

Notice of a Meeting
Dalworthington Gardens Planning and Zoning Commission

August 22, 2022 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. Approval of March 28, 2022 minutes.
3. Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to remove standards for refuse disposal containers from the zoning ordinance.
 - i. Public hearing
 - ii. Discussion and possible action
4. Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to identify short-term rentals as a permitted use in residential districts, subject to certain conditions.
 - i. Public hearing
 - ii. Discussion and possible action
5. Adjourn

CERTIFICATION

This is to certify that a copy of the **August 22, 2022** 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.cityofdwtg.net, in compliance with Chapter 551, Texas Government Code.

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

Lola Hazel, City Administrator

Dalworthington Gardens Planning and Zoning Commission
Meeting Minutes
March 28, 2022

1. Call to Order

Chairperson Todd Batiste called the meeting to order at 6:00 p.m. with the following present:

Members Present:

Todd Batiste, Chairperson
Maurice Clark, Vice Chairperson
Johanna Storm
Paul Sweitzer
Anthony Parker, Alternate

Members Absent:

Brian Colin
Brad Catlett, Alternate

Staff and Council Present:

Lola Hazel, City Administrator

2. Approval of November 15, 2021 minutes.

A motion was made by Commissioner Paul Sweitzer and seconded by Commissioner Anthony Parker to approve the November 15, 2021 minutes.

Motion carried by the following vote:

Ayes: Members Clark, Storm, Sweitzer, and Parker

Nays: None

3. Consider approval of an application from Eric Strickland for a replat of Lot I-R-1, Block 1, Strickland Addition, being a replat of a portion of Lot 1, Block 1, Strickland Addition, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, according to the plat recorded in Instrument No. D217254340, plat records, Tarrant County, Texas and Lot I-R-2, Gargano Estates, being a replat of a portion of Lot 1, Block 1, of said Strickland Addition, and all of Lot 2, Gargano Estates, an addition to the City of Dalworthington Gardens, Tarrant County, Texas as recorded in Volume 388-215, Page 70, P.R.T.C.T., and being adjacent to location commonly known as 3201 Sieber Drive.

- i. Public hearing**
- ii. Discussion and possible action**

Background information on this item: Chapter 10 of the City's Code of Ordinance requires platting of property before any land can be subdivided or building permit can be issued.

3121 Sieber Drive which is owned by Ben Smith will be combined with the back half of the property at 3201 Sieber Drive (formerly owned by Eric Strickland and now owned by Bryson Swiggart).

In accordance with Section 10.02.031, the city determined the plat application to be complete on November 16, 2021 (initially received on June 17, 2021 but found to be incomplete). In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On March 2, 2022, the city engineer conducted his final review of the plat, determined the plat conforms with the City's subdivision ordinance, and recommended approval of the plat.

The city has notified all property owners within 200' and included information on how to provide public comments at both the planning and zoning meeting and city council meeting.

Local Government Code, Chapter 212, states plats that satisfy all applicable regulations must be approved. The proposed plat satisfies all requirements of city ordinances. As such, staff recommends approval of this plat.

Chairperson Todd Batiste opened the public hearing at 6:03 p.m.

With no one desiring to speak, Chairperson Todd Batiste closed the public hearing at 6:03 p.m.

A motion was made by Commissioner Johanna Storm and seconded by Commissioner Maurice Clark to approve an application from Eric Strickland for a replat of Lot 1-R-1, Block 1, Strickland Addition, being a replat of a portion of Lot 1, Block 1, Strickland Addition, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, according to the plat recorded in Instrument No. D217254340, plat records, Tarrant County, Texas and Lot 1-R-2, Gargano Estates, being a replat of a portion of Lot 1, Block 1, of said Strickland Addition, and all of Lot 2, Gargano Estates, an addition to the City of Dalworthington Gardens, Tarrant County, Texas as recorded in Volume 388-215, Page 70, P.R.T.C.T., and being adjacent to location commonly known as 3201 Sieber Drive.

Motion carried by the following vote:

Ayes: Members Clark, Storm, Sweitzer, and Parker

Nays: None

4. Adjourn

The meeting was adjourned at 6:12 p.m.

Staff Agenda Report

Agenda Item: 3.

Agenda Subject: Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to remove standards for refuse disposal containers from the zoning ordinance.

Background Information: Council is making changes to the City's ordinances, Chapter 13, Utilities, regarding refuse disposal containers also known as solid waste containers. In conjunction with those changes, there is one reference to these containers in the Zoning Ordinance that needs to be removed as all regulations for said containers will now be in Chapter 13, Utilities. This item allows removal of one sentence shown in Section 14.02.221(b)(3) as follows:

“(3) Outside solid waste containers shall be screened from public view by a masonry screening device.”

Recommended Action/Motion: Approve changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to delete the following reference to refuse disposal containers:

14.02.221(b)(3) Outside solid waste containers shall be screened from public view by a masonry screening device.

Attachments: Redlined Change

COMMERCIAL RECORDER PROOF

EMAIL ADDRESS: recorder@flash.net

Deadline for submitting legal notices is 11:00 (am) the business day before

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LEGAL NOTICE

Notice is hereby given that the Dalworthington Gardens Planning and Zoning Commission will hold a public hearing on August 22, 2022 at 6:00 p.m., and the Dalworthington Gardens City Council will hold a public hearing on September 15, 2022 at 7:00 p.m., both of which are to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

1. A change to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to remove standards for refuse disposal containers from the zoning ordinance. Said standards will now reside in the City of Dalworthington Gardens Code of Ordinances, Chapter 13, Utilities.

2. A change to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to identify short-term rentals as a permitted use in residential districts, subject to certain conditions.

8-3

Division 6. Commercial and Industrial District Regulations

Sec. 14.02.221 General provisions

(a) Table of standards. The following table of standards shall govern the height, area, yard and other special conditions of permitted nonresidential uses in the commercial and industrial districts.

TABLE 14.02.221

| | Districts | | | |
|---|---|------------|------------|-----------|
| Regulations | B-1 | B-2 | B-3 | LI |
| HEIGHT (maximum in feet) | 35 | 45 | None | None |
| LOT | | | | |
| Width (minimum in feet) | 80 | 80 | 80 | None |
| Coverage, building (maximum as % of lot area) | 30 | 30 | 30 | None |
| Coverage, impervious surface (maximum as % of lot area) | 70 | 70 | 80 | None |
| YARDS (minimum in feet) | | | | |
| Front | 25 | 20 | 20 | 20 |
| Side – interior | 20 | None | None | None |
| Side - corner lot | 25 | 20 | 20 | 10 |
| Rear | 15 | 10 | 10 | None |
| Abutting residential district: | | | | |
| One-story | 20 | 20 | 20 | 10 |
| Multi-story | 20 | 20 | 20 | 20 |
| | (subject to section 14.02.221(b)(2) and (b)(5)) | | | |
| STORAGE | | | | |

| | | | | |
|----------------------------|---|---|--|----------------------|
| Inside building | No storage of merchandise | Not more than 25% of the area of any occupancy or 1000 sq. ft. per occupancy (whichever is less); no storage of goods for off-premises sale | Permitted - not more than 75% of building area | Permitted |
| Outside | Not permitted | Not permitted | Auto-related uses | Screened |
| | | | | |
| REFUSE DISPOSAL CONTAINERS | (Behind required yard; screened per section 14.02.221(b)) | | Screened 14.02.221(b) | |
| | | | | |
| DISPLAY - outside | Not permitted | Not permitted | Behind required yard; per section 14.02.224(b) | Behind required yard |

(b) Special standards. The following standards shall be applicable in all of the commercial and industrial districts, unless otherwise herein limited.

(1) No building shall hereafter be erected, reconstructed, altered or enlarged for residential use in any of the districts of this division, unless the same is located or to be located on a lot of record, a plat of which was recorded prior to November 12, 1973, and which is subject to restrictive covenants limiting the use thereof to residential purposes.

(2) For a multi-story structure on property adjacent to a residential district, the minimum yard abutting the residential district shall be increased five (5) feet for each story more than one.

~~(3) Outside solid waste containers shall be screened from public view by a masonry screening device.~~

(4) Any development in the commercial and industrial districts of more than four (4) acres in gross land area shall be developed under the conditions of [section 14.02.271](#) hereof.

(5) The minimum yard requirements shall be subject to the minimum building separations provided in [article 5.02](#), the fire prevention code of the city. In the event of conflict between the two, the more restrictive provision shall control.

(2005 Code, sec. 17.6.01)

(6) (A) In the zoning districts in which the sale of alcoholic beverages is otherwise permitted under the terms of this division, the sale of alcoholic beverages is prohibited by a dealer whose place of business is within:

- (i) 300 feet of a church, public or private school, or public hospital;
- (ii) 1,000 feet of a public school, if the city council receives a request for such prohibition from the board of trustees of a school district; or
- (iii) 1,000 feet of a private school, if the city council receives a request for such prohibition from the governing body of the private school.

(B) The method of determining the minimum distances shall be as provided in section 109.33 of the Texas Alcoholic Beverage Code.

(C) The city council may allow variances to the distance regulation if the city council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(Ordinance 09-13, sec. 2, adopted 11/10/09)

Staff Agenda Report

Agenda Item: 4.

Agenda Subject: Discussion and possible action to consider changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to identify short-term rentals as a permitted use in residential districts, subject to certain conditions.

Background Information: Council is making changes to the City's ordinances, Chapter 4 to add regulations for short-term rentals. Although the majority of the language is in Chapter 4, Business Regulations, there are a few references in the zoning ordinance needing review by Planning and Zoning.

The following changes are proposed:

- Section 14.02.092, Definitions: Adding a definition for short-term rental.
- Section 14.02.171, General Provisions: Adding short-term rentals as a permitted use in residential districts
- Section 14.02.321, Special Exceptions: Adding a special exception for short-term rentals that exceed density limitations.
 - The density requirement is as follows as laid out in Chapter 4:
 - Density limitations for short-term rental properties.
 - Limitation. Short term rentals shall be limited to no more than one-eighth (12.5 percent) of the total number of residential units on the block or in a multi-unit building. Notwithstanding the foregoing, at least one short-term rental shall be permitted per block or multi-unit building, regardless of density.

Recommended Action/Motion: Approve changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to approve changes as presented.

OR

Suggest additional or different changes.

Attachments: Redlined Changes

COMMERCIAL RECORDER PROOF

EMAIL ADDRESS: recorder@flash.net

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2. A change to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to identify short-term rentals as a permitted use in residential districts, subject to certain conditions.

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Sec. 14.02.092 Defined terms

For the purposes of this article, certain terms, words, and phrases shall have the meanings assigned thereto in this division.

Access. A means of passage to and from a place.

Accessory dwelling. An accessory structure intended for habitation that contains at least one bathroom and a kitchen. Accessory dwellings shall not be permitted without a principal structure in existence.

Accessory storage structure. An accessory storage structure is an accessory structure that is less than 300 square feet, has no electricity, plumbing and no permanent foundation. An accessory storage structure may not be used for habitation.

Accessory structure. A subordinate use or building incident to and located on the lot occupied by the main use or structure. When a substantial part of the wall of an accessory structure is a part of the wall of the principal structure in a substantial manner, as by a roof, such accessory structure shall be deemed a part of the principal structure. Accessory structures are subject to applicable zoning district regulations.

Adjoining or adjacent lot. Any lot, parcel or piece of land that shares with the lot under consideration a common lot line, alley or any point of tangency.

Alley. A public way less in size than a street, designed for the special accommodation of abutting property, and not intended for general travel or primary access.

Amusement, commercial. An establishment offering entertainment or games of skill to the general public for a fee or charge.

Apartment. A dwelling unit in an apartment house.

Apartment house. A building or portion thereof arranged, designed or occupied as two or more dwelling units not for transient use.

Auto wrecking. The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles or their parts.

Block. A tract of land bounded by streets or by a combination of streets, and public parks, cemeteries, or corporate boundaries of the city.

Board. The board of adjustment of the city.

Brewpub. An establishment permitted under the local option alcohol laws in place at the location of the establishment, which holds a valid brewpub license from the Texas Alcoholic Beverage Commission (“TABC”). A brewpub may conduct all activities permitted by individuals holding a valid TABC brewpub license.

Buffer area. An area of land, together with specified planting and/or structures thereon, which may be required between land uses of different intensities to eliminate or minimize conflicts between such uses.

Build. To erect, convert, enlarge, reconstruct, restore or alter a building or structure.

Building. Any structure which is built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind.

Building line. A line established, in general parallel to the front curblin, between which and the front curblin in which no part of a building shall project, except as otherwise provided in this article.

Business park. An office and warehouse complex that meets the standards of [section 14.02.224\(a\)\(12\)](#) of this article.

Cargo container. Generally, an all steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car; truck trailer or loaded on a ship.

Child care facility. A facility used for any type of group child care program, including without limitation nurseries for children of working parents, nursery schools for children under the minimum age for education in public schools, privately conducted kindergartens not a part of a public or parochial school, and programs for after-school care of more than six (6) children exclusive of children in the immediate family of the operator of the facility.

City. The City of Dalworthington Gardens.

Clinic. A building in which a group of physicians, dentists, or physicians and dentists and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured outpatients. A clinic may include a dental or medical laboratory or dispensing apothecary.

Commercial parking. A place for the storage or parking of motor, man-powered or unpowered vehicles for a fee.

Commission. The planning and zoning commission of the city.

Council. The city council of the city.

Court. An open, unoccupied space bounded on more than one side by the walls of a building or buildings and used as a primary means of access to all or any part of said buildings. For the purpose hereof, an alcove or entranceway less than twenty (20) feet in depth shall not be considered a court.

Credit access business. An organization that obtains for a consumer or assists a consumer in obtaining an extension of credit in the form of a deferred presentment transaction or a motor vehicle title loan, particularly as those terms are defined in the Texas Finance Code, Chapter 393 as amended. (Ordinance 2020-12 adopted 12/17/20)

Customarily incidental use. A use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is indispensably necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Customary home occupation. (See “Home occupation” [in] this division.)

Development or to develop. “Development” shall mean the construction of one or more new buildings or structures on one or more building lots, the location of an existing building on another building lot, or the use of open land for a new use. “To develop” shall mean to create a development.

District. A zoning district; a section of the city for which the regulations governing the area, height, and use of buildings and land are uniform.

Duplex. A detached building having separate accommodations for and occupied as, or to be occupied as, a dwelling for only two families.

Dwelling. A building or a portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels or motels.

Dwelling, attached. A dwelling which is joined to another dwelling at one or more sides by a partial wall or walls.

Dwelling, detached. A dwelling which is entirely surrounded by open space on its building lot.

Dwelling, multiple. A building used or designed as a residence for three or more families or households living independently of each other.

Dwelling, one-family. A detached dwelling having accommodations for and occupied by only one family.

Dwelling unit. One or more rooms arranged, designed, or used as separate living quarters for an individual family. Kitchen facilities, including at least a stove or cooking device, and a permanently installed sink, plus bathroom facilities, shall always be included for each dwelling unit.

Easement. Authorization by a property owner of the use by another, including the city and/or public agencies, for a specified purpose, of any designated portion of property. A “surface” easement describes an easement for which the authorization of use includes activities which occur at or above ground level and which the use of such property for other above-ground uses limits.

Educational institution. Elementary, junior high, high schools, junior colleges, colleges, or universities or other schools giving general academic instruction in the several branches of learning and study required by the State of Texas.

Establishment. A place of business.

Family. An individual or two or more persons related by blood, marriage or adoption; or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living in a dwelling unit.

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.

Finished floor elevation (F.F.). The finished surface of the floor of the first story of a structure - i.e., the story, the floor of which is closest in vertical elevation to the most adjacent grade of the structure.

Garage[,] private. A building used for the storage of motor vehicles for the private use of the occupants of the premises.

Garage[,] public. Any building not a private garage, used for housing motor vehicles; or, a place where vehicles are repaired for operation or kept for remuneration, hire or sale. A commercial motor vehicle parking facility.

Grade. The lowest point of elevation of the finished surface of the ground between the exterior of a structure and a point five (5) feet therefrom.

Gross floor area. When applied to a building, the area in square feet measured by taking outside dimensions of the building at each floor, excluding however, the floor area of basements or attics when not occupied or used.

Health care facility. A facility, other than a hospital, for the care of the chronically ill, aged or infirm residents of the premises, and typically not containing equipment or facilities for surgical care.

Hobby. The engagement of a person in a branch of the fine arts or sciences for pleasure, conducted as a spare-time activity. Such activity shall not be engaged in for business profit, and any remuneration shall be secondary and incidental to the pursuit. Such activity shall be carried on within an enclosed or screened area and shall not involve any activity that requires open storage of automobiles, building materials, glassware or antiques, used furniture or other materials or goods.

Home occupation. Any occupation or activity which is clearly incidental and secondary to the use of premises for dwelling purposes, is carried on within the dwelling, and is not detrimental or injurious to the economic or aesthetic value of adjoining property. Customary home occupations shall include the sale of farm produce grown on the same premises as the primary residence, but shall not include: barber or beauty shops, carpenters', electricians', or plumbers' shops; radio shops, auto repairing, auto painting, furniture repairing, sign painting, or any other form of merchandising activity; or, child care in excess of four (4) children not members of the family residing in the home.

Hospital. An institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

Hotel. A building or buildings used as the more or less temporary abiding place of individuals who are lodged with or without meals, in which the rooms are occupied for hire, and there is generally a common kitchen.

HUD-code manufactured home.

- (1) A structure:
 - (A) Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
 - (B) Built on a permanent chassis;
 - (C) Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (D) Transportable in one or more sections; and
 - (E) In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.
- (2) Includes the plumbing, heating, air-conditioning, and electrical systems of the home; and
- (3) Does not include a recreational vehicle.

Impervious surface. A surface which does not absorb water, including all building roofs, paved parking areas and driveways, roads, sidewalks, structures, and any other areas of concrete, asphalt or similar surface.

Institution. A building occupied by a nonprofit corporation; a nonprofit establishment for public use.

Junk or salvage yard. Premises on which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles and used building materials. This term shall also include an automobile wrecking yard and automobile parts yard.

Kennel. An establishment for the breeding, raising or boarding of four (4) or more dogs, cats or other domestic household animals, at which establishment provisions are made for the enclosure of such animals in runs, cages, yards, or pens.

Lot. Land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required under this article and having its principal frontage upon a public street or officially approved place, the boundaries of which have been fixed by plat pursuant to chapter 212 of the Local Government Code of Texas.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection.

Lot line. A boundary of a building lot.

Lot of record. An area of land designated as a lot on a plat of a subdivision recorded pursuant to statute with the county clerk of Tarrant County, Texas.

Lot, panhandle. A panhandle lot is a lot, other than a cul-de-sac lot, which is not of a buildable width when measured at the street frontage of the lot.

Lot wide [width], commercial. The length of a line extending from side lot line to side lot line of a nonresidential lot, measured along the street frontage of the lot.

Lot width, residential. The length of a line extending from side lot line to side lot line of a residential lot, parallel to the street frontage of the lot.

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

Mobile food establishment. A vehicle mounted or a trailer or food concession apparatus intended to be pulled by a vehicle that provides a fee based, licensed food service operation that may require utility access in order to operate and is meant to be left in place longer than the time period permitted for a mobile food unit. A human pushed or pulled cart or trailer or mobile device is not a permissible form of a mobile food establishment.

Mobile food unit. A self-contained, licensed, motorized vehicle, fee based food service operation designed to be readily movable and commonly referred to as a “food truck.” A mobile food unit shall not require utility access in order to operate. A human pushed or pulled cart or trailer or mobile device is not a permissible form of mobile food unit.

Mobile home.

- (1) A structure:
 - (A) Constructed before June 15, 1976;
 - (B) Built on a permanent chassis;
 - (C) Designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities;
 - (D) Transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and
- (2) Includes the plumbing, heating, air-conditioning, and electrical systems of the home.

Motel. A hotel with accommodations for the parking of motor vehicles in close proximity to guest rooms.

Motor vehicle sales. An area, other than a street, used for the display, sale or rental of new or used automobiles, trucks or trailers, where no repair work is done, except minor reconditioning of motor vehicles or trailers to be displayed, sold or rented on the premises. Such area shall not include automobile wrecking or dismantling or the sale of salvaged parts, nor shall it include the storage of either new or used motor vehicles or trailers.

Museum. An establishment operated as a nonprofit, noncommercial repository for a collection of scientific, natural or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Nonconforming use. A use that does not conform to the regulations or use in the zoning district in which it is located but which may legally continue because such use predated the application of the zoning ordinance to it and has not since been abandoned.

Open space. The area included in any side, rear or front yard or any unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

Open storage. The storage of any equipment, machinery, building materials or commodities, including raw, semi-finished and finished materials, the storage of which is not accessory to a residential use, and which is visible from ground level; provided, however, that vehicular parking shall not be deemed to be open storage.

Parking space. A surface area, enclosed or unenclosed sufficient in size to store one automobile, with a surfaced driveway connecting the parking space with the street or alley, and permitting ingress and egress of an automobile.

Pawnshop. The business location of a pawnbroker, as defined by and licensed pursuant to state law.

Personal service shop. An establishment supplying limited personal services such as: cleaning and laundry collection, self-service laundry, interior decorating, watch and jewelry repair, art gallery, library, museum, studio for professional artwork, photography, dance or fine arts, including teaching of applied and fine arts.

Principal structure. The primary or predominant building on a lot. The principal structure must meet the minimum requirements for structures in the zoning district in which the structure is located.

Print shop. An establishment utilizing offset, letter press, or other duplicating equipment.

Private school. A non-governmental educational institution accredited by a national or regional association of institutions of like kind; or, a privately owned, state-licensed vocational or technical training school.

Professional office. An office occupied by a doctor, lawyer, dentist, engineer, or any other vocation involving predominately mental or intellectual skills and requiring state licensure, but specifically excluding any activity involving sales of personal property; and, excluding also veterinary clinics.

Recreational area. An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

Recreational vehicle or RV. A vehicular, portable structure built on a chassis, either self-powered or trailer, and designed to be used as a temporary dwelling. An RV shall include a travel trailer, motor home, pickup camper, or any variation thereof.

Residential recreation facility. A private recreation facility located within a single- and/or multi-family residential development, designated and intended for the use in common of residents of the development and/or members of the operating club or association and their guests, but not the general public, and including such recreational amenities as a swimming pool, tennis courts, racquetball courts, sauna, exercise room and similar facilities, and food and beverage service.

RV park. Any premises on which one or more RVs may be parked or situated and used for the purpose of supplying to the public a parking space therefor.

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.

Secondary use. A collateral use of land or buildings which is customarily done or performed in conjunction with a permitted principal use, but not constituting a majority of either the employment, area or revenues of the combined uses.

Shopping center. A composite arrangement of shops and stores which provide a variety of goods and services to the general public, when the same are developed as an integral unit.

Short-term rental. Means the rental for compensation, of any residence or residential structure, or a portion of a residence or residential structure, located within a residential zoning district, for the purpose of overnight lodging for a period of not more than thirty (30) days. A short-term rental shall not include a hotel or motel. A short-term rental is further subject to the provisions of article 4.09 of the code.

Sign. A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land, which sign directs attention to an object, project, place, activity, institution or business; provided, however, that this term shall not include a display of an official court or public notice nor the flag, emblem or insignia of a nation, political unit, school or religious group.

Sign[, illuminated]. Any sign designed to give forth any artificial light or to reflect light from one or more sources, natural or artificial.

Smoking establishment. A business establishment that is dedicated, in whole or in part, to the use or consumption of smoking products, including but not limited to establishments known variously as cigar lounges, hookah lounges, cigar cafes, hookah cafes, cigar bars, hookah bars, tobacco bars, cigar clubs, hookah clubs, tobacco clubs, etc. and includes any establishment that allows:

- (1) The on-site purchase of smoking products or the on-site purchase or rental or furnishing of accessories intended or adapted or provided for the use or consumption of smoking products; and
- (2) The on-site smoking or consumption of smoking products.

Smoking product. Tobacco, tobacco substitutes, any similar substances, or any type of material designed, adapted, or intended to be smoked.

Stable, private. A stable with a capacity for not more than four (4) horses, mules or other domestic animals.

Storage. The retention and housing of goods, wares and merchandise preliminary to the sale or use thereof. As such term is applied to open storage the use as described above or, if at the location of retail sale, rental or lease, the exhibition of goods, wares or merchandise for a period of more than three (3) consecutive business days.

Story. That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above.

Street. Any public thoroughfare dedicated to the public use and not designated as an alley or officially approved place.

Thoroughfare, major. A street designated as a major thoroughfare on the last officially adopted “Plan for Major Thoroughfares” of the city.

Townhouse. A row of single-family attached dwelling units which constitute an architectural whole.

Use. When applied to land or buildings, the purpose or activity for which such land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Variance. An adjustment in the application of the specific regulations of this article to a particular piece of property, which property because of special circumstances uniquely applicable to it is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Veterinary clinic. A place where a veterinarian maintains treatment facilities, soundproof, with no outside runs.

Warehouse. A building used for the storage of goods, wares and merchandise, including offices and sales space.

Wholesale office. An office for the conduct of the business of selling tangible personal property to retail establishments.

Winery. An establishment permitted under the local option alcohol laws in place at the location of the establishment, which holds a valid winery permit from the Texas Alcoholic Beverage Commission (“TABC”). A winery may conduct all activities permitted by individuals holding a valid TABC winery permit.

Yard. Any open space, other than a court, on a lot unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this article.

Yard, front. A yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street right-of-way line and main building or any projections thereof other than steps and unenclosed porches.

Yard, rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.

Yard, side. A yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections thereof and the side lot line.

Zoning administrator. The person designated by the council to enforce and administer the provisions of this article and his or her designated representative.

Zoning district map. The map or maps incorporated into this article as a part hereof by reference thereto.

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 | | | | |
|---|--------------------|-----------------------|--------------------|-----------------------|-----------|
| | SF | | MF | | GH |
| Regulations | Residential | Nonresidential | Residential | Nonresidential | |
| HEIGHT (max. in ft.) | 35 (n-1) | 45 (n-1) | 35 (n-1) | 45 (n-1) | 35 |
| AREA (n-2) | | | | | |
| Lot area (min. per dwelling unit in sq. ft.) | | None | | None | 6000 |
| Single-family | 21780 | | 21780 | | |
| Multifamily | | | 7200 | | |
| Living area (min. per dwelling unit in sq. ft.) | | | | | |
| | 1250 | | 800 | | 2000 |
| LOT | | | | | |
| Width (min. in ft.) | 80 | 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 |
| | Districts | | | | |
| | SF | | MF | | GH |
| Regulations | Residential | Nonresidential | Residential | Nonresidential | |
| YARDS (n-3) (min. 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 | - |
| | | | | | |
| PARKING (min. spaces per dwelling unit) | 2 | n-5 | 2.25 | n-5 | Garage-2 Guests-2 |
| | | | | | |
| SPACE - 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 21,780 square feet created by plat or deed and recorded in the office of the county clerk of Tarrant County before April 13, 1981, 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 9](#) of this article.

(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 180 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 9](#) of this article.
- (3) On any lot used for nonresidential purposes, parking and loading areas shall be provided complying with the standards of division 9 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.

(d) Short-term rentals. The operation of a short-term rental shall be a permitted use in residential districts subject to the provisions of article 4.09 of the code.

Division 8. Special Exceptions and Other Permits

Sec. 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.

| | <u>Special Exception</u> | <u>District Requiring City Council Approval</u> |
|-----|---|---|
| (1) | Construction field office and storage yard (other than on jobsite). | All districts |
| | Conditions: Temporary, for time fixed by the City Council. | |
| (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, 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: | SF |
| | | |
| | (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. | |
| | | |
| (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. | |
| | | |
| | 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 establishment. | B-2 and B-3 |
| | | |
| (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. | |
| | | |
| <u>(25)</u> | <u>Short-term rental in excess of density limitation</u> | <u>SF, MF, GH</u> <u>Subject to section 4.09.004(p)</u> <u>of the code</u> |