AGENDA
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
THURSDAY, MAY 12, 2016

911 WINSCOTT ROAD
WORK SESSION, 7:00 P.M.
PRE-COUNCIL CONFERENCE ROOM, OPEN TO PUBLIC
A quorum of the Benbrook City Council may be in attendance at this meeting.

I. **Receive A Briefing And Discuss Proposed Amendments To The Zoning Ordinance Of The City Benbrook: Chapter 17.08 Definitions; Chapter 17.54 – "D" Multiple-Family District; Chapter 17.74 – "MU" Mixed Use District; Chapter 17.75 – "FBC" Form-Based Code District; Chapter 17.84 – Supplementary District Regulations; Chapter 17.92 – Sign Regulations; Chapter 17.96 – Fence Regulations; And Chapter 17.98 - Landscape And Buffer Requirements.**

   Documents: MAY 12, 2016 PACKET.PDF

II. **Receive A Briefing And Discuss Future Amendments To The Subdivision Ordinance Of The City Of Benbrook.**

III. **Review And Discuss Chapter 17.88, Parking And Vehicular Circulation Regulations**

IV. **Staff Briefing On Development Activities Within The City.**

To: Planning and Zoning Commission

From: Planning Department

Date: May 12, 2016

Subject: 2016 Proposed Zoning Ordinance Update

The City's Zoning Ordinance is reviewed annually for needed changes. The review is based on input provided from citizens, developers, City Council, the Planning and Zoning Commission and city staff. The routine review of, and amendments to development regulations is necessary to provide the greatest benefit in achieving orderly and productive development. Zoning ordinance amendments are appropriate to address changes in development trends as well as changing considerations, community needs and desires. In some cases the regulations may not have addressed a particular issue in the manor that was anticipated when the regulation was approved.

The May 12, 2016 work session provides an opportunity for the Commission to discuss possible amendments to the Zoning Ordinance. Amendments are not suggested for all chapters and only chapters with proposed changes are presented. However, the work session can include the entirety of the Zoning Ordinance. Numerous amendments have been compiled by staff for Commission discussion, input and direction. The proposed amendments may be considered by the Commission at the regular meeting in June, 2016.

Staff is proposing the following revisions, as summarized below. Detailed information pertaining to the following changes as well as draft, redline changes are included in the accompanying Zoning Ordinance sections back-up material.

Major changes/corrections and clarifications are as follows:

PROPOSED ZONING ORDINANCE AMENDMENTS

1. Chapter 17.08 Definitions
    - Add definition for "Unified Commercial Development," as it is referenced in the Height and Area Regulations, side yard provisions of "E," "F", "HC," and "G" zoning districts and within the proposed amendment to Chapter 17.98, Landscape and Buffer Requirements.

2. Chapter 17.54, "D" Multiple-Family District
    - Amend Section 17.54.032A, Additional Design Requirements, to be consistent with the "Additional Design Requirements" sited in other residential zoning districts regarding architectural design requirements, including exterior materials and roof pitch

standards. Currently the "D" zoning district refers to Chapter 17.84.100, Architectural Standards for **Nonresidential** Buildings indicating standards are applicable to only nonresidential buildings.

3. <u>Chapter 17.74, "MU" Mixed Use District</u>
   The purpose of the proposed amendment is to create a new "MU" zoning district by combining elements of both the existing "MU" District and the "FBC" Form-Based Code District.
   - Revise Section 17.74.010, Purpose, to provide consistency with the proposed regulations.
   - Add Section 17.74.012, General Development Principles, in order to establish essential goals and intent of the district.
   - Amend Section 17.024, Conditional Uses to establish that a Conditional Use Permit would be required for an Artists' Studio when located within a building where all or a portion of the building is designated for residential uses.
   - Add Section 17.74.030, District Design Standards, from the existing FBC District, which includes building form and development standards, building design standards, streetscape standards, civic and open space standards and neighborhood transition standards.
   - Revise Section 17.74.032, Additional Design Standards, to eliminate duplications and conflicts which have been included in other sections of the district; and add a statement regarding standards not addressed within the district will revert back to the requirements of the Zoning Ordinance.
   - Revise Section 17.74.034, Design Specifications Applicable to Specific Uses Within the District, to allow for general standards for residential and nonresidential uses, as opposed to specific standards for different types of residential and non-residential uses.
   - Revise Section 17.74.040, Development Site Plan, to include additional items based on the above changes and add "Deviations" section which differentiates minor and major deviations.

4. <u>Chapter 17.75, "FBC" Form Based Code District</u>
   - If the new "MU" District referenced above is adopted by the City Council, the "FBC" District will be eliminated.

5. <u>Chapter 17.84, Supplementary District Regulations</u>
   - Revise Section 17.84.100 A, Architectural Standards for Nonresidential Buildings, which references "D" District, and several other nonresidential zoning districts. As referenced in the proposed amendment to Chapter 17.54, "D" Multiple Family

Memo

District above, the proposed amendment will reflect consistency with architectural requirements of other residential zoning districts.

- Correct spelling of “truck” identified as “track” within Section 17.84.150 Food Truck Parks.

6. <u>Chapter 17.92, Sign Regulations</u>
    - Revise Table 17.92.050-A, Permitted Signs by Type and Zoning District, to allow wall signs “only with a sign permit” within the “D” District. The proposed amendment will reflect consistency with Table 17.92.050-B, which allows for a maximum of sixty square feet (max. 60. Sq. ft.) for a building sign located within the “D” District.

7. <u>Chapter 17.96, Fence Regulations</u>
    - Amend Section 17.96.010, Permit Required, by requiring a fence permit for all fences over thirty inches (30”) in height. Currently a fence permit is required when a fence exceeds 30 inches in height and any fence over six feet (6 ft.) in height.
    - Amend Section 17.96.030, Maintenance Requirements, by adding definitions for “Repair” and “Replacement (Substantial Improvement).” The proposed definitions are widely acceptable definitions from the International Building Code.
    - Revise Section 17.96.020 D. Fence Materials, which currently allows for any materials to be used in the construction of a fence. The proposed amendment will require all fence posts to be metal and mounted in concrete.

8. <u>Chapter 17.98, Landscape and Buffer Requirements</u>
    - Add to Section 17.98.010 Purpose, “protect and enhance the community’s environmental, economic, and aesthetic resources while promoting quality investment and enhancing community appearance,” to promote sustainable practices and renumber corresponding section.
    - Add language to Section 17.98.020 Bufferyards and Landscaping Requirements, specifying requirements applicable to various zoning districts and uses that will be affected by bufferyard requirements; and add provisions for parking lot landscaping.
    - Add to Section 17.98.030 Bufferyards, in the general statement that bufferyards between adjacent land uses to include the specification of adjacent ***incompatible*** land uses.
    - Amend Section 17.98.030-B Bufferyard Requirements, by identifying the table, Summary of Bufferyards, as Table 17.98.030-A (not previously labeled); and add “B-1 berm”

requirements to Bufferyard E, under “Fence Requirements” column.

- Label Summary of Reductions table as Table 17.98.030-B (not previously labeled).
- Amend Section 17.98.030(C)(2) Berms, to also allow a hedge, where currently only a berm is allowed for a bufferyard in certain circumstances; and add language requiring that the hedge or berm not affect the visibility triangle or public open space easement for safety concerns.
- Change current table identified as Table 17.98.030-A, Bufferyards Adjacent to Other Land Uses, to Table 17.98.03-C, Bufferyards Adjacent to Other Land Uses, due to changes to tables identified above; remove “MU” and “FBC” zoning districts from the table due to proposed amendments (number 3 and 4 above) to the zoning district regulations, add footnote # 4 to Notes Section requiring Planning and Zoning Commission approval in order to alter required bufferyards in unified commercial developments in order to enhance visual connectivity within commercial developments.
- Change table identified as Table 17.98.030-B, Bufferyards Required Adjacent to Streets to Table 17.98.030-D, Bufferyards Required Adjacent to Streets, based on previous table changes; remove “MU” zoning district from the table, based on proposed changes to the “MU” zoning district, identified in proposed amendment number 3, above.
- Within the current table identified as Table 17.98.030B, Bufferyards Adjacent to Streets, column “Zoning of Developing Tract,” move “C” to row with other residential zoning districts to require same bufferyard when adjacent to streets as other residential zoning districts; and amend “Note A” under aforementioned table to increase the required screening wall easement required between residential uses and the adjacent street from 5 feet to 10 feet for visual appeal and security; and rename the aforementioned easement to “screening wall and ***landscape*** easement.
- Amend Section 17.98.040 A, Interior Landscaping Requirements, to reflect the following language “the required landscape area for the zoning districts listed below shall be ten percent (10%) of the ~~floor area~~ ***building*** **footprint,** as floor area requirements are not applicable in all zoning districts; and amend shrub requirements from 1 shrub per sixty square feet to one shrub per one hundred twenty square feet (120 sq ft), to allow ample room for the root system; and amend 17.98.040 B, Residential Lots, to specify residential zoning district requiring canopy trees within the front yard.

- Revise Section 17.98.050, Parking Lot Landscaping Requirements, to enhance visual appeal and eliminate “sea of cars” to include the following changes: add standards for endcap islands and planter islands, increase requirements for planter islands from one (1) space per 8 stalls to 1 space per ten (10); add Figure 17.98.050-A to illustrate parking lot landscaping and Figure 17.98.050-B to illustrate diamond-shaped planter island curb requirements.
- Modify Table 17.98.060-A Minimum Landscape and Tree Canopy Requirements, to reflect an increase in the percent landscaped area for properties located within A, B, C, MH, BR, and CR zoning districts and elimination of tree canopy cover for properties located within SD, RE, A, B, C, MH, BR, CR zoning districts.
- Revise Section 17.98.060 B, by adding additional landscape elements which may be counted towards meeting the landscape and tree canopy requirements, including landscaping in bufferyards and interior plantings.
- Amend Section 17.98.060 E, Artificial Lot Lines by adding language that artificial lot lines must be delineated on plans and approved by the Planning Director.
- Amend Section 17.98.070 Plant Materials, to update table reference to recommended plant list from Table 17.98 to Table 17.98.070, and move table in more appropriate location within the ordinance; and reference correct Texas Smartscape website.
- Move Section 17.98.080 Landscape/Irrigation Plan Requirements, to more appropriate location within the ordinance.
- Revise Section 17.98.090 Maintenance, by adding language requiring the owner responsible for plant replacement and remove time period of two (2) years for repair of irrigation system.

DRAFTCHAPTER 17.08
DEFINITIONS

Sections:

17.08.010 GENERALLY
17.08.020 DEFINITIONS

17.08.010 GENERALLY

For the purpose of this Ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," the word "shall" is mandatory, and not directory. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel."

17.08.020 DEFINITIONS

ABUTTING, ADJACENT, ADJOINING – Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley, but shall not include property across a street.

ACCESSORY BUILDING OR USE – A subordinate building having a use customarily incident to and located on the same lot occupied by the main building; or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

ADMINISTRATIVE OFFICIAL – The official, or his designee, appointed by the City Manager to enforce and administer the terms of this Ordinance. The individual whose decisions and interpretations are appealed to the Zoning Board of Adjustment (ZBA).

ADULT ARCADE – "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE OR ADULT VIDEO STORE – "Adult Bookstore" or "Adult Video Store" means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides, or other visual representations which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas"; or
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

ADULT CABARET – "Adult Cabaret" means a night club, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTEL – "Adult Motel" means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any telephone transmission, films, motion pictures, video cassettes, slides or photographic reproductions which are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER – "Adult Motion Picture Theater" means a commercial establishment where motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".

ADULT THEATER – "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by and emphasis on "specified sexual activities".

ALLEY – Public minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street or highway.

ALTERNATIVE ENERGY SYSTEMS – Alternative energy systems include wind, solar and geothermal systems.

1. **CLOSED-LOOP GEOTHERMAL HEAT PUMP SYSTEM –** A geothermal heat pump provides central heating and/or cooling by pumping heat to or from the ground. The heat pump uses the earth itself as a heat source and heat sink. It is coupled to the ground by means of a closed-loop heat exchanger installed horizontally or vertically underground. A closed-loop system is a ground-coupled system consisting of a ground heat exchanger, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere.
2. **SOLAR ENERGY SYSTEM –** A device or combination of devices or elements that rely on direct sunlight as an energy source, including any substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or, generating electricity.
3. **TURBINE** - The parts of a wind energy system including blades, generator and tail.
4. **UTILITY GRID WIND ENERGY SYSTEM** -- A wind energy system designed and built primarily to provide electricity to the electric utility grid.
5. **WIND ENERGY SYSTEM** – A wind energy conversion system that converts wind energy into electricity and may consist of a wind turbine, a tower, associated control or conversion electronics, and other components. The system is primarily intended for on-site production and consumption of electricity to serve the needs of the consumer. Refer also to TOWER HEIGHT.

AMUSEMENT ARCADE (INDOORS) – A building or part of a building in which pinball machines, video games, amusement machines, or other similar player-operated amusement devices are present and maintained as the primary use. For the purposes of this definition, “primary use” means fifty-one percent (51%) or more of the gross floor area (including player space and aisle space) of the portion of the structure being used (not to include any area of a structure being used as storage).

AMUSEMENT MACHINE – Any machine or device of any kind or character, that is operated by or with coins, metal slugs, tokens, or checks, when such machine dispenses or is used or is capable of being used or operated for amusement or pleasure or when such machine is operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of “merchandise or music” or “service” exclusively, as those terms are defined in the Texas Revised Civil Statutes, Title 132, Chapter 8 (section 8801 et seq.), as amended. (An “amusement machine” pursuant to this definition is the same as a “skill or pleasure coin-operated machine” pursuant to the Texas Revised Civil Statutes, Title 132, Chapter 8, Section 8801(5), as amended.) An “amusement machine” shall also include any billiard tables operated for profit, whether operated by or with coins, metal slugs, tokens, or checks inserted into the machine or paid to an attendant.

ANIMAL LOT – Any area for quartering and/or grazing of any hoofed (even-toed and odd-toed) animals, including but not limited to horses, cows, sheep, goats, etc., and ratites (large flightless birds), including but not limited to emus and ostriches, etc.

ANIMAL UNIT – The equivalent of one (1) horse, one (1) cow or steer, one (1) mule, four (4) emus or ostriches, ten (10) sheep, ten (10) goats, one hundred (100) poultry, or one hundred (100) rabbits, or an equivalent combination thereof.

ANSI -- The American National Standards Institute.

ANTENNA – Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

ANTIQUE VEHICLE – A passenger car or truck that is at least thirty-five (35) years old.

APARTMENT -- A room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit or residence by a single family, individual, or group of individuals.

APARTMENT HOTEL – Any building larger than an apartment house designed or built as a series of separate apartments to be occupied by persons living independently of each other.

APARTMENT HOUSE – Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or dwelling units or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

APARTMENT SIGN – Refer to SIGN, APARTMENT.

APPROACH/DEPARTURE CLEARANCE SURFACE (SLOPE) – An inclined plane that extends outward from the end of the runway of NAS Fort Worth for a distance of twenty-five thousand feet (25,000'), and rises at a rate of one foot (1') above the runway (elevation 650 feet msl) for every fifty feet (50') from the end of the runway. The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004, or later).

ARCADE – An arcade is a portion of the main facade of the building that is at or near the street setback line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one (1) or two (2) stories.

ARENA, RIDING – An area, either indoor or outdoor, used for the riding or driving of horses or mules for pleasure or competition on a fee or other renumeration basis.

ATTICS/MEZZANINES – Attics are located in the interior part of a building contained within a roof structure. A mezzanine is a partial story between two main stories of a building.

AUTO-RELATED SALES AND SERVICE - An establishment that provides retail sales and services related to automobiles including, but not limited to, cars, tires, batteries, and gasoline.

AUTOMOBILE SALES AREA – An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

BALLOON – Refer to SIGN, BALLOON.

BANNER – Refer to SIGN, BANNER.

BASEMENT – A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

BEACON – Refer to SIGN, BEACON.

BICYCLE PARKING SPACE – A four feet wide by six feet long (4' wide x 6' long) space provided for securing two (2) bicycles to a City approved Bicycle Rack.

BICYCLE RACK – A framework which permits the locking of the bicycle frame and one (1) wheel to the rack and supports the bicycle in a stable position without damage to wheels, frame or components. Bicycle rack design shall adhere to requirements set forth in this Ordinance.

BILLBOARD – Refer to SIGN, BILLBOARD.

BLOCK – An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets that intersect said street on the said side. In cases where platting is incomplete or disconnected, the zoning administrative official and/or Planning Director shall determine the outline of the block.

BOARD – The Zoning Board of Adjustment (ZBA) as established in Chapter 17.16, Board of Adjustment.

BOARDING HOUSE – A building other than a hotel, where lodging and meals for five (5) or more persons are served for compensation.

BREEZEWAY – A covered passage one (1) story in height and six feet (6') or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

BUFFERYARD – A bufferyard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILD-TO-ZONE (BTZ) - The area between the minimum and maximum setbacks within which the principal building's front facade is to be built.

BUILDING – Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.

BUILDABLE AREA -- The portion of a lot remaining after required yards have been provided.

BUILDING FACADE LINE - The vertical plane along a lot where the portion of the building's front facade closest to the street is actually located.

BUILDING FOOTPRINT – The area of the building in contact with the ground.

BUILDING FORM STANDARDS - The standards that specify the height, bulk, orientation, and elements for all new construction and redevelopment.

BUILDING FRONTAGE – The percentage of the building's front facade that is required to be located at the front Build-to Line or Zone as a proportion of the block frontage along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

BUILDING, HEIGHT OF – Refer to HEIGHT OF BUILDING.

BUILDING LINE – A line parallel or approximately parallel to the street right-of-way line at a specific distance marking the minimum distance from the street right-of-way line that a building may be erected.

BUILDING MARKER – Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING MASSING - The general outline of the three-dimensional volume of the building.

BUILDING OFFICIAL – The administrative officer charged with the administration and enforcement of the City's Building Codes, or a duly authorized representative.

BUILDING SCALE - Different than size, scale is the building form in relation to adjacent buildings or spaces.

BUILDING STORY – The height of a single floor of a multi-level building.

BUSINESS – Includes local retail, commercial, industrial, and manufacturing uses and districts as herein defined.

CALIPER – Diameter of the trunk of a tree measured one foot (1') above ground level. This method of measurement is used for trees that are planted as a requirement of the Zoning and Subdivision Ordinances.

CANOPY TREES – A perennial woody plant (single trunk or multiple trunks) contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees. Refer to Table 17.98.080, Recommended Plants.

CARPORT – An open-sided shelter for automobiles which may be formed by the extension of a roof from the side of a building and which has no more than one (1) of its sides enclosed.

CELLAR – A building story with more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY (OR PERMIT) -- An official certificate issued by the City through the administrative official which indicates conformance with or approved conditional waiver from the Building Codes and Zoning Ordinance and authorized legal use and occupancy of the premises for which it is issued.

CHARACTER ZONE - An area within a Form Based Code District that creates a distinct urban form different from other areas within the project area. Character Zones are identified in the regulating plan. Refer to REGULATING PLAN.

CITY COUNCIL – The governing body of the City of Benbrook, Texas.

CLINIC – Offices for (1) one or more physicians, surgeons, dentists, optometrists, and chiropractors engaged in treating the sick or injured, but not including rooms for the abiding of patients.

CLOSED-LOOP GEOTHERMAL HEAT PUMP SYSTEM – Refer to ALTERNATIVE ENERGY SYSTEMS.

COLLECTOR STREET – As defined by the City's latest approved Comprehensive Plan.

COMMERCIAL AMUSEMENT CENTER, INDOOR OPERATIONS ONLY – A facility providing for entertainment and amusement. Games contained in the facility may include skilled games or activities such as, but not limited to, shuffle boards, darts, bowling facilities, roller/ice skating rinks or dominoes. Any combination of these games may be used in the facility. Not included in this definition is an AMUSEMENT ARCADE (INDOORS).

COMMERCIAL MESSAGE – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. Refer to SIGN.

COMMERCIAL OR MIXED USE BUILDING - A building in which the ground floor is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

COMMERCIAL READY - A space constructed to the specified standard for the minimum height of the ground floor which may be used for noncommercial uses and/or converted into retail/commercial use. The intent of Commercial-Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

COMMUNITY CENTER – A building dedicated to social or recreational activities, serving the City or a neighborhood, and owned and operated by the City or by a non-profit organization, and dedicated to promoting the health, safety, morals or general welfare of the City.

COMMUNITY GARDEN - A small to medium size garden (approximately one acre or smaller) cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).

COMPREHENSIVE PLAN – The Comprehensive Plan of the City of Benbrook, Texas, as adopted by the City Council of the City of Benbrook.

COMPRESSION STATION, NATURAL GAS – Those facilities within the City that compress natural gas after production-related activities occur and, under Federal and State rules and regulations, are not exempt from City regulations and ordinances regarding construction standards, safety standards or reporting requirements.

CONDITIONAL USE -- A use which would not be appropriate generally or without certain restrictions throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood would promote the health, safety, and welfare of the community. Refer to Chapter 17.80, Conditional Uses.

CONDOMINIUM -- A multi-family dwelling facility within which designated units or apartments are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roofs, parking space, and the land.

CONICAL SURFACE – An inclined plane that extends outward from the periphery of NAS Fort Worth for a distance of seven thousand feet (7,000’), and rises at a rate of one foot (1’) above the runway (elevation 650 feet msl) for every twenty feet (20’) from the end of the runway. The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004 or later.)

CONVALESCENT HOME – Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

COTTAGE MANUFACTURING - Small scale assembly and light manufacturing of commodities fully enclosed within the building without producing any noise, noxious odors, gas, or other pollutants. This category may include workshops and studios, electronics, pottery, glass-blowing, metal working, screen printing, sculpture, painting, and weaving.

COURT – An open, unoccupied space, bounded on three (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one (1) side open to a street, alley, yard or other permanent space.

COURTYARD - A landscaped open space in the center of the block with no street frontage, surrounded by walls or buildings on all sides. It shall be large enough to allow for public activities and have sunlight during midday. It should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage(s).

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.

dB(A) -- The sound pressure level in decibels. Refers to the “a” weighted scale defined by American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

DBH or dbh - Diameter at breast height; the average diameter (outside the bark) of a tree four and one-half feet (4 1/2’) above mean ground level. This method of measurement is used for measuring existing trees.

DECIBEL – The unit of measure used to express the magnitude of sound pressure and sound intensity. Refer also to SOUND PRESSURE and SOUND PRESSURE LEVEL.

DIRECTIONAL SIGN – Refer to SIGN, DIRECTIONAL.

DIRECTORY SIGN – Refer to SIGN, DIRECTORY.

DISTRICT (ZONING) -- A section of the City of Benbrook, Texas, for which the regulations governing the area, height, or use of the land and buildings are uniform.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND – Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

DWELLING, ONE FAMILY – A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

DWELLING, TWO FAMILY – A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

DWELLING, THREE FAMILY – A detached residential building containing three (3) dwelling units, designed for occupancy by not more than three (3) families.

DWELLING, FOUR FAMILY – A detached residential building containing four (4) dwelling units, designed for occupancy by not more than four (4) families.

DWELLING, MANUFACTURED HOME – Manufactured Home means a structure that was constructed after June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site, is three hundred twenty square feet (320 sq. ft.) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system, and bearing a seal issued in accordance with Section 5521f V.A.T.C.S.

DWELLING, MOBILE HOME – Mobile Home means a structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site, is three hundred twenty square feet (320 sq. ft.) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system.

DWELLING, MODULAR – A dwelling unit constructed on-site in accordance with applicable State and City codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. For purposes of this Ordinance, a modular dwelling may be located anywhere a detached single family dwelling is permitted.

DWELLING, SUBSIDIARY – A separate living quarters with separate kitchen facilities which is in addition to the principal dwelling unit on a single-family lot.

DWELLING UNIT – One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EFFICIENCY APARTMENT – An apartment having a combination living and bedroom, including independent cooking facility (no separate bedroom).

ELECTRONIC MESSAGE CENTER SIGN – Refer to SIGN, ELECTRONIC MESSAGE CENTER.

ENCROACHMENT - Any structural or non-structural 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.

ENHANCED PAVEMENT – Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped or stained concrete.

ENTRYWAY SIGN – Refer to SIGN, ENTRYWAY.

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.

FAMILY – One (1) or more persons who are related by blood, marriage, adoption, or foster assignment living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three (3) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

FENCE – Any construction or screening shrubs greater than thirty inches (30") in height and of any material the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, or to mark a boundary. A wall that is not part of a building shall be considered a fence. Dikes and retaining walls for the purpose of diverting water and retaining soil are not classified as a fence.

FLAG – Refer to SIGN, FLAG.

FLASHING – Operation that creates flashing light, change in light intensity, color or copy, or intermittent light impulses.

FLOODPLAIN – An area identified by the Federal Emergency Management Agency (FEMA) as possibly being flood prone or within the Special Flood Hazard Area (SFHA) or below the base flood, also known as the flood having a one-percent chance of being equaled or exceeded in any given year or the 100-year flood. The issuance of building permits for construction of any structure within such floodplain is regulated by a separate ordinance (Chapter 15.40, Flood Hazard Protection, of the Benbrook Municipal Code, as amended) governing the safeguards, preventive actions against flooding, types of uses permitted in flood prone areas, etc.

FLOOR AREA -- The total (gross) square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, porches, carports or garages that are not designed for residential or business occupancy.

FLOOR AREA RATIO (FAR) – An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building(s) floor area by the lot area.

FOOD TRUCK – A vehicle establishment that is designed to be readily moveable and from which merchandise is sold or food is sold or served. The term includes, but is not limited to, a commercially manufactured vehicle. Often also called a mobile food establishment.

FOOD TRUCK PARK – A location at which more than one (1) food truck operates on a regular basis.

FORECOURT - Similar to a courtyard, it is located in the front of a building such that the forecourt is surrounded on two or three sides by a building(s).

FRONTAGE – All the property abutting on one (1) side of the street between two (2) intersecting streets, measured along the street line.

GALLERY - A roofed walkway or promenade, it is an extension of the main facade of a building that is at or near the front property line. The gallery may overlap the public sidewalk.

GARAGE, PRIVATE – An enclosed accessory building for storage only of motor vehicles, boats, travel trailers, and household goods owned and used by the owners or tenants of the premises.

GARAGE, PUBLIC – A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

GARAGE, STORAGE (PARKING) – A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

GARAGE SALE – An occasional sale at retail open to the public and conducted on a residential premise in a residential district, or in a community facility district, for the purpose of disposing personal property by a person who does not hold himself out as engaging in, or does habitually engage in, the business of selling such property at retail. The term includes, but is not limited to all sales entitled “lawn”, “yard”, “room”, “backyard”, “patio”, or “rummage” sale. The term does not include situations where no more than three (3) specific items are offered for sale and all advertisements of such sale specifically name those products to be sold.

GASOLINE PRICE SIGN – Refer to SIGN, GASOLINE PRICE.

GRADE – The measure of vertical elevation relative to some reference point usually mean sea level (msl). Grade is measured as follows:

1. For buildings having walls adjoining one (1) street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings having walls adjoining more than one (1) street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street;
3. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building.

Any wall approximately parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Building Official and/or Planning Director shall establish such sidewalk level or its equivalent for the purpose of these regulations.

GROUND COVER – Low growing, dense spreading plants typically planted from containers.

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

HEIGHT OF BUILDING – The vertical distance of a building or structure measured from the highest adjoining sidewalk or ground surface within a five-foot (5') horizontal distance of the exterior wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Height shall exclude chimneys, cooling towers, ventilators, elevator bulkheads, penthouses, tanks, water towers, radio antennae, ornamental cupolas, domes or spires, belfries, parapet walls or other appurtenances not exceeding ten feet (10') in height above the top of the roof and not intended for human occupancy. Refer also to BASEMENT and CELLAR.

HEIGHT OF YARD OR COURT – The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

HIGH INTENSITY LIGHTING – Light, which when measured at ten feet (10') from the source exceeds eleven thousand (11,000) lumens.

HOBBY – An accessory use housed in a dwelling or in an accessory building in which the residents of the premise engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof and from which no compensation, revenue, or value may be derived, and in which no goods may be publicly displayed, offered for sale or advertised for sale, nor any sign be used in connection therewith.

HOME OCCUPATION – An occupation conducted in a dwelling unit in accordance with Chapter 17.84.160, Home Occupation.

HOTEL – One (1) or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for

meals and personal services. A hotel includes a tourist hotel, a motor hotel, and a motel, but does not include an apartment hotel.

JUNK – The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.

JUNKED VEHICLE – A vehicle that is inoperable as defined in Chapter 10.44, Abandoned and Junked Vehicles of the Benbrook Municipal Code (1985, as amended).

KENNEL – Any lot or premises on which six (6) or more dogs, cats, or other domestic animals, at least four (4) months of age, are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

KINDERGARTEN – A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

LANDSCAPE ARCHITECT – A person registered as a Landscape Architect in the State of Texas pursuant to state law.

LANDSCAPE CONTRACTOR AND/OR DESIGNER – A person knowledgeable in plant materials and landscape design.

LANDSCAPE AREA – An area which is covered by natural grass, ground cover, or other natural plant materials.

LAWN GRASSES – Thin bladed surface growing plants typically planted from seed, sprigs or plugs.

LEGAL NON-CONFORMING USE, BUILDING OR YARD – A use, building or yard existing legally at the time of the passage of this Ordinance which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be illegal.

LICENSED IRRIGATOR – A person duly licensed by the State of Texas to design and install irrigation systems.

LIVESTOCK – Animals typical of those that may be kept or raised on a farm or ranch, including but not limited to hoofed animals (horses, cows, sheep, goats, etc.), ratites (ostriches, emus, etc.), poultry (chickens, ducks, geese), and fur-bearers (rabbits, minks, etc.).

LIVE-WORK UNIT - A mixed use building type with a dwelling unit that is also used for work purposes. The following standards apply to the work component of the unit:

1. Located on the ground floor and at street level;
2. Restricted to the uses of professional office, artist's workshop, studio, or other similar uses;
3. Constructed to commercial ready standards; and
4. Constructed as separate units under a condominium regime or as a single unit.

The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

LIVING FENCE - A Street Screen composed of landscaping to create a screen/fence.

LIVING UNIT – Same as DWELLING UNIT.

LOADING SPACE, OFF-STREET – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOT – An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed or recorded. Refer to LOT OF RECORD.

LOT COVERAGE – The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

LOT FRONTAGE – The length of street frontage between property lines.

LOT LINES – The lines bounding a lot as defined:

1. **Lot Line, Front –** The boundary between a lot and the street on which it fronts.
2. **Lot Line, Rear –** The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Planning Director shall determine the rear line.
3. **Lot Line, Side –** Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on any alley or place or side street line.

LOT MEASUREMENTS – (See Figure 17.08-1)

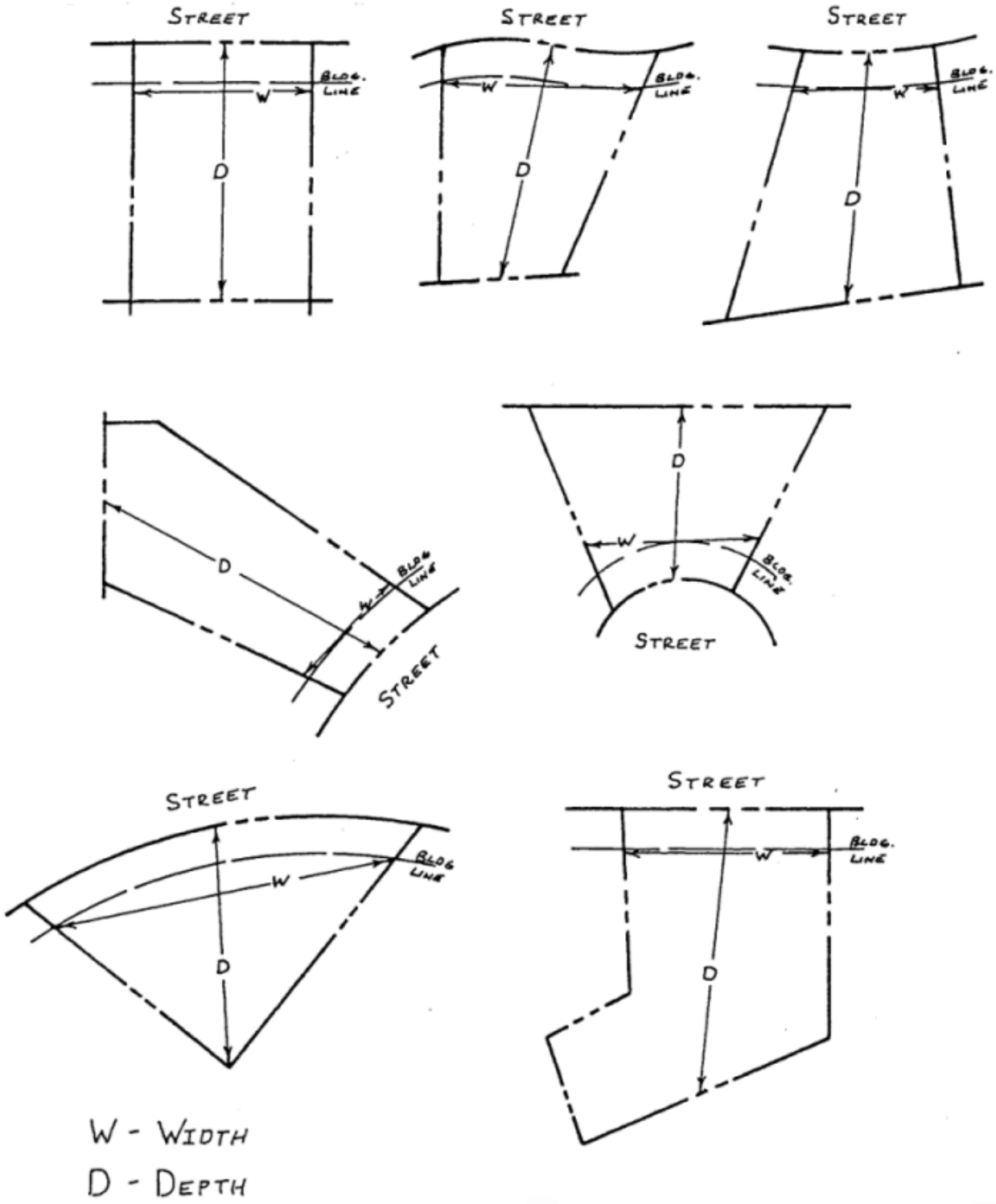
1. **Area** of the lot shall be the area of the lot within the lot lines, expressed in square feet or acreage, including easements, and shall not include portions of any public street or alley.
2. **Depth** of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot line in the rear (the mean horizontal distance between the front and rear lot line).
3. **Interior Area** is the area of the lot remaining after subtracting out the area included in the bufferyards.
4. **Width** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the County Clerk.

LOT TYPES – (See Figure 17.08-2)

1. **Corner Lot –** A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Planning Director.
2. **Interior Lot –** A lot other than a corner lot with only one (1) street frontage and whose side lot lines do not abut upon any street.
3. **Through Lot –** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as "double frontage" lots.
4. **Cul-de-Sac Lot –** A lot whose frontage is along the turnaround portion of a street that has only one (1) opening and terminates with a turnaround at the closed end.

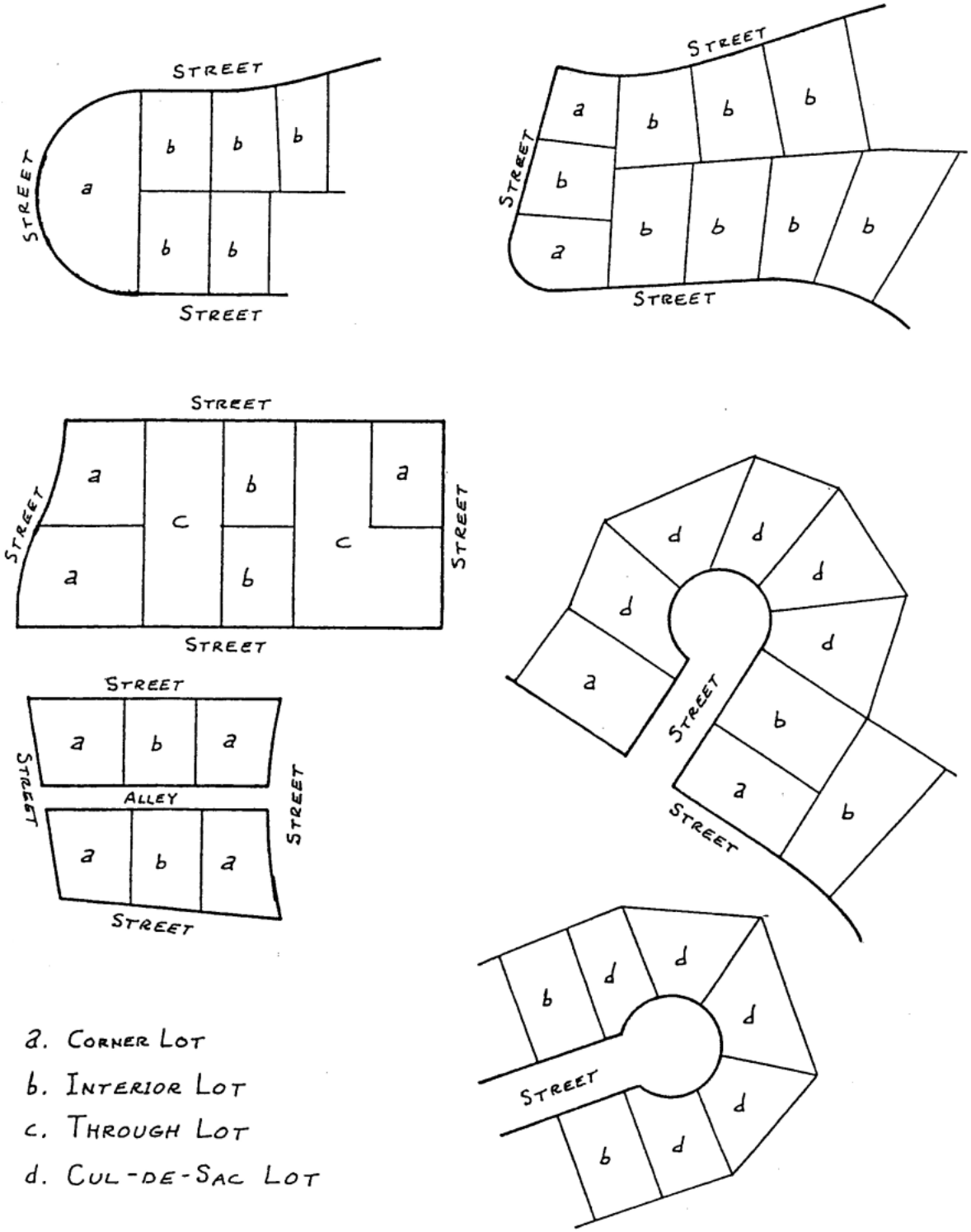
Figure 17.08-1



LOT MEASUREMENTS

Figure 17.08-2

LOT TYPES



a. Corner Lot

b. Interior Lot

c. Through Lot

d. Cul-de-Sac Lot

MAIN (PRINCIPAL) BUILDING – The building or buildings on a lot which are occupied by the primary use.

MARQUEE – Refer to SIGN, MARQUEE.

MASONRY CONSTRUCTION –

1. **Residential Construction**:

   a. Masonry construction in single family and duplex zoning districts ("RE", "A", "B", "BR", and "CR" Zoning Districts) shall be considered as being kiln-fired brick veneer, stone veneer or stucco. Cementitious fiber board and exterior insulating finish system (EIFS) may be used according to the applicable architectural requirements of the zoning district. b. Masonry construction in multifamily zoning districts ("C" and "D" Zoning Districts) may include the materials listed in paragraph a. above and split-face concrete masonry units (CMU).

   c. Concrete or cinder block (except split-faced CMU), exposed or painted cement, or concrete tilt wall systems shall not be considered masonry construction for the purposes of this Ordinance.

2. **Commercial Construction**: Masonry construction in commercial and industrial zoning districts ("E", "F", "HC", "G", and "H" Zoning Districts) shall comply with the requirements in Chapter 17.84.100, Architectural Standards for Nonresidential Buildings.

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 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.

MENU BOARD – Refer to SIGN, MENU BOARD.

MERITORIOUS EXCEPTION – An alternative architectural design that meets the City's goal for attractive, human-scale architectural style in an innovative or unique manner, but does not conform to the Architectural Requirements of this Ordinance.

MINI WAREHOUSE – A totally enclosed facility involving one (1) or more buildings and multiple individual units the purpose of which is exclusively for the storage of goods. Retail or wholesale, offices, manufacturing, fabrication, service, repair, or any other type of commercial or business enterprise is expressly prohibited from this type facility. Storage of hazardous and flammable materials as designated by the Fire Marshal is expressly prohibited from this type facility.

MOBILE HOME – Refer to DWELLING, MOBILE HOME.

MOBILE HOME PARK OR SUBDIVISION – A parcel of land upon which mobile homes are placed or located for purposes of occupancy.

MODEL HOME SIGN – Refer to SIGN, MODEL HOME.

MOTION – The moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a message center as hereinafter defined.

MOTOR VEHICLE COLLECTOR -- A person who owns one (1) or more antique or special interest vehicles; and acquires, collects or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve as an antique or special interest vehicle for historic interest.

MULTI-TENANT GROUND SIGN – Refer to SIGN, MULTI-TENANT GROUND.

NATIVE LANDSCAPE – Cultivated land that is characterized by the use of native plants, including trees, shrubs, groundcover and grasses which are indigenous, or adapted, to the geographic area of land.

NATURAL AREA – Uncultivated land that is undisturbed and allowed to grow in its natural state without direct human intervention. Natural areas are set aside for conservation purposes, as examples of typical and unique plant and/or animal communities, or as examples of natural interest and beauty.

NON-CONFORMING USE – A building, structure or use of land lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, and which does not conform to the use regulations of the zoning district in which it is situated.

NUDE MODEL STUDIO – "Nude Model Studio" means any place where a person appears in a state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a person appearing in a state of nudity who did so in a modeling class operated:

1. By a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
    a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
    b. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
    c. Where no more than one nude model is on the premises at any one time.

NUDITY, STATE OF NUDITY – "Nudity" or "State of Nudity" means less than completely and opaquely covered:

1. Human genitals, pubic region or pubic hair; or
2. Human buttock; or
3. Female breast or breasts below a point immediately above the top of the areola; or
4. Any combination of the foregoing.

OCCUPANCY – The use or intended use of the land or buildings by proprietors or tenants.

OPEN SPACE – Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

OPEN SPACE, CIVIC - Open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned but are used for public purposes.

1. **Green** – A civic/open space spatially defined by landscaping rather than building frontages and intended for unstructured recreation.
2. **Park** – A civic/open space left in a natural state available for unstructured recreation.
3. **Plaza** – A civic/open space defined by the surrounding buildings with formal landscaping and a paved surface, and is available for community purposes and commercial activities.
4. **Playground** – A civic/open space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas and may be placed within a block.
5. **Paseo** - A civic space dedicated for pedestrian movement located between blocks, buildings or along alleys.

OPEN SPACE, PRIVATE - An open space which is privately owned and for private use. The private open space could include a pool (swimming, lap pool, spa area), play courts (basketball), or picnic areas with shade structures.

OVERLAY DISTRICT – A set of zoning requirements that are described in the text, are mapped, and are imposed in addition to those of the underlying zoning district. Development within the overlay zone must conform to the requirements of both the underlying district and the overlay zone, or the more restrictive of the two. The zoning classification will typically be shown as a suffix to the underlying district (e.g. "CF-NAS," Community Facility – Naval Air Station Overlay District.)

PARKWAY – That area within the public right-of-way (ROW) between the back of curb or edge of pavement and the right-of-way line.

PARKING SPACE, OFF-STREET – For the purposes of this Ordinance, an off-street parking space shall consist of an indoor or outdoor space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PATIO - An outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Spanish and Spanish-style dwellings.

PAVING SETBACK – A line parallel or approximately parallel to the street right-of-way at a specified distance therefrom marking the minimum distance from the street right-of-way line that any pavement, including parking lots and necessary maneuvering areas, may be constructed, except for approved driveway and pedestrian access.

PENNANT – Refer to SIGN, PENNANT.

PERMEABLE PAVEMENT – A paving material that permits water penetration.

PERMITTED USES – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON – "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

PLANNING AND ZONING COMMISSION – The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the Zoning Ordinance and fulfill the functions authorized by the City Council and State Law.

PLAYGROUNDS - Open spaces designed and equipped for the recreation of children.

PLAT – A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Benbrook and subject to approval by the Planning and Zoning Commission. Reference to a plat in this Ordinance means an official plat of record that has been approved by the Planning and Zoning Commission and filed in the plat records of Tarrant County.

PREMISES – Land together with any buildings or structures occupying it.

PRIMARY ENTRANCE - The principal entrance to a building expressly utilized for daily pedestrian ingress and egress, typically easily identified due to special architectural treatment.

PRIVATE DRIVE (STREET OR PLACE) – An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

PRIVATE CLUB – As association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

PROHIBITED USES – Any use prohibited in a zoning district and subject to the restrictions applicable to that zoning district.

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.

READER BOARD – Refer to SIGN, READER BOARD.

REAL ESTATE SIGN – Refer to SIGN, REAL ESTATE.

RECREATIONAL EQUIPMENT, MAJOR – Major recreational equipment is defined to include boats, trailers and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, horse trailers, utility trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

RECREATIONAL VEHICLE – A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

RECREATIONAL VEHICLE CAMPING AREA – Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term (14 days or less) occupancy of camper vehicles, recreational vehicles, tents, or trailers.

REFLECTIVE – A sign having copy or background made of reflective surfaces made to shimmer.

REGULATING PLAN - A zoning map that shows the layout of a specific Form-Based Code District, including building locations and street type designations applicable to the project area and subject to the standards in Chapter 17.75, “FBC” Form-Based Code District of the Zoning Ordinance.

RELIGIOUS INSTITUTION – A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, recreational or other uses not normally associated with worship. Includes churches, chapels, cathedrals, temples and similar designations.

RESIDENCE – When used with the word "district," an area of residential regulations. Refer to DWELLING.

RESIDENTIAL BUILDING - A building that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

REVERSED FRONTAGE – Reversed frontage is a lot abutting two (2) or more streets at their intersection. A reversed frontage lot shall be deemed to front on that street at which it has its greatest frontage unless otherwise specified by the Planning Director.

ROOF SIGNS – Refer to SIGN, ROOF.

ROOF TERRACES - Flat areas on top of a building which are accessible for use as a passive recreation space for the residents and users of the building.

ROOM – A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

ROOMING HOUSE – A building other than a hotel where lodging for three (3) but not more than twelve (12) persons is provided for definite periods for compensation pursuant to previous arrangements.

SCREENING DEVICE – A fence, wall, hedge or other device that is solid, made of durable material and without holes, penetrations or other openings other than those required for passage and which is designed to prevent persons from seeing through. A screening device shall be at least six feet (6') in height but no more than eight feet (8') in height unless otherwise specifically permitted by the provisions of this Ordinance or unless approved as a variance by the Zoning Board of Adjustment (ZBA).

SCREENING SHRUBS – Evergreen shrubs that maintain their foliage year round, and of sufficient mass and spacing to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.

SEASONAL COLOR – Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

SETBACK – The distance from the property line to the nearest part of the building, structure or sign, measured perpendicularly to the property line. See also BUILDING LINE.

SEXUALLY ORIENTED BUSINESS – "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio.

SHOWROOM WAREHOUSE – A sales and office facility for a product that by nature of the bulk dimensions of the product requires a larger than normal storage area ratio to sales and office area to maintain a normal operating product inventory. A showroom warehouse is specifically not intended to be a wholesale distribution center.

SHRUBS – Plants which grow vertically in a multi-branched growth pattern.

SIGN – A presentation of letters, numbers, figures, pictures, emblems, insignias, lines or colors or any combination thereof, displayed for the purpose of information, direction or identification, or to advertise or promote a business, service, activity, interest or product. The following characteristics of signs are regulated in Chapter 17.92, Sign Regulations.

1. **Beacon** - Any light with one (1) or more beams that may rotate or move and are directed into the atmosphere. A searchlight is a beacon. Refer to SIGN, BEACON.
2. **Flashing --** Operation that creates flashing light, change in light intensity, color or copy, or intermittent light impulses.
3. **Motion --** The moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a message center as hereinafter defined. Refer also to SIGN, ANIMATED.
4. **Reflective --** A sign having copy or background made of reflective surfaces made to shimmer.

SIGN, ABANDONED -- Any sign:

1. Which, for at least six (6) continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product or activity; or
2. For which no legal owner can be found; or
3. Which pertains to a time, event, or purpose which no longer applies.

SIGN, ANIMATED – Any sign having a conspicuous and intermittent variation in illumination, or physical position of any or all of its parts, or that uses movement or change of lighting to depict action or create a special effect or scene. Signs that have an electronic display operated in accordance with Chapter 17.92, Sign Regulations, (other than time and temperature) shall be considered as Changeable Copy Signs under this Ordinance.

SIGN, APARTMENT – A sign identifying the name of a multi-family dwelling complex not for transient use.

SIGN, BALLOON – An inflated device carried aloft or fixed to the ground used for the purpose of advertising or drawing attention.

SIGN, BANNER – Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered banners.

SIGN, BEACON – Any light with one (1) or more beams that may rotate or move and are directed into the atmosphere. A searchlight is a beacon.

SIGN, BENCH – A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

SIGN, BILLBOARD – A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

SIGN, BLADE – A pedestrian-oriented sign which is installed perpendicular to the building facade. The sign may be affixed directly to the building, suspended under a bracket that is mounted to a building, or suspended under a canopy, awning or arcade.

SIGN, BUILDING – Any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space, as contrasted to a freestanding sign.

SIGN, CABINET/CAN – A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

SIGN, CANOPY – Any sign that is a part of, attached to, or affixed to the top of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign, including electronic and light-emitting diode (LED) signs. A sign on which the message changes more frequently than permitted in Chapter 17.92, Sign Regulations, (other than time and temperature), shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time and temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this Ordinance.

SIGN, CONTRACTOR – A temporary sign providing information about future development or current construction on a site and the parties involved in the project or identifying an architect, engineer, contractor, subcontractor, and/or material supplier who participates in construction on the property on which the sign is located.

SIGN, DETACHED – Any sign that is not attached, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation.

SIGN, DEVELOPMENT – A temporary sign providing information about future development on a site and the parties involved in the project or identifying an real estate agent who represents property or lots on which the sign is located.

SIGN, DILAPIDATED OR DETERIORATED – Any sign:

1. Where any portion of the finished material, surface, or message portion of the sign is visibly faded so as to no longer be clearly read, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or
2. Whose elements or structural support or frame members are visibly bent, broken, dented, or torn, twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown or by the failure of a structural member).

SIGN, DIRECTORY – A sign identifying the names of the tenants and the number of the building, suite or room in which they are located.

SIGN, ELECTRONIC MESSAGE CENTER – A sign displaying public service information, any similar public interest information and/or related advertising for a general business located on the same premises through electronically controlled intermittent light impulses. Refer also to SIGN, CHANGEABLE COPY.

SIGN, ENTRYWAY – A permanent sign identifying a subdivision or development project by name located at the entrance(s).

SIGN, FREESTANDING – Any sign supported by structures or supports that are placed on, anchored in, the ground and that are independent from any building or other structure. Pylon signs and monument signs are examples of freestanding signs.

SIGN, FLAG – Displays on cloth or other flexible material attached on only one (1) side.

SIGN, GASOLINE PRICE – An outdoor advertising display with changeable copy letters and numerals or an electronic display without movement visible from off the premises and intended to have a change of message no more frequently than once a day that displays the current price of diesel fuel or gasoline for sale. Refer also to SIGN, ELECTRONIC MESSAGE CENTER.

SIGN, ILLEGAL – Any sign erected or maintained in violation of this Ordinance.

SIGN, INCIDENTAL – A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone," and other similar directives. No sign with a commercial message greater than one square foot (1 sq. ft.) shall be considered incidental.

SIGN, INTEGRAL ROOF – Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign

extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches (6”).

SIGN, MARQUEE – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MENU BOARD – A sign displaying the menu for a drive-up window for a fast food restaurant.

SIGN, MODEL HOME – Sign identifying a single-family residence owned by the builder as being displayed for public view.

SIGN, MONUMENT – A freestanding sign having a low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. Monument signs must include a solid masonry base at least twelve inches (12”) in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the monument sign. A monument sign may contain the name, logo, address, product or service of the establishment, and a changeable copy panel.

SIGN, MULTI-TENANT FREESTANDING – A freestanding sign with provisions for separate sign copy for two (2) or more separate tenants located within the same development.

SIGN, NONCONFORMING – Any sign that was lawfully constructed and maintained prior to the effective date of this Ordinance and which does not conform to the requirements of this Ordinance.

SIGN, PAINTED WALL – A sign applied to a building wall with paint and which has no sign structure.

SIGN, PENNANT -- Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE – A sign that is mounted on a pole or other support so that the bottom edge of the sign cabinet is more than eight feet (8’) above grade. A pole sign is a prohibited sign.

SIGN, POLITICAL – A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

SIGN, PORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frame; menu or sandwich board signs; and umbrellas used for advertising.

SIGN, PROJECTING – Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6”) beyond the surface of such building or wall.

SIGN, PYLON – A freestanding sign other than a pole sign, permanently affixed to the ground by two (2) columns or supports with the sign face contained entirely between the two (2) columns and the bottom edge of the sign cabinet is a minimum of eight feet (8’) above grade.

SIGN, REAL ESTATE – A sign that advertises a parcel of land or a structure for rent, lease or sale. An apartment sign as defined in this Chapter shall not be deemed to be a real estate sign.

SIGN, RESIDENTIAL – Any temporary sign located in a district zoned for residential uses that may include political matter, notice of sale or rent of the property upon which it is located, advertisement for home contractors, or other messages not otherwise prohibited.

SIGN, ROOF – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, SANDWICH BOARD - A portable sign consisting of two (2) panels of equal size, which are hinged at the top of one (1) panel with a support and placed on the ground or pavement so as to be self- supporting.

SIGN, SEARCHLIGHT – An apparatus for projecting a powerful beam or beams of light.

SIGN, SUSPENDED – A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.

SIGN, TEMPORARY -- Any sign that is used only temporarily and is not permanently mounted.

SIGN, VEHICLE – Any sign attached to or painted on vehicles parked and visible from the public right-of-way.

SIGN, WALL – Any sign attached parallel to, but within six inches (6”) of a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one (1) sign surface. For the purpose of this section, awnings, canopy fascias and mansards extending along a building side shall be considered a part of the wall. Lighted signs in a window affixed to a window, or otherwise located for the purpose of being viewed from the exterior of a building through a window shall also be considered a wall sign.

SIGN, WINDOW – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or

service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN ALTERATION – Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

SIGN AREA – The area of the smallest individual rectangle, triangle or circle or combination of not more than two (2) contiguous rectangles, triangles or circles which will encompass all elements of the sign which form an integral part of the display, including background, borders and structural trim. The area of a double face sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two (2) faces does not exceed thirty degrees (30°).

SIGN COPY – Any combination of letters or numbers, which is intended to inform, direct or otherwise transmit information.

SIGN HEIGHT – The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

1. Existing grade prior to construction or
2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot be reasonable determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the main building on the lot, whichever is lower.

SIGN SETBACK – The minimum distance required between any property line and any portion of a sign or sign structure.

SIGN SPACING – Sign spacing shall be measured along a straight line, being the shortest horizontal distance between two (2) signs.

SOLAR ENERGY SYSTEMS (Ground- or Roof-Mounted) – Refer to ALTERNATIVE ENERGY SYSTEMS.

SOUND PRESSURE – The average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL -- The sound pressure mapped to a logarithmic scale and reported in A-weighted decibels (dB(a)).

SPACING – Refer to SIGN SPACING.

SPECIAL EXCEPTION – A Special Exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would be wholly compatible

with conditions affecting the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions if approved by the Board of Adjustment (ZBA). Refer also to Chapter 17.16, Board of Adjustment.

SPECIAL INTEREST VEHICLE – A motor vehicle of any age that has not changed from original manufacturers' specifications, and because of its historic interest, is being preserved by a hobbyist.

SPECIFIED ANATOMICAL AREAS – "Specified Anatomical Areas" means human genitals in a state of sexual arousal.

SPECIFIED SEXUAL ACTIVITIES – "Specified Sexual Activities" means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; and
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

STABLE OR BARN (COMMERCIAL) – A structure or building used for the boarding and quartering of horses, cows or other domestic livestock on a fee or other renumeration basis.

STABLE OR BARN (PRIVATE) – A structure or building used for quartering horses, cows or other domestic livestock of the property owner.

STOREFRONT – A store or other establishment that has frontage on a street or thoroughfare; usually containing display windows.

STORY – That part of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

STREET – A public way between two (2) right-of-way lines, other than an alley or private drive, which has been dedicated or deeded to the public and accepted by the City for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

STREET DESIGNATIONS: The following Street Designations shall be established for all streets within the "FBC" Form-Based Code District and are in accordance with the street types defined in the Comprehensive Plan:

1. **Arterial** – The Arterial is a major thoroughfare connecting the City to adjacent cities and to the freeway system. Typically, the Arterial shall establish a hybrid

development context in a FBC District that has a more pedestrian friendly development context at the intersections of streets and major driveways. Auto-related functions and surface parking is accommodated in the middle of the block. Surface parking shall be screened from the Arterial with a "slip lane," on-street parking, and/or landscaping.

2. **Collector Street** – The Collector Street carries traffic which connects local residential and commercial areas within the City. The Collector is intended to balance pedestrian orientation with automobile accommodation.

3. **Local Street** –The Local Street is intended to provide the most pedestrian friendly development context. Buildings along Local Streets shall be held to the highest standard of pedestrian-oriented design. The Local Street carries traffic from within a neighborhood to Collector Streets and Arterials

4. **Alley** - A public way permanently reserved as a secondary means of access.

5. **Interior Street** – A vehicular driveway located in the interior of lots providing access to parking and outbuildings and may contain utility easements. Interior streets which provide access across a lot shall comply with the streetscape standards.

STREET FRONTAGE – The distance for which a lot line of a lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET LINE – The right-of-way of a street.

STREET SCREEN - A freestanding wall or living fence built along the frontage line or in line with the building facade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

STRUCTURE – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

STRUCTURAL ALTERATIONS – Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the City Building Code.

STUCCO – Stucco shall be considered a masonry material when composed of cementitious ingredients, aggregate and water to create an exterior surface and moisture barrier with the aesthetics consistent with other masonry material of block, brick and/or stone. Stucco shall be applied using a 3-step process over galvanized metal lath mesh to a minimum of 3/4 inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability. It must meet the requirements of the American Concrete Institute ACI 524, Guide to Portland Cement Plastering and the Portland Cement Association Stucco Manual, and the

American Society for Testing and Materials (ASTM) specifications for Stucco and Plaster.

THOROUGHFARE – As defined in the City's latest approved Comprehensive Plan.

TILE ROOF– A roofing material composed of clay, concrete, slate and/or a similar local natural material. For the purposes of this Ordinance, clay, concrete, slate and/or similar tiles comply with the architectural requirements for tile roofs in the residential zoning districts

TOURIST HOME OR DUDE RANCH – A dwelling in which accommodations are provided or offered for transient or temporary guests for compensation.

TOWER – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, personal telecommunications towers and similar structures.

TOWER HEIGHT – The height above grade of the fixed portion of the tower, including the wind turbine and blades. Refer to ALTERNATIVE ENERGY SYSTEMS.

TOWNHOUSE – A single family dwelling facility constructed in a series, or group of units having common walls, each on a separate lot of record.

TRANSITIONAL SURFACE – Inclined planes that connect the Approach/Departure Clearance Surface (Slope), the Conical Surface, and the Horizontal Surface (a horizontal plane at one thousand one hundred fifty feet mean sea level (1,150' msl)). The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004 or later.)

TRANSITION ZONES - The areas with specific adjacencies within a Form-Based Code District which certain limitations on building heights apply as established.

TRAVEL TRAILER – A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor vehicle or other prime mover and not requiring a special permit for moving on the highway as contrasted to a mobile home.

TURBINE – Refer to ALTERNATIVE ENERGY SYSTEMS.

UNDERSTORY/ACCENT TREES – Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically have unique branching, textural or seasonal color characteristics. Refer to Table 17.98.080, Recommended Plants.

UNIFIED COMMERCIAL DEVELOPMENT – Commercial developments located within E, F, G, and HC zoning districts, with adjacent, adjoining property lines which abut or adjoin a public or private street that are developed, platted,

phased, used managed or marketed as a group, which may share drive aisles, shared parking and multiple pad sites.

UTILITY GRID WIND ENERGY SYSTEM – Refer to ALTERNATIVE ENERGY SYSTEMS.

UTILITY FACILITIES – Any water supply, water treatment, water pumping, water storage or other water facility; any sewerage treatment or pumping facility; any electrical generating facility, electrical transmission, switching facility, or electrical substation; any telephone exchange or other similar telephone communication facility; any natural gas pumping or storage facility; or any cable television receiving or transmission facility, when owned and operated by the City of Benbrook the Benbrook Water Authority, or any utility or communications concern operating under a franchise approved by the City Council.

WIND ENERGY SYSTEM – Refer to ALTERNATIVE ENERGY SYSTEMS.

VARIANCE – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Except as specifically authorized in Chapters 17.16 and 17.100, a variance is authorized only for height, area, size of structure or size of yards, and open spaces. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance except as provided in Chapters 17.16 and 17.100, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

YARD – A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding thirty inches (30"), may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT – A yard extending between side lot lines across the front of a lot adjoining a public street. (See Figure 17.08-3) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Planning Director may waive the requirement for the normal front yard and substitute a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of the depths required for second front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Planning Director shall determine the front yard requirements, subject to the following limitations:

1. At least one (1) front yard shall be provided having the full depth required generally in the district;
2. No other front yard on such lot shall have less than the minimum required second front yard for corner lots.

Depth of required front yards shall be measured at right angles to the front lot line.

YARD, SIDE – A yard extending from the rear line of the required front yard to the front of the required rear yard, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. (See Figure 17.08-3) Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

YARD, REAR – A yard extending across the rear of the lot between lot lines. In the case of through lots there will be no rear yards, but only front and side yards. All other lots will have rear yard. (See Figure 17.08-3)

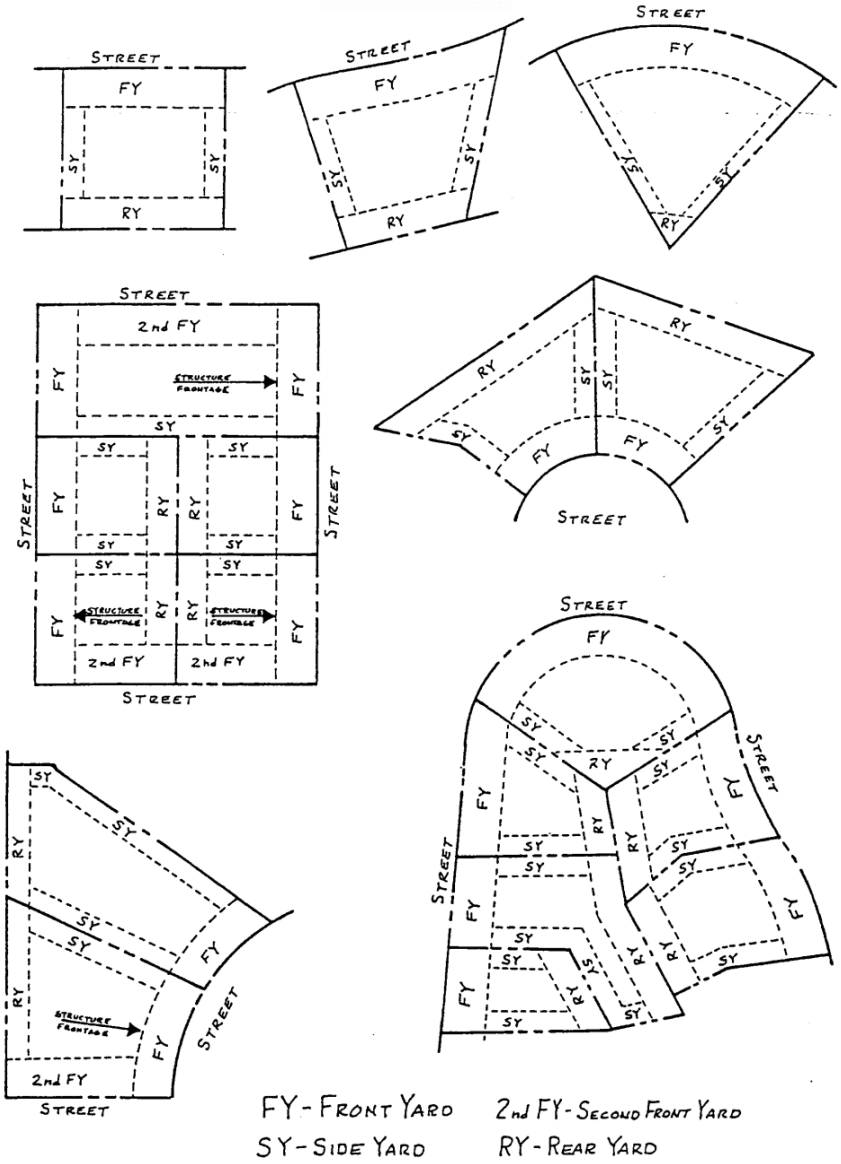
Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

In cases where a rear lot line is not evident, or if evident but not parallel to the front building line, the minimum rear yard requirement shall be the distance from the rear-most point of the lot along a line from that point drawn perpendicular to a line drawn from the foremost points of the two side lot lines, providing that the rear yard is parallel to at least one lot line along the rear of the lot.

YARD, SPECIAL – A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Planning Director shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Figure 17.08-3

YARD ORIENTATION



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CHAPTER 17.54
"D" MULTIPLE-FAMILY DISTRICT

Sections:

17.54.010	**PURPOSE**
17.54.020	**USE REGULATIONS**
17.54.022	**PERMITTED USES**
17.54.024	**CONDITIONAL USES**
17.54.026	**SPECIAL EXCEPTION USES**
17.54.028	**PROHIBITED USES**
17.54.030	**HEIGHT AND AREA REGULATIONS**
17.54.032	**ADDITIONAL DESIGN REQUIREMENTS**
17.54.034	**USABLE OPEN SPACE**
17.54.040	**SITE PLAN REQUIREMENTS**

17.54.010 PURPOSE

This district allows medium to high density multiple-family dwelling use of the land and is intended to comprise larger tracts of land designed to provide total residential amenities of open space, recreation space and areas of protected off-street parking. This district is intended to be located near high volume thoroughfares due to the traffic generating probability of medium to high-density dwelling units within this district. This district may be coupled with a Planned Development (PD) suffix to allow for site plan development in those areas that would be appropriate for contemporary design of the structures and their arrangement.

17.54.020 USE REGULATIONS

In the "D" Multiple-Family District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses Sections 17.54.022 through 17.54.026 below.

17.54.022 PERMITTED USES

The following are permitted uses in the “D” Multiple-Family District:

A. Any uses permitted in the "C" Multiple-Family District.

B. Multi-family residential up to twenty-five (25) units per acre.

C. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per five (5) acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse <u>or</u> one (1) cow per five (5) acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Chapter 17.84.080.)

D. Private barn or stable, in accordance with the requirements of Chapter 17.84.080, when more than ten (10) acres are available and the barn/stable is located no closer than one hundred fifty feet (150’) from a property line.

E. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.54.030 below), antennae attached to existing structures and not increasing the overall height of the existing structure by more than ten feet (10'), and dish antennae not exceeding two meters (2 m) in diameter. Except for satellite dish antennae, no antennae or support structure shall be located within the required front, side or rear yard setback. To protect traffic safety and community appearance, no satellite dish antennae or support structure shall be located within the required front or second front yard setback, unless the Zoning Board of Adjustment finds that such an encroachment is necessary to prevent impairment of installation, maintenance or reception and that a traffic sight restriction is not created.

F. Garage sales not exceeding two (2) in number on the same premises in any one (1) calendar year; provided that the duration of each such sale not exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

G. Home occupations in accordance with Chapter 17.84.160.

H. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary buildings for a period of six (6) months only, with a renewal clause for similar period.

I. Wind Energy Systems that do not exceed the maximum height specified in Section 17.54.030 below and comply with the provisions of Chapter 17.84.130.A.

J. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.

K. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.

17.54.024 CONDITIONAL USES

The following are conditional uses in the “D” Multiple-Family District:

A. Multi-family residential exceeding twenty-five (25) units per acre.

B. Apartment hotel.

C. Convalescent Home.

D. Private clubs, fraternities, sororities and lodges; excluding those whose chief activity is a service customarily carried on as a business.

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

F. Detached accessory buildings including storage garages are subject to the same regulations as District "A"; except that the lot area per car limitations shall be

waived and off-street parking shall be provided as set out in Chapter 17.88. Private or storage garages may be constructed as a part of the main building.

G. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one (1) horse may be kept per acre available for grazing for the first two (2) acres, and one (1) horse per (5) five acres thereafter. No more than one (1) animal unit other than horses may be kept per five (5) acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one (1) horse or one (1) cow per five (5) acres. Ratites (ostriches, emus) are prohibited. (See also the requirements in Chapter 17.84.080.)

H. Private barn or stable, in accordance with the requirements of Chapter 17.84.080.

I. Office building.

J. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.

K. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meter (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within ninety days (90%) of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Chapter 17.84.090.

L. Recreational vehicle camping area.

M. Wind Energy Systems that exceed the maximum height specified in Section 17.54.030 below and comply with the provisions of Chapter 17.84.130.A.

N. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

17.54.026 SPECIAL EXCEPTION USES

A. Special exception uses authorized by the Board of Adjustment under the provisions of Chapter 17.16.

17.54.028 PROHIBITED USES

A. Compression Stations, Natural Gas.

17.54.030 HEIGHT AND AREA REGULATIONS

In the "D" Multiple-Family District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum floor space per family shall be as follows:

A. Floor Space: In the "D" Multiple-Family District the floor space requirements for two-, three- or four-family dwellings shall be the same as District "C."

Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged, shall contain an average of seven hundred square feet (700 sq. ft.) and a minimum of five hundred fifty square feet (550 sq. ft.) of total floor area, exclusive of garage, porches, breezeways, and exterior storage for each family to be housed in said building.

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This minimum total floor area shall not apply to hotels, or apartment hotels where no provision is made for cooking in any individual room, suite, or apartment. It shall not apply to apartment complexes constructed and used exclusively for elderly retirees.

Additionally, in apartment complexes having fifty (50) or more units, the computation of minimum and average square footage of total floor area may include pro rata of separate recreational rooms or buildings up to ten percent (10%) of the required square footage of livable area.

Total floor area required in apartments constructed and used exclusively for elderly citizens shall provide a minimum average of five hundred square feet (500 sq. ft.). Dining room and recreational area are included in computing total floor space average. The minimum apartment size shall be four hundred square feet (400 sq. ft.).

B. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, or "C" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed three and one-half (3 ½) stories or forty-five feet (45'), provided that the required front, side and rear setback are increased by one foot (1’) for each foot of height in excess of thirty-five feet (35’).

C. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

D. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').

E. Side Yard: There shall be a side yard having a width of not less than ten feet (10’) on the interior side of corner lots and on both sides of interior lots. When more than one main building is erected on a lot of record, there shall be a separation of at least ten feet (10’) between buildings.

F. Width of Lot: The width of a lot shall be a minimum of seventy-five feet (75') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this Ordinance has less width than herein required, this Ordinance shall not prohibit the erection of a one-family dwelling.

G. Lot Area: In the "D" Multiple-Family District the lot area for two-, three- or four-family dwellings shall be the same as District "C."

Every other building or portion thereof, hereafter erected, reconstructed, altered, or enlarged, shall provide a lot area of not less than one thousand five hundred square feet (1,500 sq. ft.) per family.

This lot area requirement shall not apply to hotels, apartment hotels, or elderly retirement facilities, where no provision is made for cooking in any individual room, suite or apartment.

17.54.032 ADDITIONAL DESIGN REQUIREMENTS

A. ~~Architectural Requirements: Any building exceeding one thousand two hundred square feet (1,200 sq. ft.) must comply with the architectural requirements in Chapter 17.84.100.~~Architectural Requirements: Principal buildings (including room additions, but excluding sunrooms, porch and patio roofs, dormers, bay windows, chimney caps, carports, accessory buildings and the like) shall comply with the following:

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. Hardy Plank®) 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.

2. Roof Pitch:

a. Tile Roof: The roof shall have a minimum predominant pitch of 4:12.

b. All Other Roof Materials: The roof shall have a minimum predominant pitch of 7:12, unless an alternate design for a meritorious exception is approved by the Planning and Zoning Commission in accordance with Chapter 17.84.100.D.

~~A.~~

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~~B.~~A. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

~~C.~~B. Each complex shall provide bufferyards and landscaping in accordance with Chapter 17.98 of this Ordinance.

17.54.034 USABLE OPEN SPACE

All residential use shall provide and maintain a minimum of two hundred square feet (200 sq. ft.) of Usable Open Space for each dwelling unit. For the purpose of this Ordinance, Usable Open Space is as follows:

Usable Open Space shall mean outdoor area, excluding parking and other service areas that are utilized for livable and/or related amenity, such as outdoor living, associated recreation and/or

landscaping, and which is open and unobstructed from its lowest level to the sky except for roof overhangs and architectural projections. All usable open space, unless hereinafter excepted, shall be accessible to, and usable by, all residents residing on the site. Private courtyards or balconies may constitute usable open space for the purpose of calculating up to thirty percent (30%) of the total required usable open space. Usable open space may include areas at the ground level and/or on roof, decks or balconies designed for common use; provided that such areas meet other criteria as hereinafter set forth. The minimum dimension for usable open space at the ground level shall be ten feet (10') and the minimum area shall be one hundred square feet (100 sq. ft.). The minimum dimensions for usable open space located on roofs or decks that are available for common use shall be twenty feet by twenty feet (20' x 20') and the minimum area shall be four hundred square feet (400 sq. ft.). At least one-half (1/2) of the required open space shall be at the ground level.

17.54.040 SITE PLAN REQUIREMENTS

A. Any owner, builder, or developer of a multiple-family condominium or townhouse dwelling complex shall submit to the Planning and Zoning Commission the site and building plan for the proposed development for review. The contents of this site plan shall contain drawings to scale to indicate as needed:

1. Location of all existing and proposed structures on the subject property and within twenty feet (20') on adjoining property;
2. Location and screening of outdoor storage of trash receptacles in accordance with the City Design Standards and Criteria;
3. Landscaping and/or fencing of yards and setback areas and proposed changes;
4. Design of ingress and egress;
5. Off-street parking and loading facilities;
6. Height of all structures;
7. Proposed uses; and
8. Location, types and heights of all signs and lighting.
9. Scale drawing with north arrow, all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property, the names, addresses and phone numbers of the property owner, the applicant and the person preparing the site plan.
10. Total land area, total building area and building to land ratio, the total floor area per dwelling unit, drainage information, existing and/or proposed fire hydrants, and provisions for external illumination and trash collection.

B. The purpose of the site plan review is:

1. To assure compliance with the Zoning Ordinance, while allowing for design flexibility;
2. To assist in the orderly and harmonious development of the City;
3. To protect adjacent uses from obstructions to light, air, and visibility;
4. To provide protection from fire;

5. To avoid undue concentrations of population and overcrowding of land; and

6. To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.

C. The Planning and Zoning Commission shall, after conducting a public hearing, approve an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this Ordinance and other applicable ordinances, and if the Commission finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. The Commission shall disapprove or conditionally approve any application that fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.

~~CHAPTER 17.74~~
~~"MU" MIXED USE DISTRICT~~

~~**Sections:**~~

~~**17.74.010 PURPOSE**~~
~~**17.74.020 USE REGULATIONS**~~
~~**17.74.022 PERMITTED USES**~~
~~**17.74.024 CONDITIONAL USES**~~
~~**17.74.026 SPECIAL EXCEPTION USES**~~
~~**17.74.030 HEIGHT, AREA AND PERFORMANCE REGULATIONS**~~
~~**17.74.032 ADDITIONAL DESIGN REQUIREMENTS**~~
~~**17.74.034 DESIGN SPECIFICATIONS APPLICABLE TO SPECIFIC USES WITHIN THE DISTRICT**~~
~~**17.74.040 DEVELOPMENT SITE PLAN**~~

~~17.74.010 PURPOSE~~

~~The purpose of this district is to provide areas with a combination of residential, commercial, office, and institutional uses commingled in a pedestrian-friendly environment.~~

~~17.74.020 USE REGULATIONS~~

~~In the "MU" Mixed Use District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this Ordinance, except for one or more of the uses in Sections 17.74.022 through 17.74.026 below.~~

~~17.74.022 PERMITTED USES~~

~~The following are permitted uses in the "MU" Mixed Use District:~~

~~A. Any uses allowed in the "BR", "C", "D", "E", or "F" Zoning Districts. Drive-through commercial uses are prohibited, unless specifically approved as part of the Development Site Plan. Outdoor storage, display or sale of merchandise shall be prohibited, unless specifically approved as part of the Development Site Plan.~~

~~B. Wind Energy Systems that do not exceed the maximum height specified in Section 17.74.030 below and comply with the provisions of Chapter 17.84.130.A.~~

~~C. Solar Photovoltaic Systems and Solar Water Heaters not exceeding one thousand square feet (1,000 sq. ft.) of surface area and comply with the provisions of Chapter 17.84.130.B.~~

~~D. Geothermal Heat Pump Systems that comply with the provisions of Chapter 17.84.130.C.~~

~~17.74.024 CONDITIONAL USES~~

~~The following are conditional uses in the "MU" Mixed Use District:~~

~~A. Any uses allowed in the "G" District.~~

~~B. Utility facilities.~~

C. Artists’ studios, if located within a building housing residential uses.

D. Wind Energy Systems that exceed the maximum height specified in Section 17.74.030 below and comply with the provisions of Chapter 17.84.130.A.

E. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area and comply with the provisions of Chapter 17.84.130.B.

F. Food Truck Park in accordance with Chapter 17.84.150.

17.74.026 SPECIAL EXCEPTION USES

A. Special exception uses when authorized by the Board of Adjustment under the provision of Chapter 17.16.

17.74.030 HEIGHT, AREA AND PERFORMANCE REGULATIONS

In the "MU" Mixed Use District, the height of the buildings and the minimum dimension of yards shall be as follows:

A. Height: No building hereafter erected, reconstructed, altered, or enlarged shall be less than two (2) stories. No building shall exceed three (3) stories, nor shall it exceed forty-five feet (45’) within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, or "C" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed the maximum height envelope described in in Chapter 17.84.050.

B. Front Yard: There shall be a front yard of not more than ten feet (10'). Garage doors and gates meant for vehicle use shall be located no closer than twenty feet (20’) from the right-of-way.

C. Rear Yard: There shall be a rear yard of not less than five feet (5'), unless additional emergency access is required by the Fire Marshal.

D. The City encourages two (2) to three (3) story buildings in the “MU” Mixed Use District, with second and third stories used for retail, work space, or living areas. Developments that provide only off-street parking shall have a minimum floor area ratio of 1.5, while developments that utilize approved on-street parking shall have a minimum Floor Area Ratio of 2.0. Plazas and pedestrian areas shall count as floor area for the purpose of meeting the minimum floor area ratio.

E. Blocks shall strive to have a minimum residential use of twenty percent (20%) or more of gross floor area and minimum retail, office, eating uses of ten percent (10%) or more of the building gross floor area.

F. Normal business activities shall not create a sound level at the adjacent property line that exceeds sixty-five decibels (65 dB(A)) from 7:00 AM to 10:00 PM and fifty-five decibels (55 dB(A)) from 10:00 p.m. to 7:00 a.m..

17.74.032 ADDITIONAL DESIGN REQUIREMENTS

A. Design of building and layout of site shall comply with Chapter 17.84.140 of this Ordinance (CPTED – Crime Prevention Through Environmental Design).

~~B. Parking lot and interior landscaping shall be provided in accordance with Chapter 17.88 of this Ordinance. A “D” Bufferyard shall be provided where the “MU” Mixed Use District abuts a residential district zoned “A”, “B”, or “BR” District. All development fronting on public or private streets shall be required to plant street trees in accordance with the following standards and chosen from the recommended list of canopy trees in Table 17.98.080.~~

~~1. Location for Street Trees: Street trees shall be located behind the sidewalk except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than eight feet (8’) wide and designed to accept trees in tree wells. Street trees shall include irrigation, root barriers, and generally conform to the standard established by the City of Benbrook.~~

~~2. Spacing, Placement, and Pruning of Street Trees: All tree spacing may be made subject to special site conditions, which may, for reasons such as safety, affect the decision. Any such proposed special condition shall be subject to the review and approval of the Planning Director. The placement, spacing, and pruning of street trees shall be as follows:~~

~~a. Street trees shall be placed at the rate of one (1) tree for every thirty feet (30’) of street frontage; however they shall not unduly compromise visibility triangles at intersections and non-residential driveways.~~

~~b. Trees shall not be planted closer than twenty-five feet (25’) from the curb line of intersections of streets or alleys, and not closer than ten feet (10’) from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.~~

~~c. Street trees shall not be planted closer than twenty feet (20’) to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet (10’) to any existing street tree, and preferably such locations will be at least twenty feet (20’) distant.~~

~~d. Trees shall not be planted closer than six feet (6 ft.) from the face of the curb except at intersections where it shall be five feet (5’) from the curb, in a curb return area.~~

~~e. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.~~

~~f. Trees shall not be planted within 4 feet (4 ft.) of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least sixty-four square inches (64 sq. in.); however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.~~

~~g. Trees, as they grow, shall be pruned to provide at least eight feet (8’) of clearance above sidewalks and fifteen feet (15’) above street roadway surfaces. Responsibility for pruning will fall on~~

~~the person responsible for maintenance of the land on which the tree is planted.~~

~~h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Planning Director.~~

~~3. Replacement of Street Trees: Existing street trees removed by development projects shall be replaced by the developer with those from the Recommended Plants in Table 17.98.080. The placement trees shall be of size and species similar to the trees that are approved by the Planning Director.~~

~~C. Designated Creek Protection and Environmental Buffer Areas:~~

~~1. Designated stream protection areas shall be considered positive design elements and incorporated in the overall design of a given project.~~

~~2. When a creek area is disturbed or without vegetation, native riparian plant materials shall be planted in and adjacent to the creek to enhance the creek habitat.~~

~~3. 100-year floodplains shall be preserved to the extent practical.~~

~~D. Access, Parking and Circulation Standards:~~

~~1. Head-in on-street parking may be provided on most streets that are not designated as collectors or thoroughfares on the City's Thoroughfare Plan.~~

~~2. Parking shall be provided for proposed uses in accordance with Chapter 17.88 of this Ordinance, except that the overall requirement may be reduced by twenty percent (25%) for mixed use buildings. Adjacent on-street parking may be counted toward the overall total. Required parking may be located offsite if within five hundred feet (500') of the proposed use.~~

~~3. Pedestrian access: All non-residential buildings shall provide pedestrian access from the street to the building frontage in at least one (1) location. Such pedestrian access shall minimize conflicts with automobiles by such means as sidewalks.~~

~~E. Drive-up Uses:~~

~~1. Drive-up uses are prohibited in the "MU" Mixed Use District, unless specifically approved on the Development Site Plan.~~

~~F. Light and Glare Performance Standards:~~

~~1. Lights shall be fully shielded to minimize light trespass on residential zones. "Fully Shielded" means a technique or method of construction or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. Any structural part of the light fixture providing this shielding shall be~~

~~permanently affixed to the light fixture.~~

~~G. Building and Screening Standards:~~

~~1. Buildings shall incorporate arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.~~

~~2. At least sixty percent (60%) of the frontage on a Street shall have buildings within ten feet (10’) of the front property line.~~

~~3. The first floor of each building should provide retail, restaurant or service uses where practical.~~

~~4. Parking lots shall not be located between the structure and street.~~

~~5. Buildings shall be setback not more than twenty feet (20’) from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas.~~

~~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 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.~~

~~b. Service Corridor and Loading Dock Screen. When adjacent to residential uses, commercial and industrial service corridors and loading docks shall be screened. Location and design of such service areas shall reduce the adverse effects of noise, odor and visual clutter upon adjacent residential uses.~~

~~17.74.034 DESIGN SPECIFICATIONS APPLICABLE TO SPECIFIC USES WITHIN THE DISTRICT~~

~~A. Design Standards for Single-Family (attached and detached) Residential Areas:~~

~~1. Buildings shall utilize at least two of the following design features to provide visual relief along the front of the residence:~~

~~a. Dormers,~~

~~b. Gables,~~

~~c. Recessed entries,~~

~~d. Cupolas,~~

~~e. Pillars or posts, or~~

~~f. Bay window (min. 24" projection)~~

~~2. The garage frontage shall not occupy more than forty percent (40%) of~~

~~the total building frontage.~~

~~3. Garages shall be recessed from the front of the structure by at least ten feet (10').~~

~~4. No more than five (5) adjacent detached single family homes or contiguous groups of attached single family homes may be of the same design and floor plan.~~

~~5. Walls, which face a street other than an alley, must contain at least twenty percent (20%) of the wall space in windows or doors.~~

~~6. Primary entries shall be accessed directly from the public street and sidewalk.~~

~~7. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.~~

~~8. Flat roofs are permitted only when accompanied by a parapet.~~

~~9. Exterior finishes shall be primarily masonry, stone, horizontal wood, HardyPlank or other high quality wood substitute.~~

~~10. Each attached or detached unit must be built on a lot that is one hundred fifty percent (150%) of the footprint of the unit constructed on the lot.~~

~~B. Design Standards for Multi-Family Residential Areas:~~

~~1. Orientation requirements for developments:~~

~~a. At least sixty percent (60%) of the building face shall be within twenty feet (20') of the front lot line.~~

~~b. Buildings which are located within forty feet (40') of a front yard property line or twenty feet (20') of any yard adjacent to a street shall have at least twenty-five percent (25%) of the wall facing the street in window or door areas.~~

~~c. Parking areas shall not be located between buildings and the street.~~

~~d. Buildings shall be directly accessed from the street and the sidewalk.~~

~~e. Buildings shall provide a porch or balcony at the street entrance.~~

~~f. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor are permitted between the building and the street, and must be screened in an opaque manner such as masonry or vegetative screening.~~

~~2. Block Size: A project may not contain a block of greater than three (3) acres. Projects larger than three (3) acres shall develop a public or private street system that creates blocks of three (3) acres or less.~~

3. Private Streets shall be required to contain sidewalks and street trees, and meet all other public street standards.

4. Streetscape:

a. Street trees are required for private internal streets as well as public streets.

b. Front yard landscaping shall contain a mixture of ground cover, shrubs, and trees. Pine straw, bark chips, granite chips, gravel and other similar ground cover may not be a major component of the mature landscaping.

c. Sidewalks shall be placed along all street frontages and in the interior where appropriate for pedestrian circulation.

5. Open Space:

a. An area equal to at least eight percent (8%) of the lot area shall be dedicated to open space for recreation for use by the tenants of the development in Multi-family zones for all projects with greater than twenty (20) dwelling units per acre.

b. Areas covered by shrubs, pine straw, bark mulch and other ground covers which do not provide a suitable surface for human use may not be counted toward this requirement.

c. Decks, patios, rooftop terraces and similar areas are eligible for open space criteria. Play areas for children are required for projects of greater than twenty (20) units that are not designed as age limited or student housing.

6. Exterior finishes shall be primarily masonry, stone, horizontal wood, HardyPlank or other high quality wood substitute.

7. Special Standards for Large Scale Multi-Family Developments (greater than thirty (30) units):

a. The same exterior design may not be used for more than thirty (30) units in a project. A variety of compatible exterior materials use and type, building styles, massing, composition, and prominent architectural features, such as door and window openings, porches, rooflines, should be used.

C. Development Standards for Commercial Uses:

1. Orientation and Scale:

a. Buildings shall have their primary orientation toward the street rather than the parking area. Public sidewalks shall be provided adjacent to a public street along the street frontage.

b. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor are permitted between the building and the street, and must be screened in an

~~opaque manner such as masonry or vegetative screening. Gasoline pumps must be screened from the street by an “E” Bufferyard (berm or hedge), as specified in Chapter 17.98 of this Ordinance. Off-street loading areas shall be located at the rear or side of a building and shall be hidden from the street.~~

~~c. Buildings that are open to the public and are within thirty feet (30’) of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be open to the public during all business hours.~~

~~d. Building frontages greater than one hundred feet (100’) in length shall have offsets, jogs, or other distinctive changes in the building façade.~~

~~e. Any wall which is within thirty feet (30’) of the street, plaza or other public open space shall contain at least forty percent (40%) of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas. Blank walls within thirty feet (30’) of the street are prohibited. Up to forty percent (40%) of the length of the building perimeter can be exempted from this standard if oriented toward loading or service area.~~

~~f. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.~~

~~g. At least sixty percent (60%) of the frontage on a designated Main Street or within the Town and Village Centers and forty percent (40%) of the frontage on a Boulevard shall have buildings within ten feet (10’) of the front property line.~~

~~h. Prominent horizontal lines at levels similar to surrounding buildings shall be maintained along the street-facing side of the building.~~

~~2. Streetscape:~~

~~a. Hardscape (paving material), such as concrete, unit masonry, scored and colored concrete, Grasscrete®, or combinations of the above, shall be utilized to designate “people” areas.~~

~~3. Parking and On-site Circulation:~~

~~a. Parking areas shall be located behind buildings or on one or both sides.~~

~~b. Protected, raised walkways shall be installed through parking areas of fifty (50) or more spaces or more than one hundred feet (100’) in average width or depth.~~

~~c. Parking lots with fifty (50) spaces or more shall be divided into separate areas landscaped areas or walkways at least ten feet (10’) in width, or by a building or group of buildings.~~

d. Developments provide a pedestrian circulation plan for each block. Pedestrian walkways shall be directly linked to entrances and the internal circulation of the building.

e. Connections shall be made when feasible to any streets adjacent to the property and to any pedestrian facilities that connect with the property unless pedestrian and/or traffic hazards prohibit such connections.

4. Lighting: Lighting shall include adequate lights so that pedestrian areas are illuminated with at least one half-foot candle (1/2 FC)of illumination. Light may not directly illuminate property beyond the development, except for the public right of way.

5. Building Materials:

a. Buildings in a commercial use area shall have exterior walls constructed of stone, brick, glass block, tile, cast metal, cast stone, smooth stucco or a combination of those materials. Buildings may not be clad in plain concrete block or plain concrete walls if visible from the front or side yard adjacent to a street. Brick Masonry shall occupy at least fifty percent (50%) allowing portions of a building to be designed in decorative or split face concrete block or stucco, or high quality wood for up to fifty percent (50%) of the portion of the structure visible from a public street.

b. Metal siding shall not occupy more than fifteen percent (15%) of a building’s frontage for “C” Multiple-Family Districts and must be finished with enamel or anodizing.

c. For every eighty feet (80’) of building wall there shall be a change in relief, such as columns, cornices, bases, fenestration, and fluted masonry for at least fifteen percent (15%) of the exterior wall area.

d. Glass shall not be relied upon for structural integrity, and therefore, buildings may not incorporate glass for more than fifty percent (50%) of the building skin.

6. Signs:

Signs shall be regulated in accordance with Chapter 17.92 of this Ordinance, with the exception that projecting and/or suspended signs may be allowed if approved as part of the Development Site Plan.

7. Public spaces:

One square foot (1 sq. ft.) of plaza or public space shall be provided for every ten square feet (10 sq. ft.) of gross floor area used for nonresidential use. Plazas shall incorporate sitting space, sunlight and shade, and trees. Outdoor eating areas, public art and water features are encouraged.

~~17.74.040 DEVELOPMENT SITE PLAN~~

~~A. A development site plan shall be required for each block or group of blocks, shall be submitted to the Planning and Zoning Commission for approval, following a public hearing, and shall contain the following information:~~

~~1. Project name.~~

~~2. Vicinity map.~~

~~3. Scale.~~

~~4. North arrow.~~

~~5. Date.~~

~~6. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development, pavement widths, sidewalks, and bikeways.~~

~~7. Lot layout with dimensions for all lot lines.~~

~~8. Zoning designations adjacent to the proposed development.~~

~~9. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.~~

~~10. Infrastructure:~~

~~a. Water lines and appurtenances (valves, fire hydrants, etc.).~~

~~b. Sewers, manholes and cleanouts.~~

~~11. The proposed:~~

~~a. Connection to the Benbrook Water Authority water and sewer system,~~

~~b.~~

~~c.b. Method of drainage of the site, and~~

~~d.~~

~~e.c. c. Method of erosion and sedimentation control.~~

~~12. Location of drainage ways, environmental buffer zones, or public utility easements in and adjacent to the proposed development.~~

~~13. Locations, sizes and uses of contemplated and existing public areas within the proposed development.~~

~~14. A topographic map of the site at a contour interval of two feet (2') or less.~~

~~15. Location of all parking areas and all parking spaces, ingress and egress~~

~~on the site, and onsite circulation.~~

~~16. Use designations for all areas not covered by buildings, parking, or landscaping.~~

~~17. Locations of all significant landscape features including, but not limited to, any existing healthy trees greater than six inches (6”) dbh, generally forested areas, creeks, wetlands, 100 year floodplains, or existing ponds. Indicate any planned modifications to a natural feature.~~

~~18. A landscape plan showing in detail the location, type, and size of the proposed landscaping and plantings, in accordance with Chapter 17.98 of this Ordinance.~~

~~19. The elevations, surface area in square feet, illumination type, height, construction material and style, and locations of all proposed signs for the development.~~

~~20. Architectural elevations for all buildings proposed on the property. Such plans shall indicate the material, color, texture, windows, doors, and other design features of the building, including all visible mechanical equipment, such as for heating and cooling. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet (1” = 10’) or greater. In the case of subdivisions which contain attached units or lots of less than ten thousand square feet (10,000 sq. ft.), plans for homes which may be built on lots may be submitted without specifying which lot the unit is to be located on, however, building envelopes on the lot must be sufficient to accommodate the units planned for the lot.~~

~~21. A written summary showing the following:~~

~~a. The total area contained in the area proposed to be developed.~~

~~b. The total number of parking spaces.~~

~~c. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g. 10 one-bedroom units, 25 two-bedroom units, etc.).~~

~~d. Total area and percentage of lot coverage by:~~

~~i. Structures.~~

~~ii. Streets, roads, and alleys.~~

~~iii. Sidewalks.~~

~~iv. Recreation areas.~~

~~v. Landscaping.~~

~~vi. Tree canopy at maturity of the trees.~~

~~vii. Parking areas (and number of spaces).~~

~~B. Traffic Impact Analysis Required:~~

~~1. A Traffic Impact Analysis (TIA) shall be required for any proposed site development that can be reasonably expected to generate more than one thousand (1,000) vehicle trip ends during a single day and/or more than one hundred (100) vehicle trip ends during a single hour. Determination of the applicability of this requirement shall be made by~~

~~the Planning Director or City Engineer using the latest edition of Trip Generation published by the Institute of Transportation Engineers.~~

~~2. The Traffic Impact Analysis (TIA) shall address at least the following areas:~~

~~a. All proposed site access points.~~

~~b. All intersections bordering or adjacent to the site frontage including the closest intersecting collector or arterial street.~~

~~c. Any road segment or intersection where the proposed development can be expected to generate more than twenty-five (25) additional vehicle trips during a single hour.~~

~~d. Any road segment or intersection where the additional traffic volumes created by the proposed development is greater than ten percent (10%) of the current traffic volume (for road segments) or the current entering volume (for intersections).~~

~~3. The analysis shall include the following study time frames: existing conditions, full site build-out conditions, and a five-year (5 yr.) forecast.~~

~~4. The TIA Report shall conform to the requirements of the Subdivision Ordinance.~~

~~C. Storm Water Management Impact Analysis:~~

~~A Preliminary Drainage Plan shall be prepared in accordance with the requirements in Section 16.20.005 of the Subdivision Ordinance~~

CHAPTERS 17.74 AND 17.75 TO BE REMOVED AND REPLACED WITH NEW CHAPTER 17.74 MIXED USE

~~CHAPTER 17.75~~
~~"FBC" FORM BASED CODE DISTRICT~~

~~**Sections:**~~

~~**17.75.010 PURPOSE**~~
~~**17.75.020 USE REGULATIONS**~~
~~**17.75.022 PERMITTED USES**~~
~~**17.75.024 PERMITTED ACCESSORY USES**~~
~~**17.75.026 PERMITTED USES WITH SPECIFIC DESIGN STANDARDS**~~
~~**17.75.028 PROHIBITED USES**~~
~~**17.75.030 NON-CONFORMING USES, BUILDINGS AND SIGNS**~~
~~**17.75.040 BUILDING FORM AND DEVELOPMENT STANDARDS**~~
~~**17.75.045 DISTRICT DESIGN STANDARDS**~~
~~**A. BUILDING DESIGN STANDARDS**~~
~~**B. STREETSCAPE STANDARDS**~~
~~**C. SIGN STANDARDS**~~
~~**D. CIVIC AND OPEN SPACE STANDARDS**~~
~~**E. NEIGHBORHOOD TRANSITION STANDARDS**~~
~~**17.75.047 DESIGN STANDARDS FOR SPECIFIC PERMITTED USES**~~
~~**17.75.050 DEVELOPMENT REVIEW PROCESS**~~
~~**Table 17.75.050-A FBC District Applicability Matrix**~~
~~**Table 17.75.050-B Minor Modifications Allowed**~~

~~17.75.010 PURPOSE~~

~~The purpose of the Form-Based Code (FBC) District is to support economic development and reinvestment along aging commercial corridors. The FBC District is designed to implement pedestrian-oriented development with convenient access to the residential neighborhood areas as well as provide opportunities for a variety of uses - shopping, employment, housing, and neighborhood retail.~~

~~The corresponding standards enable a sustainable tax base, and further job creation by establishing predictable private redevelopment. Graphic standards are also provided to guide the design, location, and height of building elements. Such standards promote flexibility in land use, walkable mixed-use development, transitions to existing neighborhoods, and transportation choice. The predictability of the redeveloped area will support and leverage investment in and around existing commercial corridors within the City of Benbrook.~~

~~The FBC District is intended to promote redevelopment along any commercial corridor in the City. Any redevelopment project rezoned to FBC District will require an approved Regulating Plan and Design Standards. The Regulating Plan should be carefully crafted to precisely layout the total redevelopment of the site. Once approved through the discretionary approval process, the Regulating Plan will dictate the development as it occurs in phases. Further discretionary approval will not be necessary if development proceeds according to the approved Regulating Plan and Design Standards.~~

~~The FBD District is intended to be a zoning tool that is both flexible and fixed. A mixture of uses are permitted within the development and within the buildings. Once a building is constructed, a change of occupancy requires only administrative approval through the Building Official. All structures (buildings, parking lots or structures and large civic spaces) must be built according to the Regulating Plan and Design Standards in order to avoid further discretionary approvals.~~

~~The FBC District emphasizes the form of the building as well as pedestrian spaces along the street and within civic spaces. Therefore, only general land use categories have been identified. Uses not listed in the following section, but are substantially similar, may be permitted upon approval of the Planning Director or designee, subject to appeal to the Planning and Zoning Commission.~~

~~17.75.020 USE REGULATIONS~~

~~The FBC District emphasizes the form of the building as well as pedestrian spaces along the street and within civic spaces. Therefore, only general land use categories have been identified. Uses not listed in the following section, but are substantially similar, may be permitted upon approval of the Planning Director or designee, subject to appeal to the Planning and Zoning Commission.~~

~~17.75.022 PERMITTED USES~~

~~A. Residential Uses~~

1. ~~Hotels and motels.~~
2. ~~Live-work units.~~
3. ~~Multi-family residential on the upper floors.~~
4. ~~Single-family residential attached dwelling units as follows:~~
   - a. ~~Three (3) units or more if in the Naval Air Station Overlay Zone; and~~
   - b. ~~As a transition to existing single-family development.~~

~~B. Recreation and Entertainment Uses~~

1. ~~Amusement or theme park establishment (indoor) including, but not limited to, bowling alleys, bingo parlors, games arcades in accordance with Chapter 17.84.110.~~
2. ~~Art galleries and artist studios in compliance with the performance standards specified in Chapter 17.68.050 of the Zoning Ordinance.~~
3. ~~Theater, cinema, dance, or music establishment.~~

~~C. Educational, Institutional, and Special Community Facility Uses~~

1. ~~Business associations and professional membership organizations.~~
2. ~~Child day care and preschools.~~
3. ~~Hospitals and nursing establishments.~~
4. ~~Museums and other special purpose recreational institutions.~~
5. ~~Public administration uses (including local, state, and federal government uses, public safety, health, and human services).~~
6. ~~Religious institutions~~
7. ~~Schools, libraries, and community halls.~~
8. ~~Technical, trade, and specialty schools.~~
9. ~~Social and fraternal organizations.~~
10. ~~Social services and philanthropic organizations.~~
11. ~~Universities and Colleges.~~

~~D. Commercial, Retail, and Service Uses~~

1. ~~Antique, furniture, or electronics studio (retail, repair, or fabrication; excludes auto electronics sales or service) in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.~~

2. Commercial parking lot and garage.

3. Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive-through facility.

4. Food Service Uses such as full-service restaurants, cafeterias, bakeries, and snack bars with no drive-through facilities. Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation.

5. Funeral homes (excluding crematories).

6. Health and physical fitness centers.

7. Offices for business, professional, administrative, health, and technical services such as such as accountants, architects, lawyers, doctors, etc.

8. Pet and Animal sales or service (not veterinary clinic).

9. Retail Sales or Service (personal service uses) with no drive-through facility. Excluded from this category are retail sales and service establishments geared towards the automobile.

E. Industrial, Manufacturing, Warehousing, and Utility Uses

The following uses are permitted in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.

1. Information services and data processing.

2. Motion picture and sound recording.

3. Publishing (newspaper, books, periodicals, software).

4. Research laboratory headquarters, laboratories and associated facilities.

5. Telecommunications and broadcasting (radio, TV, cable, wireless communications, including stealth telecommunications towers, telephone).

F. Other Uses

1. Parks, greens, plazas, squares, and playgrounds.

2. Parking:

   a. Surface parking as an accessory use of property.

   b. Parking structure in accordance with Section 17.75.047 below.

3. Private garage (attached or detached) in Transition Zone.

4. Special Event subject to approval of a Special Events permit.

5. Vendors:

   a. Individual kiosk and/or food truck in accordance with Chapter 17.56.022.K of the Zoning Ordinance.

   b. Food trucks in accordance with Chapter 17.84.150 of the Zoning Ordinance, if more than one (1) food truck per property.

~~17.75.024 PERMITTED ACCESSORY USES~~

~~A. Residential Uses~~

~~1. Home-occupations in accordance with Chapter 17.84.160 of the Zoning Ordinance.~~

~~2. Subsidiary dwelling as defined in the Zoning Ordinance.~~

~~B. Commercial, Retail, and Service Uses~~

~~1. Auto-related Sales or Service establishments in accordance with Section 17.75.045 below.~~

~~C. Other Uses~~

~~1. Temporary Season Outdoor Sales Operations in accordance with Chapter 17.56.020.K of the Zoning Ordinance~~

~~17.75.026 PERMITTED USES WITH SPECIFIC DESIGN STANDARDS~~

~~The following uses are only permitted with the specified design criteria for each use in accordance with Section 17.75.045 below.~~

~~A. Residential Uses~~

~~1. Live-work units on the ground floor.~~

~~2. Residential dwelling units on the ground floor.~~

~~B. Commercial, Retail, and Service Uses~~

~~1. Any permitted use with a drive-through facility.~~

~~2. Auto-related uses such as gas stations and/or auto service and repair.~~

~~3. Veterinary Clinic with indoor kennels only.~~

~~C. Industrial, Manufacturing, Warehousing, and Utility Uses~~

~~1. Cottage manufacturing uses in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.~~

~~D. Other Uses~~

~~1. Antennas including cell, accessory, and those mounted on top of buildings in compliance with Chapter 17.84.100.A.3 of the Zoning Ordinance and subject to standards in this Section 17.75.026.C.5 below.~~

~~2. Community Garden.~~

~~3. Parking structures.~~

~~4. Surface parking (when it is the primary use of the property).~~

~~17.75.28 PROHIBITED USES~~

~~“Prohibited Uses” include any use specifically listed below or a use that is similar to a use listed below.~~

~~A. Residential Uses~~

~~1. Single-family residential.~~

2. ~~Single-family residential attached dwelling unit fronting onto an Arterial Street.~~

3. ~~Single-family residential attached dwelling units (less than three (3) units per building) in the “NAS” Naval Air Station Overlay District.~~

~~B. Commercial, Retail, and Service Uses~~

1. ~~Amusement or theme park establishment (outdoor) including miniature golf and go-kart tracks.~~

2. ~~Automotive repair garages~~

3. ~~Sexually-oriented business.~~

4. ~~Veterinary Clinic with outdoor kennels~~

~~C. Industrial, Manufacturing, Warehousing, and Utility Uses~~

~~The following uses are permitted in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.~~

1. ~~Food and textile product manufacturing.~~

2. ~~Machinery, electronics, and transportation equipment manufacturing.~~

3. ~~Transportation services (air, rail, road, truck, and freight).~~

4. ~~Telecommunications tower.~~

5. ~~Wholesale trade establishment.~~

6. ~~Warehouse and storage services.~~

7. ~~Wood, paper, and printing products manufacturing.~~

~~17.75.030 NON-CONFORMING USES AND BUILDINGS~~

~~A. Non-Conforming Building and Use~~

~~Regardless of transfer of ownership, existing non-conforming buildings with a non-conforming use that do not conform to the provisions of this FBC District may continue as they are until:~~

1. ~~The building is reconstructed or substantially modified such that the collective reconstructions or modifications within any continuous three (3) year period are valued at more than either $100,000 or a total of fifty percent (50%) of the assessed tax value of the structure in the most recently certified tax rolls, whichever is greater; or~~

2. ~~Any building facade on a designated Arterial, Collector, or Local Street is changed. These may include changes to architectural elements, windows, doors, or any other feature that alters that facade (excluding facade colors, window/glass replacement and maintenance of existing signage).~~

~~B. Change of Use within Non-Conforming Building~~

~~Regardless of transfer of ownership, existing non-conforming buildings that do not conform to the provisions of this FBC District may change use within the same building, provided the new use is permitted in Section 17.75.022 above and conforms to building code for Certificate of Occupancy until:~~

1. The building is reconstructed or substantially modified such that the collective reconstructions or modifications within any continuous three (3) year period are valued at more than either $100,000 or a total of fifty percent (50%) of the assessed tax value of the structure in the most recently certified tax rolls, whichever is greater; or

2. Any building facade on a designated Arterial ,Collector,or Local Street is changed. These may include changes to architectural elements, windows, doors, or any other feature that alters that facade (excluding facade colors, window/glass replacement and maintenance of existing signage).

C. Conformance Required

Regardless of transfer of ownership, existing non-conforming buildings and non-conforming uses that have lost their non-conforming status as specified in Chapter 17.100 of the Zoning Ordinance shall meet the standards the City of Benbrook Zoning Ordinance including, but not limited to:

1. Design Standards specified in Section 17.75.045 below.

2. Sign regulations specified in Chapter 17.92.

D. Any reconstruction or modification of or change to a building facing an Arterial Street or an Arterial facade of a non-conforming building or non-conforming sign shall meet the provisions of the approved FBC District that affect the facade design of a building unless a Meritorious Exception is granted by the Planning and Zoning Commission. In granting or denying a Meritorious Exception for such modifications, the Planning and Zoning Commission shall evaluate the extent to which the proposed modifications result in greater or lesser conformance with the specifications of this FBC District and the extent to which the modifications meet the vision and intent of the approved FBC District.

E. For all improvements over either $100,000 or sixty-five percent (65%) of the assessed tax value of the structure, any changes to non-conforming buildings that do not comply with the provisions of this FBC District shall only be approved by the Planning and Zoning Commission. Approval shall be granted based on the extent to which standards in this District can feasibly be met.

17.75.040 BUILDING FORM AND DEVELOPMENT STANDARDS

The following standards place an emphasis on the form of the building and the open spaces, whether a pedestrian plaza or a civic space. The goal is to build structures that can be utilized for a variety of uses and, thereby, extend the functional and economic viability of the building.

Use the graphic standards in the following pages in conjunction with the District Design Standards in Section 17.75.045 below and in accordance with the street designations from the City's Comprehensive Plan. The following Street Designations shall be established for all streets within the FBC District and are in accordance with the street types defined in Chapter 7 of the Comprehensive Plan:

A. Arterial Street

The Arterial Street is a major thoroughfare connecting the City to adjacent cities and to the freeway system. Typically, the Arterial shall establish a hybrid development context in a FBC District that has a more pedestrian friendly development context at the intersections of streets and major driveways. Auto-related functions and surface parking is accommodated in the middle of the block. Surface parking shall be screened from the Arterial with a “slip lane,” on-street parking and/or landscaping.

~~B.~~ ~~Collector Street~~

~~The Collector Street carries traffic which connects local residential and commercial areas within the City. The Collector is intended to balance pedestrian orientation with automobile accommodation.~~

~~C.~~ ~~Local Street~~

~~The Local Street is intended to provide the most pedestrian-friendly development context. Buildings along Local Streets shall be held to the highest standard of pedestrian-oriented design. The Local Street carries traffic from within a neighborhood to Collector and Arterial Streets.~~

~~D.~~ ~~Alley~~

~~A public way permanently reserved as a secondary means of access.~~

~~E.~~ ~~Interior Street~~

~~A vehicular driveway located in the interior of lots providing access to parking and outbuildings and may contain utility easements. Interior streets which provide access across a lot shall comply with the streetscape standards.~~

~~The graphic standards in the following pages are arranged as follows:~~

~~Building Placement and Block Standards – Arterial and Collector Streets~~

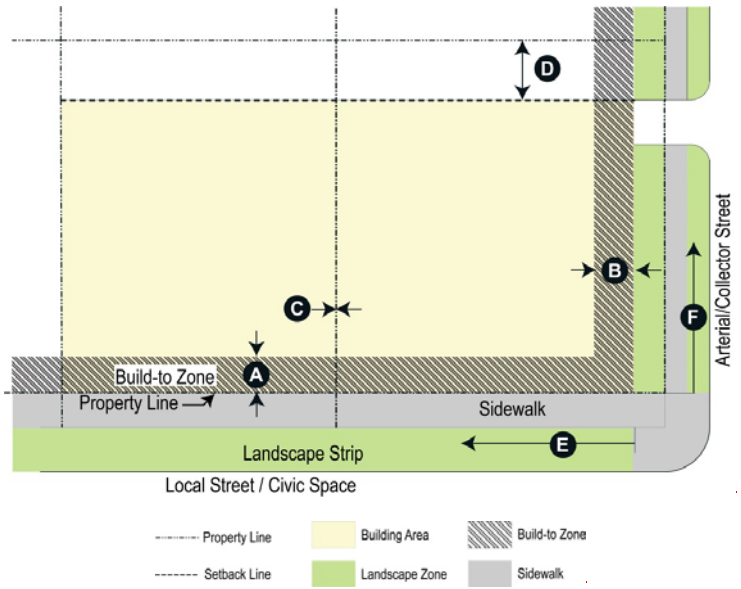
~~Building Placement and Block Standards – Local Street and Civic Space~~

~~Building Height and Uses – All Streets Designations and Civic Space~~

~~Parking – All Street Designations and Civic Space~~

~~Facade Requirements and Facade Elements – All Street Designations and Civic Space~~

~~BUILDING PLACEMENT AND BLOCK STANDARDS~~
~~ARTERIAL AND COLLECTOR STREET~~



~~1.0 BUILDING PLACEMENT~~

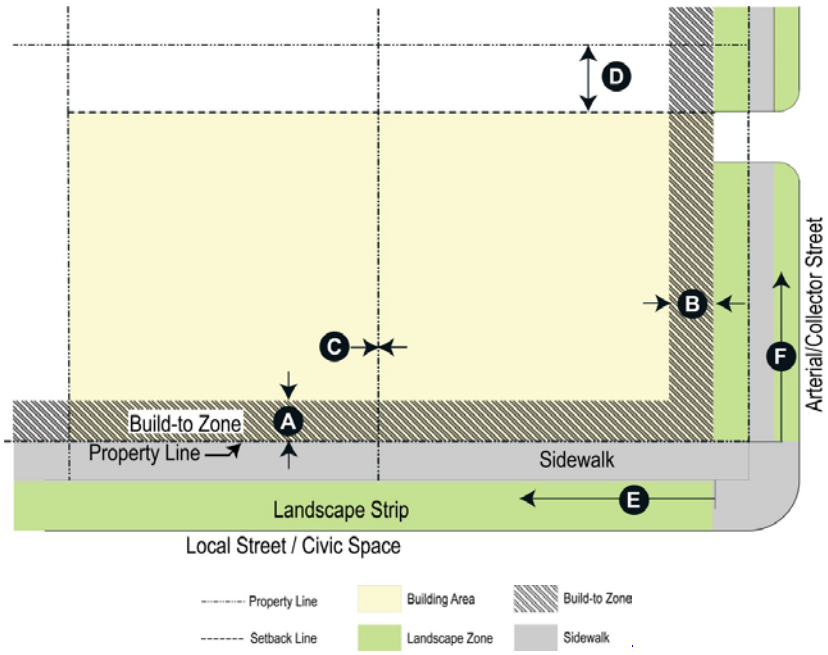
~~1.1 Building Frontage Required~~		~~1.2 Build to Zone (BTZ)~~	
~~A minimum of 75% of the length of the Front BTZ must be occupied by the building.~~	~~F~~	~~Front: 10 ft. minimum~~ ~~25 ft. maximum~~	~~B~~
~~Corner buildings shall have street facades built to the BTZ for a min. of 30 ft. from the corner along both streets or the width of corner lot, whichever is less.~~		~~The area between the building and the edge of the BTZ shall be paved flush with the public sidewalk.~~	
~~Any frontage along the Arterial not defined by a building at the BTZ shall be defined by a 4 ft. high Street Screen.~~			
~~1.3 Side Yard Setback~~		~~1.4 Rear Yard Setback~~	
~~Side: 0 ft.~~	~~C~~	~~Rear: 0 ft.~~	~~D~~

~~Side and rear setbacks shall be measured as the distance from the property line and may be based on minimum fire separation required between buildings, if applicable.~~

~~2.0 BLOCK STANDARDS~~

~~2.1 Block Length~~	~~2.2 Block Perimeter~~
~~250 ft. typical – 400 ft. maximum~~	~~2800 ft. maximum~~

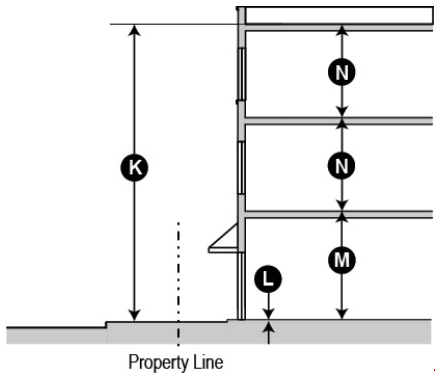
~~BUILDING PLACEMENT AND BLOCK STANDARDS~~
~~LOCAL STREET AND CIVIC SPACE~~

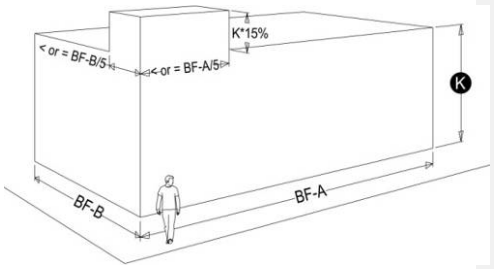


~~1.0 BUILDING PLACEMENT~~			
~~1.1 Building Frontage Required~~		~~1.2 Build-to Zone (BTZ)~~	
~~A minimum of 50% of the length of the Front BTZ must be occupied by the building.~~	~~E~~	~~Front: 5 ft. minimum~~ ~~10 ft. maximum~~	~~A~~
~~Corner buildings shall have street facades built to the BTZ for a min. of 30’ from the corner along both streets or the width of corner lot, whichever is less.~~		~~The area between the building and the edge of the BTZ shall be paved flush with the public sidewalk.~~	
~~Any frontage along Local Streets not defined by a building at the BTZ shall be defined by a 4’ high Street Screen.~~			
~~1.3 Side Yard Setback~~		~~1.4 Side or Rear Yard Setback~~	
~~Side: 0 ft.~~ ~~10 ft. maximum~~	~~C~~	~~Rear: 0 ft.~~	~~C, D~~
~~Side and rear setbacks shall be measured as the distance from the property line and may be based on minimum fire separation required between buildings, if applicable.~~			

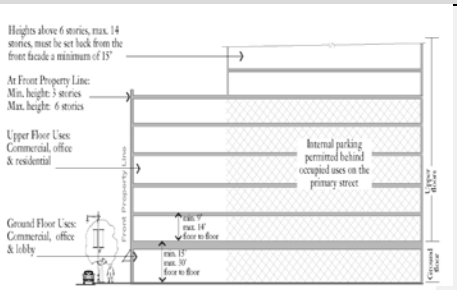
~~2.0 BLOCK STANDARDS~~	
~~2.1 Block Length~~	~~2.2 Block Perimeter~~
~~250 ft. typical – 400 ft. maximum~~	~~2800 ft. maximum~~

~~BUILDING HEIGHT AND USES~~
~~ALL STREET DESIGNATIONS and CIVIC SPACE~~



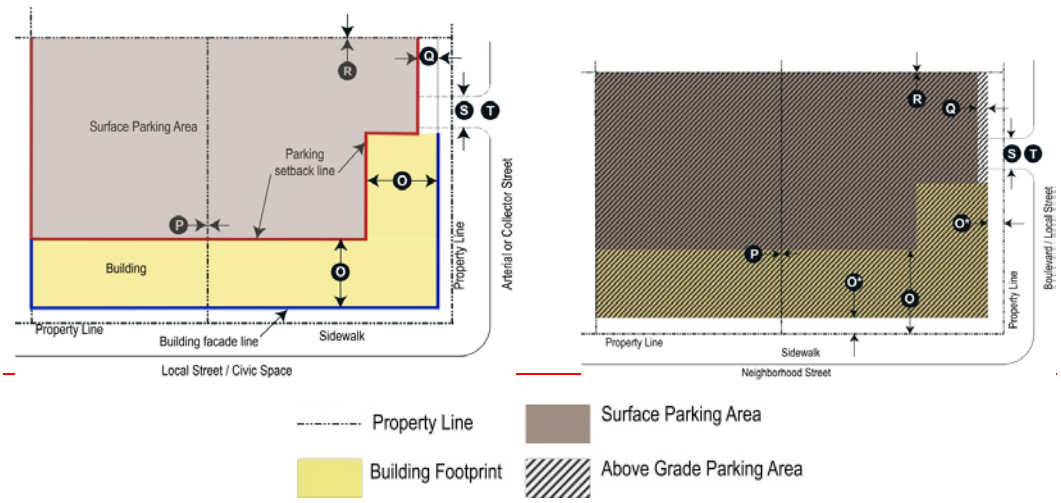


~~3.0 BUILDING HEIGHT~~	
~~**3.1 Building Height**~~	~~**3.2 Story Heights**~~
~~3-story building maximum, not to exceed 45 feet~~ ~~K~~	~~First floor: 15 ft. ht. minimum~~ ~~M~~
~~Corner buildings may exceed maximum height by 15% for 20% of the building's facade along the street.~~	~~Upper floor: 10 ft. ht. minimum~~ ~~N~~
~~Attics and mezzanines less than 7 ft. (avg) in height shall not be counted as a story.~~	~~Story heights shall not apply to parking structures.~~
~~**3.3 Ground Floor Finish Level**~~	~~**3.4 Ground Floor Frontage Requirements**~~
~~Commercial: 12 in. max. above sidewalk~~ ~~L~~	~~Ground floors of all buildings fronting on an Arterial shall be built to Commercial Ready standards (see definitions).~~
~~Residential: Not Applicable~~	
~~**3.5 Parking Garage Height**~~	~~**3.7 Parapet Height**~~
~~Parking garages shall be no taller than the building at the front BTZ or the eave height of the adjacent buildings to the sides or rear.~~	~~Parapets must be a minimum of 2 ft. in height.~~

~~4.0 USES~~	
~~**4.1 Ground Floor Uses**~~	
~~Commercial, office, and lobby uses are permitted. Live-work uses are permitted when built to commercial ready standards.~~	
~~**4.2 Upper Story Uses**~~	
~~Commercial, office and residential uses are permitted.~~	
~~Internal parking facilities are permitted behind occupied uses on the Local Streets. No parking on ground floor for a minimum depth of 30 feet on Local Streets. Ground floor parking is permitted along Arterial and Collector Streets.~~	

~~PARKING~~

~~ALL STREET DESIGNATIONS and CIVIC SPACE~~



~~5.0 PARKING Location~~			
~~5.1 Surface/At Grade Parking~~		~~5.2 Above Grade/Structured Parking~~	
~~Local Street/Civic Space:~~ ~~Located behind the principal building.~~	~~O~~	~~Front: (refer to paragraph 17.74.045.C below)~~ ~~Built up to the building facade.~~	~~O~~
~~Arterial or Collector Street:~~ ~~3 ft. min. behind the building facade.~~	~~Q~~	~~Side or Rear setback:~~ ~~No minimum applies.~~	~~P, R~~
~~5 ft. behind property line if no bldg. at front of BTZ~~			
~~In instance of a side or rear setback (distance from property line) no minimum space applies.~~			
~~5.3 Off-Street Parking Spaces~~		~~5.4 Driveways Width to Parking Areas~~	
~~Non-residential uses:~~ ~~1 space per every 300 square feet (gross)~~		~~Arterial or Collector Street:~~ ~~TxDOT standards apply~~	~~S~~
~~Residential uses: 1.5 spaces per unit~~		~~All other streets: 24 ft. width max. for driveway~~	
~~Shared driveways, parking areas and cross access easements are encouraged between lots.~~			~~T~~
Driveways, off-street loading /unloading, and trash pick-up areas in accordance with Section 17.75.047.			
~~5.5 On-Street Parking Spaces~~		~~5.6 Bicycle Parking~~	
~~Parallel on-street parking permitted on all streets.~~		~~Total number of bicycle parking spaces for the entire project in accordance with Chapter 17.88.050 of the Zoning Ordinance.~~	
~~Head-in angled parking permitted on interior streets only.~~		~~Minimum of 1 bike rack per block.~~	
~~5.7 Service Access~~		~~5.8 Screening and Landscaping~~	
~~Porte-cocheres may be permitted on Local Streets to provide drop-off and valet service.~~		~~Surface parking lots must be landscaped with 1 shade tree per 10 parking spaces min.; 1 tree minimum.~~	
		~~4’ Street Screen; see Streetscape Standards~~	

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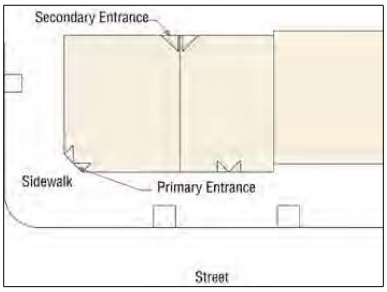
~~FACADE REQUIREMENTS AND FACADE ELEMENTS~~
~~ALL STREET DESIGNATIONS and CIVIC SPACE~~



~~6.0 FACADE REQUIREMENTS~~	~~7.0 FACADE ELEMENTS~~
~~**6.1 Ground Floor Transparency**~~	~~**7.1 Allowable Base Types**~~
~~Arterial and/or Collector Streets:~~ ~~50% - 90% of the area of the facade shall be windows and doors~~	~~Storefront is the allowable base type.~~
~~Local Streets:~~ ~~No requirement for transparency.~~	
~~**6.2 Upper Floor(s) Transparency**~~	~~**7.2 Allowable Cap Types**~~
~~Arterial and Collector Streets:~~ ~~25% of the facade area shall be windows located between 3 ft. and 9 ft. above finished floor.~~	~~Parapet is the allowable cap type, screening the roof and roof appurtenance beyond.~~
~~**6.3 Building Entrance**~~	~~**7.3 Facade Proportions**~~
~~Arterial and/or Collector Streets:~~ ~~Primary entrance required.~~	~~Cap and Base should be defined by horizontal articulation of the building or in materials.~~
~~Local Streets:~~ ~~No requirement for primary entrance.~~	~~Upper floor windows must be oriented vertically.~~
~~**6.4 Other Facade Requirements**~~	~~**7.4 Other Facade Elements**~~
~~Arterial and/or Collector Streets:~~ ~~No blank walls greater than 25 ft. in length along the frontage of the street.~~	~~Arcades and colonnades are permitted within the BTZ and shall be a min. of 6 ft. in depth and shall have a min. interior vertical clearance of 12 ft.~~
~~Adjacent to Residential:~~ ~~Windows on the ground floor which face single-family residential shall have sills higher than 6 ft. above finished floor unless screened by a 6 ft. fence, wall, or landscaping.~~	~~Canopies, signs, awnings, and balconies may encroach over the sidewalk as long as the vertical clearance is 8 ft. In no case shall an encroachment be located over on-street parking or a travel lane.~~ ~~Building projections on all other facades may not be closer than 5 ft. to any adjacent property line.~~

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~~17.75.045 DISTRICT DESIGN STANDARDS~~

~~A. Building Design Standards~~

~~Building Design Standards and Guidelines shall be established for each project rezoned to FBC District to establish a specific, coherent urban character and encourage enduring and attractive development. Development plans, such as Site Plans and Construction Documents, shall be reviewed by the Planning Director or designee for compliance with the typical standards below, the standards established with the rezoning ordinance, and with the approved Regulating Plan. The key design principles establish essential goals for the FBC District to ensure the preservation, sustainability, and visual quality of different areas within the development character areas within the project area. The design of buildings and their relationship to the street shall depend on the context of the development. Generally, buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The overarching key design principles are:~~

- ~~New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm within the project area, along the street frontages and at streets intersections..~~
- ~~Compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity.~~
- ~~Building facades shall include appropriate architectural details and ornament to create variety and interest.~~
- ~~Open space, also referred to as Civic Space, shall be incorporated to provide usable public areas integral to the urban environment.~~

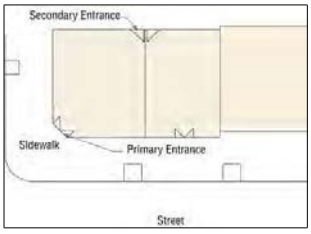
~~1. Building Orientation~~

~~The following regulations are in addition to the standards outlined and depicted in Section 17.75.040 above.~~

~~a. Buildings shall be oriented towards the street and/or Civic Spaces.~~

~~b. Primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.~~

~~c. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.~~



~~*Figure showing required building orientation and location of primary entrances*~~

~~d. Design of building and layout of site shall comply with Chapter 17.84.140 of the Zoning Ordinance (CPTED – Crime Prevention Through Environmental Design).~~

d.e. Garages, carports, or new surface parking for residential buildings shall be located and accessed from Local Streets or alleys at the rear of residential buildings.

2. Building Massing and Scale

The following architectural standards supersede paragraphs B and C of Chapter 17.84.100 of the Zoning Ordinance.

a. Building massing:

i. Commercial and mixed-use buildings shall be simple, rectilinear forms with low pitched roofs or flat roofs with parapets.

ii. Residential buildings shall have relatively flat fronts and simple roofs with most building wing articulations set at the rear of the structure. Window projections, stoops, porches, balconies, and similar extensions are exempt from this standard.

b. Building scale: Building height, width, and architectural treatments shall be proportionate to adjacent buildings along a street frontage.

3. Architectural Elements and Features

a. The approved Regulating Plan and associated Building Form Standards shall specify the architectural style for the approved FBC District. Building Form Standards not addressed with the approved FBC District shall be governed by the City of Benbrook Zoning Ordinance to the extent they are not in conflict with the intent or text of the FBC District.

b. Gable roofs, if provided for residential buildings, shall have a minimum pitch of 5:12. When hipped roofs are used, the minimum pitch shall be 5:12. Other roof types shall be appropriate to the architectural style of the building. Porch roofs may be a minimum pitch of 3:12.

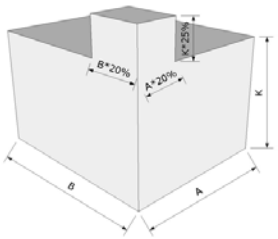
c. Mansard roofs shall comply with the following standards:

i. Mansard roofs shall only be used on buildings that are three stories.

ii. The mansard roof shall project no more than 18 inches (18”) forward of the building facade line.

iii. The lower slope of the roof should be inclined at no greater than seventy-five degrees (75º) to the horizontal.

d. Featured corner or vista terminating tower elements, tower time clocks, and varied height parapet walls at the building facade are permitted. The maximum height extending above the building shall not be greater than twenty-five percent (25%) of the height of the building.



e. Corner buildings may exceed the maximum building height by twenty-five percent (25%) for twenty percent (20%) of the length of the front of the building along each corresponding street facade.

f. Roof-top mechanical equipment shall be screened in accordance with Chapter 17.84.100.A.3 of the Zoning Ordinance.

~~B. Streetscape Standards~~

~~1. General Requirements~~

~~a. Streets in the FBC District need to support the overall intent for the district. They should balance all forms of mobility while maximizing convenience for residents and visitors.~~

~~b. The Regulating Plan shall designate the required and recommended street network within the District. This section specifies the typical configuration of streets within a FBC District. The specifications address vehicular lane width, parkway widths, ROW widths, number of travel lanes, on-street parking, and pedestrian accommodation.~~

~~c. New streets shall be addressed on a project by project basis and shall be reviewed by the Community Development Department.~~

~~2. Streetscape & Landscape Standards~~

~~a. Streetscape standards shall apply to all streets and development within an approved FBC District. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. All streetscape elements shall be maintained in accordance to the City standards and ordinances.~~

~~b. The following Street Designations shall be established for all streets within the FBC District and are in accordance with the street types defined in Chapter 7 of the Comprehensive Plan:~~

~~i. Arterial: The Arterial is intended to balance pedestrian orientation with automobile accommodation. Typically, the Arterial shall establish a hybrid development context in a FBC District that has a more pedestrian friendly development context at the intersections of streets and major driveways. Auto-related functions and surface parking is accommodated in the middle of the block. Surface parking shall be screened from the Arterial with a “slip lane,” on-street head-in parking and/or landscaping. The Arterial is a major thoroughfare connecting the City to adjacent cities and to the freeway system.~~

~~ii. Collector Street: The Collector Street carries traffic which connects local residential and commercial areas within the City.~~

~~iii. Local Street: The Local Street is intended to provide the most pedestrian-friendly development context. Buildings along Local Streets shall be held to the highest standard of pedestrian-oriented design. The Local Street carries traffic from within a neighborhood to Collector Streets and Arterials.~~

~~c. The following are streets that may be established within an approved FBC District:~~

~~i. Alley: A public way permanently reserved as a secondary means of access. Alleys shall be designed in accordance with the Chapter 16.28 of the Subdivision Ordinance.~~

~~ii. Interior Street: A vehicular driveway located in the interior of lots providing access to parking and outbuildings and may contain utility easements. Interior Streets which provide access across a lot shall comply with the streetscape standards.~~

3. Street Trees and Landscaping

a. Alley: Street trees shall be required on all streets except alleys.

b. Interior Street: Street tree location along Interior Streets shall comply with the approved Regulating Plan. Spacing shall be an average of seventy-five feet on center (75’ o.c.; measured per block face).

c. Local, Collector, and Arterial Streets:

i. Street trees shall not be planted closer than six feet (6’) from the face of the curb except at intersections where it shall be five feet (5’) from the curb in a curb return area.

ii. Spacing shall be an average of seventy-five feet on center (75’ o.c.; measured per block face) along Local, Collector, and Arterial Streets; however, they shall not be placed in visibility triangles at intersections and non-residential driveways.

iii. Trees shall not be planted closer than twenty-five feet (25’) from the curb line of intersections of streets or alleys, and not closer than ten feet (10’) from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.

iv. Street trees shall not be planted closer than twenty feet (20’) to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet (10’) to any existing street tree, and preferably such locations will be at least twenty feet (20’) distant.

v. The minimum caliper size for each tree shall be two inches (2”) and shall be a minimum of six feet (6’) in height at planting.

vi. Each tree shall be planted in a planting area no less than thirty-six square feet (36 sq. ft.). However, the tree well area may be no smaller than twenty-five square feet (25 sq. ft.). Space between the tree and hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, or paver blocks.

d. Turf and groundcover: When clearly visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.

e. Species shall be selected and planted in accordance with the Chapter 16.28.050.D of the Subdivision Ordinance.

f. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.

g. Trees, as they grow, shall be pruned to provide at least eight feet (8’) of clearance above sidewalks and fifteen feet (15’) above street roadway surfaces. The responsibility for pruning is in accordance with the City of Benbrook Municipal Code.

h. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the Planning Director.

i. Street Screen required: Any frontage along a street not defined by a building or civic space located within the build-to-zone (BTZ) shall be

~~defined by a four-foot (4’) high Street Screen.~~

~~4. Street Furniture, Lighting, and Materials:~~

~~a. Street Furniture:~~

~~i. Trash receptacles and bike racks shall be required along Local, Collector, and Arterial Streets. Total number of required bicycle parking spaces shall be calculated in accordance with Chapter 17.88 of the Zoning Ordinance. The approved Regulating Plan shall show locations of street furniture. A minimum of one (1) trash receptacle and bicycle rack is required per block along the street frontage.~~

~~ii. Street furniture and pedestrian amenities such as benches are recommended along all streets.~~

~~iii. All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of six feet (6’).~~

~~b. Lighting:~~

~~i. Pedestrian scale lighting, with the top of fixture being no more than twenty feet (20’) from the ground, shall be provided along all streets except alley.~~

~~ii. Street lights shall be placed at each intersection and at a maximum spacing of seventy-five feet on center (75’ o.c.), approximately three feet (3’) behind the curb line.~~

~~iii. The light standard selected shall be compatible with the design of the street and the approved Building Form Standards.~~

~~iv. Lights shall be fully shielded to minimize light trespass on residential zones. “Fully Shielded” means a technique or method of construction or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture. Any structural part of the light fixture providing this shielding shall be permanently affixed to the light fixture.~~

~~c. Materials selected for paving and street furniture shall be of durable quality and require minimal maintenance.~~

~~C. Sign Standards~~

~~Except as specifically listed below, all other signage and sign standards shall comply with Chapter 17.92 of the Zoning Ordinance. For new signs, the standards in Table 17.75.045-C shall apply and sign permits shall be approved administratively by the City of Benbrook Building Official.~~

~~An applicant has the option to establish unique sign standards including size, color, type, design, and location to be approved by the Planning and Zoning Commission as part of the FBC District, Regulating Plan, and/or Design Standards. In evaluating a unique sign standards, the Planning and Zoning Commission shall consider the extent to which the application meets the following:~~

~~1. Promotes consistency among signs within a development thus creating visual harmony among signs, buildings, and other components of the property;~~

~~2. Enhances the compatibility of signs with the architectural and site design~~

~~features within a development;~~

~~3. Encourages signage that is in character with planned and existing uses thus creating a unique sense of place; or~~

~~4. Encourages multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.~~

~~Table 17.75.045 C New Signs~~

~~SIGN~~	~~STANDARD~~
~~Marquee Signs~~	~~Permitted for theatres, auditoriums, and other public gathering venues of 100 persons or more.~~ ~~Marquee signs shall be attached to the building or located above or below a canopy only.~~ ~~Size is limited to a maximum area of 100 square feet.~~ ~~Message board may be changeable copy (non-electronic).~~
~~For Sale/~~ ~~For Lease Signs~~	~~Size is limited to 32 square feet per sign face.~~ ~~All other standards are the same as City of Benbrook Sign Regulations.~~
~~Address Signs~~	~~Same as City of Benbrook Sign Regulations~~
~~Development Signs~~	~~Same as City of Benbrook Sign Regulations~~
~~Banners~~	~~Same as City of Benbrook Sign Regulations~~
~~Sandwich Board Signs~~	~~Permitted only for retail, service, or restaurant uses.~~ ~~Limited to 8 square feet per sign face per storefront.~~ ~~Sign may not exceed 4 ft. in height.~~ ~~A minimum of 6 ft. of sidewalk shall remain clear.~~ ~~Chalkboards may be used for daily changing of messages.~~ ~~Reader boards (electronic and non-electronic) shall be prohibited.~~ ~~Sign shall be removed every day after the business is closed.~~
~~Directory Signs~~	~~Shall be allowed for all multi-tenant commercial and mixed use buildings only.~~ ~~One directory sign per multi-tenant building limited to 12 sq. ft. in area.~~ ~~Design of the sign shall be integral to the facade on which the sign is to be affixed.~~

~~D. Civic Space and Open Space Standards~~

~~This chapter establishes the public Civic Space and Private Open Space Standards for the FBC District. The detailed Civic Space Standards for each type are included in this Section. These standards include general character, typical size, frontage requirements, and typical uses.~~

~~1. Private Open Space Standards~~

~~Given the mixed use nature of development within the FBC District, all new residential and lodging uses shall meet the private open space standards established in this Section in lieu of the city’s adopted park dedication standards.~~

~~Table 17.75.045 D-1 Private Open Space Types~~

~~PRIVATE OPEN SPACE~~	~~STANDARDS AND CRITERIA~~
~~Balconies~~	~~Balconies that are not flush with the facade shall be a minimum of five feet (5’) deep and eight feet (8’) wide.~~ ~~Balconies may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support.~~
~~Patios~~	~~Patios shall be a minimum of 150 square feet.~~ ~~Patios shall have a clear sense of enclosure and separation from the public realm.~~
~~Courtyard~~	~~Courtyards shall be surrounded on all sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk.~~ ~~The courtyard shall be a minimum of 200 square feet.~~ ~~The courtyard may be landscaped or a combination of landscape and hardscape, and shall include amenities for residents such as seating, water features, etc.~~
~~Forecourt~~	~~A Forecourt shall be surrounded on at least two (2) sides by buildings.~~ ~~A Forecourt shall be a minimum of 150 square feet.~~
~~Playground~~	~~Playgrounds shall be a minimum of 400 square feet.~~
~~Roof terraces~~	~~The minimum area for a Roof Terrace shall be 50% of the area of the building footprint.~~ ~~A Roof Terrace shall provide seating, landscaping (potted plants), and other amenities for the users of the building.~~ ~~A Roof Terrace may also include a portion of the roof as a green roof which may or may not have public access.~~
~~Private Open Space~~	~~Includes a pool, play courts or a picnic area.~~ ~~Such private open spaces may be incorporated with roof terraces or courtyards based on the appropriateness of the design and accommodation of privacy.~~

~~Table 17.75.045-D-2 Private Open Space Standard~~

~~PROPOSED NO. OF RESIDENTIAL UNITS~~	~~STANDARDS AND CRITERIA~~
~~1-4~~	~~None~~
~~5-12~~	~~The development shall provide:~~ ~~• At least 40% of all residential units fronting on a street, public civic space, fore court, or courtyard shall provide one balcony or patio; or~~ ~~• One (1) playground or other private open space amenity.~~ ~~All other private open spaces are optional.~~
~~13-25~~	~~The development shall provide:~~ ~~• At least 40% of all residential units fronting on a street, public civic space, fore court, or courtyard shall provide one balcony or patio; and~~ ~~• One (1) playground or other private open space amenity.~~ ~~All other private open spaces are optional.~~
~~26-50~~	~~Any three (3) of the private open spaces listed in Table 17.75.045.D-1.~~
~~Over 50~~	~~Shall provide at least one (1) public civic space such as a green, square, plaza or paseo.~~
~~Hotel with more than 200 Lodging Rooms~~	~~Shall provide at least one (1) public civic space such as a green, square, plaza or paseo.~~

~~2. Public Civic Space Standards~~

~~The design of public Civic Space shall be regulated by the Civic Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities may be accommodated in a variety of spaces ranging from larger parks to local-scaled greens to urban squares and plazas. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike.~~

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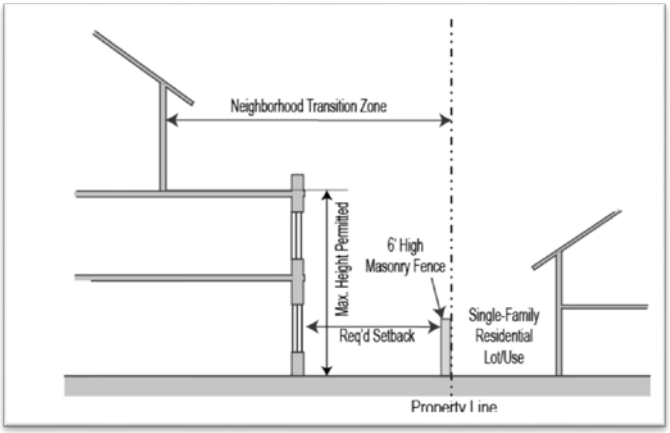
~~3. Neighborhood Transitions~~



~~1. A Transition Zone shall be established on all development sites adjacent to single family residences. The zone shall be comprised of an area that is twenty-five feet (25') parallel to any lot line that is common with an existing single family residential lot.~~

~~2. The maximum height of any building and/or parking structure within the Transition Zone shall not exceed two (2) floors or 25 feet.~~

~~3. Screening:~~

~~i. A six foot (6') privacy fence (masonry or opaque vegetation) shall be required for any new development within an FBC zoned district when abutting single family residential lots.~~

~~ii. A six foot (6') high privacy fence is optional when adjacent to existing non-residential uses.~~

~~17.75.047 DESIGN STANDARDS FOR SPECIFIC PERMITTED USES~~

~~A. Residential Uses~~

~~1. Residential uses other than Live/Work units are not permitted on the ground floors of buildings with direct frontage on Arterial Street and Collector Streets. Store front shall remain as the front of the Live/Work unit.~~

~~2. Residential uses are permitted on the ground floors of buildings that front on Local Streets or on interior driveways.~~

~~3. All ground floors of buildings with frontage on Arterial and Collector Streets shall be built to Commercial Ready standards.~~

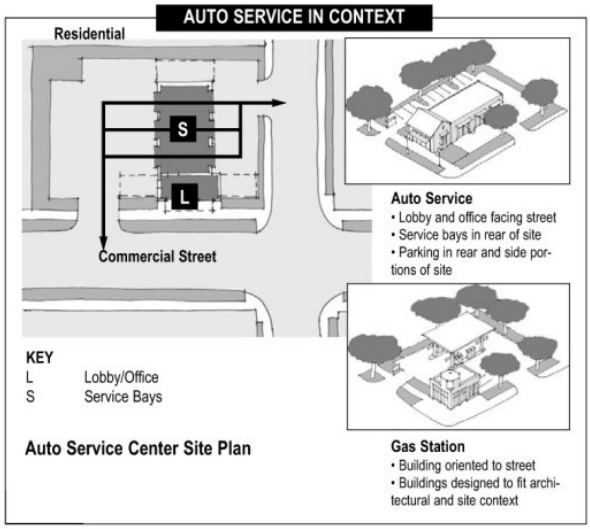
~~4. Minimum of one (1) parking space required for single-family attached.~~

~~5. Size of parking spaces shall comply with Chapter 17.88 of the Zoning Ordinance.~~

~~6. Parking of recreational vehicles is prohibited.~~

~~B. Commercial, Retail, and Service Uses~~

~~1. Auto-related Uses~~



~~*Illustration showing a site concept plan for an auto service centers*~~

~~a. Any buildings associated with any automobile related use, such as gas stations and/or auto service and repair, shall also have a pedestrian entrance along the street frontage.~~

~~b. Gas pumps, canopies, and/or service bays:~~

~~i. Local Streets: Gas pumps, canopies, and/or service bays shall not be permitted on the frontage of the lot.~~

~~ii. Arterial and Collector Streets: Gas pumps, canopies, and/or service bays shall not exceed fifty percent (50%) of the frontage of the lot.~~

~~iii. There shall be no such limitation along Interstate frontage roads.~~

~~c. Outdoor storage of vehicles and/or sales of related products:~~

~~i. Local Streets: Outdoor storage and/or sales shall not be permitted on the frontage of the lot.~~

~~ii. Arterial and Collector Streets: Outdoor storage and/or sales shall not exceed fifty percent (50%) of the frontage of the lot.~~

~~iii. There shall be no such limitation along Interstate frontage roads.~~

~~d. Off-street loading, unloading, and trash pick- up areas:~~

~~i. Local and Collector Streets: Off-street loading, unloading, or trash pick-up areas are permitted to be located along Collector Streets or Local Streets or alleys unless permitted in the specific Building Form and Development standards in Section 17.75.050 below.~~

~~ii. Arterial Streets: Off-street loading, unloading, or trash pick- up~~

~~areas are not permitted to be located along Arterial Streets.~~

~~iii. Screening Required: Any off-street loading, unloading, or trash pick- up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening at the BTZ. The Street Screen shall be a living screen; a wall or fence comprised of the same material as the principal building; or a combination of the two.~~

~~2. Uses with Drive-through Facilities~~

~~a. Drive-through lanes for commercial uses are not permitted along the frontage of a Local Street.~~

~~b. Drive-through lanes for commercial uses are permitted along the frontage of Collector and Arterial Streets. Drive-through lanes shall be screened with a Street Screen along the frontage.~~

~~c. Any buildings associated with any use with a drive-through facility shall also have a pedestrian entrance along the street frontage.~~

~~d. Off-street loading, unloading, and trash pick- up areas:~~

~~i. Local and Collector Streets: Off-street loading, unloading, or trash pick- up areas are permitted to be located along Collector Streets or Local Streets or alleys unless permitted in the specific Building Form and Development standards in Section 17.75.050 below.~~

~~ii. Arterial Streets: Off-street loading, unloading, or trash pick- up areas are not permitted to be located along Arterial Streets.~~

~~iii. Screening Required: Any off-street loading, unloading, or trash pick- up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening at the BTZ. The Street Screen shall be a living screen; a wall or fence comprised of the same material as the principal building; or a combination of the two.~~

~~3. Veterinary Clinic~~

~~a. Only indoor kennels are permitted.~~

~~b. Noise and odors created by the activities within the building shall comply with the Performance Standards in Chapter 17.68.050 of the Zoning Ordinance.~~

~~c. No animal shall be kept outside the building at any time.~~

~~**C. Industrial, Manufacturing, Warehousing and Utility Uses**~~

~~1. Cottage manufacturing Uses:~~

~~a. Built and operated in compliance with the performance standards in Chapter 17.68.050 of the Zoning Ordinance.~~

~~b. Buildings are limited to ten thousand square feet (10,000 sq. ft.).~~

~~c. Service bays, loading, and unloading shall be located along the Collector or Local Street.~~

D. Other Uses

1. Surface Parking (primary use of the property)

   a. Local Street: Garages, carports, or new surface parking for residential buildings shall be located and accessed from Local Streets or alleys at the rear of residential buildings.

   b. Arterial and Collector Streets:

      i. Surface parking shall be located a minimum of three feet (3’) behind the line of the principal building facade.

      ii. Surface parking shall be located a minimum of five feet (5’) behind the property line if there is no adjacent or principal building.

   c. New surface lots shall include submittal of a conceptual plan depicting the location of future buildings and for approval by the Planning Director.

   d. New surface parking fronting onto Local Streets shall be setback a minimum of thirty feet (30’) from the right-of-way.

   e. New surface parking lots shall not be located within the thirty feet (30’) from any street intersection.

2. Parking Structures

   a. Local Streets:

      i. No parking uses on the ground floor at the build-to-zone (BTZ).

      ii. Ground floor parking is allowed if setback a minimum depth of thirty feet (30’) from the property line along the Local Street frontage.

      iii. The shortest dimension(s) of the parking structure shall be along the Local Street frontage(s) to minimize the impact of the structure.

   b. Arterial and Collector Streets:

      Distance of parking structure from property line shall match the distance of the adjacent building(s) from the property line.

   c. Architectural requirements:

      The facades of any parking structure shall be designed with both vertical and horizontal articulation. Architectural screens shall be used to articulate the facade, hide parked vehicles, and shield lighting.

      i. Vertical articulation shall include a change of architectural elements every twenty to thirty feet (20’-30’).

      ii. Horizontal articulation of the parking structure shall align with the horizontal articulation of other structures within the block.

   d. Where above ground structured parking is located at the perimeter of a building of any street, it shall be screened in such a way that cars on all parking levels are completely screened from view from all adjacent public streets.

   e. Parking garage ramps shall not be visible from any public street.

   f. When parking structures are located at corners, corner architectural

~~elements shall be incorporated such as corner entrance, signage, and glazing.~~

~~g. Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.~~

~~3. Community Garden:~~

~~a. A Community Garden shall be no larger than one (1) acre.~~

~~b. Gardens shall be enclosed by a fence on all open sides.~~

~~c. Fences shall be constructed of pressure treated wood, wrought iron, and/or painted galvanized steel.~~

~~4. Antennas:~~

~~a. Antennas used in association with a residential or commercial use shall comply with the regulations in residential and commercial districts in the Zoning Ordinance.~~

~~b. Antennas located on rooftops shall be screened on all sides with materials and colors that are similar with the principle building.~~

~~c. Antennas shall not be visible from any public street.~~

~~17.75.050 DEVELOPMENT REVIEW PROCESS~~

~~A. Applicability~~

~~1. Table 17.75.050-A shall determine which sections of the FBC District apply to any proposed development based on the type and scope of the proposed development.~~

~~2. Provisions of this FBC District are activated by “shall” when required, “should” when recommended, and “may” when optional.~~

~~3. The provisions of an approved FBC District, Regulating Plan and Design Standards when in conflict, shall take precedence over those of other City of Benbrook codes, ordinances, regulations and standards, as amended, except as noted herein.~~

~~4. Development regulations and standards not addressed within an approved FBC District, Regulating Plan and Design Standards shall be governed by the City of Benbrook Zoning Ordinance to the extent they are not in conflict with the text of the approved FBC District.~~

~~5. The Architectural Standards in the Zoning Ordinance shall not apply to the FBC District except as specifically referenced herein.~~

~~6. Parking and Vehicular Circulation Requirements under Chapter 17.88 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein.~~

~~7. Sign Standards under Chapter 17.92 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein. Signs specifically prohibited in the Zoning Ordinance or in an approved FBC District are prohibited.~~

~~8. Fence Standards under Chapter 17.96 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein. Fences specifically prohibited in the Zoning Ordinance or in an approved FBC District are prohibited.~~

9. Landscape and Buffer Requirements under Chapter 17.98 of the Zoning Ordinance shall not apply to an approved FBC District except as specifically referenced herein

10. Terms used throughout this FBC District are defined in Chapter 17.08, Definitions of the City of Benbrook Zoning Ordinance. For terms not defined in either section, they shall be accorded commonly accepted meanings

11. Where in conflict, numerical metrics shall take precedence over graphic metrics.

12. Projects Subject to Review: All private new development and redevelopment projects are subject to review by the Community Development Department for compliance with the approved FBC District. All buildings, streets, and public spaces by public entities are also subject to review.

13. Table 17.75.050-A establishes the standards for the applicability of all development and redevelopment within an approved FBC District.

B. Discretionary Review

1. The Planning and Zoning Commission shall consider and the City Council may approve an application of zoning to FBC District and the associated Regulating Plan and Design Standards.

2. An ordinance establishing a FBC District must include a Regulating Plan for the proposed area with the following elements:

   a. District boundaries.

   b. Build-to-Zone line.

   c. Specific location of existing overlays, if any.

   d. Location of building footprints.

   e. Location and dimensions of existing and proposed thoroughfares, streets, alleys and access drives.

   f. Location of existing and proposed public open space.

   g. Location of streetscape elements and landscaping.

   h. Location of surface parking and/or structured parking and, including bicycle racks. Include a table of parking calculations – required parking and provided parking.

   i. Other plan elements and features as specified and provided by the applicant and/or developer.

3. An ordinance establishing a FBC District must include Design Standards in and should include the following:

   a. Permitted building materials and specifications for different materials.

   b. Permitted and/or unique signs and specifications for different type of signs.

   c. Other architectural elements and features as specified by the applicant and /or developer.

4. The Planning Director may forward to the Planning and Zoning Commission any development plan associated with an approved FBC District that may require interpretation or discretionary judgment with respect to the compliance with the Regulating Plan and/or Design Standards.

5. Forwarding any appeals to the decision of the Planning Director and/or major modifications to the Planning and Zoning Commission.

C. Administrative Review

Projects that clearly comply with all standards of an approved FBC District Regulating Plan and Design Standards shall be processed administratively by the Community Development Department. All development must receive site plan approval prepared in accordance with Chapter 17.74.040 of the Zoning Ordinance before issuance of the building permit. The Planning Director shall be responsible for the following:

1. Reviewing and approving the site plan applications for compliance with the requirements of the approved FBC District and in compliance with the approved Regulating Plan and Design Standards.

2. Approving revisions to previously approved site plans that comply with an approved FBC District and all applicable city ordinances.

3. Approving any minor modifications to an approved Regulating Plan and Design Standards. Minor modifications to the Regulating Plan and/or Design Standards are modifications that:

   a. Do not materially change the circulation and building location on the site;

   b. Do not increase the building area permitted under the approved FBC District ;

   c. Do not change the relationship between the buildings and the street;

   d. Do not allow greater height of any building or reduction of any parking requirement established in the approved FBC District; or

   e. Change any required element of the Regulating Plan beyond the thresholds established in Table 17.75.050-B below.

4. Appeals to the decisions of the Planning Director on minor modifications shall be heard by the Planning and Zoning Commission.

5. The requirements of an approved Regulating Plan for an approved FBC District are conditions that must be met prior to the issuance of a Certificate of Occupancy.

D. Amendments to the Zoning District and Regulating Plan

Amendments and changes to the text of an approved FBC District and/or the Regulating Plan and/or Design Standards shall be considered by the Planning and Zoning Commission and may be approved by the City Council in accordance with the procedure set out in Chapter 17.12 of the Zoning Ordinance.”

Table 17.75.050-A FBC District Applicability Matrix

TYPE OF DEVELOPMENT X denotes that compliance is required APPLICABILITY BY PARAGRAPH	Use Regulations	Building Placement	Building Height	Parking Parking Structures	Street Screen Screening	Other Facade Elements	Transitions	Building Design Steps	Landscaping	Streetscape	Lighting	Signs	Civic/Open Space
Commercial, Lodging, Mixed-use Building, Apartment/Multi-Family and Live-work Building													
New Construction	X	X	X	X	X	X	X	X	X	X	X	X	X
Change of Use/Expansion of use (no expansion of building)	X			X	X								
Expansion of Existing Building Area: • Any increase in building value with NO increase in building area	X												
• 0% - 49% increase in building area (Standards in applicable sections shall apply only to the expansions).	X	X	X	X	X	X	X	X	X			X	X
• 50% or greater increase in building area AND less than both of the criteria below (Standards in applicable section shall apply only to the expansions): (i) 50% increase in building value or (ii) $100,000 cumulative value of improvements over a 3-year period.	X	X	X	X	X	X	X	X	X			X	X
• 50% or greater increase of building area AND more than either of the criteria below (Standards in applicable sections shall apply to the entire building including retrofitting of the existing building if non-conforming): (i) 50% increase in building value or (ii) $100,000 cumulative value of improvements over a 3-year period.	X	X	X	X	X	X	X	X	X	X	X	X	X

~~TYPE OF DEVELOPMENT~~ ~~X denotes that compliance is required~~	~~APPLICABILITY BY PARAGRAPH~~	~~Use Regulations~~	~~Building Placement~~	~~Building Height~~	~~Parking Parking Structures~~	~~Street Screen Screening~~	~~Other Facade Elements~~	~~Transitions~~	~~Building Design Steps~~	~~Landscaping~~	~~Streetscape~~	~~Lighting~~	~~Signs~~	~~Civic/Open Space~~
~~**Commercial, Lodging, Mixed-use Building, Apartment/Multi-Family and Live-work Building** (continued)~~														
~~Expansion of existing parking area only (not in conjunction with a building or use expansion):~~														
~~• Up to 10 spaces~~				~~X~~	~~X~~									
~~• 11 or more additional spaces~~				~~X~~	~~X~~					~~X~~				
~~Facade changes to existing buildings~~														
~~• Arterial and Collector Street facades (only building design standards impacting the facade along that street shall apply)~~									~~X~~				~~X~~	
~~• All other street facades~~														
~~Signage~~ ~~• Refacing or changing a panel on an existing sign~~ ~~• Modification of an existing sign where the cost of the modification is valued at less than 50% of the replacement value of the sign~~ ~~• Modification of an existing sign where the cost of the modification is valued at more than 50% of the replacement value of the sign~~													~~X~~	
~~New sign or complete replacement of an existing sign~~													~~X~~	

~~**TYPE OF DEVELOPMENT**~~ ~~X denotes that compliance is required~~ ~~**APPLICABILITY BY PARAGRAPH**~~	~~**Use Regulations**~~	~~**Building Placement**~~	~~**Building Height**~~	~~**Parking Parking Structures**~~	~~**Street Screen Screening**~~	~~**Other Facade Elements**~~	~~**Transitions**~~	~~**Building Design Steps**~~	~~**Landscaping**~~	~~**Streetscape**~~	~~**Lighting**~~	~~**Signs**~~	~~**Civic/Open Space**~~
~~**Residential** (single family attached and detached buildings)~~													
~~New construction~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~		~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
~~Change of Use (no expansion of building)~~	~~X~~			~~X~~	~~X~~								
~~Expansion of use/structure (any building addition, deck, porch, etc.)~~	~~X~~	~~X~~				~~X~~		~~X~~					
~~Expansion of use/structure (new accessory building/structure on the lot or pool)~~	~~X~~	~~X~~											
~~Facade changes~~ • ~~Local Street facade (only building design standards impacting the facade along that street shall apply)~~ • ~~All other street facades~~								~~X~~					

~~Table 17.75.050-B Minor Modifications Allowed~~

~~STANDARD~~	~~MINOR MODIFICATION ALLOWED~~	~~CRITERIA~~
~~Area/boundary~~	~~No more than a 15% change (increase or decrease) in the area of the project area (aggregate or per block)~~	• ~~An area or boundary adjustment shall not eliminate an approved FBC District.~~ • ~~15% measurement shall be based on the total area of that specific project area.~~
~~Building Form and Development Standards:~~		
~~Build-to-Zones/setbacks~~	~~No more than a 20% change in the maximum or minimum setback.~~	• ~~Changes to the build-to-zones (BTZ) and setbacks may only be due to changes to the street cross sections or changes in the width of a sidewalk.~~ • ~~In no case shall the sidewalk be less than six feet (6') in width.~~
~~Building Frontage~~	~~No more than a 15% reduction in the required building frontage along each block of a Local Street.~~	~~Any reduction in the required building frontage shall be to accommodate porte-cocheres for drop-off and pick-up.~~
~~Street Screen~~	~~Waiver of Street Screen requirement along an Arterial.~~	• ~~Requirement for a Street Screen may only be waived along an Arterial Street along the frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure.~~ • ~~In no case shall any portion of the surface parking have frontage along a Local Street without a required Street Screen.~~ • ~~In no case shall the (off-street) surface parking lot be located at a street intersection for a minimum depth of twenty feet (20') along each street (regardless of the Street designation).~~
~~Streetscape standards~~	~~Street tree planting, street lighting, and other streetscape standards may be adjusted based on the development context and street cross section.~~	~~Any changes to the streetscape standards shall be based on specific development context such as vegetation, natural features, drainage, and fire access and is subject to approval by the City.~~

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CHAPTER 17.84
SUPPLEMENTARY DISTRICT REGULATIONS

Sections:

17.84.010	**USES GENERALLY, BUILDING AND LAND**
17.84.012	**PRE-EXISTING PLATTED LOT**
17.84.014	**ACCESS TO STRUCTURES AND LOTS**
17.84.020	**VISIBILITY AT INTERSECTIONS**
17.84.030	**ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT**
17.84.040	**ACCESSORY BUILDINGS/ACCESSORY USE**
17.84.050	**HEIGHT-SETBACK ENVELOPE**
17.84.060	**LIVING QUARTERS IN COMMERCIAL DISTRICTS**
17.84.070	**LOCATION OF SEXUALLY-ORIENTED BUSINESSES**
18.84.080	**STANDARDS FOR ANIMAL LOTS AND STABLES**
17.84.090	**STANDARDS FOR TELECOMMUNICATIONS TOWERS AND ANTENNAE**
17.84.100	**ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS**
17.84.110	**CONDITIONS FOR AMUSEMENT ARCADES (INDOOR)**
17.84.120	**STANDARDS FOR NATURAL GAS COMPRESSION STATIONS**
17.84.130	**ALTERNATIVE ENERGY SYSTEMS**
17.84.140	**STANDARDS FOR CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**
17.84.150	**FOOD TRUCK PARKS**
17.84.160	**HOME OCCUPATION**

17.84.010 USES GENERALLY, BUILDING AND LAND

A. No building shall hereafter be erected, reconstructed, altered or enlarged, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

B. No building shall hereafter be erected, reconstructed, altered or enlarged to exceed the height or bulk limit herein established for the district in which such building is located, nor shall any building be erected, reconstructed or altered as to provide a floor space smaller than the minimum prescribed by this Ordinance.

C. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.

D. Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one (1) building on one (1) lot, except as herein provided.

17.84.012 PRE-EXISTING PLATTED LOT

Any residentially-zoned lot having less area and/or width than herein required and which was platted of record and in separate ownership at the time of the passage of this Ordinance may be occupied by not more than a one-family structure. Nothing in this Ordinance shall prevent the residential use of any lot platted of record prior to the effective date of this Ordinance provided that all front yard, side yard, rear yard, floor area, parking and all provisions other than lot area and/or lot width are met or exceeded.

17.84.014 ACCESS TO LOTS AND STRUCTURES

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

17.84.020 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet (2 ½') and ten feet (10') above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines thirty-five feet (35') from the point of intersection.

17.84.030 ACCESSORY BUILDING/ACCESSORY USE

No accessory building or accessory use shall be erected or established on a lot that does not contain a principal structure or use in accordance with the Zoning District. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet (5') of any other building.

17.84.040 ERECTION OF MORE THAN ONE STRUCTURE ON A LOT

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

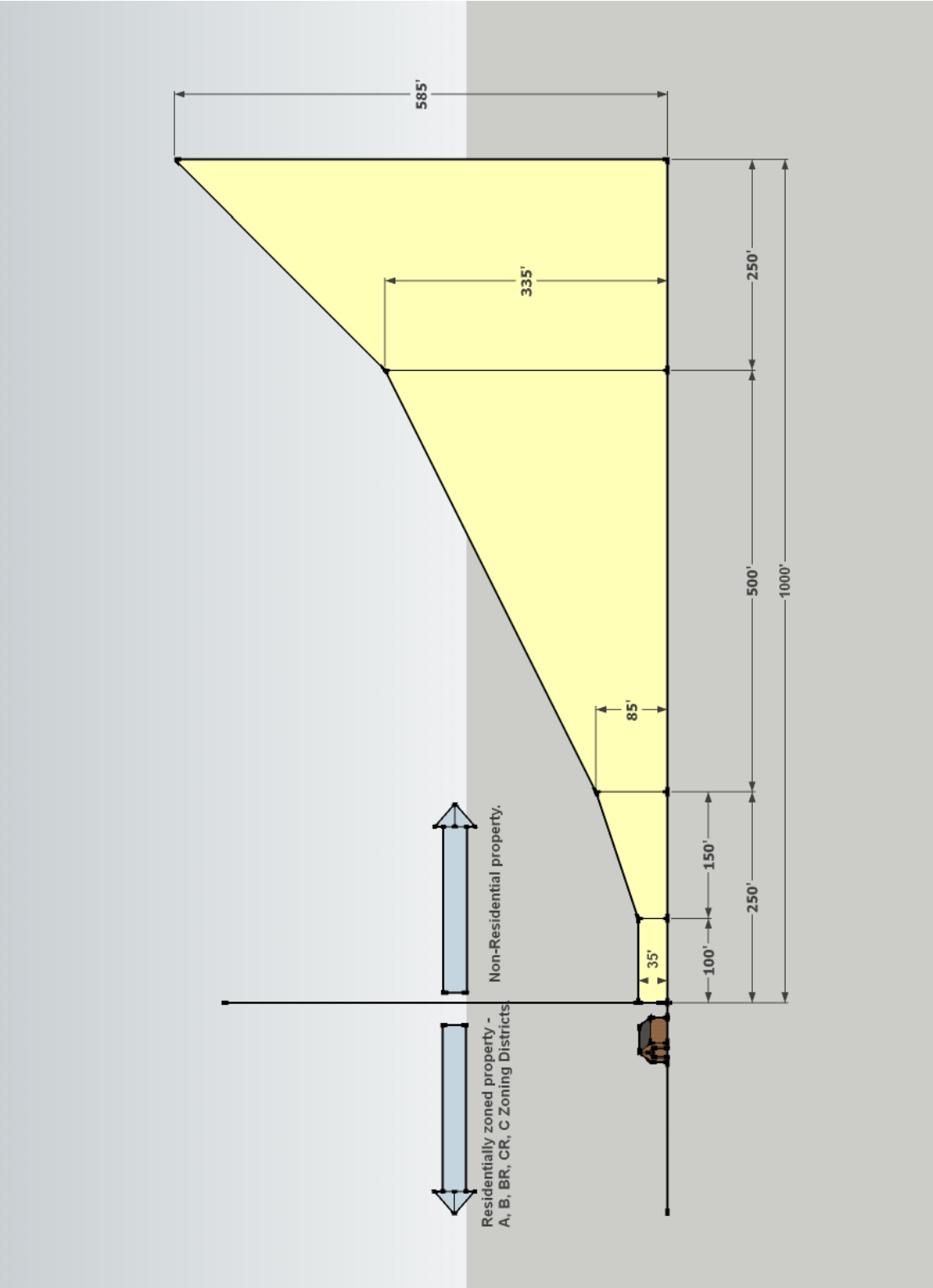
17.84.050 HEIGHT-SETBACK ENVELOPE

The height setback envelope is a plane projected upward and outward for one thousand feet (1,000') from the property line of property zoned "A", "B", "BR", "CR", "C", or "D" residential district. When referring to height setback envelopes, all slopes are stated as horizontal run to vertical rise. The height-setback envelope is shown in Figure 17.84.050, and begins at a point of thirty-five feet (35') above the immediate grade at the residential property line. For the first one hundred feet (100') the envelope shall be thirty-five feet (35') above the immediate grade at the residential property line. The envelope provides for a 3 to 1 slope (3:1) for the next one fifty hundred feet (150'), a 2 to 1 slope (2:1) for structures between two hundred fifty-one feet (251') and seven hundred fifty feet (750'), and a 1 to 1 slope (1:1) between seven hundred fifty-one feet (751') and one thousand feet (1,000'). There is no height limitation for structures more than one thousand feet (1,000') from a residential boundary line.

The allowable height of a structure shall be based on the elevation of the property zoned "A", "B", "BR", "CR", "C" or "D" District at the residential district property line, less any increased elevation of the height of the proposed elevation of the foundation of the structure being proposed. The allowable height of a building may be reduced because its elevation is higher than the adjacent property, but may not be increased if it is lower than the adjacent property.

Notwithstanding any other provision in this Ordinance, no structure within the City may exceed an elevation of one thousand one hundred fifty feet (1,150') above mean sea level, nor shall any structure exceed the allowable height within the Approach/Departure Clearance Surface (Slope), the Conical Surface, or the Transitional Surface, without the express permission of the City of Benbrook and the Commanding Officer of NAS Fort Worth Joint Reserve Base.

Figure 17.84.050 Height-setback Envelope



17.84.060 LIVING QUARTERS IN COMMERCIAL DISTRICTS

In "E", "F", “HC”, "G", and "H" Districts, not intended for residential use and where residential use is not a permitted use, living quarters may be provided for resident managers, resident security and maintenance personnel and the like provided that:

A. The living quarters is clearly subordinate to the permitted use in "E", "F", “HC”, "G" or "H" Districts.

B. The living quarters are only occupied by a manager, security, maintenance or other individual employed with full time duties on the site on which the living quarters are located. This is not intended to preclude the additional occupancy of the living quarters by family members of the full time individual employed on the site.

C. The living quarters are incorporated into the design of the permitted use in such a manner that the living quarters are not perceptible as such.

D. Two (2) off-street parking spaces are provided per living quarter in addition to the required parking for the permitted use.

E. Not more than one (1) such living quarter shall be authorized per platted lot without prior specific approval of the Planning and Zoning Commission as a conditional use following procedures established in Chapter 17.80.

17.84.070 LOCATION OF SEXUALLY ORIENTED BUSINESSES

A. No person shall operate or cause to be operated a sexually oriented business within one thousand feet (1,000') of:

1. A church;
2. A public or private elementary or secondary school;
3. Any District zoned "RE" Residential Estates, "A" One-Family, "B" One-Family, "BR" One-Family Reduced, "CR" Multiple-Family Restricted, "C" Multiple-Family, "D" Multiple-Family, or "MH" Mobile Home; inhabited residence; or
4. A public park.

For the purposes of this provision, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or to the nearest boundary of a public park or residentially-zoned district.

B. No person shall operate or cause to be operated a sexually oriented business within one thousand feet (1,000') of another sexually oriented business. For the purpose of this provision, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening

structures or objects, from the closest exterior wall of the structure in which each business is located.

C. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

D. A sexually oriented business lawfully operating as a conforming use after the effective date of this Ordinance is not rendered a non-conforming use by the location, subsequent to the operation of the sexually oriented business, of a church, public or private elementary or secondary school, public park or residentially-zoned district within one thousand feet (1,000') of the sexually oriented business.

17.84.080 STANDARDS FOR ANIMAL LOTS AND STABLES

(Refer also to Title 6, Chapter 6.04 of the City of Benbrook Municipal Code.)

A. The minimum lot area for a commercial animal lot and/or stable or barn shall be five (5) acres or one (1) acre for each animal unit, whichever is greater. If animals are maintained on pasture as their primary source of feed, then in no case shall more than one (1) animal unit be kept for each acre of land available. If horses are kept inside a building at all times (excluding exercise, then the maximum number of horses permitted shall be limited to the building capacity to house, show, and ride said horses.

B. If horses are kept inside a building, then one (1) sheltered stall shall be provided for each horse. A box stall shall be a minimum of ten feet by ten feet (10' x 10').

C. Stables, barns, corrals, areas of natural congregation (as determined by the Animal Control Officer) and piles of manure, feed, bedding shall be located at least fifty feet (50’) from any right-of-way or lot line and at least one hundred fifty feet (150’) from any adjacent existing residence to minimize odor and nuisance problems. Animal lot pasture may not extend within ten feet (10’) of the lot line. Runoff containing any animal waste shall be controlled from entering onto an adjacent residential lot.

17.84.090 STANDARDS FOR TELECOMMUNICATIONS TOWERS AND ANTENNAE

The City of Benbrook has a goal of minimizing the number of new telecommunications towers and antennae, while balancing the needs of telecommunication providers to establish a reasonable network to provide quality service.

A. Before a Conditional Use Permit is granted for a new telecommunications tower, the applicant must demonstrate a good faith effort to locate on an existing tower or other structure. Such effort shall be demonstrated by providing evidence that all potential existing structures were contacted and were determined unavailable, or engineering data showing that there were no acceptable existing structures that met the grid requirements.

B. Any new telecommunications tower shall be designed to accommodate at least one (1) additional antenna.

C. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower

shall remove same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the City may remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not become effective until all users cease using the tower.

17.84.100 ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS

A. Standards that apply to all nonresidential buildings exceeding one thousand two hundred square feet (1,200 sq. ft.) in the "CF" ~~and "D"~~ Zoning Districts, and to all buildings in the "E", "F", "HC", and "G" Zoning Districts.

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.

Tilt-up concrete construction is permitted, provided the exterior surface is textured or covered with brick, stone, or material fabricated to simulate brick or stone.

EIFS (Exterior Insulation Finished System) is permitted, provided it is located 10 feet (10') above grade and does not exceed twenty percent (20%) of a facade area. Smooth concrete block and prefabricated metal panel are prohibited.

Glazing doors, windows and door frames, roof system trim, mansards, and similar visible exterior treatments shall be made of materials which complement construction materials.

Accessory buildings shall be constructed of materials that complement the main structure.

When rear facades are visible from adjoining properties and/or a public right-of-way, they shall be of a finished quality and consist of colors and materials that blend with the remainder of the building's primary facades.

A meritorious exception in accordance with Section 17.84.100.D below may be granted to the above requirements for non-principal buildings (e.g. accessory buildings) that do not exceed one thousand two hundred square feet (1,200 sq. ft.) in floor area. In considering such an exception, the Planning and Zoning Commission shall consider the character of the area, the reasonableness of the requirement, and may impose conditions on the exception to protect adjacent properties and promote community appearance.

For any non-facade walls that are not visible from adjacent property or a public right-of-way, the following materials shall be permitted:

a. Smoothed-faced concrete block that is non-tinted or non-burnished;

b. Tilt-up concrete panels that are unadorned or untextured; or

c. Pre-fabricated steel panels.

2. Colors:

All surfaces shall be low-reflectance, subtle, neutral or earth tone colors (such as white, tan, brown and gray.) Metallic or fluorescent colors are prohibited.

Trim and accent areas may feature brighter colors, including primary colors. Accent colors on each facade shall be limited to a maximum of twenty-five percent (25%) of the facade area for logo colors and a maximum of ten percent (10%) of the facade area for other accent colors A logo color is a color commonly used by a large retail store as an identifying characteristic.

3. Ground-Mounted and Roof Top Mechanical Equipment:

All ground-mounted equipment shall be screened from view with masonry construction similar to the primary structure.

All roof-mounted equipment including, but not limited to, fans, vents, air conditioning units, cooling towers, and alternative energy systems (installed on a flat roof) shall be screened so as not to be visible at ground level from adjacent properties and/or public rights-of-way. The overall screening height shall be the height of the highest element of roof-mounted equipment. The outside of the screening device, if independent of the building facade, shall be painted or otherwise finished in a similar color to the color of the building facade, trim, or roof surface, whichever color is more effective in minimizing the visibility of the equipment and screen from ground level.

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.

b. Permanent outdoor display, sales and storage: Merchandise may be stored or displayed for sale to customers in areas contiguous to the front or side of the building. This area shall be

enclosed by a minimum eight foot (8') wall of like appearance to the building or a base of like appearance to the building topped by wrought iron or tubular steel fencing with the minimum total height being eight feet (8'). The masonry base enclosing this area shall be at least three feet (3') in height.

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.

d. Shopping cart storage: Shopping carts may be stored outside the front of the building provided there are no more than two (2) cart storage areas (one on each side of the entryway). The cart storage area shall be screened with building materials substantially similar to the building facade.

B. Architectural Features that Apply to Single-Tenant Buildings over five thousand square feet (5,000 sq. ft.) in Floor Area or Multi-tenant buildings with a single main entrance.

1. Horizontal Facade Articulation:

No building facade shall extend for a distance greater than three (3) times the mean elevation of the wall's height without having an offset of fifteen percent (15%) or more of the wall's height. This offset shall extend for a distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

2. Vertical Facade Articulation:

No horizontal wall shall extend for a distance greater than three times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

3. Additional Architectural Features:
Ground floor facade walls shall incorporate the following features:

a. Entryway Features:
(At least three (3) of the five (5) items from the following list)

i. Raised cornice parapets over the door, peaked rook forms having an average slope greater than or equal to a minimum 5:12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.

ii. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;

iii. Enhanced exterior lighting such as wall sconces, light coves with concealed light source, ground-mounted

accent lights, or decorative pedestal lights;

iv. Prominent three-dimensional entryway features projecting from the plane of the main exterior walls by a minimum of eight feet (8') and raised above the adjoining parapet wall/roof by a minimum of three feet (3'), clock towers and other similar architectural design elements; and

v. Pilasters projecting from the plane of the wall by a minimum of eight inches (8") and/or architectural or decorative columns to create visual breaks and interest In the facade walls and exterior walls.

b. Detail Features:

Building facade walls shall include a repeating pattern that incorporates no less than two (2) of the five elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet (30'), either horizontally or vertically.

i. Color change;

ii. Texture Change;

iii. Material change;

iv. Architectural or structural bays created through a change in plane no less than twenty-four inches (24") wide such as an offset, reveal, or projecting rib; and/or

v. Repetitive ornamentation including decorative applied features such as wall-mounted fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of fifty feet (50').

C. Architectural Features that Apply to Multiple-Tenant Buildings over five thousand square feet (5,000 sq. ft.) in Floor Area with separate entrances for each tenant

1. Vertical Facade Articulation:

No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of fifteen percent (15%) of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five percent (25%) of the maximum length of either adjacent plane.

2. Additional Architectural Features:
Ground floor facade walls shall incorporate the following features:

a. Entryway features:
(At least three (3) items from the four (4) in the following list)

i. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;

ii. Enhanced exterior lighting such as wall sconces, light coves with concealed light source, ground-mounted accent lights, or decorative pedestal lights;

iii. Prominent three-dimensional entryway features projecting from the plane of the main exterior walls by a minimum of eight feet (8') and raised above the adjoining parapet wall/roof by a minimum of three feet (3'), clock towers and other similar architectural design elements; and

iv. Pilasters projecting from the plane of the wall by a minimum of eight inches (8") and/or architectural or decorative columns to create visual breaks and interest In the facade walls and exterior walls.

b. Pedestrian Features:

i. Arcades, covered walkways, architectural awnings, canopies or porticoes are required along one hundred percent (100%) of the primary facade and/or street facing facades.

ii. Display windows, faux windows, decorative windows or regular fenestration are required along one hundred percent (100%) of the primary facade and/or street facing façade.

c. Detail Features:

Building facade walls shall include a repeating pattern that incorporates no less than two (2) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet (30'), either horizontally or vertically.

i. Color change;

ii. Texture Change;

iii. Material change;

iv. Architectural or structural bays created through a change in plane no less than twenty-four inches (24") wide such as an offset, reveal, or projecting rib; and/or

v. Repetitive ornamentation including decorative applied features such as wall-mounted fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of fifty feet (50').

D. Meritorious Exception

The Planning and Zoning Commission may waive any of the specific requirements of this subsection to approve alternate materials, colors, or architectural designs that meet the City's goal of attractive, human-scale architectural style in an innovative or unique manner.

In considering the request, the Planning and Zoning Commission shall consider the following factors in determining the extent of any exception granted:

1. The extent to which the application meets other specific standards of the architectural requirements;

2. The extent to which the application meets the spirit and intent of this chapter through the use of alternative building materials, colors, and facade design to create a building of high quality and appearance;

3. The positive or negative impact of the proposed project on surrounding property use, in comparison to the expected impact of a project, which could be built in conformance with standards of this section; and

4. The extent to which the proposed project accomplishes City goals as stated in the Comprehensive Plan or other approved document.

A meritorious exception shall not be granted to only serve as a convenience to the applicant, or only for reasons related to economic benefit.

17.84.110 CONDITIONS FOR AMUSEMENT ARCADES (INDOOR)

An amusement arcade (indoors) requiring an approved Conditional Use Permit shall comply with the following:

A. Permit and Certificates of Occupancy: If a Conditional Use Permit is approved for an Amusement Arcade (Indoor) prior to the commencement of business, a permit in accordance with Chapter 5.20 of the Benbrook Municipal Code, as amended, may be approved and issued by the City Secretary. Once said permit is issued, the Building Official must approve and issue a Certificate of Occupancy.

B. Location restrictions: No Amusement Arcade (Indoors) may be located within three hundred feet (300') of a church, school, or hospital, measured from property line to property line.

17.84.120 STANDARDS FOR NATURAL GAS COMPRESSION STATIONS

All natural gas compression stations shall comply with the following requirements:

A. Site Plan required: Prior to construction, a site plan shall be submitted for review and approval by the City Engineer and Planning Director.

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.

D. Signage: Signage on the site shall be limited to a single identification sign, either monument or wall mounted, not exceeding thirty-two square feet (32 sq. ft.) in area and six feet (6') in height.

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.

17.84.130 ALTERNATIVE ENERGY SYSTEMS

Alternative energy systems, including wind, solar, and geothermal, may be used where allowed within a zoning district, provided that they also comply with the following conditions:

A. Wind Energy Systems:

1. General Regulations:
The following general regulations apply to all wind energy systems located within an approved district.

a. Utility grid wind energy systems are prohibited within the City.

b. Primary Structure Required on Lot: A wind energy system may be erected on a lot only after a primary structure has been constructed on the lot.

c. Vertical or Tower System:

i. Maximum Height: The maximum height shall be the height at the highest point of the tower or structure of the system including the height of any blades when attached thereto. The maximum height shall not exceed the maximum building height allowed within the zoning district plus five (5) feet, or as permitted by a Conditional Use Permit. Additionally, no tower height shall exceed the tower height recommended by the manufacturer or the distributor of the wind energy

system. Any tower that exceeds one hundred feet (100') in height must obtain a letter of no objection from the Commanding Officer of the NAS Fort Worth JRB.

ii. Location and Setbacks: No wind energy system shall be allowed in or extend into any front yard. The wind energy system may be no closer to the side and rear property line than a distance equal to the allowed maximum height of the system.

d. Horizontal or Building System:

i. Maximum Height. The maximum height shall be the height at the highest point of the structure of the system including the height of any blades or encasement when attached thereto. The maximum height of the structure and the attached system shall not exceed the maximum building height allowed within the zoning district plus five (5) feet, or as permitted by a Conditional Use Permit.

ii. Location and Setbacks. The wind energy system shall be wholly attached to a permitted structure and shall not extend beyond the structure into any required setbacks.

e. Signs: No advertising or other signs shall be allowed on a wind energy system.

f. Building Permit Required: A building permit must be obtained prior to the construction or installation of a wind energy system. A complete application includes:

i. The appropriate permit fee as established in the City's Fee Schedule and submitted once the application for the building permit has been approved.

ii. A survey and legal description of the property on which the proposed wind energy system will be installed.

iii. A plan view layout of the proposed wind energy system at a scale of one inch equals thirty feet (1" = 30') or larger on a single sheet not exceeding twenty-four inches by thirty-six inches (24" by 36") clearly showing:

a) North arrow and scale;

b) Orientation and dimension of all property lines;

c) Location of all existing structures on the site;

d) Location of all components of the system in respect to the structure and/or property on which the system will be built;

e) Distance from the system to all property lines

and easements;

f) Required setbacks for the structures and the system;

g) Maximum reach of any blade in any position;

h) Identification of adjoining property;

i) Adjacent land uses and zoning designations; and

j) Natural features such as watercourses and trees.

iv. Elevation drawings of the proposed wind energy system drawn to scale clearly showing:

a) Elevation of the system structure and/or elevation of the structure on which the system will be installed with the highest point of the structure dimensioned;

b) Dimension the maximum height of system;

c) Detailed drawings of all system components.

v. Standard Details. Standard installation drawings of the system including the wind turbine structure, tower, base, footings, fasteners, bracing and/or guyed wires, as applicable.

vi. Electrical Plan Required. Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

vii. Certification by engineer. The application shall include standard details, engineer analysis of the system, and certification by a professional engineer (engineer's seal) demonstrating compliance of the system with the City's building code (International Building Code) in effect at the time of construction. An engineering analysis shall be provided and certified by a registered professional engineer in the State of Texas. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.

viii. Evidence of notice to the City's franchised electric utility for transmission and distribution, informing the electric utility of the customer's intent to install a grid-connected customer-owned wind energy system and that the customer's system meets the utility's approved

specifications for interconnection.

2. Construction Standards:
A wind energy system must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. All components of a wind energy system shall comply with applicable state and Benbrook building codes.

a. Sound Pressure Levels: Sound Pressure Levels shall not exceed fifty decibels (50 dB(A)) between the hours of 7:00 a.m. and 10:00 p.m. and thirty-five decibels (35 dB(A)) between the hours of 10:00 p.m. and 7:00 a.m. as measured from the property line closest to the wind energy system.

b. Lights: All lighting not required by the Federal Aviation Administration (FAA) is prohibited. When obstruction lighting is required by the FAA, such lighting shall not exceed the minimum requirements of said agency. Upward lighting, flood lights or other lighting not strictly required by the FAA is prohibited.

c. Building Codes/Safety Standards. To ensure the structural integrity of a wind energy system, the owner of such system must maintain the system in compliance with all provisions of the City of Benbrook's building code and zoning regulations. If, upon inspection, the City concludes that a wind energy system fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the wind energy system, the owner shall have thirty (30) calendar days to bring such system into compliance with applicable standards. Failure to bring such system into compliance shall constitute grounds for the removal of the wind energy system at the owner's expense. This notice requirement shall not preclude immediate action by the Building Official as allowed by law if public safety requires such action.

d. Compliance with State and Federal Requirements: All wind energy systems must meet or exceed current standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate wind energy systems at the date of permitting. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the wind energy system governed by this Ordinance shall bring such wind energy system into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

e. Maintenance: A wind energy system shall be maintained at all times, including, but not limited to, painting and maintaining structural integrity.

f. Upgrades and/or Modifications to an Existing System. Any upgrades, modifications or changes that materially alter the size or placement of an existing wind energy system shall comply with the provisions of this section.

g. Removal of Unsafe Wind Energy System: Wind energy systems that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within sixty (60) days following notice given by the Building Official. If the wind energy system is not made safe or removed within sixty (60) days of notification from the City, the City may remove the wind energy system and place a lien upon the property for the costs of the removal. The Building Official may order immediate action to prevent an imminent threat to public safety or property.

h. Abandonment:

i. At such time as an owner plans to abandon or discontinue, or is required to discontinue, the operation of a wind energy system, such owner must notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations.

ii. In the event that an owner fails to give such notice, the wind energy system shall be considered abandoned if the wind energy system is not operated for a continuous period of twelve (12) months, unless the owner of said wind energy system provides proof of continued maintenance on a quarterly basis.

iii. Upon abandonment or discontinuation of use, the person who constructed the wind energy system or the person who operated the wind energy system or the property owner shall physically remove the wind energy system within ninety (90) days from the date of abandonment or discontinuation of use. “Physically remove” shall include, but not be limited to:

a) Removal of the tower, turbine and all other components of the wind energy system;

b) Transportation of the tower, turbine and all other components of the wind energy system to an appropriate disposal site;

iv. The owner of the wind energy system shall be responsible for all site reclamation including costs deemed necessary and reasonable to return the site to its pre-construction condition.

v. If a party as stated in Subsection (g) above herein fails to remove a wind energy system in accordance with this Section, the City shall have the authority to enter the subject property and physically remove the wind energy system. Costs for the removal of the wind energy system shall be charged to the landowner of record in the event the City must remove the wind energy system, and the

City may place a lien on the property for such costs of removal.

vi. Failure to remove an abandoned wind energy system as required by this Section shall constitute a violation and be subject to the penalties prescribed herein.

B. Solar Energy Systems:

1. General Regulations:
The following general regulations apply to solar energy systems located within an approved district.

a. Primary Structure Required on Lot: A solar energy system may be erected on a lot only after a primary structure has been constructed on the lot.

b. Ground-Mounted Systems:

i. Height: The height of system shall not exceed eight feet (8') above the existing grade at the location of the installed system.

ii. Placement:

a) Front Yard: No system shall be located forward of the primary structure on the lot or within the front yard setback.

b) Side and Rear Yard: No system shall be located less than ten feet (10') from any side or rear property line.

c. Roof-Mounted Systems:

i. Height:

a) Front and Side: System shall be installed parallel to the roof of the structure with no greater than six inches (6") clearance between the bottom of the panel and the roof material.

b) Rear: System may be installed with no greater than twelve inches (12") clearance between the bottom of the panel and the roof material, and may be angled to increase efficiency.

ii. Placement:

a) Flat roof: No portion of the system shall extend beyond the roof edges and shall be screened in accordance with the screening requirements in Chapter 17.84.100.A.3 of Zoning Ordinance regardless of floor area and use.

b) Pitched roof: No portion of the system shall extend beyond or above the roof ridge or edges.

d. Any solar energy system that exceeds one thousand square feet (1,000 sq. ft.) in surface area must apply for a Conditional Use Permit and obtain a letter of “no objection” from the Commanding Officer of the NAS Fort Worth JRB.

e. Building Permit Required: A building permit must be obtained prior to the construction or installation of a wind energy system. A complete application includes:

i. The appropriate permit fee as established in the City’s Fee Schedule and submitted once the application for the building permit has been approved.

ii. A survey and legal description of the property on which the proposed solar energy system will be installed.

iii. A plan view layout of the proposed solar energy system at a scale of one inch equals thirty feet (1" = 30') or larger on a single sheet not exceeding twenty-four inches by thirty-six inches (24” by 36”) clearly showing:

a) North arrow and scale;

b) Orientation and dimension of all property lines;

c) Location of all existing structures on the site;

d) Location of all components of solar energy system in respect to the structure and/or property on which the system will be built;

e) Distance from the system to all property lines and easements;

f) Required setbacks for the structures and system;

g) Identification of adjoining property;

h) Adjacent land uses and zoning designations; and

i) Natural features such as watercourses and trees.

iv. Elevation drawings of the proposed solar energy system drawn to scale clearly showing:

a) Elevation of the system and/or elevation of the structure on which the system will be installed with the highest point of the structure

dimensioned;

b) Dimension the maximum height of system;

c) Dimension the clearance(s) of a roof mounted system between the bottom of the panel and the roof material; and

d) Detailed drawings of all system components.

v. Electrical Plan Required: A line drawing of the electrical components of the solar energy system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

vi. Standard Details: Standard installation drawings of the solar energy system and its structure, including a copy of the manufacturing specifications demonstrating compliance of the system with the City's building code (International Building Code) in effect at the time of construction.

vii. Certification by engineer. The application shall include a standard drawing and engineer analysis by professional engineer (engineer seal) providing certification of the roof structure. If the proposed installation causes the roof load to exceed the requirements of the International Residential Code or International Building Code, an engineered design is required.

2. Construction Standards:
Any solar energy system must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. All components of a solar energy system shall comply with applicable state and Benbrook building codes.

a. Upgrades and/or Modifications to an Existing System. Any upgrades, modifications or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this section.

b. Abandoned: If a solar energy system (ground- or roof-mounted) has been abandoned meaning not in operation for a period of six (6) months or is defective or is deemed to be unsafe by the Building Official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the City may pursue legal action to the system removed at the owner's expense.

c. Compliance with State and Federal Requirements: All solar

energy systems must meet or exceed current standards and regulations of any other agency of the state or federal government with the authority to regulate solar energy systems at the date of permitting. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the solar energy system governed by this Ordinance shall bring such solar energy system into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

C. Geothermal Heat Pump Systems:

1. General Regulations:
The following general regulations apply to all geothermal heat pump systems located within an approved district.

a. Open-loop systems shall be prohibited.

b. Placement: No portion of a closed-loop system may be constructed within five feet (5') of a property line or within a dedicated easement without obtaining written permission from the City and/or all franchised utilities.

c. Building Permit Required: A building permit must be obtained prior to the construction or installation of a closed-loop geothermal heat pump system. A complete application includes:

i. The appropriate permit fee as established in the City's Fee Schedule and submitted once the application for the building permit has been approved.

ii. A survey and legal description of the property on which the proposed system will be installed.

iii. A plan view layout of the proposed system at a scale of one inch equals thirty feet (1" = 30') or larger on a single sheet not exceeding twenty-four inches by thirty-six inches (24" by 36") clearly showing:

a) North arrow and scale;

b) Orientation and dimension of all property lines;

c) Location of all existing structures on the site;

d) Location of all components of system in respect to the primary structure and/or property on which the system will be built;

e) Distance from the system to all property lines and easements;

f) Required setbacks for the structures and the system;

g) Identification of adjoining property;

h) Adjacent land uses and zoning designations; and

i) Natural features such as soils, watercourses and trees.

iv. Electrical Plan Required: A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.

v. Standard Details: Standard installation drawings of the closed loop geothermal installation, including a copy of the manufacturing specifications demonstrating compliance of the system with the City's building code (International Building Code) in effect at the time of construction.

2. Construction Standards:
Any closed-loop geothermal heat pump system must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. All components of a closed-loop geothermal heat pump system shall comply with applicable state and Benbrook building codes.

a. All closed-loop geothermal heat pump systems must be constructed in accordance with all applicable State regulations, including regulations of the Texas Department of Licensing and regulation for water well drillers.

b. Compliance with State and Federal Requirements: All geothermal energy systems must meet or exceed current standards and regulations of any other agency of the state or federal government with the authority to regulate geothermal energy systems at the date of permitting. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the geothermal energy system governed by this Ordinance shall bring such geothermal energy system into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

c. Upgrades and/or Modifications to an Existing System. Any upgrades, modifications or changes that materially alter the size or placement of an existing closed-loop geothermal heat pump system shall comply with the provisions of this section.

d. Abandoned: If a closed-loop geothermal heat pump system has been abandoned meaning not in operation for a period of six (6) months or is defective or is deemed to be unsafe by the Building Official, the closed-loop geothermal heat pump system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Building Official in accordance with federal, state and local regulations. If the owner fails to remove or repair the defective or abandoned closed-loop geothermal heat pump system, the City may pursue legal action to the system removed at the owner's expense.

17.84.140 STANDARDS FOR CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The City of Benbrook has a goal of promoting public safety through implementation of principles of crime prevention through environmental design. Every application for a site plan or plot plan for projects in the "D" Multiple Family, "E" Commercial, "F" Commercial, "HC" Highway Corridor, "G" Commerce, "H" Industrial, "MU" Mixed Use or "PD" Planned Development District shall be reviewed by a City of Benbrook CPTED review team made up of one law enforcement officer and one CPTED-trained planner or building inspector prior to approval. The applicant must respond to all suggestions and concerns noted by the CPTED team prior to consideration and approval and only the Planning and Zoning Commission may grant waivers to the recommendations of the CPTED team.

The applicant is encouraged to consider the following principles and guidelines in the design of his/her project to assist in the creation and maintenance of developments that decrease the opportunity for crime and increases the perception of safety. The CPTED review shall encompass, but not be limited to the following principles:

A. Provision of natural surveillance:

1. The placement and design of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences and walls, signage and any other physical obstructions.

2. The placement of persons and/or activities to maximize surveillance possibilities.

3. Lighting that provides for nighttime illumination of parking lots, walkways, entrances and exits.

B. Provision of natural access control:

1. The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.

2. The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

C. Provision of territorial enforcement:

The use of pavement treatments, landscaping, art, signage, screening and

fences to define and outline ownership of property.

D. Maintenance:
The use of low-maintenance landscaping and lighting treatments to facilitate CPTED principles of natural surveillance, natural access control and territorial reinforcement. All exterior lighting fixtures shall be maintained in an operative state and landscaping shall be maintained to present a healthy and orderly appearance and shall be kept free from refuse and debris.

17.84.150 FOOD TRUCK PARKS

A. A site plan is required in conjunction with the application for a Conditional Use Permit showing the following:

1. An accurate boundary survey;

2. North arrow and true scale;

3. Name(s) and address(es) of developer, licensed engineer or architect preparing site plan;

4. Legal description by reference to name of subdivision or survey tract in which it is located;

5. Ownership and zoning of subject property;

6. Ownership and zoning of adjacent properties;

7. All existing and proposed public or private streets and alleys;

8. Paved food ~~track~~ trunk pad sites;

9. Easements;

10. Location and screening of dumpster;

11. The points of ingress and egress from existing public streets;

12. Existing and proposed finished grades with contour intervals of not less than two feet (2'), or spot grades where the relief is limited;

13. Building setback lines in accordance with Zoning District regulations;

14. The distances between the food truck pad sites and the property line, street line and/or alley line;

15. Building footprint showing the distances between the restroom facility and the property line;

16. Electricity utility service to each food truck pad site;

17. Parking spaces in compliance with Chapter 17.88; and

18. Location and width of sidewalks to and between each pad site.

B. Floor plan and elevations are required of the proposed restroom facility.

17.84.160 HOME OCCUPATION

A home occupation may be conducted in a dwelling unit, provided that it complies with the following:

A. A home occupation shall be permitted only when it is an accessory use to a dwelling unit;

B. A home occupation shall not involve any external structural alteration of the main building;

C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty percent (20%) of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;

D. Only one (1) employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home occupation shall be considered an employee for the purposes of this section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business;

E. No outdoor storage of materials, goods, supplies or equipment shall be allowed;

F. A person who engages in a home occupation shall not place a sign or display on the premises;

G. A home occupation shall not involve more than one (1) patron on the premises at one time;

H. Any outdoor activities associated with a home occupation shall be screened from the neighboring property by a solid fence of at least six feet (6') in height.

I. A home occupation may include the sale of products on the premises provided that the business has a valid sales tax permit and that compliance is maintained with all other conditions specified herein; and

J. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dirt, odors, heat, or solid waste in excess of that normally found in residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.

DRAFT

CHAPTER 17.92
SIGN REGULATIONS

Sections:

17.92.010	**PURPOSES**
17.92.020	**AUTHORITY**
17.92.030	**ADMINISTRATIVE PROCEDURES**
17.92.040	**DESIGN, CONSTRUCTION, AND MAINTENANCE**
17.92.050	**SIGNS ALLOWED ON PRIVATE PROPERTY**
17.92.060	**SIGNS IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY**
17.92.070	**PORTABLE SIGNS**
17.92.080	**EXEMPT SIGNS**
17.92.090	**PROHIBITED SIGNS**

17.92.010 PURPOSES

The purposes of these sign regulations are:

A. To encourage the effective use of signs as a means of communication in the City, by providing that

1. Businesses and services may identify themselves,
2. Customers and other persons may locate a business or service,
3. No person or group is arbitrarily denied the use of sight lines from the public right-of-way for communication purposes, and
4. Persons exposed to signs are not so overwhelmed by the number of messages presented that they cannot find the information they seek, and are able to observe or ignore messages according to the observer's purpose.

B. To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, by providing that signs:

1. Do not interfere with scenic views,
2. Do not create a nuisance to persons using public rights-of-way,
3. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement,
4. Are not detrimental to land or property values, and
5. Contribute to the special character of particular places or districts within the City, helping the observer to understand the City and orient within it.

C. To promote safety, by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay or abandonment,
2. Do not obstruct firefighting or police surveillance, and
3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

D. To minimize the possible adverse effect of signs on nearby public and private property, and

E. To enable the fair and consistent enforcement of these sign restrictions.

17.92.020 AUTHORITY

These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in Chapter 17.04.020 of Ordinance 1344.

The effect of this Ordinance as more specifically set forth herein, is:

A. To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance.

B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits,

C. To prohibit all signs not expressly permitted by this Ordinance, and

D. To provide for the enforcement of the provisions of this Ordinance.

Notwithstanding any provision of this Ordinance to the contrary, a non-commercial message is allowed in lieu of a commercial message on any sign which is permitted in the City.

17.92.030 ADMINISTRATIVE PROCEDURES

A. Permit Required**:** It shall be unlawful for any person to erect, replace, alter, enlarge or relocate any sign within the City without first obtaining a permit to do so from the Building Official, except as may be hereinafter provided. A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. Separate electrical permits are required for those signs requiring electrical inspection.

B. Application for Sign Permit: Application for a permit required by this Ordinance shall be made upon forms provided by the Building Official, and shall contain or have attached thereto the following information:

1. Sign use;
2. Name, address and telephone number of applicant;
3. Name, address and telephone number of owner;
4. Name, address and telephone number of person or firm erecting the sign;
5. Location of the building, structure or tract to which or upon which the sign is to be attached or erected;
6. Location and dimensions of other signs on property:
7. Position of the sign in relation to nearby buildings or structures or other related signs:
8. Certification by a registered professional engineer confirming a design load of thirty pounds per square foot (30 psf) for any free-standing sign over six feet (6’) in height; and

9. Such other information as the Building Official may require to show full compliance with this Ordinance and all other laws and ordinances of the City and State.

All applications for sign permits of any kind shall be submitted to the Inspections Department.

C. Fees: Application and permit fees for each sign shall be as established by the City Council. Application fees shall be nonrefundable. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution.

D. Not to Issue to Persons Previously Failing to Pay Fees**:** The Building Official shall not issue a sign permit to any person who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this Ordinance, until such fees are paid.

E. Completeness: Within five (5) days of receiving an application for a sign permit, the Building Official shall review it for completeness. If the Building Official finds that it is complete, the application shall then be processed. If the Building Official finds that it is incomplete, the Building Official shall, within such five-day period, send to the applicant a notice specifying why the application is deficient, with appropriate references to the applicable sections of this Ordinance.

F. Permit Revocable: The Building Official may suspend or revoke any permit under the provisions of this Ordinance whenever he shall determine that the permit was issued in error or on the basis of incorrect or false information supplied, or whenever such permit be issued in violation of any of the provisions of this Ordinance or any other ordinance of this City or laws of this State or the Federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the owner of the premises upon which the sign is located.

G. Inspection: The Building Official shall inspect at times as he deems necessary, each sign regulated by this Ordinance for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.

H. Permit Valid Only for Sixty (60) Days: If the work authorized by a permit issued under this Ordinance has not been commenced within sixty (60) days after the date of issuance, the permit shall become null and void.

I. Removal of Abandoned or Obsolete Signs**:** Any sign which the Building Official determines is abandoned or no longer serves a bona fide purpose or use conforming to this Ordinance, shall be removed by the sign erector, owner or lessee of the land, buildings, or structure upon which the sign is located within ten (10) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the sign erector, owner or lessee of the land, building or structure to which such sign is attached or upon which it is erected. Effective two (2) years from the effective date of this Ordinance, when a sign panel on a nonconforming multi-tenant sign advertises an abandoned business, is blank for a period of six (6) months, or is removed, the sign cabinet or case containing that panel shall be removed from the nonconforming sign.

J. Removal or Repair of Dilapidated, Deteriorated or Unsafe Signs**:** If the Building Official shall determine that any sign is dilapidated, deteriorated, unsafe,

insecure, or is a menace to the public, he shall give written notice to the owner, lessee or sign erector for such sign. Conforming signs may be repaired or removed, while nonconforming signs must be removed. If the owner lessee or sign erector fails to remove or repair the sign within ten (10) days after such notice, such sign may be removed by the Building Official at the expense of the owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice and the cost of same shall be paid by the land owner.

K. Appeals: Any person aggrieved by the decision of the Building Official or any City Officer, Department or Board of the City in relation to enforcement of these sign regulation, or who may petition the City for a variance to these regulations, may appeal to the City's Board of Adjustment. All applications and processing of appeals shall be in accordance with the Rules of the Board and with applicable City and state law. When in its judgment in specific cases, where the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, and after public notice and hearing, and subject to the appropriate conditions and safeguards, the Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the building official in the enforcement of this Ordinance.

2. To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the Board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into compliance is achieved.

3. To authorize such variances where the literal enforcement of the provisions of this Ordinance would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs permitted on other parcels of land in the same district. The modification of the standards established in this Ordinance shall not be granted to relieve a self-created or personal hardship, not for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not permitted by this Ordinance to other parcels of land in that district.

4. A hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.

5. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is permitted.

6. In order to make a finding of hardship and to grant a variance, the Board shall find:

   a. The requested variance does not eliminate any requirement of this Ordinance and does not allow any prohibited signs;

   b. The hardship is not in any way the result of the applicant's own action; and

c. The hardship is peculiar to the property of the applicant and not due to the general conditions of the neighborhood. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

7. A variance is only for the particular sign for which it was granted and any attempt to change the sign terminates the variance. A change or alteration of a sign requires a new permit, without considering any prior variance or previous ordinance. If a sign face is removed from a non-conforming sign, then all appurtenant hardware, including the sign cabinet/case associated with that face shall also be removed.

17.92.040 DESIGN, CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed and maintained in accordance with the following standards:

A. All signs shall comply with applicable provisions of the International Building Code and the National Electric Code, as adopted by the City, including separation requirements from electrical lines, at all times.

B. Except for banners, flags, temporary signs, and window signs conforming to all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

C. All freestanding signs shall be designed and installed to withstand wind speeds as required by the International Building Code and shall be constructed to receive dead loads as required by the International Building Code.

D. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with the code, at all times.

E. No sign shall be erected, relocated or maintained in a location that obstructs or hinders free ingress to or egress from any door, window or fire escape.

F. Signs that contain exposed bulbs and/or exposed neon shall be prohibited.

G. Signs that contain reflective materials shall be prohibited.

H. Signs that are made structurally sound by guy wires or unsightly bracing shall be prohibited.

17.92.050 SIGNS ALLOWED ON PRIVATE PROPERTY

A. Signs shall be allowed on private property in the City in accordance with, and only in accordance with, Table 17.92.050-A. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by the column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

B. Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 17.92.050-A shall be allowed only if the size, location, and number of signs on the lot conform to the requirements of Table 17.92.050 - B, which

establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 17.92.050-A.

C. The following regulations shall apply to the composition of signs:

1. Non-text graphics shall be limited to no more than fifty percent (50%) of the total sign area of all signs except changeable copy signs.

2. Changeable Copy Signs:

a. Dwell time: Changeable copy signs, whether electronic digital, manual or automatic that changes more frequently than one frame every 30 seconds shall be prohibited, except those displaying time and temperature information only.

b. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two seconds and shall not include fading, movement, or other electronic effects.

c. Dim control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than 0.3 foot-candles greater than ambient light conditions when measured at the closest property line.

d. Prohibited content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.

e. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within 48 hours by the owner or operator of such sign.

f. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.

D. The following regulations apply to development signs:

1. Off-premise signs after acceptance of improvements: Two signs, not to exceed sixteen square feet (16 sq. ft.) or six feet (6') in height each, may be allowed for a period up to twelve (12) months beginning on the date of acceptance of site improvements by the City. The signs must conform to all restrictions for the zoning district in which they are located.

2. On-premise signs prior to acceptance of improvements: One sign, maximum area twelve square feet (12 sq. ft.), maximum height six feet (6'), will be allowed from ground breaking until the acceptance of improvements by the City, but not longer than twelve (12) months.

3. On-premise signs after acceptance of improvements: One sign, maximum area sixty-four square feet (64 sq. ft.), maximum height six feet (6'), for a twelve (12) month period beginning on the date of acceptance

of improvements by the City.

4. For purposes of timing, each phase shall be considered a separate development. The number of signs shall not be increased with each phase.

Table 17.92.050 - A

Permitted Signs by Type and Zoning District

	ZONING DISTRICT				
SIGN TYPE	**A, B, BR, CR, C, SD, RE, MH**	**D**	**E, CF**	**F, HC, G, MU, FBC**	**H**
FREESTANDING					
Residential[k]	P	P	N	N	N
Other	N	S	S	S	S
Incidental[b]	N	P	P	P	P
BUILDING					
Banner[i,j]	N	N	S	S	S
Blade[m]	N	N	S	S	S
Building Marker[d]	P	P	P	P	P
Canopy[n]	N	N	S	S	S
Identification[c]	P	P	P	P	P
Incidental[b]	N	P[e]	P[b]	P	P
Residential[a]	P	P	N	N	N
Projecting	N	N	N	N	N
Roof	N	N	N	N	N
Roof, Integral	N	N	S	S	N
Wall	N	~~N~~S	S	S	S
Window[h]	N	N	P	P	N
MISCELLANEOUS					
Noncommercial Flag[g]	P	P	P	P	P
Commercial Flag[a,g]	N	S	S	S	S
Pennant[j]	N	N	S	S	S
Portable[f]	N	N	S	S	S

P = Allowed without sign permit
S = Allowed only with sign permit
N = Not allowed

Notes for Table 17.92.050 - A

a. Must be displayed in conjunction with U.S. or State flag.

b. No commercial message shall exceed one square foot.

c. Only address and name of occupant allowed on sign.

d. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.

e. No commercial message of any kind allowed on sign.

f. The conditions of Section 17.92.070 of this Ordinance apply.

g. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty square feet (60 sq. ft.) in area and shall not be flown from a pole the top of which is more than forty feet (40') in height. These flags must be flown in accordance with the United States Flag Code (Title 36, Chapter 10, United States Code, Paragraphs 170-178.) One (1) corporate flag containing only the name and/or logo of a business or institution may be flown in conjunction with flags of the US or State provided that the corporate flag does not exceed the size or height of the U.S. flag on the property, or exceed fifteen square feet (15 sq. ft.), whichever is larger. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

h. Window signs are allowed so long as they are painted on or affixed within the building and do not cover more than twenty-five percent (25%) of the total window area. Window signs shall be included in the area allowed for wall signs.

i. Banners other than those approved for special events (see j below) allowed only when securely mounted flush with the surface of the building.

j. Pennants and banners for special events (e.g. grand openings) allowed only for thirty (30) days in a twelve (12) month period.

k. One (1) sale of premises sign, up to six square feet (6 sq. ft.) allowed per lot. One (1) six square foot (6 sq. ft.) sale of personal property up to thirty (30) days per year from any residence within the City.

l. Wall signs shall be affixed to the building; signs painted on the structure itself shall be prohibited.

m. A blade sign shall be affixed perpendicular to the building facade and may be located under a canopy or awning or under the soffit of an arcade. The blade sign shall be installed with a minimum clearance of eight feet (8') above grade and/or sidewalk. A blade sign shall not extend over any parking or travel lane.

n. A canopy sign that is affixed to the top of an awning, canopy or structural cover over an entry or outdoor service area shall not extend more than twenty-four inches (24") above the edge of the structure to which it is attached. Individual letters attached across the length of the awning, canopy or structural cover are permitted. Signs on the angled portion of a canopy or awning shall not exceed more than 75 percent (75%) of the canopy area to which it will be applied.

Table 17.92.050-B

Number, Dimensions, and Location of Individual Signs By Zoning District

SIGN TYPE	ZONING DISTRICT				
	A, B, BR, CR, C, RE, SD, MH	D	E, CF	F, HC, G, MU, FBC	H
FREESTANDING					
Area (Sq. Ft.)	6	40	80[e]	120[e]	120[e]
Maximum Height (feet):					
Monument Sign	4	6	6	6	6
Pylon Sign[c]		NA	35[a]	35[a]	35[a]
Setback (feet):[b]	0				
Monument Sign		5	5	5	5
Pylon Sign over six Feet in Height		NA	25	25	30
Maximum Number					
Permitted Per Lot[g]	1	NA	NA	NA	NA
Street Frontage required:					
by type of sign	NA				
per monument sign		100 ft.	100 ft.	100 ft.	100 ft.
per pylon sign over six feet high		200 ft.	200 ft.	200 ft.	200 ft.
Minimum spacing between signs on a single lot	NA	50 ft.	50 ft.	50 ft.	50 ft.
INCIDENTAL SIGNS					
Maximum height (feet)		4	4	4	4
Maximum area (square feet)		4	4	4	4
BLADE					
Area (max. sq. ft.)	NA	8	8	8	8
BUILDING					
Area (max. sq. ft.)	1[d]	60	NA	NA	NA
Wall Area (percent, including windows)	NA	NA	25 %	25 %	25 %

Notes for Table 17.92.050 - B

a. The maximum sign height is thirty-five feet (35') and minimum setback is twenty-five feet (25'); however, in no case shall the actual sign height exceed the actual sign setback from a street or any adjacent lot that is zoned and used for residential purposes. For example, if the sign setback is thirty feet (30') from such lot, it may be no more than thirty feet (30') high.

b. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three feet (3') and ten feet (10') in a triangle formed by the corner and points on the property line extending thirty-five feet (35') from the intersection or entrance. Encroachments into the visibility triangle may be authorized by the Planning Director upon a determination that traffic visibility is not hindered.

c. Minimum clearance of eight n feet (87') is required between the grade and the bottom of the sign cabinet and/or structure.

d. A subdivision entryway sign or plaque, not exceeding thirty square feet (30 sq. ft.), may be permitted on either side of a subdivision entry, attached to an approved masonry screening wall, and illuminated only by spot-lighting. A subdivision entryway sign shall not include the name or logo of the developer or builder.

e. Multiple tenant projects are permitted a ten percent (10%) increase over the single tenant maximum for each additional tenant, up to a maximum of one hundred percent (100 %) of the single tenant maximum. Only one (1) sign per property may qualify for the multiple tenant increase.

f. (deleted)

g. No limit on campaign signs during political season, as defined Chapter 17.92.080.F.

h. Street frontage on a second front yard may be included provided it faces property that is not residentially zoned.

17.92.060 SIGNS IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY

No sign shall be allowed in the public right-of-way, except for the following:

A. Governmental or Utility Signs: Permanent signs, including:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; and

2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

B. Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

C. Government Banners: Seasonal and/or promotional banners installed by the City of Benbrook, Benbrook Economic Development Corporation or Fort Worth Independent School District attached to street light poles, utility poles or other authorized structures not exceeding fifteen square feet (15 sq. ft.) per banner and not exceeding two (2) banners per pole.

D. Other Signs Forfeited: Any sign installed or placed on public property, except in conformance with the requirements of this Chapter, shall be forfeited to the public and subject to confiscation. A violation of this provision is subject to a fine as provided in Chapter 17.104.020 of the Zoning Ordinance. In addition to other remedies hereunder, the City shall have the right to recover from the owner or persons placing such a sign the full costs of removal and disposal of such sign.

17.92.070 PORTABLE SIGNS

Portable Signs may be temporarily located on property in "CF", "E", "F", “HC”, "G", and "H" Zoning Districts subject to the following conditions:

A. No portable sign shall be located within the City unless a permit is issued by the Inspection Department of the City.

B. Except as provided in Section 17.92.070.K below, not more than one (1) portable sign may be located on a single platted lot of record or parcel as shown on the City's tax records at any time.

C. Portable signs may not exceed fifty square feet (50 sq. ft.) of sign area and eight feet (8’) on overall height.

D. All portable signs must be located on private property, a minimum of thirty-five feet (35') from the intersection of any street or highway right-of-way.

E. Portable signs may not be located in areas that may, in the judgment of the Building Inspection Department or the Police Department, create a safety hazard to vehicular or pedestrian traffic.

F. Except as provided in Section 17.92.070.K below, permits may be issued by the Inspection Department for periods not to exceed twenty-eight (28) days per occasion and not to exceed four (4) occasions per calendar year for a portable sign on any single platted lot of record or parcel as shown on the City's tax records under the same ownership.

G. All applications for portable sign permits presented to the Building Inspection Department must include the following information: name, address, phone number of the owner of the property, the renter of the sign, and the owner of the sign; the proposed dates the sign would be located on the property; the signature of the sign owner responsible for removal of the portable sign; and a scale drawing including the legal description of the property, all applicable property lines, and dimensions, all street intersections, all applicable driveways, all applicable parking and off-street traffic circulation areas, and accurately showing the proposed location of the portable sign. Except as provided in Section 17.92.070.K below, the owner of any portable sign shall be responsible for obtaining the permit required herein and shall be responsible for any violations of

this Ordinance whether the sign is leased or rented to another or not. Upon obtaining a building permit, the owner of said sign shall sign a statement indemnifying and holding the City harmless for any damages which may result from the placement of said sign.

H. Portable signs, when permitted, may not be relocated to any other location on the property or to another property without prior authorization from the Building Inspection Department. Any approved relocation of a permitted portable sign does not extend the authorized time period of the sign.

I. Portable signs shall be required to meet all applicable building and electrical codes.

J. Portable signs shall be maintained in good state of repair and shall not be allowed to become dilapidated, unsightly or deteriorated.

K. Portable Signs on Multiple Tenant Properties: Properties with multiple tenants (e.g. shopping centers or strips) and having more than four hundred feet (400') of street frontage are permitted to have two (2) portable signs present on a single property. For properties with over six hundred feet (600') of street frontage are permitted an additional sign for each two hundred feet (200') of street frontage above four hundred feet (400'). Properties with multiple tenants may increase the total number of occasions allowed per calendar year by four (4) for each two hundred feet (200') of frontage above the first two hundred feet (200'). Applications for portable signs on multiple tenant properties must be made by the property owner or their designated property manager or by the sign contractor with written authorization from the owner or property manager authorizing the specific sign being requested. It is the duty of the property owner or manager to determine which tenant shall be authorized for a sign within the total number allowed.

17.92.080 EXEMPT SIGNS

The following signs shall be exempt from regulation under this Ordinance:

A. Any public notice or warning required by a Federal, State, or local law, regulation, or ordinance.

B. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located.

C. Works of art that do not include a commercial message.

D. Holiday lights and decorations with no commercial message, provided they are maintained in accordance with applicable regulations.

E. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet standards of the Texas Manual on Uniform Traffic Control Devices and which contain no commercial message of any sort.

F. Temporary political campaign signs on private property beyond the one sign

allowed by right, so long as the sign meets the size, height, and setback requirements established for freestanding signs within the zoning district and only for a period not more than thirty (30) days prior nor more than ten (10) days following an official election. Political signs placed within rights-of-way or upon public property may be removed and disposed of by City personnel.

G. Vehicle signs, when such vehicle is used in the normal day-to-day operations of the business (i.e. is used or moved at least once during a seventy-two hour (72 hr.) period).

H. Informational and/or welcome signs erected by the Benbrook Economic Development Corporation on private or public property with owner's authorization, but not on street right-of-way. Such signs may not exceed one hundred twenty square feet (120 sq. ft.) in area or ten feet (10') in height, unless otherwise approved by the City Council. Such signs may include information on commercial and nonprofit organizations within the City, provided that the area provided for each organization does not exceed four square feet (4 sq. ft.) and that the total area provided for commercial and/or nonprofit organizations does not exceed fifty-one percent (51%) of the total sign area.

I. Bench signs on benches placed by the official transit agency for the City.

17.92.090 PROHIBITED SIGNS

All signs not expressly permitted under this Ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

A. Signs which imitate or resemble any official traffic sign, signal or device; or which use a revolving beam or beacon resembling any emergency vehicle, or are located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging, or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of two hundred fifty feet (250’) along the street.

B. Signs which are erected or maintained upon trees or which are painted or drawn upon rocks or other natural features.

C. Beacons and Searchlights.

D. Strings of lights not permanently mounted to a rigid background, except those holiday lights and decorations exempt under Section 17.92.080.D above.

E. Projecting signs; except blade or canopy signs.

F. Roof Signs.

G. Signs advertising off-premises businesses, products or services. Signs advertising garage sales that otherwise comply with this Ordinance are exempt from this prohibition.

H. Animated or moving signs.

I. Signs located on private property without the consent of the owner of said premises.

J. Signs that are located in or interfere with the use of a required off-street parking space or maneuvering area.

K. Signs which are, or are becoming deteriorated, dilapidated or in danger or falling or otherwise unsafe.

L. Any unauthorized sign on or attached to a public street light, utility pole, hydrant, bridge, traffic control device, street sign or other public structure or building, or any sign located in, on, over, or within a public street, sidewalk, alley, easement, or right-of-way.

M. Illuminated signs, illuminated from within or without, which

1. Are illuminated in such a manner, to high intensity, or without proper shielding, so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or

2. Have any type of intermittent illumination, including flashing, fading, revolving, intermittently lighted, changing color or blinking lights, except those displaying time and temperature information only.

N. Balloons or other inflatable devices used as a sign.

O. Signs which display obscene, indecent or immoral matter.

P. Pole signs, unless approved by variance by the Zoning Board of Adjustment.

Q. Painted wall signs.

DRAFT

CHAPTER 17.96
FENCE REGULATIONS

Sections:

17.96.010 PERMIT REQUIRED
17.96.020 USE REGULATIONS
17.96.030 MAINTENANCE REQUIREMENTS

17.96.010 PERMIT REQUIRED

A. A permit is required from the City Inspection Department for any fence that exceeds thirty inces (30") in height. :

~~1. Exceeds thirty inches (30") in height and is parallel to and visible from a public street, right-of-way, public park or other City-owned property, or~~

~~2. Any fence over six feet (6') in height, whether visible or not.~~

B. Permit fees shall be in accordance with Title 1 of the Benbrook Municipal Code (1985), as amended.

17.96.020 USE REGULATIONS

A. Property Lines: No fence, guy wire, brace, light standard sign, vee arm, barbed wire base and arm, or any structure attached to a fence shall protrude over any property lines.

B. Dimensions of Fences: No fence shall be constructed at a height exceeding eight feet (8'). Exception -- Fences serving as backstops for tennis, basketball, or volleyball courts; baseball or softball fields; or other similar facilities may exceed a height of eight feet (8') but shall not be constructed at a height exceeding twelve feet (12').

C. Placement of Fences: The purpose of the placement regulations of this Ordinance is to prevent sight restrictions, promote safety for vehicles and pedestrians, and provide an open atmosphere in developments.

1. Front Yard:

No fence shall be constructed in front of the designated front building line of any property zoned "A," "B," "BR," "CR," "C," "D," "MH," "E," "F," "HC", or "MU." Fences may be constructed on all property lines of any property zoned "SD," "RE," "G," "H," or "CF," with the exception of corner lots or as otherwise specified. Fences located in the required front yards in Districts "SD,", "RE", "G," "H," or "CF," or on second front yards on residential-zoned lots, shall observe a visibility triangle clear area adjacent to all private drives or alleys adjoining a public street. All visibility triangles shall be in accordance with Section 16.28.020 of the Subdivision Ordinance (Benbrook Municipal Code, as amended).

No fence or screening shrubs shall be placed in the front yard that effectively limits the vision of pedestrians or vehicle operations.

2. Side Yards:

   a. Interior Lots: Fences may be placed on side property lines from the rear of a lot to the front building line.

   b. Corner Lots with Interior Lots behind them: Fences may not extend beyond the second front building line, and may not encroach into the visibility triangle in Section 17.96.020.C.1 above.

   c. Corner Lots with no Interior Lots behind them: Fences may be placed from the rear property line to the front building line and not more than ten feet (10') beyond the second front yard building line, and may not encroach into the visibility triangle in paragraph 3.a. above.

3. No fence of any height or type shall be permitted on a corner lot within a sight visibility triangle in accordance with Section 16.28.020 of the Subdivision Ordinance (Benbrook Municipal Code, 1985, as amended.)

4. For any fence located less than twenty feet (20') from a public street right-of-way or public alley, any gate shall be located not less than twenty feet (20') from the street right-of-way or alley.

D. Fence Materials:

1. Any and all materials used in the construction of a fence built within the legal limits of the City shall meet or exceed standards set by the International Building Code.

~~1.~~2. Metal posts shall be used for the vertical fence supports. The posts shall be set in concrete at least three feet (3') into the ground.

~~2.~~3. Vee arms or base and arms with barbed wire not to exceed three (3) strands will be permitted in all districts except "A," "B," "BR," "CR," "C," and "D" and said attachments shall be considered as part of the fence in determination of the height of said fence and shall not protrude over property lines. The lowest strand of barbed wire shall be a minimum of six feet (6') above ground level.

E. Prohibited Materials:

1. Electrical fences or electrical attachments of any type, dimension or compositions shall not be constructed within the legal limits of the City.

2. Products manufactured for other uses such as plywood, corrugated steel or fiberglass panels are prohibited as fence materials.

3. Permanent barbed wire fences of any type or dimension shall not be constructed within the legal limits of the City, except in the "SD" Suburban District or on property with an active and valid agricultural exemption granted by the Tarrant Appraisal District.

4. Permanent fences with razor wire of any type or dimensions shall not be

constructed within the legal limits of the City, except where required by other state and federal regulatory agencies. If permitted, razor wire shall be attached only to the top of fence at a minimum height of eight feet (8') above grade.

F. Fence Orientation: When any stockade fence or other screening device, whether required or not, is located on a lot adjacent to a public street, right-of-way, public park, or other City-owned property, said fence shall have its back side oriented away from view from the adjacent public area. For the purpose of this section, the back side of a stockade fence shall be the side with exposed posts or rails.

G. Temporary Fences: Temporary fencing for the purpose of protecting or securing construction sites may be allowed. A time schedule for the use of temporary fencing must be specified in the permit for fencing. Barbed wire fences may be allowed for temporary use but must be approved by height, location and number of strands by the Building Official.

H. Inspection: When a fence that requires a building permit is completed it must be inspected. The office of the Building Inspector shall be notified upon completion of the fence. The Building Inspector will issue a card of acceptance if the fence complies with the provisions of this Ordinance or it will be rejected. All fences constructed under the provisions of this Ordinance shall be maintained so as to comply with the requirements of this Ordinance at all times.

17.96.030 MAINTENANCE REQUIREMENTS

A. All fences required by a City Ordinance, regulation or approval for screening, buffering or other requirement shall be perpetually maintained, repaired or replaced by the owner.

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.

D. Definitions:

REPAIR – The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage. See also REPLACEMENT (SUBSTANTIAL IMPROVEMENT).

REPLACEMENT (SUBSTANTIAL IMPROVEMENT) – Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

See also REPAIR.

D. Fences may not be braced by guy wires, braces, or any other material that may be viewable from any public street, right-of-way, alleyway, or property and easements controlled by the City.

E. If an owner of land fails to correct a violation of this Section 17.96.030, a City official may give notice to the owner of the land to abate a violation within thirty days of the date of the notice.

1. The notice must be hand delivered to the owner in writing, or by letter addressed to the owner at the owner's post office address as shown on the latest tax roll.

2. If personal service cannot be obtained or the owner's post office address is unknown, notice may be given;

a. By publication in the City's official newspaper at least twice within ten (10) days; or

b. By posting the notice on or near the front door of the main building on the property to which the violation relates; or

c. If the property contains no building, by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

F. If the owner fails to abate a violation of this section within thirty (30) days of the notice, the City may, at its discretion, do the work and charge the expenses to the owner of the property and assess the expenses against the land on which the

work is done. In order to assess the expenses incurred against the land on which the work is done, the City shall notify owner of the land upon which the work was done, in a manner described in five (5.) above, and such notice shall include:

1. Identification of the property;

2. Description of the violation;

3. A statement that the City has abated the condition;

4. A statement of the City's charges and expenses in abating the condition;

5. An explanation of the property owner's right to request a hearing within ten (10) days of the date of the notice;

6. A statement that if the owner fails or refuses to pay the expense within thirty (30) days after the first day of the month following the month in which the work was done, the Mayor or the Mayor's designee shall place a lien against the property by filing with the County Clerk of Tarrant County, a notice of the lien and a statement of expenses incurred;

7. The City Manager or the City Manager's designee will conduct a hearing if the property owner submits a written request to the City Manager within ten days of the property owner's receipt of the notice. The City Manager may, based on a preponderance of the evidence presented at the hearing, affirm or modify the charges.

8. If no hearing is requested, or a hearing is held and the charges are determined to be valid, and the owner fails or refuses to pay the expenses within thirty days after the first day of the month following the one in which the work is done, the Mayor or the Mayor's designee shall place a lien on the property by filing with the County Clerk of Tarrant Country a notice of lien and statement of expenses incurred.

9. The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum from the date such amount was owed to the City until payment is made.

10. When the statement is filed, the City shall have a privileged lien on the property second only to tax liens and liens for street improvements.

11. The City may institute suit to recover the expenditures with interest and may foreclose on the property. The original or a certified copy of the statement of expenses is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.

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DRAFTCHAPTER 17.98
LANDSCAPE AND BUFFER REQUIREMENTS

Sections:

17.98.010 PURPOSE
17.98.020 BUFFERYARDS AND LANDSCAPING REQUIRED
17.98.030 BUFFERYARDS
17.98.040 INTERIOR LANDSCAPING REQUIREMENTS
17.98.050 PARKING LOT LANDSCAPING REQUIREMENTS
17.98.060 LANDSCAPE AND TREE CANOPY REQUIREMENTS
17.98.070 PLANT MATERIALS
17.98.080 LANDSCAPE/IRRIGATION PLAN REQUIREMENTS
17.98.090 MAINTENANCE

17.98.010 PURPOSE

The purpose of the landscaping and buffer requirements is to provide for the orderly and aesthetic development of the City. It is the intent of these requirements to:

A. Provide a balance between the need for landscape treatments and the need for commercial growth in the City.

B. Protect and enhance the community's environmental, economic, and aesthetic resources while promoting quality investment and enhancing community appearance.

~~B~~C. Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.

~~C~~D. Promote mutually beneficial improvements by utilizing incentives rather than penalties.

~~D~~E. To aid in stabilizing the environmental balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, stormwater runoff retardation and erosion control.

~~E~~F. Provide for the separation and buffering of incongruous uses and intensity of activities and provide for the visual softening of building masses.

~~F~~G. Reduce glare from paved surfaces, dust nuisances and the impact of noise.

~~G~~H. Protect and promote the value of residential and commercial properties within the City.

~~H~~I. Promote a positive image for the attraction of new business enterprises within the City.

~~I~~J. Encourage the protection of healthy trees and vegetation and promote the natural ecological, environmental and aesthetic qualities of the City.

17.98.020 BUFFERYARDS AND LANDSCAPING ~~REQUIRED~~REQUIREMENTS

A. The requirements of this ~~Section~~ Chapter shall apply to all new and additional residential and nonresidential construction.

B. For the purposes of this Chapter, the following zoning districts will apply:

1. Residential
   a. Residential Estate (RE)
   b. One Family District (A)
   c. One Family District (B)
   d. One Family Reduced District (BR)

2. Multi-Family
   a. Multiple Family Restricted District (CR)
   b. Multiple Family District (C)
   c. Multiple Family District (D)
   d. Mixed Use District (MU)

3. Nonresidential – all other zoning districts

Buildings in existence on the effective date of this Ordinance shall be considered legally nonconforming. Any new construction which exceeds two thousand five hundred square feet (2,500 sq. ft.), or more than a thirty percent (30%) expansion of an existing building, shall be required to meet the requirements herein. Pad site developments or ground lease developments shall be required to provide landscaping in accordance with the interior landscaping requirements of Section 17.98.040 below. Bufferyard and landscaping requirements include required bufferyards, interior landscaping, ~~parking~~and parking lot landscaping and tree canopy requirements. ~~Each requirement is in addition to the others, with the exception of tree canopy requirements.~~

17.98.030 BUFFERYARDS

Bufferyards shall be required in accordance with this Section to separate different land uses from each other, to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fire or explosions. Both the amount of land and the type and amount of planting and specified structures for each bufferyard are designed to lessen nuisances between adjacent incompatible land uses or between a land use and a public road.

A. Location

Bufferyards shall be located within and along the outer perimeter of the developing lot or boundary line.

Bufferyards may overlap drainage and/or utility easements; however, plantings should not impede the flow of water within a drainage easement.

Bufferyards shall not be located on any portion of an existing or dedicated public street or right-of-way.

B. Bufferyard Requirements

1. Tables 17.98.030 - A and 17.98.030 - B determine the type of bufferyard required between two adjacent parcels or a parcel and a roadway. The letter designations contained in the tables refer to the different bufferyards described in Figure 17.98.030-1, Illustration of Bufferyards, in this Chapter. The following is a summary of the bufferyards:

TABLE 17.98.030-A

SUMMARY OF BUFFERYARDS

Bufferyard	Width (feet)	Required Plantings (per 100 linear feet)			Fence Requirements
		Canopy Trees	Understory Trees	Shrubs	
A	5~~5~~	1	2	6~~8~~	none
B	10	~~2~~1	~~3~~2	~~10~~6	none
C	10	~~3~~2	~~4~~2	~~12~~6	none
D	10	~~3~~2	~~5~~2	~~18~~8	none
E	10	1	2	~~8~~8	~~Berm-~~ Berm-B1 or ~~B1~~Continuous Hedge row
F1	10	~~3~~2	2~~6~~	~~8~~10	Fence-F1
F2	10	~~3~~2	~~8~~2	~~12~~10	Fence-F2

Note: Plant material shall be credited to meet only one (1) bufferyard (i.e. plants on corners do not satisfy two (2) bufferyards).

2. Existing Plant Credits: Existing trees which are within fifty feet (50') of the property line and have a minimum of fifty percent (50%) of the drip line within a landscaped area shall be granted credits toward reducing the required plantings for canopy trees or understory trees as follows:

TABLE 17.98.030-B

SUMMARY OF REDUCTIONS

Size of Tree Saved	Reduction of Required Plantings (Only One Column may be Applied for Credit)	
	Canopy Tree	Understory Tree
6" to 12" dbh	2	3
12" dbh or greater	3	4

Note: Existing trees between 1-1/2" dbh and 6" dbh that are within the bufferyard may be granted credits on a one-for-one basis.

3. Requirements for Plant Materials: Plant materials shall conform to Section 17.98.~~060~~ 070 below. All bufferyards, unless grass or ground cover is already established, shall be seeded with grass or planted with ground cover so as to assure coverage within three (3) years.

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.

2. Berms/Hedge: Whenever a berm is required in a bufferyard, it shall be a minimum of three feet (3') in height and constructed in accordance with the specifications set forth in the City's Designs Standards and Criteria. Berms shall have side slopes no steeper than 2:1. When possible, all berms shall be curvilinear, rather than straight. Berms are not required to be continuous and are preferred to be broken periodically, but must cover a minimum of seventy-five percent (75%) of the length of the property line to be buffered. A hedge of plants obtaining a mature height greater than three feet (3') may be substituted for a berm. When planting, this hedge shall be a minimum of two feet (2') in height and planted no further than thirty inches on center (30" o.c.). The hedge or berm shall not be permitted in the visibility triangle and/or Public Open Space Easement.

D. Uses of Bufferyards: A bufferyard may be used for passive recreation, such as pedestrian, bike or equestrian trails, provided that (a) no plant material is eliminated, (b) the total width of the bufferyard is maintained, and (c) all other requirements of this section are met. Bufferyards may not be used for playfields, stables, swimming pools, tennis courts, accessory buildings, parking facilities or trash dumpster locations.

TABLE 17.98.030 - ~~A~~C
BUFFERYARDS ADJACENT TO OTHER LAND USES

Zoning of Developing Tract	Zoning of Adjacent Tract							
	CF	SD, RE	A, B, BR, CR,	C, D	E, F, HC,G, ~~MU~~	~~FBC~~	H	MH
CF[1]	*	F1	F2	A	A	~~E~~	*	*
CF[2]	*	F1	F2	F2	F2	~~F2~~	F2	F2
SD, RE	*	*	B	B	B	~~B~~	B	B
A, B, BR, CR	*	B	*	A	A	~~A~~	A	A
C, D	A	C	F2	A	A	~~A~~	*	A
E, F, HC, G~~, MU~~ [4]	A	D	F2	F1	~~A~~*	~~A~~	*	F1
FBC	E	F2[3]	F2[3]	*	*	*	*	F2[3]
H	E	E	F2	F1	F1	~~F1~~	A	F1
MH	*	B	F2	D	A	~~A~~	*	*

* No bufferyard required

1 Permitted Uses in "CF" Community Facilities District, as described in Chapter 17.24.022, and City parks and golf courses are exempt from buffer fence requirements

2 Conditional Uses in "CF" Community Facilities District, as described in Chapter 17.24.024, are subject to buffer wall requirements in accordance with the conditional use permit.

3 Bufferyards required adjacent to single family residential districts in accordance to Chapter 17.75.

~~3~~4 In unified commercial developments, interior bufferyards may be altered with approval of the Planning and Zoning Commission.

TABLE 17.98.030 - D~~B~~
BUFFERYARDS REQUIRED ADJACENT TO STREETS [b]

Zoning of Developing Tract	Frontage On Interstate Frontage Road and Principal Arterials	Adjoining on Minor Arterials/ Collectors		Adjoining on Residential/ Local Street
		Across From Non-Residential Zoning District	Across From Residential Zoning District	
CF	E	*	*	*
SD, RE	B	B	B	~~A~~*
A, B, BR, CR, C	B [a]	F2[a]	F2[a]	*
~~C,~~ D, MH	C [a]	C	C	C
E, F, HC, G~~, MU~~	E	B	E	E
H	E	E	E	F2
FBC	*	*	*	*

* No bufferyard required

Notes:

a. An F2 screening fence and a five-foot bufferyard is required when the rear yards and/or side yards of a residential subdivision abut a frontage road, arterial, collector or local street. The screening wall and landscaping shall be located in a ~~five~~ten-foot (~~5~~10') screening wall and landscape easement with the wall located to the back of the easement between the landscaping and the residential lots. A minimum of 7.5 feet is required for landscaping.

b. The canopy tree requirement may be reduced on a one-for-one basis if street trees have been provided in accordance with Section 16.28.050 of the Benbrook Municipal Code (Subdivisions).

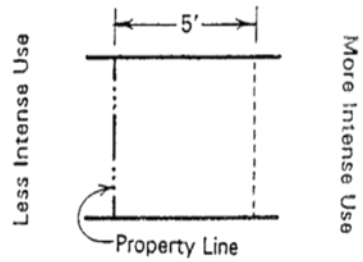
Figure 17.98.030-1 Bufferyards

Bufferyard "A"

Minimum width is five feet (5')
A minimum width of ten feet (10') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	1
Understory	2
Shrubs	8

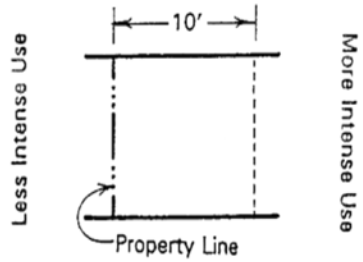


Bufferyard "B"

Minimum width is ten feet (10')
A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	2
Understory	3
Shrubs	10

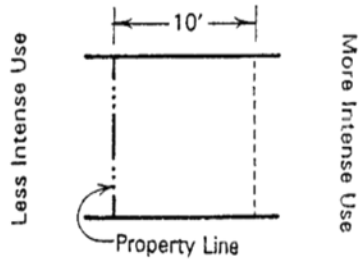


Bufferyard "C"

Minimum width is ten feet (10')
A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	4
Shrubs	12



Bufferyard "D"

Minimum width is ten feet (10')
A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	5
Shrubs	18

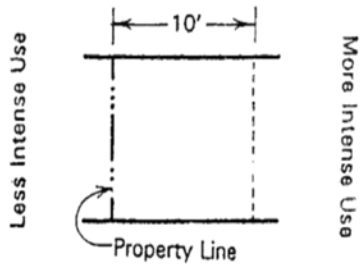


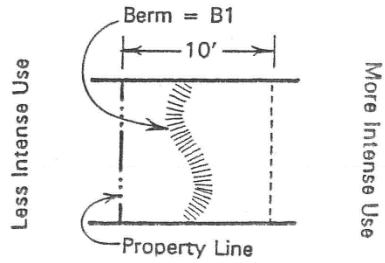
Figure 17.98.030-1, Continued

Bufferyard "E"

Minimum width is ten feet (10')
A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	1
Understory	2
Shrubs	8

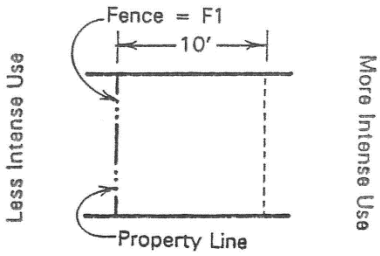


Bufferyard "F1"

Minimum width is ten feet (10')
A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	6
Shrubs	8



Bufferyards "F2"

Minimum width is ten feet (10')
A minimum width of twenty feet (20') may be used in combination with a twenty percent (20%) reduction in planting density

Required Plants per 100 Linear Feet

Canopy trees	3
Understory	8
Shrubs	12

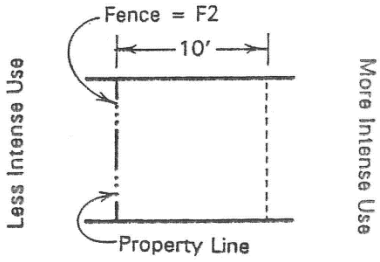
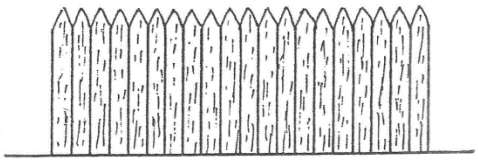
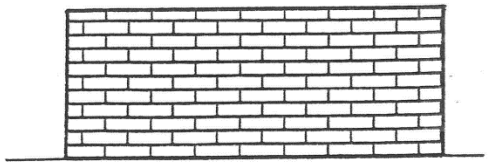
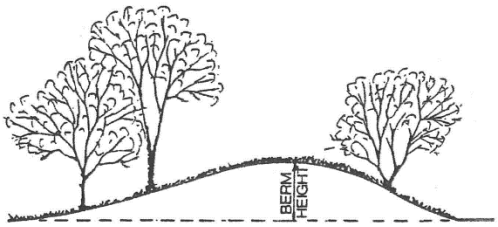


Figure 17.98.030-1, Continued

Required Structures

Fence/Berm Type	Graphic Depiction	Notes
F1	 Wood Stockade Fence	Finished side to face the less intense use Six feet (6') minimum height
F2	 Masonry wall	Ornamental/textured face towards the less intensive use Six feet (6') minimum height
B1	 Earthen berm	Three foot (3') minimum height Curved layout Cover seventy five percent (75%) of total length Shrubs in a hedge may substitute for berm

17.98.040 INTERIOR LANDSCAPING REQUIREMENTS

A. Interior Landscaping Requirements: The amount of landscape area required on the interior of the lot (excluding bufferyards) shall be based on the square footage of the building footprint of the proposed buildings.

For single story anchor tenants having more than twenty thousand square feet (20,000 sq. ft.) of floor area, the building square footage shall be the front width of the building multiplied by a depth of sixty feet (60').

The required landscape area for the zoning districts listed below shall be ten percent (10%) of the ~~floor~~ building footprint~~area~~.

Zoning District	**Percent of Floor Area**
CF, D, E, F, HC, G, H, MU	10 %

1. Planting Requirements: The following plants shall be required within the interior landscape areas:

   a. 1 Canopy Tree per six hundred square feet (600 sq. ft.)

   b. 1 Understory Tree per three hundred square feet (300 sq. ft.)

   c. 1 shrub per ~~sixty~~ one hundred twenty square feet (~~60~~ 120 sq. ft.)

   d. Ground cover - ten percent (10%) of required area

2. Location requirements: A minimum of seventy-five percent (75%) of all required plant materials within the interior landscape area shall be in the front or along either side of the building between the building and the interior edge of the required bufferyards.

3. Enhanced Pavement Credits: For every one square foot (1 sq. ft.) of enhanced pavement area, the required interior landscape area may be reduced by one-half square foot (1/2 sq. ft.). The maximum credit given for enhanced pavement shall be ten percent (10%) of the required interior landscape area.

4. Right-of-way Landscaping Credits: The required interior landscape area may be reduced by a maximum of ten percent (10%) when the applicant chooses to establish, irrigate and maintain turfgrass within the parkway along the front of their property. The percent credit given will be prorated based on the portion of the parkway irrigated (i.e. fifty percent (50%) parkway irrigated provides five percent (5%) credit.)

B. Residential Lots: Each residential lot shall have a minimum of one (1) canopy tree~~s~~ within the required front yard.

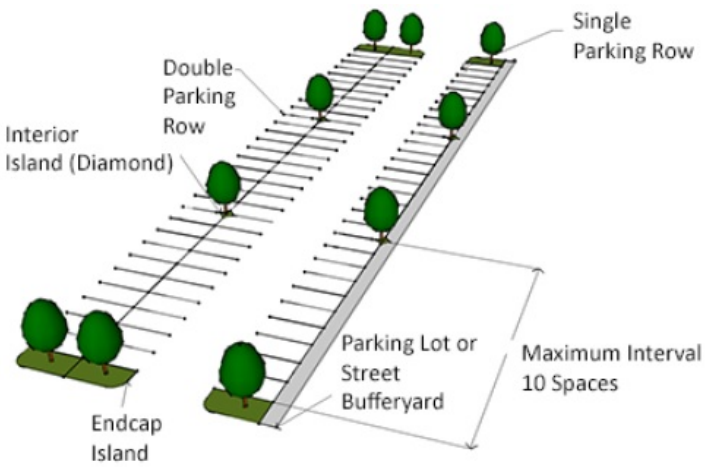
Zoning District
SD, RE, A, B, BR, CR, C

17.98.050 PARKING LOT LANDSCAPING REQUIREMENTS

~~Planter~~ Interior planter islands shall be provided in parking areas on the basis of twenty square feet (20 sq. ft.) of landscape area for each parking stall provided (approximately one (1) island per ~~eight~~ ten (~~8~~10) stalls.) Each row of parking stalls shall provide the required landscape area. The Building Official may modify the island requirement for each row in situations where it would be beneficial to combine islands into a larger island. Planter islands shall have a minimum width of eight feet (8') back to back, if curbed, or nine feet (9') edge to edge if no curb is provided. Parking lot landscaping does not count toward the total required interior landscape area. See Figure 17.98.050 - A

Figure 17.98.050 – A

PARKING LOT LANDSCAPING



Endcap Islands:

A. All rows of spaces shall terminate in a curbed landscaped island. Each island shall conform to the specifications described for interior islands above. End islands are provided to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

B. Existing Trees: The Building Official may approve variations to the planter island requirements to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as follows:

Caliper	**Width**
6" dbh or less	8' minimum width
6" to 12" dbh	12' minimum width
More than 12" dbh	18' minimum width

C. Each endcap island shall have 160 square feet in area with 9 feet in width back-of-curb to back-of-curb for a single row parking layout or 320 square feet in area with 9 feet in width back-of-curb to back-of-curb for a double rown parking layout. A minimum three-inch caliper canopy tree is required in each endcap island per parking row. A double parking row will require two trees in the endcape island.

Interior Islands:

A. Interior islands may be a parking stall or a diamond-shaped planter.

B. A landscape island must be provided for every 10 parking spaces.

B. Each parking stall island must be a minimum of 160 square feet in area and 9 feet in width back-of-curb to back-of-curb except where a diamond shaped interior island is proposed. A minimum three-inch caliper canopy tree is required in each.

C. Interior Island (with diamond-shaped planters) have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

D. Diamond-shaped planters shall be a minimum of six (6) feet in width with a six (6) inch height and six (6) inch width curb. A two (2) feet clearance between the inside of the curb and the circumference truck of the tree is required to avoid damage to the tree trunks. See Figure 17.98.050 – B.

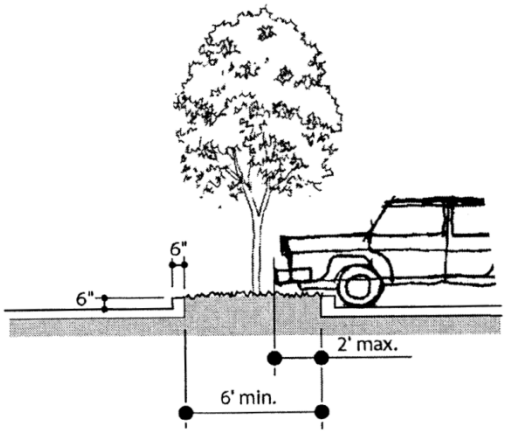
E. Interior islands may be consolidated or intervals may be expanded to preserve existing trees.

~~A~~F. Existing Trees: The Building Official may approve variations to the planter island requirements to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as follows:

Caliper	**Width**
6" dbh or less	8' minimum width
6" to 12" dbh	12' minimum width
More than 12" dbh	18' minimum width

Figure 17.98.050 – B

DIAMOND-SHAPED PLANTER CURB REQUIRMENTS



Parking Adjacent to Street Bufferyard or Other Parking Lot

When a parking aisle is immediately adjacent to the street bufferyard such that the parking is generally perpendicular (not parallel) to the required bufferyard, a berm will be required. If shall be a minimum of three feet in height and constructed in accordance with the specification set forth in the City's Design Standards and Criteria. Berms shall have side slopes no steeper than 2:1. Berms must cover a minimum of 75 percent (75%) of the length of the property line to be buffered.

~~B~~. ~~Planting Requirements: A minimum of ninety percent (90%) of all planter islands in parking areas shall contain a minimum of one (1) canopy tree with the remaining area in shrubs, ground cover, grasses or seasonal color. Planter islands shall not be combined with light poles.~~

17.98.060 LANDSCAPE AND TREE CANOPY REQUIREMENTS

The following requirements shall apply to all lots within residential and nonresidential developments:

A. The minimum percentages of Landscape and Tree Canopy Requirements are listed in Table 17.98.060-A entitled Landscape and Tree Canopy Requirements. ~~Landscaping that is preserved from natural conditions, or is provided to meet the bufferyard, parking lot, or interior landscaping requirement may be counted toward meeting the minimum coverage requirements in this subsection.~~

TABLE 17.98.060-A
MINIMUM LANDSCAPE AND TREE CANOPY REQUIREMENTS

Districts	Minimum Lot Size (Square feet)	Percent Landscape Area	Interior Landscape Area (17.98.040)	Percent Tree Canopy Cover
SD	435,600	70%	--	--~~10%~~
RE	43,560	70%	--	--~~15%~~
A	9,000	~~60~~30%	--	--~~30%~~
B, C, MH	8,400	~~5~~25%	--	--~~30%~~
BR, CR	7,000	~~55~~25%	--	--~~30%~~
D	8,400	40%	10%	30%
CF, E, F, G, HC, , MU, FBC	NA	20%	10%	30%
H	NA	10%	10%	15%

B. The following may count towards meeting the Landscape and Tree Canopy Requirements:

1. Undisturbed vegetative areas, natural areas, or native landscape areas.
2. Landscaping in the adjacent public right-of-way
3. Plazas and pedestrian circulation areas if constructed with pervious material.
4. ~~A percentage of parking areas if constructed with brick pavers or pervious pavement systems as approved by the Planning Director~~Landscaping in the Parking Lot
5. Landscaping in Bufferyards
6. Interior Plantings

C. Landscape Areas: Landscape area is the portion of a site which is not defined as “lot coverage” and meets the definition in Chapter 17.08 of this Ordinance.

D. Tree Canopy: Tree canopy is measured by computing the area that the mature canopy will encompass based on the Tree List contained in Table 17.98.060-B. The mature canopies shall be estimated for existing trees on site. Any tree not on the Tree List shall be estimated by use of standard landscaping references.

TABLE 17.98.060-B
STANDARD TREE CHARACTERISTICS

Common Name	Botanical Name	Mature Height (ft.)	Mature Spread (ft.)	Mature Canopy (sq. ft.)
Pecan	*Carya illinoensis*	70	70	3,848
White ash	*Fraxinus Americana*	70	60	2,827
Shumard red oak	*Quercus shumardii*	70	50	1,963
American elm	*Ulmus Americana*	70	70	3,848
Bur oak	*Quercus macrocarpa*	60	60	2,827
Bald cypress	*Taxodium distichum*	60	30	707
Cedar elm	*Ulmus crassifola*	60	40	1,256
American sweetgum	*Liquidambar styraciflua*	50	30	707
Live oak	*Quercus vriginiana*	50	50	1,963
Chinquapin oak	*Quercus muehlenbergii*	50	40	1,256
Common persimmon	*Diospyrus virginiana*	40	30	707
Texas ash	*Fraxinus texensis*	40	30	707
Afghan pine	*Pinus eldorica*	40	30	707
Chinese pistache	*Pistacia chinensis*	40	40	1,256
Lacebark elm	*Ulmus parvifolia*	40	40	1,256
Winged elm	*Ulmus alata*	30	30	707
Eastern redbud	*Cercis Canadensis*	25	25	491
Mexican plum	*Prunus Mexicana*	20	20	314
Eve's necklace	*Sophora affinis*	20	15	177

E. Artificial Lot Line: An artificial lot is intended to provide administrative relief for large sites that will achieve planting areas that exceed substantially more than twenty (20%) of gross platted lot area after development is completed. The use of artificial lots is limited by the following:

1. If the platted property is over two (2) acres in size, the applicant may request permission to create an "artificial lot" to satisfy the requirements of this Subsection.

2. The Planning Director ~~shall~~ may approve the creation of an artificial lot only if the spirit and intent of this chapter will not be violated. If approved by the Director, artificial lot lines shall be indicated on the proposed Landscape Plan and shall contain, at minimum, the total amount of impervious surface coverage, plus twenty (20%) of the area inside the artificial lot reserved for required planting area.

3. The area within the artificial lot lines shall provide trees and landscaping in compliance with the requirement of this section, and may not extend beyond the property boundaries of a single platted lot.

4. The artificial lot lines must be delineated on plans approved by the Director prior to the issuance of a building permit. The area outside the artificial lot shall be maintained as planting area with live vegetation determined by the applicant. No trees located outside the artificial lot lines may be used for tree credits.

5. The artificial lot lines shall include areas that are adjacent to a public right-of-way or are necessary to accomplish buffering of adjacent properties.

17.98.070 PLANT MATERIALS

A. Quality Standard: All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current edition of the American Standard for Nursery Stock.

B. Recommended Plants: A list of recommended plants within each plant material type is included in Table 17.98.~~080~~070. Plants designated as native and/or adapted are recommended. Plants designated with an "I" require irrigation. The applicant may propose plants other than those listed if the plant is appropriate for the intended use or the applicant maintains a plant care program sufficient to properly care for the proposed plant material.

Plant materials shall be appropriate for the region and local soil conditions and shall be planted in accordance with good horticultural practice. Plants selected should require only low maintenance and should be temperature and drought tolerant. The applicant is encouraged to refer to the Texas Smartscape website (www.txsmartscape.com) for additional information on native and adapted species.

C. Size Requirements When Planted: All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used, but use of such plants shall not decrease the size requirements of other proposed plants.

1. Tree measurement: Canopy and understory trees with single trunks shall be measured by caliper size one foot (1') above the ground line. Multi-trunk trees shall be measured by the height of the tree.

2. Minimum sizes: The minimum plant size when planted shall be as follows:

Plant Material Type	**Minimum Size**
Canopy Tree:	
Single Stem/trunk	2 inch caliper
Multi-trunk clump	6 feet high
Understory Tree	4 feet high
Shrub:	
Deciduous	15 inches high
Evergreen	12 inches high
Groundcover	4 inch containers

The Planning Director or Building Official may approve smaller size shrubs based on unusual growing circumstances and/or on a specific design which reflects the overall intent of this Section.

~~17.98.080 LANDSCAPE/IRRIGATION PLAN REQUIREMENTS~~

~~A. Qualification to Prepare Plans: Landscape plans shall be prepared by a Registered Landscape Architect, Landscape Designer or Landscape Contractor knowledgeable in plant materials and landscape design. Irrigation plans shall be~~

~~prepared by a Licensed Irrigator or Landscape Architect, and may be submitted after the landscape plan is in approvable form. Irrigation permits are required from the Benbrook Water Authority.~~

~~B. Landscape Plan Requirements: The following items shall be provided on the required landscape plan:~~

~~1. Sheet size twenty-four inch by thirty-six inch (24" x 36"), or as approved;~~

~~2. Acceptable scale: 1"=10', 1"=20', 1"=40', or as approved;~~

~~3. North arrow, graphic and written scale;~~

~~4. Appropriate title (i.e. "Landscape Plan");~~

~~5. Title block, including street address, legal description, and date of preparation;~~

~~6. Name and address of owner;~~

~~7. Name, address and telephone number of person preparing plan;~~

~~8. Property line shown with dimensions;~~

~~9. Existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);~~

~~10. Width and type of bufferyards labeled on all sides;~~

~~11. Location, size and species of all existing trees six inch (6") dbh or greater which are to be preserved;~~

~~12. Location, quantity, size and species of all proposed plant materials;~~

~~13. Maintenance Note (see Section 17.98.090);~~

~~14. Label type of any enhanced pavement proposed;~~

~~15. Visibility triangles shown;~~

~~16. Seal and dated signature of Landscape Architect (if applicable);~~

~~17. Plant list; and~~

~~18. Any berms delineated with one-foot (1') contours~~

~~19 Maintenance Statements. The text of 17.98.090, paragraphs A. and B.~~

~~C. Irrigation Requirements: The City of Benbrook encourages water conservation through the use of native and/or adapted plant materials. Landscaping using plants in Table 17.98.080 designated as having low water demand (LW) do not require permanent irrigation. Temporary irrigation may be necessary during the initial period of plant establishment. Landscapes using non-native species or a mixture of native and nonnative species require an irrigation system to maintain plant viability. The Planning Director has the ultimate authority to determine whether an irrigation system is required or not. The City of Benbrook~~

~~encourages the use of irrigation systems with rain sensors and drip irrigation to promote efficient use of water.~~

~~D. Irrigation Plan Requirements: The following items shall be provided on the required irrigation plan:~~

~~1. Sheet size twenty-four inch by thirty-six inch (24" x 36"), or as approved;~~

~~2. Acceptable scale: 1" = 10', 1"=20', or 1"=40', or as approved (Must be at same scale as landscape plan);~~

~~3. North arrow, graphic and written scale;~~

~~4. Appropriate title (i.e. "Irrigation Plan");~~

~~5. Title block including street address, legal description, and date of preparation;~~

~~6. Name and address of owner;~~

~~7. Name, address and telephone number of person preparing plan;~~

~~8. Property line with dimensions;~~

~~9. Location of all existing trees six inch (6") dbh or larger which are to be saved in accordance with the Tree Survey~~

~~10. All pipes labeled as to size;~~

~~11. All sprinkler heads labeled as to type (key is acceptable);~~

~~12. Backflow prevention device labeled with type and size;~~

~~13. Location of water meter and connection to water service;~~

~~14. Any existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);~~

~~15. Note indicating that installation must be inspected by the Benbrook Water Authority (Telephone Number 817-249-1250);~~

~~16. Maintenance Note indicated; and~~

~~17. Seal and dated signature of professional who prepared plan.~~

Table 17.98.~~080~~070
RECOMMENDED PLANTS

Canopy Tree	Understory Trees	Shrubs	Ground Covers	Vines
Pecan (N, LW) Cedar Elm (N, LW) Texas Red Oak (N, LW) Live Oak (N, LW) Bur Oak (N, LW) Lacebark Elm (A, LW) Afghan Pine (A, LW) American Elm (N, LW) Arizona Cypress (N, LW) Bigelow Oak (N, LW) Caddo Maple (A, LW) Chinquapin Oak (N, LW) Durrand Oak (N, LW) Lacey Oak (N, LW) Shumard Oak (N, LW) Southern Live Oak (N, LW) Texas Ash (N, LW) Western Soapberry (N, LW) Chinese Pistache (I) Austrian Pine (I) Bald Cypress (A, I) Honeylocust (I) Southern Magnolia (N, I)	Buckeye, Mexican (N, LW) Buckeye, Red (N, LW) Buckeye, Texas (N, LW) Carolina Buckthorn (N, LW) Desert Willow (N, LW`) Eastern Red Cedar (N, LW) Eve's Necklace (N, I) Hawthorne (N, LW) Mesquite (N, LW) Mexican Plum (N, LW) Possumhaw Holly (N, LW) Redbud (N, LW) Roughleafed Dogwood (N, LW) Texas Persimmon (N) Wax Myrtle (N, I, LW) Yaupon Holly (N, LW) Birds of Paradise (A, LW) Crape Myrtle (tree form) (A, LW) Hollywood Juniper (A, LW) Vitex (A, LW) Japanese Black Pine (A, LW) Juniper, Blue Point (A, LW) Juniper, Wichita Blue (A, LW) Little Gem Magnolia (A, I) Ornamental Pear (A) Pomegranate (A, LW) Rose of Sharon (Althea) (A, LW) Winter/Brush Honeysuckle (A) Slash Pine (I) Texas Mountain Laurel (I) Sweetgum (I) Purpleleaf Plum (I) Bradford Pear (I) Rusty Blackhaw Viburnum (A, LW) Japanese Red Maple (I)	American beautyberry (N, LW) Argarita (N, LW) Buckeye, Red (N, LW) Buckeye, Texas (N, LW) Coral Berry (N) Dwarf Wax Myrtle (N,I) Red Yucca (N, LW) Smooth Sumac (N, LW) Texas Sage (N, LW) Aromatic Sumac (A, LW) Bridal Wreath Spiraea (A, LW) Burford Holly (A,I) Chinese Photinia (A, LW) Cleyera (A,I) Compact Nandina (A, LW) Crimson Pygmy Barberry (A,I) Dwarf Burford Holly (A,I) Dwarf Burning Bush (A, LW) Dwarf Chinese Holly (A,I) Dwarf Crape Myrtle (shrub form) (A) Dwarf Glossy Abelia (A,I) Dwarf Pomegranate (A,I) Dwarf Spirea (A,I) Dwarf Yaupon Holly (A) Elaeagnus (A, LW) Flowering Quince (A, LW) Forsythia (A, LW) Foster Holly (A,I) Glossy Abelia (A, LW) Harbor Dwarf Nandina (A, LW) Hypericum (A,I) Indian Hawthorne (A,I) Italian Jasmine (A, LW) Japanese Aucuba (A,I) Leatherleaf mahonia (A, LW) Miniature Crape Myrtle (A, LW) Nellie R. Stevens Holly (A,I) Oakleak Hydrangea (A,I) Purpleleaf Japanese Barberry (A,I) Rose of Sharon (Althea)(A, LW) Semi-dwarf Crape Myrtle (A) Standard Nandina (A, LW) Winter/Bush Honeysuckle (A, LW) Photinia (I) Tam Juniper (I) Sea Green Juniper (I) Pampas Grass (I) Skeleton Leaf Goldeneye (A, LW) Nolina, Lindheimer (A, LW) Nolina, Texas (A, LW)	Avens, White (N, LW) Frog Fruit (N, LW) Horse Herb (N, LW) Pigeonberry (N, LW) Snake herb (N, LW) Wood violet (N, LW) Asiatic Jasmine (A,I) Ground Ivy (A, LW) Hardy Plumbago (A,I) Liriope or Lily turf (A,I) Mondo Grass/Monkey Grass (A,I, LW) Purpleleaf Euonymus (A,I) Santolina (A, LW) Juniper species (I) Vinca/Periwinkle (I)	Coral Honeysuckle (N, LW) Cross Vine (N, LW) Trumpet Vine (N, LW) Boston Ivy (A, LW) Carolina Jasmine (I) Halls Honeysuckle (I) Lady Banks Rose (I)

The City reserves the right to approve plants and planting through an appointed horticulturist, landscape architect, or other persons so qualified.
N = Native,
A = Adapted
I = Requires irrigation
LW – Low water demand

17.98.080 LANDSCAPE/IRRIGATION PLAN REQUIREMENTS

A. Qualification to Prepare Plans: Landscape plans shall be prepared by a Registered Landscape Architect, Landscape Designer or Landscape Contractor knowledgeable in plant materials and landscape design. Irrigation plans shall be prepared by a Licensed Irrigator or Landscape Architect, and may be submitted after the landscape plan is in approvable form. Irrigation permits are required from the Benbrook Water Authority (BWA) and owner must conform with all BWA regulations.

B. Landscape Plan Requirements: The following items shall be provided on the required landscape plan:

1. Sheet size twenty-four inch by thirty-six inch (24" x 36"), or as approved;

2. Acceptable scale: 1"=10', 1"=20', 1"=40', or as approved;

3. North arrow, graphic and written scale;

4. Appropriate title (i.e. "Landscape Plan");

5. Title block, including street address, legal description, and date of preparation;

6. Name and address of owner;

7. Name, address and telephone number of person preparing plan;

8. Property line shown with dimensions;

9. Existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);

10. Width and type of bufferyards labeled on all sides;

11. Location, size and species of all existing trees six inch (6") dbh or greater which are to be preserved;

12. Location, quantity, size and species of all proposed plant materials;

13. Maintenance Note (see Section 17.98.090);

14. Label type of any enhanced pavement proposed;

15. Visibility triangles shown;

16. Seal and dated signature of Landscape Architect (if applicable);

17. Plant list; and

18. Any berms delineated with one-foot (1') contours

19 Maintenance Statements Chapter 17.98.090.

C. Irrigation Requirements: The City of Benbrook encourages water conservation through the use of native and/or adapted plant materials. Landscaping using

plants in Table 17.98.080 designated as having low water demand (LW) do not require permanent irrigation. Temporary irrigation may be necessary during the initial period of plant establishment. Landscapes using non-native species or a mixture of native and nonnative species require an irrigation system to maintain plant viability. The Planning Director has the ultimate authority to determine whether an irrigation system is required or not. The City of Benbrook encourages the use of irrigation systems with rain sensors and drip irrigation to promote efficient use of water.

D. Irrigation Plan Requirements: Irrigation permits are required from the Benbrook Water Authority (BWA) and owner must conform with all BWA regulations.

The following items shall be provided on the required irrigation plan:

1. Sheet size twenty-four inch by thirty-six inch (24" x 36"), or as approved;

2. Acceptable scale: 1" = 10', 1"=20', or 1"=40', or as approved (Must be at same scale as landscape plan);

3. North arrow, graphic and written scale;

4. Appropriate title (i.e. "Irrigation Plan");

5. Title block including street address, legal description, and date of preparation;

6. Name and address of owner;

7. Name, address and telephone number of person preparing plan;

8. Property line with dimensions;

9. Location of all existing trees six inch (6”) dbh or larger which are to be saved in accordance with the Tree Survey

10. All pipes labeled as to size;

11. All sprinkler heads labeled as to type (key is acceptable);

12. Backflow prevention device labeled with type and size;

13. Location of water meter and connection to water service;

14. Any existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);

15. Note indicating that installation must be inspected by the Benbrook Water Authority (Telephone Number 817-249-1250);

16. Maintenance Note indicated; and

17. Seal and dated signature of professional who prepared plan.

17.98.090 MAINTENANCE

A. General: The owner, tenant and the agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. All irrigation heads or lines that are broken and flow water shall be replaced or repaired immediately to prevent the waste of water.

B. Plant Replacement: The O~~o~~wner shall be responsible for replacing all plant materials required by the Zoning Ordinance and Subdivision Ordinance (landscape bufferyards, interior landscape area, parking area, and street trees) which shows dead branching over seventy-five percent (75%) or more of the normal branching pattern and repair irrigation system ~~for a period of two (2) years from the date of issuance of the Certificate of Occupancy~~. Plant materials which die shall be replaced with plant material of similar variety and similar initial size. The Owner shall make such necessary replacements within thirty (30) days of notification by the City.

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