

ORDINANCE NO. \_\_\_\_\_  
Case No. 02-15SUP2 Earth Motor Cars

PLANNING  
City of Carrollton  
Date: 03/03/15

SPECIAL USE PERMIT NO. 421

ORDINANCE NUMBER \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF CARROLLTON  
AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY  
ESTABLISHING SPECIAL USE PERMIT NUMBER 421 FOR A USED  
CAR DEALER UPON PROPERTY LOCATED AT 3216 KELLWAY  
DRIVE AND 2311 MIDWAY ROAD; AMENDING THE OFFICIAL  
ZONING MAP; AND PROVIDING FOR A PENALTY OF \$2,000 PER  
DAY, REPEAL OF CONFLICTING ORDINANCES, SAVINGS,  
SEVERABILITY AND AN EFFECTIVE DATE ON AND AFTER ITS  
ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Fifth day of March, 2015, the Planning & Zoning Commission considered and made recommendation on a request regarding a Special Use Permit (Case No. 02-15SUP2), 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.

Special Use Permit Number 421 is hereby established for a certain approximately 6.1 acres of land located at 3216 Kellway Drive and 2311 Midway Road as more specifically described on Exhibit A and generally depicted on Exhibit B, which exhibits are attached hereto and incorporated herein by reference for all purposes allowed by law, 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 With Outdoor Display"

Section 2.

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

1. All cars shall be properly parked in individual marked spaces.
2. Incorporation and development of the “hard” corner of Kellway Drive and Midway Road shall be in substantial conformance with the Conceptual Site & Landscape Plan attached as Exhibit C.

Section 3.

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

Section 4.  
Penalty Clause

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.  
Repealer Clause

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with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6.  
Severability Clause

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

Section 7.  
Savings Clause

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 Seventh day of April, 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

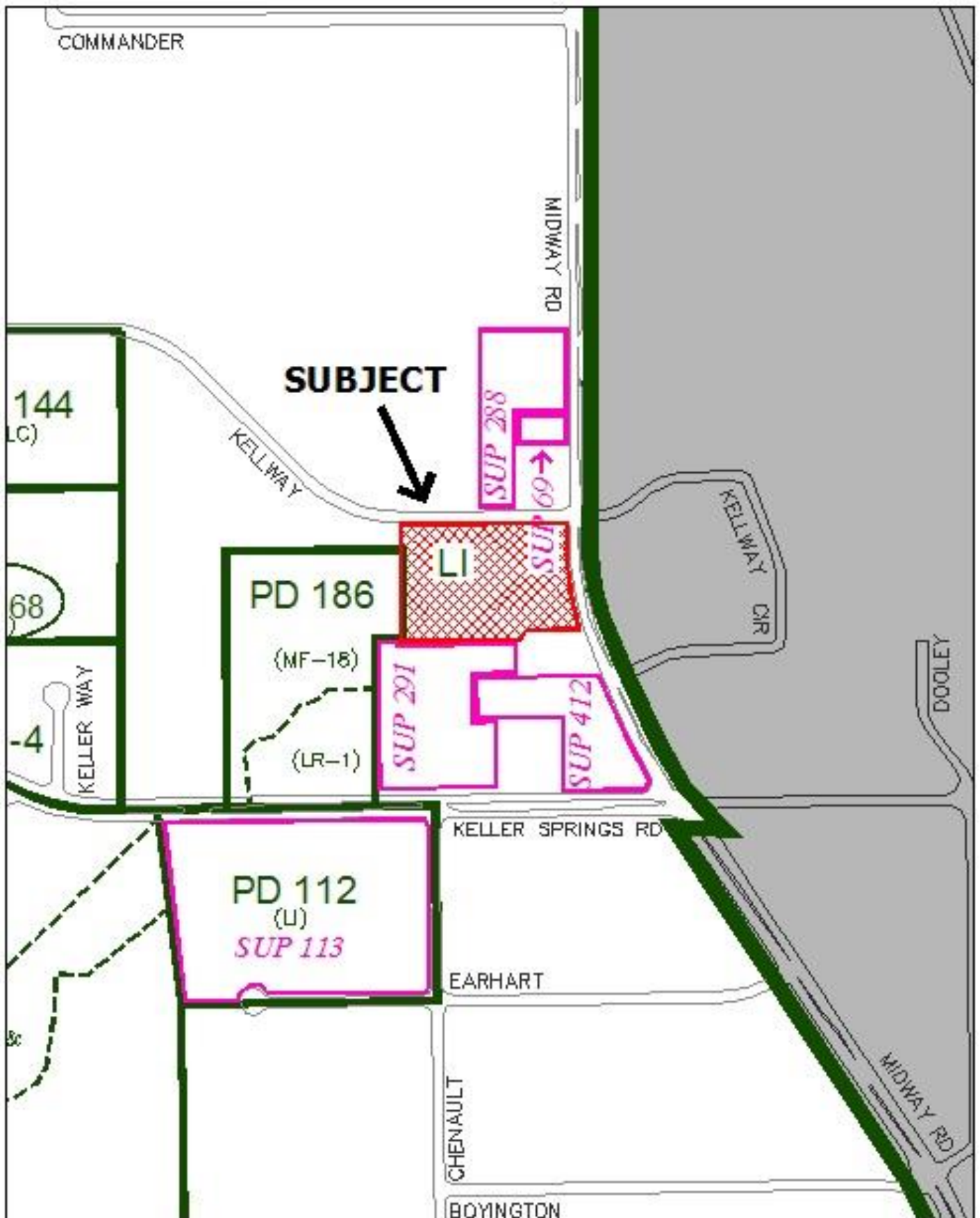
\_\_\_\_\_  
Christopher Barton  
Chief Planner

**EXHIBIT A**  
Legal Descriptions

3216 Kellway Drive  
Lot 2, Block A  
Toni & Guy, Phase 2

2311 Midway Road  
Lot 2, Block A  
Toni & Guy, Phase 3

**EXHIBIT B**  
Location Map



## Conceptual Site and Landscaping Plan

