



CITY OF DALWORTHINGTON GARDENS

**NOTICE OF A MEETING
CITY COUNCIL**

March 21, 2024

**WORK SESSION AND/OR EXECUTIVE SESSION AT 6:00 P.M.
REGULAR SESSION AT 7:00 P.M.**

CITY HALL COUNCIL CHAMBERS, 2600 ROOSEVELT DRIVE, DALWORTHINGTON GARDENS, TEXAS

WORK SESSION AND/OR EXECUTIVE SESSION– 6:00 P.M.

1. CALL TO ORDER

2. WORK SESSION

- a. Receive FY 2022-2023 audit presentation from BrooksWatson & Co., PLLC. Action to accept the audit by resolution will be taken in the 7:00 Regular Session.
- b. Receipt, discussion, and action from Grossman Design Builds for potential commercial development along Bowen Road. Any action taken would be deferred until the Regular Session

3. EXECUTIVE SESSION

Any action may be deferred until the 7:00 p.m. Regular Session

a. Recess into Executive Session

i. Recess into Executive Session:

- (1) Pursuant to Texas Government Code, Section 551.089, discussion regarding critical infrastructure along Bowen Road, and 551.087, economic development incentives with Grossman Design Builds for potential commercial development
- (2) Pursuant to Texas Government Code, Section 551.071, Attorney Consultation for notice of claim regarding 3216 S. Bowen Road.
- (3) Pursuant to Texas Government Code, Section 551.071, Attorney Consultation, to discuss notice of claim regarding 3604 Gardenia Drive.

ii. Reconvene into Regular Session for the following

- (1) Discussion and possible action on the critical infrastructure along Bowen Road and economic development incentives with Grossman Design Builds for potential commercial development.
- (2) Discussion and possible action on attorney consultation for notice of claim regarding 3216 S. Bowen Road.

(3) Discussion and possible action on attorney consultation for notice of claim regarding 3604 Gardenia Drive

REGULAR SESSION – 7:00 P.M.

1. CALL TO ORDER

2. INVOCATION, AND PLEDGES OF ALLEGIANCE

3. PRESENTATIONS AND PROCLAMATIONS

- a. Proclamation supporting the Mayor’s Monarch Challenge.
- b. Proclamation for Child Abuse Prevention Month April 2024 – Alliance for Children

4. ITEMS OF COMMUNITY INTEREST

- a. Pictures with the Easter Bunny – Sunday, March 24 from 3-5 p.m.
- b. Total Solar Eclipse – Monday, April 8th
- c. CPSAAA Fundraiser Event Prepas – April 11 from 11-9 p.m.
- d. Plant Swap and Earth Day Event – Saturday, April 20 time TBD

5. CITIZEN COMMENTS

Citizens who wish to speak to the City Council 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 City Council members are prevented from discussing the subject and may respond only with statements of factual information or existing policy.

6. MAYOR AND COUNCIL COMMENTS

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

7. DEPARTMENTAL REPORTS

Informational reports only; no action to be taken.

- a. DPS Report
- b. Financial Reports
- c. City Administrator Report

8. CONSENT AGENDA

All consent items are considered to be routine and will be enacted by one motion and vote.

- a. Approval of Ordinance No. 2024-04, canceling the May 4, 2024 general election and declaring unopposed candidates elected.
- b. Approval of Resolution No. 2024-04 approving appointment to the city Planning and Zoning Commission
- c. Consider approval of Resolution No. 2024- 05 accepting the FY 2022-2023 annual financial audit.

9. REGULAR AGENDA

- a. Discussion and possible action regarding an application of a special exception for motor vehicle sales- indoor: showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage, in accordance with the City of Dalworthington Garden's Zoning Ordinance subsection (a)(15) of Section 14.02.0224. Business located at 2209 Michigan Ave, Dalworthington Gardens, Texas
 - i. Conduct public hearing
 - ii. Discussion and action
- b. Discussion and possible action regarding an update from Chris Labra with NewGen Printing for a previously approved special exception at 2529 W. Arkansas Lane for mobile food units to be on property longer than twenty-four hours in accordance with Section 14.02.321(c)(22) of City ordinances.
- c. Discussion and possible revisions to Article 14.02, Division 7, "Overlay District Regulations" of the Code of Ordinances, City of Dalworthington Gardens, Texas.
- d. Discussing and possible action on approving the purchase of 8 sets of bunker gear for DPS not to exceed \$26,000.
- e. Discussion and possible action regarding amendments to the FY 2022-2023 budget in amounts not to exceed \$10,000.00.

10. TABLED ITEMS

- a. Discussion and possible action to direct staff regarding correctly indicating when special exceptions are authorized in accordance with Section 14.02.321 of city ordinances, to include but not limited to special exceptions for private stables as allowed in Section 14.02.172 "SF" residential district uses.

11. FUTURE AGENDA ITEMS

In compliance with the Texas Open Meetings Act, Council Members may request that matters of public concern be placed on a future agenda. Council Members may not discuss non-agenda items among themselves. In compliance with the Texas Open Meetings Act, city staff members may respond to questions from Council members only with statements of factual information or existing city policy.

12. ADJOURN

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development Negotiations).

Pursuant to Texas Government Code, Section 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

CERTIFICATION

This is to certify that a copy of the **March 21, 2024** City Council 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.cityofdwg.net, in compliance with Chapter 551, Texas Government Code.

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

Sandra Ma, City Secretary

A PROCLAMATION
By the Mayor of the City of Dalworthington Gardens

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration from Mexico to Canada and back again and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, the annual survey conducted in central Mexico’s forests revealed a concerning 59% decrease in the eastern monarch butterfly population during the 2023-2024 winter season; and

WHEREAS, climatic variations in breeding areas in Canada and the United States, result in reduced milkweed abundance due to high temperatures and drought, alongside land-use changes and herbicide use impacting essential nectar plants for adult monarchs.; and

WHEREAS, experts attribute this winter’s low numbers to drought conditions that reduced nectar production crucial for migration and winter survival.; and

WHEREAS, every citizen of Dalworthington Gardens can aid the monarchs’ recovery by planting native, drought tolerant, nectar producing native plants; and

WHEREAS, on behalf of the people of Dalworthington Gardens, I am honored as Mayor to lead the way by signing the National Wildlife Federation’s Mayors’ Monarch Pledge; and I encourage other city officials across our great nation to take a stand with me so that the monarch butterfly will once again flourish across the continent.

THEREFORE, as Mayor, I encourage our citizens and staff to participate in the following action items:

- 1) Issue this Proclamation to raise awareness about the decline of the monarch butterfly and the species’ need for habitat.
- 2) Maintain a public communication effort to encourage citizens to plant monarch gardens at their homes or in their neighborhoods.
- 3) Create a community art project to enhance and promote monarch and pollinator conservation.
- 4) Host or support a native seed or plant sale, giveaway or swap.
- 5) Facilitate or support a milkweed seed collection and propagation effort.
- 6) Maintain and improve the monarch and pollinator-friendly demonstration garden in Gardens Park by the gazebo.
- 7) Support citizen science efforts that help monitor monarch migration and health.
- 8) Display educational signage at monarch gardens and pollinator habitat.

IN TESTIMONY WHEREOF, I have set my hand and caused the Seal of the City of Dalworthington Gardens, Texas, to be affixed this 21st day of March, in the year Two Thousand Twenty-Four.

Laura Bianco
Mayor, City of Dalworthington Gardens

ATTEST:

Sandra Ma
City Secretary, City of Dalworthington Gardens

A PROCLAMATION
Child Abuse Prevention Month Proclamation
By the Mayor of the City of Dalworthington Gardens

WHEREAS, children are our future and our greatest resource; and

WHEREAS, every child deserves a nurturing family and safe environment to grow into a healthy, productive member of the community; and

WHEREAS, child abuse is one of our nation's most serious public health problems and threatens the safety of our community; and

WHEREAS, in Tarrant County, 5,332 children were confirmed as victims of child abuse or neglect in 2023; and

WHEREAS, Alliance For Children provided trauma-informed services to 2,325 children in 2023;

WHEREAS, finding solutions to prevent child abuse is a community responsibility and depends on the involvement of all citizens; and

WHEREAS, effective child abuse prevention, investigation and treatment programs succeed because of partnerships among public and private agencies, schools, religious organizations, medical services, and the business community.

NOW, THEREFORE, BE IT RESOLVED, that I, Laurie Bianco Mayor of the City of Dalworthington Gardens, Texas do hereby proclaim the month of April 2024 as Child Abuse Prevention Month in the City of Dalworthington Gardens, Texas and urge all citizens to work together to help reduce child abuse and neglect significantly in the years to come.

IN TESTIMONY WHEREOF, I have set my hand and caused the Seal of the City of Dalworthington Gardens, Texas to be affixed this 21st day of March, in the year Two Thousand Twenty Four.

Laurie Bianco
Mayor
City of Dalworthington Gardens

ATTEST:

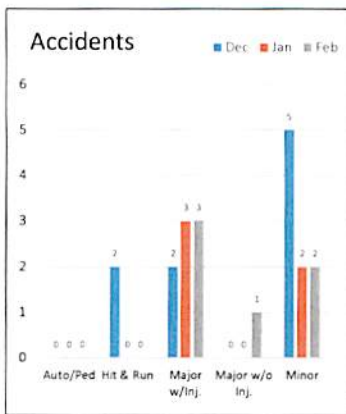
Sandra Ma
City Secretary
City of Dalworthington Gardens



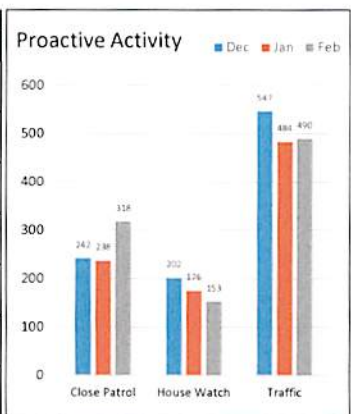
MONTHLY PUBLIC SAFETY REPORT

February 2024

Department News	
Residential Contact	392 Contacts
2023 Racial Profiling Report	
Vial of Life Program	The vial contains important medical information that can assist emergency personnel
1 New FT PSO	
1 New PT Dispatcher	

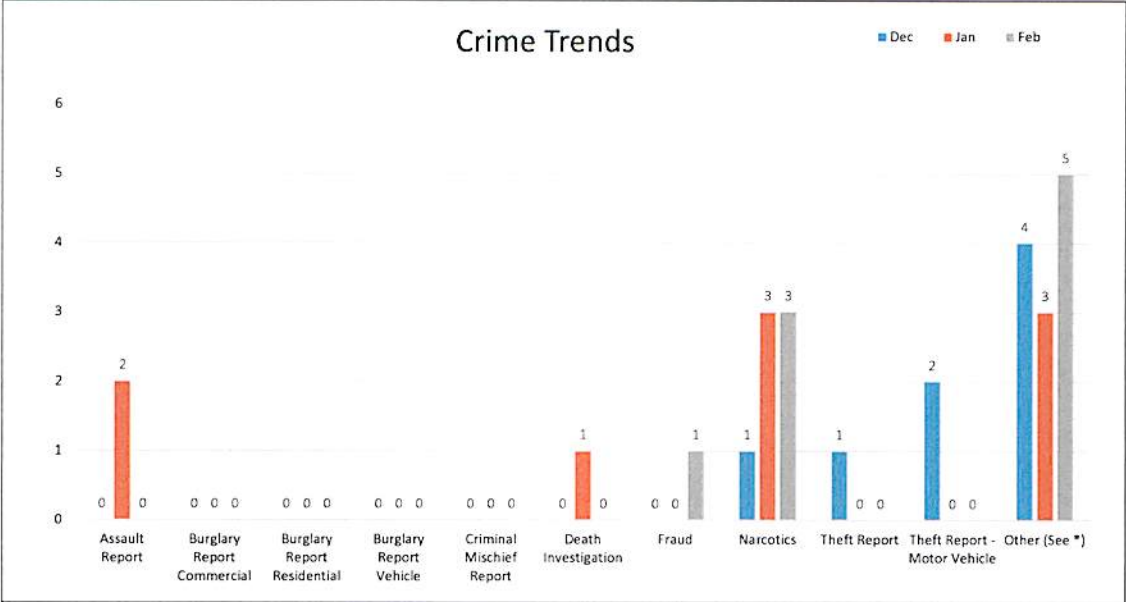


Activity	Dec	Jan	Feb	2024 YTD
DPS Activity	1708	1585	1626	3441
Police CFS	663	631	639	1338
EMS CFS	13	17	7	25
Fire CFS	8	13	7	21
Arrests	18	16	12	28
House Watches, Close Patrols, & Community Contacts	459	424	471	969
Traffic Enforcement	547	484	490	1060



* Other offenses excluding traffic, warrants and "report only."

Crime Trends





CITY OF DALWORTHINGTON GARDENS

ADMIN REPORT

February 2024

Administration

- Kimley Horn will present the completed Master water plan in April

Public Works

- M. Day attended a Sewer Class at TCC
- Completed 10 permits
- Sewer meter installed at Greens Produce
- SCADA upgrade purchased
- BAC-T water samples completed
- Weekly Mono Chloramines/Free Ammonia
- Daily Residuals
- Water Leak on Fire Hydrant at the park fixed
- 5 Leaks on meter at resident home's fixed
- Installed new meter to fix broken meter on Texas Dr
- Manual Meter Reading completed
- Park mowed
- 4 pot holes patched
- Water leak on Mr. English's sprinkler line found (on call 4am)
- Working on Lead Service Line TCEQ deadline

**City Council
Staff Agenda Report**

Agenda Item: 8a

Agenda Subject: Approval of Ordinance No. 2024-04 canceling the May 4, 2024 general election and declaring unopposed candidates elected.		
Meeting Date: March 21, 2024	Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Strategic Vision Pillar: <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

Background Information: On February 15, 2024, the City Council ordered a General Election to be held on May 4, 2024, for the purpose of electing the Mayor, Alderman Place 1, and Alderman Place 2. The filing period for those wishing to be placed on the ballot began January 17, 2024, and ended February 16, 2023, at 5:00 p.m.

Pursuant to Sections 2.052 and 2.053 of the Election Code, the authority responsible for having the ballot prepared (city secretary) shall certify in writing that candidates are unopposed for the election and deliver said certification to the governing body as soon as possible after the filing deadline. Furthermore, upon receipt of the certification, the governing body must then declare each unopposed candidate elected to their respective office. The unopposed candidates will not take their seats until the election is canvassed in May 2024.

Recommended Action/Motion: Approve Ordinance No. 2024-04 canceling the May 4, 2024 general election and declaring unopposed candidates elected.

Attachments: Ordinance No. 2024-04
Certification of Unopposed Candidates
Order of Cancellation

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER
POLITICAL SUBDIVISIONS (NOT COUNTY) CERTIFICACIÓN DE
CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 4 de Mayo del 2024.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) *Cargo(s)*

Candidate(s) *Candidato(s)*

Mayor
Alderman Place 1
Alderman Place 2

Laurie Bianco
John King
Steve Lafferty

Signature (*Firma*)



Sandra Ma

Printed name (*Nombre en letra de molde*)

City Secretary

Title (*Puesto*)

3/14/2024

Date of signing (*Fecha de firma*)



**City Council
Staff Agenda Report**

Agenda Item: 8b

Agenda Subject: Consider Resolution No. 2024-04 approving appointment to the Planning and Zoning Commission

<p>Meeting Date: March 21, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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Background Information:

Former Commissioner Brad Catlett resigned after moving out of the city in December 2023. After reviewing the applicants on February 15, 2024, the council appointed Thomas McCarty, a resident of the city and qualified member, to serve.

Planning and Zoning Commission: Thomas McCarty for the remaining term expiring in June 2026.

Recommended Action/Motion: Approve Resolution No. 2024-04 approving appointment to the Planning and Zoning Commission

Attachments:

Resolution

RESOLUTION NO. 2024-04

**A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS,
APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION**

WHEREAS, a vacancy exists on the City Planning and Zoning Commission; and

WHEREAS, the city has received an application from three citizens Angela Johnson, Thomas McCarty, and Julie Vu, who are interested in filling said vacancy

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

1. That the following person is appointed to the following board.
 - Planning and Zoning Commission: Thomas McCarty for the remaining term to expire June 30, 2026.

PASSED & APPROVED this 21st day of March, 2024.

CITY OF DALWORTHINGTON GARDENS

Laurie Bianco, Mayor

ATTEST:

Greg Petty, City Administrator/Director of Public Safety

**City Council
Staff Agenda Report**

Agenda Item: 8c

Agenda Subject: Consider approval of Resolution No. 2024-05 accepting FY 2022-2023 annual financial audit.

<p>Meeting Date: March 21, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information:

In accordance with Chapter 103 of the Local Government Code, the city’s auditor, BrooksWatson & Co, will be presenting the audit report for FY 2022-2023. The audit committee consisting of Mayor Bianco, Council Member Steve Lafferty, and Council Member Cathy Stein met on March 20, 2024 and received detailed information regarding the audit. BrooksWatson & Co. will be present at the council meeting to provide a presentation.

Recommended Action/Motion:

Motion to approve Resolution No. 2024-05 accepting the FY 2022-2023 annual financial audit.

Attachments:

- Resolution
- Audit

RESOLUTION NO. 2023-05

**A RESOLUTION OF THE CITY OF DALWORTHINGTON GARDENS,
TEXAS, ACCEPTING THE FY 2022-2023 ANNUAL FINANCIAL AUDIT**

WHEREAS, in accordance with Local Government Code, Chapter 103, the City shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit; and

WHEREAS, the City hired BrooksWatson & Co., PLLC to perform said audit; and

WHEREAS, said audit shall be completed and filed in the office of the city secretary within 180 days after the last day of the municipality's fiscal year (by April 1).

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

- I. The Dalworthington Gardens City Council accepts the audit as presented by BrooksWatson & Co.. PLLC.
2. The FY 2022-2023 annual financial audit shall be filed in the office of the city secretary, and shall be attached hereto as Exhibit "A"

PASSED & APPROVED this 21th day of March, 2024.

CITY OF DALWORTHINGTON GARDENS

Laurie Bianco, Mayor

ATTEST:

Sandra Ma, City Secretary

**City Council
Staff Agenda Report**

Agenda Item: 9a

Agenda Subject: Discussion and possible action regarding an application of a special exception for motor vehicle sales – indoor: showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage, in accordance with ordinance 14.02.224 subsection (a)(15). Motor vehicle sales as provided herein are only permitted pursuant to a special exception. Business is located at 2209 Michigan Avenue, Dalworthington Gardens, Texas

<p>Meeting Date: March 21, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input checked="" type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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Background Information:

Business owner, Amel Kohnic, is requesting a special exception in accordance with Section 14.02.224 (a)(15) for motor vehicle sales indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage in Ordinance 2023-25.

Mr. Kohnic originally applied for a certificate of occupancy on May 30, 2019, and was given a certificate of occupancy on July 2, 2019, for an auto repair and motorcycle shop. Mr. Kohnic is seeking to renew his dealer’s license with the State. He was denied renewal from the State with an explanation per Dalworthington Gardens City Ordinance 14.02.224, which does not permit vehicle sales.

An application for a certificate of occupancy was submitted on January 22, 2024, and was returned by DWG’s third-party plan review/inspector with a denial letter on January 26, 2024, citing ordinance 2023-25, which states that no online sales are permitted without special approval.

Consideration for special exceptions should abide by the following guidelines from the ordinance. They differ from variances in that a hardship is not required to be shown or proven.

Notification of tonight’s public hearing was sent to all property owners within 200 feet of the subject’s property as well as being posted in the Commercial Recorder.

The Planning and Zoning Commission met on March 7, 2024, and recommended approval of this special exception

Recommended Action/Motion: City council options:

Approve or deny application from Amel Kohnic for a special exception business located at 2209 Michigan Avenue Dalworthington Gardens, Texas for motor vehicle sales – indoor: showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage, in accordance with ordinance 14.02.224 subsection (a)(15).

Attachments:

- Ordinance No. 2023-25
- Special Exception Application
- Certificate of Occupancy Application from 2019
- Certificate of Occupancy Application from 2024
- Letter from Applicant

ORDINANCE NO. 2023-25

AN ORDINANCE AMENDING CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING SECTION 14.02.224, "'B-3' BUSINESS DISTRICT," OF DIVISION 6, "COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS" TO AMEND REGULATIONS FOR MOTOR VEHICLE SALES; AMENDING SECTION 14.02.225, "LI" LIGHT INDUSTRIAL DISTRICT" OF DIVISION 6, "COMMERCIAL AND INDUSTRIAL DISTRICT REGULATIONS" TO ADD REGULATIONS FOR MOTOR VEHICLE SALES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council previously established zoning regulations governing motor vehicle sales; and

WHEREAS, the City Council desires to clarify regulations for motor vehicle sales; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend Chapter 14 of the City Code, as amended, as described herein.

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

SECTION 1.

Subsection (a)(15) of Section 14.02.224. "'B-3' Business District." of Division 6, "Commercial and Industrial District Regulations." of Chapter 14, "Zoning." of the Code of Ordinances. City of Dalworthington Gardens. Texas is hereby amended to read as follows:

"...

(15) Motor Vehicle Sales – indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage. Motor Vehicle Sales as provided herein are only permitted pursuant to a special exception as provided in division 8 of this article."

SECTION 2.

Section 14.02.225, "'LI' Light Industrial District," of Division 6, "Commercial and Industrial District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to read as follows:

"...

(14) Motor Vehicle Sales – indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage. Motor Vehicle Sales as provided herein are only permitted pursuant to a special exception as provided in division 8 of this article."

SECTION 3.

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

SECTION 4.

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

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6.

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

SECTION 7.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish at least twice in the official newspaper of the City of Dalworthington Gardens, the caption and the penalty clause of this ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law,

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 21st day of December, 2023.

CITY OF DALWORTHINGTON GARDENS

By: Laurie Bianco
Laurie Bianco, Mayor

ATTEST:

Sandra Ma
Sandra Ma, Interim City Secretary



CITY OF DALWORTHINGTON GARDENS
SPECIAL EXCEPTION APPLICATION

RECEIVED
JAN 26 2024
BY: C. Newbell

Amel Kohnic

1-22-24

Applicant's Name (please print)

Date

2241 Sophie Ln Arlington TX 76010

817-614-5371

Address

Telephone Number

2209 Michigan Ave Dalworthington Gardens TX 76013

Property Address

Amel Kohnic

2241 Sophie Ln

817-614-5371

Property Owner

Address

Telephone Number

4,000 square foot building with offices, garage

Legal Description of Property

Space and indoor showroom.

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.

We would like a special exception for vehicle sales in our indoor showroom. Please see attached letter.

Amel Kohnic

1-22-24

Applicant's Signature

Date

For Office Use Only

Fee Amount: \$500.00

Date: 1/26/2024

Receipt Number: CK250590

Transaction Code - 161

00 377

1129



CERTIFICATE OF OCCUPANCY APPLICATION

CITY OF DALWORTHINGTON GARDENS
2600 Roosevelt Drive, DWG, TX 76016
TEL. 817-274-7368 FAX 817-265-4401
www.cityofdwa.net

A non-refundable \$100.00 processing fee is required with application submittal along with Photo Identification

Application Date 5-30-19 (application will expired after 60 days of submittal)

Address of Use 2209 Michigan Ave Suite No.

Business Name AA MOTORS Phone # 817-614-5371

Proposed Use of Building (be specific) motorcycle shop/auto repair

Nature of Business: [X] Auto Repair, [] Manufacturing, [] Office, [] Restaurant, [] Retail, [] School, [] Warehouse, [X] Other motorcycle shop

Number of Square Feet to be used for the following: Total Area 3600 Office 1400 Warehouse use 2200

Will signs be replaced or installed? [X] Yes [] No Is this a sub-lease? [] Yes [X] No

Is your business required to collect sales tax? [] Yes [X] No [] Unsure

If Yes, list your sales tax permit number and business name (sales tax #) (business name)

Type of Application (check all that may apply): [] New Construction/Shell, [] Change of Ownership, [X] Change of Occupant/ New Business, [] Clean & Show (over 30 days), [] Existing Business/New Owner, [] Existing Business Name Change, [] Expanding Lease Space, [] Other

Occupant/Lessee Name Amel Kohnic

Phone Number Cell Phone 817-614-5371 Fax Number

Email Address Amel100@aol.com - 614-5371

Mailing Address (other than application address) 2241 Sophie Ln Arlington TX 76010

Building Owner Name Amel Kohnic

Mailing Address 2241 Sophie Ln Arlington TX 76010

Phone Number Cell Phone 817-614-5371 Fax Number

Email Address Amel100@aol.com

Emergency Contact Name Amel Kohnic Phone Number 817-675-9854

Name Saniya Kohnic Phone Number

C. O. Questionnaire		YES	NO
1.	Are you enlarging an existing tenant space by combining suites, or portions of suites? If yes, list lease spaces being combined _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.	Will you store, use, dispense or mix flammable or combustible liquids for purposes other than maintenance for operation of equipment? If yes, specify the type of product and the projected quantities _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.	Will there be any spray painting on the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Will you handle or use any hazardous or toxic chemicals such as but not limited to oxidizers, corrosive liquids, poisonous gases and radioactive materials? If yes, specify the type and projected quantities _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5A	Will the principal use of the building or tenant space be used for storage? If yes what materials will be stored? _____ What percentage will be used for storage? _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5B	How high will materials be stacked? _____ Will the materials be stored on racks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.	Will the building be equipped with a <input type="checkbox"/> fire sprinkler system <input type="checkbox"/> standpipe system <input type="checkbox"/> hood ansul system	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.	Will food or beverages be manufactured, packaged, stored, distributed, sold or prepared in any manner other than vending machines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.	Will alcoholic beverages be sold for consumption on the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Will the building or tenant space be used for a sexually-oriented business or adult entertainment As defined within the Code of Ordinance Chapter 17.8.C.15	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.	Trash Disposal <input type="checkbox"/> Rented Dumpster <input checked="" type="checkbox"/> Curb-Side Pick-Up		
11.	I have installed or plan to install an alarm system. (Notify DPS and obtain a \$10.00 permit)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12.	Will any goods, merchandise or raw materials be stored outdoors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13.	Will any goods or merchandise be displayed outdoors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14.	Will used goods be sold on the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15.	Will you be performing any of the following processes on the premises? If yes, check: <input type="checkbox"/> Manufacturing <input type="checkbox"/> Treating <input type="checkbox"/> Formulation/Mixing/Processing <input type="checkbox"/> Vehicle Washing	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16.	Will any liquid wastes or sludges be generated which are not disposed of in the sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17.	Will any form of waste water pre-treatment be utilized at this facility? If yes, briefly describe _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18.	Will combustible dust be generated (sawdust, fine metal shavings, grain processing/storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19.	Will a swimming pool be located on the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20.	Will any portion of the building/space be utilized as a classroom, training room or daycare? If yes, <input type="checkbox"/> Age 0-2 1/2 _____ (Number of students) <input type="checkbox"/> older than 2 1/2 _____ (Number of students)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21	Will you be performing any of the following activities or processes on the premises? Check all that would apply <input type="checkbox"/> Restaurant <input type="checkbox"/> Sale of alcoholic Beverages <input type="checkbox"/> Tire Storage <input type="checkbox"/> Retail Sales <input type="checkbox"/> Grocery or Convenience Store <input type="checkbox"/> Outside Storage or Display <input type="checkbox"/> Office <input type="checkbox"/> Food Products <input type="checkbox"/> Items stacked higher than 12' <input type="checkbox"/> Dance Floor <input type="checkbox"/> Sanding Mill or Wood Cutting <input type="checkbox"/> Incineration <input type="checkbox"/> Child Care Center <input type="checkbox"/> Parts or Vehicle Wash <input type="checkbox"/> Flammable/Combustible Liquids <input type="checkbox"/> Personal Services <input type="checkbox"/> Welding or Cutting <input type="checkbox"/> Painting or Coating <input type="checkbox"/> Bar Area <input checked="" type="checkbox"/> Warehouse <input type="checkbox"/> Manufacturing <input type="checkbox"/> Use of Medical Gas <input type="checkbox"/> Smoking Section on Premise <input type="checkbox"/> Formulation/Mixing/Processing <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Assembly/Gathering/Worship <input type="checkbox"/> On-Site Sewage Facility		

I hereby certify that I have completed this questionnaire for 2209 Michigan Ave and know the same to be true and correct. (Address)

Amel Kabanec

Printed Name

Amel Kabanec

Signature

05.30.19

Date

Certificate of Occupancy

City of Dalworthington Gardens Department of Building Inspection

This Certificate issued pursuant to the requirements of the City of Dalworthington Gardens certifying that at the time of issuance this structure was in compliance with the various ordinances of the City regulating building structure or use.

Business Name: AA Motors
Address: 2209 Michigan Ave
DWG, Texas 76013

Permit No.: 1129
Zone: B-3

Building Owner
Name: Amel Kohnic
Address: 2241 Sophie Lane
Arlington, Texas 76010
Phone: 817-614-5371
Building Official: Gary Harsley
Date: July 2, 2019

Building Occupant
Name: Amel Kohnic
Address: 2241 Sophie Lane
Arlington, Texas 76010
Phone: 817-614-5371



Plan Review Information

Jurisdiction: Dalworthington Gardens

Building Permit #: 2255

Applicant: 2255

Jobsite Address: 2209 Michigan Avenue, Dalworthington Gardens, TX 76013

Contractor:

Contractor Phone #:

Permit Type: Occupancy

Occupancy: Occupancy

Total Square Footage: 4,000.00

Business Name:

Description of Work: Occupancy - auto repairs and online indoor showroom sales

Submittal Name and #: SAFEbuilt Plan Review #1

Initial Submittal

Resubmittal

Date Received for Review: 01/22/2024

Plan Review Completion Status:

Approved

Approved with Comments

Resubmittal Required

Building Code(s):

Plans Examiner(s): Joseph Newton, Building, Electrical, Mechanical, Plumbing, jnewton@bbgcode.com

Completion Date:

Plan Review Comments:

Building, Electrical, Mechanical, Plumbing: Resubmittal Required - Joseph Newton, jnewton@bbgcode.com

C/O is Disapproved with the following comments:

1. Per Ordinance No. 2023-25, no online sales are permitted without special approval of the Planing & Zoning Commission.



Plan Review Information

Your plans have been reviewed under code(s) listed above. These plans have only been reviewed for compliance with building codes adopted by this jurisdiction.

If "Resubmittal Required" is checked under Plan Review Completion Status above, a resubmittal of plans addressing the comments is required.

If "Approved" or "Approved with Comments" is checked under Plan Review Completion Status above, any remaining comments shall be addressed during construction. The commencement of work constitutes acceptance of all items listed herein.



CERTIFICATE OF OCCUPANCY APPLICATION

CITY OF DALWORTHINGTON GARDENS
2600 Roosevelt Drive, DWG, TX 76016
TEL. 817-274-7368 www.cityofdww.net
email: permits@cityofdww.net

Permit Number 2255

A non-refundable \$100.00 processing fee is required with application submittal along with Photo Identification

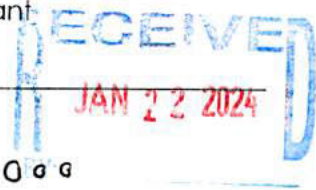
Application Date 1-22-24 (application will expired after 60 days of submittal)

Address of Use 2209 Michigan Ave Suite No.

Business Name AA MOTORS Phone # 817-614-5371

Proposed Use of Building (be specific) auto repair and online indoor showroom sales

Nature of Business (Check all that apply)
[X] Auto Repair [] Manufacturing [] Office [] Restaurant
[] Retail [] School [] Warehouse
[X] Other indoor showroom sales



Number of Square Feet to be used for the following:

Total Area 4,000 Office 1,000 Warehouse use 3,000

Will signs be replaced or installed? [] Yes [X] No Is this a sub-lease? [] Yes [X] No

Is your business required to collect sales tax? Yes X No Unsure

If Yes, list your sales tax permit number and business name (sales tax #) (business name)

Type of Application (check all that may apply)

[] New Construction/Shell [] Change of Ownership [] Change of Occupant/ New Business
[] Clean & Show (over 30 days) [] Existing Business/New Owner [] Existing Business Name Change
[] Expanding Lease Space [X] Other adding showroom sales

Occupant/Lessee Name Amel Kohnic DBA AA MOTORS

Phone Number 817-861-5544 Cell Phone 817-614-5371 Fax Number 817-274-6710

Email Address AAMOTORS@att.net

Mailing Address (other than application address) 2241 Sophie Ln Arlington TX 76010

Building Owner Name Amel Kohnic

Mailing Address 2241 Sophie Ln Arlington TX 76010

Phone Number Cell Phone 817-614-5371 Fax Number

Email Address Amel100@aol.com

Emergency Contact

Name Aner Kohnic Phone Number 817-673-9854

Name Saniya Kohnic Phone Number [REDACTED]

JAN 22 2024

C. O. Questionnaire		YES	NO
1.	Are you enlarging an existing tenant space by combining suites, or portions of suites? If yes, list lease spaces being combined _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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10.	Trash Disposal <input type="checkbox"/> Rented Dumpster <input checked="" type="checkbox"/> Curb-Side Pick-Up		
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21	Will you be performing any of the following activities or processes on the premises? Check all that would apply		
	<input type="checkbox"/> Restaurant <input checked="" type="checkbox"/> Retail Sales <input type="checkbox"/> Office <input type="checkbox"/> Dance Floor <input type="checkbox"/> Child Care Center <input type="checkbox"/> Personal Services <input type="checkbox"/> Bar Area <input type="checkbox"/> Use of Medical Gas <input type="checkbox"/> Medical/Dental	<input type="checkbox"/> Sale of alcoholic Beverages <input type="checkbox"/> Grocery or Convenience Store <input type="checkbox"/> Food Products <input type="checkbox"/> Sanding Mill or Wood Cutting <input type="checkbox"/> Parts or Vehicle Wash <input type="checkbox"/> Welding or Cutting <input type="checkbox"/> Warehouse <input type="checkbox"/> Smoking Section on Premise <input type="checkbox"/> Assembly/Gathering/Worship	<input type="checkbox"/> Tire Storage <input type="checkbox"/> Outside Storage or Display <input type="checkbox"/> Items stacked higher than 12' <input type="checkbox"/> Incineration <input type="checkbox"/> Flammable/Combustible Liquids <input type="checkbox"/> Painting or Coating <input type="checkbox"/> Manufacturing <input type="checkbox"/> Formulation/Mixing/Processing <input type="checkbox"/> On-Site Sewage Facility

I hereby certify that I have completed this questionnaire for 2209 Michigan Ave and know the same to be true and correct. (Address)

Amel Kohnic

Printed Name

Amel Kohnic

Signature

1-22-24

Date

Office Use Only

Amount Paid \$100.00 Date Received 1/22/2024 Receipt Number CK256362

Clerk C. Newbell Zone B3

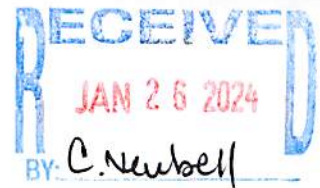
Approved by _____

Inspected by _____ Special Conditions _____

TXU Release Date _____ Confirmation Number _____

Fire Inspection Date _____ Approved by _____

Gas Line Inspection Needed Yes No



AA Motors
2209 Michigan Ave
Dalworthington Gardens, TX 76013

To the Attention of: City of Dalworthington Gardens

Dear Sir/Madam,

Our company AA Motors is a family owned business that has been providing exceptional auto services to the residents of Dalworthington Gardens since 2019 and prior to that we were located in Arlington since 1996 making our business 28 years old. Our commitment to quality service and community support has allowed us to establish a positive presence in the area.

We are reaching out to address the recent ordinance related to auto sales which require a special exception. AA Motors operates its sales division of the business exclusively online without a physical presence. Since being in Dalworthington Gardens and even before while in Arlington we have never had a customer at random or by chance stop by and want to purchase a vehicle. This is because on our property we don't have any signs that state or implies sales, we are strictly one hundred percent online. We have an indoor showroom where the whole operation takes place. Our online sales approach is in line with the intent of the city's new ordinance. We kindly request the city's consideration and approval of our application for a special exception from the aforementioned ordinance.

It's important to note that AA Motors has been an integral part of the Dalworthington Gardens community since 2019. We firmly believe that we should be grandfathered in, as we have been in the city since 2019 and were seeking resolution regarding our business practices prior to the ordinances adoption on December 21, 2023.

In our previous interactions with the city in 2019 when getting our building ready for operation a former city inspector understood our business model and what we do. He told us specifically not to put any signs outside that said vehicle sales or have cars parked outside with advertising. He told us to keep everything inside the showroom (we're not sure why he didn't advise us to put sales on our COO). This is the way we have been doing business to date. Nobody can see that there are any kind of sales going on. The dealers license expires every two years. We've had ours renewed twice. But this year when getting it renewed the license specialist came across a rule that Dalworthington Gardens doesn't allow any kind of car sales but he didn't scroll down the whole city ordinance zoning list. Under city zoning online indoor showroom sales are permitted. To get our license renewed we need a letter from the city that states we are allowed to conduct business. Regrettably, this misunderstanding could now impact a major significant portion of our business. We are trying to convert our COO to show online sales and make sure everything is in correct order. Auto sales are crucial for our operations and if we were to lose our license we would be impacted in a severe way.

RECEIVED
JAN 26 2024
BY: C Newbell

By granting this special exception there would not be any negative effects to the community. Since acquiring our property in 2019 and to this date the property value has increased by seventy five percent. We maintain our property to the highest standard both inside and outside. We strive to achieve this because it is important to us as a business to have a positive outlook on both ourselves and the community.

We kindly ask for your understanding and consideration in granting our request for a special exception. This would allow us to continue providing valuable services to the residents of Dalworthington Gardens while ensuring compliance with city regulations.

Thank you for your time and consideration. We look forward to a positive resolution that benefits us both. Since 2019 while being in Dalworthington Gardens this city has felt like home to us. We frequent the business' that include Green's produce, multiple food establishments and everything in between. We hope to continue calling Dalworthington Gardens our home.

Sincerely,
AA Motors

CITY OF DALWORTHINGTON GARDENS
SPECIAL EXCEPTION APPLICATION

CHRISTOPHER LABRA
Applicant's Name (please print)

3/12/24
Date

2529 W ARKANSAS LN
Address

817-201-9437
Telephone Number

Property Address

CARLOS LABRA [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]
Property Owner Address Telephone Number
75104.

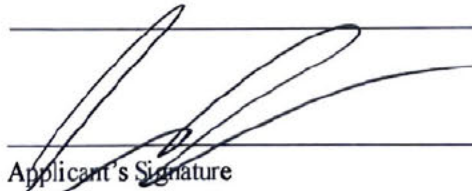
COMMERCIAL LEASING
Legal Description of Property

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.

Expand Food Bank, another 150-200 sqft.
ADD another food truck + total - 7 or 8 total


Applicant's Signature

3/12/24
Date

For Office Use Only

Fee Amount: \$500.00
Transaction Code - 161

Date:

Receipt Number:

City Council
Staff Agenda Report

Agenda Item: 9c

Agenda Subject: Discussion and possible revisions to Article 14.02, Division 7, “Overlay District Regulations” of the Code of Ordinances, City of Dalworthington Gardens, Texas

<p>Meeting Date: March 21, 2024</p>	<p>Financial Considerations: Engineering Review</p> <p>Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input checked="" type="checkbox"/> Economic Development <input checked="" type="checkbox"/> Educational Excellence
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Background Information:

City staff has reviewed City Ordinance Article 14.02, Division 7, “Overlay District Regulations,” and noticed updates are needed to clarify and describe proper submission at each sequence when applying for planned development. A review of this section may also change other sections of our ordinance.

Recommended Action/Motion:

Motion to authorize staff to work with city engineer and city attorney to update City Ordinance Article 14.02, Division 7, “Overlay District Regulations” and any other sections in the ordinance involved with this section. When all suggested updates are completed this will go before the P&Z commission for recommendation then to council for action.

Attachments:

- Ordinance Section Division 7 Overlay District Regulations
- Ordinance 2023-18 Bowen Road Overlay District

DIVISION 7
Overlay District Regulations

§ 14.02.271. “PD” eligibility criteria.

The council may approve, from time to time, the development and use of land pursuant to a planned development process, by approving the superimposing (“overlay”) of conditions or standards on certain of the zoning districts. No such development and use, however, shall be approved except in accordance with a development plan adopted by the city pursuant to the procedures established in this division. For a development to be eligible for submission to the planned development process, the following criteria must exist:

- (1) The minimum area requirements, as herein provided, must be met.
- (2) The intended development shall not exceed the density or intensity of use permitted in the underlying base district.
- (3) The planned development shall be of such design that the resulting development will achieve the purposes of zoning in a manner superior to the conventional development of the same property under base district regulations.
- (4) The development shall efficiently utilize the available land and shall protect and preserve all scenic assets and natural features, such as trees and topographic features, to the greatest extent possible consistent with reasonable development of the land.
- (5) The planned development shall be located in an area where transportation, public safety, public facilities and utilities are or will be available and adequate for the proposed uses of the development.

(2005 Code, sec. 17.7.01)

§ 14.02.272. Planned development administration.

- (a) Application. Application for submission of land to the planned development process shall be made in the same manner as any other application for a change in zoning classification. The application may seek a PD designation on land without a change in the base district classification; or, the application may seek a PD designation on land concurrently with a change in the base district classification. The application shall be made to the zoning administrator and shall be accompanied by the fees prescribed therefor in the fee schedule in appendix A of this code.
- (b) Approval procedure. A PD application shall be processed in the following sequence:
 - (1) The applicant shall submit the application with the concept plan.
 - (2) The zoning administrator and other relevant city staff persons shall review the application and the concept plan, may conduct a pre-hearing conference thereon (one or more, as the zoning administrator may require) with the applicant, and may require data from the applicant supplementing the concept plan.
 - (3) The zoning administrator shall prepare a staff report to the commission on the

application bearing on conformance of the plan and the proposed development with the standards, spirit and intent of this article.

- (4) The commission shall conduct a public hearing on the application in the same manner as any other request for zoning change, and shall make its recommendation to the council as required by law.
 - (5) After receiving a report of the commission's recommendation on the application, the city council shall hold a public hearing to consider the approval of the plan.
 - (6) If the application is approved, the zoning map shall be amended so that the base district designation of the property shall bear a suffix of PD or PD-R, as the case may be.
 - (7) The applicant shall submit a final development plan and obtain council approval thereof as a prerequisite to any development of the property.
- (c) Concept plan. The concept plan shall include a site plan drawing, prepared to a scale of not less than one inch equaling one hundred feet (1:100), depicting at least the following:
- (1) The dimensioned boundaries of the property, the location and widths of streets and highways adjacent to and on the property, and any other easements thereon or adjacent thereto;
 - (2) The topography of the property showing elevations at 5-foot intervals;
 - (3) The general location and description of existing utility services, including size of water and sewer mains;
 - (4) Existing improvements proposed to be retained when the property is developed;
 - (5) Undimensioned location and approximate size of proposed buildings;
 - (6) Undimensioned proposed locations of parking and points of access;
 - (7) All proposed uses and their approximate locations on the site;
 - (8) Identifiable watercourses and low areas;
 - (9) Proposed maximum height of buildings;
 - (10) Proposed landscaped areas;
 - (11) Height and elevation of all buildings.
- (d) Final plan. The final plan for PD development shall comply with the following standards:
- (1) The final plan shall clearly indicate all significant features of the proposed development, on an accurate scaled drawing, to include:
 - (A) A location map showing the location of the site in reference to existing

streets.

- (B) The boundaries of the area included in the plan, surveyed by a competent licensed surveyor, showing the total gross acreage of the plan.
- (C) All recorded or physically existing public and private rights-of-way and easement lines located on or adjacent to the plan area.
- (D) The approximate topography of the plan area, major watercourses and 100-year floodplains.
- (E) The proposed land uses and the approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the site.
- (F) The character and approximate density of all proposed uses in the plan area. For dwelling units, a table showing type by size, number of bedrooms, number of each type; and, floor plans for each type unit.
- (G) The approximate location and dimensions of all parking areas, malls, water bodies, open areas and recreational areas.
- (H) All proposed streets, alleys, ways, including walkways, dedicated to public use, and the location and size of all utilities.
- (I) The maximum percentage of site coverage.
- (J) All areas reserved for common ownership with an indication of the properties.
- (K) The location and type of walls, fences, screen planting and landscaping.
- (L) A plan, including elevation drawings, showing location, size, height, orientation and design of all signs.
- (M) In multifamily and commercial sections of the plan, the location of each outside facility for solid waste disposal.
- (N) Development schedule, indicating the following:
 - (i) The estimated date when development construction in the plan area shall commence;
 - (ii) The stages, if any, in which the plan area will be developed and the estimated date development of each stage will commence;
 - (iii) The estimated date of completion of each stage in the development;
 - (iv) The area and location of common open space that will be developed at each stage; and
 - (v) The area and location of nonresidential uses that will be developed at each stage.

- (2) The city council may, at the request of the applicant, limit the proposed PD uses to less than all of the uses otherwise permitted by the base district regulations. Such limitation of uses shall be recited in the approved plan and placed of record as herein provided.
 - (3) A preliminary drainage study, as outlined in article 10.02 of this code and/or a preliminary plat shall be submitted concurrently with any final plan.
 - (4) The final plan shall clearly indicate that the proposed development will be in complete accordance with the provisions of the applicable plan approval district zoning.
 - (5) Upon receipt of a mylar reproducible of the approved final plan reflecting all stipulations approved by the city council, the zoning administrator shall record a copy thereof.
 - (6) All final plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control the issuance of all building permits within the plan area.
 - (7) Prior to issuance of any building permits, the final plan shall reflect all stipulations as approved by the city council and the property shall be platted in accordance with article 10.02 of this code and the platting policies of the commission and the council.
- (e) Development implementation.
- (1) Except as provided in subsection (2) below, no building permit or certificate of occupancy shall issue for any building or use within a PD or PD-R district unless: the final plan therefor shall have been approved; and, the proposed building or use complies with such final plan.
 - (2) When property carries a PD designation but a final plan has not been approved therefor, it may be developed without plan approval only in accordance with the base district regulations. Any such development shall constitute an abandonment of the concept plan and the PD suffix shall be removed from the zoning map designation for such property.
 - (3) When the base district zoning classification of a property is changed as part of or concurrently with approval of a PD overlay under this division and the plan thereafter expires pursuant to subsection (g) of this section because either: the final plan is never approved; or, the final plan is never implemented, the base district zoning classification of the property shall revert to its zoning classification existent prior to the approval of the PD overlay. Until such time as the plan is implemented, the rezoned property shall be designated on the zoning map as “(base district)-PD-C (conditional)”.
- (f) Plan amendments.
- (1) No material change shall be made to an approved final plan unless the same shall

have first been approved as described in subsection (3) below.

- (2) A change in an approved final plan may be initiated by the zoning administrator if the same is not a material change. A change is not a material change if it will not result in any of the following:
 - (A) A change in the character of the development;
 - (B) An increase in the ratio of the gross floor areas in structures to the area of any lot;
 - (C) An increase in the intensity of use;
 - (D) A reduction in the approved separations between buildings;
 - (E) An increase in the problems of circulation, safety, and utilities;
 - (F) An increase in the external effects of the development on adjacent property;
 - (G) A reduction in the approved setbacks from property lines;
 - (H) An increase in lot coverage by structures;
 - (I) A reduction in the ratio of off-street parking and loading space to gross floor area in structures;
 - (J) A change in the subject, size, lighting, or orientation of approved signs; or
 - (K) A change in the location or character of approved landscape features.
 - (3) Proposal of a plan amendment shall be made to the zoning administrator by the applicant on mylar of the approved plan. Upon receipt of such a proposed plan revision, copies of the proposed revised plan shall be submitted to the council for its review and determination as to whether the proposed revision constitutes such a significant change in land use or structures that a public hearing should be called regarding said revision. If, in the council's determination, the proposed revised plan does not constitute a significant change, no public hearing shall be called and the revision shall be deemed approved. If such revision is determined by the council to be a significant change, a public hearing shall be scheduled regarding such revision, proper notice shall be given, and thereafter the proposed revision shall be considered by the council for approval or denial; provided, however, the council in its sole discretion may direct any development plan revision to the commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in division 13 of this article herein regarding amendments. No proposed revision shall be effective until the same is approved by the council.
- (g) Plan expiration. If development of property pursuant to a final plan has not commenced within two (2) years of the date of a plan approval, the plan shall be deemed to have expired, and a review and reapproval of the plan by the council shall be required before any building permit may be issued for development pursuant to

the plan. Any review and reapproval shall be made in the context of conditions existing, as to the property, at the time of such review.
(2005 Code, sec. 17.7.02)

§ 14.02.273. “PD” planned development district.

- (a) Use regulations. A building or premises in this zoning district shall be used only for the purposes permitted in the base district or districts or which the PD designation has been overlaid by an approved final plan. When made a part of the PD application and after notice and hearing as provided for the “PD” process, the city council may approve a use which would otherwise be a special exception in the base district as if it were a permitted use as a matter of right and without the necessity of a separate special exception application and proceeding.
- (b) Height regulations. The maximum height requirement for permissible uses in this district shall conform to the maximum height requirements which would be applicable to such uses if the same were situated in the most restrictive base district in which such uses are permitted.
- (c) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For nonresidential developments, two (2) acres.
- (d) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (e) 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.

- (f) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD district shall not be less than the requirements of the least intensive zoning district in which the use is permitted.
- (g) Off-street parking regulations.
- (1) Off-street parking facilities shall be provided at locations designated on the final plan.
 - (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in division 9 of this article.
- (h) “PD-R” planned development-redevelopment district.
- (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.273 hereof.
 - (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres.
 - (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-R district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city’s participation in redevelopment shall in every instance be conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.
 - (B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-R district.
 - (C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-R plan is approved.

(2005 Code, sec. 17.7.03)

§ 14.02.274. “MU” mixed use overlay.

- (a) Purpose. The purpose of the mixed-use zoning overlay district is to allow higher density, mixed use, pedestrian-oriented development.
- (b) Intent. The mixed use overlay district is required as the traditional zoning districts (SF, GH, B1, B2, B3, PD) are not sophisticated enough to address the complicated growth and development requirements. The intent of the mixed use overlay district is to promote pedestrian oriented urban form (sustainability and health). The overlay district encourages architectural diversity, creativity and exceptional design. Furthermore, the purpose is to create memorable and outdoor gathering spaces.
- (c) Definition. Mixed-use development is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, and/or institutional.

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 (1) 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 14.02.092 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.

- (d) Mixed use application process. The application procedure for the mixed-use 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



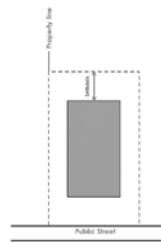
- (e) Traffic impact study. A traffic impact study report should, at the minimum, address

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.
- (f) Additional requirements for mixed use development.
- (1) Permitted uses. To find the list of permitted uses, please see the matrix of

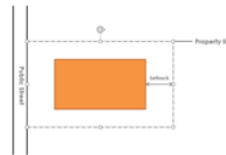
permitted uses. Land uses not listed in the matrix but are substantially similar may be considered through the application process.

- (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)

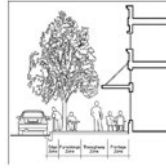


- (3) Height. The height of the building is restricted to 3 stories/floors or 40 feet (whichever is less).
- (4) Setbacks
 - (A) Setback from the front street (if a corner property, both adjacent streets will be considered as front street): 15.
 - (B) Side setback: 10.
 - (C) Rear setback: 15.

Figure 2. Setbacks



- (5) Sidewalk. A minimum of 12' sidewalk is required in the district with a minimum of 6' throughway zone.

Figure 3. Ideal Sidewalk Diagram (Source: ITE Manual)

- (6) Sign standards. Directory, monumental and wall sign shall be allowed in the mixed use 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 sign 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, city may consider less than 80% 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.
- (g) Matrix of permitted uses. If a use is not listed on the land use matrix that use is considered a prohibited use within the City of Dalworthington Gardens Mixed Use Overlay District, unless the use is allowed by right or by specific use permit under the regulations applicable to the underlying or base zoning district.

Uses requiring a specific use permit "S" in a cell indicates that the use is allowed only if issued a specific use permit, in accordance with the procedures of section

14.02.325, specific use permits. Uses requiring a specific use permit are subject to all other applicable regulations of this code, including the supplemental use standards in this article and the requirements of this article.

P = Permitted use

S = Specific use permit use

Animal grooming	P
Artist work or sales space	P
Bed and breakfast	P
Boutique hotel	P
Brewpub	S
Building materials sales, no lumber yard	S
Carpentry or sign fabrication (no outdoor storage)	S
Cleaning and pressing shop (small shop and pickup) (no drive-through or drive-up service)	S
Cleaning and pressing shop (small shop and pickup) (with drive-through or drive-up service)	S
Cottage industrial	S
Dwelling units located above the ground floor	S
Farm implement or machinery sales, service, repair or storage	S
Farmers market	S
Fitness club, gymnasium, gymnastics, or similar use	P
Food and beverage retail sales	P
Garden home	S
Greenhouse or plant nursery	S
Hotel, full service	S
Live-work dwelling	P
Museum, art gallery (public)	S
Office and medical office use	S

Office/retail/warehouse flex space	S
Pet store, kennel, animal boarding (no outside runs)	S
Private club	S
Repair service, consumer, including bicycles	P
Restaurant or cafeteria (carry-out only) (no drive-through window or drive-in service)	P
Restaurant or cafeteria (indoor service) (no drive-through window or drive-in service)	P
Restaurant or cafeteria (with drive-through window or drive-in service)	S
Retail store (no drive-through service)	P
Retail store (with drive-through service)	S
Studios, photo, music, art, dance, dojo, health, etc.	P
Tavern	S
Upholstery shop	P
Veterinarian (no outside runs)	P
Veterinarian (with outside runs)	S
Winery	S

(h) Contradictions. Where contradictions exist between the mixed use (MU) zoning overlay district and other zoning districts, requirements outlined in the MU zoning overlay district shall take precedence.

(Ordinance 2018-13 adopted 9/20/18 ; Ordinance 2018-20 adopted 11/15/18 ; Ordinance 2018-13 adopted 9/20/18 ; Ordinance 2019-05, sec. 5, adopted 7/18/19)

§ 14.02.275. through § 14.02.320. (Reserved)

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING DIVISION 7, "OVERLAY DISTRICT REGULATIONS" OF CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, TO CREATE A SECTION DEFINING AND GOVERNING THE STANDARDS AND REQUIREMENTS OF A BOWEN ROAD OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Dalworthington Gardens desires to amend Chapter 14 of its zoning regulations to create a Bowen Road overlay in Dalworthington Gardens; and

WHEREAS, the Planning and Zoning Commission of the City of Dalworthington Gardens, Texas held a public hearing on 5/22/2023, and the City Council of the City of Dalworthington Gardens, Texas, held a public hearing on 6/15/2023, with respect to the proposed rezoning as described herein: and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the zoning ordinance is in the best interest of the citizens of the City.

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

SECTION 1.

That Division 7, "Overlay District Regulations," of Chapter 14, "Zoning," of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended by adding Section 14.02.275 to read as follows:

§ 14.02.275 "Bowen Road" overlay district ("PD-BR").

- (a) Purpose. The purpose of the Bowen Road zoning overlay district is to allow additional uses by planned development in appropriate SF districts to create a mixed-use community that

integrates predominantly agricultural and food service commercial businesses, with medium density residential uses, and open spaces. Appropriate areas would be adjacent to principal arterials to allow commercial uses compatible with nearby single family residential to take advantage of large traffic volumes while helping maintain the vision and character of the City.

- (b) Use regulations. A building or premises in this zoning district shall only be used for the purposes permitted in the base district or overlaid by an approved final PD-BR plan from additional uses allowed in base districts Residential District (“GH”), Business Districts 1, 2, and 3, (“B-1”, “B-2”, and “B-3”, respectively), The Mixed Use overlay district, (“MU”); special exceptions, or an agricultural use without a principal structure. Any portion of the PD-BR adjacent to a street, other than a principal arterial, across which exists Single Family (“SF”) zoning, shall be restricted to SF zoning for 200 feet from the street’s right-of-way line with no vehicular access to the principal arterial.
- (c) Height regulations. Structures, other than SF, shall not exceed two stories.
- (d) Applicability. All development, other than SF development, along Bowen Road between California Lane and Roosevelt shall be governed by this overlay district.
- (e) Area regulations. The minimum gross land area which may be developed in this district shall be:
 - (1) For residential developments, four (4) acres; and
 - (2) For all other developments, two (2) acres.
- (f) Density and coverage regulations.
 - (1) Density of development and maximum site coverage shall be established on the approved final plan with due regard to site and general area characteristics including land use, zoning, topography, thoroughfares and open space opportunity. In no case, however, shall maximum density and site coverage exceed the maximum percentages prescribed therefor in the applicable base district regulations.
 - (2) When common open space is provided for recreational purposes, the developer may propose that the percentage of the gross site area in common open space be added to the maximum site coverage percentages referred to in subsection (1) above. In no case, however, shall the additional percentage points added to the maximum site coverage regulations total more than the total percentage of the site in common open space. Such proposal shall be evaluated as part of the plan.
- (g) 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 areas containing some other amenity to the development are

approved as a part of a final plan, as defined in section 14.02.272, 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. Garden Home developments shall include a minimum of 10 percent open space, not including platted lots and streets.

- (h) Screening. An orderly transition from commercial uses to the large lot residential uses will incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences.
- (i) Setback regulations. Minimum setbacks shall be approved as a part of the development plan; provided however, that the minimum setbacks on the boundaries of a PD-BR district shall not be less than the requirements of the zoning district it abuts.
- (j) Off-street parking regulations.
 - (1) Off-street parking facilities shall be provided at locations designated on the final plan.
 - (2) Minimum off-street parking requirements shall be established on the final plan, but shall not be less than the minimum requirements for permitted uses prescribed in Division 9 of this article.
- (k) "PD-BR" planned development-redevelopment district.
 - (1) Development regulations. The regulations of this district as to use, height, density, coverage, open space, setback and parking, shall be the same as provided in section 14.02.275 hereof.
 - (2) Area regulations. The minimum gross land area which may be developed in this district is two (2) acres for SF properties. If the property does not fall under SF, then this subsection (j)(2) does not apply.
 - (3) Development standards and procedures. The standards and procedures for development in this district shall be as provided in this division for PD district development, but shall include also the following:
 - (A) In any PD-BR district where substandard streets or utilities are in existence, the property owner or developer shall install, rebuild, or improve all necessary streets and utilities at his sole expense, including off-site streets and utilities which are determined by the council to be necessary to serve the redevelopment, subject to the standard cost-sharing policies and ordinances which determine the development costs which the city may pay, and subject to any agreements for cost sharing which are mutually agreed upon by the property owner and the city. The city's participation in redevelopment shall in every instance be

conditioned upon the determination by the council, in its sole discretion, of the availability of public funds therefor at the time of such development.

(B) Installation, rebuilding, or improvement of necessary streets and utilities shall be required when new buildings are constructed within the PD-BR district.

(C) Uses conducted in existing buildings shall not require the construction of streets and utilities unless: additional construction, such as additional paved parking, must be done on the site; a change or expansion in use would require increased utility service; or, the council finds that such construction is necessary at the time the PD-BR plan is approved.

§14.02.276 through §14.02.320. (Reserved)”

SECTION 2.

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

SECTION 3.

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

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court

or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

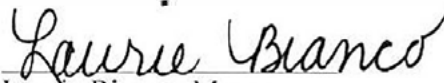
SECTION 6.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.


SECTION 7.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS 16th DAY OF November, 2023.


Laurie Bianco, Mayor

ATTEST:


Sandra Ma
Interim City Secretary



**City Council
Staff Agenda Report**

Agenda Item 9d.

Agenda Subject: Discuss and possible action on approving the purchase of new bunker gear for DPS.		
Meeting Date: March 21, 2024	Financial Considerations: Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Strategic Vision Pillar: <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

Prior Council Action:
None

Background Information:
 DPS is requesting approval to purchase 6 sets of new bunker gear to replace expiring gear. In FY 22-23 DPS was not able to order approved gear needed due to manufacturing delays of up to 12mo.

DPS would like to donate old/expired bunker gear to a volunteer department that can use the gear but not by restricted by NFPA 1851.

Recommended Action/Motion:
 Motion to approve the purchase of 8 sets of bunker gear not to exceed \$26,000.00 and donate our old/expired gear to a volunteer department in need.

Attachments:
Sales Quote

Sales Quote

QUOTE-1252



February 12, 2024

Bill To Address

Dalworthington Gardens DPS
2600 Roosevelt Dr.
Arlington, 76016
TX

Ship-to Address

Dalworthington Gardens DPS
2600 Roosevelt Dr.
Arlington, 76016
TX

Delta Fire & Safety TX

3159 Summit Dr.
Port Neches, TX 77651

Due Date

March 13, 2024

Salesperson

Chris Young

Contract

No.	Description	Quantity	Unit Price	Line Amount
HONEYWELL	HONEYWELL DELJET00687, VIPER COAT S25 75ID, PIONEER KHAKI OUTER, LIST PRICE = \$2501.65	1	1,876.25	1,876.25
HONEYWELL	HONEYWELL DELJET00688, PRO-FIT MPL PANTS 75ID, PIONEER KHAKI OUTER, LIST PRICE = \$1769.63	1	1,326.75	1,326.75
			Subtotal	3,203.00
			Total Tax	0.00
Freight: Shipping & Handling charges - Pre-Pay and Add; Charges to be added to final invoice			Total \$	3,203.00