

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, BY ADDING ARTICLE XX.4 TO ESTABLISH A REDEVELOPMENT OVERLAY DISTRICT; AND ESTABLISHING STANDARDS FOR REDEVELOPMENT WITHIN THE DISTRICT; AND PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the 4th day of June, 2015, the Planning & Zoning Commission considered and made recommendation on a change to the Comprehensive Zoning Ordinance of the City of Carrollton (Case No. 06-15ZT1 Redevelopment Overlay District); 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.

That Article XX.4 of the Comprehensive Zoning Ordinance, as amended, is hereby created to read in its entirety:

**ARTICLE XX.4.
“JBL” JOSEY-BELT LINE REDEVELOPMENT OVERLAY DISTRICT**

SECTION A. PURPOSE AND INTENT.

1. The purpose of the “JBL” Josey-Belt Line Redevelopment Overlay District (“JBL District”) is to encourage future property redevelopment and rehabilitation, and enhance the aesthetic and visual character along major corridors.
2. It is intended to protect the general welfare of the community by ensuring the properties are in compliance with the health and safety provisions applicable in the City of Carrollton.
3. It is intended to encourage private reinvestment in property and site improvements by

removing obstacles to property redevelopment and rehabilitation when any of the following occurs:

- a. Redevelopment of property by tear-down and rebuild;
 - b. Rehabilitation of property by renovating the site; and
 - c. Occupancy inspection when a change of tenant occurs.
4. The provisions of the JBL District shall supersede the regulations of the underlying zoning district where such district's regulations are in conflict with the provisions of this Article. All regulations of the underlying zoning district not specifically provided for by the provisions of the JBL District regulations shall remain in effect.

SECTION B. PRINCIPAL, ACCESSORY AND ADDITIONAL PERMITTED USES.

1. No land shall be used and no structure shall be erected for, converted to, or used for any principal or accessory use other than such uses as are allowed in the underlying zoning districts, in accordance with Article V of this ordinance.
2. Drive-Through Windows shall be allowed as part of an approved business.

SECTION C. SPECIAL USE PERMITS.

Uses requiring approval of a Special Use Permit shall be allowed in the underlying zoning district(s) only in accordance with Articles V and XXI of this ordinance.

SECTION D. PROHIBITED USES.

The following uses shall be specifically prohibited in the JBL District:

1. Any structure erected or land used for other than one or more of the uses specifically permitted pursuant to this Article and Article V of this ordinance;
2. Any use of property that does not meet the required minimum lot size; front, side or rear yard dimensions; lot depth or width; or which exceeds the maximum height, building coverage or any other standards as herein required, except as provided by Article XXVIII of this ordinance;
3. The storage of equipment, material or vehicles, including abandoned vehicles, which are not necessary to uses permitted in this district; and
4. Used Car Dealers (indoors and outdoors).

SECTION E. REDEVELOPMENT.

1. HEIGHT AND AREA REGULATIONS:

- a. The maximum building height shall be thirty feet (30').
- b. The minimum side yard setback shall be ten feet (10') next to a street and internal setback shall comply with the building code.
- c. The minimum rear yard setback shall be ten feet (10') next to single-family and comply with building code when adjacent to non-single-family.
- d. The minimum front yard setback shall be thirty feet (30').
- e. The maximum building (lot) coverage shall be seventy percent (70%).
- f. Trash receptacle screening may consist of wood, board-on-board screening with a cap.
- g. Rooftop painting is prohibited on a sloped roof with asphalt shingles.
- h. Parking ratio shall be based on the following:
 - Office use: 1 space per five hundred (500) square feet of building
 - Retail use: 1 space per three hundred fifty (350) square feet of building
 - Restaurant without a drive-thru window: 1 space per two hundred (200) square feet of building
 - Restaurant with a drive-thru window: 1 space per two hundred fifty (250) square feet of building

2. LANDSCAPING/BUFFERING:

- a. Landscaping shall be provided on the premises of any property in accordance with Article XXV of this ordinance, except as otherwise provided herein.
- b. All landscape plans shall be developed by a landscape authority, as defined herein. The plans shall be developed in accordance with Article XXV, Section B (3) of this ordinance, except as otherwise provided below:
 1. Screening adjacent to residential may consist of wood, board-on-board with a cap.
 2. A landscape buffer adjacent to a street shall be ten feet (10') in average with no area less than 3 feet in depth.

3. Trees shall be required per the following:
 - One three inch (3") caliper shade tree (measured at four and one-half feet (4.5') above the ground) per one hundred (100) linear feet.
 - Two three inch (3") caliper ornamental trees (measured at four and one-half feet (4.5') above the ground) per one hundred (100) linear feet of frontage
4. Shrubs.
 - If parking lot is not adjacent to street, shrubs may be deciduous and may be used as foundation plantings rather than buffer plantings.
 - If shrubs are used as foundations plantings, shrubs shall be planted no further apart than thirty inches (30") on center.
5. On site landscaping shall be a minimum of five percent (5%) of the area of the site.
6. Parking lot landscaping.
 - Must be at least four feet (4') in width as measured from the back of the curb.
 - Islands shall not be required when the parking spaces are located behind the main building.

SECTION F. REHABILITATION.

1. HEIGHT AND AREA REGULATIONS:

- a. A maximum eighty percent (80%) stucco or EIFS exterior siding may be allowed through a development plan review.
- b. Existing and proposed lighting shall comply with the Glare Ordinance.
- c. Rooftop screening shall be required when greater than fifty percent (50%) of the site is renovated.
- d. Trash receptacle screening may consist of wood, board-on-board screening with a cap.
- e. Rooftop painting is prohibited on a sloped roof with asphalt shingles.

2. LANDSCAPING/BUFFERING:

The City Arborist may invoke a license agreement to plant trees in the City's Right-Of-Way.

3. PARKING LOT:

All off-street parking areas and spaces shall be improved by repairing pot-holes, and restriping the parking spaces and any applicable fire lanes.

SECTION G. CERTIFICATE OF OCCUPANCY.

1. Provide the applicant a proactive joint inspection of the entire property with both Building Inspection and Code Enforcement staff to provide the applicant with a list of necessary improvements during a Certificate of Occupancy review.
2. A Temporary Certificate of Occupancy will be issued for a maximum of six (6) months to allow the property owner time to make repairs and bring the development into compliance:
 - Replace dead or missing landscaping
 - Remove illegal and/or obsolete signage
 - Repair and/or restripe parking lot surface
 - Verify proper location of and enclose dumpsters with appropriate screening materials
 - Correct any lighting/glare issues not in compliance with January 2017 requirements
 - Install rooftop screening for illegally installed equipment
 - Check building for proper maintenance and sealing against weather

SECTION H. MISCELLANEOUS REQUIREMENTS.

1. ACTIVITIES WITHIN AN ENCLOSED BUILDING:

All business operations and activities shall be conducted completely within an enclosed building, and in no instance shall any outside activity be permitted, except for the following: off-street parking or loading; drive-in or drive-through window at a financial institution, restaurant, prescription pharmacy or dry cleaning establishment; outdoor dining in conjunction with a restaurant; material recycling collection bin; mobile collection center for secondhand goods; mobile redemption center; and the temporary outside display and sales of Christmas trees.

Outside storage shall be allowed only where permitted in the underlying zoning district, and shall also comply with Article XXVI, Section A, of this ordinance and Section E(1) of this Article.

The outside display of merchandise incidental to a permitted use shall be allowed per the underlying zoning district, and shall comply with Article XXVI, Section B, of this ordinance.

2. UTILITIES:

All utilities located within two-hundred (200) feet of the front property line, which will serve any lot or parcel, shall be installed underground, except for any transmission lines or feeder lines, either existing or proposed, provided that such transmission or feeder lines shall be located within a designated paved easement or alleyway provided by the property owner.

Nothing set forth herein shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities pursuant to the utility's policies and cost reimbursement procedures with respect to the installation and extension of underground service.

SECTION I. ADMINISTRATION.

1. It is the intent of this Code that a developer or builder who wishes to develop will be processed in an expedited manner. However, if there are substantial variances requested, additional approvals shall be required which may delay development progress.
2. Alternate Standards
 - a. For the purposes of this Code, there shall be two types of Alternate Standards — Minor and Major.
 - b. Minor Alternate Standards are considered relatively slight changes to the strict adherence to the standards in this Code and may be approved administratively by the City Manager or his designee as part of a Development Plan. However, all Minor Alternate Standards must meet the full intent of this Code as stated herein.
 - c. Major Alternate Standards are considered relatively significant changes to both the standards and stated intent of this Code. Major Alternate Standards may only be approved by a majority vote of the City Council after a recommendation of approval by the Planning and Zoning Commission. The ability to approve Alternative Standards shall also apply to Sections 151.93 and 151.94 of the Carrollton Code of Ordinances (Sign code) regarding sign regulations.
 - d. The City may impose reasonable conditions, including screening requirements, time limits, or other requirements that meet the intent of this ordinance, on granting any Alternate Standards in order to minimize any potential negative impact on the district, neighboring properties or public streets or open space.
3. Development Plan Approval
 - a. Prior to obtaining a Building Permit, a Development Plan must be approved by the City Manager or his designee, to certify that it meets the purpose, intent and standards contained in this Code.

- b. Development Plans shall include the following information:
 - 1. Site plan.
 - 2. Building elevations and sections.
 - 3. Building function/proposed use.
 - 4. Parking standards being met.
 - 5. Any minor or major alternate standards being requested.

4. Appeals

- a. Denial of a Development Plan or an application for Minor Alternate Standards by the City Manager or his designee may be appealed to the Planning and Zoning Commission if the appeal is filed with the Development Services Department within ten (10) days of the denial. The decision of the City Manager or designee may be overturned by the favorable vote of three-fourths (3/4) of all members of the Planning and Zoning Commission.
- b. Denial of a Development Plan or an application for Minor Alternate Standards by the Planning & Zoning Commission may be appealed to the City Council if the appeal is filed with the Development Services Department within ten (10) days of the action of the Planning & Zoning Commission.”
- c. If the Planning and Zoning Commission does not recommend approval on a Major Alternate Standard, the Major Alternate Standard may only be approved by a favorable vote of three-fourths (3/4) of all members of the City Council.

Section 2.

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 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this the Eighteenth day of August, 2015.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Krystle F. Nelinson
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Michael McCauley
Senior Planner