

**ARTICLE XXI.
SPECIAL USE PERMITS**

SECTION A. PURPOSE.

The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement and construction.

SECTION B. GENERAL PROVISIONS.

The City Council of the City of Carrollton, after a public hearing and proper notice to all parties affected, and after recommendation by the Planning and Zoning Commission, may authorize the issuance of a Special Use Permit for the uses indicated in accordance with the Use Chart in Article V. of this ordinance.

1. PERMIT REQUIRED:

A Special Use Permit shall be required for all uses as set forth in Article V. of this ordinance. At no time shall a structure or property be used for, or converted or adapted to, such specific use without first obtaining a Special Use Permit in accordance with all applicable sections of this ordinance.

2. PROCEDURE FOR APPLICATION:

Special Use Permits shall be considered as an amendment to the Comprehensive Zoning Ordinance and shall be processed and considered in accordance with Article XXXI. of this ordinance.

3. REVIEW FOR APPROVAL:

The Planning and Zoning Commission, in considering and determining its recommendation to the City Council on any request for a Special Use Permit, may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any structure or use proposed.

4. SITE PLAN REQUIRED:

A site plan shall accompany any request for a Special Use Permit. 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 Development Services Department. No building permit for any new structure shall be issued, nor shall any Certificate of Occupancy be issued on any existing structure, until such site plan has been approved by the City Council and submitted to the City Manager or Designee in accordance with any stipulations as may have been required by the City Council as conditions precedent for approval. *(Ord. No. 1641, 07/17/90)*

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5. REQUIREMENTS FOR APPROVAL:

- a. The City Council may approve a Special Use Permit after review and recommendation by the Planning and Zoning Commission subject to appropriate conditions and safeguards when the Council finds:
 - i. That the proposed use meets all of the minimum standards established in this ordinance and other applicable ordinances. The City Council may, in the interest of the public welfare and to ensure compliance with this ordinance, establish conditions of operation, location, arrangement and construction of any use for which a Special Use Permit is authorized. In authorizing the location of any of the uses listed as requiring a Special Use Permit, the City Council may impose such development standards and safeguards as the conditions and locations warrant relative to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions; and
(Ord. No. 1641, 07/17/90)
 - ii. That the proposed use meets the intent of the district in which it is located, and is in accordance with the Comprehensive Plan; and
 - iii. That the proposed use will not be detrimental to the health, safety and welfare of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to the neighboring property.

6. AMENDMENT TO SPECIAL USE PERMIT:

(Ord. No. 4035, 10/12/21)

- a. Any major amendment, supplement, deletion or modification to the Special Use Permit may be granted upon application by any person, group of persons or corporation having a proprietary interest therein. Any application for such amendment, supplement, deletion or modification shall contain the information specified in this Article and shall be processed in accordance with the procedures set forth in Section B. of this Article and Article XXXI. of this ordinance. The City Manager or Designee may authorize minor modifications that:
 - i. Do not alter the basic relationship of the proposed development to adjacent property; and
 - ii. Do not alter the uses permitted; and
 - iii. Do not increase the maximum allowed density, floor area, height, or site coverage; and
 - iv. Do not decrease the amount of required off-street parking; and
 - v. Do not reduce the minimum setbacks.
- b. An applicant may appeal the decision of the City Manager or Designee to the Planning and Zoning Commission for review and decision as to whether a formal amendment to the Special Use Permit shall be required.

SECTION C. COMPLIANCE.

Any person, corporation, or group of persons having a proprietary interest in any property which proposes to use such property in a manner which requires a Special Use Permit, after application thereof and payment of a fee as

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prescribed by the City Council, and public hearing before the Planning and Zoning Commission and the City Council as provided in Article XXXI. of this Ordinance, as a condition for the said use of such property, shall comply with all ordinances, codes, regulations and conditions of the City of Carrollton. All structures shall comply with the electrical code, fire code, plumbing code, building code, and other applicable ordinances or codes of the City, and all state and federal laws and regulations applicable to such use. The Planning and Zoning Commission may recommend, and the City Council may impose, additional restrictions or stipulations as the facts and circumstances of each case may warrant.

SECTION D. SPECIAL CONDITIONS.

1. Every Special Use Permit granted under the provisions of this Article shall be considered as an amendment to the Comprehensive Zoning Ordinance as applicable to such property and shall be identified on the Official Zoning Map. The approved site plan accompanying the request for a Special Use Permit shall be made a part of the amending ordinance. In granting such permit the City Council may impose conditions which shall be complied with by the grantee before a building permit for any new structure, or a Certificate of Occupancy for any newly constructed or existing structure, may be issued by the City Manager or Designee for the use of the structure on such property pursuant to said Special Use Permit. Such conditions shall not be construed as conditions precedent to the granting of a Special Use Permit for the change in zoning of such property, but shall be construed as conditions precedent to the granting of a building permit or a Certificate of Occupancy, as applicable.
2. The following shall be considered as minimum requirements to be met relative to a Special Use Permit for such specific uses. These requirements are not intended to repeal any other Section of this Article or Ordinance, but shall be cumulative and additional to any other requirements of this Article and Ordinance. *(Ord. No. 1947, 10/19/93)*
 - a. **CHILD DAYCARE CENTERS**
(Ord. No. 38391, 12/11/18)
 - i. Child day care centers shall provide minimum indoor and outdoor space requirements, as required by the Texas Administrative Code, Chapter 746 Minimum Standards for Child-Care Centers and all other applicable laws. *(Ord. No. 3312, 07/07/09)*

Hours of operation for day care centers shall be determined on a case-by-case basis. Where a Special Use Permit has been established allowing a day care center, and where the applicable hours of operation have not been identified, the hours of operation are limited to the period between 6:00 am and 12:00 midnight.
 - ii. Where the front entrance or designated student disembarkation point of a child daycare center is less than 250 feet from the main entrance of the site, off-street vehicle stacking spaces shall be provided in accordance with Article XXIV. of this ordinance. *(Ord. No. 1705, 05/07/91)*
 - iii. A Traffic Impact Analysis (TIA) is required for all day care centers with an enrollment of 80 or more students. *(Ord. No. 4035, 10/12/21)*
 - b. **MINI-STORAGE WAREHOUSES**

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The maximum frontage of a mini-storage warehouse facility on any public street shall be 100 feet, such that the bulk of the facility is located on the rear one-half of the site. It shall be the stated intent of the City of Carrollton to encourage such facilities to be designed in a "flag" lot arrangement so that primarily higher intensity, compatible uses are located on the front one-half of the lot. The City Council may, however, approve a greater street frontage where, in its opinion, the design of the mini-storage warehouse facility meets the intent of this subsection. (*Ord. No. 1890, 03/16/93*)

c. TRAVEL TRAILER AND RECREATIONAL VEHICLE PARKS

i. Minimum Development Standards

- a) All travel trailer or recreational vehicle parks shall have paved interior driveways serving each travel trailer or recreational vehicle space, such driveways being not less than 24 feet in width;
- b) Each travel trailer or recreational vehicle space in such park shall contain a minimum of 1,800 square feet of area, and shall be at least 45 feet in width, and shall front upon a paved driveway;
- c) A travel trailer or recreational vehicle shall be placed on a designated space in such a manner that there will be not less than 15 feet of separation between travel trailers or recreational vehicles on adjacent spaces;
- d) Each travel trailer or recreational vehicle park shall provide, at a minimum, the following:
 1. An electrical outlet capable of supplying 4,000 watts at 110-220 volts at each travel trailer or recreational vehicle space; and
 2. Hook-up apparatus for connection to the city sanitary sewer system at each travel trailer or recreational vehicle space; and
 3. Faucet or bibcock connected to the city water supply system at each travel trailer or recreational vehicle space; and
 4. A minimum of one toilet, one lavatory and one shower for each six travel trailer or recreational vehicle spaces or fraction thereof in the park.
- e) Service buildings that house sanitation and/or laundry facilities or any other such facilities shall be permanent structures constructed in accordance with all applicable codes and ordinances of the City of Carrollton.
- f) Each travel trailer or recreational vehicle park shall be provided with a means of security lighting. All toilet and shower buildings and facilities shall be provided with sufficient lighting facilities, which shall be kept lighted during the time one-half hour after sunset until one-half hour before sunrise.

ii. Management Requirements, Generally

- a) The name of the person with direct management responsibility of the travel trailer or recreational vehicle park shall be filed for reference with the City Manager or Designee, who shall be notified of any change in the person with such management responsibility to ensure accurate and updated files. In addition to the specific requirements of this section, it shall be the responsibility of the owner or manager of each travel trailer or recreational vehicle park to take such measures as may be deemed to be necessary by the City Manager or Designee or Director of Environmental Health

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to preserve the health, safety and welfare of all persons accommodated in the park, as well as the general public;

- b) It shall be the responsibility of the owner or manager of any travel trailer or recreational vehicle park to prescribe rules and regulations for the management of such park. Copies of all such rules and regulations shall be furnished to the City Manager or Designee, and copies shall be posted in conspicuous locations throughout the park;
- c) It shall be the responsibility of the owner or manager of a travel trailer or recreational vehicle park to keep a register of all persons accommodated at the park, such register to include the names of all persons, their home addresses, the license number and description of their vehicles, and duration of stay;
- d) Not more than one travel trailer or recreational vehicle shall occupy a space within such park. No travel trailer or recreational vehicle shall be placed within a travel trailer or recreational vehicle park unless a designated space, provided in accordance with this section, is available for occupancy. These restrictions shall not apply, however, to automobiles or other vehicles which are not used for dwelling purposes;
- e) The removal of wheels or any similar transportation device from a travel trailer or recreational vehicle located within a travel trailer or recreational vehicle park shall be prohibited;
- f) No permanent addition or structure shall be built onto or become a part of any travel trailer or recreational vehicle located within a travel trailer or recreational vehicle park;
- g) The maximum duration of stay by any travel trailer, recreational vehicle or individual within a travel trailer or recreational vehicle park shall be 14 consecutive days, provided, however, that the person with direct management responsibility of such park shall be permitted to maintain a permanent residence within the park.

iii. Maintenance

- a) Every travel trailer or recreational vehicle park owner shall maintain such park and any toilet, bath, shower and other equipment in connection therewith in a clean and sanitary condition, and shall maintain such equipment in a state of good operating condition.
- b) Such park shall otherwise be developed, occupied, maintained and managed in accordance with all applicable codes and ordinances of the City of Carrollton.

d. DAY CARE CENTERS, ADULT

- i. A minimum floor area of 50 square feet of living space shall be required per client. Such floor area shall be calculated exclusive of the kitchen and food service or dining areas, restrooms, bath areas, offices, corridors, stairways, garages, storage areas and outdoor space. A minimum of 200 square feet of site area shall be provided per client.
- ii. For an adult day care center located in a dwelling, the license-holder, operator, director or person otherwise responsible for the operation and provision of care within the facility shall maintain his or her primary residency within such dwelling. It is the intent of this paragraph to ensure that, where such facility is operated within a dwelling, it is accessory to the full-time residency of such dwelling. *(Ord. No. 1573, 09/05/89)*

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e. PERSONAL CARE HOMES AND RESPITE CARE FACILITIES

- i. A minimum floor area of 80 square feet shall be provided in a one-bed bedroom, and a minimum floor area of 60 square feet shall be provided per bed in a multiple-bed bedroom.
- ii. A personal care home, respite care facility or in-patient hospice shall be located within a freestanding building, containing no other use or uses, provided, however, such facility may be located in the same building as a hospital, convalescent center or other type of health care facility or health care institution.
(Ord. No. 1573, 09/05/89)

f. HOTEL AND TRANSIENT LODGING

The following standards and criteria contained within this subsection are minimum required standards and shall apply to all lodging that is classified under Article V, Hotels and Transient Lodgings.

i. Short-Term Rental and Bed and Breakfast

- a) Short-Term Rental/Bed and Breakfast use must be evidenced by association with a Booking Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

b) Rate:

A daily rate shall be charged, and no weekly or bi-weekly rates may be charged.

c) Accommodations/Operations:

No kitchens are allowed in rooms, i.e., no ovens, burners, or full-sized refrigerators. Microwave and/or under-counter refrigerators are permissible.

d) Site Design:

- 1. No vending machines are allowed outdoors.
- 2. No commercial trash dumpsters are allowed for a Short-Term Rental or Bed and Breakfast.

e) Parking:

Parking at a Short-Term Rental or Bed and Breakfast must comply with Title IX, Chapter 97 of Carrollton Code of Ordinances relating to Parking Restrictions at a Short-Term Rental or Bed and Breakfast.

f) Signage:

No outdoor advertising or signage is allowed.

- g) All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.

- h) Owner must secure a Lodging License before operating a Short-Term Rental or Bed and Breakfast. Owner must comply with Chapter 97 and maintain the Lodging License in order to operate.

g. FULL SERVICE HOTEL

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i. A Full Service Hotel use must be evidenced by association with a Hotel Accommodation and Reservation Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

ii. Rate:

A daily rate shall be charged, and weekly or bi-weekly rates may not be charged.

iii. Design Standards:

a) A Full Service Hotel must contain 125 or more guest rooms.

b) All guest rooms must be accessed from an interior hallway and an interior hallway shall be accessible from a central lobby area contained within the hotel, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.

c) Exterior balconies of rooms shall not be allowed within 200 feet of any property zoned and/or developed as single-family unless located within an interior courtyard or physically screened or separated by another building or portion of a building, unless otherwise approved by the City Manager or designee.

d) A porte-cochere or covered area must be provided immediately adjacent to the entrance with a registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two vehicles parked side by side for guests checking in and out.

e) Brick pavers, stained or stamped concrete or a combination thereof shall be provided in all porte cochere areas and main drive locations.

f) Building articulation shall be included on all facades and building materials shall comply with those of the zoning district or as otherwise approved by the City Manager or designee.

g) The main entrance or exit shall be located on a major street furthest from any residential district or as otherwise approved by the City Manager or designee.

h) All entrances or exits of any incidental business within the Full Service Hotel shall be from the inside of the principal hotel building or as otherwise approved by the City Manager or designee.

i) Building height shall be a minimum of four stories.

iv. Interior Design Standards:

a) Each guest room shall have a minimum area of 275 square feet, including sleeping area, bathroom and closet space.

b) Finished floor ceiling heights for all first floor guest rooms shall be a minimum of nine feet.

c) Finished floor ceiling heights for all guest rooms located on second stories and above shall be a minimum of eight feet.

d) Window PTAC units shall not project beyond the façade walls of any unit.

e) No kitchens are allowed in rooms, i.e. no ovens, burners or full-size refrigerators. Microwave and/or under-counter refrigerators are permissible.

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f) Full Service Hotels must provide full-service facilities and amenities, such as a full service restaurant on-site with wait staff, an indoor or outdoor swimming pool. Full Service Hotels must provide meeting or conference rooms. Meeting or conference rooms shall consist of a minimum of 1,000 total square feet. Individual guest rooms shall not be counted as meeting rooms.

1. Also, the Full Service Hotel shall provide at least two of the four amenities listed below:

- A. Sports Court
- B. Exercise/Weight room
- C. Business Centers
- D. Gift Shops

2. Other amenities that may be included:

- A. Arboretums
- B. Botanical Gardens (Outdoor or indoor)
- C. Spa/Sauna
- D. Game Room
- E. Indoor Water Park
- F. Jogging Trail
- G. Playground
- H. Plaza/Atrium
- I. Salon
- J. Shops and Boutiques
- K. Libraries
- L. Theaters
- M. Internet Cafes
- N. Special Attractions

v. Guest Services:

- a) Daily housekeeping service must be provided to each room at no extra charge.
- b) Hotel staff must be available at all times to provide check-in/out, custodial or maintenance services, or other guest services.

vi. All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.

vii. Owner must secure a Chapter 97 Lodging License and obtain a Certificate of Occupancy before operating a Full Service Hotel. Owner must comply with Chapter 97 and maintain the Lodging License and Certificate of Occupancy in order to operate.

h. RESIDENCE HOTEL OR HOTEL SUITES:

The multi-dwelling facility is mainly suitable for the business traveler or extended vacation traveler in

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which rooms or suites include kitchenette facilities and sitting rooms in addition to the sleeping room for the long-term. Residential usage shall not be permitted.

i. A Residence Hotel or Hotel Suites use must be evidenced by association with a Hotel Accommodation and Reservation Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

ii. Rate:

A weekly rate may be charged, and no monthly rate shall be charged.

iii. Guest Services:

a) Daily housekeeping service must be provided to each room at no extra charge.

b) Hotel staff must be onsite and available at all times to provide check-in/out, custodial or maintenance services, or other guest services.

iv. Building Design Standards:

a) Residence Hotels or Hotel Suites must contain 90 or more guest rooms.

b) All guest rooms must be accessed from an interior hallway and an interior hallway shall be accessible from a central lobby area contained within the hotel, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.

c) Exterior balconies of rooms shall not be allowed within 200 feet of any property zoned and/or developed as single-family unless located within an interior courtyard or physically screened or separated by another building or portion of a building, unless otherwise approved by the City Manager or designee.

d) A porte-cochere or covered area must be provided immediately adjacent to the entrance with a registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two vehicles parked side by side for guests checking in and out.

e) Brick pavers, stained or stamped concrete or a combination thereof shall be provided in all porte cochere areas and main drive locations.

f) Building articulation shall be included on all facades and building materials shall comply with those of the zoning district.

g) The main entrance or exit shall be located on a major street furthest from any residential district or as otherwise approved by the City Manager or designee.

h) All entrances or exits of any incidental business within the Residence Hotel or Hotel Suites shall be from the inside of the principal hotel building or otherwise as approved by the City Manager or designee.

v. Interior Design Standards:

a) Kitchenettes are allowed in rooms. Kitchenettes may not be in a separate room and shall be contained within the same room as the sleeping facilities.

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- b) Restaurants, meeting rooms, clubhouse, and recreational facilities intended for the temporary residents and their guests are permitted.
- c) Each guest room shall have a minimum area of 300 square feet, including sleeping area, kitchen, bathroom and closet space.
- d) Finished floor ceiling heights for all first floor guest rooms shall be a minimum of nine feet.
- e) Finished floor ceiling heights for all guest rooms located on second stories and above shall be a minimum of eight feet.
- f) Window PTAC units shall not project beyond the façade walls of any unit.
- g) The Residence Hotel or Hotel Suites shall provide at least two from the list of amenities below:
 - 1. An indoor or outdoor swimming pool
 - 2. Weight room or fitness facility
 - 3. Business Center
 - 4. Sports Court

vi. Screening:

Screening walls adjacent to property lines shall be permitted and screening walls around swimming pools and other recreational facilities shall be permitted. However, no screening walls adjacent to streets, alleys or rights-of-way shall be permitted unless otherwise approved by the City Manager or designee.

vii. All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.

viii. Owner must secure a Chapter 97 Lodging License and obtain a Certificate of Occupancy before operating a Residence Hotel or Hotel Suites. Owner must comply with Chapter 97 and maintain the Lodging License and Certificate of Occupancy in order to operate.

i. LIMITED SERVICE HOTEL:

i. A Limited Service Hotel use must be evidenced by association with a Hotel Accommodation and Reservation Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

ii. Rate:

A daily rate shall be charged, and a weekly or bi-weekly rate shall not be charged.

iii. Design Standards:

a) A Limited Service Hotel must contain 100 or more guest rooms.

b) All guest rooms must be accessed from an interior hallway and an interior hallway shall be accessible from a central lobby area contained within the hotel, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.

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- c) Exterior balconies of rooms shall not be allowed within 200 feet of any property zoned and/or developed as single-family unless located within an interior courtyard or physically screened or separated by another building or portion of a building, unless otherwise approved by the City Manager or designee.
 - d) A porte-cochere or covered area must be provided immediately adjacent to the entrance with a registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two vehicles parked side by side for guests checking in and out.
 - e) Brick pavers, stained or stamped concrete or a combination thereof shall be provided in all porte cochere areas and main drive locations.
 - f) Building articulation shall be included on all facades and building materials shall comply with those of the zoning district or as otherwise approved by the City Manager or designee.
 - g) The main entrance or exit shall be located on a major street furthest from any residential district or as otherwise approved by the City Manager or designee.
 - h) Building height shall be a minimum of four stories.
- iv. Interior Design Standards:
- a) Each guest room shall have a minimum area of 275 square feet, including sleeping area, bathroom and closet space.
 - b) Finished floor ceiling heights for all first floor guest rooms shall be a minimum of nine feet.
 - c) Finished floor ceiling heights for all guest rooms located on second stories and above shall be a minimum of eight feet.
 - d) A Fitness Center/Exercise/Weight Room shall be provided.
 - e) No kitchens are allowed in rooms, i.e. no ovens, burners or full-size refrigerators. Microwaves and/or under-counter refrigerators are permissible.
 - f) A daily hot breakfast shall be provided for all registered guests. Breakfast area seating shall be at least 40 percent of the guest room count.
 - g) Limited Service Hotels must provide meeting or conference rooms. Meeting or conference rooms shall consist of a minimum of 600 square feet. Individual guest rooms shall not be counted as meeting rooms.
 - 1. Also, the Limited Service Hotel shall provide at least two of the three amenities listed below:
 - A. Indoor or Outdoor Pool
 - B. Business Centers
 - C. Pantry (Sundry Shop)
- v. Guest Services:
- a) Daily housekeeping service must be provided to each room at no extra charge.
 - b) Hotel staff must be available at all times to provide check-in/out services, custodial or maintenance services or other guest services.

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- vi. All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.
- vii. Owner must secure a Chapter 97 Lodging License and obtain a Certificate of Occupancy before operating a Limited Service Hotel. Owner must comply with Chapter 97 and maintain the Lodging License and Certificate of Occupancy in order to operate. *(Ord. No. 3265, 12/01/08)*

j. NATURAL GAS EXPLORATION, DRILLING AND PRODUCTION:
(Ord. No. 3145, 06/05/07)

All natural gas exploration, drilling, production and related activities shall comply with Chapter 157, Carrollton Code of Ordinances, and as may be amended.

k. ARCADE OR VIDEO ARCADE, EXCLUDING ADULT ARCADE:
(Ord. No. 3331, 10/06/09)

- i. The number of simulated gambling devices may not exceed 75 percent of the total number of machines or tables located within the establishment.
- ii. All simulated gambling devices shall be clearly visible at all times from the interior side of the front door of the establishment.
- iii. Any windows located in perimeter walls of the establishment are prohibited from being obscured and shall be clear of any obstructions.
- iv. A label identifying compliance with state law must be clearly displayed on each simulated gambling device located within the establishment.
- v. The Certificate of Occupancy issued by the City showing approval to operate an arcade shall be clearly displayed in the establishment.
- vi. A sign shall be posted on each simulated gambling device and on walls adjacent to such devices that states the following:
“This device is for entertainment purposes only and may not be used to provide payouts in violation of Section 47.01 of the Texas Penal Code.”
- vii. Signs shall be posted throughout establishments containing simulated gambling devices such that no point in the establishment is more than 50 feet from the nearest sign. Such signs shall state:
“All devices are for entertainment purposes only. No device may be used for illegal gambling purposes. Violators will be prosecuted.”
- viii. For establishments not approved for smoking, “No Smoking” signs shall be posted throughout the establishment such that no point in the establishment is more than 50 feet from the nearest sign. Such signs shall be in accordance with the requirements set forth in Section 93.04 of the Code of Ordinances.
- ix. The hours of operations shall be established by the Special Use Permit and the approved hours of operations shall be clearly posted at the entrance of the establishment.

l. EVENT CENTERS AND RECEPTION HALLS:
(Ord. No. 3866, 07/10/18); (Ord. No. 3891, 12/11/18)

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- i. Location – an event center shall be located around appropriate surrounding uses and shall not negatively affect the neighboring properties.
 - ii. Individual events shall not exceed 12 hours.
 - iii. Fixed seating is prohibited.
 - iv. Sufficient parking shall be provided in accordance with Article XXIV. Off Street Parking, Loading, and Stacking Regulations of the Comprehensive Zoning Ordinance, as amended.
 - v. An event center shall provide inside service only. However, service shall be permitted in an attached patio, garden or motion picture theater provided that such areas are accessed only from the main structure of the event center. However, none of these attached areas shall be used to calculate square footage requirements for the event center.
 - vi. A floor plan shall be associated with the approved ordinance for the Special Use Permit and is subject to meet all relevant building and fire codes.
 - vii. No electronically amplified sound generated shall be audible at any time beyond the boundary of the property on which the facility is located.
 - viii. Pre-purchased tickets and ticket sales at the door are not allowed. Non-profit events (i.e. political fundraisers or a registered charitable program in compliance with all state statutes) held at an event center or reception hall are allowed to be open to the general public and have pre-purchased tickets and ticket sales at the door.
 - ix. The certificate of occupancy and occupant load shall at all times be clearly displayed in the establishment.
- m. COMMUNICATIONS TOWERS:
(Ord. No. 3891, 12/11/18)
- i. Applicability.
 - a) All new freestanding communication towers or existing communication towers increasing height shall require a Special Use Permit and be subject to the regulations in this subsection.
 - b) Applications for Special Use Permits under this Section shall be subject to the procedures of this Article, except as modified in this Section;
 - c) In granting a Special Use Permit, the City Council may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties;
 - d) A Special Use Permit issued under this Section shall be conditioned upon verification by the Engineer or designee that such tower structure is structurally sound;
 - e) Communication towers listed under Exceptions, in Subsection 2, shall only be subject to Subsections 3 General Requirements and 7 Removal of an Abandoned Tower and Antennas. *(Ord. No. 3891, 12/11/18)*

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ii. Exceptions. A Special Use Permit is not required for the following:
(Ord. No. 3943, 01/14/20)

- a) *Amateur Radio Station Operators/Receive Only Operations.* This ordinance shall not govern any tower, or the installation of any antenna, that is under the allowed building height of the zoning district in which such structure is located and which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only operations.
- b) Communications equipment attached to an existing structure or on existing utility, communication, or transmission tower or pole shall be allowed as provided in Article V. Use of Land and Structures.
- c) A communication tower with communication equipment totally enclosed within or integrated into the design of any building or building feature permitted in the zoning district.
- d) A communication tower providing essential service including but not limited to utility companies and public safety.

iii. General Requirements.

- a) *Principal or Accessory Use.* Communications towers may be considered either principal or accessory uses. The use of an existing structure on the same lot for something other than a communications tower shall not preclude the installation of a tower on such lot.
- b) *Setbacks and Height.* The following setback and height requirements shall apply to all communications towers. The City Council may adjust the setback and height requirements if deemed necessary.
 - 1. A 2:1 foot horizontal to vertical slope shall be the minimum setback between the height of the communication tower or antenna and any residential use and zoned tract.
 - 2. Communications towers are prohibited in the front yard and shall not be placed in front of the front facade of the principal building.
- c) *Aesthetics.* Communications towers shall meet the following requirements:
 - 1. Communications towers shall be configured in a way that minimizes adverse impacts by careful design, landscape screening, and innovative camouflaging techniques or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness; and,
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- d) *Lighting.* Communications towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must comply with all City regulations to the extent possible, and must cause the least disturbance to the surrounding views.
- e) *State or Federal Requirements.* All communications towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennas. If such standards and regulations are changed, then the owners of the communications towers governed by this

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Section shall bring such communications towers into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring communications towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- f) *Building Codes; Safety Standards.* To ensure the structural integrity of communications towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes. If, upon inspection, the City of Carrollton concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower at the owner's expense.
- g) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a Texas licensed professional engineer;
- h) *Signs.* No signs shall be allowed on a tower, antenna or on any portion of the premises used for wireless telecommunication use.
- i) *Co-Location and Multiple Antenna/Tower Plan.* The City of Carrollton encourages tower and antenna users to submit a single application for approval of multiple communications towers and to submit applications which utilize co-location with an existing communications equipment provider.
- j) *Security Fencing.*
 - 1. Communications towers shall be enclosed by security fencing not less than six feet in height and no more than eight feet in height.
 - 2. A security wall consisting of brick or stone shall screen ground equipment.
 - 3. Security screening may consist of weather resistant metal fencing if there is no ground equipment to screen.
 - 4. The fencing shall be equipped with an appropriate anti-climbing device; provided, however, that the City Council may waive such requirements as it deems appropriate considering the public health, safety, and welfare.
- k) *Landscaping.* The following requirements shall govern the landscaping surrounding communications towers; provided, however, that the City Council may waive such requirements if the goals of this chapter would be better served thereby:
 - 1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the ground equipment from residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound;
 - 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived; and,
 - 3. Existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible.

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- l) No communication towers shall be allowed on lots used or platted for mobile homes and manufactured homes, single-family detached, two-family, or single-family attached.
- m) Communications towers are prohibited in any airport clear zone or landing zone designated by the FAA.
- iv. *Information Required.* Applicants submitting a Special Use Permit for a tower shall provide the following information:
 - a) A scaled site plan clearly indicating the location, type, and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation profile drawings of the proposed tower and any other structures, and other information deemed by the Planning Department to be necessary to assess compliance with this article;
 - b) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties;
 - c) Inventory or Existing Sites. Each applicant for a tower shall provide to the Planning Department an inventory of its existing communications towers or sites approved for communications towers that are either within the jurisdiction of the City of Carrollton or within one mile of the border thereof, including specific information about the location, height and design of each tower.
 - 1. Each applicant shall also provide the capacity for all other communications towers within the City. The Planning Department may share such information with other applicants applying for Special Use Permits under this Ordinance or with other organizations seeking to locate antennas within the jurisdiction of the City of Carrollton, provided, however that the Planning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 - 2. The separation distance from other communications towers described in the inventory of existing sites submitted, shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - d) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
 - e) A statement of compliance with all applicable federal, state or local laws;
 - f) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;
 - g) Identification of the entities providing the backhaul network for the tower(s) described in the application and other communication towers owned or operated by the applicant in the municipality;
 - h) A description of the suitability of the use of existing communications towers, other structures or alternative technology not requiring the use of communications towers or structures to provide the services to be provided through the use of the proposed new tower; and,

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- i) A description of the feasible alternative location(s) of future communications towers within the City of Carrollton based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- v. *Factors Considered in Granting Special Use Permits for Communications Towers.* In addition to any standards for consideration of Special Use Permit applications, the City Council shall consider the following factors in determining whether to issue a Special Use Permit, although the City Council may waive or reduce the burden on the applicant of one or more of these criteria if the City Council concludes that the goals of this Ordinance or public health, safety, and welfare are better served thereby:
 - a) Height of the proposed tower
 - b) Proximity of the tower to residential structures and residentially zoned district boundaries
 - c) Nature of uses on adjacent and nearby properties
 - d) Surrounding topography
 - e) Surrounding tree coverage and vegetation
 - f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness
 - g) Proposed ingress and egress, and,
 - h) Availability of suitable existing communications towers, other structures, or alternative technologies not requiring the use of communications towers or structures, as provided below.

Availability of Suitable Existing Communications Towers, Other Structures, or Alternative Technology. No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing tower, structure or alternative technology that does not require the use of communications towers or structures can accommodate the applicant's proposed communication equipment. An applicant shall submit information requested by the City Council related to the availability of suitable existing communications towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed communication equipment may consist of any of the following:

1. No existing communications towers or structures are located within the geographic area which meets applicant's engineering requirements;
2. Existing communications towers or structures are not of sufficient height to meet applicant's engineering requirements;
3. Existing communications towers or structures do not have sufficient structural strength to support applicant's proposed antenna or related equipment;
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing communications towers or structures, or the antenna on the existing communications towers or structures would cause interference with the applicant's proposed antenna;

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5. The applicant demonstrates that there are other limiting factors that render existing communications towers and structures unsuitable; or,
6. The applicant demonstrates that an alternative technology that does not require the use of communications towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

vi. *Co-Location.*

- a) *Good Faith.* Applicants and permittees shall cooperate and exercise good faith in co-locating communications equipment facilities on the same support structures or site, if the City so requests. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.
- b) *Third Party Review.* In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at the applicant's expense. The City may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.
- c) *Exceptions.* No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing communications equipment facilities or failure of the existing communications equipment facilities to meet federal standards for emissions.
- d) *Violation; Penalty.* Failure to comply with co-location requirements when feasible may result in denial of a permit request or revocation of an existing permit.

vii. *Removal of an Abandoned Tower and Antennas.*

Any tower or antenna that is not operated for a continuous period of 90 days shall be considered abandoned, and the owner of such tower or antenna shall remove the same within 90 days of the cessation of operation. Failure to remove an abandoned tower or antenna within said 90 day period shall be grounds to remove the tower or antenna at the owner's expense. If a communication tower has been determined by the City to have been abandoned, the owner, at their expense, shall remove the structure within 90 days of the notice date.

viii. *Pre-Existing Communications Towers.*

Pre-existing communications towers shall be allowed to continue their usage as they presently exist, subject to Article XXII. Nonconforming Uses and Structures. All existing communication towers which are increasing the quantity or size of ground equipment shall be subject to the screening requirements of this subsection. (*Ord. No. 4035, 10/12/21*)

n. **ELEMENTARY & SECONDARY SCHOOLS, PRIVATE**
(*Ord. No. 4035, 10/12/21*)

A Traffic Impact Analysis (TIA) is required.

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o. **GASOLINE STATION:**

(Ord. No. 4035, 10/12/21)

- i. Semi-tractor trailer truck parking spaces are prohibited.
- ii. Canopy and canopy support columns shall be architecturally compatible to main building onsite.
- iii. The average landscape buffer shall be a minimum fifteen feet in width, but no less than ten feet minimum width at any point, adjacent to street rights-of-way or street easements and shall be maintained as permanent green space.

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