

## 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													
442299	All Other Home Furnishings				•	•	•	XC	•	•	•	•	•	•
442299	Other Retail Furniture & Home Furnishings, NEC.					•	•	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.