

Notice of a Meeting
Dalworthington Gardens Planning and Zoning Commission
November 6, 2025 at 6:00 p.m.
City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas

The Planning and Zoning Commission reserves the right to adjourn into closed session at any time during the course of this meeting as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney).

1. Call to Order
2. Citizens who wish to speak to the Planning & Zoning Commission Members will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and Planning and Zoning Commission Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy.
3. Minutes
 - i. 10.9.2025Minutes
4. Discussion and possible recommendation on Article 14.02 Zoning Ordinances of the City of Dalworthington Gardens to incorporate 2025 legislative updates and general clean up.
 - i. Conduct a public hearing
 - ii. Discussion and action
5. Future agenda items.
6. Adjourn

CERTIFICATION

This is to certify that a copy of the **November 6, 2025** 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.

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

Sandra Ma, City Secretary

Dalworthington Gardens Planning and Zoning Commission
Meeting Minutes
October 9, 2025 at 6:00 p.m.

While the order of some agenda items may have been changed, the following represents all items discussed and acted upon by the Planning and Zoning Commission.

1. Call to Order

Tom McCarty called the meeting to order at 6:00 pm. with the following present:

Members Present

Maurice Clark, Vice Chairperson

Anthony Parker

Tom McCarty, Alternate

Members Absent:

Todd Batiste, Chairperson

Johanna Storm

Tracy Dodson, Alternate

Brian Colin

Staff Present:

Sandra Ma, City Secretary

- 2. Citizens who wish to speak to the Planning & Zoning Commission Members will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and Planning and Zoning Commission Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy.**

None

3. Approval of Minutes

i. 8.14.2025

A motion was made by Vice Chairperson Maurice Clark and seconded by Commissioner Anthony Parker to approve item 3i.

Motion carried by the following vote:

Ayes: Members Clark, McCarty and Parker

Nays: None

- 4. Discussion and possible recommendation to the zoning ordinance to permit semi-permanent makeup establishments within B2 zoning.**

i. Conduct a public hearing

ii. Discussion and action

Background Information:

City has received a submission a semi-permanent makeup business within a B2 zoning district.

While B2 zoning currently permits personal service shops such as licensed barber shops, beauty salons, and massage therapy practices—it does not explicitly reference semi-permanent makeup as an allowable use. As such, clarification or administrative interpretation may be required to determine whether this service aligns with the intent of permitted uses under B2 zoning.

At the September 18, 2025 council meeting, Council directed Planning and Zoning to investigate and

make recommendations on regarding semi-permanent makeup establishments in B2 zoning.
Semi-permanent makeup is not subject to sales tax. The service is considered personal care and not a sale of tangible personal property.
Notification of tonight's public hearing was posted in the Commercial Recorder

Commissioner Tom McCarty opened a public hearing at 6:02 p.m.
Ethan "Dylan" Kortkamp, 3116 Westwood Drive Arlington, Texas spoke in favor of topic.
Applicant Cleo Dau gave presentation
With no one else desiring to speak Commissioner Tom McCarty closed the public hearing at 6:13 p.m.

A motion was made by Commissioner Tom McCarty and seconded by Commissioner Anthony Parker to recommend language to City Council like Forest Hill Ordinance Cosmetic Tattoo Establishment. An establishment where trained personnel apply microinjections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor to DWG zoning ordinance in B2

Motion carried by the following vote:
Ayes: Members Clark, McCarty and Parker
Nays: None

6. Future Agenda Items

None

7. Adjourn

Meeting was adjourned at 6:23 p.m.

Agenda Subject:

Discussion and possible recommendation on Article 14.02 Zoning Ordinances of the City of Dalworthington Gardens to incorporate 2025 legislative updates and general clean up.

Background Information:

Attorney forwarded a draft of changes to the relevant portions of City's zoning ordinance that incorporates the 2025 legislative updates and some general cleanup.

Notification of tonight's public hearing was posted in the Commercial Recorder

Recommended Action/Motion:

Approve recommended changes and general clean up to the City's Zoning ordinance.

Attachments:

Article 14.02 Zoning Ordinance Changes
Publication of Meeting

ARTICLE 14.02
ZONING ORDINANCE

DIVISION 12 Nonconforming Uses

§ 14.02.531. Intent.

- (a) Within the districts established by this article or amendments hereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this article was enacted, amended, or otherwise made applicable to such lots, structures, or uses, but which do not conform to the regulations of the district in which they are located. It is the intent of this division to permit such nonconforming uses to continue, under regulations herein contained, until the same are removed, but not to encourage their survival.
- (b) It is further the intent of this division that nonconforming uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (c) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(2005 Code, sec. 17.12.01)

§ 14.02.532. Nonconforming uses regulated.

Except as herein provided, no nonconforming use of land or buildings, nor any nonconforming structure shall be enlarged, changed, altered, or repaired except in conformity with the regulations contained in this division.

(2005 Code, sec. 17.12.02)

§ 14.02.533. Nonconforming status.

Any use or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use when it possesses any of the following characteristics:

- (1) Such use or structure was in existence and lawfully operating on November 12, 1973, and has since been in regular and continuous use.
- (2) Such use or structure is a lawful and conforming use at the time of the adoption of any amendment to this article, but by such amendment is placed in a district wherein such use is not otherwise permitted.
- (3) Such use or structure was in existence at the time of annexation to the city and has since been in regular and continuous use.

(2005 Code, sec. 17.12.03)

§ 14.02.534. Continuing lawful use of property.

- (a) A nonconforming use is a lawful use of land, although such does not conform to the provisions hereof, and may be continued; but if said nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this article.

14.02.534

14.02.537

- (b) A legal nonconforming use, when discontinued or abandoned, shall not be resumed. Discontinuance or abandonment shall be defined as follows:
- (1) When land used for a legal nonconforming use shall cease to be used in such manner for a period of one (1) month.
- (2) When a building or other structure designed or used for a nonconforming use shall cease to be used in such manner for a period of six (6) months.
- (c) Abandonment of a nonconforming use shall be determined by the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance, as the facts are found to be by the board of adjustment.
- (2005 Code, sec. 17.12.04)

§ 14.02.535. Changing nonconforming uses.

- (a) A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification, after approval by the board of adjustment; provided, that when a nonconforming use is changed to a conforming use of a higher or more restrictive classification, it shall not later be reverted to the former, less restrictive classification.
- (b) No nonconforming use shall be changed to another nonconforming use which requires more off-street parking spaces or off-street loading space than the original nonconforming use, unless additional off-street parking and loading space is provided so as to comply with the requirements of division 9 of this article.

(2005 Code, sec. 17.12.05)

§ 14.02.536. Restoration of damaged property.

Nothing in this division shall be taken to prevent restoration of a building destroyed to the extent of not more than fifty percent (50%) of its reasonable value by fire, explosion, or other casualty or act of God, or a public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. (2005 Code, sec. 17.12.06)

§ 14.02.537. Termination of nonconforming uses.

The right to operate a nonconforming use shall cease and such use shall be terminated under any of the following circumstances:

- (1) When such use is abandoned, as hereinabove provided.

- (2) When any provision of this or any other ordinance of the city is violated with respect to a nonconforming use.
 - (3) When a nonconforming use is changed to a conforming use by rezoning.
 - (4) When the structure in which a nonconforming use is housed, operated, or maintained is damaged to the extent of more than fifty percent (50%) of its value, as provided in section 14.02.536 hereof.
 - (5) When the right to maintain or operate a nonconforming use has been terminated by the board as provided in division 15 of this article.
- (2005 Code, sec. 17.12.07)

§ 14.02.538. Registration of nonconforming uses.

The operator, owner, or occupant of any nonconforming use of land or buildings shall, within six (6) months after the date of this amendment (of [if] nonconforming on such date) or within six (6) months after having been rendered nonconforming by any subsequent amendment hereto, register such nonconforming [use] by obtaining from the zoning enforcement authority of the city a certificate of occupancy bearing the designation “Nonconforming,” even though a previous certificate of occupancy may have been issued. Such certificate (nonconforming) shall be considered as evidence of the legal existence of a nonconforming use, as contrasted with an illegal use or violation of this article. The enforcement authority shall maintain a register of all certificates of occupancy issued for nonconforming uses and shall, on written request and payment of fee, issue a duplicate certificate to anyone having a proprietary interest in the property in question. A nonconforming structure need not be registered. (2005 Code, sec. 17.12.08)

§ 14.02.539. Nonconforming Use Notification.

Written notice of each public hearing shall be provided regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property may become a nonconforming use if the regulation or boundary is adopted or changed. Written notice shall be provided by United States mail to each owner of real or personal property where the proposed nonconforming use is located as indicated by the most recently approve municipal tax roll and each occupant of the property not later than the tenth (10th) day before the hearing date. The notice must contain the time and place of each public hearing and include the following text in bold 14-point type or larger: “THE CITY OF DALWORTHINGTON GARDENS IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.”

§ 14.02.540. through § 14.02.580. (Reserved)

DIVISION 13 Amendments and Enforcement

§ 14.02.581. Authority to amend.

The council may, from time to time, on its own motion, or on petition of an interested property owner or owners, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. Each such petition shall be accompanied by a fee payable to the city, no part of which shall be refundable, unless the petition is withdrawn by the applicant prior to a public hearing by the commission, in which case the city shall rebate a sum out of said fee to the petitioner. The amounts of fees and rebates shall be as provided in the fee schedule in appendix A of this Code.

(2005 Code, sec. 17.13.01)

§ 14.02.582. Recommendations of commission.

Before taking action on any proposed amendment, supplement or change, the council shall submit the same to the commission for its recommendations and report. (2005 Code, sec. 17.13.02)

§ 14.02.583. Public hearing on proposed amendment.

A public hearing shall be held by the council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given in the manner prescribed by law, stating the time and place of such hearing. Before the 15th day before the date of the public hearing, the time and place of such hearing shall be published in the official newspaper of the City of Dalworthington Gardens and posted on the City's internet website.

(2005 Code, sec. 17.13.03)

§ 14.02.584. Public Hearing Sign Requirements. The City shall cause a sign to be placed upon each property to be rezoned, or in the public right of way for a change initiated by the City that affects multiple properties, that is at least twenty four (24) inches long by forty eight (48) inches wide and clearly visible to passersby which states that the property is the subject of a rezoning application (or words of like intent). The sign shall be posed not later than the tenth (10th) day prior to the Planning and Zoning Commission hearing and shall remain posted until the date of the final determination on the proposed change.

§ 14.02.585. Amendment over protest.

If a protest against such amendment, supplement, or change has been filed with the City Secretary, in order to take effect, the proposed change must receive the affirmative vote of at least three-fourths of all members of the City Council. A protest of a proposed change to a zoning regulation or district boundary must be written, signed, and acknowledged by either:

- (1) At least twenty percent (20%) of the area of the lots or land covered by the proposed change; or

- (2) Except as provided by subsection three below, at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area; or
- (3) At least sixty percent (60%) of the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development that does not exceed thirty five percent (35 %) of the overall development.

If a proposed change to a regulation or district boundary is protested in accordance with any subsection above, the proposed change must receive, in order to take effect, the affirmative vote of at least:

- (1) Three-fourths (3/4) of all members of the City Council for a protest described by subsection one or two; or
- (2) A majority of all members of the City Council for a protest described by subsection three.

(2005 Code, sec. 17.13.04)

§ 14.02.586. Limitations on reapplication.

In order that zoning may promote the stability and well-being of the community and may offer certainty to the citizens of the city with respect to the use and development of property, the following requirements shall govern the filing of reapplications. When the application has been withdrawn at or before the commission meeting thereon and after the giving of public notice, no new application of like nature shall be accepted by the city or scheduled for hearing by the commission within a period of twelve (12) months of the date of council denial or withdrawal of application; provided however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior considerations of the applicant's proposal so as to justify an earlier review of this matter, the council may waive the mandatory period and authorize the acceptance of a new application. (2005 Code, sec. 17.13.05)

§ 14.02.587. Permits and certificates of occupancy.

- (a) No building hereafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy shall have been issued by the city stating that the building or proposed use of a building or premises complies with the building laws and the provisions of this article.
- (b) Certificates of occupancy shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of pertinent

statutes and ordinances. A record of all certificates shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
(2005 Code, sec. 17.13.06)

§ 14.02.588. Penalty for violation.

Any person or corporation who shall violate any of the provisions of this article or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than the amount provided in article 1.01 of chapter 1 of this Code, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this article shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided. The city likewise shall have the power to enforce the provisions of this article through civil court action as provided by state law. (2005 Code, sec. 17.13.07)

§ 14.02.589. through § 14.02.620. (Reserved)

COMMERCIAL RECORDER PROOF

EMAIL ADDRESS: recorder@flash.net

Deadline for submitting legal notices is 11:00 (am) the business day before

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Public Hearing Notices

Notice is hereby given that the City of Dalworthington Gardens Planning and Zoning Commission will hold a public hearing on November 6, 2025 at 6:00 p.m. and the Dalworthington Gardens City Council will hold a public hearing on November 20, 2025 at 7:00 p.m., both to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

Article 14.02 Zoning Ordinance of the City of Dalworthington Gardens Ordinances that incorporates the 2025 legislative updates and some general clean up.

10-22