ARTICLE XXVIII.
SPECIAL CONDITIONS AND DEVELOPMENT STANDARDS

(Ord. No. 2835; 07/01/03) (Ord. No. 2938; 10/19/04)

SECTION A. SPECIAL YARD REGULATIONS.

1. SPECIAL FRONT YARD REGULATIONS:

   a. Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage. (Reference Figure 5.1, Appendix A)

   b. Where lots have frontage upon two (2) non-intersecting streets, a front yard shall be required on both streets. That area not designated as the front yard shall, for all purposes, shall be considered a rear yard. (Reference Figure 5.2, Appendix A) ***(Ord. No. 1705, 05/07/91)***

      Where the rear of a lot in a residential district is adjacent to a street, and is separated from such street by an opaque wall of not less than six (6) feet in height, measured at the highest finished grade, constructed along the entirety of the subdivision where it abuts such street, the rear yard setback requirement of the applicable district shall apply, and for all other purposes shall be considered a rear yard. ***(Ord. No. 1641, 07/17/90) (Ord. No. 1947, 10/19/93)***

   c. The front yard shall be measured from the property line to the front face of the building, covered porch, or covered terrace. (Reference Figure 5.3, Appendix A)

   d. Key lots in all districts shall have an exterior side yard equal to, and consistent with, the required front yard setback of the adjoining lot. Fences in excess of four (4) feet in height may encroach into the designated side yard up to fifteen (15) feet from the pavement curb and shall converge at forty-five (45) degrees to the front building setback line of the adjoining lot. Accessory structures shall not be located in the required exterior side yard of a key lot in any district. (Reference Section G(1)(c) of Articles VI through IX; and Figure 5.5, Appendix A) ***(Ord. No. 1557, 07/11/89) (Ord. No. 1947, 10/19/93) (Ord. 2400, 12-15-98)***

      1. Key lots in all districts shall not be required to have an exterior side yard setback equal to or consistent with the required front yard setback along the street frontage where the lot immediately adjacent to, and on the same side of the street as the corner lot is separated from such corner lot by a street. ***(Ord. 2400, 12-15-98)***

      2. Key lots in residential districts shall not be required to have an exterior side yard equal to or consistent with the required front yard setback of the lot immediately adjacent to and on the same side of the street as the residential lot where such adjacent lot is:

         i. Zoned to a non-residential district, or;

         ii. Separated from the residential lot by an opaque wall or fence of not less than six (6) feet in height, which is required by this ordinance.

e. Corner lots may have the street address assigned to the exterior side yard when, upon determination of the City Manager or Designee, such address will not be detrimental to the provision of emergency services or otherwise injurious to the public safety or welfare. In such instance, however, the exterior side yard shall not be designated as the required front yard. ***(Ord. No. 1641, 07/17/90)***

f. No wall or fence in excess of three (3) feet in height shall be allowed in the required front yard of any lot in the (SF), (D), (T), or (F) districts, except where such wall or fence is an extension of a subdivision screening wall or entryway and is located within public right-of-way or a designated easement. Such wall or fence shall comply with the provisions of Chapter 53 and Title 7 of the Carrollton Code of Ordinances. ***(Ord. No. 1844, 11/03/92) (Ord. No. 1947, 10/19/93)***

g. Accessory bus parking or storage shall not be permitted in front of the main structure, nor within the front yard of any lot or parcel. ***(Ord. No. 2099, 09/05/95)***

2. SPECIAL FRONT, REAR, AND SIDE YARD REGULATIONS:

a. Where a building line has been established by plat and such line is in conflict with the front, rear, or side yard setback prescribed by this ordinance for the applicable district, the more restrictive setback requirements shall apply. ***(Ord. No. 1641, 07/17/90)***

b. In any district where buildings or structures in excess of six (6) stories or seventy-five (75) feet in height are allowed upon approval of a Special Use Permit, setbacks for such buildings and structures shall be considered and established in conjunction with the review for approval of a Special Use Permit. ***(Ord. No. 1705, 05/07/91)***

3. ARCHITECTURAL EXTENSIONS:

In any district where architectural extensions, porches, carport support structures and similar structures are permitted to extend into a required yard, such structure may similarly extend across a platted setback line into the required yard to the extent allowed by the applicable zoning district. ***(Ord. No. 1641, 07/17/90)***

SECTION B. DISCREPANCIES.

1. Where a discrepancy exists between the prescriptions established in this ordinance and the requirements of the construction codes, fire code or any other applicable code or ordinance of the city of Carrollton, then the more restrictive requirements shall apply. ***(Ord. No. 1557, 07/11/89)***

   Where the provisions of this ordinance are in conflict with Chapter 117 of the Carrollton Code of Ordinances, otherwise known as the Special Events Ordinance, the requirements of the Special Events Ordinance shall apply. ***(Ord. No. 1641, 07/17/90; Ord. No. 1947, 10/19/93)***

SECTION C. LOCATION OF STRUCTURES.

1. Only one (1) main structure for any single-family, duplex, townhouse, tri-plex, or four-plex use, in addition to permitted accessory structures, shall be located upon a lot or parcel. Every main structure shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width consistent with such standards as are prescribed by the city's Subdivision Ordinance.

2. Where a lot or parcel is used for any non-residential use or combination of non-residential uses, more than one (1) main structure may be located upon such lot or parcel, provided that such structure(s) conforms to all setback, off-street parking, and any other requirements of the district within which such use or uses are located. Every main structure shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width consistent with such standards as are prescribed by the city's Subdivision Ordinance.

   Whenever two (2) or more non-residential structures, or portions thereof, are placed upon a single lot or parcel, and where one (1) or more of these structures will not face upon a public street or officially approved place, such structures shall be allowed only upon approval of a site plan for such development by the Planning and Zoning Commission. Such site plan shall be prepared and submitted in a manner as prescribed by the Planning and Zoning Commission, instructions of which are available from the Urban Development Department.

SECTION D. SUPPORT STRUCTURES FOR ANTENNAS.

One support structure and antenna installation which exceeds the height limit of the applicable district, erected for television reception (excluding satellite television reception dishes) or in conjunction with citizen band or amateur radio communications licensed by the Federal Communications Commission (F.C.C.), shall be permitted incidental to a principal permitted use on the same lot of record, in any zoning district, in accordance with the following provisions:

1. SAFETY REGULATIONS:

   a. All installations of a support structure and antenna shall comply with the building codes of the city of Carrollton.

      Pre-manufactured installations of a support structure, including guy wires, anchor points, and the wind surface load and size of antennas, shall also comply with the specifications of the manufacturer of such structure or antenna. Installations which are not pre-manufactured shall comply with the building codes of the city of Carrollton.

   b. All installations shall conform to the applicable regulations of the Federal Communications Commission.

   c. The safety regulations contained in this subsection shall be cumulative to all other requirements of this Article, and shall apply to all installations which are subject to this Article, regardless of type, height, or location.

2. LOCATIONAL CRITERIA:

   a. The support structure for such antennas shall not be located within any required front or side yard of a lot.

   b. The support structure for such antennas shall be located behind the main building.

   c. The support structure for such antennas shall be located at the mid-point between opposite side property lines of the lot upon which such support structure is located. Provided, however, that such location may be varied in either direction by not more than fifteen (15) percent of the width of the lot upon which such structure is located, such width to be measured at the mid-point between the front and rear property lines.

   d. Exceptions to the provisions of Section D(2)(c) above may be granted by the Board of Adjustment in accordance with Article XXXII of the zoning ordinance.

   e. A guy wire shall not extend into the front yard of any lot. The anchor point for any guy wire shall not be located closer than three (3) feet to any side or rear property line, unless such anchor point is located in an area which is enclosed by an opaque wall or opaque fence of not less than six (6) feet in height.

   f. Anchor points shall not exceed eight (8) feet in height above the grade at the base of the anchor point, unless such anchor points are attached to the main building. The height of any

anchor point not attached to the main building shall not exceed the height of the fence or wall enclosure which may be provided pursuant to Section D(7)(a) of this Article.

g. No element, part or portion of any antenna or supporting structure shall extend into the front yard of any lot.

h. No element, part or portion of any antenna or supporting structure shall extend closer than five (5) feet to an easement, alley, street or other public way; nor shall any element, part or portion of any antenna or supporting structure or self-supporting ground-mounted antenna extend closer than three (3) feet to any property line which does not abut an easement, alley, street or other public way. Anchor points for guy wires shall be situated in accordance with Section D(2)(e) above.

i. No minimum separation between a supporting structure and a building on the same lot shall be required.

3. HEIGHT REGULATIONS:

a. The maximum cumulative height of the support structure and antennas shall be sixty (60) feet above the grade at the base of the support structure.

b. The cumulative height of the support structure and antennas for an amateur radio station may exceed sixty (60) feet in height only upon approval of a special exception by the Board of Adjustment, such exception being granted in accordance with Article XXXII of the zoning ordinance.

c. The cumulative height of the support structure and antennas shall be subject to the applicable regulations of the Federal Aviation Administration, and Section G of Article XXX of this Ordinance. ***(Ord. No. 1947, 10/19/93)***

4. BULK REGULATIONS:

The cumulative wind surface area of all antennas attached to a support structure shall not exceed the manufacturer's specifications, or the specifications described in ANSI/EIA-222-D-1986 Standards, with a cumulative wind surface area not to exceed twenty (20) square feet.

5. PERMIT REQUIRED:

a. To ensure compliance with the provisions of this Article, no support structure shall hereafter be erected, constructed, or placed upon any lot until a building permit has been obtained from the City Manager or Designee. Erection, construction or placement of a support structure without receipt of a building permit shall constitute a violation of this ordinance.

b. An application for a building permit shall be accompanied by plans and specifications demonstrating compliance with the provisions of this ordinance. Such plans and specifications shall clearly delineate and identify the dimensions, size, type and location of the support structure and, if applicable, guy wires; the location, depth and type of guy anchors, if applicable; the type, size, number and weight of the maximum antennas or

apparatus to be attached to, or supported by, the support structure; or any other information deemed necessary by the City Manager or Designee to ensure compliance with this ordinance, and provide for the health, safety and welfare of the surrounding property or its residents.

c. A building permit shall not be required for the substitution, modification, addition or alteration of any antenna, provided that such substitution, modification, addition or alteration is within the specifications described in the original building permit, and meets all other provisions of this Article.

6. COVENANTS PROTECTED:

The provisions of this Article shall not have the effect of abrogating, nullifying, modifying, or otherwise altering any covenants or deed restrictions which exist or may be applied to any lot, parcel or tract of land within the city of Carrollton.

7. MISCELLANEOUS REQUIREMENTS:

a. Fence or Anti-Climb Device Required:

1. Every part or portion of a support structure, including anchor points for guy wires where applicable, shall be enclosed by a wall or fence of not less than four (4) feet in height. The wall or fence shall be constructed in such a manner so that there are no gaps or openings, other than gates or doors, larger than four (4) inches measured in any direction. If a picket fence is used, such measurement shall be made in a horizontal direction. A dwelling or other structure of at least four (4) feet in height may be used as part of the fence or enclosure. Any support structure, including anchor points for guy wires where applicable, located in an area already enclosed by a wall or fence which meets the criteria of this paragraph shall not be required to provide an additional enclosure.

2. An anti-climb device, affixed to the support structure, may be utilized in lieu of the fence requirement established in subsection (7)(a)(1) above, provided, however, that such device shall have an effective height of not less than eight (8) feet, shall cover all sides of the support structure, and shall be constructed of a solid, rigid material which prevents climbing upon the support structure. Such device shall not be required relative to anchor points or guy wires, if applicable.

b. Attachments Prohibited:

No item, appurtenance or appendage shall be attached, secured or otherwise connected to a support structure other than an antenna and such accessory appurtenances specifically necessary for the use and operation thereof. Guy wires, anti-climb devices, and other support or safety devices may be attached to the support structure.

8. TEMPORARY SUPPORT STRUCTURES FOR ANTENNAS

Temporary support structures for antennas, for commercial purposes, shall be permitted on a temporary basis under the following conditions:

a. The use of the temporary support structure shall be restricted to equipment testing or to restore service due to the failure of an existing antenna.

b. The maximum height of the temporary support structure and antenna shall be 75 feet.

c. A temporary support structure shall be permitted for a maximum of 30 days.

d. A temporary support structure shall not be permitted to locate on the same lot or tract of property more than one (1) time during any 12-month period.

e. A temporary support structure shall be located a minimum of 500 feet from any residentially zoned district. ***(Ord. No. 2580, 12/05/00)***

SECTION E. SPECIAL CONDITIONS.
(Ord. No. 2587; 12/19/00) (Ord. No. 3439; 05/03/11)

1. MOBILE COLLECTION AND REDEMPTION CENTERS:
(***Ord. No. 3439, 05/03/11)***

a. The sale or leasing of goods collected or stored at a mobile collection center or mobile redemption center shall be prohibited at the collection or redemption center.

b. A mobile collection center for secondhand goods and mobile redemption center shall be clearly marked to identify the type of material which may be deposited. Such collection and redemption centers shall be marked to identify the name and telephone number of the firm(s) or person(s) responsible for the removal of collected materials, and shall display a notice stating that no material shall be left outside of the collection trailer or vehicle.

c. Not more than one (1) truck, van, trailer or other vehicle constituting a mobile collection center or mobile redemption center shall be permitted on a lot, parcel or shopping center.

d. Shall be a minimum 100 feet from a street.

f. Shall locate behind or along the side of a building, but not between a building and a street.

g. An annual permit to operate mobile collection and redemptive centers is required to ensure the location meets the requirements above.

2. SNOW CONE STANDS:
(***Ord. No. 3439, 05/03/11)***

a. TEMPORARY USE:

A snow cone stand in a portable building shall not operate for more than six (6) months on the same lot or parcel, for any consecutive twelve (12) month period, measured from the date of issuance of a certificate of occupancy. The portable building occupied by the snow cone stand operation, including all tables, chairs, tent, foundation, and other appurtenances thereto, shall be completely removed from the lot or parcel at the end of the operational period.

b. RESPONSIBILITY

It shall be the responsibility of the owner of the property upon which a snow cone stand is located to ensure that all provisions of this subsection are complied with.

c. SPECIAL CONDITIONS:

Snow cone stands in portable buildings shall be located and maintained in accordance with the following provisions:

1. A snow cone stand in a portable building and all appurtenances thereto, shall comply with all applicable requirements of the district in which it is located. Such facility shall not be required, however, to meet the landscaping, exterior masonry, or underground utility requirements of the applicable zoning district.

2. A snow cone stand and its appurtenances may be located on parking spaces, provided that such spaces are not necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

3. A snow cone stand and its appurtenances shall not be located within, nor encroach upon a fire lane, maneuvering aisle, vehicle stacking space, or required landscaping areas of the lot or parcel upon which the facility is placed. The location of such facility shall comply with the Visibility Obstructions Ordinance (Chapter 53 and Title V, City Code of Ordinances).

4. The portable building in which the snow cone operation is located shall be placed on a foundation in a manner prescribed by the building codes. Foundation skirts shall be provided on all sides of the building to within six (6) inches of the finished grade at the site where the building is located. ***(Ord. No. 1714, 06/18/91)***

5. Snow cone stands shall not exceed 120 square feet of floor space.

6. Snow cone stands shall contain at least one (1) service window for customers.

7. Snow cone stands shall contain a pitched roof.

8. The snow cone stand shall contain a menu on the same side of the service window where patrons order.

(continued, next page)

9. A canopy or tent no larger than 100 square feet is a permitted appurtenance to allow for outdoor seating.

10. Ice storage compartments shall be screened from the street.

11. Snow cone stands shall not operate from a trailer, contain a trailer hitch, or be on wheels.

12. In no instance shall snow cone stands occupy a lot or parcel that is unimproved.

3. TEMPORARY ON-SITE HIRING OR EMPLOYMENT OFFICE:
(***Ord. No. 3439, 05/03/11)***

A temporary on-site hiring or employment office shall comply with the following conditions:

a. The office shall be located on the same lot as the building where, upon completion, such employment will occur; and

b. The office shall be allowed only on the lot for which a building permit has been issued, and building construction is active; and

c. The office shall be allowed for a period not to exceed six (6) weeks, and shall be removed prior to issuance of a certificate of occupancy for the building under construction; and

d. Not more than one (1) trailer or building shall be used for the hiring or employment office; and

e. The office shall not be used or occupied until all driveways, driveway approaches and parking areas have been constructed in order to provide on-site traffic circulation and parking relative to the hiring or employment office. ***(Ord. No. 2099, 09/05/95)***

4. FRATERNAL ORGANIZATIONS WITH A PRIVATE CLUB:
(Sales and Consumption of Alcoholic Beverages)
(Ord. No. 2281, 09/09/97) (***Ord. No. 3439, 05/03/11)***

a. A fraternal organization with a private club as defined in Article XXXIV shall be permitted in accordance with the provision of this subsection and Article V of this ordinance.

b. A private club shall mean an association of persons, whether incorporated or unincorporated under the laws of the state of Texas, for the promotion of some common object and whose members must be passed upon and elected as individuals by a committee or a board made up of members of the club.

c. A fraternal organization with a private club shall be subject to the following special conditions:

1. Building Requirements

Exterior signs located on the building or premises of a fraternal organization with a private club, in any district in which a fraternal organization with a private club is permitted, shall not advertise the sale or consumption of alcoholic beverages.

2. Location

A fraternal organization with a private club shall not be located closer than four hundred (400) feet from:

a. Any residential zoned district;
b. Church;
c. Public, private or denominational school;
d. Hospital;
e. Developed municipal neighborhood park, measured from the edge of the active recreational facilities, rather than the actual property line as provided in paragraph (f) below. For the purpose of this section, the Old Downtown square and plaza shall not be considered as a developed municipal neighborhood park.
f. This distance shall be measured in a straight line from the nearest public entrance of the fraternal organization excluding emergency exits and non-public entrances, to the property line of any of the above uses or zoning districts within the city of Carrollton.

5. MUNICIPAL GOLF COURSE
(Ord. 2640; 09/18/01; Ord. 2981; 07/05/05; Ord. No. 3439, 05/03/11)

Permanent or temporary structures including tents and pavilions for the purpose of assembling persons shall not be located closer than 500 feet from any adjacent property lines of subdivisions developed for residential uses.

SECTION F. SITE PLAN REVIEW.
(Ord. No. 2866, 12/16/03, Ord. No. 3587, 12/03/13)

A technical review and approval of a site plan shall be required by the Planning and Zoning Commission prior to issuance of a building permit for new construction. Renovations and expansions of existing facilities do not require site plan approval. Such site plan review is intended to ensure compliance with the provisions of this ordinance and the compatibility of the particular use and the neighborhood.

The Planning and Zoning Commission's review of the technical site plan shall be limited to the following:

1. Provision of a safe and efficient vehicular and pedestrian circulation system.

2. Design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

3. Use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.

4. The placement and orientation of buildings and other facilities.

A denial of the request by the Planning and Zoning Commission may be appealed to the City Council if the appeal is filed with the Urban Development Department within ten (10) days of the action by the Planning and Zoning Commission.

An approved site plan shall expire if a building permit has not been applied for within two years from the date of site plan approval.

SECTION G. SALE OF ALCOHOLIC BEVERAGES.

(Ord. No. 2938; 10/19/04)

1. The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within 300 feet of a church, public or private school, or public hospital.

2. The sale of alcoholic beverages in a restaurant with a food and beverage certificate shall be prohibited within 300 feet of a church, public school, or public hospital.

3. The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within:

   a. 1,000 feet of a public school, if the City Council receives a request from the board of trustees of a school district under Section 38.007, Education Code; or

   b. 1,000 feet of a private school if City Council receives a request from the governing body of the private school.

4. Subsection (1) does not apply to the holder of a license or permit covering a premise where minors are prohibited from entering under Section 109.53 of the Texas Alcoholic Beverage Code and that is located within 300 feet of a private school.

5. Subsections 3(a) and 3(b) do not apply if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages.

6. Subsection 3(b) does not apply to the holder of:

   a. a license or permit issued under Chapter 27, 31, or 72 of the Texas Alcoholic Beverage Code who is operating on the premises of a private school; or

   b. a license or permit covering a premise where minors are prohibited from entering under Section 109.53 of the Texas Alcoholic Beverage Code and that is located within 1,000 feet of a private school.

7. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be;

   a. in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

   b. if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of which the permit or license holder is located.

8. The City Council, upon receipt of a recommendation from the Planning & Zoning Commission may approve variances to requirements of subsections (1), (2) or (3) if it determined that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

   Before acting upon any an application for a variance, Public Hearings shall be held by the Planning & Zoning Commission and the City Council. Notification of the Public Hearings shall be in accordance with Sections (B) and (C) of Article XXXI of the Comprehensive Zoning Ordinance. However, notice of the public hearings before the Planning & Zoning Commission and the City Council shall be sent to all owners of real property lying within three hundred (300) feet of the property on which the change is requested or proposed.

9. For the purpose of this section, "private school" means a private school, including a parochial school, that:

   a. offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

   b. has more than 100 students enrolled and attending courses at a single location.

10. Pursuant to Sections 105.03, 105.04 and 105.05 of the Texas Alcoholic Beverage Code, the extended hours area for the sale of mixed beverages, beer and wine on-premises within the incorporated limits of the City of Carrollton shall be extended until 2:00 a.m. on any day of which such extended hours are permissible. A holder of mixed beverages, private club, or retail dealer's on-premises late hours permit or license may sell and offer for sale mixed beverages, beer and wine for on-premises consumption between midnight and 2:00 a.m. on any day. (Ord. 3017, 10/04/05)

SECTION H. SITE PLAN REVIEW FOR DRIVE-THROUGH WINDOWS.

(Ord. No. 3465; 12/06/11)

A technical review and approval of a site plan shall be required by the Planning & Zoning Commission prior to the issuance of a building permit for new construction including a drive-through window or the addition or expansion of a drive-through window to an existing building. Such site plan review is intended to ensure compliance with the provisions of this ordinance and the compatibility of the particular use and the neighborhood.

The Planning and Zoning Commission's review of the technical site plan shall be limited to the following:

1. Provision of a safe and efficient vehicular and pedestrian circulation system.

2. Design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

3. Use of landscaping and screening to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties or the public right-of-way.

4. The appearance, placement and orientation of buildings or other facilities.

A denial of the request by the Planning and Zoning Commission may be appealed to the City Council if the appeal is filed with the Planning Department within ten (10) days of the action by the Planning and Zoning Commission.