

SECTION 14
"D" MULTIPLE FAMILY DISTRICT

A. PURPOSE

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

B. USE REGULATIONS

In the "D" Multiple Family District, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

a. PERMITTED USES

1. Any uses permitted in the "C" Multiple Family District.
2. Multi-family residential up to twenty-five (25) units per acre.
3. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry, or rabbits, when more than ten (10) acres are available. Not more than one horse may be kept per acre available for grazing for the first two acres, and one horse per five acres thereafter. No more than one animal unit other than horses may be kept per five acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, i.e. one horse or one cow per five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Section 23, paragraph M).
4. Private barn or stable, in accordance with the requirements of Section 23, paragraph M, when more than ten (10) acres are available and the barn/stable is located no closer than 150 feet from a property line.
5. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C.2. 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.
6. Garage sales not exceeding two (2) in number on the same premises in any one calendar year; provided that the duration of each such sale not

exceed three (3) calendar days and that no new merchandise acquired solely for the purpose of resale shall be sold at such occasional sale.

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

b. CONDITIONAL USES

1. Multi-family residential exceeding twenty-five (25) units per acre.
2. Apartment hotel.
3. Convalescent Home.
4. Private clubs, fraternities, sororities and lodges; excluding those whose chief activity is a service customarily carried on as a business.
5. Kindergartens and day care nurseries.
6. Detached accessory buildings including storage garages are subject to the same regulations as District "A", except that the lot area per car limitations shall be waived and off-street parking shall be provided as set out in Section 24. Private or storage garages may be constructed as a part of the main building.
7. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. Not more than one horse may be kept per acre available for grazing for the first two acres, and one horse per five acres thereafter. No more than one animal unit other than horses may be kept per five acres available for grazing. In calculating the number of animals allowed, horses and other animals shall not be double-counted, ie. one horse or one cow per five acres. Ratites (ostriches, emus) are prohibited. (See also the requirements in Section 23, paragraph M.)
8. Private barn or stable, in accordance with the requirements of Section 23, paragraph M.
9. Office building.
10. Installations owned and operated by the City of Benbrook, Tarrant County, the State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.
11. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meter (2 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved by a decision on a satellite dish antenna application may appeal to the Federal

Communications Commission. Any new towers must also comply with the conditions of Section 23 N.

12. Recreational vehicle camping area.

c. SPECIAL EXCEPTION USES

1. Special exception uses authorized by the Board of Adjustment under the provisions of Section 29.

d. PROHIBITED USES

1. Compression Stations, Natural Gas

C. HEIGHT AND AREA REGULATIONS

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

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

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

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

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

Total floor area required in apartments constructed and used exclusively for elderly citizens shall provide an average of five hundred square feet (500 sq. ft.). Dining room and recreational area are included in computing total floor space average.

2. Height: No building hereafter erected, reconstructed, altered, or enlarged shall exceed two and one-half (2 ½) stories, nor shall it exceed thirty-five feet (35') within one hundred feet (100') of a property line of "A" Zoned, "B" Zoned, "BR" Zoned, "CR" Zoned, or "C" Zoned property. Any building in excess of one hundred feet (100') from these property lines shall not exceed three and one-half (3 ½) stories or forty-five feet (45'), provided that the required front, side and rear setback are increased by one foot for each foot of height in excess of thirty-five feet (35'). Accessory buildings shall not exceed one story or fifteen feet in height.
3. Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records, whichever is greater. Corner lots shall have a minimum

side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way

4. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').
5. Side Yard: There shall be a side yard having a width of not less than ten feet (10') on the interior side of corner lots and on both sides of interior lots. When more than one main building is erected on a lot of record, there shall be a separation of at least ten feet (10') between buildings.
6. Width of Lot: The width of a lot shall be a minimum of seventy-five feet (75') at the building line, provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required, this ordinance shall not prohibit the erection of a one-family dwelling.
7. Lot Area: In the "D" Multiple Family District the lot area for two, three or four family dwellings shall be the same as District "C".

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

This lot area requirement shall not apply to hotels, apartment hotels, nor elderly retirement facilities, where no provision is made for cooking in any individual room, suite or apartment.

D. USABLE OPEN SPACE

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

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

E. SCREENING AND LANDSCAPING

Each complex shall provide bufferyards and landscaping in accordance with Section 27 of this Ordinance.

F. SITE PLAN REQUIREMENTS

- a. Any owner, builder, or developer of a multiple-family condominium or townhouse dwelling complex shall submit to the Planning and Zoning Commission the site and building plan for the proposed development for review. The contents of this site plan shall contain drawings to scale to indicate as needed:
 - 1. Location of all existing and proposed structures on the subject property and within twenty feet (20') on adjoining property;
 - 2. Landscaping and/or fencing of yards and setback areas and proposed changes;
 - 3. Design of ingress and egress;
 - 4. Off-street parking and loading facilities;
 - 5. Height of all structures;
 - 6. Proposed uses; and
 - 7. Location, types and heights of all signs and lighting.
 - 8. Scale drawing with north arrow, all dimensions, all easements, the legal description and zoning of the subject property and all adjacent property, the names, addresses and phone numbers of the property owner, the applicant and the person preparing the site plan.
 - 9. Total land area, total building area and building to land ratio, the total floor area per dwelling unit, drainage information, existing and/or proposed fire hydrants, and provisions for external illumination and trash collection.

- b. The purpose of the site plan review is:
 - 1. To assure compliance with the Zoning Ordinance, while allowing for design flexibility;
 - 2. To assist in the orderly and harmonious development of the City;
 - 3. To protect adjacent uses from obstructions to light, air, and visibility;
 - 4. To provide protection from fire;
 - 5. To avoid undue concentrations of population and overcrowding of land; and
 - 6. To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.

- c. The Planning and Zoning Commission shall, after conducting a public hearing, approve an application for a multiple-family dwelling complex if the proposed development meets all the minimum standards established in this ordinance and

other applicable ordinances, and if the Commission finds that the proposed development will not be detrimental to the health, safety, or welfare of the surrounding neighborhood or its occupants, or be substantially or permanently injurious to neighboring property. The Commission shall disapprove or conditionally approve any application that fails to meet the above criteria or is in conflict with the Comprehensive Plan or the adopted growth policies of the City.