

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, AMENDING ARTICLE XXXII. BOARD OF ADJUSTMENT TO UPDATE THE CARROLLTON AIRPORT ZONING MAP DATE; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Second day of November 2023, the Planning & Zoning Commission considered and made recommendation on a change to the Comprehensive Zoning Ordinance of the City of Carrollton (Case No. PLZT 2023-106); and

WHEREAS, the City Council conducted a public hearing on the Fifth day of December 2023, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Article XXXII. Board of Adjustment, Section E. Jurisdiction of Board of Adjustment, Subsection 3. Special Exceptions and Variances, c. Variances, Subsection i. of the Comprehensive Zoning Ordinance is hereby amended to read as follows:

“SECTION E. JURISDICTION OF BOARD OF ADJUSTMENT.

3. SPECIAL EXCEPTIONS AND VARIANCES:

c. VARIANCES:

- i. The Board may grant a variance only of the front yard, side yard, rear yard, lot width, lot depth, lot coverage, minimum setback standards, or landscaping requirements where the literal enforcement of the provisions of this ordinance would result in the unnecessary hardship, and where such variance is necessary to permit the use or development of a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape, or slope that it cannot be developed in a manner consistent with the development permitted upon other parcels of land in the same district.

The Board may grant a variance in the height of any structure within an approach zone, airport area, turning zone, or transition zone of the Addison Airport, as such areas are depicted on the “Revised Carrollton Airport Zoning Map, September 2016, and as may be amended.

A variance may be granted to an applicant when the Board finds:

- a) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same zoning district or neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building; and
- b) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located; and
- c) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance is granted by the Board is the minimum variance that will accomplish this purpose; and
- d) That the literal enforcement and strict application of the provisions of this ordinance will result in an unnecessary hardship inconsistent with the general provisions and intent of this ordinance and that, in granting such variance, the spirit of the ordinance will be preserved and substantial justice done; and
- e) In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.”

Section 3.

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 4.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 5.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 7.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Fifth day of December 2023.

CITY OF CARROLLTON

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Albert Thomas
Assistant City Attorney

Michael McCauley
Senior Planner