AGENDA
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 18, 2016
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM

1. Review and discuss agenda items for regular meeting

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

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held August 4, 2016

Documents:

CC MINUTES-08-04-16.PDF

IV. CITIZEN PRESENTATION

1. Pat Dunkin - 4PAWS - Donation Recognition

Documents:

CITIZEN PRESENTATION - 4PAWS DONATION.PDF

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2016-03 Adopt Ordinance Amending Chapter 17.08 Definitions; Chapter 17.20 Districts, District Boundaries And District Uses; 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 Of The Benbrook Municipal Code

Documents:

PZ-2016-03 ZONING AMENDMENTS.PDF
PZ-2016-03 ORDINANCE ZONING AMENDMENT (1).PDF

VI. REPORTS FROM CITY MANAGER

A. GENERAL

G-2258 Accept Finance Report For Period Ending July 31, 2016

Documents:

G-2258 FINANCE REPORT JULY 2016.PDF
G-2258 REVENUE CHART.PDF
G-2258 EXPENDITURE CHART.PDF
G-2258 SALES TAX COMPARISON.PDF

G-2259 Authorize Interlocal Agreement With Fort Worth Independent School District To Provide Three Police Officers To Participate In Annual School Security Initiative

Documents:

G-2259 FWISD ANNUAL SCHOOL SECURITY 2016.PDF
G-2259 ILA FWISD SECURITY 2016.PDF

VII. OTHER MATTERS OF BUSINESS

1. Conduct 1st Public Hearing On 2016 Property Tax Rate

2. Conduct 1st Public Hearing On 2016-2017 Proposed Budget

VIII. INFORMAL CITIZEN COMMENTS

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

IX. COUNCIL MEMBER AND STAFF COMMENTS

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

X. ADJOURNMENT

MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 4, 2016

The regular meeting of the Benbrook City Council was held on Thursday August 4, 2016 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:
Andy Wayman, City Manager
Dave Gattis, Deputy City Manager
Donna Savage, Deputy City Secretary
Sherri Newhouse, Finance Director
Bennett Howell, Public Services Director

Others Present:
Ed Gallagher, Planning Director
James Mills, Police Chief
Maddie Schwartz, Accounting Supervisor
Alex Busken, Management Analyst
Bill Smith
Caroline Lausch
Pat Dunkin
Allen Manchack
Donna Morrison
Jennifer Harper
Vicky Watson
Corky Baird
and 27 other citizens

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation given by Bill Smith.
The Pledge of Allegiance was recited.

III. MINUTES

1. Approve Minutes of the Regular Meeting held July 21, 2016

Motion by Dr. Marshall, seconded by Mr. Washburn to approve the minutes of the regular meeting held July 21, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. CITIZEN PRESENTATION

1. 4PAWS – Caroline Lausch – Speaking on proposed budget

Caroline Lausch with 4PAWS gave a PowerPoint presentation on including a new animal shelter in the proposed budget.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2016-05 Reschedule October 6, 2016 regular City Council meeting

Motion by Ms. Franklin, seconded by Mr. Washburn to reschedule the October 6, 2016 regular City Council meeting to Monday, October 3, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. REPORTS FROM CITY MANAGER

A. GENERAL

G-2254 Accept 2016 Certified Appraisal Roll, set Anticipated Collection Rate, and appoint an officer to calculate the Effective Tax Rate and Roll Back Tax Rate

Sherri Newhouse gave the following report: Staff received the 2016 Certified Appraisal Roll from the Tarrant Appraisal District (TAD) on Monday, July 25, 2016. The report "Information on the 2016 Appraisal Roll" contains the State-mandated information on appraised value, adjustments, exemptions, and the taxable value of property.

To comply with "Truth-in-Taxation" (TNT) requirements of Texas Law, the City Council must accept the Certified Appraisal Roll as presented by TAD, set the anticipated collection rate for 2016-17, and appoint an officer to calculate and publish the Effective Tax Rate (ETR) and the Roll Back Tax Rate (RTR).

Preliminary calculations indicate that the City Council will not be required to take a roll call vote to increase property tax revenues if we maintain the current tax rate or to set an anticipated tax rate.

The "Information on the 2016 Certified Appraisal Roll" indicates that the City of Benbrook will realize a net increase in current property tax revenue of approximately 2.73 percent or about $303,266.

Motion by Ms. Franklin, seconded by Dr. Marshall to accept the 2016 Certified Appraisal Roll, set the Anticipated Collection Rate at 100% and appoint Sherri Newhouse as the officer to calculate the Effective Tax Rate and Roll Back Tax Rate.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2255 Accept Hotel/Motel Tax Report for period ending June 30, 2016

Sherri Newhouse gave the following report: Revenues for the City's hotel/motel occupancy tax fund totaled $25,508 for the quarter beginning April 1, 2016 and ending June 30, 2016. Revenue from the hotel/motel occupancy tax totaled $25,265. The remainder of the revenue was realized from interest income and the sale of apparel.

Expenses for this quarter totaled $51,039. The City Visitor Center expenditures were $28,132. Payments to Benbrook's hotel and motels for promotion of Benbrook were $21,600. The Benbrook Area Chamber of Commerce was reimbursed $1,000 for promotional services. Other expenses were $307.

For the third quarter of the 2015-16 fiscal year, the fund balance for the hotel/motel occupancy tax fund decreased by $25,531 from $304,019 to $278,488.

For the 2015-16 fiscal year, total revenues of $85,895 were exceeded by year-to-date expenditures of $117,309 by $31,414.

Motion by Ms. Franklin, seconded by Dr. Marshall to accept the Hotel/Motel Tax Report for the period ending June 30, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2256 Adopt Ordinance amending Chapter 15 of the Benbrook Municipal Code by adopting the 2015 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, and International Energy Conservation Code.

Dave Gattis gave the following report: The City of Benbrook currently operates under the 2012 International Code Council series that includes the following:

2012 International Building Code
2012 International Residential Code
2012 International Fire Code
2012 International Plumbing Code
2012 International Mechanical Code
2012 International Fuel Gas Code
2012 International Energy Conservation Code and the
2014 National Electrical Code
along with regional and/or local amendments.

Staff is proposing adopting of the 2015 ICC Family of Codes along with regional and/or local amendments. Changes to those codes include:

Building Code

- More consistent with the other codes in the series.
- Wind load design changed from minimum 90 mph to minimum 115 mph for residential and commercial buildings.
- Recommended NCTCOG regional amendments and local amendments reflecting changes that are in conflict with regional and local construction practices.

Residential Code

- Requires smoke alarms in all homes with any type of building permit issued.
- Requires carbon monoxide detectors in all homes with fuel-fired appliances or attached garages with any type of building permit issued.
- Additional revisions to the wind/wall bracing requirements.
- Continue regional and local amendments affecting water heater installations, swimming pools and fence requirements.

Plumbing Code

- Revised minimum number of fixtures for several group uses (mainly commercial buildings).
- Additional material (insulation) requirements to meet new energy code requirements.
- More consistent with new state, regional and local regulations and the building and residential codes.
- Continue local amendments regarding additional requirements for water heater installation.

Mechanical & Fuel Gas Code

- Minor adjustments to openings for combustion, ventilation and dilution air for fuel-fired appliances.
- Minimum access requirements for appliances or equipment installed in attic spaces, roofs or elevated structure due to energy code requirements.
- Mandatory duct testing.

Energy Conservation Code

- Enhanced energy efficiency standards for both residential and commercial buildings.
- Energy Rating Index (ERI) is a new compliance method with a minimum score of 65.
- Mandatory blower door testing and duct testing of residential buildings.
- Energy compliance software (IC3) has been upgraded for new codes.

Energy Code

- Increased locations for arc-fault circuit interrupters in residential buildings.
- Increased locations for ground-fault circuit interrupters in residential and commercial buildings.
- Mandatory installation of tamper-resistant outlets.

Motion by Mr. Allison, seconded by Ms. Franklin to adopt Ordinance No. 1396 amending Chapter 15 of the Benbrook Municipal Code.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1396 being **"AN ORDINANCE AMENDING CHAPTER 15 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE AND LOCAL AMENDMENTS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND LOCAL AMENDMENTS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND LOCAL AMENDMENTS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE AND LOCAL AMENDMENTS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FUEL GAS CODE AND LOCAL AMENDMENTS; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS; AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE AND LOCAL AMENDMENTS; PROVIDING FOR THE MODIFICATION OF THE CODES TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR THE RECORDING OF THE BUILDING, RESIDENTIAL, ELECTRICAL, ENERGY CONSERVATION, PLUMBING, FUEL GAS, FIRE, AND MECHANICAL CODES AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE."**

G-2257 Adopt Ordinance amending Speed Limit on RM 2871 between the City limit line and Benbrook Boulevard (U.S. Highway 377) and portions of Jerry Dunn Parkway and Whitestone Ranch Road

Bennett Howell gave the following report: On February 16, 2016, the City of Benbrook made a request to Texas Department of Transportation (TXDOT) to

reduce the speed limit on RM 2871 between Hwy 377 and the city limits. The request is due to the new elementary school currently under construction at RM 2871 and Jerry Dunn Pkwy and further developments in Benbrook and Fort Worth that will affect the traffic on RM 2871.

For the new elementary school, neither the City nor TXDOT is recommending a school zone to be placed on RM 2871 at Jerry Dunn Pkwy because there is a traffic signal at the cross walk which will allow children to cross RM 2871. However, the City is requesting the speed limit to be reduced in the area to slow traffic down on RM 2871 near the school. Developments are under construction in Benbrook and Fort Worth that will increase the traffic on RM 2871 so a reduced speed limit is in order.

On April 1, 2016, TXDOT performed a speed zone study along RM 2871 and results indicated the following speed limit reductions:

- Hwy 377 to Locksley Drive from 55 mph to 40 mph
- Locksley Drive to City Limits from 55 mph to 45 mph

The Fort Worth Independent School District has requested a school zone along Jerry Dunn Parkway in front of the new elementary school and conducted an engineering study to support the request.

Motion by Mr. Wilson, seconded by Dr. Marshall to adopt Ordinance No. 1397 amending the speed limit on RM 2871 between the City limits line and Benbrook Boulevard and portions of Jerry Dunn Parkway and Whitestone Ranch Road.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. INFORMAL CITIZEN COMMENTS

VIII. COUNCIL MEMBER AND STAFF COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 8:10 p.m. followed by a worksession to discuss the budget for FY 2016-2017.

APPROVED:

_____

Jerry B. Dittrich, Mayor

ATTEST:

_____

Joanna King, City Secretary

Joanna King

From: dunkin <wedunkin@juno.com>
Sent: Sunday, August 07, 2016 2:59 PM
To: Joanna King
Subject: City Council Agenda - 8-18-2016

Joanna,

4 PAWS would like to be on the 8/18/16 agenda of the City Council. We have a 12 year old, Matthew Lutes, who wishes to present a check to 4 PAWS for the care of animals in the Benbrook Animal Shelter. Because of his young age, we'd like for him to be recognized for his generosity. I will try to get you more details when I return to the city next Thursday.

If this doesn't appear to be appropriate, please let me know and we'll make other arrangements to accept the check.

Thanks,
Pat

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
08/18/16	PZ-2016-03	Adopt Ordinance amending Chapter 17.08 Definitions; Chapter 17.20 Districts, District Boundaries and District Uses; 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 of the Benbrook Municipal Code.	1 of 12

Staff Report
Planning and Zoning Commission Meeting
July 14, 2016

Annually, Staff reviews the City's Zoning Ordinance for potential changes and/or amendments. The review is based upon input provided by citizens, developers, City Council, the Planning and Zoning Commission, and City Staff. The routine review of, and amendments to the Zoning Ordinance is beneficial to provide for the greatest benefit in achieving orderly and productive development. Zoning Ordinance amendments are also valuable to address changes in development trends, as well as changing considerations, community needs and community desires. In some cases, current regulations within the Zoning Ordinance may not have addressed a particular issue in the manner that was intended when the regulation was approved, and revisions may be required.

The proposed amendments include input from the Planning and Zoning Commission provided during two work sessions on May 12, 2016 and June 9, 2016.

The following summarizes the proposed amendments, updates and revisions to various chapters of the Zoning Ordinance:

1. <u>Chapter 17.08, Definitions</u>
   "Unified Commercial Development" 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.

   City Staff proposes to add a definition for "Unified Commercial Development" and "Unified Commercial Sign" and provisions for the regulation and approval of signs in Chapter 17.92, Sign Regulations of the Zoning Ordinance (See # 7 below).

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

City staff also proposes to add definitions for "Fence Repair" and "Fence Replacement (Substantial Improvement). The proposed definitions are widely acceptable definitions from the International Building Code.

2. Chapter 17.20, Districts, District Boundaries and District Uses
As a result of the proposed changes to Chapters 17.74, "MU" Mixed Use District and 17.74, "FBC" Formed Based District (See 4 and 5 below), Table 17.20.070, Table of Uses, requires revisions.

Staff proposes to amend the table of uses to reflect proposed changes made to the "MU" and "FBC" zoning districts. Additionally, references to the FBC District will be removed from the table and Section 17.20.010, Designated.

3. Chapter 17.54, "D" Multiple-Family District
Currently the "D" zoning district refers to Chapter 17.84.100, Architectural Standards for Nonresidential Buildings indicating standards are applicable to only nonresidential buildings.

City Staff proposes to amend Section 17.54.032A, Additional Design Requirements, to be consistent with the "Additional Design Requirements" cited in other residential zoning districts regarding architectural design requirements, including exterior materials and roof pitch standards.

4. Chapter 17.54, "MU" Mixed Use District
Currently the Zoning Ordinance includes two similar mixed use zoning districts; "MU" and "FBC" Districts. The purpose of the proposed amendment is to revise the "MU" zoning district in its entirety by combining elements from both of the aforementioned zoning districts.

5. Chapter 17.75, "FBC" Form Based Code District
If the new "MU" District, as referenced above, is adopted, the "FBC" District will be eliminated.

6. Chapter 17.84, Supplemental District Regulations
As referenced in the proposed amendment to Chapter 17.54, "D" Multiple Family District (# 3 above), the proposed amendment will reflect consistency with architectural requirements of other residential zoning districts.

City Staff proposes to revise Section 17.84.100 A, Architectural Standards for Nonresidential Buildings, which references "D" District, and several other nonresidential zoning districts.

City Staff also proposes to correct the spelling of "truck" identified as "track" within Section 17.84.150 Food Truck Parks.

7. Chapter 17.92, Sign Regulations

Various tables referenced in this chapter are not consistent with various regulations for the "D" District as it relates to building signs.

Staff proposes to 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.

Additionally, current sign regulations prohibit off-premise advertising of business, products or services (17.92.090, G). The prohibition established in the late 1970s most particularly affected billboard signs. At the time, most businesses had buildings near, and frontage on Benbrook Boulevard, Camp Bowie West Boulevard or Vickery Boulevard; and on-site signs provided acceptable visibility for business identifications. More recent developments have business sites that are visually separated from major roadways by other businesses or secondary roadways; and on-site signs provide limited or no business identification from major roadways.

Staff proposes the addition of provisions for Unified Commercial Signs to provide for limited off-premise signs in a consolidated and controlled manner to afford better business identification and reduce sign clutter. The proposed ordinance amendment includes the addition of Unified Commercial Sign in the Definitions Chapter (17.08) and provisions for the regulation and approval of the signs in the Sign Regulations Chapter (17.92) of the Zoning Ordinance.

8. Chapter 17.96, Fence Regulations

The proposed amendment will provide consistency with the fence regulations of the Zoning Ordinance and the Building Codes. The amendment also includes adding new definitions for clarification.

City Staff proposes to 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. Additionally, provisions for metal posts and fence materials were added to Section 17.96.020.

Definitions for "Fence Repair" and "Fence Replacement (Substantial Improvement)" were also added to Chapter 17.08, Definitions. The proposed definitions are widely acceptable definitions from the International Building Code; and revise Section 17.96.020 D. Fence Materials, which currently allow 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.

9. Chapter 17.98, Landscape and Buffer Requirements

The City's goal is to create visually appealing landscapes and initiate sustainable practices. Changes are proposed to the landscape ordinance to add provisions for sustainable practices to the landscape and buffer ordinance, provide an ordinance that is understandable and user-friendly to eliminate the need for multiple interpretations, and ensure that provisions are consistently applied.

Staff proposes to identify all tables within the Chapter and reassign identifications, where necessary; because of various changes proposed to the "MU" and "FBC" districts, as referenced above (# 4 and 5), references to these zoning districts will be deleted from the landscape ordinance; and adjust various tables within the ordinance.

Changes and updates:

- Specified zoning districts
- Specified plantings
- Defined Buffer yards and screening
- Modified parking requirements
- Identified tables

Recommendation

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

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UNAPPROVED MINUTES OF PLANNING AND ZONING COMMISSION

Meeting minutes for July 14, 2016

Z-16-01 Consider proposed amendments to the Zoning Ordinance, including the following chapters: Chapter 17.08 Definitions; Chapter 17.20 Districts, District Boundaries and District Uses; 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.

Ed Gallagher said that each year staff reviews the Zoning Ordinance for potential changes and/or amendments. He said that reviews are based on input from citizens, the business community, developers, City Council, the Planning and Zoning Commission, and City Staff. A routine review of, and amendments to the Zoning Ordinance, is beneficial in achieving orderly and productive development. Zoning Ordinance amendments are also worthwhile to address changes in development trends and changes in community needs and community desires. Occasionally existing regulations in the Zoning Ordinance have not addressed a particular issue in the manner that was intended when the regulation was approved, and revisions may be required. The Z-16-01 consideration includes input from the Planning and Zoning Commission following two work sessions on May 12, 2016, and June 9, 2016.

Mr. Gallagher said that in Chapter 17.08, Definitions, four definitions are added for "Fence Repair" and "Fence Replacement (Substantial Improvement)" and both added to provide for better and more consistent regulations addressing work on nonconforming fences. The proposed definitions are widely acceptable definitions from the International Building Code. A definition of "Unified Commercial Development" is added. The term is referenced in the Height and Area Regulations, Side Yard provisions of "E," "F", "HC," and "G" zoning districts and in the proposed amendment to Chapter 17.98, Landscape and Buffer Requirements, and the term needs to be defined. A definition of "Unified Commercial Sign" is proposed and will complement amendments to the Sign Regulations that will be noted later in this report.

Amendments to Chapter 17.20, Districts, District Boundaries and District Uses, include the deletion of Form Based Code District ("FBC") from the Designated listing of districts and the

deletion of the "FBC" column in the Summary of Uses table. The Summary of Uses table also includes a more specific summary of uses in the "MU" Mixed Use District column.

Mr. Gallagher said that Chapter 17.54, "D" Multiple-Family District, includes a change in Section 17.54.032A, "Additional Design Requirements", to be consistent with the "Additional Design Requirements", cited in all other residential zoning districts regarding architectural design requirements, including exterior materials and roof pitch standards. The current text, to be deleted, refers to Chapter 17.84.100, Architectural Standards for Nonresidential Buildings indicating standards are applicable to only nonresidential buildings.

With the amendments to the "MU" including elements from the "FBC" District, Chapter 17.75, and "FBC" Form Based Code District is to be entirely deleted from the Ordinance.

Mr. Gallagher said that this amendment creates a new Mixed Use zoning district by combining elements from the current "MU" zoning district and the "FBC" zoning district. He said the two existing zoning districts are very similar since they both allow for a mix of uses (residential, commercial uses such as offices, retail, etc.), all comingled in one building, one property, one development, they both encourage walkability, open space where people can gather and socialize; focusing on various new urbanism concepts or neo-traditional developments which includes on building a sense of community. Having two similar zoning districts is not needed and the effort is to combine the best elements or features of both zoning districts into a single mixed use zoning district. Starting with the current "MU" District as the foundation, some elements in "MU" are changed and, some elements from the current "FBC" are retained in the proposed "MU" District.

All zoning districts in Benbrook's Zoning Ordinance begin with a Purpose statement to summarize the goal of the zoning district, linking the rules and regulations to the purpose statement. The continued purpose of the "MU" District is to provide areas with a combination of residential and nonresidential uses. The mix of uses are intended to be comingled in a pedestrian and bicycle-friendly environment, while accommodating automobile and surface parking within designated areas with emphasis on the form of buildings and adequate civic and open space.

Mr. Gallagher said that General Development Principles are added to further establish essential development goals for development in the new "MU" District. Some of these principles came from the purpose of the "FBC" District and others are from new standards established in the new "MU" District. These principles focus on economic development and reinvestment along major corridors and enabling a sustainable tax base; cultivating a development pattern with convenient

access offering various types of transportation options; high quality design and building placement standards, and the preservation of natural resources by incorporating these features into the development as an amenity.

Section 17.74.020 establishes that all developments must comply with the ordinance.

Mr. Gallagher said that Section 17.74.022 provides the Permitted Uses in the "MU" District; all residential uses and a list of nonresidential uses that resulted from the two recent Commission work sessions. He said that some permitted uses in regular commercial districts are excluded, including automobile related uses, such as auto repair and agricultural uses such as farms, barns, stables and animal lots. Permitted uses include institutional uses such as schools and churches; commercial uses, such as retail, sit-down restaurants, and the like.

Section 17.74.024 addresses conditional uses which may not be appropriate but may be made appropriate through conditions placed on the use or the development by the Planning and Zoning Commission through a Conditional Use approval to mitigate nuisances. The potential conditional uses include drive-through facilities, artists' studios, small animal pet grooming and veterinary services wind energy systems that exceed the maximum height in the zoning district, solar photovoltaic systems exceeding 1,000 sq. ft. and Food Trucks.

Section 17.74.026 addresses Special Exceptions uses authorized by the Zoning Board of Adjustment (ZBA) and references Chapter 17.16, which provides uses which can be considered by the ZBA as a Special Exception.

Mr. Gallagher said that although the current "MU" and "FBC" zoning districts were very similar, there are differences that should be noted. Typical "FBC"s don't necessary regulate uses as in conventional zoning districts. "FBC"s place an emphasis on regulating the physical form of buildings and the public realm (how buildings relate to the public realm), including streets, blocks and building frontage, differing from conventional zoning which place an emphasis on separation of uses, including mixed use zoning districts which evolved from historic single use districts, but still limit or prohibit certain uses, focusing on use base standards, bulk and height regulations. The new "MU" District is a hybrid zoning district, combining traditional regulations with "FBC" design principles. A statement is included that if there is a conflict between the "MU" District building form regulations and the International Building Code regulations that the IBC regulations would prevail.

The design standards are from the "FBC" District, with minor tweaks and amendments. The new "MU" zoning district is anticipated to raise the level of quality for mixed use developments

within a regulatory structure, while offering flexibility and options, and not necessarily strict requirements, but also understanding the importance of a set of minimum regulations or site design standards and recognizing that all developments should be subject to minimum standards.

Mr. Gallagher said that Development Standards address the physical form and placement of buildings. The five major components of the District Design Standards are:

1. Building Form and in relation to various street types,

2. Building Design Standards, which addresses building orientation, and massing and scale,

3. Streetscape Standards, which address the natural and built fabric of the street and its visual effect,

4. Civic Space and Open Space Standards, which address recreational areas and the preservation of natural resources, and

5. Neighborhood Transition Standards, which address compatibility between new and existing single family developments.

Mr. Gallagher said that the goal of the Building Form and Development Standards is to build structures that can be utilized for a variety of uses, which extends the building’s economic viability. He said the standards are based on street designations established by the Comprehensive Plan and these street designations shall be established for all streets within the “MU” District, which include Arterial Streets, Collector Streets, Local Streets, and Alleys.

The District Design Standards are Building Form and Development Standards that include regulations for building placement, including building frontage required, and the build-to-zone (BTZ), which is defined as the area between the minimum and maximum setbacks within which the principal building’s front façade is to be built. The BTZ requirement is intended to help create vibrant and pedestrian friendly developments by bringing buildings closer to the street. This section also addresses side and rear yard setbacks, as well as block standards, which give a minimum and maximum block length, perimeter length; and building height and parking locations.

Mr. Gallagher said that in addition to Design Standards for buildings, the Design Standards in the new “MU” District also include:

- Streetscape Standards
- Civic Space and Open Space Standards
- Building and Screening Standards
- Neighborhood Transition Standards

Mr. Gallagher said the ordinance calls for a Development Site Plan to be presented to the Planning and Zoning Commission for approval after a public hearing. The Site Development Plan will actually be a "package" that includes extensive site plan information, addresses typical engineering and drainage considerations and Traffic Impact Analysis considerations. The package will include, or be accompanied by all of the normal subdivision plat submittal information required by the Subdivision Ordinance.

This is an overview of the proposed new "MU" District. The new "MU" District regulations reflect considerable input and direction from the Commission resulting from two recent lengthy Commission work sessions.

Mr. Gallagher said that changes in Chapter 17.84, Supplemental District Regulations, are the deletion of "D" District from the applicable districts in the Architectural Standards for Nonresidential Buildings and the correction of spelling error changing "track" to "truck" in 17.84.150 Food Truck Parks.

Amendments in Chapter 17.92, Sign Regulations, include the correction of inconsistencies between Table 17.92.050-A Permitted Signs by Type and Zoning District and Table 17.92.050-B Number, Dimensions, and Location of Individual Signs by Zoning District. Table "B" correctly limits building signs in "D" District to 60 square feet but Table "A" incorrectly shows the signs as "Not allowed". The correction is to the information in Table "A" to note "Allowed only with sign permit". In both tables, Form Based Code "FBC" is deleted from the Zoning District columns.

Mr. Gallagher said that additional amendments to Chapter 17.92, Sign Regulations, include provisions for "Unified Commercial Signs", as a new sign category. The Unified Commercial Signs are anticipated to fill a void by enhancing business identifications and reducing sign clutter. Current sign regulations prohibit off-premise advertising of businesses, products or services (17.92.090, G). The prohibition was established in the late 1970's and most particularly

affected billboard signs. At the time, most businesses had buildings with frontage on Benbrook Boulevard, Camp Bowie West or Vickery Boulevard; and on-site signs provided acceptable visibility for business identifications. More recently developments have business sites that are visually separated from major roadways, by other businesses or secondary roadways; and on-site signs provide limited or no business identification from major roadways.

Mr. Gallagher said that the amendment to add Unified Commercial Signs provides for limited off-premise signs in a consolidated and controlled manner. He said that the proposed ordinance amendment includes the addition of Unified Commercial Sign in the Definitions Chapter as previously noted and provisions for the regulation and approval of the signs in the Sign Regulations Chapter (17.92) of the Zoning Ordinance. The Prohibited Signs section also includes reference to the exception for Unified Commercial Signs in the prohibition listing of off-premises signs.

In Chapter 17.96, Fence Regulations, the amendments include a revision to correct a reference to circumstances requiring a Fence Permit from the Inspection Department. The amendments also include the requirement of metal posts in concrete to provide a more sustainable fence and a better communication process for the Inspection Department in the fence inspection procedure.

Athena Seaton said that the goal of the landscape and buffer ordinance is to create visually appealing landscapes and initiate sustainable practices throughout the city; therefore, the staff proposes the following changes and corrections to Section 17.98.

The staff proposes adding an additional purpose that states the importance of protecting and enhancing environmental, economic and aesthetic qualities to development.

Ms. Seaton said that tables A-B-C-D for bufferyard requirements were corrected to reference accurately the different district zones and remove districts Mixed Use and Form Based Code, if approved this evening.

Text was revised to accurately describe the illustrations for screening.

Ms. Seaton said that for visual appeal, and to eliminate the "sea of cars" in parking lots, the parking lot landscaping requirements were modified from 10 parking spaces to 8 parking spaces with diamond shaped planter islands. She said illustrations are recommended to illustrate the visual appearance and measurement requirements to protect the trees and plants within the planters.

Plantings (tree canopies, shrubs and foliage) were reviewed for all districts and tables were modified for visual appeal and the health of plants.

To reduce the confusion of artificial lot lines and landscaping obligations for a developer, the planning director must approve before the issuance of a building permit.

The website reference for the Texas Smartscape is updated.

Ms. Seaton said that under maintenance of the landscaping, staff recommends that the owner is responsible for replacement of all plant materials with no time period restrictions for the repair of the irrigation system.

Mr. Gallagher said that staff recommends that after a public hearing, the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Zoning Ordinance.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:03 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:04 p.m. and asked the Commission for any comments, questions or a motion.

Motion was made by Mr. O'Donald to recommend that the City Council approve the proposed amendments to the Zoning Ordinance, second by Mr. Dawson. The Chair called the question.

Vote on the motion:

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

Noes: None

Abstain: None

Motion carried: 7 – 0 – 0

ORDINANCE NO. 1398

AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.08 — DEFINITIONS; CHAPTER 17.20 DISTRICTS, DISTRICT BOUNDARIES AND DISTRICT USES; CHAPTER 17.54 – "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; CHAPTER 17.98 – LANDSCAPE AND BUFFER REQUIREMENTS – ZONING OF THE BENBROOK MUNICIPAL CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

SECTION 1

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

FENCE REPAIR - The reconstruction or renewal of any part of an existing fence up to fifty percent (50%) of the total fenced area, for the purpose of its maintenance or to correct damage. See also FENCE REPLACEMENT (SUBSTANTIAL IMPROVEMENT).

FENCE REPLACEMENT (SUBSTANTIAL IMPROVEMENT) - Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a fence which equals or exceeds fifty percent (50%) of the total fenced area before the improvement or repair is started. If the structure has sustained substantial damage or damage in multiple sections, the areas in need of repair or reconstruction are totaled and the sum of the total areas are considered substantial improvement regardless of the actual repair work performed if fence repairs equal or exceed fifty percent (50%) of the total fenced area.

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.

UNIFIED COMMERCIAL SIGN - A freestanding sign located on a specified commercial or industrial development that is platted, managed, or marketed as a single identifiable development with designated boundaries and includes off-site business identifications of business and/or activities located on other lots within the identifiable development when such sign, boundaries of properties involved, and conditions are approved by the Planning and Zoning Commission.

SECTION 2

That Chapter 17.20 – DISTRICTS, DISTRICT BOUNDARIES AND DISTRICT USES of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending section 17.20.010 – DESIGNATED by removing the following zoning designation:

"FBC" FORM-BASED CODE DISTRICT, OR DISTRICT "FBC"

That CHAPTER 17.20 – DISTRICTS, DISTRICT BOUNDARIES AND DISTRICT USES of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is further revised by amending TABLE 17.20.070 – TABLE OF USES, to read as follows:

	ZONING DISTRICT																
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	RESIDENTIAL USES																
One Family dwellings		P	P	P	P	P						CUP	CUP	CUP	P	P	X
Single Family dwellings incidental to farm and ranch operations		P															
Group homes			P	P	P	P	P	P	P							P	
Subsidiary dwelling			CUP	CUP	CUP	CUP											
Two family dwellings							P	P	P							P	X
Three and Four Family dwellings								P	P							P	CA
Multiple Family dwellings, less than 25 du/acre									P							P	CA
Multiple Family dwellings, greater than 25 du/acre									CUP								CA
Manufactured home															P		X
Motel or hotel	CUP								CUP	P	P	P	P			P	

	ZONING DISTRICT																
	CF	**SD**	**RE**	**A**	**B**	**BR**	**CR**	**C**	**D**	**E**	**F**	**HC**	**G**	**H**	**MH**	**MU**	**NAS**
USE	**ACCESSORY USES**																
Accessory building	**P**	**P**	**P**	**P**	**P**	**P**	**CUP**	**CUP**	**CUP**	**P**	**P**	**P**	**P**		**P**	**P**	
Antennae, not exceeding the height of district	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Antennae and towers exceeding the height allowed in district	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	
Garage sales, not exceeding 2 per year	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**						**P**		
Home occupations (Ch. 17.84.170)		**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**						**P**	**P**	
Hobbies and crafts as an accessory use			**P**	**P**	**P**	**P**									**P**	**P**	
Temporary building for construction	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	

	ZONING DISTRICT																
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	AGRICULTURAL USES																
Commercial stable or barn	CUP	CUP												CUP			
Riding arena	CUP									CUP	CUP	CUP	CUP	CUP			
Farms, orchards		P	P												CUP		
Nurseries, retail sales	CUP	P	P							P	P	P	P		CUP	P	
Animal lots, more than 10 acres	CUP	P	P	P	P	P	P	P	P	P	P	P	P	P	CUP		
Animal lots, less than 10 acres		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP		
Private barn or stable, more than 10 acres	CUP	P	P	P	P	P	P	P	P	P	P	P	P	P	CUP		
Private barn or stable, less than 10 acres		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP		
USE	RECREATION AND ENTERTAINMENT USES																
Golf courses	CUP									P	P	P	P			P	
Recreation vehicle camping area	CUP								CUP	P	P	P	P				
Auditorium, theater, cinema	CUP									P	P	P	P			P	
Indoor commercial amusement centers, bowling alleys	CUP									P	P	P	P			P	
Outdoor commercial amusement area										CUP	CUP	CUP	CUP	CUP		P	
Amusement arcade, indoors	CUP													CUP		P	

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

ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	COMMERCIAL, RETAIL AND SERVICE USES																
Food truck park										CUP	CUP	CUP	CUP	CUP		CUP	
Temporary outdoor seasonal sales inc. a single food truck	CUP									P	P	P	P			P	
Cigar or tobacco stores	CUP									P	P	P	P			P	
Cleaning, dying, laundry and washaterias less than 5,000 sq ft	CUP									P	P	P	P			P	
Confectionary store	CUP									P	P	P	P			P	
Crematory													P	P			
Custom dressmaking or millinery shop	CUP									P	P	P	P			P	
Dancing schools	CUP									P	P	P	P			P	
Delicatessen	CUP									P	P	P	P			P	
Department store	CUP									P	P	P	P			P	
Dog, cat, small animal hospitals	CUP									P	P	P	P			P	
Health service facilities, doctors, dentists	CUP									P	P	P	P			P	
Drug stores	CUP									P	P	P	P			P	
Dry goods and notions	CUP									P	P	P	P			P	
Duplicating, printing, lithography less than 5,000 sq.ft.	CUP									P	P	P	P			P	

ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	COMMERCIAL, RETAIL AND SERVICE USES																
Electrical and gas appliances sales and service	CUP									P	P	P	P			P	
Financial institutions	CUP									P	P	P	P			P	
Florist and gift shops	CUP									P	P	P	P			P	
Frozen food lockers	CUP									P	P	P	P			P	
Garages, storage only	CUP									P	P	P	P			P	
Grocery stores, meat markets	CUP									P	P	P	P			P	
Hardware, paint, wallpaper and home improvement	CUP									P	P	P	P			P	
Health and physical fitness centers	CUP									P	P	P	P			P	
Household and office furniture, furnishings	CUP									P	P	P	P			P	
Jewelry stores, optical goods	CUP									P	P	P	P			P	
Leather and leather goods, not exceeding 5,000 sq. ft. in area	CUP									P	P	P	P			P	
Mortuaries, funeral homes	CUP									P	P	P	P				
Photograph, camera shops, photofinishing	CUP									P	P	P	P			P	
Piano stores, musical instruments	CUP									P	P	P	P			P	
Plumbing & heating appliances, repair & installation	CUP									P	P	P	P				

ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	COMMERCIAL, RETAIL AND SERVICE USES																
Radio and television sales and service	CUP									P	P	P	P			P	
Restaurants, tea rooms, cafeterias, fast food	CUP									P	P	P	P			P	
Retail stores, pawn shops	CUP									P	P	P	P			P	
Service stations, gasoline	CUP									P	P	P	P			CUP	
Showroom warehouse	CUP									P	P	P	P			P	
Sporting goods, including gun sales and service	CUP									P	P	P	P			P	
Studios for artists	CUP									P	P	P	P			CUP	
Tailor, clothing shops	CUP									P	P	P	P			P	
Variety stores	CUP									P	P	P	P			P	
Radio television transmission	CUP									P	P	P	P			P	
Automobile sales and rentals										CUP	P	P	P			CUP	
Boat sales, service and repair										CUP	P	P	P				
Automobile laundry, car wash										CUP	P	P	P				
Auto repair garages										CUP	P	P	P				
Mini-warehouse										CUP	P	P	P			P	
Farm implement sales/ service										CUP	P	P	P				

ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	COMMERCIAL, RETAIL AND SERVICE USES																
Recreation vehicle storage										CUP	P	P	P				
Skating rinks, ice or roller										CUP	P	P	P			P	
Printing lithography or duplicating shops										CUP	P	P	P			P	
Sexually-oriented business										CUP	P	P	P	P			
Commercial parking lot or garage										P	P	P	P	P		P	

	ZONING DISTRICT																
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	EDUCATIONAL, INSTITUTIONAL AND SPECIAL COMMUNITY FACILITY USES																
Public, private or parochial elementary or secondary schools	P									P	P	P	P			P	CA
Junior and senior colleges and universities	P									P	P	P	P			P	CA
Religious institutions, churches	P									P	P	P	P			P	CA
Museums, libraries, community centers	CUP									P	P	P	P			P	CA
Medical care facilities, nursing homes, hospitals	CUP								CUP	P	P	P	P			P	
Public safety facilities, civil defense centers, police and fire stations	CUP																
Post offices, utility administrative offices, government uses not otherwise permitted	CUP																

	ZONING DISTRICT																
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	INDUSTRIAL, MANUFACTURING AND WAREHOUSING USES																
Clothing manufacturing										CUP	CUP	CUP	P				
Hauling and storage company										CUP	CUP	CUP	P				
Industrial cleaning plant										CUP	CUP	CUP	P				
Laboratory										CUP	CUP	CUP	P				
Laboratory manufacturing										CUP	CUP	CUP	P				
Light fabrication and assembly										CUP	CUP	CUP	P				
Office warehouse										CUP	CUP	CUP	P				
Warehousing and wholesaling										CUP	CUP	CUP	P				
Gas drilling and production (Ch. 8.36 of Municipal Code)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Any industrial use meeting performance standards														P			

ZONING DISTRICT																	
	CF	SD	RE	A	B	BR	CR	C	D	E	F	HC	G	H	MH	MU	NAS
USE	UTILITY AND SERVICE USES																
Installations owned by City, County, State or Public Utility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Sanitary landfill														CUP			
Natural gas compression Station (Ch. 17.84.120)	SE	X	X	X	X	X	X	X	X	SE	SE	SE	SE	P	X	SE	
Geothermal heat pump systems (Closed-Loop)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground-mounted solar system and solar water heater **(less than 1,000 sq ft)**	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground-mounted solar system and solar water heater (greater than 1,000 sq ft) [1]	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Roof-mounted solar system and solar water heater (less than 1,000 sq ft)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	ZONING DISTRICT																
	CF	**SD**	**RE**	**A**	**B**	**BR**	**CR**	**C**	**D**	**E**	**F**	**HC**	**G**	**H**	**MH**	**MU**	**NAS**
USE	**UTILITY AND SERVICE USES**																
Roof-mounted solar system and solar water heater (greater than 1,000 sq ft) [1]	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**
Wind energy systems[2]	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**CUP**	**P**

1 - Any Solar Energy System over 1,000 square feet in area requires an approved Conditional Use Permit and a letter of no objection from the Commanding Officer of the Naval Air Station prior to building permit approval. (Refer to Chapter 17.84.130.B.4.)

2 - Any Wind Energy System taller than permitted in Chapter 18.84.130.A requires an approved Conditional Use Permit prior to installation. Any system 100 ft. or taller is also required to receive a letter of no objection from the Commanding Office of the Naval Air Station prior to building permit approval. (Refer to Chapter 17.84.130)

(P=Permitted use, Blank=Not Permitted, CUP=Conditional Use Permit required, X=Prohibited, SE=Special Exception, CA = Conditions Apply)

SECTION 3

That Chapter 17.54 – "D" MULTIPLE-FAMILY DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.54.032 – ADDITIONAL DESIGN REQUIREMENTS to read as follows:

A. 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.

SECTION 4

That Chapter 17.74 – "MU" MIXED USE DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised in its entirety to read as follows:

CHAPTER 17.74
"MU" MIXED USE DISTRICT

Sections:

17.74.010 PURPOSE
17.74.012 GENERAL DEVELOPMENT PRINCIPLES
17.74.020 USE REGULATIONS
17.74.022 PERMITTED USES
17.74.024 CONDITIONAL USES
17.74.026 SPECIAL EXCEPTION USES
17.74.030 DISTRICT DESIGN STANDARDS
A. BUILDING FORM AND DEVELOPMENT STANDARDS
B. BUILDING DESIGN STANDARDS
C. STREETSCAPE STANDARDS
D. CIVIC SPACE AND OPEN SPACE STANDARDS
E. NEIGHBORHOOD TRANSITION STANDARDS
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 the "MU" Mixed Use District is to provide areas with a combination of residential, commercial, office, and institutional uses. The mix of uses are intended to be commingled in a pedestrian and bicycle-friendly environment, while accommodating automobile and surface parking within designated areas. Emphasis shall be placed on the on the form of the building and adequate civic and open space.

17.74.012 GENERAL DEVELOPMENT PRINCIPLES

A. Support economic development and reinvestment along major corridors. The MU district is designed to implement corresponding standards to enable a sustainable tax base, and further job creation by establishing predictable private redevelopment. The predictability of the redeveloped area will support and leverage investment in and around existing commercial corridors.

B. Cultivate a development pattern offering convenient pedestrian, bicycle and vehicular access between a mix of compatible uses that support the safe and efficient movement of people and goods. The MU district is

designed to provide convenient access to residential neighborhoods as well as provide opportunities for a variety of uses-shopping, employment, civic, housing and neighborhood retail.

C. Graphic standards are provided to promote high quality design and to guide building placement and block standards. Such standards promote flexibility in land use, walkable mixed use developments, transitions to existing neighborhoods and transportation choice.

D. Encourage civic space and the preservation of natural features that minimize negative impacts on natural resources, enhance the character of the built environment, promote public health and safety, and provide for outdoor recreation.

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 uses identified in Table 17.20.070, and one or more 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. <u>Residential Uses</u>
   1. All residential uses are permitted, and shall have a minimum square footage of seven hundred fifty square feet (750 sq. ft.).

B. <u>Non-Residential Uses</u>
   1. Antique Shop
   2. Auditorium, theaters, cinemas
   3. Bakeries, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.)
   4. Barber and beauty shops
   5. Bicycles and bicycle repair shops, providing that the floor rea does not exceed five thousand square feet (5,000 sq. ft.)
   6. Book or stationary stores, or newsstands
   7. Business colleges, trade schools, or private schools operated as a commercial enterprise

8. Cigar or tobacco stores
9. Cleaning, dyeing and pressing works; laundry and washaterias, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.) for separate or combined uses.
10. Commercial amusement centers and bowling alleys, including miniature golf diving tee and the like (indoor operations only)
11. Confectionery stores
12. Custom dressmaking or millinery shops; tailor, clothing or wearing apparel shops.
13. Dancing schools
14. Kindergartens and Day Care Facility (twelve (12) children or less or as provided under State and Federal law)
15. Delicatessen shops
16. Department stores
17. Health Service Facilities: Clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive health service fields such as physical, audio and speech therapy, podiatry and psychological testing and counseling; dental, medical and optical laboratories and blood banks; ambulance dispatch stations, prescription pharmacies and offices, stores and display rooms for the sale and rental of medical supplies and equipment.
18. Drug stores
19. Dry goods and notions stores
20. Duplicating service, printing, lithographing, multigraphing and offset printing, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.)
21. Appliances and supply sales, electrical and gas repair and installation services, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.) for separate or combined uses.
22. Fabric stores
23. Financial institutions
24. Florist or gift shops
25. Garages, storage only
26. Guidance and life care services, personal improvement
27. Grocery stores/meat markets
28. Hardware, paint, wallpaper stores and other home improvement items

29. Health and physical fitness centers, martial arts school
30. Hotel/motel/motor hotel
31. Household and office furniture, furnishings and appliances
32. Jewelry stores, optical goods
33. Leather and leather goods shops, providing that the floor area does not exceed five thousand square feet (5,000 sq. ft.)
34. Museums, galleries, libraries, fine arts centers, parks, playgrounds, community centers or recreational areas
35. Medical Care Facilities: Nursing and care homes; hospitals with their related facilities and supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors
36. Offices, professional administrative and business
37. Outdoor display or sale of merchandise
38. Photograph, portrait or camera shops and photo finishing
39. Piano stores, musical instruments and supplies
40. Postal or mailing services
41. Radio and television sales and servicing
42. Restaurants, tea rooms, cafeterias, fast food and "take-out" food restaurants
43. Retail stores, businesses, pawn shops, or shops for custom work or the manufacturing of articles to be sold at retail on the premises, providing that in such manufacture the total mechanical power shall not exceed five horsepower (5 hp) for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty percent (50%) of the total floor area of the permitted use and provided further that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes, beyond the space occupied by the retail business.
44. Sporting goods including gun sales and repair.
45. Toy or hobby shop.
46. Public, private, and parochial elementary and secondary schools whose curricula satisfy the requirements of the State Public School Laws and the requirements of the State Board of Education.
47. Higher Education Institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.

48. Religious institutions, churches and facilities for related activities including those of worship, fellowship, assembly and education.
49. Accessory buildings and uses customarily incident to any of the above uses including air conditioners, ice and refrigerating plants purely incidental to the main activity permitted on the premises. No accessory use shall be constructed to permit the keeping of articles or materials in the open or outside the building.
50. Antennae and towers not exceeding the maximum height allowed in the District (see Section 17.56.030 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.
51. Temporary structure 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.
52. Skating rinks, ice and roller

C. 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.

D. 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.

E. 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, with the exception of agricultural uses; unless specifically identified in table17.20.070 or Sections 17.74.022 and 17.74.026.
B. Drive-through commercial uses.
C. Utility facilities.
D. Artists' studios when located within a building where all or a portion of the building is designated for residential uses.
E. Small animal pet grooming or veterinary services.
F. Wind Energy Systems that exceed the maximum height specified in Section 17.74.030 below. Compliance with the provisions of Chapter 17.84.130.A is required.
G. Solar Photovoltaic Systems and Solar Water Heaters exceeding one thousand square feet (1,000 sq. ft.) in surface area. Compliance with the provisions of Chapter 17.84.130.B is required.
H. Food Truck Park in accordance with Chapter 17.84.150.
I. Antennae and towers exceeding the height allowed in district.

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 DISTRICT DESIGN STANDARDS

The District Design Standards are intended to raise the level of quality for mixed use developments within a regulatory structure, while offering options and flexibility. The District Design Standards are comprised of five (5) major components:

1. Building Form and Development Standards, addressing the physical form and placement of buildings in relation to various street types;
2. Building Design Standards, addressing building orientation, and massing and scale;
3. Streetscape Standards, addressing the natural and built fabric of the street and its visual effect;
4. Civic Space and Open Space Standards, addressing recreational areas and the preservation and enhancement of natural resources; and

5. Neighborhood Transition Standards, addressing the compatibility of new and existing developments.

A. 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. Where any of the building standards within this Chapter conflict with the standards of the International Building Code (IBC) adopted at the time of development, the IBC standards shall prevail.

The following Street Designations shall be established for all streets within the MU District. Street Designations shall be based on the functions of the street and in accordance with the below street types as defined in Chapter 7 of the Comprehensive Plan and the Master Thoroughfare Plan:

- **Arterial Street**

  The Arterial Street is a major thoroughfare connecting the City to adjacent cities and to the freeway system. The Arterial shall establish a hybrid development context in the MU 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.

- **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.

- **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.

- **Alley**

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

- **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 following text corresponds with the graphic standards in the following pages. Use the text and graphic standards in conjunction with the District Design Standards below, and in accordance with the street designations from the City's Comprehensive Plan.

1.0 Building Placement - Arterial and Collector Streets

1.1 Building Frontage Required

a. A minimum of 75% of the length of the front build-to-zone (BTZ) must be occupied by the building. The BTZ is defined as the area between the minimum and maximum setbacks within which the principal building's front façade is to be built.
b. Corner buildings shall utilize variations in building massing to emphasize street intersections as points of interest.
c. Any frontage along the Arterial not defined by a building at the BTZ shall be defined by a vegetative Street Screen that is 4 feet in height located at the setback line along the corresponding frontage. The Street Screen shall include shrubs planted to be opaque at maturity. Species shall be selected from the recommended list of shrubs from Table 17.98.070 of the Zoning Ordinance.

1.2 Build to Zone (BTZ)

a. There shall be a front yard setback of not less than ten feet (10'), and no greater than twenty-five feet (25').
b. The area between the building and the edge of the BTZ shall be paved flush with the public sidewalk.

1.3 Side Yard Setback

a. There shall be a minimum side yard setback of zero feet (0').

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

1.4 Rear Yard Setback

a. There shall be a minimum rear yard setback of zero feet (0').
b. Rear yard setbacks shall be measured as the distance from the property line and may be based on a minimum fire separation required between buildings, fire exits and other applicable Fire and Building Code requirements.

2.0 Block Standards

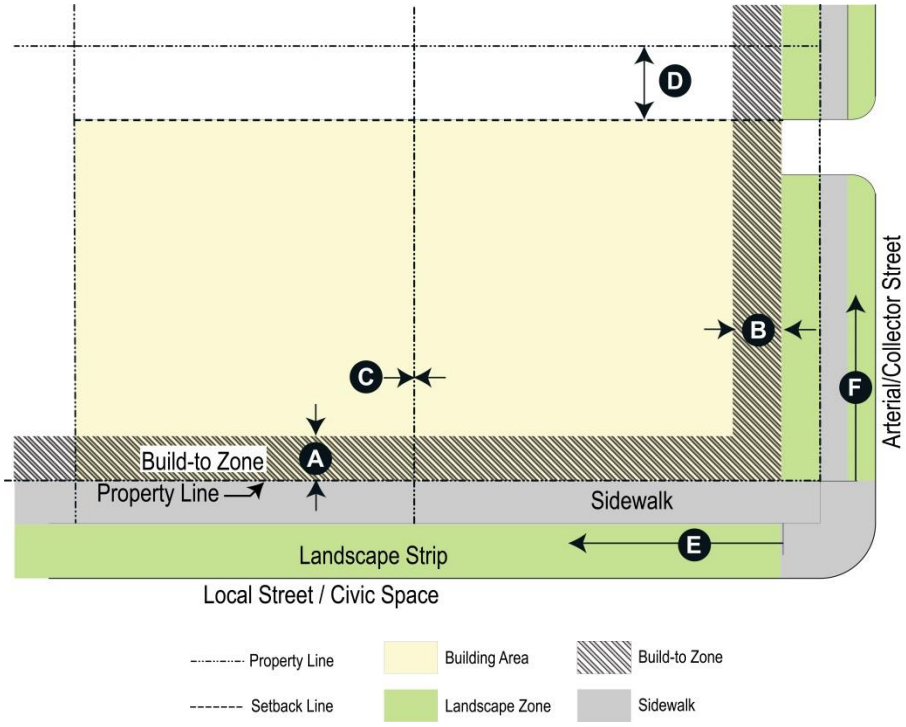
2.1 Block Length

a. The minimum block length shall be two hundred fifty feet (250') and a maximum block length of four hundred feet (400').

2.2 Block Perimeter

a. The maximum block perimeter length shall be 2,800 ft.

BUILDING PLACEMENT AND BLOCK STANDARDS
ARTERIAL AND COLLECTOR STREETS



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 utilize variations in building massing to emphasize street intersections as points of interest.		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. minimum	**C**	Rear: 0 ft. minimum	**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, fire exits and other applicable Fire and Building Code requirements.			
2.0 BLOCK STANDARDS			
2.1 Block Length		**2.2 Block Perimeter**	
250 ft. typical – 400 ft. maximum		2800 ft. maximum	

3.0 Building Placement - Local Streets

3.1 Building Frontage Required

a. A minimum of 50% of the length of the front BTZ must be occupied by the building.
b. Corner buildings shall utilize variations in building massing to emphasize street intersections as points of interest.
c. Any frontage along Local Streets not defined by a building at the BTZ shall be defined by a vegetative Street Screen that is 4 feet in height located at the setback line along the corresponding frontage. The Street Screen shall include shrubs planted to be opaque at maturity. Species shall be selected from the recommended list of shrubs from Table 17.98.070 of the Zoning Ordinance.

3.2 Build to Zone (BTZ)

a. There shall be a front yard setback of not less than five feet (5’), and no greater than ten feet (10’).
b. The area between the building and the edge of the BTZ shall be paved flush with the public sidewalk.

3.3 Side Yard Setback

a. There shall be a minimum side yard setback of zero feet (0’).
b. Side yard setbacks shall be measured as the distance from the property line and may be based on a minimum fire separation required between buildings, if applicable.

3.4 Rear Yard Setback

a. There shall be a minimum rear yard setback of zero feet (0’).
b. Rear yard setbacks shall be measured as the distance from the property line and may be based on a minimum fire separation required between buildings, if applicable.

4.0 Block Standards

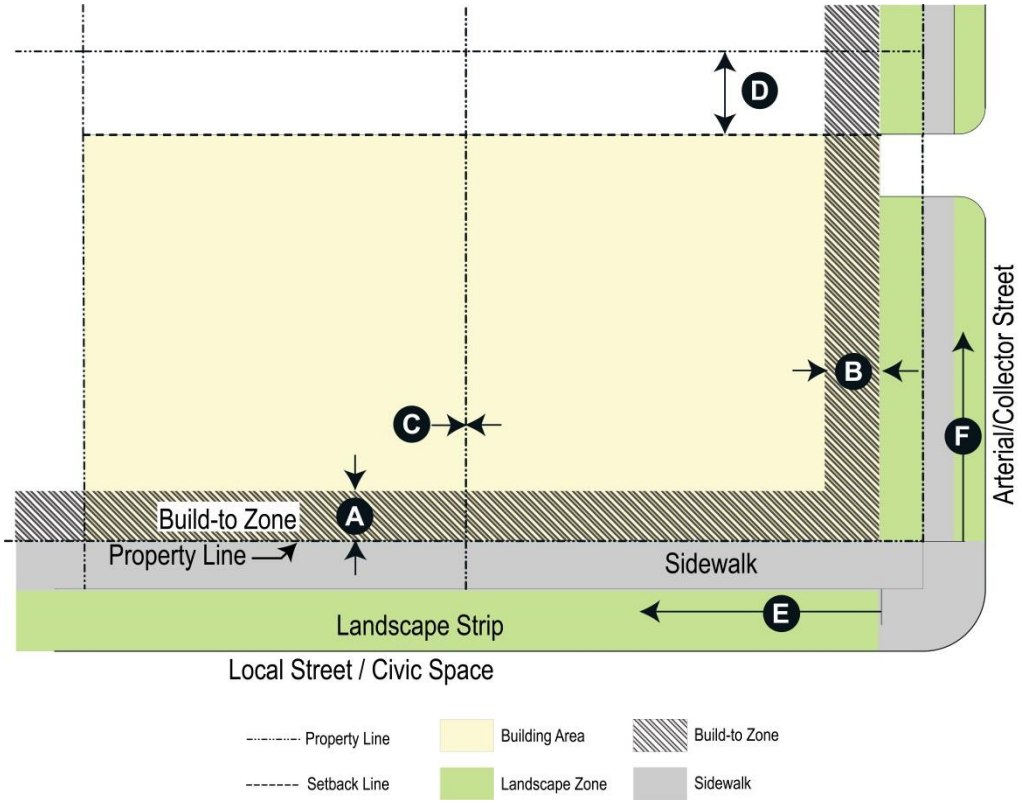
4.1 Block Length

a. The minimum block length shall be two hundred fifty feet (250’) and a maximum block length of four hundred feet (400’).

4.2 Block Perimeter

a. The maximum block perimeter length shall be 2,800 ft.

BUILDING PLACEMENT AND BLOCK STANDARDS
LOCAL STREETS



3.0 BUILDING PLACEMENT			
3.1 Building Frontage Required		**3.2 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 utilize variations in building massing to emphasize street intersections as points of interest.		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.			
3.3 Side Yard Setback		**3.4 Rear Yard Setback**	
Side: 0 ft. minimum 10 ft. maximum	**C**	Rear: 0 ft. minimum	**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.			
4.0 BLOCK STANDARDS			
4.1 Block Length		**4.2 Block Perimeter**	
250 ft. typical – 400 ft. maximum		2800 ft. maximum	

5.0 Building Height - All Street Designations

5.1 Building Height

a. All buildings shall have the appearance of multi-story buildings. The minimum building height shall be two (2) stories, or eighteen feet (18').
    i. A false front or parapet can be used to achieve the minimum height.
    ii. Parapets shall surround the entire building and shall provide consistency and uniformity with exterior building materials and components.
    iii. Parapets shall have a minimum height of 2 feet.
b. The maximum building height shall be three (3) -stories, not to exceed forty five feet (45').
c. Corner buildings may exceed the maximum height by fifteen percent (15%) for twenty percent (20%) of the building's façade along the street.
d. Attics and mezzanines less than seven feet (7') average in height shall not be counted as a story.

5.2 Story Heights

a. The minimum story height on the first floor shall be fifteen feet (15').
b. The minimum story height on upper floors shall be ten feet (10')
c. Story heights shall not apply to parking structures.

5.3 Ground Floor Finish Level

a. Commercial: 12 inches maximum above the sidewalk. Any ground floor finish level above 7 inches must be ADA compliant.
b. Residential: n/a

5.4 Ground Floor Frontage Requirements

a. Ground floors of all buildings shall be built to Commercial Ready Standards (See definition located within Chapter 17.08 of Zoning Ordinance)

5.5 Parking Garage Height

a. 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, on the same property.

6.0 Uses

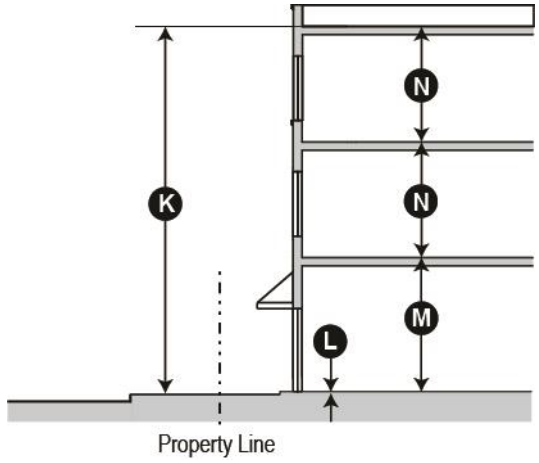
6.1 Ground Floor Uses

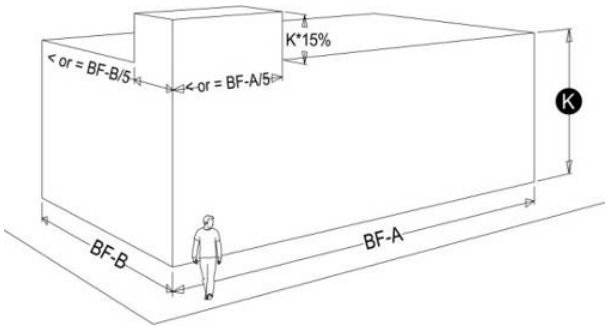
a. Commercial, office, live-work units and lobby uses are permitted along Arterial and Collector Streets.
b. Commercial, office, residential and lobby uses are permitted on Local Streets.

6.2 Upper Story Uses

a. Commercial, office and residential uses are permitted.

BUILDING HEIGHT AND USES
ALL STREET DESIGNATIONS





5.0 BUILDING HEIGHT

5.1 Building Height		5.2 Story Heights	
Minimum height: 18 ft., or 2 stories 3-story building maximum, not to exceed 45 ft.	K	First floor: 15 ft. ht. minimum	M
All buildings shall have the appearance of multi-story buildings. A false front or parapet can be used to achieve the minimum height.		Upper floor: 10 ft. ht. minimum	N
Corner buildings may exceed maximum height by 15% for 20% of the building's facade along the street.		Story heights shall not apply to parking structures.	
Attics and mezzanines less than 7 ft. (avg) in height shall not be counted as a story.			

5.3 Ground Floor Finish Level		5.4 Ground Floor Frontage Requirements
Commercial: 12 in. max. above sidewalk	L	Ground floors of buildings shall be built to Commercial Ready standards (see definitions).
Residential: Not Applicable		

5.5 Parking Garage Height
Parking garages shall be no taller than the building at the front BTZ or the eave height of the adjacent buildings to the side or rear on the same property.

6.0 USES

6.1 Ground Floor Uses

Commercial, office, live/work units, and lobby uses are permitted on Arterial and Collector Streets.

Commercial, office, residential and lobby uses are permitted on Local Streets.

6.2 Upper Story Uses

Commercial, office and residential uses are permitted.

7.0 Parking Location- All Street Designations

7.1 Surface/At Grade Parking

a. Local Streets: Surface/at grade parking shall be located behind the principle building. No parking on ground floor for a minimum depth of 30 feet (30').
b. Arterial/Collector Streets: Surface/at grade parking shall be a minimum of 3 feet behind the building façade and 5 feet behind the property line if there is no building at the front BTZ.
c. In instance of a side or rear setback (distance from property line), no minimum distance applies.
d. New surface lots shall include a submittal of a conceptual plan depicting the location of future buildings for approval by the Planning Director.
e. New surface parking lots shall not be located within thirty feet (30') of any street intersection

7.2 Above Grade/Structured Parking

a. Local Streets: No parking uses on the ground floor at the BTZ. Ground floor parking is allowed, if setback a minimum depth of 30 feet.
b. Local Streets: The shortest dimension of the parking structure shall be along the Local Street frontage(s) to minimize the impact of the structure.
c. Arterial and Collector Streets: The distance of parking structures from the property line shall match the distance of the adjacent building(s) from the property line.
d. All Streets: Buildings shall not have exposed structural parking at the ground floor level.
e. All Streets: A parking structure façade that faces a public street shall be designed to incorporate contextual architectural elements that complement adjacent buildings or buildings in the area.
f. All Streets: Parking structure openings shall not exceed 50% of the total ground floor façade.
g. All Streets: Parking structures and adjacent sidewalks shall be designed to ensure that pedestrians are clearly visible to entering and exiting automobiles.

7.3 Off-Street Parking Spaces

a. Non-residential uses: Minimum 1 space/300 square feet (gross).

b. Residential: 1.5 spaces/unit

7.4 Driveway Width to Parking Area

a. Arterial and Collector Streets are subject to City of Benbrook Standards in accordance with the Design Standards and Criteria Manual.
b. Roadways which are operated and maintained by TxDOT shall comply with either TxDOT or City of Benbrook standards, whichever is most restrictive.
c. All other streets: Maximum 24 ft. width
d. Shared driveways, parking areas and cross access easements are encouraged between lots.
e. Driveways, off-street loading/unloading, and trash pick-up areas shall be in accordance with this Chapter, unless more restrictive guidelines are required for safety reasons, as determined by the Community Development Department.

7.5 On-Street Parking Spaces

a. All on-street parking spaces shall be a minimum of nine feet in width by twenty-two feet in length (9' x 22').
b. All on- street parking spaces shall comply with Figures 17.88.020-1 and 17.88.020-2 (90, 60 and 45-degree standards; and maneuvering space standards) of the Zoning Ordinance.
c. Parallel on-street parking is permitted on all streets.
d. Head-in, angled parking is permitted on interior streets only.
e. All on-street parking areas shall be approved by the City Engineer and shall comply with city regulations and standards.

7.6 Bicycle Parking

a. The total number of bicycle parking spaces for the entire project shall be in accordance with Chapter 17.88.050 of the Zoning Ordinance.
b. A minimum of one (1) bike rack per block is required.
c. Each required parking space shall include a means to secure individual bicycles.

7.7 Service Access

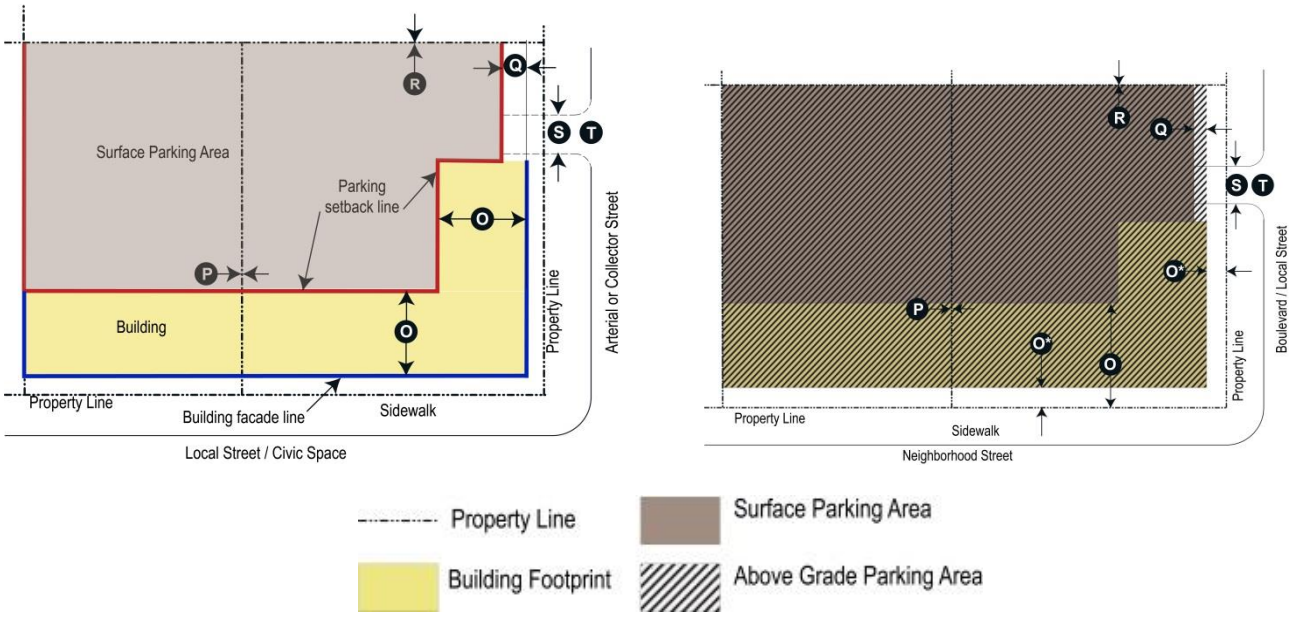
a. Porte-cocheres may be permitted on Local Streets to provide drop-off and valet service, and shall conform to the setback requirements of the "MU" zoning district.

7.8 Screening and Landscaping of Parking Areas

a. Surface parking lots shall be landscaped in accordance with Chapter 17.98.050 of the Zoning Ordinance. A minimum of one (1) tree is required.
b. Any frontage not defined by a building at the BTZ, shall be defined by a 4-foot (4') high vegetative Street Screen composed of shrubs planted to be opaque at maturity.

   The shrub species shall be selected from Table 17.98.080 of the Zoning Ordinance. The required Street Screen shall be located at the setback line along the corresponding frontage.

PARKING
ALL STREET DESIGNATIONS



7.0 PARKING LOCATION			
7.1 Surface/At Grade Parking		**7.2 Above Grade/Structured Parking**	
Local Street/Civic Space: Located behind the principal building. No parking on ground floor for a min. depth of 30 feet.	**O**	Front: 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.			
7.3 Off-Street Parking Spaces		**7.4 Driveways Width to Parking Areas**	
Non-residential uses: Minimum: 1 space per every 300 square feet		Arterial or Collector Street: (See previous page).	**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 17.74.034.			
7.5 On-Street Parking Spaces		**7.6 Bicycle Parking**	
Parallel on-street parking permitted on all streets. (See previous page for additional information).		Total number of bicycle parking spaces for the entire project shall be 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.	
7.7 Service Access		**7.8 Screening and Landscaping**	
Porte-cocheres may be permitted on Local Streets to provide drop-off and valet-service, and shall comply with the setback requirements.		Surface parking lots shall be landscaped and screened from the right-of-way in accordance with Chapter 17.98.050; 1 tree minimum.	
		Any frontage not defined by a building at the BTZ shall be defined by a 4' vegetative Street Screen.	

8.0 Façade Requirements and Façade Elements- All Street Designations

8.1 Ground Floor Transparency

a. Arterial and/or Collector Streets: 50%-90% of the area of the façade shall be windows and doors. No wall may run in a continuous plane greater than 25 ft., and no blank walls greater than 25 feet, without an opening. Openings fulfilling this requirement shall provide clear views into the interior and out of the interior of the building.
b. Local Streets: A minimum of 50% of the area of the façade shall be windows and doors. No wall may run in a continuous plane greater than 25 ft., and no black walls greater than 25 feet, without an opening. Openings fulfilling this requirement shall provide clear views into the interior and out of the interior of the building.

8.2 Upper Floor(s) Transparency

a. Arterial and Collector Streets: 25% of the façade shall be windows located between 3 ft. and 9 ft. above the finished floor.

8.3 Building Entrance

a. Primary entrances shall be accessed directly from the public street and sidewalk and shall be easily identifiable.
b. A second primary entrance for corner buildings is optional.

8.4 Other Façade Requirements

a. Arterial and/or Collector Streets: No blank walls greater than 25 feet in length along the frontage of the street.
b. 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.

9.0 Façade Elements

9.1 Allowable Base Types

a. Storefront is the allowable base type for all non-residential uses.

9.2 Allowable Cap Types

a. Parapet is the allowable cap type, screening the roof and roof appurtenance beyond.

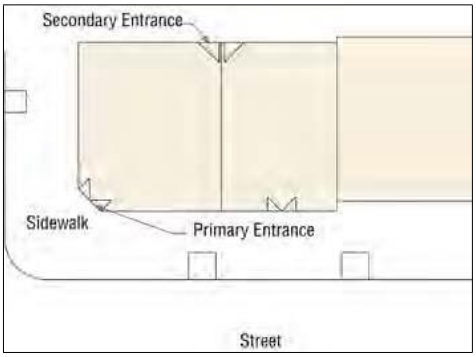
9.3 Façade Proportions

a. Cap and base should be defined by horizontal articulation of the building or in materials.
b. Upper floor windows must be oriented vertically.

9.4 Other Façade Elements

a. Buildings shall incorporate arcades, roofs, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.
b. Arcades and colonnades are permitted within the BTZ and shall be a minimum of 6 ft. in depth and shall have a minimum interior vertical clearance of 12 ft.
c. 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.
d. Metal siding shall not occupy more than fifteen percent (15%) of a building's frontage and must be finished with enamel or anodized.
e. Building projections on all other facades may not be closer than 5 ft. to any adjacent property line.
f. To the extent practicable, buildings shall maintain a twenty-five foot (25') building façade width or multiples of twenty-five foot (25').
    i. Variations in the rhythms within individual building facades shall be achieved within any block of building facades.
    ii. Breaks in the predominant rhythm may also be used to reinforce changes in massing and important elements such as building entrances.

FACADE REQUIREMENTS AND FACADE ELEMENTS
ALL STREET DESIGNATIONS and CIVIC SPACE



8.0 FACADE REQUIREMENTS	9.0 FACADE ELEMENTS
8.1 Ground Floor Transparency	**9.1 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: Minimum 50%	
8.2 Upper Floor(s) Transparency	**9.2 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, roof-top equipment, and roof appurtenance beyond.
8.3 Building Entrance	**9.3 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: Primary entrance is required.	Upper floor windows must be oriented vertically.
8.4 Other Facade Requirements	**9.4 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.

B. Building Design Standards

Key building design standards establish essential goals for the MU District to ensure the preservation, sustainability and visual quality of different areas within the development. 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 overall key design standards are:

- Blocks shall 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.

- New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm within the project area, along street frontages and at street intersections. Elements include active storefronts by using enhanced lighting, quality materials and creative displays.

- Building facades shall include appropriate architectural details and ornament to create variety and interest. Lower floors are to be architecturally different from, but still compatible with upper floors through level of detail and design.

- Pedestrian and bicycle mobility shall be provided for connectivity along street frontages and is encouraged throughout a development, where appropriate.

- Developments shall preserve existing natural features and environmentally sensitive areas, and where possible, incorporate these features into the development as an amenity.

1. Building Orientation

   The following regulations are in addition to the standards outlined and depicted in Section 17.74.030.A 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.

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.

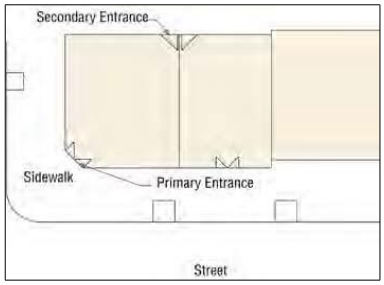


Figure showing required building orientation and location of primary entrances

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).

e. Garages, carports, or new surface parking shall be located and accessed from Local Streets or Alleys and shall be located at the rear of buildings, or side of buildings, where appropriate.

2. Building Massing and Scale

The following architectural standards supersede Chapter 17.84.100 of the Zoning Ordinance.

a. Building massing:

i. Buildings shall be simple, rectilinear forms that relate to its site, use and to massing of adjacent buildings.

ii. A building's massing shall serve to define entry points and help orient pedestrians.

b. Building scale:

i. Building height, width, and architectural treatments shall be proportionate to adjacent buildings along a street frontage, and shall comply with the "Building Height and Uses" graphic depicted in 17.74.030.A.

3. Architectural Elements and Features

a. The approved Development Site Plan and associated Building Form Standards shall specify the architectural style for the development. Building Form Standards not addressed with the approved Development Site Plan shall

be governed by the City of Benbrook Zoning Ordinance.

b. Architectural elements are the individual components of a building, including, but not limited to walls, doors, windows, cornices, parapets, roofs, pediments and other features.

C. Streetscape Standards

1. General Requirements

   a. Streets in the MU District should balance all forms of mobility while maximizing convenience for residents and visitors.
   b. The Development Site Plan shall designate the required and recommended street network within the development. This section specifies the typical configuration of streets. The specifications address vehicular lane width, parkway widths, ROW widths, number of travel lanes, on-street parking and bicycle and pedestrian accommodations.
   c. New streets shall be addressed on a project by project basis and shall be reviewed and approved by the Community Development Department.

2. Streetscape & Landscape Requirements

   a. Streetscape standards shall apply to all streets within the MU District, including Private Streets. 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 and bicycle amenities, and materials. All streetscape elements shall be maintained in accordance to the City standards and ordinances.

3. Street Trees and Landscaping

   a. Alley: Street trees shall be required on all streets except alleys.
   b. Interior Streets and Private Streets: Street tree location along Interior Streets and Private Streets shall comply with

the approved Development Site Plan. Spacing shall be an average of seventy-five feet on center (75' o.c., measured per block face). On center (o.c) indicates the measurement from the center of one component (planting hole) to the center of the next component (planting hole) should be the number of feet specified. Owners shall be responsible for providing sidewalk design and streetscape improvement features.

c. Local, Collector, and Arterial Streets:
    i. 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.
    ii. 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.
    iii. 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.
    iv. 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.
    v. 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.

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 vegetative Street Screen, composed of shrubs planted to be opaque at maturity.

4. Street Furniture, Lighting, and Materials:

a. Street Furniture:
    i. 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 driveway. 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 Development Site 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.

D. Civic Space and Open Space Standards

This chapter establishes the Private Open Space and Public Civic Space Standards for the MU District. Detailed standards for each type are included in this Section. These standards include general character, typical size, frontage requirements, and typical uses and amenities.

1. Private Open Space Standards

All new residential and lodging uses shall meet the private open space standards established in this Section.

Table 17.74.030 D1 Private Open Space Standards and Criteria

PROPOSED NO. OF RESIDENTIAL UNITS	STANDARDS AND CRITERIA
1-4	None are required.
5-25	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; or • 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 Table17.74.030D2.
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, as identified in Table 17.74.030 D3.

17.74.030 D2 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.

2. Public Civic Space Standards

   All new mixed use and commercial uses shall meet the public civic space standards established in this section. The design of Public Civic Space shall be regulated by the Civic Space standards herein which shall create a well-designed 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. Where appropriate, the open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike.

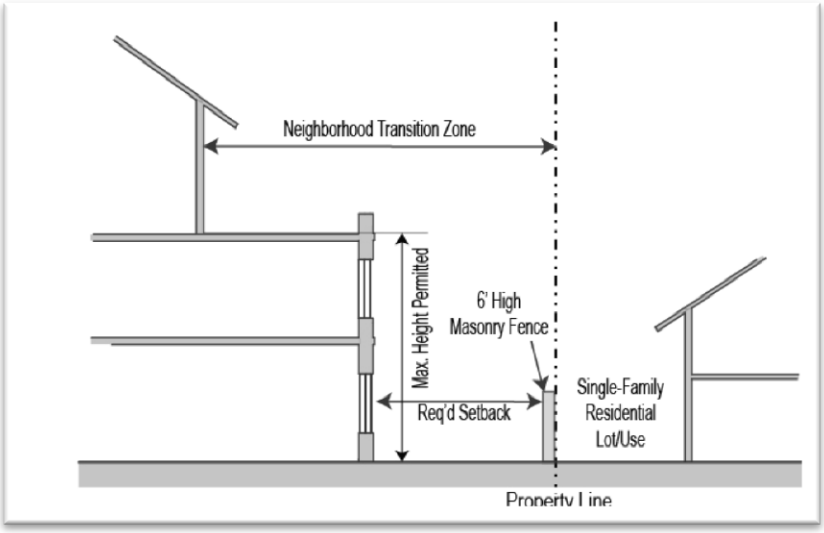
   a. In an effort to preserve and enhance natural and ecological community resources, the following designated creeks and environmental buffer areas shall be incorporated into each new development as a civic space with amenities, where appropriate:
      i. Designated stream protection areas shall be considered positive design elements and incorporated in the overall design of a given project.
      ii. 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.
      iii. 100-year floodplain shall be preserved to the extent possible.

b. A minimum of five percent (5%) of the total land area shall consist of one (1) or more public civic space types, including amenities, as identified in Table 17.74.030 D3 below. The below is not considered a comprehensive list and civic space types and amenities are interchangeable. Appropriate alternative proposals may be provided, subject to meeting the intent of the public civic space standards and the "MU" zoning district.

17.74.030 D3 Public Civic Space Types and Amenities

CIVIC SPACE TYPE	AMENITIES
Courtyard/Forecourt	Enhanced landscaping and vegetation, hardscape, enhanced/decorative paving, seating node, water features such as fountains and drinking fountains, flower bowls/boxes/pots, enhanced entry features, sculptures, monuments, artwork
Greens/Square/ Paseo	Enhanced landscaping and vegetation, hardscape, enhanced/decorative paving, seating node, water features such as fountains and drinking fountains, flower bowls/boxes/ pots, enhanced entry features sculptures, monuments, artwork
Parks/Mini "Pocket Park"	Playground equipment, exercise station, water features such as fountains and drinking fountains, trails, sidewalks, picnic tables and other furniture, pavilion/shade structure, historical markers, pavilions, art, trash receptacles, enhanced landscaping, preservation of natural features, barbeque grills, enhanced entry features
Playscape	Enhanced landscaping and vegetation, trails, sidewalks, textured pathways, sandbox, environmental art, rock structures, natural water features, picnic tables and other furniture
Detention Pond/Lake	Enhanced landscaping and vegetation, trails, sidewalks, textured pathways, sandbox, environmental art, rock structures, natural water features, pier, heavily wood area, preservation of natural features
Green Roof Tops/Roof Top Terrace	Seating node, plantings, flower bowls/boxes/pots
Community Garden	Seating node, pedestrian and bicycle facilities, enhanced landscaping and vegetation, food production, enhanced entry features
Creeks/Floodplain	Enhanced landscaping, trails, pedestrian bridges, benches, picnic tables, barbeque pits, sport fields, preservation of natural features, heavily wooded area

E. Neighborhood Transition Standards



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. Fencing shall be in accordance with Chapter 17.96 of the Zoning Ordinance and shall be required for any new development within the "MU" District when abutting existing single family residential lots.

   ii. A privacy fence, in accordance with Chapter 17.96, is optional when adjacent to existing non-residential uses.

   iii. All maintenance requirements shall be in accordance with Chapter 17.96 of the Zoning Ordinance.

17.74.032 ADDITIONAL DESIGN REQUIREMENTS

A. Building and Screening Standards:

1. Other screening and buffering shall be provided as follows:

   a. Refuse Container Screen. Refuse containers or disposal areas shall be screened from view from any public right-of-

way by placement of a masonry wall and/or masonry fence from six to eight feet (6'-8') in height in compliance with the City Design Standards and Criteria. All refuse materials shall be contained within the refuse area.

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.

c. 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. Roof top and roof-mounted equipment shall be screened with a parapet.

d. All areas not covered by buildings, parking, etc., shall be landscaped in accordance with the definition of landscape area found in Chapter 17.08 of the Zoning Ordinance.

B. Other Requirements

1. The regulations of the "MU" District are intended to supplement the standards of the Zoning Ordinance with new or different regulations. In the event of a conflict between standards of the "MU" District and the Zoning Ordinance, the standards described herein shall prevail. In the event that standards are not addressed or are silent within the "MU" zoning district, the standards shall be governed by the Zoning Ordinance of the City of Benbrook.

17.74.034 DESIGN SPECIFICATIONS APPLICABLE TO SPECIFIC USES WITHIN THE DISTRICT

A. Design Standards for Residential Buildings:

1. Buildings shall utilize at least three (3) 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

f. Bay window (min. 24" projection)

g. Covered front porches

2. 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.

3. 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.

4. Flat roofs are permitted only when accompanied by a parapet.

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

B. Design Standards for Nonresidential and Mixed Use Buildings (Nonresidential and Mixed Use Buildings and their lots are those that combine nonresidential and residential 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, 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 shall incorporate lighting and changes in mass, surface or finish, giving emphasis to entrances.

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

C. Noise

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

D. 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.

17.74.040 DEVELOPMENT SITE PLAN

A. A development site plan shall meet the intent of the "MU" Mixed Use District, shall be required for each block or group of blocks, and shall be approved by the Planning and Zoning Commission, following a public hearing, and shall contain the following information. The Community Development Department may request additional information deemed necessary to ensure public health, welfare and safety:

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, street designations, pavement widths, sidewalks, bikeways, and on-street parking.
    a. Streetscape Standards including all elements between the building face and edge of curb, including landscaping, lighting, street furniture, pedestrian and bicycle amenities, screening, etc.
    b. Photometric Plan

7. Lot and block layout with dimensions for all lots and blocks, including building frontages, front, side and rear yard setbacks.

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. Method of drainage of the site, and

    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 civic space and private open space 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, including garages, carports, parking garages and surface parking.

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 and any proposed amenities.

18. A landscape plan showing in detail the location, type, and size of the proposed landscaping and plantings, in accordance with the Streetscape and Landscape Standards identified in Section 17.74.030.

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. Building Form and Development Standards:

    a. Architectural elevations for all buildings proposed on the property. Such plans shall indicate material, color, texture, windows, doors, height, and other design features of the building, including all screening of mechanical equipment, such as for heating and cooling, roof-top equipment, etc. Elevations shall be submitted drawn to scale of one (1) inch equals ten (10) feet (1" = 10') or greater.

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. Commercial uses proposed (office, restaurant, etc.)

e. Total area and percentage of lot coverage by:

i. Structures.

ii. Streets, roads, and alleys.

iii. Sidewalks, bicycle lanes, enhanced pavement areas, etc.

iv. Recreation areas, including public civic space and private open space areas; including all proposed amenities within the development.

v. Landscaping, including vegetative screening elements, etc.

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 7build-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.

D. Deviations from the Approved Development Site Plan

1. Minor Deviations from the approved Development Site Plan: Minor deviations from the approved Development Site Plan may be approved by the Planning Director or his/her designee. Minor deviations include the following:
   a. Corrections in spelling, distances and other labeling that does not affect the overall development concept.
   b. Changes in building position or layout that are less than ten feet (10') or ten percent (10%) in size.
   c. Changes in parking layouts as long as the original design is generally maintained.

2. Major Deviations: Major Deviations from the approved Development Site Plan: All major deviations from the approved development site plan shall be approved by the Planning and Zoning Commission, following a public hearing.

SECTION 5

That Chapter 17.75 – "FBC" FORM BASED CODE DISTRICT of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby repealed.

SECTION 6

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

A. Standards that apply to all nonresidential buildings exceeding one thousand two hundred square feet (1,200 sq. ft.) in the "CF" Zoning District, and to all buildings in the "E", "F", "HC", and "G" Zoning Districts.

SECTION 7

That Chapter 17.84 – SUPPLEMENTARY DISTRICT REGULATIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending Section 17.84.150 (A.8) – FOOD TRUCK PARKS, to read as follows:

8. Paved food truck pad sites

SECTION 8

That Chapter 17.92 – SIGN REGULATIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending Table 17.92.050 – A, PERMITTED SIGNS by TYPE and ZONING DISTRICT, to read as follows:

	ZONING DISTRICT				
SIGN TYPE	**A, B, BR, CR, C, SD, RE, MH**	**D**	**E, CF**	**F, HC, G, MU**	**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	P	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

That Chapter 17.92 – is further amended by amending TABLE 17.92.050-B NUMBER, DIMENSIONS, and LOCATION of INDIVIDUAL SIGNS by ZONING DISTRICT to read as follows:

SIGN TYPE	**ZONING DISTRICT**				
	A, B, BR, CR, C, RE, SD, MH	**D**	**E, CF**	**F, HC, G, MU**	**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	NA	50 ft.	50 ft.	50 ft.	50 ft.

on a single lot					
INCIDENTAL SIGNS					
Maximum height (feet) Maximum area (square feet)		4 4	4 4	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 %

That Chapter 17.92 is further amended by amending NOTES FOR TABLE 17.92.050-B, by adding paragraph E to read as follows:

E. The following regulations apply to Unified Commercial Signs in Districts "F", "G," "HC." and "H" when such freestanding signs are approved by the Planning and Zoning Commission:

a. Unified Commercial Signs shall be limited to freestanding pylon signs or monument signs.
b. Overall sign area shall not exceed one hundred and sixty square feet (160 s.f.) provided that the top portion of any sign shall only identify the development by name and/or logo and shall occupy twenty-five percent (25%) of the total sign area. The remaining seventy-five percent (75%) of the sign area may be divided among properties and/or businesses located within the designated boundaries of the unified development as approved by the Planning and Zoning Commission. The spaces in the properties and/or businesses portion of the sign shall be limited to business names and/or logos. No changeable copy signs or identifiers shall be approved.
c. Maximum height of any pylon sign shall be thirty-five feet (35') above the nearest adjacent street curb, with a minimum setback of thirty-five feet (35'). In no case shall a sign exceed a height of thirty-five feet (35'). Maximum height of any monument sign shall be six feet (6') above the nearest adjacent street curb.
d. Minimum setback of any pylon sign shall be twenty-five feet (25') from any property line or a sign with a maximum height of twenty five feet (25'). Minimum setback of any monument sign shall be five feet (5').

e. Minimum separation between signs within an identifiable development as approved by the Planning and Zoning Commission shall be four hundred feet (400').
f. Except for Unified Commercial Sign(s) approved by the Planning and Zoning Commission, all other freestanding signs within the approved boundaries of the development shall be limited to monument signs as otherwise provided for in Table 17.92.050-B of this ordinance.
g. A Sign Owners Association shall be established to provide for ownership, maintenance, utility service, liability, and orderly operation of the sign(s), including the distribution and locations of members' identifications on the business identifiers portion of the sign. The Sign Owners Association shall be established by a document approved by the City Attorney and recorded in Tarrant County Property Records. The established Sign Owners Association shall include all properties in the Unified Commercial Sign area as approved by the Planning and Zoning Commission, shall run with the land(s), and shall be perpetual in duration, except as may be amended only with approval of the Planning and Zoning Commission including termination of approval, removal of the sign(s) and the execution of a document by all membership, approved by the City Attorney and recorded in the Tarrant County Property Records. A Property Owners Association may substitute for a Sign Owners Association when the Property Owners Association includes all provisions of a Sign Owners Association as specified herein and is approved by the City Attorney and recorded in the Tarrant County Property Records.
h. The Sign Owners Association document shall include provisions for establishing and maintaining financial resources, including dues, assessments, and liens; to provide for all maintenance and operation of approved sign(s).
i. The Sign Owners Association document shall establish private sign easements by location, dimensions and purpose on all host properties to accommodate all approved sign(s) including sufficient work space and landscape space around the base of a sign. The Sign Owners Association document shall establish access provisions to sign(s) for maintenance and private easements to accommodate utility services to sign(s).
j. Except as specified in paragraph E, subparagraphs a through j, above, all other provisions of Chapter 17.92 of this ordinance shall be in full force and effect.

That Chapter 17.92 is further amended by amending paragraph G of Section 17.92.090 – PROHIBITED SIGNS to read as follows:

G. Signs advertising off-premise businesses, products or services, except if approved as a Unified Commercial Sign as referenced in Section 17.92.050.

H. Signs advertising garage sales that otherwise comply with this Ordinance are exempt from this prohibition.

I. Animated or moving signs.

J. Signs located on private property without the consent of the owner of said premises.

K. Signs that are located in or interfere with the use of a required off-street parking space or maneuvering area.

L. Signs which are, or are becoming deteriorated, dilapidated or in danger of falling or otherwise unsafe.

M. 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.

N. 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.

O. Balloons or other inflatable devices used as a sign.

P. Signs which display obscene, indecent or immoral matter.

Q. Pole signs, unless approved by variance by the Zoning Board of Adjustment.

R. Painted wall signs.

SECTION 9

That Chapter 17.96 – FENCE REGULATIONS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending paragraph A of Section 17.96.010 – PERMIT REQUIRED to read as follows:

A. A permit is required from the City Inspection Department for any fence that exceeds thirty inches (30”) in height.

That Chapter 17.96 is further amended by amending paragraph D of Section 17.96.020 – USE REGULATIONS to read as follows:

D. Fence Materials

2. Metal posts shall be used for the vertical fence supports. The posts shall be set in concrete with a minimum of three feet (3’) into the ground.
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.

That Chapter 17.96 is further amended by amending paragraph H of Section 17.96.020 – USE REGULATIONS to read as follows:

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 an electronic letter of final approval, 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.

SECTION 10

That Chapter 17.98 – LANDSCAPE AND BUFFER REQUIREMENTS of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby revised by amending and/or relabeling paragraphs B-J of Section 17.98.010 – PURPOSE to read as follows:

B. Protect and enhance the community’s environmental, economic, and aesthetic resources while promoting quality investment and enhancing community appearance.

C. Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.

D. Promote mutually beneficial improvements by utilizing incentives rather than penalties.

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.

F. Provide for the separation and buffering of incongruous uses and intensity of activities and provide for the visual softening of building masses.

G. Reduce glare from paved surfaces, dust nuisances and the impact of noise.

H. Protect and promote the value of residential and commercial properties within the City.

I. Promote a positive image for the attraction of new business enterprises within the City.

J. Encourage the protection of healthy trees and vegetation and promote the natural ecological, environmental and aesthetic qualities of the City.

That Chapter 17.98 is further amended by amending Section 17.98.020 – BUFFERYARDS AND LANDSCAPING REQUIRED to read as follows:

17.98.020 BUFFERYARDS AND LANDSCAPING REQUIREMENTS

A. The requirements of this 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

C. 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 lot landscaping and tree canopy requirements.

That Chapter 17.98 is further amended by amending Section 17.98.030 – BUFFERYARDS to read as follows:

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.

That Chapter 17.98 is further amended by amending Section 17.98.030 – B BUFFERYARD REQUIREMENTS by labeling and revising the following tables, and number B3 to read as follows:

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	1	2	6	none
B	10	1	2	6	none
C	10	2	2	6	none
D	10	2	2	8	none
E	10	1	2	8	Berm-B1 or Continuous Hedge row
F1	10	2	2	10	Fence-F1
F2	10	2	2	10	Fence-F2

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

3. Requirements for Plant Materials: Plant materials shall conform to Section 17.98.070 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.

That Chapter 17.98 is further amended by amending Section 17.98.030 – C – REQUIRED STRUCTURES, number 2 to read as follows:

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 Design 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.

That Chapter 17.98 is further amended by amending TABLE 17.98.030-A – BUFFERYARDS ADJACENT TO OTHER LANDS USES and NOTES; and TABLE 17.98.030-B – BUFFERYARDS REQUIRED ADJACENT TO STREETS, by relabeling the tables and amending the Notes to read as follows:

TABLE 17.98.030 - 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	H	MH
CF[1]	*	F1	F2	A	A	*	*
CF[2]	*	F1	F2	F2	F2	F2	F2
SD, RE	*	*	B	B	B	B	B
A, B, BR, CR	*	B	*	A	A	A	A
C, D	A	C	F2	A	A	*	A
E, F, HC, G[4]	A	D	F2	F1	*	*	F1
H	E	E	F2	F1	F1	A	F1
MH	*	B	F2	D	A	*	*

* No bufferyard required

Notes:

4. In unified commercial developments, interior bufferyards may be altered with approval of the Planning and Zoning Commission.

TABLE 17.98.030 - D
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, B, BR, CR, C	B [a]	F2[a]	F2[a]	*
D, MH	C [a]	C	C	C
E, F, HC, G	E	B	E	E
H	E	E	E	F2

* 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 ten-foot (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.

That Chapter 17.98 is further amended by amending paragraph A of Section 17.98.040 – INTERIOR LANDSCAPING REQUIREMENTS to read as follows:

Zoning District	**Percent of building footprint**
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 one hundred twenty square feet (120 sq. ft.)

    d. Ground cover - ten percent (10%) of required area

That Chapter 17.98 is further amended by amending paragraph B of Section 17.98.040 to read as follows:

B. Residential Lots: Each residential lot shall have a minimum of one (1) canopy tree within the required front yard.

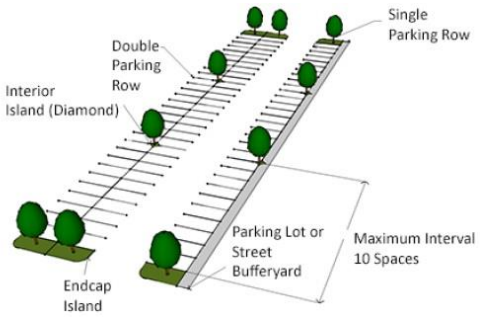
Zoning Districts	SD, RE, A, B, BR, CR, C

That Chapter 17.98 is further amended by amending Section 17.98.050 – PARKING LOT LANDSCAPING REQUIREMENTS to read as follows:

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 space provided (approximately one (1) island per ten (10) spaces.) Each row of parking spaces 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 row 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 endcap island.

Interior Islands:

A. Interior islands may be a parking space or a diamond-shaped planter.

B. A landscape island must be provided for every 10 parking spaces.

C. Each parking 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.

D. Interior Island (with diamond-shaped planters) has 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.

E. 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 trunk of the tree is required to avoid damage to the tree trunks. See Figure 17.98.050 – B.

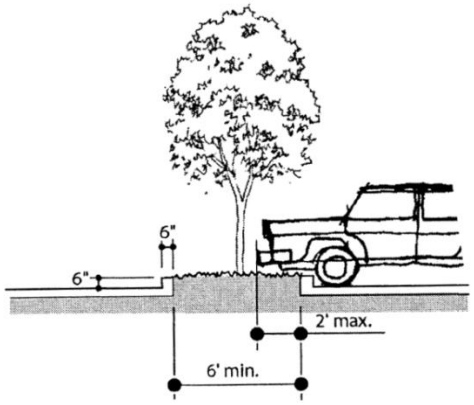
F. Interior islands may be consolidated or intervals may be expanded to preserve existing trees.

G. 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.

That Chapter 17.98 is further amended by amending Table 17.98.060-A -MINIMUM LANDSCAPE and TREE CANOPY REQUIREMENTS to read as follows:

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%	--	--
RE	43,560	70%	--	--
A	9,000	30%	--	--
B, C, MH	8,400	25%	--	--
BR, CR	7,000	25%	--	--
D	8,400	40%	10%	30%
CF, E, F, G, HC, MU	NA	20%	10%	30%
H	NA	10%	10%	15%

That Chapter 17.98 is further amended by amending paragraph B of Section 17.98.060 to read as follows:

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. Landscaping in the Parking Lot

5. Landscaping in Bufferyards

6. Interior Plantings

That Chapter 17.98 is further amended by amending paragraph E. 2 and 4 of Section 17.98.060 to read as follows:

2. The Planning Director 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.

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.

That Chapter 17.98 is further amended by amending paragraph B of Section 17.98.070 – PLANT MATERIALS to read as follows:

B. Recommended Plants: A list of recommended plants within each plant material type is included in Table 17.98.070. 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.

That Chapter 17.98 is further amended by relabeling Table 17.98.080 and moving to Section 17.98.070 – PLANT MATERIALS to read as follows:

Table 17.98.070
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

That Chapter 17.98 is further amended by amending paragraph A of Section 17.98.080 – LANDSCAPE/IRRIGATION PLAN REQUIREMENTS to read as follows:

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 to all BWA regulations.

That Chapter 17.98 is further amended by amending paragraph C of Section 17.98.080 – IRRIGATION REQUIREMENTS, by changing the table referenced in the paragraph to read as follows:

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 17.98.070 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.

That Chapter 17.98 is further amended by amending paragraph B of Section 17.98.090 – MAINTENANCE to read as follows:

B. Plant Replacement: The Owner 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. 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.

SECTION 11
PENALTY CLAUSE

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

SECTION 12
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 13
SEVERABILITY CLAUSE

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

SECTION 14
SAVINGS CLAUSE

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 15
PUBLICATION IN PAMPHLET FORM

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

SECTION 16
ENGROSSMENT AND ENROLLMENT

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

SECTION 17
PUBLICATION IN OFFICIAL NEWSPAPER

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

SECTION 18
EFFECTIVE DATE

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

PASSED AND APPROVED this 18th day of August, 2016.

_____
Jerry B. Dittrich Mayor

ATTEST:

_____
Joanna King, City Secretary

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
08/18/16	G-2258	Accept finance report for period ending July 31, 2016	1 of 2

GENERAL FUND

General Fund revenues for the month of July were $658,806. Property tax collections were $107,141. Sales tax collected in June but received by the City and recognized as revenue in July was $177,732 for the month. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of July were $15,662,669 or 94.00 percent of the budget.

General Fund expenditures for the month of July were $1,232,509. Expenditures through the end of July were $13,215,356 or 75.55 percent of the adopted budget.

For the 2015-16 fiscal year-to-date, total General Fund revenues of $15,662,669 exceeded General Fund expenditures of $13,215,356 by $2,447,313.

DEBT SERVICE

Debt Service revenues collected for the month of July totaled $4,235; all revenue was from property taxes. Debt Service expenditures for July were $110,644 for interest payments on general obligation bonds and certificates of obligation due on August 1.

Total revenues for 2015-16 in the amount of $408,360 were exceeded by total expenditures of $1,495,107 by $1,086,747.

This deficit will be reduced significantly when debt service payments for TIF certificates of obligation and for Storm Water Fund general obligation bonds are re-allocated to the appropriate fund before the end of the 2015-16 fiscal year.

EDC

EDC revenues as of July 31, 2016 were $735,237. Sales tax revenue received by the EDC for the fiscal year was $709,365. EDC expenditures for July were $7,350. Revenues for the year in the amount of $735,237 exceeded total expenditures of $448,113 by $287,124.

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

CAPITAL PROJECTS

Total revenues received through July 31, 2016 for the Capital Projects Fund were $1,995,081. Total expenditures for the Capital Projects Fund in July 2016 were $52,746; all July expenses were engineering services for drainage projects. Expenses for the Plantation West Project totaled $23,070. Expenses for the Vista Way Project were $29,676. For the 2015-16 fiscal year, total revenues of $1,995,081 exceeded total expenditures of $830,028 by $1,165,053.

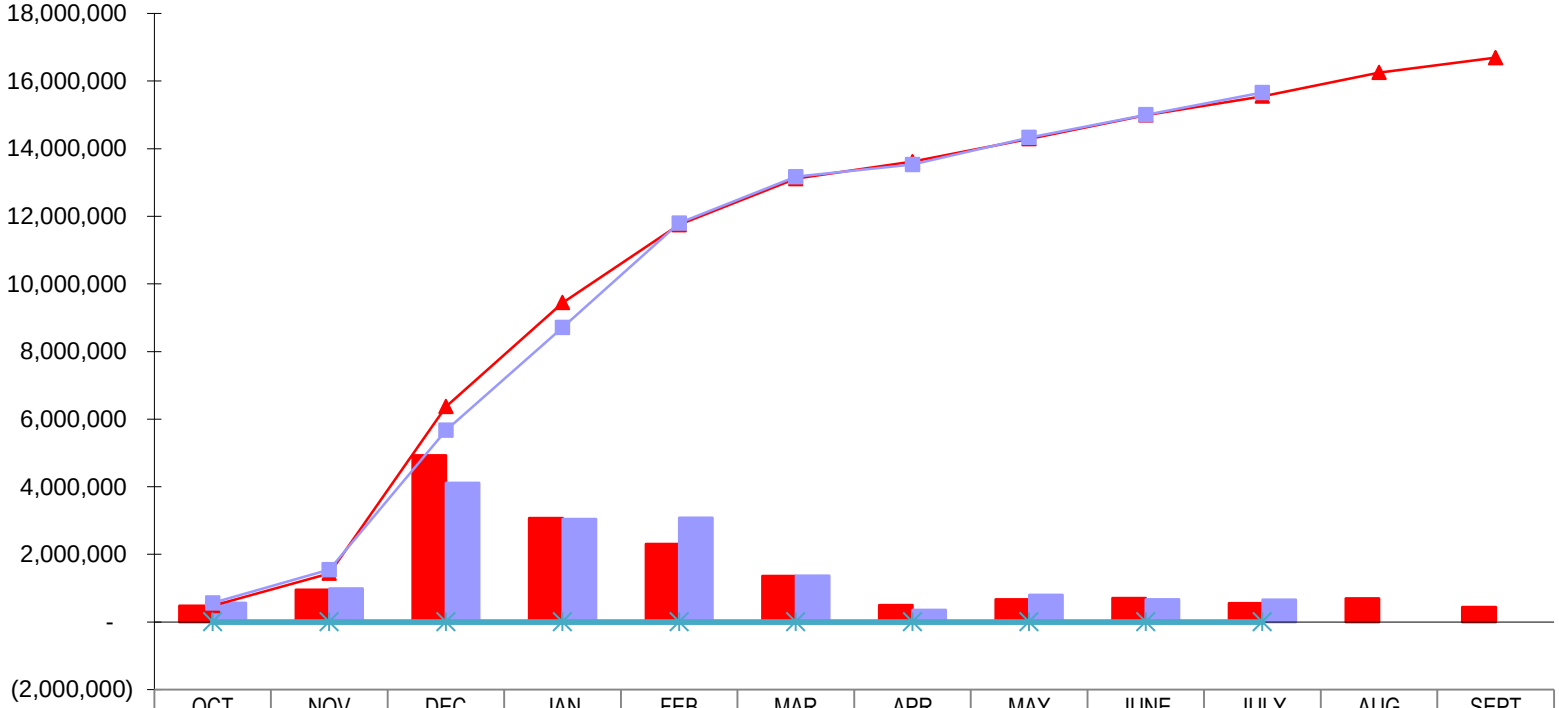
CASH & INVESTMENTS

On July 31, 2016, the City had $23,716,135 invested at varying interest rates; the EDC had $6,126,960 available.

RECOMMENDATION

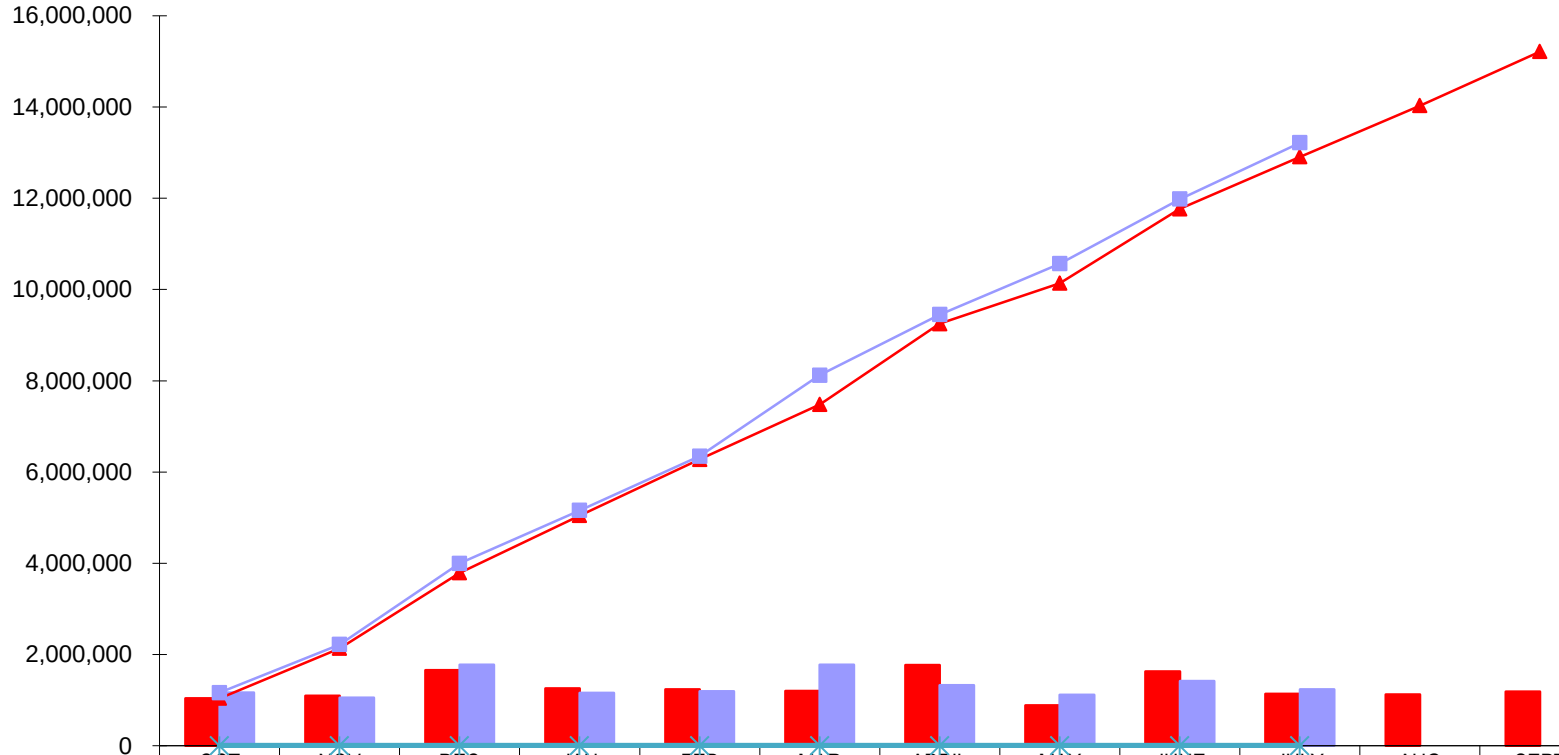
Staff recommends that City Council accept the finance report for the period ending July 31, 2016.

Revenue Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
2014-15	484,634	955,402	4,929,898	3,078,804	2,304,726	1,362,198	502,176	673,698	703,244	558,506	699,887	438,979
2015-16	562,313	987,115	4,118,735	3,044,455	3,086,948	1,374,372	359,149	797,973	672,802	658,806		
YTD 14-15	484,634	1,440,036	6,369,934	9,448,738	11,753,464	13,115,662	13,617,838	14,291,536	14,994,780	15,553,286	16,253,173	16,692,152
YTD 15-16	562,313	1,549,428	5,668,163	8,712,618	11,799,566	13,173,939	13,533,088	14,331,061	15,003,863	15,662,669		
% Increase 14-15 to 15-16	16.03%	7.60%	-11.02%	-7.79%	0.39%	0.44%	-0.62%	0.28%	0.06%	0.70%		

Expenditure Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT
2014-15	1,041,570	1,091,832	1,656,040	1,254,598	1,233,716	1,202,501	1,771,545	885,387	1,631,225	1,140,779	1,121,353	1,185,105
2015-16	1,165,220	1,053,458	1,776,743	1,161,320	1,190,850	1,772,755	1,329,110	1,117,092	1,416,299	1,232,509		
YTD 14-15	1,041,570	2,133,402	3,789,442	5,044,039	6,277,755	7,480,256	9,251,801	10,137,188	11,768,413	12,909,192	14,030,545	15,215,650
YTD 15-16	1,165,220	2,218,678	3,995,421	5,156,741	6,347,591	8,120,346	9,449,456	10,566,548	11,982,847	13,215,356		
% Change 2014-15 to 2015-16	11.87%	4.00%	5.44%	2.23%	1.11%	8.56%	2.14%	4.24%	1.82%	2.37%		

CITY OF BENBROOK
SALES TAX ANALYSIS
AS OF JULY 31, 2016

		FIRST QUARTER				SECOND QUARTER				THIRD QUARTER				FOURTH QUARTER				ANNUAL
	YEAR-TO DATE	OCTOBER	NOVEMBER	DECEMBER	SUB-TOTAL	JANUARY	FEBRUARY	MARCH	SUB-TOTAL	APRIL	MAY	JUNE	SUB-TOTAL	JULY	AUGUST	SEPTEMBER	SUB-TOTAL	TOTAL
2008-09	**1,486,060**	115,329	196,597	147,653	459,579	118,851	208,401	166,682	493,933	115,362	117,485	120,110	352,957	179,591	201,954	142,882	524,427	**1,830,896**
2009-10	**1,419,366**	130,551	172,053	106,827	409,432	116,050	173,780	126,019	415,849	110,808	212,181	132,414	455,403	138,682	194,432	152,442	485,557	**1,766,240**
2010-11	**1,946,430**	212,494	161,967	160,492	534,954	199,141	190,084	143,760	532,985	245,116	223,000	181,216	649,331	229,160	196,711	175,140	601,011	**2,318,281**
2011-12	**1,980,064**	218,564	161,430	186,638	566,632	251,517	168,551	171,053	591,121	236,986	178,165	188,604	603,754	218,557	178,708	161,070	558,335	**2,319,841**
2012-13	**1,928,397**	215,752	184,452	181,368	581,572	222,555	170,084	174,164	566,803	201,241	164,765	202,525	568,531	211,491	178,411	170,324	560,225	**2,277,131**
2013-14	**1,899,422**	215,869	177,403	161,342	554,614	234,503	154,780	155,432	544,714	229,367	176,980	175,792	582,138	217,955	199,305	187,172	604,432	**2,285,899**
2014-15	**1,923,519**	215,101	207,526	173,580	596,207	236,852	149,782	162,730	549,365	219,751	181,230	163,667	564,648	213,300	189,185	164,742	567,227	**2,277,446**
2015-16	**1,844,140**	216,144	177,560	175,150	568,854	202,909	149,580	153,523	506,011	222,661	158,987	177,732	559,380	209,895				

Change 2008-09 to 2009-10	**-4.49%**
Change 2009-10 to 2010-11	**37.13%**
Change 2010-11 to 2011-12	**1.73%**
Change 2011-12 to 2012-13	**-2.61%**
Change 2012-13 to 2013-14	**-1.53%**
Change 2013-14 to 2014-15	**1.27%**
Change 2014-15 to 2015-16	**-4.13%**
Budget 2015-16	**1,900,000**
Projected 2015-16	**2,000,000**
Variance from Budget	**100,000**

City of Benbrook

CITY COUNCIL COMMUNICATION

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
08/18/2016	G-2259	Authorize Interlocal Agreement with Fort Worth Independent School District to provide three police officers to participate in the Annual School Security Initiative	1 of 1

The Benbrook Police Department provides three full-time School Resource Officers (SRO) for FWISD campuses located in Benbrook. The three officers serve as a liaison between the police department and Benbrook schools. All reports and incidents occurring on school property are handled primarily by the SRO's. During holidays and summer break, the officers perform regular patrol duties. The Fort Worth Independent School District subsidizes fifty percent (50%) of the salary, benefits, overtime, and training for all three officers.

RECOMMENDATION

Staff recommends that City Council approve the interlocal agreement between the City of Benbrook and the Fort Worth Independent School District for three (3) full-time School Resource Officers.

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

STATE OF TEXAS §

COUNTY OF TARRANT

In consideration of the mutual covenants, promises and agreements contained herein, this agreement is made and entered into between the City of Benbrook, a home rule municipal corporation of the State of Texas, located within Tarrant County, Texas (hereinafter referred to as "City,") acting by and through Andy Wayman, its duly authorized City Manager, and the Fort Worth Independent School District, a political subdivision of the State of Texas located in Tarrant County and a legally constituted Independent School District (hereinafter referred to as "District,") acting by and through Dr. Kent P. Scribner, its duly authorized Superintendent.

RECITALS

This Agreement is made under the authority granted to the City and the District pursuant to the Texas Government Code, Chapter 791, known as the INTERLOCAL COOPERATION ACT.

WHEREAS, the citizens of Fort Worth and the City Council of Benbrook have determined that the security of students is paramount; and

WHEREAS, the Fort Worth Independent School District proposes to provide a School Security Initiative in conjunction with the Benbrook Police Department;

NOW, THEREFORE, in consideration of the mutual covenants herein expressed, the parties agree as follows:

AGREEMENT

1.

District covenants and agrees to fully cooperate with the City of Benbrook in the implementation of this project and both parties agree that during the term of this contract there shall be three police officers participating in the School Security Initiative assigned to Western Hills High School and Benbrook Middle-High School, and who also serve at Benbrook Elementary School and Westpark Elementary School. District agrees to share 50% of all personnel costs incurred by the City in this project, including Base Pay, Salary Increases, Overtime, Longevity Pay, Incentive Pay, Acting Officer Pay, Bilingual Pay, FLSA, Court Attendance Costs, Medicare, Workers Compensation Insurance, Group Health Insurance, and Retirement.

2.

It is understood and agreed that District shall remit funds to the City in a timely manner following receipt of an official invoice. Invoices shall be provided on a quarterly basis. It is anticipated that reimbursement under this contract shall not exceed $164,943 for the 2016-17 fiscal year, and shall be based upon actual expenditures made for the officers assigned to the School Security Initiative program.

3.

The term of this agreement is for a period beginning on September 1, 2016 and ending on August 31, 2017.

4.

This agreement may be terminated by either party hereto, in whole or in part, at any time and for any reason, upon written notice to the other party. Such written notice shall specify to what extent the work under the agreement is being terminated and the effective date of the termination. Within thirty (30) days after the effective date of such termination, City shall forward to District a final invoice for reimbursement to the City for personnel expenditures and District shall remit payment in full within sixty (60) days after the date of such invoice.

5.

District and City covenant and agree that in the event either party fails to comply with, or breaches, any of the terms and provisions of this agreement, each party shall provide written notice to the other as soon as reasonably possible after the non-breaching party becomes aware of the failure to comply or breach of contract. In the event that the breaching party fails to cure or correct such breaches within a reasonable time following the receipt of notice, such reasonable time not to exceed 15 days, the non-breaching party shall have the right to declare this agreement immediately terminated, and neither party shall have further responsibility or liability hereunder.

6.

District covenants and agrees to fully cooperate with City in monitoring the effectiveness of the services and work to be performed with the District under this agreement, and City shall have access at all reasonable hours to offices and records of the District, its officers, members, agents, employees, and subcontractors for the purpose of such monitoring, such access being subject to the limitations and requirements under the Texas Public Information Act and the Family Educational Rights and Privacy Act (FERPA).

7.

City shall operate hereunder as an independent contractor and not as an officer, agent, servant or employee of District. City shall be solely responsible for the acts and omissions of its officers, members, agents, servants, and employees. Neither City nor District shall be responsible under the Doctrine of Respondent Superior for the acts and omissions of its officers, members, agents, servants, employees, or officers of the other.

8.

City agrees that the police officers shall be assigned by and responsible to the Benbrook Police Department, but shall work directly with the school principals of the District to which they are assigned. Officers shall be assigned to the school district and assignments to a particular school shall be made by the City in conjunction with District personnel. Such officers shall have the school security initiative as their primary duty, and will not regularly be assigned additional police duties. The City reserves the right; however, to reassign the officers temporarily in the event of an emergency or when other circumstances require an enhanced police presence elsewhere in the city and school is not in session. City shall provide all law enforcement training and certification, vehicles and police equipment, benefits, and insurance (including liability coverage) provided to all police officers employed by City. City shall coordinate assignment and duty hours with District. If necessary to handle unplanned absences at schools, an officer from units other than the School Security Initiative may be temporarily assigned to provide coverage.

The Benbrook Police Department shall maintain emergency response plans for every school within their jurisdiction. These plans shall be kept confidential within the Department for security purposes but meetings shall be held with authorized representatives of the school district to provide relevant information and excerpts from the plan necessary for implementation. The Chief of Police shall designate a commander to be responsible for maintenance and dissemination of these plans.

9.

City shall in no way nor under any circumstances be responsible for any property belonging to District, its officers, members, agents, employees, subcontractors, program participants, licensees or invitees, which may be lost, stolen, destroyed or in any way damaged. City agrees to waive, release, indemnify, and hold harmless the District from any and all claims, damages, injuries, causes of action, or lawsuits arising out of the acts or omissions of the assigned officers.

10.

City and District covenants that neither it nor any of its officers, members, agents, employees, program participants, or subcontractors, while engaged in performing this contract shall in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions or privileges of their employment, discriminate against persons because of their age, except on the basis of a bona fide occupational qualification, retirement plan, or statutory requirement.

11.

City and District, in the execution, performance or attempted performance of this contract and agreement, will not discriminate against any person or persons because of sex, race, religion, color or national origin, nor will Contractor permit its agents, employees, subcontractors or program participants to engage in such discrimination.

12.

The provisions of this agreement are severable and if for any reason a clause, sentence, paragraph or other part of this agreement shall be determined to be invalid by a court or federal or state agency, board or commission having jurisdiction over the subject matter thereof, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

13.

The failure of City or District to insist upon the performance of any term or provision of this agreement or to exercise any right herein conferred shall not be construed as a waiver or relinquishment to any extent of City's or District's right to assert or rely upon any such term or right on any future occasion.

14.

Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this contract and agreement, venue for said action shall lie in Tarrant County, Texas.

15.

The governing bodies of City and District have approved the execution of this agreement, and the persons signing the agreement have been duly authorized by the governing bodies of the City and District to sign this agreement on behalf of the governing bodies.

16.

This written instrument constitutes the entire agreement by the parties hereto concerning the work and services to be performed hereunder, and any prior or contemporaneous, oral or written agreement which purports to vary from the terms hereof shall be void.

17.

Notices to District shall be deemed given when delivered in person to the Chief of District Operations, or the next business day after the mailing of said notice addressed to said District by United States mail, certified or registered mail, return receipt requested, and postage paid at 100 N. University, Fort Worth, Texas 76107.

Notices to City shall be deemed given when delivered in person to the City Manager for Public Safety of the City, or the next business day after the mailing of said notice addressed to said City by United States mail, certified or registered mail, return receipt requested, and postage paid at 911 Winscott Rd., Benbrook, Texas 76126.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in multiples in Benbrook, Tarrant County, Texas, this _____ day of _____, A.D. 2016.

ATTEST

CITY OF BENBROOK

_____
City Secretary

By: _____
Andy Wayman
City Manager

APPROVED AS TO FORM AND LEGALITY:

By: _____
City Attorney

_____
FWISD Attorney

Date: _____

Date: _____

ATTEST:

FORT WORTH INDEPENDENT SCHOOL DISTRICT

_____

By: _____
Dr. Kent P. Scribner
Superintendent

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Andy Wayman, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the City of Benbrook and that he executed the same as the act of said City of Benbrook for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

_____
Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Dr. Kent P. Scribner, Superintendent, known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was for the purposes and consideration therein expressed, as the act and deed of the Fort Worth Independent School District, and in the therein stated as its duly authorized officer or representative.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

_____
Notary Public in and for the State of Texas