

SECTION 15
"E" COMMERCIAL DISTRICT

A. PURPOSE

This district is a commercial category providing a uniform set of standards for retail shopping facilities and general commercial activities. It is intended that this zoning district be served by major thoroughfares and be of such size that all parking and traffic maneuvering can take place on the commercial site. The principal business activity of any permitted use in this district shall be conducted wholly within an enclosed building with the specific exception of certain outdoor activities that are customary and typically appropriate to the permitted uses listed. It is expressly intended that no residential dwelling be erected in this commercial district and existing dwellings will remain as legal non-conforming dwellings.

B. USE REGULATIONS

In the "E" Commercial District, no buildings 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. Antique shops.
2. Auditorium, theaters, cinemas.
3. Automobile parking areas.
4. Automobile parts, retail sales.
5. Bakeries, providing that the floor area does not exceed three thousand square feet (3,000 sq. ft.).
6. Barber and beauty shops.
7. Bicycles and bicycle repair shops.
8. Blueprinting or photostating.
9. Book or stationary stores, or newsstands.
10. Business colleges, trade schools, or private schools operated as a commercial enterprise.
11. Temporary seasonal outdoor sales operations such as Christmas tree sales, firewood sales, crafts, new and/or used merchandise and food sales when such temporary operation exceeds seventy-two (72) hours in a twelve (12) month period. Such temporary sales operations may be a principal use on a property or an outdoor operation in conjunction with and subordinate to any existing permitted permanent indoor retail establishment. Such temporary outdoor sales operations shall require the submittal of an operations site plan for approval by the City Planner prior to setting up operations. The operations site plan shall show the proposed location of sales areas, storage areas, parking areas, traffic flow and street access, fencing and signage in relation to existing

improvements to the property. Portable signs may be approved for the duration of the temporary outdoor sales operations when such sign is included in the approved operations site plan. A temporary outdoor sales operation on a single site shall not be approved for more than three (3) occurrences in a calendar year, the total of which shall not exceed one hundred fifty (150) days.

12. Cigar or tobacco stores.
13. Cleaning, dyeing and pressing works; laundry and washaterias, providing that the floor area does not exceed three thousand square feet (3,000 sq. ft.) for separate or combined uses.
14. Commercial amusement centers and bowling alleys, indoor operations only.
15. Confectionery stores.
16. Custom dressmaking or millinery shops.
17. Dancing schools.
18. Day Care Nurseries and Kindergartens.
18. Delicatessen shops.
19. Department stores.
20. Dog and cat hospitals or small animal hospitals, if conducted wholly within a completely enclosed soundproof and air conditioned building, provided, that noise or odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time.
21. 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.
22. Drug stores.
23. Dry goods and notions stores.
24. Duplicating service, printing, lithographing, by mimeographing, multigraphing and offset printing, providing that the floor area does not exceed three thousand square feet (3,000 sq. ft.).
25. Electrical and gas appliances and supply sales, electrical and gas repair and installation services.
26. Financial institutions.

27. Florist or gift shops.
28. Frozen food lockers for individual or family use, not including the processing of food except cutting or wrapping.
29. Garages, storage only.
30. Grocery stores and meat markets.
31. Hardware, paint, wallpaper stores and other home improvement items.
32. Health and physical fitness centers.
33. Hotel, motel or motor hotel subject to the following restrictions:
 - a. No building or outside activities or facilities including dumpsters, mechanical, storage or maintenance buildings or equipment, or recreation areas, except surface parking shall be less than fifty feet (50') from any residential district.
 - b. No building shall exceed two and one-half (2 ½) stories nor shall it exceed thirty-five feet (35') within one hundred feet (100') of any residential zoned property.
 - c. Any external lighting shall be mounted and maintained to not illuminate any adjacent residential zoned property.
34. Household and office furniture, furnishings and appliances.
35. Jewelry stores, optical goods.
36. Golf course, including miniature course, driving tee, driving range and "Pitch and Putt" course. Lighting of any such use shall be directed away from residential areas.
37. Leather and leather goods shops, providing that the floor area does not exceed three thousand square feet (3,000 sq. ft.) for separate or combined uses.
38. Mortuaries, funeral homes and undertakers.
39. Museums, libraries, fine arts centers, parks, playgrounds, community centers or recreational areas.
40. 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.
41. Nursery yards or buildings for retail sales, provided that all incidental equipment and supplies including fertilizer and empty containers are kept within a building.
42. Offices.
43. Photograph, portrait or camera shops and photo finishing.

44. Piano stores, musical instruments and supplies.
45. Plumbing and heating appliances, repair and installation services. All storage of materials must be indoors.
46. Radio and television sales and servicing.
47. Restaurants, tea rooms, cafeterias, fast food and "take-out" food restaurants.
48. 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 horse power (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, and all activities shall be conducted totally within the same building.
49. Service stations, gasoline, oil, greasing, and tuning, not including fender or body repairs, major mechanical rear end, transmission, and engine overhaul. Car washing as a secondary use. No bay door or overhead door shall face any residential district when located less than one hundred feet (100') from any residential district.
50. Showroom warehouse, subject to the following restrictions: All activities and storage shall be totally within an enclosed building; a maximum of eighty percent (80%) of the gross floor area of any unit or multiple unit facility shall be used for warehouse activity; no manufacturing fabrication or assembly operation shall be conducted in any part of any unit except for articles to be sold at retail on the premises providing that in such manufacture the total mechanical power shall not exceed five horse power (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, and all activities shall be conducted totally within the same building.
51. Sporting goods including gun sales and repair.
52. Studios for artists.
53. Tailor, clothing or wearing apparel shops.
54. Variety stores.
55. 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.
56. Higher Education Institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.

57. Religious institutions, churches and facilities for related activities including those of worship, fellowship and education.
58. Radio, television, microwave broadcast, relay, transmission and retransmission facilities, satellite earth stations (home dish antennas) and any electronic emission equipment when operated in conformance with all Federal Communications Commission and other regulations, and provided the following additional conditions are met:
- (1) No satellite dish shall exceed two meters (2 m) in diameter, and
 - (2) No portion of any such dish or other equipment, in any position, shall exceed the specified height regulation of this zoning district, and
 - (3) No portion of any ground-mounted antenna or other equipment, in any position, shall be less than five feet (5') from any property line, utility easement, or building, and
 - (4) No such dish or other antenna may be located in any required front yard or second front yard.
59. Recreational vehicle camping area.
60. 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).
61. 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.
62. 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 construed to permit the keeping of articles or materials in the open or outside the building.
63. Antennae and towers not exceeding the maximum height allowed in the District (see paragraph C.1. 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.

64. 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. 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.
2. Antennae and towers exceeding the maximum height in the District and dish antennae exceeding two meters (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.
3. 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.)
4. Private barn or stable, in accordance with the requirements of Section 23, paragraph M.
5. Riding arena, subject to the requirements of Section 23, paragraph M.
6. Outdoor commercial amusement enterprise.
7. Any uses permitted in "G" Commerce District.

c. SPECIAL EXCEPTION USES

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

C. HEIGHT AND AREA REGULATIONS

In the "E" Commercial 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. 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').
2. 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
3. Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').
4. Side Yard: There shall be a minimum side yard of not less than five feet (5'). Where a lot abuts upon the side of a residentially-zoned lot, there shall be a side yard of not less than ten feet (10'). In a unified commercial development, interior side yards setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval.
5. Width of Lot: The width of a lot shall be a minimum of seventy feet (70') 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 its use for commercial purposes.
6. Architectural Requirements: Any nonresidential building must comply with the architectural requirements in Section 23.P.

D. DISTRICT RESTRICTIONS

1. Landscaping and bufferyards shall be provided in accordance with Section 27 of this Ordinance.
2. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.
3. Outdoor storage of trash receptacles shall be at the side or rear of the site and shall be totally encircled or screened by a fence, planting or other suitable visual barrier.