

PLANNING DEPARTMENT
CITY OF CARROLLTON
DATE: 09/10/2024

SPECIAL USE PERMIT NO. 502
DEVELOPMENT NAME: EISWELT
GELATO AND ARCADE

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 502 PROVIDING FOR AN AMUSEMENT ARCADE (EXCLUDING ADULT ARCADE) IN AN APPROXIMATELY 1,300 SQUARE FOOT SPACE ZONED PD-63 FOR THE (LR-2) LOCAL RETAIL DISTRICT AND LOCATED AT 3044 OLD DENTON ROAD, SUITE 117; AMENDING THE OFFICIAL ZONING MAP; 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 First day of August 2024, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. PLSUP 2024-085); and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council conducted a public hearing on the Tenth day of September 2024, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council has determined the following amendment to the zoning laws to allow the requested use is not detrimental to the surrounding property, and is consistent with the purpose of the zoning district in which the above-described property is located; 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.

Special Use Permit Number 502 is hereby established for a certain approximately 1,300 square foot space, located at 3044 Old Denton Road, Suite 117, and being more generally depicted on Exhibit A, providing for the following:

I. Permitted Use

Amusement Arcade (Excluding Adult Arcade)

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions, and regulations:

1. The number of gaming stations shall be limited to 32, including photo booths.
2. No simulated gambling devices shall be allowed.
3. Alcohol sale and consumption is prohibited.
4. Any windows located in perimeter walls of the establishment are prohibited from being obscured and shall be clear of any obstructions.
5. A label identifying compliance with state law must be clearly displayed on each gaming device located within the establishment.
6. The Certificate of Occupancy issued by the City showing approval to operate an arcade shall be clearly displayed in the establishment.
7. 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.
8. Hours of operation shall be limited to: 2:00pm – 10:00pm (Monday thru Friday)
 11:00am – 10:00pm (Saturday and Sunday)
9. The hours of operation shall be clearly posted at the entrance of the establishment.

Section 3.

The Comprehensive Zoning Ordinance and the Official Map are hereby amended to reflect the action taken herein.

Section 4.

Any person 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 5.

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

Section 6.

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 7.

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 8.

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

PASSED AND APPROVED this the Tenth day of September 2024.

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 II

Michael McCauley
Senior Planner

EXHIBIT A GENERAL DEPICTION

