has no duty or responsibility for project site safety.
18. **CONSTRUCTION MEANS AND METHODS AND JOBSITE SAFETY**
Means and methods of construction and jobsite safety are the sole responsibility of the contractor.

Attachment A

Teague Nall and Perkins, Inc.

2023 Standard Hourly Rates (vers 12423)

Effective January 1, 2023 to December 31, 2023

Surveying	Hourly Billing Rate
Survey Manager	\$290.00
Registered Professional Land Surveyor (RPLS)	\$250.00
Field Coordinator	\$155.00
S.I.T. or Senior Survey Technician	\$150.00
Survey Technician	\$130.00
1-Person Field Crew w/Equipment**	\$160.00
2-Person Field Crew w/Equipment**	\$190.00
3-Person Field Crew w/Equipment**	\$215.00
4-Person Field Crew w/Equipment**	\$235.00
Flagger	\$60.00
Abstractor (Property Deed Research)	\$100.00
Small Unmanned Aerial Systems (sUAS) Equipment & Crew	\$450.00
Terrestrial Scanning Equipment & Crew	\$280.00

Notes:

All subcontracted and outsourced services shall be billed at rates comparable to TNP's billing rates above or cost times a multiplier of 1.10.

* Rates shown are for 2023 and are subject to change in subsequent years.

** Survey equipment may include truck, ATV, Robotic Total Station, GPS Units and Digital Level.

*** Includes crew labor, vehicle costs, and field supplies.

****Does not include Level B Designating effort.

Attachment B



**City Council
Staff Agenda Report**

Agenda Item: 9f.

Agenda Subject: Discussion and possible action to provide direction to staff regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, Section 14.02.224, B-3 Business District, regarding the permitted use of smoking establishments.

<p>Meeting Date:</p> <p>March 20, 2023</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background Information: The B-3 Business District allows smoking establishments as a permitted use with the following conditions:

- (A) Any smoking establishment seeking a certificate of occupancy after October 1, 2012 must be located at least 1,000 feet from any other smoking establishment.
- (B) The distance of 1,000 feet shall be measured in a direct line as the crow flies from property line to property line of the smoking establishments without regard to streets, walkways, walls or any other obstruction.

Thus, if a property sold to a new owner or had a new tenant, and the business was closer than 1,000 feet from another smoking establishment, the use could no longer continue because new ownership and/or new tenants would prompt a brand-new certificate of occupancy.

The best use of certain properties in the city is associated with a smoking component. If the use is discontinued on these properties, they may sit vacant as it would cause a burden on property owners to remodel structures to completely change a use.

A suggested text change would be for the use, not a specific tenant, to continue at locations already in existence before October 1, 2012. That way all new locations, instead of new CO holders, could continue existing uses.

Any suggested ordinances changes are required to go to the Planning and Zoning Commission prior to council approval.

Recommended Action/Motion: Provide direction by way of motion to direct staff to beginning zoning ordinance change process.

Attachments: **Ordinance Section**

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 14.02.224 “B-3” business district.

(a) Permitted uses. A building or premises in this district shall be used only for the following purposes:

- (1) Any use permitted in the “B-2” district.
- (2) Auto-related uses:
 - (A) Auto repair and service, under the following conditions:
 - (i) Areas used for the repair of vehicles shall not occupy a required yard.
 - (ii) No salvage, dismantling or wrecking on premises.
 - (iii) No vehicle sales permitted.
 - (B) Sale of automotive accessories.
- (3) Food service:
 - (A) Bakery or confectionery, wholesale.
 - (B) Restaurant or cafe, with drive-in or pickup service.
- (4) Antique shop or secondhand goods store.
- (5) Cold storage plant (locker rental).
- (6) Cleaning, pressing and dyeing, under the following conditions:
 - (A) No direct exterior exhaust from cleaning plant.
 - (B) Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.
- (7) Wholesale offices.
- (8) Philanthropic institutions.
- (9) Custom cabinet making, upholstery and woodworking shops of craftsmen.
- (10) Plumbing, electrical, air conditioning sales and/or service shop.
- (11) Building material or lumber sales.
- (12) Business park: office, retail and warehouse, not to exceed 10,000 square feet per building; not less than 25% of building area to be used for office or retail. Type I fire resistant construction required.
- (13) Schools, clubs or centers for gymnastics, exercise, or physical fitness.
- (14) Pet hotel: Kennels for dogs, cats and other common household pets, providing temporary overnight housing. Facilities must be soundproof, air-conditioned, with no outdoor housing of animals. Fenced and screened outdoor area allowed for daytime exercise of animals while in the control of human attendants. Must be under direct supervision of licensed veterinarian.
- (15) Motor vehicle sales - indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage.

(16) Sale of alcoholic beverages for off-premises consumption (package sales).

(17) Smoking establishments in accordance with the standards as provided in subsection (b)(7) below.

(18) Brewpub, but only pursuant to a special exception as provided in division 8 of this article.

(19) Winery, but only pursuant to a special exception as provided in division 8 of this article.

(20) Customarily incidental uses.

(b) Restrictions on use. The uses in this district described in subsection (a) above shall be permitted, however, only upon the following conditions:

- (1) There shall be no outside storage of merchandise, except as provided in subsection **(b)(6)** of this section.
- (2) In connection with any permitted use conducted within an enclosed building, there shall be allowed as an accessory use the display of merchandise out-of-doors, subject to the following limitations:
 - (A) All sales of such merchandise shall be consummated indoors, and no cash register or package wrapping counter shall be located out-of-doors.
 - (B) The merchandise displayed out-of-doors shall not be readily identifiable by type or product name from adjacent public streets by reason of package labels, sales tags, markers, or otherwise. Only new merchandise may be displayed.
 - (C) Merchandise displayed out-of-doors must be within the required building setback lines of the property and shall be placed on impervious surfaces only.
 - (D) Outdoor area devoted to display shall not exceed in area one-half the floor area of the permitted use conducted in an enclosed building on the same property.
 - (E) Merchandise shall not be displayed at a height of more than ten (10) feet within ten (10) feet of the building and not more than six (6) feet in height elsewhere.
 - (F) For the purpose of this section, the location of merchandise outdoors and not taken indoors when the business is not open shall be deemed to be the storage and not the display of merchandise.
- (3) The impervious surface percentage in this district shall not exceed 80%.
- (4) Drive-up windows shall be permitted when there is not less than 60 feet of driveway vehicle waiting capacity per window, exclusive of other parking and access requirements for the property.
- (5) Any use shall comply with the applicable special conditions of table 14.02.221.
- (6) Notwithstanding the provisions of subsection **(b)(1)** of this section, outside display and storage of merchandise shall be permitted when it is of a kind or character that is commonly stored or displayed outside of an enclosed building, such as a nursery, garden store or business otherwise offering for sale at retail merchandise that is not readily or customarily kept indoors. Any such display and storage shall be allowed, subject to the following limitations:
 - (A) Open storage in any portion of the premises not open to public or customer access shall be screened from public streets, adjacent property and other portions of the premises.
 - (B) Stored merchandise shall be that merchandise for which the point of sale at retail is on the same premises.
 - (C) The display or storage shall comply with the provisions of subsections **(2)(A)** through **(C)** and with the parking provisions of this article.
 - (D) There shall be no storage of merchandise under this subsection **(6)** in any vehicle, trailer, portable

building or portable container.

(7) Smoking establishments: Subject to the following restrictions and regulations:

(A) Any smoking establishment seeking a certificate of occupancy after October 1, 2012 must be located at least 1,000 feet from any other smoking establishment.

(B) The distance of 1,000 feet shall be measured in a direct line as the crow flies from property line to property line of the smoking establishments without regard to streets, walkways, walls or any other obstruction.

(c) Planned development regulations. When land within this district is made part of a planned development, yards abutting adjacent non-PD property shall be not less than 25 feet.

(Ordinance 2018-17 adopted 9/20/18; Ordinance 2019-05, sec. 3, adopted 7/18/19)