Notice of a Meeting **Dalworthington Gardens Planning and Zoning Commission**

April 25, 2022 at 6:00 P.M.

City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas

- 1. Call to Order
- 2. Consider approval of a preliminary plat application from Green's Produce & Plants, being all of Lot 5, Block A of Gardens Industrial Park, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as recorded under Document Number D219288085, plat records of Tarrant County, Texas, and a tract of land out of the Nathan Smith Survey, Abstract No. 1432, City of Dalworthington Gardens, Tarrant County, Texas, and located at 2811 W. Arkansas Lane and 3001 W. Arkansas Lane.
 - i. Public hearing
 - ii. Discussion and possible action
- 3. Consider approval of a final plat application from Green's Produce & Plants, being all of Lot 5, Block A of Gardens Industrial Park, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as recorded under Document Number D219288085, plat records of Tarrant County, Texas, and a tract of land out of the Nathan Smith Survey, Abstract No. 1432, City of Dalworthington Gardens, Tarrant County, Texas, and located at 2811 W. Arkansas Lane and 3001 W. Arkansas Lane.
 - i. Public hearing
 - ii. Discussion and possible action
- 4. Discussion and possible action on a change to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to add a special exception for tattoo shops in the light industrial district.
- 5. Adjourn

CERTIFICATION

This is to certify that a copy of the April 25, 2022 Planning and Zoning Commission Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofdwg.net, in compliance with Chapter 551, Texas Government Code.

TIME OF POSTING:	TAKEN DOWN:
-	TIME OF POSTING:

Staff Agenda Report

Agenda Subject: Consider approval of a preliminary plat application from Green's Produce & Plants, being all of Lot 5, Block A of Gardens Industrial Park, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as recorded under Document Number D219288085, plat records of Tarrant County, Texas, and a tract of land out of the Nathan Smith Survey, Abstract No. 1432, City of Dalworthington Gardens, Tarrant County, Texas, and located at 2811 W. Arkansas Lane and 3001 W. Arkansas Lane.

Background Information: Section 10.02.004 of the City's Code of Ordinance states no land is to be subdivided in the city nor any building permit shall be issued for construction of improvements on any property not platted.

Green's Produce has acquired 2811 W. Arkansas Lane and is platting it as required along with their existing property at 3001 W. Arkansas Lane.

In accordance with Section 10.02.031, the city determined the plat application to be complete on February 8, 2022. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On February 28, 2022, the city engineer conducted his final review of the plat, determined the plat conforms with the City's subdivision ordinance, and recommended approval of the plat.

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

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

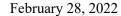
Recommended Action/Motion: Motion to approve an application for a preliminary plat.

Attachments: Engineering Letter

Plat

Legal Notice

200' Notice Address List





Lola Hazel City Secretary City of Dalworthington Gardens 2600 Roosevelt Drive Dalworthington Gardens, Texas

RE: Lot 5R, Block A, Gardens Industrial Park Preliminary Plat Third Review

Lola,

We have reviewed the above referenced plat and have the following comments:

- 1. Show all building setback lines. **COMPLETED SATISFACTORILY**
- 2. Change "City Council" to "City Secretary" on the approval block. Also, "Mayor" to "City Secretary". **COMPLETED SATISFACTORILY**
- 3. The description included in the deed referenced on the plat indicates that there is a curve along Pioneer Parkway instead of a tangent. It appears that possibly only the chord is labeled along that line. Please confirm that this should be a tangent or a curved line. ARC LENGTH NEEDS TO BE CORRECTED IN DESCRIPTION. **COMPLETED SATISFACTORILY**
- 4. Please remove the reference to the prior deed on the map as it might be confusing. THE CURRENT DEED REFERENCE THAT HAD BEEN SHOWN SHOULD BE LEFT ON THE PLAT. THE PRIOR DEED REFERENCE BEFORE THAT OF VOLUME 14651, PAGE 520 IN THE PANHANDLE IS THE ONE THAT I WAS REFERRING TO IN THIS COMMENT. **COMPLETED SATISFACTORILY**
- 5. In the property description, the reference to "Green's Produce and Plants, Incorporated" should be "Green's Produce Plants, Incorporated" according to the deed referenced. Please confirm the correct entity name. THE FIRST REFERENCE TO THIS WAS CORRECTED BUT THERE IS A SECOND ONE FIVE SENTENCES DOWN THAT ALSO NEEDS TO BE CORRECTED. COMPLETED SATISFACTORILY

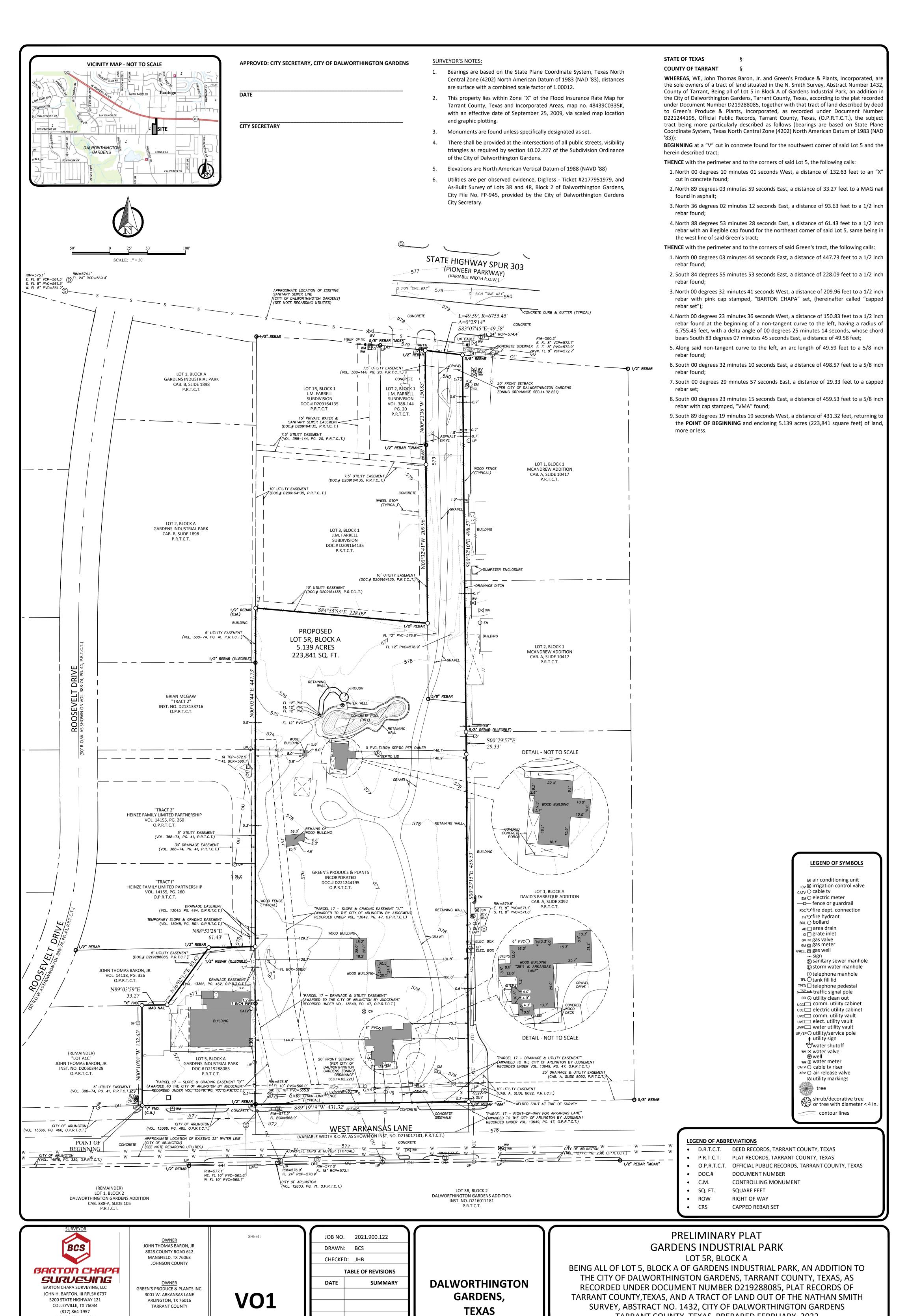
These comments have been addressed satisfactorily and we recommend approval.

If there are any questions, don't hesitate to contact me. Thank You,

S. Erik Dumas, RPLS

Director of Civil Surveying Topographic Land Surveyors

TBPLS Firm Reg. No. 10042504



Z:\Project Data\Survey\900 - INDIVIDUALS\2021\122 - 2811 W Arkansas Lane\Drawings

JACK@BCSDFW.COM

TARRANT COUNTY, TEXAS, PREPARED FEBRUARY, 2022

COMMERCIAL RECORDER

EMAIL ADDRESS: recorder@flash.net Deadline for submitting legal notices is 11:00 (am) the business day before

PUBLIC NOTICE	PUBLIC NOTICE
1	LEGAL NOTICE
2	Notice is hereby given that
3	the Dalworthington Garden
4	Planning and Zoning Con
5	mission will hold a publi
<u>5</u>	hearing on April 25, 2022 a
7	6:00 p.m., and the Dalwo
8	thington Gardens City Counc
9	will hold a public hearing o
10	May 19, 2022 at 7:00 p.m
11	both of which are to be hel
12	in the City Hall Counc
13	Chambers, 2600 Rooseve
14	Drive, Dalworthington Ga
15	dens, Texas to consider th
16	following:
17	1. Preliminary and Final Pla
18	applications for Green's Pro
19	duce & Plants, being all of
20	Lot 5, Block A of Garden
21	Industrial Park, an additio
22	to the City of Dalworthingto
23	Gardens, Tarrant County
24	Texas, as recorded under Doo
25	ument Number D219288085
26	plat records of Tarrant Count
27	Texas, and a tract of land ou
28	of the Nathan Smith Survey
29	Abstract No. 1432, City of
30	Dalworthington Gardens, Ta
31	rant County, Texas, and lo
32	cated at 2811 W. Arkansa
33	Lane and 3001 W. Arkansa
34	Lane.
35	2. A change to the City of
36	Dalworthington Gardens Cod
37	of Ordinances, Chapter 14
38	Zoning, to add a special ex
39	ception for tattoo shops in th
40	light industrial district.
41 42	4-
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PUBLIC NOTICE

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PUBLIC NOTICE

PUBLIC NOTICE

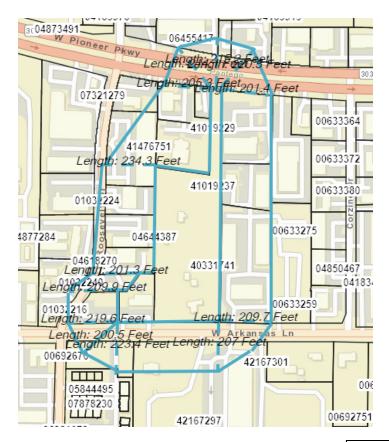
PUBLIC NOTICE

PUBLIC NOTICE

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- nal Plat 's Proall of ardens dition ington ounty, er Doc-88085. County, nd out Survey, City of ıs, Tarnd lokansas kansas
- City of s Code ter 14, ial exs in the

4-6



04183576 Current Owner: LRG ASSOCIATES LLC PO BOX 13933 ARLINGTON, TX 76094

06455417

Current Owner:

MATT KING REALTY CO LLC 165 E BOZEMAN LN FORT WORTH, TX 76108

06455409

Current Owner:

MATT KING REALTY CO LLC 165 E BOZEMAN LN

FORT WORTH, TX 76108

41019229

Current Owner:

JAMES AND KELLY D MCANDREW 2107 BAY COVE CT ARLINGTON, TX 76013-5247

41019237

Current Owner:

JAMES F AND KELLY MCANDREW

2880 W PIONEER PKWY

ARLINGTON, TX 76013-5908

40331741

Current Owner:

JAMES F AND KELLY D MCANDREW

2880 W PIONEER PKWY

ARLINGTON, TX 76013-5908

04644387

Current Owner:

GREEN'S PRODUCE & PLANTS INC.

3001 W ARKANSAS LN

ARLINGTON, TX 76016

04617584

Current Owner:

KHALID YOUSIF

1106 LYRA LN

ARLINGTON, TX 76013

41476743

Current Owner:

JMONT LLC

2890 W PIONEER PKWY

ARLINGTON, TX 76013-5997

41476751

Current Owner:

FARRELL PET RESORT LLC 2980 W PIONEER PKWY ARLINGTON, TX 76013

07321279

Current Owner:

MNS & S PROPERTY INC 900 BEE CREEK LN FORT WORTH, TX 76120

07321287

Current Owner:

CLIFF HAVEN ADULT DAY HEALTH 2117 ROOSEVELT DR PANTEGO, TX 76013-5936

01032224

Current Owner: BRIAN MCGAW 111 PARKCREST DR

SOUTHLAKE, TX 76092-8478

01032208

Current Owner:

HEINZE FAMILY LP

2317 ROOSEVELT DR STE C ARLINGTON, TX 76016-5889

04618270

Current Owner:

HEINZE FAMILY L P

2317 ROOSEVELT DR STE C

ARLINGTON, TX 76016-5889

01032240

Current Owner:

JOHN THOMAS BARON JR 3001 W ARKANSAS LN ARLINGTON, TX 76016-5824

42604255

Current Owner:

JOHN THOMAS AND JEAN BARON JR

3001 W ARKANSAS LN

ARLINGTON, TX 76016-5824

01032216

Current Owner:

JOHN THOMAS BARON JR

3001 W ARKANSAS LN

ARLINGTON, TX 76016-5824

00692670

Current Owner:

J7 LLC

813 S AMY LN STE 101

HARKER HEIGHTS, TX 76548

42167297

Current Owner:

ARLINGTON CLASSICS ACADEMY

2800 W ARKANSAS LN

ARLINGTON, TX 76016-5819

06391079

Current Owner:

HERITAGE SQ CONDO OWNERS

2317 ROOSEVELT DR

ARLINGTON, TX 76016

04877284

Current Owner:

TRIBROS PROPERTIES

5 ABERNATHY RD

LEXINGTON, MA 02420-2510

01032267

Current Owner:

TRIBROS PROPERTIES

5 ABERNATHY RD

LEXINGTON, MA 02420-2510

NOTICE OF PUBLIC HEARINGS CITY OF DALWORTHINGTON GARDENS, TEXAS

To the property owners within 200' of 2811 W. Arkansas Lane and 3001 W. Arkansas Lane:

PLANNING AND ZONING HEARING DATE: April 25, 2022 HEARING TIME: 6:00 PM

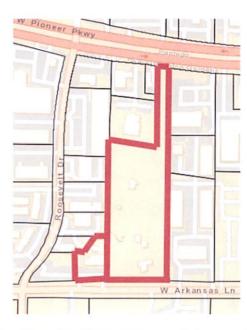
CITY COUNCIL HEARING DATE: May 19, 2022

HEARING TIME: 7:00 PM

The Planning and Zoning Commission will hold a public hearing at the above noted date and time in the City Hall Council Chambers, 2600 Roosevelt Drive, and the City Council will hold a public hearing at the above noted date and time in the City Hall Council Chambers, 2600 Roosevelt Drive.

Both hearings are to consider the <u>preliminary and final plat applications for Green's Produce & Plants</u>, being all of Lot 5, Block A of Gardens Industrial Park, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as recorded under Document Number D219288085, plat records of Tarrant County, Texas, and a tract of land out of the Nathan Smith Survey, Abstract No. 1432, City of Dalworthington Gardens, Tarrant County, Texas, and located at 2811 W. Arkansas Lane and 3001 W. Arkansas Lane.





This is not a summons to appear at the hearings, but if you care to attend, you will be given an opportunity to be heard. A written statement may be filed with the City Administrator's Office, which will be presented at the Planning and Zoning Commission meeting. If additional information is desired, please contact the City Administrator's Office at 682-330-7418 (closed weekends and holidays).

I AM IN FAVOR	I HAVE NO OBJECTIONS	I HAVE OBJECTIONS
COMMENTS:		

PRINTED NAME)

(SIGNATURE)

2805 W ARKANSAS LN (ADDRESS)

7× 7601

MAIL TO:

CITY OF DALWORTHINGTON GARDENS

CITY ADMINISTRATOR 2600 ROOSEVELT DRIVE

DALWORTHINGTON GARDENS, TX 76016

For questions: 682-330-7418 or lhazel@cityofdwg.net 04.25.2022 P&Z Packet Pg. 8 of 24

NOTICE OF PUBLIC HEARINGS CITY OF DALWORTHINGTON GARDENS. TEXAS

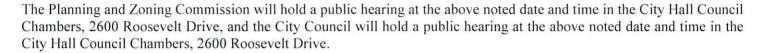
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I AM IN FAVOR _	I HAVE NO OBJECTIONS	I HAVE OBJECTIONS
COMMENTS:		

(PRINTED NAME)

2800 W Arkansas Lr

(ADDRESS)

(SIGNATURE)

(CITY, STATE, ZIP

MAIL TO:

CITY OF DALWORTHINGTON GARDENS

CITY ADMINISTRATOR

2600 ROOSEVELT DRIVE

DALWORTHINGTON GARDENS, TX 76016

For questions: 682-330-7418 or Ihazel@cityofdwg.net 04.25.2022 P&Z Packet Pg. 9 of 24

Staff Agenda Report

Agenda Subject: Consider approval of a final plat application from Green's Produce & Plants, being all of Lot 5, Block A of Gardens Industrial Park, an addition to the City of Dalworthington Gardens, Tarrant County, Texas, as recorded under Document Number D219288085, plat records of Tarrant County, Texas, and a tract of land out of the Nathan Smith Survey, Abstract No. 1432, City of Dalworthington Gardens, Tarrant County, Texas, and located at 2811 W. Arkansas Lane and 3001 W. Arkansas Lane.

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In accordance with Section 10.02.031, the city determined the plat application to be complete on February 8, 2022. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On March 24, 2022, the city engineer conducted his final review of the plat, determined the plat conforms with the City's subdivision ordinance, and recommended approval of the plat.

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

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

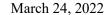
Recommended Action/Motion: Motion to approve an application for a final plat.

Attachments: Engineering Letter

Plat

Legal Notice

200' Notice Address List





Lola Hazel City Secretary City of Dalworthington Gardens 2600 Roosevelt Drive Dalworthington Gardens, Texas

RE: Lot 5R, Block A, Gardens Industrial Park Final Plat Fourth Review

Lola,

We have reviewed the above referenced plat and have the following comments:

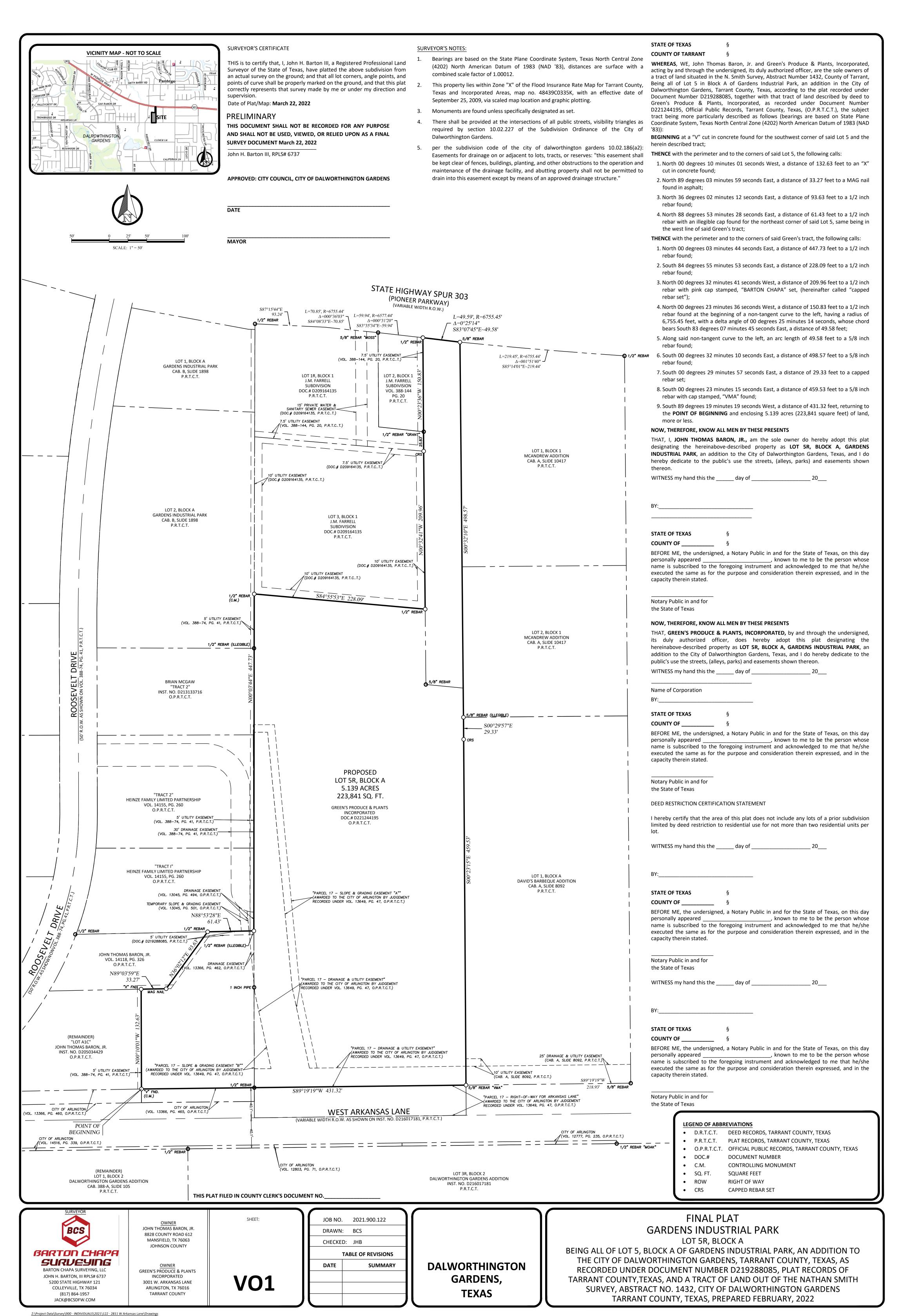
- 1. Please use Owner's Certificates for individuals and for corporations as appropriate for the two owners. CITY ATTORNEY TO REVIEW. NEEDS TO MATCH THE OWNER'S CERTIFICATES IN THE SUBDIVISION ORDINANCE, APPENDIX A AND APPENDIX B. **COMPLETED SATISFACTORILY.**
- 2. The description included in the deed referenced on the plat indicates that there is a curve along Pioneer Parkway instead of a tangent. It appears that possibly only the chord is labeled along that line. Please confirm that this should be a tangent or a curved line. ARC LENGTH NEEDS TO BE CORRECTED IN DESCRIPTION. **COMPLETED SATISFACTORILY.**
- 3. Please remove the reference to the prior deed on the map as it might be confusing. THE CURRENT DEED REFERENCE THAT HAD BEEN SHOWN SHOULD BE LEFT ON THE PLAT. THE PRIOR DEED REFERENCE BEFORE THAT OF VOLUME 14651, PAGE 520 IN THE PANHANDLE IS THE ONE THAT I WAS REFERRING TO IN THIS COMMENT. **COMPLETED SATISFACTORILY.**
- 4. In the property description, the reference to "Green's Produce and Plants, Incorporated" should be "Green's Produce Plants, Incorporated" according to the deed referenced. Please confirm the correct entity name. THE SECOND REFERENCE TO THIS ENTITY IS CORRECTED BUT NOT THE ONE IN THE FIRST SENTENCE COMPLETED SATISFACTORILY.
- 5. The date in the Surveyor's Certificate and the date in the title block should match. Please confirm which is correct. **COMPLETED SATISFACTORILY**

These comments have been completed satisfactorily, therefore we recommend this re-plat for approval. If there are any questions, don't hesitate to contact me.

Thank You,

S. Sintoz

S. Erik Dumas, RPLS Director of Civil Surveying Topographic Land Surveyors TBPLS Firm Reg. No. 10042504



NOTICE OF PUBLIC HEARINGS CITY OF DALWORTHINGTON GARDENS, TEXAS

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HEARING TIME: 6:00 PM

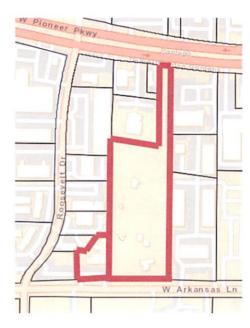
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HEARING TIME: 7:00 PM

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I AM IN FAVOR	I HAVE NO OBJECTIONS	I HAVE OBJECTIONS	
COMMENTS:			
			_

TAMUS MCANDROY (PRINTED NAME)

(ADDRESS)

MAIL TO:

CITY OF DALWORTHINGTON GARDENS

CITY ADMINISTRATOR

2600 ROOSEVELT DRIVE

DALWORTHINGTON GARDENS, TX 76016

NOTICE OF PUBLIC HEARINGS CITY OF DALWORTHINGTON GARDENS, TEXAS

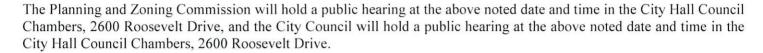
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I AM IN FAVOR	V_	I HAVE NO OBJECTIONS	 I HAVE OBJECTIONS _	
COMMENTS:				

MAIL TO:

CITY OF DALWORTHINGTON GARDENS CITY ADMINISTRATOR

2600 ROOSEVELT DRIVE

DALWORTHINGTON GARDENS, TX 76016

For questions: 682-330-7418 or Ihazel@cityofdwg.net 04.25.2022 P&Z Packet Pg. 14 of 24

Staff Agenda Report

Agenda Subject: Discussion and possible action on a change to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, to add a special exception for tattoo shops in the light industrial district.

Background Information: Tattoo shop is currently not an allowed use in any zoning district in city ordinances. At the city attorney's recommendation, this use is being added into ordinances. Suggested practice is to allow all uses somewhere in ordinances and not completely prohibit a given use. With that in mind, staff is providing a proposal to add the use as a special exception in the light industrial district. However, there are a multitude of options the Commission could choose. The Commission could allow the use as a special exception in all district but limit the distance to churches and schools. The Commission could also allow the use outright in a commercial zoning district, which would mean an applicant could apply for a certificate of occupancy without having to go through the special exception process.

A screen shot of the zoning map is being provided to show the property zoned as light industrial in the city. Also, a list is being provided showing a description of typical uses found in each zoning district so the Commission may assess if another option is better suited for this use.

Recommended Action/Motion: Motion to provide a recommendation to City council on how to allow tattoo shops in the city's ordinances.

Attachments: Proposed Ordinance Change

Sec. 14.02.092 Defined terms

Tattoo shop. An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Division 8. Special Exceptions and Other Permits

Sec. 14.02.321 Special exceptions

- (a) <u>Purpose</u>. Certain uses are classified as special exceptions, and may be permitted in designated districts when specifically authorized by this division after approval by the board. Such exceptions may be granted in order that the city may develop in accordance with the intent and purpose of this article, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.
- (b) <u>Criteria for granting a special exception</u>. In reaching a decision on any application for a special exception, the board shall determine:
 - (1) That the requested exception will establish only those uses permitted under this division;
 - (2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant; and
 - (3) That the exception will be wholly compatible with the use and permitted development of adjacent properties, either as filed or subject to such requirements as the board may find necessary to protect and maintain the stability of adjacent properties.
- (c) <u>Authorized special exceptions</u>. The following uses may be allowed as special exceptions in the districts specified, subject to full and complete compliance with all conditions herein provided, together with such other conditions as the board may impose. The conduct of any of the uses described in this subsection (c) shall be illegal in the city unless on property bearing a valid special exception therefor issued in accordance with the terms of this division.

Special Exception

District Requiring Board Approval

(1) Construction field office and storage yard (other than on jobsite). All districts

Conditions: Temporary, for time fixed by the board.

(2) Amusement or entertainment, commercial commercial [sic], B-2 - LI indoor or outdoor.

	(3)	Child	care facilities.	MF - LI
	(4)	Reside	ential recreation facilities.	SF - MF
	(5)	Parkir	ng, under division 9 conditions.	All districts
	(6)	Devel	opment sign of more than one year duration.	SF - MF
	(7)	Screen	ning devices, over height or in required front yard.	All districts
(2005	Code,	sec. 17	7.8.01)	
	(8)	for on of al	ot for brewpubs and wineries, service of alcoholic beverages -premises consumption; for brewpubs and wineries, service coholic beverages for on-premises and off-premises mption may be permitted	B-2 - LI
(Ordin	nance 2	2019-05	5, sec. 6, adopted 7/18/19)	
	(9)	Light industrial or manufacturing uses, other than storage, to be conducted outside buildings.		
	(10)	Real	estate sales office: A temporary real estate sales office.	SF - MF
	(11)	Retail gasoline service stations, pumps and facilities, storage tanks underground.		
	(12)	A private stable under the following conditions:		
		(A)	The use must be one that would in all respects qualify as an incidental use under the terms of section 14.02.172(6) of this article if located on the same property as a primary residential use;	
		(B)	The property on which the use is to be conducted must be adjacent to or within 500 feet of the primary residence to which it would be incidental if located on the same	

property;

The owner of the primary residence and the private stable (C) must be the same; and (D) The private stable shall not be used for commercial purposes. This special exception may be revoked by the board upon notice and after hearing in the event of a violation of any of the conditions described above. Private school. B-2 - L1 Motor vehicle sales. LI Retail specialty and novelty establishment. B-3 - LI Definitions: For the purpose of this subsection: "Retail specialty and novelty establishment" is a place of (A) business which derives more than 50% of its monthly revenues from the retail sale of specialty and novelty items. "Specialty and novelty items" means any of the following: (B) (i) Drug paraphernalia, as that term is defined in 481.002 of the Texas Health and Safety Code; Wearing apparel containing obscene pictures or (ii) words, such as T-shirts, belt buckles, jewelry or any other wearing apparel; (iii) Salves, ointments, gels, creams, jellies, lotions and oils advertised and designed as a sexual stimulus;

Magazines, books, records, videocassettes, pictures,

drawings and other similar material depicting and

(13)

(14)

(15)

(iv)

describing sexual conduct in a manner that is designed for adult use and consumption;

- (v) Incense.
- (16) Billiard table establishment.

B-3 - LI

Definitions: For the purposes of this subsection:

- (A) "Billiard table establishment" means any business containing a billiard table for commercial use and not merely for sale.
- (B) "Billiard table" means a table surrounded by a ledge or cushion with or without pockets on which balls are impelled by a stick or cue, but not including a coin-operated billiard table.
- (17) Skill or pleasure coin-operated machines, commercial use of B-3 LI eight (8) or more per occupancy.

Definitions: For the purposes of this subsection, the term "skill or pleasure coin-operated machine" shall have the meaning ascribed thereto by article 8801, V.T.C.S. [V.T.C.A., Occupations Code, chapter 2153]

(18) Sexually oriented business.

LI

Definition: For the purpose of this subsection, "Sexually oriented business" shall have the meaning ascribed thereto by chapter 243 of the Texas Local Government Code.

Condition: No such use may be permitted at a location within one thousand (1,000) feet of a church, school, public park, boundary of a residential district or property line of a lot devoted to residential use.

(19) Motor vehicle parking, commercial.

B-3 - LI

(20) Long-term personal care facility.

SF - MF

Definition: For the purposes of this subsection, a "long-term personal care facility" is a residence used as an assisted living residence for not more than four (4) unrelated persons.

Conditions: No such use shall be permitted unless:

- (A) The State of Texas has issued a license for the location under chapter 142 of the Texas Health and Safety Code; and
- (B) The owner of the facility resides in the residence.

The special exception shall continue for so long as a valid state license, as described in subsection (A), shall be in effect, unless the special exception should otherwise be terminated for violation of its terms or applicable laws.

(21) Schools, clubs or centers for gymnastics, exercise or physical B-1 - B-2 fitness.

Condition: The use shall comply with all regulatory provisions of the district in which it is located.

(2005 Code, sec. 17.8.01)

(22) Mobile food establishment.

B-2 and B-3

(Ordinance 2018-01, sec. 6, adopted 2/15/18)

(23) HUD-code manufactured home as primary dwelling

MF

(Ordinance 2018-05, sec. 4, adopted 3/27/18)

(24) Credit access business under the following conditions:

L-I

(A) No such use may be permitted at a location within one thousand (1,000) feet of a school, designated place of worship,

public park, boundary of a residential district, or property line of a lot devoted to residential use.

(25) Tattoo shop

<u>L-I</u>

(Ordinance 2020-12 adopted 12/17/20)

- (d) Application for special exception.
 - (1) <u>Qualification of applicant</u>. Application for a special exception may be made by the owner of, or other person having a contractual or possessory interest in, the subject property. Any application filed by a person who is not the owner of the property for which the special exception is sought shall be accompanied by evidence of the consent of the owner.
 - (2) <u>Contents of application</u>. An application for a special exception shall be filed with the zoning administrator. The application shall contain the following information as well as such additional information as may be prescribed by rule of or reasonably requested by the commission or the zoning administrator:
 - (A) The applicant's name, address and interest in the subject property;
 - (B) The owner's name and address, if different from that of the applicant, and the owner's signed consent to the filing of the application;
 - (C) The street address and legal description of the property;
 - (D) The zoning classification and present use of the subject property;
 - (E) A description of the proposed special exception;
 - (F) A site plan sketch, showing the location of the use on the property;
 - (G) A statement as to why the proposed special exception will not cause substantial injury to the value, use or enjoyment of other property in the neighborhood;
 - (H) A statement as to how the proposed special exception is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected; and
 - (I) An identification of any potentially adverse effects that may be associated with the proposed special exception and the means proposed by the applicant to avoid, minimize or mitigate such effects.

(3) <u>Processing of application</u>. Upon receipt of an application for a special exception, it shall be referred to the commission for investigation as to the manner in which the proposed character and location of the special exception will affect the master plan of the city. The commission shall report the results of its study to the board, and thereafter the board may, after public notice and hearing, grant the permit, including the imposition of conditions of use which the board may deem essential to insure that the special exception is consistent with the spirit, purpose and intent of this article, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(2005 Code, sec. 17.8.01)

Sec. 14.02.042 Purposes of districts

[residential districts omitted from list]

- (d) <u>"B-1" business district</u>. This district is designed for limited, low-intensity offices, financial institutions and governmental buildings and facilities not involving retail trade, located in close proximity to and compatible with residential uses. The regulations of this district require a high standard of development in order to protect and provide an orderly transition from more restrictive adjacent districts.
- (e) <u>"B-2" business district</u>. This district is provided to accommodate convenience retail sales and personal service activities as well as limited general business activities. The district regulations are designed for the types of commercial uses which do not typically generate high volumes of vehicular traffic. Nevertheless, it is not anticipated that development of land in this district will take place other than at or near the intersection of major thoroughfares.
- (f) <u>"B-3" business district.</u> This district is intended to accommodate general business uses, offices, banking, governmental, utility and institutional business services, community shopping centers and some automobile-related uses, primarily in appropriate areas along major highways.
- (g) <u>"LI" light industrial district</u>. The "LI" light industrial district is characterized by industrial development of a warehousing, distribution and light processing type. The regulations of this district are intended to preserve a light industrial nature, particularly with regard to noise, odors, dust and other noxious conditions. This district may be appropriate adjacent to commercial districts or on major highways.

L-I zoned property shown below in pink near Pioneer Parkway.

