

Notice of a Meeting
Dalworthington Gardens Planning and Zoning Commission

May 22, 2023 at 6:00 p.m.

City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas

The Planning and Zoning Commission reserves the right to adjourn into closed session at any time during the course of this meeting as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney).

1. Call to Order
2. Citizens who wish to speak to the Planning & Zoning Commission Members will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and Planning and Zoning Commission Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy.
3. Discussion and possible regarding an application from Jim Tally for a Special Exception in accordance with Zoning Ordinance Section 14.02.321(c)(7) "Screening Devices/Fence, over height or in required front yard", to allow a 6-foot fence in the side yard.
 - i. Conduct public hearing
 - ii. Discussion and action
4. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding agrihood regulations.
 - i. Conduct public hearing
 - ii. Discussion and action
5. Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding garden home regulations.
 - i. Conduct public hearing
 - ii. Discussion and action
6. Adjourn

CERTIFICATION

This is to certify that a copy of the **May 22, 2023** Planning and Zoning Commission Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofdvg.net, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____ TIME OF POSTING: _____ TAKEN DOWN: _____

Lola Hazel, City Administrator

Staff Agenda Report

Agenda Item: 3.

Agenda Subject: Discussion and possible regarding an application from Jim Tally for a Special Exception in accordance with Zoning Ordinance Section 14.02.321(c)(7) “Screening Devices/Fence, over height or in required front yard”, to allow a 6-foot fence in the side yard.

Background Information: A fence was installed at 3306 Evie Court without a permit that exceeds height requirements outlined in the Zoning Ordinance, Section 14.02.123, which states as follows:

14.02.123 Yard requirements.

(d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

(1) In all required yards:

(D) Fences, subject to subsection (2)(c) hereof.

(2) In front yards:

(C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

The property owner, Jim Tally, was cited for this offense and is requesting a special exception to the above requirements for fence height. The appropriate Special Exception Section is 14.02.321(c)(7) for “screening devices/fences, over height or in required yard.”

If the special exception is approved, the owner will be required to apply and pay for the proper permits for the fence. If the request is denied, the owner will be required to bring the fence up to existing ordinance standards which may require some demolition and rebuilding where appropriate, and related permits.

The pictures provided show the home orientation on Evie Court and photos of how the fence looks at various angles.

Recommended Action/Motion: Board options:

Recommend approval of an application from Jim Tally for a Special Exception in accordance with Zoning Ordinance Section 14.02.321(c)(7) “Screening Devices/Fence, over height or in required front yard”, to allow a 6-foot fence in the side yard.

OR

Recommend denial of an application from Jim Tally for a Special Exception in accordance with Zoning Ordinance Section 14.02.321(c)(7) “Screening Devices/Fence, over height or in required front yard”, to allow a 6-foot fence in the side yard.

Attachments: **Special exception application**
Inspection report
Photos of existing fence
Ordinance language

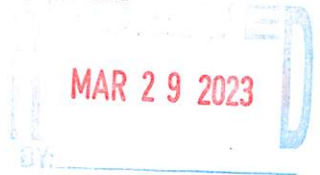
CITY OF DALWORTHINGTON GARDENS
SPECIAL EXCEPTION APPLICATION

Jim Tally 3-29-23
Applicant's Name (please print) Date
3306 Evie Ct Dalworthington Gardens 817 688-9404
Address Telephone Number
3306 Evie Ct Dalworthington Gardens, TX 76016
Property Address
Jim Tally 817-688-9404
Property Owner Address Telephone Number
BERNDT Wood Estates Block 1 Lot 4
Legal Description of Property

I hereby apply to the Planning and Zoning Commission and City Council for the following special exception.

Be sure to include the following with your application:

- (1) Exact special exception requested;
- (2) Site plan sketch showing location of the use on property;
- (3) 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;
- (4) 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
- (5) 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.



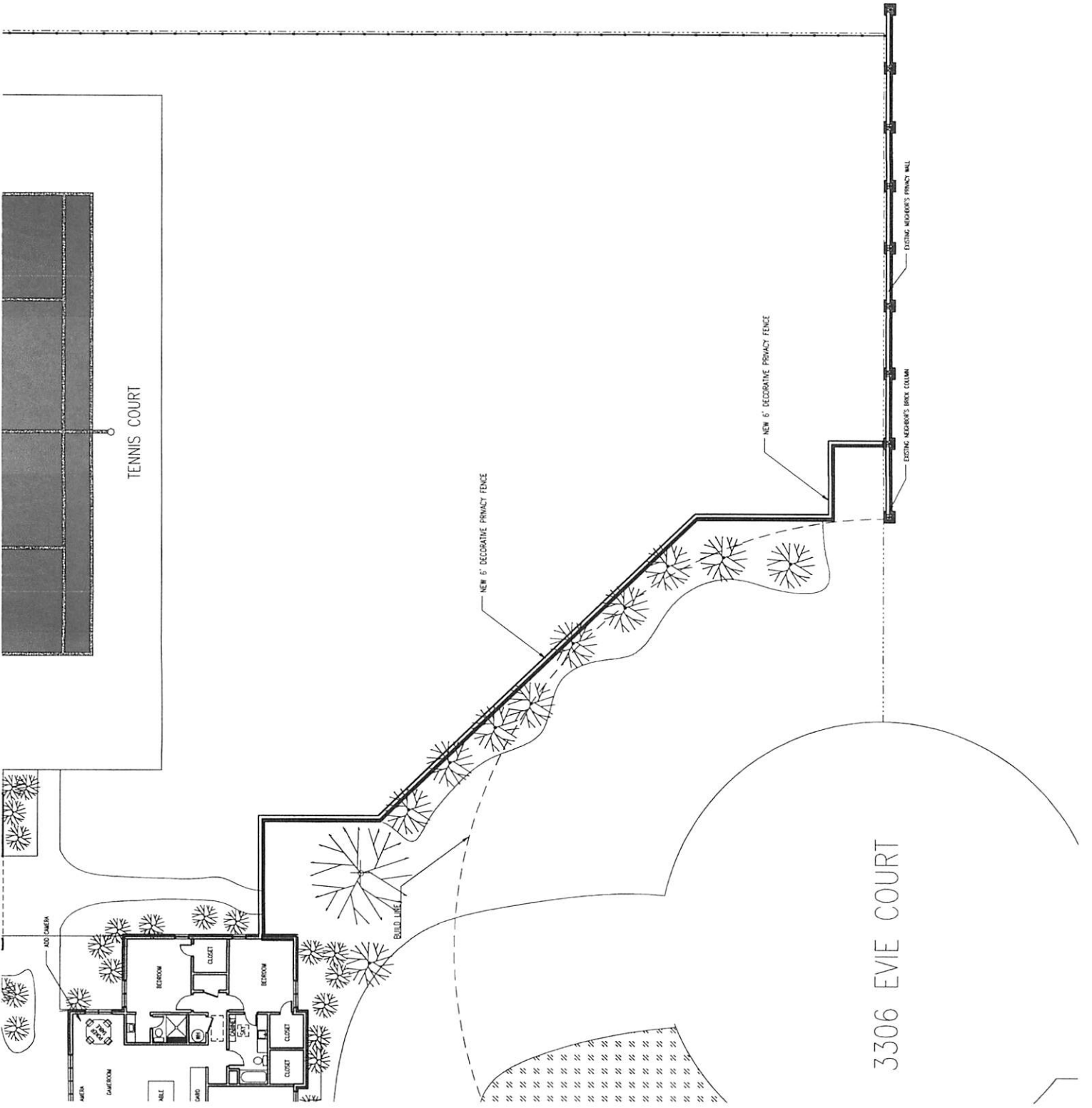
Please see attached site plan and
answers to questions 1-5

[Signature] 3-29-23
Applicant's Signature Date
For Office Use Only

Fee Amount: \$500.00 Date: Receipt Number:
Transaction Code - 161

Answers to questions 1-5

- 1) I would like a 6 ft fence on my side yard.
- 2) Site plan attached.
- 3) My property is unusual because I live at the end of a cul-de-sac and a large portion of my property is a side yard with an existing tennis court. I would like privacy with a fence and landscaping to meet up with my neighbor's fence.
- 4) The fence is to be designed with a stone masonry wall below and an architectural metal above to match the existing fence. We would also be landscaping the front side of the fence that faces the cul-de-sac.
- 5) I don't see any adverse effects that may be associated with the proposed exception request. I think that this fence would only add value to the property and to the neighborhood.



TENNIS COURT

NEW 6" DECORATIVE PRIVACY FENCE

NEW 6" DECORATIVE PRIVACY FENCE

EXISTING MICHIGAN'S BRICK COLUMN

EXISTING MICHIGAN'S PRIVACY WALL

BUILD LINE

3306 EVE COURT

AMEN
GARAGE

KITCHEN
LIVING

BEDROOM
CLOSET

BEDROOM
CLOSET

CLOSET

CLOSET

CLOSET

CLOSET

CLOSET

CLOSET

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CLOSET

CLOSET

CLOSET

NO PARKING

Dalworthington Gardens Department of Public Safety



Occupancy: **Tally, Jim**

Occupancy ID:

Address: **3306 Evie CT**
Dalworthington Gardens TX 76016

Inspection Type: **Construction**

Inspection Date: **2/13/2023**

By: Harsley Jr, Gary Lee (702)

Time In: **06:36**

Time Out: **07:07**

Authorized Date: **02/13/2023**

By: Harsley Jr, Gary Lee (702)

Form: New Construction v3

Inspection Description:

Inspection Report for New construction on Building, Plumbing, Electrical, Mechanical.

P: Pass / PP: Partial Pass / F: Failed (Reinspection Required) / NA: Not Applicable / C: Cancelled

Inspection Topics:

Building

Miscellaneous

1

Status: FAIL

Notes: 021323 No Variance was filed for the fence which is installed in violation to City ordinance. Fence exceeds 4' in the front yard.

14.02.123 Yard Requirements (d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstruction located in the the required yard and open spaces specified. (D) Fences subject to subsection (2) (c) hereof. (2)(C) Fences not exceeding (4) feet in height which do not constitute a sight obstruction

The architectural features on the fence will be reviewed by P&Z in January. A decision will be made at that time on the removal of this feature based on it exceeding 48".

120922 1. Owner is seeking a variance which will be filed in January based on the holidays.

120922 2. Owner cut the fence and installed rebar to allow water to drain through the flume.

120922 3. Owner submitted engineers report on the 6' design changes located next to the house (fence).

Inspection conducted on 11/22/22 Fence permit close out. The following violations are noted.

1. I fence in front of the drip edge shall be removed to below 48" (Ordinance sec 14.02.123 C)

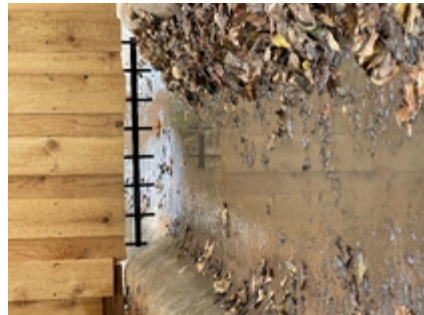
2. Fence in the drainage easement shall be removed immediately (Ordinance 10.02.186) .

3. Masonry wall over 48" Shal be removed immediately as no engineered designed drawings where submitted.

A If occupant is claiming the 6' wall attached to the house as part of the structure, then design changes are required by a design professional.

Billable Amount:





Plumbing Harsley TSBPE I-3863

Backflow

1

Status: FAIL

Notes: Required 3rd party inspection of Back flow device on the irrigation system was not provided to the City of Dalworthington Gardens. Homeowner / Contractor told backflow device must be installed and tested by 3rd party with results submitted to the City.

Violation 13.04.136 Installation of check valve or backflow prevention device.

Billable Amount:

Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
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Notes: No Additional time recorded

Total Additional Time: 0 minutes
Inspection Time: 31 minutes
Total Time: 31 minutes

Summary:

Overall Result: Citation Issued

Inspection Billable Amount: 0

Total Observations Amount: 0.00

Total Amount: \$0.00

Numerous inspections, verbal communication, meetings and emails have been conducted over these two items with no results. Citations are being issued to obtain compliance. If items are not abated further action will be taken up to turning off City water supply to prevent any possibility of water contamination.

Inspector Notes:

14.02.123 Violation of fence restrictions in the front yard exceeding 4'

13.04.136 Violation irrigation system required to have a backflow device with inspection turned into City.

Inspector:

Name: Harsley Jr, Gary Lee

Email(s): gharsley@cityofdwg.net

Property orientation

Elkins Drive

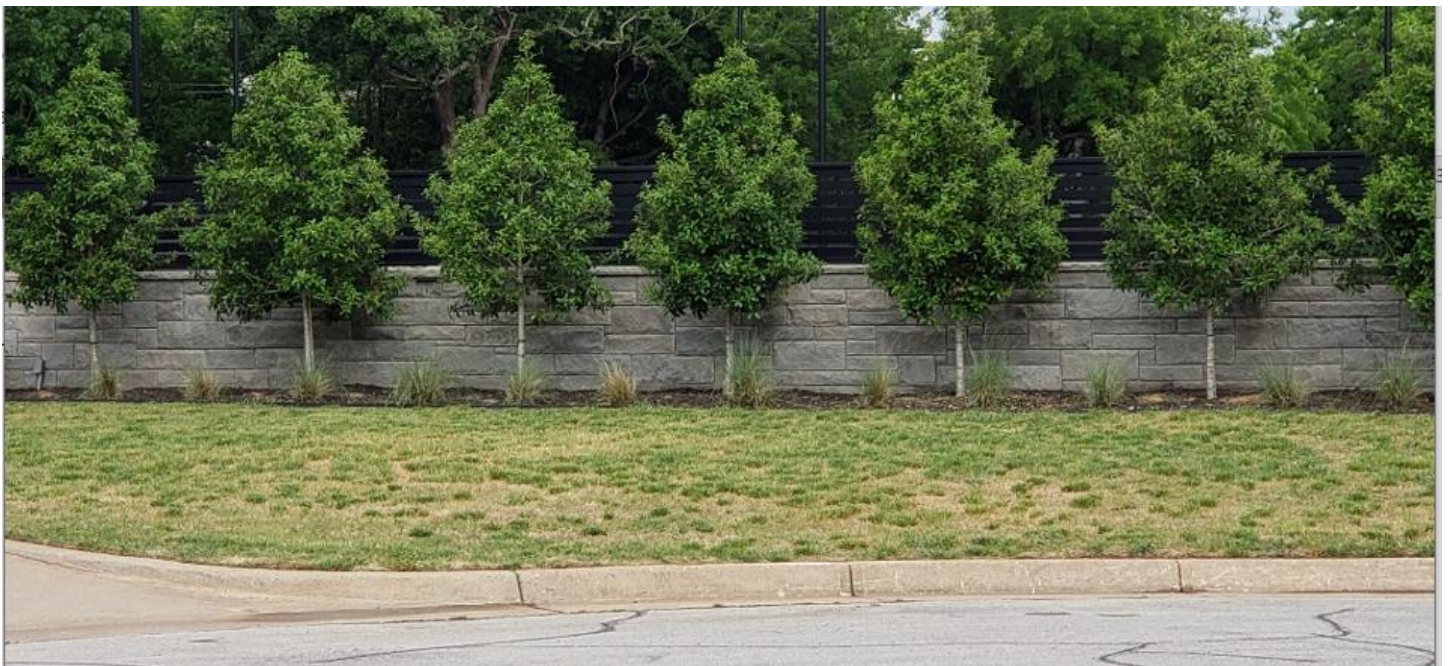


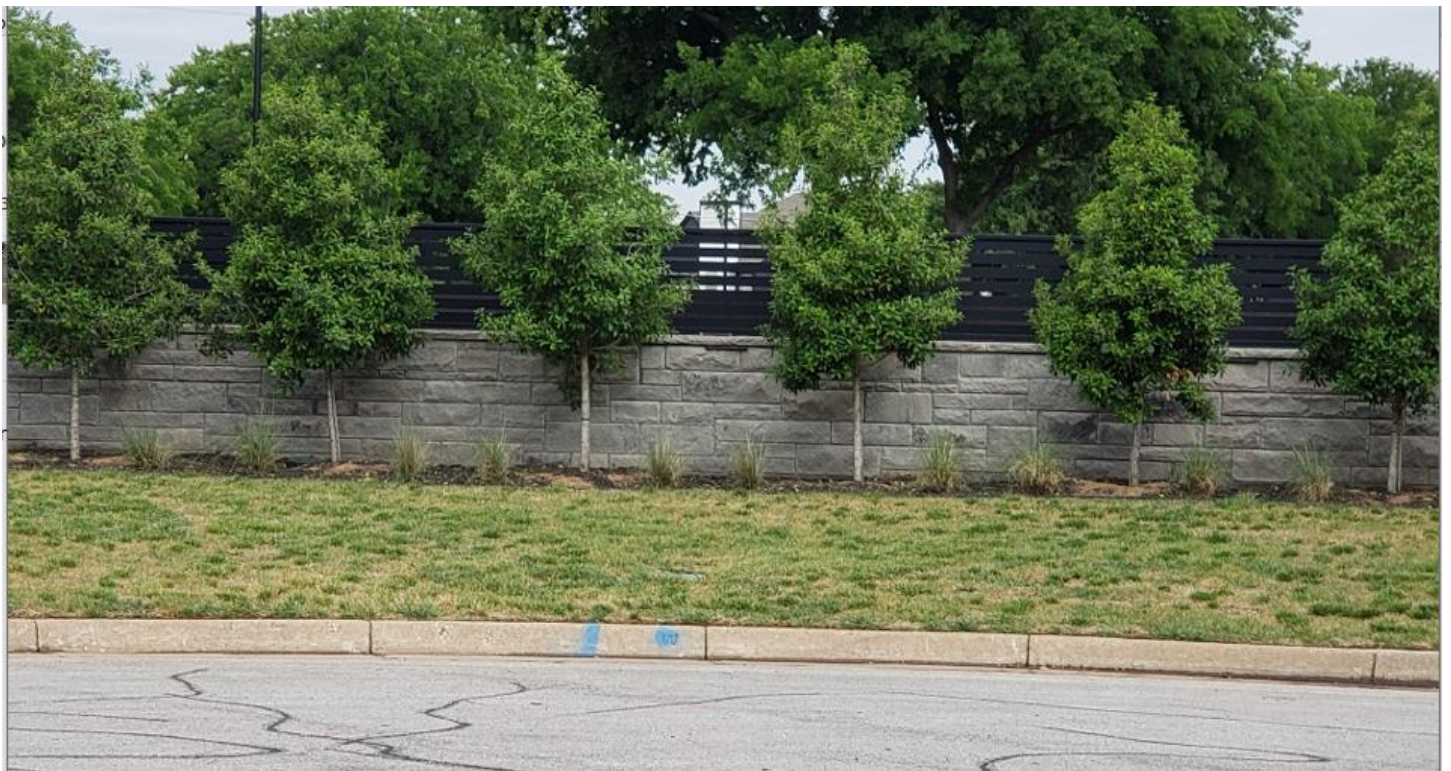
EVIE COURT

Facing south from Elkins Drive



Facing northwest from Evie Court towards Elkins Drive and continuing along fence line to the southwest





§ 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. 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.	SF
(13)	Private school.	B-2 - LI
(14)	Motor vehicle sales.	LI

	Special Exception	District Requiring City Council Approval
(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.	
	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.	B-1 - B-2
	Condition: The use shall comply with all regulatory provisions of the district in which it is located.	
(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:	L-I
	(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.	
(25)	Tattoo Shop under the following conditions:	L-I

	Special Exception	District Requiring City Council Approval
	(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.	
(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)

§ 14.02.123. Yard requirements.

- (a) Double frontage lots. On double frontage lots, a minimum front yard shall be required on both streets; provided however, that when a principal structure on a double frontage lot will back on a major thoroughfare, the minimum rear yard in an “SF” district may be reduced as provided in the district regulations, when:
- (1) The front and rear yards and building lines therefor are designated on a plat approved by the council and recorded in the plat records of Tarrant County, Texas; and
 - (2) A screening device approved by the city as to location and height is erected along the property line abutting the major thoroughfare.

When a double frontage lot is located in an SF district, the right-of-way of the major thoroughfare shall be the rear lot line and such lot shall face on the minor street.

- (b) Reverse corner lots. On a reverse corner lot in any district, the rear line of which abuts a lot zoned for residential purposes, no structure or portion thereof shall be located within twenty-five (25) feet of any part of said rear lot line. Further, any portion of a structure which is located within thirty-five (35) feet of such rear lot line shall observe the same yard requirements on its side-street side as are specified by this article for the lot which it abuts to its rear.
- (c) Swimming pools and tennis courts. In all districts, a swimming pool or tennis court shall be permitted in a required side or rear yard under the following conditions:
- (1) The pool area shall be enclosed in compliance with article 3.05 of this code.
 - (2) Pools and tennis courts shall not be located within ten (10) feet of a property line measured from the outside edge of the coping (in the case of pools) or the playing surface (in the case of tennis courts).
 - (3) Lighting shall be directed toward the recreation area and away from adjacent residential uses.
- (d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

(1) In all required yards:

- (A) Open terraces not over four (4) feet above the average grade of the property at the nearest property line, but not including a permanently roofed terrace or porch, awning or canopy.
- (B) Steps four (4) feet or less above grade which are necessary for access to a permitted building, or to a building lot, from a street or alley.
- (C) Chimneys projecting twenty-four (24) or less inches into the yard.
- (D) Fences, subject to subsection (2)(c) hereof.

(2) In front yards:

- (A) Bay windows, balconies and overhanging eaves or gutters, none of which shall project more than four (4) feet into a required yard.
- (B) Plants, hedges or other natural growth, so long as the same do not constitute a sight obstruction, as described and regulated by subsection (5) hereof.

(C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

- (3) In side yards: Bay windows, overhanging eaves or gutters projecting two feet or less into a required yard.
- (4) In rear yards: In residential districts, none of the following shall be considered an obstruction in a rear yard:
 - (A) Provided that it is situated within the required yard of a principal structure and does not exceed the maximum allowed height of a principal structure: accessory structures; breezeways and open, unroofed porches.
 - (B) Provided that it is situated between ten (10) feet of the property line of the adjacent residential property and the required yard of a principal structure and does not exceed a height of fifteen (15) feet: accessory structures; breezeways and open, unroofed porches.
 - (C) Provided that they are not situated within twenty (20) feet of the property line of adjacent residential property: balconies, bay windows and overhanging eaves or gutters.
 - (D) Open off-street parking spaces shall be permitted in required yards unless elsewhere herein prohibited.
- (5) Sight obstructions: Nothing herein provided shall be construed as permitting any obstruction to view which may constitute a traffic hazard. On the contrary, it shall be unlawful for any person to erect or place or cause to be erected or placed, or to perpetuate or maintain, on any property under his control any hedge, tree, shrub, or other growth or any fence or other structure in such manner or at such location as to constitute an obstruction to view creating a traffic hazard. On corners or on street curves of more than sixty (60) degrees, when doubt may exist regarding sight obstructions, the approval of the city engineer shall be required.
- (e) Front yard storage. No part of a required front yard in a residential district shall be used for any period of more than ten (10) consecutive days for the parking or storage of any vehicle, object or material not elsewhere herein permitted.

(2005 Code, sec. 17.4.03; Ordinance 2020-02, sec. 4, adopted 2/20/20)

Staff Agenda Report

Agenda Item: 4.

<p>Agenda Subject: Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding agrihood regulations.</p>
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Background Information: A sample ordinance is being provided making revisions to the existing mixed use ordinance to add agrihood regulations, which are virtually the same. The ordinance just adds the option for an agrihood planned development concept and adds “agricultural” as an allowed use. Staff highlighted the section where the ordinance already allows “substantially similar” uses to be considered in the application process. The Board discussed previously making sure the allowed use list did not limit potential applicants’ creativity.

If the Board approves this ordinance, it will be taken to council at their regular June meeting for consideration.

Recommended Action/Motion: Board options:

Recommend approval of changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding agrihood regulations.

OR

Recommend denial of changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding agrihood regulations.

Attachments: Ordinance with suggested changes in blue and red text.

§ 14.02.274. “AH” [mixed use agrihood overlay](#).

- (a) Purpose. The purpose of the [mixed use / agrihood overlay](#) district is to allow large lot residential uses but also a mixture of medium density single family garden homes, and commercial uses with a preference toward agricultural related businesses (vegetable and meat markets, farm and ranch supply, etc.) and restaurants.
- (b) Definition. Agrihood development is characterized as an organized mixed-use community that integrates agricultural and food service commercial businesses, with residential uses, and open spaces that might be used as parks or community gardens.

[Agricultural](#). Related to the cultivation of the soil to produce crops, horticulture, floriculture, viticulture, forestry, or the raising or keeping of livestock of poultry.

Bed and breakfast. A lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; and meals are provided.

Boutique hotel. A lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared on-site; and more than 50 percent of the guest rooms are internal-entry.

Civic/open space. Publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. Civic/open space may be privately or publicly owned and maintained.

Commercial or mixed-use building. A building in which at least the ground floor of the building is built for commercial use and any of the floors above the ground floor are built to commercial ready standards and occupied by nonresidential or residential uses.

Commercial ready. Space constructed above the ground floor height as established in character district which may be used for noncommercial uses and can be converted into retail/commercial use. Prior to the issuance of certificate of occupancy for a retail/commercial use in a commercial ready space, the space must comply with all building and construction codes for that use. The intent of commercial ready space is to provide the flexibility of occupying space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Cottage industrial. Small scale and individualized (i.e. not mass produced) assembly and light manufacturing/fabrication of commodities fully enclosed within a building (building must be less than 20,000 square feet). This category shall include workshops and studios for cottage industries such as pottery, glass-blowing, metal working and fabrication, screen printing, weaving, etc.

Encroachment. Any structural or nonstructural 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.

Farmer’s market. The retail sale of farm products by individual vendors for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of new and used household goods, personal effects, small household appliances, and similar merchandise is not included in this definition.

Hotel. Shall be defined as a building with habitable rooms or suites which are reserved for transient guests for compensation who rent the rooms or suites on a daily basis, and with controlled access to the rooms via a lobby or interior hallway. The establishment shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture. It shall also include either a full-service restaurant with full kitchen facilities providing service to the general public; or a concessionaire of the management for room service delivery. The establishment shall be required to have on-site staff seven (7) days a week, twenty- four (24) hours per day.

Live-work dwelling. A mixed-use building type with a dwelling unit that is also used for work purposes, provided that the ‘work’ component is located on the street level and is constructed as separate units under

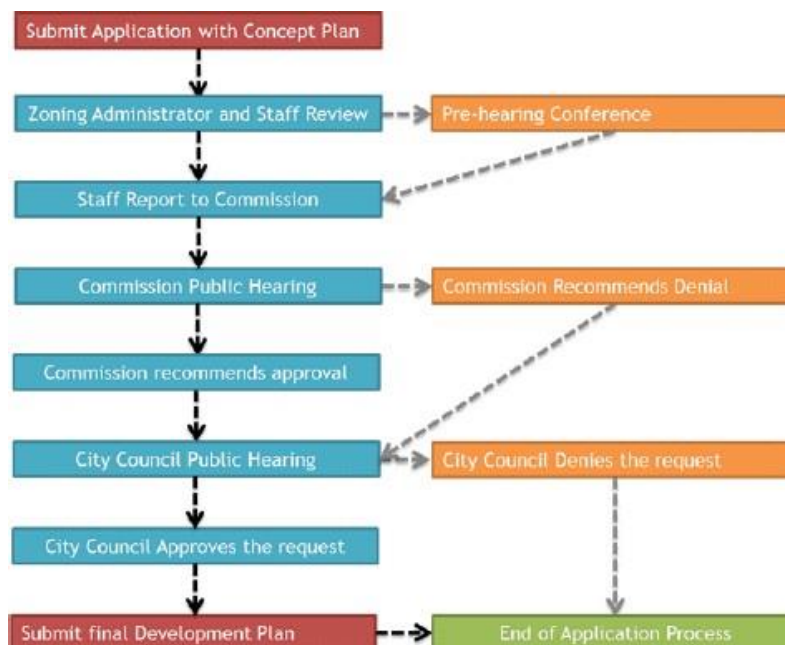
a condominium regime or as a single unit. The ‘live’ component may be located above the ground floor. Live-work dwelling is distinguished from a home occupation otherwise defined by section 14.02.02 of the City of Dalworthington Gardens Zoning Regulations in that “work” component is not required to be incidental and secondary to the “live” component. Additionally, the “work” component may employ more than one (1) individual who is not an occupant of the “live” component.

Vertical mixed-use. Defined as combination of different uses in the same building. Generally, lower floors have more public uses with more private uses on the upper floors.

Veterinary. A doctor of veterinary medicine who holds a valid license to practice veterinary medicine in the state.

- (c) Application process. The application procedure for the mixed use / agrihood development will be done in the same manner as planned development administration (section 14.02.272 of the code). However, in addition to the concept plan, the city may require traffic impact study or land use compatibility study.

Figure 1. Application Process

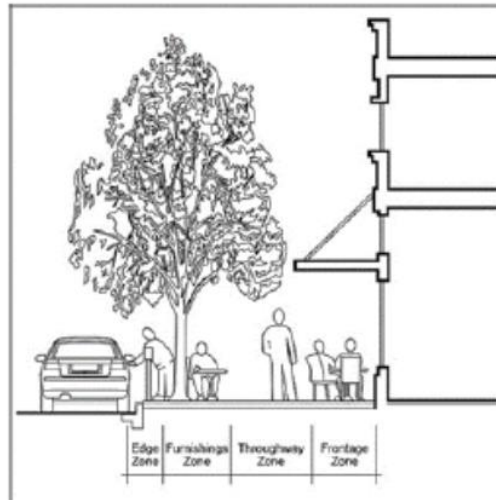


- (d) Traffic impact study. A traffic impact study report should, at the minimum, address the following:
- (1) State the purpose and scope of the report and identify the study area of the project.
 - (2) State all assumptions used in analysis and make reference to and/or include all supporting documents used to prepare the report.
 - (3) Describe, in detail, proposed land use type(s) and size(s).
 - (4) Identify number, location and type of proposed access drive(s) to the development site.
 - (5) Evaluate intersection sightline distances from proposed driveways.
 - (6) Provide a detailed summary of data collection efforts and results.
 - (7) Estimate number of trips generated by the development site.
 - (8) Identify most critical analysis period.

- (9) Determine anticipated directional distribution of site-generated traffic.
- (10) Intersection assignment of site traffic including through and turning movements.
- (11) Internal circulation of site traffic and parking
- (12) Need for turning lanes or bypass options at proposed driveway location(s)
- (13) Traffic control needs and warrants
- (14) Determine anticipated future non-site (background) traffic volumes.
- (15) Identify other “nearby approved” developments within the study area.
- (16) Evaluate “existing + site + nearby approved developments” traffic operating conditions to assess cumulative impact of traffic for pre-specified target year.
- (17) Recommend on-site and/or off-site road improvements for each traffic conditions separately (i.e. “existing,” “existing + site,” “existing + site + nearby approved developments,” and “future long-term”).
- (18) It is useful to address percent contribution to off-site road improvements by individual development sites (i.e. proposed and other nearby development site), based on number of new trips each and every one of these development sites generate and add to adjacent street network primarily during critical peak- hour.
- (19) Include findings and recommendations using nontechnical jargon to help planning and zoning commission with their decision making. A letter of opinion from a qualified professional is recommended.

(e) Additional requirements for [mixed use](#) / [agrihood](#) development.

- (1) Permitted uses. To find the list of permitted uses, please see the matrix of permitted uses. Land uses not listed in the matrix but are substantially similar may be considered through the application process.
- (2) Parking facilities. For off-street parking facility, the parking demand calculation can be done in the following manner:
 - (A) Number of units (residential) – nr.
 - (B) Number of units (commercial) - nc.
 - (C) Number of parking spaces required as per division 9 of the zoning ordinance for each use (units) – N1, N2, N3, Nu.
 - (D) Total parking spaces = nr + nc (N1 + N2 + N3 +Nu)



- (6) Sign standards. Directory, monumental and wall sign shall be allowed in the [mixed use / agrihood](#) overlay district. The height of directory sign is be restricted to 15' One monument sign per lot per lot street frontage limited to a maximum of 75 sq. ft. per sign face and 6 ft. in height. An applicant has the option to install unique signage including size, color, type, design, and location, subject to approval from the city staff.
- (7) Landscape requirements. In addition to complying with the requirements of division 11 of this article, each lot in this district shall have not less than 20% landscaped open space.
- (8) Outdoor gathering spaces. Open space regulations. Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site and, if deemed necessary, required as part of the plan. When common open space, common recreational areas or common area containing some other amenity to the development are approved as a part of a final plan, such areas shall be retained and owned by the owner or owners of the residential units contained within the development or an owners' association of which they are members, and shall be perpetually maintained by the owner or owners or the association as a part of the development for the use and benefit of the residents of the development.
- (9) Building material. To promote architectural diversity, the city may consider less than 10% masonry, exceed the use of glass percent and allow use of more surface colors. However, all the designs and colors will require approval through the application process. The application will also be reviewed on the basis of harmony with the surrounding building types.
- (10) Design exception. A design exception means a requested deviation from any building material, open gathering space standards, sign standards, matrix of permitted uses, or parking requirements. All requests for design exceptions shall go before the Dalworthington Gardens Planning and Zoning Commission for action and then to city council for final approval.

(f) Permitted uses. If a use is not listed, that use is considered a prohibited use within the City of Dalworthington Gardens [Mixed Use / Agrihood](#) Overlay District, unless the use is allowed by right under the regulations applicable to the underlying or base zoning district.

- [Agricultural use](#)
- Bed and breakfast
- Boutique hotel
- Brewpub
- Dwelling units located above the ground floor

- Farmers market
- Fitness club, gymnasium, gymnastics, or similar use
- Food and beverage retail sales
- arden home
- reenhouse or plant nursery
- rocery store
- otel, full service
- Office/retail
- Pet store, kennel, animal boarding (no outside runs)
- Private club
- Restaurant or cafeteria
- Retail store
- Retail store
- Studios, photo, music, art, dance, dojo, health, etc.
- Tavern/Bar
- Winery

(g) Contradictions. Where contradictions exist between the [mixed use /](#) agrihood overlay district and other zoning districts, requirements outlined in the [mixed use /](#) agrihood overlay district shall take precedence.

Agenda Subject Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding garden home regulations.

Background Information The Planning and Zoning Chairman met with the City Administrator to prepare some information to assist the Commission in crafting garden home ordinance changes. Once Planning and Zoning reviews the suggested changes, they will be sent to City Council for consideration and an ordinance would be crafted upon Council’s approval.

The garden home ordinance and comprehensive plan sections for garden homes are both included in the packet. There is also a list of discussion points and red text beneath each one with either a suggested change or information to assist in preparing any changes.

Recommended Action: Board options:

Recommend approval of changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding garden home regulations.

OR

Recommend denial of changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, regarding garden home regulations.

Attachments Finance and Comp Plan section

List of discussion points and suggestions in red next to each one

Garden Home Ordinance

Sec. 14.02.042 Purposes of districts

(b) “GH” residential district (single-family). This district is designed to accommodate detached single-family dwellings in a medium density setting allowing for innovation in development designed to encourage individual home ownership either on platted conventional lots or in a clustered site-plan configuration.

Division 5. Residential District Regulations

Sec. 14.02.171 General provisions

(a) Table of standards. The standards contained in the following table shall govern the height, area, yard and parking requirements of residential and permitted nonresidential uses in the residential districts.

TABLE 14.02.171

	Districts				GH
	GH	GH	GH	GH	
Use Categories	Residential	Nonresidential	Residential	Nonresidential	
Maximum height in ft.	35 (n-1)	45 (n-1)	35 (n-1)	45 (n-1)	35
Minimum lot area					
Lot area (min. per dwelling unit in sq. ft.)		None		None	6000
Single-family	2170		2170		1
Multifamily			7200		1
Living area (min. per dwelling unit in sq. ft.)					1
	1250		100		2000
Width (min. in ft.)	10	None	60	None	50
Coverage, building (max. % of lot area)	25	25	40	40	50
Coverage, impervious surface (max. % of lot area)	40	40	40	40	70
Yard setback minimum in ft.					
Front	50	50	25	25	15
Side - interior lot	25	25	5	-	5
Side - corner lot	35	35	15	15	15
Rear (n-4)	25	25	10	10	15
Rear - double frontage	35	35	20	20	15

PARIN (min. spaces per dwelling unit)	2	n-5	2.25	n-5	Garage-2 Guests-2
SPAC - Landscaped open space (min. % of lot area)	-	20	-	20	

Notes to table 14.02.171:

1. In addition to the minimum yard requirements contained herein, each side and rear yard shall be increased an additional foot for each foot (or fraction thereof) the structure exceeds 35 feet in height; provided, that in no event shall the height of a building exceed by ten (10) feet the maximum height prescribed for such structure and district in table 14.02.171.
2. Lot area shall be exclusive of the means of vehicular access thereto, whether by public or private street or other access easement or way. Lots of 14,500 square feet or more but less than 21,700 square feet created by plat or deed and recorded in the office of the county clerk of Tarrant County before April 13, 1991, the effective date of this amendment, shall not be deemed nonconforming as to lot area.
3. Any single-family residential lot which on February 18, 1991, was classified "SF-2," shall not be deemed nonconforming as to front and side yards if the lot has a front yard of not less than 35 feet and side yards of not less than 15 feet each (25 feet, if a corner lot). Lots platted and zoned for residential use which are "panhandle" lots, as herein defined, shall comply with the provisions of this table or [section 14.02.171\(d\)](#), whichever is more restrictive.
4. Any single-family residence constructed on a lot which was created by plat or replat recorded in the office of the county clerk of Tarrant County before March 1, 2002, shall not be deemed nonconforming as to minimum rear yard if such yard is not less than 15 feet.
5. Nonresidential parking is regulated by [division 14](#) of this article.

(2005 Code, sec. 17.5.01)

(b) Parking.

- (1) On any lot used for single-family residential purposes, there shall be provided two (2) covered vehicle parking spaces of not less than 100 square feet each, per dwelling unit.
- (2) On any lot used for multifamily residential purposes, there shall be provided 2.25 covered vehicle parking spaces per dwelling unit, complying with the standards prescribed in [division 14](#) of this article.
- (3) On any lot used for nonresidential purposes, parking and loading areas shall be provided complying with the standards of [division 14](#) of this article.
- (4) All nonresidential parking and loading areas shall be screened from adjacent residential property. Parking or loading in a required yard is prohibited.

(c) Special standards. Panhandle lots shall conform to the following minimum requirements:

- (1) In calculating the lot area for the purpose of determining compliance with this section, including maximum building coverage and maximum impervious surface coverage, the area of the panhandle shall not be deemed a part of the lot.
- (2) All minimum yards shall be thirty (30) feet.
- (3) Maximum building coverage shall be 20%.
- (4) Maximum impervious surface shall be 30%.
- (5) No building, either primary or accessory, shall be located in either the panhandle or any required yard.

(Ordinance 2020-02, sec. 3, adopted 2/20/20)

Sec. 14.02.174 “GH” residential district

A building or premises in this district shall be used only for the following purposes under the standards herein contained:

- (1) In this district there shall be only garden homes and accessory buildings as elsewhere herein regulated.
- (2) Any building in this district shall meet the following design standards:
 - (A) The building shall be not less than 85% masonry. As used in this subsection, “masonry” includes: brick, stone or tile, hand-laid unit by unit; veneer simulations of the materials having the appearance of hand-laid units, when approved by the city; and, stucco when applied in accordance with building code standards therefor.
 - (B) The building shall have a minimum 8/12 roof pitch and not less than a 40-year quality architectural profile shingle.
- (3) Any development in the GH district shall be developed in accordance with a site plan meeting the requirements of developments having a PD overlay.
- (4) Uses allowed in GH and in other zoning classifications may be developed under a common PD plan meeting the procedural requirements of [division 7](#) of this article.

(2005 Code, sec. 17.5.04)

- (5) Mobile food units are permitted upon the following conditions:
 - (A) The property owner has requested the services of the mobile food unit;
 - (B) The mobile food unit may only provide goods and services to the property owner or the property owner's guests at the property owner's expense. No sales will be made to the general public.

(C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.

(D) Mobile food units must have valid health permit and comply with chapter 22 of the Texas Administrative Code related to mobile food unit operations.

(Ordinance 2010-01, sec. 4, adopted 2/15/10)

Garden Homes section from Comp Plan

Medium Density Single Family Garden Homes

Medium density single family garden homes can be a component of the “Agrihood/Mixed District. Garden home development is intended to refer to high-quality residential units on smaller individually platted lots that provide common area open space or other amenities for the residents. These common areas should be designed to buffer the garden homes from the adjacent thoroughfare and even higher intensity uses and also to buffer any large lot residential lots near the development. A secondary private access drive or private street should be provided to minimize the access points to the public street. Such residential units should be clustered to facilitate buffering and to allow common area open space within the garden home development.

To assure appropriate high-quality developments, garden home developments must be subject to appropriate standards and an approved development plan. It is believed that density should be limited to a maximum of 5 units per acre with dwelling units each containing a minimum of 1800 square feet of living space. Additional stringent design standards should be adopted covering both building standards (such as approved masonry exteriors, garage layouts, and similar requirements) and development layout.

QUESTIONS/DISCUSSION POINTS

1. Possible garage entry orientation restrictions

- The council would like a rear garage orientation requirement considered with an alleyway for guest parking. Preferably no parking in front of structure or on street.

Add to ordinance, “no front facing garages.”

2. Consider reducing somewhat the current minimum house size

- Current size requirement is 2,000 SF, and comp plan revision calls for 1,800 SF size requirement for each dwelling unit with density limited to a maximum of 5 units per acre.

Change to 1,800 SF

3. Should garden homes be limited to two stories and if so, what is a reasonable maximum height?

- Fire truck access should be considered when max height is set.

Leave at 35, don't change to less

4. Should the roof pitch requirement change to accommodate fire truck access for maximum height of structure?

- Current roof pitch requirement for garden homes is 8/12 roof pitch and not less than a 40-year quality architectural profile shingle.

Roof pitch: Change to 4/12 roof pitch minimum.

Shingles: Allow other types of shingles such as metal or concrete.

40-year quality reason: The question regarding type of shingle is tied more to the requirements for windspeed and not the ‘year’ of performance. The windspeed for this area 115 v-ult or 90mph 3-second gust. The code requires the shingles to be compliant with one of the following ASTM Standards: ASTM D7158 (class D, G or H) or ASTM D3161 (class A, D or F). 25 year, 30 year, etc. all comply with these sections of the code.

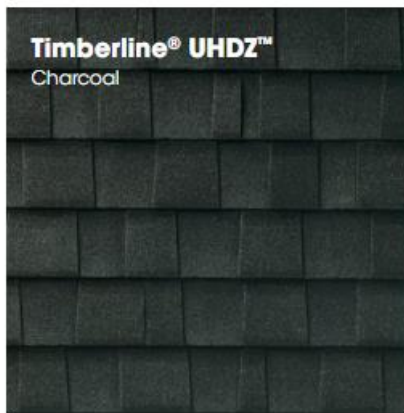
The ordinance for 40 year architectural profiles shingles is more about aesthetics and not code.

Following are pictures of the two common types of asphalt shingles to give you a reference:

3-Tab (25 & 30 year)



Architectural Shingles (30 – 50 year)



The architectural shingles provides a depth look versus flat.

5. Should the minimum yard setback that adjoins another zoning district need to match that of the other district if the other district's set back is larger?

- Current garden home setback is smaller than other residential which means garden homes could be closer to an adjoining property.

Leave as is

YARDS (n-3) (min. in ft.)	
Front	15
Side - interior lot	5
Side - corner lot	15
Rear (n-4)	15
Rear - double frontage	-

6. Is there a safety reason for ensuring more than one entrance/exit when there are more than X number of garden homes?

- The comp plan currently says this, “A secondary private access drive or private street should be provided to minimize the access points to the public street.”

Remove this.

7. Are any additional ordinances needed to ensure storm water is handled properly?

- Garden homes currently have a higher allowance of impervious surface coverage. Other residential districts allow 40% max coverage.

LOT	
Width (min. in ft.)	50
Coverage, building (max. % of lot area)	50
Coverage, impervious surface (max. % of lot area)	70

Leave as is. Small lot size dictates higher allowance.

8. Are parking requirements adequate and/or is there a need to state something about the minimum size for a two-car garage in a note to the table or that on street parking does not count if guest spaces are also required?

- Current parking is 2 for garage, 2 guest spaces

Leave as is

9. There is already a lot size minimum in the current ordinance. Are there further density or offsetting greenspace requirements that need to be added to align the GH zoning with the language in the working draft of the comp plan?

- Current lot area minimum size per dwelling unit is 6,000 square feet. Again, the comp plan calls for max density of 5 units per acre. One acre equals 43,560 square feet. If the dwelling unit is 1,800, account for greenspace and other requirements for the remaining square footage. A percentage could be added for green space. An example is the City’s mixed-use overlay district which requires 20% “landscaped open space”.

Change to 6 units per acre.

10. Does there need to be a different road width minimum than is currently listed in the subdivision ordinances?

- Current road width per City Subdivision Ordinance:

Sec. 10.02.222 Streets, right-of-way

i. The subdivider shall provide for or cause the dedication of right-of-way within the subdivision, as follows:

Major Streets	Right-of-Way Width as Approved by City Council
Collector	60 feet
Minor local street	50 feet
Alley	20 feet

ii. The right-of-way, in any event, shall be of such width that side slopes, if required, would not be steeper than three (3) horizontal to one (1) vertical within the limits of the dedicated right-of-way.