AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JANUARY 21, 2016
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM

1. Review and discuss agenda items for regular meeting

REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation To Be Given By Pastor Todd Pylant Of First Baptist Church Of Benbrook

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held January 7, 2016

Documents: CC MINUTES-01-07-16.PDF

IV. INTRODUCTION OF NEW EMPLOYEE

1. Introduction Of New City Planner - Johnna Matthews

V. CITIZEN PRESENTATION

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2016-01 Adopt Ordinance Amending Chapters 17.08-Definitions; 17.20 – Districts, District Boundaries And District Uses; 17.24-"CF" Community Facilities; 17.28-"SD"Suburban District; 17.32-"RE" Residential Estate District; 17.36-"A" One Family District; 17.40 "B" One Family District; 17.44- "BR" One Family Reduced District; 17.48 "CR" Multiple Family Restricted District; 17.52 –"C" Multiple Family District; 17.54-"D" Multiple Family District; 17.56-"E" Commercial District; 17.72-"MH" Manufactured Home District; 17.84-Supplementary District Regulation; 17.88-Parking And Vehicular Circulation Regulations; 17.96-Fence Regulations; 17.98-Landscape And Buffer Requirements Of The Benbrook Municipal Code (Public Hearing)

Documents: PZ-2016-01 ZONING ORDINANCE AMENDMENTS.PDF, PZ-2016-01 ORDINANCE AMENDING ZONING.PDF

VII. REPORTS FROM CITY MANAGER

A. GENERAL

G-2225 Accept Finance Report For Period Ending December 31, 2015

Documents: G-2225 FINANCE REPORT DECEMBER 2015.PDF, G-2225 REVENUE CHART.PDF, G-2225 EXPENDITURE CHART.PDF, G-2225 SALES TAX COMPARISON.PDF

G-2226 Adopt Ordinance Amending Title 8 Of The Benbrook Municipal Code By Amending Chapter 8.08.010-Weeds, Rubbish, Stagnant Water, Etc. By Adding Open Storage And

Equipment Storage

Documents: G-2226 AMENDMENTS TO TITLE 8 STORAGE.PDF, G-2226 ORDINANCE AMENDING TITLE 8.PDF

G-2227 Ratify Appointments To Civil Service Commission

Documents: G-2227 APPOINTMENT TO CIVIL SERVICE COMMISSION.PDF

G-2228 Approve Sanitary Control Easement To Benbrook Water Authority - 1203 Wade Hampton St., Lot 2, Block 13 Benbrook Lakeside Addition

Documents: G-2228 EASEMENT AGREEMENT WITH BWA.PDF, G-2228 AGREEMENT BWA EASEMENT.PDF, G-2228 BWA WELL.PDF

VIII. INFORMAL CITIZEN COMMENTS

State Law Prohibits Any Deliberation Of Or Decisions Regarding Items Presented In Informal Citizen Comments. City Council May Only Make A Statement Of Specific Factual Information Given In Response To The Inquiry; Recite An Existing Policy; Or Request Staff Place The Item On An Agenda For A Subsequent Meeting. The Exception To Informal Comments Is That Once An Election Date Has Been Set By City Council Comments Relative To Elections Will Not Be Broadcast On The City's Cable Channel. However, A Copy Of The Tape Containing Citizens' Comments Will Be Available At City Hall For Review Or Purchase By Interested Citizens.

IX. COUNCIL MEMBER AND STAFF COMMENTS

Announcements From City Councilmembers And City Staff May Be Made For Items To Include: Expression Of Thanks; Congratulations; Condolence; Recognition Of Public Officials, Employees Or Citizens; Information Regarding Holiday Schedules; Reminders Of Community Events Or Announcements Involving An Imminent Threat To The Public Health And Safety Of The Municipality That Has Arisen After The Posing Of The Agenda. No Discussion Or Formal Action May Be Taken On These Items At This Meeting.

X. ADJOURNMENT

WORKSESSION

1. Presentation by private investment group contemplating assumption of Whitestone Golf Course lease

Benbrook

MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JANUARY 7, 2016

The regular meeting of the Benbrook City Council was held on Thursday January 7, 2016 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Renee Franklin
Larry Marshall
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:
Andy Wayman, City Manager
Dave Gattis, Deputy City Manager
Joanna King, City Secretary
Nicole Belford, Management Analyst
Bennett Howell, Public Service Director

Others Present:
Ed Gallagher, Planning Director
Johnna Matthews, Planner
Denise Huneycutt, Benbrook News
Matthew Bryan, Boy Scout Troop 95
Monte Martin III, Boy Scout Troop 95
Scott Bryan
Monte Martin II

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation given by Pastor Jack Cook of Wyatt Drive Baptist Church.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the Regular Meeting held December 17, 2015

Motion by Mr. Wilson, seconded by Mr. Sauma to approve the minutes of the regular meeting held December 17, 2015.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. REPORTS FROM CITY MANAGER

A. GENERAL

G-2223 Adopt Ordinance amending Chapter 1.12 – Business License of the Benbrook Municipal Code (1985) by adding application fees for filming in the City of Benbrook and reimbursement fees for inconveniences when using public property

Nichols Belford gave the following report: City Staff annually reviews the City's fee schedule and recommends updates as needed. At the last City Council meeting, City Council approved the City of Benbrook Filming Guidelines and associated fees. The proposed Ordinance codifies the fees in the Benbrook Municipal Code. The fees approved in December were as follows:

1. Application Fee for Filming in the City of Benbrook

2. Reimbursement Fees for Inconveniences including use of City parking lots, parking areas, and City streets

Staff did not identify any other fees that require updating this year.

Motion by Dr. Marshall, seconded by Mr. Allison to adopt Ordinance No. 1391 amending Chapter 1.12 – Business License of the Benbrook Municipal Code by adding application fees for filming in the City of Benbrook and reimbursement fees for inconveniences when using public property.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1391 being "**AN ORDINANCE AMENDING CHAPTER 1.12 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REVISING THE FEE SCHEDULE FOR THE CITY OF BENBROOK, BY ADDING AN APPLICATION FEE FOR FILMING AND FEES FOR REIMBURSEMENT FOR INCONVENIENCES WHEN USING CITY-OWNED REAL ESTATE OR PUBLIC PROPERTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE**

OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE."

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 all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars ($500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8

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.

G-2224 Adopt Ordinance amending Chapter 12.16 – Park and Recreation Use Regulations of the Benbrook Municipal Code (1985) by updating the prohibition of firearms in parks and requiring approval to use bows and arrows in parks

Bennett Howell gave the following report: House Bill 910 (H.B. 910), passed by the 84th Legislature and effective on January 1, 2016, modifies the current law related to concealed handgun licenses. The bill eliminates the concealed/open carry distinction and creates a "license to carry a handgun". H.B. 910 allows a person with a current concealed handgun license, or a person who obtains the new "license to carry a handgun," to carry a handgun in a concealed manner or openly in a belt or shoulder holster.

H.B. 910 preempts local regulation for many municipal facilities. Currently, the Benbrook Municipal Code prohibits firearms in Benbrook Parks. Based on H.B. 910, it is necessary to amend the Benbrook Municipal Code to allow individuals in Benbrook Parks who possess a license to carry a handgun. All other weapons will still be prohibited.

In addition, the ordinance provides an opportunity for archery activities with the approval of the Public Services Director. On occasion, the Benbrook Community Center/YMCA summer day camp engages in organized archery actives for their summer campers.

Motion by Mr. Allison, seconded by Dr. Marshall to adopt Ordinance No. 1392 amending Chapter 12.16 Park and Recreation Use Regulations of the Benbrook Municipal Code (1985) by updating the prohibition on firearms and requiring approval to use bows and arrows in parks.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1392 being **AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 12.16 – PARK AND RECREATION AREA USE REGULATIONS OF THE BENBROOK MUNICIPAL CODE (1985) BY UPDATING THE PROHIBITION OF FIREARMS IN THE PARKS AND REQUIRING APPROVAL TO USE BOWS AND ARROWS IN THE PARKS; PROVIDING A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE."**

SECTION II
PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be fined not more than Two Hundred Dollars ($200.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION IX
EFFECTIVE DATE

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

V. INFORMAL CITIZEN COMMENTS

VI. COUNCIL MEMBER AND STAFF COMMENTS

VII. ADJOURNMENT

Meeting adjourned at 7:40 p.m.

APPROVED:

_____
Jerry B. Dittrich, Mayor

ATTEST:

_____
Joanna King, City Secretary

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
01/21/16	PZ-2016-01	Adopt Ordinance amending Chapters 17.08-Definitions; 17.20-Districts, District Boundaries and District Uses; 17.24-“CF” Community Facilities; 17.28-“SD” Suburban District; 17.32-“RE” Residential Estate District; 17.36-“A” One Family District; 17.40-“B” One Family District; 17.44-“BR” One Family Reduced District; 17.48-“CR” Multiple Family Restricted District; 17.52-“C” Multiple Family District; 17.54-“D” Multiple Family District; 17.56-“E” Commercial District; 17.72-“MH” Manufactured Home District; 17.84-Sup0plementary District Regulation; 17.88-Parking and Vehicular Circulation Regulations; 17.96-Fence Regulations; 17.98-Landscape and Buffer Requirements of the Benbrook Municipal Code	1 of 9

STAFF REPORT TO PLANNING AND ZONING COMMISSION
DECEMBER 10, 2015

Each year, the Staff reviews the City’s development ordinances for potential changes or amendments. The following contains proposed amendment updates and revisions to the architectural requirements and definitions in the Zoning Ordinance.

A. SUMMARY

Architectural Design Requirements: In all SD, RE, A, B, BR, CR and C residential districts, principal buildings shall include the area for actual doors and windows in the calculation of masonry coverage for external materials applying to residential and commercial districts.

The City Planning Staff proposes for change and correction: replace “excluding” with “including”.

Amendments affected for clarification:

- 17.28 – “SD” Suburban District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.

SUBMITTED BY:	DISPOSITION BY COUNCIL: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

- 17.32 – "RE" Residential Estate District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.
- 17.36 – "A" One Family District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.
- 17.40 – "B" One Family District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.
- 17.44 – "BR" One Family Reduced District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.
- 17.48 – "CR" Multiple Family Restricted District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.
- 17.52 – "C" Multiple Family District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.
- 17.72 – "MH" Manufactured Home District
  The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.

B. SUMMARY

Masonry Construction: There has been some misinterpretation regarding the applicable masonry wall and fence requirement.

The City Planning Staff proposes for change and clarification: Changing terminology for consistency in all districts regarding masonry wall and/or masonry fence

Amendments affected for clarification:

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

- 17.74.032 Additional Design Requirements
  Refuse Container Screen. Refuse containers or disposal areas shall be screened from view from any public right of way by placement of a masonry wall and/or masonry fence from six to eight feet (6'-8') in height in compliance with the City Design Standards and Criteria.
- 17.84.100 Architectural Standards for Nonresidential Buildings - Materials
  All building facades that are visible from adjoining properties and/or public streets (excluding facades facing residential property that are screened by an eight foot (8') masonry wall and/or masonry fence) shall be of architectural block, face brick, granite, marble, stucco, stone, cast tone, face tile, or tinted, textured or split- faced concrete masonry units.
  Service areas including, but not limited to, loading docks and truck courts shall be oriented away from the view of any freeway or public streets or adjacent residential zoning district or use unless screened by an eight foot (8') masonry wall and/or masonry fence extending the entire length of the service area. Such service areas shall have additional screening along the exterior side of the masonry wall and/or masonry fence in the form of evergreen landscaping which must be opaque and eight feet (8') in height within eighteen (18) months of planting.
  Automotive service bays, overhead doors, or other service areas shall be oriented away from the view of any freeway, public street, or adjacent residential zoning district or use unless screened by a minimum eight foot (8') masonry wall and/or masonry fence.
- 17.84.120 Standards for Natural Gas Compression Stations
  Landscaping and Screening: An F2 bufferyard (as specified in Chapter 17.98, including masonry wall and/or masonry fence) shall be installed on all four (4) sides of the compression station pad, except for a reasonable opening on one side to allow access of maintenance and service vehicles.
  The masonry wall and/or masonry fence shall be designed to reduce the noise level emanating from any equipment within the compression station at any adjacent property zoned or used for residential, church, hospital or public park uses to no greater than fifty-five decibels (55 dB(A)), such noise level to be measured at the property line of the protected use.
- 17.96 Maintenance requirements
  Any masonry wall and/or masonry fence with loose, cracked or broken brick, stone, rock, mortar or similar materials;
  Any masonry wall and/or masonry fence with brick, stone, rock, mortar or similar materials that is discolored from the predominant original fence color in an amount that comprises ten percent (10%) or more of the total fence area of a property;
- 17.98 Bufferyards
  Walls and Fences: Whenever a wall and/or fence is required within a bufferyard, it shall be six feet (6') in height and constructed in accordance with specifications set forth in the City's Design Standards and Criteria. A "F1" fence may be wood stockade; a "F2" wall and/or fence shall be of masonry construction.

C. SUMMARY

With the recent city limit adjustments with Fort Worth, Benbrook now has Extra-Territorial Jurisdiction (ETJ).

The City Planning Staff proposes for change and addition: Add definition ETJ to definitions

Amendments affected for clarification:

- 17.08 Definitions

EXTRA-TERRITORIAL JURISDICTION (ETJ) - The area defined by the Texas Local Government Code, Chapter 42, as applied to the City or from Subdivision Ordinance. That property which lies within the Jurisdiction of the City of Benbrook for enforcing subdivision plat regulations.

D. SUMMARY

In accordance with Federal and State law, there should be a clarification in the definition of a facility that provides care to children and adults during the day. Day care facility and group home definitions are revised in accordance to the approved regulatory agency.

The City Planning Staff proposes for change and correction: Add definition Day Care Facility to definitions to replace Day Care Home, Family and change Group Home definition to reference Day Care Facility.

DAY CARE FACILITY – A facility licensed, certified, or registered by the State of Texas to provide assessment, care, training, education, custody, treatment, or supervision of children and/or adults and as provided under State and Federal law.

"Child-care facility" means a facility licensed, certified, or registered by the approved regulatory agency to provide assessment, care, training, education, custody, treatment, or supervision for a child under the age of 14 who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

"Residential child-care facility" means a facility licensed or certified by the approved regulatory agency that operates for all or part of the 24-hour day at the residence of the director, owner, or operator of the child-care facility for six or less children for compensation.

"Group home" means a residential facility licensed by the State of Texas that provides all or part of 24-hour care at the residence of the director, owner, or operator of the child-care facility for six or less children for an interim or permanent time period at the residence of the director, owner or operator of the child care facility. The term includes general residential operations, child-placing agencies, foster group homes, foster homes, agency foster group homes, and agency foster homes.

"Family home" means a home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children,

including children who are related to the caretaker, does not exceed 12 at any given time.

"General child-care operation" means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for more than 12 children for all or part of 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.

"Day-care center" means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

"Agency group home" means a facility that provides care for seven to 12 children for all or part of 24 hours a day that provides care at a location other than the residence of the director, owner, or operator, is used only by an approved regulatory agency, and meets the approved regulatory agency standards.

"Agency home" means a facility that provides care for more than six children for all or part 24 hours a day that provides care at a location other than the residence of the director, owner, or operator, is used only by a licensed child-placing agency, and meets the approved regulatory agency standards.

"Adult day-care facility" means a facility licensed by the State of Texas that provides services under an adult day-care program on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

"Adult day-care program" means a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting.

"Elderly person" means a person 65 years of age or older.

"Handicapped person" means a person whose functioning is sufficiently impaired to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

“Residential adult care” means an adult day care facility licensed or certified by the approved regulatory agency that operates for part of the 24-hour day at the residence of the director, owner, or operator.

“General adult care” means an adult day care facility that provides care at a location other than the residence of the director, owner, or operator of the facility for less than 12 adults for part of 24 hours a day. The term includes general residential operations and adult group homes.

GROUP HOME – See Day Care Facility

Amendments affected for clarification:

- 17.08 Definitions
- 17.20 Table
- 17.24 “CF” Community Facilities District
- 17.32 “RE” Residential Estate District
- 17.36 “A” One Family District

- 17.40 “B” One Family District
- 17.44 “BR” One Family District
- 17.48 “CR” Multiple-Family Restricted District
- 17.52 “C” Multiple Family District
- 17.54 “D” Multiple Family District
- 17.56 “E” Commercial District
- 17.75 “FBC” Form Based Code District
- 17.84 Supplementary District Regulations
- 17.88 Parking and Vehicular Circulation Regulations

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission recommend to the City Council the adoption of the proposed amendments to the Zoning Ordinance.

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UNAPPROVED MINUTES OF PLANNING AND ZONING COMMISSION
DECEMBER 10, 2015

Z-15-06 Consider amendments to Chapter 17.08 – Definitions; 17.20 Districts, District Boundaries and District Uses; 17.24 – “CF” Community Facilities; 17.28 – “SD” Suburban District; 17.32 – “RE” Residential Estate District; 17.36 – “A” One Family District; 17.40 – “B” One Family District; 17.44 – “BR” One Family Reduced District; 17.48 – “CR” Multiple Family Restricted District; 17.52 – “C” Multiple Family District; 17.54 – “D” Multiple Family District; 17.56 – “E” Commercial District; 17.72 – “MH” Manufactured Home District; 17.74 “MU” Mixed Use District; 17.75 “FBC” Form-Based Code District; 17.84 – Supplementary District Regulation; 17.88 - Parking and Vehicular Circulation Regulations; 17.96 – Fence Regulations; 17.98 – Landscape and Buffer Requirements – Zoning of the Benbrook Municipal Code. PUBLIC HEARING

The Chair introduced the item and asked for a report from staff.

Athena Seaton said that each year, staff reviews the City’s development ordinances for potential changes or amendments. The following contains proposed amendment updates and revisions to the architectural requirements and definitions in the Zoning Ordinance.

The first item regards Architectural Design Requirements. Staff proposes the calculation of masonry coverage for external materials applying to residential and commercial districts. The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.

The amendments for change and correction to replace “excluding” with “including” are in:

- 17.28 – “SD” Suburban District
- 17.32 – “RE” Residential Estate District
- 17.36 – “A” One Family District
- 17.40 – “B” One Family District
- 17.44 – “BR” One Family Reduced District
- 17.48 – “CR” Multiple Family Restricted District
- 17.52 – “C” Multiple Family District
- 17.72 – “MH” Manufactured Home District

Ms. Seaton said that the second items for change or amendment, regard Masonry Construction. There has been some misinterpretation regarding the applicable masonry wall and fence requirement for screening. She said that staff proposes changing terminology for consistency in all districts. The amendments for change and correction will affect:

- 17.08 Definitions
- 17.74.032 Additional Design Requirements Refuse Container Screen
- 17.84.100 Architectural Standards for Nonresidential Buildings-Materials
- 17.84.120 Standards for Natural Gas Compression Stations
- 17.96 Maintenance requirements
- 17.98 Bufferyards

With the recent city limit adjustments with Fort Worth, Benbrook now has Extra-Territorial Jurisdiction (ETJ). Staff proposes adding the definition of ETJ to definitions:

> EXTRA-TERRITORIAL JURISDICTION (ETJ) - The area defined by the Texas Local Government Code, Chapter 42, as applied to the City or from Subdivision Ordinance. That property which lies within the Jurisdiction of the City of Benbrook for enforcing subdivision plat regulations.

Ms. Seaton said that in accordance with Federal and State law changes, there should be a clarification in the definition of a facility that provides care to children <u>and</u> adults during the day. Day care facility and group home definitions are revised in accordance to the approved regulatory agency. Staff proposes for change and correction:

Add definition “Day Care Facility” to definitions to replace Day Care Home, Family and change Group Home definition to reference Day Care Facility. Terms that would be added are:

> DAY CARE FACILITY – A facility licensed, certified, or registered by the State of Texas to provide assessment, care, training, education, custody, treatment, or supervision of children and/or adults and as provided under State and Federal law.

Ms. Seaton said that the definition will include clarification under:

- "Child-care facility"
- "Residential child-care facility"
- "Group home"
- "Family home"
- "General child-care operation"
- "Day-care center"
- "Agency group home"
- "Agency home"
- "Adult day-care facility"
- "Adult day-care program"
- "Elderly person"
- "Handicapped person"
- “Residential adult care”
- “General adult care” to cover all adult day care facilities

Also added are Definitions to reference to “Day Care Facility” for “Day Care Home” and “Family Group Home”.

Sections affected by the clarification include:

- 17.08 Definitions
- 17.20 Table
- 17.24 “CF” Community Facilities District
- 17.32 “RE” Residential Estate District
- 17.36 “A” One Family District
- 17.40 “B” One Family District
- 17.44 “BR” One Family District
- 17.48 “CR” Multiple-Family Restricted District
- 17.52 “C” Multiple Family District
- 17.54 “D” Multiple Family District
- 17.56 “E” Commercial District
- 17.75 “FBC” Form Based Code District
- 17.84 Supplementary District Regulations
- 17.88 Parking and Vehicular Circulation Regulations (regarding the amount of parking necessary for a day care facility)

Staff recommends that the Planning and Zoning Commission recommend to the City Council the adoption of the proposed amendments to the Zoning Ordinance.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:35 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:36 p.m. and asked if the Commission had any comments, questions or a motion.

Motion by Mr. Dawson to recommend City Council adopt the changes and corrections to the Zoning Ordinance of the City of Benbrook as recommended by staff. Second by Mr. Ramsey. The Chair called the question.

Vote on the motion:

Ayes: Mr. Valverde, Mr. Casey, Mr. O'Donald, Mr. Ramsey, Mr. Jordan, Mr. Dawson, and Mr. Russell

Noes: None

Motion carried: 7 – 0

ORDINANCE NO. 1393

AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.08 — DEFINITIONS; CHAPTER 17.20 DISTRICTS, DISTRICT BOUNDARIES AND DISTRICT USES; CHAPTER 17.24 – "CF" COMMUNITY FACILITIES; CHAPTER 17.28 – "SD" SUBURBAN DISTRICT; CHAPTER 17.32 – "RE" RESIDENTIAL ESTATE DISTRICT; CHAPTER 17.36 – "A" ONE FAMILY DISTRICT; CHAPTER 17.40 – "B" ONE FAMILY DISTRICT; CHAPTER 17.44 – "BR" ONE FAMILY REDUCED DISTRICT; CHAPTER 17.48 – "CR" MULTIPLE FAMILY RESTRICTED DISTRICT; CHAPTER 17.52 – "C" MULTIPLE FAMILY DISTRICT; CHAPTER 17.54 – "D" MULTIPLE FAMILY DISTRICT; CHAPTER 17.56 – "E" COMMERCIAL DISTRICT; CHAPTER 17.72 – "MH" MANUFACTURED HOME DISTRICT; CHAPTER 17.74 "MU" MIXED USE DISTRICT; CHAPTER 17.75 "FBC" FORM-BASED CODE DISTRICT; CHAPTER 17.84 – SUPPLEMENTARY DISTRICT REGULATION; CHAPTER 17.88 - PARKING AND VEHICULAR CIRCULATION REGULATIONS; CHAPTER 17.96 – FENCE REGULATIONS; AND CHAPTER 17.98 – LANDSCAPE AND BUFFER REQUIREMENTS – ZONING OF THE BENBROOK MUNICIPAL CODE.

WHEREAS, the City of Benbrook is a home rule city acting under its own charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety and general welfare of the community and protecting and preserving places and areas of historical, cultural and architectural importance and significance; and

WHEREAS, the City has previously adopted zoning regulations as Title 17 of the Benbrook Municipal Code (1985), as amended through Ordinance 1350; and

WHEREAS, the City Council now deems the provisions of the present zoning regulations inadequate, by reason of changing conditions since its passage, to accomplish the foregoing objectives, and that said Title 17 shall be amended and superseded by the provisions of this ordinance; and

WHEREAS, the City Council has given published notice and held public hearings with respect to the amendment to the Zoning Ordinance as required by law.

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

SECTION 1

That Chapter 17.08 – DEFINITIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending section 17.08.020 – DEFINITIONS to add the following definition to read as follows:

> **EXTRA-TERRITORIAL JURISDICTION (ETJ) -** The area defined by the Texas Local Government Code, Chapter 42, as applied to the City or from Subdivision Ordinance - That property which lies within the Jurisdiction of the City of Benbrook for enforcing subdivision plat regulations.

SECTION 2

That Chapter 17.08 – DEFINITIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending section 17.08.020 – DEFINITIONS to revise the following definitions to read as follows:

> **DAY CARE FACILITY –** A facility licensed, certified, or registered by the State of Texas to provide assessment, care, training, education, custody, treatment, or supervision of children and/or adults and as provided under State and Federal law.
>
> "Child-care facility" means a facility licensed, certified, or registered by the approved regulatory agency to provide assessment, care, training, education, custody, treatment, or supervision for a child under the age of 14 who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.
>
> (1) "Residential child-care facility" means a facility licensed or certified by the approved regulatory agency that operates for all or part of the 24-hour day at the residence of the director, owner, or operator of the child-care facility for six or less children for compensation.
> (2) "Group home" means a residential facility licensed by the State of Texas that provides all or part of 24-hour care at the residence of the director, owner, or operator of the child-care facility for six or less children for an interim or permanent time period at the residence of the director, owner or operator of the child care facility. The term includes general residential operations, child-placing agencies, foster group homes, foster homes, agency foster group homes, and agency foster homes.
> (3) "Family home" means a home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six

additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time.

(4) "General child-care operation" means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for more than 12 children for all or part of 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.

(5) "Day-care center" means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

(6) "Agency group home" means a facility that provides care for seven to 12 children for all or part of 24 hours a day that provides care at a location other than the residence of the director, owner, or operator, is used only by an approved regulatory agency, and meets the approved regulatory agency standards.

(7) "Agency home" means a facility that provides care for more than six children for all or part 24 hours a day that provides care at a location other than the residence of the director, owner, or operator, is used only by a licensed child-placing agency, and meets the approved regulatory agency standards.

"Adult day-care facility" means a facility licensed by the State of Texas that provides services under an adult day-care program on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

(1) "Adult day-care program" means a structured, comprehensive program that is designed to meet the needs of adults with functional impairments through an individual plan of care by providing health, social, and related support services in a protective setting.

(2) "Elderly person" means a person 65 years of age or older.

(3) "Handicapped person" means a person whose functioning is sufficiently impaired to require frequent medical attention, counseling, physical therapy, therapeutic or corrective equipment, or another person's attendance and supervision.

(4) “Residential adult care” means an adult day care facility licensed or certified by the approved regulatory agency that operates for part of the 24-hour day at the residence of the director, owner, or operator.

(5) “General adult care” means an adult day care facility that provides care at a location other than the residence of the director, owner, or operator of the care facility for less than 12 adults for part of 24 hours a day.

GROUP HOME – As provided under State and Federal law. Refer to Day Care Facility.

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

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

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

SECTION 3

That TABLE 17.20.070 – TABLE OF USES, is further amended to read as follows:

ZONING DISTRICT																		
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	FBC	NAS
USE	COMMERCIAL, RETAIL AND SERVICE USES																	
Day nursery and kindergarten	CUP						CUP	CUP	CUP	P	P	P	P			P	P	
Private club, fraternity, lodge									CUP								P	
Day care centers operated with religious institution	CUP																P	
Day Care Facility (12 children or less)			P	P	P	P	P	P	P							P	P	
Real estate sales office			P	P	P	P									P	P	P	
Offices	CUP								CUP	P	P	P	P			P	P	
Antique shop	CUP									P	P	P	P			P	P	
Automobile parking area	CUP									P	P	P	P			P	P	
Automobile parts, retail sales	CUP									P	P	P	P			P	P	
Bakeries less than 5,000 sq ft	CUP									P	P	P	P			P	P	
Barber and beauty shops	CUP									P	P	P	P			P	P	
Bicycles and bicycle repair shops	CUP									P	P	P	P			P	P	
Blueprints and photostats	CUP									P	P	P	P			P	P	
Books or stationary stores, newsstands	CUP									P	P	P	P			P	P	
Business college or trade school	CUP									P	P	P	P			P	P	

USE	COMMERCIAL, RETAIL AND SERVICE USES																	
Food truck park										CUP	CUP	CUP	CUP	CUP		CUP	CUP	
Temporary outdoor seasonal sales inc. a single food truck	CUP									P	P	P	P			P	P	
Cigar or tobacco stores	CUP									P	P	P	P			P	P	
Cleaning, dying, laundry and washaterias less than 5,000 sq ft	CUP									P	P	P	P			P	P	
Confectionary store	CUP									P	P	P	P			P	P	
Crematory													P	P				
Custom dressmaking or millinery shop	CUP									P	P	P	P			P	P	

SECTION 4

That Chapter 17.24 – "CF" COMMUNITY FACILITIES DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph F of Section 17.24.024 - CONDITIONAL USES to read as follows:

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

SECTION 5

That Chapter 17.28 – "SD" SUBURBAN DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.28.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

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

SECTION 6

That Chapter 17.32 – "RE" RESIDENTIAL ESTATE DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph E and adding paragraph F of Section 17.32.022 – PERMITTED USES to read as follows:

E. Day Care Facility (twelve (12) children or less or as provided under State and Federal law).

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

SECTION 7

That Chapter 17.32 – "RE" RESIDENTIAL ESTATE DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.32.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

1. Exterior Materials:
The front, side and rear walls shall have minimum masonry coverage of eighty percent (80%) of total wall area (including the area for actual doors or windows) in accordance with the definition of Masonry Construction.

Cementitious fiber board (e.g. HardyPlank®) or EIFS may be used for the remaining twenty percent (20%) and for chimneys, dormers and gable ends. Alternate materials and designs may be considered by the Planning and Zoning Commission for meritorious exceptions in accordance with Chapter 17.84.100.D.

SECTION 8

That Chapter 17.36 – "A" ONE FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph E of Section 17.36.022 – PERMITTED USES to read as follows:

E. Day Care Facility (twelve (12) children or less or as provided under State and Federal law).

SECTION 9

That Chapter 17.36 – "A" ONE FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.36.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

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

SECTION 10

That Chapter 17.40 – "B" ONE FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph E of Section 17.40.022 – PERMITTED USES to read as follows:

E. Day Care Facility (twelve (12) children or less or as provided under State and Federal law).

SECTION 11

That Chapter 17.40 – "B" ONE FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.40.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

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

SECTION 12

That Chapter 17.44 – "BR" ONE FAMILY REDUCED DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph E of Section 17.44.022 – PERMITTED USES to read as follows:

E. Day Care Facility (twelve (12) children or less or as provided under State and Federal law).

SECTION 13

That Chapter 17.44 – "BR" ONE FAMILY REDUCED DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.44.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

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

SECTION 14

That Chapter 17.48 – "CR" MULTIPLE FAMILY RESTRICTED DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph B and G of Section 17.48.022 – PERMITTED USES to read as follows:

B. Day Care Facility (twelve (12) children or less or as provided under State and Federal law).

G. Kindergarten or Nursery.

SECTION 15

That Chapter 17.48 – “CR” MULTIPLE FAMILY RESTRICTED DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.48.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

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

SECTION 16

That Chapter 17.52 – “C” MULTIPLE FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph B and G of Section 17.52.022 – PERMITTED USES to read as follows:

B. Day Care Facility (twelve (12) children or less or as provided under State and Federal law).

G. Kindergarten or Nursery.

SECTION 17

That Chapter 17.52 – “C” MULTIPLE FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.52.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

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

SECTION 18

That Chapter 17.54 – "D" MULTIPLE FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph E of Section 17.54.024 – CONDITIONAL USES to read as follows:

E. Kindergartens and day care facilities (twelve (12) children or less or as provided under State and Federal law).

SECTION 19

That Chapter 17.56 – "E" COMMERCIAL DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph R of Section 17.56.022 – PERMITTED USES to read as follows:

E. Kindergartens and day care facilities (twelve (12) children or less or as provided under State and Federal law).

SECTION 20

That Chapter 17.72 – "MH" MANUFACTURED HOME DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.72.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

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

SECTION 21

That Chapter 17.74 – "MU" MIXED USE DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph G of Section 17.74.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

6. Other Screening: Other screening and buffering shall be provided as follows:

a. Refuse Container Screen. Refuse containers or disposal areas shall be screened from view from any public right of way by placement of a masonry wall and/or masonry fence from six to eight feet (6'-8') in height

in compliance with the City Design Standards and Criteria. All refuse materials shall be contained within the refuse area.

SECTION 22

That Chapter 17.75 – "FBC" FORM BASED CODE DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph C of Section 17.75.022 – PERMITTED USES to read as follows:

2. Day Care Facility and Kindergarten.

SECTION 23

That Chapter 17.84 – SUPPLEMENTARY DISTRICT REGULATIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.84.100 – ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS to read as follows:

1. Materials:

   All building facades that are visible from adjoining properties and/or public streets (excluding facades facing residential property that are screened by an eight-foot masonry wall or masonry fence) shall be of architectural block, face brick, granite, marble, stucco, stone, cast stone, face tile, or tinted, textured or split-faced concrete masonry units. Glazing and framed glazing with less than twenty percent (20%) reflectance are considered acceptable alternatives.

4. Outdoor Storage, Service and Loading Areas:

   a. Areas for outdoor storage, truck parking, trash collection/compaction, loading and unloading, or other such uses shall not be visible from abutting streets, adjacent non-industrial properties and/or public/private streets. Service areas including, but not limited to, loading docks and truck courts shall be oriented away from the view of any freeway or public streets or adjacent residential zoning district or use unless screened by an eight foot (8') masonry wall and/or masonry fence extending the entire length of the service area. Such service areas shall have additional screening along the exterior side of the masonry wall and/or masonry fence in the form of evergreen landscaping which must be opaque and eight feet (8') in height within eighteen (18) months of planting.

   c. Automotive service bays, overhead doors, or other service areas shall be oriented away from the view of any freeway, public street,

or adjacent residential zoning district or use unless screened by a minimum eight foot (8') masonry wall and/or masonry fence.

SECTION 24

That Chapter 17.84 – SUPPLEMENTARY DISTRICT REGULATIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph B and C of Section 17.84.120 – STANDARDS FOR NATURAL GAS COMPRESSION STATIONS to read as follows:

B. Landscaping and Screening: An F2 bufferyard (as specified in Chapter 17.98, including masonry wall and/or masonry fence) shall be installed on all four (4) sides of the compression station pad, except for a reasonable opening on one side to allow access of maintenance and service vehicles. The bufferyard wall and/or vegetation shall be designed so that the equipment is not visible from an adjacent public roadway or residential area.

C. Noise Abatement: The masonry wall and/or masonry fence shall be designed to reduce the noise level emanating from any equipment within the compression station at any adjacent property zoned or used for residential, church, hospital or public park uses to no greater than fifty-five decibels (55 dB(A)), such noise level to be measured at the property line of the protected use. The design shall account for transmitted, diffracted and reflected noise. The evaluation shall also consider the additive effects of other noise sources (aircraft, railroad, roadways) such that the addition of the compression station noise does not exceed fifty-five decibels (55 dB(A)), or existing ambient noise levels, whichever is greater.

E. Minimum Separation:
Notwithstanding any other provision in this Ordinance, in relation to a protected use, no natural gas compression station shall be located:

1. Within three hundred feet (300') of property zoned or used for residential uses,
2. Within six hundred feet (600') of property zoned or used for residential uses with written consent obtained from each of the affected property owners, or
3. Within one thousand feet (1000') of a hospital, religious institution, school, day care facility, library, or public park or building.

SECTION 25

That Chapter 17.88 – PARKING AND VEHICULAR CIRCULATION REGULATIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending TABLE 17.88.010 – PARKING LOT REQUIREMENTS BY USE to read as follows:

6. Day Care Facility, Kindergarten	One (1) space per employee plus one (1) space per twelve (12) children or fraction thereof based on occupant load

SECTION 26

That Chapter 17.96 – FENCE REGULATIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph B and C of Section 17.96.030 – MAINTENANCE REQUIREMENTS to read as follows:

B. All portions of fences required or not, in a dilapidated state shall be repaired or replaced by the owner of the property upon which the fence is located. Fences not required by City Ordinance or approval may be removed. For the purpose of this Ordinance, a dilapidated fence shall be defined as:

1. Any masonry wall and/or masonry fence with loose, cracked or broken brick, stone, rock, mortar or similar materials;
2. Any masonry wall and/or masonry fence with brick, stone, rock, mortar or similar materials that is discolored from the predominant original fence color in an amount that comprises ten percent (10%) or more of the total fence area of a property;
3. Any eight-foot (8') section of any fence that is more than fifteen degrees (15°) out of vertical alignment; or
4. Any eight-foot (8') section of a wood fence that has ten percent (10%) of its pickets or structural elements damaged, missing, or rotted.

C . Repairs and partial replacements of any nature shall be made with materials of comparable composition, color, size, shape, quality and otherwise similar appearance of the original fence to which the repairs or replacements are being made. Products manufactured for other uses such as plywood, corrugated steel or fiberglass panels are prohibited as fence materials. For the masonry wall and/or masonry fence fronting Benbrook Boulevard and RM 2871, surrounding the Westpark Development, the sole color permitted by this Section is Pittsburg Paints, Color Name: West Park Wall 9630-

972-2011, Color Code #96003000000841 or equivalent unless otherwise approved by City Council.

SECTION 27

That Chapter 17.98 – LANDSCAPE AND BUFFER REQUIREMENTS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph C of Section 17.98.030 – BUFFERYARDS to read as follows:

C. Required Structures

1. Walls and Fences: Whenever a wall and/or fence is required within a bufferyard, it shall be six feet (6') in height and constructed in accordance with specifications set forth in the City's Design Standards and Criteria. A "F1" fence may be wood stockade; a "F2" wall and/or fence shall be of masonry construction. A "finished" side of a wall or fence shall face the residential or less intense land use side.

SECTION 28
PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars ($500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 29
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), 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 30
SEVERABILITY CLAUSE

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 31
SAVINGS CLAUSE

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning 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 32
PUBLICATION IN PAMPHLET FORM

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

SECTION 33
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

SECTION 34
PUBLICATION IN OFFICIAL NEWSPAPER

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

SECTION 35
EFFECTIVE DATE

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

PASSED AND APPROVED this 21st day of January, 2016.

_____
Jerry B. Dittrich Mayor

ATTEST:

_____

Joanna King, City Secretary

ADOPTED: _____

EFFECTIVE: _____

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
01/21/16	G-2225	Accept finance report for period ending December 31, 2015	1 of 2

GENERAL FUND

General Fund revenues for the month of December were $4,547,501. Property tax collections were $4,063,933. Sales tax collected in November 2015 but received by the City and recognized as revenue in December 2015 was $177,560 for the month. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of December were $5,716,653 or 34.31% of the budget.

General Fund expenditures for the month of December were $1,777,232. Expenditures through the end of December were $3,996,081 or 22.84% of the adopted budget.

For the 2015-16 fiscal year-to-date, total General Fund revenues of $5,716,653 exceeded General Fund expenditures of $3,996,081 by $1,720,572.

DEBT SERVICE

Debt Service revenues collected for the month of December 2015 totaled $160,630; all revenue was from property taxes. There were no Debt Service expenditures for December. Total revenues for 2015-16 in the amount of $186,110 exceeded total expenditures by $186,110.

EDC

EDC revenues as of December 31, 2015 were $103,440. Sales tax revenue received by the EDC for December 2015 was $88,667. Interest earnings for the year were $14,773. EDC expenditures for December were $61,516. Expenditures for the year in the amount of $170,437 exceeded total revenues of $103,440 by $66,997.

CAPITAL PROJECTS

Total revenues received through December 31, 2015 for the Capital Projects Fund were $126,514. Total expenditures for the Capital Projects Fund in December 2015 were $127,750 for the Springbranch Drainage Project. Total expenditures of $127,750 exceeded total revenues of $126,514 by $1,236.

SUBMITTED BY:	DISPOSITION BY COUNCIL: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

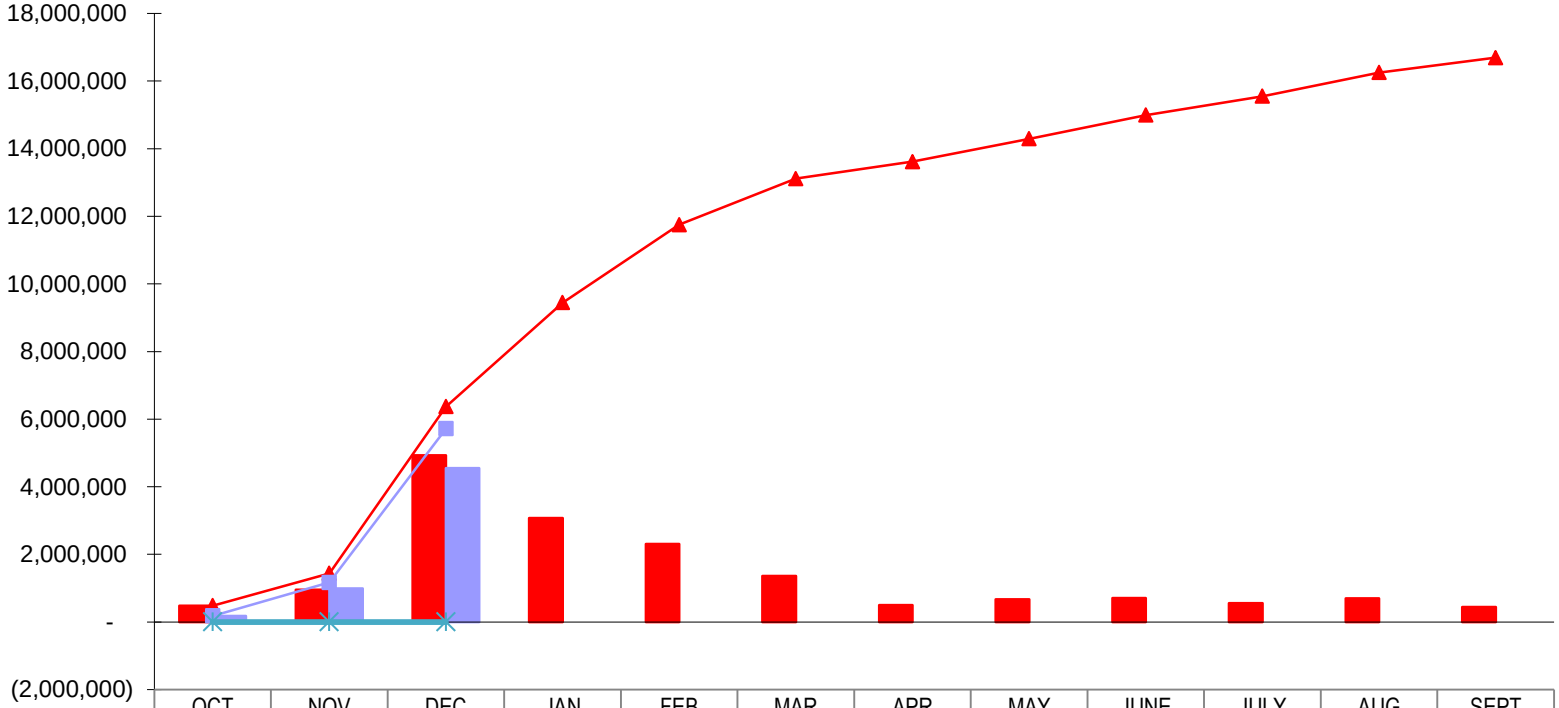
CASH & INVESTMENTS

On December 31, 2015, the City had $23,242,735 invested at varying interest rates; the EDC had $6,031,666 available.

RECOMMENDATION

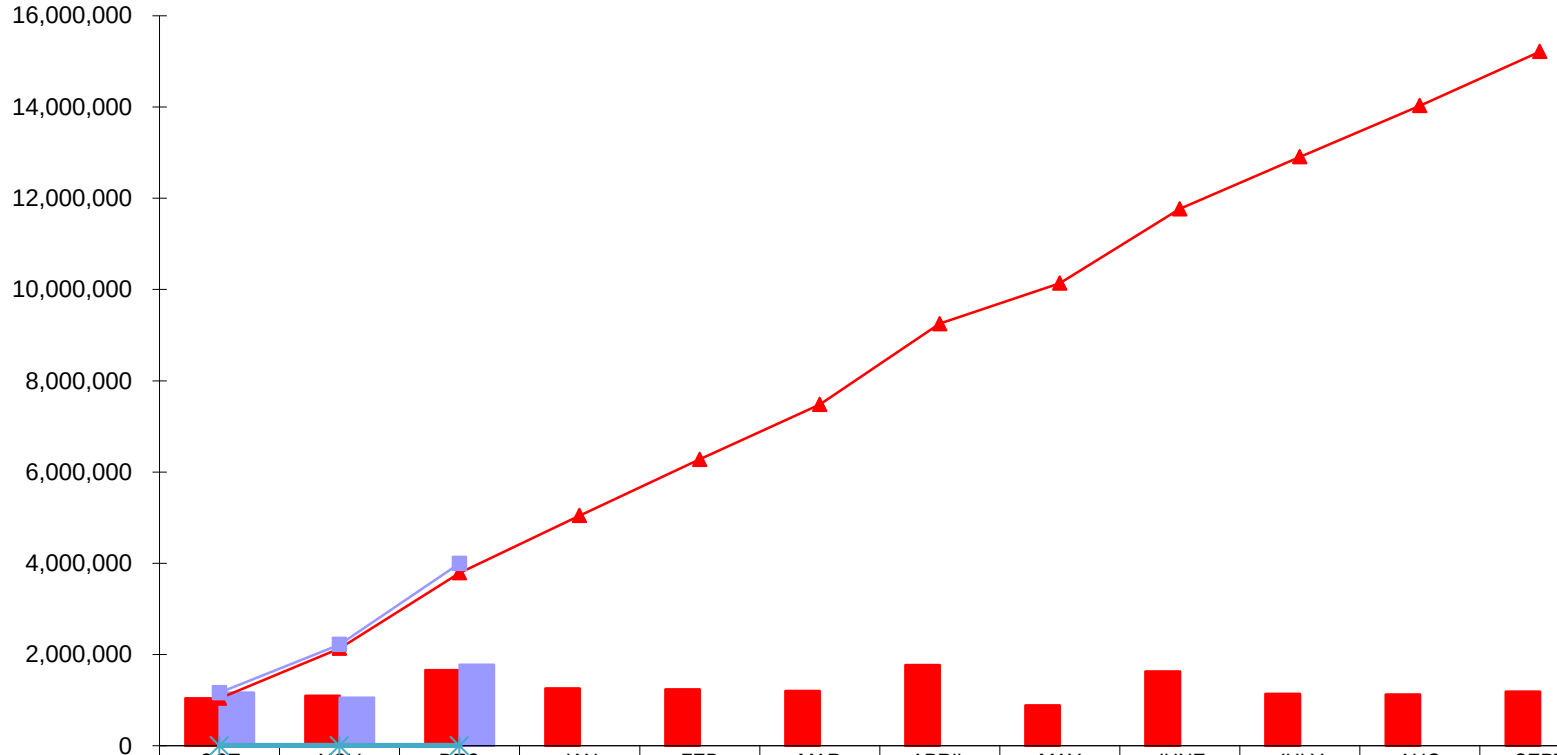
Staff recommends that City Council accept the finance report for the period ending December 31, 2015.

Revenue Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
2014-15	484,634	955,402	4,929,898	3,078,804	2,304,726	1,362,198	502,176	673,698	703,244	558,506	699,887	438,979
2015-16	182,037	987,115	4,547,501									
YTD 14-15	484,634	1,440,036	6,369,934	9,448,738	11,753,464	13,115,662	13,617,838	14,291,536	14,994,780	15,553,286	16,253,173	16,692,152
YTD 15-16	182,037	1,169,152	5,716,653									
% Increase 14-15 to 15-16	-62.4%	-18.8%	-10.3%									

Expenditure Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT
2014-15	1,041,570	1,091,832	1,656,040	1,254,598	1,233,716	1,202,501	1,771,545	885,387	1,631,225	1,140,779	1,121,353	1,185,105
2015-16	1,165,220	1,053,629	1,777,232									
YTD 14-15	1,041,570	2,133,402	3,789,442	5,044,039	6,277,755	7,480,256	9,251,801	10,137,188	11,768,413	12,909,192	14,030,545	15,215,650
YTD 15-16	1,165,220	2,218,849	3,996,081									
% Change 2014-15 to 2015-16	11.87%	4.01%	5.45%									

CITY OF BENBROOK
SALES TAX ANALYSIS
AS OF DECEMBER 31, 2015

		FIRST QUARTER				SECOND QUARTER				THIRD QUARTER				FOURTH QUARTER				ANNUAL
	YEAR-TO DATE	OCTOBER	NOVEMBER	DECEMBER	SUB-TOTAL	JANUARY	FEBRUARY	MARCH	SUB-TOTAL	APRIL	MAY	JUNE	SUB-TOTAL	JULY	AUGUST	SEPTEMBER	SUB-TOTAL	TOTAL
2008-09	**459,579**	115,329	196,597	147,653	459,579	118,851	208,401	166,682	493,933	115,362	117,485	120,110	352,957	179,591	201,954	142,882	524,427	**1,830,896**
2009-10	**409,432**	130,551	172,053	106,827	409,432	116,050	173,780	126,019	415,849	110,808	212,181	132,414	455,403	138,682	194,432	152,442	485,557	**1,766,240**
2010-11	**534,954**	212,494	161,967	160,492	534,954	199,141	190,084	143,760	532,985	245,116	223,000	181,216	649,331	229,160	196,711	175,140	601,011	**2,318,281**
2011-12	**566,632**	218,564	161,430	186,638	566,632	251,517	168,551	171,053	591,121	236,986	178,165	188,604	603,754	218,557	178,708	161,070	558,335	**2,319,841**
2012-13	**581,572**	215,752	184,452	181,368	581,572	222,555	170,084	174,164	566,803	201,241	164,765	202,525	568,531	211,491	178,411	170,324	560,225	**2,277,131**
2013-14	**554,614**	215,869	177,403	161,342	554,614	234,503	154,780	155,432	544,714	229,367	176,980	175,792	582,138	217,955	199,305	187,172	604,432	**2,285,899**
2014-15	**596,207**	215,101	207,526	173,580	596,207	236,852	149,782	162,730	549,365	219,751	181,230	163,667	564,648	213,300	189,185	164,742	567,227	**2,277,446**
2015-16	**568,766**	216,144	177,560	175,062	568,766													

Change 2008-09 to 2009-10	**-10.91%**
Change 2009-10 to 2010-11	**30.66%**
Change 2010-11 to 2011-12	**5.92%**
Change 2011-12 to 2012-13	**2.64%**
Change 2012-13 to 2013-14	**-4.86%**
Change 2013-14 to 2014-15	**7.50%**
Change 2014-15 to 2015-16	**-4.60%**
Budget 2015-16	**1,900,000**
Projected 2015-16	**1,900,000**
Variance from Budget	**-**

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
01/21/16	G-2226	Adopt Ordinance amending Title 8 of the Benbrook Municipal Code by amending Chapter 8.08.010 by adding Open Storage and Equipment Storage	1 of 2

Recently, the Code Compliance Department conducted an evaluation of City Ordinance related to (1) junk and rubbish and (2) the storage of farm and/or construction equipment in residential areas.

Junk and Rubbish

Currently, Chapter 8.08.010 of the Benbrook Municipal Code related to junk and rubbish is subjective and often difficult to enforce.

The current Ordinance prohibits the following:

> 8.08.010 - Weeds, rubbish, stagnant water, etc.
>
> A.2 "Rubbish, brush, or other unsanitary or unsightly matter, including, but not limited to junk, trash, garbage, refuse, junk appliances, or junk machinery to accumulate or be present upon the property."

While useful, the prohibition is subject to broad interpretation by the Code Enforcement Officer, neighbors and the resident.

To provide additional enforcement clarification, Staff proposes adding the following prohibition:

> 8.08.010 - Weeds, rubbish, stagnant water, etc.
>
> A.4 "It is an offense for the owner, occupant, or person in charge of a property to store openly an item that is not customarily used or stored outside, or that is made of material that is not weather resistant, in an unenclosed outdoor area for more than 24 continuous hours. Open storage is prohibited in the front yard, on a front porch, under a carport, or any other unenclosed area. Items stored in this manner are considered a public nuisance if they are visible from a public place or public right-of-way."

Equipment Storage

Recently, Staff became aware of a large backhoe stored in the driveway of a residential property. Frankly, no one on Staff had previously encountered this type of issue in Benbrook. Consequently, no ordinance existed to regulate this type of equipment storage.

SUBMITTED BY:	DISPOSITION BY COUNCIL: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

To provide enforcement authority, Staff proposes adding the following prohibition:

8.08.010 - Weeds, rubbish, stagnant water, etc.

A.5 "It is an offense for the owner, occupant, or person in charge of residential property to: park, stand, or store any farm equipment or light or heavy construction equipment in any residentially zoned area within the city for more than seven consecutive days in a 180-day period, unless the equipment is being used in conjunction with an active construction project and on the property where a building permit has been issued, and construction is in progress.

RECOMMENDATION

Staff recommends that City Council adopt the Ordinance amending Title 8 of the Benbrook Municipal Code by amending Chapter 8.08.010, Section A, by adding number 4: Open Storage and number 5: Equipment Storage.

ORDINANCE NO. 1394

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS AMENDING TITLE 8 OF THE BENBROOK MUNICIPAL CODE BY AMENDING CHAPTER 8.08 OF THE BENBROOK MUNICIPAL CODE, BY AMENDING SECTION 8.08.010, SECTION A, BY ADDING NUMBER 4 – OPEN STORAGE AND BY ADDING NUMBER 5 – EQUIPMENT STORAGE; AND PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Benbrook is a homerule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code.

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

SECTION 1

Amending Chapter 8.08.010, Section A of the Benbrook Municipal Code by adding number 4: OPEN STORAGE

> It is an offense for the owner, occupant, or person in charge of property to store openly an item that is not customarily used or stored outside, or that is made of material that is not weather resistant, in an unenclosed outdoor area for more than 24 continuous hours. Open storage is prohibited in the front yard, on a front porch, under a carport, or any other unenclosed area. Items stored in this manner are considered a public nuisance if they are visible from a public place or public right-of-way.

Amending Chapter 8.08.010, Section A of the Benbrook Municipal Code by adding number 5: EQUIPMENT STORAGE

> It is an offense for the owner, occupant, or person in charge of residential property to: park, stand, or store any farm equipment or light or heavy construction equipment in any residentially zoned area within the city for more than seven consecutive days in a 180-day period, unless the equipment is being used in conjunction with an active construction project and on the property where a building permit has been issued and construction is in progress.

SECTION 2

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Benbrook, 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 3

It is hereby declared to be the intention of the City Council that 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 valid judgment or decree of any court of competent jurisdiction, unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 provisions of this ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5

The City Secretary of the City of Benbrook is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

SECTION 6

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause; publication clause, and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, Texas, as authorized by Section 52.013 of the Local Government Code.

SECTION 7

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

PASSED AND APPROVED this 21st day of January, 2016.

_____
Jerry B. Dittrich, Mayor

ATTEST:

_____
Joanna King, City Secretary

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
01/21/16	G-2227	Confirm appointments to Civil Service Commission	1 of 1

State law requires that the City Manager appoint three members to the City's Civil Service Commission with appointments confirmed by City Council. The Commission consists of three members serving three-year staggered terms. Presently, two positions are vacant due to term limits and one position is vacant due to member moving from the City.

The City Manager has made contact and offered appointments to the following citizens to serve on the Civil Service Commission:

	Term beginning	Term ending
Keith Bailey	January 21, 2016	January 20, 2019
Ron Dilulio	January 21, 2016	January 20, 2018
Steve Adams	January 21, 2016	January 20, 2017

RECOMMENDATION

Staff recommends that City Council confirm the appointments to the Civil Service Commission.

SUBMITTED BY:	DISPOSITION BY COUNCIL: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
01/21/16	G-2228	Approve Sanitary Control Easement to Benbrook Water Authority for 1203 Wade Hampton St, Lot 2, Block 13 Benbrook Lakeside Addition	1 of 1

The Benbrook Water Authority (BWA) operates the water and sewer utility in the City of Benbrook. One of BWA's water well sites is located at 1203 Wade Hampton Street (Lot 2, Block 13 Benbrook Lakeside Addition). BWA plans to redrill the water well sometime in the near future. In order to obtain the appropriate Texas Commission on Environmental Quality (TCEQ) drilling permit, BWA must obtain a sanitary control easement from all owners of property within 150 feet of the well. Based on how property is situated in the area, BWA has created a 180 foot circumference for the sanitary control easements. The 180 foot area includes a portion of Wade Hampton Street and Vernon Castle Avenue owned by the City.

The purpose of the easement is to protect the drinking water supply from pollution hazards. The easement will not impact City operations or franchise utility operations in the area. It also does not prevent the City from undertaking a storm water drainage project in the future.

RECOMMENDATION

Staff recommends that the City Council approve this sanitary control easement located at 1203 Wade Hampton Street (Lot 2, Block 13 Benbrook Lakeside Addition).

SUBMITTED BY:	DISPOSITION BY COUNCIL: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS.

SANITARY CONTROL EASEMENT

DATE: October 1, 2015
GRANTOR(S): City of Benbrook, Texas
GRANTOR'S ADDRESS: 911 Winscott Road, Benbrook, Texas 76126
GRANTEE: Benbrook Water Authority
GRANTEE'S ADDRESS: 1121 Mercedes, Benbrook, Texas 76126
SANITARY CONTROL EASEMENT:

Purpose, Restrictions, and Uses of Easement:

1. The purpose of this easement is to protect the water supply of the Texas Commission on Environmental Quality.

2. The construction, existence, and/or operation of the following within a 180-foot radius of the center of the sanitary control described and located below are prohibited: septic tank or sewage treatment perforated drain fields; areas irrigated by low dosage, low angle spray on-site sewage facilities; absorption beds; evapotranspiration beds; abandoned, inoperative or improperly constructed water wells of any depth; underground petroleum and chemical storage tanks or liquid transmission pipelines; sewage treatment plants; sewage wet wells; sewage pumping stations; drainage ditches which contains industrial waste discharges or wastes from sewage treatment systems; animal feed lots; solid waste disposal sites, landfill and dump sites; lands on which sewage plant or septic tank sludge is applied; lands irrigated by sewage plant effluent; military facilities; industrial facilities; wood-treatment facilities; liquid petroleum and petrochemical production, storage, and transmission facilities; Class 1, 2, 3, and 4 injection wells; pesticide storage and mixing facilities; and all other construction or operations that could pollute the groundwater sources of the well that is the subject of this easement. For the purpose of this easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.

3. The construction, existence and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, cemeteries, and/or the existence of livestock in pastures is specifically prohibited within a 50-foot radius of any water well within the sanitary control described and located below.

4. This easement permits the construction of roads and utilities as long as all items in Restrictions Nos. 2 and 3 are recognized and followed.

PROPERTY SUBJECT TO EASEMENT:

All of that area within a 180 foot radius of the water well located 104.97 feet at a radial of N 81 degrees, 11 minutes, 13" E from the Southwest corner of Lot 2, of a Subdivision of BENBROOK LAKESIDE ADDITION, to the City of Benbrook, Tarrant County, Texas Recorded in Book 388-P, Page 48 of the County Plat Records, Tarrant County, Texas.

TERM:

This easement shall run with the land and shall be binding on all parties and persons claiming under the Grantor(s) for a period of two years from the date that this easement is recorded; after which time, this easement shall be automatically extended until the use of the subject tract of land is no longer used as a source for public water systems ceases.

ENFORCEMENT:

Enforcement of this easement shall be proceedings at law or in equity against any person or persons violating or attempting to violate the restrictions in this easement, either to restrain the violation or to recover damages.

INVALIDATION:

Invalidation of any one of these restrictions or uses (covenants) by a judgment or court order shall not affect any of the other provisions of this easement, which shall remain in full force and effect.

FOR AND IN CONSIDERATION, of the sum of One Dollar ($1.00) and for other good and valuable consideration paid by the Grantee to the Grantor(s), the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to Grantee and to its successors and assigns the sanitary control easement described in this easement.

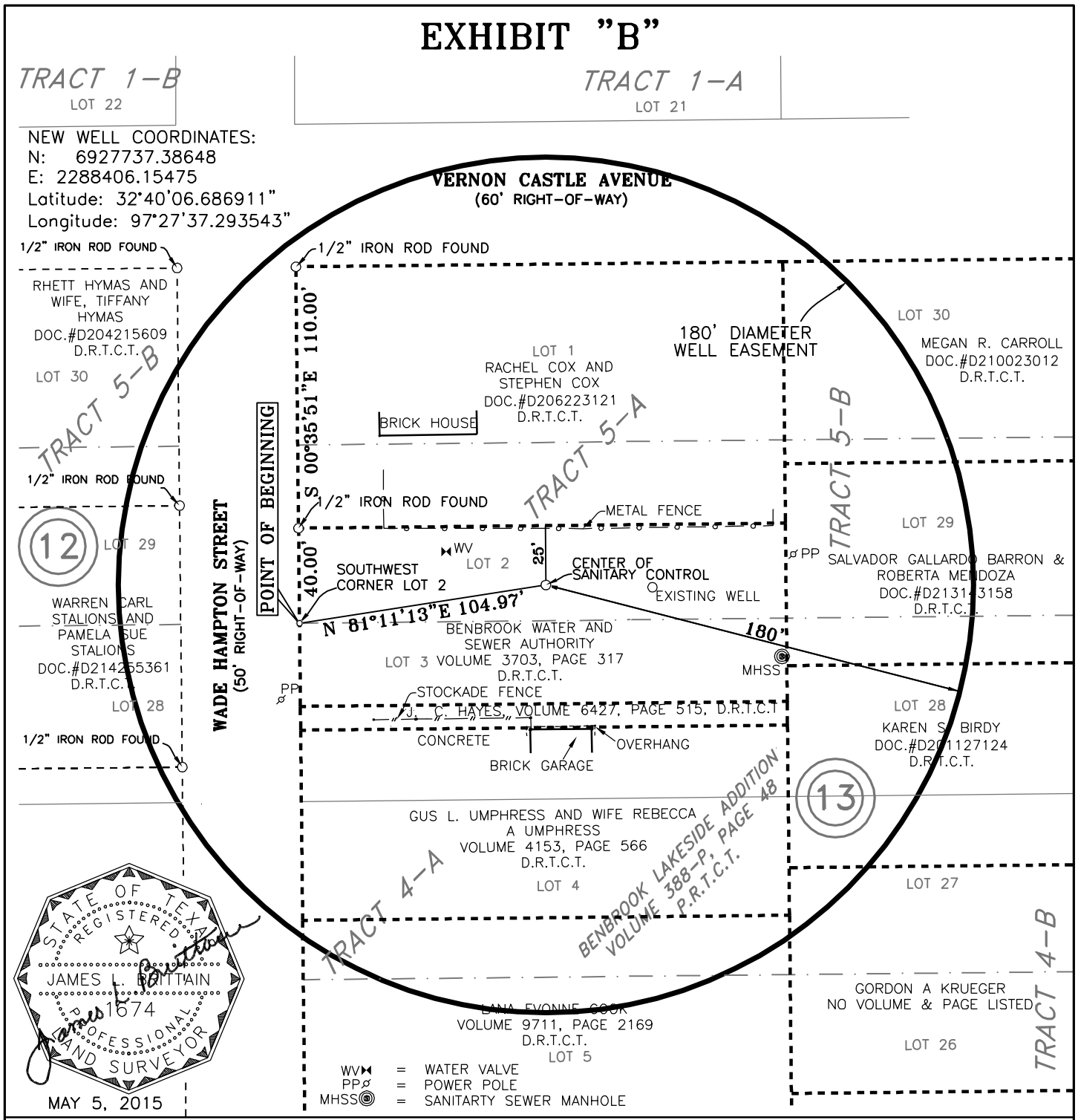
GRANTOR(S)

City of Benbrook, Texas

_____
Jerry Dittrich
Mayor

_____
City Secretary

EXHIBIT "B"



BENBROOK WATER AUTHORITY
180' RADIUS WATER WELL EASEMENT

BRITTAIN & CRAWFORD
LAND SURVEYING & TOPOGRAPHIC MAPPING
(817) 926-0211 – METRO (817) 429-5112
FAX No. (817) 926-9347
P.O. BOX 11374 * 3908 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com

EXHIBIT MAP
OF
SANITARY CONTROL EASEMENT LOCATION
OUT OF
LOTS 1, 2 & 3, TRACT 5-A, BLOCK 13, BENBROOK LAKESIDE ADDITION, BENBOOK, TARRANT COUNTY, TEXAS

NORTH

SCALE 1"=60'

(PRB) BENBROOK W A WELL-2015\BENBROOK W A-WELL 2015.DWG

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