

# City of Carrollton

*1945 E. Jackson Road  
Carrollton, TX 75006*



## REGULAR WORKSESSION & MEETING

**Tuesday, December 1, 2015**

**5:45 PM**

**CITY HALL, 2nd Floor**

### **City Council**

*Mayor Matthew Marchant  
Mayor Pro Tem Anthony Wilder  
Deputy Mayor Pro Tem Doug Hrbacek  
Councilmember James Lawrence  
Councilmember Bob Garza  
Councilmember Glen Blanscet  
Councilmember Steve Babick  
Councilmember John Sutter*

**\*\*\*PRE-MEETING / EXECUTIVE SESSION\*\*\*****5:45 P.M. – COUNCIL BRIEFING ROOM**

1. Receive **information and discuss Consent Agenda.**
2. Council will convene in Executive Session pursuant to Texas Government Code:
  - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
3. Council will reconvene in open session to consider action, if any, on matters discussed in the Executive Session.

**\*\*\*WORKSESSION\*\*\***

4. Discuss The Park Amenity Fund.
5. Discuss Newman Smith High School Crosswalk Enhancements.
6. Mayor and Council reports and information sharing.

**\*\*\*REGULAR MEETING 7:00 PM\*\*\*****INVOCATION****PLEDGE OF ALLEGIANCE****PRESENTATIONS**

7. Present A Proclamation Declaring December 15, 2015 As Carrollton Evening Lions Club Day.

**PUBLIC FORUM**

8. **Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.**

Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

## CONSENT AGENDA

*(\*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

## MINUTES

- \*9. Consider Approval Of The November 3, 2015 Regular Meeting Minutes.
- \*10. Consider Approval Of The November 17, 2015 Regular Meeting Minutes.

## CONTRACTS & AGREEMENTS

- \*11. Consider Authorizing The City Manager To Approve Contract Amendment No. 1 With LanArc Design, Inc. For McInnish Dog Park In An Amount Of \$12,465.00 For An Adjusted Total Contract Amount Not To Exceed \$70,187.00.
- \*12. Consider Authorizing The City Manager To Approve Contract Amendment No. 1 With LanArc Design, Inc. For Thomas Baseball Complex In An Amount Of \$17,460.00 For An Adjusted Total Contract Amount Not To Exceed \$57,810.00.

- \*13. Consider Authorizing The City Manager To Approve A Contract To Renew The Microsoft Volume Software Licenses From SHI Government Solutions, Inc. Through A Texas Department Of Information Resources Cooperative Purchasing Program In An Amount Not To Exceed \$235,626.50.

## ORDINANCE

- \*14. Consider An Ordinance Adopting The 2015 International Construction Codes And 2014 National Electric Code.
- \*15. Consider An Ordinance Amending Title XVII, Chapter 173 Of The Carrollton Code Of Ordinances Regarding Stormwater Pollution Prevention.

## RESOLUTIONS

- \*16. Consider A Resolution Authorizing The City Manager To Approve A Contract With Matrix Consulting Group For A Review Of The Carrollton Police And Fire/Rescue Departments In An Amount Not to Exceed \$48,000.00.
- \*17. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement For Library Services Fiscal Year 2015-16.
- \*18. Consider A Resolution Authorizing The City Manager To Enter Into A Tax Incentive Agreement With The Billingsley Development Corporation.

## OTHER BUSINESS

- \*19. Consider And Take Final Action On A Technical Site Plan For A Multi-Tenant Building On An Approximately 0.75-Acre Tract Located In The Vicinity Of The Northwest Corner Of Trinity Mills Road/PGBT And Old Denton Road And Zoned PD-45 For The (LR-2) Local Retail District. Case No. 11-15TSP3 2625 Old Denton. Case Coordinator: Michael McCauley.

## PUBLIC HEARING-CONSENT AGENDA

- \*20. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A New Car And Used Car Dealership With Special Conditions On An Approximately 4.3-Acre Tract Located At 1735 South IH-35E; Amending Accordingly The Official Zoning Map. Case No. 11-15SUP1 Five Star Chevrolet. Case Coordinator: Christopher Barton.

- \*21. Hold A Public Hearing And Consider An Ordinance To Amend The Text Of Various Sections Of The Comprehensive Zoning Ordinance To Amend, Add Or Delete Use Categories And To Improve The General Organization Of The Amended Sections, And To Make Amendments To The Parking Requirements. The Sections To Be Amended Are Article V *Use of Land and Structures*, Article XXIV *Off-Street Parking* And Article XXXIV *Definitions*. Case No 09-015ZT1 CZO Text Changes/City Of Carrollton. Case Coordinator: Christopher Barton.

#### **PUBLIC HEARING - INDIVIDUAL CONSIDERATION**

22. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For An Apartment Complex With Special Conditions On An Approximately 11.5-Acre Tract Located At The Northeast Corner Of Carrollton Parkway And SH-121/Sam Rayburn Tollway; Amending Accordingly The Official Zoning Map. Case No. 09-15SUP2 Alexan Carrollton Apartments. Case Coordinator: Michael McCauley.
23. Hold A Public Hearing And Consider An Ordinance To Change The Zoning Of An Approximately 6.8 Tract Located At 1529 East Hebron Parkway From (SF-7/14) Single-Family Residential District To (O-1) Office District; Amending Accordingly The Official Zoning Map. Case No. 11-15Z1 Carrollton Church Of The Nazarene. Case Coordinator: Michael McCauley.
24. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Amend A Special Use Permit For A Used Car Dealership To Allow Outdoor Display With Special Conditions On An Approximately 1.5-Acre Tract Located At 3228 And 3232 West Skylane Drive; Amending Accordingly The Official Zoning Map. Case No. 10-15SUP2 Dallas Autos Direct. Case Coordinator: Christopher Barton.
25. Hold A Public Hearing And Consider A Resolution For An Amendment To The Comprehensive Plan And The Future Land Use Map To Change An Approximately 94.4-Acre Site Located On The East Side Of Old Denton Road, North Of Indian Creek From Industrial Uses To Single-Family Residential Detached Uses. Case No. 11-15MD1 Singer Ranch (comp plan)/Bright Realty, LLC. Case Coordinator: Christopher Barton.

26. Hold A Public Hearing And Consider An Ordinance To Establish A New Planned Development District For The (SF-5/12) Single Family Residential District On An Approximately 94.4-Acre Tract Of Land Located On The East Side Of Old Denton Road North Of Indian Creek; Amending Accordingly The Official Zoning Map. The Site Is Currently Zoned For The (LI) Light Industrial District. Case No 11-15Z2 Singer Ranch (zoning)/Bright Realty, LLC. Case Coordinator: Christopher Barton.

## ADJOURNMENT

*CERTIFICATE - I certify that the above agenda giving notice of meeting was posted on the bulletin board at the City Hall of Carrollton, Texas on the 25th day of November 2015 at 5:00pm.*

Krystle F. Nelinson

*Krystle F. Nelinson, City Secretary*

*This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary's Office at least 72 hours in advance at 972-466-3005. Opportunities and services are offered by the City of Carrollton without regard to race, color, age, national origin, religion, sex or disability.*

*Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda. Further, the Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the City Council at a regional, state or national convention or workshop, social function, convention, workshop, ceremonial event or press conference. The City Secretary's Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conference; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the City Secretary's Office, nothing shall preclude a quorum of the City Council from gathering as long as "deliberations" within the meaning of the Texas Open Meetings Act do not occur.*



# City of Carrollton

## Agenda Memo

File Number: 2377

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**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Work Session

**In Control:** City Council

**File Type:** Work Session Item

**Agenda Number:** 4.

**CC MEETING: December 1, 2015**

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Scott Whitaker, Parks & Recreation Director

Discuss **The Park Amenity Fund.**

### **BACKGROUND:**

Last year, City Council authorized the initial funding of Parks & Recreation Department projects to address some of the lower graded amenities on the department report card. These projects consisted of items with F or D grades that needed to be replaced or repaired. That initial financial commitment was \$425,000.

This year, City Council authorized \$125,000 in the budget and requested a work session to review potential projects and additional funding. Staff will present before and after pictures of completed projects as well as pictures of amenities for potential repair or replacement for this year.





# City of Carrollton

## Agenda Memo

File Number: 2361

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**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Work Session

**In Control:** City Council

**File Type:** Work Session Item

**Agenda Number:** 5.

**CC MEETING: December 1, 2015**

**DATE:** November 19, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Cesar J. Molina, Jr., P.E., Director of Engineering

Discuss **Newman Smith High School Crosswalk Enhancements.**

### **BACKGROUND:**

This item has been presented at the request of Councilman Babick to discuss enhanced warning of the north crosswalk at Newman Smith High School on Josey Lane.

### **History:**

Newman Smith High School was built in 1975. By 1992 its enrollment had reached 2,400. Due to insufficient on-site parking, sophomores and juniors were required to park in the parking lot of the First Baptist Church. At that time, the high school had about 750 on-campus parking spaces with 190 spaces reserved for teachers and staff and the balance available for students. About 300 students parked at the First Baptist Church and walked across Josey Lane.

In response to driver complaints over uncontrolled students crossing Josey Lane, especially during the morning rush hour, the school district and city developed a plan. The school district built additional parking spaces under the Oncor power lines and paid the city to place two off-duty police officers to staff the marked crosswalk in the morning and afternoon of school days.

From about 1993 to 2004, CFBISD paid a fee to the city equivalent to the cost of placing two off-duty police officers for two hours in the morning and two hours in the afternoon in an effort to better manage students crossing at this location. In 2004, the school district approached the city asking to allow CFBISD security personnel to staff the crosswalk instead of off-duty police officers. The city was receptive to this idea and in May 2004 the City Council modified the city code to allow this. From the fall of 2004 until the spring of 2013 CFBISD security personnel staffed this location.

Starting in the spring of 2013, the school district piloted an idea of leaving the crosswalk

unmanned. After a successful pilot, the school district determined that the crossing was not unsafe and that a crossing guard was unwarranted. The school district formally removed the security personnel at this crosswalk starting in the fall of 2014.

Newman Smith enrollment continued to increase in the 1990's until it reached a peak enrollment of about 3,000 in 1996 prior to the opening of Creekview High School. With the opening of Creekview, enrollment has been steadily declining. In the fall of 2015, Newman Smith reports a student enrollment of 1,980.

**Current Issue:**

The northernmost crosswalk on Josey Lane is located at the one-way entrance into the high school campus. The crosswalk is marked with 2-foot wide by 6-foot long white cross bars spaced every 2 feet across Josey Lane. State law requires a vehicle to yield to a pedestrian crossing a roadway in a marked crosswalk. There is another crosswalk at the signalized intersection of Sunridge approximately 470 feet to the south. Staff has observed pedestrians using this location during the morning arrival.

**Options and Financial Implications:**

If Council desires to add additional warning enhancements to this crosswalk, staff offers a range of options, as follows.

***Rectangular Rapid Flashing Beacons.*** This is a system that would include adding three flashing beacons mounted on poles which would be activated similar to the pedestrian crossing signal at most signalized intersections. The flashing beacons would alert drivers that pedestrians are about to enter the crosswalk. However, pedestrians need to be educated to not step into the crosswalk until it is safe to do so (i.e. observing vehicles slowing down). The cost of this system, including installation, is approximately \$16,000.

***LED illuminated in-pavement beacons.*** This option would embed markers in the crosswalk pavement that have LED lights which would be activated with a push button similar to those used at signalized intersections. Pedestrians would likewise need to be educated to not step into the crosswalk until it is safe to do so. The cost of this system, including installation, is approximately \$17,000. Public Works does not recommend this option, however, due to the nature of the city's shifting soils and the likelihood of ongoing maintenance and repair of the embedded circuitry.

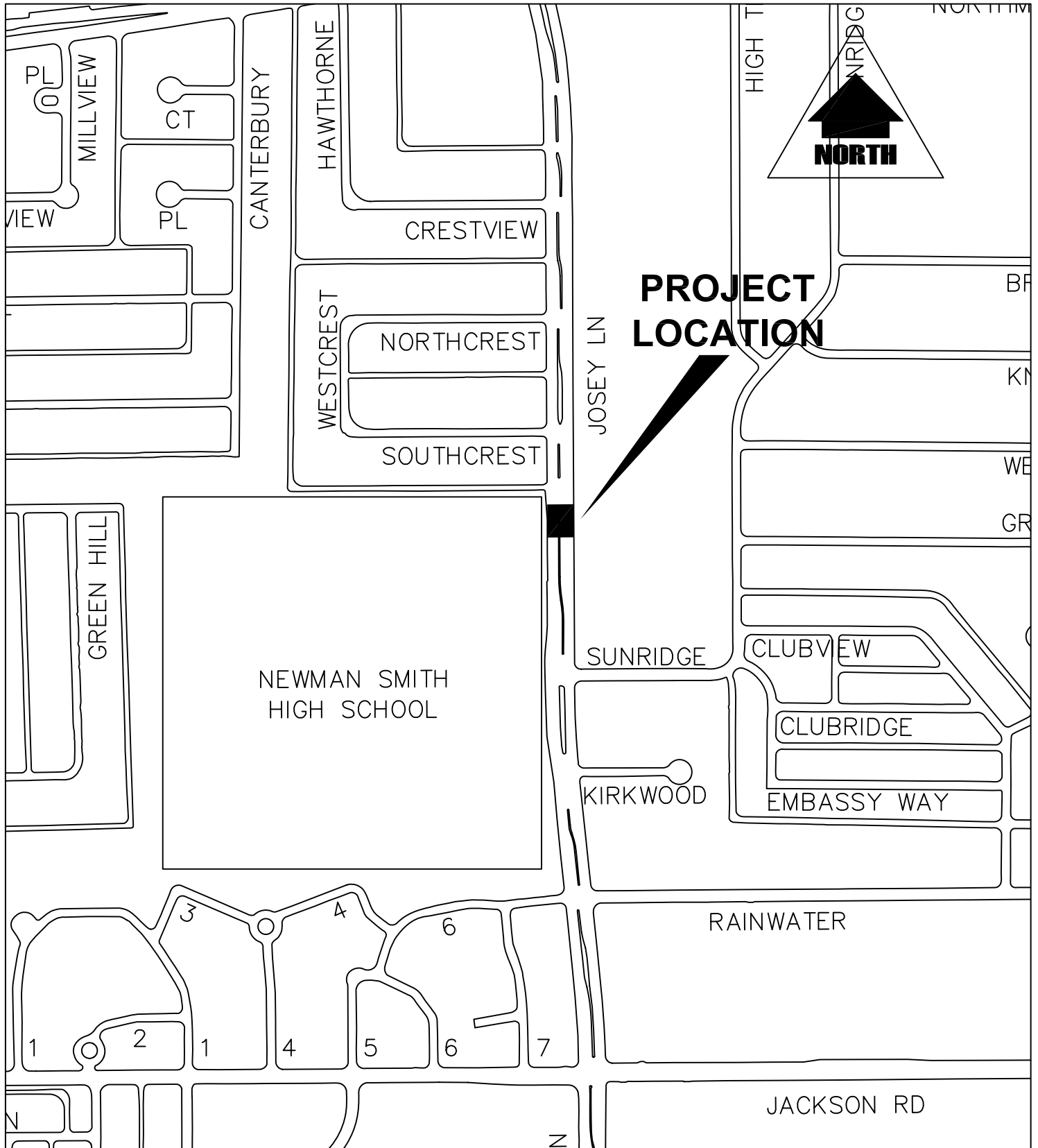
***Solid crosswalk markings.*** Under this option, thermoplastic pavement markers can be installed across the entire crosswalk area (not just the existing 2-foot wide bars). Various color options are available depending on Council preference. Total cost is approximately \$10,000.

***Contrasting crosswalk markings.*** A second variation to the above option is to use a two-tone color on the standard 2-foot wide pavement markings. The standard contrasting color is black, which would make the white markings more prominent. The cost for this option is approximately \$1,000.

***Standard crosswalk markings with board stripe.*** A third marking variation is to use the standard 2-foot wide pavement markings and add a one-foot wide stripe as a board on either

side of the crosswalk. The color of the bar could be any color Council desires, such as a green stripe on one side and a gold stripe on the other side to resemble the Newman Smith school colors. The cost for this option is approximately \$1,000.

J:\WORKSPACE\COUNCIL DRAWINGS\2015\NEWMAN SMITH CROSSWALK.DWG



**CARROLLTON**  
TEXAS

*Where Connections Happen*

# NEWMAN SMITH HIGH SCHOOL CROSSWALK REPLACEMENT

SCALE: NTS DATE: 11/15

**ENGINEERING  
DEPARTMENT**

# PEDESTRIAN CROSSING SYSTEM

Solar or AC-Powered Flasher Assembly

*RTC manufactures a full line of solar and AC-powered pedestrian crossing systems.*

*These systems can be activated by a variety of push button options or the time of day using RTC's AP22 time switch. Choose from our MUTCD compliant RRFB or a traditional 12" circular beacon. RTC is your proven supplier of solar and AC technology and traffic control systems.*



*Rectangular Rapid Flash Beacon or traditional 12" circular beacons available.*



*Pedestrian Safety Since 1987*



**RTC**

**RTC Manufacturing, Inc.**

RTC-Traffic.com | contact our team at [Info@RTC-Traffic.com](mailto:Info@RTC-Traffic.com) for more information | TOLL-FREE 800.782.8721

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# PEDESTRIAN CROSSING SYSTEM

## Solar or AC-Powered Flasher Assembly

### FEATURES

- Solar and battery sizing engineered to fit your installation site
- APS or standard push-button activation
- Optional AP22 time-switch control for time of day (TOD) operation
- Optional centralized communication using RTC Connect™ software
- RRFB is MUTCD compliant
- 900 MHz communication between beacons
- Standard spun aluminum 4.5" pole and breakaway base with collar
- Multiple advance-warning beacons can be added and activated by one push of a button
- Color options to meet agency specifications
- Pedestrian signs available in yellow or fluorescent yellow-green
- Up to 6 remote flashers can exist in a pedestrian crossing system; one is typically on the opposite side of the street from the master flasher; others are often located in medians and on other areas along the side of the street
- All flashers in a network are programmed to communicate exclusively with each other, avoiding the possibility of errant radio signals triggering a flasher
- Spread spectrum, frequency-hopping radios prevent outside radio interference
- Pedestrian crosswalk push-buttons are hard-wired to the radio in the cabinet
- Highest-quality Polara™ Bulldog™ push-buttons used for activation

### COMMUNICATION FLOW



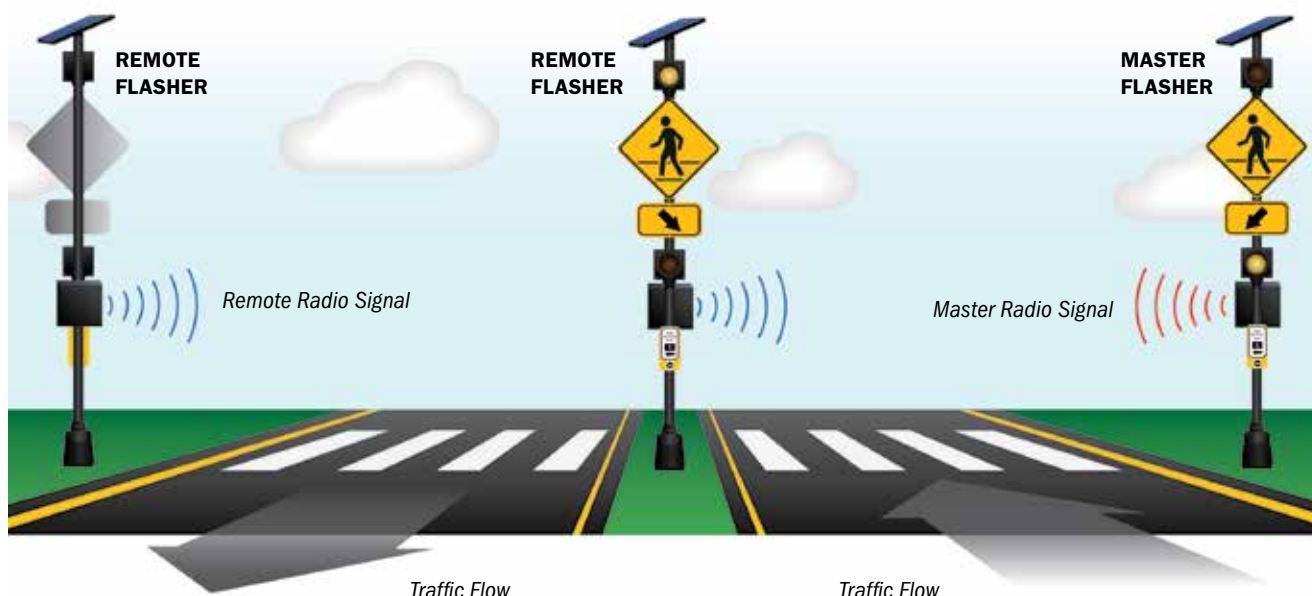
#### CROSSING REQUEST INITIATED AT THE MASTER FLASHER

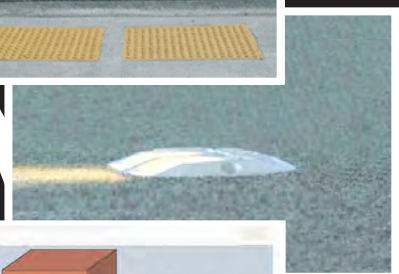
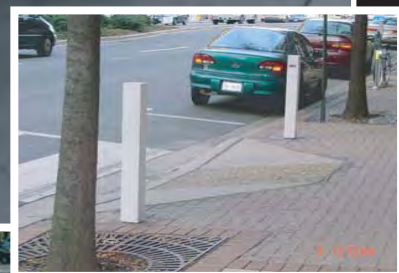
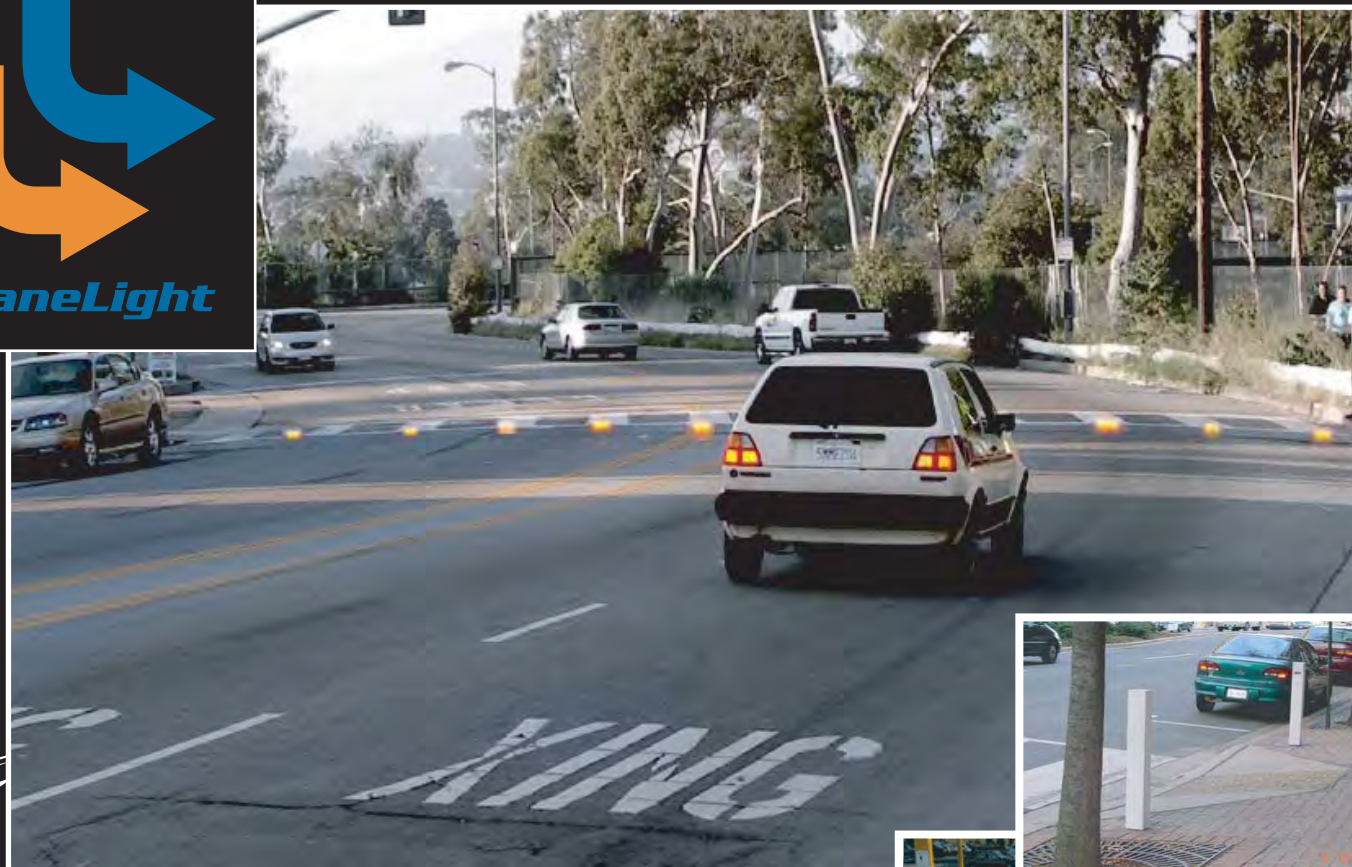
- When the pedestrian crosswalk button is pressed on the Master Flasher, the Master Radio transmits a signal (shown in red) to trigger the beacons on the Master Flasher and on all Remote Flashers in the network
- The beacons flash until the end of the pre-set timing master radio timing cycle — timing is field configurable



#### CROSSING REQUEST INITIATED AT A REMOTE FLASHER

- When the pedestrian crosswalk button is pressed on the Remote Flasher, the Remote Radio transmits a signal (shown in blue) to the Master Flasher; in response, the Master Radio transmits a signal to trigger the beacons on the Master Flasher and on all Remote Flashers in the network to start the flashing cycle on all Remote Flashers in the network
- The beacons flash until the end of the pre-set timing Master Radio timing cycle — timing is field configurable

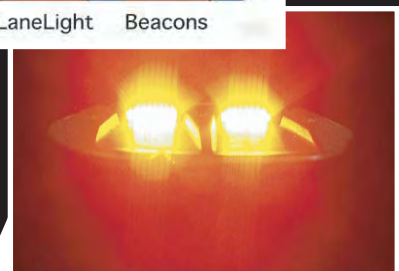
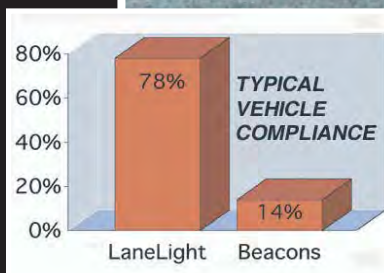




## IN-PAVEMENT LED LIGHTED CROSSWALK

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- Industry leading ultra-bright 1.6 million candela/m<sup>2</sup> LED output for full daytime visibility
- Flat profile in the road, bike-safe
- Maintenance-free design
- Automatic night dimming
- Standard or enhanced flash
- A variety of activation devices
- Solar power option
- Environmentally friendly
- Low power consumption
- Economical
- Snowplow-Safe



Ideal for mid-block locations.

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# ***LaneLight***

IN-PAVEMENT

# LED

LIGHTED CROSSWALK



Contact:

***Rich Lolli***

Lawrenceville, GA

Office: 770-329-2278

Fax: 770-979-9363

rlolli@tapconet.com



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Tour Guide

Imagery Date: 9/2012 14 S 696870.80 m E 3653387.35 m N elev 496 ft eye alt 505 ft



3:25 PM  
11/19/2015

Supplemental  
Information from  
Councilmember Babick

## Safety Improvements for Un-Protected Cross-Walks

### **Scope:**

1. Newman Smith High School (North End parking lot) to First Baptist Church
2. Blue Trail
  - a. McCoy
  - b. Peters Colony
  - c. Furneaux (North of Rosemeade)
3. Orange Trail - Scott Mill @ Southern Oaks
4. Purple Trail - Keller Springs
5. Others

### **Background:**

Newman Smith High School (NSHS) - as driver of the request, have received many concerns raised by parents and students about the safety of the Crossing from NSHS to First Baptist Church (FBC).

- Student Crossing during School Zone Flasher periods is not an issue as traffic tends to back up at a slower pace and drivers alert to students along the stretch in front of NSHS on Josey Lane
- Student Crossing during non-School Zone Flasher periods at times walk out in front of drivers on both north and southbound lanes unexpectedly
- North-End Cross walk is somewhat stranded and while it includes a non-interactive Safety Sign on both north & southbound lanes, is in an unexpected location along Josey where drivers may be surprised to see an other-wise Jay-Walking pedestrian

Trail Crossings (Major & Secondary Streets) - As our trail system evolved, pedestrian crossing signs were added - most without crossing signals.

- Major Arterials
  - Josey & Southern Oaks Road - stoplight added circa 2013 including traffic light and pedestrian activated signals
  - Purple Trail along Keller Springs @ RR Crossing (By Home Depot)
  - Others - Tunnel access under major streets
- Secondary Streets
  - Scott Mill
  - McCoy
  - Peters Colony
  - Perry
  - Other

**Justification:** Public Safety & Accident Avoidance

### Signage Uses:



- Currently utilized

- Alternative Signage
- Alternative Colors



- Make More Obvious
- Add School Colors

### Funding / Approval Recommendation:

- Co-Fund with CFBISD - vetted with CFBISD Administration (CFO & Superintendant) regarding Board Approval and Inter-Local Agreement for up to 50% for NSHS - Will present if direction from Council
- Traffic Advisory Committee - Forward topic to TAC for prioritization and allocate funding as appropriate to assess full public impact

### Backup

**From:** Marc Guy  
**Sent:** Wednesday, October 14, 2015 3:18 PM  
**To:** Steve Babick  
**Cc:** Matthew Marchant  
**Subject:** Safety Improvement for X-Walk -- NSHS to First Baptist

Michael Brighton in Traffic Operations has done some extensive research regarding different types of material and equipment available if you want to enhance the crosswalk between NSHS and the First Baptist Church.

To recap below, the pedestrian-activated flashers would cost about \$12,000 to \$15,000. The pavement-embedded LEDs will cost about \$17,000, which doesn't include installation cost. Both of these products would likely be contractor installations. PW recommends against the LEDs because of the need to penetrate the pavement surface and risk of damage to the LEDs due to the high traffic volumes, snow and ice removal, pavement shifting, etc.

There are also a variety of enhanced traffic marking products in the marketplace, which range in cost from \$10 to \$20 per square foot. Given the length of this crosswalk the material cost would be about \$6,000 to \$12,000 plus installation cost. The product brochure is attached in a pdf format. One concern PW has about this product is that it is unclear what its durability is under heavy traffic conditions and the resulting ongoing maintenance impact. The more common application of this type of decorative material is in low impact/low traffic areas. PW would also recommend against using a solid green crosswalk as the Federal Highway Administration appears poised to make that a national standard for trail/street crossings.

A fairly simple and inexpensive option would be to add a solid contrasting colored stripe, typically black, to highlight the existing standard white crosswalk blocks.

**From:** Marc Guy  
**Sent:** Tuesday, October 06, 2015 2:08 PM  
**To:** Steve Babick  
**Cc:** Matthew Marchant  
**Subject:** RE: Safety Improvement for X-Walk -- NSHS to First Baptist

Steve, the cost estimate for two pedestrian-activated flashers is about \$12,000 to \$15,000, which includes installation. <http://cdn.tapcoapps.com/pdfs/TBR/solar/1005-00004-Pedestrian-Solutions.pdf> Another option is LED-embedded crosswalks, which is especially effective at night or early in the morning. The down side to this concept is that it requires cutting into the pavement surface to install, and may cause some problems during ice/snow removal. <http://www.tapconet.com/solar-led-division/in-road-warning-lights>

The other suggestion was to consider adding color accents to the crosswalk to help heighten driver awareness. We'll investigate products currently on the market and the colors which are available that would meet reflectivity and traffic wear standards.

We spoke with Mark Hyatt at CFBISD about the crossing guard. The school district used to pay the city to place off-duty police officers at that location. They then urged Council to change the ordinance to allow school district personnel to staff the crosswalk. CFBISD personnel were used as crossing guards at the crosswalk for a couple of years, but this was discontinued when the school district determined that the crosswalk was not unsafe and that a crossing guard was unnecessary. Based upon a quick review of Fire Department records there have been no car-pedestrian accidents at this location in at least the last five years.

Marc

**From:** Steve Babick  
**Sent:** Monday, October 05, 2015 4:27 PM  
**To:** Marc Guy

**Cc:** Matthew Marchant

**Subject:** RE: Safety Improvement for X-Walk -- NSHS to First Baptist

Thanks Marc... yes that is the crosswalk in question. In addition to or in place of flashers, the Mayor also suggested perhaps a painted sidewalk (NSHS colors -- green & yellow) may stand out more for drivers passing through the area, where perhaps they are oblivious otherwise.

Thanks for all you do...

Regards,  
Steve Babick  
972-896-3568

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**From:** Marc Guy

**Sent:** Monday, October 05, 2015 3:41 PM

**To:** Steve Babick

**Cc:** Matthew Marchant

**Subject:** RE: Safety Improvement for X-Walk -- NSHS to First Baptist

Steve, we can get a cost estimate for the equipment and installation for pedestrian-activated flashers. I presume you're referring to the crossing at the north driveway of NSHS. Crosswalks are currently painted on Josey Lane at the north driveway and at Sunridge. The school district used to provide a crossing guard at that location during morning and afternoon arrivals and dismissals on school days, but discontinued that a few years ago.

**From:** Steve Babick

**Sent:** Monday, October 05, 2015 1:46 PM

**To:** Marc Guy

**Cc:** Matthew Marchant

**Subject:** Safety Improvement for X-Walk -- NSHS to First Baptist

Marc, I'd like to see if we can explore from the standpoint of safety, adding a push button for flashing lights or other means of enhancing the unlighted crosswalk between Newman Smith High School and First Baptist Church used by both students and churchmembers. Mayor had thoughts of enhancing the crosswalk with painted street walkway in addition to or instead of flashing lights.

Whether in AM, PM or on Sunday's this is currently very dangerous area and looking to see what we can do to enhance or call attention in a bit more blatant manner to the cross walk.

I'd be happy to bring Joe Pouncy (Principal) or others at CFBISD into the discussion if there is a cost sharing to consider, depending on the recommendations.

Regards,  
Steve Babick  
972-896-3568

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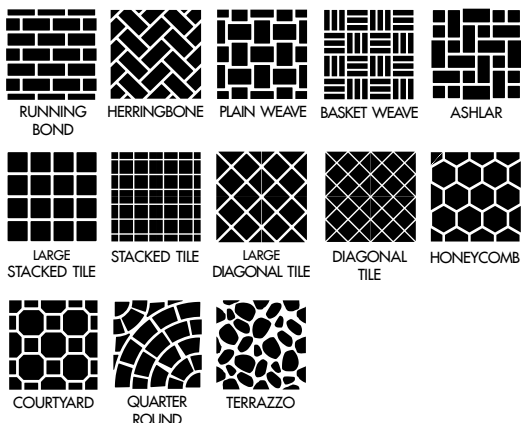
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- Can be applied on newly-stamped asphalt as soon as the road surface cools and sets
- Does not alter substrate
- Does not require stamping templates or grids
- Open to traffic minutes after application
- ADA compliant - Pedestrian and wheelchair friendly surface
- Eliminates the maintenance and safety concerns of loose pavers
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### STANDARD PATTERNS (2'x2' Sheets)



### STANDARD COLORS



### STANDARD BORDERS



### PREMIUM COLORS



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Patterns/Borders  
and Colors in  
2'x2' Format



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- Improve traffic safety especially at intersections and multi-use paths
- Enhance visibility for pedestrians, motorists, and cyclists
- Provide design elements that complement a Complete Streets community
- Channel pedestrians across busy commercial parking areas
- Promote and/or revitalize community image
- Attract new business development in livable communities
- Create low-cost median or island effect without the use of raised curbs

Each product offers its own unique application and performance approach to streetscape projects where shared roadway safety and aesthetic appeal need to work in conjunction.



### INLAID



### IMPRESSED



### INTERCONNECTED



### OVERLAY



### SURFACE SIGNS



When used on public roadways and private properties open to public travel, decorative crosswalks require proper demarcation with white linear boundaries according to the Manual on Uniform Traffic Control Devices (MUTCD).



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## STANDARD COLORS

<b>BLACK</b>	<b>SALMON</b> PMS 486C	<b>KHAKI</b> PMS 7529C
<b>FIELD GREY</b> PMS 418C	<b>SONOMA SAND</b> PMS 479C	<b>TAN</b> PMS 727C
<b>GREY</b> PMS 423C	<b>CINNAMON</b> PMS 7591C	<b>SAND</b> PMS 7501C
<b>WHITE</b>	<b>SIENNA</b> PMC 7587C	<b>SANTA FE CLAY</b> PMS 174C
<b>COCOA</b> 7596C	<b>HERITAGE RED</b> PMS 7593C	<b>CHESTNUT</b> PMS 7601C
<b>COLONIAL BRICK</b> PMS 483C	<b>DARK RED BRICK</b> PMS 7610C	<b>BRICK RED</b> PMS 7624C

## PREMIUM COLORS

<b>LT GREY</b> PMS 420C	<b>LT BLUE</b> PMS 7688C	<b>BLUE</b> PMS 654C
<b>OLIVE GREEN</b> PMS 5757C	<b>SKY BLUE</b> PMS 278C	<b>TEAL</b> PMS 7474C
<b>GREEN</b> PMS 334C	<b>SYG</b> PMS 389C	<b>KELLY GREEN</b> PMS 347C
<b>PINK</b> PMS 190C	<b>LEMON YELLOW</b> PMS 102C	<b>LT GREEN</b> PMS 361C
<b>PURPLE</b> PMS 259C	<b>ORANGE</b> PMS 7579C	<b>YELLOW</b> PMS 7408C
<b>SAND</b>	<b>CHESTNUT</b>	<b>DARK BRICK RED</b>
	<b>BRICK RED</b>	<b>RED</b> PMS 200C

NATURAL BRICK



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DESCRIPTION:

**TRAFFIC PATTERNS  
COLORS**

DATE CREATED

9/8/14





# City of Carrollton

## Agenda Memo

File Number: 1a

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**Agenda Date:**

**Version:** 1

**Status:** Pre-meeting

**In Control:** City Council

**File Type:** Procedural Item

**Agenda Number:** 6.

**Mayor and Council reports and information sharing.**





# City of Carrollton

## Agenda Memo

File Number: 2380

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**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Presentations

**In Control:** City Council

**File Type:** Presentation

**Agenda Number:** 7.

**CC MEETING:** December 1, 2015

**DATE:** November 24, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Krystle F. Nelinson, Management Analyst/City Secretary

Present A **Proclamation Declaring December 15, 2015 As Carrollton Evening Lions Club Day.**

**WHEREAS**, the Carrollton Evening Lions Club has been serving the City of Carrollton community since 1983; and

**WHEREAS**, this generous organization has supported the City of Carrollton in the past by donating four patrol bikes and several level 3 protective vests to our Police department, numerous pediatric oxygen masks and an industrial air compressor to our Fire department, and matching funds to facilitate the purchase of a new wheelchair accessible van for Senior Adult Services; and

**WHEREAS**, the Carrollton Evening Lions Club has participated in a long list of service projects including providing free vision clinics at Carrollton-Farmers Branch schools, cleaning up the community during Keep Carrollton Beautiful workdays, and supporting the Lions Sight & Tissue Foundation; and

**WHEREAS**, this non-profit organization has participated in numerous fundraising projects that have allowed them to serve not only their Lions Charities and programs but also to contribute time, funds and support to other programs in the community;

**NOW, THEREFORE**, I, Matthew Marchant, Mayor of the City of Carrollton, do hereby proclaim December 15, 2015 as **CARROLLTON EVENING LIONS CLUB DAY** in recognition of their 32 years of commitment and dedication to the City of Carrollton and its citizens.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Carrollton, Texas to be affixed this 1st day of December, 2015.

A handwritten signature in black ink, appearing to read 'Matthew Marchant', written over a horizontal line.

Matthew Marchant, Mayor



# City of Carrollton

## Agenda Memo

File Number: 2374

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**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** \*9.

**CC MEETING:** December 1, 2015

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Krystle F. Nelinson, Management Analyst/City Secretary

Consider Approval Of The November 3, 2015 Regular Meeting Minutes.

**CARROLLTON CITY COUNCIL  
REGULAR WORKSESSION AND MEETING  
NOVEMBER 3, 2015**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, November 3, 2015 at 5:45 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Anthony Wilder, Deputy Mayor Pro Tem Doug Hrbacek, Councilmembers Bob Garza, Steve Babick, John Sutter, James Lawrence and Glen Blanscet. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy, Bob Scott, and Erin Rinehart, City Attorney Meredith A. Ladd and City Secretary Krystle Nelinson.

**5:45 P.M. – COUNCIL BRIEFING ROOM**

**\*\*\*PRE-MEETING\*\*\***

Mayor Marchant called the meeting to order at 5:45 p.m.

1. Receive **information and discuss Consent Agenda.**

**\*\*\*EXECUTIVE SESSION \*\*\***

2. Council will convene in **Executive Session** pursuant to Texas Government Code:
  - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.
  - **Section 551.087** to discuss Economic Development
3. Council will reconvene in open session to consider action, if any, on matters discussed in the Executive Session. Council did not convene in Executive Session.
4. Mayor and Council **reports and information sharing**.

None

Mayor Marchant recessed the Worksession at 6:59 p.m. to convene the Regular Meeting.

**\*\*\*REGULAR MEETING\*\*\***

Mayor Marchant called the Regular Meeting to order at 7:10 p.m.

**INVOCATION – Councilmember James Lawrence**

**PLEDGE OF ALLEGIANCE – RL Turner Jr. ROTC presented the colors;  
Councilmember Bob Garza**

**PRESENTATIONS**

8. Present A Proclamation **Recognizing November 11, 2015 As Veterans Day.**

## **PUBLIC FORUM**

9. **Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.** Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

Mayor Marchant encouraged attendance at the Festival at the Switchyard.

The following individuals addressed the Council:

Jan Rugg, 3697 Mapleshade Lane, Plano, Atmos Energy, presented a \$1,000 donation to the Carrollton Fire Department to be used for safety equipment in appreciation and recognition for being on stand-by for the crews when making emergency repairs in any type of emergency situation.

Stan Hayes, Carrollton Community Chorus, provided a report of the Chorus activities and talked about the mission and goals of the Chorus.

Ron Branson, former Mayor, 1406 Charlotte Way, thanked the Council for working with the VFW and the American Legion to honor veterans with naming a road 'Veterans Way' in McInnish Park and naming soccer fields on behalf of three veterans who died in service. He announced that a ceremony is scheduled for November 14, 2015 to honor the three servicemen.

The following individuals addressed the Council regarding the Indian Creek Golf Course:

Dan Anderson, 1545 Pawnee Trail; Al Overholt, 2216 Ridgewood; Ian Munro, 4253 Hunter Drive; and Adam Polter, 4180 Creek Hollow.

Adam Polter, 4180 Creek Hollow, also addressed the Council regarding Item 49 speaking against the 3-story multi-family proposal.

## **CONSENT AGENDA**

*(\*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

Mayor Marchant advised that Items 26, 27 and 44 were being pulled for a separate vote and he advised that due to some different numbers provided by Eagle earlier in the day, the Council could not take action on Item 48.

**Deputy Mayor Pro Tem Hrbacek moved approval of Items 10-25, 28-43, and 45-47 and add the name Willadean Martin for Item 39 under Parks Board; second by Councilmember Babick; and the motion was approved with a unanimous 7-0 vote.**

## MINUTES

\*10. Consider Approval Of The **October 13, 2015 Regular Meeting Minutes**.

## BIDS & PURCHASES

\*11. Consider **Approval Of The Purchase Of Traffic Signal Poles** For The Public Works Traffic Department From Structural & Steel Products Through An Interlocal Agreement With The City Of McKinney In An Amount Not To Exceed \$150,000.00.

\*12. Consider **Approval Of The Purchase Of Fire Fighter Protective Clothing** From Casco Industries, Inc. Through An Interlocal Agreement With BuyBoard In An Amount To Not Exceed \$118,400.00.

\*13. Consider **Approval Of The Purchase Of Self-Contained Breathing Apparatus And Associated Equipment** From Casco Industries, Inc. Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$358,862.00. City of Carrollton Page 3 Printed on 10/29/2015 City Council REGULAR WORKSESSION & November 3, 2015 MEETING

\*14. Consider **Approval Of The Replacement Of One (1) Service Truck** From Caldwell Country Ford Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$34,555.00.

\*15. Consider **Approval Of The Purchase Of An Open Performance Subscription And Professional Services From Socrata, Inc.** Through An Existing State Of Texas Department Of Information Resources (DIR) Reseller Contract With Dell Marketing, L.P. In An Amount Not To Exceed \$72,000.00 for 3 years (\$24,000.00 Per Year) With Optional 1-Year Renewals.

\*16. Consider **Approval Of The Purchase Of Travel Services** For The Carrollton Senior Center From Diamond Tours In An Amount Not To Exceed \$42,000.00.

\*17. Consider **Approval Of The Purchase Of Travel Services** For The Carrollton Senior Center From Cruise One In An Amount Not To Exceed \$120,000.00.

\*18. Consider **Approval Of The Purchase Of Nine (9) Patrol Vehicles For The Police Department** From Caldwell Country Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$362,879.00.

\*19. Consider Approval Of The Purchase Of New Fuel Pump Dispensers, Painting And State-Required Stage II Decommissioning (TCEQ) Of The AST (Above-Ground Storage Tank) For Sandy Lake Service Center From The Stovall Corporation Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$44,104.60.

\*20. Consider Approval Of Bid #16-001 For PVC Pipe For Public Works From Various Vendors In An Amount Not To Exceed \$150,000.00.

\*21. Consider Approval Of RFP #15-037 For Roof Replacement At Justice And Fire Training Centers And Bobby Ballard Pump Station From Heritage One Roofing In An Amount Not To Exceed \$332,500.00.

## CONTRACTS & AGREEMENTS

\*22. Consider Authorizing The City Manager To Approve A Contract With Turner Construction Company For The Police Department Overflow Parking Lot Project In An Amount Not To Exceed \$449,941.00.

\*23. Consider Authorizing The City Manager To Approve A Contract With Xerox State & Local Solutions, Inc. To Provide Managed Information Technology Services In An Amount Not To Exceed \$4,937,015.00 For The First Year.

\*24. Consider Authorizing The City Manager To Approve A Professional Service Contract With Teague, Nall & Perkins For Engineering Design Services For The Jackson Arms Street Reconstruction Project In An Amount Not To Exceed \$195,100.00.

\*25. Consider Authorizing The City Manager To Approve A Professional Services Contract With Birkhoff, Hendricks & Carter For Engineering Design Of The Josey Lane Elevated Storage Tank Replacement In An Amount Not To Exceed \$297,300.00.

## ORDINANCES

\*26. Consider An Ordinance Amending Title XI, Chapter 116, "Restaurants And Food Establishments," Of The Carrollton Code Of Ordinances By Establishing A New Subchapter To Be Entitled "Farmers Market Regulations," Title III, Chapter 31, "Comprehensive Fee Schedule," And Title III, Chapter 34, "Municipal Boards, Commissions and Advisory Committees."

\*27. Consider An Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2015 Through September 30, 2016.

## RESOLUTIONS

\*28. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation To Provide Funding To Implement Citywide Signal System Upgrades In An Amount Not To Exceed \$185,500.30.

- \*29. Consider A Resolution Appointing A Member To The Metrocrest Hospital Authority.**
- \*30. Consider A Resolution Appointing Members To The Capital Improvements Plan Advisory Committee.**
- \*31. Consider A Resolution Appointing Members To The Historic Preservation Advisory Committee.**
- \*32. Consider A Resolution Appointing Members To The Library Board.**
- \*33. Consider A Resolution Appointing Members To The Museum Board.**
- \*34. Consider A Resolution Appointing Members To The Neighborhood Advisory Commission.**
- \*35. Consider A Resolution Appointing Members To The Planning & Zoning Commission.**
- \*36. Consider A Resolution Appointing Members To The Property Standards Board.**
- \*37. Consider A Resolution Appointing Members To The Traffic Advisory Committee.**
- \*38. Consider A Resolution Appointing A Member To The Tax Increment Reinvestment Zone #1 Board.**
- \*39. Consider A Resolution Appointing Members To The Parks Board.**
- \*40. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct A Decorative Railing At The Dickerson Parkway Bridge At IH-35E In An Amount Not To Exceed \$98,948.00.**
- \*41. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct Galvanized Steel Poles And Mast Arms At The Belt Line Road And Broadway Intersection In An Amount Not To Exceed \$37,500.00.**
- \*42. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct Decorative Railing At The Belt Line Road Bridge In An Amount Not To Exceed \$267,496.00.**
- \*43. Consider A Resolution Authorizing The City Manager To Enter Into A Local Project Advance Funding Agreement With The Texas Department Of Transportation (TxDOT) To Construct A Drainage Culvert Under The IH-35E Northbound Frontage Road At Vandergriff Drive In An Amount Not To Exceed \$525,560.00.**

~~\*44. Consider A Resolution Authorizing The City Manager To Enter Into A Chapter 380 Incentive Agreement With Securus Technologies Holdings, Incorporated.~~

\*45. Consider A Resolution Affirming The Action Of The City Of Carrollton's Tax Increment Reinvestment Zone Number One Board Of Directors To Fund Intersection Improvements At Crosby Road And South Broadway.

\*46. Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Development Agreement With Banc Of America Community Development Corporation For Property Located At 1504 North Jackson Street, 1050 Park Avenue, And 1120 Park Avenue.

\*47. Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Economic Development Incentive Agreement With Louise Ann And Lee B. Gibson At 1104 Elm Street In An Amount Not To Exceed \$10,000.00.

~~\*48. Consider A Resolution Authorizing The City Manager To Amend The Interim Management Services Agreement With Eagle/Arcis Golf For Course Maintenance And Management In An Amount Not To Exceed \$2,372,693.~~

#### CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.

\*26. Consider An Ordinance Amending Title XI, Chapter 116, "Restaurants And Food Establishments," Of The Carrollton Code Of Ordinances By Establishing A New Subchapter To Be Entitled "Farmers Market Regulations," Title III, Chapter 31, "Comprehensive Fee Schedule," And Title III, Chapter 34, "Municipal Boards, Commissions and Advisory Committees."

Councilmember Blanscet moved approval of Item 26 with the following changes: the addition of the word 'primarily' in Sec 3; the definition of Farmers Market before the word 'offering' in the last sentence; add the following amounts to the permit fees in Sec 4: Operator Permit - \$150, Food Vendor Permit - \$50, and Concession Vendor Permit - \$150; second by Councilmember Babick and the motion was approved with a unanimous 7-0 vote.

\*27. Consider An Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2015 Through September 30, 2016.

Councilmember Sutter moved approval of Item 27 for the Ordinance amending the Operating and Capital Budget for the Fiscal Year October 1, 2015 through September 30, 2016; second by Deputy Mayor Pro Tem Hrbacek. Mayor Pro Tem Wilder stated he would vote against the motion because he did not agree with the opening of the Lakes Course. The motion was approved with a 6-1 vote, Mayor Pro Tem Wilder opposed.

\*44. Consider A Resolution Authorizing The City Manager To Enter Into A Chapter 380 Incentive Agreement With Securus Technologies Holdings, Incorporated.

Mayor Marchant stated the agreement would bring a company into town that would backfill the Real Page space.

**Councilmember Babick moved approval of Item 44, Resolution authorizing the City Manager to enter into a Chapter 380 Incentive Agreement with Securus Technologies Holdings, Incorporated as stated; second by Councilmember Sutter.** Mayor Pro Tem Wilder stated the company was already in Carrollton and he did not see the need to approve an incentive. Council Lawrence stated he was reassured by the Director of Development that the incentive was necessary due to competition. Councilmember Babick stated this incentive would provide 500 – 1000 new jobs to Carrollton. Mayor Marchant stated giving incentives is part of the environment to get office jobs. **The motion was approved with a 6-1 vote, Mayor Pro Tem Wilder opposed.**

## **PUBLIC HEARING - INDIVIDUAL CONSIDERATION**

**49. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For An Apartment Complex With Special Conditions On An Approximately 11.5-Acre Tract Located At The Northeast Corner Of Carrollton Parkway And SH-121/Sam Rayburn Tollway; Amending Accordingly The Official Zoning Map. Case No. 09-15SUP2 Alexan Carrollton Apartments. Case Coordinator: Michael McCauley.**

Michael McCauley, Senior Planner, presented the request to construct a multi-family development with the base zoning of Freeway District. He stated the complex meets the City's multi-family design guidelines with regard to Urban Designs. He advised that the Planning & Zoning Commission recommended approval and the staff recommended approval with two additional stipulations: 1) the right-of-way improvements as it relates to Carrollton Parkway shall comply with the General Design Guidelines during the platting process; and 2) that the northwest gate within the complex be used for emergency access and for exiting only.

Robert Baldwin, 3904 Elm Street, Ste #3, Dallas, applicant representing Trammell Crow, stated they had been working diligently with the staff and the adjoining neighbors to redesign the buildings to address concerns. He felt the support of the project was partly because the residents had been able to help with the design rather than have to just take what gets built by right. He stated that the proposed apartment complex was designed for people who choose to rent and felt the quality of the design and finishes make the difference. He felt the complex would buffer the residential property and would keep traffic off city streets because the majority of the residents would work in cities to the north. He stated he did not have a formal presentation to make and requested a continuance of the request to allow him an opportunity to bring forward information to support the request.

Mayor Pro Tem Wilder asked the applicant if they were aware of the added stipulations and asked if they were in agreement. Mr. Baldwin stated they could agree to the stipulations.

In response to Councilmember Lawrence, Mr. Baldwin stated he had a letter of support from the developer to the east and felt they would have a signed developer's agreement by morning. He also stated that having to change to a two-story complex would probably have a huge impact on whether or not the project would be viable.

Mayor Marchant opened the public hearing and invited speakers to the podium; there being no speakers, Mayor Marchant closed the public hearing.

Deputy Mayor Pro Tem Hrbacek stated it was a good looking project and he would love for it to be within walking distance of one of the train stations. He stated he would be okay with a continuance but did not think it would make a difference and was prepared to make a motion for denial when appropriate.

Councilmember Blanscet stated he was okay with a continuance but struggled with putting apartments at the proposed location. He felt it was a great product but felt it was in the wrong location.

Councilmember Babick felt the request for a continuance should be granted, but could not say if it would make a difference.

Councilmember Garza spoke in favor of the continuance and felt there would have to be a significant improvement or change for the Council to approve the request.

Councilmember Sutter also voiced support for the continuance due to the level of work the applicant had put into the project.

Deputy Mayor Pro Tem Hrbacek noted that the request was for a Special Use Permit for multi-family and even with a continuance, the product the applicant returned with would still be multi-family.

**Councilmember Babick moved to allow the request for a continuance for 30 days; second by Councilmember Garza.** Deputy Mayor Pro Tem Hrbacek stated he would vote against the motion because the applicant would return with multi-family. Mayor Marchant stated that his opposition would grow more resolute in the next 30 days. **The motion to continue to the first meeting in December, Tuesday, December 1, was approved with a 5-2 vote, Mayor Pro Tem Wilder and Deputy Mayor Pro Tem Hrbacek opposed.**

Mayor Marchant adjourned the Regular Meeting at 8:25 p.m. and announced that Council would convene in Worksession after a brief recess.

**\*\*\*WORKSESSION\*\*\***

Mayor Marchant convened the Worksession at 8:35 p.m.

**7. Discuss Indian Creek Golf Course.**

Mayor Marchant reminded Council that the direction given at the last meeting was to proceed with opening the Lakes Course by April 1, 2016 even though that was pushing the schedule. He asked Erin Rinehart to address the need to delay action on the item that was originally scheduled on the Regular Meeting agenda.

Erin Rinehart explained that the way the contract was structured didn't fit the business model of the contractor. The negotiated solution includes an additional fee to the contractor to

accommodate some of the issues they would face. She stated that the difference was \$28,000 for the Lakes Course and she felt there was potential to absorb that number in the previous estimates provided. If it can't be absorbed, she would return later in the year for approval for the additional funds. She felt it was reasonable to move forward with the Lakes Course contract. With regard to the Creek Course, she reported that Eagle informed staff earlier in the day that there was an omission in their submission. She stated a recommendation could be back before the Council at the next meeting and she stated it would not affect the opening of the Creek Course which was projected to open between June and August 2016. She advised Council that since the last meeting, staff, Eagle, the independent Agronomist and FEMA revisited the course to look at everything from cleanup, reimbursement, and mitigation and she provided a recap and summary of the conditions of the Creek Course. Scott Carrier, Eagle Agronomist, stated that silt was not advantageous for turf grass growth because it is very difficult for water to penetrate silt and therefore, the grass cannot grow roots. He also explained the costs and work associated with bunker repairs. Erin Rinehart explained that the tee boxes and greens on the Creek Course are in great shape and provided photos illustrating the problems with fairways and bunkers. She advised that the non-recurring cost to get the Creek Course back to the pre-flood condition was projected to be \$690,000 - \$900,000. The Lakes/Creek Course recurring Cost was projected at \$2,805,693 with estimated revenues of \$1,437,710. She underscored that the projections didn't include the General Fund cost allocation and didn't include the debt service. She also advised that the numbers did not include flood mitigation. She explained that the courses many people refer to such as Grapevine did not experience the extended length of time in a flood condition and reminded Council that Indian Creek was still in flood stage in August. She also noted for example that Lake Park in Lewisville opened but with a level of play 3 times less than prior to the flood. She stressed that other courses were opening when Indian Creek was still under water.

Councilmember Babick stated he would like to get the results of the study about the potential uses of the land prior to signing a contract that would include the Creek Course because the City would not see any benefit to the Creek Course until the spring time anyway. Councilmember Sutter asked if it might be beneficial to use sod rather than sprigs since the sod would allow the course to open quicker and begin to see revenue. Scott Carrier agreed and replied that after the planing occurred, a decision would have to be made in that regard. With regard to delaying action on the contract, Erin Rinehart explained that the City would spend the same amount of funds in November and December to maintain both courses regardless of the decision; and aside from maintenance no additional work would be conducted on the Creek Course until the spring. Discussion was held about getting bids for the bunker repairs; Meredith Ladd advised that it could be bid as a requirements contract up to a certain amount and the City could ask for less even after the contract is awarded. Councilmember Babick spoke strongly in favor of waiting to take action on the contract until the land use study was received and considered. He also felt staff should proceed with obtaining any needed quotes and bids. Councilmember Blanscet stated he would like to understand 'flood mitigation' options and possibly cost. A consensus was reached that staff would proceed with quotes for repair of both courses with a contract item placed on the January 5, 2016 agenda for consideration; and would include a quote for reduction of bunkers. Staff would also provide required budget amendment financial information. Discussion was held about the possibility of a golf committee and the general consensus was that a committee was not needed.

**5. Discuss Status Of The Senior Center Expansion Project.**

Andrew Combs CIP Manager provided an update on the Senior Center Expansion project including photographs of the actual construction site. He stated the construction was about 34% - 45% complete. He felt the project would be completed in the spring time ahead of the expected June date. Cesar Molina proposed a 'hard hat' tour by Council of the facility in January.

**6. Discuss Surface Infrastructure Including City Sidewalk Policy And Strategy.**

Bob Kopp, Public Works Director, stated the purpose of the discussion item was to update the City Council on the condition of the surface infrastructure, identify funding opportunities and obtain Council direction to address the infrastructure deficiencies. He provided information on the total infrastructure inventory noting there were 350 miles of streets at a Grade C or lower. Potential projects highlighted were Josey (Beltline-McKamy) – mill and overlay; Kelly Boulevard (Country Club-Keller Springs) – full rehab at Ted Polk, partial as needed; Northcrest Estates – whole neighborhood to fund 2 phases; and Belaire Heights – whole neighborhood. With regard to alleys, there were 97 miles at Grade C or lower. He stated alleys should be addressed at the same time that streets are addressed and did not recommend alley projects. With regard to sidewalks, he reported 243 miles were in the Fair to Very Poor condition and 149 miles of gaps/missing sidewalks. He also reported non-compliant or missing sidewalk ramps to be 5,048 and 1,272 partially compliant. He reviewed the sidewalk repair policy for residents. He recommended budgeting work on Josey at \$571,000 and Kelly at \$500,000; and \$2-\$4 million annually for sidewalks with \$150,000 for the 90-10 Grant Program and a priority on major arterials including schools, senior living, parks & recreation facilities, and TOD stations seconded by schools on collector and residential streets. He further noted that Denton County may provide funds. Mayor Marchant suggested that perhaps a percentage of the sales tax overage could be directed to surface infrastructure. Discussion was held that would direct the Redevelopment Sub-Committee to develop a policy and set priorities for funding with Council providing final authority such as was done to address the corridors. Councilmember Lawrence suggested Bob Kopp bring back a priority list based on \$2.5M with a recommendation for projects and costs that could be added and a recommendation for projects and costs that could be removed. The \$2.5M would include funding for Josey, Kelly and the 90-10 Grant Program. Consensus reached as suggested.

**ADJOURNMENT**

Mayor Marchant adjourned the meeting at 11:16 p.m.

**ATTEST:**

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Krystle Nelinson, City Secretary

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Matthew Marchant, Mayor





# City of Carrollton

## Agenda Memo

File Number: 2375

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**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** \*10.

**CC MEETING: December 1, 2015**

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Krystle F. Nelinson, Management Analyst/City Secretary

Consider **Approval Of The November 17, 2015 Regular Meeting Minutes.**

**CARROLLTON CITY COUNCIL  
REGULAR WORKSESSION AND MEETING  
NOVEMBER 17, 2015**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, November 17, 2015 at 5:45 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Anthony Wilder, Deputy Mayor Pro Tem Doug Hrbacek, Councilmembers Bob Garza, Steve Babick, John Sutter, James Lawrence and Glen Blanscet. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy, Bob Scott, and Erin Rinehart, City Attorney Meredith A. Ladd and City Secretary Krystle Nelinson.

**5:45 P.M. – COUNCIL BRIEFING ROOM**

**\*\*\*PRE-MEETING\*\*\***

Mayor Marchant called the meeting to order at 5:45 p.m.

6. Mayor and Council **reports and information sharing**.
1. Receive **information and discuss Consent Agenda**.

**\*\*\*WORKSESSION\*\*\***

4. Discuss A Request To **Create A Public Improvement District** At The Southeast Corner Of Windhaven Parkway And Old Denton Road.

Asst. City Manager Marc Guy stated the use of Public Improvement Districts (PID) had become more common as a financing mechanism for land development. He advised that staff received a request from the developer of Castle Hills, Bright Realty, to create a PID on a tract of land that the developer is attempting to purchase. He stated the subject site was a 94+ acre tract currently zoned Light Industrial. The developer proposes a future phase of Castle Hills that would consist of single-family detached houses with approximately 320+ lots. The target price points were mid-\$300,000 to mid-\$500,000+ and the development would be served by Carrollton utilities and services. He explained that the PID is a mechanism for financing site improvements and that an annual assessment would be levied against each property / home owner which reimburses the developer for the cost of the site development. The home owner would still be required to pay the city, school and county taxes. He underscored that the city would be under no obligation or risk to reimburse the developer in the event of default, foreclosure or something of that nature. He reviewed the schedule of action noting the petition to create the PID was received on October 26 and the concluding action by Council would occur on January 19, 2016.

Mayor Marchant asked if there was any scenario where the City of Carrollton would be responsible for the debt or where the City's credit rating would be affected by the debt and Mr. Guy replied no. Bob Scott stated this particular PID would not issue debt nor have any debt associated with it. He stated it would be strictly what he called a reimbursement PID.

Councilmember Sutter asked about the amount of the debt to be incurred, the estimated cost per home owner and for how long. Marc Guy replied that the amount provided from Bright Realty was that \$11M was the associated development costs. Bob Scott stated staff was told just over \$1,800 a year in the annual assessment for 20 years and the present value of the payment at 6% came out to an assessment of approximately \$21,000.00.

Mayor Marchant asked about the tax rate for Castle Hills. Eric Stanley, Bright Realty, stated Castle Hills didn't have a city tax because it was located in the ETJ but the tax rate was calculated at \$0.95-\$1.00 so the combined tax rate would be about \$0.98. Mayor Marchant noted that Carrollton citizens pay a \$0.61 tax rate and the PID would allow anyone who lives in Castle Hills, whether inside the city limits or inside the District would essentially have the same tax rate and Mr. Stanley replied affirmatively.

Deputy Mayor Pro Tem Hrbacek asked if there would be another assessment when the infrastructure needs maintenance and City Manager Leonard Martin replied that the infrastructure would belong to the City. City Attorney Meredith Ladd advised that once the infrastructure is installed and accepted by the City through the normal process that any developer would follow, the City would accept it and take over maintenance responsibilities. She explained that it was an assessment paid by the land owner that's passed through the PID process that goes directly to the developer and paid out over time. She further explained that the PID cannot issue debt and cannot take on debt for additional assessments without approval by the Council. She advised that the Service and Assessment Plan (SAP) would include the total amount, time period and terms.

Councilmember Garza asked what would occur if a property foreclosed. Mayor Marchant stated the bank would have to pay it because it's like a mandatory HOA assessment. Ms. Ladd stated it could also attach as a lien on the property noting that it would be a secondary lien just behind taxes. Bob Scott stated that when the assessment is originally levied, a lien is placed against the property or a homeowner could roll the assessment into their mortgage.

Mayor Pro Tem Wilder asked when the expenditures from the PID were expected to end. Mr. Stanley stated the money for the development would be spent primarily before the first lot is sold to a builder. He clarified that the number would be finalized in the SAP approved by Council in January. Mayor Pro Tem Wilder asked how developers such as Arcadia fund their developments in Carrollton and Marc Guy responded that the City does not typically ask about funding as the information was proprietary and he stated there have been no other PIDs in Carrollton. Mayor Pro Tem Wilder asked Mr. Stanley why they were seeking this approach rather than the conventional method. Mr. Stanley talked about the land value, connection to Carrollton hike and bike trails, flood reclamation, and site terrain with about 55 ft of drop from Windhaven to the bottom based on the grading plans which would be mitigated to about 45 ft. He stated the PID is a repayment methodology that allows them to sale the lots for a price to the home builders can afford to buy the lot, build the house and sale it to a home owner and stay somewhere in the market. Mayor Pro Tem Wilder asked about the need for an advisory board and Marc Guy stated he didn't think an advisory board would be necessary because all of the improvements were being driven by the developer. Mayor Marchant felt buying in Castle Hills was a choice. Mr. Stanley stated the PID was a mechanism to try to keep the lot price which ultimately keeps the home price to something that can maintain some velocity; some edge against expected interest rate hikes, etc., and a return to the developer over 20 years rather than immediately.

Councilmember Sutter referred to the possibility that not all of the lots would sell and asked if those who bought a home would have just their portion or would have to assume the 50% of the others that weren't sold and the remaining amount of the PID to be paid. Meredith Ladd and Eric Stanley stated it would be a per lot assessment. Councilmember Sutter asked when the 20 year clock begins and Mr. Stanley replied that it begins when the SAP is approved and Ms. Ladd agreed. Bob Scott stated Bright Realty would be paying the assessment as long as they own the land.

Mayor Marchant asked about instances where there was a Water District and a PID. Mr. Stanley stated that the Water Districts, at a point in time, were able to issue the debt to Lewisville; that changed a number of years ago in Austin and they had to go to the PID structure; so still within a Water District, but the Water District's not doing it, the PID's doing it.

Councilmember Blanscet asked if the petition met all of the requirements in the Statute. Ms. Ladd stated it meets all of the requirements as presented today; he didn't ask for the deferred assessment so it meets all of the requirements of State law and there were no additional requests.

**5. Update On Customer Service Survey And Resolution Center.**

Administrative Services Director Ashley Mitchell stated the Customer Service Survey began about one year ago on October 1, 2014 and she stated that all surveys are collected online. She advised that departments provide customers with the survey link and QR code; color page-size posters are in key locations within City Hall, Municipal Court and libraries and provided other avenues used to distribute the link. In that time, 133 surveys were submitted with the Resolution Center receiving the most responses. She explained that the Resolution Center could be solving an issue by a department, but the survey response refers to the Resolution Center. She reported that on a 5 point scale, the overall rating was a 3.1 which was a little above average. She asked the Council to take into account that typically people who complete surveys are those who usually don't like something so staff felt that average was good. She stated that the survey responses are providing good feedback and some changes have been made. She advised that staff would add trash collection as a department to be able to better track that feedback and information. Discussion was held about residents and non residents and Mayor Marchant suggested adding a text box where the respondent could list the zip code and Ms. Mitchell stated they could add the feature.

Ms. Mitchell provided a brief history of the Resolution Center which began in mid 2004 with 7.5 employees supported five lines of business. In FY 2004-05, they received 135,810 calls and they handled 122,558 calls with an abandonment rating of about 9%. In FY 2014, the Center consists of 9.5 employees supporting seven lines of business with 122,374 calls handled and 129,921 offered calls and an abandonment rating of about 5%. In addition there were 5,284 non-call cases which are things that come through the website and usually take longer to resolve than calls. In FY 2015, the Center consists of 10.5 employees supporting eight lines of business and as of November, experiencing a 5% increase in call volume with an overall 22% increase over November 1-15, 2014. She felt an increase in staff would be necessary to avoid an increase in call waiting but would need to wait until the employees moved to the existing Dispatch area. She provided statistics on calls received which average about 550 a day. The average speed to answer is 38 seconds; average handle time is 4.5 minutes and the abandon rate is 5.81%. She

also provided a chart that compared the Resolution Center to the industry standard and reported that the Resolution Center handles more calls per agent per day; experienced a smaller average wait; and the abandon rate was a little higher than the industry standard.

Councilmember Babick stated he would like to revisit the comparison chart with regard to trash collections as planning is considered for increased staff. Ms. Mitchell stated that the 10.5 employee number included a person to address the expected increase in call volume due to taking trash calls and would re-evaluate it at 3 months and again at 6 months to track the impact.

Mayor Marchant recessed the Worksession at 7:06 p.m. to convene the Executive Session.

**\*\*\*EXECUTIVE SESSION \*\*\***

2. Council convened in **Executive Session** at **7:07 pm** pursuant to Texas Government Code:

- **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.
- **Section 551.072** to discuss certain matters regarding real property.
- **Section 551.087** to discuss Economic Development

3. Council reconvened in **open session** at 7:27 pm to consider action, if any, on matters discussed in the Executive Session. No action taken.

**\*\*\*REGULAR MEETING\*\*\***

Mayor Marchant called the Regular Meeting to order at 7:34 p.m.

**INVOCATION – Councilmember James Lawrence**

**PLEDGE OF ALLEGIANCE – Councilmember Steve Babick**

**PUBLIC FORUM**

7. **Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.** Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

Mayor Marchant recognized Officer Steve Lair for his work in disrupting gang activity and for playing a key role in the complex Federal investigation called Operation Wheel Alignment. Mayor Marchant listed the many awards received by Officer Lair, notably the 2015 Attorney General's Award for Distinguished Service.

Mike Richardson spoke in favor of having a committee with regard to the golf course that could be an effective means of communication.

### CONSENT AGENDA

*(\*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

Mayor Marchant recognized and welcomed former Mayor Pro Tem Kevin Falconer.

Mayor Marchant advised that Items 8 and 16 were being pulled for consideration at the next meeting and Item 19 was pulled for separate vote.

**Deputy Mayor Pro Tem Hrbacek moved approval of Items 9-15, and 17-18; second by Councilmember Babick; and the motion was approved with a unanimous 7-0 vote.**

### MINUTES

**~~\*8. — Consider Approval Of The November 3, 2015 Regular Meeting Minutes.~~**

### BIDS & PURCHASES

**\*9. Consider Approval Of The Purchase Of Four Fire Fighter Personal Protective Clothing Extractors and Associated Equipment From American Laundry Systems Through An Interlocal Agreement With Buyboard In An Amount To Not Exceed \$52,000.00.**

**\*10. Consider Approval Of The Purchase Of Industrial Pretreatment Sampling And Analysis By Ana-Lab Corporation In An Amount Not To Exceed \$75,000.00.**

**\*11. Consider Approval Of An Expenditure Of Funds For Replastering The Play Area, Lazy River, And Catch Pool At Rosemeade Rainforest Aquatic Complex With DCC, Inc. Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$71,258.15.**

### ORDINANCE

**\*12. Consider An Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2015 Through September 30, 2016.**

### RESOLUTIONS

**\*13. Consider A Resolution Casting Votes For Kevin Falconer For The Board Of Directors Of The Denton Central Appraisal District.**

**\*14. Consider A Resolution Casting A Vote To Appoint Blake Clemens To The Dallas Central Appraisal District Board.**

**\*15. Consider A Resolution Authorizing The City Manager To Enter Into An Agreement To Sell A 25,291 Square Feet Tract Of Land, Which Tract Is Part Of A Parcel Of Land Located At 1666 West Frankford Road; Authorizing The City Manager To Take All Action Necessary To Effectuate The Intent Of This Resolution; And Providing An Effective Date.**

~~**\*16. Consider A Resolution Authorizing The City Manager To Enter Into An Agreement To Sell A 4.44 Acre Tract Of Land In Fee Simple, Which Tract Is Part Of A Parcel Of Land Located At 1825 North Interstate Highway 35E; And Providing An Effective Date.**~~

**\*17. Consider A Resolution Authorizing The City Manager To Sign An Application With Berkley To Provide Stop Loss Coverage For The City's Benefit Plan In An Amount Not To Exceed \$660,000.00.**

**\*18. Consider A Resolution Authorizing The City Manager To Enter Into An Agreement With Catalyst Commercial For A Retail Assessment, Strategy, And Implementation Plan In An Amount Not To Exceed \$46,100.00.**

~~**\*19. Consider A Resolution Accepting A Petition And Calling A Public Hearing On The Creation Of The Carrollton Singer/Castle Hills Public Improvement District On A 94.35 Acre Tract At The Southeast Corner Of Windhaven Parkway And Old Denton Road.**~~

**CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.**

**\*19. Consider A Resolution Accepting A Petition And Calling A Public Hearing On The Creation Of The Carrollton Singer/Castle Hills Public Improvement District On A 94.35 Acre Tract At The Southeast Corner Of Windhaven Parkway And Old Denton Road.**

Mayor Marchant stated that the end result of the request, if approved, would be the development of the Singer Ranch which is located north of Hebron on Old Denton and would be a single family development that would be incorporated into the Castle Hills development. He stated this is the first step in a multi step process and would involve the creation of a Public Improvement District (PID). The request before the Council is to accept the petition and call a public hearing.

**Councilmember Garza moved approval of Item 19; second by Councilmember Sutter.**

Mayor Pro Tem Wilder stated he would vote against the PID stating he was concerned about the precedent it would set for future developments in the City for single family housing and because of the principles behind it. He stated his preference that the developer use conventional finance methods.

**The motion was approved with a 6-1 vote, Mayor Pro Tem Wilder opposed.**

**ADJOURNMENT**

Mayor Marchant reminded the audience about a concert by The Steel Blossoms on Saturday, November 21 in Downtown Carrollton and Santa's Downtown Dash on Saturday, December 5 in Downtown Carrollton. He wished everyone a wonderful Thanksgiving.

Mayor Marchant adjourned the meeting at 7:45 p.m.

**ATTEST:**

\_\_\_\_\_  
Krystle Nelinson, City Secretary

\_\_\_\_\_  
Matthew Marchant, Mayor



# City of Carrollton

## Agenda Memo

File Number: 2354

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:**  
Contracts/Agreements

**Agenda Number:** \*11.

**CC MEETING: December 1, 2015**

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Kim Bybee, Athletics Manager, and Scott Whitaker, Parks and Recreation Director

Consider Authorizing The City Manager To Approve Contract Amendment No. 1 With LanArc Design, Inc. For McInnish Dog Park In An Amount Of \$12,465.00 For An Adjusted Total Contract Amount Not To Exceed \$70,187.00.

### BACKGROUND:

In October 2014, LanArc Design, Inc was contracted to begin architectural and design services for McInnish Dog Park. Parks and Recreation Staff and LanArc Design, Inc met with the Building Inspections Department for a pre-development meeting to discuss the project and any proper documentation that would be required prior to obtaining a permit. It was determined that a site plan, drainage plan, erosion control plan, and additional design services would be required by LanArc Design, Inc. These services were not included in the original professional services agreement and need to be added to continue the construction of the McInnish Dog Park. Construction is expected to begin in February with an anticipated opening in late spring 2016, weather dependent.

### FINANCIAL IMPLICATIONS:

The additional services for the design of McInnish Dog Park will be funded out of the following account.

ACCTG UNIT	ACCOUNT	BUDGET AMOUNT
854157	115650199 (Dog Park)	\$12,465.00

### STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to approve additional services to the existing professional services agreement with LanArc Design, Inc for McInnish Dog Park in an amount not to exceed \$12,465.00 for an adjusted total contract amount not to exceed \$70,187.00.

# CONTRACT AMENDMENT NO. 1

Date: November 18, 2015

A. INTENT OF CONTRACT AMENDMENT:

The intent of this contract amendment is to modify the provisions of the contract entered into by the City of Carrollton, Texas and LanArc Design, Inc. for the McInnish Dog Park Design, dated October 28, 2014.

B. DESCRIPTION OF CHANGE

This change order accommodates a change in the scope of work.

C. REASON FOR CHANGE

This change order adds costs for additional design service fees.

D. EFFECT OF CHANGE

This change order will affect the cost of this project with the addition of a site plan, drainage plan, and an erosion control plan.

Original Contract Amount	<u>\$57,722.00</u>
Contract Amount (Including Previous Contract Amendments)	<u>\$57,722.00</u>
Amount of this Contract Amendment	<u>\$12,465.00</u>
<b>Revised Contract Amount</b>	<b><u>\$70,187.00</u></b>
<b>Total Percent Increase Including Previous Change Orders</b>	<b><u>17.7%</u></b>

E. AGREEMENT

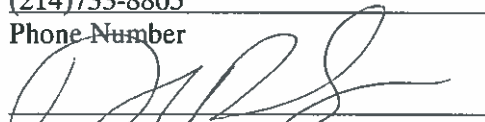
By the signatures below, duly authorized agent of the City of Carrollton, Texas and LanArc Design, Inc., do hereby agree to append this Contract Amendment No. 1 to the original contract between themselves, dated October 28, 2014.

LanArc Design, Inc.  
Company

2701 W. 15<sup>th</sup> Street, Suite 333  
Address


Plano                      TX                      75075  
City                      State                      Zip

(214)733-8805  
Phone Number

  
Contractor's Signature

  
Athletics Manager

  
Parks and Recreation Director

  
Assistant City Manager





# City of Carrollton

## Agenda Memo

File Number: 2355

Agenda Date: 12/1/2015

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:  
Contracts/Agreements

Agenda Number: \*12.

**CC MEETING: December 1, 2015**

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Scott Whitaker, Parks and Recreation Director & Kim Bybee, Athletics Manager

Consider Authorizing The City Manager To Approve Contract Amendment No. 1 With LanArc Design, Inc. For Thomas Baseball Complex In An Amount Of \$17,460.00 For An Adjusted Total Contract Amount Not To Exceed \$57,810.00.

### BACKGROUND:

In July 2015, LanArc Design, Inc was contracted to begin architectural and design services for the renovation of Thomas Baseball Complex. Parks and Recreation Staff and LanArc Design, Inc met with the Building Inspections Department for a pre-development meeting to discuss the project and any proper documentation that would be required prior to obtaining a permit. It was determined that a site plan, drainage plan, erosion control plan, and additional design services would be required by LanArc Design, Inc. These services were not included in the original professional services agreement and need to be added to continue the renovation project at Thomas Baseball Complex. Construction is expected to begin in the Spring with an anticipated completion of Summer 2016, weather dependent.

### FINANCIAL IMPLICATIONS:

The additional services for the design of Thomas Baseball Complex will be funded out of the following account.

ACCTG UNIT	ACCOUNT	BUDGET AMOUNT
854360	116320399 (Thomas Athletic Complex)	\$17,460.00

### STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to approve additional services to the existing professional services agreement with LanArc Design, Inc for Thomas Baseball Complex in an amount of \$17,460.00 for a not to exceed total of \$57,810.00.

# CONTRACT AMENDMENT NO. 1

Date: November 18, 2015

A. INTENT OF CONTRACT AMENDMENT:

The intent of this contract amendment is to modify the provisions of the contract entered into by the City of Carrollton, Texas and LanArc Design, Inc. for the Thomas Baseball Complex Design, dated July 8, 2015.

B. DESCRIPTION OF CHANGE

This change order accommodates a change in the scope of work.

C. REASON FOR CHANGE

This change order adds costs for additional design service fees.

D. EFFECT OF CHANGE

This change order will affect the cost of this project with the addition of a site plan, drainage plan, and an erosion control plan.

Original Contract Amount	<u>\$40,350.00</u>
Contract Amount (Including Previous Contract Amendments)	<u>\$40,350.00</u>
Amount of this Contract Amendment	<u>\$17,460.00</u>
Revised Contract Amount	<u>\$57,810.00</u>
Total Percent Increase Including Previous Change Orders	<u>30.2%</u>

E. AGREEMENT

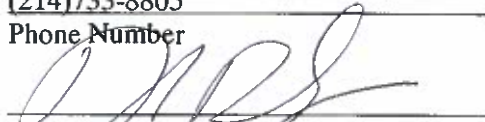
By the signatures below, duly authorized agent of the City of Carrollton, Texas and LanArc Design, Inc., do hereby agree to append this Contract Amendment No. 1 to the original contract between themselves, dated July 8, 2015.

LanArc Design, Inc.  
Company

2701 W. 15<sup>th</sup> Street, Suite 333  
Address

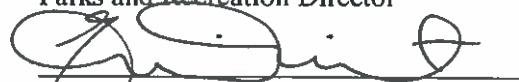
Plano                      TX                      75075  
City                      State                      Zip

(214)733-8805  
Phone Number

  
Contractor's Signature

  
Athletics Manager

  
Parks and Recreation Director

  
Assistant City Manager





# City of Carrollton

## Agenda Memo

File Number: 2379

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:**  
Contracts/Agreements

**Agenda Number:** \*13.

**CC MEETING: December 1, 2015**

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Lon Fairless, IT Director

Consider Authorizing The City Manager To Approve A Contract To Renew The Microsoft Volume Software Licenses From SHI Government Solutions, Inc. Through A Texas Department Of Information Resources Cooperative Purchasing Program In An Amount Not To Exceed \$235,626.50.

### **BACKGROUND:**

The City uses a significant amount Microsoft software for operating and business solutions installed on devices such as servers and mobile and portable PCs. Other options have been considered for performance, functionality, transitions impacts and costs as recently as earlier this year.

Historically the City has been able to procure a Microsoft Enterprise Agreement at a more competitive rate than Xerox though a Texas Department of Information Resources cooperative purchasing program. The current agreement with Xerox continues the practice of the City directly paying for the software as a cost control measure. With expiration of the current Microsoft Enterprise Agreement, the costs have been compared again and the DIR bid cost continues to be more competitive.

### **FINANCIAL IMPLICATIONS:**

The funds for this item are included in the Information Technology Services operations budget, ITS 151001.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends approval of a Microsoft Enterprise Agreement renewal based on a DIR competitive bid DIR-SDD-2503 to SHI Government Solutions, Inc. for \$235,626.50 for the first year with two one-year renewals estimated to increase approximately 1% each year.





# City of Carrollton

## Agenda Memo

File Number: 2366

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:** \*14.

**CC MEETING: December 1, 2015**

**DATE:** November 20, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Brett King, Building Official

Consider An **Ordinance Adopting The 2015 International Construction Codes And 2014 National Electric Code.**

### **BACKGROUND:**

On August 4, 2015, the North Central Texas Council of Government's Regional Codes Coordinating Committee (RCCC) recommended approval of regional amendments to the 2015 International Construction Codes, which were subsequently approved by the NCTCOG Executive Committee on September 17, 2015. The regional amendments to the 2014 National Electric Code were previously approved. These amendments were compiled by five code advisory boards, composed of building professionals from the public and private sector, in open meetings to consider the codes and reach a consensus on regional amendments. The ultimate goal of the RCCC is regional uniformity for model construction codes for the entire north central Texas region. This is an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate mobility of contractors, and reduce construction costs.

The Carrollton Property Standards Board was provided with copies of the proposed amendments at the September 24, 2015 meeting for feedback. Staff has been informing stakeholders of the anticipated changes and effective date of adoption during pre-application meetings and other contacts.

### **FINANCIAL IMPLICATIONS:**

There are no direct financial impacts to the city to process the adoption and amendments to the International Codes or National Electric Code.

### **IMPACT ON COMMUNITY SUSTAINABILITY:**

The consistent review and adoption of updated construction codes ensures and enhances the sustainability of the built environment for the city of Carrollton. New codes allow for the

introduction of technological advancements in building materials and construction methodology.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends approval of an ordinance adopting the 2015 International Construction Codes and the 2014 National Electric Code, with amendments to be effective on January 1, 2016.

SUMMARY OF MAJOR CHANGES  
Between the  
2012 & 2015 International Codes and Local Amendments

INTERNATIONAL BUILDING CODE—2015 EDITION

**Means of Egress**

The means of egress provisions in Chapter 10 were reformatted to relocate similar provisions to be located together in an effort to provide a more logical approach for designers and building officials. Few significant changes were made outside the reformatting, other than to increase the travel distance permitted in sprinklered buildings. These changes were paralleled in the *International Fire Code*.

**Construction in Flood Hazard Areas**

Significant changes were made in multiple codes to address construction in flood hazard areas. However, most of these provisions were deleted from the code by regional amendments, including in the attached document, as cities in North Texas as a whole prohibit construction in flood hazard areas.

**Building Materials**

Provisions have been added to the codes to address the use of building materials that are fairly new to the market, such as cross-laminated timbers (CLT) or plastic composites, such as those commonly used for building decks.

**Special Inspections**

Provisions have long been included in the building codes requiring a building owner to obtain a third-party special inspector to certify certain construction elements during construction. Local amendments have been created and regionally similar forms created in order to provide a single set of documents for these third-party special inspectors to use when submitting to various cities in the region.

**Existing Buildings**

Chapter 34 of the *International Building Code* has always regulated construction in existing buildings, and also referenced the *International Existing Building Code* (IEBC), which contained additional and sometimes conflicting requirements. Chapter 34 has now been deleted in its entirety and simply references the standalone IEBC, which establishes limits on what changes can be required within existing structures when remodeling work is being performed. The IEBC is now included in the adopting ordinance, in sections 150.070 and 150.071, as a separate document.

**Solar Systems**

Due to the increased activity in installation of solar panels, provisions have been introduced into the *International Fire Code*, *International Residential Code* and the *International*

*Building Code* related to the installation of solar panels. These provisions require the installer to account for dead loads, live loads and other loads such as wind and snow loads when designing systems to be installed.

### **Carbon Monoxide Detectors**

The provisions requiring the installation of carbon monoxide detectors have been moved to a new section, separating them from smoke and fire alarm systems, which are typically interconnected. Carbon monoxide detectors are now required in E (educational) occupancies with fuel-fired appliances, instead of just in residentially-related occupancies and may also be combination devices.

### **Energy Code**

Provisions for energy code compliance have been removed from the *International Residential Code* and that chapter replaced with a reference to the *International Energy Conservation Code*. This change did not modify the requirements of the code, but merely eliminated the duplication between the two separate codes. The State of Texas' State Energy Conservation Office (SECO) has adopted the provisions of the 2015 *International Energy Conservation Code* with an effective date of September 1, 2016, and state law prohibits cities in "non-attainment areas" (the entire North Texas region is within a "non-attainment area") from adopting any code that is less stringent than the state's adoption. Therefore, the NCTCOG-recommended amendments to the *IECC* have been reviewed by the State of Texas' Energy Systems Lab (ESL) at Texas A&M University, which has determined that the amendments are no less stringent than that adopted by the State of Texas.

### **Swimming Pools**

Requirements for swimming pools, spas and hot tubs have long been contained in an appendix to the *International Residential Code*, but recently a new code was published titled the *International Swimming Pool & Spa Code* (ISPSC). NCTCOG recommended amendments included placing these requirements back into the appendix to the *IRC* as Appendix Q. This will eliminate the requirement for the City or contractors to purchase additional code books.

### **Wind Speeds**

The *International Residential Code* contains wind speed maps to be used by designers in determining potential wind speeds based on location. However, the *IRC* also used the term "basic" wind speed, which differed from the term used by the *American Society of Civil Engineers* (ASCE), who publishes the *ASCE 7-10* standard titled *Minimum Design Loads for Buildings and Other Structures*, which uses the term "ultimate" design speed. This created confusion for designers and reviewers working with both codes. The tables in the *IRC* were revised to provide ultimate design speeds. While this change to the wind speed maps may seem significant, Table R301.2.1.3 provides conversion of these to nominal wind speeds, which actually vary less than 2 miles per hour from former "basic" wind speeds. This is basically a change of nomenclature.

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF CARROLLTON; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FUEL GAS CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2014 EDITION OF THE NATIONAL ELECTRICAL CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND PROVIDING LOCAL AMENDMENTS THERETO; PROVIDING SAVINGS, PENALTY, SEVERABILITY AND REPEALING CLAUSES; AND ESTABLISHING THE EFFECTIVE DATE OF JANUARY 1, 2016.**

**WHEREAS**, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendments to the construction codes would provide for and would be in the best interest to safeguard life, health, property and public welfare.

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

**SECTION 1.**

**Section 150.010 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows:**

**“SECTION § 150.010. THE 2015 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE ADOPTED.**

(a) The International Residential Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the residential code of the City of Carrollton, and is made a part hereof, as amended.

(b) One (1) copy of the 2015 edition of the International Residential Code, marked Exhibit “A”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.

(c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Residential Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

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## SECTION 2.

Section 150.011 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows:

**“SECTION § 150.011. AMENDMENTS.**

***\*\*Section R102.4; amend to read as follows:***

**R102.4 Referenced codes and standards.** The *codes*, when specifically adopted, and standards referenced in this *code* shall be considered part of the requirements of this *code* to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced *codes* and standards, each reference to said *code* and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the *Electrical Code* shall mean the *Electrical Code* as adopted.

***\*\*Section R104.10.1 Flood Hazard areas; delete this section.***

***\*\*\*Section R105.2, item #1; amend to read as follows:***

1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>)

***\*\*\*Section R105.2, item #2; amend to read as follows:***

2. Fences less than 20 feet in length.

***\*\*\*Section 105.2, item #5; amend to read as follows:***

5. One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>)

***\*\*\*Section 105.2, item #11; add to read as follows:***

11. Satellite dishes with a maximum diameter of 2 ½ feet or less.

***\*\*Section R105.3.1.1 & R106.1.4; delete these sections.***

***\*\*Section R110 (R110.1 through R110.5); delete these sections.***

***\*\*Section R202; amend definition of "Townhouse" to read as follows:***

**TOWNHOUSE.** A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with a *yard* or *public way* on at least two sides.

**\*\*Table R301.2 (1); fill in as follows:**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDER- LAYMENT <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	SPEED <sup>d</sup> (MPH)	Topographic Effects <sup>k</sup>	Special Wind Region <sup>l</sup>	Windborne Debris Zone <sup>m</sup>		Weathering <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
5 lb/ft	115 (3 sec- gust)/ 76 fastest mile	No	No	No	A	Moderate	6"	Very Heavy	22 <sup>0</sup> F	No	Local Code	150	64.9 <sup>0</sup> F

**\*\*Section R302.1; add exception #6 to read as follows:**

**Exceptions:** {previous exceptions unchanged}

- Open non-combustible carport structures may be constructed when also approved within adopted ordinances.

**\*\*Section R302.3; add exception #3 to read as follows:**

**Exceptions:**

- {existing text unchanged}
- {existing text unchanged}
- Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

**\*\*\*Section R302.5.1; amend to read as follows:**

**R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors.

**\*\*Section R303.3, Exception; amend to read as follows:**

**Exception:** {existing text unchanged} Exhaust air from the space shall be exhaust out to the outdoors unless the space contains only a water closet, a lavatory, or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

**Section R313 Automatic Fire Sprinkler Systems.** Delete subsections in their entirety.

**\*\*\*Section R315.2.2 Alterations, repairs and additions. Amend to read as follows:**

**Exception:**

- Installation, alteration or repairs of electrical powered {remaining text unchanged}

**\*\*Section R322 Flood Resistant Construction. Deleted Section.**

**\*\*\*Section R326 Swimming Pools, Spas and Hot Tubs. Amended to read as follows:**

**R326.1 General.** The design and construction of pools and spas shall comply with the **2015 IRC Appendix Q. Swimming Pools, Spas and Hot Tubs.**

**\*\*Section R401.2, amended by adding a new paragraph following the existing paragraph to read as follows.**

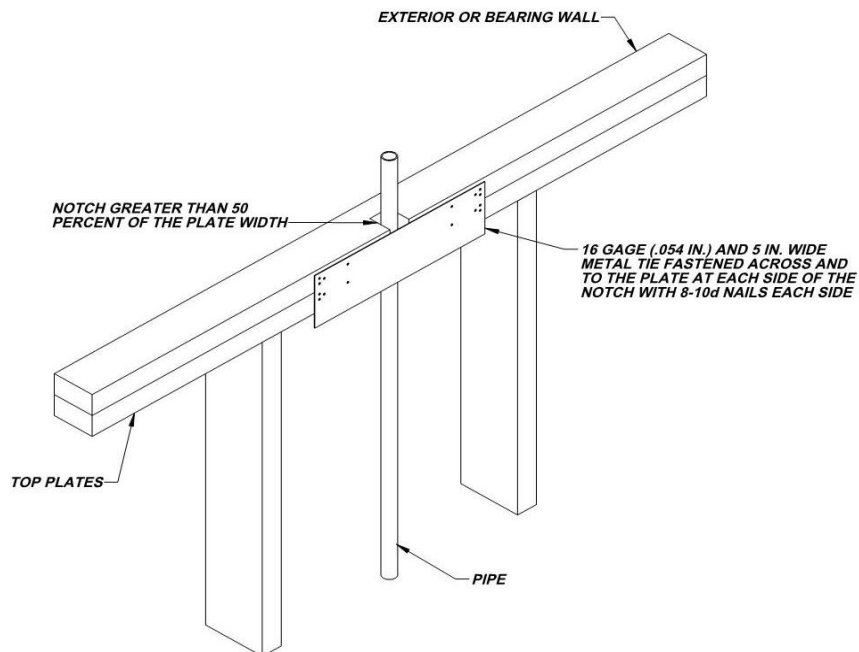
**Section R401.2. Requirements.** {existing text unchanged} ...

Every foundation and/or footing, or any size addition to an existing post-tension foundation, regulated by this code shall be designed and sealed by a Texas-registered engineer.

**\*\*Section R602.6.1; amend the following:**

**R602.6.1 Drilling and notching of top plate.** When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) having a minimum length of 1 ½ inches (38 mm) at each side or equivalent. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {remainder unchanged}

**\*\*Figure R602.6.1; delete the figure and insert the following figure:**



**\*\*Section R703.8.4.1; add a second paragraph to read as follows:**

In stud framed exterior walls, all ties shall be anchored to studs as follows:

1. When studs are 16 in (407 mm) o.c., stud ties shall be spaced no further apart than 24 in (737 mm) vertically starting approximately 12 in (381 mm) from the foundation; or
2. When studs are 24 in (610 mm) o.c., stud ties shall be spaced no further apart than 16 in (483 mm) vertically starting approximately 8 in (254 mm) from the foundation.

**\*\*Section R902.1; Amend and add exception #3 to read as follows:**

**R902.1 Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A, B, or C roofing shall be installed in areas designated by law as requiring their use or when the edge of the roof is less than 3 feet from a lot line. *{remainder unchanged}*

**Exceptions:**

1. *{text unchanged}*
2. *{text unchanged}*
3. *{text unchanged}*
4. *{text unchanged}*
5. Non-classified roof coverings shall be permitted on one-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.

**\*\*\* Chapter 11 [RE] – Energy Efficiency is deleted in its entirety and replaced with the following:**

**N1101.1 Scope.** This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

**N1101.2 Compliance.** Compliance shall be demonstrated by meeting the requirements of the residential provisions of 2015 International Energy Conservation Code.

**\*\*Section M1305.1.3; amend to read as follows:**

**M1305.1.3 Appliances in attics.** *Attics* containing *appliances* shall be provided . . . *{bulk of paragraph unchanged}* . . . sides of the *appliance* where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger and large enough to allow removal of the largest *appliance*. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for *access* to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An *access* door from an upper floor level.

**Exceptions:**

1. The passageway and level service space are not required where the *appliance* can be serviced and removed through the required opening.
2. Where the passageway is unobstructed...*{remaining text unchanged}*

**\*\*Section M1411.3; amend to read as follows:**

**M1411.3 Condensate disposal.** Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to a sanitary sewer through a trap, by means of a direct or indirect drain.  
*{remaining text unchanged}*

**\*\*Section M1411.3.1, Items 3 and 4; add text to read as follows:**

**M1411.3.1 Auxiliary and secondary drain systems.** *{bulk of paragraph unchanged}*

1. *{text unchanged}*
2. *{text unchanged}*
3. An auxiliary drain pan... *{bulk of text unchanged}*... with Item 1 of this section. A water level detection device may be installed only with prior approval of the *building official*.
4. A water level detection device... *{bulk of text unchanged}*... overflow rim of such pan. A water level detection device may be installed only with prior approval of the *building official*.

**\*\*Section M1411.3.1.1; add text to read as follows:**

**M1411.3.1.1 Water-level monitoring devices.** On down-flow units ...*{bulk of text unchanged}*... installed in the drain line. A water level detection device may be installed only with prior approval of the *building official*.

**\*\*M1503.4 Makeup Air Required Amend and add exception as follows:**

**M1503.4 Makeup air required.** Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m<sup>3</sup>/s) shall be provided with makeup air at a rate approximately equal to the difference between the exhaust air rate and 400 cubic feet per minute. Such makeup air systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system.

Exception: Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute (0.28 m<sup>3</sup>/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m<sup>3</sup>/s) shall be provided with a makeup air at a rate approximately equal to the difference between the exhaust air rate and 600 cubic feet per minute.

**\*\*Section M2005.2; amend to read as follows:**

**M2005.2 Prohibited locations.** Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that *combustion air* will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an *approved* self-closing device. Installation of direct-vent water heaters within an enclosure is not required.

**\*\*Section G2408.3 (305.5); delete.**

**\*\*Section G2415.2.1 (404.2.1); add a second paragraph to read as follows:**

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an *approved* tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING: 1/2 to 5 psi gas pressure - Do Not Remove"

**\*\*Section G2415.2.2 (404.2.2); add an exception to read as follows:**

**Exception:** Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EDH).

**\*\*Section G2415.12 (404.12); amend to read as follows:**

**G2415.12 (404.12) Minimum burial depth.** Underground *piping systems* shall be installed a minimum depth of 18 inches (457 mm) below grade.

**\*\*Section G2417.1 (406.1); amend to read as follows:**

**G2417.1 (406.1) General.** Prior to acceptance and initial operation, all *piping* installations shall be inspected and *pressure tested* to determine that the materials, design, fabrication, and installation practices comply with the requirements of this *code*. The *permit* holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this *code*. The *permit* holder shall give reasonable advance notice to the *building official* when the *piping system* is ready for testing. The *equipment*, material, power and labor necessary for the inspections and test shall be furnished by the *permit* holder and the *permit* holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

**\*\*Section G2417.4; amend to read as follows:**

**G2417.4 (406.4) Test pressure measurement.** Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.

**\*\*Section G2417.4.1; amend to read as follows:**

**G2417.4.1 (406.4.1) Test pressure.** The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the

test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

**\*\*Section G2417.4.2; amend to read as follows:**

**G2417.4.2 (406.4.2) Test duration.** The test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than fifteen (15) minutes. For welded *piping*, and for *piping* carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the *Building Official*, but in no case for less than thirty (30) minutes.

**\*\*Section G2420.1 (406.1); add Section G2420.1.4 to read as follows:**

**G2420.1.4 Valves in CSST installations.** Shutoff *valves* installed with corrugated stainless steel (CSST) *piping systems* shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the *valves*, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the *valve*. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's *piping*, fittings, and *valves* between anchors. All *valves* and supports shall be designed and installed so they will not be disengaged by movement of the supporting *piping*.

**\*\*Section G2420.5.1 (409.5.1); add text to read as follows:**

**G2420.5.1 (409.5.1) Located within the same room.** The shutoff valve ...*{bulk of paragraph unchanged}*... in accordance with the appliance manufacturer's instructions. A secondary shutoff valve must be installed within 3 feet (914 mm) of the firebox if appliance shutoff is located in the firebox.

**\*\*Section G2421.1 (410.1); add text and exception to read as follows:**

**G2421.1 (410.1) Pressure regulators.** A line *pressure regulator* shall be ... *{bulk of paragraph unchanged}*... approved for outdoor installation. Access to *regulators* shall comply with the requirements for access to *appliances* as specified in Section M1305.

**Exception:** A passageway or level service space is not required when the *regulator* is capable of being serviced and removed through the required *attic* opening.

**\*\*Section G2422.1.2.3 (411.1.3.3); delete exception 1 and exception 4.**

**\*\*Section G2445.2 (621.2); add exception to read as follows:**

**G2445.2 (621.2) Prohibited use.** One or more *unvented room heaters* shall not be used as the sole source of comfort heating in a *dwelling unit*.

**Exception:** Existing *approved unvented room heaters* may continue to be used in *dwelling units*, in accordance with the *code* provisions in effect when installed, when *approved* by the *Building*

*Official* unless an unsafe condition is determined to exist as described in *International Fuel Gas Code* Section 108.7 of the Fuel Gas Code.

**\*\*Section G2448.1.1 (624.1.1); amend to read as follows:**

**G2448.1.1 (624.1.1) Installation requirements.** The requirements for *water heaters* relative to access, sizing, *relief valves*, drain pans and scald protection shall be in accordance with this *code*.

**\*\*\* Section P2801.6.1; amend to read as follows:**

**Section P2801.6.1 Pan size and drain.** The pan shall be not less than 1 1/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4. Multiple pan drains may terminate to a single discharge piping system when *approved* by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

**\*\*\* Section P2804.6.1; amend to read as follows:**

**Section P2804.6.1 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:**

1. Not be directly connected to the drainage system.
2. Discharge through an air gap.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

**Exception:** Multiple relief devices may be installed to a single T & P discharge piping system when approved by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

5. Discharge to an indirect waste receptor or to the outdoors.  
[remainder unchanged]

**\*\*Section P2801.7; add exception to read as follows:**

**Exceptions:**

1. Electric Water Heater.

**\*\*Section P2902.5.3; amend to read as follows:**

**P2902.5.3 Lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

**\*\*\*Section P3009.9; amend to read as follows:**

**P3003.9. Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

Exception: A primer is not required where both of the following conditions apply:

**\*\*Section P3111; delete.**

**\*\*Section P3112.2; delete and replace with the following:**

**P3112.2 Installation.** Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drain-board shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety (90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

**\*\*\*Appendix Q Reserved. Amended to read as follows:**

## **Appendix Q. Swimming Pools, Spas and Hot Tubs.**

### **SECTION AQ101 GENERAL**

#### **AQ101.1 General.**

The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling.

#### **AQ101.2 Pools in flood hazard areas.**

Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AQ101.2.1 or AQ101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

**AQ101.2.1 Pools located in designated floodways.**

Where pools are located in designated floodways, documentation shall be submitted to the building official which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the jurisdiction.

**AQ101.2.2 Pools located where floodways have not been designated.**

Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

**SECTION AQ102 DEFINITIONS****AQ102.1 General.**

For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

**ABOVE-GROUND/ON-GROUND POOL.** See "Swimming pool."

**BARRIER.** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**HOT TUB.** See "Swimming pool."

**IN-GROUND POOL.** See "Swimming pool."

**RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

**SPA, NONPORTABLE.** See "Swimming pool."

**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

**SECTION AG103 SWIMMING POOLS****AQ103.1 In-ground pools.**

In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

**AQ103.2 Above-ground and on-ground pools.**

Above-ground and on-ground pools shall be designed and constructed in compliance with

ANSI/NSPI-4.

**AQ103.3 Pools in flood hazard areas.**

In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

**SECTION AQ104 SPAS AND HOT TUBS**

**AQ104.1 Permanently installed spas and hot tubs.**

Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

**AQ104.2 Portable spas and hot tubs.**

Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

**SECTION AQ105 BARRIER REQUIREMENTS**

**AQ105.1 Application.**

The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

**AQ105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219mm) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum

opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of Section AQ105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
  - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
  - 8.2. The gate and barrier shall have not opening greater than 0.5 inch (13 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves a part of the barrier one of the following conditions shall be met:
  - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
  - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch (es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
  - 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
  - 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AQ105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

**AQ105.3 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section AQ105.2, Item 9.

**AQ105.4 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb them.

**AQ105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AQ107, shall be exempt from the provisions of this appendix

## **SECTION AQ106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS**

### **AQ106.1 General.**

Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

## **SECTION AQ107 ABBREVIATIONS**

### **AQ107.1 General.**

ANSI—American National Standards Institute  
11 West 42nd Street  
New York, NY 10036

APSP—Association of Pool and Spa Professionals  
 NSPI—National Spa and Pool Institute  
 2111 Eisenhower Avenue  
 Alexandria, VA 22314

ASCE—American Society of Civil Engineers  
 1801 Alexander Bell Drive  
 Reston, VA 98411-0700

ASTM—ASTM International  
 100 Barr Harbor Drive  
 West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.  
 333 Pfingsten Road  
 Northbrook, IL 60062-2096

## **SECTION AQ108 REFERENCED STANDARDS**

### **AQ108.1 General.**

#### **ANSI/NSP**

ANSI/NSPI-3—99	Standard for Permanently Installed Residential Spas	AQ104.1
ANSI/NSPI-4—99	Standard for Above-ground/On-ground Residential Swimming Pools	AQ103.2
ANSI/NSPI-5—03	Standard for Residential In-ground Swimming Pools	AQ103.1
ANSI/NSPI-6—99	Standard for Residential Portable Spas	AQ104.2

#### **ANSI/APSP**

ANSI/APSP-7—06	Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins	AQ106.1
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#### **ASCE**

ASCE/SEI-24—05	Flood-resistant Design and Construction	AQ103.3
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#### **ASTM**

ASTM F 1346—91 (2003)	Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs	AQ105.2, AQ105.5
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#### **UL**

UL 2017—2000	Standard for General-purpose Signaling Devices and Systems—with revisions through June 2004	AQ105.2
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**END”**

### SECTION 3.

**Section 150.020 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows;**

**“SECTION § 150.020. THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE ADOPTED.**

(a) The International Building Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the building code of the City of Carrollton, and is made a part hereof, as amended.

(b) One (1) copy of the 2015 edition of the International Building Code, marked Exhibit “B”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.

(c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Building Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

### SECTION 4.

**Section 150.021 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.021. AMENDMENTS.**

***\*\*Section 101.4; amend to read as follows:***

**101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

***\*\*Section 101.4.8; add the following:***

**101.4.8 Electrical.** The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

***\*\*\*Section 101.4.9 Add to read as follows:***

**101.4.9 Green Construction.** The provisions of the International Green Construction Code (IGCC) may be applied as a voluntary overlay document for all matters governing green construction. While compliance with the International Green Construction Code is not mandatory, it contains specific provisions for installation of systems. When such systems are installed, they

shall be in compliance with the IGCC.

**\*\* Section 103 and 103.1 amend to read as follows:**

### **SECTION 103 BUILDING INSPECTION**

**103.1 Creation of enforcement agency.** The Building Inspection Division of the Development Services Department is hereby created and the official in charge thereof shall be known as the *Building Official*.

**\*\*\*Section 104.2.1; delete.**

**\*\*\*Section 104.10.1; delete.**

**\*\*\*Section 105.2; under sub-title entitled "Building" amend as follows:**

**\*\*\*Section 105.2, item #1; delete.**

**\*\*\*Section 105.2, item #2; amend to read as follows:**

2. Fences less than 20 feet in length.

**\*\*\*Section 105.2, item #6; amend to read as follows:**

6. Structures, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.

**\*\*\*Section 105.2, item #14; add to read as follows:**

14. Satellite dishes with a maximum diameter of 2 ½ feet or less.

**\*\*\*Section 105.3.1; amend to read as follows:**

**105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

**\*\*Section 109; add Section 109.7 to read as follows:**

**109.7 Re-inspection Fee.** A fee as established by city council resolution may be charged when:

1. The inspection called for is not ready when the inspector arrives;
2. No building address or permit is clearly posted;
3. City approved plans are not on the job site available to the inspector;
4. The building is locked or work otherwise not available for inspection when called;
5. The job site is red-tagged twice for the same item;

6. The original red tag has been removed from the job site.
7. Failure to maintain erosion control, trash control or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site.

***\*\*Section 109; add Section 109.8, 109.8.1, 109.8.2 and 109.9 to read as follows:***

**109.8 Work without a permit.**

**109.8.1 Investigation.** Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

**109.8.2 Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

**109.9 Unauthorized cover up fee.** Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

***\*\*Section 202; amend definition of Ambulatory Care Facility as follows:***

**AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

***\*\*Section 202; add definition of Assisting Living Facilities to read as follows.***

**ASSISTED LIVING FACILITIES.** A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff.

***\*\*Section 202; amend definition of “Atrium” as follows:***

**ATRIUM.** An opening connecting three or more stories... *{Balance remains unchanged}*

***\*\*Section 202; amend definition to read as follows:***

**HIGH-RISE BUILDING.** A building with an occupied floor located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

**\*\*Section 202; add definition of “Repair Garage” as follows:**

**REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

**\*\*\*Section 202; amend definition of SPECIAL INSPECTOR to read as follows:**

**SPECIAL INSPECTOR.** A qualified person employed or retained by an approved agency who shall prove to the satisfaction of the registered design professional in responsible charge and the Building Official as having the competence necessary to inspect a particular type of construction requiring special inspection.

**\*\*Section 303.1.3; add a sentence to read as follows:**

**303.1.3 Associated with Group E occupancies.** A room or space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy. Except when applying the assembly requirements of Chapter 10 and 11.

**\*\*Section 304.1; add the following to the list of occupancies:**

Fire stations

Police stations with detention facilities for 5 or less

**\*\*Section 307.1.1; add the following sentence to exception 4:**

4. Cleaning establishments... *{Text unchanged}* ...with Section 707 or 1-hour horizontal assemblies constructed in accordance with Section 711 or both. See also IFC Chapter 21, Dry Cleaning Plant provisions.

**\*\*Section 403.1, Exception 3; amend to read as follows:**

3. The open air portion of a building *[remainder unchanged]*

**\*\*Section 403.3, Exception; delete item 2.**

**\*\*\*Section 403.3.2; amend to read as follows:**

**[F] 403.3.2 Water supply to required fire pumps.** In buildings that are more than 120 feet (36.5 m) in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

**Exception:** {No change to exception.}

**\*\*Section 404.5; delete exception.**

**\*\*Section 406.3.5.1 Carport separation; add sentence to read as follows:**

A fire separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).

**\*\*Section 506.2.2; add sentence to read as follows:**

**506.2.2 Open Space Limits.** Such open space shall be either on the same lot or dedicated for public use and shall be accessed from a street or approved fire lane. In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.

**\*\*Section 712.1.9, amend item 4 to read as follows:**

4. Is not open to a corridor in Group I and H occupancies.

**\*\*Section 901.6.1; add Section 901.6.1.1 to read as follows:**

**901.6.1.1 Standpipe Testing.** Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the *fire code official*.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (*fire code official*) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.

9. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

**\*\*Section 903.1.1; amend to read as follows:**

**[F] 903.1.1 Alternative protection.** Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as *approved* by the *fire code official*.

**\*\*Section 903.2; add the following:**

**[F] 903.2 Where required.** *Approved automatic sprinkler systems* in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

**[F] \*\*Section 903.2; delete the exception.**

**\*\*Section 903.2.9; add Section 903.2.9.3 to read as follows:**

**[F] 903.2.9.3 Self-service storage facility.** An automatic sprinkler system shall be installed throughout all self-service storage facilities.

**Section 903.2.11; amend 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:**

**903.2.11.3 Buildings 35 feet or more in height.** An automatic sprinkler system shall be installed throughout buildings that have one or more stories, other than penthouses in compliance with Section 1510 of the *International Building Code*, located 35 feet (10 668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

**Exceptions:**

Open parking structures in compliance with Section 406.5 of the *International Building Code*, having no other occupancies above the subject garage.

**903.2.11.7 High-Piled Combustible Storage.** For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 of the IFC to determine if those provisions apply.

**903.2.11.8 Spray Booths and Rooms.** New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

**903.2.11.9 Buildings Over 6,000 sq. ft.** An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings

that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

**Exception:** Open parking garages in compliance with Section 406.5 of the *International Building Code*.

**\*\*Section 903.3.1.1.1; amend to read as follows:**

**[F] 903.3.1.1.1 Exempt locations.** When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such ...*{text unchanged}*... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
5. {Delete.}

**\*\*Section 903.3.1.2.3; add section to read as follows:**

**[F] Section 903.3.1.2.3 Attics and Attached Garages.** Sprinkler protection is required in attic spaces of such buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

**\*\*Section 903.3.1.3; amend to read as follows:**

**[F] 903.3.1.3 NFPA 13D sprinkler systems.** *Automatic sprinkler systems* installed in one- and two-family *dwelling*s; Group R-3; Group R-4 Condition 1 and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

**\*\*\*Section 903.3.1.4; add to read as follows:**

**[F] 903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and

3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**903.3.1.4.2 Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

**\*\*Section 903.3.5; add a second paragraph to read as follows:**

[F] Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 10 psi safety factor. Reference Section 507.4 for additional design requirements.

**\*\*Section 903.4; add a second paragraph after the exceptions to read as follows:**

[F] Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

**\*\*Section 903.4.2; add second paragraph to read as follows:**

[F] The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

**\*\*Section 905.2; amend to read as follows:**

[F] **905.2 Installation standard.** Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

**\*\*Section 905.3; add Section 905.3.9 and exception to read as follows:**

[F] **905.3.9 Buildings exceeding 10,000 sq. ft.** In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

#### **Exceptions:**

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

**\*\*\*Section 905.4, amend item 1., 3., and 5. and add Item 7. to read as follows:**

- [F] 1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
2. {No change.}
  3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a .....{No change to rest.}

4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way ~~a~~-hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

**\*\*Section 905.9; add a second paragraph after the exceptions to read as follows:**

[F] Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

**\*\*Section 907.1; add Section 907.1.4 to read as follows:**

[F] **907.1.4 Design standards.** Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

**\*\*Section 907.2.1; amend to read as follows:**

[F] **907.2.1 Group A.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

**\*\*Section 907.2.3; amend to read as follows:**

[F] **907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open

space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

**Exceptions:**

1. {No change.}
- 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

{No change to remainder of exceptions.}

**\*\*Section 907.2.13, Exception 3; amend to read as follows:**

[F] 3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

**\*\*Section 907.4.2; add Section 907.4.2.7 to read as follows:**

[F] **907.4.2.7 Type.** Manual alarm initiating devices shall be an approved double action type.

**\*\*Section 907.6.1; add Section 907.6.1.1 to read as follows:**

[F] **907.6.1.1 Wiring Installation.** All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance from the interface device to the initiating device is ten feet or less.

**\*\*\*Section 907.6.3; delete all four exceptions.**

**\*\*\*Section 907.6.6; – add sentence at end of paragraph to read as follows:**

[F] **See 907.6.3** for the required information transmitted to the supervising station.

**\*\*\*Section 909.22; add to read as follows:**

[F] **909.22 Stairway or ramp pressurization alternative.** Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the Fire Department as per Section 105.7.

**[F] 909.22.1 Ventilating equipment.** The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

**[F] 909.22.1.1 Ventilation systems.** Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

**Exceptions:**

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective systems with a fire-resistance rating of not less than 2 hours.

**[F] 909.22.1.2 Standby power.** Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

**[F] 909.22.1.3 Acceptance and testing.** Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

**\*\*\*Section 910.2; amend exception 2. and 3.to read as follows:**

- [F] 2.** Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
- 3.** Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of  $50(m^*S)^{1/2}$  or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

***\*\*\*Section 910.2; add subsections 910.2.3 with exceptions to read as follows:***

**[F] 910.2.3 Group H.** Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m<sup>2</sup>) in single floor area.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

***\*\*Section 910.3; add section 910.3.4 to read as follows:***

**[F] 910.3.4 Vent operation.** Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

**[F] 910.3.4.1 Sprinklered buildings.** Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only system per 910.2

**[F] 910.3.4.2 Nonsprinklered buildings.** Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

**Exception:** Listed gravity-operated drop out vents.

***\*\*Section 910.4.3.1; amend to read as follows:***

**[F] 910.4.3.1 Makeup air.** Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m<sup>2</sup> per 0.4719 m<sup>3</sup>/s) of smoke exhaust.

***\*\*Section 910.4.4; amend to read as follows:***

**[F] 910.4.4 Activation.** The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided.

**Exception:** Manual only systems per Section 910.2.

**\*\*Section 912.2; add Section 912.2.3 to read as follows:**

**[F] 912.2.3 Hydrant distance.** An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

**\*\*Section 913.2.1; add second paragraph and exception to read as follows:**

**[F]** When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

**Exception:** When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the *fire code official*. Access keys shall be provided in the key box as required by Section 506.1.

**\*\*Section 1006.2.2.6 Add a new Section 1006.2.2.6 as follows:**

**1006.2.2.6 Electrical Rooms.** For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

**\*\*Section 1009.1; add the following exception 4:**

**Exceptions:**

*{previous exceptions unchanged}*

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

**\*\*Section 1010.1.9.4 Bolt Locks; amend exceptions 3 and 4 as follows:**

**Exceptions:**

3. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy. *{Remainder unchanged}*
4. Where a pair of doors serves a Group A, B, F, M or S occupancy *{Remainder unchanged}*

**\*\*\*Section 1015.8 Window Openings. Amend text as follows:**

1. Operable windows where the top of the sill of the opening is located more than 55 feet (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

**\*\*Section 1020.1 Construction; add exception 6 to read as follows:**

6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

**\*\*Section 1029.1.1.1 Delete this section. Spaces under grandstands and bleachers;**

**\*\*\*Section 1101.1 Scope. Add exception to Section 1101.1 as follows:**

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

**\*\*\*Section 1203.1; amend to read as follows:**

**\*\*\*1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *International Mechanical Code*.

Where air infiltration rate in a *dwelling unit* is 5 air changes or less per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the *International Energy Conservation Code*, the *dwelling unit* shall be ventilated by mechanical means in accordance with Section 403 of the *International Mechanical Code*.

**\*\*Table 1505.1; delete footnote c and replace footnote b with the following:**

b. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq. ft. of protected roof area. When exceeding 120 sq. ft. of protected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

c. [delete]

**\*\*Section 1505.7; delete the section**

**\*\*Section 1510.1; add a sentence to read as follows:**

**1510.1 General.** Materials and methods of applications used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15. All individual replacement shingles or shakes shall be in compliance with the rating required by Table 1505.1.

*{text of exception unchanged}*

**\*\*\*Section 1704.2, Special inspections and tests is amended to read as follows:**

**1704.2 Special inspections and tests.** Where application is made to the Building Official for construction as specified in Section 105, the owner or the owner's authorized agent, or the registered design professional in responsible charge, other than the contractor, shall employ one or more approved agencies to provide special inspections and tests during construction on the types of work listed under Section 1705 and identify the approved agencies to the Building Official. The special inspector shall not be employed by the contractor. These special inspections and tests are in addition to the inspections identified by the Building Official that are identified in Section 110.

**\*\*\*Section 1704.2.1, Special inspector qualifications, is amended to read as follows:**

**1704.2.1 Special inspector qualifications.** Prior to the start of construction and or upon request, the approved agencies shall provide written documentation to the registered design professional in responsible charge and the building official demonstrating the competence and relevant experience

or training of the special inspectors who will perform the special inspections and tests during construction. [Remainder unchanged]

**\*\*\*Section 1704.2.4, Report requirement, is amended to read as follows:**

**1704.2.4 Report requirement.** Approved agencies shall keep records of special inspections and tests. The approved agency shall submit reports of special inspections and tests to the Building Official upon request, and to the registered design professional in responsible charge. Individual inspection reports shall indicate that work inspected or tested was or was not completed in conformance to approved construction documents. [Remainder unchanged]

**\*\*\*Section 1704.2.5.2, Fabricator approval, is amended to read as follows:**

**1704.2.5.1 Fabricator approval.** Special inspections during fabrications required by Section 1704 are not required where the work is done on the premises of a fabricator registered and approved to perform such work without special inspection. Approval shall be based upon review of the fabricator's written procedural and quality control manuals and periodic auditing of fabrication practices by an approved agency, or a fabricator that is enrolled in a nationally accepted inspections program. At completion of fabrication, the acceptable or approved fabricator shall submit a certificate of compliance to the owner or the owner's authorized agent or the registered design professional in responsible charge, stating that the work was performed in accordance with the approved construction documents. The certificate of compliance shall also be made available to the Building Official upon request.

**\*\*Section 2901.1; add a sentence to read as follows:**

**[P] 2901.1 Scope.** {existing text to remain} The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

**\*\*Section 2902.1; add a second paragraph to read as follows:**

In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

**\*\*Table 2902.1; add footnote f to read as follows:**

f. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

**\*\*Section 2902.1.3; add new Section 2902.1.3 to read as follows:**

**2902.1.3 Additional fixtures for food preparation facilities.** In addition to the fixtures required in this Chapter, all food service facilities shall be provided with additional fixtures set out in this section.

**2902.1.3.1 Hand washing lavatory.** At least one hand washing lavatory shall be provided for use by employees that is accessible from food preparation, food dispensing and ware washing areas. Additional hand washing lavatories may be required based on convenience of use by employees.

**2902.1.3.2 Service sink.** In new or remodeled food service establishments, at least one service sink or one floor sink shall be provided so that it is conveniently located for the cleaning of mops or similar wet floor cleaning tool and for the disposal of mop water and similar liquid waste. The location of the service sink(s) and/or mop sink(s) shall be approved by the building official.

**\*\*\*Section 3002.1 Hoistway Enclosure Protection. Add exceptions to read as follows:**

**Exceptions:**

1. Elevators wholly located within atriums complying with Section 404 shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, and complying with Sections 406.5 and 406.6, respectively, shall not require hoistway enclosure protection.

**\*\*\*Section 3005.4 Machine rooms, control rooms, machinery spaces and control spaces.**

**Revise text to read:**

Elevator machine rooms, control rooms, control spaces and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both.

*[Remainder unchanged]*

**\*\*\*Section 3005.7 Add a Section 3005.7 as follows:**

**3005.7 Fire Protection in Machine rooms, control rooms, machinery spaces and control spaces.**

**3005.7.1 Automatic sprinkler system.** The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, except as otherwise permitted by Section 903.3.1.1.1 and as prohibited by Section 3005.7.2.1.

**3005.7.2.1 Prohibited locations.** Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoist-ways.

**3005.7.2.2 Sprinkler system monitoring.** The sprinkler system shall have a sprinkler control valve supervisory switch and water-flow initiating device provided for each floor that is monitored by the building's fire alarm system.

**3005.7.3 Water protection.** An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

**3005.7.4 Shunt trip.** Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

**\*\*\*Section 3005.8 add Section 3005.8 as follows:**

**3005.8 Storage.** Storage shall not be allowed within the elevator machine room, control room, machinery spaces and or control spaces. Provide approved signage at each entry to the above listed locations stating: "No Storage Allowed."

**\*\*\*Section 3006.2, Hoistway opening protection required. Revise text as follows:**

5. The building is a high rise and the elevator hoistway is more than 55 feet (16 764 mm) in height. The height of the hoistway shall be measured from the lowest floor at or above grade to the highest floors served by the hoistway.

**\*\*Section 3109.1; amend to read as follows:**

**3109.1 General.** Swimming pools shall comply with the requirements of sections 3109.2 through 3109.5 and other applicable sections of this code and complying with applicable state laws."

## SECTION 5.

**Section 150.045 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows;**

**“SECTION § 150.045. THE 2015 EDITION OF THE INTERNATIONAL PLUMBING CODE ADOPTED.**

- (a) The International Plumbing Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the plumbing code of the City of Carrollton, and is made a part hereof, as amended.
- (b) One (1) copy of the 2015 edition of the International Plumbing Code, marked Exhibit “C”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.
- (c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Plumbing Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

## SECTION 6.

**Section 150.046 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.046. AMENDMENTS.**

***\*\*Table of Contents, Chapter 7, Section 714; amend to read as follows:***

714 Engineered Drainage Design . . . . . 69

***\*\*Section 102.8; amend to read as follows:***

**102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the *National Electrical Code* (NEC) shall mean the Electrical Code as adopted.

***\*\*Sections 106.6.2 and 106.6.3; amend to read as follows:***

**106.6.2 Fee schedule.** The fees for all plumbing work shall be as adopted by the City of Carrollton.

**106.6.3 Fee Refunds.** The code official shall establish a policy for authorizing the refunding of fees. *{Delete balance of section}*

**\*\*Section 109; delete entire section and insert the following:**

## **SECTION 109**

### **MEANS OF APPEAL**

**109.1 Application for appeal.** Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the enabling ordinance.

**\*\*Section 305.4.1; amend to read as follows:**

**305.4.1 Sewer depth.** Building sewers shall be a minimum of 12 inches (304 mm) below grade.

**\*\*Section 305.7; amend to read as follows:**

**305.7 Protection of components of plumbing system.** Components of a plumbing system installed within 3 feet along alleyways, driveways, parking garages or other locations in a manner in which they could be exposed to damage shall be recessed into the wall or otherwise protected in an *approved* manner.

**\*\*Section 314.2.1; amend to read as follows:**

**314.2.1 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to an *approved* place of disposal. ... {text unchanged} ... Condensate shall not discharge into a street, alley, sidewalk, rooftop, or other areas so as to cause a nuisance.

**\*\*\*Section 401.1; add a sentence to read as follows:**

**401.1 Scope.** This chapter shall govern the materials, design and installation of plumbing fixtures, faucets and fixture fittings in accordance with the type of *occupancy*, and shall provide for the minimum number of fixtures for various types of occupancies. The provisions of this Chapter coordinate with the provisions of the *Building Code*. Should any conflicts arise between the two chapters, the *Code Official* shall determine which provision applies.

**\*\*Section 403.1; amend to read as follows:**

**403.1 Minimum number of fixtures.** Plumbing fixtures shall be provided for the type of *occupancy* and in the minimum number as follows:

1. Assembly Occupancies: At least one drinking fountain shall be provided at each floor level in an *approved* location.
2. Groups A, B, F, H, I, M and S Occupancies: Buildings or portions thereof where persons are employed shall be provided with at least one water closet for each sex except as provided for in Section 403.2.
3. Group E Occupancies: Shall be provided with fixtures as shown in Table 403.1.
4. Group R Occupancies: Shall be provided with fixtures as shown in Table 403.1.

It is recommended, but not required, that the minimum number of fixtures provided also comply with the number shown in Table 403.1. Types of occupancies not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the

*International Building Code.* Occupancy classification shall be determined in accordance with the *International Building Code*.

**\*\*Section 409.2; amend to read as follows:**

**409.2 Water connection.** The water supply to a commercial dishwashing machine shall be protected against backflow by an air gap or backflow preventer in accordance with Section 608. (Remainder of section unchanged)

**\*\*Section 412.4; amend to read as follows:**

**412.4 Required location for floor drains.** Floor drains shall be installed in the following areas.

1. In public coin-operated laundries and in the central washing facilities of multiple family dwellings, the rooms containing automatic clothes washers shall be provided with floor drains located to readily drain the entire floor area. Such drains shall have a minimum outlet of not less than 3 inches (76 mm) in diameter.
2. Commercial kitchens. In lieu of floor drains in commercial kitchens, the code official may accept floor sinks.
3. Public restrooms.

**\*\*Section 419.3; amend to read as follows:**

**419.3 Surrounding material.** Wall and floor space to a point 2 feet (610 mm) in front of a urinal lip and 4 feet (1219 mm) above the floor and at least 2 feet (610 mm) to each side of the urinal shall be waterproofed with a smooth, readily cleanable, hard, nonabsorbent material.

**\*\*\*Section 502.3; amend to read as follows:**

**502.3 Appliances in attics.** Attics containing a water heater shall be provided . . . {bulk of paragraph unchanged} . . . side of the water heater. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions be not less than 20 inches by 30 inches(508mm by 762mm) where such dimensions are large enough to allow removal of the water heater. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for access to the attic space, provide one of the following:

1. A permanent stair.
2. A pull down stair with a minimum 300 lb (136 kg) capacity.
3. An access door from an upper floor level.
4. Access Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed... {remainder of section unchanged}

**\*\*Section 502.6; add Section 502.6 to read as follows:**

**502.6 Water heaters above ground or floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

**Exception:** A max 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and a water heater is installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

**\*\*Section 504.6; amend to read as follows:**

**504.6 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.

**Exception:** Multiple relief devices may be installed to a single T & P discharge piping system when *approved* by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

5. Discharge to an indirect waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Terminate not more than 6 inches above and not less than two times the discharge pipe diameter above the floor or flood level rim of the waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and *approved* for such use in accordance with ASME A112.4.1.

**\*\*\*Section 504.7.1; amend to read as follows:**

**Section 504.7.1 Pan size and drain to read as follows:** The pan shall be not less than 1 1/2 inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 3/4 inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4. Multiple pan drains may terminate to a single discharge piping system when *approved* by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions.

**\*\*Section 604.4; add Section 604.4.1 to read as follows:**

**604.4.1 State maximum flow rate.** Where the State mandated maximum flow rate is more restrictive than those of this section, the State flow rate shall take precedence.

**\*\*Section 606.1; delete items #4 and #5.**

**\*\*Section 606.2; amend to read as follows:**

**606.2 Location of shutoff valves.** Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture other than bathtubs and showers in one- and two- family residential occupancies, and other than in individual sleeping units that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.
2. On the water supply pipe to each appliance or mechanical equipment.

**\*\*Section 608.1; amend to read as follows:**

**608.1 General.** A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventer applications shall conform to applicable local regulations, Table 608.1, and as specifically stated in Sections 608.2 through 608.16.10.

**\*\*Section 608.16.5; amend to read as follows:**

**608.16.5 Connections to lawn irrigation systems.**

The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

**\*\*Section 608.17; amend to read as follows:**

**608.17 Protection of individual water supplies.** An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with applicable local regulations. Installation shall be in accordance with Sections 608.17.1 through 608.17.8.

**\*\*Section 610.1; add exception to read as follows:**

**610.1 General.** New or repaired potable water systems shall be purged of deleterious matter and disinfected prior to utilization. The method to be followed shall be that prescribed by the health authority or water purveyor having jurisdiction or, in the absence of a prescribed method, the procedure described in either AWWA C651 or AWWA C652, or as described in this section. This requirement shall apply to “on-site” or “in-plant” fabrication of a system or to a modular portion of a system.

1. The pipe system shall be flushed with clean, potable water until dirty water does not appear at the points of outlet.
2. The system or part thereof shall be filled with a water/chlorine solution containing at least 50 parts per million (50 mg/L) of chlorine, and the system or part thereof shall be valved off and allowed to stand for 24 hours; or the system or part thereof shall be filled with a water/chlorine solution containing at least 200 parts per million (200 mg/L) of chlorine and allowed to stand for 3 hours.
3. Following the required standing time, the system shall be flushed with clean potable water until the chlorine is purged from the system.
4. The procedure shall be repeated where shown by a bacteriological examination that contamination remains present in the system.

**Exception:** With prior approval the Code Official may wave this requirement when deemed un-necessary.

*Section 703.6; delete*

*\*\*\*Section 704.5; added to read as follows:*

**704.5 Single stack fittings.** Single stack fittings with internal baffle, PVC schedule 40 or cast iron single stack shall be designed by a registered engineer and comply to a national recognized standard.

*\*\*\*Section 705.11.2; amend to read as follows:*

**705.11.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

*\*\*Section 712.5; add Section 712.5 to read as follows:*

**712.5 Dual Pump System.** All sumps shall be automatically discharged and, when in any “public use” occupancy where the sump serves more than 10 fixture units, shall be provided with dual pumps or ejectors arranged to function independently in case of overload or mechanical failure. For storm drainage sumps and pumping systems, see Section 1113.

*\*\*Section 714, 714.1; amend to read as follows:*

## SECTION 714

### ENGINEERED DRAINAGE DESIGN

**714.1 Design of drainage system.** The sizing, design and layout of the drainage system shall be designed by a registered engineer using *approved* design methods.

*\*\*\*Section 804.2; added to read as follows:*

**804.2 Special waste pipe, fittings, and components.** Pipes, fittings, and components receiving or intended to receive the discharge of any fixture into which acid or corrosive chemicals are placed shall be constructed of CPVC, high silicone iron, PP, PVDF, chemical resistant glass, or glazed ceramic materials.

*\*\*Section 903.1; amend to read as follows:*

**903.1 Roof extension.** Open vent pipes that extend through a roof shall terminate not less than six (6) inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

*\*\*Section 917 Single stack vent system. Delete entire section.*

*\*\*Section 1002.10; delete.*

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***\*\*Section 1101.8; amend to read as follows:***

**1101.8 Cleanouts required.** Cleanouts or manholes shall be installed in the storm drainage system and shall comply with the provisions of this code for sanitary drainage pipe cleanouts.

***\*\*Section 1106.1; amend to read as follows:***

**1106.1 General.** The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour rainfall rate.

***\*\*Section 1108.3; amend to read as follows:***

**1108.3 Sizing of secondary drains.** Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

***\*\*Section 1109; delete this section...***

***\*\*Section 1202.1; delete exception 2."***

## SECTION 7.

**Section 150.050 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows;**

**“SECTION § 150.050. THE 2015 EDITION OF THE INTERNATIONAL FUEL GAS CODE ADOPTED.**

- (a) The International Fuel Gas Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the fuel gas code of the City of Carrollton, and is made a part hereof, as amended.
- (b) One (1) copy of the 2015 edition of the International Fuel Gas Code, marked Exhibit “D”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.
- (c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Fuel Gas Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

## SECTION 8.

**Section 150.051 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.051. AMENDMENTS.**

***\*\*Section 102.2; add an exception to read as follows:***

**Exception:** Existing dwelling units shall comply with Section 621.2.

***\*\*Section 102.8; amend to read as follows:***

**102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

***\*\*Section 306.3; amend to read as follows:***

**[M] 306.3 Appliances in attics.** Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the *appliance*. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest *appliance*. A walkway to an appliance shall be rated as

a floor as approved by the building official. As a minimum, for *access* to the attic space, provide one of the following:

4. A permanent stair.
5. A pull down stair with a minimum 300 lb (136 kg) capacity.
6. An *access* door from an upper floor level.
7. *Access* Panel may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

**Exceptions:**

1. The passageway and level service space are not required where the *appliance* is capable of being serviced and removed through the required opening.
2. Where the passageway is not less than ... *{bulk of section to read the same}*.

**\*\*Section 306.5; amend to read as follows:**

**[M] 306.5 Equipment and appliances on roofs or elevated structures.** Where *equipment* requiring *access* or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof *access* need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such *access* shall . . . *{bulk of section to read the same}*. . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). ... *{bulk of section to read the same}*.

**\*\*Section 306.5.1; amend to read as follows:**

**[M] 306.5.1 Sloped roofs.** Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof *access* to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which *access* is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

**\*\*Section 306; add Section 306.7 with exception and subsection 306.7.1 to read as follows:**

**306.7 Water heaters above ground or floor.** When the attic, roof, mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

**\*\*Section 401.5; add a second paragraph to read as follows:**

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an *approved* tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING  
1/2 to 5 psi gas pressure  
Do Not Remove"

**\*\*Section 402.3; add an exception to read as follows:**

**Exception:** Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2" (18 EHD).

**\*\*Section 404.12; amend to read as follows:**

**404.12 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) top of pipe below grade.

**\*\*Section 406.1; amend to read as follows:**

**406.1 General.** Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 406.1.1 through 406.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

**\*\*Section 406.4; amend to read as follows:**

**406.4 Test pressure measurement.** Test pressure shall be measured with a monometer or with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made.

**\*\*Section 406.4.1; amend to read as follows:**

**406.4.1 Test pressure.** The test pressure to be used shall be no less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

**\*\*Section 406.4.2; amend to read as follows:**

**406.4.2 Test duration.** Test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than thirty (30) minutes. *(Delete remainder of section.)*

**\*\*Section 409.1; add Section 409.1.4 to read as follows:**

**409.1.4 Valves in CSST installations.** Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an *approved* termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

**\*\*Section 410.1; add a second paragraph and exception to read as follows:**

Access to regulators shall comply with the requirements for *access* to appliances as specified in Section 306.

**Exception:** A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

**\*\*Section 621.2; add exception as follows:**

**621.2 Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

**Exception:** Existing *approved* unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when *approved* by the Code Official unless an unsafe condition is determined to exist as described in Section 108.7.”

## SECTION 9.

**Section 150.060 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows;**

**“SECTION § 150.060. THE 2015 EDITION OF THE INTERNATIONAL MECHANICAL CODE ADOPTED.**

- (a) The International Mechanical Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the mechanical code of the City of Carrollton, and is made a part hereof, as amended.
- (b) One (1) copy of the 2015 edition of the International Mechanical Code, marked Exhibit “E”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.
- (c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Mechanical Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

## SECTION 10.

**Section 150.061 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.061. AMENDMENTS.**

***\*\*Section 102.8; amend to read as follows:***

**102.8 Referenced Codes and Standards.** The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 or the *National Electrical Code* (NEC) shall mean the Electrical Code as adopted.

***\*\*Section 306.3; amend to read as follows:***

**306.3 Appliances in Attics.** Attics containing appliances shall be provided . . . *{bulk of paragraph unchanged}* . . . side of the appliance. The clear *access* opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. A walkway to an appliance shall be rated as a floor as approved by the building official. As a minimum, for *access* to the attic space, provide one of the following:

- 8. A permanent stair.
- 9. A pull down stair with a minimum 300 lb. (136 kg) capacity.

10. An *access* door from an upper floor level.
11. *Access Panel* may be used in lieu of items 1, 2, and 3 with prior approval of the code official due to building conditions.

**Exceptions:**

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed... *{remainder of section unchanged}*

**\*\*Section 306.5; amend to read as follows:**

**306.5 Equipment and Appliances on Roofs or Elevated Structures.** Where *equipment* requiring *access* or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, a permanent interior or exterior means of access shall be provided. Permanent exterior ladders providing roof *access* need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the *equipment* and appliances' level service space. Such *access* shall . . . *{bulk of section to read the same}* . . . on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). ... *{bulk of section to read the same}*.

**\*\*Section 306.5.1; amend to read as follows:**

**306.5.1 Sloped Roofs.** Where appliances, *equipment*, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof *access* to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which *access* is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

**\*\*Section 306; add Section 306.6 to read as follows:**

**306.6 Water Heaters Above Ground or Floor.** When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

**Exception:** A maximum 10 gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3048 mm) above the ground or floor level and may be reached with a portable ladder.

**\*\*Section 307.2.3; amend item 2 to read as follows:**

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the

conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

**\*\*Section 403.2.1; add an item 5 to read as follows:**

5. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an *approved* mechanical recirculating fan or similar device designed to remove odors from the air.

**\*\*Section 501.3; add an exception to read as follows:**

**501.3 Exhaust Discharge.** The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

**Exceptions:**

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.
3. Where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.
4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

**\*\*Section 607.5.1; amend to read as follows:**

**607.5.1 Fire Walls.** Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the International Building Code shall be protected with listed fire dampers installed in accordance with their listing. For hazardous exhaust systems see Section 510.1-510.9 IMC."

**Sections 150.63 – 150.69. Reserved**

## SECTION 11.

**Section 150.070 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows;**

**“SECTION § 150.070. THE 2015 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE ADOPTED.**

- (a) The International Existing Building Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the existing building code of the City of Carrollton, and is made a part hereof, as amended.
- (b) One (1) copy of the 2015 edition of the International Existing Building Code, marked Exhibit “F”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.
- (c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Existing Building Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

## SECTION 12.

**Section 150.071 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.071. AMENDMENTS.**

**\*\*\*Section 102.4; amend to read as follows:**

**[A] 102.4 Referenced codes and standards.** The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**\*\*\*Section 202; amend definition of Existing Building as follows:**

**Existing Building** - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

**\*\*\*Section 405.1.2, 405.1.3, 405.1.4; amend to read as follows:**

**405.1.2 Existing fire escapes.** Existing fire escapes shall continue to be accepted as a component in the means of egress in existing buildings only. Existing fire escapes shall be permitted to be repaired or replaced.

**\*\*\*Section 405.1.3; delete entire section.**

\*\*\**Section 406.2; amend to read as follows:*

**406.2 Replacement window opening control devices.** In Group R-2 or R-3 buildings containing dwelling units, window opening control devices complying with ASTM F 2090 shall be installed where an existing window is replaced and where all of the following apply to the replacement window. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by Section 1030.2 of the International Building Code.

*[Remainder unchanged]*

\*\*\**Section 406.3; amend to read as follows:*

**406.3 Replacement window emergency escape and rescue openings.** Where windows are required to provide emergency escape and rescue openings in Group R-2 and R-3 occupancies, replacement windows shall be exempt from the requirements of Sections 1030.2, 1030.3 and 1030.5 of the International Building Code provided the replacement window meets the following conditions:

*[Remainder unchanged]*

\*\*\**Section 408.3; delete*

\*\*\**Section 409.1 add an exception to read as follows:*

**Exception:** Moved historic buildings need not be brought into compliance with the exception of new construction features required as the result of such movement, including but not limited to foundations and/or other structural elements.

\*\*\**Section 410.1 add an exception to read as follows:*

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

\*\*\**Section 410.4.2; Add Number 7 to the list of requirements as follows:*

7. At least one accessible family or assisted use toilet room shall be provided in accordance with Chapter 11 of the International Building Code.

\*\*\**Section 601.3; delete*

\*\*\**Section 601.3; delete:*

**601.3 Flood hazard areas.**

\*\*\**Section 602.3; add code reference to read as follows:*

**602.3 Glazing in hazardous locations.** Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the *International Building Code*, *International Energy Conservation Code*, or *International Residential Code* as applicable.

\*\*\**Section 606.2.4; delete*

\*\*\**Section 607.1; add a code reference to read as follows:*

**607.1 Material.** Existing electrical wiring and equipment undergoing *repair* shall be allowed to be repaired or replaced with like material, in accordance with the requirements of NFPA 70.

\*\*\**Section 701.3; delete*

\*\*\**Section 702.6; add a code reference to read as follows:*

**702.6 Materials and methods.** All new work shall comply with the materials and methods requirements in the *International Building Code, International Energy Conservation Code, International Mechanical Code, National Electrical Code, and International Plumbing Code*, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

\*\**Section 802.1; add a code reference to read as follows:*

**802.1 General.** *Alteration* of buildings classified as special use and occupancy as described in Chapter 4 of the *International Building Code* shall comply with the requirements of Section 801.1 and the scoping provisions of Chapter 1 where applicable.

\*\*\**Section 803.5.1; Exception; amend to read as follows:*

**803.5.1 Minimum requirement.** Every portion of open-sided walking surfaces, including *mezzanines, equipment platforms, aisles, stairs, ramps* and landings that are not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards.

\*\*\**Section 804.1; add sentence to read as follows:*

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the *work area* shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject *work area*, and if the *work area* includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

\*\*\**Section 804.2.2, Number 2; amend exception to read as follows:*

**Exception:** Where the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump, fire sprinkler protection shall not be required.

\*\*\**Section 804.2.5; amend exception to read as follows:*

**Exception:** Supervision is not required where the Fire Code does not require such for new construction.

\*\*\*Section 804.3; amend section to read as follows:

**804.3 Standpipes.** Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.  
{ Delete rest of Section 804.3. }

\*\*\*Section 805.2; delete exception #1

\*\*\*Section 805.3.1.1; delete #4

\*\*\*Section 805.3.1.2; amend to read as follows:

**805.3.1.2 Fire Escapes required.** For other than Group I-2, where more than one exit is required an existing fire escape complying with section 805.3.1.2.1 shall be accepted as providing one of the required means of egress.

\*\*\*Section 805.3.1.2.1; amend to read as follows:

**805.3.1.2.1 Fire Escape access and details - ...**

2. Access to a fire escape shall be through a door...
5. In all building of Group E occupancy up to and including the 12<sup>th</sup> grade, building of Group I occupancy, boarding houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

\*\*\*Section 805.3.1.2.2; delete entire section.

\*\*\*Section 805.3.1.2.3; delete entire section.

\*\*\*Section 806.2; add an exception to read as follows:

**Exception:** Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

\*\*\*Section 904.1; add sentence to read as follows:

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the *work area* shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject *work area*, and if the *work area* includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

\*\*\*Section 904.1; add sentence to read as follows:

**904.1.1 High-rise buildings.** An automatic sprinkler system shall be provided in work areas of high-rise buildings.

\*\*\*Section 1103.5 Flood Hazard areas. Delete

\*\*\*Section 1201.4 Flood hazard areas. Delete

\*\*\**Section 1302.7 Flood hazard areas. Delete*

\*\*\**Section 1401.2; amend to read as follows:*

**1401.2 Applicability.** Structures existing prior to the date of an approved final inspection issued under a code edition which is at least two published code editions preceding the currently adopted building code; or a change of occupancy, {rest of section un-changed}.

\*\*\**Section 1401.3.2; amend to read as follows:*

**1401.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code*.

\*\*\* *Chapter 16 – Referenced Standards; amend to read as follows:*

IECC Edition as adopted by the State of Texas

International Energy Conservation Code®. .  
301.2, 702.6, 708.1, 811.1, 908.1”

*Sections 150.072 – 150.074. Reserved*

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## SECTION 13.

Section 150.075 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows;

**“SECTION § 150. 075. THE 2014 EDITION OF THE NATIONAL ELECTRICAL CODE ADOPTED.**

- (a) The National Electrical Code, 2014 Edition, as published by the National Fire Prevention Association, is hereby adopted, and designated as the electrical code of the City of Carrollton, and is made a part hereof, as amended.
- (b) One (1) copy of the 2014 edition of the National Electrical Code, marked Exhibit “G”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.
- (c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said National Electrical Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

## SECTION 14.

Section 150.076 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;

**“SECTION § 150.076. AMENDMENTS.**

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## NEC CHAPTER 1.

**\*\*\*Article 100; add the following to definitions:**

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations.

**\*\*\*Article 100; amend the following definition:**

**Intersystem Bonding Termination.** A device that provides a means for connecting intersystem bonding conductors for communication systems and other systems to the grounding electrode system. Bonding conductors for other systems shall not be larger than 6 AWG.

**\*\*\*Article 110.2; amend the following to read as follows:**

**110.2 Approval.** The conductors and equipment required or permitted by this *Code* shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency approved by the AHJ.

Informational Note No. 1: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of Approved, Identified, Labeled, and Listed.

Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with US product safety standards as certified by a Nationally Recognized Testing Lab.

Informational Note No. 3: NFPA 790 and 791 provide an example of an approved method for qualifying a third party inspection agency.

**\*\*\*Article 210.52(G) (1) Garages**

**(1) Garages.** In each attached garage and in each detached garage with electric power. At least one receptacle outlet shall be installed for each car space.

**\*\*Article 230.71(A); add the following exception:**

Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

**\*\*\*Article 240.91; delete the article.**

**\*\*Article 300.11; add the following exception:**

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size 1/2").

**\*\*Article 310.15(B) (7); amend to read as follows:**

**7** This Article shall not be used in conjunction with 220.82.

**\*\*\*Article 500.8 (A) (3) amend to read as follows:**

**500.8 Equipment.**

Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.

Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.

Informational Note No. 3: Low ambient conditions require special consideration. Explosionproof or dust-ignitionproof equipment may not be suitable for use at temperatures lower than -25°C (-13°F) unless they are identified for low-temperature service. However, at low ambient temperatures,

flammable concentrations of vapors may not exist in a location classified as Class I, Division 1 at normal ambient temperature.

**(A) Suitability.** Suitability of identified equipment shall be determined by one of the following:

- 1 Equipment listing or labeling
- 2 Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation
- 3 Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation or an engineering judgment signed and sealed by a qualified licensed Professional Engineer in the State of Texas.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.

**\*\*\*Article 505.7 (A) amend to read as follows:**

#### **505.7 Special Precaution.**

Article 505 requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.

Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to the installation and maintenance of electrical equipment in hazardous (classified) locations.

Informational Note No. 2: Low ambient conditions require special consideration. Electrical equipment depending on the protection techniques described by 505.8(A) may not be suitable for use at temperatures lower than -20°C (-4°F) unless they are identified for use at lower temperatures. However, at low ambient temperatures, flammable concentrations of vapors may not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.

**(A) Implementation of Zone Classification System.** Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed by a qualified licensed Professional Engineer in the State of Texas.

**\*\*\*Article 517.30 Essential Electrical Systems for Hospitals; create a new (H) and add the following language:**

**(G) Coordination.** Overcurrent protective devices serving the equipment branch of the essential electrical system shall be coordinated for the period of time that a fault's duration extends beyond 0.1 second.

Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

**(H) Selective Coordination.** Overcurrent protective devices serving the life safety, and critical branches of the essential electrical system shall be selectively coordinated with all supply-side overcurrent protective devices.

Exception No. 1: Between transformer primary and secondary overcurrent protective devices, where only one overcurrent protective device or set of overcurrent protective devices exists on the transformer secondary.

Exception No. 2: Between overcurrent protective devices of the same size (ampere rating) in series.

Informational Note: The terms coordination and coordinated as used in this section do not cover the full range of overcurrent conditions.

**\*\*\*Article 680.25(A) amend to read as follows:**

**680.25 Feeders.**

These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

**(A) Wiring Methods.**

- 1 Feeders. Feeders shall be installed in rigid metal conduit, intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:
  - 1 Liquidtight flexible nonmetallic conduit
  - 2 Rigid polyvinyl chloride conduit
  - 3 Reinforced thermosetting resin conduit
  - 4 Electrical metallic tubing where installed on or in a building
  - 5 Electrical nonmetallic tubing where installed within a building
  - 6 Type MC Cable where installed within a building and if not subject to corrosive environment
  - 7 Nonmetallic-sheathed cable
  - 8 Type SE cable”

## SECTION 15.

**Section 150.090 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.090. THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE ADOPTED.**

- (a) The International Fire Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the fire code of the City of Carrollton, and is made a part hereof, as amended. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding.
- (b) One (1) copy of the 2015 edition of the International Fire Code, marked Exhibit “H”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.
- (c) In the event a conflict is determined to exist between said International Fire Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

## SECTION 16.

**Section 150.091 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.091. AMENDMENTS.**

***\*\*Section 102.1; amend #3 to read as follows:***

- 3. Existing structures, facilities, and conditions when required in Chapter 11 or in specific sections of this code.

***\*\*Section 105.3.3; amend to read as follows:***

**105.3.3 Occupancy Prohibited before Approval.** The building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this code have been met.

***\*\*Section 105.7; add Section 105.7.19 to read as follows:***

**105.7.19 Electronic access control systems.** Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

**\*\*[B] AMBULATORY CARE FACILITY.** Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who

are rendered incapable of self-preservation by the services provided. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

**\*\*[B] ATRIUM.** An opening connecting three or more stories... {remaining text unchanged}

**\*\*\*[B] DEFEND IN PLACE.** A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

**\*\*FIRE WATCH.** A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

**\*\*FIREWORKS.** Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein. ... {remainder of text unchanged}...

***HIGH-PILED COMBUSTIBLE STORAGE: add a second paragraph to read as follows:***

Any building classified as a group S Occupancy or Speculative Building exceeding 6,000 sq. ft. that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product cannot be identified, a fire protection system and life safety features shall be installed as for Class IV commodities, to the maximum pile height.

**\*\*REPAIR GARAGE.** A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

**\*\*SELF-SERVICE STORAGE FACILITY.** Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

**\*\*STANDBY PERSONNEL.** Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

**\*\*\*UPGRADED OR REPLACED FIRE ALARM SYSTEM.** A fire alarm system that is upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model

- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

**\*\*Section 307.1.1; amend to read as follows:**

**307.1.1 Prohibited Open Burning.** Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Exception: {No change.}

**\*\*Section 307.2; amend to read as follows:**

**307.2 Permit Required.** A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions.
2. State, County, or Local temporary or permanent bans on open burning.
3. Local written policies as established by the fire code official.

**\*\*Section 307.3; amend to read as follows:**

**307.3 Extinguishment Authority.** The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

**\*\*Section 307.4; amend to read as follows:**

**307.4 Location.** The location for open burning shall not be less than 300 feet (91 440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 300 feet (91 440 mm) of any structure.

Exceptions: {No change.}

**\*\*Section 307.4.3, Exceptions: add exception #2 to read as follows:**

**Exceptions:**

2. Where buildings, balconies and decks are protected by an approved automatic sprinkler

system.

**\*\*Section 307.4.4 and 5; add section 307.4.4 and 307.4.5 to read as follows:**

**307.4.4 Permanent Outdoor Firepit.** Permanently installed outdoor firepits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

**Exception:** Permanently installed outdoor fireplaces constructed in accordance with the International Building Code.

**307.4.5 Trench Burns.** Trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.

**\*\*Section 307.5; amend to read as follows:**

**307.5 Attendance.** *Open burning, trench burns, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the... {Remainder of section unchanged}*

**\*\*Section 308.1.4; amend to read as follows:**

**308.1.4 Open-flame Cooking Devices.** Open-flame cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet (3048 mm) of combustible construction.

**Exceptions:**

1. One- and two-family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity] with an aggregate LP-gas capacity not to exceed 100 lbs (5 containers).
2. Where buildings, balconies and decks are protected by an approved *automatic sprinkler system*, except that LP-gas containers are limited to a water capacity not greater than 50 pounds (22.68 kg) [nominal 20 pound (9.08 kg) LP-gas capacity], with an aggregate LP-gas capacity not to exceed 40 lbs (2 containers).
3. {No change.}

**\*\*Section 308.1.6.2, Exception #3; amend to read as follows:**

**Exceptions:**

3. Torches or flame-producing devices in accordance with Section 308.1.3.

**\*\*\*Section 308.1.6.3; amend to read as follows:**

**308.1.6.3 Sky Lanterns.** A person shall not release or cause to be released an unmanned free-floating devices containing an open flame or other heat source, such as but not limited to a sky lantern.

**\*\*Section 311.5; amend to read as follows:**

**311.5 Placards.** The *fire code official* is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.

**\*\*\*Section 403.5; amend Section 403.5 to read as follows:**

**403.5 Group E Occupancies.** An approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall also comply with Sections 403.5.1 through 403.5.3.

**\*\*\*Section 404.2.2; add Number 4.10 to read as follows:**

4.10 Fire extinguishing system controls.

**\*\*\*Section 405.4; amend Section 405.4 to read as follows:**

**405.4 Time.** The fire code official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

**\*\*Section 501.4; amend to read as follows:**

**501.4 Timing of Installation.** When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.

**\*\*Section 503.1.1; add sentence to read as follows:**

Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten feet (10') wide unobstructed pathway around the external walls of the structure.

**\*\*Section 503.2.1; amend to read as follows:**

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

**Exception:** Vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and *approved* signs are installed and maintained indicating the established vertical clearance when approved.

**\*\*Section 503.2.2; amend to read as follows:**

**503.2.2 Authority.** The *fire code official* shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

**\*\*\*Section 503.2.3; amend Section 503.2.3 to read as follows:**

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support imposed loads of 80,000 Lbs for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

**\*\*Section 503.3; amend to read as follows:**

**503.3 Marking.** Striping, signs, or other markings, when approved by the *fire code official*, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**1. Striping** – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

**2. Signs** – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief.

**\*\*Section 503.4; amend to read as follows:**

**503.4 Obstruction of Fire Apparatus Access Roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.

**\*\*Section 505.1; amend to read as follows:**

**505.1 Address Identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 10 inches (254 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

**Exception:** R-3 Single Family occupancies shall have approved numerals of a minimum 3 ½ inches

(88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

**\*\*Section 507.4; amend to read as follows:**

**507.4 Water Supply Test Date and Information.** The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 “Recommended Practice for Fire Flow Testing and Marking of Hydrants” and within one year of sprinkler plan submittal. The *fire code official* shall be notified prior to the water supply test. Water supply tests shall be witnessed by the *fire code official*, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the *fire code official*. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as per the applicable referenced NFPA standard. Reference Section 903.3.5 for additional design requirements.

**\*\*Section 507.5.4; amend to read as follows:**

**507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

**\*\*Section 509.1.2; add new Section 509.1.2 to read as follows:**

**509.1.2 Sign Requirements.** Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as approved by the *fire code official*. The letters shall be of a color that contrasts with the background.

**\*\*Section 603.3.2.1, Exception; amend exception to read as follows:**

**Exception:** The aggregate capacity limit shall be permitted to be increased to 3,000 gallons (11,356 L) in accordance with all requirements of Chapter 57.... *{Delete remainder of exception}*

**\*\*Section 603.3.2.2; amend to read as follows:**

**603.3.2.2 Restricted Use and Connection.** Tanks installed in accordance with Section 603.3.2 shall be used only to supply fuel oil to fuel-burning equipment installed in accordance with Section 603.3.2.4. Connections between tanks and equipment supplied by such tanks shall be made using closed piping systems.

**\*\*\*Section 604; amend and add to read as follows:**

**604.1.1 Stationary Generators.** Stationary emergency and standby power generators required by this code shall be *listed* in accordance with UL 2200.

**604.1.2 Installation.** Emergency power systems and standby power systems shall be installed in accordance with the *International Building Code*, NFPA 70, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

**604.1.3 through 604.1.8** {No changes to these sections.}

**604.1.9 Critical Operations Power Systems (COPS).** For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

**604.2 Where Required.** Emergency and standby power systems shall be provided where required by Sections 604.2.1 through 604.2.24 or elsewhere identified in this code or any other referenced code.

**604.2.1 through 604.2.3** {No change.}

**604.2.4 Emergency Voice/alarm Communications Systems.** Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

Covered and Open Malls, Section 907.2.20 and 914.2.3

Group A Occupancies, Sections 907.2.1 and 907.5.2.2.4.

Special Amusement Buildings, Section 907.2.12.3

High-rise Buildings, Section 907.2.13

Atriums, Section 907.2.14

Deep Underground Buildings, Section 907.2.19

**604.2.5 through 604.2.11** {No change.}

**604.2.12 Means of Egress Illumination.** Emergency power shall be provided for *means of egress* illumination in accordance with Sections 1008.3 and 1104.5.1. (90 minutes)

**604.2.13 Membrane Structures.** Emergency power shall be provided for *exit* signs in temporary tents and membrane structures in accordance with Section 3103.12.6.1. (90 minutes) Standby power shall be provided for auxiliary inflation systems in permanent membrane structures in accordance with Section 2702 of the *International Building Code*. (4 hours) Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with section 3103.10.4.

**604.2.14** {No change.}

**604.2.15 Smoke Control Systems.** Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

Covered Mall Building, *International Building Code*, Section 402.7

Atriums, *International Building Code*, Section 404.7

Underground Buildings, *International Building Code*, Section 405.8

Group I-3, *International Building Code*, Section 408.4.2

Stages, *International Building Code*, Section 410.3.7.2

Special Amusement Buildings (as applicable to Group A's), *International Building Code*, Section 411.1

Smoke Protected Seating, Section 1029.6.2.1

**604.2.17 Covered and Open Mall Buildings.** Emergency power shall be provided in accordance with Section 907.2.20 and 914.2.3.

**604.2.18 Airport Traffic Control Towers.** A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

**604.2.19 Smokeproof Enclosures and Stair Pressurization Alternative.** Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the *International Building Code*, Section 909.20.6.2.

**604.2.20 Elevator Pressurization.** Standby power shall be provided for elevator pressurization system as required by the *International Building Code*, Section 909.21.5.

**604.2.21 Elimination of Smoke Dampers in Shaft Penetrations.** Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the *International Building Code*, Section 717.5.3, exception 2.3.

**604.2.22 Common Exhaust Systems for Clothes Dryers.** Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the *International Mechanical Code*, Section 504.10, Item 7.

**604.2.23 Hydrogen Cutoff Rooms.** Standby power shall be provided for mechanical ventilation and gas detection systems of Hydrogen Cutoff Rooms in accordance with the *International Building Code*, Section 421.8.

**604.2.24 Means of Egress Illumination in Existing Buildings.** Emergency power shall be provided for *means of egress* illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)

**604.3 through 604.7** {No change.}

**604.8 Energy Time Duration.** Unless a time limit is specified by the fire code official, in this chapter or elsewhere in this code, or in any other referenced code or standard, the emergency and standby power system shall be supplied with enough fuel or energy storage capacity for not less than 2-hour full-demand operation of the system.

**Exception:** Where the system is supplied with natural gas from a utility provider and is approved.

\*\*\**Section 609.2; amend to read as follows:*

**609.2 Where Required.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease

vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

**Exceptions:**

1. Tents, as provided for in Chapter 31.
2. {No change to existing exception.}

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

**\*\*Section 704.1; amend to read as follows:**

**704.1 Enclosure.** Interior vertical shafts including, but not limited to, *stairways*, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than as required in Chapter 11. New floor openings in existing buildings shall comply with the *International Building Code*.

**\*\*\*Section 807.3; amend to read as follows:**

**807.3 Combustible Decorative Materials.** In occupancies in Groups A, E, I, and R-1, and dormitories in Group R-2, curtains, draperies, fabric hangings and other similar combustible decorative materials suspended from walls or ceilings shall comply with Section 807.4 and shall not exceed 10 percent of the specific wall or ceiling area to which they are attached.

**\*\*Section 807.5.2.2 and 807.5.2.3; amend to read as follows:**

**807.5.2.2 Artwork in Corridors.** Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

**Exception:** Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

**807.5.2.3 Artwork in Classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

**\*\*Section 807.5.5.2 and 807.5.5.3; amend to read as follows:**

**807.5.5.2 Artwork in Corridors.** Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from

floor to ceiling or wall to wall. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

**Exception:** Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

**807.5.5.3 Artwork in Classrooms.** Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

**\*\*Section 901.6.1; add Section 901.6.1.1 to read as follows:**

**901.6.1.1 Standpipe Testing.** Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the *fire code official*) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the *fire code official*.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (fire code official) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the *fire code official* for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting

equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the *fire code official*.

**\*\*Section 901.6.3; add Section 901.6.3 to read as follows:**

**901.6.3 False Alarms and Nuisance Alarms.** False alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

**\*\*Section 901.7; amend to read as follows:**

**901.7 Systems Out of Service.** Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall either be evacuated or an *approved fire watch* shall be provided for all occupants left unprotected by the shut down until the *fire protection system* has been returned to service. ... {remaining text unchanged}

**\*\*\*Section 901.8.2; amend to read as follows:**

**901.8.2 Removal of Occupant-use Hose Lines.** The *fire code official* is authorized to permit the removal of occupant-use hose lines and hose valves where all of the following conditions exist:

2. The hose line(s) would not be utilized by trained personnel or the fire department.
3. If the occupant-use hose lines are removed, but the hose valves are required to remain as per the fire code official, such shall be compatible with local fire department fittings.

**\*\*Section 903.1.1; amend to read as follows:**

**903.1.1 Alternative Protection.** Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard, or as *approved* by the *fire code official*.

**\*\*Section 903.2; add paragraph to read as follows:**

Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINERY – NO STORAGE ALLOWED."

**\*\*Section 903.2; delete the exception.**

**\*\*\*Section 903.2.9; add Section 903.2.9.3 to read as follows:**

**903.2.9.3 Self-Service Storage Facility.** An automatic sprinkler system shall be installed throughout all self-service storage facilities.

**Section 903.2.11; amend 903.2.11.3 and add 903.2.11.7, 903.2.11.8, and 903.2.11.9 as follows:**

**903.2.11.3 Buildings 35 feet or more in height.** An automatic sprinkler system shall be installed throughout buildings that have one or more stories, other than penthouses in compliance with

Section 1510 of the *International Building Code*, located ~~55~~ 35 feet (10 668 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

**Exceptions:**

Open parking structures in compliance with Section 406.5 of the *International Building Code*, *having no other occupancies above the subject garage*.

**903.2.11.7 High-Piled Combustible Storage.** For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 32 to determine if those provisions apply.

**903.2.11.8 Spray Booths and Rooms.** New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

**903.2.11.9 Buildings Over 6,000 sq.ft.** An automatic sprinkler system shall be installed throughout all buildings with a building area 6,000 sq. ft. or greater and in all existing buildings that are enlarged to be 6,000 sq. ft. or greater. For the purpose of this provision, fire walls shall not define separate buildings.

**Exception:** Open parking garages in compliance with Section 406.5 of the *International Building Code*.

**\*\*Section 903.3.1.1.1; amend to read as follows:**

**903.3.1.1.1 Exempt Locations.** When approved by the *fire code official*, automatic sprinklers shall not be required in the following rooms or areas where such ...*{text unchanged}*... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. Elevator machine rooms, machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
5. {Delete.}

**\*\*Section 903.3.1.2.3; add section to read as follows:**

**[F] Section 903.3.1.2.3 Attics and Attached Garages.** Sprinkler protection is required in attic spaces of such buildings two or more stories in height, in accordance with NFPA 13 and or NFPA 13R requirements, and attached garages.

**\*\*\*Section 903.3.1.3; amend to read as follows:**

**903.3.1.3 NFPA 13D Sprinkler Systems.** *Automatic sprinkler systems* installed in one- and two-family *dwelling*s; Group R-3; Group R-4 Condition 1 and *townhouses* shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

**\*\*\*Section 903.3.1.4; add to read as follows:**

**[F] 903.3.1.4 Freeze protection.** Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

**903.3.1.4.1 Attics.** Only dry-pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

**Exception:** Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

4. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
5. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and
6. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

**903.3.1.4.2 Heat trace/insulation.** Heat trace/insulation shall only be allowed where approved by the fire code official for small sections of large diameter water-filled pipe.

**\*\*Section 903.3.5; add a second paragraph to read as follows:**

**[F]** Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 10 psi safety factor. Reference Section 507.4 for additional design requirements.

**\*\*Section 903.4; add a second paragraph after the exceptions to read as follows:**

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

**\*\*Section 903.4.2; add second paragraph to read as follows:**

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

**\*\*Section 905.2; amend to read as follows:**

**905.2 Installation Standard.** Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

**\*\*\*Section 905.3; add Section 905.3.9 and exception to read as follows:**

**905.3.9 Buildings Exceeding 10,000 sq. ft.** In buildings exceeding 10,000 square feet in area per story and where any portion of the building's interior area is more than 200 feet (60960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

**Exceptions:**

1. Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA 14.
2. R-2 occupancies of four stories or less in height having no interior corridors.

**\*\*\*Section 905.4, amend item 1, 3, and 5, and add Item 7 to read as follows:**

1. In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
2. {No change.}
3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

**Exception:** Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a {No change to rest.}

4. {No change.}
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.
6. {No change.}
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the fire code official.

**\*\*Section 905.9; add a second paragraph after the exceptions to read as follows:**

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

**\*\*Section 907.1; add Section 907.1.4 to read as follows:**

**907.1.4 Design Standards.** Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.

**\*\*Section 907.2.1; amend to read as follows:**

**907.2.1 Group A.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.-10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying

this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exception:** {No change.}

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.

**\*\*\*Section 907.2.3; amend to read as follows:**

**907.2.3 Group E.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

**Exceptions:**

2. {No change.}
  - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.) {No change to remainder of exceptions.}

**\*\*Section 907.2.13, Exception 3; amend to read as follows:**

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

**\*\*Section 907.4.2; add Section 907.4.2.7 to read as follows:**

**907.4.2.7 Type.** Manual alarm initiating devices shall be an approved double action type.

**\*\*\*Section 907.6.1; add Section 907.6.1.1 to read as follows:**

**907.6.1.1 Wiring Installation.** All fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class A). Outgoing and return SLC conductors shall be installed in accordance with NFPA 72 requirements for Class A circuits and shall have a minimum of four feet separation horizontal and one foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class B, provided the distance

from the interface device to the initiating device is ten feet or less. In all R-1, R-2, R-3, and R-4 occupancies the A/V notification (NAC) circuit shall be Class A.

**\*\*\*Section 907.6.3; delete all four exceptions.**

**\*\*\*Section 907.6.6; – add sentence at end of paragraph to read as follows:**

**[F]** See 907.6.3 for the required information transmitted to the supervising station.

**\*\*\*Section 909.22; add to read as follows:**

**909.22 Stairway or Ramp Pressurization Alternative.** Where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with Building Code requirements for a smokeproof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water (25 Pa) and a maximum of 0.35 inches of water (87 Pa) in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind effect. Such systems shall comply with Section 909, including the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a Smoke Control Permit shall be required from the fire department as per Section 105.7.

**[F] 909.22.1 Ventilating equipment.** The activation of ventilating equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smokeproof enclosure. When the closing device for the stairway or ramp shaft and vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.

**909.22.1.1 Ventilation Systems.** Smokeproof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and ductwork shall comply with one of the following:

1. Equipment, control wiring, power wiring and ductwork shall be located exterior to the building and directly connected to the smokeproof enclosure or connected to the smokeproof enclosure by ductwork enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
2. Equipment, control wiring, power wiring and ductwork shall be located within the smokeproof enclosure with intake or exhaust directly from and to the outside or through ductwork enclosed by not less than 2-hour barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
3. Equipment, control wiring, power wiring and ductwork shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

**Exceptions:**

1. Control wiring and power wiring utilizing a 2-hour rated cable or cable system.

2. Where encased with not less than 2 inches (51 mm) of concrete.
3. Control wiring and power wiring protected by a listed electrical circuit protective systems with a fire-resistance rating of not less than 2 hours.

**909.21.1.2 Standby Power.** Mechanical vestibule and stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided with standby power in accordance with Section 2702 of the Building Code.

**909.22.1.3 Acceptance and Testing.** Before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

**\*\*\*Section 910.2; amend exception 2. and 3.to read as follows:**

[F] 2. Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.

3. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with control mode special application sprinklers with a response time index of  $50(m^*S)^{1/2}$  or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

**\*\*Section 910.2; add subsections 910.2.3 with exceptions to read as follows:**

**910.2.3 Group H.** Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 square feet (1394 m<sup>2</sup>) in single floor area.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

**Exception:** Buildings of noncombustible construction containing only noncombustible materials.

**\*\*\*Section 910.3; add section 910.3.4 to read as follows:**

**910.3.4 Vent Operation.** Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.4.1 through 910.3.4.2.

[F] **910.3.4.1 Sprinklered buildings.** Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically.

The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

**Exception:** Manual only systems per Section 910.2.

**910.3.4.2 Nonsprinklered Buildings.** Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

**Exception:** Listed gravity-operated drop out vents.

**\*\*\*Section 910.4.3.1; amend to read as follows:**

**910.4.3.1 Makeup Air.** Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be ~~or~~ automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m<sup>2</sup> per 0.4719 m<sup>3</sup>/s) of smoke exhaust.

**\*\*\*Section 910.4.4; amend to read as follows:**

**910.4.4 Activation.** The mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall also be provided.

**Exception:** Manual only systems per Section 910.2.

**\*\*Section 912.2; add Section 912.2.3 to read as follows:**

**912.2.3 Hydrant Distance.** An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

**\*\*Section 913.2.1; add second paragraph and exception to read as follows:**

#### **Section 912.3.2 Locking fire department connection caps**

New sprinkler installations shall be equipped with locking fire department connection caps as approved by the code official. Existing sprinkler installation will require approved locking fire department connection caps where there is a history of problems with missing or damaged FDC caps. Fire Prevention Personnel will determine locations requiring these lockable caps.

When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

**Exception:** When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the *fire code official*. Access keys shall be provided in the key box as required by Section 506.1.

**\*\*\*Section 914.3.1.2; amend to read as follows:**

**914.3.1.2 Water Supply to required Fire Pumps.** In buildings that are more than 120 feet (128 m) in *building height*, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

**Exception:** {No change to exception.}

**\*\*Section 1006.2.2.6; add a new Section 1006.2.2.6 as follows:**

**1006.2.2.6 Electrical Rooms.** For electrical rooms, special exiting requirements may apply. Reference the Electrical Code as adopted.

**\*\*Section 1009.1; add the following exception 4:**

**Exceptions:**

*{previous exceptions unchanged}*

4. Buildings regulated under State Law and built in accordance with State registered plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009.

**\*\*Section 1010.1.9.4 Bolt Locks; amend exceptions 3 and 4 to read as follows:**

**Exceptions:**

7. Where a pair of doors serves an *occupant load* of less than 50 persons in a Group B, F, M or S occupancy. *{Remainder unchanged}*
8. Where a pair of doors serves a Group A, B, F, M or S occupancy *{Remainder unchanged}*

**\*\*\*Section 1015.8 Window Openings; amend number 1 to read as follows:**

1. Operable windows where the top of the sill of the opening is located more than 55 (16 764 mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.

**\*\*Section 1020.1 Construction; add exception 6 to read as follows:**

7. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.

**\*\*Section 1029.1.1.1; delete this section. Spaces under Grandstands and Bleachers:**

**\*\*Section 1031.2; amend to read as follows:**

**1031.2 Reliability.** Required *exit accesses*, *exits* and *exit discharges* shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. An *exit* or *exit passageway* shall not be used for any purpose that interferes with a means of egress.

**\*\*Section 1103.3; add sentence to end of paragraph as follows:**

Provide emergency signage as required by Section 607.3.

**\*\*Section 1103.5; add Section 1103.5.1 to read as follows:**

**1103.5.1 Spray Booths and Rooms.** Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.

**\*\*\*Section 1103.7; add Section 1103.7.8 and 1103.7.8.1 to read as follows:**

**1103.7.8 Fire Alarm System Design Standards.** Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices.

**Exception:** Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

**1103.7.8.1 Communication requirements.** Refer to Section 907.6.6 for applicable requirements.

**\*\*Section 2304.1; amend to read as follows:**

**2304.1 Supervision of Dispensing.** The dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2304.3.

At any time the qualified attendant of item Number 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

**\*\*Section 2401.2; delete this section.**

**Section 2808.3 amend to read as follows:**

**2808.3 Size of piles.** Piles shall not exceed 15 feet (4572 mm) in height, 100 feet (30,480 mm) in width and 150 feet (45,720 mm) in length.

(Exception will remain as written.)

**Add new section 2808.3.1 to read as follows:**

**2808.3.1 Set Backs.** All piles shall have a minimum set back of 20 feet (6096 mm) from the property lines.

**\*\*\*Table 3206.2, footnote j; amend text to read as follows:**

- j. Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m • s)<sup>1/2</sup> or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

**\*\*Section 3310.1; add sentence to end of paragraph to read as follows:**

When fire apparatus access roads are required to be installed for any structure or development, they shall be approved prior to the time at which construction has progressed beyond completion of the foundation of any structure.

**\*\*Section 5601.1.3; amend to read as follows:**

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

**Exceptions:**

1. Only when approved for fireworks displays, storage, and handling of fireworks as allowed in Section 5604 and 5608.
2. The use of fireworks for approved fireworks displays as allowed in Section 5608.  
... {Delete remainder of text.}

**\*\*Section 5703.6; add a sentence to read as follows:**

**5703.6 Piping Systems.** Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

**\*\*Section 5704.2.9.5; amend Section 5704.2.9.5 and add Section 5704.2.9.5.3 to read as follows:**

**5704.2.9.5 Above-ground Tanks Inside of Buildings.** Above-ground tanks inside of buildings shall comply with Section 5704.2.9.5.1 through 5704.2.9.5.3.

**5704.2.9.5.1** {No change.}

**5704.2.9.5.2** {No change.}

**5704.2.9.5.3 Combustible Liquid Storage Tanks Inside of Buildings.** The maximum aggregate allowable quantity limit shall be 3,000 gallons (11 356 L) of Class II or III combustible liquid for storage in protected aboveground tanks complying with Section 5704.2.9.7 when all of the following conditions are met:

1. The entire 3,000 gallon (11 356 L) quantity shall be stored in protected above-ground tanks;
2. The 3,000 gallon (11 356 L) capacity shall be permitted to be stored in a single tank or multiple smaller tanks;

3. The tanks shall be located in a room protected by an *automatic sprinkler system* complying with Section 903.3.1.1; and
4. Tanks shall be connected to fuel-burning equipment, including generators, utilizing an *approved* closed piping system.

The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 5003.1.1(1), and such tanks shall not be required to be located in a control area. Such tanks shall not be located more than two stories below grade.

**\*\*Section 5704.2.11.4; add a sentence to read as follows:**

**5704.2.11.4 Leak Prevention.** Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An *approved* method of secondary containment shall be provided for underground tank and piping systems.

**\*\*Section 5704.2.11.4.2; amend to read as follows:**

**5704.2.11.4.2 Leak Detection.** Underground storage tank systems shall be provided with an *approved* method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30 and as specified in Section 5704.2.11.4.3.

**\*\*Section 5704.2.11.4; add Section 5704.2.11.4.3 to read as follows:**

**5704.2.11.4.3 Observation Wells.** Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

**Section 5704.2.13.1.3; amend to read as follows:**

**5704.2.13.1.3 Out of service for one year.** Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5704.2.14.

**Section 5704.2.13.1.4 Tanks abandoned in place; delete section**

**\*\*Section 6103.2.1; add Section 6103.2.1.8 to read as follows:**

**6103.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies.** Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

**Section 6104.2, Exception; add an exception 2 to read as follows:**

**Exceptions:**

1. *{existing text unchanged}*
2. Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

***\*\*Section 6104.3; add Section 6104.3.2 to read as follows:***

**6104.3.2 Spas, Pool Heaters, and Other Listed Devices.** Where natural gas service is not available, an LP-gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

**Exception:** Lots where LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500 gallon above ground or 1,000 gallon underground approved containers.

***\*\*\*Section 6107.4 and 6109.13; amend to read as follows:***

**6107.4 Protecting Containers from Vehicles.** Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with Section 312.

**6109.13 Protection of Containers.** LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

***\*\*\* Table B105.2; amend footnote a. to read as follows:***

- a. The reduced fire-flow shall be not less than 1,000 1,500 gallons per minute.”

## SECTION 17.

**Section 150.120 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended to read as follows;**

**“SECTION § 150.120. THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED.**

- (a) The International Energy Conservation Code, 2015 Edition, as published by the International Code Council, is hereby adopted, and designated as the energy conservation code of the City of Carrollton, and is made a part hereof, as amended.
- (b) One (1) copy of the 2015 edition of the International Energy Conservation Code, marked Exhibit “J”, is incorporated herein by reference and shall be filed in the office of the City Secretary for permanent record and inspection.
- (c) Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding. In the event a conflict is determined to exist between said International Energy Conservation Code as adopted and the other provisions of this ordinance, the latter provisions shall be construed as controlling and taking precedence over the former.”

## SECTION 18.

**Section 150.121 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended as follows;**

**“SECTION § 150.121. AMENDMENTS.**

***\*\*Section C102/R102; add Sections C102.1.2 and R102.1.2 to read as follows:***

**C102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

**R102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.

***Section C202 and R202; add the following definition:***

**\*\*\*PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom

of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

***Section R202; add the following definition:***

**\*\*\*DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

***\*\*\*Section R402.3.2 Glazed fenestration SHGC; amend by adding a paragraph and table following the exception to read as follows:***

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

**Table R402.3.2 SHGC Multipliers for Permanent Projections <sup>a</sup>**

Projection Factor	SHGC Multiplier (all Other Orientation)	SHGC Multiplier (North Oriented)
0 - 0.10	1.00	1.00
>0.10 – 0.20	0.91	0.95
>0.20 – 0.30	0.82	0.91
>0.30 – 0.40	0.74	0.87
>0.40 – 0.50	0.67	0.84
>0.50 – 0.60	0.61	0.81
>0.60 – 0.70	0.56	0.78
>0.70 – 0.80	0.51	0.76
>0.80 – 0.90	0.47	0.75
>0.90 – 1.00	0.44	0.73

<sup>a</sup> North oriented means within 45 degrees of true north.

***\*\*Section R402.4.1.2 Testing; modify the first paragraph to read as follows:***

***\*\*\*R402.4.1.2 Testing; Add a last paragraph to read as follows:***

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

***\*\*\* R403.3.3 Duct Testing (Mandatory) Add a last paragraph to read as follows:***

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

**\*\*Section C402.2.7/R402.2; Add Section C402.2.9 and R402.2.14 to read as follows:**

**Section C402.2.7/R402.2.14 Insulation installed in walls.** To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

**\*\*\*Section R405.6.2; add the following sentence to the end of paragraph:**

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

**\*\*\*TABLE R406.4 MAXIMUM ENERGY RATING INDEX; amend to read as follows:**

**TABLE R406.4<sup>1</sup>**  
**MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
3	65

<sup>1</sup> This table is effective until August 31, 2019.

**TABLE R406.4<sup>2</sup>**  
**MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
3	63

<sup>2</sup> The table is effective from September 1, 2019 to August 31, 2022.

**TABLE R406.4<sup>3</sup>**  
**MAXIMUM ENERGY RATING INDEX**

<b>CLIMATE ZONE</b>	<b>ENERGY RATING INDEX</b>
3	59

<sup>3</sup> This table is effective on or after September 1, 2022.

## **APPENDIX**

In addition to the recommended amendments, the EAGB endorses the attached universal testing form and encourages municipalities to consider incorporating the use of the form locally to minimize the number of forms that the third party testers and energy providers are required to maintain.



## 2015 IECC PERFORMANCE TESTING COMPLIANCE CERTIFICATE

Job Address: \_\_\_\_\_ Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

### DUCT LEAKAGE TESTING VERIFICATION

**Choose option used for compliance:** per 2015 IECC Section R403.3.4, system tested @ 25 Pascals across, including the manufacturer's air handler enclosure.

☐ **Rough-In Test Option** (see code for test specifics): Results of test: \_\_\_\_\_ CFM.

☐ **Post Construction Option** (see code for test specifics): Results of test: \_\_\_\_\_ CFM.

I certify that I have conducted a **duct blaster test and it has passed the requirements of the 2015 International Energy Conservation Code**. I further certify that I am certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. I certify I am an independent third-party entity, and have not installed the HVAC system; nor am I employed or have any financial interest in the company that constructs the structure.

Certification Number: Agency: \_\_\_\_\_

Signature of Inspector/Testing Technician: \_\_\_\_\_

Printed Name of Inspector/Testing Technician: \_\_\_\_\_

### BUILDING THERMAL ENVELOPE LEAKAGE TESTING VERIFICATION

**Compliance requirements:** per 2015 IECC Section R402.4.1.2, building thermal envelope tested @ 50 Pascals in accordance with ASTM E 779 or ASTM E1827 to verify air leakage.

**Building Thermal Envelope Leakage Testing:** Results of test: \_\_\_\_\_ air changes per hour.

I certify that I have conducted an **air leakage test and it has passed the requirements of the 2015 International Energy Conservation Code**. I further certify that I am certified to perform air infiltration testing certified by national or state organizations as approved by the building official. I certify I am an independent third-party entity, nor am I employed or have any financial interest in the company that constructs the structure.

Certification Number: Agency: \_\_\_\_\_

Signature of Inspector/Testing Technician: \_\_\_\_\_

Printed Name of Inspector/Testing Technician: \_\_\_\_\_”

**SECTION 19.**

Save and except as amended by this ordinance, all other ordinances of the City of Carrollton, Texas, shall remain in full force and effect.

**SECTION 20.**

Violation of this ordinance shall be a misdemeanor punishable in accordance with Section 10.99 of the Code of Ordinances, City of Carrollton, Texas.

**SECTION 21.**

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

**SECTION 22.**

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

**SECTION 23.**

This ordinance, after its adoption and publication, shall become and be effective January 1, 2016 and henceforth.

**DULY PASSED AND APPROVED** by the City Council of the City of Carrollton, Texas, this 1st day of December, 2015.

By: \_\_\_\_\_  
Matthew Marchant, Mayor

**ATTEST:**

\_\_\_\_\_  
Krystle Nelinson, City Secretary

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Susan Keller, Assistant City Attorney

\_\_\_\_\_  
Brett L. King, Building Official





# City of Carrollton

## Agenda Memo

File Number: 2368

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Ordinance

**Agenda Number:** \*15.

**CC MEETING: December 1, 2015**

**DATE:** November 20, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Scott Hudson, Environmental Services Director

Consider An **Ordinance Amending Title XVII, Chapter 173 Of The Carrollton Code Of Ordinances Regarding Stormwater Pollution Prevention.**

### **BACKGROUND:**

At the June 23, 2015 City Council worksession, staff briefed the Council on the regulatory approach in the current stormwater permit issued to the city. That briefing referred to coming revisions for the Stormwater Pollution Prevention ordinance. The Texas Commission on Environmental Quality (TCEQ) has now provided guidance on additional regulations, some of which require updating the city ordinance. This item presents amendments to Title XVII, Chapter 173 to incorporate those changes.

Key provisions of the proposed amendments:

- clarifying the prohibition on discharges to include areas that may reach the storm sewer system;
- specifically prohibiting paint waste discharge and improper hazardous waste storage;
- restricting discharges from commercial cosmetic cleaning and providing for proper disposal;
- requiring removal of temporary control measures, such as silt fences, after they are no longer needed;
- providing for long-term maintenance of post-construction runoff control mechanisms, such as detention and retention basins;
- clarifying reporting requirements for hazardous materials spills.

The proposed amendments also clean up some older language and enhance enforceability.

### **IMPACT ON COMMUNITY SUSTAINABILITY:**

The Stormwater Pollution Prevention Ordinance strengthens the city's goal of a sustainable community. By requiring citizens, businesses, construction companies, and city operations to

control stormwater pollution, it not only results in more pristine water bodies, but also preserves the city's storm system infrastructure, prevents flooding and helps maintain a healthy aquatic habitat.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends that the City Council adopt the attached ordinance amending Title XVII, Chapter 173, Stormwater Pollution Prevention.

## **PROPOSED AMENDMENTS TO THE STORMWATER POLLUTION PREVENTION ORDINANCE**

The following reflects proposed changes in the affected sections of Title XVII, Chapter 173. All other provisions of Chapter 173 would remain unchanged.

### **SECTION 1.**

Section 173.02 of the Code of Ordinances, City of Carrollton, is hereby amended to include the definition of Commercial Cosmetic Cleaning to read as follows:

“Sec. 173.02 - Definitions

*Commercial Cosmetic Cleaning.* Commercial power washing, steam cleaning, and any other cosmetic cleaning operations of vehicles, parking lots, buildings, and other exterior surfaces, conducted for commercial purposes.”

### **SECTION 2.**

Section 173.04(C) of the Code of Ordinances, City of Carrollton, is hereby amended to include amendments in Section 173.04(C) and addition of Sections 173.04(C)(26) and 173.04(C)(27) to read as follows:

“(C) No person may dispose of, release, discharge, or otherwise introduce, cause, suffer, allow, or permit to be introduced any of the following substances into **or that may reach** the MS4 **or into or adjacent to any water body**:

(26) **Paint or paint-related materials;**

(27) **any solid waste, hazardous waste or regulated waste, including use or storage in a manner that the material could enter the MS4.”**

### **SECTION 3.**

Section 173.04(F) of the Code of Ordinances, City of Carrollton, is hereby amended to read as follows:

“(F) **No person may dispose of, deposit or allow to accumulate wastewater, liquid waste or pollutants on public or private property.”**

### **SECTION 4.**

Section 173.05 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to add a title for Section 173.05(A) and to add Section 173.05(B) to read as follows:

**“Sec. 173.05. – Regulation of Pesticides, Herbicides, Fertilizers and Cosmetic Cleaning and Commercial Mobile Cleaning Operations.**

**(A) Regulation of pesticides, herbicides, and fertilizers**

- (1)** No person may use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
- (2)** No person may use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of pesticide, herbicide, or fertilizer to enter the MS4 or surface water in the state or the waters of the U.S.
- (3)** No person may dispose of, discard, store, or transport a pesticide, herbicide or fertilizer, or a pesticide, herbicide or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide or fertilizer to enter the MS4 or surface water in the state or the waters of the U.S.
- (4)** A license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for the sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must be presented to the DCO for examination upon request.

**(B) Regulation of Commercial Cosmetic Cleaning and Mobile Cleaning Operations.**

- (1)** Commercial cosmetic cleaning or mobile cleaning operations may not discharge any wastewater or contaminated water to the MS4. Wastewater or contaminated water from these operations must be contained, collected, and disposed of properly.
- (2)** Contaminated water from commercial cosmetic and mobile cleaning operations includes, but is not limited to:
  - (a)** Water containing soap, detergent, degreaser, solvent or other potentially harmful cleaning substances, including biodegradable products;
  - (b)** Any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of the released material have been previously removed;
  - (c)** Wastewater with excessive amounts of sediments; or
  - (d)** Wastewater from power washing.

- (3) Best management practices must be used to the maximum extent practicable to prevent contaminants from entering the MS4. BMPs include, but are not limited to:
- (a) Picking up litter and debris, sweeping up accumulated sediment and dirt, and sealing the waste in trash bags and placing the bags in a trash receptacle.
  - (b) Removing oil and grease spots, leaks, or spills with a dry absorbent, sweeping up the absorbent, and disposing of it in accordance with state or federal requirements.
  - (c) Blocking storm drain inlets or flows of drainage to contain wastewater on the property and collecting it for proper disposal.
- (4) Wastewater resulting from commercial cosmetic cleaning and mobile cleaning operations must be disposed of in an approved manner. Any discharges to the sanitary sewer system must meet the requirements of the Wastewater Pretreatment Ordinance, Title XVII, Chapter 171, specifically Sections 171.04, 171.06, and 171.07. Discharges to the sanitary sewer must be filtered using a 200 Mesh screen or smaller to remove silt, sand, sludge, and debris. Wastewater containing hydrocarbons must also be filtered through an oil absorbent filter or oil/water separator.
- (5) Wastewater may also be hauled off-site and disposed of by an environmental waste company. Disposal in this method must meet the requirements of the city's Liquid Waste Ordinance, Title XVII, Chapter 172."

## **SECTION 5.**

Section 173.07 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to add Section 173.07(10) to read as follows:

"(10) Installation and maintenance of erosion and sediment controls."

## **SECTION 6.**

Section 173.08 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended and Section 173.08(B) added to read as follows:

"Sec. 173.08 – One acre or greater land disturbances and post-construction regulations

(A) One acre or greater land disturbances

All operators of sites of construction activity, including clearing, grading, excavation, **demolitions**, and land filling activities, that result in the disturbance of one or more acres of total

land area, or that are part of a larger common plan of development or sale within which one or more acres of total land area are disturbed, and who are required to obtain a TPDES permit for stormwater discharges associated with construction activity, must comply with the following requirements (in addition to those in Section 173.08):

- (1) All operators must obtain coverage for stormwater discharges from a construction site under the TPDES General Permit, must post a signed copy of its Construction Site Notice (CSN) on the construction site prior to the commencement of construction activities. The notices required to be posted will depend on the size of the construction project and is explained in the TPDES General Permit for construction activities. The CSN must be posted in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities. For large construction sites, a signed copy of the NOI and CSN from all operators must be submitted to the DCO seven (7) days prior to the commencement of construction activities. For small construction sites, a signed copy of the CSN from all operators must be submitted to the DCO at least two (2) days prior to the commencement of construction activities.
- (2) A Stormwater Pollution Prevention Plan (SWPPP) must be prepared and implemented in accordance with the requirements of the TPDES permit issued for stormwater discharges from the construction site, and in accordance with any additional requirements imposed by or under this ordinance and any other city ordinance.
- (3) The SWPPP must be completed and implemented prior to the beginning of construction activities. The SWPPP must be updated and modified as required by the TPDES permit and this ordinance.
- (4) The operator must submit the SWPPP and any modifications thereto to the DCO for review prior to commencement of construction activity at the site.
- (5) If, upon the DCO's review of the SWPPP (or any modification to the SWPPP) and any site inspection that the DCO may conduct, the DCO determines that the SWPPP does not comply with the requirements of the TPDES permit issued for stormwater discharge from the construction site, or any additional requirement imposed by or under this ordinance, the DCO may issue an order prohibiting the commencement or the continuation of any construction activity at the site. Also, if at any time the DCO determines that the SWPPP is not being fully implemented the DCO may similarly issue an order prohibiting the continuation of any construction activity at the site.
- (6) Upon review of the SWPPP and any site inspection that is conducted, the DCO may deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the permit issued for stormwater discharge from the construction site, or any additional requirement imposed by or under this

ordinance. Also, if at any time the DCO determines that the SWPPP is not being fully implemented, the DCO may similarly deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, at the site.

- (7) All operators identified in the SWPPP must sign a copy of the following certification statement before conducting any professional service identified in the SWPPP:

I certify under penalty of law that I understand the terms and conditions of the Texas Pollutant Discharge Elimination System (TPDES) permit and any modification by the State of Texas that authorizes the stormwater discharges associated with industrial activity from the construction site identified as part of this certification, the Stormwater Pollution Prevention Ordinance of the City of Carrollton, and those provisions of the Stormwater Pollution Prevention Plan (SWPPP) for the construction site for which I am responsible.

The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

- (8) The SWPPP and the certifications of all operators required by Section 173.08(A)(7), and with any modifications attached, must be retained at the construction site from the date of commencement of construction through the date of final stabilization.
- (9) The operator must make a copy of the SWPPP and any modification thereto available to the DCO at the construction site upon request.
- (10) The DCO may notify the operator at any time that the SWPPP does not meet the requirements of the TPDES permit issued for stormwater discharges from the construction site, or any additional requirement imposed by or under this ordinance. Such notification must identify those provisions of the permit or ordinance which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within seven (7) calendar days of such notification from the DCO (or as otherwise provided by the DCO), the operator must make the required changes to the SWPPP and submit to the DCO a written certification that the requested modifications have been made.
- (11) The operator must modify the SWPPP whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the MS4, or surface water in the state, or the waters of the U. S., or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in achieving the general

objective of controlling pollutants in stormwater discharges associated with construction activity.

- (12) Qualified personnel (provided by the operator) must inspect at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of any rain event that is 0.5 inches or greater: disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. Inspections may be performed once every seven calendar days, on a specifically defined day, regardless of whether or not there has been a rainfall event. Disturbed areas and areas used for storage of materials that are exposed to precipitation must be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures and best management practices must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters and the MS4. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- (13) ~~Based on the results of the inspections required by subsection [173.08\(L\)](#), the site description and/or the pollution prevention measures identified in the SWPPP must be modified as appropriate, but in no case later than seven calendar days following the inspection. Such modifications must provide for timely implementation of any changes to the SWPPP within seven calendar days following the inspection.~~ All protective measures in the SWPPP must be maintained in effective operating condition. If, through inspections or other means, the operator determines that BMPs are not operating effectively, then the operator shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, prior to the next rain event if feasible. If maintenance prior to the next anticipated rain event is impracticable, the reason shall be documented in the SWPPP and maintenance must be scheduled and accomplished as soon as practicable, but in no case later than seven (7) calendar days following the inspection. Erosion and sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.
- (14) A report summarizing the scope of any inspection required by Section 173.08(12) and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with appropriate plan revisions must be made and retained as part of the SWPPP. The report must identify any incidence of noncompliance; or if the report does not identify any incidence of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP, the TPDES permit, and this ordinance. The report must be signed by the person responsible for making it.

- (15) The operator must retain copies of any SWPPP and all reports required by this ordinance or by the TPDES permit for the site, for a period of at least three years from the date that the site is finally stabilized, and the required CSN or Notice of Termination (NOT) has been submitted. Such plans, reports and records must be made available to the DCO upon request.
  - (16) Where a site has been finally stabilized and all stormwater discharges from construction activities that are authorized by this ordinance and by the TPDES permit are eliminated, or where the operator of all stormwater discharges from the construction site changes, the operator of the construction site must submit to the DCO a copy of the CSN or NOT as required by the TPDES Construction General Permit.
  - (17) The City may withhold an occupancy permit for any premises constructed on the site until such certification of final stabilization has been filed and the DCO has determined, following any appropriate inspection, that final stabilization has in fact occurred, that any required permanent structural controls have been completed and all temporary controls have been removed.
- (B) **Post-Construction Requirements.**
- (1) The owner or operator must ensure all temporary control measures for erosion control or other BMPs are removed once final stabilization has been achieved.
  - (2) The owner or operator must ensure all long-term operation and maintenance of post-construction stormwater runoff control mechanisms, such as detention and retention basins, dry wells, and other measures.”

## **SECTION 7.**

Sections 173.09(A)(1), (A)(6), (A)(13), (A)(14) of the Code of Ordinances, City of Carrollton, Texas, are hereby amended and Section 173.09(A)(20) is added to read as follows:

“Sec. 173.09. - Stormwater Discharges Associated with Industrial Activity.

- (A) All operators of municipal landfills; hazardous waste treatment, disposal, and recovery facilities; industrial facilities that are subject to Section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, USC § 11023; and industrial facilities that are sources of stormwater discharges associated with an industrial activity as specified in the NPDES or the TPDES Multi-Sector General Permit, or that the DCO determines are contributing a substantial pollutant loading to the MS4, must comply with the following requirements:
  - (1) All operators required to obtain industrial stormwater coverage must obtain the appropriate authorization as specified in the NPDES or TPDES Multi-Sector General Permit. Any operator who intends to obtain coverage for stormwater

discharges associated with industrial activity under the TPDES Stormwater Multi-Sector General Permit for Industrial Activities (Multi-Sector General Permit) or an NPDES permit for oil and gas industrial activities, must submit a signed copy of his Notice of Intent (NOI) to the DCO at least fifteen (15) calendar days prior to the commencement of the industrial activity at the facility. For stormwater discharges associated with industrial activity where the operator changes, a copy of the required NOI must be submitted at least two (2) calendar days prior to the change. Facilities that qualify for the No Exposure Certification (NEC) must submit copies of the certification to the DCO.

- 6) The SWPPP, with any modifications attached, must be retained at the industrial site from the date of commencement of operations **and for 3 years** after all stormwater discharges associated with industrial activity at the facility are eliminated, and the required Notice of Termination (NOT) has been submitted in accordance with the appropriate NPDES or TPDES permit.
- (13) If the industrial facility is required by the appropriate NPDES or TPDES permit to conduct monitoring, **the required monitoring must be conducted**, and records of the monitoring results must be retained at the facility and made available to the DCO upon request.
- (14) By written notice, the DCO may require any industrial facility identified in accordance with this section to implement a monitoring program, at the **industrial facility's expense**, that includes the submission of quantitative data on the following constituents:
  - (a) any pollutants limited in effluent guidelines subcategories; where applicable;
  - (b) any pollutant listed in an existing NPDES or TPDES permit for the facility;
  - (c) oil and grease, COD, pH, BOD5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen; and
  - (d) information on discharges required under 40 CFR 122.21(g)(7)(ii), (iii) and (iv).

Written reports of any of such monitoring results must be retained at the facility and made available to the DCO upon request.

- (20) **The operator must implement proper waste disposal and waste management techniques including installing and maintaining covered receptacles for rubbish, garbage, and recyclables to assure that such waste materials are not blown or carried by rainfall runoff from the site."**

## **SECTION 8.**

Sections 173.12(C) and 173.12(D) of the Code of Ordinances, City of Carrollton, Texas, are hereby amended to read as follows:

“Sec. 173.12. - Reports of Violation

- (C) The operator and the owner of any commercial or industrial activity must report any spills, releases, illicit connections, or other instances where pollutants are discharged into the MS4, surface water in the state, or the waters of the U.S. and any other violation of this ordinance for which they are responsible to the City in accordance with the following:
- (1) A hazardous and/or toxic material spill or release **to any surface** must be immediately reported to the Carrollton Fire Department at 911 **and Environmental Services available after business hours through 911.**
  - (2) Other instances where pollutants are discharged into the MS4, surface water in the state, or the waters of the U.S. by spill, release, illicit connections or other means must be reported to the **Carrollton Fire Department at 911 and Environmental Services** available after business hours through 911.
- (D) Both the operator and the owner of any commercial or industrial activity, where a spill or a release of a hazardous/toxic material or a substance of a polluting nature has occurred, are responsible for proper notification of the incident to the City and the appropriate county, state, and federal agency. The reporting of a spill/release to the City does not release or remove any obligation of the owner or operator from reporting to appropriate county, state and federal agencies.

These officials may include, but not be limited to:

1. **The City of Carrollton’s Fire Department and Environmental Services**
2. National Response Center
3. Texas Commission on Environmental Quality
4. U.S. Environmental Protection Agency
5. Dallas County Fire Marshal’s Office on behalf of the Dallas County Local Emergency Planning Committee (LEPC)
6. Texas Department of Parks and Wildlife
7. U.S. Fish & Wildlife Service.”

**SECTION 9.**

That Section 173.13 (A) of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

“Sec. 173.13. - Discharge Reporting and Cleanup

- (A) A discharger of a reportable quantity of a hazardous or extremely hazardous substance to an outside surface or into the MS4, surface water in the state, or the waters of the U.S., must telephone 911 and notify the Carrollton Fire Department and Environmental Services immediately after becoming aware of the discharge. A discharger of any of the following substances into the MS4, surface water in the state, or the waters of the U.S. must telephone and notify the DCO concerning the incident within one (1) hour after its occurrence or the first knowledge of its occurrence:
- (1) An amount of oil that either:
    - (a) Violates applicable water quality standards; or
    - (b) Causes a film or sheen upon, or discoloration of, the surface of the water or an adjoining shoreline, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline.
  - (2) A harmful quantity of any other pollutant that is not a hazardous or extremely hazardous substance.”

{End of Changes}

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CARROLLTON CITY CODE BY AMENDING TITLE XVII, CHAPTER 173 SECTIONS 173.02, 173.04, 173.05, 173.07, 173.08, 173.09, 173.12, AND 173.13 IN CONTINUATION OF THE EXISTING STORMWATER POLLUTION PREVENTION PROGRAM; PROVIDING PENALTY, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Carrollton, Texas (the “City”) is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, Section 54.004 of the Texas Local Government Code provides that a home rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, the City Council finds that amending Chapter 173 of the Carrollton City Code will increase the effectiveness and clarity of the Stormwater Pollution Prevention regulations controlled by the City; and,

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendments to the Stormwater Pollution Prevention regulations would provide for and would be in the best interest to safeguard life, health, property and public welfare.

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

**SECTION 1.**

Section 173.02 Definitions of the Code of Ordinances, City of Carrollton, is hereby amended to include the definition of Commercial Cosmetic Cleaning to read as follows:

*“Commercial Cosmetic Cleaning.* Commercial power washing, steam cleaning, and any other cosmetic cleaning operations of vehicles, parking lots, buildings, and other exterior surfaces, conducted for commercial purposes.”

**SECTION 2.**

Section 173.04(C) of the Code of Ordinances, City of Carrollton, is hereby amended to include amendments in Section 173.04(C) and the addition of Sections 173.04(C)(26) and 173.04(C)(27) to read as follows:

“(C) No person may dispose of, release, discharge, or otherwise introduce, cause, suffer, allow, or permit to be introduced any of the following substances into or that may reach the MS4 or into or adjacent to any water body:

- (26) Paint or paint-related materials;
- (27) any solid waste, hazardous waste or regulated waste, including use or storage in a manner that the material could enter the MS4.”

### **SECTION 3.**

Section 173.04(F) of the Code of Ordinances, City of Carrollton, is hereby amended to read as follows:

- “(F) No person may dispose of, deposit or allow to accumulate wastewater, liquid waste or pollutants on public or private property.”

### **SECTION 4.**

Section 173.05 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to amend the title of 173.05, to add a title for Section 173.05(A) and to add Section 173.05(B) to read as follows:

“Sec. 173.05. – Regulation of Pesticides, Herbicides, Fertilizers and Cosmetic Cleaning and Commercial Mobile Cleaning Operations.

#### **(A) Regulation of Pesticides, Herbicides, and Fertilizers.**

- (1) No person may use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
- (2) No person may use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of pesticide, herbicide, or fertilizer to enter the MS4 or surface water in the state or the waters of the U.S.
- (3) No person may dispose of, discard, store, or transport a pesticide, herbicide or fertilizer, or a pesticide, herbicide or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide or fertilizer to enter the MS4 or surface water in the state or the waters of the U.S.
- (4) A license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for the sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must be presented to the DCO for examination upon request.

#### **(B) Regulation of Commercial Cosmetic Cleaning and Mobile Cleaning Operations.**

- (1) Commercial cosmetic cleaning or mobile cleaning operations may not discharge any wastewater or contaminated water to the MS4. Wastewater or contaminated water from these operations must be contained, collected, and disposed of properly.
- (2) Contaminated water from commercial cosmetic or mobile cleaning operations includes, but is not limited to:
  - (a) Water containing soap, detergent, degreaser, solvent or other potentially harmful cleaning substances, including biodegradable products;
  - (b) Any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of the released material have been previously removed; or,
  - (c) Wastewater with excessive amounts of sediments; or
  - (d) Wastewater from power washing.
- (3) Best management practices must be used to the maximum extent practicable to prevent contaminants from entering the MS4. BMPs include, but are not limited to:
  - (a) Picking up litter and debris, sweeping up accumulated sediment and dirt, and sealing the waste in trash bags and placing the bags in a trash receptacle.
  - (b) Removing oil and grease spots, leaks, or spills with a dry absorbent, sweeping up the absorbent, and disposing of it in accordance with state or federal requirements.
  - (c) Blocking storm drain inlets or flows of drainage to contain wastewater on the property and collecting it for proper disposal.
- (4) Wastewater resulting from commercial cosmetic cleaning and mobile cleaning operations must be disposed of in an approved manner. Any discharges to the sanitary sewer system must meet the requirements of the Wastewater Pretreatment Ordinance, Title XVII, Chapter 171. Discharges to the sanitary sewer must be filtered using a 200 Mesh screen or smaller to remove silt, sand, sludge, and debris. Wastewater containing hydrocarbons must also be filtered through an oil absorbent filter or oil/water separator.
- (5) Wastewater may also be hauled off-site and disposed of by an environmental waste company. Disposal in this method must meet the requirements of the city's Liquid Waste Ordinance, Title XVII, Chapter 172."

## **SECTION 5.**

Section 173.07 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to add Section 173.07(10) to read as follows:

“(10) Installation and maintenance of erosion and sediment controls.”

## **SECTION 6.**

Section 173.08 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended and Section 173.08(B) added to read as follows:

“Sec. 173.08 – One acre or greater land disturbances and post-construction regulations

(A) One acre or greater land disturbances

All operators of sites of construction activity, including clearing, grading, excavation, demolitions, and land filling activities, that result in the disturbance of one or more acres of total land area, or that are part of a larger common plan of development or sale within which one or more acres of total land area are disturbed, and who are required to obtain a TPDES permit for stormwater discharges associated with construction activity, must comply with the following requirements (in addition to those in Section 173.08):

- (1) All operators must obtain coverage for stormwater discharges from a construction site under the TPDES General Permit, must post a signed copy of its Construction Site Notice (CSN) on the construction site prior to the commencement of construction activities. The notices required to be posted will depend on the size of the construction project and is explained in the TPDES General Permit for construction activities. The CSN must be posted in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities. For large construction sites, a signed copy of the NOI and CSN from all operators must be submitted to the DCO seven (7) days prior to the commencement of construction activities. For small construction sites, a signed copy of the CSN from all operators must be submitted to the DCO at least two (2) days prior to the commencement of construction activities.
- (2) A Stormwater Pollution Prevention Plan (SWPPP) must be prepared and implemented in accordance with the requirements of the TPDES permit issued for stormwater discharges from the construction site, and in accordance with any additional requirements imposed by or under this ordinance and any other city ordinance.
- (3) The SWPPP must be completed and implemented prior to the beginning of construction activities. The SWPPP must be updated and modified as required by the TPDES permit and this ordinance.

- (4) The operator must submit the SWPPP and any modifications thereto to the DCO for review prior to commencement of construction activity at the site.
- (5) If, upon the DCO's review of the SWPPP (or any modification to the SWPPP) and any site inspection that the DCO may conduct, the DCO determines that the SWPPP does not comply with the requirements of the TPDES permit issued for stormwater discharge from the construction site, or any additional requirement imposed by or under this ordinance, the DCO may issue an order prohibiting the commencement or the continuation of any construction activity at the site. Also, if at any time the DCO determines that the SWPPP is not being fully implemented the DCO may similarly issue an order prohibiting the continuation of any construction activity at the site.
- (6) Upon review of the SWPPP and any site inspection that is conducted, the DCO may deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the permit issued for stormwater discharge from the construction site, or any additional requirement imposed by or under this ordinance. Also, if at any time the DCO determines that the SWPPP is not being fully implemented, the DCO may similarly deny approval of any building permit, grading permit, or any other City approval necessary to commence or continue construction, or to assume occupancy, at the site.
- (7) All operators identified in the SWPPP must sign a copy of the following certification statement before conducting any professional service identified in the SWPPP:

I certify under penalty of law that I understand the terms and conditions of the Texas Pollutant Discharge Elimination System (TPDES) permit and any modification by the State of Texas that authorizes the stormwater discharges associated with industrial activity from the construction site identified as part of this certification, the Stormwater Pollution Prevention Ordinance of the City of Carrollton, and those provisions of the Stormwater Pollution Prevention Plan (SWPPP) for the construction site for which I am responsible.

The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

- (8) The SWPPP and the certifications of all operators required by Section 173.08(A)(7), and with any modifications attached, must be retained at the construction site from the date of commencement of construction through the date of final stabilization.

- (9) The operator must make a copy of the SWPPP and any modification thereto available to the DCO at the construction site upon request.
- (10) The DCO may notify the operator at any time that the SWPPP does not meet the requirements of the TPDES permit issued for stormwater discharges from the construction site, or any additional requirement imposed by or under this ordinance. Such notification must identify those provisions of the permit or ordinance which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within seven (7) calendar days of such notification from the DCO (or as otherwise provided by the DCO), the operator must make the required changes to the SWPPP and submit to the DCO a written certification that the requested modifications have been made.
- (11) The operator must modify the SWPPP whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the MS4, or surface water in the state, or the waters of the U. S., or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in achieving the general objective of controlling pollutants in stormwater discharges associated with construction activity.
- (12) Qualified personnel (provided by the operator) must inspect at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of any rain event that is 0.5 inches or greater: disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. Inspections may be performed once every seven calendar days, on a specifically defined day, regardless of whether or not there has been a rainfall event. Disturbed areas and areas used for storage of materials that are exposed to precipitation must be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures and best management practices must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters and the MS4. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- (13) All protective measures in the SWPPP must be maintained in effective operating condition. If, through inspections or other means, the operator determines that BMPs are not operating effectively, then the operator shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, prior to the next rain event if feasible. If maintenance prior to the next anticipated rain event is impracticable, the reason shall be documented in the SWPPP and maintenance must be scheduled and accomplished as soon as practicable, but in no case later than seven (7) calendar days following the inspection. Erosion and

sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

- (14) A report summarizing the scope of any inspection required by Section 173.08(12) and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with appropriate plan revisions must be made and retained as part of the SWPPP. The report must identify any incidence of noncompliance; or if the report does not identify any incidence of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP, the TPDES permit, and this ordinance. The report must be signed by the person responsible for making it.
  - (15) The operator must retain copies of any SWPPP and all reports required by this ordinance or by the TPDES permit for the site, for a period of at least three years from the date that the site is finally stabilized, and the required CSN or Notice of Termination (NOT) has been submitted. Such plans, reports and records must be made available to the DCO upon request.
  - (16) Where a site has been finally stabilized and all stormwater discharges from construction activities that are authorized by this ordinance and by the TPDES permit are eliminated, or where the operator of all stormwater discharges from the construction site changes, the operator of the construction site must submit to the DCO a copy of the CSN or NOT as required by the TPDES Construction General Permit.
  - (17) The City may withhold an occupancy permit for any premises constructed on the site until such certification of final stabilization has been filed and the DCO has determined, following any appropriate inspection, that final stabilization has in fact occurred, that any required permanent structural controls have been completed and all temporary controls have been removed.
- (B) Post-Construction Requirements.
- (1) The owner or operator must ensure all temporary control measures for erosion control or other BMPs are removed once final stabilization has been achieved.
  - (2) The owner or operator must ensure all long-term operation and maintenance of post-construction stormwater runoff control mechanisms, such as detention and retention basins, dry wells, and other measures.”

## **SECTION 7.**

Sections 173.09(A)(1), (A)(6), (A)(13), (A)(14) of the Code of Ordinances, City of Carrollton, Texas, are hereby amended and Section 173.09(A)(20) is added to read as follows:

- “(1) All operators required to obtain industrial stormwater coverage must obtain the appropriate authorization as specified in the NPDES or TPDES Multi-Sector General Permit. Any operator who intends to obtain coverage for stormwater discharges associated with industrial activity under the TPDES Stormwater Multi-Sector General Permit for Industrial Activities (Multi-Sector General Permit) or an NPDES permit for oil and gas industrial activities, must submit a signed copy of his Notice of Intent (NOI) to the DCO at least fifteen (15) calendar days prior to the commencement of the industrial activity at the facility. For stormwater discharges associated with industrial activity where the operator changes, a copy of the required NOI must be submitted at least two (2) calendar days prior to the change. Facilities that qualify for the No Exposure Certification (NEC) must submit copies of the certification to the DCO.
- (6) The SWPPP, with any modifications attached, must be retained at the industrial site from the date of commencement of operations and for 3 years after all stormwater discharges associated with industrial activity at the facility are eliminated, and the required Notice of Termination (NOT) has been submitted in accordance with the appropriate NPDES or TPDES permit.
- (13) If the industrial facility is required by the appropriate NPDES or TPDES permit to conduct monitoring, the required monitoring must be conducted, and records of the monitoring results must be retained at the facility and made available to the DCO upon request.
- (14) By written notice, the DCO may require any industrial facility identified in accordance with this section to implement a monitoring program, at the industrial facility’s expense, that includes the submission of quantitative data on the following constituents:
- (a) any pollutants limited in effluent guidelines subcategories; where applicable;
  - (b) any pollutant listed in an existing NPDES or TPDES permit for the facility;
  - (c) oil and grease, COD, pH, BOD5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen; and
  - (d) information on discharges required under 40 CFR 122.21(g)(7)(ii), (iii) and (iv).

Written reports of any of such monitoring results must be retained at the facility and made available to the DCO upon request.

- (20) The operator must implement proper waste disposal and waste management techniques including installing and maintaining covered receptacles for rubbish,

garbage, and recyclables to assure that such waste materials are not blown or carried by rainfall runoff from the site.”

## **SECTION 8.**

Sections 173.12(C) and 173.12(D) of the Code of Ordinances, City of Carrollton, Texas, are hereby amended to read as follows:

- “(C) The operator and the owner of any commercial or industrial activity must report any spills, releases, illicit connections, or other instances where pollutants are discharged into the MS4, surface water in the state, or the waters of the U.S. and any other violation of this ordinance for which they are responsible to the City in accordance with the following:
- (1) A hazardous and/or toxic material spill or release to any surface must be immediately reported to the Carrollton Fire Department at 911 and Environmental Services available after business hours through 911.
  - (2) Other instances where pollutants are discharged into the MS4, surface water in the state, or the waters of the U.S. by spill, release, illicit connections or other means must be reported to the Carrollton Fire Department at 911 and Environmental Services available after business hours through 911.
- (D) Both the operator and the owner of any commercial or industrial activity, where a spill or a release of a hazardous/toxic material or a substance of a polluting nature has occurred, are responsible for proper notification of the incident to the City and the appropriate county, state, and federal agency. The reporting of a spill/release to the City does not release or remove any obligation of the owner or operator from reporting to appropriate county, state and federal agencies.

These officials may include, but not be limited to:

1. The City of Carrollton’s Fire Department and Environmental Services
2. National Response Center
3. Texas Commission on Environmental Quality
4. U.S. Environmental Protection Agency
5. Dallas County Fire Marshal’s Office on behalf of the Dallas County Local Emergency Planning Committee (LEPC)
6. Texas Department of Parks and Wildlife
7. U.S. Fish & Wildlife Service.”

## **SECTION 9.**

That Section 173.13 (A) of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

“(A) A discharger of a reportable quantity of a hazardous or extremely hazardous substance to an outside surface or into the MS4, surface water in the state, or the waters of the U.S., must telephone 911 and notify the Carrollton Fire Department and Environmental Services immediately after becoming aware of the discharge. A discharger of any of the following substances into the MS4, surface water in the state, or the waters of the U.S. must telephone and notify the DCO concerning the incident within one (1) hour after its occurrence or the first knowledge of its occurrence:

- (1) An amount of oil that either:
  - (a) Violates applicable water quality standards; or
  - (b) Causes a film or sheen upon, or discoloration of, the surface of the water or an adjoining shoreline, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline.
- (2) A harmful quantity of any other pollutant that is not a hazardous or extremely hazardous substance.”

#### **SECTION 10.**

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

#### **SECTION 11.**

Save and except as amended by this ordinance, all provisions of Chapter 173 and other ordinances of the City of Carrollton, Texas shall remain in full force and effect.

#### **SECTION 12.**

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code. If any section, sub-section, paragraph, clause, phrase or provision of this ordinance, or its application to any person or circumstance shall be adjudged or held invalid, that invalidity shall not affect the provisions that can be given effect without the invalid provision or application.

#### **SECTION 13.**

This ordinance shall take effect immediately from and after its adoption and publication.

**DULY PASSED AND APPROVED** by the City Council of the City of Carrollton, Texas, this 1<sup>st</sup> day of December, 2015.

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Matthew Marchant, Mayor

**ATTEST:**

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Krystle F. Nelinson, City Secretary

**APPROVED AS TO FORM:**

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Susan Keller  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

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Scott Hudson  
Environmental Services Director





# City of Carrollton

## Agenda Memo

File Number: 2357

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** \*16.

**CC MEETING: December 1, 2015**

**DATE:** November 11, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Thomas Guilfooy, Director of Competition

Consider A **Resolution Authorizing The City Manager To Approve A Contract With Matrix Consulting Group For A Review Of The Carrollton Police And Fire/Rescue Departments** In An Amount Not to Exceed \$48,000.00.

### **BACKGROUND:**

The City of Carrollton has adopted a management and policy direction where each department operates with a philosophy of continuous improvement and will apply accountability, cost consciousness, financial planning, and efficient operating policies and practices to manage their operations like a high-performing service business.

At the request of the City Council, the city is proposing an independent evaluation study of the efficiency and effectiveness of the Carrollton Police Department (CPD) and the Carrollton Fire/Rescue Department (CFD). The City is proposing to engage the services of Matrix Consulting Group (MCG), a management consulting firm that specializes in police and fire administration, management and operations analysis to help the city objectively identify strengths and weaknesses and opportunities for innovations and improvements based on industry best practices and benchmarking comparisons with similar agencies in Texas.

Matrix Consulting Group is ideally suited to undertake an efficiency and effectiveness study of the Carrollton Police and Fire/Rescue Departments. MCG's staff has extensive experience in management studies particularly focused on the evaluation of police and fire staffing, utilization, resource deployment, alternative service delivery models and operational policies and practices. MCG was formed in 2002 and has conducted similar assessments for over 250 police and 250 fire/EMS departments in Texas and across the country. This proposal presents a multi-faceted approach to ensure that the core functions, management, and supporting elements of the Carrollton Police and Fire/Rescue Departments operate effectively and efficiently to meet the community's needs and are properly positioned for a changing world.

To address the multifaceted nature of the study, MCG will use an evaluation research model that is consistent with three phases. The first phase (Fact-Finding) of the project would enable the consulting team to gain a thorough understanding of the current law enforcement and fire/EMS operating environment in the City of Carrollton. In phase two (Identification of Issues and Improvement Opportunities), the information gained through Phase 1 will be compared to “best practices” for medium- sized police departments used today throughout the nation and 3-5 benchmark cities in Texas. The result will be a set of recommendations (or deliverables) developed through a process of knowledge acquisition, analysis, feedback from the organization, and expert review to provide additional consistency with current industry best practices. In Phase 3 (Organizational Structure and Management), the study team will evaluate opportunities to innovate and restructure service delivery, management practices or make improvements in the way that public safety services are provided and citizen’s needs are met.

**FINANCIAL IMPLICATIONS:**

The cost of the analysis and written evaluation of CPD and CFD by MCG will not exceed \$48,000. The study is expected to be completed by July 1, 2016 and ready for presentation to the City Council in July. The cost of the study is to be paid from the contingencies account in the General Fund.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends contracting with MCG in an amount not to exceed \$48,000 in an effort to evaluate the efficiency and effectiveness of the Carrollton Police and Fire/EMS Departments.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO ENTER INTO AN AGREEMENT WITH MATRIX CONSULTING GROUP FOR AN EVALUATION STUDY OF THE CARROLLTON POLICE AND FIRE/RESCUE DEPARTMENTS; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1**

The City Manager is hereby authorized to enter into a contract with Matrix Consulting Group for an evaluation study of the Carrollton Police and Fire/Rescue Departments in an amount not to exceed \$48,000.

The evaluation study is to be paid from the contingencies account in the General Fund.

**SECTION 2**

The City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

**SECTION 3**

This Resolution shall take effect on December 1, 2015.

**DULY PASSED AND APPROVED** by the City Council of the City of Carrollton, Texas this 1st day of December, 2015.

\_\_\_\_\_  
Matthew Marchant, Mayor

**ATTEST:**

\_\_\_\_\_  
Krystle F. Nelinson, City Secretary

**APPROVED AS TO FORM:**

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Meredith A. Ladd, City Attorney

**APPROVED AS TO CONTENT:**

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Thomas P. Guilfoy,  
Director of Competition



# City of Carrollton

## Agenda Memo

File Number: 2376

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** \*17.

**CC MEETING: December 1, 2015**

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Sue Haas, Library Director

Consider A **Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement For Library Services Fiscal Year 2015-16.**

### **BACKGROUND:**

The City of Carrollton has worked cooperatively with Denton County to provide library service to residents of Denton County since 1985, with Council authorizing an Interlocal Cooperation Agreement for Library Services each year. Denton County has requested that Carrollton continue to provide library services to all residents of Denton County for FY 2015-16. The proposed agreement states that in return for one or more listed programs of library service, the County agrees to provide \$56,900 during FY 2015-16. The appropriation is based on the City's population per North Central Texas Council of Governments figures and a proportionate share of unserved Denton County residents.

### **FINANCIAL IMPLICATIONS:**

Based on other area libraries' average non-resident fees, the amount remains more than what our library could collect in non-resident fees for library service. The contract amount for FY 2015-16 is \$56,900, which is a slight increase of \$300 from last year's appropriation of \$56,600. Each year has generally seen a reduction in overall funding to the libraries that participate in the Interlocal Agreement. However, when Lake Cities withdrew their participation before last year's allocation, their per capita funds were distributed among the other libraries. As a result, the last two years appropriation has remained over \$56,000.

### **IMPACT ON COMMUNITY SUSTAINABILITY:**

Library management will continue to obtain and track circulation, fines, and computer usage data and will work with the management analyst group annually to determine whether or not the interlocal agreement continues to provide financial sustainability for the library services provided.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends that the City Council adopt the attached resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement with Denton County to provide library services to Denton County residents.

**THE STATE OF TEXAS**  
**COUNTY OF DENTON**

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§  
§

**CARROLLTON PUBLIC LIBRARY**

**INTERLOCAL COOPERATION AGREEMENT**  
**FOR LIBRARY SERVICES**

**THIS AGREEMENT** is made and entered into by and between Denton County, a political subdivision of the State of Texas, hereinafter referred to as ("the **COUNTY**"), and the City of Carrollton, a municipality of Denton County, Texas, hereinafter referred to as ("the **MUNICIPALITY**"), and has an effective date of October 1, 2015.

**WHEREAS**, the **COUNTY** is a duly organized political subdivision of the State of Texas engaged in the administration of county government and related services for the benefit of the citizens of the **COUNTY**; and

**WHEREAS**, the **MUNICIPALITY** is a duly organized municipality in Denton County, Texas, engaged in the provision of library and related services for the benefit of the citizens of the **MUNICIPALITY**; and

**WHEREAS**, the **COUNTY** has requested, and the **MUNICIPALITY** has agreed to provide library services for all residents of the **COUNTY**; and

**WHEREAS**, the **COUNTY** and the **MUNICIPALITY** mutually desire to be subject to the provisions of Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act and Chapter 323 of the Texas Local Government Code, regarding County Libraries.

**NOW, THEREFORE**, the **COUNTY** and the **MUNICIPALITY**, for the mutual consideration hereinafter stated, agree and understand as follows:

**I.**

The term of this Agreement shall be for the period from October 1, 2015, through September 30, 2016.

**II.**

For the purposes and consideration herein stated and contemplated, the **MUNICIPALITY** shall provide library services for the residents of the **COUNTY** without regard to race, religion, color, age, disability and/or national origin. Upon proper proof by individual(s) of residence in the **COUNTY**, Texas, such individual(s) shall be entitled issuance, at no cost, a library card to be used in connection with said library services.

The **MUNICIPALITY** shall develop and maintain through the Library one or more of the following programs of service:

1. Educational and reading incentive programs and materials for youth.
2. Functional literacy materials and/or tutoring programs for adults.
3. Job training/career development programs and/or materials for all ages.
4. Outreach services to eliminate barriers to library services.
5. Educational programs designed to enhance quality of life for adults.

### III.

The **COUNTY** designates the County Judge to act on behalf of the **COUNTY** and serve as liaison officer for the **COUNTY** with and between the **COUNTY** and the **MUNICIPALITY**. The County Judge or his designated substitute shall insure the performance of all duties and obligations of the **COUNTY** herein stated and shall devote sufficient time and attention to the execution of said duties on behalf of the **COUNTY** in full compliance with the terms and conditions of this Agreement. The County Judge shall provide immediate and direct supervision of the **COUNTY'S** employees, agents, contractors, sub-contractors, and/or laborers, if any, in the furtherance of the purposes, terms and conditions of this Agreement for the mutual benefit of the **COUNTY** and the **MUNICIPALITY**.

### IV.

The **MUNICIPALITY** shall designate Leonard Martin to act on behalf of the **MUNICIPALITY** and to serve as liaison officer for the **MUNICIPALITY** with and between the **MUNICIPALITY** and the **COUNTY** to insure the performance of all duties and obligations of the **MUNICIPALITY** as herein stated and shall devote sufficient time and attention to the execution of said duties on behalf of the **MUNICIPALITY** in full compliance with the terms and conditions of this Agreement. Leonard Martin shall provide management of the **MUNICIPALITY'S** employees, agents, contractors, sub-contractors, and/or laborers, if any, in the furtherance of the purposes, terms and conditions of this Agreement for the mutual benefit of the **MUNICIPALITY** and the **COUNTY**.

The **MUNICIPALITY** shall provide the **COUNTY** with a copy of the annual report submitted to the Texas State Library and shall respond to the **COUNTY'S** annual questionnaire as documentation of the **MUNICIPALITY'S** expenditures and provision of service.

### V.

The **MUNICIPALITY** shall be solely responsible for all techniques, sequences, procedures and coordination of all work performed under the terms and conditions of this

Agreement. The **MUNICIPALITY** shall insure, dedicate and devote the full time and attention of those employees necessary for the proper execution and completion of the duties and obligations of the **MUNICIPALITY** as stated in this Agreement and shall give all attention required for proper supervision and direction of their employees.

#### VI.

The **MUNICIPALITY** agrees that its established library shall assume the functions of a county library within Denton County, Texas, and to provide a librarian who meets the requirements of the **MUNICIPALITY'S** job description.

#### VII.

The **COUNTY** and the **MUNICIPALITY** agree and acknowledge that each entity is not an agent of the other entity and that each entity is responsible for its own acts, forbearance, negligence and deeds and for those of its agents or employees. This Agreement does not and shall not be construed to entitle either party or any of their respective employees, if applicable, to any benefit, privilege or other amenities of employment applicable to the other party. The **MUNICIPALITY** understands and agrees that the **MUNICIPALITY**, its employees, servants, agents and representatives shall not represent themselves to be employees, servants, agents and/or representatives of the **COUNTY**.

*To the fullest extent permitted by law, the **MUNICIPALITY** agrees to hold harmless and indemnify the **COUNTY** from and against any and all claims and for all liability arising out of, resulting from or occurring in connection with the performance of the work hereunder, including but not limited to, any negligent act or omission of the **MUNICIPALITY**, its officers, agents or employees.*

The **COUNTY** and the **MUNICIPALITY** acknowledge and agree that the **COUNTY** does not waive any sovereign or governmental immunity available to the **COUNTY** under Texas law and does not waive any available defenses under Texas law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

#### VIII.

This Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither the **MUNICIPALITY** nor the **COUNTY** waives any immunity or defense that would otherwise be available to it against claims by third parties.

IX.

Any notice required by this Agreement shall be delivered, in writing, by either the **COUNTY** or the **MUNICIPALITY** to the following addresses:

The address of the **COUNTY** is: County Judge, Denton County  
110 West Hickory Street, 2<sup>nd</sup> Floor  
Denton, Texas 76201  
Telephone: 940-349-2820

The address of the **MUNICIPALITY** is: The City of Carrollton through  
Carrollton Public Library  
1700 Keller Springs Road  
Carrollton, Texas 75006  
Attention: Sue Haas  
Telephone: 972-466-3362

X.

For the full performance of the services above stated the **COUNTY** agrees to pay the **MUNICIPALITY** fees as described herein from current revenues available for such payment. The **COUNTY** shall pay the **MUNICIPALITY** fees in the amount of **FIFTY-SIX THOUSAND NINE HUNDRED AND NO/100 (\$56,900.00)**, based upon North Central Texas Council of Governments service population allocation figures provided to the **COUNTY** by the Library Advisory Board, payable in equal quarterly installments to the **MUNICIPALITY** commencing on October 1, 2015. The Allocation chart setting forth said figures is attached hereto and incorporated herein for all intents and purposes as Exhibit "A."

Payment by the **COUNTY** to the **MUNICIPALITY** shall be made in accordance with the normal and customary processes and business procedures of the **COUNTY** and payment shall be satisfied from current revenues of the **COUNTY**.

*All funding by the COUNTY to the MUNICIPALITY is subject to the condition that the MUNICIPALITY shall have in place technology protection measures (commonly referred to as "filters") with respect to any computers used by the public that have Internet access which are designed to block access through such computers to visual depictions that are (1) obscene, as defined by Section 43.21 of the Texas Penal Code, or (2) contain pornography. The technology protection measures shall be in compliance with the Children's Internet Protection Act.*

*The MUNICIPALITY hereby certifies that its libraries have either installed and are using the required technology protection measures during use of its computers that have*

*Internet access by the public at the present time or will have such protection measures in place and operational by October 1, 2015.*

XI.

This Agreement may be terminated, at any time, by either party by giving sixty (60) days advance written notice to the other party. In the event of such termination by either party, the **MUNICIPALITY** shall be compensated pro rata for all services performed to the termination date, together with reimbursable expenses then due and as authorized by this Agreement. In the event of such termination, should the **MUNICIPALITY** be overcompensated on a pro rata basis for all services performed to the termination date or be overcompensated for reimbursable expenses as authorized by this Agreement, the **COUNTY** shall be reimbursed pro rata for all such overcompensation. Acceptance of such reimbursement shall not constitute a waiver of any claim that may otherwise arise out of this Agreement.

XII.

This Agreement represents the entire integrated Agreement between the **MUNICIPALITY** and the **COUNTY** and supersedes all prior negotiations, representations and/or Agreements, either oral or written. This Agreement may be amended only by written instrument signed by both the **MUNICIPALITY** and the **COUNTY**.

XIII.

The validity of this Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. Further, this Agreement shall be performable and all compensation payable in Denton County, Texas.

XIV.

In the event any portion of this Agreement shall be found to be contrary to law it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XV.

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any necessary orders or resolutions extending said authority have been duly passed and are now in full force and effect.

**EXECUTED** in triplicate originals on the dates set forth below.

The **COUNTY**

By: \_\_\_\_\_  
Mary Horn, County Judge  
Denton County, Texas

Acting on behalf of and by the  
authority of the Commissioners  
Court of Denton County, Texas

**DATED:** \_\_\_\_\_  
**ATTEST:**

By: \_\_\_\_\_  
Denton County Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Assistant District Attorney

The **MUNICIPALITY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Acting on behalf of and by the authority  
of the City Council of Carrollton,  
Texas

**DATED:** \_\_\_\_\_  
**ATTEST:**

By: \_\_\_\_\_  
Krystle F. Nelinson, City Secretary

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Meredith A. Ladd, City Attorney

**APPROVED AS TO CONTENT:**

By: \_\_\_\_\_  
Sue Haas, Director Library Services

**AUDITOR'S CERTIFICATE**

I hereby certify that funds are available in the amount of \$\_\_\_\_\_ to  
accomplish and pay the obligation of Denton County under this agreement.

\_\_\_\_\_  
James Wells, Denton County Auditor

**CALCULATION WORKSHEET FOR COUNTY FUNDING ADOPTED (2015-2016)**

PER CAPITA: \$ 0.353770  
 MATCHING: \$ 10,000.00

734,940
340,380
394,560

DENTON COUNTY POPULATION:  
 POPULATION OF CITIES WITH LIBRARIES  
 REMAINING POPULATION

LIBRARY	TOTAL POP	CITY POP	COUNTY allocation	PER CAPITA ALLOCATION	MATCHING FUNDS	TOTAL	ROUNDED
AUBREY	12,480	5,780	6,700	\$ 4,415	\$ 10,000	\$ 14,415	14,400
CARROLLTON	160,910	74,524	86,386	\$ 56,925	\$ -	\$ 56,925	56,900
FLOWER MOUND	144,276	66,820	77,456	\$ 51,041	\$ -	\$ 51,041	51,000
FRISCO	-	-	-	\$ -	\$ -	\$ -	-
JUSTIN	7,039	3,260	3,779	\$ 2,490	\$ 10,000	\$ 12,490	12,500
KRUM	10,342	4,790	5,552	\$ 3,659	\$ 10,000	\$ 13,659	13,700
LAKE CITIES	-	-	-	\$ -	\$ -	\$ -	-
LEWISVILLE	214,160	99,186	114,974	\$ 75,763	\$ -	\$ 75,763	75,800
LITTLE ELM	72,786	33,710	39,076	\$ 25,749	\$ 10,000	\$ 35,749	35,700
PILOT POINT	8,399	3,890	4,509	\$ 2,971	\$ 10,000	\$ 12,971	13,000
PONDER	3,282	1,520	1,762	\$ 1,161	\$ 10,000	\$ 11,161	11,200
SANGER	16,388	7,590	8,798	\$ 5,798	\$ 10,000	\$ 15,798	15,800
THE COLONY	84,877	39,310	45,567	\$ 30,027	\$ 10,000	\$ 40,027	40,000
<b>TOTAL</b>	<b>734,940</b>	<b>340,380</b>	<b>394,560</b>	<b>\$ 260,000</b>	<b>\$ 80,000</b>	<b>\$ 340,000</b>	<b>\$ 340,000</b>
Aubrey Population:		Lewisville	99,480				
Aubrey	2,780	less Dallas Co.	294				
Crossroads	1,200	Lewisville	99,186				
Krugerville	1,800						
Total	5,780						
Carrollton	125,250						
less Dallas Co.	50,726						
Carrollton (Denton Co.)	74,524						

**Exhibit A**

ATTACHMENT B

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH DENTON COUNTY REGARDING THE PROVISIONS OF LIBRARY SERVICES FOR THE BENEFIT OF CITIZENS OF DENTON COUNTY, TEXAS, AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1**

That the City Manager is hereby authorized to execute an interlocal cooperation agreement with Denton County, Texas, whereby the City of Carrollton shall provide library service and related services for the citizens of Denton County, Texas, for which Denton County shall pay the City of Carrollton \$56,900.00.

**SECTION 2**

That the City Manager is authorized to take those actions reasonable and necessary to comply with the intent of this Resolution.

**SECTION 3**

That this Resolution shall become effective immediately from and after its passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Carrollton, Texas this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Matthew Marchant, Mayor

**ATTEST:**

\_\_\_\_\_  
Krystle F. Nelinson, City Secretary

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Meredith A. Ladd, City Attorney

\_\_\_\_\_  
Sue Haas, Library Director



# City of Carrollton

## Agenda Memo

File Number: 2378

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** \*18.

**CC MEETING: December 1, 2015**

**DATE:** November 23, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Andrea Roy, Economic Development Manager

Consider A **Resolution Authorizing The City Manager To Enter Into A Tax Incentive Agreement With The Billingsley Development Corporation.**

### **BACKGROUND:**

Billingsley Development Corporation has requested a tax incentive and reimbursement of building permit fees for a proposed 350,000 square foot warehouse/distribution facility located on approximately 23.4 acres at the southwest corner of Parker Road and Plano Parkway (Austin Ranch), for the purpose of locating Interceramic's US headquarters and distribution operations to this facility.

Interceramic currently occupies two North Texas facilities (headquarters/distribution and manufacturing), and, due to its extensive growth, needs to expand its headquarters and distribution facility. Interceramic is a manufacturer and distributor of ceramic tile and stone in the US, Canada, Mexico, and Central America. The company was founded in 1979 in Mexico and has grown to total annual sales of over \$500 million. Interceramic will occupy the facility for a lease term of no fewer than fifteen (15) years, employing approximately 130-150 people with an estimated average annual salary of \$51,400.

In addition to the City's proposed incentives, the Billingsley Development Corporation has also provided concessions in order to attract the tenant to the Carrollton site, including free rent, land cost reduction, and a generous tenant finish-out budget.

The facility will be constructed in a manner similar and complimentary to the immediately adjacent building, occupied by BeautiControl, which is also owned by Billingsley. Of the proposed 350,000 square feet of building space, approximately 40,000 square feet will be dedicated to office, located along the entire front of the building, providing enhanced architectural design to the most visible portion of the facility.

**FINANCIAL IMPLICATIONS:**

The total cost of the building is about \$25,000,000, which will generate approximately \$26,000 annually in property taxes to the City during the term of the agreement, increasing to approximately \$157,000 annually thereafter. Taxable business personal property will generate approximately \$67,700 annually, including inventory.

**IMPACT ON COMMUNITY SUSTAINABILITY:**

In accordance with the City of Carrollton's goal of enhancing the tax base through new development and attraction of quality employers, this project meets all criteria.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends that City Council approve a resolution authorizing the City Manager to enter into an incentive agreement with Billingsley Development Corporation providing a seven (7) year, eighty percent (80%) real property tax rebate and reimbursement of 100% of building permit fees associated with the project, not to exceed \$100,000.

# INTERCERAMIC USA

## US Headquarters & Distribution Center

### RELOCATION

### Incentive Framework

City of Carrollton ROI

11-23-15

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**Interceramic Tile & Natural Stone**, a top manufacturer and distributor of ceramic tile and stone in the United States, Canada, Mexico, and Central America, was founded in 1979 in Mexico and has grown to total annual sales of over \$500 million. Interceramic's US headquarters is currently located in Garland, TX, along with its manufacturing and distribution facilities.

Interceramic is considering relocating its headquarters and distribution operations from Garland to a location in Carrollton, Dallas, Richardson, or McKinney. Their manufacturing operation will remain in Garland for the immediate future.

#### **Scope**

- **Location:** SW Corner of Plano Pkwy and FM544
- **Lease:** 350,000 S.F. lease (Billingsley Build-to-Suit - \$25 million)
- **Lease Term:** 16 years (15 Year, Plus 1 Year Rent Free)
- **Jobs Created:** 131
- **Payroll:** \$6,700,000 annually (\$51,500 per/job)

#### **Incentives**

- **Tax Abatement:** 80% on Real Property only for 7 years  
\$130,700 per/year (\$915,000 total)
- **Permit/Impact Fee Rebate:** \$100,000 (100%)
- **Total Incentives:** \$1,015,000 (over 7 years)

#### **Payback to City \***

- **Real Property Taxes:** \$26,000 annually for 7 years, then \$157,000 annually
- **BPP Taxes:** \$67,700 annually
- **Sales Tax:** \$6,000 annually
- **NPV of Incentives: \*\*** \$848,664
- **NPV of City Benefits: \*\*** \$1,213,283

\* As calculated by Impact DataSource 2015

\*\* Net Present Value (NPV) calculated over a 10-year term with a discount rate of 5%

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF CARROLLTON, TEXAS, AND BILLINGSLEY DEVELOPMENT CORPORATION, ESTABLISHING A PROGRAM OF GRANTS IN AN AMOUNT EQUAL TO EIGHTY PERCENT OF REAL PROPERTY TAXES PAID ON PROPERTY FOR A MAXIMUM PERIOD OF SEVEN YEARS AND AN AMOUNT EQUAL TO BUILDING PERMIT FEES NOT TO EXCEED \$100,000, TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY WITHIN THE CITY; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Carrollton, Texas (“City”), has received a request for grant incentives from Billingsley Development Corporation, for the construction of a 350,000 sq. ft. warehouse and distribution facility on approximately 24 acres of land located at the southwest corner of Plano Parkway and FM544 in Carrollton, TX (“Property”) in order to promote local economic development and stimulate business and commercial activity within the City of Carrollton, Texas; and

**WHEREAS**, the City is authorized by Texas Local Government Code § 380.001, *et seq.* to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, the City Council of the City of Carrollton (“City Council”) previously adopted the Tax Abatement Incentive Policy to provide financial incentives to facilities for enhancements and/or redevelopment (“Program”); and

**WHEREAS**, Billingsley Development Corporation has requested grants in an amount equal to a percentage of real property taxes paid on the Property, for a maximum period of seven (7) years, of eighty percent (80%) of the taxable value of the Property, and an amount equal to building permit fees, not to exceed \$100,000, as further set forth in an economic development incentive agreement between the City and Billingsley Development Corporation, attached hereto as Exhibit “A” and incorporated herein for all purposes (“Agreement”); and

**WHEREAS**, upon full review and consideration of the request, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager shall be authorized to execute it on behalf of the City of Carrollton;

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

Section 1

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2

The requested grant incentives, having been reviewed by the City Council, and found to be acceptable and in the best interests of the City of Carrollton and its citizens, are hereby in all things approved.

Section 3

The City Manager is hereby authorized to execute the Agreement, and all other documents in connection therewith, on behalf of the City of Carrollton.

Section 4

This resolution shall take effect upon passage.

PASSED AND APPROVED ON DECEMBER 1, 2015.

City of Carrollton, Texas

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Matthew Marchant, Mayor

ATTEST:

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Krystle Nelinson, City Secretary

Approved as to form:

Approved as to content:

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Meredith Ladd  
City Attorney

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Thomas Latchem  
Director of Economic Development

## **ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT**

This Economic Development Incentive Agreement ("Agreement") is made by and between the City of Carrollton, Texas (the "City"), and Billingsley Development Corporation, authorized to conduct business in Texas ("Owner"), acting by and through their respective authorized officers and representatives.

### **WITNESSETH:**

**WHEREAS**, City finds that the administration of a program of grants to Owner for a limited time in amounts equal to a portion of City taxes paid on real property and building permit fees not to exceed \$100,000, hereafter referred to as Program, would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose; and,

**WHEREAS**, Owner will construct a 350,000 sq. ft. warehouse and distribution facility located on approximately twenty-four (24) acres at the southwest corner of Plano Parkway and FM544 (the "Property"), as generally depicted on the site plan, attached hereto and incorporated by reference, as if written word for word herein, in Exhibit "A", as such plans may be further amended and approved pursuant to applicable laws; and

**WHEREAS**, Owner will construct such facility with the intent to enter into a lease with Interceramic USA to locate its headquarters and distribution operation in the facility for a period of not less than fifteen (15) years; and

**WHEREAS**, Owner will construct all necessary on-site infrastructure to serve the Property; and

**WHEREAS**, the City is authorized by Texas Local Government Code § 380.001, *et seq.* to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, the City Council of the City of Carrollton finds that it is in the best interest of the City to make a grant to the Owner as an economic development incentive to use for developing the Property as set out herein.

**NOW THEREFORE**, in consideration of the foregoing and the premises, mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Owner, intending to be legally bound, hereby covenant and agree as follows:

### **Article I Definitions**

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Base Year Value” shall mean the assessed value of the Taxable Property, as defined below, on the Property effective January 1, 2015.

“Effective Date” shall mean the last date on which all of the parties hereto have executed this Agreement.

“Event of Force Majeure” shall mean any contingency or cause beyond the reasonable control of a party including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of the party), fires, explosions or floods, strikes, slowdowns or work stoppages any of which event(s) directly and significantly impact the Owner’s operations in the City. An economic downturn shall not constitute an Event of Force Majeure.

“Property” shall include the land and improvements thereon, as determined by the Texas Property Tax Code.

“Taxable Property” shall include the real property and improvements subject to City of Carrollton taxes for the term of this Agreement.

“Taxable Value” shall be the same as the value of the Taxable Property as determined annually by the Denton Appraisal District, or any other applicable taxing or valuation governmental authority with jurisdiction over the Property, subject to the appeal procedures set forth in the V.T.C.A. Tax Code. Any decrease in Taxable Value after appeal is subject to recalculation of the appropriate amount of the grant from the City under this Agreement. If the City has issued the grant to the Owner based on the greater value, refund of any overpayment by the City to Owner of such difference shall be remitted to the City within 60 days to City after final determination of an appeal.

## **Article II Term**

The term of this Agreement shall begin on the Effective Date and continue until December 31, 2024 (the “Term”), unless sooner terminated as provided herein.

## **Article III Obligations of Owner**

In consideration for the grant of public funds as set forth in Article IV below, the Owner agrees to perform the following:

3.1 **Development of Property.** Subject to extension for Events of Force Majeure, (A) construction of the described facility, set forth below, will begin no later than February 28, 2016, as evidenced by Owner obtaining a building permit for the Property, and (B) construction will be substantially complete by January 1, 2017, as evidenced by a Certificate of Occupancy (or applicable equivalent) for the structure constructed thereon; provided, however, an extension of this date may be granted based upon market conditions.

3.2 **Performance.** Owner agrees and covenants that it will, diligently and faithfully and in a good and workmanlike manner, construct the Improvements, as set forth in paragraph 3.3, to the Property.

3.3 **Improvements.**

- (A) Owner shall, during the term of this Agreement, make real property improvements in and on the Property consisting of a 350,000 sq. ft. warehouse/distribution facility, as generally depicted in Exhibit "A" ("Improvements"), as such plans may be further amended and approved pursuant to applicable laws, and such improvements may be owned and managed by the Owner or sold by Owner after development.
- (B) Owner shall construct the facility of high quality materials, consisting of architectural elements similar and complimentary to the property immediately east of this site, addressed as 4717 Plano Parkway.

3.4 **Occupancy.** Owner shall enter into a lease with Interceramic USA to occupy the facility immediately upon completion, for a period no less than fifteen (15) years, resulting in over 100 jobs at the facility.

#### **Article IV Economic Development Grant**

4.1 **Grant.**

- (A) For the term of this Agreement, City agrees to provide grants to the Owner on the Taxable Value assessed and paid in an amount equal to eighty percent (80%) of the Taxable Value for seven (7) years on the Improvements located on the Property, less the Base Year Value. The term of the grant shall commence in the year in which the Taxable Value is assessed after the Certificate of Occupancy is issued and will continue during the term of this Agreement as long as Owner meets each of the obligations set forth in this Agreement and complies with the requirements set out in Section 4.2 below.
- (B) The City will provide a grant to Owner which will be the equivalent of up to one hundred percent (100%) of all permitting fees charged by the City for the construction of the Improvements, with the City's share being an amount not to exceed One Hundred Thousand Dollars (\$100,000) from effective date of this Agreement for a period not to exceed twenty-four (24) months.

4.2 **Grant Payment Requirements and Schedule.**

- (A) Subject to compliance with Article III above, Owner may submit itemized documents setting forth the Taxable Value of the Property and request grant funds in accordance with the terms of Section 4.1.
- (B) City shall remit the grant funds under this Article IV to the Owner within sixty (60) days of the receipt of its annual property tax payment from the Denton County Appraisal

District, or other taxing entity, but not later than ninety (90) days after Owner's annual property tax payment.

- (C) The grant payment, representing up to 100% of the cost of permitting fees, will be remitted to Owner within thirty (30) days of receipt of a written request, with documentation evidencing payment of such fees and a certificate of occupancy for the Property.

## **Article V**

### **Default; Termination**

5.1 **Events of Termination.** This Agreement terminates upon any one or more of the following:

- (1) By expiration of the Term; or
- (2) If a party materially defaults or breaches any of the terms or conditions of this Agreement and such default or breach is not cured within sixty (60) days after written notice thereof by the non-defaulting party unless a longer period is provided. Any default under this provision and right to recover any claims, refunds, damages and/or expenses shall survive the termination of the Agreement.

The City Manager is authorized on behalf of the City to send notice of default and to terminate this Agreement for any default that is not cured, following written notice, and opportunity to cure, as set forth above.

5.2 **Effect of Termination/Survival of Obligations.** The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the applicable effective date of termination of this Agreement, except for any obligations or default(s) that existed prior to such termination or as otherwise provided herein and those liabilities and obligations shall survive the termination of this Agreement, including the refund provision, maintenance of records, and access thereto.

## **Article VI**

### **Retention and Accessibility of Records**

6.1 **Records.** Owner shall maintain the fiscal records and supporting documentation for expenditures of funds associated with this Agreement. Owner shall retain such records, and any supporting documentation for the greater of:

- (1) Five (5) years from the end of the Agreement period; or
- (2) The period required by other applicable laws and regulations.

6.2 **Accessibility.** Owner gives City, its designee, or any of their duly authorized representatives, reasonable access to and the right to examine relevant books, accounts, records,

audit reports, reports, files, documents, written or photographic material, videotape and other papers, things, or personal and Real Property belonging to or in use by Owner pertaining to the Economic Development Program Grant (the "Records") upon receipt of ten (10) business days written notice from the City. The City's access to Owner's books and records will be limited to information needed to verify that Owner is and has been complying with the terms of this Agreement. Any information that is not required by law to be made public shall be kept confidential by City. In no event shall City's access to Owner's Records include any access to any personal and/or medical data of any employees of Owner. Owner shall not be required to disclose to the City any information that by law Owner is required to keep confidential. Should any good faith dispute or question arise as to the validity of the data provided, the City reserves the right to require Owner to obtain an independent firm to verify the information. This certified statement by an independent firm shall be provided at the sole cost of Owner. The rights to access the Records shall terminate five (5) years after the termination or expiration of this Agreement. Failure to provide reasonable access to the Records to authorized City representatives shall give the City the right to terminate this Agreement as provided for in Section 5.1 above, or any portion thereof, for reason of default. All Records shall be retained by Owner for a period of five (5) years after all performance requirements are achieved for audit purposes until such audits or other administrative, civil or criminal matters including, but not limited to, investigations, lawsuits, administrative inquiries and open record requests are completed. Owner agrees to maintain the Records in an accessible location.

## **Article VII Assignment**

This Agreement may not be assigned without the express written consent of the non-assigning party, except that the Owner may assign this Agreement without obtaining the City's consent (a) to one of its wholly owned or managed affiliates, or (b) to any person or entity that directly or indirectly acquires, through merger, sale of stock, purchase or otherwise, all or more than ninety (90) percent of the assets of the Owner as long as the Owner gives sixty (60) days prior written notice to the City and the assignee executes an agreement with the City to be bound to all the terms and conditions of this Agreement and be responsible for any default(s) that occurred prior to or after the assignment.

For any assignment not covered by (a) or (b) in the preceding paragraph, the Owner must obtain the prior approval of the City through its City Manager, which will not be unreasonably withheld or delayed, and the assignee must agree to be bound to all the terms and conditions of this Agreement and to accept all liability for any default that occurred prior to and/or after the assignment. In the event such approval is withheld, and a portion of the Property is transferred, such transfer shall not be a default hereunder, but such portion of the Property shall no longer be subject to this Agreement.

Any assignment agreement must be furnished in a form acceptable to the City and be provided at least thirty (30) days prior to the effective assignment date. City agrees to notify the potential assignee of any known default, but such notification shall not excuse defaults that are not yet known to the City.

**Article VIII**  
**Miscellaneous**

8.1 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create a partnership or joint venture among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances by virtue of this Agreement. It is understood and agreed between the parties that the Owner, in performing its obligations thereunder, is acting independently, and the City assumes no responsibilities or liabilities in connection therewith to third parties, and Owner agrees to indemnify and hold City harmless therefrom; it is further understood and agreed among parties that the City, in performing its obligations hereunder, is acting independently, and the City assumes no responsibilities in connection therewith to third parties

8.2 **Notice of Bankruptcy.** In the event Owner files for bankruptcy, whether involuntarily or voluntary, Owner shall provide written notice to the City within three (3) business days of such event.

8.3 **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

8.4 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if sent by courier or otherwise hand delivered.

If intended for the City:

City of Carrollton, Texas  
Attention: City Manager  
P.O. Box 110535  
Carrollton, TX 75011

With a copy to:  
City of Carrollton, Texas  
Attention: City Attorney  
P.O. Box 110535  
Carrollton, TX 75011

If intended for the Owner:

Billingsley Development Corporation  
Attn: George Billingsley  
1717 Routh Street, Suite 1313  
Dallas, Texas 75201

8.5 **Entire Agreement.** This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

8.6 **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction. Venue for any action concerning this Agreement, the transactions contemplated hereby or the liabilities or obligations imposed hereunder shall be in the State District Court of Denton County, Texas.

8.7 **Amendment.** This Agreement may only be amended by the mutual written agreement of the parties.

8.8 **Severability.** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

8.9 **Recitals.** The recitals to this Agreement are incorporated herein.

8.10 **Authorized to Bind.** The persons who execute their signatures to this Agreement and any certifications related to this Agreement represent and agree that they are authorized to sign and bind their respective parties to all of the terms and conditions contained herein.

8.11 **Compliance.** Under Chapter 2264 of the Texas Local Government Code, Owner has submitted the required certification that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. An undocumented worker means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under the law to be employed in that manner in the United States. If after receiving this public subsidy/grant from the City, the Owner, or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. Section 1324a(f), the Owner shall repay the amount of the grant from the City with interest, at the rate of 5% according to the terms provided by this Agreement under Section 2264.053, but not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development corporation notifies the Owner of the violation. City may exercise all rights to enforce this recovery as allowed by Subchapter C of Chapter 2264 or any other laws.

8.12 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

EXECUTED the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

**CITY OF CARROLLTON, TEXAS**

\_\_\_\_\_  
Krystle Nelinson, City Secretary

\_\_\_\_\_  
Leonard Martin, City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Meredith Ladd, City Attorney

\_\_\_\_\_  
Thomas Latchem, Economic Development  
Director

**OWNER**

By: Billingsley Development Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_,  
\_\_\_\_\_ of Billingsley Development Corporation, known to me to be the person  
whose name is subscribed to the foregoing instrument and acknowledged to me that he executed  
the same for the purposes and considerations therein expressed, in the capacity therein stated and  
as the act and deed of said limited liability Owner.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

(seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed or Typed Name of  
Notary Public

My commission expires: \_\_\_\_\_

## BUILDING FEATURES

SITE AREA = 886,620 S.F. (23.354 AC.)  
BUILDING AREA = 350,000 S.F. (39.48% COVERAGE)  
PAINT FINISH CONCRETE TILTWALL BUILDING.  
32'-0" CLEAR HEIGHT WAREHOUSE.  
E.S.F.R. FIRE PROTECTION SYSTEM.  
135 TRUCK COURTS  
OFFICE TO SUITE  
DOCK DOORS - (92) 9'X10' AVAILABLE  
248 CAR PARKS PROVIDED.

## Exhibit A.1

Billingsley

InterCeramic - V3

November 03, 2015

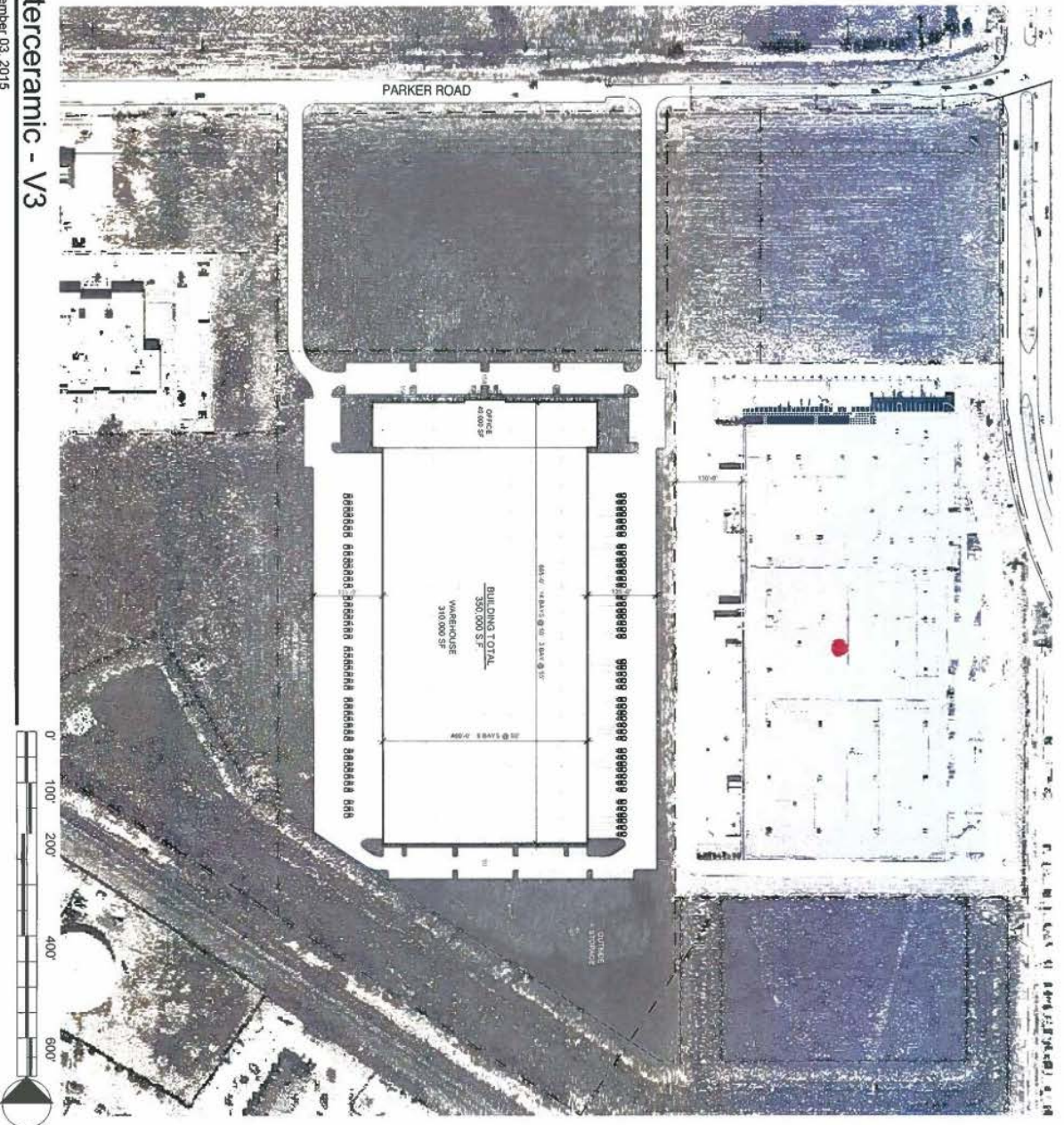
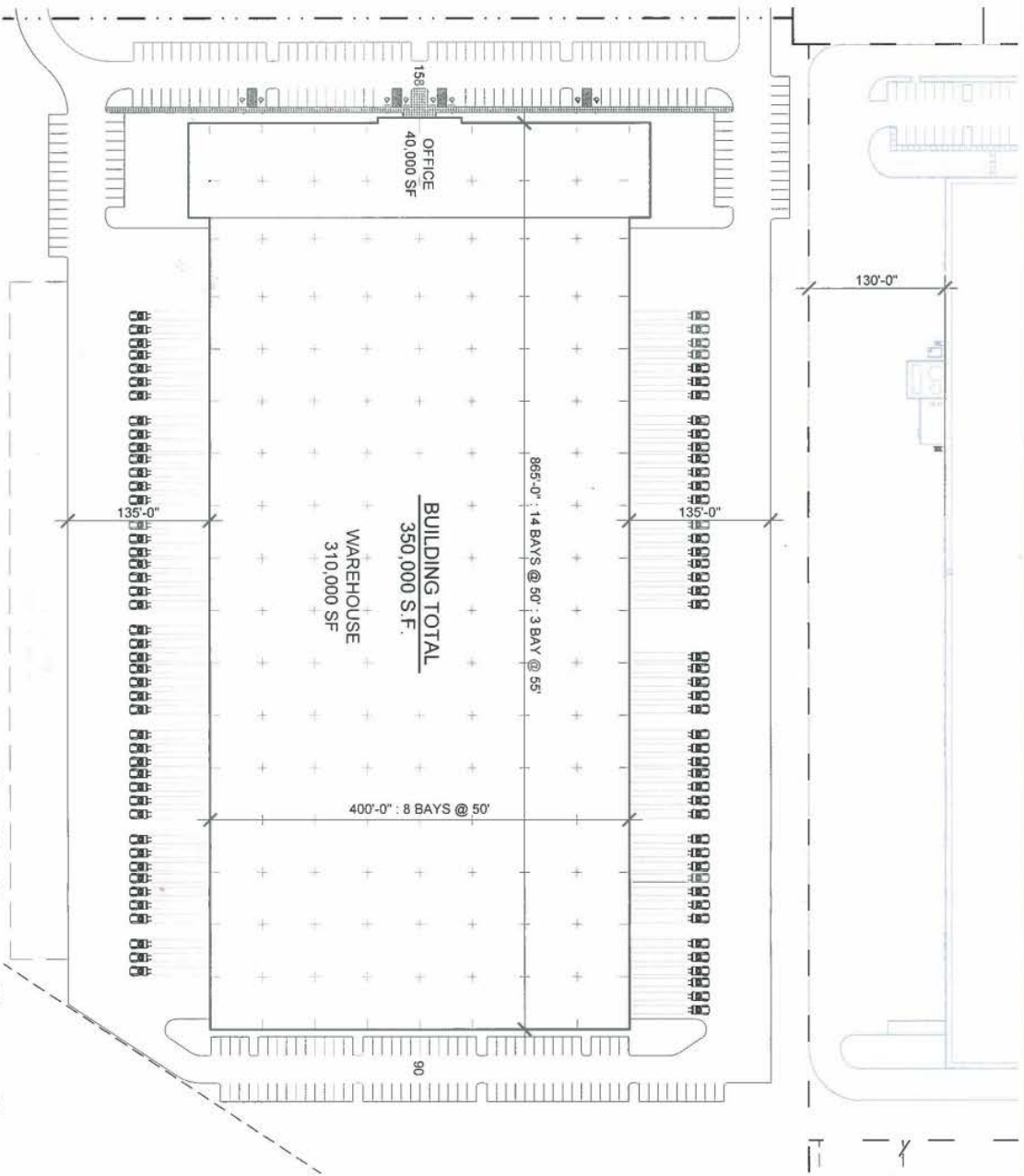


Exhibit A.2

BUILDING FEATURES

- SITE AREA = 886,820 S.F. (23.354 AC.)
- BUILDING AREA = 350,000 S.F. (39.48% COVERAGE)
- PAINT FINISH CONCRETE TILT WALL BUILDING.
- 32'-0" CLEAR HEIGHT WAREHOUSE.
- E.S.F.R. FIRE PROTECTION SYSTEM.
- 135' TRUCK COURTS
- OFFICE TO SUITE
- DOCK DOORS: (92) 9'X10' AVAILABLE
- 248 CAR PARKS PROVIDED.



Billingsley

Inter ceramic - V3

November 03, 2015





# City of Carrollton

## Agenda Memo

File Number: 2364

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Other Business

**In Control:** City Council

**File Type:** Procedural Item

**Agenda Number:** \*19.

**CC MEETING: December 1, 2015**

**DATE:** November 20, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Michael McCauley, Senior Planner

Consider And Take Final Action On A Technical Site Plan For A Multi-Tenant Building On An Approximately 0.75-Acre Tract Located In The Vicinity Of The Northwest Corner Of Trinity Mills Road/PGBT And Old Denton Road And Zoned PD-45 For The (LR-2) Local Retail District. Case No. 11-15TSP3 2625 Old Denton. Case Coordinator: Michael McCauley.

### **BACKGROUND:**

This is a request for approval of a technical site plan for a multi-tenant building (4 tenants), which includes a restaurant.

This lot was once occupied by a restaurant, which has since been demolished.

PD-45 was established in 1977 and has been amended numerous times since it was adopted.

On November 5, 2015, the Planning & Zoning Commission recommended approval with staff stipulations and an additional stipulation.

PD-45 (Ordinance No. 986) requires site plan approval by the Planning and Zoning Commission and the City Council for all office and retail tracts.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On November 5, 2015, the Planning & Zoning Commission recommended **APPROVAL** with stipulations. Because the action of the Commission was unanimous and no public hearing is required, this item is being placed on the Consent Agenda. PD-45 (Ordinance No. 986) requires site plan approval by the Planning and Zoning Commission and the City Council for all office and retail tracts.

## RESULTS SHEET

**Date:** 12/02/15

**Case No./Name:** 11-15TSP3 2625 Old Denton

### **A. STIPULATIONS AND RECOMMENDATIONS**

Staff recommends **APPROVAL** with the following stipulations:

1. Development shall be consistent with the attached exhibits.
2. All landscape areas, whether required or not, must have an automatic landscape irrigation system in compliance with current TCEQ and City of Carrollton landscape irrigation regulations.
3. The required landscape buffer area must contain no more than 50% of the area in turfgrass. Add shrubs and groundcovers to limit the turf to 50% of the area.
4. Add trees and shrubs to the two parking lot islands; one in front of the building and one along Old Denton Road.
5. Parking lot islands must contain no more than 50% of the area in turf grass. Add plantings as required.
6. Six ornamental trees are required in the landscape buffer area.

### **B. P&Z ACTION** from P&Z meeting: 11/05/15

Result: **APPROVAL** with additional stipulation below /Vote: 8-0 (Romo absent)

- Enhance the northern elevation with stucco and awnings to complement the front elevation.

### **C. CC ACTION** from CC meeting: 12/01/15

Result: /Vote:

## TECHNICAL SITE PLAN

Case Coordinator: Michael McCauley

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### GENERAL PROJECT INFORMATION

**SITE ZONING:** PD-45 for the (LR-2) Local Retail District

	<u><b>SURROUNDING ZONING</b></u>	<u><b>SURROUNDING LAND USES</b></u>
NORTH	PD-45 for the (LR-2) Local Retail District	Restaurant and commercial uses
SOUTH	PD-45 for the (LR-2) Local Retail District	Undeveloped
EAST	PD-05 for the (FWY) Freeway District	Restaurants (across Old Denton Rd.)
WEST	PD-45 for the (LR-2) Local Retail District	Restaurant

**REQUEST:** Approval of a Technical Site Plan for a multi-tenant (4) building including a restaurant

**PROPOSED USE:** Multi-tenant (4) building including a restaurant with rooftop landscaping and casual seating (no dining area)

**ACRES/LOTS:** Approximately 0.75-acre/1 lot

**LOCATION:** Vicinity of NWC of Trinity Mills and Old Denton Roads

**HISTORY:**

- This lot had a restaurant on it but it has been demolished.
- PD-45 was established in 1977 and has been amended numerous times since it was adopted.
- ***PD-45 (Ordinance No. 986) requires site plan approval by the Planning and Zoning Commission and the City Council for all office and retail tracts.***

**COMPREHENSIVE PLAN:** Medium Intensity Commercial

**TRANSPORTATION PLAN:** Old Denton Road is designated as an (A8D) Eight-Lane Divided Arterial.

**OWNERS:** KC Properties

**REPRESENTED BY:** Samuel Kim

## **STAFF ANALYSIS**

### **PROPOSAL/BACKGROUND**

This is a request for approval of a Technical Site Plan (TSP) for a multi-tenant (4) building including a restaurant.

### **ORDINANCE REQUIREMENTS**

PD-45 (Ordinance No. 986) requires site plan approval by the Planning and Zoning Commission and the City Council for all office and retail tracts.

Article XXVIII Special Conditions & Development Standards, Section F, of the Comprehensive Zoning Ordinance sets forth the following conditions for site plan review:

The Planning and Zoning Commission's review of a technical site plan is generally 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.

However, the proposal's site design and building's architecture should be considered in the decision-making process per PD-45.

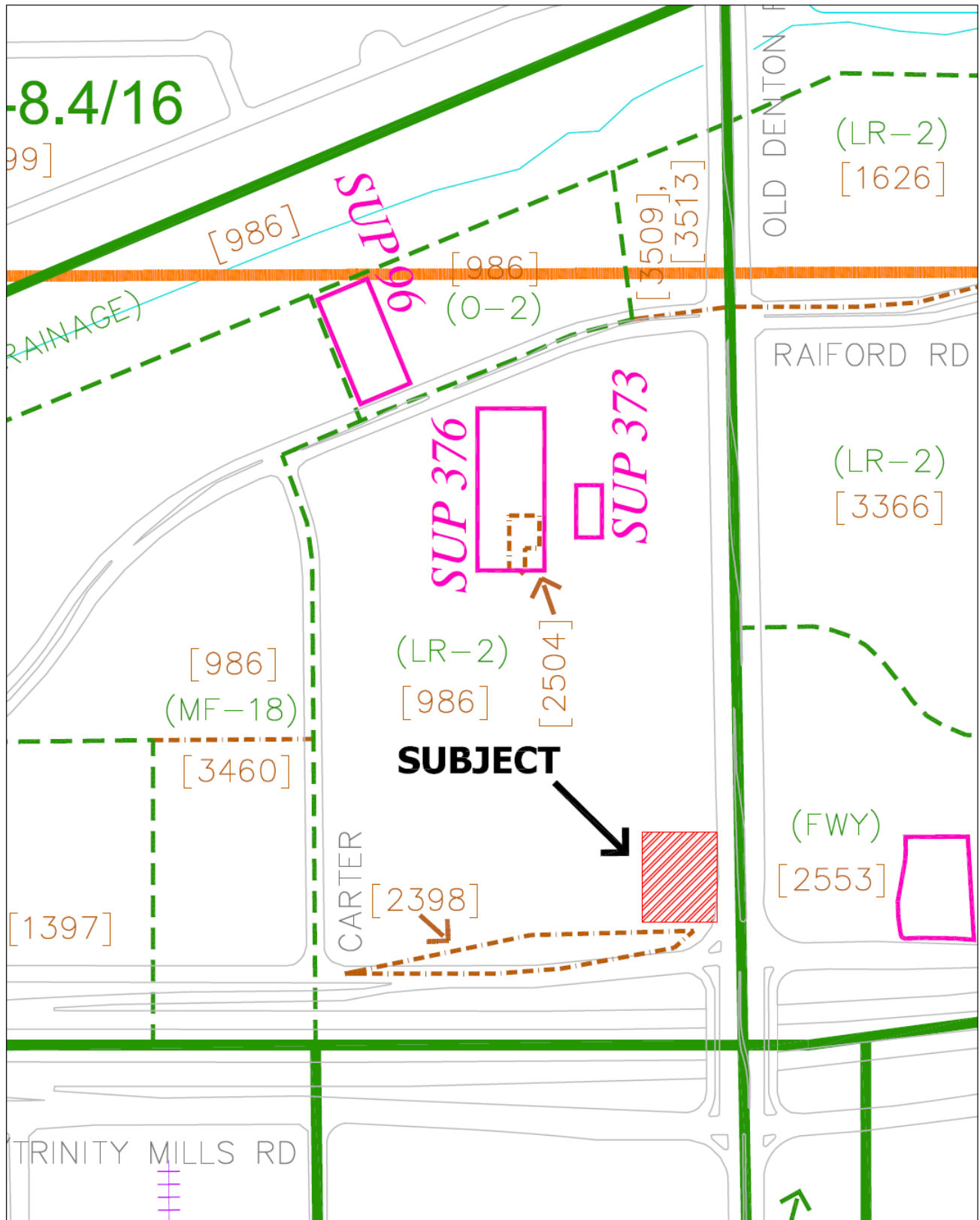
### **Planned Development No. 18 Requirements:**

PD-45 (Ordinance No. 986) requires site plan approval by the Planning and Zoning Commission and the City Council for all office and retail tracts.

### **CONCLUSION**

Since the Planning Commission meeting, the applicant has submitted a revised northern elevation showing additional enhanced stucco and awnings as stipulated by the Commission. Staff believes the applicant's revised northern elevation provides a better complement to the remaining elevations. Staff further believes the development proposal, with staff's stipulations supported by the Commission, should complement the shopping center.

# SITE LOCATION AND ZONING MAP



**EXHIBIT A**  
**CONCEPTUAL BUILDING ELEVATIONS (SOUTHEAST)**



Perspective 01  
TECHNICAL SITE PLAN

<b>KC PROPERTIES</b> 2625 OLD DENTON ROAD, #800 CARROLLTON, TEXAS 75007	<b>Owner:</b> <b>KC PROPERTIES</b> 600 EVELAKE CT CARROLLTON, TEXAS 75056 Tel: 817.896.3236	<b>Applicant:</b> <b>Archi Design Construction INC</b> 11393 Harry Hines Blvd, #0 Dallas, TEXAS 75229 Tel: 214.6207.3234 Skim1995@gmail.com	<b>City Case</b> <b>No. 11-15TSP3</b> <b>2625 Old Denton</b> <b>(KC Properties)</b>
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CONCEPTUAL BUILDING ELEVATIONS (NORTHEAST)



City Case  
No. 11-15TSP3  
2625 Old Denton  
(KC Properties)

Applicant:  
Archi Design Construction INC  
11393 Harry Hines Blvd, #D  
Dallas, TEXAS 75229  
Tel: 214.207.3254  
Skim1995@gmail.com

Owner:  
KC PROPERTIES  
600 EVELAKE CT  
CARROLLTON, TEXAS 75056  
Tel: 817.896.3236

KC PROPERTIES  
2625 OLD DENTON ROAD, #B00  
CARROLLTON, TEXAS 75007

SHEET NO.  
A07  
OF SHEETS

## CONCEPTUAL BUILDING ELEVATIONS (SOUTHWEST)



Perspective - 03

TECHNICAL SITE PLAN

City Case  
No. 11-15TSP3  
2625 Old Denton  
(KC Properties)

Applicant:  
Archl Design Construction INC  
11993 Harry Hines Blvd, #D  
Dallas, TEXAS 75229  
Tel: 214.207.3254  
Skim1995@gmail.com

Owner:  
KC PROPERTIES  
600 EVELAKE ST  
CARROLLTON, TEXAS 75056  
Tel: 817.896.3256

KC PROPERTIES  
2625 OLD DENTON ROAD, #800  
CARROLLTON, TEXAS 75007

SHEET NO.  
A04  
OF SHEETS



**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 5, 2015**

Consider And Take Final Action On A **Technical Site Plan For A Multi-Tenant Building** On An Approximately 0.75-Acre Tract Located In The Vicinity Of The Northwest Corner Of Trinity Mills Road And Old Denton Road And Zoned PD-45 For The (LR-2) Local Retail District. **Case No. 11-15TSP3 2625 Old Denton**. Case Coordinator: Michael McCauley.

McCauley presented the request and recommended approval with stipulations.

Samuel Kim, 11393 Harry Hines Blvd., Dallas, K&P Properties, stated he understood the stipulations and had no objections.

Nesbit voiced a desire for additional architectural detail on the right side of the building and suggested some of the details on the front of the building could be added to the side. Mr. Kim advised that while it was hard to see, there was some detail around the building such as was visible on the north side.

Daniel-Nix asked if the column would be raised on the outside of the building and Mr. Kim replied affirmatively noting it would also have a varying brick pattern would be in and out so the side was not flat. Daniel-Nix voiced the need for the side of the building to have similar architectural interest as the front.

Kiser asked about a drive-through and Mr. Kim stated there would not be a drive-through.

- \* *Nesbit moved approval of Case No. 11-15TSP3 2625 Old Denton with staff stipulations and with an additional stipulation that the north elevation include some architectural detail that mirrors the east side with some additional stucco look and perhaps an awning over the glass windows; second by Daniel-Nix.* Kiser clarified that the front elevation needed to wrap the corner similar to what was done on the other side. *The motion was approved with a unanimous 8-0 vote (Romo absent).*



# City of Carrollton

## Agenda Memo

File Number: 2360

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Public Hearing/Consent  
Agenda

**In Control:** City Council

**File Type:** Public Hearing

**Agenda Number:** \*20.

**CC MEETING:** December 1, 2015

**DATE:** November 19, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Christopher Barton, Chief Planner

Hold A **Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A New Car And Used Car Dealership With Special Conditions On An Approximately 4.3-Acre Tract Located At 1735 South IH-35E; Amending Accordingly The Official Zoning Map. Case No. 11-15SUP1 Five Star Chevrolet.** Case Coordinator: Christopher Barton.

### **BACKGROUND:**

This is a request for approval of a special use permit for new car and used car dealer.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On November 5, 2015, the Planning & Zoning Commission recommended **APPROVAL** with staff stipulations. The attached ordinance reflects the action of the Commission. Because the action of the Commission was unanimous and no public opposition has been received, this item is being placed on the Public Hearing - Consent portion of the agenda.

## RESULTS SHEET

**Date:** 12/02/15

**Case No./Name:** 11-15SUP1 Five Star Chevrolet

### **A. STIPULATIONS AND RECOMMENDATIONS:**

Staff recommends **APPROVAL** with the following stipulations:

1. Development shall be in accordance with the attached Conceptual Site Plan and Conceptual Landscape Plans, with the following additional stipulations:
  - a. Landscaping in the 15-foot landscape buffer along IH-35E shall comply with the requirements of Article XXIV Landscaping and Buffering, Section B (7) (b).
  - b. Landscaping in the large triangular landscape island in front of the proposed building shall comply with the buffer requirements of Article XXIV Landscaping and Buffering, Section B (7) (b).
  - c. In order to meet the requirement of Article XXIV Landscaping and Buffering, Section B (7) (b) (III) (c), a minimum of two internal landscape islands shall be added to the rows of parking abutting the large triangular landscape island in front of the proposed building.
  - d. Minimum plant sizes for the Red Yucca, Gulf Coast Muhly, Heavenly Bamboo and Rosemary shall be five gallons.
2. The large triangular landscape island in front of the proposed building shall be accepted as “relocated” internal parking lot landscape islands otherwise required for the inventory storage, employee parking and service parking areas.
3. Building facades may be in accordance with the attached Conceptual Building Elevations and Artists Concepts.

### **B. P&Z RECOMMENDATION** from P&Z meeting: 11/05/15

Result: **APPROVED** with staff stipulations/Vote: 8 – 0 (Romo absent)

### **C. CC PUBLIC HEARING and ORDINANCE ACTION** from CC meeting: 12/01/15

Result: /Vote:

**SPECIAL USE PERMIT**

Case Coordinator: Christopher Barton

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**GENERAL PROJECT INFORMATION**

**SITE ZONING:** (FWY) Freeway District with (I-35E) Overlay District

**SURROUNDING ZONING**

**SURROUNDING LAND USES**

NORTH	(FWY) Freeway District with IH-35E Overlay District	Hotel & dentist's office
SOUTH	(FWY) Freeway District with IH-35E Overlay District	Hotel & loan company
EAST	(LI) Light Industrial District	Warehouse (across Broadway St.)
WEST	(FWY) Freeway District with IH-35E Overlay District	Multi-tenant commercial building (across IH-35E)

**REQUEST:** Approval of a Special Use Permit to allow for a new car and used car dealer

**PROPOSED USE:** New & used car sales

**ACRES/LOTS:** Approximately 4.3 acres/1 tract

**LOCATION:** East side of IH-35E just north of Valwood Parkway

**HISTORY:** The current zoning on the property was established in June 1987.  
The property has never been platted into a lot of legal record.  
The site is currently vacant. Prior to demolition this year, the site was occupied by a hotel built in 1967.

**COMPREHENSIVE PLAN:** High Intensity Commercial Uses

**TRANSPORTATION PLAN:** IH-35E is designated a Controlled Access Highway. Broadway Street is designated as a (C4U) Four Lane Undivided Collector.

**OWNER:** Pack Properties X, LLC

**REPRESENTED BY:** Kyle Vrla/Dynamic Engineering Consultants

## **STAFF ANALYSIS**

### **PROPOSAL**

This is a request for a new Special Use Permit for a new car and used car dealer. The site is on the east side of IH-35E just north of Valwood Parkway (1735 S. IH-35E) and is the site of the former Royal Inn which was demolished earlier this year.

### **ORDINANCE REQUIREMENTS**

The (FWY) Freeway District currently requires a Special Use Permit for both new and used car dealers. The (I-35E) Interstate Overlay District has additional (reduced) regulations with regard to lot area, and an increased building setback along IH-35E.

The proposed development meets all requirements of the zoning ordinance and is applying for the required SUP.

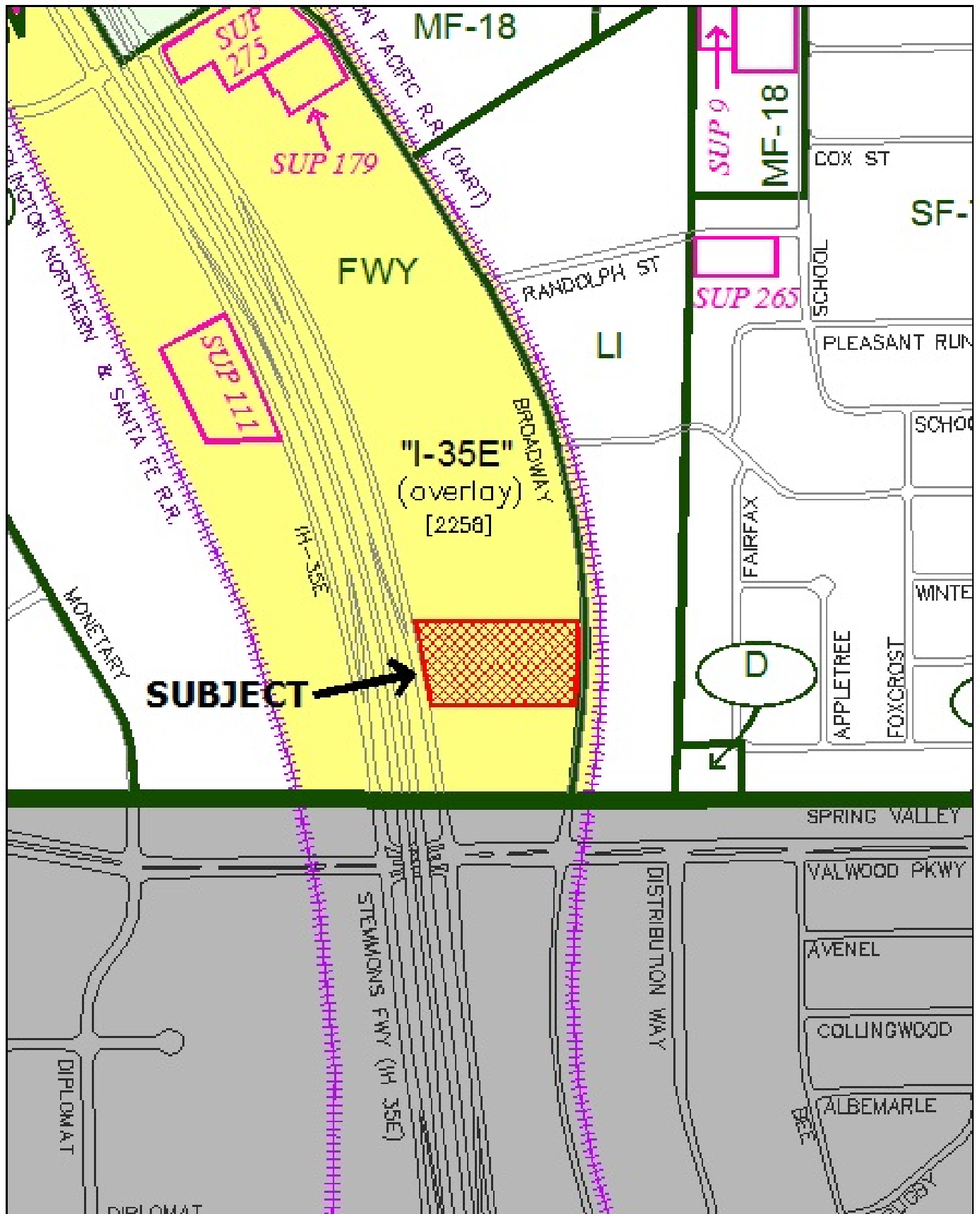
### **ELEMENTS TO CONSIDER:**

- The proposed car dealership would be the new home of the local franchise Chevrolet dealership – being relocated from the west side of IH-35E.
- The proposed building would follow the franchise requirements for a Chevrolet dealership. It would not meet the minimum façade brick or stone requirement, but would be faced largely in stucco or EIFS.
- Parking lot landscape islands in the inventory vehicle storage area are not proposed. The total area of these islands has been relocated elsewhere on the site, and may include some landscaping in the rights-of-way of Broadway Street and/or IH-35E.

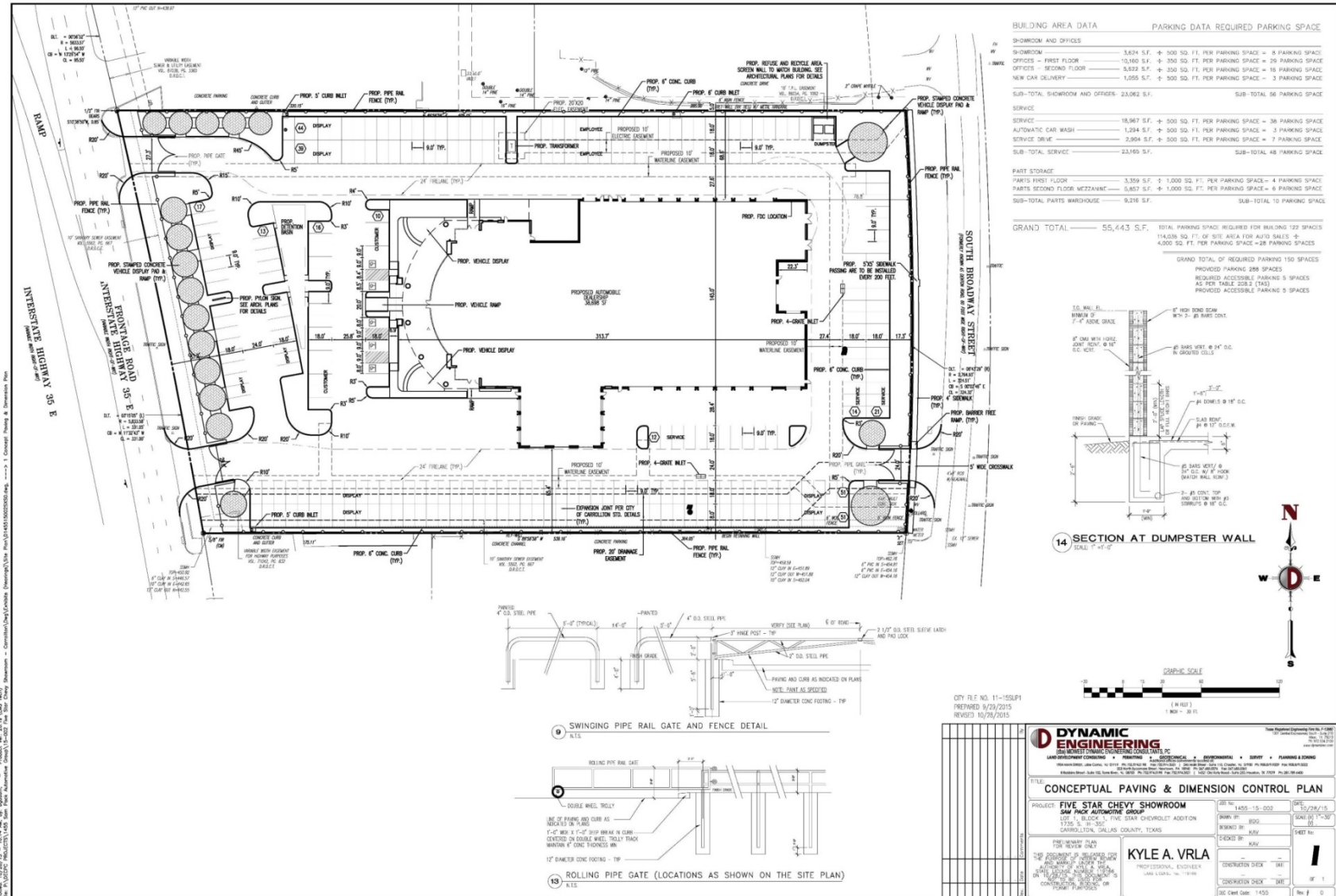
### **CONCLUSION:**

The use appears appropriate.

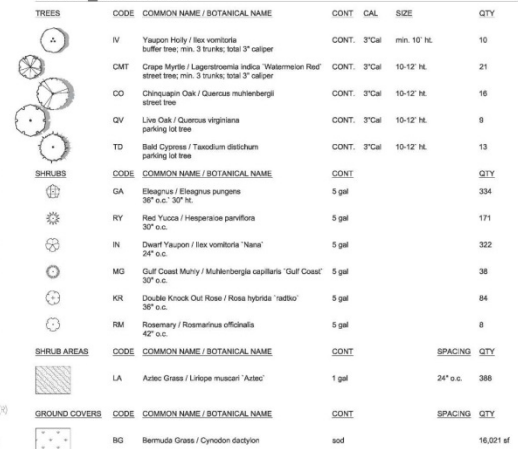
**SITE LOCATION AND ZONING MAP**



# APPLICANTS INFORMATION Conceptual Site Plan



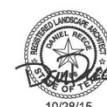
## PLANT\_SCHEDULE

[illegible]

THE LANDSCAPE CONTRACTOR SHALL GUARANTEE THAT ALL NEWLY INSTALLED AND EXISTING PLANTS SHALL SURVIVE FOR ONE YEAR AFTER FINAL OWNER ACCEPTANCE OF THE INSTALLATION WORK. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR APPROPRIATE WATERING OF THE LANDSCAPE BEFORE INSTALLATION OF A PROPERLY DESIGNED IRRIGATION SYSTEM. THE OWNER SHALL APPROVE THE SYSTEM DESIGN PRIOR TO INSTALLATION OF PLANTS OR IRRIGATION.

City File No. 11-15SUP1  
Prepared 9-29-2015  
Re-Submitted 10-23-2015

City File No. 11-15SUP1  
Prepared 9-29-2015  
Re-Submitted 10-23-2015



**EVERGREEN  
DESIGN GROUP**  
*Celebrating 10 Years*  
(800) 680-6630  
15305 Dallas Pkwy., Ste 300  
Addicks, TX 75001  
[www.landscape-consultants.net](http://www.landscape-consultants.net)

	<h1 style="margin: 0;">DYNAMIC</h1> <h2 style="margin: 0;">ENGINEERING</h2>		Texas Registered Engineering Firm No. F-0001 12121 Central Expressway Suite 200 Dallas, Texas 75244-1212 Phone: 972-412-2600 Fax: 972-412-2601	
	<b>LAND DEVELOPMENT ENGINEERING CONSULTANTS, PC</b>			
	<b>LAND DEVELOPMENT ENGINEERING</b>		<b>ENVIRONMENTAL</b>	
	<b>LAND USE PLANNING</b>		<b>SURVEY</b>	
<b>PLANNING &amp; ZONING</b>				
1400 North Stemmons Lane, Suite 200, Dallas, TX 75207    Tel: 972-412-2600    Fax: 972-412-2601    1400 North Stemmons Lane, Suite 200, Dallas, TX 75207    Tel: 972-412-2600    Fax: 972-412-2601 800 North Stemmons Lane, Suite 200, Dallas, TX 75207    Tel: 972-412-2600    Fax: 972-412-2601    800 North Stemmons Lane, Suite 200, Dallas, TX 75207    Tel: 972-412-2600    Fax: 972-412-2601				
<b>TITLE: CONCEPTUAL LANDSCAPE PLAN</b>				
<b>PROJECT: FIVE STAR CHEVY SHOWROOM</b> SAM PACEY AUTOMOTIVE GROUP LOT 1, BLOCK 1, THE STAR CHEVROLET ADDITION 1735 S. W-35 CARROLLTON, DALLAS COUNTY, TEXAS			JOB NO.: 1455-19-002 DATES: BY: BSC DRAWN BY: KSW CHECKED BY: KSW PROJECT NO.: 1455-19-002	
COMMENTS:			DATE: 05/01/15 SCALE: AS SHOWN SHEET NO.:	
CONSTRUCTION CHECK: _____ DATE: _____ CONSTRUCTION CHECK: _____ DATE: _____			SEC. Client Code: 1455    Rev. # 0	

**APPLICANTS INFORMATION**  
Artists Concept – Building Appearance



**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 5, 2015**

Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And **Establish A Special Use Permit For A New Car And Used Car Dealership** With Special Conditions On An Approximately 4.3-Acre Tract Located At 1735 South IH-35E; Amending Accordingly The Official Zoning Map. **Case No. 11-15SUP1 Five Star Chevrolet.** Case Coordinator: Christopher Barton.

Barton presented the request noting that the applicant moved the required amount of landscaping from the interior to the periphery. Staff recommended approval with the stipulations listed in the case report.

Kyla Vrla, Dynamic Engineering Consultants, stated they are in agreement with all of the stipulations in the packet and would be happy to answer questions, but did not have a formal presentation.

Chair McAninch asked for an explanation about the façade. Mr. Vrla stated that the proposed elevation and façade reflected the look that Chevrolet prefers for its dealerships and it was not the standard brick and stone facility but would greatly increase the appearance over the previous condition of the site. McAninch asked about parking and Mr. Vrla replied that the double stacked parking was for inventory storage and they had worked with staff to maximize the parking. He referred to the additional landscaping they would provide.

Kiser asked about the type of material on the façade and Mr. Vrla stated it would be either EFIS or Stucco and glass and the front structure would be aluminum. Kiser asked how they would protect the lower parts of the building suggesting the need for stone and Mr. Vrla replied that the front of the building would be protected by curbs, landscaping and display areas and the remainder of the building was the service area where there would be bollards around each entrance to protect the corners of the building.

Chair McAninch opened the public hearing and invited speakers to the podium; there being no speakers she offered the applicant an opportunity for closing remarks. Mr. Vrla stated he appreciated the consideration for the SUP. Chair McAninch closed the public hearing.

- \* ***Kiser moved approval of Case No. 11-15SUP1 Five Star Chevrolet to establish a Special Use Permit for a New and Used Car Dealership with stipulations; second by Chadwick and the motion was approved with a unanimous 8-0 vote (Romo absent).***

ORDINANCE NO. \_\_\_\_\_  
Case No. 11-15SUP1 Five Star Chevrolet

PLANNING  
City of Carrollton  
Date: 12/01/15

SPECIAL USE PERMIT NO. 429

ORDINANCE NUMBER \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF CARROLLTON  
AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY  
ESTABLISHING SPECIAL USE PERMIT NUMBER 429 PROVIDING  
FOR A NEW CAR AND USED CAR DEALER UPON PROPERTY  
LOCATED AT 1735 SOUTH IH-35E; AMENDING THE OFFICIAL  
ZONING MAP; PROVIDING FOR PENALTY, REPEALER,  
SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR  
AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND  
PUBLICATION.

WHEREAS, at a public hearing held on the Fifth day of November, 2015, the Planning & Zoning Commission considered and made recommendation on a request regarding a Special Use Permit (Case No. 11-15SUP1), 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, 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 429 is hereby established for a certain approximately 4.3-acre tract of land located at 1735 South IH-35E as more specifically described on the attached Exhibit A and generally located on the location map attached hereto as Exhibit B, providing for a change in zoning to the following use:

New Car Dealer & Used Car Dealer

### Section 3.

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

1. Development shall be in accordance with the attached Conceptual Site Plan (Exhibit C) and Conceptual Landscape Plans (Exhibit D), with the following additional stipulations:
  - a. Landscaping in the fifteen foot (15') landscape buffer along IH-35E shall comply with the current requirements of Article XXV Landscaping and Buffering.
  - b. Landscaping in the large triangular landscape island in front of the proposed building shall comply with the current buffer requirements of Article XXV Landscaping and Buffering.
  - c. In order to meet the requirements of Article XXV, Landscaping and Buffering, a minimum of two internal landscape islands shall be added to the rows of parking abutting the large triangular landscape island in front of the proposed building.
  - d. Minimum plant sizes for the Red Yucca, Gulf Coast Muhly Grass, Heavenly Bamboo and Rosemary shall be five (5) gallons.
2. The large triangular landscape island in front of the proposed building shall be accepted as "relocated" internal parking lot landscape islands otherwise required for the inventory storage, employee parking and service parking areas.
3. Building facades may be in accordance with the attached Conceptual Building Elevations (Exhibit E) and Artists Concepts (Exhibit F).

### Section 4.

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

### Section 5.

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 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.

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

Section 8.

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 9.

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

PASSED AND APPROVED this the First day of December, 2015.

CITY OF CARROLLTON

By: \_\_\_\_\_  
Matthew Marchant, Mayor

ATTEST:

\_\_\_\_\_  
Krystle Nelinson  
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

\_\_\_\_\_  
Christopher Barton  
Chief Planner

ORDINANCE NO. \_\_\_\_\_  
Case No. 11-15SUP1 Five Star Chevrolet

**EXHIBIT A**  
Legal Description

Tract 39  
Being Approximately 4.2759 Acres Out Of  
The William Larner Survey  
Abstract 799 Page 508

**EXHIBIT B**  
Location Map

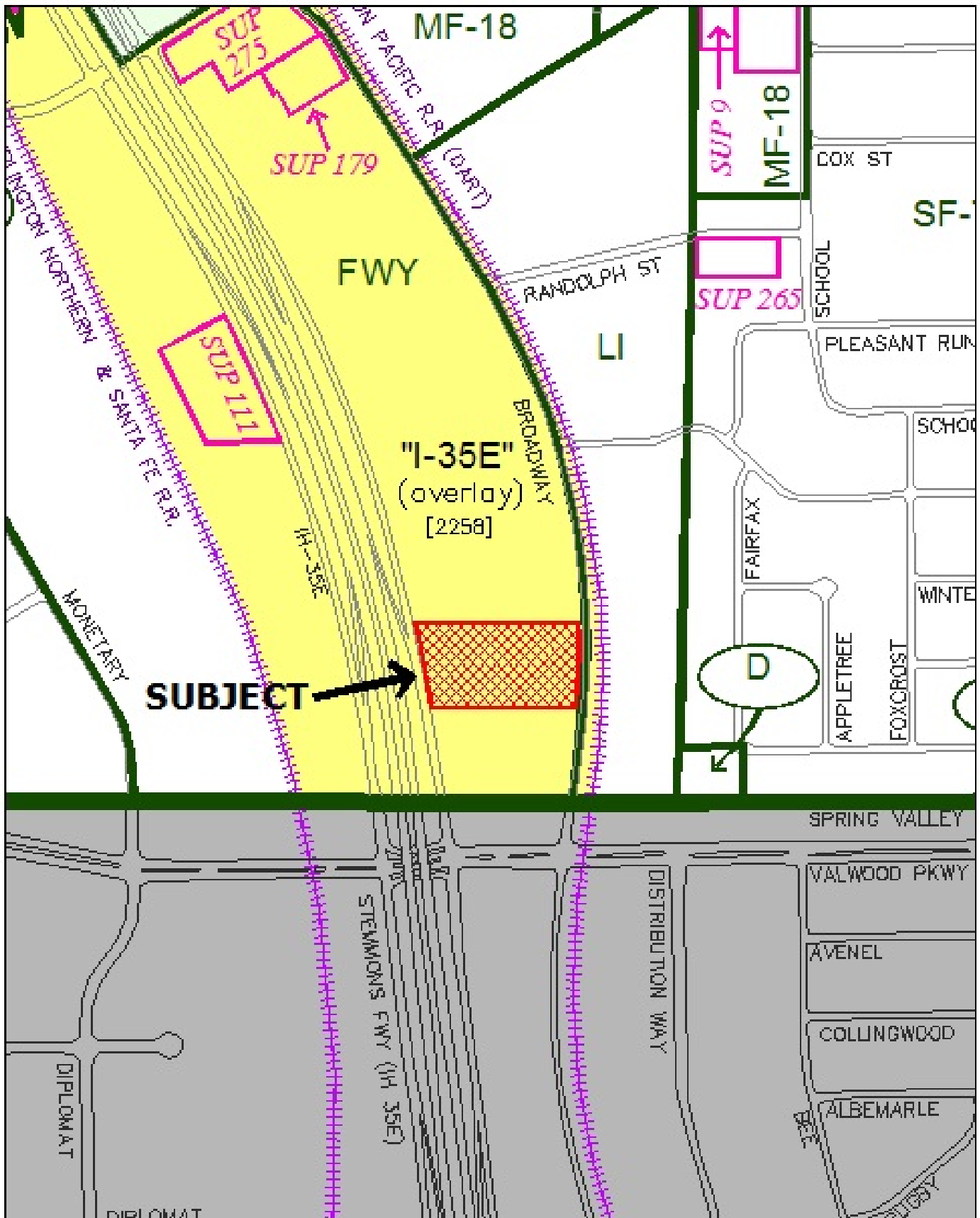
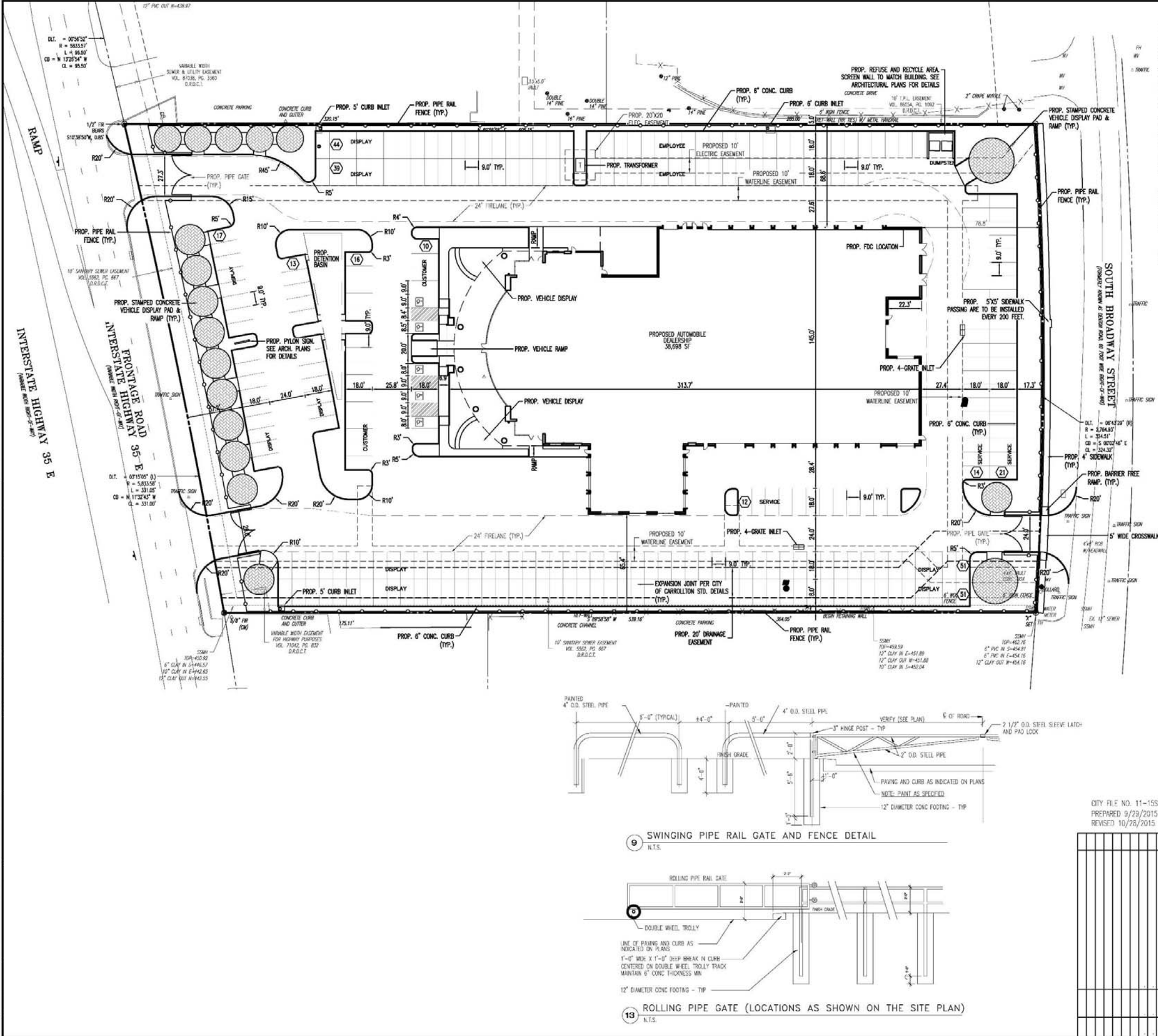
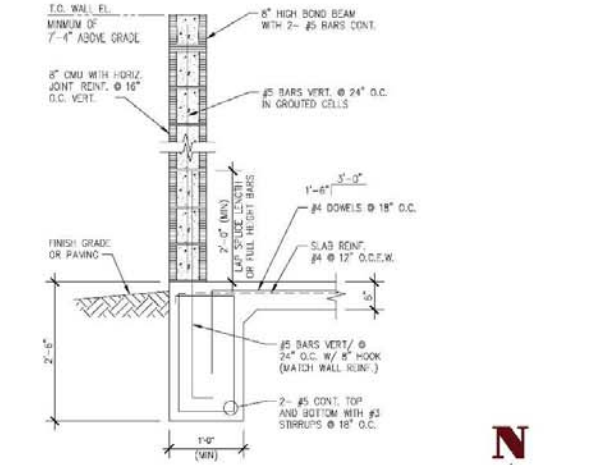


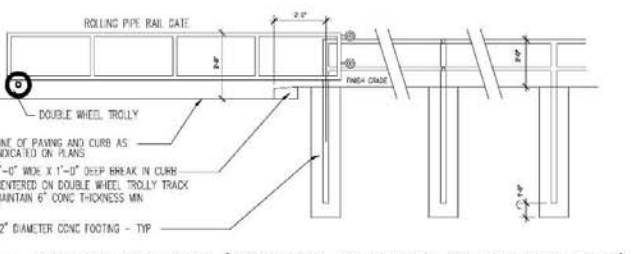
EXHIBIT C  
Conceptual  
Site Plan



BUILDING AREA DATA		PARKING DATA REQUIRED PARKING SPACE	
SHOWROOM AND OFFICES			
SHOWROOM	3,624 S.F.	+ 500 SQ. FT. PER PARKING SPACE =	8 PARKING SPACE
OFFICES - FIRST FLOOR	10,160 S.F.	+ 350 SQ. FT. PER PARKING SPACE =	29 PARKING SPACE
OFFICES - SECOND FLOOR	5,622 S.F.	+ 350 SQ. FT. PER PARKING SPACE =	16 PARKING SPACE
NEW CAR DELIVERY	1,055 S.F.	+ 500 SQ. FT. PER PARKING SPACE =	3 PARKING SPACE
SUB-TOTAL SHOWROOM AND OFFICES		SUB-TOTAL 56 PARKING SPACE	
SERVICE			
SERVICE	18,967 S.F.	+ 500 SQ. FT. PER PARKING SPACE =	38 PARKING SPACE
AUTOMATIC CAR WASH	1,294 S.F.	+ 500 SQ. FT. PER PARKING SPACE =	3 PARKING SPACE
SERVICE DRIVE	2,904 S.F.	+ 500 SQ. FT. PER PARKING SPACE =	7 PARKING SPACE
SUB-TOTAL SERVICE		SUB-TOTAL 48 PARKING SPACE	
PART STORAGE			
PARTS FIRST FLOOR	3,359 S.F.	+ 1,000 SQ. FT. PER PARKING SPACE =	4 PARKING SPACE
PARTS SECOND FLOOR MEZZANINE	5,857 S.F.	+ 1,000 SQ. FT. PER PARKING SPACE =	6 PARKING SPACE
SUB-TOTAL PARTS WAREHOUSE		SUB-TOTAL 10 PARKING SPACE	
GRAND TOTAL		55,443 S.F.	
		TOTAL PARKING SPACE REQUIRED FOR BUILDING 122 SPACES	
		114,036 SQ. FT. OF SITE AREA FOR AUTO SALES +	
		4,000 SQ. FT. PER PARKING SPACE = 28 PARKING SPACES	



9 SWINGING PIPE RAIL GATE AND FENCE DETAIL  
N.T.S.



CITY FILE NO. 11-15SUP1  
PREPARED 9/23/2015  
REVISED 10/28/2015

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Dallas, TX 75215  
PH: 972.342.2100  
WWW.DYNAMIC-PC.COM

**CONCEPTUAL PAVING & DIMENSION CONTROL PLAN**

PROJECT: FIVE STAR CHEVY SHOWROOM  
LOT 1, BLOCK 1, FIVE STAR CHEVROLET ADDITION  
1735 S. IH-35E  
CARROLLTON, DALLAS COUNTY, TEXAS

DATE: 10/28/15  
DRAWN BY: BGS  
DESIGNED BY: KAV  
CHECKED BY: KAV  
PREPARED BY: KAV

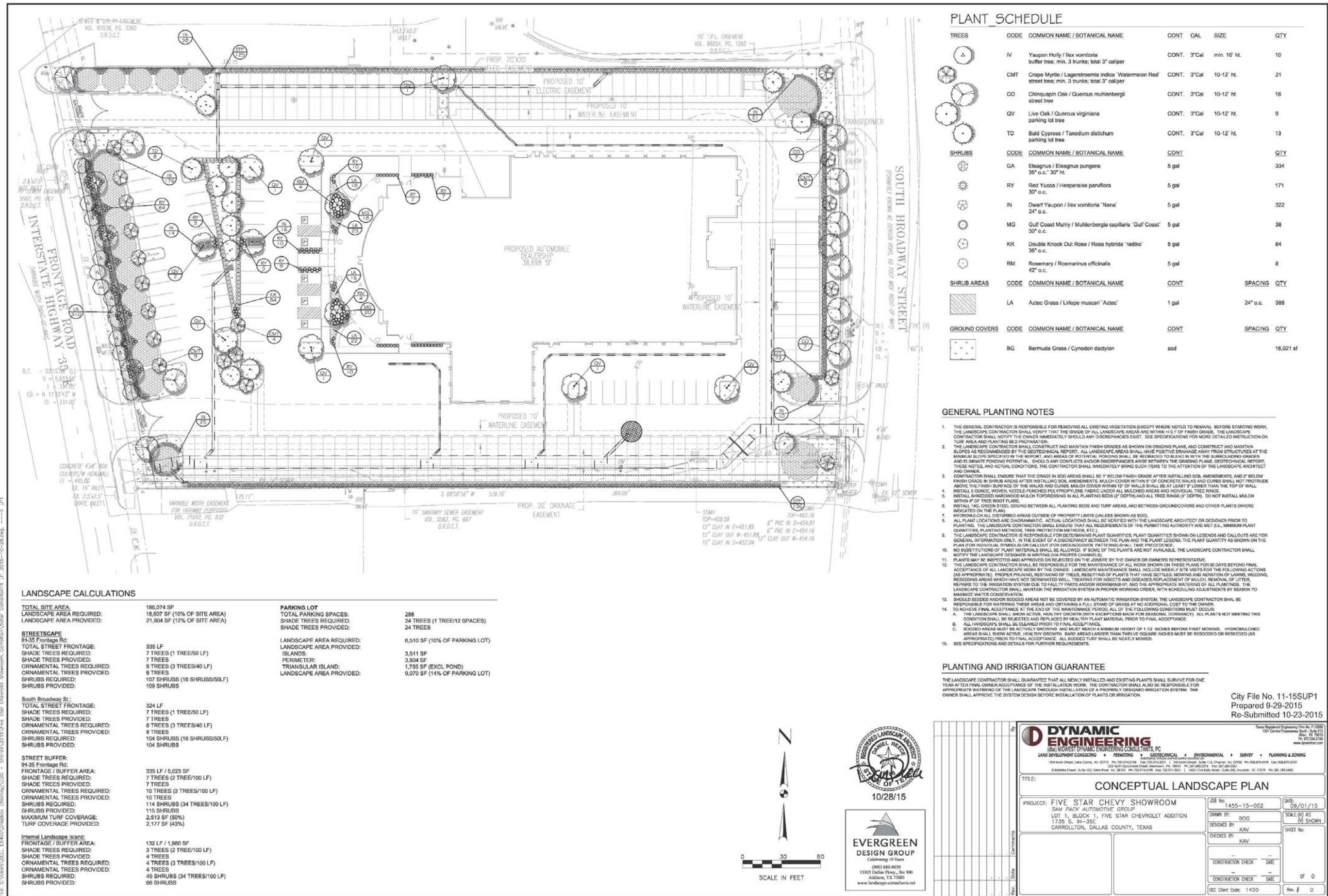
DATE: 10/28/15  
SCALE: (H) 1"=30'  
(V) 1"=10'  
SHEET NO: 1  
OF 1

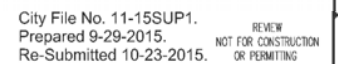
**KYLE A. VRLA**  
PROFESSIONAL ENGINEER  
LICENSE NO. 13166

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Rev: 0







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FAX (972)713-7955

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NEW FACILITY FOR:  
CONCEPTUAL  
**FIVE STAR CHEVROLET**  
1735 S I-35E  
CARROLLTON, TEXAS 75006

[illegible]

ISSUE DATE:	09/14/15
DRAWN BY:	
CHECKED BY:	
APPROVED BY:	
PROJ. NO.:	1514
SHEET TITLE:	EXTERIOR BUILDING ELEVATIONS

DWG. NO.:

**A3-2**

**EXHIBIT F**  
Artists Concept





# City of Carrollton

## Agenda Memo

File Number: 2370

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Public Hearing/Consent  
Agenda

**In Control:** City Council

**File Type:** Public Hearing

**Agenda Number:** \*21.

**CC MEETING:** December 1, 2015

**DATE:** November 21, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Christopher Barton, Chief Planner

Hold A **Public Hearing And Consider An Ordinance To Amend The Text Of Various Sections Of The Comprehensive Zoning Ordinance To Amend, Add Or Delete Use Categories And To Improve The General Organization Of The Amended Sections, And To Make Amendments To The Parking Requirements. The Sections To Be Amended Are Article V Use of Land and Structures, Article XXIV Off-Street Parking And Article XXXIV Definitions. Case No 09-015ZT1 CZO Text Changes/City Of Carrollton. Case Coordinator: Christopher Barton.**

### **BACKGROUND:**

This is a City-initiated request to amend the Comprehensive Zoning Ordinance to make various text amendments. Amendments to the text within the Comprehensive Zoning Ordinance are routinely proposed for updates and revisions.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On November 5, 2015, the Planning & Zoning Commission recommended **APPROVAL** of the proposed amendments. The attached ordinance reflects the action of the Commission. If necessary for further consideration and revision, this item may also be continued to the December 15, 2015 meeting. The goal of staff is to have these amendments become effective on January 1, 2016.

## RESULT SHEET

**Date:** 11/06/15

**Case No./Name:** 09-15ZT1 CZO Text Changes

**A. STAFF STIPULATIONS AND RECOMMENDATIONS**

Staff recommends the Commission **APPROVE** the proposed amendments. The goal of staff has been to have these amendments go into effect January 1, 2016.

**B. P&Z RECOMMENDATIONS** from P&Z meeting: 09/03/15

Result: **CONTINUED** to the October 1, 2015 meeting/Vote: 9 – 0

**C. P&Z RECOMMENDATIONS** from P&Z meeting: 10/01/15

Result: **CONTINUED** to the November 5, 2015 meeting/Vote: 7 – 0 (Daniel-Nix & Nesbit absent)

**D. P&Z RECOMMENDATIONS** from P&Z meeting: 11/05/15

Result: **APPROVED**/Vote: 8 – 0 (Romo Absent)

**E. CC PUBLIC HEARING & ORDINANCE ACTION:** CC meeting: 12/01/15

Result: /Vote:

## ZONING TEXT AMENDMENT

Case Coordinator: Christopher Barton

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### GENERAL PROJECT INFORMATION

**REQUEST:** Approval of various amendments to the Carrollton Comprehensive Zoning Ordinance (CZO)

**REPRESENTED BY:** Christopher Barton, City of Carrollton

### BACKGROUND INFORMATION

Staff routinely proposes updates to codes and ordinances as appropriate.

In developing the proposed changes, staff limits the number of changes for reasons of manageability. The changes presented here are not intended to be comprehensive or complete. Rather, these are intended to be small, incremental changes which can be built on over time, slowly moving the entire CZO towards an improved state. Additional changes will be presented for consideration in the future as time allows.

Guiding principles followed in developing this list were to:

- Correct errors, conflicts or other problems in the ordinance;
- Simplify and better organize development regulations, and;
- Respond to or anticipate “real world” development trends.

Note that the first element is a major change in the organization of a portion of the land use matrix found in Article V Use of Land. **Other proposed changes to other areas of the CZO were added to the case report and discussed at several meetings of the Planning & Zoning Commission**, with a goal of delivering a “package” of recommended changes to City Council by their first meeting in December 2015.

Future suggested changes will be added to a “master list” and revised on an annual basis. The intent is to move to a single annual revision of the CZO. Urgently needed revisions could always be considered at any time.

“NAICS” is used throughout this case report. This is an acronym for “North American Industry Classification System,” published and periodically updated by the United States Office of Management and Budget, and recognized throughout the U.S., Canada and Mexico as a definition, classification and organization system for economic (“business”) activities. The zoning ordinance uses the 2007 edition of the NAICS as an organizational and definition tool. The intent of the currently proposed changes to the land use matrix is to increase conformity with the NAICS.

### **Changes & Additions**

#### **Subsequent to the September 3, 2015 meeting of the Commission**

1. Additional chart added as “Step Four” starting on page 19 showing which districts each proposed use would be allowed in (“permissions”).
2. Specific questions were added for discussion starting on page 24.
3. Fifteen words and terms identified for possible deletion from Article 34 Definitions on page 27.
4. Possible changes to Article 24 Off-Street Parking.

### **Changes & Additions**

#### **Subsequent to the October 1, 2015 meeting of the Commission**

5. Additional changes to Article 24 Off-Street Parking, starting on page 24-15, including:
  - a. Revisions to simplify and clarify the parking requirements tables in Section C (1) on pages 24-2 through 24-7. Additionally, new parking requirements for indoor athletic uses added in response to increased development in this area.
  - b. Simplifying and clarifying language in Section C (2), as well as making certain substantive changes in requirement in response to changing market and technological conditions (e.g. the increased use of automated tellers, and “banking by phone.”). Simplifying and “tightening” the design requirements for parking lot space and driveway dimensions. Removing the option for “wheel stops” in parking lots. Explicitly stating that “tandem parking” is not to be counted as required parking.
  - c. Simplifying and clarifying language in Section D. Removing language requiring all non-residential uses over 40,000 square feet – *including offices* – to provide “loading dock” facilities for large trucks. Moving figures referenced in this article from the appendix into the article itself.
  - d. Minor language change to the introductory paragraph of Section F.
  - e. Clarifying certain language in Section G (8).

### **Final Decision Element**

On October 1, 2015 the Commission discussed all changes to Article 24 Off Street Parking then proposed (from the beginning of the article to page 24-14.)

## **ARTICLE V PROPOSED CHANGES**

With comments

### **STEP ONE**

#### **Land Use Matrix Changes:**

1. In Article 5 Use of Land establish a new section named “Retail Trade” (this is the correct title for the section, per the NAICS), using reserved Section 3600, which is immediately before Section 3700 Wholesale Trade.
2. Within the new section, place all the NAICS use categories, generally down to the “four-digit” level, as follows (see definitions on following pages). Some categories however will have the more detailed, “more digits” level, as warranted.
  - a. 44111 Automobile Dealers, New (*Note “more detailed” category*)
  - b. 44112 Automobile Dealers, Used (*Note “more detailed” category*)
  - c. 4412 Other Motor Vehicle Dealers
  - d. 4413 Automotive Parts, Accessories & Tire Stores
  - e. 4421 Furniture Stores
  - f. 4422 Home Furnishings Stores
  - g. 4431 Electronics & Appliance Stores
  - h. 4441 Building Materials & Supplies Dealers
  - i. 4442 Lawn & Garden Equipment and Supplies Stores
  - j. 4451 Grocery Stores
  - k. 4452 Specialty Food Stores
  - l. 4453 Beer, Wine & Liquor Stores
  - m. 4461 Health & Personal Care Stores
  - n. 4471 Gasoline Stations
  - o. 4481 Clothing Stores
  - p. 4482 Shoe Stores
  - q. 4483 Jewelry, Luggage & Leather Goods Stores
  - r. 4511 Sporting Goods, Hobbies & Musical Instruments Stores
  - s. 4512 Book, Periodical & Music Stores
  - t. 4521 Department Stores
  - u. 4529 Other General Merchandise Stores
  - v. 4531 Florists
  - w. 4532 Office Supplies, Stationary & Gift Stores
  - x. 4533 Used Merchandise Stores

- y. 4539 Other Miscellaneous Store Retailers
  - z. 4541 Electronic Shopping & Mail Order Houses
  - aa. 4542 Vending Machine Operators
  - bb. 4543 Direct Selling Establishments
3. Based on an initial run through, it appears that the following use matrix groups become completely vacant, and will be relabeled “reserved for future use.”
- 2800 Building Equipment, Hardware & Farm Equipment
- 2900 General Merchandise & Non-Store Retailing
- 3000 Food (this group includes 49312 Food Locker, Retail, which is a part of 4931 Warehousing & Storage in Section 1100 Transportation & Warehousing and so can be deleted.)
- 3100 Motor Vehicle & Parts Dealers
- 3200 Apparel & Accessories
- 3300 Furniture, Home Furnishings & Equipment
- 3500 Other Retail Trade, NEC (this includes 812910 Pet Grooming Salon which is a service, not retail sales. It is included in Pet Care (except veterinary), found in Section 5800 Agriculture Related Services and so can be deleted).

**Definitions of uses, per the NAICS:**

**44111 Automobile Dealers, New**

This industry comprises establishments primarily engaged in retailing new automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans, or retailing these new vehicles in combination with activities, such as repair services, retailing used cars, and selling replacement parts and accessories.

**44112 Automobile Dealers, Used**

This industry comprises establishments primarily engaged in retailing used automobiles and light trucks, such as sport utility vehicles, and passenger and cargo vans.

**4412 Other Motor Vehicle Dealers**

This industry group comprises establishments primarily engaged in retailing new and used vehicles (except automobiles, light trucks, such as sport utility vehicles, and passenger and cargo vans). *(Note: this category includes recreational vehicles whether motorized or not, as well as motorcycles, boats and small all-terrain vehicles.)*

**4413 Automotive Parts, Accessories & Tire Stores**

This industry comprises one or more of the following: (1) establishments known as automotive supply stores primarily engaged in retailing new, used, and/or rebuilt automotive parts and accessories; (2) automotive supply stores that are primarily engaged in both retailing automotive parts and accessories and repairing automobiles; (3) establishments primarily engaged in retailing and installing automotive accessories, and; establishments primarily engaged in retailing new and/or used tires and tubes or retailing new tires in combination with automotive repair services.

**4421 Furniture Stores**

This industry comprises establishments primarily engaged in retailing new furniture, such as household furniture (e.g., baby furniture, box springs and mattresses); outdoor furniture; office furniture (except those sold in combination with office supplies and equipment); and/or furniture sold in combination with major appliances, home electronics, home furnishings, or floor coverings.

**4422 Home Furnishings Stores**

This industry group comprises establishments primarily engaged in retailing new home furnishings (except furniture). *(Note: examples are floor coverings and window treatments.)*

4431 Electronics & Appliance Stores

This industry group comprises establishments primarily engaged in retailing the following new products: household-type appliances, cameras, computers, and other electronic goods.

4441 Building Material & Supplies Dealers

This industry group comprises establishments primarily engaged in retailing new building materials and supplies. (*Note: examples are paint, hardware and lumber.*)

4442 Lawn & Garden Equipment and Supplies Stores

This industry group comprises establishments primarily engaged in retailing new lawn and garden equipment and supplies. (*Note: this includes nurseries.*)

4451 Grocery Stores

This industry group comprises establishments primarily engaged in retailing a general line of food products. (*Note: this includes “convenience stores” but those associated with a gasoline station would be interpreted as accessory to the gasoline station use.*)

4452 Specialty Food Stores

This industry group comprises establishments primarily engaged in retailing specialized lines of food. (*Note: this includes meat markets, bakeries, confectionaries, etc.*)

4453 Beer, Wine & Liquor Stores

This industry comprises establishments primarily engaged in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor. (*Note: other municipal ordinances prohibit the retail sales of “hard” liquor.*)

4461 Health & Personal Care Stores

This industry comprises establishments primarily engaged in retailing health and personal care products. (*Note: includes pharmacies, cosmetics, food supplements and optical goods stores.*)

4471 Gasoline Stations

These industries comprise establishments primarily engaged in the retail sales of automotive fuels (e.g., gasoline, diesel fuel, and gasohol) and automotive oils, or retail these products in combination with convenience store items. (*Note: explicitly includes gas stations with convenience stores.*)

4481 Clothing Stores

This industry group comprises establishments primarily engaged in retailing new clothing. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

4482 Shoe Stores

This industry comprises establishments primarily engaged in retailing all types of new footwear (except hosiery, found in 4481 Clothing Stores and specialty sports footwear, such as golf shoes, bowling shoes, and spiked shoes, found in 4511 Sporting Goods, Hobby & Musical Instrument Stores).

4483 Jewelry, Luggage & Leather Goods Stores

This industry comprises establishments primarily engaged in retailing new jewelry (except costume jewelry); new silver and plated silverware; new watches and clocks; and new luggage with or without a general line of new leather goods and accessories, such as hats, gloves, handbags, ties, and belts. Also included are lapidary work and minor repair.

4511 Sporting Good, Hobby & Musical Instrument Stores

This industry comprises establishments primarily engaged in retailing and providing expertise on use of sporting equipment or other specific leisure activities, such as needlework and musical instruments. Book stores, sheet music and pre-recorded tape, compact disc and record stores are also included in this category.

4512 Book, Periodical and Music Stores

This industry comprises establishments primarily engaged in retailing new books, newspapers, magazines, sheet music and prerecorded audio and video media.

4521 Department Stores

This industry comprises establishments known as department stores primarily engaged in retailing a wide range of the following new products with no one merchandise line predominating: apparel, furniture, appliances and home furnishings; and selected additional items, such as paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys, and sporting goods. Merchandise lines are normally arranged in separate departments.

4529 Other General Merchandise Stores

This industry group comprises establishments primarily engaged in retailing new goods in general merchandise stores (except department stores), including establishments known as warehouse clubs, superstores or supercenters primarily engaged in retailing a general line of groceries in combination with general lines of new merchandise, such as apparel, furniture, and appliances.

4531 Florists

This industry comprises establishments known as florists primarily engaged in retailing cut flowers, floral arrangements, and potted plants purchased from others. These establishments usually prepare the arrangements they sell.

4532 Office Supplies, Stationery & Gift Stores

This industry comprises establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) retailing a combination of new office equipment, furniture, and supplies; (3) retailing new office equipment, furniture, and supplies in combination with selling new computers, and; (4) retailing new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, and curios.

4533 Used Merchandise Stores

This industry comprises establishments primarily engaged in retailing used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).

4539 Other Miscellaneous Store Retailers

This industry comprises establishments primarily engaged in retailing new miscellaneous specialty store merchandise (except motor vehicle and parts dealers; furniture and home furnishings stores; consumer-type electronics and appliance stores; building material and garden equipment and supplies dealers; food and beverage stores; health and personal care stores; gasoline stations; clothing and clothing accessories stores; sporting goods, hobby, book, and music stores; general merchandise stores; florists; office supplies, stationery, and gift stores; and used merchandise stores). This category includes pet and pet supply stores, art dealers, manufactured (mobile) home dealers and tobacco stores. *(Note: we may wish to take most of these listed items out of this category, and list them separately since they are essentially “common” retail uses which might be found in any retail area.)*

4541 Electronic Shopping & Mail Order Houses

This industry comprises establishments primarily engaged in retailing all types of merchandise using non-store means, such as catalogs, toll-free telephone numbers, or electronic media such as interactive television or computer. Included in this industry are establishments primarily engaged in retailing from catalog showrooms of mail-order houses.

4542 Vending Machine Operators

This industry comprises establishments primarily engaged in retailing merchandise through vending machines that they service.

4543 Direct Selling Establishments

This industry comprises establishments primarily engaged in non-store retailing (except electronic, mail-order, or vending machine sales). These establishments typically go to the customer's location rather than the customer coming to them (e.g., door-to-door sales, home parties). Examples of establishments in this industry are home delivery newspaper routes; home delivery of heating oil, liquefied petroleum (LP) gas, and other fuels; locker meat providers; frozen food and freezer plan providers; coffee-break services providers; and bottled water or water softener services.

## STEP TWO

Find all uses currently listed in Article V Use of Land (land use matrix) which should be in Retail Sales. Due to previous amendments and modifications, it appears that most of the relevant line items are already in several adjacent sections, as listed below.

Note that the horizontal gray-shaded lines have no special significance. They are only to help your eye “move across” the list more easily as they are spaced every few lines.

*Pawn shops* are actually a financial institution (NAICS Code 522298 All Other Non-Depository Credit Intermediation). Additionally, pawn shops are regulated by state statutes, as part of the Finance Code (Title 4, Subtitle C).

*Christmas Tree Sales, Farmer Markets and Flea Markets* would all be included in NAICS Code 454390 *Other Direct Selling Establishments* since they are temporary in nature and often feature “direct selling” between the goods provider and the customer.

*Custom Tailoring* as a “stand alone business” is a service, not an item being sold, so it is more appropriate in the category 2300 Personal Services. Since there is already a line item 81149 *Pressing, Alteration & Garment Repair* in Personal Services, “*Custom Tailoring*” can simply be deleted.

*Video Tape & Disc Rental* is rental, not retail sales, and is included in 5322 *Consumer Good Rental*, found in Section 2400 Business Services of the CZO use matrix. Accordingly, this line item can likely be deleted.

*Food Locker, Retail* is a part of 4931 *Warehousing & Storage* in Section 1100 Transportation & Warehousing and so can likely be deleted.

*Pet Grooming Salon* is a service, not retail sales. It is included in *Pet Care (except veterinary)*, found in Section 5800 Agriculture Related Services and so can be deleted.

*Manufactured (mobile) Home Dealers* is a part of 4539 Other Miscellaneous Store Retailer. If it is reasonable to believe that a new mobile home dealer would find it economically feasible to locate in Carrollton, this item could remain as a separate listing. Otherwise, it could be deleted.

Note also that several line items are **highlighted in red**, indicating that special consideration and additional discussion was held.

### 2800 BUILDING MATERIALS, HARDWARE & FARM EQUIPMENT

2801	4441	Building Material and Supplies Dealers
2802	4441	Building Material and Supplies Dealers in excess of 75,000 sq. ft.
2803	444130	Hardware Stores
2804	444190	Other Building Material Dealers
2805	444120	Paint and Wallpaper Stores

### 2900 GENERAL MERCHANDISE & NON-STORE RETAILING

2901	45411	Electronic Shopping and Mail Order Houses
2901.1	447	Gasoline Station
2902	452	General Merchandise Stores
2902.1	45393	Manufactured (Mobile) Home Dealers
2903	454210	Merchandise Vending Machine Operators
2904	522298	Pawn Shop (Ord. No. 1739, 10/01/91)

### 3000 FOOD

3001	445310	Beer & Wine, Off-Premise Consumption (Ord. No. 2938; 10/19/04)
3002		Food or Beverage, Retail with Drive-Up, Drive-Thru or Drive-In Service (Ord. No. 2938; 10/19/04)
3003	4451	Food or Grocery Store, Retail
3004	49312	Food Locker, Retail
3005	4452	Specialty Food Stores

### 3100 MOTOR VEHICLE & PARTS DEALERS

3101	44111	New Car Dealers (Ord. No. 3421, 01/11/11)
3102	44112	Used Car Dealers (Ord. No. 3421, 01/11/11)
3103	44112	Used Car Dealers (indoors only or accessory to new car sales) (Ord. No. 3421, 01/11/11)
3104	4412	Other Motor Vehicle Dealers
3105	4412	Other Motor Vehicle Dealers (indoors only)
3106	441229	All Other Motor Vehicle Dealers
3107	4413	Automotive Parts, Accessories & Tire Stores
3108	4413	Automotive Parts, Accessories & Tire Stores, with on-site installation

### 3200 APPAREL AND ACCESSORIES

3201	4481	Clothing Stores
3202	811490	Custom Tailoring
3203	4482	Shoe Stores
3204	44819	Other Apparel & Accessories, NEC.

**3300 FURNITURE, HOME FURNISHINGS & EQUIPMENT**

3301	442299	All Other Home Furnishings
3302	4431	Electronics and Appliances Stores
3303	442	Furniture & Home Furnishings Stores
3304	442299	Other Retail Furniture & Home Furnishings, NEC.

**3500 OTHER RETAIL TRADE, NEC.**

3501	453998	All Other Miscellaneous Stores (except Tobacco Stores)
3502	45331	Antique Store (Used Merchandise Store) & Secondhand Goods Sales
3503	453920	Art Dealers
3504	45121	Book Store and News Dealers (Excluding Adult Bookstore)
3505	454390	Christmas Tree Sales
3506	446120	Cosmetics Beauty Supplies and Perfume Stores
3507		Farmers Market
3508		Flea Market
3509	453110	Florist
3510	45431	Fuel Dealers with above ground storage in excess of 10,000 gallons
3511	45431	Fuel Dealers with above ground storage of less than of 10,000 gallons
3512	-	Hay, Grain & Feed Sales
3513	451120	Hobby, Toy and Game Stores
3514	448310	Jewelry Stores
3515	4442	Lawn and Garden Equipment and Supplies Stores and Plant Nursery
3516	448320	Luggage & Leather Goods
3517	451140	Musical Instruments and Supplies Stores
3518	4532	Office Supplies, Stationery and Gift Stores
3519	446130	Optical Goods Stores
3520	44619	Other Health and Personal Care Stores
3521	453910	Pet and Pet Supplies Stores
3522	812910	Pet Grooming Salon (Pet Care Services)
3523	446110	Pharmacies and Drug Stores
3524	451220	Prerecorded Tape, Compact Disc and Record Stores
3525	451130	Sewing, Needlework and Piece Goods Stores
3526	45111	Sporting Goods Stores
3527	452910	Superstore or Warehouse Club in excess of 75,000 sq. ft. of GLA (Ord. No. 2773; 02/04/03)
3528	453991	Tobacco Stores
3529	53223	Video Tape and Disc Rental
3530		Other Retail Trade, NEC.

**STEP THREE**

Move all existing uses to be adjacent to each other, delete duplicates or items already included in another category, arrange by existing NAICS code (if present). Verify that the correct NAICS label and number is in place, correct if not.

44111	New Car Dealers
44112	Used Car Dealers
44112	Used Car Dealers (indoors only or accessory to new car sales)
4412	Other Motor Vehicle Dealers
4412	Other Motor Vehicle Dealers (indoors only)
441229	All Other Motor Vehicle Dealers
4413	Automotive Parts, Accessories & Tire Stores
4413	Automotive Parts, Accessories & Tire Stores, with on-site installation
4421	Furniture Stores
4422	Home Furnishing Stores
<del>442299</del>	<del>All Other Home Furnishings</del>
<del>442299</del>	<del>Other Retail Furniture &amp; Home Furnishings, NEC.</del>
4431	Electronics and Appliances Stores
4441	Building Material and Supplies Dealers ( <i>up to 75,000 sq. ft.</i> )
4441	Building Material and Supplies Dealers in excess of 75,000 sq. ft.
<del>444130</del>	<del>Hardware Stores</del>
<del>444190</del>	<del>Other Building Material Dealers</del>
<del>444120</del>	<del>Paint and Wallpaper Stores</del>
4442	Lawn & Garden Equipment & Supplies
4442	Lawn and Garden Equipment and Supplies Stores and Plant Nursery
444220	Christmas Tree Sales
4451	Food or Grocery Store, Retail
4452	Specialty Food Stores
4452	<del>Specialty Food Stores, semi-permanent or open-air.</del>
	<del>Farmers Market</del>

New item, not previously listed

These two are the same category, but different "permissions?"

Delete both, as they are included in 4422 Home Furnishings

No difference between this and previous entries. Delete.

Included in 4441. Delete.

This is included in 4441 Building Materials & Supplies. Delete.

Staff no longer recommends this addition.

To be regulated as a special event. Delete.

445310	Beer & Wine, Off-Premise Consumption	
	Change above label to read as "Beer, Wine & Liquor Stores; Note: liquor sales for off-premise consumption not allowed in Carrollton	
	Food or Beverage, Retail with Drive-Up, Drive-Thru or Drive-In Service	Somewhat confusing. Rewrite.
4461	Health & Personal Care Stores	New item, not previously listed.
<del>446130</del>	<del>Optical Goods Stores</del>	Included in 4461. Delete.
<del>44619</del>	<del>Other Health and Personal Care Stores</del>	Included in 4461. Delete.
<del>446110</del>	<del>Pharmacies and Drug Stores</del>	Included in 4461. Delete.
<del>446120</del>	<del>Cosmetics Beauty Supplies and Perfume Stores</del>	Included in 4461. Delete.
4471	Gasoline Station	
4481	Clothing Stores	
<del>44819</del>	<del>Other Apparel &amp; Accessories, NEC.</del>	Included in 4481. Delete.
4482	Shoe Stores	
4483	Jewelry, Luggage & Leather Goods	New item, not previously listed.
448310	Jewelry Stores	Included in 4483. Delete
448320	Luggage & Leather Goods	Included in 4483. Delete
4484 - 4499	Reserved for future use	
4511	Sporting Goods, Hobby & Musical Instrument Stores	New item, not previously listed.
451120	Hobby, Toy and Game Stores	Included in 4511. Delete.
<del>45111</del>	<del>Sporting Goods Stores</del>	Included in 4511. Delete.
<del>451140</del>	<del>Musical Instruments and Supplies Stores</del>	Included in 4511. Delete.
4512	Book, Periodical & Music Stores (excluding Adult Bookstores)	Name Correction
<del>45121</del>	<del>Book Store and News Dealers (Excluding Adult Bookstore)</del>	Included in 4512. Delete.
451220	Pre-recorded Tape, Compact Disc and Record Stores	Included in 4512. Delete.
4521	Department Stores	Name Correction
<del>452</del>	<del>General Merchandise Stores</del>	Included in 4521. Delete.
4522 - 4528	Reserved for future use	

4529	Other General Merchandise Stores	Name Correction
452910	Warehouse Club or Supercenter; in excess of 75,000 sq. ft. of GLA	Name Correction
4531	Florist	
4532	Office Supplies, Stationery and Gift Stores	
4533	Used Merchandise Stores	Name Correction
<del>45331</del>	<del>Antique Store (Used Merchandise Store) &amp; Secondhand Goods Sales</del>	Included in 4533. Delete.
-	<del>Flea Market</del>	Included in 4533 Used Merchandise Stores. This should be included in the special events ordinance. Staff recommends deletion.
4539	Other Miscellaneous Store Retailers	
45393	Manufactured (Mobile) Home Dealers	Leave as is?
<del>453998</del>	<del>All Other Miscellaneous Stores (except Tobacco Stores)</del>	Included in 4539. Delete.
<del>453920</del>	<del>Art Dealers</del>	Included in 4539. Delete.
<del>453991</del>	<del>Tobacco Stores</del>	Included in 4539. Delete.
<del>453910</del>	<del>Pet and Pet Supplies Stores</del>	Included in 4539. Delete.
-	Hay, Grain & Feed Sales	No such NAICS. Included in Pet & Pet Supplies. Delete.
453998	<del>Auction Sales (With outside auction activity, outside display or storage)</del>	Auction as a use is included in 4539 Other Misc. Store Retailers. Outside display & storage regulated by Article 26. Delete.
453998	<del>Auction Sales (Without outside auction activity, outside display or storage)</del>	Auction as a use is included in 4539 Other Misc. Store Retailers. Outside display & storage regulated by Article 26. Delete.
4541	Electronic Shopping and Mail Order Houses	
4542	Merchandise Vending Machine Operators	
4543	Direct Selling Establishments	See definition in Step One.
<del>45431</del>	<del>Fuel Dealers with above ground storage in excess of 10,000 gallons</del>	Included in 4543; delete.
<del>45431</del>	<del>Fuel Dealers with above ground storage of less than of 10,000 gallons</del>	Included in 4543; delete.

**STEP FOUR**

Once the arrangement of uses is acceptable, we will examine which districts each use is permitted in. Note that in the following table, only the districts that retail uses are currently permitted in are shown. Also, some items are **highlighted in red**, and cells are highlighted in **yellow**. These indicate specific questions (starting on page 24) which the Commission discussed. Reminder: in the table below, dots indicate “permitted by right,” S indicates “allowed with a special use permit,” T indicates “allowed as a temporary use,” XC” and “SC” indicate conditional uses allowed in the (CC) Corporate Commercial District.

NAICS	Types of Use	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
44111	New Car Dealers ( <i>Ord. No. 3421, 01/11/11</i> )								•	•	•	S	•	•
44112	Used Car Dealers ( <i>Ord. No. 3421, 01/11/11</i> )												S	•
44112	Used Car Dealers (indoors only or accessory to new car sales) ( <i>Ord. No. 3421, 01/11/11</i> )								•	•	•	S	•	•
4412	Other Motor Vehicle Dealers								S	S	S	S	S	S
4412	Other Motor Vehicle Dealers (indoors only)								•	•	•	S	•	•
441229	All Other Motor Vehicle Dealers								S	S	S	S	S	S
4413	Automotive Parts, Accessories & Tire Stores					•	•		•	•	•	•	•	•
4413	Automotive Parts, Accessories & Tire Stores, with on-site installation						S		•	•	•	•	•	•
4421	Furniture Stores					•	•	XC	•	•	•	•	•	•
4422	Home Furnishing Stores													
<del>442299</del>	<del>All Other Home Furnishings</del>				•	•	•	XC	•	•	•	•	•	•
<del>442299</del>	<del>Other Retail Furniture &amp; Home Furnishings, NEC.</del>					•	•	XC	•	•	•	•	•	•
4431	Electronics and Appliances Stores					•	•	XC	•	•	•	•	•	•

## Case No. 09-15ZT1 CZO Text Changes

NAICS	Types of Use	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
4441	Building Material and Supplies Dealers ( <i>up to 75,000 sq. ft.</i> )						S		•	•	•	S	•	•
4441	Building Material and Supplies Dealers in excess of 75,000 sq. ft.						S		S	S	S	S	S	S
<del>444130</del>	<del>Hardware Stores</del>					•	•	XC	•	•	•	•	•	•
<del>444190</del>	<del>Other Building Material Dealers</del>						S		•	•	•	•	•	•
<del>444120</del>	<del>Paint and Wallpaper Stores</del>					•	•	XC	•	•	•	•	•	•
4442	Lawn & Garden Equipment & Supplies						S		•	•	•	S	•	•
<del>4442</del>	<del>Lawn and Garden Equipment and Supplies Stores and Plant Nursery</del>					•	•		•	•	•	•	•	•
444220	Christmas Tree Sales	T	T	T	T	T	T	T	T	T	T	T	T	T
4451	Food or Grocery Store, Retail				•	•	•	XC	•	•	•	•	•	•
4452	Specialty Food Stores				•	•	•	XC	•	•	•	•	•	•
445310	Beer & Wine, Off-Premise Consumption (Ord. No. 2938; 10/19/04)				•	•	•	XC	•	•	•	•	•	•
	<i>Re-write above label to read as "Beer, Wine &amp; Liquor Stores (Ord. No. 2938, 10/19/04); Note: liquor sales for off-premise consumption are not allowed in Carrollton"</i>													
	Food or Beverage, Retail with Drive-Up, Drive-Thru or Drive-In Service (Ord. No. 2938; 10/19/04)						S	SC	S	S	S	S	S	•

Case No. 09-15ZT1 CZO Text Changes

NAICS	Types of Use	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
4461	Health & Personal Care Stores	A	A	A	•	•	•	XC	•	•	•	•	•	•
<del>446130</del>	<del>Optical Goods Stores</del>					•	•	XC	•	•	•	•	•	•
<del>44619</del>	<del>Other Health and Personal Care Stores</del>				•	•	•	XC	•	•	•	•	•	•
<del>446110</del>	<del>Pharmacies and Drug Stores</del>	A	A	A	•	•	•	XC	•	•	•	•	•	•
<del>446120</del>	<del>Cosmetics Beauty Supplies and Perfume Stores</del>				•	•	•	XC	•	•	•	•	•	•
4471	Gasoline Station						S	SC	S	S	S	S	S	•
4481	Clothing Stores					•	•	XC	•	•	•	•	•	•
<del>44819</del>	<del>Other Apparel &amp; Accessories, NEC.</del>					•	•	XC	•	•	•	•	•	•
4482	Shoe Stores					•	•	XC	•	•	•	•	•	•
4483	Jewelry, Luggage & Leather Goods Stores	A	A	A	•	•	•	XC	•	•	•	•	•	•
<del>448310</del>	<del>Jewelry Stores</del>	A	A	A	•	•	•	XC	•	•	•	•	•	•
<del>448320</del>	<del>Luggage &amp; Leather Goods</del>					•	•	XC	•	•	•	•	•	•
4484 - 4499	Reserved for future use													
4511	Sporting Goods, Hobby & Musical Instrument Stores					•	•	XC	•	•	•	•	•	•
<del>451120</del>	<del>Hobby, Toy and Game Stores</del>					•	•	XC	•	•	•	•	•	•
<del>45111</del>	<del>Sporting Goods Stores</del>					•	•	XC	•	•	•	•	•	•
<del>451140</del>	<del>Musical Instruments and Supplies Stores</del>				•	•	•	XC	•	•	•	•	•	•

Case No. 09-15ZT1 CZO Text Changes

NAICS	Types of Use	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
4512	Book, Periodical & Music Stores (excluding Adult Bookstores)	A	A	A	•	•	•	XC	•	•	•	•	•	•
<del>45121</del>	<del>Book Store and News Dealers (Excluding Adult Bookstore)</del>	A	A	A	•	•	•	XC	•	•	•	•	•	•
451220	Pre-recorded Tape, Compact Disc and Record Stores					•	•	XC	•	•	•	•	•	•
4521	Department Stores				•	•	•	XC	•	•	•	•	•	•
<del>452</del>	<del>General Merchandise Stores</del>				•	•	•	XC	•	•	•	•	•	•
4522 - 4528	Reserved for future use													
4529	Other General Merchandise Stores				•	•	•	XC	•	•	•	•	•	•
452910	Superstore or Warehouse Club in excess of 75,000 sq. ft. of GLA ( <i>Ord. No. 2773; 02/04/03</i> )						S	SC	S	S	S	S	S	S
4531	Florist	A	A	A	•	•	•	XC	•	•	•	•	•	•
4532	Office Supplies, Stationery and Gift Stores	A	A	A		•	•	XC	•	•	•	•	•	•
4533	Used Merchandise Stores					•	•	XC	•	•	•	•	•	•
<del>45331</del>	<del>Antique Store (Used Merchandise Store) &amp; Secondhand Goods Sales</del>					•	•	XC	•	•	•	•	•	•
	Flea Market												S	S

## Case No. 09-15ZT1 CZO Text Changes

NAICS	Types of Use	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
4539	Other Miscellaneous Store Retailers					•	•	XC	•	•	•	•	•	•
45393	<del>Manufactured (Mobile) Home Dealers</del>									•	•		•	•
<del>453998</del>	<del>All Other Miscellaneous Stores (except Tobacco Stores)</del>								•	•	•		•	•
453920	Art Dealers				•	•	•	XC	•	•	•	•	•	•
453991	<del>Tobacco Stores</del>				•	•	•	XC	•	•	•	•	•	•
453910	<del>Pet and Pet Supplies Stores</del>					•	•	XC	•	•	•	•	•	•
	<del>Hay, Grain &amp; Feed Sales</del>								•	•	•		•	•
453998	<del>Auction Sales (With outside auction activity, outside display or storage)</del>												•	•
453998	<del>Auction Sales (Without outside auction activity, outside display or storage)</del>								S	S	•		•	•
4541	Electronic Shopping and Mail Order Houses					•	•	XC	•	•	•	•	•	•
4542	Merchandise Vending Machine Operators					•	•		•	•	•	•	•	•
4543	Direct Selling Establishments													
45431	<del>Fuel Dealers with above ground storage in excess of 10,000 gallons</del>								S	S	S		S	S
45431	<del>Fuel Dealers with above ground storage of less than of 10,000 gallons</del>								•	•	•		•	•

### Specific Questions with Further Discussion

1. *Automotive Parts, Accessories & Tire Stores* (with no on-site installation) is currently allowed in the (LR-1) Local Retail District. Is this still appropriate? If “no,” can this use be combined with the next use (*Automotive Parts, Accessories & Tires Stores with on-site installation*)?

**Commission Recommendation:** delete this separate line item; combine with such stores having on-site installation.

2. *Home Furnishing Stores* is a new listed use, and is generally the retail sales of such items as window treatments, lamps, china, etc. As a new use, what districts should it be allowed in? Staff suggests the same districts as *Furniture Stores*.

**Commission Recommendation:** allow in same districts as Furniture Stores.

3. *Building Materials & Supplies Dealers* (**up to** 75,000 square feet) and *Building Materials & Supplies Dealers* (**over** 75,000 square feet) are substantially the same use, with very different “permissions” by zoning district. Can they be combined in some way, perhaps with a “blended” permissions list?

**Commission Recommendation:** delete the line item “over 75,000 square feet” in its entirety, remove the size limit from the remaining item and leave the “permissions” as is.

4. *Lawn & Garden Equipment & Supplies* and *Lawn and Garden Equipment and Supplies Stores and Plant Nursery* are identical uses (the difference apparently only the “plant nursery” use), with slightly different “permissions.” Staff is recommending that the second be deleted, as it is incorporated by the NAICS definition of the first. However, staff sees no real reason this use cannot be allowed “by right” in the (LR-2) Local Retail District as is currently the case.

**Commission Recommendation:** delete “Lawn and Garden Equipment and Supplies Stores and Plant Nursery” in its entirety, allow “Lawn & Garden Equipment & Supplies” in the (LR-2) Local Retail District in addition to the other districts it is currently permitted in.

5. *Christmas Tree Sales* are allowed in all zoning districts “by right” as a temporary use. This use is not defined in Article 34 Definitions. It is, however, included as in NAICS Code 454390 *Other Direct Selling Establishments*, which is newly proposed item in the land use matrix. Should *Christmas Tree Sales* be continued as a separate use?

**Commission Recommendation:** leave “Christmas Tree Sales” as is.

6. ~~*Specialty Food Stores, Semi Permanent or Open Air* is an attempt to create a more accurate, yet flexible definition for a “farmers market.” *Farmers Market* is currently listed (although not defined in Article 34 Definitions), and is currently allowed only in the (LC) Light Commercial and higher districts, and then only upon approval of an SUP.~~

~~Since the colloquial understanding of a true “farmers market” is that it would primarily sell fruits, vegetables, meats, etc. directly from the farmer to the consumer on a semi permanent (e.g. weekends) or seasonal (e.g. only during the growing season) basis, NAICS offers a couple of ways to address this need.~~

~~The first is to base the new definition on NAICS Code 4452 Specialty Food Stores, defined as follows:~~

~~This industry group comprises establishments primarily engaged in retailing specialized lines of food. (Note: this includes meat markets, bakeries, confectionaries, etc.).~~

~~The second is to base the new definition on NAICS Code 4543 Direct Selling Establishments, defined as follows:~~

~~This industry comprises establishments primarily engaged in non-store retailing (except electronic, mail-order, or vending machine sales). These establishments typically go to the customer’s location rather than the customer coming to them (e.g., door-to-door sales, home parties). Examples of establishments in this industry are home delivery newspaper routes; home delivery of heating oil, liquefied petroleum (LP) gas, and other fuels; locker meat providers; frozen food and freezer plan providers; coffee-break services providers; and bottled water or water softener services.~~

~~Using this as a basis seems less appropriate, as there is a clear implication of delivery to the customer’s home, which is not typically found in a farmers market.~~

~~Staff recommends considering the first definition, allowing it in the (LR-2) Local Retail District and higher upon approval of an SUP, and deleting the current *Farmers Market* item entirely. Adding a more detailed definition of *Specialty Food Store, Semi-Permanent or Open Air* to Article 34 Definitions might also be desirable.~~

~~Because “farmers markets” are proposed to be regulated under the “special events” regulations in another part of the Code of Ordinances, staff no longer sees the need to try to regulate it via the zoning ordinance.~~

**Commission Recommendation:** delete “Farmers Market” from the use chart.

7. *Food or Beverage, Retail with Drive-Up, Drive-Thru or Drive-In Service* and its corresponding Definition No. 145 in Article 34 Definitions reading:

Food or Beverage, Retail with Drive-Up, Drive-Thru, or Drive-In Service: Any establishment which provides the sale of food or beverages including alcoholic beverages for the purpose of off-premise consumption and includes the service of dispensing the food or beverage items through a window to a vehicle, bringing the items to the vehicle or allowing a vehicle to drive inside of the structure.

These are poorly written. Staff recommends re-writing these as follows:

Alcoholic Beverage Retail Sales Through Drive-Up, Drive-Thru or Drive-In Service.

Definition No. 14.1: Alcoholic Beverage Retail Sales with Drive-Up, Drive-Thru, or Drive-In Service: Any establishment selling alcoholic beverages for off-premise consumption through a window to a vehicle, bringing the items to the vehicle or allowing a vehicle to drive inside of the structure.

**Commission Recommendation:** re-write the listing as suggested, delete Definition No. 145; create a new Definition No. 14.1.

8. *Health and Personal Care Stores* is a new item in the table, taking the place of the next four items (Optical Goods Stores, Pharmacies & Drug Stores, Cosmetics, Beauty Supplies & Perfume Stores and Other Health & Personal Care Stores). Staff recommends that the “permissions” currently found for Pharmacies & Drug Stores be used for *Health & Personal Care Stores*.

**Commission Recommendation:** combine the four items into one, apply the “permissions” found for “Pharmacies & Drug Stores.”

9. *Jewelry, Luggage & Leather Goods Stores* is a new item in the table, taking the place of the next two items (Jewelry Stores and Luggage & Leather Goods). Staff recommends that the “permissions” currently found for Jewelry Stores be used for *Jewelry, Luggage & Leather Goods Stores*.

**Commission Recommendation:** combine the two items into one, apply the “permissions” found for “Jewelry Stores.”

10. *Sporting Goods, Hobby & Musical Instrument Stores* is a new item in the table, taking the place of the next three items (Hobby, Toy & Game Stores, Sporting Goods Stores and Musical Instruments & Supplies Stores). Staff recommends that the “permissions” currently found for Sporting Goods Stores be used for *Sporting Goods, Hobby & Musical Instrument Stores*.

**Commission Recommendation:** combine the three items into one; apply the “permissions” found for “Sporting Goods Stores.”

11. *Flea Markets* is included in the discussion of Specific Question No. 6, and may be replaced or deleted in accordance with the decisions made for Question No. 6.

Because “flea markets” are proposed to be regulated under the “special events” regulations in another part of the Code of Ordinances, this item may ultimately not be appropriate in either the land use matrix or the definition set.

**Commission Recommendation:** delete “Flea Market” from the use chart and the definition set.

12. *Other Miscellaneous Store Retailers* is a new item in the table, taking the place of the next 8 items (Manufactured (Mobile) Home Dealers, All Other Miscellaneous Stores (except Tobacco Stores), Art Dealers, Tobacco Stores, Pet & Pet Supplies Stores, Hay, Grain & Feed Sales and Auction Houses both with and without outdoor display and storage). Staff recommends that the “permissions” currently found for Pet & Pet Supplies Stores be used for *Other Miscellaneous Store Retailers*.

Note that this category includes “Manufactured (Mobile) Home Dealers.” Carrollton currently has no mobile home dealers, as they typically would require large tracts of low-value land adjacent to a major thoroughfare. Sites meeting these requirements no longer seem to be economically available in Carrollton.

With regard to Auction Houses, outdoor display and storage is already regulated by Article 26 Outdoor Display & Storage of the CZO. Since an “auction” is simply a particular method of determining the price for a good or service and an “auction house” can perform this function for any good or service, staff sees no value in singling this transaction method out.

**Commission Recommendation:** combine the eight items into one; apply the “permissions” found for “Pet & Pet Supplies Stores.” The Commission determined that a new retail mobile home sales lot did not seem to be a viable option in Carrollton any more. The Commission also determined that it was not necessary to single out “auction house” for special zoning.

13. *Direct Selling Establishments* is a new item in the table, taking the place of the next two items (Fuel Dealers with above ground storage both in excess of and less than 10,000 gallons). Staff recommends that the “permissions” currently found for Fuel Dealers with above-ground storage of less than 10,000 gallons be used for Direct Selling Establishments.

Note that the Fire Code contains extensive regulations for above-ground fuel storage tanks.

**Commission Recommendation:** combine the two items into one; apply the “permissions” found for “Fuel Dealers with Above Ground Storage Less Than 10,000 Gallons.”

Final Recommended Table for 3600 Retail Trade

NAICS	Types of Use	(IH)	(ALL SF-DETACHED DISTRICTS)	(ALL SF-ATTACHED DISTRICTS)	(D)	(ALL MF DISTRICTS)	(MHP)	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
44111	New Car Dealers														•	•	•	S	•	•
44112	Used Car Dealers																		S	•
44112	Used Car Dealers (indoors only or accessory to new car sales)														•	•	•	S	•	•
4412	Other Motor Vehicle Dealers														S	S	S	S	S	S
4412	Other Motor Vehicle Dealers (indoors only)														•	•	•	S	•	•
4413	Automotive Parts, Accessories & Tire Stores												S		•	•	•	•	•	•
4421	Furniture Stores											•	•	XC	•	•	•	•	•	•
4422	Home Furnishing Stores											•	•	XC	•	•	•	•	•	•
4431	Electronics and Appliances Stores											•	•	XC	•	•	•	•	•	•
4441	Building Material and Supplies Dealers												S		•	•	•	S	•	•
4442	Lawn & Garden Equipment & Supplies												•		•	•	•	S	•	•
444220	Christmas Tree Sales							T	T	T	T	T	T	T	T	T	T	T	T	T
4451	Food or Grocery Store, Retail										•	•	•	XC	•	•	•	•	•	•
4452	Specialty Food Stores										•	•	•	XC	•	•	•	•	•	•
445310	Beer & Wine & Liquore Store (note: liquor sales for off premise consumption not allowed in Carrollton)										•	•	•	XC	•	•	•	•	•	•
	Alcoholic Beverage Retail Sales Through Drive-Up, Drive-Thru or Drive-In Service.												S	SC	S	S	S	S	S	•
4461	Health & Personal Care Stores							A	A	A	•	•	•	XC	•	•	•	•	•	•
4471	Gasoline Station												S	SC	S	S	S	S	S	•

NAICS	Types of Use	(IH)	(ALL SF-DETACHED DISTRICTS)	(ALL SF-ATTACHED DISTRICTS)	(D)	(ALL MF DISTRICTS)	(MHP)	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
4481	Clothing Stores											•	•	XC	•	•	•	•	•	•
4482	Shoe Stores											•	•	XC	•	•	•	•	•	•
4483	Jewelry, Luggage & Leather Goods Stores							A	A	A	•	•	•	XC	•	•	•	•	•	•
4484 - 4499	Reserved for future use																			
4511	Sporting Goods, Hobby & Musical Instrument Stores											•	•	XC	•	•	•	•	•	•
4512	Book, Periodical & Music Stores (excluding Adult Bookstores)							A	A	A	•	•	•	XC	•	•	•	•	•	•
4521	Department Stores										•	•	•	XC	•	•	•	•	•	•
4522 - 4528	Reserved for future use																			
4529	Other General Merchandise Stores										•	•	•	XC	•	•	•	•	•	•
452910	Warehouse Club or Supercenter; in excess of 75,000 sq. ft. of GLA												S	SC	S	S	S	S	S	S
4531	Florist							A	A	A	•	•	•	XC	•	•	•	•	•	•
4532	Office Supplies, Stationery and Gift Stores							A	A	A		•	•	XC	•	•	•	•	•	•
4533	Used Merchandise Stores											•	•	XC	•	•	•	•	•	•
4539	Other Miscellaneous Store Retailers											•	•	XC	•	•	•	•	•	•
4541	Electronic Shopping and Mail Order Houses											•	•	XC	•	•	•	•	•	•
4542	Merchandise Vending Machine Operators											•	•		•	•	•	•	•	•
4543	Direct Selling Establishments														•	•	•		•	•

## Changes to Article 34 Definitions

In conjunction with the changes to Article 5 Use of Land, staff reviewed Article 34 Definitions and found the following terms. Since each of these terms is used in a particular Article for a particular use (example: this definition of “board” is only applicable to Article 32 Board of Adjustment, which is clear enough in context without having to define the word “board” later), is a common term easily understood (example: “shopping center”) or is defined by the NAICS (example: “hospital”).

If the Commission agrees that having our own definitions for the following words and terms is akin to “re-inventing the wheel,” staff recommends they be deleted from Article 34 Definitions.

1. Board
2. Bulk Storage Terminal
3. Cluster Development
4. Flea Market
5. Food or Beverage, Retail With Drive-Up, Drive-Thru, Or Drive-In Service
6. Garage, Storage
7. Health Club or Athletic Club
8. Hospital
9. Kennel
10. Pet Store
11. Plant Nursery
12. Retail Food Store
13. School, Trade or Commercial
14. Secondhand Store
15. Shopping Center
16. Teen Club
17. Veterinary Clinic

In accordance with the recommendation found in “Specific Questions with Further Discussion,” a new definition will be created as follows:

Definition No. 14.1: Alcoholic Beverage Retail Sales with Drive-Up, Drive-Thru, or Drive-In Service: Any establishment selling alcoholic beverages for off-premise consumption through a window to a vehicle, bringing the items to the vehicle or allowing a vehicle to drive inside of the structure.

## Changes to Article 24 Off-Street Parking

Staff recommends several changes to Article 24 Off Street Parking, as summarized below. A complete “markup” of Article 24 is attached to this report as Appendix A.

1. Modify the minimum parking requirements found in Section C (1) (see the table: additions are highlighted in **aqua**, deletions in **yellow**).
2. Modify the minimum off street stacking requirements found in Section C (2). Additions are highlighted in **aqua**, deletions in **yellow**.
3. Modify the minimum off-street loading requirements found in Section D (1). Additions are highlighted in **aqua**, deletions in **yellow**.
4. Modifications to the design dimensions for parking lot driveways to discourage overly-wide aisles and reduce traffic conflicts. Found in Section D (3) in a table. Additions are highlighted in **aqua**, deletions in **yellow**. The proposed changes simplify the table and provide a range of driving aisle widths *with a cap*. Currently aisles must be a minimum width, but there is no maximum.
5. Reword the first paragraph of Section D (3) to make it simpler and clearer.
6. ~~Consider allowing staff to approve a reduction in the minimum required parking in order to save significant existing trees and/or shrubs without the need for a parking study.~~

**Commission Recommendation on Item 6:** Ultimately the Commission recommended not to pursue this idea at this time, due to the difficulty in defining the various parameters to be considered.

**Excerpt from Approved Minutes  
Planning & Zoning Commission  
Meeting of September 3, 2015**

Public Hearing To Consider And Act On **An Ordinance That Amends The Text of Various Sections Of The Zoning Ordinance** To Amend, Add or Delete Definitions And Use Categories, And To Improve The General Organization Of The Amended Sections. The Sections To Be Amended Are Article V *Use of Land and Structures* And Article XXXIV *Definitions*. **Case No 09-15ZT1 CZO Text Changes**/City Of Carrollton. Case Coordinator: Christopher Barton.

Barton noted that the case was a City-initiated request to make various text amendments. He clarified that staff intended the item to be discussed only and recommended the Commission open the public hearing and continue it after discussion to the October 1<sup>st</sup> meeting. He explained that staff was trying to create a new retail section in the Land Use Matrix and pull all of the retail activities and businesses from various sections and put them all together and organize them correctly, delete duplicates and generally clean up and organize the retail items in the zoning ordinance.

Chair McAninch opened the public hearing; there being no speakers, she stated the public hearing would remain open and continued it to the October 1<sup>st</sup> meeting.

\* *Chadwick moved to continue Case No. 09-15ZT1 CZO Text Changes to the October 1, 2015 P & Z meeting; second by Averett and the motion was approved with a unanimous 9-0 vote.*

**Excerpt from Approved Minutes  
Planning & Zoning Commission  
Meeting of October 1, 2015**

Public Hearing To Consider And Act On An **Ordinance That Amends The Text of Various Sections Of The Zoning Ordinance** To Amend, Add or Delete Use Categories And To Improve The General Organization Of The Amended Sections, And To Make Amendments to Parking Requirements. The Sections To Be Amended Are Article V *Use of Land and Structures*, Article XXIV *Off-Street Parking* And Article XXXIV *Definitions*. **Case No 09-015ZT1 CZO Text Changes/City Of Carrollton**. Case Coordinator: Christopher Barton.

Barton presented the case noting it was a continuation from the previous meeting. He advised that he took notes of the Commission's discussion during the Worksession and staff would bring those back to the November meeting for consideration and action. He recommended the public hearing remain open and continue the case to the November 5, 2015 meeting. Chair McAninch invited speakers to the podium and noted there were none.

- \* *Chadwick moved to continue the public hearing to the November 5, 2015 meeting for the ordinance that amends the text of various sections of the Zoning Ordinance, Case No 09-015ZT1 CZO Text Changes; second by Kiser. The motion was approved with a unanimous 7-0 vote (Nesbit and Daniel-Nix absent).*

**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 5, 2015**

Public Hearing To Consider And Act On An **Ordinance That Amends The Text of Various Sections Of The Zoning Ordinance** To Amend, Add or Delete Use Categories And To Improve The General Organization Of The Amended Sections, And To Make Amendments to Parking Requirements. The Sections To Be Amended Are Article V *Use of Land and Structures*, Article XXIV *Off-Street Parking* And Article XXXIV *Definitions*. **Case No 09-015ZT1 CZO Text Changes/City Of Carrollton**. Case Coordinator: Christopher Barton.

Barton stated this was a continuation from the previous meeting and referred to the changes since the last discussion. He recommended approval of the changes. Discussion was held with regard to the requirement for an 18-wheeler dock bay. Barton stated the staff proposal was not to require it, but not to prohibit it either.

Chair McAninch noted that the public hearing was still open and invited speakers to the podium; there were no speakers. Chair McAninch closed the public hearing.

\* ***Chadwick moved to approve Case No 09-015ZT1 CZO Text Changes as presented; second by Averett and the motion was approved with a unanimous 8-0 vote (Romo absent).***

## **APPENDIX A**

### **“MARKUP” VERSION OF ARTICLE XXIV OFF-STREET PARKING**

**ARTICLE XXIV.  
OFF-STREET PARKING AND LOADING REGULATIONS**

**SECTION A. PURPOSE.**

1. It is the purpose of this Article to establish specific standards for the provision of off-street parking and loading space for every type of land use within the city of Carrollton.
2. It is the purpose of this Article to lessen congestion on public thoroughfares and reduce public safety hazards caused by a failure to provide adequate parking and loading spaces.
3. It is the purpose of this Article to facilitate the adequate and safe provision of transportation and expedite the movement of traffic on public thoroughfares through recognition that the provision of off-street parking and loading must be responsive to the diverse requirements of individual land uses.

**SECTION B. OFF-STREET PARKING AND LOADING SPACES REQUIRED.**

In all districts, for every use, there shall be provided at the time any building or structure is erected, enlarged or increased in capacity, or at the time any other use is established, off-street parking and loading spaces in accordance with the provisions specified herein.

Compliance with the requirements of this Article shall be considered a condition precedent to the receipt of a Certificate of Occupancy from the city of Carrollton for any use.

**SECTION C. OFF-STREET PARKING AND STACKING REQUIREMENTS.**

*(Section completely amended by Ord. No. 2275, 08/19/97 and by Ord. No. 2835, 07/01/03)*

In all zoning districts there shall be provided off-street parking space in accordance with the following requirements.

**1. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS:**

The classification of uses referred to herein shall be deemed to include and apply to all uses. However, if for any reason the use, for the purpose of determining the amount of off-street parking space to be provided for such use, is not classified hereunder nor in Article V of this ordinance, the City Manager or Designee shall determine if such proposed use is similar in nature to any other use listed hereunder or in Article V. If a similar use is identified, then the proposed use shall meet the minimum off-street parking requirements of such similar use. However, if no similar use is identified by the City Manager or Designee, an amendment to this Article may be requested to establish off-street parking requirements of such proposed use. Such amendment shall be processed in accordance with Article XXXI of this ordinance.

## ART. XXIV OFF STREET PARKING AND LOADING

Any appeal of the City Manager or Designee's interpretation as to the nature or type of use, for the purpose of determining the classification and applicability of the parking regulations prescribed hereunder for such use, shall be submitted to the Board of Adjustment for consideration in accordance with the provisions of Article XXXII of this ordinance.

At a minimum, off-street parking space shall be provided for such uses as follows. Some uses may require the provision of off-street vehicle stacking spaces. For uses denoted by (\*), reference Section C(2) of this Article.

Land Use	Minimum Spaces Required
<b>a. Residential</b>	
Apartment, tri-plex, four-plex	1.5 per dwelling unit
Studio/Efficiency	1.5 per dwelling unit
1 and 2 bedrooms	2 per dwelling unit
3 or more bedrooms	2 per dwelling unit plus .25 space for each bedroom over 2 bedrooms
Apartment, high rise (5 levels of residential units or more)	1.75 per dwelling unit
Hotels, motels, and membership lodgings	1.1 spaces per each guest suite
Mobile home	2 per lot or space
Residence hall, dormitory, rooming, or boarding house	1 per each guest suite
Single family detached dwelling (including mobile homes)	2 per dwelling unit
Single family attached dwelling, duplex, tri-plex, four-plex or townhouse	2 per dwelling unit plus 1 guest suite per 4 dwelling units
(Ord. No. 3235, 07/01/08)	

*ART. XXIV OFF STREET PARKING AND LOADING*

Land Use	Minimum Spaces Required
<b>b. Institutional</b>	
Adult day care or respite care center	1 per each 500 sq ft of floor area
<del>Assisted Living to Continuing Care Retirement</del>	0.5 per dwelling unit or suite
Church, synagogue, or temple without a private school	1 per each 40 sq ft in sanctuary including balconies
Church, synagogue, or temple <del>with</del> a private school	1 per each 40 sq ft in sanctuary including balconies or the applicable standard for each school use and each non-institutional use, whichever is greater
Cultural centers	1 per each 400 sq ft of floor area
Funeral home/Parlor/Mortuary	1 per each 75 sq ft of floor area plus 1 per vehicle maintained on the premises plus 1 per employee
Hospital	1 per bed
Kindergarten or child day care center	1 per 5 students
<del>Library</del>	<del>1 per each 225 sq ft of floor area</del>
<del>Mobile collection ctr; 2nd hand goods</del>	<del>2 spaces</del>
<del>Nursing home to Nursing Care Facility</del>	1 per each 3 beds
<del>Passenger terminal; landing or take-off field or facility</del>	<del>1 per each 200 sq ft of floor area, plus 1 per each on-site employee</del>
Place of assembly, dance hall, exhibition center, auditorium, or concert hall	1 per each 40 sq ft of assembly area
<del>Retirement / personal care home to Homes for the Elderly</del>	1.2 per dwelling unit or suite
Senior citizen center	1 per each 200 sq ft of floor area
School (elementary or middle)	1 per 400 sq ft of classroom area
School (high), college or university	1 per each 45 sq ft of classroom area
<del>Water or sewer treatment facility, telephone exchange or relay station, electrical generating plant, or similar utility uses</del>	<del>4, plus 1 per each 2 full-time employees on-site (max. on-duty day or night), plus applicable standard for each non-institutional use</del>
<del>Electrical substation &amp; communications, transmission, or relay tower, excluding amateur radio</del>	<del>1 space plus 1 per each 2 full-time employees on-site (max. on-duty day or night), plus applicable standard for each non-institutional use</del>

ART. XXIV OFF STREET PARKING AND LOADING

Land Use	Minimum Spaces Required
<b>c. Commercial</b>	
Automobile, farm implement, heavy machinery, marine & aircraft, motorcycle, and truck sales & leasing	1 per each 4,000 sq ft of site area, with a minimum of 5 spaces
<del>Auto repair shop and other repair services, general</del>	<del>1 per each 500 sq ft of floor area, plus the applicable standard for any office/retail</del>
<del>Broadcasting &amp; communication service, including radio, television, &amp; telegraph</del>	<del>1 per each 300 sq ft of floor area</del>
Commercial or trade school	1 per each 70 sq ft of classroom area
Equipment sales, <del>rental</del> and leasing services	1 per each 200 sq ft of floor area, plus 1 per each 1,000 sq ft of site area exclusive of buildings
<del>Farmers Market</del> ; Flea market; public market	1 per each 500 sq ft of floor area, plus 1 per each 1,000 sq ft of site area exclusive of buildings
Furniture or appliance store	1 per each 750 sq ft of floor area
<del>Gasoline filling station (no repair work performed on premises)</del>	<del>1 per each 250 sq ft of floor area, with a minimum of 4 spaces</del>
<del>Kiosk (no food sales or services)</del>	<del>4 spaces</del>
Lumber yard, building material, & hardware sales	1 per each 250 sq ft of floor area plus 1 per each 1,000 sq ft of wholesale or storage area
Medical or dental clinic	1 per each 225 sq ft of floor area
Mini-storage warehouse	1 per each 20 storage lockers or stalls, with a minimum of 4 spaces
Mobile <del>collection</del> /redemption center	2 spaces
Office, <del>bank, savings &amp; loans, or other</del> financial institution	<del>0 to 200,000 100,000 sq ft. 1 per each 350</del> <del>400 sq ft of floor area, with a minimum of 4 spaces.</del>
	<del>More than 200,000 100,000 sq ft.; 1 per each 450 sq ft plus 127 spaces</del>
Other commercial services not otherwise listed	1 per each 500 sq ft of floor area
Plant nursery or garden shop	1 per each 200 sq ft of floor area plus 1 per each 2,000 sq ft of site area used for storage or display
<del>Auto Repair</del> ; Quick lube facility	2 per service bay
(Ord. No. 3235, 07/01/08)	

*ART. XXIV OFF STREET PARKING AND LOADING*

Land Use	Minimum Spaces Required
<b>c. Commercial</b>	
Restaurant, Full Service <del>(stand alone)</del>	1 per each 125 sq ft of floor area
Restaurant, Limited Service <del>(stand alone)</del>	1 per each 150 sq ft of floor area with a minimum of 4 spaces
Snow cone stand in a portable building	4 spaces, plus 1 space for every two employees (maximum on duty at day or night)
Retail, <del>convenience store with gasoline station</del> ; multiple use shopping center, <del>grocery store, personal business, or professional service or use, general</del>	0 to 50,000 sq ft of total building floor area: 1 per each 250 sq ft of floor area <del>(all uses calculated at applicable standard).</del>  More than 50,000 sq ft of total building floor area: 1 space for each 300 sq ft of floor area <b>with a maximum parking of 1 space for each 250 sq ft of floor area.</b>  <del>Any freestanding building must provide their required parking for that use.</del>
Unmanned equipment buildings/cellular/PCS tower	0 space
<i>(Ord. No. 3235, 07/01/08, Ord. No. 3421, 01/11/11, Ord. 3439, 05/03/11)</i>	

ART. XXIV OFF STREET PARKING AND LOADING

Land Use	Minimum Spaces Required
<b>d. Recreation and Amusements</b>	
Bowling alley	3.5 per each lane or alley
Indoor cheerleading, tumbling, gymnastics, soccer, trampoline/jumping no tourneys or bleachers	1 per 300 sq. ft.
Indoor cheerleading, tumbling, gymnastics, trampoline/jumping with tourneys or bleachers	1 per 175 sq. ft.
Public/ <del>private</del> Community swimming pool/ <del>club</del>	1 per each 75 sq ft of deck and water surface area
Public/ Community <del>private</del> tennis courts / <del>club</del>	2 per court
<del>Community recreation center</del>	<del>1 per each 175 sq ft of floor area</del>
Fraternal organization/lodge or Community recreation center	1 per each 200 sq ft of floor area
Golf Course (private or public)	5 per each green plus applicable standards for each non-residential use
Golf driving range	1 per each driving station or tee box
<del>Health club or teen club</del> Fitness & Recreational Sports Center	1 per each <del>125</del> 200 sq ft of floor area
Motion picture theater	1 per each 3.5 seats
Neighborhood amenity center	5% of total number of dwelling units in the development with a minimum of 4 spaces
Other indoor recreation or amusement uses or activities not listed herein	1 per each <del>125</del> 150 sq ft of activity area
Other outdoor recreation or amusement uses or activities not listed herein	1 per each 3,000 sq ft of activity area
<del>Public riding stalls</del>	<del>1 per each 2 stalls</del>
Stadium, sports arenas, and <del>gymnasiums</del>	1 per each 4 seats (bench seats, 1 per 8 feet)
<del>Travel trailer or RV park</del> (Ord. No. 3235, 07/01/08)	<del>1 per RV space or stall</del>

*ART. XXIV OFF STREET PARKING AND LOADING*

Land Use	Minimum Spaces Required
<b>e. Industrial</b>	
Dead storage facility	1 per each 10,000 sq ft of storage area, plus applicable standards for each non-storage use, with a minimum of 4.
Call center	1 per each 150 sq ft of floor area
Manufacturing, assembly, fabrication and internet retail distribution	1 per each 1,000 sq ft of manufacturing, assembly, fabrication, or distribution space, or 1 per each 2 employees (maximum on-duty day or night), whichever is greater, plus the applicable standards for each non-assembly, non-manufacturing, non-fabrication, or non-distribution use, with a minimum of 4.
Material recycling center	1 per each 1,000 sq ft of processing space, excluding outside storage areas; or plus 1 per each 2 employees (maximum on-duty day or night), whichever is greater; plus applicable standards for each non-processing use, with a minimum of 4.
Warehousing and wholesaling services	0 to 100,000 sq ft of total warehouse area: 1 per each 2,500 sq ft.  More than 100,000 sq ft of total warehouse area: 20 spaces plus 1 space for each 5,000 sq ft of warehouse area.
<i>(Ord. No. 3235, 07/01/08)</i>	

*ART. XXIV OFF STREET PARKING AND LOADING*

2. SCHEDULE OF OFF-STREET STACKING REQUIREMENTS:

Off-street vehicle stacking spaces shall be provided, at a minimum, in accordance with the following schedule. Vehicle stacking space shall mean a paved area of not less than eight (8) feet in width nor less than twenty-two (22) feet in length (Exception: A stacking space for a gasoline service pump island shall be a minimum of thirty (30) feet in length), constructed in accordance with the applicable standards of the city of Carrollton.

No off-street vehicle stacking shall be permitted within a designated fire lane. Areas designated to satisfy the requirements for off-street stacking spaces shall not be permitted to encroach upon or occupy a fire lane, maneuvering aisle, or parking space. (*Ord. No. 1557, 07/11/89*)

a. Automobile Quick Lube Facility:

One (1) space in the service bay, plus ~~three (3)~~ **two (2)** additional stacking spaces for each service bay;

b. Car Wash:

Full Service: One (1) space at each vacuum or pump station, plus four (4) additional stacking spaces for each vacuum or gas pump lane; (*Ord. No. 2835, 07/01/03*)

Self-Service (Drive-Thru/Automated): One (1) space in the wash bay, plus three (3) additional stacking spaces for each wash bay;

Self-Service (Open Bay): One (1) space per bay, plus two (2) additional stacking spaces for each vacuum or wash bay;

Vehicle Drying Area:

Full Service: Ten (10) spaces per car wash, located at the exit of the wash bay;

Self-Service: One (1) space per wash bay.

c. Financial Institution:

~~One (1) space at each drive-up service window or station, plus six (6) additional stacking spaces for each service lane where there are two or less service lanes; (*Ord. No. 3331, 10/06/09*)~~

One (1) space at each drive-up service window or station, plus four (4) additional stacking spaces for each service lane **when there are three or more service lanes.** (*Ord. No. 3331, 10/06/09*)

Drive-up Automated Teller Machine (ATM): One (1) space at each automated drive-up teller machine (ATM), plus ~~one (1)~~ **two (2)** additional stacking space for each station. (*Ord. No. 2666, 03/05/02; Ord. No. 3331, 10/06/09*)

*ART. XXIV OFF STREET PARKING AND LOADING*

- d. Kiosk, Food Sales or Service; Snow Cone Stand in a Portable Building:

One (1) space at each drive-up service window, plus five (5) additional stacking spaces for each window; (*Ord. No. 1714, 06/18/91, Ord. No.3439, 05/03/11*)

- e. ~~Kiosk, No Food Sales or Service:~~

~~One (1) space at each drive-up service window, plus one (1) additional stacking space for each window;~~

- f. Kindergarten and Day Care Center:

1. Fifty percent (50%) of the required parking spaces shall be located adjacent to the main entrance of the kindergarten or day care center and situated such that children will not be required to cross a fire lane, driveway, or any other point of vehicular travel to enter the building or facility; and
2. A sidewalk, with a minimum width of six (6) feet excluding vehicular overhang, shall be provided adjacent to the parking spaces between the building and parking spaces.

- g. Retail Uses with Drive-Up Facilities:

One (1) space for each drive-up window, plus two (2) additional stacking spaces for each window;

- h. Restaurant, with a Drive-Through Window: (*Ord. No. 3421, 01/11/11, Ord. No. 3465, 12/06/11*)

One (1) space for each drive-up window, plus five (5) additional stacking spaces ~~for each service lane where there is one service lane.~~ (*Ord. No. 3331, 10/06/09*)

~~One (1) space for each drive-up window, plus three (3) additional stacking spaces for each service lane where there are two or more service lanes. (*Ord. No. 3331, 10/06/09*)~~

- i. Gasoline service pump islands:

One (1) space not less than eight (8) feet in width nor less than thirty (30) feet in length per side at each fuel dispensing station. (*Ord. No. 1641, 07/17/90; Ord. No. 2835, 07/01/03*)

## ART. XXIV OFF STREET PARKING AND LOADING

### 3. DESIGN STANDARDS OF OFF-STREET PARKING SPACES:

All off-street parking areas and spaces shall be designed and constructed in accordance with the following requirements:

- a. All off-street parking areas and spaces shall be designed and constructed so as to have free ingress and egress to a public thoroughfare during operating hours.
- b. All maneuvering for off-street parking shall be accomplished on private property, except in the case of one- and two-family dwelling units.
- c. *Tandem parking for multi-family residential developments shall not be allowed in order to meet minimum parking requirements.*
- d. Minimum Dimensions for Off-Street Parking Areas:
  1. Minimum dimensions for off-street parking spaces and maneuvering aisles shall be determined by the application of the parking dimension matrix as shown in Figure 1 of this Article. ~~Small car parking spaces, whether provided to satisfy the minimum parking requirements of this ordinance or to provide excess or overflow parking, shall not be permitted.~~ (Ord. No. 1557, 07/11/89)
  2. Regardless of the application of Figure 1 of this Article, whenever a maneuvering aisle acts as the fire lane, as may be designated and approved by the City Manager or Designee, such maneuvering aisle shall have a width not less than that required by the Fire Code of the city of Carrollton.
- e. All parking lots and garages serving nonresidential uses shall be provided with a concrete or masonry ~~inner~~ curb *placed a minimum of two feet from any adjacent property line or any required landscape buffer (see Article XXV.)* or free-standing wheel stop to separate the parking area from public right of way. ~~The wheel stop shall be set back from the property line so that no part of a vehicle shall extend onto public property, streets, or sidewalks. Such wheel stop curbs shall be a minimum of six (6) inches in width and six (6) inches in height, and shall be permanently and securely anchored to the pavement. The property owner shall replace any damaged, missing, or unanchored curbs or wheel stops as necessary, or as may be required by the City Manager or Designee.~~  
(Ord. No. 2835, 07/01/03)
- f. ~~To ensure the utility of sidewalks which are located within a parking lot or garage serving nonresidential uses, wheel stops shall be required, and shall be located not closer than two (2) feet to such internal sidewalk in order to provide sufficient space to accommodate pedestrians and vehicular overhang. Where such internal sidewalk shall be is at least six (6) feet in width, wheel stops shall not be required.~~  
(Ord. No. 1557, 07/11/89)

*ART. XXIV OFF STREET PARKING AND LOADING*

~~Internal curbs and wheel stops shall be concrete or masonry barrier type curbs, not less than six (6) inches in height nor less than six (6) inches in width. Internal curbs and wheel stops shall be continuously poured in place or shall be attached to the pavement to prevent movement. Painting of this internal curbing may be required by the City Manager or Designee in order to prevent traffic hazards. (Ord. No. 2835, 07/01/03)~~

- g. The City Manager or Designee may require the placement of curbs or free-standing wheel stops in specific locations as needed to correct existing problems caused by vehicular overhang onto right-of-way, streets or sidewalks.
- h. Except for single-family, duplex and townhouse dwellings, parking stalls and spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers or other approved methods. ~~Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous identification of the space or stall.~~

# ART. XXIV OFF STREET PARKING AND LOADING

FULL SIZE CAR PARKING DIMENSIONS  
NOTE: NO SMALL CAR PARKING SPACES PERMITTED

Parking Angle (A)	Stall Width (B)	Stall Depth (C)	Min. Aisle Width One-Way (D)	Min. Aisle Width Two-way (D)	Aisle Length Per Stall (E)	Module Width One-Way (F)	Module Width Two-Way (F)	Reduction Per Interlock (G)	Curb Overhang (H)
Parallel	8.0 9.0	8.0 9.0	12.0 11.0	20.0 20.0	22.0 22.0	28.0 30.0	36.0 38.0	N/A N/A	0.0 0.0
20	9.0	12.3	11.0 – 13.0	20.0 – 24.0	26.3	35.5 35.6-37.6	44.5 44.6-48.6	2.1	0.7
30	9.0	14.6	11.0 – 13.0	20.0 – 24.0	18.0	40.3 40.2-42.2	49.3 49.2-53.2	1.9	1.0
45	9.0-10.0 9.5 10.0	17.3 17.3 17.3	12.0 11.5 11.0 11.0 – 13.0	20.0 – 22.0 20.0 20.0	12.7-14.1 13.4 14.1	46.7 46.2 45.7 45.6-47.6	54.7 54.7 54.7 54.6-56.6	1.6 1.7 1.8	1.4 1.4 1.4
50	9.0-10.0 9.5 10.0	18.0 18.0 18.0	13.0 12.5 12.0 12.0 – 14.0	20.0 – 22.0 20.0 20.0	14.0-15.6 14.8 15.6	48.9 48.4 47.9 48.0-50.0	55.9 55.9 55.9 56.0-58.0	1.4 1.5 1.6	1.5 1.5 1.5
60	9.0-10.0 9.5 10.0	18.8 18.8 18.8	16.0 15.5 15.0 15.0 – 17.0	20.0 – 22.0 20.0 20.0	10.4-11.5 11.0 11.5	53.7 53.2 52.7 52.6-54.6	57.7 57.7 57.7 57.6-59.6	1.1 1.2 1.3	1.7 1.7 1.7
75	9.0-10.0 9.5 10.0	19.1 19.1 19.1	23.0 22.5 22.0 22.0 – 24.0	23.0 22.5 22.0 22.0 – 24.0	9.3-10.3 9.8 10.3	61.1 60.6 60.1 60.2-62.2	61.1 60.6 60.1 60.2-62.2	0.6 0.6 0.6	1.9 1.9 1.9
90	9.0-10.0 9.5 10.0	18.0-20.0 18.0 18.0	24.0 23.5 23.0 24.0 – 25.0	24.0 23.5 23.0 24.0 – 25.0	9.0-10.0 9.5 10.0	NA N/A N/A	60.0-65.0 59.5 59.0	0.0 0.0 0.0	2.0 2.0 2.0

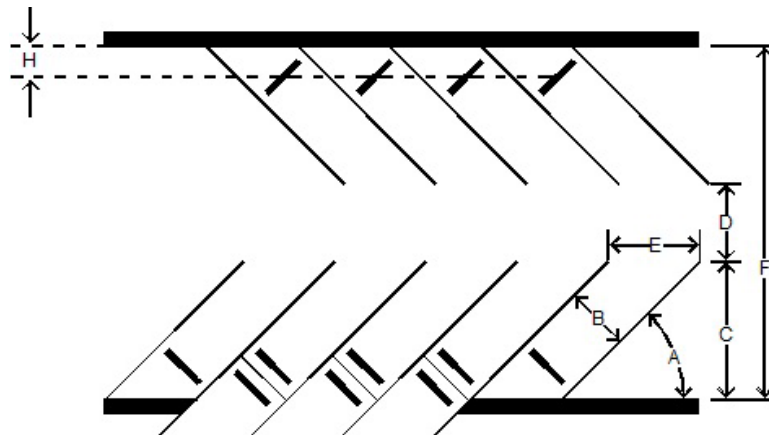
Angles in Degrees; all other dimensions in feet  
See Figure 1 for Dimension Location

\* Where aisle is a fire lane, it shall have a width as required by the city's engineering standards

\*\* Vehicles cannot overhang internal sidewalks of less than six (6) feet in width, or any public street sidewalk or right-of-way.  
(Reference Section C(3)(d) and (e)) (Ord. No. 1557, 07/11/89)

ART. XXIV OFF STREET PARKING AND LOADING

FIGURE 1



ART. XXIV OFF STREET PARKING AND LOADING

SECTION D. OFF-STREET LOADING REQUIREMENTS.

(Section completely amended, Ord. No. 2275, 08/19/97 and by Ord. No. 2835, 07/01/03)

If Non-residential uses shall provide and maintain off-street loading facilities, on the same lot as such non-residential use, they shall be in accordance with the following requirements. Such off-street loading facilities shall be located adjacent to a public way or private service drive.

All maneuvering for off-street loading areas shall be accomplished on private property.

No off-street truck loading space shall be permitted within a designated fire lane. Areas designated to satisfy the requirements for off-street truck loading space shall not be permitted to encroach upon or occupy a fire lane, maneuvering aisle, or parking space.

1. SCHEDULE OF OFF-STREET LOADING SPACE REQUIREMENTS:

Any non residential shall be provided with off street truck loading or unloading spaces in accordance with the following schedules.

No off-street truck loading space shall be permitted within a designated fire lane. Areas designated to satisfy the requirements for off-street truck loading space shall not be permitted to encroach upon or occupy a fire lane, maneuvering aisle, or parking space.  
(Ord. No. 2835, 07/01/03)

a. Retail and Commercial uses:

Square Feet of Gross Floor Area	Minimum Required Number of Spaces	Minimum Large Truck Spaces	Minimum Additional Medium or Large Truck Spaces	Maximum Small Truck Spaces
10,000 to 40,000	1	1	1	1
40,001 to 100,000	2	1	1	1
100,001 to 160,000	3	1	2	1
160,001 to 240,000	4	1	2	1
240,001 to 320,000	5	1	2	2
320,001 to 400,000	6	1	3	2
400,001 to 490,000	7	1	3	3
490,001 to 580,000	8	1	3	4
580,001 to 670,000	9	1	4	4
670,001 to 760,000	10	1	4	5
760,001 to 850,000	11	1	5	5
For each additional 90,000 over 850,000	1	1	1	1

## ART. XXIV OFF STREET PARKING AND LOADING

b. Institutional, Restaurant, Office, Service, Hotel, Warehouse, Manufacturing, Assembly, Wholesale, Superstore or Warehouse Club, Transportation and Utilities Uses.

Square Feet of Gross Floor Area	Minimum Required Number of Spaces	Minimum Large Truck Spaces	Minimum Additional Medium or Large Truck Spaces	Maximum Small Truck Spaces
40,000 to 150,000	1	1	1	1
150,001 to 400,000	2	1	1	1
400,001 to 660,000	3	1	2	1
660,001 to 970,000	4	1	2	1
970,001 to 1,300,000	5	1	2	2
1,300,001 to 1,630,000	6	1	3	2
1,630,001 to 1,960,000	7	1	3	3
1,960,001 to 2,300,000	8	1	3	4
2,300,001 to 2,650,000	9	1	4	4
2,650,001 to 3,000,000	10	1	4	5
3,000,001 to 3,350,000	11	1	5	5
For each additional 350,000 over 3,350,000	1	1	1	1

c. The City Manager or Designee shall determine the off street loading requirements for a use not specified, based on the most similar use listed in the above schedule or using certified service/goods handling data for the specific use.  
(Ord. No. 2835, 07/01/03)

d. In determining the type of spaces and the required number of loading spaces, fractional berths are counted to the nearest whole number, with one half counted as an additional berth.  
(Ord. 1705, 05/07/91)

### 2. APRON, DOCK, AND SPACE DESIGN STANDARDS:

- Apron, loading dock and loading space design standards shall be as shown in Figures 2 a, 2 b and 2 c of this Section. Apron size requirements shall be as shown in Figure 2 a of this Section.
- Where a side loading space is to be utilized, such berth shall be provided in accordance with the standards shown in Figure 2 b of this Section.
- Ingress to, and egress from required off-street loading spaces must have at least the same unobstructed vertical height clearance as the largest required off-street loading spaces.  
(Ord. No. 1705, 05/07/91)

ART. XXIV OFF STREET PARKING AND LOADING

3. **PARKING AREAS** IN FRONT OF LOADING DOCKS AND DOORS:

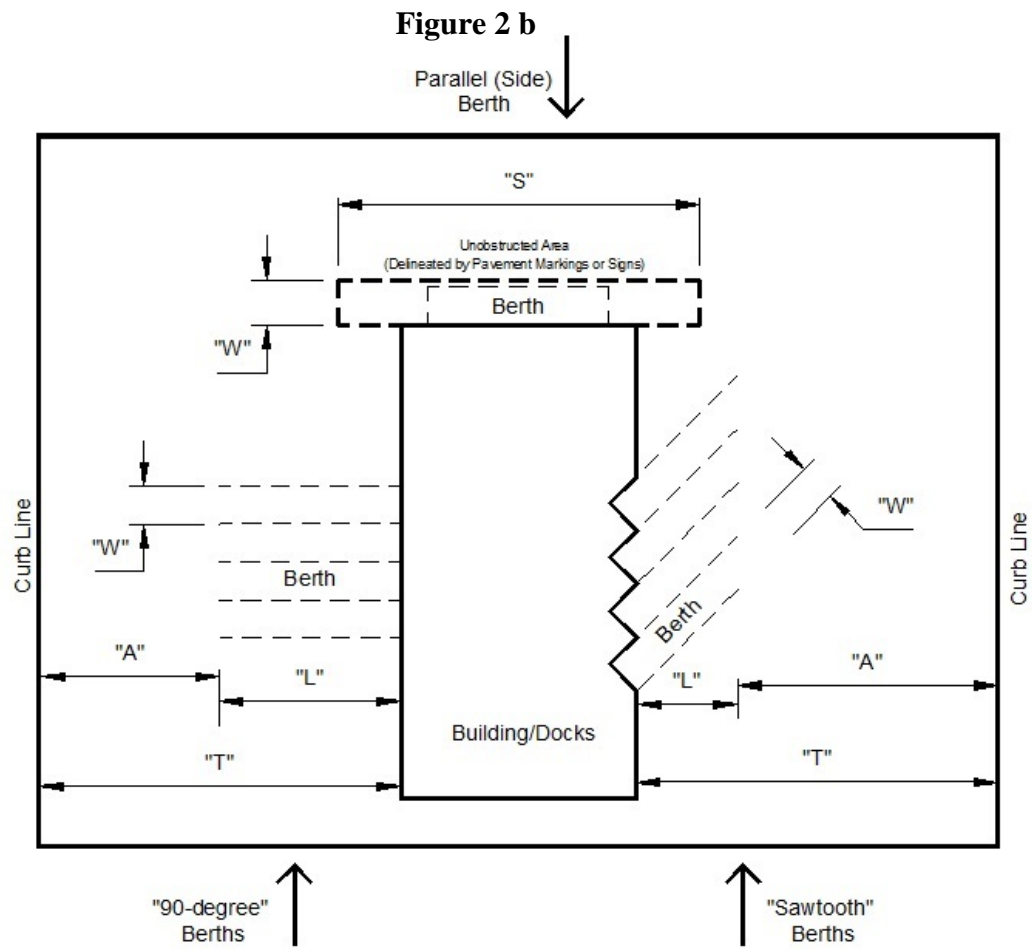
~~Areas in front of loading docks, freight or maintenance bay doors, garage doors or other similar facilities shall not be considered toward satisfying the off street parking requirements as provided in Section C (1) of this Article. Parking spaces, fire lanes, driving aisles or similar shall be prohibited in the loading space area unless such the loading docks, freight or maintenance bay doors, garage doors or other similar facilities etc. are permanently sealed or altered so as to prohibit prevent loading access through such doors or facilities.~~

**FIGURE 2 a**

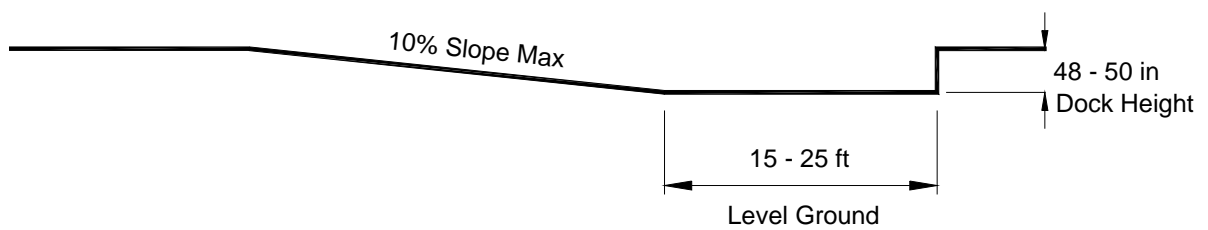
LOADING APRON AND DOCK DIMENSIONS

TRUCK SIZE	DOCK ANGLE	CLEARANCE IN FEET (L)	BERTH WIDTH IN FEET (W)	APRON IN FEET (A)	TOTAL OFFSET IN FEET (T)
LARGE (75 FT.)	90°	75	12	67	142
	60°	61	12	51	112
	45°	48	12	40	88
MEDIUM (35 FT.)	90°	35	12	43	78
	60°	32	12	31	63
	45°	26	12	25	51
SMALL (20 FT.)	90°	20	10	32	52
	60°	18	10	24	42
	45°	17	10	20	37

**See drawings on next page for dimension details and design layout.**



**Figure 2 c**  
Apron Cross Section



## *ART. XXIV OFF STREET PARKING AND LOADING*

### **4. SETBACK REQUIREMENTS:**

To facilitate the safe and efficient movement of traffic on public streets, the minimum setback requirements for off-street loading facilities shall be as follows. Where special requirements for off-street loading areas have been established within certain zoning districts, the more restrictive requirements shall apply.

- a. All loading areas, freight docks, truck spaces or truck parking areas, truck repair, service, wash and maintenance bays, truck garages or garage doors, or any other similar loading or truck facility shall not be located closer to the right-of-way line of the street or streets upon which such facilities are accessed than the distance specified in the apron design standards.  
(Reference Figure 3.3, Appendix A)
- b. All loading areas, freight docks, truck spaces or truck parking areas, vehicle repair, service, wash and maintenance bays, garages or garage doors, or any other similar facility for any type of vehicle shall be screened from any adjacent residentially zoned property in accordance with the provisions established in Article XXV of this ordinance.  
(*Ord. No. 1705, 05/07/91*)

### **SECTION E. CONSTRUCTION STANDARDS.**

(*Section completely amended, Ord. No. 2275, 08/19/97*)

1. All off-street parking and loading areas, maneuvering aisles, and access ways to any required off-street parking or loading areas, in all zoning districts, shall be paved in accordance with the standards prescribed by the city of Carrollton.  
(*Ord. No. 1947, 10/19/93*)

**SECTION F. REDUCTION OF OFF-STREET PARKING REQUIREMENTS.**

*(Section completely amended, Ord. No. 3235, 07/01/08)*

**1. JOINT PARKING AREA**

Uses may join in establishing a ~~joint~~ *shared* parking area where it can be demonstrated to the City Manager or Designee that parking for two (2) or more specific uses occurs at alternating time periods. Such ~~joint~~ parking area shall be established in accordance with the following procedure

- a. The applicant shall submit a parking analysis with 2 or more examples to the City Manager or Designee.
- b. The parking analysis shall be reviewed by the City Manager or Designee.
- c. The City Manager or Designee shall act upon such request to deny, approve, or approve with modifications as may be appropriate, the parking or stacking ratio requirements.  
*(Ord. No. 3331, 10/06/09)*
- d. If approved, such joint parking area shall be permissible only in conjunction with those uses specifically analyzed as part of the initial request. Upon cessation of one of the uses approved in the original request, the rights of the remaining use to utilize the joint parking shall continue.
- e. Upon commencement of a new use in place of the originally approved use, a reassessment of the joint parking area shall be initiated by the owner or operator of such new use, and shall be considered in the same manner as described above. No Certificate of Occupancy shall be issued by the city for the new use until either:
  - i. The joint parking area is reapproved by the City Manager or Designee, or
  - ii. Additional parking is approved for the new use in accordance with all applicable provisions of this Article.
- f. If denied, a written request by the applicant may be submitted to the Urban Development Department within ten (10) days of the date of the decision and shall be scheduled for a public hearing before the Planning and Zoning Commission for final action.
- g. Approval of a joint parking area shall not be construed as, nor constitute, a variance from, reduction of, or modification or exception to any other provision or requirement of this ordinance in any other applicable code or ordinance of the city of Carrollton.

2. REDUCTION OF PARKING OR STACKING PROVISIONS

Parking or stacking requirements for individual uses may be altered from the prescribed ratios listed in the applicable provisions of this Article by demonstrating to the City Manager or Designee that such revised ratio satisfies the intention of Section A of this Article. The procedure to modify the parking ratios is as follows:

- a. The applicant shall submit a parking analysis with 2 or more specific examples to the City Manager or Designee.
- b. The parking analysis shall be reviewed by the City Manager or Designee.
- c. The City Manager or Designee shall act upon such request to deny, approve, or approve with modifications as may be appropriate, the parking or stacking ratio requirements.
- d. If approved, such parking ratio is applicable to only the specific use for which the request was submitted. The city wide rate will not be altered by such study.
- e. If denied, a written request by the applicant may be submitted to the Urban Development Department within ten (10) days of the date of the decision and shall be scheduled for a public hearing before the Planning and Zoning Commission for final action.

*ART. XXIV OFF STREET PARKING AND LOADING*

**SECTION G. MISCELLANEOUS REQUIREMENTS.**

*(Section completely amended, Ord. No. 2275, 08/19/97 and by Ord. No. 2835, 07/01/03)*

The following provisions shall be applicable to all off-street parking and loading areas.

1. CONFLICTS:

Where such provisions are in conflict with the requirements of Chapter 53 of the Carrollton Code of Ordinances, otherwise known as the Traffic Code, or are in conflict with special off-street parking or loading requirements which have been established within certain zoning districts of this ordinance, then the more restrictive requirements shall apply.

*(Ord. No. 1947, 10/19/93)*

2. GENERAL PROVISIONS:

a. Off-street parking facilities shall be provided on the lot or tract occupied by the main use, or upon a lot or tract of land dedicated to parking use by an instrument filed for record, provided that such arrangement is in accordance with the schedule of allowable uses in the district in which it is located. Off-site parking facilities shall be located as provided in Article V, Section C(1500) automobile parking of this ordinance. Distance shall be measured in a straight line, without regard to intervening structures, between the nearest property line of the main use and the nearest property line of the lot or parcel upon which the parking facility is located. *(Ord. No. 1986, 05/17/94)*

b. In determining the required number of off-street parking and loading spaces, fractional spaces shall be counted to the nearest whole space.

c. No parking space located on a public street or alley may be included in the calculation of the required off-street parking requirements.

d. Floor area of a structure devoted to off-street parking of vehicles or loading spaces shall be excluded in computing the floor area for off-street parking requirements of the structure.

3. VEHICLE STORAGE AND DISPLAY:

a. Off-street parking areas shall be used for passenger vehicles only, and in no case shall such areas be used for sales, repair work, storage, display, dismantling or servicing of any vehicles, equipment, materials or supplies.

b. Any area utilized for the storage of vehicles in connection with a motor vehicle repair establishment shall be screened from the view of any adjacent public street by a solid, opaque wall or fence of not less than six (6) feet in height, measured at the highest finished grade.

*ART. XXIV OFF STREET PARKING AND LOADING*

4. COMBINATION OF USES:

- a. Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use except where specified by this ordinance.  
*(Ord. No. 2835, 07/01/03)*
- b. Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the off-street parking requirements for the particular use.

5. PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES:

The parking, stopping and/or storage of recreational vehicles, travel trailers, boats, boat trailers and commercial vehicles shall be regulated in accordance with Chapter 53 of the Carrollton Code of Ordinances, otherwise known as the Traffic Code.  
*(Ord. No. 1947, 10/19/93)*

6. ACCESS TO PUBLIC ALLEYS:

Driveways and parking areas which serve any commercial, multi-family, or institutional service, any public recreation or community center, or any public tennis court or swimming facility shall not access any public alley which also serves residentially zoned property.  
*(Ord. No. 1641, 07/17/90)*

7. ENCUMBERED RIGHT-OF-WAY:

Where an agreement has been entered into by the city whereby any independent school district is granted a right to temporarily encumber public right-of-way with parking spaces, such spaces shall be counted toward meeting the applicable off-street parking requirements of this Article until such time as the city determines a need to use the right-of-way. Where the city determines a need to use the encumbered right-of-way, the right of the school district to use such parking shall cease. In such event, the independent school district shall still be required to meet the applicable off-street parking requirements of this Article, and shall bear the cost of providing such parking.  
*(Ord. No. 1705, 05/07/91)*

ART. XXIV OFF STREET PARKING AND LOADING

8. REQUIRED PARKING LOCATED ON A LOT SEPARATE FROM THE MAIN USE  
(Ord. No. 2866, 12/16/03)

Required parking for a use may be located on a separate lot ~~from the main use~~ upon approval of a parking agreement by the City Manager or Designee, *provided however that said parking is not the principal use on the separate lot.* Such parking agreement shall be established in accordance with the following provisions:

- a. The property owner or authorized agent shall submit an application for a Miscellaneous Development upon forms prescribed by the city of Carrollton and reviewed by the City Manager or Designee.
- b. The application shall contain a site plan, a list of the uses located on both lots and their required parking information and/or other information required by the City Manager or Designee.
- c. ~~The proposed parking located on the lot separate from the main use must be in excess of the required parking for the use located on that specific lot.~~ *The separate lot must have parking in excess of what is required for its uses.*
- d. If approved, the parking agreement shall be signed by the property owners of both lots and shall be for only the uses specified in the agreement.
- e. Upon commencement of a new use in place of the originally approved use requiring the off site parking, a reassessment of the parking agreement shall be initiated by the owner or operator of such new use and shall be considered in the same manner as described above.
- f. The required parking located on the lot separate from the main use cannot be used to meet the parking requirements of a new use on that same lot during the duration of the parking agreement.
- g. If denied by the City Manager or Designee, a written request by the applicant may be submitted to the Planning Department within ten (10) days of the date of the decision and shall be scheduled for a public hearing before the Planning and Zoning Commission for final action.

PLANNING DEPARTMENT  
City of Carrollton  
Date: 12/01/15

**ORDINANCE NUMBER \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF CARROLLTON AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE XXXIV. DEFINITIONS, SECTION A. GENERAL; BY AMENDING ARTICLE XXIV. OFF STREET PARKING & LOADING REGULATIONS, SECTION C OFF-STREET PARKING & STACKING REQUIREMENTS, SECTION D OFF-STREET LOADING REQUIREMENTS, SECTION F REDUCTION OF OFF- STREET PARKING REQUIREMENTS AND SECTION G MISCELLANEOUS REQUIREMENTS; AND BY AMENDING ARTICLE V. USE OF LAND AND STRUCTURES, SECTION C. USE MATRIX; PROVIDING PENALTY, SAVINGS, SEVERABILITY AND REPEALING CLAUSES; AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.**

WHEREAS, at its regular meeting held on the Fifth day of November, 2015, the Planning & Zoning Commission considered and made recommendations on changes to the Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, of the City of Carrollton;

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, 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.

Article XXXIV. Definitions, Section A. General of the Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, City of Carrollton, Texas, shall be amended by deleting the following definitions in their entirety and replacing each with the title “Reserved for Future Use:”

1. Definition No. 40 Board
2. Definition No. 52 Bulk Storage Terminal
3. Definition No. 70 Cluster Development
4. Definition No. 140 Flea Market
5. Definition No. 145 Food or Beverage, Retail With Drive-Up, Drive-Thru, Or Drive-In Service
6. Definition No. 163 Garage, Storage
7. Definition No. 181 Health Club or Athletic Club
8. Definition No. 190 Hospital
9. Definition No. 214 Kennel
10. Definition No. 301 Pet Store
11. Definition No. 302 Plant Nursery
12. Definition No. 334 Retail Food Store
13. Definition No. 339 School, Trade or Commercial
14. Definition No. 340 Secondhand Store
15. Definition No. 347 Shopping Center
16. Definition No. 375 Teen Club
17. Definition No. 405 Veterinary Clinic

Section 2.

Article XXXIV. Definitions, Section A. General of the Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, City of Carrollton, Texas, shall be amended by adding a new definition to read as follows:

“Definition No. 14.1: Alcoholic Beverage Retail Sales with Drive-Up, Drive-Thru, or Drive-In Service: Any establishment selling alcoholic beverages for off-premise consumption through a window to a vehicle, bringing the items to the vehicle or allowing a vehicle to drive inside of the structure.”

Section 3.

Article XXIV Off-Street Parking & Loading Regulations, Section C Off-Street Parking & Loading Regulation, Section F Reduction of Off-Street Parking Requirements and Section G Miscellaneous Requirements are hereby amended to read in their entirety in accordance with Exhibit A which is attached and incorporated herein.

Section 4.

Article V. Use of Land and Structures, Section C. Use Matrix, Subsection 2800 through 3600 of the Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, City of Carrollton, Texas, are hereby amended to read in accordance with Exhibit B which is attached and incorporated herein.

Section 5.

The Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, is hereby amended to reflect the action taken herein.

Section 6.

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 7.

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 8.

It is hereby declared to be the intention of the City Council that in accordance with Section 10.07 of the Carrollton City Code, the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 9.

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 10.

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

PASSED AND APPROVED this the First day of December, 2015.

CITY OF CARROLLTON

By: \_\_\_\_\_  
Matthew Marchant, Mayor

ATTEST:

\_\_\_\_\_  
Krystle Nelinson  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Christopher Barton, AICP  
Chief Planner

**Exhibit A****SECTION C. OFF-STREET PARKING AND STACKING REQUIREMENTS.**

In all zoning districts there shall be provided off-street parking space in accordance with the following requirements.

**1. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS:**

The classification of uses referred to herein shall be deemed to include and apply to all uses. However, if for any reason the use, for the purpose of determining the amount of off-street parking space to be provided for such use, is not classified hereunder nor in Article V of this ordinance, the City Manager or Designee shall determine if such proposed use is similar in nature to any other use listed hereunder or in Article V. If a similar use is identified, then the proposed use shall meet the minimum off-street parking requirements of such similar use. However, if no similar use is identified by the City Manager or Designee, an amendment to this Article may be requested to establish off-street parking requirements of such proposed use. Such amendment shall be in accordance with Article XXXI of this ordinance.

Any appeal of the City Manager or Designee's interpretation as to the nature or type of use, for the purpose of determining the classification and applicability of the parking regulations prescribed hereunder for such use, shall be submitted to the Board of Adjustment for consideration in accordance with the provisions of Article XXXII of this ordinance.

At a minimum, off-street parking space shall be provided for such uses as follows. Some uses may require the provision of off-street vehicle stacking spaces. For uses denoted by (\*), reference Section C(2) of this Article.

<b>Land Use</b>	<b>Minimum Spaces Required</b>
<b>a. Residential</b>	
Apartment,	1.5 per dwelling unit
Hotels, motels, and membership lodgings	1.1 spaces per each guest suite
Residence hall, dormitory, rooming, or boarding house	1 per each guest suite
Single family detached dwelling (including mobile homes)	2 per dwelling unit
Single family attached dwelling, duplex, tri-plex, four-plex or townhouse	2 per dwelling unit plus 1 guest suite per 4 dwelling units

<b>Land Use</b>	<b>Minimum Spaces Required</b>
<b>b. Institutional</b>	
Adult day care or respite care center	1 per each 500 sq. ft. of floor area
Continuing Care Retirement Community	0.5 per dwelling unit or suite
Church, synagogue, or temple without a private school	1 per each 40 sq. ft. in sanctuary including balconies
Church, synagogue, or temple with a private school	1 per each 40 sq. ft. in sanctuary including balconies or the applicable standard for each school use and each non-institutional use, whichever is greater
Cultural centers	1 per each 400 sq. ft. of floor area
Funeral home/Parlor/Mortuary	1 per each 75 sq. ft. of floor area plus 1 per vehicle maintained on the premises plus 1 per employee
Hospital	1 per bed
Kindergarten or child day care center	1 per 5 students
Nursing Care Facility	1 per each 3 beds
Place of assembly, dance hall, exhibition center, auditorium, or concert hall	1 per each 40 sq. ft. of assembly area
Homes for the Elderly	1.2 per dwelling unit or suite
Senior citizen center	1 per each 200 sq. ft. of floor area
School (elementary or middle)	1 per 400 sq. ft. of classroom area
School (high), college or university	1 per each 45 sq. ft. of classroom area

<b>Land Use</b>	<b>Minimum Spaces Required</b>
<b>c. Commercial</b>	
Automobile, farm implement, heavy machinery, marine & aircraft, motorcycle, and truck sales & leasing	1 per each 4000 sq. ft. of site area, with a minimum of 5 spaces
Commercial or trade school	1 per each 70 sq. ft. of classroom area
Equipment sales, rental and leasing services	1 per each 200 sq. ft. of floor area, plus 1 per each 1,000 sq. ft. of site area exclusive of buildings
Farmers Market; Flea market; public market	1 per each 500 sq. ft. of floor area, plus 1 per each 1,000 sq. ft. of site area exclusive of buildings
Furniture or appliance store	1 per each 750 sq. ft. of floor area
Lumber yard, building material, & hardware sales	1 per each 250 sq. ft. of floor area plus 1 per each 1,000 sq. ft. of wholesale or storage area
Medical or dental clinic	1 per each 225 sq. ft. of floor area
Mini-storage warehouse	1 per each 20 storage lockers or stalls, with a minimum of 4 spaces
Mobile collection/redemption center	2 spaces
Office, or financial institution*	1 per each 400 sq. ft. of floor area, with a minimum of 4 spaces.
Other commercial services not otherwise listed	1 per each 500 sq. ft. of floor area
Plant nursery or garden shop	1 per each 200 sq. ft. of floor area plus 1 per each 2,000 sq. ft. of site area used for storage or display
Auto Repair; Quick lube facility	2 per service bay

Land Use	Minimum Spaces Required
<b>c. Commercial</b>	
Restaurant, Full Service	1 per each 125 sq. ft. of floor area
Restaurant, Limited Service	1 per each 150 sq. ft. of floor area with a minimum of 4 spaces
Snow cone stand in a portable building	4 spaces, plus 1 space for every two employees (maximum on duty at day or night)
Retail, convenience store with gasoline station; multiple use shopping center, general	0 to 50,000 sq. ft. of total building floor area: 1 per each 250 sq. ft. of floor area.  More than 50,000 sq. ft. of total building floor area: 1 space for each 300 sq. ft. of floor area <b>with a maximum parking of 1 space for each 250 sq. ft. of floor area.</b>
Unmanned equipment buildings/cellular/PCS tower	0 space

<b>Land Use</b>	<b>Minimum Spaces Required</b>
<b>d. Recreation and Amusements</b>	
Bowling alley	3.5 per each lane or alley
Indoor cheerleading, tumbling, gymnastics, soccer, trampoline/jumping no tourneys or bleachers	1 per 300 sq. ft.
Indoor cheerleading, tumbling, gymnastics, trampoline/jumping with tourneys or bleachers	1 per 175 sq. ft.
Public/Community swimming pool	1 per each 75 sq. ft. of deck and water surface area
Public/Community tennis court	2 per court
Fraternal organization/lodge or Community recreation center	1 per each 200 sq. ft. of floor area
Golf Course (private or public)	5 per each green plus applicable standard for each non-residential use
Golf driving range	1 per each driving station or tee box
Fitness & Recreational Sports Center	1 per each 200 sq. ft. of floor area
Motion picture theater	1 per each 3.5 seats
Neighborhood amenity center	5% of total number of dwelling units in the development with a minimum of 4 spaces
Other indoor recreation or amusement uses or activities not listed herein	1 per each 150 sq. ft. of activity area
Other outdoor recreation or amusement uses or activities not listed herein	1 per each 3,000 sq. ft. of activity area
Stadium, sports arena	1 per each 4 seats (bench seats, 1 per 8 feet)

Land Use	Minimum Spaces Required
<b>e. Industrial</b>	
Dead storage facility	1 per each 10,000 sq. ft. of storage area, plus applicable standards for each non-storage use, with a minimum of 4.
Call center	1 per each 150 sq. ft. of floor area
Manufacturing, assembly, fabrication and internet retail distribution	1 per each 1,000 sq. ft. of manufacturing, assembly, fabrication, or distribution space, or 1 per each 2 employees (maximum on-duty day or night), whichever is greater, plus the applicable standards for each non-assembly, non-manufacturing, non-fabrication, or non-distribution use, with a minimum of 4.
Material recycling center	1 per each 1,000 sq. ft. of processing space, excluding outside storage areas; or plus 1 per each 2 employees (maximum on-duty day or night), whichever is greater; plus applicable standards for each non-processing use, with a minimum of 4.
Warehousing and wholesaling services	<p>0 to 100,000 sq. ft. of total warehouse area: 1 per each 2,500 sq. ft..</p> <p>More than 100,000 sq. ft. of total warehouse area: 20 spaces plus 1 space for each 5,000 sq. ft. of warehouse area.</p>

2. SCHEDULE OF OFF-STREET STACKING REQUIREMENTS:

Off-street vehicle stacking spaces shall be provided, at a minimum, in accordance with the following schedule. Except as provided for in subsection h. below, vehicle stacking space shall mean a paved area of not less than eight (8) feet in width nor less than twenty-two (22) feet in length, and shall be constructed in accordance with the applicable standards of the City of Carrollton.

No off-street vehicle stacking shall be permitted within a designated fire lane. Areas designated to satisfy the requirements for off-street stacking spaces shall not be permitted to encroach upon or occupy a fire lane, maneuvering aisle, or parking space.

a. Automobile Quick Lube Facility:

One (1) space in the service bay, plus two (2) stacking spaces for each service bay;

b. Car Wash:

Full Service: One (1) space at each vacuum or pump station, plus four (4) additional stacking spaces for each vacuum or gas pump lane;

Self-Service (Drive-Thru/Automated): One (1) space in the wash bay, plus three (3) additional stacking spaces for each wash bay;

Self-Service (Open Bay): One (1) space per bay, plus two (2) additional stacking spaces for each vacuum or wash bay;

Vehicle Drying Area:

Full Service: Ten (10) spaces per car wash, located at the exit of the wash bay;

Self-Service: One (1) space per wash bay.

c. Financial Institution:

One (1) space at each drive-up service window or station, plus four (4) additional stacking spaces for each service lane

Drive-up Automated Teller Machine (ATM): One (1) space at each automated drive-up teller machine (ATM), plus two (2) additional stacking spaces for each station.

d. Kiosk, Food Sales or Service; Snow Cone Stand in a Portable Building:

One (1) space at each drive-up service window, plus five (5) additional stacking spaces for each window

e. Kindergarten and Day Care Center:

1. Fifty percent (50%) of the required parking spaces shall be located adjacent to the main entrance of the kindergarten or day care center and situated such that children will not be required to cross a fire lane, driveway, or any other point of vehicular travel to enter the building or facility; and
2. A sidewalk, with a minimum width of six (6) feet excluding vehicular overhang, shall be provided adjacent to the parking spaces between the building and parking spaces.

f. Retail Uses with Drive-Up Facilities:

One (1) space for each drive-up window, plus two (2) additional stacking spaces for each window;

g. Restaurant, with a Drive-Through Window:

One (1) space for each drive-up window, plus five (5) additional stacking spaces

h. Gasoline service pump islands stacking spaces shall be:

- i. provided at a minimum of one (1) space not less than eight (8) feet in width nor less than thirty (30) feet in length per side at each fuel dispensing station; and
- ii. shall be required and constructed in accordance with the applicable standards of the City of Carrollton.

3. DESIGN STANDARDS OF OFF-STREET PARKING SPACES:

All off-street parking areas and spaces shall be designed and constructed in accordance with the following requirements:

- a. All off-street parking areas and spaces shall be designed and constructed so as to have free ingress and egress to a public thoroughfare during operating hours.
- b. All maneuvering for off-street parking shall be accomplished on private property, except in the case of one- and two-family dwelling units.
- c. Tandem parking for multi-family residential developments shall not be allowed in order to meet minimum parking requirements.
- d. Minimum Dimensions for Off-Street Parking Areas:
  1. Minimum dimensions for off-street parking spaces and maneuvering aisles shall be determined by the application of the parking dimension matrix as shown in Figure 1 of this Article.
  2. Regardless of the application of Figure 1 of this Article, whenever a maneuvering aisle acts as the fire lane, as may be designated and approved by the City Manager or Designee, such maneuvering aisle shall have a width not less than that required by the Fire Code of the City of Carrollton.
- e. All parking lots and garages serving nonresidential uses shall be provided with a concrete or masonry curb placed a minimum of two feet from any adjacent property line or any required landscape buffer (see Article XXV.) Such curbs shall be a minimum of six (6) inches in width and six (6) inches in height.
- f. In order to provide sufficient space to accommodate pedestrians and vehicular overhang, internal sidewalks shall be at least six (6) feet in width
- g. The City Manager or Designee may require the placement of curbs or free-standing wheel stops in specific locations as needed to correct existing problems caused by vehicular overhang onto right-of-way, streets or sidewalks.
- h. Except for single-family, duplex and townhouse dwellings, parking stalls and spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers or other approved methods.

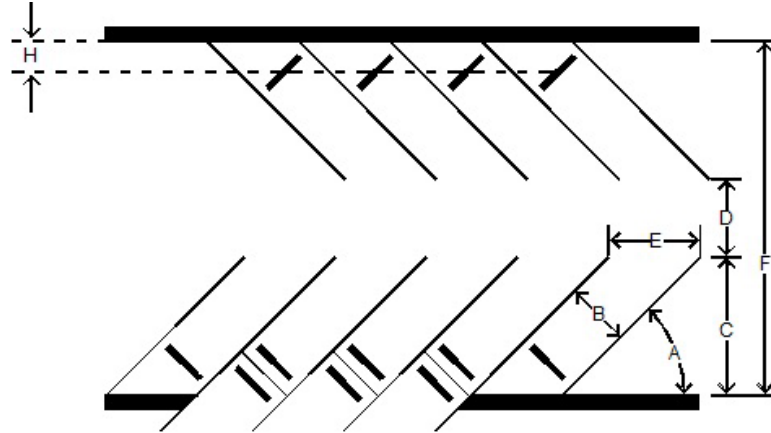
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FULL SIZE CAR PARKING DIMENSIONS  
NOTE: NO SMALL CAR PARKING SPACES PERMITTED

Parking Angle (A)	Stall Width (B)	Stall Depth (C)	Aisle Width One-Way (D)	Aisle Width Two-way (D)	Aisle Length Per Stall (E)	Module Width One-Way (F)	Module Width Two-Way (F)	Curb Overhang (H)
Parallel	8.0 9.0	8.0 9.0	12.0 11.0	20.0 20.0	22.0 22.0	28.0 30.0	36.0 38.0	0.0 0.0
20	9.0	12.3	11.0 – 13.0	20.0 – 24.0	26.3	35.6-37.6	44.6-48.6	0.7
30	9.0	14.6	11.0 – 13.0	20.0 – 24.0	18.0	40.2-42.2	49.2-53.2	1.0
45	9.0-10.0	17.3	11.0 – 13.0	20.0 – 22.0	12.7-14.1	45.6-47.6	54.6-56.6	1.4
50	9.0-10.0	18.0	12.0 – 14.0	20.0 – 22.0	14.0-15.6	48.0-50.0	56.0-58.0	1.5
60	9.0-10.0	18.8	15.0 – 17.0	20.0 – 22.0	10.4-11.5	52.6-54.6	57.6-59.6	1.7
75	9.0-10.0	19.1	22.0 – 24.0	22.0 – 24.0	9.3-10.3	60.2-62.2	60.2-62.2	1.9
90	9.0-10.0	18.0-20.0	24.0 – 25.0	24.0 – 25.0	9.0-10.0	NA	60.0-65.0	2.0

Angles in Degrees; all other dimensions in feet  
See Figure 1 for Dimension Location

FIGURE 1



## **SECTION D. OFF-STREET LOADING REQUIREMENTS.**

If non-residential uses provide and maintain off-street loading facilities on the same lot as such non-residential use they shall be in accordance with this Article. Such off-street loading facilities shall be located adjacent to a public way or private service drive.

All maneuvering for off-street loading areas shall be accomplished on private property.

No off-street truck loading space shall be permitted within a designated fire lane. Areas designated to satisfy the requirements for off-street truck loading space shall not be permitted to encroach upon or occupy a fire lane, maneuvering aisle, or parking space.

### **1. APRON, DOCK, AND SPACE DESIGN STANDARDS:**

- a. Apron, loading dock and loading space design standards shall be as shown in Figures 2a 2b and 2c of this Section. Apron size requirements shall be as shown in Figure 2a of this Section.
- b. Where a side loading space is to be utilized, such berth shall be provided in accordance with the standards shown in Figure 2b of this Section.
- c. Ingress to, and egress from required off-street loading spaces must have at least the same unobstructed vertical height clearance as the largest required off-street loading spaces.

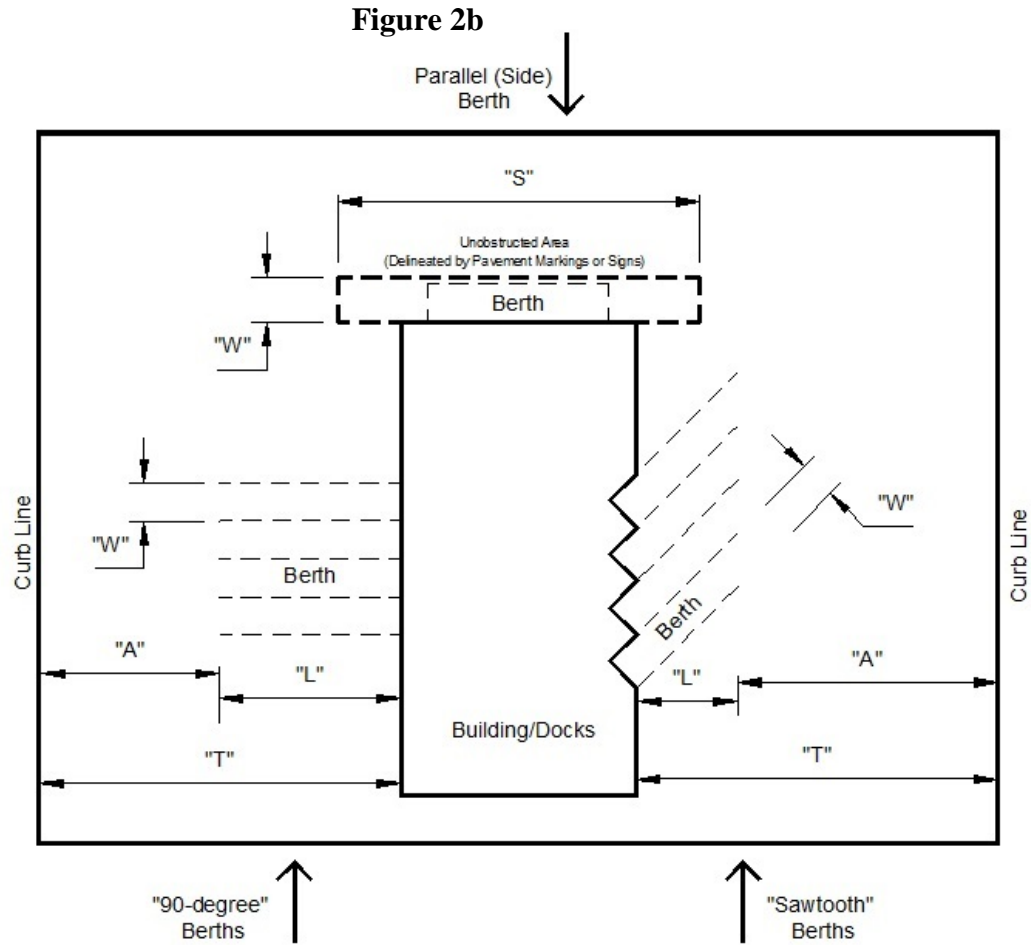
### **2. AREAS IN FRONT OF LOADING DOCKS AND DOORS:**

Parking spaces, fire lanes, driving aisles or similar shall be prohibited in the loading space area unless the loading docks, garage doors, etc. are permanently sealed or altered to prevent loading access.

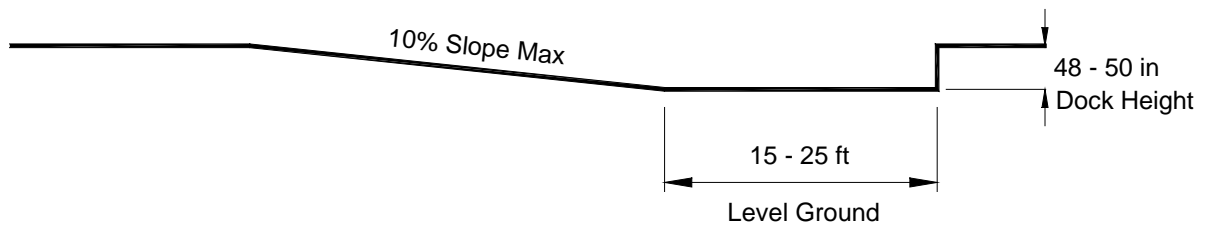
**Figure 2a**  
LOADING APRON AND DOCK DIMENSIONS

<b>TRUCK SIZE</b>	<b>DOCK ANGLE</b>	<b>CLEARANCE IN FEET (L)</b>	<b>BERTH WIDTH IN FEET (W)</b>	<b>APRON IN FEET (A)</b>	<b>TOTAL OFFSET IN FEET (T)</b>
LARGE (75 FT.)	90°	75	12	67	142
	60°	61	12	51	112
	45°	48	12	40	88
MEDIUM (35 FT.)	90°	35	12	43	78
	60°	32	12	31	63
	45°	26	12	25	51
SMALL (20 FT.)	90°	20	10	32	52
	60°	18	10	24	42
	45°	17	10	20	37

See drawings on next page for dimension details and design layout.



**Figure 2c**  
Apron Cross Section



3. SETBACK REQUIREMENTS:

To facilitate the safe and efficient movement of traffic on public streets, the minimum setback requirements for off-street loading facilities shall be as stated in this Section. Where special requirements for off-street loading areas have been established within certain zoning districts, the more restrictive requirements shall apply.

- a. All loading areas, freight docks, truck spaces or truck parking areas, truck repair, service, wash and maintenance bays, truck garages or garage doors, or any other similar loading or truck facility shall not be located closer to the right-of-way line of the street or streets upon which such facilities are accessed than the distance specified in the apron design standards.  
(Reference Figure 3.3, Appendix A)
- b. All loading areas, freight docks, truck spaces or truck parking areas, vehicle repair, service, wash and maintenance bays, garages or garage doors, or any other similar facility for any type of vehicle shall be screened from any adjacent residentially zoned property in accordance with the provisions established in Article XXV of this ordinance.

**SECTION F. REDUCTION OF OFF-STREET PARKING REQUIREMENTS.**

**1. JOINT PARKING AREA**

Uses may join in establishing a shared parking area where it can be demonstrated to the City Manager or Designee that parking for two (2) or more specific uses occurs at alternating time periods. Such parking area shall be established in accordance with the following procedure

- a. The applicant shall submit a parking analysis with two (2) or more examples to the City Manager or Designee.
- b. The parking analysis shall be reviewed by the City Manager or Designee.
- c. The City Manager or Designee shall act upon such request to deny, approve, or approve with modifications as may be appropriate, the parking or stacking ratio requirements.
- d. If approved, such joint parking area shall be permissible only in conjunction with those uses specifically analyzed as part of the initial request. Upon cessation of one of the uses approved in the original request, the rights of the remaining use to utilize the joint parking shall continue.
- e. Upon commencement of a new use in place of an originally approved use, a reassessment of the joint parking area shall be initiated by the owner or operator of such new use, and shall be considered in the same manner as described above. No Certificate of Occupancy shall be issued by the city for the new use until either:
  - i. The joint parking area is reapproved by the City Manager or Designee, or
  - ii. Additional parking is approved for the new use in accordance with all applicable provisions of this Article.
- f. If denied, a written request by the applicant may be submitted to the Urban Development Department within ten (10) days of the date of the decision. Upon such request being timely submitted, a public hearing shall be scheduled before the Planning and Zoning Commission for final action.
- g. Approval of a joint parking area shall not be construed as, nor constitute, a variance from, reduction of, or modification or exception to any other provision or requirement of this ordinance or any other applicable code or ordinance of the City of Carrollton.

2. REDUCTION OF PARKING OR STACKING PROVISIONS

Parking or stacking requirements for individual uses may be altered from the prescribed ratios listed in the applicable provisions of this Article by demonstrating to the City Manager or Designee that such revised ratio satisfies the intention of Section A of this Article. The procedure to modify the parking ratios is as follows:

- a. The applicant shall submit a parking analysis with two (2) or more specific examples to the City Manager or Designee.
- b. The parking analysis shall be reviewed by the City Manager or Designee.
- c. The City Manager or Designee shall act upon such request to deny, approve, or approve with modifications as may be appropriate, the parking or stacking ratio requirements.
- d. If approved, such parking ratio is applicable to only the specific use for which the request was submitted. The city wide rate will not be altered by such study.
- e. If denied, a written request by the applicant may be submitted to the Urban Development Department within ten (10) days of the date of the decision. Upon timely submission of such request, a public hearing shall be scheduled before the Planning and Zoning Commission for final action.

## **SECTION G. MISCELLANEOUS REQUIREMENTS.**

The following provisions shall be applicable to all off-street parking and loading areas.

### **1. CONFLICTS:**

Where such provisions are in conflict with the requirements of Chapter 53 of the Carrollton Code of Ordinances, otherwise known as the Traffic Code, or are in conflict with special off-street parking or loading requirements which have been established within certain zoning districts of this ordinance, then the more restrictive requirements shall apply.

### **2. GENERAL PROVISIONS:**

- a. Off-street parking facilities shall be provided on the lot or tract occupied by the main use, or upon a lot or tract of land dedicated to parking use by an instrument filed for record, provided that such arrangement is in accordance with the schedule of allowable uses in the district in which it is located. Off-site parking facilities shall be located as provided in Article V, Section C (1500), Vehicular Parking and Storage, g of this ordinance. Distance shall be measured in a straight line, without regard to intervening structures, between the nearest property line of the main use and the nearest property line of the lot or parcel upon which the parking facility is located.
- b. In determining the required number of off-street parking and loading spaces, fractional spaces shall be counted to the nearest whole space.
- c. No parking space located on a public street or alley may be included in the calculation of the required off-street parking requirements.
- d. Floor area of a structure devoted to off-street parking of vehicles or loading spaces shall be excluded in computing the floor area for off-street parking requirements of the structure.

### **3. VEHICLE STORAGE AND DISPLAY:**

- a. Off-street parking areas shall be used for passenger vehicles only, and in no case shall such areas be used for sales, repair work, storage, display, dismantling or servicing of any vehicles, equipment, materials or supplies.
- b. Any area utilized for the storage of vehicles in connection with a motor vehicle repair establishment shall be screened from the view of any adjacent public street by a solid, opaque wall or fence of not less than six (6) feet in height, measured at the highest finished grade.

4. COMBINATION OF USES:

- a. Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use except where specified by this ordinance.
- b. Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the off-street parking requirements for the particular use.

5. PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES:

The parking, stopping and/or storage of recreational vehicles, travel trailers, boats, boat trailers and commercial vehicles shall be regulated in accordance with Chapter 53 of the Carrollton Code of Ordinances, otherwise known as the Traffic Code.

6. ACCESS TO PUBLIC ALLEYS:

Driveways and parking areas which serve any commercial, multi-family, or institutional service, any public recreation or community center, or any public tennis court, swimming facility, or other similar facility shall not access any public alley which also serves residentially zoned property.

7. ENCUMBERED RIGHT-OF-WAY:

Where an agreement has been entered into by the City of Carrollton whereby any independent school district is granted a right to temporarily encumber public right-of-way with parking spaces, such spaces shall be counted toward meeting the applicable off-street parking requirements of this Article until such time as the city determines a need to use the right-of-way. Where the city determines a need to use the encumbered right-of-way, the right of the school district to use such parking shall immediately cease. In such event, the independent school district shall be required to meet the applicable off-street parking requirements of this Article, and shall bear the cost of providing such parking.

8. REQUIRED PARKING LOCATED ON A LOT SEPARATE FROM THE MAIN USE

Required parking for a use may be located on a separate lot upon approval of a parking agreement by the City Manager or Designee, provided however that said parking is not the principal use on the separate lot. Such parking agreement shall be established in accordance with the following provisions:

- a. The property owner or authorized agent shall submit an application for a Miscellaneous Development upon forms prescribed by the City of Carrollton and reviewed by the City Manager or Designee.
- b. The application shall contain a site plan, a list of the uses located on both lots and their required parking information and/or other information required by the City Manager or Designee.
- c. The separate lot must have parking in excess of what is required for its uses.
- d. If approved, the parking agreement shall be signed by the property owners of both lots and shall be for only the uses specified in the agreement.
- e. Upon commencement of a new use in place of the originally approved use requiring the off-site parking, a reassessment of the parking agreement shall be initiated by the owner or operator of such new use and shall be considered in the same manner as described above.
- f. The required parking located on the lot separate from the main use cannot be used to meet the parking requirements of a new use on that same lot during the duration of the parking agreement.
- g. If denied by the City Manager or Designee, a written request by the applicant may be submitted to the Planning Department within ten (10) days of the date of the decision. Upon timely submission of such request, a public hearing shall be scheduled before the Planning and Zoning Commission for final action.

**Exhibit B**

**2800 RESERVED FOR FUTURE USE**

**2900 RESERVED FOR FUTURE USE**

**3000 RESERVED FOR FUTURE USE**

**3100 RESERVED FOR FUTURE USE**

**3200 RESERVED FOR FUTURE USE**

**3300 RESERVED FOR FUTURE USE**

**3400 RESERVED FOR FUTURE USE**

**3500 RESERVED FOR FUTURE USE**

ORDINANCE NO. \_\_\_\_\_  
Case No. 09-15ZT1 CZO Text Amendments

#	NAICS	Types of Use	(H)	(ALL SF-DETACHED DISTRICTS)	(ALL SF-ATTACHED DISTRICTS)	(D)	(ALL MF DISTRICTS)	(MHP)	(O-1, O-2)	(O-3)	(O-4)	(NS)	(LR-1)	(LR-2)	(CC)	(LC)	(HC)	(C/W)	(FWY)	(LI)	(HI)
<b>3600 RETAIL TRADE</b>																					
3501	453998	All Other Miscellaneous Stores (except Tobacco Stores)														•	•	•		•	•
3502	45331	Antique Store (Used Merchandise Store) & Secondhand Goods Sales											•	•	XC	•	•	•	•	•	•
3503	453920	Art Dealers										•	•	•	XC	•	•	•	•	•	•
3504	45121	Book Store and News Dealers (Excluding Adult Bookstore)							A	A	A	•	•	•	XC	•	•	•	•	•	•
3505	454390	Christmas Tree Sales	T						T	T	T	T	T	T	T	T	T	T	T	T	T
3506	446120	Cosmetics Beauty Supplies and Perfume Stores										•	•	•	XC	•	•	•	•	•	•
3508		Flea Market																		S	S
3509	453110	Florist							A	A	A	•	•	•	XC	•	•	•	•	•	•
3510	45431	Fuel Dealers with above ground storage in excess of 10,000 gallons														S	S	S		S	S
3511	45431	Fuel Dealers with above ground storage of less than of 10,000 gallons														•	•	•		•	•
3512	-	Hay, Grain & Feed Sales														•	•	•		•	•
3513	451120	Hobby, Toy and Game Stores											•	•	XC	•	•	•	•	•	•
3514	448310	Jewelry Stores							A	A	A	•	•	•	XC	•	•	•	•	•	•

ORDINANCE NO. \_\_\_\_\_  
Case No. 09-15ZT1 CZO Text Amendments

3515	4442	Lawn and Garden Equipment and Supplies Stores and Plant Nursery											•	•		•	•	•	•	•	•
3516	448320	Luggage & Leather Goods											•	•	XC	•	•	•	•	•	•
3517	451140	Musical Instruments and Supplies Stores										•	•	•	XC	•	•	•	•	•	•
3518	4532	Office Supplies, Stationery and Gift Stores							A	A	A		•	•	XC	•	•	•	•	•	•
3519	446130	Optical Goods Stores											•	•	XC	•	•	•	•	•	•
3520	44619	Other Health and Personal Care Stores										•	•	•	XC	•	•	•	•	•	•
3521	453910	Pet and Pet Supplies Stores											•	•	XC	•	•	•	•	•	•
3522	812910	Pet Grooming Salon (Pet Care Services)											•	•	XC	•	•	•	•	•	•
3523	446110	Pharmacies and Drug Stores							A	A	A	•	•	•	XC	•	•	•	•	•	•
3524	451220	Prerecorded Tape, Compact Disc and Record Stores											•	•	XC	•	•	•	•	•	•
3525	451130	Sewing, Needlework and Piece Goods Stores											•	•	XC	•	•	•	•	•	•
3526	45111	Sporting Goods Stores											•	•	XC	•	•	•	•	•	•
3527	452910	Superstore or Warehouse Club in excess of 75,000 sq. ft. of GLA ( <i>Ord. No. 2773; 02/04/03</i> )												S	SC	S	S	S	S	S	S
3528	453991	Tobacco Stores										•	•	•	XC	•	•	•	•	•	•
3529	53223	Video Tape and Disc Rental										•	•	•	XC	•	•	•	•	•	•
3530		Other Retail Trade, NEC.											•	XC	•	•	•	S	•	•	•



# City of Carrollton

## Agenda Memo

File Number: 2362

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Public  
Hearing/Individual  
Consideration

**In Control:** City Council

**File Type:** Public Hearing

**Agenda Number:** 22.

**CC MEETING:** December 1, 2015

**DATE:** November 19, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Michael McCauley, Senior Planner

Hold A **Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For An Apartment Complex With Special Conditions On An Approximately 11.5-Acre Tract Located At The Northeast Corner Of Carrollton Parkway And SH-121/Sam Rayburn Tollway; Amending Accordingly The Official Zoning Map. Case No. 09-15SUP2 Alexan Carrollton Apartments. Case Coordinator: Michael McCauley.**

### **BACKGROUND:**

This is a request for approval of a special use permit to allow an apartment complex.

Planned Development 123 was established in 1992. It has been amended numerous times since.

On September 3, 2015, the Planning & Zoning Commission continued the case to the October 1, 2015 meeting to allow the applicant additional time to resubmit revised plans.

On October 1, 2015, the Planning & Zoning Commission recommended approval with staff stipulations.

On November 3, 2015, the City Council continued the case to the December 1, 2015 meeting to allow the applicant time to provide additional information.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On October 1, 2015, the Planning & Zoning Commission recommended **APPROVAL**. The attached ordinance reflects the action of the Commission. Although the action of the Commission was unanimous, public opposition has been received. Therefore, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

## RESULTS SHEET

**Date:** 12/02/15

**Case No./Name:** 09-15SUP2 Alexan Carrollton Apartments

**A. STIPULATIONS AND RECOMMENDATIONS:**

1. Development shall be consistent with the applicant's exhibits with the following exception:
  - a. The proposed driveway shall line up with Maumee Drive (the lane alignment on Maumee and the developer's ingress and egress shall line up with the through lanes on Maumee Drive).

**B. P&Z RECOMMENDATION** from P&Z meeting: 09/03/15  
Result: **CONTINUED** to 10/01/15 /Vote: 9-0

**C. P&Z RECOMMENDATION** from P&Z meeting: 10/01/15  
Result: **APPROVAL** with stipulations /Vote: 7-0 (Daniel-Nix and Nesbit absent)

**D. CC PUBLIC HEARING / ORDINANCE ACTION** from CC meeting: 11/03/15  
Result: **CONTINUED** /Vote: 5-2 (Wilder and Hrbacek opposed)

**E. CC PUBLIC HEARING / ORDINANCE ACTION** from CC meeting: 12/01/15  
Result: /Vote:

**SPECIAL USE PERMIT**

Case Coordinator: Michael McCauley

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**GENERAL PROJECT INFORMATION**

**SITE ZONING:** PD-123 for the (FWY) Freeway District

	<b><u>SURROUNDING ZONING</u></b>	<b><u>SURROUNDING LAND USES</u></b>
NORTH	City of Lewisville	Single-Family Residential Subdivision
SOUTH	PD-123 for the (SF-5/12), (SF-6.5/12) and (SF-8.4/18) Single-Family Residential Districts	Single-Family Residential Subdivision
EAST	PD-123 for the (SF-5/12) Single-Family Residential District	Single-Family Residential Subdivision
WEST	PD-163 for the (LR-2) Local Retail District	Undeveloped

**REQUEST:** Approval of a Special Use Permit to allow an apartment complex

**PROPOSED USE:** Multi-Family (340 unit apartment complex with club house and pool)

**ACRES/UNITS:** Approximately 11.5 acres/340 units

**LOCATION:** Northeast corner of Carrollton Parkway and SH-121

**HISTORY:**

- PD-123 was established in 1992. It has been amended numerous times since – most recently in 2014 for a mini-storage warehouse facility and an assisted living facility located at the southeast corner and northeast corner of Creek Valley Boulevard and SH-121 (Sam Rayburn Tollway), respectively.
- The tract is not platted.
- The site is not developed.

**COMPREHENSIVE PLAN:** High Intensity Commercial

**TRANSPORTATION PLAN:** State Highway 121 is designated as a Controlled Access Highway. Carrollton Parkway is designated as an (A6DL) Six-Lane Divided (limited access) Arterial.

**OWNER:** Numerous owners

**REPRESENTED BY:** Robert Baldwin/Baldwin Planning

## **STAFF ANALYSIS**

### **PROPOSAL**

This is a request to approve a Special Use Permit (SUP) for an apartment complex consisting of approximately 340 units.

### **ORDINANCE REQUIREMENTS**

- The Comprehensive Zoning Ordinance (CZO) requires a Special Use Permit to allow multi-family development in the (FWY) Freeway District.
- Per PD-123, the following applies:
  - a. A minimum thirty (30) foot landscape buffer along SH-121 and three (3) foot high landscape berm.  
*Provides a fifteen (15) foot landscape buffer within a thirty (30) foot landscaped area (trees, shrubs and sod).*
  - b. Provide a major entry feature at the NEC of Carrollton Parkway & SH-121.  
*Provided.*
- Although the subject property is zoned (FWY) Freeway District, staff has applied many of the (MF-18) Multi-Family District's required design elements into its review.
  - The maximum height for multi-family is two stories, with a maximum height of three stories where an enclosed garage occupies the first floor of the building.  
*The applicant is proposing three-story apartment buildings to provide an urban scale multifamily development with an approximate building height of 40 feet.*
  - Multi-family buildings are required to be at least 1.5 times the height of the main building in (MF) Multi-Family zoned districts when adjacent to (SF) single-family residential zoning districts.  
*Not provided for the southeastern most three-story building. The site plan shows the building setback is approximately 22 feet from the single-family lots instead of 60 feet. However, the building wall facing the few single-family lots will not have any balconies or windows.*

### **ELEMENTS TO CONSIDER**

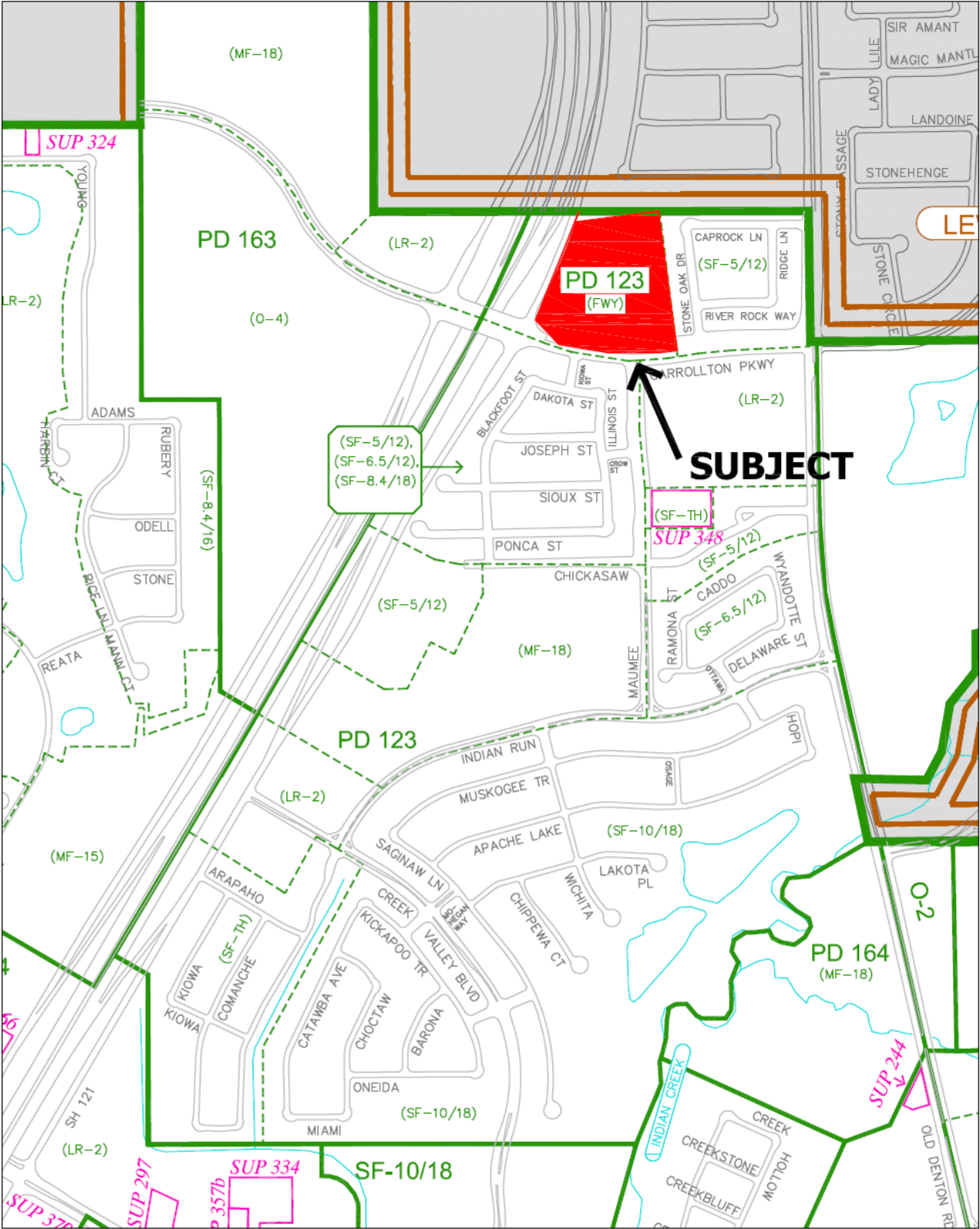
- A six-foot high decorative perimeter wrought iron fence with masonry columns and precast concrete caps along the southern and western sections of the development site is provided.
- The development shares an existing masonry screening wall along the northern and eastern perimeter of the site.

- The architecture provides an urban design suitable for this site with approximately 58% stucco, 24% masonry, 18% cementitious fiberboard. Two nearby adjoining apartment complexes located on the north side of Indian Run and between SH-121 and Maumee Drive, have the same approximate percentages of stucco, brick and siding on their facades.
- Consistency with City Design Guidelines for Multi-Family Residential Development:
  - Variation of wall planes is provided.
  - Consistent design, placement and configuration of parking areas are provided.
  - Variation in color and materials is provided.
  - Site planning and building siting are provided.
  - Entryway features reflecting the overall character of the development is provided.
  - Amenities such as a clubhouse, pool, courtyard and a dog park are provided.
- Uses allowed by-right include warehousing/storage, ambulance service, grocery store, tire store, restaurant, pet kennel and automotive parts/tire store with on-site installation.
- Maximum building height for uses allowed by-right is 75 feet. The proposed apartment complex height is approximately 40 feet.
- The minimum side and rear yard setback for uses allowed by-right is half the building height. The side yard setback for Building 1 (southeastern most building) is approximately 22 feet. Considering the proposed eastern elevation for Building 1 is designed without windows and balconies, staff believes the proposed side yard setback for this building is sufficient.
- On September 3, 2015, the Commission continued the case to the October 1, 2015 meeting to allow the applicant time to resubmit plans addressing the Commission's concern with the eastern elevation for Building 1. The Commission endorsed the revised elevation at their last meeting.

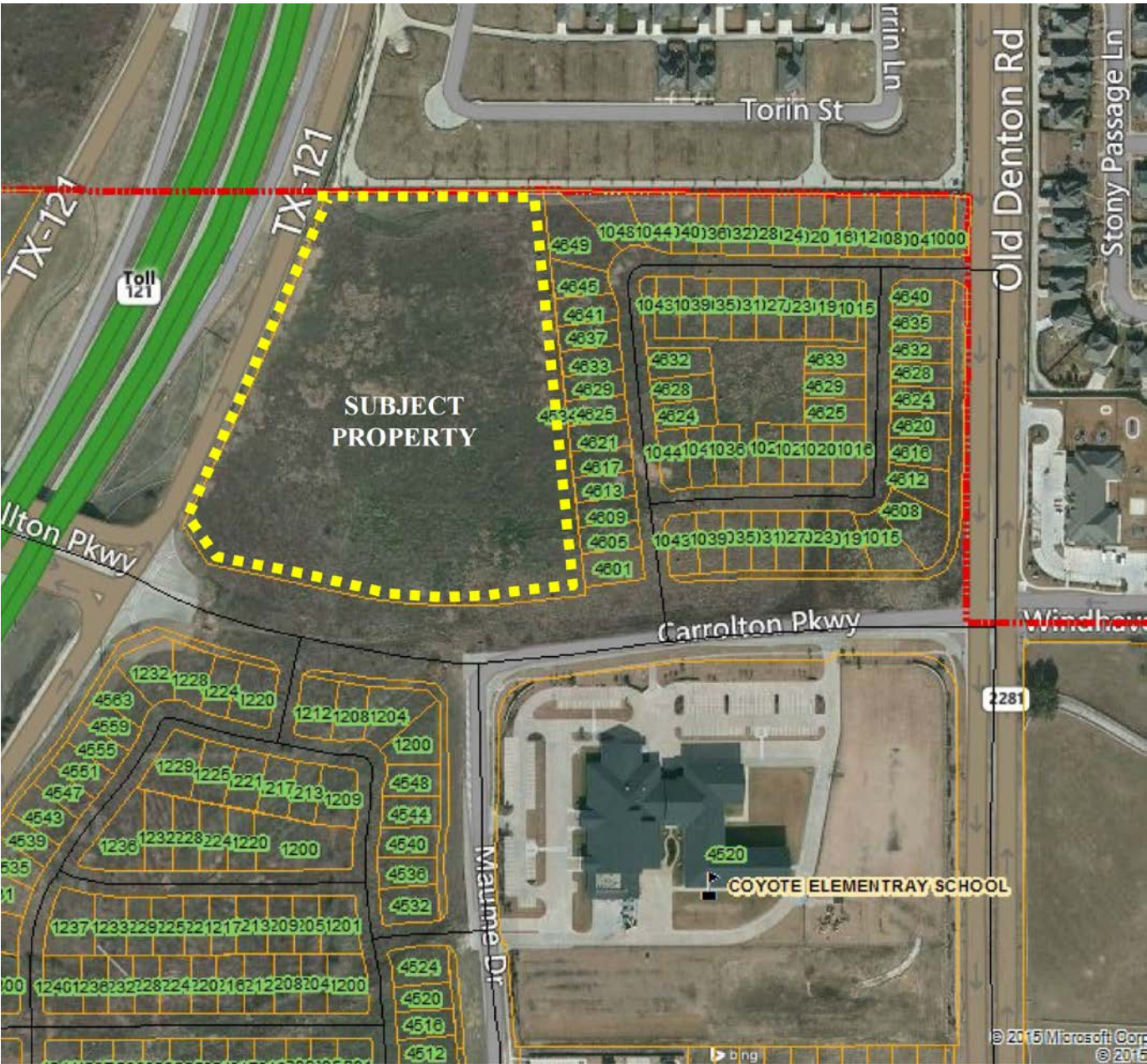
## CONCLUSION

Staff considers the proposal an appropriate use for the property and, when considering the uses allowed by-right, provides a nicer transition between SH-121 to the west and the single-family residential subdivisions to the immediate north and east of the subject site. Further, staff supports the Commission's recommendation for approval.

SITE LOCATION AND ZONING MAP



AERIAL PHOTO



## APPLICANT'S NARRATIVE

### Application Explanation and Description of Request or Project

The request is for a Specific Use Permit to allow for a new 340-unit multifamily project. This results in a density of 29.8 dwelling units per acre. There will be a total of six, three-story buildings and a clubhouse and pool. Each building will have tuck under parking. The property will be extensively landscaped and there will be a landscaped detention area on the north side of the project. The buildings will be pushed towards the street frontages in an effort to create a more appealing design and to screen the major parking areas. There will be two amenity areas on the property.

## APPLICANT'S EXHIBITS



3D VIEW - SOUTHWEST CORNER



3D VIEW - SOUTHEAST CORNER

### ALEXAN CARROLLTON CONCEPTUAL 3D VIEWS



14052

ARCHITECTURE DEMAREST  
6303 Woodloch St., Dallas, TX 75206 T: 214.748.6666 F: 214.748.5009

Carrollton, TX

09/18/15



**BUILDING 1**  
CONCEPTUAL 3D EAST ELEVATION



**Building 2 - Conceptual Elevation - North**  
Scale: 1/32" = 1'-0"



**Building 2 - Conceptual Elevation - South**  
Scale: 1/32" = 1'-0"

BUILDING 2 - MATERIAL PERCENTAGE	
STUCCO	58%
MASONRY	24%
WOODTONE ACCENT SIDING	12%
FIBER CEMENT SIDING	6%



14052

ARCHITECTURE DEMAREST

2200 Valinda St. Dallas, TX 75201 T: 214.748.6605 F: 214.748.5080

**ALEXAN CARROLLTON CONCEPTUAL ELEVATIONS**

Carrollton, TX

09/18/15





14052

ARCHITECTURE DEMAREST  
2320 Vantage St., Dallas, TX 75207 T: 214.748.8655 F: 214.748.3090

**ALEXAN CARROLLTON CONCEPTUAL 3D VIEW - POOL COURTYARD**

Carrollton, TX

09/18/15

**ALEXAN CARROLLTON**  
**MULTI-FAMILY DEVELOPMENT**  
 TRAMPEL CROW RESIDENTIAL | CARROLLTON, TEXAS  
**CONCEPTUAL SITE PLAN**



CONCEPTUAL LANDSCAPE PLAN



**Excerpt from Minutes  
Planning & Zoning Commission  
Meeting of September 3, 2015**

Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And **Establish A Special Use Permit For An Apartment Complex** With Special Conditions On An Approximately 11.3-Acre Tract Located At The Northeast Corner Of Carrollton Parkway And SH-121; Amending Accordingly The Official Zoning Map. **Case No. 09-15SUP2 Alexan Carrollton Apartments.** Case Coordinator: Michael McCauley.

McCauley presented the request and advised that the applicant requested to continue the case as they further their public outreach with adjoining neighbors and requested the case be continued to the October 1, 2015 meeting.

Robert Baldwin, Baldwin Planning, 3904 Elm Street, Suite B, Dallas, representing Trammel Crow Residential, stated they were working with the neighbors to the east of the site (developer and home builder) on fine tuning the site plan and landscape plan to address some of the concerns. He stated the revised plan would reflect a lot more trees and shrubs along the eastern property line and dumpsters located away from the property line.

Chair McAninch advised that she would be interested in seeing the side elevation for Building #1, which faces the adjoining neighborhood. She said she understood it would be a solid wall for three stories facing the neighborhood. Mr. Baldwin said he would have the elevation for the Commission. He also stated that they would propose some type of design with either materials or colors to address this to make it look like windows or some type of activity on that side, even though there won't be. He also said there would be enhanced landscaping in front of that to help.

Chair McAninch opened the public hearing and invited speakers to the podium; there were no speakers.

- \* Kiser moved to continue Case No. 09-15SUP2 Alexan Carrollton Apartments to the October 1, 2015 meeting keeping the public hearing open; second by Daniel-Nix and the motion was approved with a unanimous 9-0 vote.*

**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of October 1, 2015**

Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And Establish A Special Use Permit For An Apartment Complex With Special Conditions On An Approximately 11.3-Acre Tract Located At The Northeast Corner Of Carrollton Parkway And SH-121; Amending Accordingly The Official Zoning Map. Case No. 09-15SUP2 Alexan Carrollton Apartments. Case Coordinator: Michael McCauley.

McCauley presented the case noting that the public hearing from the previous meeting had remained opened and the case was continued to the October meeting to allow the applicant time to resubmit the request based on the Commission's direction as well as further outreach and coordination with the neighbors to the east of the site. Staff felt the applicant met the direction provided by the Commission and recommended approval with stipulations. No comments had been received from the public.

Robert Baldwin, 3904 Elm Street, Suite B, Dallas, representing Trammel Crow Residential, advised that with the additional time provided by the Commission, they were able to redesign the end of the building closest to the neighbor to the east to make it more interesting and provide privacy. He brought attention to the elements and design that had been changed to address the concerns. He felt it was a good use for the location. He stated he read and was in agreement with staff stipulations.

Stotz voiced concern with the units that face Lot 4601 and 4605 and Mr. Baldwin advised that the developer still owned those lots and was satisfied that the proposal was reasonable.

Chair McAninch noted the public hearing was still open and invited speakers to the podium.

Randall Chrisman, 1501 Broken Bow Trail, Carrollton, voiced concern about the appropriateness of having a 3-story building next to someone's back yard. He suggested that at the very least, the building be limited to 2-stories to address the impact on the single-family neighborhood and urged the Commission to deny the request. He spoke in favor of less density and a more ownership feel to the use.

There being no other speakers, Chair McAninch closed the public hearing. She offered the applicant an opportunity to provide closing remarks.

Mr. Baldwin reiterated their opinion that the use was appropriate for the location. He noted that the zoning allows for structures 75 ft in height to be much closer to the east than the proposed use. He stated they shared the plans with the developers to the east who were supportive of the application.

Chair McAninch asked about the types of uses that would be allowed on the site and McCauley replied that the only type of dwelling would be by SUP for an apartment complex. The allowed uses by-right would be a grocery store, commercial settings as well as a warehouse distribution use and would have an allowable height of 75 ft. He also noted those uses could be closer than the proposed

setbacks. He advised that staff recommended approval because it would be a nice transition as opposed to what uses are allowed by-right.

Kiser voiced his opinion that the proposed use would be a better transition than the use currently allowed by-right.

*\* Chadwick moved approval of Case No. 09-15SUP2 Alexan Carrollton Apartments with stipulations; second by Kraus and the motion was approved with a 7-0 vote.*

PLANNING DEPARTMENT  
City of Carrollton

SPECIAL USE PERMIT NO. 427  
DEVELOPMENT NAME: Alexan Carrollton

ORDINANCE NUMBER \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 427 FOR AN APARTMENT COMPLEX UPON PROPERTY LOCATED AT THE NORTHEAST CORNER OF CARROLLTON PARKWAY AND SH-121; AMENDING ACCORDINGLY THE OFFICIAL ZONING MAP; 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 1st day of October, 2015, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. 09-15SUP2); 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, 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 427 is hereby established for a certain approximately 11.5-acre tract located at the northeast corner of Carrollton Parkway and SH-121 and described on the attached Exhibit A and depicted on the attached Exhibit B, providing for the following:

I. Permitted Use

Apartment Complex

## II. Special Development Standards

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

1. Development shall be in substantial conformance with Exhibits C, D and E with the following exception:
  - a. The proposed driveway shall line up with Maumee Drive (the lane alignment on Maumee and the developer's ingress and egress shall line up with the through lanes on Maumee Drive).

### Section 3.

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

### Section 4.

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 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 the 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 First day of December, 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

## EXHIBIT A

### LEGAL DESCRIPTION:

11.406 ACRES

**BEING** a tract of land situated in the Harrison Young Survey, Abstract No. 1448, City of Carrollton, Denton County, Texas and being part of a tract of land described in Grant Deed to Shizue K. Watanabe, *et al*, recorded in Document No. 2014-5770, Official Public Records, Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at the southwest corner of Lot 1X, Block A, of The Ridge at Indian Creek, according to the plat thereof recorded in Document No. 2014-362, Plat Records, Denton County, Texas, and being in the north right-of-way line of Carrollton Parkway (a variable width right-of-way) from which a 1/2-inch iron rod with plastic cap stamped "VOTEX" found bears S 34°58' E 0.3'

**THENCE** with said north right-of-way line, the following courses and distances, to wit:

South 81°00'42" West, a distance of 40.83 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the right having a central angle of 27°07'58", a radius of 1525.00 feet, a chord bearing and distance of North 85°25'19" West, 715.45 feet;  
In a northwesterly direction, with said curve to the right, an arc distance of 722.17 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the east corner of a right-of-way corner clip at the intersection on said north right-of-way line with the east right-of-way line of State Highway 121 (a variable width right-of-way);

**THENCE** with said corner clip, North 21°22'49" West, a distance of 107.46 feet to a concrete "TxDOT" monument found at the beginning of a non-tangent curve to the left having a central angle of 10°19'36", a radius of 3834.22 feet, a chord bearing and distance of North 22°19'46" East, 690.13 feet;

**THENCE** with said east right-of-way line, in a northeasterly direction, with said curve to the left, an arc distance of 691.06 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the southwest corner of a Castle Hills Phase V Section A according to the plat thereof recorded in Cabinet Y, Page 1, Plat Records, Denton County, Texas, and being the south line of a 30-foot alley as shown on said Castle Hills Phase V Section A, addition;

**THENCE** departing said east right-of-way line, and with said south right-of-way line, North 89°18'42" East, a distance of 429.22 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northwest corner of Lot 14, Block A, of said The Ridge at Indian Creek, addition;

**THENCE** departing said south right of way line, and with the west line of said The Ridge at Indian Creek, addition, South 7°15'57" East, a distance of 800.76 feet to the **POINT OF BEGINNING** and containing 11.406 acres or 496,826 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

**EXHIBIT B**  
**LOCATION MAP**

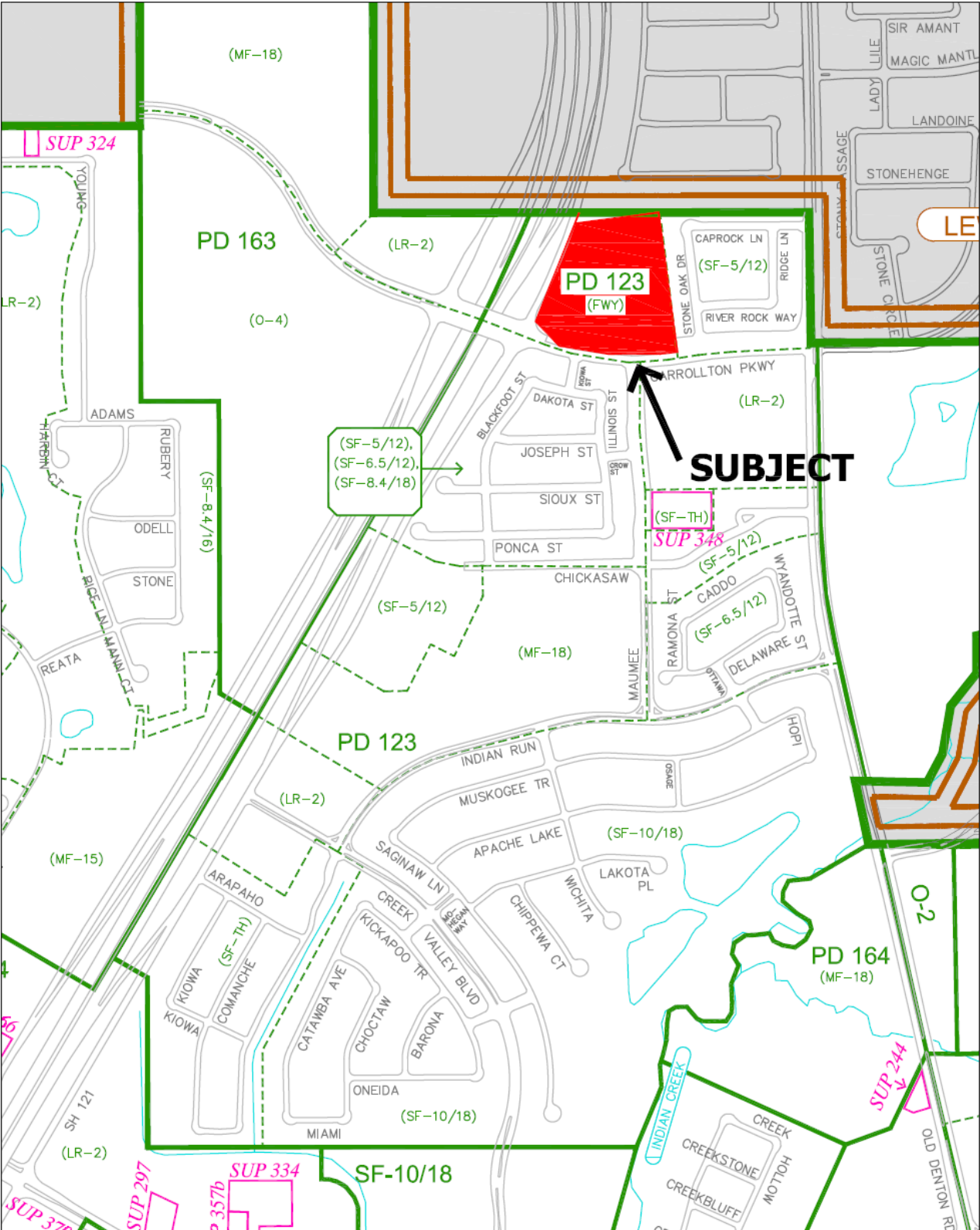


EXHIBIT C  
CONCEPTUAL BUILDING ELEVATIONS 1 OF 3



3D VIEW - SOUTHWEST CORNER



3D VIEW - SOUTHEAST CORNER



14052  
ARCHITECTURE DEMAREST  
2001 JAMES H. DAVIS TOWER    1101 MARSH    P.O. BOX 2008

ALEXAN CARROLLTON CONCEPTUAL 3D VIEWS

Carrollton, TX  
09/18/15

EXHIBIT C  
CONCEPTUAL BUILDING ELEVATIONS 2 OF 3



BUILDING 1  
CONCEPTUAL 3D EAST ELEVATION



Building 2 - Conceptual Elevation - North  
Scale: 1/32" = 1'-0"



Building 2 - Conceptual Elevation - South  
Scale: 1/32" = 1'-0"

BUILDING 2 - MATERIAL PERCENTAGE	
STUCCO	35%
BRICK	24%
WOODSTONE ACCENT SIDING	15%
FIBER CEMENT SIDING	16%



14052  
ARCHITECTURE DEMAREST  
200 N. Main St., Suite 100, Carrollton, TX 75006  
714.388.8855 | P: 11/14/2020

ALEXAN CARROLLTON CONCEPTUAL ELEVATIONS

Carrollton, TX  
09/18/15

EXHIBIT C  
CONCEPTUAL BUILDING ELEVATIONS 3 OF 3



ALEXAN CARROLLITON  
09/24/2015

CONCEPTUAL TYPICAL SIDE ELEVATIONS  
SCALE: 1/16" = 1'-0"





# EXHIBIT E

## CONCEPTUAL LANDSCAPE PLAN







# City of Carrollton

## Agenda Memo

File Number: 2363

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Public  
Hearing/Individual  
Consideration

**In Control:** City Council

**File Type:** Public Hearing

**Agenda Number:** 23.

**CC MEETING:** December 1, 2015

**DATE:** November 20, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Michael McCauley, Senior Planner

Hold A **Public Hearing And Consider An Ordinance To Change The Zoning Of An Approximately 6.8 Tract Located At 1529 East Hebron Parkway From (SF-7/14) Single-Family Residential District To (O-1) Office District; Amending Accordingly The Official Zoning Map. Case No. 11-15Z1 Carrollton Church Of The Nazarene. Case Coordinator: Michael McCauley.**

### **BACKGROUND:**

This is a request for approval to change the base zoning from (SF-7/14) Single-Family Residential District to (O-1) Office District.

The property was zoned in 1985 and developed in 1997. SUP 360 was approved in 2008 for a day care center on the Carrollton Church of the Nazarene property.

On November 5, 2015, the Planning & Zoning Commission recommended approval with a 5-3 vote.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On November 5, 2015, the Planning & Zoning Commission recommended **APPROVAL**. The attached ordinance reflects the action of the Commission. Because the action of the Commission was not unanimous and public opposition has been received, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

## **RESULTS SHEET**

**Date:** 12/02/15

**Case No./Name:** 11-15Z1 Carrollton Church of the Nazarene

**A. STIPULATIONS AND RECOMMENDATIONS:**

Staff recommends approval.

**B. P&Z RECOMMENDATION** from P&Z meeting: 11/05/15

Result: **APPROVED** /Vote: 5-3 (McAninch, Daniel-Nix and Chadwick opposed, Romo absent).

**C. CC PUBLIC HEARING / ORDINANCE ACTION** from CC meeting: 12/01/15

Result: /Vote:

## ZONING CHANGE

Case Coordinator: Michael McCauley

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### **GENERAL PROJECT INFORMATION**

**SITE ZONING:** (SF-7/14) Single-Family Residential District with Special Use Permit No. 360

#### **SURROUNDING ZONING**

#### **SURROUNDING LAND USES**

NORTH	(SF-7/14) Single Family Residential District	Elementary School
SOUTH	PD-125 for the (SF-7/14) Single-Family Residential District	Single-Family Residential Subdivision
EAST	Town of Hebron	Undeveloped
WEST	(SF-7/14) Single-Family Residential District	Single-Family Residential Subdivision

**REQUEST:** Rezoning to change the base zoning from (SF-7/14) Single-Family Residential District to (O-1) Office District

**PROPOSED USE:** Church (existing)

**ACRES/LOTS:** 6.8-acre / 1 lot

**LOCATION:** 1529 E. Hebron Parkway

**HISTORY:**

- The property was developed in 1997.
- SUP 360 was approved in 2008 for a day care center on the Carrollton Church of the Nazarene property.
- The property was zoned in 1985.

**COMPREHENSIVE PLAN:** Low Intensity Commercial

**TRANSPORTATION PLAN:** Hebron Parkway is designated as a (A6D) Six-Lane Divided Arterial

**OWNER:** Carrollton Church of the Nazarene

**REPRESENTED BY:** Tesh Patel / Silver Care Management

## **STAFF ANALYSIS**

### **PROPOSAL**

This is a request to approve a change to the base zoning from (SF-7/14) Single-Family Residential District to (O-1) Office District.

### **ORDINANCE REQUIREMENTS/ALLOWANCES**

The existing use, a church, is allowed by-right in both (SF-7/14) Single-Family Residential and (O-1) Office Districts.

The (O-1) Office District allows for attractive, low density office and professional uses.

The (O-1) Office District should not have an adverse effect on adjacent residential areas, and does require appropriate buffers and landscaping.

The (O-1) Office District limits the building height to one (1) story.

### **ELEMENTS TO CONSIDER**

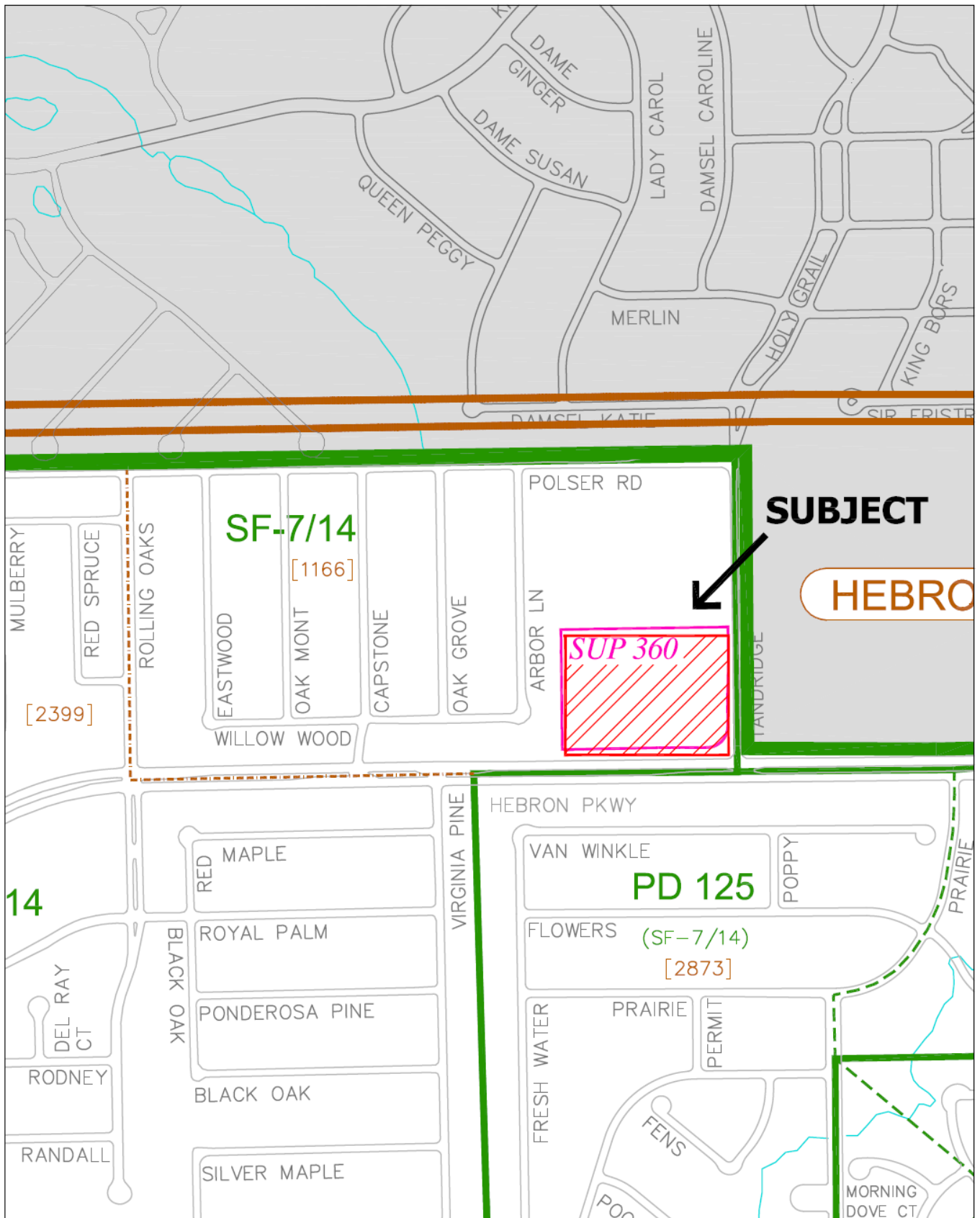
It is extremely doubtful that the subject property, or remaining undeveloped property, will be developed as single-family residential.

Unlike a Planned Development or Special Use Permit application, a request to change the base zoning does not require a development proposal with a conceptual site plan, landscape plan and building elevations.

### **CONCLUSION**

Because it is doubtful that the subject property, or remaining undeveloped land to the north, will be developed as single-family residential, staff is not opposed to changing the base zoning from (SF-7/14) Single-Family Residential District to (O-1) Office District to allow for future development of the property.

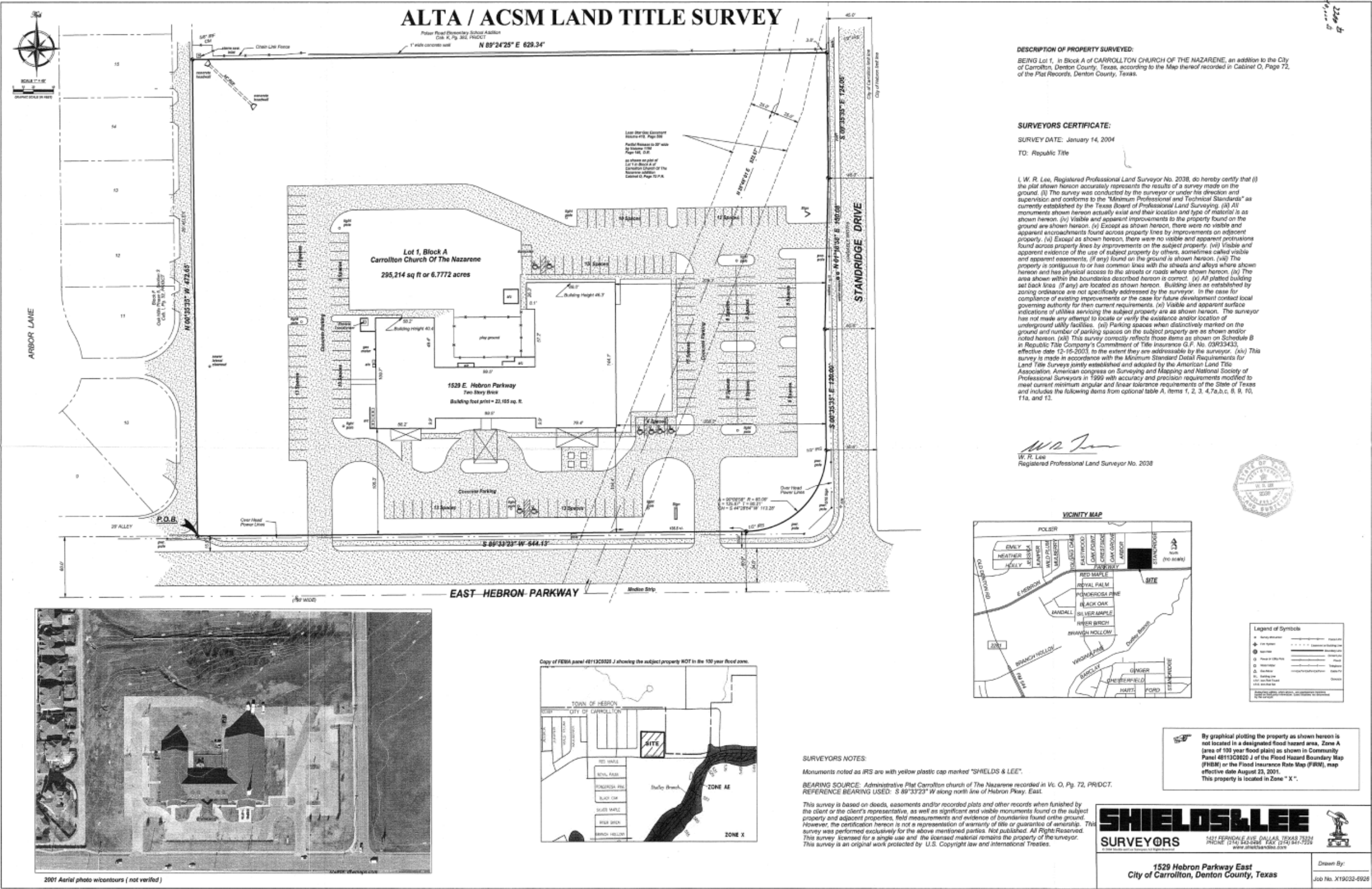
## SITE LOCATION AND ZONING MAP



## APPLICANT'S NARRATIVE

Application Explanation and Description of Request or Project
<p>RE ZONING TO COMPLY WITH EXISTING CITY OF CARROLLTON COMPREHENSIVE ZONING MAP.</p>

APPLICANT'S EXHIBIT



**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 5, 2015**

Public Hearing To Consider And Act On An Ordinance To **Change The Zoning Of An Approximately 6.8 Tract** Located At 1529 E. Hebron Parkway From (SF-7/14) Single-Family Residential District To (O-1) Office District; Amending Accordingly The Official Zoning Map. **Case No. 11-15Z1 Carrollton Church Of The Nazarene.** Case Coordinator: Michael McCauley.

McCauley presented the request to change the base zoning from single family to light office. He explained a base zoning change does not require a particular proposal with landscape plans or building design. Staff recommended approval without stipulations. He stated that light office or O-1 District was consistent with the Comprehensive Land Use designation that was already on the property. He advised that staff received one comment card from a property owner within 200 feet of the site in opposition to the request.

Greg Ledbetter, Pastor of the Carrollton Church of the Nazarene, was present but did not have a formal presentation.

Nesbit noted that the narrative mentioned that the Church would be interested in some future housing for seniors and/or international students and asked if that use would fit in the O-1 zoning. McCauley replied that it would be allowed.

Daniel-Nix asked for further clarification. Pastor Ledbetter explained that the previous developers were interested in senior housing but found that the market was now saturated and the Church was still interested in the possibility of housing international students with an academy.

Chair McAninch opened the public hearing and invited speakers to the podium.

The following individuals spoke in opposition to the request:

Gary Stephenson, 4212 Arbor Lane; Michael Genette, 4204 Arbor Lane; Michael Soter, 4200 Arbor Lane.

McAninch asked the applicant if there was a plan and Pastor Ledbetter stated there were three different investors looking at the property to develop it into a similar residential building like had been proposed with Sonoma House, but more of a dormitory level for exchange students for an academy up to 60 students.

Nesbit asked if the academy would be a supplemental building or if the church facility would be sold. Pastor Ledbetter stated if someone would be interested in the 2.5 acres across the back of the church, they would replat the property in order to sell the 2.5 acres to separate it from the church. He stated they were not considering selling the whole property and moving the church to another location. Nesbit asked staff if the proposed use as described by the pastor could be done under the current single family district and McCauley replied that it could not but it could

be under the O-1 district designation. He added that the O-1 District was limited to single-story buildings.

Sundaran asked if the potential academy would be affiliated with the church and Pastor Ledbetter replied that they were working with Carrollton Christian Academy whose future plan included bringing in international students. He stated it wouldn't be affiliated with the Nazarene Church other than some of the leaders on the CCA School Board are Board members for the Nazarene Church.

There being no other speakers, Chair McAninch closed the public hearing.

- \* *Averett moved to close the public hearing and approve Case No. 11-15Z1 Carrollton Church of the Nazarene; second by Kraus and the motion was approved with a 5-3 vote (McAninch, Daniel-Nix and Chadwick opposed, Romo absent).*

PLANNING DEPARTMENT  
City of Carrollton

CASE NO. 11-15Z1 CHURCH OF THE NAZARENE  
Date: 12/01/15

ORDINANCE NUMBER \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE TO CHANGE THE ZONING OF AN APPROXIMATELY 6.8-ACRE TRACT LOCATED AT THE NORTHWEST CORNER OF HEBRON PARKWAY AND STANDRIDGE DRIVE FROM THE (SF-7/14) SINGLE-FAMILY RESIDENTIAL DISTRICT TO (O-1) OFFICE DISTRICT; AMENDING ACCORDINGLY THE OFFICIAL ZONING MAP; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

**WHEREAS**, at its regular meeting held on the Fifth day of November, 2015, the Planning and Zoning Commission considered and made a recommendation on a certain request for a Zoning change (Case No. 11-15Z1);

**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, 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.

The zoning designation of (SF-7/14) Single-Family Residential District for a certain approximately 6.8-acre tract located at the northwest corner of Hebron Parkway and Standridge Drive, more specifically depicted on the attached Exhibit A and graphically shown on the attached Exhibit B, is hereby amended to designate the said tract as (O-1) Office District, which provides for the following:

Permitted uses shall be all principal and accessory uses which are allowed by right in the (O-1) Office District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (O-1) Office District and the

Comprehensive Zoning Ordinance, as amended, except as otherwise provided in this ordinance.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (O-1) Office District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

### Section 3.

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

### Section 4.

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

### Section 5.

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

### Section 6.

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 7.

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

PASSED AND APPROVED this the First day of December, 2015.

CITY OF CARROLLTON

By: \_\_\_\_\_  
Matthew Marchant, Mayor

ATTEST:

\_\_\_\_\_  
Krystle Nelinson  
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

\_\_\_\_\_  
Michael McCauley  
Senior Planner

**EXHIBIT A**  
**LEGAL DESCRIPTION**

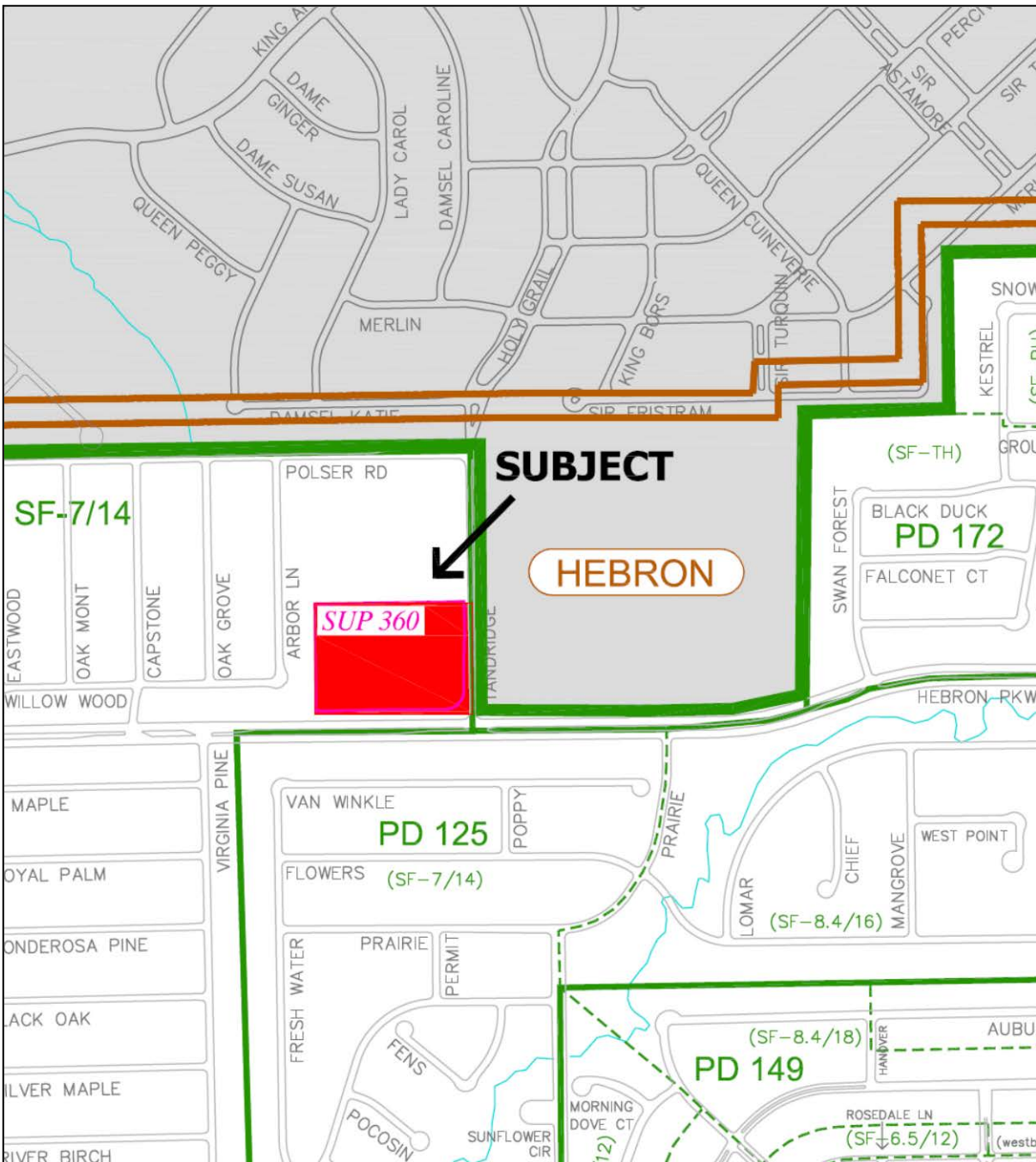
CARROLLTON CHURCH OF THE NAZARENE

LOT 1, BLOCK A

## EXHIBIT B

### ZONING MAP / LOCATION MAP

ZONING CHANGE FROM  
(SF-7/14) SINGLE-FAMILY RESIDENTIAL DISTRICT TO (O-1) OFFICE DISTRICT





# City of Carrollton

## Agenda Memo

File Number: 2359

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Public  
Hearing/Individual  
Consideration

**In Control:** City Council

**File Type:** Public Hearing

**Agenda Number:** 24.

**CC MEETING:** December 1, 2015

**DATE:** November 19, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Christopher Barton, Chief Planner

Hold A **Public Hearing And Consider An Ordinance To Amend The Zoning And Amend A Special Use Permit For A Used Car Dealership To Allow Outdoor Display With Special Conditions On An Approximately 1.5-Acre Tract Located At 3228 And 3232 West Skylane Drive; Amending Accordingly The Official Zoning Map. Case No. 10-15SUP2 Dallas Autos Direct. Case Coordinator: Christopher Barton.**

### **BACKGROUND:**

This is a request to amend a special use permit for a used car dealership with outdoor display, to allow for an adjacent site to be used for outdoor display. The proposed additional space would be in the west end of the same building that houses the RUF Auto Center.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On October 1, 2015 the Planning & Zoning Commission continued this case to the November 5 meeting to allow the applicant to be present. On November 5 the Planning & Zoning Commission recommended **APPROVAL** with stipulations. The attached ordinance reflects the action of the Commission. Although no public opposition has been received, because the action of the Commission was not unanimous this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

## RESULTS SHEET

**Date:** 12/02/15

**Case No./Name:** 10-15SUP1 Dallas Autos Direct

### **A. STIPULATIONS AND RECOMMENDATIONS:**

Staff recommends **APPROVAL** with the following stipulations (underlined stipulations are new, with the rest being carried over from the existing ordinance):

1. A minimum of three shade trees shall be planted along Skylane Drive in front of 3232 Skylane Drive.
2. All cars for sale shall be properly parked in designated parking spaces.
3. Exterior building lighting shall be brought into compliance with current code, regarding glare.
4. The SUP shall automatically expire on December 9, 2018, unless the applicant files a written request for extension of the SUP prior to the referenced expiration date and the City Council then determines upon notice and public hearing, as required by law, whether the SUP continues to be appropriate and should be extended, in perpetuity or for an additional defined period of time, or should be discontinued as being no longer appropriate.

### **B. P&Z RECOMMENDATION** from P&Z meeting: 10/01/15

Result: **CONTINUED** to the November 5, 2015 meeting/Vote: 7 – 0 (Daniel-Nix & Nesbit absent)

### **C. P&Z RECOMMENDATION** from P&Z meeting: 11/05/15

Result: **APPROVED** with staff stipulations/Vote: 6 – 2 (Romo absent, McAninch & Sundharan opposed)

### **D. CC PUBLIC HEARING and ORDINANCE ACTION** from CC meeting: 12/01/15

Result: /Vote:

## **SPECIAL USE PERMIT**

Case Coordinator: Christopher Barton

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### **GENERAL PROJECT INFORMATION**

**SITE ZONING:** (LI) Light Industrial District with SUP 417 for a used car dealer

#### **SURROUNDING ZONING**

#### **SURROUNDING LAND USES**

NORTH	(LI) Light Industrial District	Warehouse
SOUTH	(LI) Light Industrial District	Warehouse
EAST	(LI) Light Industrial District	Warehouse
WEST	(LI) Light Industrial District	Warehouse

**REQUEST:** Approval of an amendment to an existing Special Use Permit allowing for the outdoor display of used cars on an adjacent site

**PROPOSED USE:** Used car sales

**ACRES/LOTS:** Approximately 3.0 acres/2 tracts

**LOCATION:** South side of Skylane Drive west of Midway Road

**HISTORY:** The current zoning on the property was established in December 1973, and SUP 417 was approved on December 9, 2014.

Both properties were platted into lots of legal record in 1978.

The existing buildings were constructed in 1982 (for 3228 Skylane) and 1980 (for 3232 Skylane).

**COMPREHENSIVE PLAN:** Industrial Uses

**TRANSPORTATION PLAN:** Midway Road is designated as an (A6D) Six-Lane Divided Arterial. Skylane Drive is a local street.

**OWNER:** Paul STrief Warehouse Ltd. (3228 Skylane) and Colfin Cobalt Owner I II, LLC (3232 Skylane)

**REPRESENTED BY:** Fadi Oden/Dallas Autos Direct

## **STAFF ANALYSIS**

### **PROPOSAL**

This is a request to amend an existing Special Use Permit (SUP 417) for a Used Car Dealer with outdoor sales, in order to expand the SUP to cover an adjacent site. The adjacent site is the west end of the building currently housing the RUF Auto Center (see Case No. 10-14SUP2 from 2014).

### **ORDINANCE REQUIREMENTS**

The (LI) Light Industrial District currently allows **outdoor** used car display only with a Special Use Permit. Used car dealerships with indoor display only are allowed “by right.”

### **ELEMENTS TO CONSIDER:**

- Currently the site holds a Certificate of Occupancy for a used car dealership with outdoor display. Special Use Permit No. 417 was approved on December 9, 2014 for a used car dealer, which allows for outdoor display.
- The current business sells late-model, high-quality used cars.
- There is no history of code enforcement problems at either location.
- There is a history of used car dealerships occupying in this area.
- The proposed additional site does not front Midway Road.
- The building and landscaping are in good condition.

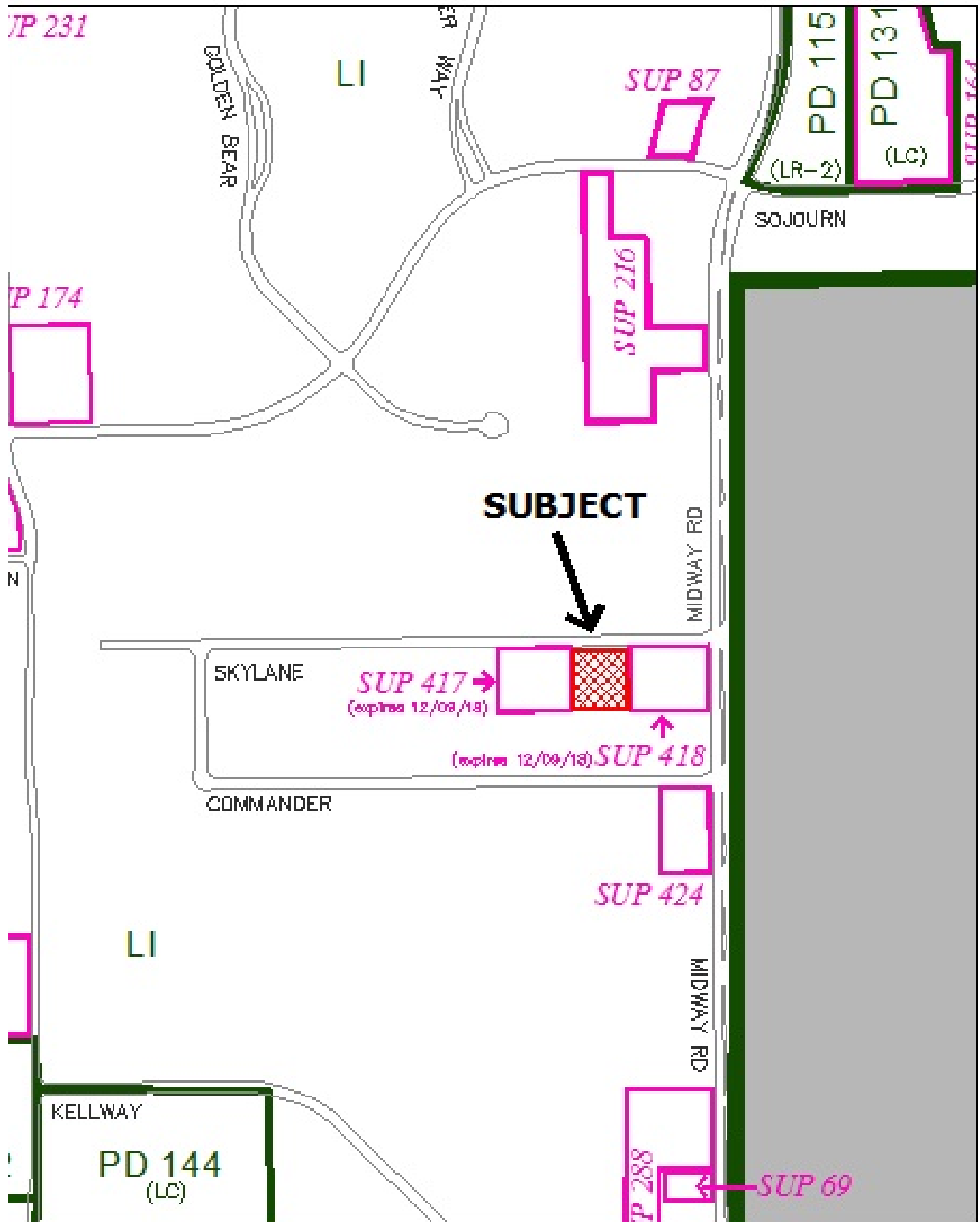
### **EXISTING LANDSCAPING:**

- The existing landscaping at the proposed site (3232 Skylane Drive) is currently non-conforming with regard to the street buffer requirements of Article XXV Landscaping & Buffering. The site currently contains no shade trees on site or within the landscape buffer areas along Skylane Drive.
- Existing turf grass appears in good condition.

### **CONCLUSION:**

The use appears appropriate.

**SITE LOCATION AND ZONING MAP**



**SUPPLEMENTARY INFORMATION**

Aerial Photo

(Red rectangle is the existing site, Yellow rectangle is the proposed addition)



**SUPPLEMENTARY INFORMATION**

Views from Skylane Drive  
(Proposed Site: 3232 Skylane Dr.)



**SUPPLEMENTARY INFORMATION**  
(Existing Site: 3228 Skylane Dr.)



**Excerpt from Approved Minutes  
Planning & Zoning Commission  
Meeting of October 1, 2015**

Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And **Amend A Special Use Permit For A Used Car Dealership To Allow Outdoor Display** With Special Conditions On An Approximately 1.5-Acre Tract Located At 3228 And 3232 West Skylane Drive; Amending Accordingly The Official Zoning Map. **Case No. 10-15SUP2 Dallas Autos Direct.** Case Coordinator: Christopher Barton.

Barton presented the case noting that staff recommended more trees be planted along the right-of-way to continue the tree lined effect along the street and recommended approval with stipulations. He advised that the applicant was willing to accept or continue the existing expiration date of December 9, 2018.

Chair McAninch opened the public hearing and invited speakers to the podium. There being no speakers, she closed the public hearing.

*\*Stotz moved to keep the public hearing open and continue Case No. 10-15SUP2 Dallas Autos Direct to the November 5, 2015 meeting to hear the comments of the applicant; second by Chadwick and the motion was approved with a unanimous 7-0 vote.*

**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 5, 2015**

Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And **Amend A Special Use Permit For A Used Car Dealership To Allow Outdoor Display** With Special Conditions On An Approximately 1.5-Acre Tract Located At 3228 And 3232 West Skylane Drive; Amending Accordingly The Official Zoning Map. **Case No. 10-15SUP1 Dallas Autos Direct**. Case Coordinator: Christopher Barton.

Barton stated the case was to expand the business to the east. He advised that staff requests trees be planted along Skylane Drive to bring the landscape buffer into better compliance with current landscaping requirements. He noted that the applicant offered to have the existing expiration date on the SUP maintained in place. Staff recommended approval with stipulations.

Hadi Bayatneh, Dallas Auto Direct, stated after speaking directly with Mr. Barton, he had a better understanding of the stipulations and felt they could move forward with installing the trees. He requested something in writing that he could give to the landlord to show that the stipulations regarding lighting are a compliance issue with the building regardless of the tenant. Barton explained that there was a new ordinance requiring that by the end of 2017, all exterior lighting sources will have to come into compliance with the new glare standard.

Nesbit asked if the stipulation meant it must be done or the City was suggesting it be done and Barton explained that the stipulation would require the lighting to meet the standard now rather than by the end of 2017 which means the lighting standard would have to occur in order for the applicant to receive the Certification of Occupancy.

Chair McAninch opened the public hearing and invited speakers to the podium; there being no speakers she offered the applicant an opportunity for closing remarks and the applicant had none. Chair McAninch closed the public hearing.

Chair McAninch voiced her opposition to all outdoor car sales particularly in her area of the city.

- \* *Nesbit moved approval of Case No. 10-15SUP1 Dallas Autos Direct with the stipulations shown; second by Kiser and the motion was approved with a 6-2 vote (McAninch and Sundaran opposed, Romo absent).*



November 23, 2015

City of Carrollton - Planning Department  
Attn: Christopher Barton, Chief Planner  
1945 E. Jackson Road  
Carrollton, TX 75006

RE: 3232 Skylane, Carrollton, TX 75006 – Exterior Lights (Dallas Autos Direct

Hello Mr. Barton,

We have been advised that the exterior light fixtures on our property have new standard requirements which are required to be in place by January 1, 2017. Our understanding is that many of the exterior light fixtures mounted on the north side of the building need shields added or may need to be replaced.

Please note that we are working with our electrical vendor to obtain bids to make the appropriate repairs to be in compliance. Please accept this as our written request to receive an extension for compliancy. We ask that this stipulation be removed from the pending SUP case for our tenant Dallas Auto Direct.

The exterior lights will be repaired or have shields added prior to January 1, 2017. If you have any questions, please feel free to contact our office at 469-499-5000.

Sincerely,

Colfin Cobalt I-II Owner, LLC

By its Manager:

A handwritten signature in blue ink, appearing to read "Ginny Goldsmith".

Ginny Goldsmith  
Senior Property Manager

ORDINANCE NO. \_\_\_\_\_  
Case No. 10-15SUP1 Dallas Autos Direct

PLANNING  
City of Carrollton  
Date: 12/01/15

SPECIAL USE PERMIT NO. 417

ORDINANCE NUMBER \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF CARROLLTON  
AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY  
AMENDING SPECIAL USE PERMIT NUMBER 417 PROVIDING FOR  
A USED CAR DEALER UPON PROPERTY LOCATED AT 3228 AND  
3232 SKYLANE DRIVE; AMENDING THE OFFICIAL ZONING MAP;  
PROVIDING FOR PENALTY, REPEALER, SEVERABILITY, AND  
SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE  
ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Fifth day of November, 2015, the Planning & Zoning Commission considered and made recommendation on a request regarding a Special Use Permit (Case No. 10-15SUP1), 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, 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 417 (“SUP”) is hereby amended in its entirety for a certain approximately 3.0-acre tract of land located at 3228 Skylane Drive and 3232 Skylane Drive (“Property”) as more specifically described on the attached Exhibit A and generally located on the location map attached hereto as Exhibit B, providing for a change in zoning from “Used Car Dealers (indoors only or accessory to new car sales)” to the following use:

Used Car Dealer

Section 3.

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

1. A minimum of three shade trees shall be planted along Skylane Drive in front of 3232 Skylane Drive on or before April 30, 2016.
2. All vehicles on the Property shall be properly parked in designated parking spaces.
3. Exterior building lighting shall be brought into compliance with all current codes, including all ordinances regarding glare.
4. The SUP shall automatically expire on December 9, 2018, unless the applicant files a written request for extension of the SUP prior to the referenced expiration date and the City Council then determines upon notice and public hearing, as required by law, whether the SUP continues to be appropriate and should be extended, in perpetuity or for an additional defined period of time, or should be discontinued as being no longer appropriate.

Section 4.

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

Section 5.

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 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

ORDINANCE NO. \_\_\_\_\_  
Case No. 10-15SUP1 Dallas Autos Direct

the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 7.

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

Section 8.

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 9.

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

PASSED AND APPROVED this the First day of December, 2015.

CITY OF CARROLLTON

By: \_\_\_\_\_  
Matthew Marchant, Mayor

ATTEST:

\_\_\_\_\_  
Krystle Nelinson  
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

\_\_\_\_\_  
Christopher Barton  
Chief Planner

**EXHIBIT A**  
Legal Description

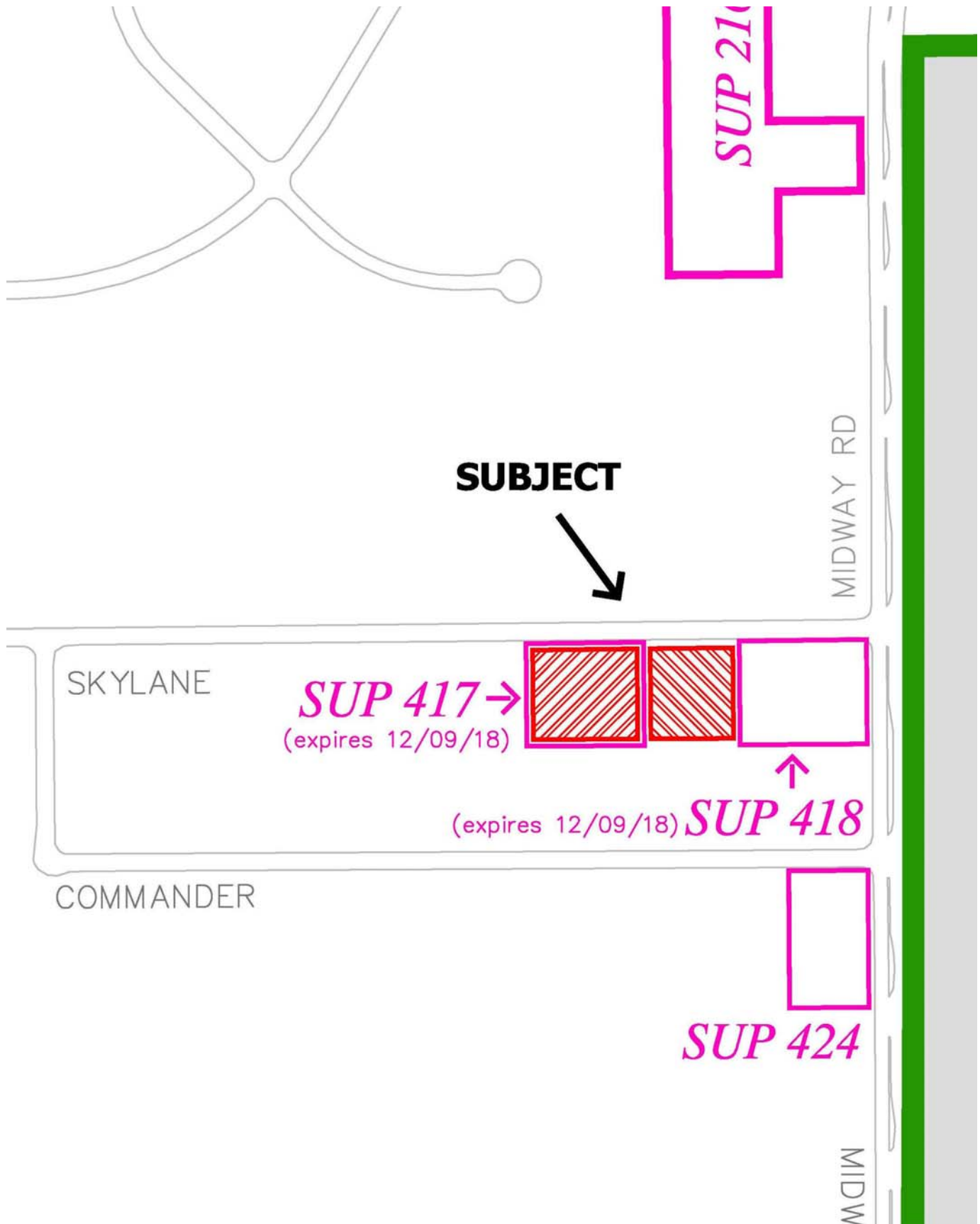
3228 Skylane Drive

Eastern one-half of  
Lot 2, Block A  
Beltwood North, Phase 4 Addition

3232 Skylane Drive

Northwestern one-quarter of  
Lot 1, Block A  
Beltwood North, Phase 4 Addition

**EXHIBIT B**  
Location Map





# City of Carrollton

## Agenda Memo

File Number: 2358

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Public  
Hearing/Individual  
Consideration

**In Control:** City Council

**File Type:** Public Hearing

**Agenda Number:** 25.

**CC MEETING:** December 1, 2015

**DATE:** November 19, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Christopher Barton, Chief Planner

Hold A **Public Hearing And Consider A Resolution For An Amendment To The Comprehensive Plan And The Future Land Use Map To Change An Approximately 94.4-Acre Site Located On The East Side Of Old Denton Road, North Of Indian Creek From Industrial Uses To Single-Family Residential Detached Uses. Case No. 11-15MD1 Singer Ranch (comp plan)/Bright Realty, LLC. Case Coordinator: Christopher Barton.**

### **BACKGROUND:**

This is a request for an amendment to the Comprehensive Plan and Land Use Map to change an approximately 94.4-acre site from industrial uses to single-family residential detached uses.

A companion request to change the zoning on the subject property is on this agenda (Case No. 11-15Z3 Singer Ranch).

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On November 5, 2015, the Planning & Zoning Commission recommended **APPROVAL** as presented. The attached resolution reflects the action of the Commission. Although the vote of the Commission was unanimous, public opposition has been received. Therefore this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

**RESULT SHEET**

**Date: 12/02/15**

**Case No./Name: CASE NO. 11-15MD1 Singer Ranch (comp. plan)**

**A. STAFF STIPULATIONS AND RECOMMENDATIONS**

Staff recommends **APPROVAL** of the Comprehensive Plan Amendment.

**B. P&Z RECOMMENDATION** from P&Z meeting: 11/05/15

Result: **APPROVED**/Vote: 8 – 0 (Romo absent)

**C. CC PUBLIC HEARING** from CC meeting: 12/01/15

Result: /Vote:

## **STAFF ANALYSIS**

### **PROPOSAL/REQUEST**

- The applicant is requesting a change in the land use designation for an approximately 94.4-acre tract of land from Industrial uses to Single Family Detached uses.
- The applicant plans to develop a single family residential subdivision.
- A companion zoning change request is on this agenda (Case No. 11-15Z3 Singer Ranch). Said request would create a new planned development district (PD) based on the (SF-5/12) Single Family Residential District with modified development standards.

### **SITE ELEMENTS**

- The subject property is capable of being served by Carrollton water and sewer system.
- Old Denton Road and Windhaven Drive have been improved to their ultimate width. Access to the site would be from these two roadways (one entrance each).
- The site is significantly encumbered by the Indian Creek flood plain and a high tension electricity transmission line.
- The site has notable topography. In general it falls from approximately 520 feet above sea level at the northwest corner to about 420 feet at the edge of the Indian Creek flood plain to the southeast. There is a “ridge” along the northerly boundary upon which the existing house & barn complex sits.

### **COMPREHENSIVE PLAN ELEMENTS**

The Comprehensive Plan describes the Single Family Detached Residential category as follows:

**Single-Family Residential (0-6 Dwelling Units Per Net Acre).** This category represents conventional single-family detached development, where basic neighborhood units would be created through the inclusion of schools, churches, and public parks. When land within developed areas is dedicated to rights-of-way, easements, parks, etc., the typical development density is between three and five dwelling units per acre. Appropriate zoning districts may include Single-Family (SF-12/20) through (SF-6.5/12) Single-Family Patio Home (SF-PH), and Planned Development (PD) with one or more of these uses.

(Note: The (SF-5/12) Single Family Residential District is essentially equivalent to the (SF-PH) Patio Home District in the Comprehensive Zoning Ordinance.)

**The following policies found in the Comprehensive Plan form the intention of the City Council regarding development issues within the City related to the subject site:**

**URBAN FORM**

LU-9 As conditions change and alternative land uses are considered, stable single-family neighborhoods should be preserved.

*Existing single family developments are to the north, east, south and west (along with a public school) of the subject tract.*

LU-10 Infill development that is compatible and complementary with the character of the surrounding neighborhood or area should be encouraged.

*While too large to be considered “infill,” the subject tract is surrounded by existing single-family development.*

LU-11 Preserve floodplains to reduce the risk and severity of flooding, and to provide more public recreation and interaction through a citywide open space and trail system.

*and*

LU-12 Use the floodplain and adjacent land to provide floodwater conveyance and detention, and to provide recreational amenities, natural areas and buffering of land uses.

*The proposed single family development (see companion Case No. 11-15Z3) reserves the flood plan as “open” or “green” space and proposes to connect an existing hike-and-bike trail in this area.*

**INDUSTRIAL**

LU-23 Industrial development should be located away from residential areas as much as possible, with landscaped or natural buffers separating such development from adjacent non-industrial areas.

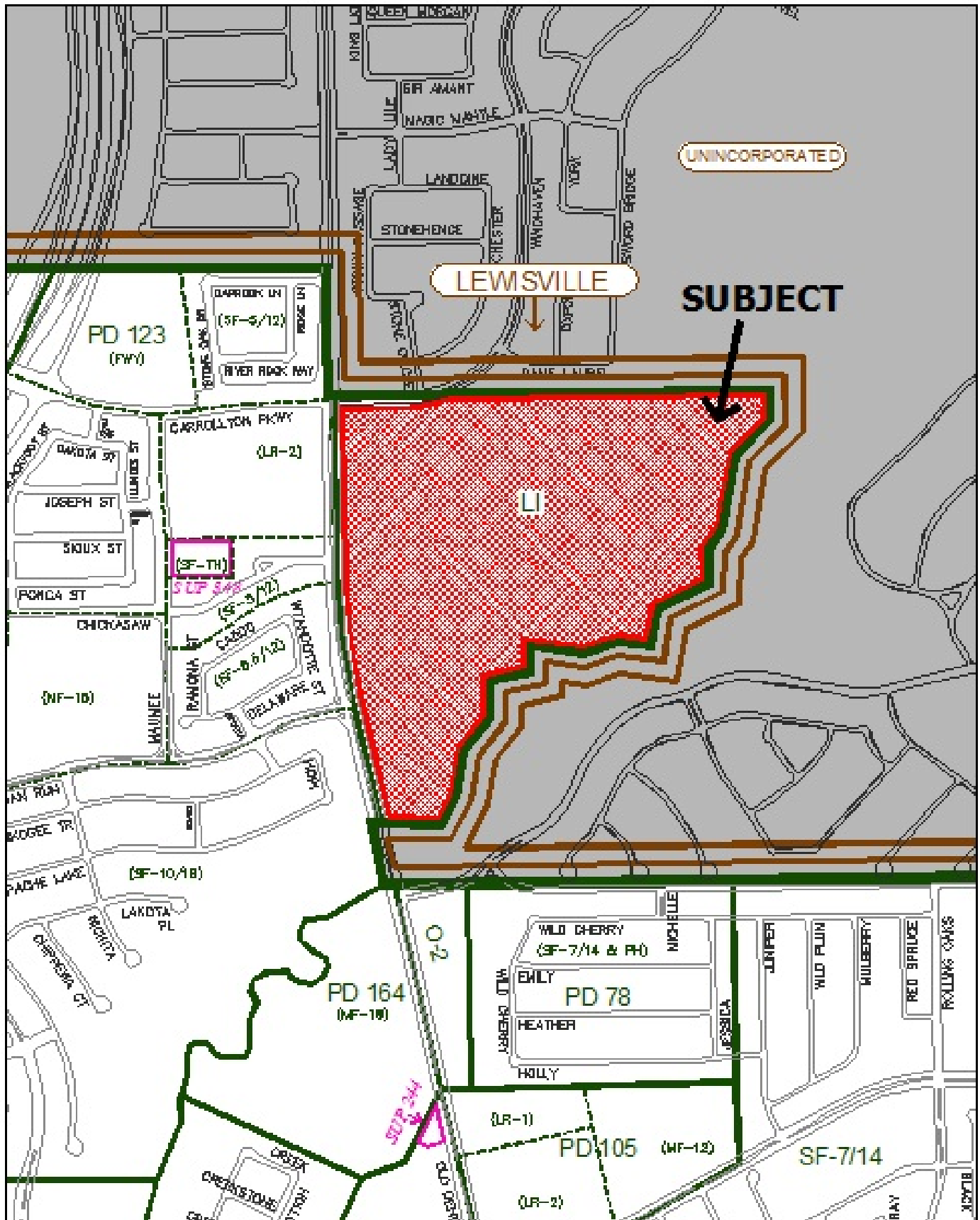
*Although separated by roadways and Indian Creek, the site is surrounded by existing single family developments.*

LU-25 Industrial development should be encouraged on sites that are large enough to be planned as unified, fully-integrated industrial districts readily accessible from major highways, and that offer a variety of locations and site configurations to meet the needs of local industries.

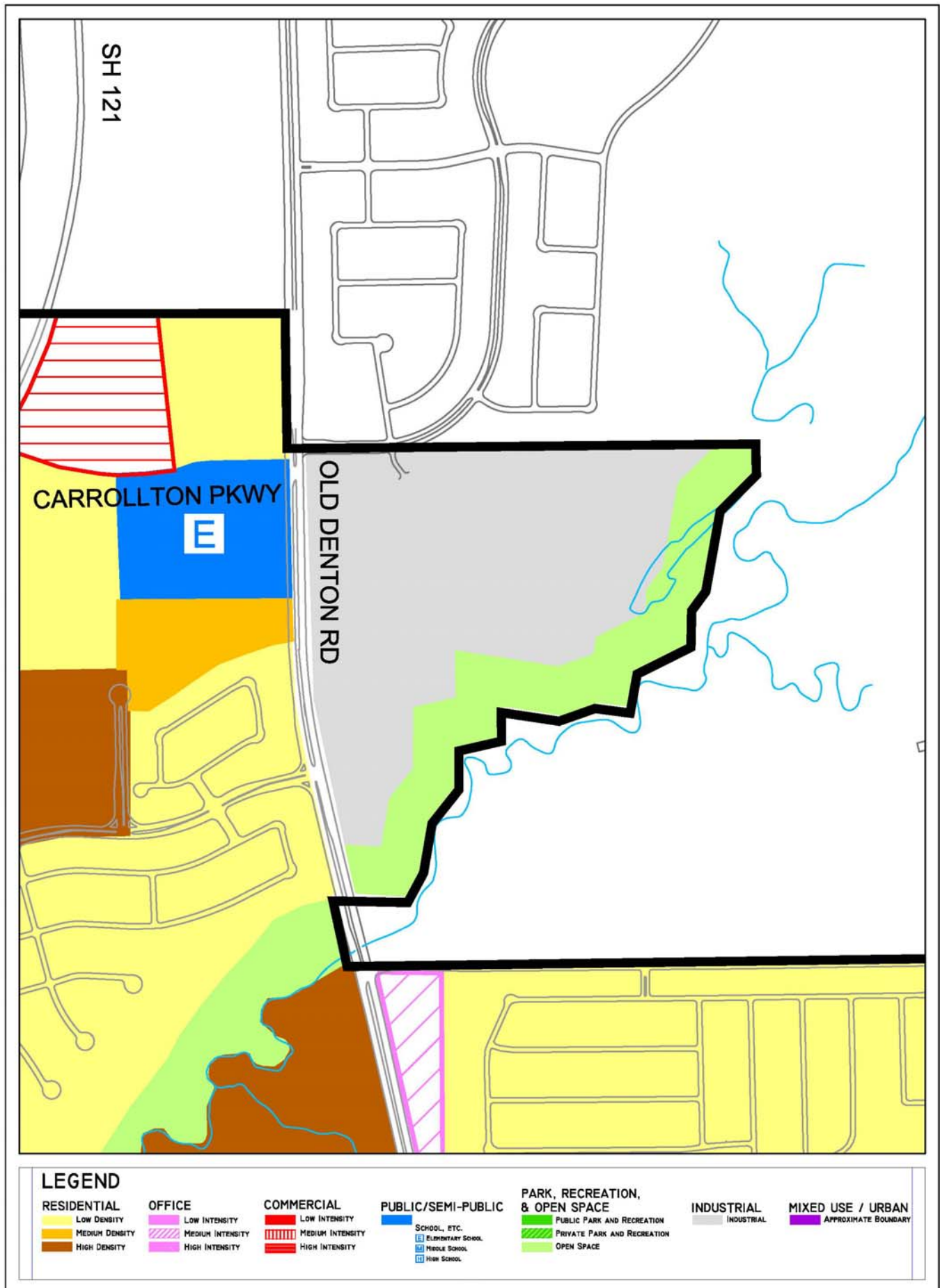
*Although large enough, the site has notable topography making it less suitable for large warehouse or industrial buildings. It abuts an arterial roadway (Old Denton Road), but access to IH-35E and the Sam Rayburn Tollway would be somewhat circuitous and run through areas a bit more “local” in overall character.*

**CONCLUSION**

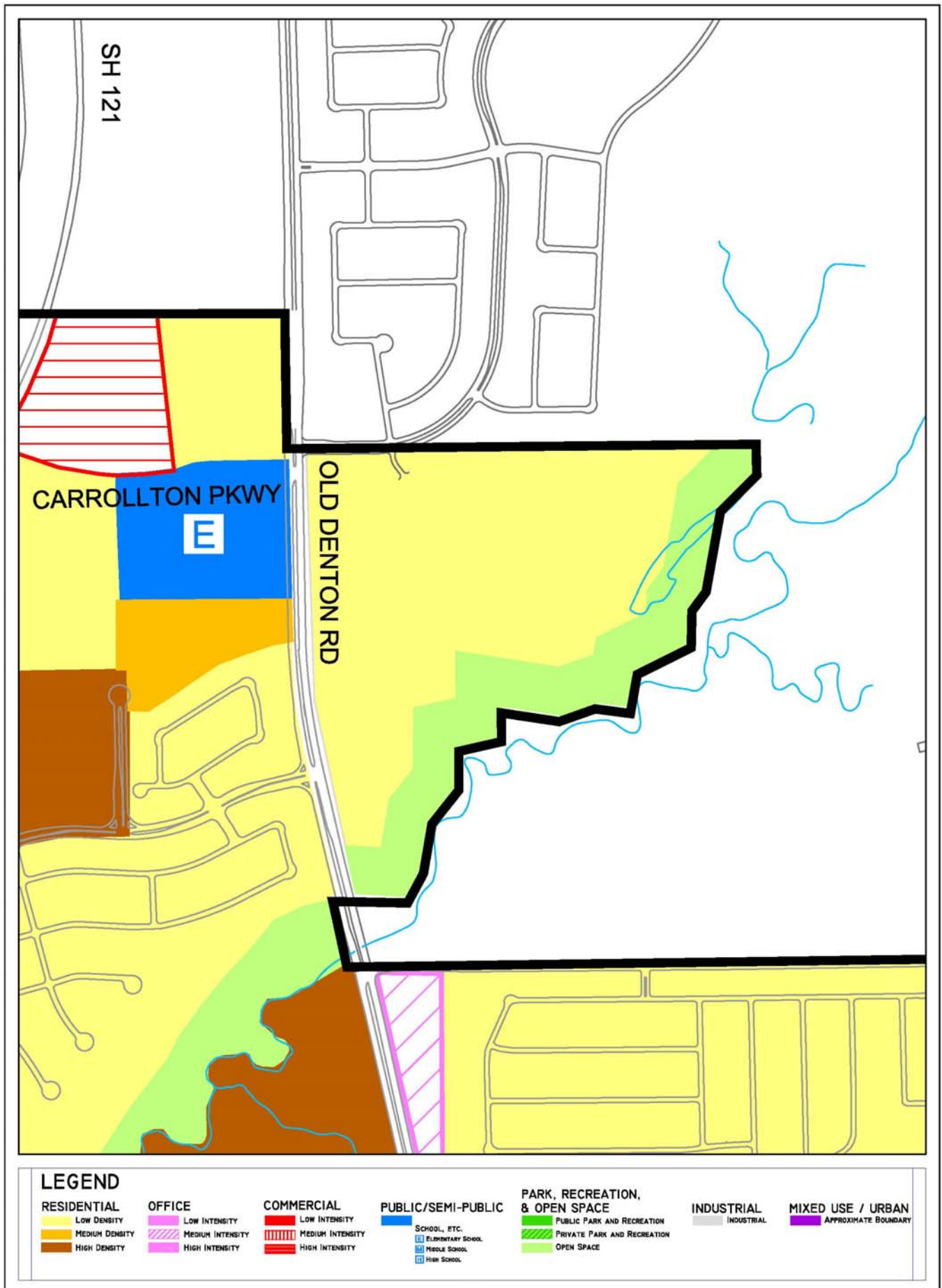
The proposed change in the land use designation appears appropriate.



**EXISTING COMPREHENSIVE PLAN**



**PROPOSED COMPREHENSIVE PLAN**



**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 5, 2015**

Public Hearing To Consider And Act On A Resolution For An **Amendment To The Comprehensive Plan** And The Future Land Use Map To Change An Approximately 94.4-Acre Site Located On The East Side Of Old Denton Road North Of Indian Creek From Industrial Uses To Single-Family Residential Detached Uses. **Case No. 11-15MD1 Singer Ranch (comp plan)**/Bright Realty, LLC. Case Coordinator: Christopher Barton.

Chair McAninch advised that Items 12 & 13 were companion items and would be heard simultaneously but would have separate action.

Barton stated Item 12 would amend the Comprehensive Plan which was a higher level documentation of the general development expectations of the City in the long term. Staff recommended approval of the change to single family uses. He explained that Item 13 involved the actual zoning designation for a proposed single family residential subdivision. He stated that it was a complicated case because the applicant was requesting variations to the base zoning and development standards.

Aaron Ketchand, VP of Development at Bright Realty, 2520 King Arthur Blvd., Lewisville, distributed a hard copy of the presentation to the Commission. He felt the highest and best use for the land was single family and noted that the property was surrounded by single family use. Entries into Castle Hills will be from Josey, Highway 121, Old Denton, FM 544 and Hebron Parkway. Bright Realty intends to develop approximately 314 single-family residential lots for homes ranging from \$375,000 to \$550,000 and expected build-out in approximately three years.

Chair McAninch closed the public hearing and opened the floor for discussion or action.

- \* *Daniel-Nix moved to close the public hearing and approve the amendment to the Comprehensive Plan for Case No. 11-15MD1 Singer Ranch; second by Kraus and the motion was approved with a unanimous 8-0 vote (Romo absent).*

Case No/Name: 11-1522 Date: 10/25/15

Name: SAM DANIEL

Address: 1004 DELAWARE DR.

City, ST, ZIP: CARROLLTON, TX 75010

I hereby register my: ☐ Support

☒ Opposition

to the above referenced case.

Comments: \_\_\_\_\_

Received

NOV 02 2015

Planning  
City of Carrollton

Signature: \_\_\_\_\_

Resolution No. \_\_\_\_\_

PLANNING DEPARTMENT

City of Carrollton

Date: 12/01/15

DEVELOPMENT NAME:

Singer Ranch (comp plan)

RESOLUTION NUMBER \_\_\_\_\_

RESOLUTION NUMBER \_\_\_\_\_ OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING THE COMPREHENSIVE PLAN ADOPTED BY RESOLUTION NUMBER 2672 ON FEBRUARY 18, 2003, TO AMEND THE DESIGNATION FOR AN APPROXIMATELY 94.4-ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF OLD DENTON ROAD NORTH OF INDIAN CREEK FROM INDUSTRIAL TO SINGLE FAMILY DETACHED USES; AMENDING ACCORDINGLY THE FUTURE LAND USE MAP; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION.

WHEREAS, the Planning & Zoning Commission reviewed and studied an amendment to the Comprehensive Plan (Case No. 11-15MD1); and

WHEREAS, the Planning & Zoning Commission conducted a public hearing on November 5, 2015 and after all persons were given an opportunity to present testimony, considered and recommended the following change regarding an appropriate future land use; and

WHEREAS, the City Council conducted a public hearing on December 1, 2015, at which all persons were given an opportunity to present testimony; and

WHEREAS, the amendment is in accordance with the goals, objectives and policies of the Comprehensive Plan, adopted by Resolution Number 2672 on February 18, 2003, as amended; and

WHEREAS, the City Council has concluded that the amendment to the Plan is in the best interest of the city and is for the purpose of protecting the health, safety, and general welfare of the city and its citizens.

*NOW, THEREFORE, BE IT RESOLVED 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 Resolution as if copied in their entirety.

Section 2.

The 2003 Comprehensive Plan is hereby amended for only that 94.4 acre tract of land located on the east side of Old Denton Road north of Indian Creek shown to be designated for Industrial Uses on the attached Exhibit A, by amending said tract to provide for the Single Family Detached land use designation as identified on Exhibit B. This amendment, collectively with all other existing Comprehensive Plan provisions will constitute the Comprehensive Plan for all matters related to long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction and growth management on such property.

Section 3.

An amendment to the Future Land Use Map of the City's Comprehensive Plan for said tract, which amendment is attached hereto as Exhibit B and incorporated herein for all purposes, is hereby adopted by the City Council.

Section 4.

Save and except as amended herein, the Comprehensive Plan adopted on February 18, 2003 by Resolution Number 2672, as amended, shall remain in full force and effect.

Section 5.

The provisions of this resolution are severable. If any section, sub-section, paragraph, clause, phrase or provision of this resolution or its application to any person or circumstance shall be adjudged or held invalid, that invalidity shall not affect the provisions that can be given effect without the invalid provision or application.

Resolution No. \_\_\_\_\_

Section 6.

This resolution shall become and be effective on and after its adoption.

PASSED AND APPROVED this the First day of December, 2015.

CITY OF CARROLLTON

By: \_\_\_\_\_  
Matthew Marchant, Mayor

ATTEST:

\_\_\_\_\_  
Krystle Nelinson  
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Susan Keller  
Assistant City Attorney

\_\_\_\_\_  
Christopher Barton, AICP  
Chief Planner

EXHIBIT A  
CURRENT LAND USE MAP

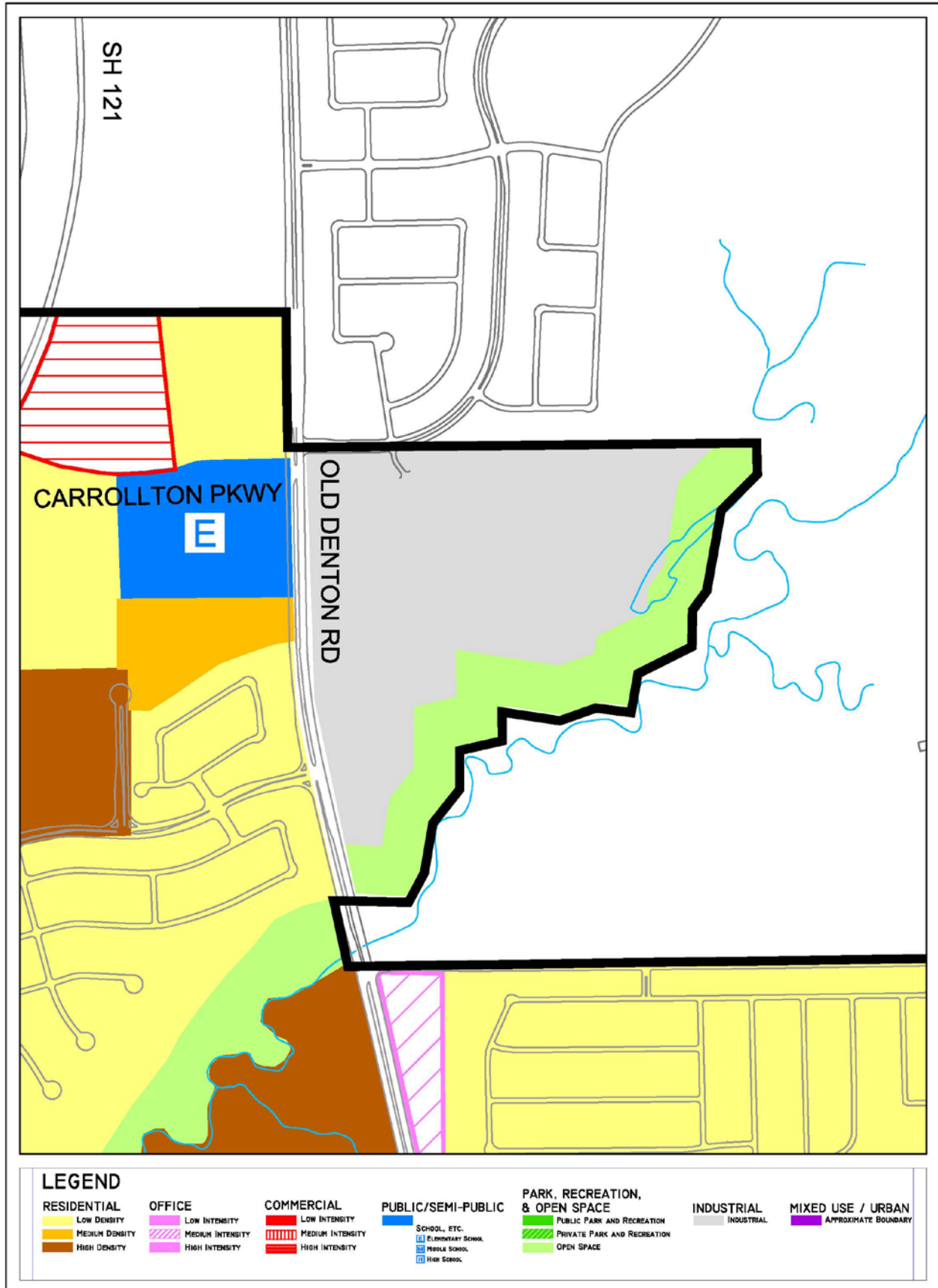
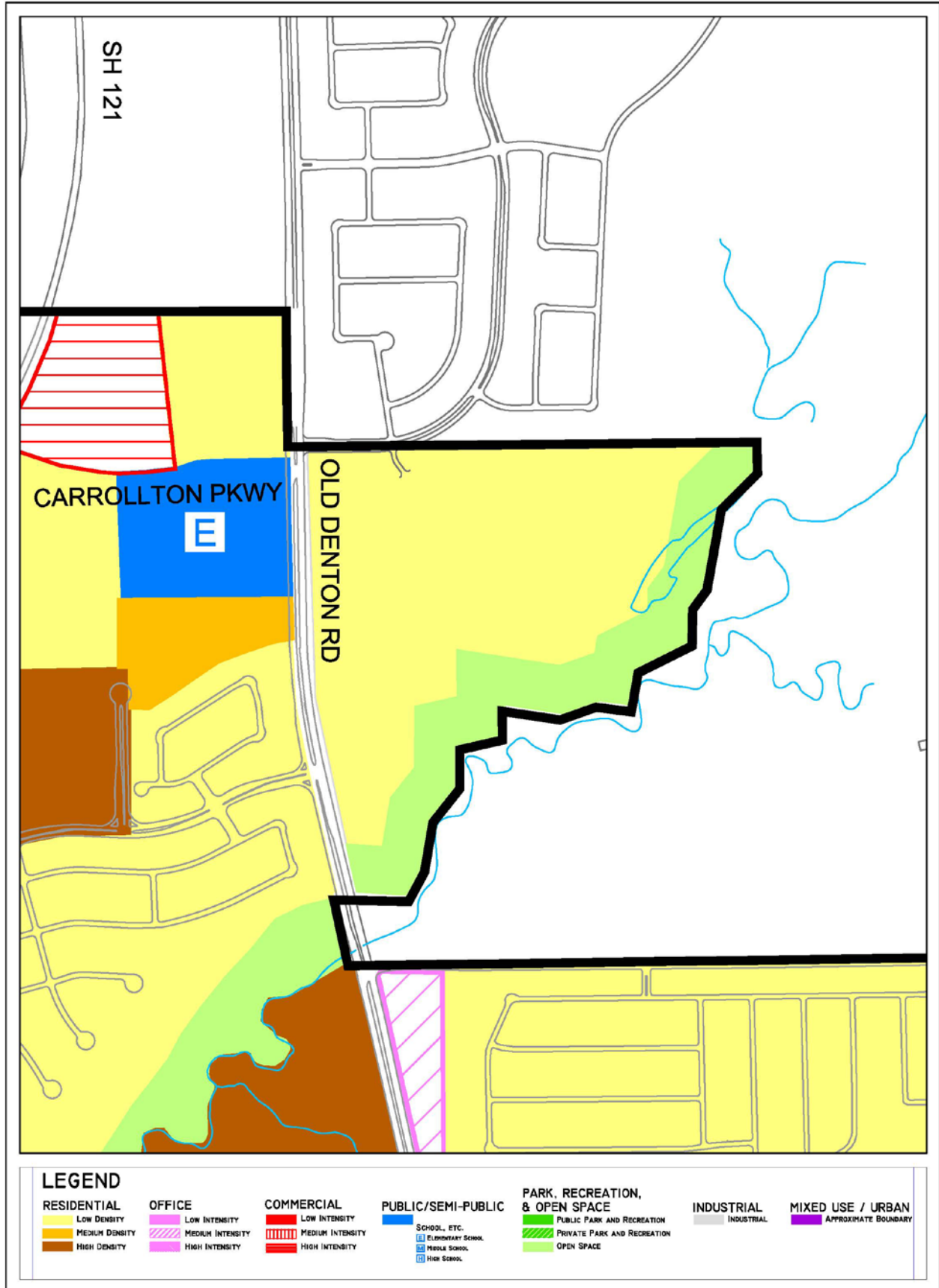


EXHIBIT B  
REVISED LAND USE MAP





# City of Carrollton

## Agenda Memo

File Number: 2369

**Agenda Date:** 12/1/2015

**Version:** 1

**Status:** Public  
Hearing/Individual  
Consideration

**In Control:** City Council

**File Type:** Public Hearing

**Agenda Number:** 26.

**CC MEETING:** December 1, 2015

**DATE:** November 21, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Christopher Barton, Chief Planner

Hold A **Public Hearing And Consider An Ordinance To Establish A New Planned Development District For The (SF-5/12) Single Family Residential District On An Approximately 94.4-Acre Tract Of Land Located On The East Side Of Old Denton Road North Of Indian Creek; Amending Accordingly The Official Zoning Map. The Site Is Currently Zoned For The (LI) Light Industrial District. Case No 11-15Z2 Singer Ranch (zoning)/Bright Realty, LLC. Case Coordinator: Christopher Barton.**

### **BACKGROUND:**

This is a request for approval of a change in zoning from the (LI) Light Industrial District to a new planned development for the (SF-5/12) Single-Family Residential District with modified development standards. The approximately 94.4-acre site is located on the east side of Old Denton Road, north of Indian Creek.

A companion case to amend the Comprehensive Plan and land use map for the subject tract from light industrial uses to single-family detached uses is also on this agenda.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

On November 5, 2015 the Planning & Zoning Commission recommended **APPROVAL** with stipulations. Note that no ordinance is attached to this case report. Upon receiving direction from City Council regarding the elements to be incorporated into the zoning, staff will bring back an ordinance for ratification on January 5, 2015. The applicant is aware of this schedule and agrees to it. Although no public opposition has been received, because the action of the Commission was not unanimous, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

**RESULT SHEET**

**Date: 12/02/15**

**Case No./Name: 11-15Z2 Singer Ranch (zoning)**

**A. STAFF STIPULATIONS AND RECOMMENDATIONS**

Staff recommends **APPROVAL** of single family residential zoning on the subject site as it is more appropriate than the current industrial zoning. The Commission should consider all the elements presented and consider whether the requested development standards are appropriate and consistent with City Council direction regarding residential subdivisions.

**B. P&Z RECOMMENDATION** from P&Z meeting: 11/05/15

Result: **APPROVED**/Vote: 7 – 1 (Romo absent, Chadwick opposed)

1. A minimum ten foot landscape buffer, as measured “back of curb” from Old Denton Road, shall be provided along the entire Old Denton Road frontage. A landscape license agreement for this buffer, where it encroaches into the public right-of-way, shall be executed between the City of Carrollton and the Castle Hills homeowners association.
2. Maximum building coverage shall be limited to 60% of the lot area.
3. Minimum front yard setbacks for the livable area of any house shall be 11 feet, with no encroachments allowed.
4. Garage doors shall be a decorative wood paneled door, with no windows or glass allowed.
5. Accessory buildings containing bathrooms and/or kitchens shall not be allowed.

*(note: these stipulations are highlighted in the case report as well)*

**C. CC PUBLIC HEARING** from CC meeting: 12/01/15

Result: /Vote:

## **ZONING**

Case Coordinator: Christopher Barton

### **GENERAL PROJECT INFORMATION**

**SITE ZONING:** (LI) Light Industrial District

#### **SURROUNDING ZONING**

#### **SURROUNDING LAND USES**

NORTH	Unincorporated Denton County (beyond 5' strip of Hebron and 5' strip of Lewisville)	Single family homes (Castle Hills)
SOUTH	Unincorporated Denton County (beyond 5' strip of Hebron and 5' strip of Lewisville)	Single family homes (Castle Hills, across Indian Creek)
EAST	Unincorporated Denton County (beyond 5' strip of Hebron and 5' strip of Lewisville)	Single family homes (Castle Hills, across Indian Creek)
WEST	PD-123 for the (SF-5/12), (SF-6.5/12) and (SF-10/18) Single Family Residential Districts and PD-123 for the (LR-2) Local Retail District	Single family homes and public elementary school (across Old Denton Road)

**REQUEST:** Approval of a change in zoning to single family residential to allow for development of a residential subdivision

**PROPOSED USE:** Approximately 314 single family homes

**ACRES/LOTS:** Approximately 94.4 acres/4 tracts (unplatted)

**LOCATION:** East side of Old Denton Road, north of Indian Creek.

**HISTORY:** The current zoning was established in February 1992. The land has never been platted into a lot of legal record. Except for its current use as a residence and "hobby farm," the site has never been developed.

**COMPREHENSIVE PLAN:** Industrial uses

**TRANSPORTATION PLAN:** Old Denton Road is designated as an (A8D) Eight Lane Divided Arterial. Windhaven Parkway as an (A6D) Six Lane Divided Arterial.

**OWNERS:** Craig Singer

**REPRESENTED BY:** Aaron Ketchand/Bright Realty LLC

## **STAFF ANALYSIS**

### **PROPOSAL**

A request to create a new Planned Development to allow for the development of a single-family residential subdivision.

The applicant is requesting multiple alternatives to the requirements of the Comprehensive Zoning Ordinance and Comprehensive Subdivision Ordinance.

### **CURRENT ORDINANCE REQUIREMENTS**

The subject tract is currently zoned for the (LI) Light Industrial District. Development could therefore include many high-intensity commercial, warehouse, retail or distribution uses, but not any kind of residential uses. Note that the subject tract is almost completely surrounded by single-family residential development. Therefore, industrial uses at this location do not appear to be appropriate.

### **ELEMENTS TO CONSIDER**

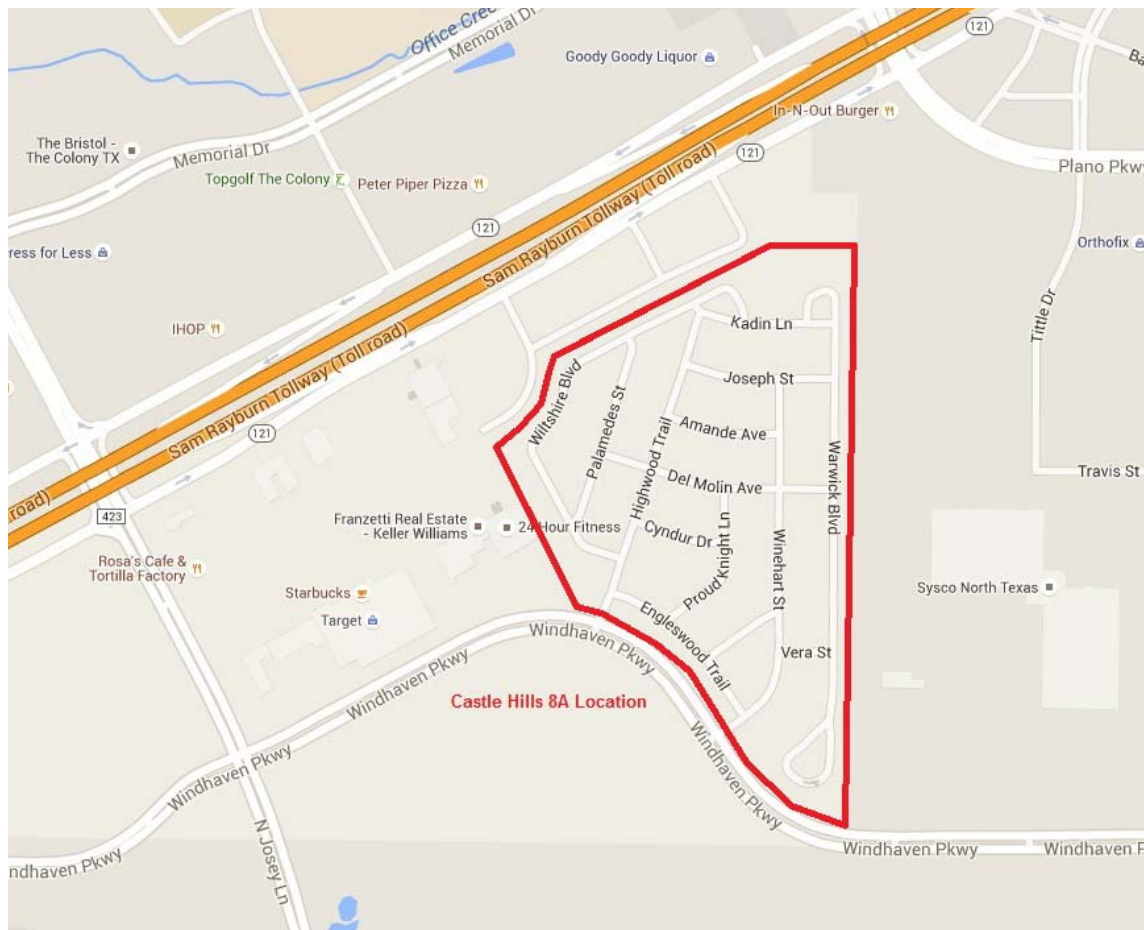
1. Of the total 94.4-acre tract, about 19 acres (20%) is encumbered by a flood plain and may not be developable. An additional approximately 12 (13%) acres is encumbered by a high-tension power transmission line easement or “cut off” from the bulk of the property by this easement and cannot be developed. Thus, about a third of the total property is undevelopable.
2. The exact amount of land in the flood plain which cannot be developed is unknown, because a complete engineering study has not been completed. The lots along the south side of (extended) Indian Run Drive (which may have another name in this subdivision) have purposely been designed with extra depth to allow for some change.
3. The existing pond near the north central portion of the site would be drained, filled and graded to provide for additional developable lots.
4. The proposed subdivision would be a part of the Castle Hills Homeowners Association, which is responsible for several maintenance items (such as annual trimming of street trees) and services (such as door-to-door mail delivery) which exceed the functions of any HOA in Carrollton. An HOA “write up” provided by the applicant is included later in this case report.
5. Homes will be subject to architectural controls established by the developer which exceed the minimum requirements of the City of Carrollton (e.g. façade masonry content). A copy of the Castle Hills Single Family Design Guidelines provided by the applicant is included later in this case report.

6. The developer is proposing to establish a Public Improvement District (PID) to assess a fee on homeowners to defray the costs of the subdivision improvements (water, sewer, drainage, streets).

### **SIMILAR PROJECT**

The applicant has stated that a good example of the character of the proposed development can be found in Castle Hills, Phase 8A, with homes now being built. This subdivision is located on the north side of Windhaven Parkway, just east of Josey Lane (see location map below).

The Commission may wish to visit this subdivision. It consists of about 78 acres with 379 residential lots and 21 common area lots. The residential lots are in the 41- to 50-foot-wide range (although numerous corner and cul-de-sac lots are larger). There is an approximately two-acre neighborhood park, as well as several common area “open” or “green” space lots located in three street “islands” and following an existing natural gas line easement. Various drainage and utility easements have been placed in non-buildable common area lots, which provide some additional green space.



The applicant is requesting a number of alternatives to the standard subdivision design requirements. These are listed below (copied from the applicant's original application) with staff comments following in italics.

**General:**

1. Lot layout and usable open space amenity shall be as shown on the Concept Site Plan.

*Because the flood study has not been completed, it is important to note that this Concept Site Plan is preliminary. Lot and street arrangement is subject to change as the flood study progresses. However, this is a good general idea of how a subdivision could be arranged and is the applicant's intent at this time.*

2. No additional landscape buffer will be provided along Old Denton Road (FM 2281). Landscaping for this area will be within the Old Denton Road Right-of-Way.

*City Council has not approved single family subdivisions in the recent past which do not include this element (see comparative table on Pages 13 and 14). There appears to be sufficient existing right-of-way to accommodate the landscaping buffer towards the south part of the development (in excess of 40 feet between the curb and property line), but the right-of-way gets narrower (to approximately 7 feet "back of curb") to the north.*

**COMMISSION RECOMMENDATION:**

A minimum ten foot landscape buffer, as measured "back of curb" from Old Denton Road, shall be provided along the entire Old Denton Road frontage. A landscape license agreement for this buffer, where it encroaches into the public right-of-way, shall be executed between the City of Carrollton and the Castle Hills homeowners association.

3. The Castle Hills standard signage and screening walls shall be provided along Old Denton Road (FM 2281), as conceptually shown in Exhibit D.

*The submitted images appear appropriate.*

4. No alleys will be required.

*City Council has not approved a single family subdivision in the recent past with lot widths less than 50 feet with no alleys (see comparative table on Pages 13 and 14, and also applicants request number 8).*

5. All new trees to be included in the tree mitigation requirements. This shall include the street trees, buffer trees within Old Denton Road Right-of-Way, parkway trees, homebuilder trees on lots, etc.

*No Tree Preservation Plan as required by Ordinance 3388 (Title V Land Usage, Chapter 155 Tree Preservation) has been received, so this request is difficult to evaluate at this time. Although the developable areas of the site are not heavily wooded, aerial*

*photography does show a number of mature shade trees near the existing ranch entrances (north and northwest portions of the site) and scattered around the house and barn compound. Presumably the developer plans to remove all of these.*

*The developer will require that each home install a “street tree” abutting the back of the street curb at the time of construction. Doing so may satisfy the mitigation requirement. Note that any such street trees must follow visibility regulations of the City of Carrollton (particularly at street intersections).*

6. The requirement for a payment of a fee in lieu of dedication for park and recreation development shall be waived for this proposed development.

*A park of approximately 1.2 acres is proposed near the eastern end of the subdivision, and significant “hike and bike” green space along the flood plain and power line easement of approximately 31 acres is proposed. If accepted by City Council, this would likely satisfy ordinance requirements for parkland dedication and no “fee in lieu of dedication would be required.*

*Article X Design of the Subdivision Ordinance sets a fee of \$300 per lot when public parkland is not dedicated and accepted by the City. Since this subdivision will have about 314 lots, the total estimated fee for the subdivision would be about \$94,200.*

*The developer plans that this subdivision will be a part of the Castle Hills Homeowners Association, with all the benefits this confers, including access to the Castle Hills recreational facilities. See image on page 16.*

*The 2014 Park Master Plan approved by City Council calls for additional park land in the northwest and northeast part of the city where there are not any neighborhood parks. Most neighborhood parks are 3 to 5 acres in size and fairly flat to allow for appropriate development.*

*Note that the decision on this is not, strictly speaking, a zoning issue, and the decision will ultimately be City Councils.*

## **Lots and Homes**

7. Maximum building coverage for single-family detached lots shall be 75% of the lot area.

*City standard for the SF-5/12 district in the CZO is set at 55%. However, higher density lots have been approved: (Austin Woods, Quail Creek North). See comparative table on Pages 13 and 14.*

## **COMMISSION RECOMMENDATION:**

**Maximum building coverage shall be 60% of the lot area.**

8. Minimum lot width for single-family detached lots shall be 41 feet (as measured at front

building setback).

*City Council has not approved a single family subdivision in the recent past with lot widths less than 50 feet with no alleys (see comparative table on Pages 13 and 14, and also applicants request number 4).*

9. Minimum lot depth for single-family detached lots shall be 100 feet.

*Exceeds the City standard for the SF-5/12 district of 90 feet.*

10. Minimum lot area for single-family detached lots shall be 4,100 square feet.

*City standard for the SF-5/12 district in the CZO is 5,000 sq. ft.*

11. Minimum floor area of any dwelling unit shall be 1,600 square feet, exclusive of garages, breezeways, and porches.

*Exceeds the City standard for the SF-5/12 district of 1,200 sq. ft..*

12. Minimum front yard setback for single family lots shall be 11 feet provided however that unenclosed porches, chimneys, eaves, and similar architectural features, bay, or bow windows may encroach into this setback up to 4 feet. Minimum front yard setbacks shall also be subject requirements as detailed in the Design Guidelines.

*City Council has approved front yard setbacks of 15 feet (Villas of Indian Creek and Villas of Wellington), provided that the garage door is set back further (typically an additional 3 - 5 feet). See also applicant's request number 15. Note that given the narrow width of the lots and the reduced setbacks requested, it is possible to envision a house encroaching into a visibility clip at a street intersection. Corner lots will have to be carefully evaluated at the time of subdivision.*

**COMMISSION RECOMMENDATION:**

**Minimum front yard setbacks for the livable area of any house shall be 11 feet, with no encroachments allowed.**

13. Minimum side yard setback, abutting a street not designated as an arterial or collector on the Carrollton Transportation Plan shall be 11 feet, provided however that unenclosed porches, chimneys, eaves, and similar architectural features, bay or bow windows and sunrooms (being enclosed room no more than 15 feet in width and having glass on at least 50% of each encroaching face) may encroach into the setback up to 5 feet.

*City standard for the SF-5/12 district is 15 feet.*

14. Minimum rear yard setback shall be 15 feet.

*Exceeds the City standard for the SF-5/12 district in the CZO of 10 feet.*

15. Minimum garage door setback shall be 20 feet.

*City Council has previously approved reduced front yard setbacks, so long as the garage door is set back further than the “livable area.” See also applicant’s request number 12.*

16. All garage doors shall be a decorative wood paneled door, as conceptually shown in photos of typical garage doors in the typical photos.

*City Council has required this of recent “front loaded” homes.*

**COMMISSION RECOMMENDATION:**

Garage doors shall be a decorative wood paneled door, with no windows or glass allowed.

**Accessory Buildings:**

17. Accessory buildings containing bathrooms and/or kitchens are allowed, provided that no more than one water or electric meter is allowed per lot and no accessory building shall exceed 800 square feet in area.

*City Council approved this concept for the Raiford Crossing development to accommodate market desires for outdoor/separate kitchens and “mother-in-law” suites.*

18. Accessory buildings shall be architecturally similar to the main building and also will be required to comply with Castle Hills Single Family Design Guidelines and obtain written approval from the Castle Hills Architectural Review Committee.

*This would appear to be a worthwhile stipulation.*

**COMMISSION RECOMMENDATION:**

Accessory buildings containing bathrooms and/or kitchens shall not be allowed.

**Streets:**

19. 41 foot street Right-of-Way with 6 foot sidewalk and utility easements, 31 foot back-to-back pavement cross section.

*City Council has approved a narrower street width in only one case: Raiford Crossing, in which all lots are served by alleys. See comparative table on Pages 13 and 14.*

*Note however that the developer plans to impose easements on the lots to accommodate some additional elements such as sidewalks and some utilities. Thus, the total “usable” width will exceed the standard city right-of-way width.*

20. Street layout, block and cul-de-sac lengths, and general design shall be as shown on the Concept Site Plan attached.

*Because the flood study has not been completed, it is important to note that this Concept Site Plan is very conceptual. Lot and street arrangement is subject to change as that study progresses. However, this is a good general idea of how a subdivision could lay out to maximize lot yield.*

*The subdivision ordinance limits blocks to 1,200 feet in length and cul-de-sacs to 600 feet in length. The Concept Site Plan does not appear to show any blocks exceeding the standard limit. There does appear to be one cul-de-sac of about 648 feet, but the "bulb" is in the high-tension power easement, meaning no lots could be placed there. Accordingly this "excess" of approximately 48 feet seems reasonable and could be approved by the Planning & Zoning Commission as part of subdivision approval.*

21. On driveways, allow the radius or flair point at the street of any single family driveway to extend beyond the property line.

*Due to the narrowness of the lots, certain lots at "elbows" and cul-de-sacs will be so narrow that their driveway "curb returns" (the curved pats that connect the driveway to the street) will extend in front of the neighboring lot. The Carrolton driveway ordinance does not allow this. However, if the requested zoning with narrow lots at these locations is approved, then any subdivision meeting this allowance will later have to be approved. If a subdivision is approved, staff will have little choice but to allow this encroachment. See also the applicant's exhibit on Page 24.*

22. An "entry ribbon" consisting of decorative stained and pattern-stamped concrete shall be placed in each street intersecting with Old Denton Road. Said entry ribbon shall be no less than ten feet in depth and shall extend across the width of the street and shall generally align with the abutting sidewalk.

*City Council has required this element of recently approved residential zoning changes.*

### **TRAFFIC IMPACT ANALYSIS**

The main entrance to the subdivision will be at the intersection of Indian Run Drive and Old Denton Road. This intersection is signalized. Extending Indian Run Drive eastward (which may have another name in this subdivision) will provide a total of four lanes (two in each direction) with a median. The intersection is currently signalized and the developer will install the fourth signal arm as part of the road extension.

As part of the development, a new “free right turn” lane from northbound Old Denton Road into the proposed subdivision will be constructed.

A second entrance to the subdivision is proposed at the intersection of Windhaven Parkway and Stone Circle Lane (just east of Old Denton Road), by extending Stone Circle Lane into the new subdivision. The intersection of Old Denton Road and Windhaven Parkway is signalized.

With the proposed improvements to the existing street network and the addition of a fourth leg at the signalized intersection of Old Denton Road and Indian Run, the capacity of the surrounding streets is sufficient to accommodate anticipated traffic generated by the proposed development.

### **SUPPLEMENTAL INFORMATION**

#### **RECEIVED AFTER THE COMMISSION MEETING**

- A. In order to move quickly, the applicant has already submitted a preliminary plat application, which is scheduled to be considered by the Planning & Zoning Commission on December 3, 2015. This is only two days after the City Council meeting at which this zoning case will be considered.

As part of the regular review and processing of the preliminary plat, staff requested the dedication of additional right-of-way at the intersection of Old Denton Road and Windhaven Parkway to allow for the installation of a new right turn lane (from northbound Old Denton onto Windhaven).

Because this dedication will shift the westerly lot line of several lots to the east, the applicant is asking for reduced front and rear yard setbacks for those affected lots. On the current preliminary plat these lots are labeled as Lots 31, 33 and possibly 34. Approval of this request will remove the need for the applicant to redesign this portion of the subdivision, with the exception of the proposed right-of-way dedication.

- B. During the design of the preliminary plat, the applicant determined that several lots appeared too small to for the houses they were planning. After further investigation and discussion with staff, the number so affected were determined to be two: Lot 33, Block A (backing up to Old Denton Road near the northwest corner of the subdivision) and Lot 8, Block E, (on a street “elbow” about a block away from the first lot, more internal to the subdivision. See the image below showing the general location of these lots.

The applicant is requesting a further reduction in front yard setbacks (beyond what they are requesting for the subdivision as a whole) as follows:

Lot 33, Block A: additional two-foot reduction, such that the house will be 9 feet, and the garage door will be 18 feet from the front property line

Lot 8, Block E: an additional four-foot reduction in the front yard setback for the garage only, such that the house will remain at 11 feet from the property line, and the garage will be 16 feet from the property line.



- C. Additionally, the applicant is requesting that the City Council waive the requirement for a tree survey, which is called for by Chapter 155 of the Carrollton Code of Ordinances.

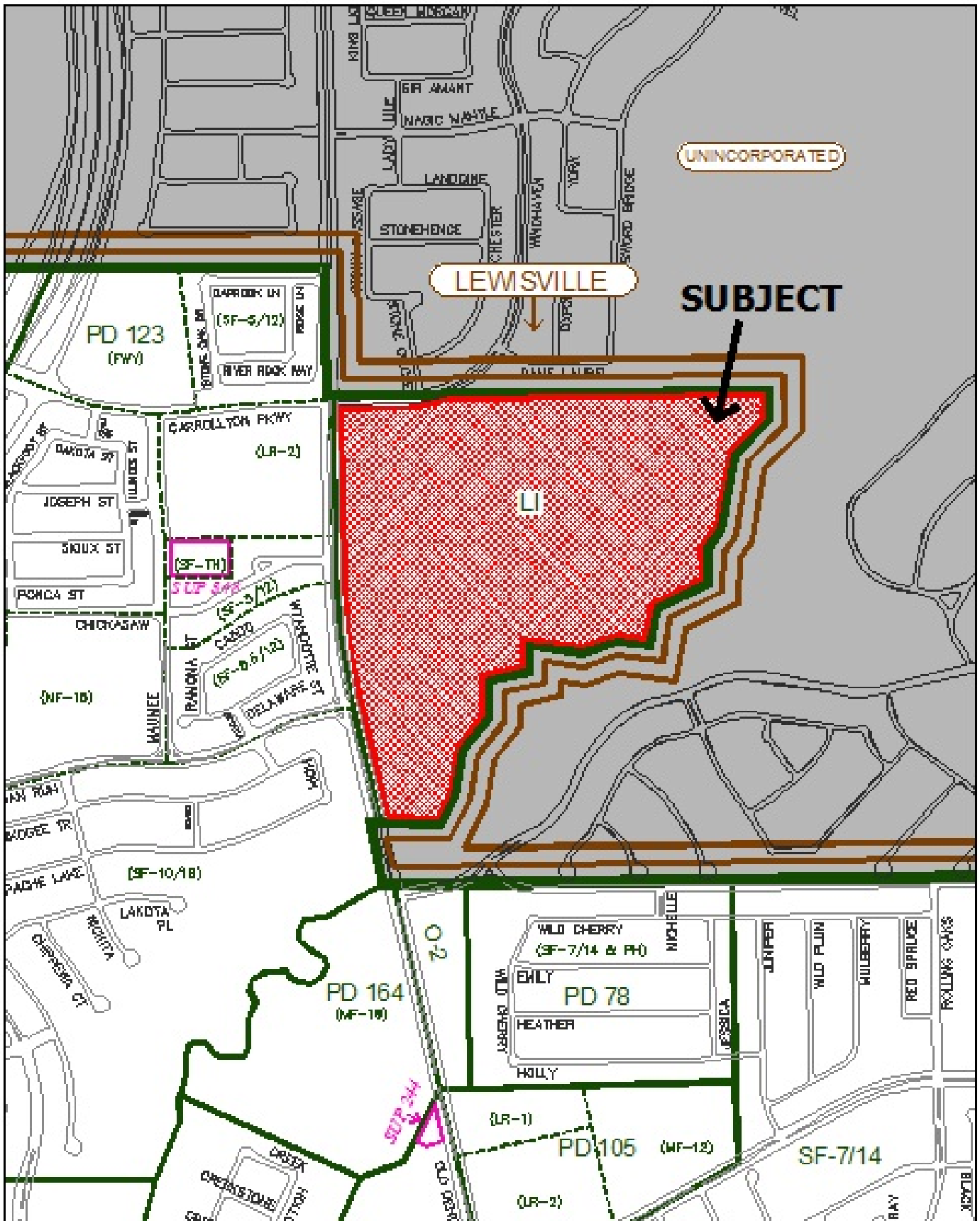
There are a number of significant trees on the site which will be removed (mostly near the current ranch entrance on Old Denton Road and around the house compound). The applicant plans to have new trees planted for each new home. It may be that the new trees will be sufficient to mitigate the loss of the existing ones (per the ordinance). However, without the tree survey staff cannot definitively say whether or not this is the case.

#### **PROPOSED ORDINANCE**

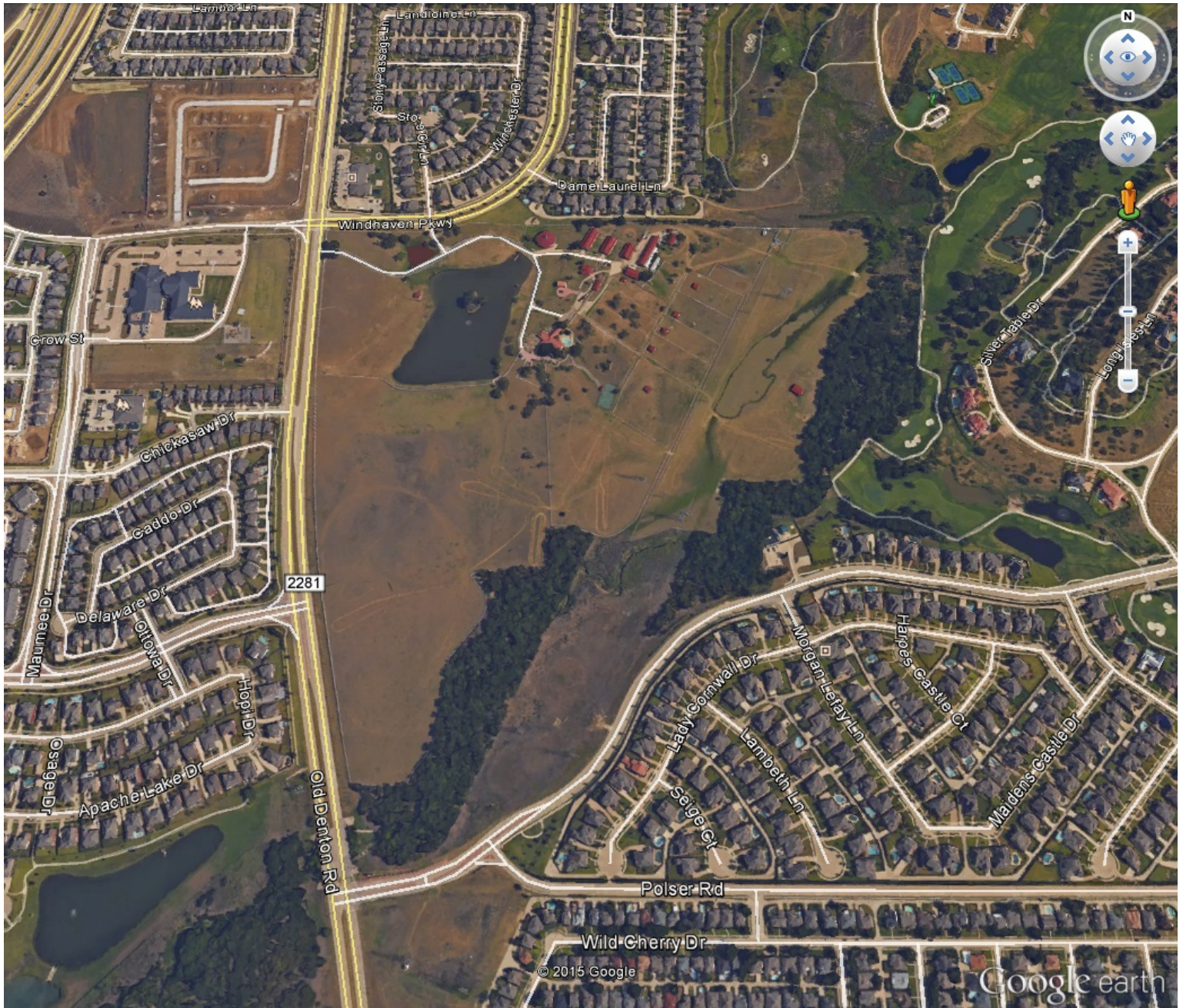
Normally staff prepares a draft ordinance for consideration by City Council as part of the case report. Due to the scope of requests by the applicant, staff has not done this, pending direction from the City Council.

Once Council gives direction to staff as to what should be included in the ordinance, staff will bring it back at the January 19, 2016 meeting for adoption. The applicant is aware of this timing, and finds it acceptable.

Location & Current Zoning



**Aerial Photograph of General Area**



**Comparative Table**  
Single Family Detached Zoning Cases Since 2009

	Min. Lot Width	Max Lot Coverage	Alleys	Arterial Landscaping	Min. Home Size	Front Setback (house/garage)	Narrow Streets
Singer Ranch Request (SF-5/12)	41 ft. (about 2/3 are 50 ft.)	75%	No	None (in ROW instead)	1,600	11 ft./20 ft.	41 ft.
Austin Woods - 2014 (SF- 6.5/12)	50 ft.	65%	No	10 ft.	2,000 sq. ft.	15 ft./20 ft.	No
Avondale - 2013 (SF-5/12)	50 ft.	55%	No	15 ft.	1,200 sq. ft.	15 ft./20 ft.	No
Villas of Indian Creek - 2013 (SF-5/12)	50 ft.	55%	No	10 ft. (approx.)	2,000 sq. ft.	12 ft./18 ft.	No
Raiford Crossing - 2013 (SF-5/12)	40 ft. (about 1/2 are 55 ft.)	75%	Yes	25 ft.	1,200 sq. ft.	10 ft./NA (garages in back)	34 ft., 40 ft. & 50 ft.
The Ridge - 2012 (SF-5/12)	50 ft.	55%	No	15 ft.	1,200 sq. ft.	15 ft./20 ft.	No

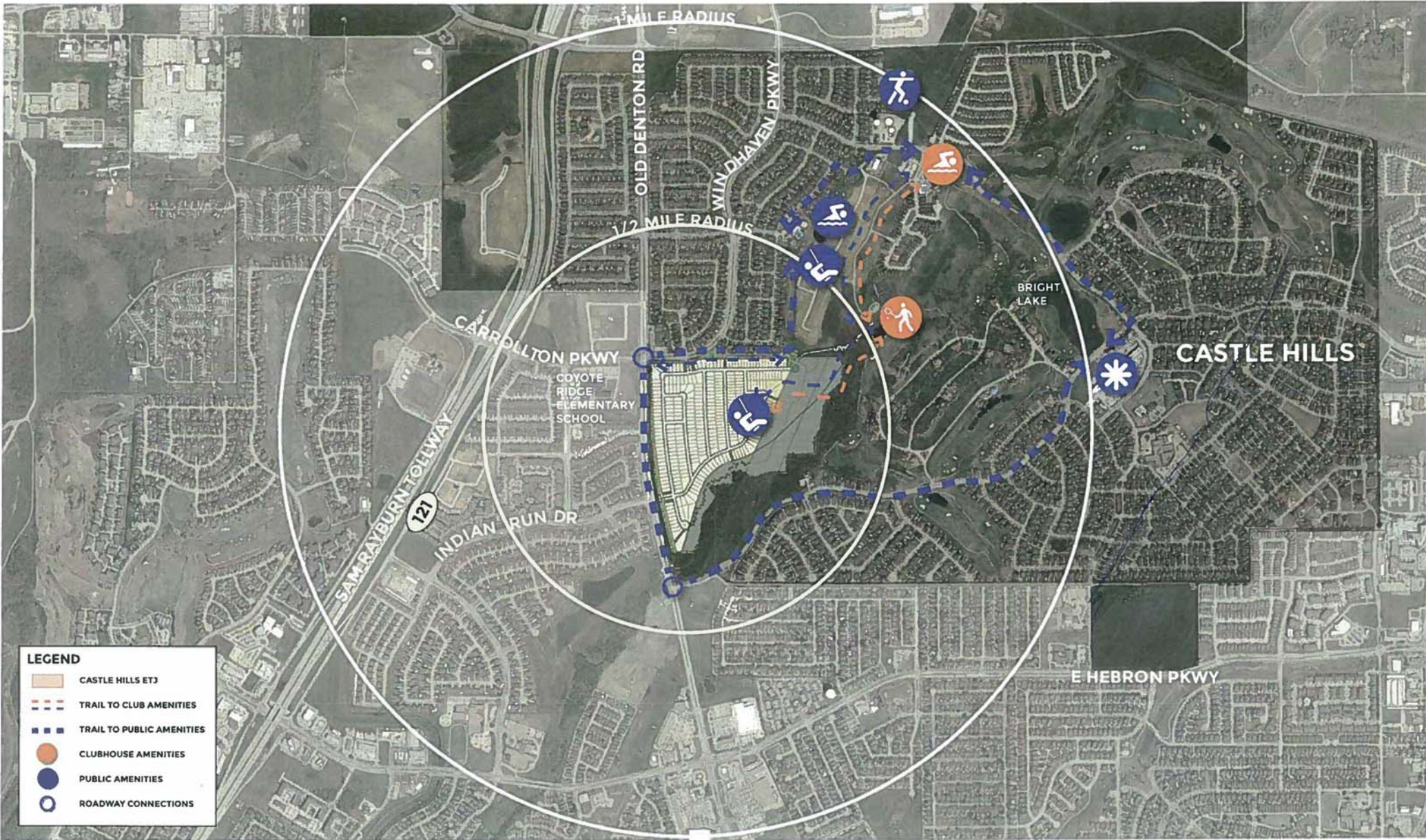
## 11-15Z2 Singer Ranch (zoning)

	Min. Lot Width	Max Lot Coverage	Alleys	Arterial Landscaping	Min. Home Size	Front Setback (house/garage)	Narrow Streets
Villas of Wellington - 2012 (SF-5/12)	50 ft.	55%	No	15 ft.	1,400 aq. ft.	12 ft./20 ft.	No
Mustang Park - 2012 (SF-5/12) (small lots)	50 ft.	55%	Yes	20 ft. (but the residential lots don't abut Plano Pkwy.)	1,800 sq. ft.	15 ft./20 ft.	No
Est. of Indian Creek 7 - 2012 (SF-5/12)	52 ft. (30% of lots are larger)	55%	No	15 ft.	1,200 sq. ft.	20 ft./24 ft.	No
Quail Creek North - 2010 (tract w/o alleys) (SF-PH)	50 ft.	65%	No	25 ft. (along Quail Creek Dr.)	1,750	15 ft./20 ft.	No
Quail Creek North - 2004 (tract w/ alleys) (SF-PH)	35 ft.	65%	Yes	30 ft. (along Hebron Pkwy.)	1,500 sq. ft.	15 ft./NA (garages in back).	No

Applicants Information  
Concept Site Plan



**Applicants Information**  
Castle Hills Recreation Map



**Applicants Information**  
Detail Showing Old Denton Entry Green Space



NOTE:  
THIS SKETCH IS CONCEPTUAL IN NATURE  
AND SUBJECT TO CHANGE. SITE SURVEY  
AND BOUNDARY INFORMATION ARE  
REQUIRED. FURTHER STUDY IS REQUIRED  
TO FULLY ACCOMMODATE SITE CONDITIONS  
AND REGULATORY REQUIREMENTS.

**Applicants Information**  
Detail Showing Windhaven Entry Green Space



LandDesign.

**CASTLE HILLS**  
CITY OF CARROLLTON  
EXHIBIT A.2 – Enlarged Plan

NOTE:  
THIS SKETCH IS CONCEPTUAL IN NATURE  
AND SUBJECT TO CHANGE. SITE SURVEY  
AND BOUNDARY INFORMATION ARE  
REQUIRED. FURTHER STUDY IS REQUIRED  
TO FULLY ACCOMMODATE SITE CONDITIONS  
AND REGULATORY REQUIREMENTS.



10.27.2015

**Applicants Information**

Detail Showing Connection Between 1.2-Acre Park and Hike & Bike Trail



LandDesign.

**CASTLE HILLS**  
CITY OF CARROLLTON  
EXHIBIT C.1 – Enlarged Plan

NOTE:  
THIS SKETCH IS CONCEPTUAL IN NATURE  
AND SUBJECT TO CHANGE. SITE SURVEY  
AND BOUNDARY INFORMATION ARE  
REQUIRED. FURTHER STUDY IS REQUIRED  
TO FULLY ACCOMMODATE SITE CONDITIONS  
AND REGULATORY REQUIREMENTS.



10.27.2015

**Applicants Information**  
Detail Showing “Green Space” Along the North Boundary



LandDesign.

**CASTLE HILLS**  
CITY OF CARROLLTON  
EXHIBIT C.2 – Enlarged Plan

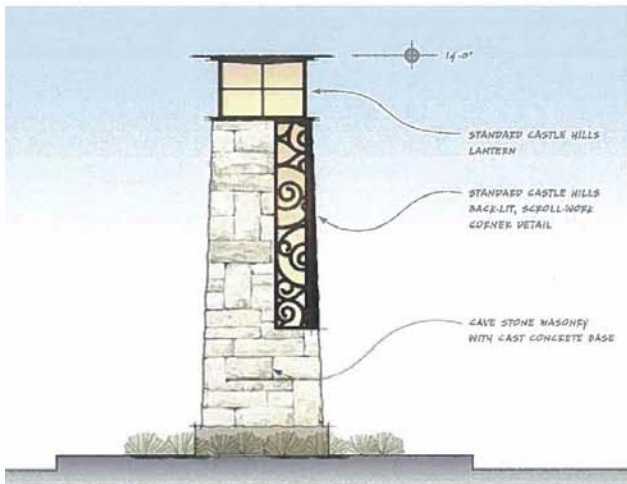
NOTE:  
THIS SKETCH IS CONCEPTUAL IN NATURE  
AND SUBJECT TO CHANGE. SITE SURVEY  
AND BOUNDARY INFORMATION ARE  
REQUIRED. FURTHER STUDY IS REQUIRED  
TO FULLY ACCOMMODATE SITE CONDITIONS  
AND REGULATORY REQUIREMENTS.



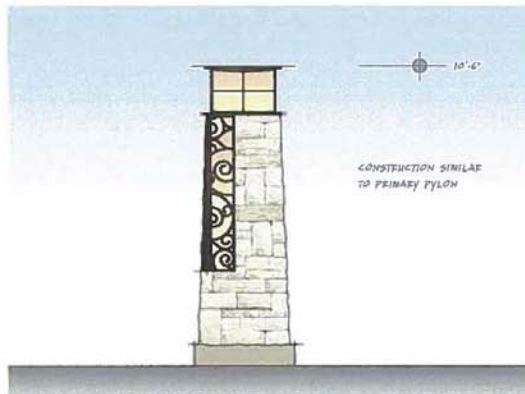
10.27.2015

## Applicants Information

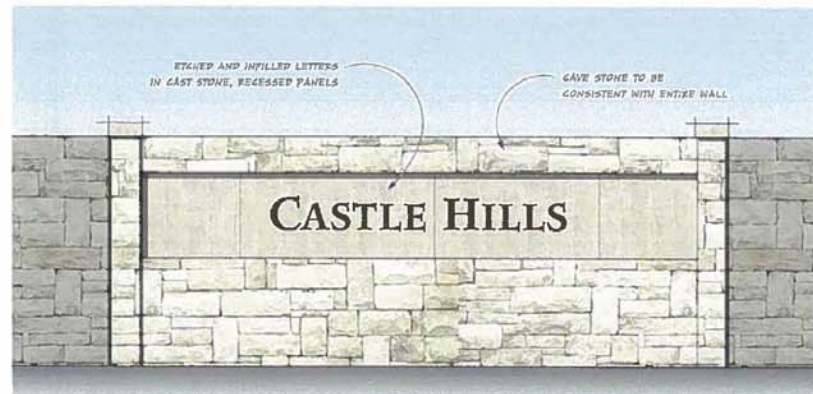
### Screening Wall & Entry Design



1 Primary Pylon  
Scale: 1/4" = 1'-0"

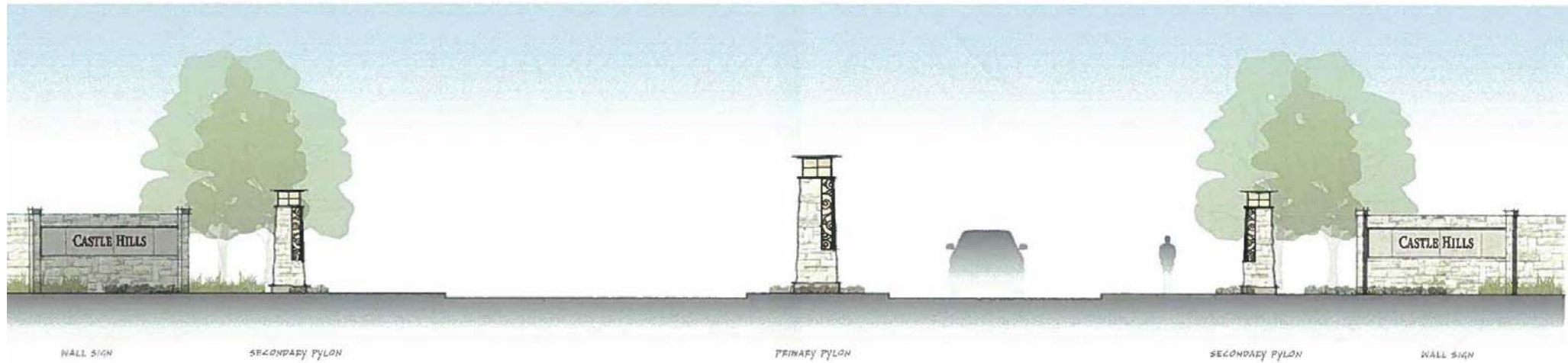


2 Secondary Pylon  
Scale: 1/4" = 1'-0"

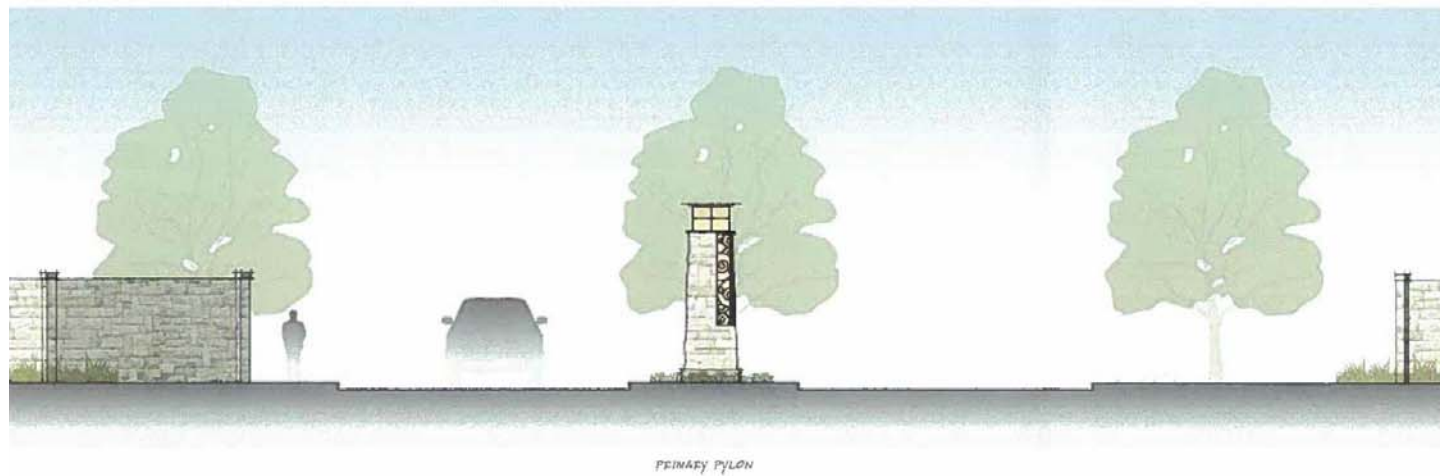


3 Wall Sign  
Scale: 1/4" = 1'-0"

**Applicants Information**  
Screening Wall & Entry Design  
(continued)



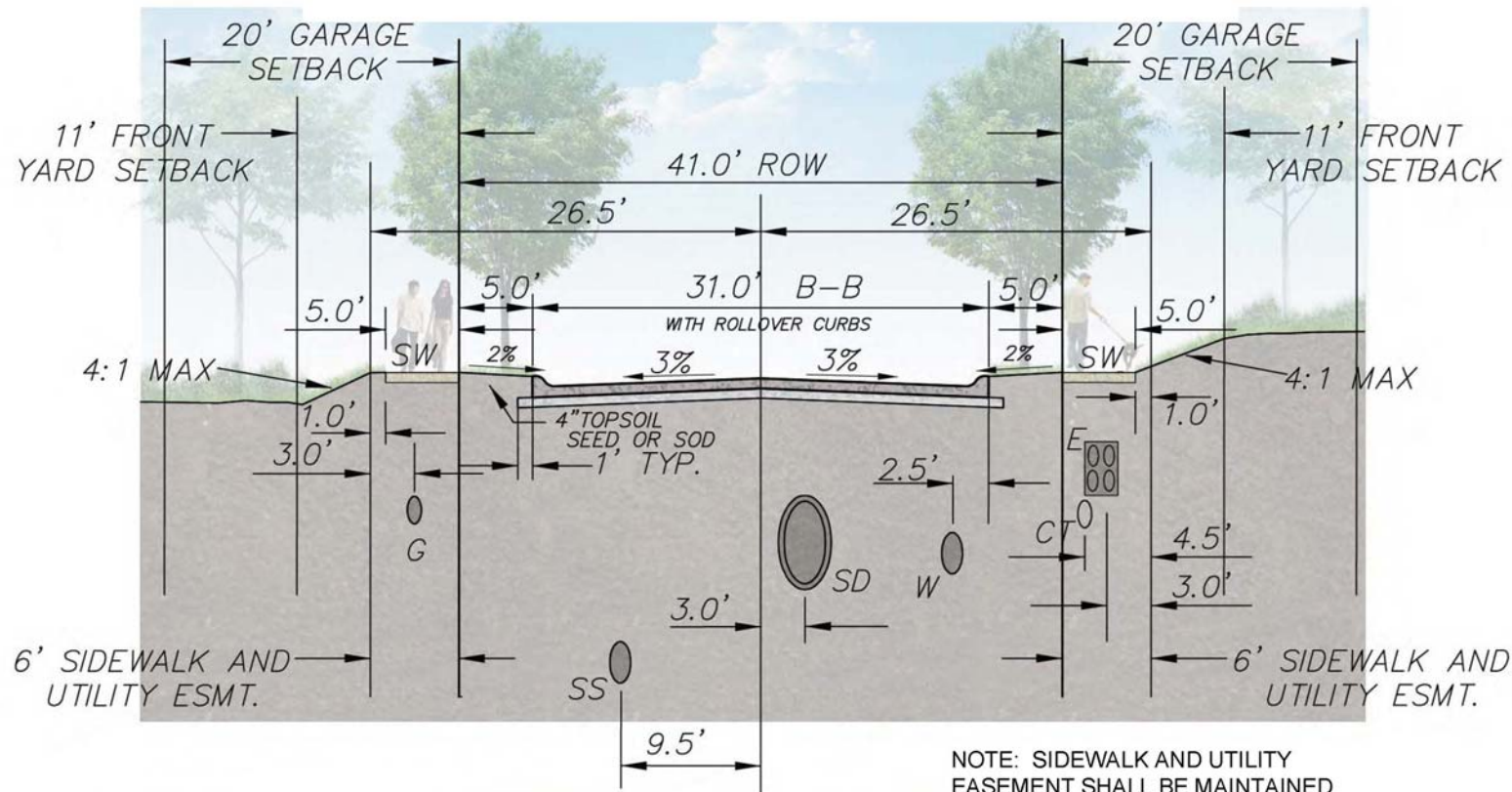
**1** West Entrance  
Scale: 3/32" = 1'-0"



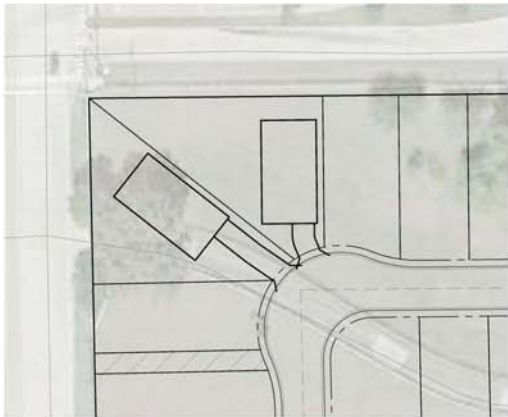
**2** North Entrance  
Scale: 3/32" = 1'-0"

**Applicants Information**  
Conceptual Street Cross Section

**TYPICAL STREET SECTION AND  
UTILITY LOCATION EXHIBIT  
41 FT R.O.W. WITH  
6' SIDEWALK AND UTILITY  
EASEMENT AND ROLLOVER CURBS  
N.T.S.**



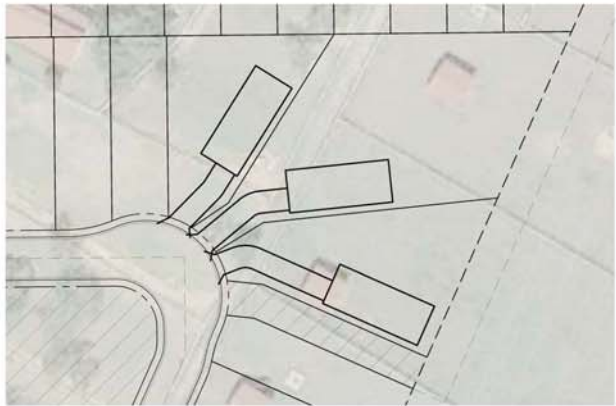
**Applicants Information**  
Showing Driveway Encroachments on Certain Lots



A



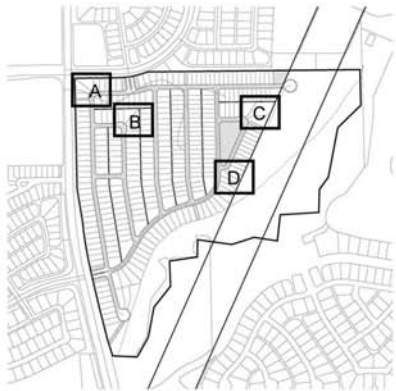
B



C



D



**Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 5, 2015**

Hold A Public Hearing And Consider An Ordinance To **Establish A New Planned Development District For The (SF-5/12) Single Family Residential District** On An Approximately 94.4-Acre Tract Of Land Located On The East Side Of Old Denton Road North Of Indian Creek; Amending Accordingly The Official Zoning Map. The Site Is Currently Zoned For The (LI) Light Industrial District. **Case No. 11-15Z2 Singer Ranch**/Bright Realty, LLC. Case Coordinator: Christopher Barton.

Chair McAninch advised that Items 12 & 13 were companion items and would be heard simultaneously but would have separate action.

Barton stated Item 12 would amend the Comprehensive Plan which was a higher level documentation of the general development expectations of the City in the long term. Staff recommended approval of the change to single family uses. He explained that Item 13 involved the actual zoning designation for a proposed single family residential subdivision. He stated that it was a complicated case because the applicant was requesting variations to the base zoning and development standards. Also while the land is located in Carrollton it would be an additional phase of Castle Hills, which is not in Carrollton.

Aaron Ketchand, VP of Development at Bright Realty, 2520 King Arthur Blvd., Lewisville, distributed a hard copy of the presentation to the Commission. He felt the highest and best use for the land was single family and noted that the property was surrounded by single family use. Entries into the development will be from Josey, Highway 121, Old Denton, FM 544 and Hebron Parkway. Bright Realty intends to develop approximately 314 single-family residential lots with homes ranging from \$375,000 to \$550,000 and expected build-out in approximately three years.

He talked about the amenities provided in Castle Hills and talked about the concept plan for the Singer property. He stated that the street profile, density and the product mix matches multiple previous phases in Castle Hills which has proven to be quite successful. He provided photographs of homes currently in Phase 8 of Castle Hills that would be offered in the proposed plan. He also provided some renderings of proposed product elevations.

He reviewed the Old Denton right-of-way exhibit pointing out that the current right-of-way for Old Denton Road was noted by the amount of setback that was already available and for the vast majority of frontage along Old Denton Road they were in excess of 15 feet. He explained that from the area to the north where it was a little short of the 15 feet, it lined up with the homes north of the property which is Castle Hills; the setback north of Old Denton in front of previous Phases 4 and 5. He further stated that they would be trying to reclaim some of the topography and there would be retaining walls within the community.

He advised that a flood study was underway stating they purposely put more depth on the lots that back up to the creek to have room to adjust the rear lot line depending on the flood study. He stated they were very comfortable with the concept plan stating it was very close to what they would like to do.

With regard to the width of the streets, he stated they have a purposeful parkway tree desire; the look, the feel and the streetscape is intentional. He stated it was a little bit of a wider profile. He stated there was no amenity center in the proposed phase noting the homes were already provided for and underscoring that all residents within the Castle Hills HOA have access to all amenities.

Chris Bright, Bright Realty, stated he runs the HOA meetings. He stated they have strict enforcement requiring homeowners to maintain their areas up. He talked about the general concept and character of Castle Hills as a whole and that it was important for Carrollton to know that they were not choosing designs just to increase density. They were doing it to provide for families and to address a need that they think will make the character of the community and make the neighborhood sustainable.

Nesbit voiced his appreciation for the architectural controls and the strict way that Castle Hills is adhering to the architectural designs. He asked about the 75% lot coverage on the 41 foot lots. Mr. Bright stated that in general, they don't cover that much of the lots and many of the design guidelines have coverage limits that are less than the actual zoning ordinance. He stated they try to focus on managing the front yard setback. He noted that the front yard setback is dependent on a variety of factors such as if there is a front porch or if it is a one or two-story home. He underscored that they want this property to feel like the rest of Castle Hills and still meet the intent of regulations of Carrollton.

With regard to the garage doors, Nesbit asked if they allow glass windows and Mr. Bright replied that he did not know that he would preclude glass windows and advised that the design guideline requires decorative wood garage doors.

Nesbit noted the amount of front entry garages in the proposed development stating he would prefer the homes have an alley but also realize that the Commission has recently approved front entry developments. He stated he likes that Castle Hills tries to offset the front elevations to a certain extent noting his concern with the proposed 11 foot setback. He voiced a concern with windows on front entry garage doors and suggested a stipulation to prohibit it. Mr. Bright stated he would not have an issue with such a stipulation.

Kraus stated he drove through Phase 8 and thought the product offered was great but had concern about the grading of the property and the effect it can have on the overall appearance of the product. Mr. Bright stated that the grades were part of what they try to save because he feels it adds more interest. He stated it would increase the cost to the builder and the developer but it increases the natural beauty of the site.

Chair McAninch opened the public hearing and invited speakers to the podium; there were no speakers.

McAninch asked about why they were not adding a landscape buffer along Old Denton Road. Mr. Bright explained that it more seamlessly translates into where the Castle Hills walls currently are. He acknowledged that the lots that back up to Old Denton would be harder to sell because of the noise issue regardless of the easement but that the walls and the landscaping would act as sound barriers. They said they would be open to doing some landscaping along Old Denton if required.

McAninch advised that the Council has denied another request with an easement less than 15 feet. She also noted the lack of alleys and Mr. Bright explained their intent to push the activity to the front of the house but understand the need for some privacy in back yard spaces.

McAninch asked if he could require 50 foot lots rather than 41 foot. Mr. Bright replied that they want the diversity of the product. He stated that none of the 41 foot lots will have three-car garages. He also noted that the parks in Castle Hills are dedicated to the public. With regard to existing trees on the site, he didn't think they would be able to be saved due to the amount of grading that would be required on the site. With regard to lot coverage, Mr. Ketchand explained some of the 41 foot lots were odd shaped, thus the desire to have some flexibility but the vast majority of the lots would be at 55% coverage or below. Mr. Bright stated he would be open to looking at variances for those specific lots if necessary. With regard to the radius point for driveways, Ketchand referred to an exhibit addressing the four spots that needed the provision based on the conceptual plan.

Kiser asked the applicant if he would consider eliminating Items No. 17 and 18 from their list of requested alternatives to the Subdivision Ordinance with regard to the accessory buildings. Mr. Bright replied yes and that if they needed something specific for a specific lot, they would be willing to deal with it with a variance.

In closing, Mr. Bright requested the Commission's support and stated they were looking forward to being a part of Carrollton and Carrollton's future.

Chair McAninch closed the public hearing and opened the floor for discussion or action.

**\* *Daniel-Nix moved to close the public hearing and approve the amendment to the Comprehensive Plan for Case No. 11-15MD1 Singer Ranch; second by Kraus and the motion was approved with a unanimous 8-0 vote (Romo absent).***

Nesbit voiced concern about the landscape buffer on the street; suggested 65% minimum lot coverage rather than 75%; require an 11 foot minimum front yard setback and eliminate the four foot encroachment language; prohibit windows on the garage doors and delete requested Items Nos. 17 and 18.

Kiser made suggestions which may give a little more latitude as far as the landscaping along that line. With regard to lot coverage, he stated he would prefer 60% and minimum of 10 foot on the right-to-way; and agreed with deleting requested Items Nos. 17 and 18.

Chadwick voiced his agreement with Nesbit with regard to the buffer zone and with Kiser regarding 60% lot coverage.

- \* *Nesbit moved approval of Case No. 11-15Z2 Singer Ranch with the amendments listed with some changes; Item 2 – landscape buffer along Old Denton Road would need to be at least 10 feet along the entirety of the property that fronts Old Denton from back of curb; Item 7 – maximum coverage for single family detached lots shall be 60% of the lot area; Item 12 – the minimum front yard setback for single family lot shall be 11 feet and delete the remaining language and not allow any encroachment past that or closer than that; Item 16 – all garage doors shall be decorative wood panel doors as conceptually shown on the photos and would exclude any glass windows; requested Items Nos. 17 and 18 which involve accessory buildings be deleted entirely; second by Averett.*

Ravi Shah asked for clarification and Nesbit stated the 60% coverage was only for the main building and with regard to accessory buildings the prohibition was referring to such items as granny flats and not outdoor sheds.

*The motion was approved with a unanimous 7-1 vote (Chadwick opposed, Romo absent).*

11-15Z2 Singer Ranch (zoning)

**Supplemental Information**  
Castle Hills Home Owners Association  
(following pages)

# CASTLE HILLS

## CASTLE HILLS HOMEOWNERS ASSOCIATION DESCRIPTION

Castle Hills Master Association, Inc. (CHMA) is the governing association over the development of Castle Hills, including commercial and residential properties. It is responsible for the collection of all revenue, and payment of all expenses related to the association described below. Currently, the CHMA board is comprised of Chris Bright, Clay Bright and Eric Stanley, each a resident of Castle Hills.

Castle Hills Residential Association, Inc. (CHRA) is the Homeowners Association over all single-family residences within the CHMA. Currently, the number of votes allocated to the developer and estate owners is as follows:

- Developer Vote Total: 32,547 votes
- Resident Vote Total: 3,200 votes

Over time, Castle Hills residents will gain voting power to be able to elect its own Board of Directors that may or may not include any developer representatives. When this occurs, the CHRA board will appoint two delegates to represent the association to CHMA. These delegates will have voting rights in the CHMA that must be cast in accordance with the desires of the membership of CHRA.



## FEES

The yearly dues for 2015 are \$700.00. They provide, but are not limited to:

- Maintenance for common areas
- Door-to-door mail delivery
- Basic land line, in-home security system monitoring (designated provider)
- Basic cable television (designated provider)
- Additional benefits and services listed below under “Features”

## ENFORCEMENT

### ARCHITECTURAL REVIEW COMMITTEE (ARC)

A mandatory review of home plans is required by the Architectural Review Committee. Published single-family home design guidelines are used as a basis for each estate plan approval. A full set of guidelines can be found as a separate attachment.



Design guidelines include, but are not limited to:

- Each phase/subdivision has basic design guidelines as well as some unique design guidelines specific to a phase/subdivision
- Limited repetitions of house plans and elevations
- Varying front-yard setback
- Unique elevation changes
- Fences required to be wood, masonry, or iron
- Finish side of fence must face public view
- Fences adjacent to common areas and parks are required to be Castle Hills design iron fencing
- Front circular driveways required to have a decorative finish
- Masonry fence columns on corner lots
- Garage doors visible from the street required to be decorative wood finish
- All homes are required to have a full yard (front, back and side) irrigation system with tree bubblers
- Parkway tree requirement
- Complete front yard landscaping required upon completion of home with a minimum of 15% of the front yard area devoted to shrubs
- All homes require gutters
- First floor exterior requirement of 100% masonry (with exception of box windows and columns)
  - Masonry products that qualify include:  
Traditional 3-coat stucco, clay brick, natural stone
- A/C and pool equipment screening
- All streets within Castle Hills are assigned a certain type of tree (see full listing as a separate attachment). The minimum tree size when planted is 3.5 inch caliper.
- To the extent possible, vents must be hidden and placed on the rear of the house, and no turbines allowed.



#### RESIDENT ARC BOARD

The Resident ARC Board reviews changes and additions to estates after new construction.

- 6+ year old committee of all Castle Hills residents with at least two years of residency
- Includes six committee members
- Uses Castle Hills single-family guidelines, CHMA Covenants, Conditions and Restrictions (CCRs), and CHRA CCRs as reference for project approval
- Reviews applications for adherence to Design Guidelines
- Reviews applications for adherence to building lines
- Reviews applications for aesthetic appeal to the community

A dedicated employee force exists for enforcement of Design Guidelines and CCRs. Their primary focus is on:

- Yard maintenance
- Fence maintenance
- Landscape maintenance
- Garage sale and contractor signage (no “For Rent” signage allowed)
- Animal nuisance
- Equipment screening
- Removal/replacement of dead landscaping
- Fence installation according to design guidelines

#### CASTLE HILLS RESIDENTIAL ASSOCIATION RULES AND REGULATIONS

Rules and regulations include, but are not limited to (see attachment for a complete list of rules):

- Trash cans must be located either in the garage or in such other place that the Association designates, screened from public view. It is allowable to store your trash can on the trash can pad in your alley. Trash shall be stored in the District provided sanitary container.
- No owner shall dump lawn clippings, oil, paint, chemicals, building materials or hazardous chemicals in public areas or vacant lots.
- Yards must be maintained in a neat and reasonable manner.
- All shrubs, trees and other landscape should be trimmed so they do not extend out over or hang over the sidewalk, street, or other common areas.
- All wood piles, A/C equipment, pool equipment, etc., must be screened by either wood fencing or landscape.
- No boat, RV, commercial vehicle or trailer storage is allowed unless it is garaged.
- No portion of a garage may be leased or rented or otherwise occupied. Garages may be used for storage or parking vehicles only.
- No temporary structures (including storage buildings, play structures, swing sets, etc.) may be placed upon the lot without approval from the RARC.
- No TV antennas are allowed. Small satellite dishes (less than one meter) are allowed with RARC approval
- Vehicles, toys or bicycles are not allowed to block or interfere with the pedestrian traffic on the sidewalks.
- No unattended play toys, bicycles, tricycles, scooters or other equipment may be placed in the front yard or areas visible from the street or adjoining property. This limitation also applies to all properties that have wrought iron fences.
- No part of any lot shall be used for any business, commercial or non-residential purpose.
- The maximum speed limit within Castle Hills is 25 miles per hour, unless otherwise posted, and should be observed at all times.

#### VIOLATIONS

- In 2014, CHRA issued over 650 violation notices to property owners within Castle Hills.
- To date, over 550 violation notices have been issued in 2015.
- Notices predominately consist of violations related to yard and fence maintenance and trash can storage.

## FEATURES

### CASTLE HILLS SCHOOLS FOUNDATION

The Castle Hills Schools Foundation is a non-profit organization funded by a 1/2 of 1 percent fee on the transfer of all real property within the Castle Hills community, and applies to residential as well as commercial property sales. The Foundation provides grants to local public and private schools that serve Castle Hills. To date, the Foundation has contributed more than \$8.4 million to local area schools and scholarships, both public and private, serving Castle Hills residents since 1999. It was created by a development deed restriction. Up to \$2,000 per year, with a maximum \$10,000, is provided in college scholarship funding per student (other restrictions apply).



### HOA BENEFITS & SERVICES:

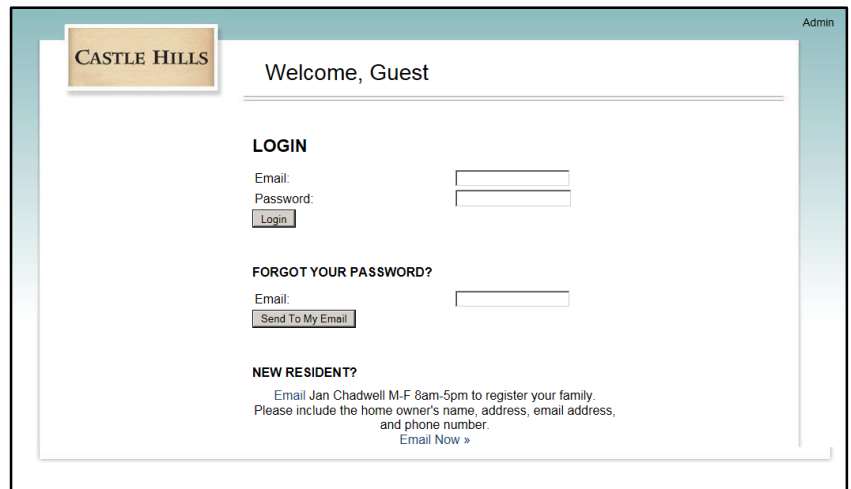
- Mail is delivered right to your door by the Homeowners Association's very own mail carriers
- Six amenity centers, each includes:
  - Workout center
  - Restrooms and drinking fountains
  - Community pools (membership fee applies and three require lifeguards during the summer)
- The main amenity center also has a library and game room as well as a CHRA satellite office that is open seven days a week (excluding holidays)
- Three amenity centers have banquet rooms (rental fee applies)
- Four lighted tennis courts
- Two basketball courts
- Sand volleyball court
- Annual Easter Egg Hunt (includes approximately 14,000 Easter eggs plus the Easter bunny visit)
- Annual 4<sup>th</sup> of July Freedom Festival Event (food, music, games, activities, and fireworks show)
- Two office locations, one open seven days a week (excluding holidays) – four full time and two part time staff
- Holiday lights throughout Castle Hills on amenity center buildings and many trees in parks and medians



### INFORMATION AVAILABILITY:

A resident-only website was created for all homeowners in Castle Hills. Residents can find the following Castle Hills information online:

- HOA Documents
- ARC Guidelines and Forms
- Mail Center Forms
- Residential Directory
- New Resident Information
- Community Classified Ads
- Links to Utility Companies
- Archived Newsletters
- Community Calendar



The screenshot shows a web browser window displaying the Castle Hills resident website. The page has a light blue header with the "CASTLE HILLS" logo on the left and an "Admin" link on the right. The main content area is white and features a "Welcome, Guest" message. Below this, there are three sections: "LOGIN", "FORGOT YOUR PASSWORD?", and "NEW RESIDENT?". The "LOGIN" section includes input fields for "Email:" and "Password:", a "Login" button, and a "Forgot Your Password?" link. The "FORGOT YOUR PASSWORD?" section includes an input field for "Email:" and a "Send To My Email" button. The "NEW RESIDENT?" section includes a paragraph of text and an "Email Now" link. The page is framed by a light blue border.



11-15Z2 Singer Ranch (zoning)

**Supplemental Information**  
Castle Hills Single Family Design Guidelines  
(following pages)



# CASTLE HILLS

## SINGLE FAMILY DESIGN GUIDELINES

12/15/1997

**Rev. 06/2015**

# Table of Content

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# **PURPOSE & ADMINISTRATION**

## PURPOSE OF RESIDENTIAL DESIGN GUIDELINES

The purpose of the design guidelines is to promote the development of neighborhoods of quality residences where neighbors are encouraged to interact.

## **ADMINISTRATION**

The Preliminary Plan Review and initial Submission Review are performed by the Architectural Review Committee free of charge. Re-submissions must be accompanied by a One Hundred Dollar and No Cents (\$100.00) check payable to “Castle Hills Master Association”.

### **Revision 1/06/03**

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### **Revision 1/20/06**

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### **Revision 5/1/06**

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### **Revision 6/15/06**

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### **Revision 7/31/06**

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### **Revision 8/17/06**

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### **Revision 10/31/07**

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### **Revision 1/17/08**

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### **Revision 3/17/09**

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### **Revision 01/2012**

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### **Revision 12/2013—Golf Villas**

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### **Revision 01/2014—Phase VII & VIII**

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### **Revision 04/2014—Phase VII Elevation Repeats**

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### **Revision 03/2015—Addition Golf Villas III & Revise Phase VIII Sidewalk, Parkway and Driveway Information**

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### **Revision 04/2015—Addition of Design Guideline incorporation for Golf Villas & Golf Villas II, Phase VII and Phase VIII**

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### **Revision 06/2015—Addition of Additional Fence Requirement Exhibit Phase VIII**

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# **LEWISVILLE CODES & ORDINANCES**

## CONFORM TO THE CITY OF LEWISVILLE CODES AND ORDINANCES

- Residential development shall conform to City of Lewisville Codes and Ordinances.
- The Lewisville zoning category that applies to all Castle Hills *Phase 1-A, 1-B, 1-C, 2-A, 2-B, 2-C, 2-D, 2-E, 3-A, 3-C* is TE – Towne Estate Single Family Residential District.
- The Lewisville zoning category that applies to **Phase 3-B**, Phase 4-A, **Phase 4-B**, *Phase 14-C*, Phase 5-A, Phase 6-D, Castle Hills Golf Villas, Phase 7-A and Phase 8-A, Castle Hills Golf Villas III single-family development is ETH – Estate Town-house Residential District.

### LEWISVILLE TOWNE ESTATE ZONING

- The following is the Lewisville Towne Estate zoning.
- Front yards and side yards in the Towne Estate zoning are the minimum and are herein modified by these Design Guidelines.

#### TE TOWNE ESTATE FAMILY RESIDENTIAL DISTRICT

(a) **Use.** A building or premise shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Church worship facilities.
- (3) Buildings and uses owned or operated by public government agencies.
- (4) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
- (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (6) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business, except as provided herein, and for home occupations as defined by this chapter. Accessory building use includes a detached garage, storeroom, utility room, cabana, servant's quarters or similar use.
- (7) A porte-cochere shall be permitted within the building set-back lines or a porte-cochere may be as close as 5 feet from the property line if the following conditions are met:
  - A. Three sides of the porte-cochere must be open.
  - B. Columns can be up to 18" maximum and columns can be no closer than 8 feet on center.

## TE TOWNE ESTATE FAMILY RESIDENTIAL DISTRICT CONTINUED

- C. Maximum height of the porte-cochere structure is to be 20 feet and structure is limited to one-story.
- D. Exterior of house on side with the porte-cochere must be 15 feet from property line.
- E. No part of the porte-cochere structure, inclusive of roof overhang, can be closer than 5 feet from property line.

**(8)** A carport shall be permitted within the rear one-half of the lot if the open side is not visible from a public street. **(Castle Hills does not allow carports.)**

### **(b) Area**

#### **(1) Size of yards.**

- A. **Front yard.** There shall be a front yard having a depth of not less than 25 feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
- B. **Side yard.** There shall be a side yard on each side of the lot having a width of not less than ten percent of the lot width or a minimum of six and one-half feet. A side yard adjacent to a side street shall not be less than six and one-half feet. The maximum side yard required shall be eight feet.
- C. **Rear yard.** There shall be a rear yard having a depth of not less than five feet. If the garage entry is from the alley and the entry side of the garage faces the alley, the garage must be set back 20 feet.

#### **(2) Size of lot.**

- A. **Lot area.** No building shall be constructed on any lot of less than 7,500 square feet.
- B. **Lot width.** The minimum width of the lot shall be not less than 50 feet, at the front building line. Irregular lots shall have not less than 30 feet minimum width at the front property line.

#### **(3) Minimum dwelling size.** The minimum floor area of any dwelling shall be 2,500 square feet, exclusive of garages, breezeways and porches.

#### **(4) Lot coverage.** In no case shall more than 40% of the total lot area be covered by the combined area of the main buildings and accessory buildings.

## **ESTATE ACCESSORY BUILDING – RESIDENTIAL**

- (a) Estate accessory buildings shall be located on the rear one-half of the lot. Side yard and rear yard set-back shall be three feet, except at a side street the accessory building shall have the same setback as the main building. A garage with an entry facing an alley or side street shall have a 20 foot setback. An accessory building must be ten feet from the main building or provide fire-rated construction as required by the Building Code. An accessory building may be connected to the main building with a breezeway that is open on two sides. A detached garage, storeroom, utility room, cabana, servant's quarters or similar use detached building shall be considered an accessory building.
- (b) If brick is used on two sides of an accessory building, one of the brick sides must be adjacent to the closest side property line.
- (c) Two-story accessory buildings shall have a minimum side yard set-back of five feet (5').
- (d) Two-story accessory buildings shall have no second story windows on the side closest to the side property line or on the alley side unless proof is given to the Architectural Review Committee that such windows do not invade the privacy of side or rear neighbors.
- (e) Two-story accessory buildings shall have no second floor balconies.

## **LEWISVILLE DEVELOPMENT CODE**

- The Lewisville Development Code has been revised to allow the following:

### **(a) Driveways**

- (1) Allow driveways to access onto residential streets, residential 2 lane collector streets and residential 4 lane divided streets.
- (2) Allow minimum driveway width of 9 feet 6 inches.
- (3) Allow the radius or flare point at the street or alley of any single family driveway to extend beyond the property line.

## **ETH ESTATE TOWNHOUSE RESIDENTIAL DISTRICT**

- (a) **Use.** A building or premise shall be used only for the following purposes:
  - (1) Single-family dwellings.
  - (2) Church worship facilities.
  - (3) Buildings and uses owned or operated by public governmental agencies.
  - (4) Real estate offices during the development of residential subdivisions, but not to exceed two years.
  - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.

- (6) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as building use includes a detached garage, storeroom, utility room, cabana, servant's quarters or similar use. Accessory Buildings shall conform to the requirements of the Estate Accessory Building – Residential.
- (7) A carport shall be permitted. (Castle Hills does not allow carports.)
- (b) **Area.**
- (1) **Size of yards.**
- A. **Front Yard.** There shall be a front yard having a depth of not less than five feet. If the garage or carport entry is from the front and the entry side of the garage or carport faces the street, the garage or carport must be set back 20 feet (the minimum front yard set-back in Castle Hills is 20 feet).
- B. **Side Yard.** No side yard set-back required, except a five foot set-back is required adjacent to a side street. (The minimum side yard set-back in Castle Hills is 5 feet with special exception.)
- C. **Rear Yard.** No rear yard set-back required. If the garage or carport entry is from the alley and the entry side of the garage or carport faces the alley, the garage or carport must be set back a minimum of 20 feet. (The minimum rear yard set-back in Castle Hills is 5 feet.) **(Castle Hills does not allow carports.)**
- (2) **Size of lot.**
- A. **Lot area.** No building shall be constructed on any lot of less than 4,000 square feet.
- B. **Lot width.** The minimum width of the lot shall not be less than 20 feet at any point.
- (3) **Minimum dwelling size.** The minimum floor area of any dwelling shall be 2,000 square feet, exclusive of garages, breezeways and porches. (The minimum floor area in Castle Hills is 2,250 square feet.)
- (4) **Lot coverage.** In no case shall more than 80% of the total lot area be covered by the combined area of the main buildings and accessory buildings. (The maximum lot coverage in Castle Hills is 40%.)

#### HALF-STORY DEFINITION

- A half-story is a space under at least two (2) sloping roofs having an average height not exceeding eight (8') feet and a floor area not greater than fifty (50%) percent of the area of the floor immediately below.

# **GENERAL DEVELOPMENT CRITERIA**

## **GENERAL DEVELOPMENT CRITERIA**

### **ALL SINGLE FAMILY RESIDENTIAL LOTS**

- Street entry garages are required, except in Phase IV-Section A **and Phase IV-Section B** and Phase V-A.
- Alley entry garages may be allowed by the ARC to provide variety, or where lot conditions such as slope make street entry impractical, or for safety on arterial streets.
- Front porches (minimum 5 feet deep x 160 square feet) are encouraged.

### **PHASE I – SECTION A & B LOTS**

- Builders developing multiple lots may not have more than four exterior variations of the same plan and may not repeat the same plan variation more than three times and never closer than 400 feet measured in a straight line between the closest points between lots, or if located on the same street, the lots must be separated by eight adjacent intervening lots.
- Alley entry garages in these sections shall be limited to five alley garages per builder per section.
- Corner lots and lots with an alley on both the rear and the side may have an alley or side street entry garage without being counted against this limit.

### **SECTION C LOTS & CUSTOM LOTS IN OTHER SECTIONS**

- Plans must be custom designed for each lot.
- Repeat use of any plans in this section may be only by specific approval of the ARC.
- The minimum floor area of any dwelling in Section C shall be 3,500 square feet for lots facing the golf course or Town Lake and 3,000 square feet for other lots. This area is exclusive of garages, breezeways and porches.

### **PHASE II – SECTION A & B LOTS**

- Builders developing multiple lots may not have more than four exterior variations of the same plan and may not repeat the same plan variation more than three times in Section IIA or two times in Section IIB and never closer than 400 feet measured in a straight line between the closest points between lots, or if located on the same street, the lots must be separated by eight adjacent intervening lots.
- Alley entry garages in Section IIA shall be limited to six alley entry garages per builder.
- Alley entry garages in Section IIB shall be limited to two alley entry garages per builder excluding Block B Lots 6, 7, 8, 9, 10, 11 & 12 which must have alley entry garages because rear yard detached garages would conflict with the utility easement at the rear property line adjacent to the alley.
- Corner lots and lots with an alley on both the rear and the side may have an alley or side street entry garage without being counted against this limit.

## PHASE II – SECTION D LOTS

- Builders developing multiple lots may not have more than four exterior variations of the same plan and may not repeat the same plan variation more than two times and never closer than 400 feet measured in a straight line between the closest points between lots, or if located on the same street, the lots must be separated by eight adjacent intervening lots.
- The following lots are allowed rear, or in the case of corner lots, rear or side entry:
- In addition to the above lots, each builder is allocated three additional rear-entry homes.

<u>LOT</u>	<u>BLOCK</u>	<u>LOT</u>	<u>BLOCK</u>
1	A	6	C
12	A	7	C
13	A	8	C
15	A	9	C
16	A	10	C
17	A	11	C
18	A	12	C
19	A	13	C
20	A	14	C
21	A	15	C
22	A	16	C
23	A	17	C
24	A	1	D
1	B	2	D
9	B	8	D
10	B	1	E
11	B	1	F
12	B	7	F
13	B	8	F
17	B	9	F
		10	F
		11	F

## PHASE II – SECTION E LOTS

### FRONT YARD SETBACKS

The following lots will have a 25' or greater setback with no ability to move the house forward:

**Lots 4-R through 6-R, Block F**

The following lots will have a 30' or greater setback with the ability to move the house forward 5 feet with a single story and/or qualifying front porch:

**Lots 1-R through 8-R, Block A**

**Lots 2-R through 4-R, Block B**

**Lots 8-R through 26-R, Block B**

**Lots 2-R through 5-R, Block C**

**Lots 16-R through 18-R, Block C**

**Lots 6-R through 10-R, Block E**

The following lots will have a 35' or greater setback with the ability to move the house forward 5 feet with a single story and/or qualifying front porch:

**Lots 9-R through 15-R, Block A**

**Lots 5-R through 7-R, Block B**

**Lots 6-R through 15-R, Block C**

**Lots 19-R through 21-R, Block C**

**Lots 1-R through 12-R, Block D**

**Lots 1-R through 5-R, Block E**

**Lots 1-R through 3-R, Block F**

**Lots 7-R through 14-R, Block F**

- All other front or and rear setbacks are the same as in Phase III, Section A.
- Side yard setbacks are 10% of the lot width with a maximum of 8-ft.

### SQUARE FOOTAGE

- The minimum house size will be 2,500 square feet.
- The minimum house size for houses on the golf course, exclusive of garages, breezeways and porches will be 3,500 square feet.

### HEIGHT

- No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

## **PHASE II – SECTION E LOTS CONTINUED**

### **GARAGE DOORS**

- Front Swing Drives with garages in the front half of the lot will require decorative drives and decorative wood garage doors, as well as front and side screening of garages.

### **IRRIGATION**

- All homes must have front and rear yard irrigation systems and all parkway trees must have bubblers.

### **FENCES**

- Fences cannot exceed eight (8) feet in height. Masonry columns on corners are required as in the previous sections.
- All fences must be stained medium brown.
- Fences at property lines adjacent to the golf course and parks must be wrought iron fence built per the detail on page 62.
- Public view does not include alleys except on corner lots.

### **CHIMNEYS**

- Chimney must be masonry, and direct vents will not be approved in lieu of a chimney unless there is an engineering reason that the ARC is in agreement with.

### **FRONT WINDOWS**

- Front windows must be wood or vinyl clad wood.

### **TREE LIGHTING**

- Up or down lighting is required in front yard trees.

**NOTE:** The Phase II, Section E Design Guidelines will incorporate the Design Guidelines for the rest of Castle Hills that are non-specific to a particular phase.

### PHASE III – SECTION A LOTS

- Builders developing multiple lots may not have more than four exterior variations of the same plan and may not repeat the same plan variation more than five times and never closer than 400 feet measured in a straight line between the closest points between lots or if located on the same street, the lots must be separated by eight adjacent intervening lots.

#### FRONT YARD SET-BACK

- **House with a front porch and front entry drive – garage in rear – 25 feet**
- **House without a front porch and front entry drive – garage in rear – 25 feet**
- **House with a front porch and rear entry drive - 28 feet**
- **House without a front porch and rear entry drive – 33 feet**
- **House with front swing J-drive – 35 feet (no variances will be granted)**
- **No houses may set more than 10 feet in front of the adjacent house.**
- **House without a front porch and front entry drive – garage in rear should be 30 feet.**
- The following lots are allowed rear, or in the case of corner lots, rear or side entry:

<u>LOT</u>	<u>BLOCK</u>	<u>LOT</u>	<u>BLOCK</u>	<u>LOT</u>	<u>BLOCK</u>
1	A	4	E	4	H
2	A	5	E	5	H
12	A	6	E	6	H
13	A	7	E	7	H
1	C	8	E	1	I
2	C	9	E	10	I
3	C	10	E	11	I
4	C	17	E	12	I
5	C	1	F	13	I
7	C	6	F	14	I
8	C	7	F	15	I
9	C	10	F	17	I
10	C	1	G	18	I
11	C	4	G	23	I
12	C	5	G	24	I
21	C	6	G	25	I
1	D	7	G	26	I
2	D	8	G	27	I
3	D	9	G	28	I
4	D	10	G	29	I
5	D	11	G	30	I
6	D	12	G	1	J
7	D	13	G	2	J
8	D	14	G	3	J
9	D	18	G	6	J
15	D	19	G	7	J
1	E	37	G	16	J
2	E	1	H	17	K
3	E	2	H	27	K
		3	H		

### PHASE III – SECTION B LOTS

- Builders developing multiple lots may not have more than four exterior variations of the same plan and may not repeat the same plan variation more than three times and never closer than 400 feet measured in a straight line between the closest points between lots or if located on the same street, the lots must be separated by eight adjacent intervening lots.
- Golf course lots cannot have repeat elevations.

#### FRONT YARD SET-BACK

- House without a front porch and front entry drive–garage in rear–25 feet
- House with a front porch and rear entry drive–28 feet
- House without a front porch and rear entry drive–33 feet
- House with front swing J-drive–35 feet (no variances will be granted)
- No houses may set more than 10 feet in front of the adjacent house.
- House without a front porch and front entry drive–garage in rear should be 30 feet

#### SIDE YARD SET-BACK

- Lots less than 80 feet – 5 feet
- Lots 80 feet or more – 6.5 feet

#### SQUARE FOOTAGE

- The minimum house size, exclusive of garages, breezeways and porches will be 2,500 square feet.
- The minimum house size for houses on the golf course, exclusive of garages, breezeways and porches will be 3,500 square feet.

#### IRRIGATION

- All homes must have front and rear yard irrigation systems and all parkway trees must have bubblers.

#### FENCES

- Fences cannot exceed eight (8) feet in height. Masonry columns on corners are required as in the previous sections.
- All fences must be stained medium brown.
- Fences at property lines adjacent to the golf course and parks must be wrought iron fence built per the detail on page 62.

#### HEIGHT

- No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

## **PHASE III – SECTION B LOTS CONTINUED**

### **CHIMNEYS**

- All homes on the golf course must have masonry chimneys.

### **GARAGE DOORS**

- Front Swing Drives with garages in the front half of the lot will require decorative drives and decorative wood garage doors, as well as front and side screening of garages.

**NOTE:** All other Design Guide Line issues will be the same as in Phase III, Section A.

## PHASE IV – SECTION A 60 FOOT LOTS

- This is a rear entry product.
- Generally speaking, materials and other Design Guidelines continue to apply for this product. The following specific rules address changes to the Design Guidelines for the 60 foot lots.

### FRONT YARD SET-BACK (60 FOOT LOT)

- 1-story or 1 ½-story with a front porch—20-feet
- 1-story or 1 ½-story without a front porch—27-feet
- 2-story with a front porch—25-feet
- 2-story without a front porch—32-feet

### SIDE YARD SET-BACK (60 FOOT LOT)

- Typically, lots will require a 5 foot side yard set-back. If the lot width at the measuring point is less than 60-feet, the side yard set-back may be adjusted to allow a 50-foot building pad, with the side yard set-backs equal on each side of the building pad. This will, however, create the need for a fire-rated wall on both houses; therefore, both lot owners must agree.

### SQUARE FOOTAGE (60 FOOT LOT)

- The minimum house size, exclusive of garages, breezeways and porches will be 2,250 square feet.

### ELEVATIONS (60 FOOT LOT)

- The builders will be allowed six (6) elevation repeats. Repeat of elevations must be separated by eight lots if on the same street or 340 linear feet measured in a straight line from the closest point of the lots if they are not on the same street.

### PORCHES (60 FOOT LOT)

- A front porch must be a minimum of 5 feet deep and 140 square feet to qualify as a porch for special front yard set-back.

### IRRIGATION (60 FOOT LOT)

- All homes must have front and rear yard irrigation systems.

### FENCES (60 FOOT LOT)

- **Fences cannot exceed eight (8) feet in height.** Masonry columns on corners are required as in the previous sections.

### HEIGHT

- *No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.*
-

## PHASE IV – SECTION A 70 FOOT LOTS

- This is a rear entry product.
- Generally speaking, materials and other Design Guidelines continue to apply for this product. The following specific rules address changes to the Design Guidelines for the 70 foot lots.

### FRONT YARD SETBACKS (70 FOOT LOT)

- 1-story or 1 ½-story with a front porch—20-feet
- 1-story or 1 ½-story without a front porch—27-feet
- 2-story with a front porch—25-feet
- 2-story without a front porch—32-feet

### SIDE YARD SETBACK (70 FOOT LOT)

- Lots will require a 5 foot side yard setback.

### SQUARE FOOTAGE (70 FOOT LOT)

- The minimum house size, exclusive of garages, breezeways and porches will be 2,500 square feet.

### ELEVATIONS (70 FOOT LOT)

- The builders will be allowed three (3) elevations repeats. Repeat of elevations must be separated by eight lots if on the same street or 400 linear feet measured in a straight line from the closest point of the lots if they are not on the same street.

### IRRIGATION (70 FOOT LOT)

- All homes must have front and rear yard irrigation systems.

### FENCES (70 FOOT LOT)

- **Fences cannot exceed eight (8) feet in height.**
- Masonry columns on corners are required as in the previous sections.

### PORCHES (70 FOOT LOT)

- A front porch must be a minimum of 5 feet deep and 160 square feet to qualify as a porch for special front yard setback.

### HEIGHT

- *No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.*

## **PHASE IV – SECTION B 60 FOOT LOTS**

- This is a rear entry product.
- Generally speaking, materials and other Design Guidelines continue to apply for this product. The following specific rules address changes to the Design Guidelines for the 60 foot lots.

### **FRONT YARD SET-BACK (60 FOOT LOT)**

- 1-story with a front porch—15-feet
- 1-story or 1 ½-story without a front porch—22-feet
- 1 ½ or 2-story with a front porch—20-feet
- 2-story without a front porch—27-feet

### **SIDE YARD SET-BACK (60 FOOT LOT)**

- Typically, lots will require a 5 foot side yard set-back. If the lot width at the measuring point is less than 60-feet, the side yard set-back may be adjusted to allow a 50-foot building pad, with the side yard set-backs equal on each side of the building pad.

### **SQUARE FOOTAGE (60 FOOT LOT)**

- The minimum house size, exclusive of garages, breezeways and porches will be 2,250 square feet.

### **ELEVATIONS (60 FOOT LOT)**

- The builders will be allowed seven (7) elevation repeats. Repeat of elevations must be separated by eight lots if on the same street or 340 linear feet measured in a straight line from the closest point of the lots if they are not on the same street.

### **PORCHES (60 FOOT LOT)**

- A front porch must be a minimum of 5 feet deep and 140 square feet to qualify as a porch for special front yard set-back.

### **IRRIGATION (60 FOOT LOT)**

- All homes must have front and rear yard irrigation systems.
- All parkway trees must have bubblers.

### **FENCES (60 FOOT LOT)**

- Fences cannot exceed eight (8) feet in height.
- Masonry columns on corners are required as in the previous sections.
- All fences must be pre-stained in medium brown.

### HEIGHT

- No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

## **PHASE IV – SECTION B 70 FOOT LOTS**

- **This is a rear entry product.**
- **Generally speaking, materials and other Design Guidelines continue to apply for this product. The following specific rules address changes to the Design Guidelines for the 70 foot lots.**

### **FRONT YARD SETBACKS (70 FOOT LOT)**

- **1-story with a front porch—15-feet**
- **1-story or 1 ½-story without a front porch—22-feet**
- **1 ½ or 2-story with a front porch—20-feet**
- **2-story without a front porch—27-feet**

### **SIDE YARD SETBACK (70 FOOT LOT)**

- **Lots will require a 5 foot side yard setback.**

### **SQUARE FOOTAGE (70 FOOT LOT)**

- **The minimum house size, exclusive of garages, breezeways and porches will be 2,500 square feet.**

### **ELEVATIONS (70 FOOT LOT)**

- **The builders will be allowed three (3) elevations repeats. Repeat of elevations must be separated by eight lots if on the same street or 400 linear feet measured in a straight line from the closest point of the lots if they are not on the same street.**

### **IRRIGATION (70 FOOT LOT)**

- **All homes must have front and rear yard irrigation systems.**
- **All parkway trees must have bubblers.**

### **FENCES (70 FOOT LOT)**

- **Fences cannot exceed eight (8) feet in height.**
- **Masonry columns on corners are required as in the previous sections.**
- **All fences must be pre-stained in medium brown.**

### **PORCHES (70 FOOT LOT)**

- **A front porch must be a minimum of 5 feet deep and 160 square feet to qualify as a porch for special front yard setback.**

### HEIGHT

- *No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.*

## PHASE IV - SECTION C

THIS IS A FRONT AND REAR ENTRY PRODUCT. GENERALLY SPEAKING, MATERIALS AND OTHER DESIGN GUIDELINES CONTINUE TO APPLY FOR THIS PRODUCT. THE FOLLOWING SPECIFIC RULES ADDRESS CHANGES TO THE DESIGN GUIDELINES FOR THE LOTS IN THIS PHASE. ANY ITEMS NOT SPECIFIED HERE-IN ARE STILL SUBJECT TO THE DESIGN GUIDELINES FOR CASTLE HILLS.

### FRONT YARD SET-BACK

- \* 1-STORY WITH A FRONT PORCH—11-FEET
- \* 1-STORY OR 1 1/2-STORY WITHOUT A FRONT PORCH—11-FEET
- \* 1 1/2 OR 2-STORY WITH A FRONT PORCH—11-FEET
- \* 2-STORY WITHOUT A FRONT PORCH—11-FEET

### SIDE YARD SET-BACK

- \* TYPICALLY, LOTS WILL REQUIRE A 3.5 FEET SIDE YARD SET-BACK, WITH THE SIDE YARD SET-BACKS EQUAL ON EACH SIDE OF THE BUILDING PAD.

### REAR YARD SET-BACK

- \* THERE WILL BE NO REAR YARD SETBACK REQUIREMENTS.

### GARAGE SET-BACK

- \* GARAGES FACING THE ALLEY WILL REQUIRE A 20-FOOT REAR SETBACK.
- \* GARAGES FACING THE STREET (NO ALLEY) WILL REQUIRE A 26-FOOT FRONT SETBACK, WITH AN ALLEY 20-FEET.

### SQUARE FOOTAGE

- \* THE MINIMUM HOUSE SIZE, EXCLUSIVE OF GARAGES, BREEZEWAYS AND PORCHES, WILL BE 2,000 SQUARE FEET.
- \* NOTE - MAKE SURE YOU CONFORM TO THE REQUIREMENTS FOR THE MAIN DWELLING ON THE FINAL PLAT.

### ELEVATIONS

- \* THE BUILDERS WILL BE ALLOWED EIGHT(8) ELEVATION REPEATS. BUILDERS WILL NOT BUILD THE SAME PLAN WITH A POD OF ADJACENT LOTS OR REPEAT AN ELEVATION WITHIN 250 FEET.

### ROOF

- \* MINIMUM 10:12 ROOF PITCHES ARE PREFERRED. 12:12 AND 14:12 ROOF PITCHES ARE PREFERRED ON FRONT AND SIDE ELEVATIONS, 6:12 ROOF PITCHES WILL BE ALLOWED ON THE REAR OF THE HOME, BUT ARE NOT VIEWED AS DESIRABLE.
- \* 30-YEAR DIMENSIONAL SHINGLES, METAL ROOFING, OR BETTER IS REQUIRED AS ROOF COVERING.

## PHASE IV - SECTION C CONTINUED

### HEIGHT

- \* NO BUILDING SHALL EXCEED 40-FEET MEASURED FROM THE FINISHED GROUND LEVEL ADJOINING THE BUILDING AT ALL EXTERIOR WALLS TO THE HIGHEST ROOF RIDGE.

### MASONRY REQUIREMENTS

- \* MASONRY PRODUCTS THAT QUALIFY INCLUDE 3-COAT STUCCO, CLAY BRICK, AND NATURAL STONE. SIDING, MADE OF CEMENTITIOUS MATERIALS, DOES NOT QUALIFY AS AN APPROVED MASONRY PRODUCT.
- \* FIRST FLOOR EXTERIOR MUST HAVE 100% MASONRY WITH THE EXCEPTION OF BOX WINDOWS AND COLUMNS.
- \* SECOND FLOOR EXTERIOR MUST HAVE A MINIMUM OF 75% MASONRY.
- \* GOLF COURSE HOMES AND WATER-FRONT HOMES MUST HAVE A CHIMNEY FOR ALL FIREPLACES INCLUDING WOOD BURNING FIREPLACES AND DIRECT VENT FIRE PLACES.
- \* THE CHIMNEYS MUST BE 100% MASONRY ON ALL GOLF COURSE AND WATER FRONT HOMES.

### GARAGE DOORS

- \* ALL GARAGE DOORS VISABLE FROM THE STREET ARE REQUIRED TO BE FINISHED IN A DECORATIVE WOOD DESIGN.

### DRIVEWAYS

- \* ALL DRIVEWAYS ON THE GOLF COURSE LOTS AND PARK LOTS ARE REQUIRED TO BE FINISHED IN A STAINED CONCRETE FINISH OR AN EXPOSED AGGREGATE FINISH WITH BRICK BORDERS, AS WELL AS ALL FRONT ENTRY HOMES.

### IRRIGATION & DRAINAGE

- \* IRRIGATION SYSTEMS ARE REQUIRED IN FRONT, REAR, AND SIDE YARDS.
- \* GUTTERS ARE REQUIRED ON EACH SIDE OF THE HOME.
- \* ALL DOWNSPOUTS ON EACH SIDE OF THE HOME ARE REQUIRED TO BE TIED INTO A DRAINAGE SYSTEM AND CARRIED TO THE CURB OR ALLEY.
- \* MINIMUM OF 3 SURFACE DRAINS ON EACH SIDE OF THE HOME LOCATED IN THE SWALE AND ARE REQUIRED TO BE TIED TO A DRAINAGE SYSTEM DRAINED AT THE CURB OR ALLEY.
- \* ALL FRONT-YARD TREES MUST HAVE BUBBLERS.

## PHASE IV - SECTION C CONTINUED

### LANDSCAPE

EACH HOMEOWNER WILL BE REQUIRED TO PROVIDE A COMPLETE FRONT YARD LANDSCAPE WITHIN 30 DAYS OF OCCUPANCY. REQUIREMENTS ARE AS FOLLOWS:

- \* ONE 3 1/2 INCH CALIPER TREE IN THE FRONT YARD AREA (please refer to Landscape Guidelines for type of tree for each street).
- \* MINIMUM 5% OF THE FRONT YARD AREA DEVOTED TO SHRUBS.
- \* REMAINING LANDSCAPE AREA NOT PLANTED WITH SHRUBS SHALL BE PLANTED WITH GRASS AND/OR GROUNDCOVER.

### FENCES

- \* FENCES CANNOT EXCEED EIGHT (8) FEET IN HEIGHT.
- \* ALL FENCES MUST BE FLAT-TOP AND PRE-STAINED IN MEDIUM BROWN.
- \* ALL FENCES LOCATED ON CORNER LOTS MUST HAVE ARC APPROVED STONE COLUMNS AT THE SAME HEIGHT AS FENCE AND SPACED BETWEEN 10 FEET TO 12 FEET APART.
- \* ALL FENCES ON THE GOLF COURSE AND PARKS MUST HAVE ARC APPROVED WROUGHT-IRON FENCING ON THE BACK PROPERTY LINE AND THE FIRST 6 FEET ON EACH SIDE FENCE FROM BACK FENCE LINE.

## PHASE V – SECTION A 60 FOOT LOTS

- This is a rear entry product.
- Generally speaking, materials and other Design Guidelines continue to apply for this product. The following specific rules address changes to the Design Guidelines for the 60 foot lots in this Phase.

### FRONT YARD SETBACK

- 1-story or 1 ½-story with a front porch—14-feet
- 1-story or 1 ½-story without a front porch—16-feet
- 2-story with a front porch—18-feet
- 2-story without a front porch—20-feet

### SIDE YARD SETBACK

- Typically, lots will require a 5-foot side yard setback. If the lot width at the measuring point is less than 60-feet, the side yard setback may be adjusted to allow a 50-foot building pad, with the side yard setbacks equal on each side of the building pad. **This will, however, create the need for a fire-rated wall on both houses; therefore, both lot owners must agree.**

### REAR YARD SETBACK

- Main house—5-feet
- One-story garages—3-feet
- Two-story garages—5-feet

### SQUARE FOOTAGE

- The minimum house size, exclusive of garages, breezeways and porches will be 2,250 square feet.

### ELEVATIONS

- The builders will be allowed six (6) elevation repeats. Repeat of elevations must be separated by eight lots if on the same street or 340 linear feet measured in a straight line from the closest point of the lots if they are not on the same street.

### PORCHES

- A front porch must be a minimum of 5-feet deep and 75 square feet to qualify as a porch for the special front yard setbacks referenced above.

### IRRIGATION (60 FOOT LOT)

- All homes must have front and rear yard irrigation systems.

## PHASE V – SECTION A 60 FOOT LOTS CONTINUED

### FENCES (60 FOOT LOT)

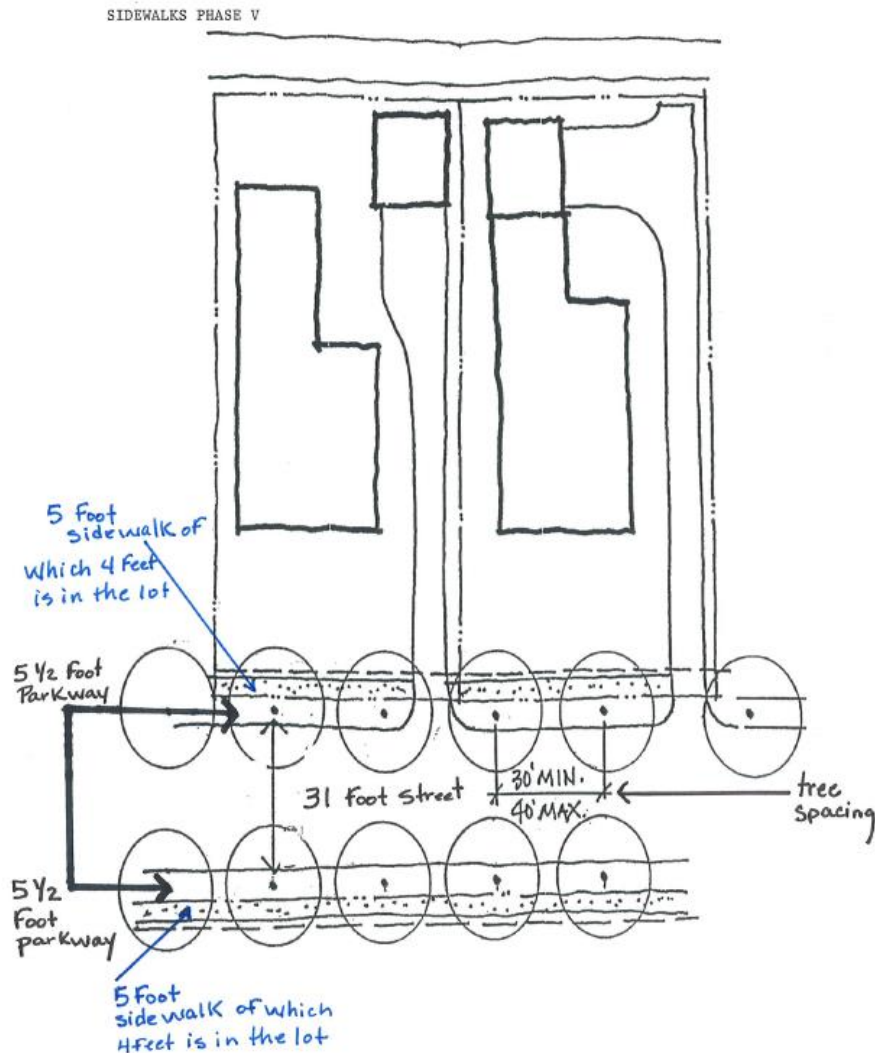
- Fences cannot exceed eight (8) feet in height.
- Masonry columns on corners are required as in the previous sections.
- Finished side of the fence must face public view.
- All wood fences must be stained medium brown.

### HEIGHT

- No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

### FRONT SIDEWALKS

- The parkway area in this Phase has been reduced from 6 1/2-feet to 5 1/2 feet allowing 1-foot of the front sidewalks to extend into the right-of-way (see diagram below).



## **PHASE V – SECTION A 70 FOOT LOTS**

- This is a rear entry product.
- Generally speaking, materials and other Design Guidelines continue to apply for this product. The following specific rules address changes to the Design Guidelines for the 70 foot lots in this Phase.

### **FRONT YARD SETBACK**

- 1-story or 1 ½-story with a front porch—14-feet
- 1-story or 1 ½-story without a front porch—16-feet
- 2-story with a front porch—18-feet
- 2-story without a front porch—20-feet

### **SIDE YARD SETBACK**

- Lots will require a 5-foot side yard setback.

### **REAR YARD SETBACK**

- Main house—5-feet
- One-story garages—3-feet
- Two-story garages—5-feet

### **SQUARE FOOTAGE**

- The minimum house size, exclusive of garages, breezeways and porches will be 2,500 square feet.

### **ELEVATIONS**

- The builders will be allowed three (3) elevation repeats. Repeat of elevations must be separated by eight lots if on the same street or 400 linear feet measured in a straight line from the closest point of the lots if they are not on the same street.

### **PORCHES**

- A front porch must be a minimum of 5-feet deep and 75 square feet to qualify as a porch for the special front yard setbacks referenced above.

### **IRRIGATION (60 FOOT LOT)**

- All homes must have front and rear yard irrigation systems.

### **FENCES (60 FOOT LOT)**

- Fences cannot exceed eight (8) feet in height.
- Masonry columns on corners are required as in the previous sections.
- Finished side of the fence must face public view.
- All wood fences must be stained medium brown.

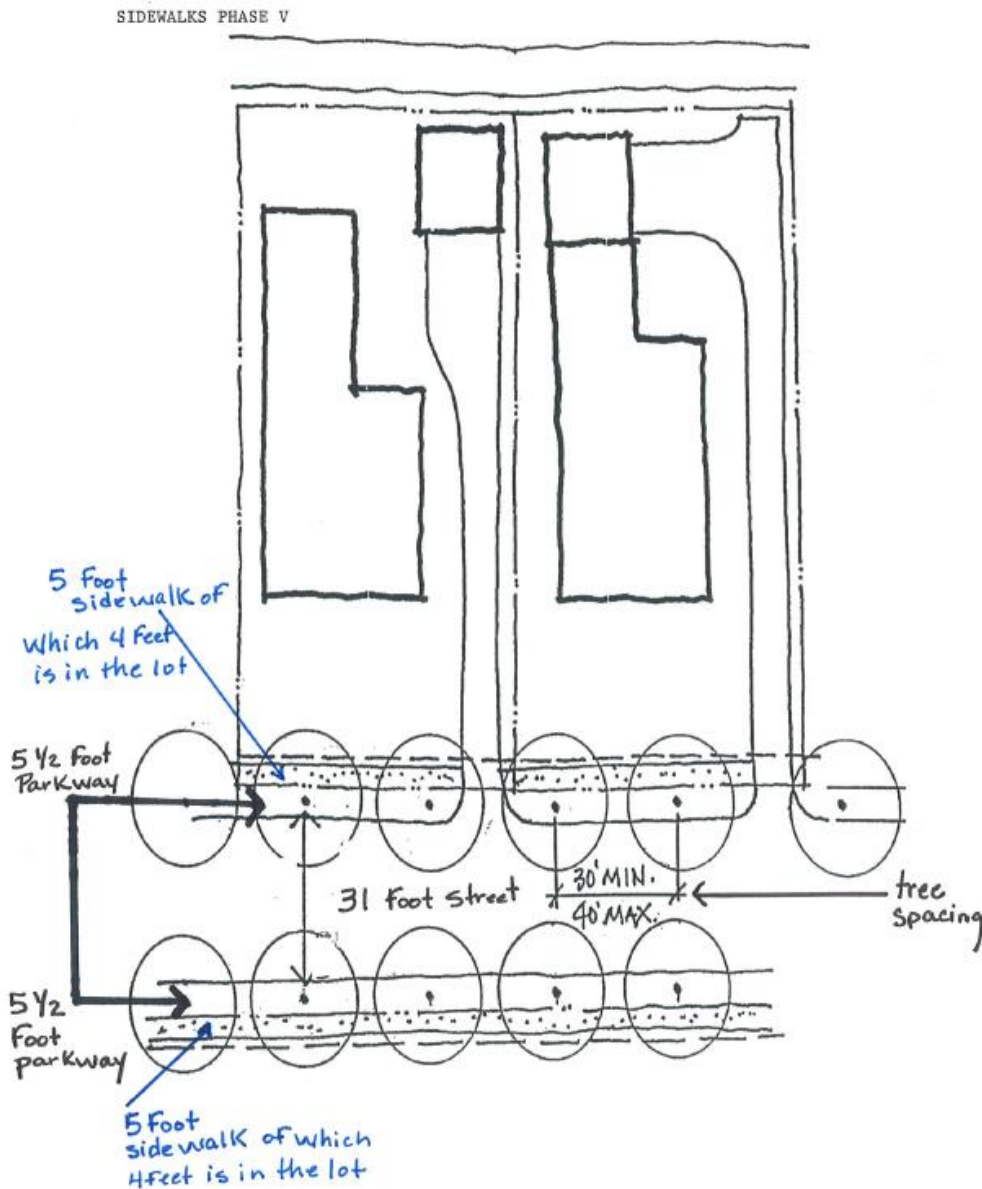
## PHASE V – SECTION A 70 FOOT LOTS CONTINUED

### HEIGHT

- No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

### FRONT SIDEWALKS

- The parkway area in this Phase has been reduced from 6 1/2-feet to 5 1/2 feet allowing 1-foot of the front sidewalks to extend into the right-of-way (see diagram below).



## Phase VI – Section A

- ⇒ This is a front entry product.
- ⇒ Generally speaking, materials and other Design Guidelines continue to apply for this product.
- ⇒ The following specific rules address changes to the Design Guidelines for the lots in this phase.
- ⇒ Any items not specified herein are still subject to the design guidelines for Castle Hills.

### Front Yard Setback

- ▽ 1-story with a front porch shall have a minimum set-back of 14 feet.
- ▽ 1-story without a front porch shall have a minimum set-back of 16 feet.
- ▽ 1 1/2 story with a front porch shall have a minimum setback of 14 feet.
- ▽ 1 1/2 story without a front porch shall have a minimum set-back of 16 feet.
- ▽ 2-story with a front porch—16-feet.
- ▽ 2-story without a front porch—18-feet.

### Side Yard Setback

- ▽ Lots will require a 5-foot side yard setback.
- ▽ An 11-foot side yard setback will be required adjacent to a side street as measured from the street right-of-way line.

### Rear Yard Setback

- ▽ Lots will require a 5-foot rear yard setback.

### Garage Setback

- ▽ Garages facing the street (No Alley) will require a 20-foot front setback.

### Square Footage

- ▽ The minimum house size, exclusive of garages, breezeways and porches, will be 2,100 s.f.
  - \* Note – Make sure you conform to the requirements for the main dwelling on the final plat.

### Porches

- ▽ A front porch must be a minimum of 5-feet deep and 75 square feet to qualify as a porch.

### Elevations

- ▽ The builders will be allowed six (6) elevation repeats. Builders will not build the same plan with a pod of adjacent lots or repeat an elevation WITHIN 300-FEET on the same street and perpendicular streets. The 300-feet is to be measured in street distance.

### Roof

- ▽ Minimum 8:12 roof pitches are required. 12:12 and 14:12 roof pitches are preferred on front and side elevations, 6:12 roof pitches will be allowed on the rear of the home on patios and porches only, but are not viewed as desirable.
- ▽ 30-year dimensional shingles, metal roofing, or better is required..
- ▽ Other roof materials require specific permission of the ARC.

### Height

- ▽ NO BUILDING SHALL EXCEED 35-FEET MEASURED FROM THE FINISHED GROUND LEVEL ADJOINING THE BUILDING AT ALL EXTERIOR WALLS TO THE HIGHEST ROOF RIDGE.

## Phase VI – Section A Continued

### Masonry Requirements

- ▽ Masonry products that qualify include 3-coat stucco, clay brick, and natural stone.
- ▽ First floor exterior must have 100% masonry with the exception of box windows and columns.
- ▽ Second floor exterior must have a minimum of 75% masonry. The remaining 25% must be a cementitious material, no wood or vinyl siding product will be allowed.
- ▽ Homes must have a chimney for all fireplaces including wood burning fireplaces and direct vent fire places.

### Garage Doors

- ▽ All garage doors are required to be wood in a decorative design.

### Driveways

- ▽ All driveways are required to be finished in a stained concrete finish, or an exposed aggregate finish.

### Irrigation & Drainage

- ▽ Irrigation systems are required in front, rear, and side yards.
- ▽ Full Gutters are required on all sides of the house.
- ▽ All downspouts on each side of the home are required to be tied into a drainage system and carried to the curb.
- ▽ Minimum of 3 surface drains on each side of the home located in the swale and are required to be tied to a drainage system drained at the curb.
- ▽ All front-yard trees must have bubblers.

### Landscaping

- ▽ Each home builder will be required to provide a complete front yard landscape installation prior to occupancy. Requirements are as follows:
  - One 3 ½" inch caliper tree in the front yard area. The tree must be one of the following species:
    - > Live Oak
    - > Shumard Red Oak
    - > Chinese Pistache
    - > Raywood Ash
    - > Texas Ash
  - One Ornamental tree—30 gallon sized container in the front yard area. The ornamental tree must be one of the following species:
    - > Crape Myrtle
    - > Ok. Redbud
    - > Wax Myrtle
    - > Aristocrat Pear
  - Minimum 15% of the front yard area devoted to shrubs.
  - Remaining landscape area not planted with shrubs shall be planted with grass and/or groundcover.

### Fences (50 Foot Lot)

- ▽ Fences cannot exceed 6-feet in height. A variance request is required for fencing over 6-ft. in height if there is a grade difference of 1-foot or greater.
- ▽ Fence height will not exceed 8'0".
- ▽ Masonry columns on corners are required as in the previous sections. Materials shall be Millsap sand stone with grey mortar. Size shall be 18" X 18". (See standard column detail.)
- ▽ Finished side of the fence must face public view.
- ▽ All wood fences will be topped with a 1X4 and must be stained medium brown.

### Sidewalks

- ▽ Sidewalks shall be 5' feet wide with the street side edge at the curb line.

## Phase VI – Section B & C

- ⇒ This is a front entry product.
- ⇒ Generally speaking, materials and other Design Guidelines continue to apply for this product.
- ⇒ The following specific rules address changes to the Design Guidelines for the lots in this phase.
- ⇒ Any items not specified herein are still subject to the design guidelines for Castle Hills.

### Front Yard Setback

- ▽ 1-story with or without a front porch shall have a minimum set-back of 17 ½ feet.
- ▽ 1 1/2 story with or without a front porch shall have a minimum setback of 17 ½ feet.
- ▽ 2-story with a front porch—18-feet.
- ▽ 2-story without a front porch—20-feet.

### Side Yard Setback

- ▽ Lots will require a 5-foot side yard setback.

### Rear Yard Setback

- ▽ Lots will require a 5-foot rear yard setback.

### Garage Setback

- ▽ Garages facing the street (No Alley) will require a 20-foot front setback.

### Square Footage

- ▽ The minimum house size, exclusive of garages, breezeways and porches, will be 1,400 s.f.
  - \* Note – Make sure you conform to the requirements for the main dwelling on the final plat.

### Porches

- ▽ A front porch must be a minimum of 5-feet deep and 75 square feet to qualify as a porch.

### Elevations

- ▽ The builders will be allowed six (6) elevation repeats. Builders will not build the same plan with a pod of adjacent lots or repeat an elevation WITHIN 240-FEET on the same street and perpendicular streets. The 240-feet is to be measured in street distance.

### Roof

- ▽ Minimum 8:12 roof pitches are required. 12:12 and 14:12 roof pitches are preferred on front and side elevations, 6:12 roof pitches will be allowed on the rear of the home on patios and porches only, but are not viewed as desirable.
- ▽ 30-year dimensional shingles, metal roofing, or better is required as roof covering.
- ▽ Other roof materials require specific permission of the ARC.

### Height

- ▽ NO BUILDING SHALL EXCEED 35-FEET MEASURED FROM THE FINISHED GROUND LEVEL ADJOINING THE BUILDING AT ALL EXTERIOR WALLS TO THE HIGHEST ROOF RIDGE.

## Phase VI – Section B &C Continued

### Masonry Requirements

- ▽ Masonry products that qualify include 3-coat stucco, clay brick, and natural stone.
- ▽ First floor exterior must have 100% masonry with the exception of box windows and columns.
- ▽ Second floor exterior must have a minimum of 75% masonry. The remaining 25% must be a cementitious material, no wood or vinyl siding product will be allowed.
- ▽ Homes must have a chimney for all fireplaces including wood burning fireplaces and direct vent fire places.

### Garage Doors

- ▽ All garage doors are required to be cedar wood in a decorative design.

### Driveways

- ▽ All driveways are required to be finished in a stained concrete finish, or an exposed aggregate finish.

### Irrigation & Drainage

- ▽ Irrigation systems are required in front, rear, and side yards.
- ▽ Full Gutters are required on all sides of the house.
- ▽ All downspouts on each side of the home are required to be tied into a drainage system and carried to the curb.
- ▽ Minimum of 3 surface drains on each side of the home located in the swale and are required to be tied to a drainage system drained at the curb.
- ▽ All front-yard trees must have bubblers.

### Landscaping

- ▽ Each home builder will be required to provide a complete front yard landscape installation prior to occupancy. Requirements are as follows:
  - One 3 ½" inch caliper tree in the front yard area. The tree must be one of the following species:
    - > Live Oak
    - > Shumard Red Oak
    - > Chinese Pistache
    - > Raywood Ash
    - > Texas Ash
  - One Ornamental tree—30 gallon sized container in the front yard area. The ornamental tree must be one of the following species:
    - > Crape Myrtle
    - > Ok. Redbud
    - > Wax Myrtle
    - > Aristocrat Pear
  - Minimum 15% of the front yard area devoted to shrubs.
  - Remaining landscape area not planted with shrubs shall be planted with grass and/or groundcover.

## **Phase VI – Section B &C Continued**

### **Fences (41 Foot Lot)**

- ▽ Fences cannot exceed 6-feet in height. A variance request is required for fencing over 6-ft. in height if there is a grade difference of 1-foot or greater.
- ▽ Fence height will not exceed 8'0".
- ▽ Masonry columns on corners are required as in the previous sections. Materials shall be Millsap sand stone with grey mortar. Size shall be 18" X 18". (See standard column detail.)
- ▽ Finished side of the fence must face public view.
- ▽ All wood fences will be topped with a 1X4 and must be stained medium brown.

### **Sidewalks**

- ▽ Sidewalks shall be 5' feet wide with the street side edge at the curb line.

## Phase VI – Section D

- ⇒ This is a front entry product.
- ⇒ Generally speaking, materials and other Design Guidelines continue to apply for this product.
- ⇒ The following specific rules address changes to the Design Guidelines for the lots in this phase.
- ⇒ Any items not specified herein are still subject to the design guidelines for Castle Hills.

### Front Yard Setback

- ▽ 1-story with a front porch shall have a minimum set-back of 14 feet.
- ▽ 1-story without a front porch shall have a minimum set-back of 16 feet.
- ▽ 1 1/2 story with a front porch shall have a minimum setback of 14 feet.
- ▽ 1 1/2 story without a front porch shall have a minimum set-back of 16 feet.
- ▽ 2-story with a front porch—16-feet.
- ▽ 2-story without a front porch—18-feet.

### Side Yard Setback

- ▽ Lots will require a 5-foot side yard setback.
- ▽ An 11-foot side yard setback will be required adjacent to a side street as measured from the street right-of-way line.

### Rear Yard Setback

- ▽ Lots will require a 5-foot rear yard setback.

### Garage Setback

- ▽ Garages facing the street (No Alley) will require a 20-foot front setback.

### Square Footage

- ▽ The minimum house size, exclusive of garages, breezeways and porches, will be 2,100 s.f.
  - \* Note – Make sure you conform to the requirements for the main dwelling on the final plat.

### Porches

- ▽ A front porch must be a minimum of 5-feet deep and 75 square feet to qualify as a porch.

### Elevations

- ▽ The builders will be allowed six (6) elevation repeats. Builders will not build the same plan with a pod of adjacent lots or repeat an elevation WITHIN 300-FEET on the same street and perpendicular streets. The 300-feet is to be measured in street distance.

### Roof

- ▽ Minimum 8:12 roof pitches are required. 12:12 and 14:12 roof pitches are preferred on front and side elevations, 6:12 roof pitches will be allowed on the rear of the home on patios and porches only, but are not viewed as desirable.
- ▽ 30-year dimensional shingles, metal roofing, or better is required..
- ▽ Other roof materials require specific permission of the ARC.

### Height

- ▽ NO BUILDING SHALL EXCEED 35-FEET MEASURED FROM THE FINISHED GROUND LEVEL ADJOINING THE BUILDING AT ALL EXTERIOR WALLS TO THE HIGHEST ROOF RIDGE.

## Phase VI – Section D Continued

### Masonry Requirements

- ▽ Masonry products that qualify include 3-coat stucco, clay brick, and natural stone.
- ▽ First floor exterior must have 100% masonry with the exception of box windows and columns.
- ▽ Second floor exterior must have a minimum of 75% masonry. The remaining 25% must be a cementitious material, no wood or vinyl siding product will be allowed.
- ▽ Homes must have a chimney for all fireplaces including wood burning fireplaces and direct vent fire places.

### Garage Doors

- ▽ All garage doors are required to be wood in a decorative design.

### Driveways

- ▽ All driveways are required to be finished in a stained concrete finish, or an exposed aggregate finish.

### Irrigation & Drainage

- ▽ Irrigation systems are required in front, rear, and side yards.
- ▽ Full Gutters are required on all sides of the house.
- ▽ All downspouts on each side of the home are required to be tied into a drainage system and carried to the curb.
- ▽ Minimum of 3 surface drains on each side of the home located in the swale and are required to be tied to a drainage system drained at the curb.
- ▽ All front-yard trees must have bubblers.

### Landscaping

- ▽ Each home builder will be required to provide a complete front yard landscape installation prior to occupancy. Requirements are as follows:
  - One 3 ½" inch caliper tree in the front yard area. The tree must be one of the following species:
    - > Live Oak
    - > Shumard Red Oak
    - > Chinese Pistache
    - > Raywood Ash
    - > Texas Ash
  - One Ornamental tree—30 gallon sized container in the front yard area. The ornamental tree must be one of the following species:
    - > Crape Myrtle
    - > Ok. Redbud
    - > Wax Myrtle
    - > Aristocrat Pear
  - Minimum 15% of the front yard area devoted to shrubs.
  - Remaining landscape area not planted with shrubs shall be planted with grass and/or groundcover.

## **Phase VI – Section D Continued**

### **Fences (50 Foot Lot)**

- ▽ Fences cannot exceed 6-feet in height. A variance request is required for fencing over 6-ft. in height if there is a grade difference of 1-foot or greater.
- ▽ Fence height will not exceed 8'0".
- ▽ Masonry columns on corners are required as in the previous sections. Materials shall be Millsap sand stone with grey mortar. Size shall be 18" X 18". (See standard column detail.)
- ▽ Finished side of the fence must face public view.
- ▽ All wood fences will be topped with a 1X4 and must be stained medium brown.

### **Sidewalks**

- ▽ Sidewalks shall be 5' feet wide with the street side edge at the curb line.

## **PHASE CASTLE HILLS GOLF VILLAS**

- >This is a front entry product.
- >Generally speaking, materials and other Design Guidelines continue to apply for this product.
- >The following specific rules address changes to the Design Guidelines for the lots in this phase.
- >Any items not specified herein are still subject to the design guidelines for Castle Hills.

### **FRONT YARD SETBACK**

- >1-Story or 1 1/2 story with a front porch with front swing J-drive - 10 feet
- >1-Story or 1 1/2 story with a front porch with garage facing street - garage @ 20 feet, house @ 10 feet
- >1-Story or 1 1/2 story without a front porch with front swing J-drive - 10 feet
- >1-Story or 1 1/2 story without a front porch with garage facing street - garage @ 20 feet, house @ 10 feet
- >2-Story with a front porch with front swing J-drive - 10 feet
- >2-Story with a front porch with garage facing street - garage @ 20 feet, house @ 10 feet
- >2-Story without a front porch with front swing J-drive - 10 feet
- >2-Story without a front porch with garage facing street - garage @ 20 feet, house @ 10 feet

### **SIDE YARD SETBACK**

- >A 1 foot side yard setback is required, with a minimum side yard of 9 feet on the opposite side. Please refer to Plat.

### **REAR YARD SETBACK**

- >There will be a five (5) foot rear yard setback requirement.

### **SQUARE FOOTAGE**

- >The minimum house size, exclusive of garages, breezeways and porches will be 2,000 square feet.

### **LOT COVERAGE**

- >In no case shall more than 70% of the total lot area be covered by the combined area of the main buildings and accessory buildings.

### **ELEVATIONS**

- >The maximum repeat of elevations is six (6) and may not be built within 225 feet of each other, as measured by the street.

### **HEIGHT**

- >No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

### **MASONRY REQUIREMENTS**

- >Masonry products that qualify include: 3-Coat stucco; Clay brick; Natural stone
- >Homes must be 100% masonry with the exception of box windows and columns.
- >Chimneys must be 100% masonry.
- >Every home must have a chimney for all fireplaces, including wood burning fireplaces and direct vents.

## **PHASE CASTLE HILLS GOLF VILLAS CONTINUED**

### **GARAGE DOORS**

- >All garage doors must be finished in a decorative wood design.

### **DRIVEWAYS**

- > All driveways are required to be finished in stained concrete or an exposed aggregate finish.

### **IRRIGATION & DRAINAGE**

- >Irrigation systems are required in front rear and side yards.
- >Gutters are required on all sides of the home.
- >All downspouts are required to be tied into a drainage system and carried to the curb.
- >A minimum of 3 surface drains on each side of the home located in the swale and are required to be tied into a drainage system drained at the curb.
- >All front yard trees must have bubblers.

### **FENCES**

- >Fences at property lines adjacent to the golf course and parks must be wrought iron fence built per the detail on page 62.
- >Required fence height is six (6) feet.
- >Fences cannot exceed six (6) feet in height from the high side of the grade.
- >Fences erected on a retaining wall cannot exceed six (6) feet in height from the top of the retaining wall.
- >Masonry columns on corners are required as in the previous sections.
- >Finished side of the fence must face public view.
- >All wood fences must be stained medium brown.
- >All Fences must be constructed with metal posts.

### **LANDSCAPING**

- >One (1) 3 1/2 inch caliper tree is required in the front yard area (see Landscape Guidelines for tree types).
- >One (1) ornamental tree is required in front yard area.
- >A minimum of 5% of the front yard area must be devoted to shrubs.
- >The remaining landscaped area shall be ground cover or grass.
- >There are no specific requirements for the back yard, but approved plants from the Landscape Design Guidelines must be used.

**NOTE:** The Golf Villas Design Guidelines will incorporate the Design Guidelines for the rest of Castle Hills that are non-specific to a particular phase.

## **CASTLE HILLS GOLF VILLAS PHASE II**

This is a front entry product zoned ETH Estate Townhouse Residential. Generally speaking, materials and other Design Guidelines continue to apply for this product. The following specific rules address changes to the Design Guidelines for the lots in this phase. Any item not specified here-in are still subject to the Design Guidelines for Castle Hills.

### **FRONT YARD SETBACK**

- ◆ 1-Story or 1 ½ with a front porch with front swing J-drive-10 feet
- ◆ 1-Story or 1 ½ Story with a front porch with garage facing street-garage at 20 feet and house at 10 feet
- ◆ 1-Story or 1 ½ -Story without a front porch with front swing J-drive-10 feet
- ◆ 1-Story or 1 ½ Story without a front porch with garage facing street-garage at 20 feet and house at 10 feet
- ◆ 2-Story with a front porch with front swing J-drive-10 feet
- ◆ 2-Story with a front porch with garage facing street-garage at 20 feet and house at 10 feet
- ◆ 2-Story without a front porch with front swing J-drive-10 feet
- ◆ 2-Story without a front porch with garage facing street-garage at 20 feet and house at 10 feet

### **SIDE YARD SETBACK**

- ◆ A 1 foot side yard setback is required, with a minimum side yard of 9 feet on the opposite side.

### **REAR YARD SETBACK**

- ◆ There will be a five (5) foot rear yard setback requirement.

### **SQUARE FOOTAGE**

- ◆ The minimum house size, exclusive of garages, breezeways and porches will be 2,000 square feet.

### **LOT COVERAGE**

- ◆ In no case shall more than 70% of the total lot area be covered by the combined area of the main buildings and accessory buildings.

### **ELEVATIONS**

- ◆ The maximum repeat of elevations is six (6) and may not be built within 225 feet of each other, as measured by the street.

### **HEIGHT**

- ◆ No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

### **MASONRY REQUIREMENTS**

- ◆ Masonry products that qualify include:

- i)3-Coat stucco
- ii)Clay brick
- iii)Natural stone

- ◆ Homes must be 100% masonry with the exception of box windows and columns.
- ◆ Chimneys must be 100% masonry. Every home must have a chimney for all fireplaces, including wood burning fireplaces and direct vents.

### **GARAGE DOORS**

- ◆ All garage doors must be finished in a decorative wood design.
- ◆ Wrought iron fencing with columns shall be required of each side of the drive at the front yard setback for any home with a 3-car garage.

## **CASTLE HILLS GOLF VILLAS PHASE II CONTINUED**

### **DRIVEWAYS**

- ◆ All driveways are required to be finished in stained concrete or an exposed aggregate finish.

### **IRRIGATION & DRAINAGE**

- ◆ Irrigation systems are required in front rear and side yards.
- ◆ Gutters are required on all sides of the home.
- ◆ All downspouts are required to be tied into a drainage system and carried to the curb.
- ◆ A minimum of 3 surface drains on each side of the home located in the swale and are required to be tied into a drainage system drained at the curb.
- ◆ All front yard trees must have bubblers.

### **FENCES**

- ◆ Fences at property lines adjacent to the golf course and parks must be wrought iron fence built per the detail on page 62.
- ◆ Required fence height is six (6) feet.
- ◆ Fences cannot exceed six (6) feet in height from the high side of the grade.
- ◆ Fences erected on a retaining wall cannot exceed six (6) feet in height from the top of the retaining wall.
- ◆ Masonry columns on corners are required as in the previous sections.
- ◆ Finished side of the fence must face public view.
- ◆ All wood fences must be stained medium brown.
- ◆ All Fences must be constructed with metal posts.
- ◆ Fences along the rear property lines of lots 10-12, block C shall be wood with finished side facing lot 13, block C.
- ◆ Wrought iron fencing with columns shall be required of each side of the drive at the front yard setback for any home with a 3-car garage.

### **LANDSCAPING**

- ◆ One (1) 3 ½ inch caliper tree is required in the front yard area (see Landscape Guidelines for tree types).
- ◆ One (1) ornamental tree is required in front yard area.
- ◆ A minimum of 5% of the front yard area must be devoted to shrubs.
- ◆ The remaining landscaped area shall be ground cover or grass.
- ◆ There are no specific requirements for the back yard, but approved plants from the Landscape Design Guidelines must be used.

**NOTE:** The Golf Villas II Design Guidelines will incorporate the Design Guidelines for the rest of Castle Hills that are non-specific to a particular phase.

## Phase VII-A

### ETH – Estate Townhouse Residential District

- \* This is a front and rear entry product.
- \* Generally speaking, the same materials & Design Guidelines continue to apply for this product.
- \* The following specific rules address changes to the Design Guidelines for this Phase.

### LOT COVERAGE

- \*In no case shall more than 50% of the total lot area be covered by the combined area of the main buildings and accessory buildings.

### FRONT YARD SET-BACK

- \* Minimum Front Yard Setbacks shall be as follows:
  - a.1-story or 1 ½-story with a front porch—18-feet
  - b.1-story or 1 ½-story without a front porch—20-feet
  - c.2-story with a front porch—22-feet
  - d.2-story without a front porch—24-feet

### SIDE YARD SET-BACK

- \*Lots will require a 5 foot side yard setback.

### REAR YARD SET-BACK

- \*A 5-ft rear yard set-back required.
- \*If the garage entry is from the alley and the entry side of the garage faces the alley, the garage must be set back a minimum of 20 feet.

### SQUARE FOOTAGE

- \*The minimum house size, exclusive of garages, breezeways and porches will be 2,500 square feet.

### ELEVATIONS

- \*Builders developing multiple lots may not have more than four exterior variations of the same plan and may not repeat the same plan variation more than ~~three~~ four times and never closer than 340 feet measured in a straight line between the closest points between lots, or if located on the same street, the lots must be separated by eight adjacent intervening lots.

### PORCHES

- \*A front porch must be a minimum of 5 feet deep and 140 square feet to qualify as a porch for special front yard set-back.

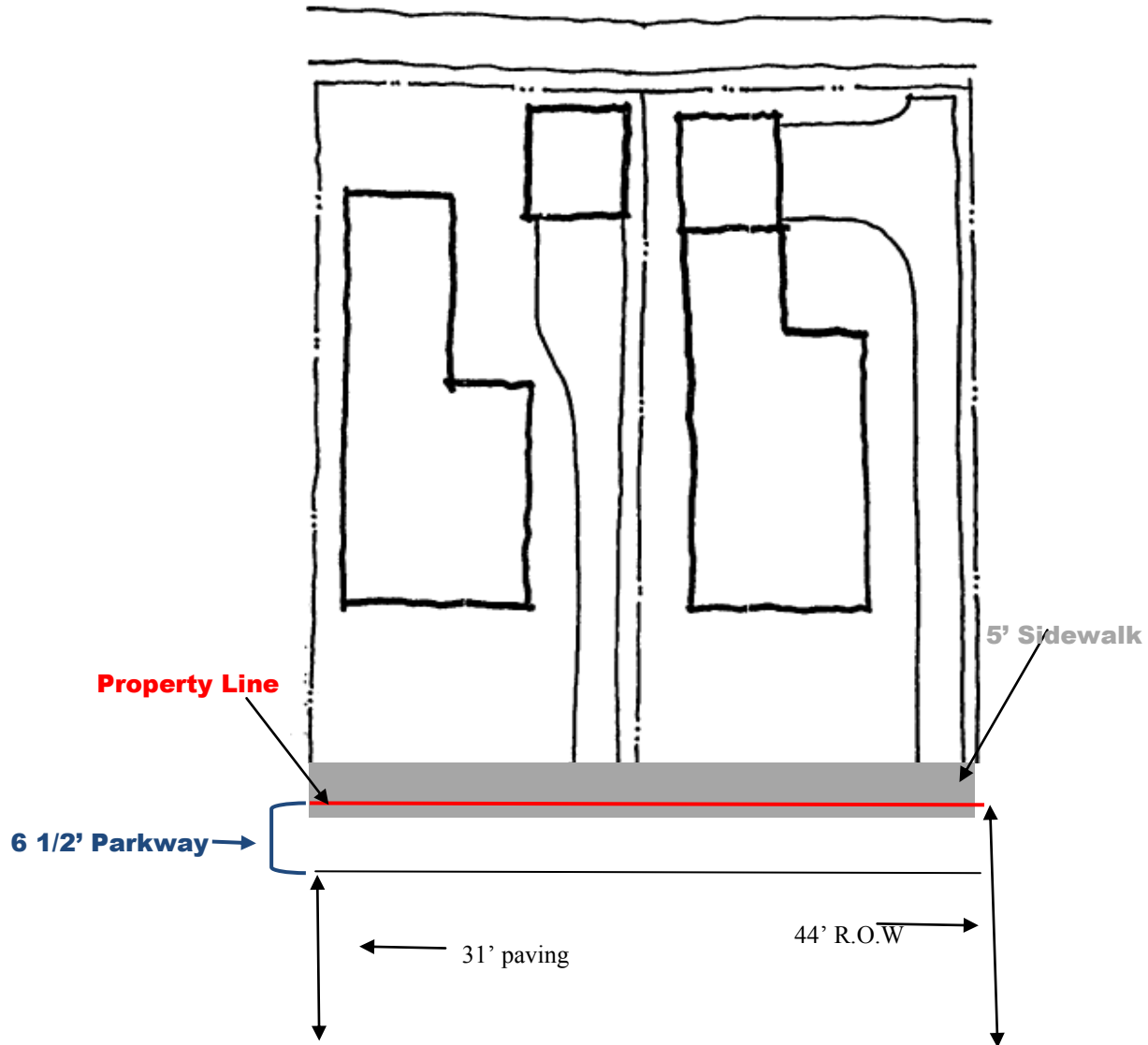
### IRRIGATION AND DRAINAGE

- \*All homes must have front and rear yard irrigation systems.
- \*Gutter down spouts must be tied into ADS drain system with a minimum of three (3) area collection boxes on each side of the home located in the swale.
- \*Drain line sharing is not allowed between two (2) homes.

## Phase VII Continued

### SIDEWALKS

#### PHASE VII SIDEWALK DETAILS



**5' Sidewalk to be placed with 4' in the Lot and 1 foot in the Parkway giving an effective 5 1/2 foot Parkway.**

## Phase VII Continued

### FENCES

- \*Fences cannot exceed eight (8) feet in height.
- \*Masonry columns on corners are required as in the previous sections.
- \*Fences must be stained medium brown.
- \*Finished side must face public view.

### HEIGHT

- \*No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

### ALLEY ENTRY GARAGE

- \*Alley entry drives must have a 10 foot radius at the alley pavement intersection.
- \*Alley entry drives must have a high point a minimum of 2" above the alley curb to prevent water from draining on the property from the alley.

### ATTACHED GARAGE

- \* Attached garages are preferred in the rear one-half of the lot.
- \* The Architectural Review Committee (ARC) may approve attached garages in the front one-half of the lot on a case-by-case basis.

### GARAGE DOORS

- \* If the garage is located in the front one-half of the lot and faces a street or neighbor, the garage door must be a decorative wood paneled door.
- \* All garages that have garage doors facing a side street and are not screened from the street with an approved fence must have decorative wood paneled doors.

### LANDSCAPING

- \* Each home builder will be required to provide a complete front yard landscape installation prior to occupancy. Requirements are as follows:
  1. One 3 ½" inch caliper tree in the front yard area. The tree must be one of the following species: Live Oak; Shumard Red Oak; Chinese Pistache; Raywood Ash or Texas Ash
  2. One Ornamental tree—30 gallon sized container in the front yard area. The ornamental tree must be one of the following species: Crape Myrtle; Ok. Redbud; Wax Myrtle or Aristocrat Pear
  3. Minimum 15% of the front yard area devoted to shrubs.
  4. Remaining landscape area not planted with shrubs shall be planted with grass and/or groundcover.
- \*Parkway trees as in previous sections. (See Landscape Guidelines for tree by street.)

**NOTE:** The Phase VII Design Guidelines will incorporate the Design Guidelines for the rest of Castle Hills that are non-specific to a particular phase.

## **Phase VIII-A – 41 Foot Lots**

- > This is a front entry product.
- > Generally speaking, materials and other Design Guidelines continue to apply for this product.
- > The following specific rules address changes to the Design Guidelines for the lots in this phase.
- > Any items not specified herein are still subject to the design guidelines for Castle Hills.

### **Front Yard Setback**

- > 1-story with or without a front porch shall have a minimum set-back of - 17 feet.
- > 1 ½-story with or without a front porch shall have a minimum setback of - 17 feet.
- > 2-story with a front porch - 18-feet.
- > 2-story without a front porch - 20-feet.

### **Side Yard Setback**

- > Lots will require a 5-foot side yard setback.

### **Rear Yard Setback**

- > Lots will require a 5-foot rear yard setback.

### **Garage Setback**

- > Garages facing the street (No Alley) will require a 20-foot front setback.

### **Square Footage**

- > The minimum house size, exclusive of garages, breezeways and porches, will be 1,800 square feet. \* Note – Make sure you conform to the requirements for the main dwelling on the final plat.

### **Porches**

- > A front porch must be a minimum of 5-feet deep and 75 square feet to qualify as a porch.

### **Elevations**

- > The builders will be allowed six (6) elevation repeats.
- > Builders will not build the same plan with a pod of adjacent lots or repeat an elevation within 240-feet on the same street and perpendicular streets. The 240-feet is measured in street distance.

### **Roof**

- > Minimum 8:12 roof pitches are required. 12:12 and 14:12 roof pitches are preferred on front and side elevations, 6:12 roof pitches will be allowed on the rear of the home on patios and porches only, but are not viewed as desirable.
- > 30-year dimensional shingles, metal roofing, or better is required as roof covering.
- > Other roof materials require specific permission of the ARC.

### **Height**

- > No building shall exceed 35-feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

## **Phase VIII-A – 41 Foot Lots Continued**

### **Masonry Requirements**

- > Masonry products that qualify include 3-coat stucco, clay brick, and natural stone.
- > First floor exterior must have 100% masonry with the exception of box windows and columns.
- > Second floor exterior must have a minimum of 75% masonry. The remaining 25% must be a cementitious material, no wood or vinyl siding product will be allowed.
- > Homes must have a chimney for all fireplaces including wood burning fireplaces and direct vent fire places.

### **Garage Doors**

- > All garage doors are required to be cedar wood in a decorative design.

### **Driveways**

- > All driveways are required to be finished in a stained concrete finish, or an exposed aggregate finish.

**Note:** Driveways are not required to have banding and crossing banding, but is recommended.

### **Irrigation & Drainage**

- > Irrigation systems are required in front, rear, and side yards.
- > Full Gutters are required on all sides of the house.
- > All downspouts on each side of the home are required to be tied into drainage system and carried to the curb.
- > Minimum of 3 surface drains on each side of the home located in the swale and are required to be tied to a drainage system drained at the curb.
- > All front-yard trees must have bubblers.

### **Landscaping**

- > Each home builder will be required to provide a complete front yard landscape installation prior to occupancy. Requirements are as follows:
- > One 3 ½" inch caliper tree in the front yard area. The tree must be one of the following species: Live Oak; Shumard Red Oak; Chinese Pistache; Raywood Ash or Texas Ash
- > One Ornamental tree—30 gallon sized container in the front yard area. The ornamental tree must be one of the following species: Crape Myrtle; Ok. Redbud; Wax Myrtle or Aristocrat Pear.
- > Minimum 15% of the front yard area devoted to shrubs.
- > Remaining landscape area not planted with shrubs shall be planted with grass and/or ground-cover.

### **Fences**

- > Fences cannot exceed 6-feet in height. A variance request is required for fencing over 6-ft. in height if there is a grade difference of 1-foot or greater.
- > Fence height will not exceed 8'0".
- > *Fences shall comply to the Phase VIII Required Fencing Exhibit located on page 46. Column materials shall be Millsap sand stone with grey mortar and column size shall be 18" X 18". (See standard column and wrought iron fence details.)*
- > Finished side of the fence must face public view.
- > All wood fences will be topped with a 1X4 and must be stained medium brown.

The standard fence guidelines for Phase VIII apply to all lots not highlighted below.



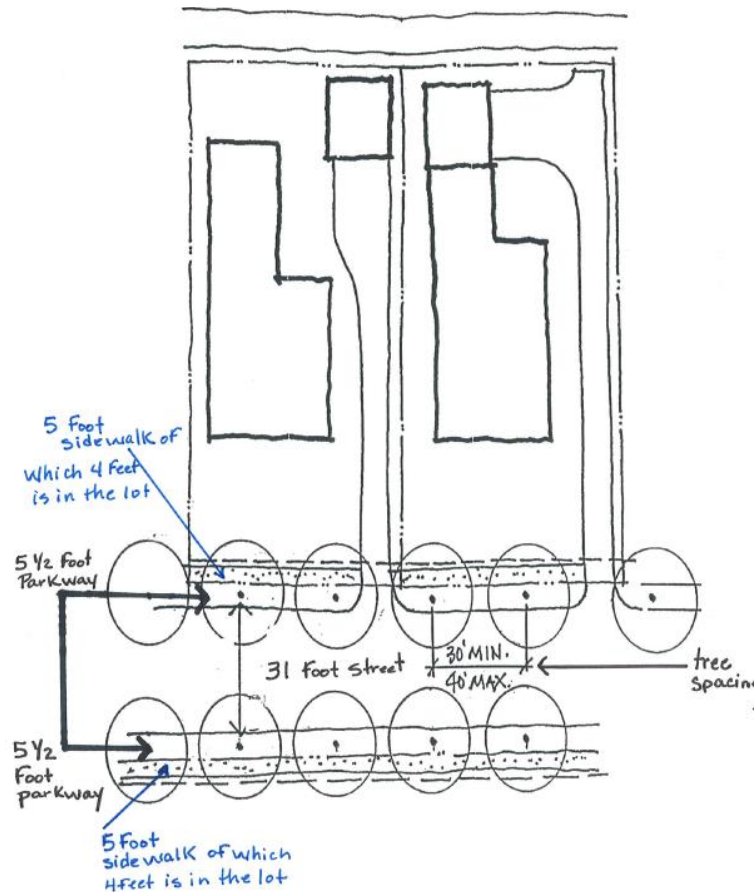
## Phase VIII-A – 41 Foot Lots Continued

### Sidewalks

> Sidewalks shall be 5' wide.

> The parkway area in this Phase has been reduced from 6 1/2-feet to 5 1/2 feet allowing 1 foot of the front sidewalks to extend into the right-of-way (see diagram below).

Phase VIII Sidewalks



### Parkways

> 1 Parkway tree is required. See Landscape Designs for species.

**NOTE:** The Phase VIII-A 41 Foot Lots Design Guidelines will incorporate the Design Guidelines for the rest of Castle Hills that are non-specific to a particular phase.

## **Phase VIII-A – 50 Foot Lots**

- > This is a front entry product.
- > Generally speaking, materials and other Design Guidelines continue to apply for this product.
- > The following specific rules address changes to the Design Guidelines for the lots in this phase.
- > Any items not specified herein are still subject to the design guidelines for Castle Hills.

### **Front Yard Setback**

- > 1-story with a front porch shall have a minimum set-back of 14 feet.
- > 1-story without a front porch shall have a minimum set-back of 16 feet.
- > 1 ½-story with a front porch shall have a minimum setback of 14 feet.
- > 1 ½-story without a front porch shall have a minimum set-back of 16 feet.
- > 2-story with a front porch 16-feet.
- > 2-story without a front porch 18-feet.

### **Side Yard Setback**

- > Lots will require a 5-foot side yard setback.
- > An 11-foot side yard setback will be required adjacent to a side street as measured from the street right-of-way line.

### **Rear Yard Setback**

- > Lots will require a 5-foot rear yard setback.

### **Garage Setback**

- > Garages facing the street (No Alley) will require a 20-foot front setback.

### **Square Footage**

- > The minimum house size, exclusive of garages, breezeways and porches, will be 2,100 s.f.  
\* Note – Make sure you conform to the requirements for the main dwelling on the final plat.

### **Porches**

- > A front porch must be a minimum of 5-feet deep and 75 square feet to qualify as a porch.

### **Elevations**

- > The builders will be allowed six (6) elevation repeats.
- > Builders will not build the same plan with a pod of adjacent lots or repeat an elevation within 300 feet on the same street and perpendicular streets. The 300-feet is measured in street distance.

### **Roof**

- > Minimum 8:12 roof pitches are required. 12:12 and 14:12 roof pitches are preferred on front and side elevations, 6:12 roof pitches will be allowed on the rear of the home on patios and porches only, but are not viewed as desirable.
- > 30-year dimensional shingles, metal roofing, or better is required.
- > Other roof materials require specific permission of the ARC.

### **Height**

- > No building shall exceed 35-feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

## Phase VIII-A – 50 Foot Lots Continued

### Masonry Requirements

- > Masonry products that qualify include 3-coat stucco, clay brick, and natural stone.
- > First floor exterior must have 100% masonry with the exception of box windows and columns.
- > Second floor exterior must have a minimum of 75% masonry. The remaining 25% must be a cementitious material, no wood or vinyl siding product will be allowed.
- > Homes must have a chimney for all fireplaces including wood burning fireplaces & direct vent fireplaces.
  
- > **Garage Doors**
- > All garage doors are required to be wood in a decorative design.
  
- > **Driveways**
- > All driveways are required to be finished in a stained concrete finish, or an exposed aggregate finish.
- > Note driveways are not required to have banding and cross banding, but is recommended.
  
- > **Irrigation & Drainage**
- > Irrigation systems are required in front, rear, and side yards.
- > Full Gutters are required on all sides of the house.
- > All downspouts on each side of the home are required to be tied into a drainage system and carried to the curb.
- > Minimum of 3 surface drains on each side of the home located in the swale and are required to be tied to a drainage system drained at the curb.
- > All front-yard trees must have bubblers.

### Landscaping

- > Each home builder will be required to provide a complete front yard landscape installation prior to occupancy. Requirements are as follows:
  - a. One 3 ½" inch caliper tree in the front yard area. The tree must be one of the following species: Live Oak; Shumard Red Oak; Chinese Pistache; Raywood Ash or Texas Ash.
  - b. One Ornamental tree—30 gallon sized container in the front yard area. The ornamental tree must be one of the following species: Crape Myrtle; Ok. Redbud; Wax Myrtle or Aristocrat Pear.
  - c. Minimum 15% of the front yard area devoted to shrubs.
  - d. Remaining landscape area not planted with shrubs shall be planted with grass and/or groundcover.

### Fences

- > Fences cannot exceed 6-feet in height. A variance request is required for fencing over 6-ft. in height if there is a grade difference of 1-foot or greater.
- > Fence height will not exceed 8'0".
- > *Fences shall comply to the Phase VIII Required Fencing Exhibit located on page 50. Column materials shall be Millsap sand stone with grey mortar and column size shall be 18" X 18". (See standard column and wrought iron fence details.)*
- > Finished side of the fence must face public view.
- > All wood fences will be topped with a 1X4 and must be stained medium brown.

The standard fence guidelines for Phase VIII apply to all lots not highlighted below.

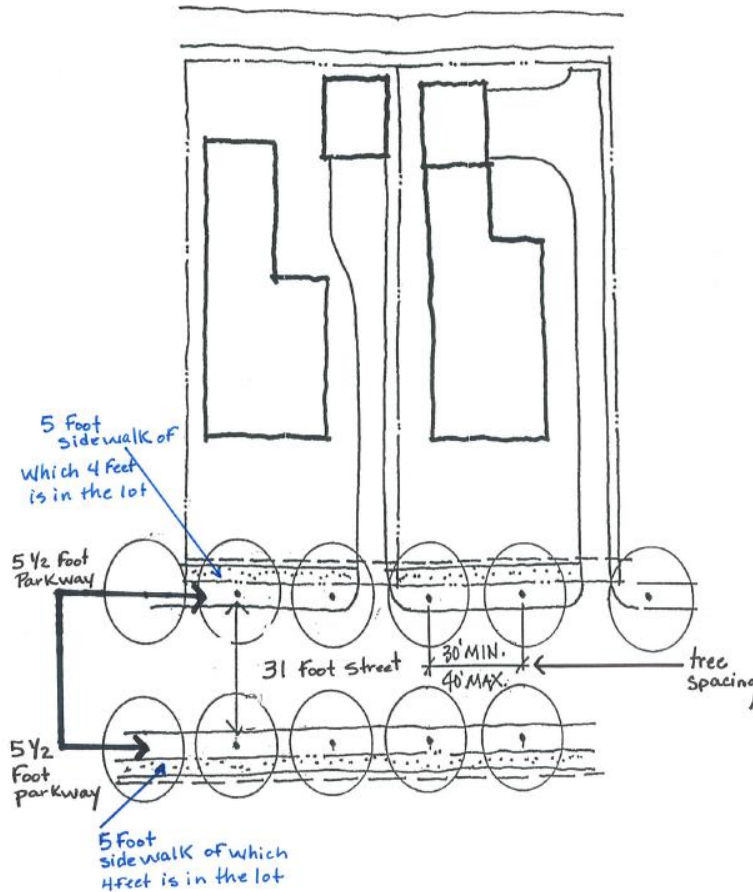


## Phase VIII-A – 50 Foot Lots Continued

### Sidewalks

- > Sidewalks shall be 5' wide.
- > The parkway area in this Phase has been reduced from 6 1/2-feet to 5 1/2 feet allowing 1 foot of the front sidewalks to extend into the right-of-way (see diagram below).

Phase VIII Sidewalks



### Parkways

- > 2 Parkway trees are required. See Landscape Designs for species and spacing.

**NOTE:** The Phase VIII-A 50 Foot Lots Design Guidelines will incorporate the Design Guidelines for the rest of Castle Hills that are non-specific to a particular phase.

## HOUSE PLANS WITH FRONT GARAGES

House plans with front garages will be permitted as follows:

### **Phase II – Section D**

Weekley – 3 permitted

Landstar – 3 permitted

### **Phase III – Section A**

Weekley – 8 permitted

Landstar – 8 permitted

Darling – 3 permitted

The general guidelines for house plans with front garages are as follows:

- (1) A plot plan must be submitted and approved.
- (2) Since the driveway is a major element in the front yard, the Architectural Review Committee requires the driveway from the sidewalk back to be black concrete with a 12" brick paver edge band and crossing banding. Also, enhanced landscaping must be provided in the front yard with more mature trees and plants than normal.
- (3) A front yard site plan must be submitted for approval showing the landscaping and driveway paving. The driveway must be screened along the side property line from the front setback line back by 6 feet high evergreen hedge.
- (4) The garage doors must be wood paneled doors.

## PLAN MODIFICATIONS AFTER PLAN APPROVAL

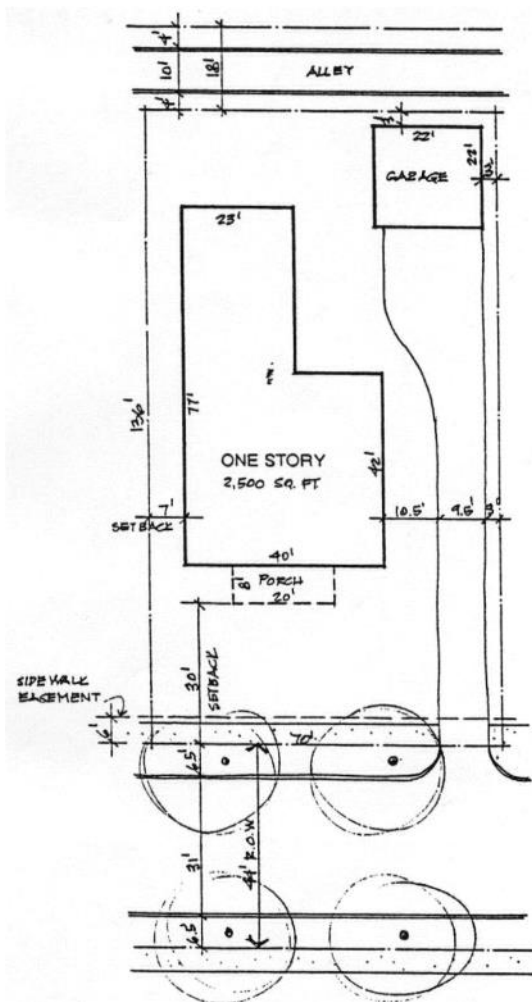
- Any changes made to plans after they have been approved by the Architectural Review Committee must be clearly identified on the plans and the plans must be re-submitted to the Architectural Review committee for approval of the changes.

## SPECIAL SETBACKS (ALL SECTIONS EXCEPT SECTION IV-PHASE A)

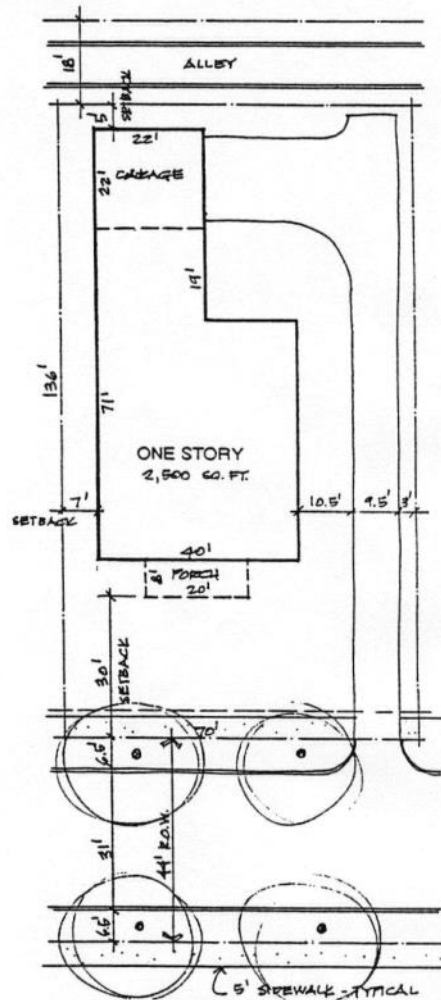
Minimum Front Yard Setbacks shall be as follows:

- 30 Feet – One Story Residence with Porch (minimum 5 feet deep x 160 square feet).
- 30 Feet – On and One-half Story Residence with Porch (minimum 5 feet deep x 160 square feet).
- 35 Feet – One Story Residence without Porch.
- 35 Feet – One and One-half Story Residence without Porch.
- 35 Feet – Two Story Residence with Porch (minimum 5 feet deep x 160 square feet).
- 40 Feet – Two Story Residence without Porch.

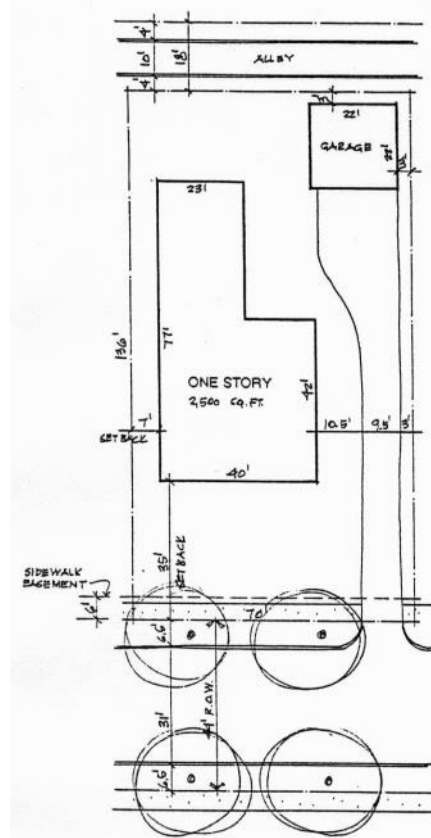
### One Story with Porch



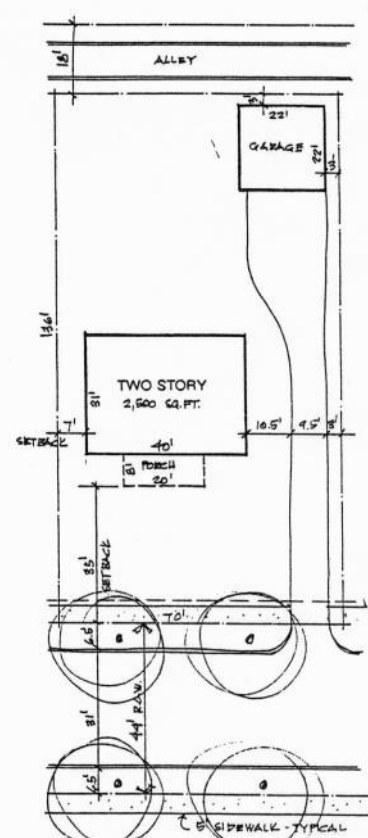
### One Story with Porch



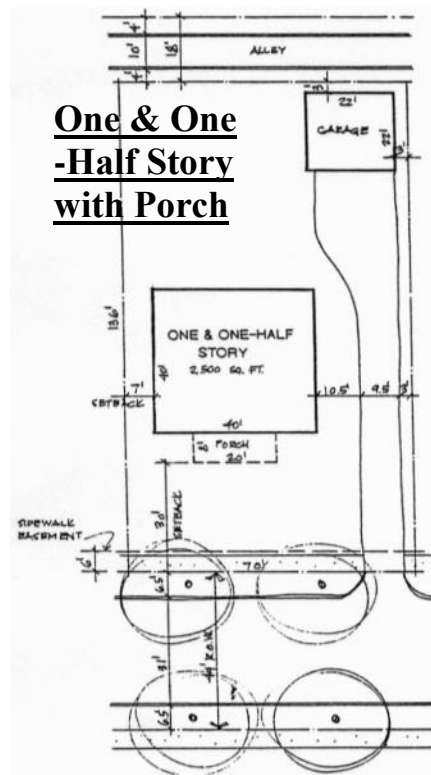
## One Story without Porch



## Two Story with Porch



## One & One-Half Story with Porch



## Two Story without Porch



Special Lot Setbacks are as follows:

**Phase I – Section A**

- Block A, Lots 1, 2 & 3 50 foot Front Yard
- Block A, Lots 4, 5, 6 & 7 40 foot Front Yard
- Block E, Lots 1, 2, 3 & 4 40 foot Front Yard
- Block D, Lots 1 thru 8 35 foot Front Yard
- Block B, Lots 1 thru 7 35 foot Front Yard
- Block C, Lots 1 thru 4 35 foot Front Yard
- Block F, Lots 12 thru 16 35 foot Front Yard

**Phase I – Section B**

- Block L, Lots 1 thru 5 35 foot Front Yard
- Block Q, Lots 1 thru 7 35 foot Front Yard
- Block M, Lot 23 35 foot Front Yard
- Block M, Lot 22 40 foot Front Yard
- Block R, Lots 1, 2 & 3 40 foot Front Yard
- Block S, Lots 1 thru 4 40 foot Front Yard

**Phase I, Section C**

- Block V, Lot 1 40 foot Front Yard on Lady of the Lake & 30 foot Front Yard on King Arthur
- Block V, Lots 1 thru 4 40 foot Front Yard
- Block V, Lots 5 thru 8 50 foot Front Yard
- Block V, Lot 9 50 foot Front Yard on Lady of the Lake & 30 foot Front Yard on Round Table Blvd.
- Block V, Lot 10 30 foot Front Yard on Round Table Blvd. & King Ban Drive
- Block T, Lots 1 thru 4 40 foot Front Yard
- Block U, Lot 1 30 foot Front Yard on King Arthur Blvd. & Sir Galahad Lane
- Block W, Lot 1 30 foot Front Yard on Sir Gawain Lane & King Ban Drive
- Block W, Lot 19 30 foot Front Yard on Sir Gawain Lane & Sir Galahad Lane

## Special Lot Setbacks Continued

### **Phase II, Section C**

- Block A, Lots 1, 2 & 3 35 foot minimum Front Yard
- Block A, Lots 5, 6 & 7 40 foot Front Yard
- Block A, Lot 8 40 foot Front Yard
- Block C, Lots 4 & 5 Note sight easement on plat

### **Phase II, Section D**

- Block E, Lot 4 20 foot Side Yard on King Arthur Blvd.
- Block A, Lots 1 & 2 50 foot Front Yard
- Block A, Lot 10 40 foot Front Yard

### **Phase III, Section A**

- Block A, Lot 1 11.5 foot Front Yard on Holy Gail
- Block A, Lots 8 & 9 Note sight easement on plat
- Block I, Lots 15, 16 & 17 35 foot minimum Front Yard
- Block J, Lot 7 35 foot minimum Front Yard

## **FOUNDATION DESIGN**

- Each lot must have a soil boring to minimum 20 feet deep, or as recommended by an approved Geotechnical Engineer, and a soil report by an ARC approved testing laboratory.
- Each foundation must be designed by a Texas registered structural engineer.
- The design engineer must inspect the foundation installation and certify conformance to the design after construction.

## **ARCHITECTURAL TREATMENT – GENERAL DESIGN**

- Traditional simple form residences are preferred.
- Floor levels that are raised 12" to 24" above the front grade with front porches are encouraged.
- Façade design should continue on all sides of a residence. Avoid expensive and elaborate front façade with inexpensive side and rear facades.
- It has become apparent to the Architectural Review Committee that some designers are using wood siding as a cost cutting method rather than as a design element as intended by the Design Guidelines. It is not the intent of the Architectural Review Committee to limit the amount of wood siding used on a residence if it is part of a design theme. The arbitrary use of wood siding to reduce cost will not be accepted.

## **EXTERIOR BUILDING WALLS**

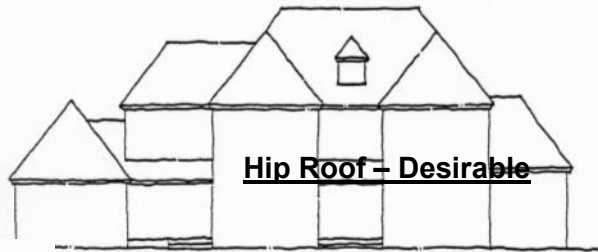
*Exterior first floor building walls must be a minimum of 8'-0" tall from the finished floor elevation to the roof soffit or eave.*

## ARCHITECTURAL TREATMENT – ROOF DESIGN

- The roof form is the most important exterior element of a residence.
- Gable or hip roofs are desirable.
- Mixed roof forms (hip and gable on the same residence) are discouraged.
- Exploding hip roofs (hip roofs that extend upward until they finally terminate) are not allowed.
- Flat roofs are limited to 10% of total roof area.
- **Top ridge line can never exceed forty (40) feet.**



**Gable Roof – Desirable**



**Hip Roof – Desirable**



**Mixed Gable & Hip Roof – Undesirable**



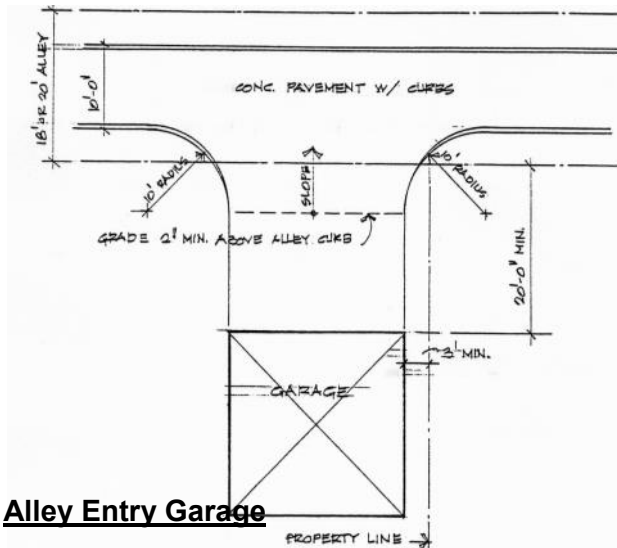
**Exploding Hip Roof – Not Allowed**

## PORCHES

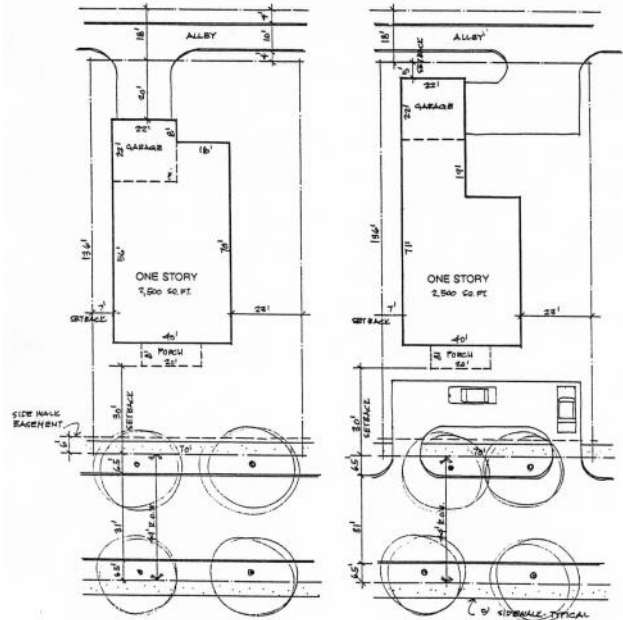
- Traditional front porches 12" to 24" above grade and covering 60% to 100% of the front façade are encouraged.
- A front porch must be a minimum of 5 feet deep and 160 square feet to qualify as a porch for special front yard setback.
- Front porches in Phase IV – Section A **and Phase IV – Section B** may be a minimum of 5 feet deep and 140 square feet.

## ALLEY ENTRY GARAGE

- Alley entry drives must have a 10 foot radius at the alley pavement intersection.
- Alley entry drives must have a high point a minimum of 2" above the alley curb to prevent water from draining on the property from the alley.



**Alley Entry Garage**



**Alley Entry Garages (Require Special Permission from the ARC)**

## ATTACHED GARAGE

- Attached garages must be in the rear one-half of the lot.
- The Architectural Review Committee (ARC) may approve attached garages in the front one-half of the lot on a case-by-case basis.

## GARAGE DOORS

- If the garage is located in the front one-half of the lot and faces a street or neighbor, the garage door must be a decorative wood paneled door.
- All garages that have garage doors facing a side street and are not screened from the street with an approved fence must have decorative wood paneled doors.

## BUILDING FAÇADE MATERIALS

- Brick
  - ◇ Brick must be hard fired face brick.
  - ◇ Mexican and cement brick will be allowed only with special permission of the ARC.
- Stone
  - ◇ Artificial stone will not be allowed.
  - ◇ Stone that is subject to damage by freezing weather will not be allowed.
- Stucco
  - ◇ Stucco shall be traditional 3 coat process cement plaster stucco.
  - ◇ EIFS (Exterior insulating and Finish System) is not allowed.
  - ◇ Hard panel stucco is not allowed.
- Wood Siding:
  - ◇ All wood siding shall be boards.
  - ◇ Redwood, cedar or cypress are preferred.
  - ◇ Hardboard or plywood siding is not allowed.
  - ◇ Wood shingles (No. 1 Perfection Red Cedar) or wood shakes (No. 1 Hand split Red Cedar) may be used as siding.
- Fiber Cement Exterior Siding:
  - ◇ 6" or 8" wide cement fiber 5/16" thick horizontal plank siding with a 50 year transferable warranty is permitted.
- Fiber Cement Shingle Siding:
  - ◇ The use of fiber cement shingle siding (Hardishake or equal) is acceptable if limited to a reasonably small area, but it must be approved on a case-by-case basis by the Architectural Review Committee (ARC).
- Other Façade Materials:
  - ◇ Other facade materials are permitted only by specific approval of the ARC.

## WINDOWS AND DOORS

- Windows on the front of houses in the Custom Section shall be wood or vinyl clad wood windows or windows of equal or better quality if approved by the Architectural Review Committee.
- Sliding or french doors shall be wood or vinyl clad wood doors and doors of equal or better quality if approved by the Architectural Review Committee.
- Other types of windows, sliding doors and french doors must be approved by the Architectural Review Committee.

## SOLAR FILM & SUN SCREENS

- Solar film and sun screens must be approved by the Architectural Review Committee (ARC).

## MAILBOXES

- All mail boxes shall conform to the location and design established by the ARC.
- Mail slots may be either swing-in type or flip-up type with maximum size of 2 ½" x 11".
- Mail slots are not allowed in doors.

## ROOF MATERIALS

- Asphalt or fiberglass composition shingles shall be 240 lb./square minimum weight.
- Wood shingles shall be No. 1 Perfection Red Cedar Shingles fire-treated per Lewisville Code.
- Wood shakes shall be No. 2 Hand-split Red Cedar Shakes fire-treated per Lewisville Code.
- Slate is permitted.
- Standing seam metal – copper, natural grey galvanized or terne metal is permitted.
- Painted metal roofs are permitted only by special permission of the ARC.
- Clay tile is permitted.
- Other roof materials require specific permission of the ARC.

## CHIMNEYS

- All chimneys in the custom sections **and on the golf course** must be faced with masonry. If the house is all stucco, the chimney may be stucco.

## ROOF TOP EQUIPMENT

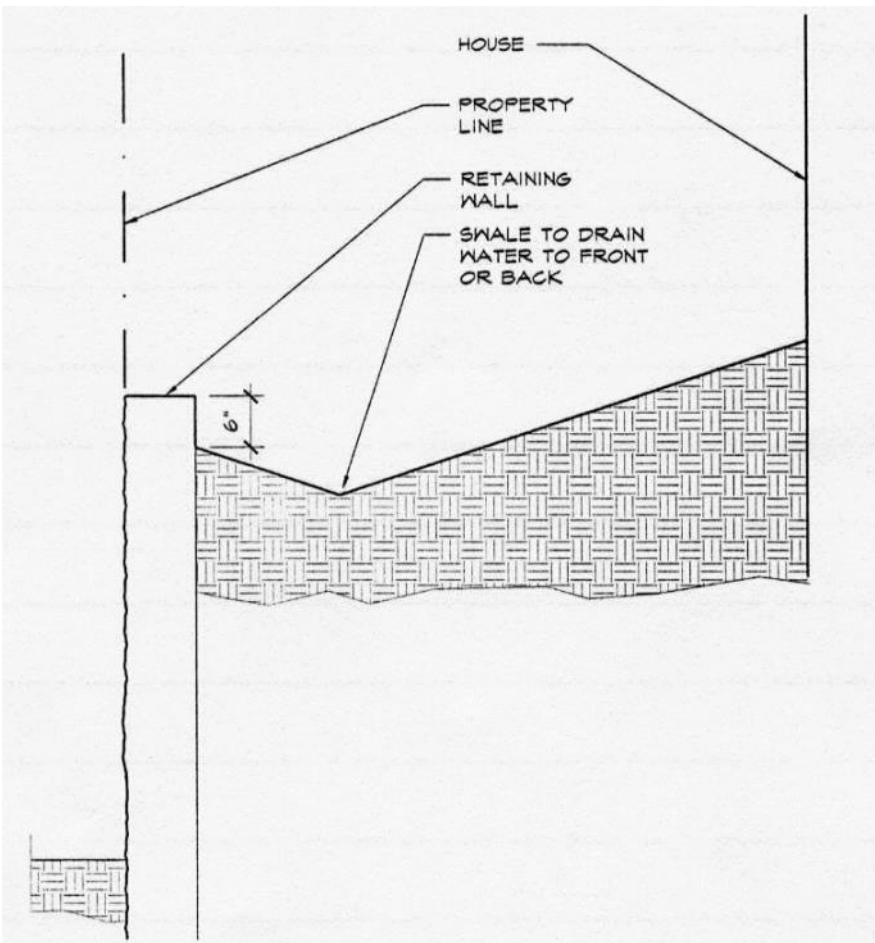
- Roof top mounted air conditioning units are not allowed.
- Antennae are not allowed.
- Satellite dishes must be located where they are not publicly visible and with the location approved by the Architectural Review Committee.
- Roof turbine vents are not allowed.
- Low profile roof vents or ridge vents are recommended.
- All roof accessories and vent pipes must be painted to match the roof color **and should be located on the rear portion of the roof.**
- Roof flashing must be painted to match the roof or adjacent wall surface.

## SLOPING LOTS

- Terracing of lots with greater than a 3% slope shall be limited to terraces that do not exceed 25% of the lot area in each terrace unless otherwise approved by the Architectural Review Committee.
- The yard in front of the residence and the required rear yard may not have retaining walls greater than 4 feet high, unless approved by the Architectural Review Committee.

## RETAINING WALLS

- All retaining walls in excess of four feet or carrying a hydrostatic load must be designed by a Texas registered structural engineer.
- Retaining walls visible from a public street must be constructed of masonry or have a masonry face. If the masonry face is stone, the stone shall be the type and pattern used on the Holy Grail bridges, unless otherwise approved by the Architectural Review Committee.
- Wood retaining walls are not permitted.
- Retaining walls at side property lines must be installed as shown in the detail below to provide proper drainage.

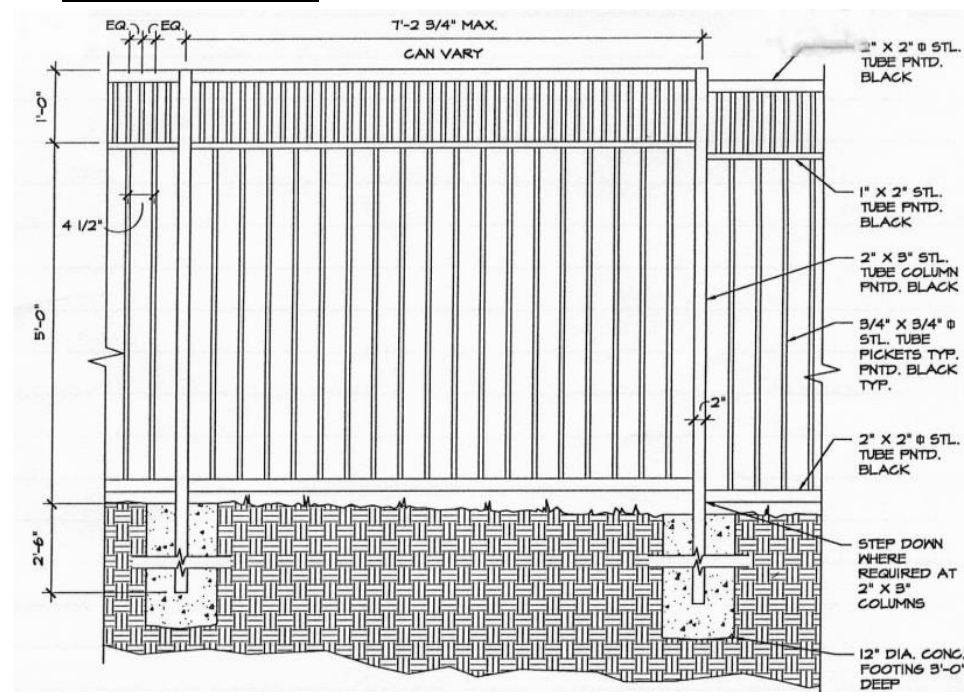


**Drainage Detail at Retaining Wall**

## FENCES

- Fences shall be wood, wood with masonry columns, wrought iron or solid masonry, unless more restrictive requirements apply in specific Sections.
- Fences cannot exceed eight (8) feet in height.**
- Fences adjacent to a side street shall be wood with masonry columns at 12 feet maximum on center, wrought iron with masonry columns at 12 feet maximum on center, or solid masonry.
- Fences shall be located a minimum of one foot behind the sidewalk.
- No fences are permitted in the required front yard setback.
- Chain link fences are not allowed.
- Barbed wire and electric charged fences are not permitted.
- Fences at property lines must have the finish side exposed to public view.
- Fences at property lines adjacent to the golf course and parks must be wrought iron fence built per the detail below.
- THE ARC HAS SEEN A TENDENCY IN RECENT SUBMISSIONS TO ORIENT THE SITE PLAN IN WHAT TO THE ARC APPEARS TO BE PRIMARILY AN ATTEMPT TO AVOID THE INSTALLATION OF THE TYPICALLY REQUIRED CORNER COLUMNS. PLEASE BE ADVISED THAT THE PRESUMPTION WILL BE THAT CORNER COLUMNS WILL BE REQUIRED, AS THE ARC BELIEVES THEY ARE IMPORTANT TO THE CHARACTER AND VALUE OF THE COMMUNITY.**  
(page revision 7/28/2009)

### Metal Fence Detail



### **A/C CONDENSER SCREENING**

- The Castle Hills Deed Restrictions require A/C condensers to be screened from a public street. It has become apparent that this requirement is not being taken seriously. Many times inadequate or inappropriate landscape is used which does not screen the A/C condenser from view and will mature to a 12 foot height. A/C condensers must be completely screened from view at the time of installation with appropriate landscaping or fence or both landscaping and fence.

## SIDEWALKS

- Sidewalks shall be provided in the 6 foot minimum sidewalk easement.
- Sidewalks shall be 5 feet wide with the street side edge at the property line.
- The ARC may vary the sidewalk location to enhance the landscape area between the street curb and the sidewalk.
- Sidewalks in the sidewalk easement shall be broom finish concrete.

## DRIVEWAY OPENING TO A SIDE STREET

- Driveways may not open to a side street if lots across the street front on this street.

## ACCESSORIES

- Gas Meters and A/C Condensers
  - ◇ Gas meters and A/C condensers shall not be allowed in front of the residence and must be screened from a public street. A/C condensers must be completely screened from view at the time of installation with appropriate landscaping or fence or both landscaping and fence.
  - ◇ **Castle Hills does not allow window a/c units.**
- Trash
  - ◇ Trash containers and location shall be as determined by the ARC.

## HEIGHT

- *No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.*

# **ENCHANTED HILL**

## **PHASE III, SECTION C GUIDELINES—Enchanted hill**

### **ARCHITECTURAL REVIEW COMMITTEE (ARC)**

- ♦ The purpose of this committee is to oversee and provide direction to the individual and/or the home builder regarding a home's compliance and overall harmony with adjoining homes in the village streetscape.
- ♦ The ARC will **attempt to** review all submissions and provide written approval/denial within 10 working days of **a complete** submission. The applicant is required to submit a total package with all submission requirements in order for the submission to be reviewed and approved/denied.
- ♦ Reference to the Castle Hills Residential Association Covenants and Restrictions, **Enchanted Hill Restrictive Covenants** and **Castle Hills Single Family** Design Guidelines should be made for additional design information.

### **SUBMISSION REQUIREMENTS**

1. Submissions should be made to:
  - ♦ Castle Hills ARC  
Attn: Dale Selzer  
4515 Travis Street #235  
Dallas, TX 75205  
Phone—214-528-4499  
Fax—214-528-7375
2. Construction Plan Requirements
  - A. One set of architectural construction documents stamped and signed by licensed architect.
  - B. Engineered and Stamped, Site Plan 1"=20 FT. that contains the following:
    - ♦ Footprint of the house including location of HVAC equipment
    - ♦ Retaining walls
    - ♦ Flatwork
    - ♦ Pool and all pool equipment
    - ♦ Shade Structures
    - ♦ Setbacks
    - ♦ Fences
  - C. Dimensional Floor Plan
  - D. Exterior Elevations
  - E. Brick, Stucco, Stone, and paint colors
  - F. Stamped Structural Foundation Plan (these will not be reviewed except for verifying they are stamped)**

## **SUBMISSION REQUIREMENTS CONTINUED**

### 3. Landscape Plan Requirements

- ◆ Landscape Plan indicating sidewalks, fence type and locations, walls, existing trees, and proposed landscaping.
- ◆ Landscape plan must specify materials by common name, plant spacing and size at time of planting.
- ◆ ***Landscape plans may be turned in late, but must be consistent with civil drawings.***

## **OVERALL ARCHITECTURAL CHARACTER**

- ◆ The architectural design philosophy of Enchanted Hill is intended to develop a look and feel of “timeless” architectural design. The vocabulary selected is based on architectural traditions and design heritage and includes 5 basic “styles”:
  - ◇ Mediterranean Villa
  - ◇ Spanish Hacienda
  - ◇ Italian Country Villa
  - ◇ English Country/English Tudor
  - ◇ French Country/French Norman
- ◆ The execution of each residence must be “traditional” in character and should be such that the residence fits the property with sensitivity and respect for the land and its surroundings. If a stucco design is planned, the colors must be in soft tones in shades of white, grey, tan, or cream. **No exterior designs of an “extreme” contemporary nature will be considered for construction in Enchanted Hill.**
- ◆ The ARC reserves the right to deny any architectural submittal that will, in their sole judgment, be inconsistent with the surrounding designs.

## **BUILDING RESTRICTIONS**

### **MINIMUM SQUARE FOOTAGE**

- ◆ No single story design in Enchanted Hill shall be less than 4,000 square feet of air-conditioned space.
- ◆ No two story design in the Enchanted Hill shall be less than 4,500 square feet of air-conditioned space.

## **BUILDING RESTRICTIONS CONTINUED**

### **SETBACKS**

- ♦ Front yard.....25 Feet
- ♦ Porte cochere.....20 Feet
- ♦ Rear Yard.....10 Feet
- ♦ Side Yard.....10 Feet
- ♦ Pools, Gazebos, and other vertical construction, rear yard.....10 Feet
- ♦ Pools, Gazebos, and other vertical construction, side yard.....10 Feet
- ♦ Please refer to a plat for special rear setbacks that may apply to each lot individually.
- ♦ No pool or structure can be constructed in a utility easement.

### **MASONRY REQUIREMENTS**

- ♦ 100% masonry fireplaces – This requirement applies to the exterior finish. Metal fireboxes are permitted.
- ♦ 100% masonry on all elevations, with the exception of recessed porches and window treatments located on the side and rear elevations. Wooden detail will be considered based on architectural style. No cementitious siding (i.e. Hardi board) may be used on any elevation in Enchanted Hill.

### **CHIMNEYS**

- ♦ ***Chimney must be masonry, and direct vents will not be approved in lieu of a chimney unless there is an engineering reason that the ARC is in agreement with.***

### **ROOFS**

- ♦ Composition roofs are permitted based on an acceptable color approved by the ARC. The minimum requirement is a 40 year laminated roof. Wood roofs are not allowed. Other roof materials such as tile or slate **may be** acceptable pending approval by the ARC. The minimum roof pitch allowed is 8:12. Flatter roof pitches may be accepted for portions of the roof structure.
- ♦ **Architectural designs that warrant flatter roof sections will be given consideration. However, if an architectural design includes roof pitch of less than 8:12, only barrel tile may be used for the roofing material.** No composite roofs will be allowed on designs of less than 8:12 pitch.

### **HEIGHT**

- No building shall exceed 40 feet measured from the finished ground level adjoining the building at all exterior walls to the highest roof ridge.

## **BUILDING RESTRICTIONS CONTINUED**

### **GARAGES**

- ◆ Whenever possible, garage doors should be placed at right angles to the street, creating a motor court theme. Where this is not possible, doors facing the street must be located a minimum of 30 feet from the front building line and must be recessed from the front elevation a minimum of 24 inches. All garage doors visible from the street **or common areas** must be wood or clad with wood.
- ◆ Front entry or swing-in garages could, under certain circumstances, be considered on corner lots. Conceptual scale drawings **should** be submitted for preliminary approval prior to standard ARC submittal.

### **LANDSCAPE**

- ◆ 100% irrigated, sodded yards. Sod variety is at discretion of the buyer.
- ◆ Each neighborhood builder will be required to implement a parkway tree planting program within their **lots**. The requirements of this program are:
  - ◇ Plant trees centered within 6.5 feet parkway (between sidewalk and curb) at an average of 30'-0" o.c.
  - ◇ Utilize a single species of parkway tree on each street.
  - ◇ **Use** tree species from the approved plant materials listed with the guidelines. **(pg. 5-7 of the Landscape Design Guidelines)**
  - ◇ All parkway trees are to be a minimum 3 1/2" caliper, full and matched per species.
  - ◇ Builder is responsible for maintenance until time of occupancy.
- ◆ Minimum of three 6" caliper trees and two ornamental trees (minimum 8-19 ft. in height) in the front yard. The ornamental trees permitted include but are not limited to multi-trunk crepe myrtles and Yaupon Hollies.

## **PLANT MATERIALS LIST AND SPECIFICATIONS**

### **1. General Requirements**

- ◆ All plant materials within Castle Hills must comply with "American Standards for Nursery Stock", as established by the American Nurserymen Association.
- ◆ Tree Size: 3 1/2 minimum caliper measured at height of 12" from the base of the tree.
- ◆ Root ball size (if ball and burlap material or machine transplanted material or machine transplanted material used): Minimum 10 inch width for every 1 inch caliper.

## **PLANT MATERIALS LIST AND SPECIFICATIONS CONTINUED**

### 2. Species

#### A. Parkway Trees

- ◇ Quercus shumardi – Red Oak
- ◇ Ulmus crassifolia – Cedar Elm
- ◇ Pistacia Chinensis – Chinese Pistache
- ◇ Ulmus Parvifolia – Drake Elm

#### B. Ornamental Trees

- ◇ Lagerstroemia indica – Crape Myrtle
- ◇ Cercis Canadensis ‘Ok. Palnora’ – Ok. Redbud
- ◇ Myrica cerifera – Wax Myrtle
- ◇ Pyrus calleryana ‘Aristocrat’ – Aristocrat Pear

### 3. Irrigation

- ◇ Irrigation system to include components to prevent system operation during or within 24 hours of a rain event and/or when air temperatures fall below 34 degrees F.

## **TREE LIGHTING**

- ◇ ***Up or down lighting is required in front yard trees.***

## **SCREENING**

- ◆ Continuous shrub planting is required along the foundation visible to streets **or common areas**. A minimum 5 gallon size shrub is required.
- ◆ All outdoor equipment including HVAC and pool equipment must be screened from public view.
- ◆ All gas and electric meters must be screened with landscaping.
- ◆ All outdoor equipment must be set back from the front elevation a minimum of 20 ft.

## **WINDOW RESTRICTIONS**

- ♦ All windows must be wood or vinyl clad wood.
- ♦ All windows must be wood, vinyl clad wood, or aluminum clad wood. All windows must have brick mould trim. Windows must comply with AAMA/WDMA/CSA Specifications 101/1.S.2A440-5, "Standard Specification for windows, doors and unit skylights", latest edition, Performance Class LC meeting or exceeding the following criteria as defined by the referenced specification:
  1. Minimum Performance Grade of 25,
  2. Minimum Design Pressure of 25.0 psf,
  3. Minimum Structural Test Pressure of 37.5 psf, and
  4. Minimum Water Resistance Test Pressure of 3.75 psf.

To be approved, window manufacturers' specifications conforming to the above requirements must be submitted to the Architectural Review Committee for approval.

## **DRAINAGE**

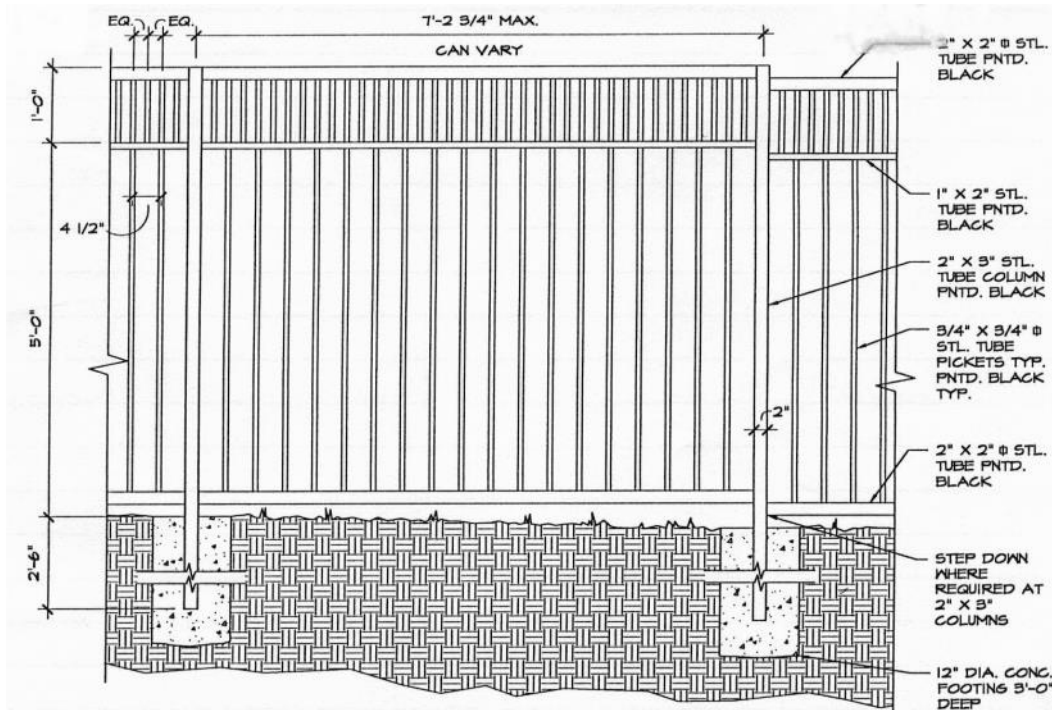
- ♦ The builder is required to coordinate both water surface drainage and under-ground drainage of improved lots with adjacent property owners, so as to ensure that there is no lot to lot drainage.
- ♦ The builder is required to coordinate with the Developer the drainage from the rear and sides of lots adjacent to the common areas to prevent damages to the landscape and the improvements therein.
- ♦ No pool drainage is allowed to discharge into the common areas.

## **WALLS AND FENCING**

- ♦ The builder is required to install fences according to the established Castle Hills' Guidelines and details.
- ♦ A plan submission indicating the fence type and location is required for approval to the ARC prior to the commencement of construction.
- ♦ Only wrought iron, masonry fencing, and board on board wood, will be considered for residences in Enchanted Hill.
- ♦ Any wooden fence sections that adjoin a community street must also include 18" x 18' masonry columns on max of 12 ft. centers.
- ♦ All fences are considered to be common fencing between adjacent property owners.

## **SIX FOOT (6') HIGH WROUGHT IRON FENCING – REQUIRED INSTALLATION BY THE BUILDER**

- ♦ Wrought iron fencing is required along the rear yards on all of the lots in Enchanted Hill. All side yards which face common areas or the golf course must also be wrought iron.
- ♦ Design shall be Castle Hills 6 foot High fence (see detail below).

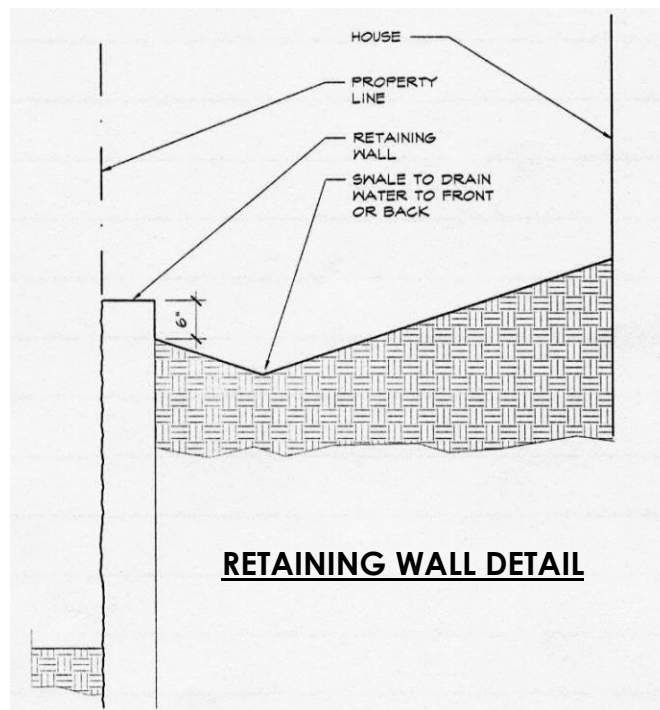


## **RETAINING WALLS**

- ♦ Retaining walls will be required on all lots where side or rear slopes exceed 4.5 to 1, the party on the high side shall be responsible for the cost and installation of the retaining wall.
- ♦ In the event that a lot on the high side remains in the ownership of the developer and a retaining wall is required for installation for a completed residence on the lower lot, then the developer may install the retaining wall and increase the sales price of the lot by the amount of the cost of the retaining wall.
- ♦ In the event that the uphill lot is under contract, but unclosed to a builder, then the low side builder shall notify the developer 120 days prior to the estimated completion to the low side residence. The developer shall then notify the builder of the unclosed lot and that builder will have 60 days to build the wall or the developer will build the wall and the lot price will be adjusted accordingly.

## **RETAINING WALLS CONTINUED**

- ♦ All retaining walls shall be constructed of rock or masonry construction.
- ♦ If the low side is built first and the grading plan creates more of a wall obligation on the high side lot, then the low side lot will be required to build the entirety of the high side wall.
- ♦ **Wood or Railroad Tie wall construction is not permitted.**
- ♦ **No mortared, dry stack walls will not be permitted.**
- ♦ The high side property owner shall have financial and maintenance responsibility for retaining walls between lots.
- ♦ If a builder creates a grade separation greater than the one that presently exists, then he shall bear the financial responsibility for any wall required as a result of that grade adjustment.



## **SIDEWALKS**

- ♦ Enchanted Hill design guidelines require sidewalks along both sides of Enchanted Hill's residential streets. The builder is responsible for sidewalks, including side-yards along streets. The sidewalks may extend out of the sidewalk easement if so desired with ARC approval, but must be within the sidewalk easement at each property line.

# **LANDSCAPE GUIDELINES**

## **RESIDENTIAL LANDSCAPE DESIGN GUIDELINES**

### **LANDSCAPE INTENT**

- The intent of the landscape at Castle Hills is to provide an aesthetic image for the community at a consistently high level, regardless of specific neighborhood or product type. Utilization of continuous parkway tree planting is the primary means to achieve this intent and enhance the traditional character of the neighborhoods.
- Community landscape areas will be established by the Master Developer to include the following:
  - ◇ Primary community entries and edges adjoining adjacent properties or jurisdictions.
  - ◇ Informal median landscape along King Arthur Blvd. and Holy Grail Drive.
  - ◇ Landscape/hardscape development at all neighborhood park areas and median/entry areas, within public rights-of-way.

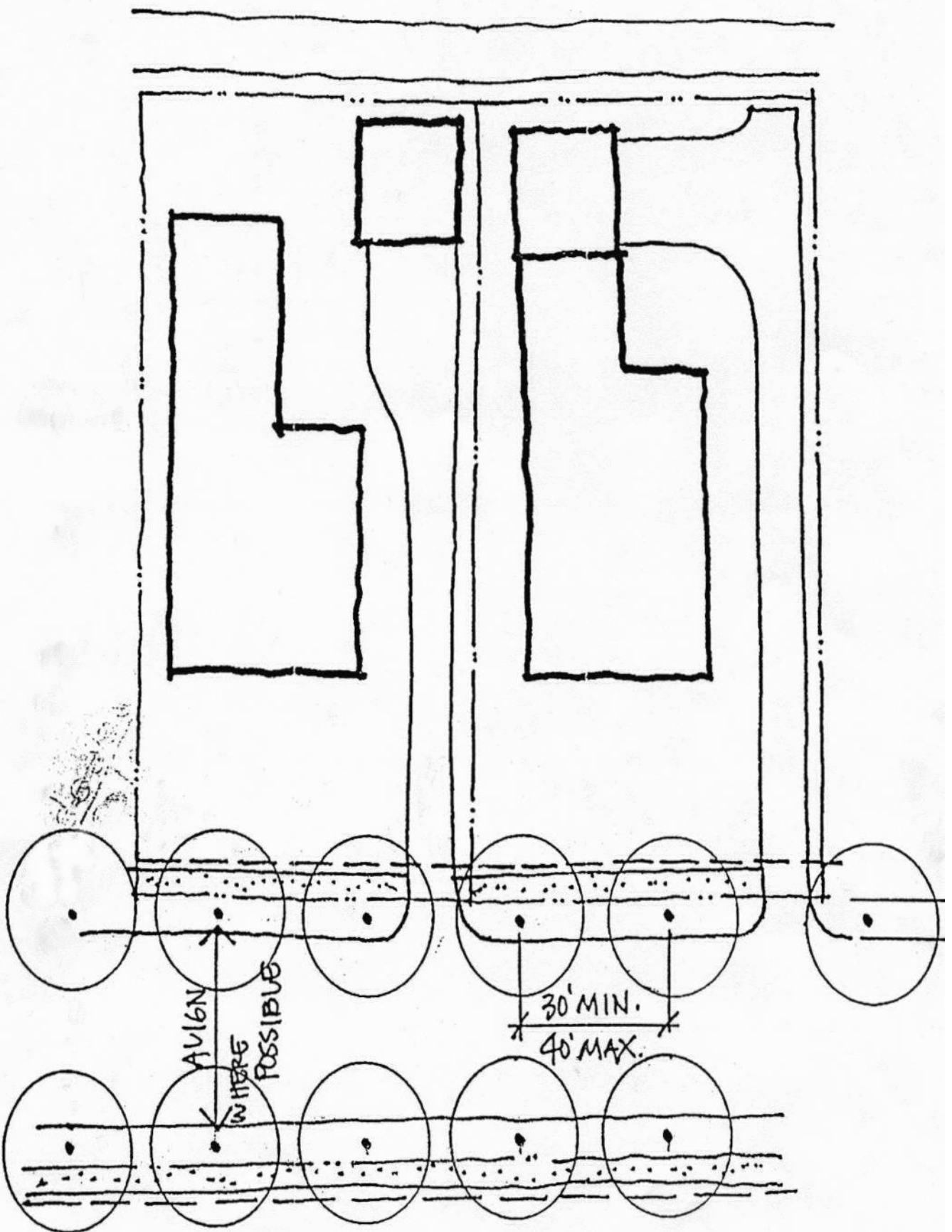
### **LANDSCAPE REQUIREMENTS**

- Each builder will be required to implement a parkway tree planting program within their **lots**. The requirements of this program are:
  - ◇ Plant trees centered within 6.5 feet parkway (between sidewalk and curb) at an average 30'-0" o.c. (reference diagram)
  - ◇ Utilize a single species of parkway tree on each street.
  - ◇ Select tree species from the approved Plant Materials List included with these guidelines.
  - ◇ All parkway trees are to be a minimum 3 ½" caliper, full and matched per species.
  - ◇ Builder is responsible for maintenance (water, staking, fertilization) of Parkway trees until time of occupancy.
- Each homeowner will be required to provide a complete front yard landscape within 30 days of occupancy. Requirements are as follows:
  - ◇ One tree (ornamental or Parkway species) per 750 square feet of front yard area.
  - ◇ Minimum 10% of the front yard area devoted to shrubs.
  - ◇ Remaining landscape area not planted with shrubs shall be planted with grass and/or groundcover.
  - ◇ All planted yard areas shall be irrigated with 100% fully automatic irrigation system.
  - ◇ **Front and rear irrigation and landscape.**

## GENERAL SITE PLANTINGS



## PARKWAY PLANTINGS



## **PLANT MATERIALS LIST / SPECIFICATIONS**

### **GENERAL REQUIREMENTS AND SPECIES**

- All plant materials within Castle Hills must comply with “American Standards for Nursery Stock”, as established by the American Nurserymen Association.
- Tree Size: 3 ½” minimum caliper, measured at height of 12” from the base of the tree.
- Root Ball Size (if Ball and Burlap material or machine transplanted material is used): Minimum 10 inch width for every 1 inch of caliper.
- Parkway Trees:
  - ◊ *Quercus virginiana* – Live Oak
  - ◊ *Quercus macrocarpa* – Bur Oak
  - ◊ *Quercus shumardi* – Shumard Red Oak
  - ◊ *Fraxinus texensis* – Texas Ash
  - ◊ *Fraxinus oxycarpa* – Raywood Ash
  - ◊ *Ulmus crassifolia* – Cedar Elm
  - ◊ *Pistacia Chinensis* – Chinese Pistache
  - ◊ *Ulmus parvifolia* – Drake Elm
  - ◊ *Taxodium distichum* – Bald Cypress
  - ◊ *Liquidambar styraciflua* Palo Alto – Palo Alto Sweetgum
- Ornamental Trees
  - ◊ *Lagerstroemia indica* – Crape Myrtle
  - ◊ *Cercis canadensis* ‘Ok. Palnora’ – Ok. Redbud
  - ◊ *Myrica cerifera* – Wax Myrtle
  - ◊ *Pyrus calleryana* ‘Aristocrat’ – Aristocrat Pear

### **LANDSCAPE MAINTENANCE**

- All landscaping shall be maintained in a neat, clean and healthy condition. This includes pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants where necessary, the application of pest control substances, and the regular watering of all plant material.

## TREE SPECIES BY STREET

### Phase I, Section A

<u>Street Name</u>	<u>Tree Species</u>
Merlin Drive	Shumard Red Oak
Avalon Drive	Chinese Pistache
Sir Percival Lane	Drake Elm
Holy Grail Drive	Shumard Red Oak
Sir Turquin Lane	Shumard Red Oak
Sir Tristram Lane	Bald Cypress
King Bors Lane	Bur Oak
Queen Guinevere Drive	Cedar Elm

### Phase I, Section B

<u>Street Name</u>	<u>Tree Species</u>
Merlin Drive	Shumard Red Oak
Avalon Drive	Chinese Pistache
Sir Lancelot Boulevard	Live Oak
Sir Lancelot Circle	Live Oak
Sir Kay Drive	Live Oak
Sir Ector Lane	Live Oak
Sir Bedivere Lane	Chinese Pistache
Sir Lionel Lane	Shumard Red Oak
Queen Elaine Drive	Palo Alto Sweetgum
King Arthur Boulevard	Shumard Red Oak

### Phase I, Section C

<u>Street Name</u>	<u>Tree Species</u>
Lady of the Lake Boulevard	Shumard Red Oak
Sir Galahad Lane	Shumard Red Oak
Round Table Boulevard	Chinese Pistache
King Ban Drive	Live Oak
Sir Gawain Lane	Live Oak
King Arthur Boulevard	Shumard Red Oak

### Phase II, Section A

<u>Street Name</u>	<u>Tree Species</u>
Avalon Drive	Chinese Pistache
Queen Elaine Drive	Palo Alto Sweetgum
Sir Percival Lane	Drake Elm
Sir Turquin Lane	Shumard Red Oak
Merlin Drive	Shumard Red Oak
Sir Astamore Lane	Shumard Red Oak
Sir Patrice Lane	Palo Alto Sweetgum
Cheyenne	Shumard Red Oak

## TREE SPECIES BY STREET CONTINUED

### Phase II, Section B

#### Street Name

Queen Guinevere Drive  
Sir Tristram Lane  
Merlin Drive  
Sir Lancelot Circle

#### Tree Species

Cedar Elm  
Bald Cypress  
Shumard Red Oak  
Live Oak

### Phase II, Section C

#### Street Name

King Arthur Boulevard  
Sir Gawain Lane  
Round Table Boulevard  
Queen Elizabeth Boulevard  
Sir Andred Lane  
Dame Brisen

#### Tree Species

Shumard Red Oak  
Live Oak  
Chinese Pistache  
Drake Elm  
Drake Elm  
Cedar Elm

### Phase II, Section D

#### Street Name

Damsel Cherry Lane  
Camille Drive  
King Arthur Boulevard  
Sir Lancelot Boulevard  
Sir Constantine Drive  
Queen Margaret Drive  
Avalon Drive  
Queen Elaine Drive

#### Tree Species

Live Oak  
Texas Ash  
Shumard Red Oak  
Live Oak  
Shumard Red Oak  
Bur Oak  
Chinese Pistache  
Live Oak *\*Change only in 2-D*

### Phase II, Section E

#### Street Name

**King Arthur Boulevard**  
**Sir Castor Court**  
**Merlin Drive**  
**Seven Shields Lane**  
**Merlins Rock Lane**  
**Gareths Sword Drive**  
**Wallingford Lane**

#### Tree Species

**Shumard Red Oak**  
**Bur Oak**  
**Shumard Red Oak**  
**Bur Oak**  
**Live Oak**  
**Raywood Ash**  
**Live Oak**

## TREE SPECIES BY STREET CONTINUED

### Phase III, Section A

<u>Street Name</u>	<u>Tree Species</u>
King Arthur Boulevard	Shumard Red Oak
King Mark Drive	Live Oak
Lady Lore Lane	Live Oak
Lady Carol Lane	Raywood Ash
Avalon Drive	Chinese Pistache
Damsel Caroline Drive	Texas Ash
Merlin Drive	Shumard Red Oak
Damsel Ginger Lane	Cedar Elm
Damsel Katie Drive	Raywood Ash
Holy Grail Drive	Shumard Red Oak
Queen Peggy Lane	Bur Oak
Sir Malory Drive	Bur Oak
Dame Susan Lane	Drake Elm

### Phase III, Section B

<u>Street Name</u>	<u>Tree Species</u>
<b>Harpes Castle Drive</b>	<b>Palo Alto Sweetgum</b>
<b>King Arthur Boulevard</b>	<b>Bur Oak</b>
<b>Lady Cornwall Drive</b>	<b>Live Oak</b>
<b>Lady De Vance Lane</b>	<b>Bur Oak</b>
<b>Lady Rule Lane</b>	<b>Chinese Pistache</b>
<b>Lambeth Lane</b>	<b>Raywood Ash</b>
<b>Maidens Castle Drive</b>	<b>Bur Oak</b>
<b>Morgan LeFay Lane</b>	<b>Bur Oak</b>
<b>Round Mountain Circle</b>	<b>Texas Ash</b>
<b>Seige Court</b>	<b>Texas Ash</b>
<b>Wild Forest Circle</b>	<b>Raywood Ash</b>

### Phase III, Section C

<u>Street Name</u>	<u>Tree Species</u>
Excalibur Boulevard	Cedar Elm
Hollow Hill Lane	Chinese Pistache
Long Isle Lane	Drake Elm
Silver Table Drive	Red Oak

## TREE SPECIES BY STREET CONTINUED

### Phase IV, Section A

<b><u>Street Name</u></b>	<b><u>Tree Species</u></b>
Stone Circle Lane	Bur Oak
Stony Passage Lane	Bur Oak
Landoine Lane	Bur Oak
Magic Mantle Drive	Texas Ash
Stonehenge lane	Raywood Ash
Winchester Drive	Bur Oak
Dame Laurel Lane	Live Oak
Sword Bridge Drive	Live Oak
Sir Lovel Lane	Live Oak
Oxford Court	Texas Ash
York Court	Raywood Ash
Sir Amant Drive	Bur Oak
King Lionel Lane	Bur Oak
Sir Belin Drive	Bur Oak
Salisbury Court	Live Oak
Queen Morgan Lane	Raywood Ash
King Lot Lane	Bur Oak
Windhaven Parkway	Live Oak
Water Bridge	Live Oak
Lady Lile Lane	Texas Ash

### Phase IV, Section B

<b><u>Street Name</u></b>	<b><u>Tree Species</u></b>
<b>Almsbury Lane</b>	<b>Live Oak</b>
<b>Benwick Way</b>	<b>Drake Elm</b>
<b>Black Castle Drive</b>	<b>Live Oak</b>
<b>Broken Sword Drive</b>	<b>Bur Oak</b>
<b>Chariot Castle Drive</b>	<b>Live Oak</b>
<b>Duke Saxony Drive</b>	<b>Live Oak</b>
<b>Hardrock Castle Drive</b>	<b>Palo Alto Sweetgum</b>
<b>Lady of the Lake Boulevard</b>	<b>Shumard Red Oak</b>
<b>Magic Mantle Drive</b>	<b>Texas Ash</b>
<b>Mordred Lane</b>	<b>Cedar Elm</b>
<b>Pendragon Drive</b>	<b>Live Oak</b>
<b>Red Castle Drive</b>	<b>Palo Alto Sweetgum</b>
<b>Salisbury Court</b>	<b>Live Oak</b>
<b>Shoreham Circle</b>	<b>Chinese Pistache</b>
<b>Sir Lovel Lane</b>	<b>Live Oak</b>
<b>South Hampton Court</b>	<b>Live Oak</b>
<b>Sword Bridge Drive</b>	<b>Live Oak</b>
<b>Water Bridge Drive</b>	<b>Live Oak</b>
<b>Windsor Castle Way</b>	<b>Live Oak</b>
<b>York Court</b>	<b>Raywood Ash</b>

## TREE SPECIES BY STREET CONTINUED

### PHASE IV, SECTION C

<u>STREET NAME</u>	<u>TREE SPECIES</u>
SIR ALEXANDER LANE	LIVE OAK
SIR WADE WAY	CHINESE PISTACHE
LADY VIVIANE LANE	TEXAS ASH
CASE CASTLE COURT	RAYWOOD ASH
LADY AMIDE LANE	CHINESE PISTACHE
ADVENTUROUS SHIELD DRIVE	RAYWOOD ASH
SIR TORIN LANE	CHINESE PISTACHE
GRAIL CASTLE DRIVE	RAYWOOD ASH
KING GALLOWAY DRIVE	LIVE OAK
HUNDRED KNIGHTS DRIVE	LIVE OAK
CROWN OF GOLD DRIVE	LIVE OAK

### PHASE V, SECTION A

<u>STREET NAME</u>	<u>TREE SPECIES</u>
Four Stones Boulevard	Live Oak
London Lane	Bur Oak
Laviane Lane	Texas Ash
Ironside Drive	Raywood Ash
Magic Mantle Drive	Texas Ash
Lambor Lane	Chinese Pistache
Kerrin Lane	Bur Oak
Torin Street	Bald Cypress
Blaise Lane	Drake Elm
Glastonburg Lane	Raywood Ash
Joyous Circle	Live Oak
Hemison Lane	Chinese Pistache
Brandiles Drive	Bald Cypress
Lancer Lane	Drake Elm

### Phase VII

<u>STREET NAME</u>	<u>TREE SPECIES</u>
Damsel Bella Blvd.	Live Oak
Damsel Caitlyn Dr,	Drake Elm
Damsel Grey Trail	Texas Ash
Damsel Madison Lane	Chinese Pistache

### PHASE VIII

<u>STREET NAME</u>	<u>TREE SPECIES</u>
• All Streets	Live Oak