ARTICLE XXI. SPECIAL USE PERMITS

SECTION A. PURPOSE.

The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement and construction.

SECTION B. GENERAL PROVISIONS.

The City Council of the city of Carrollton, after a public hearing and proper notice to all parties affected, and after recommendation by the Planning and Zoning Commission, may authorize the issuance of a Special Use Permit for the uses indicated in accordance with the Use Chart in Article V of this ordinance.

1. PERMIT REQUIRED:

A Special Use Permit shall be required for all uses as set forth in Article V of this ordinance. At no time shall a structure or property be used for, or converted or adapted to, such specific use without first obtaining a Special Use Permit in accordance with all applicable sections of this ordinance.

2. PROCEDURE FOR APPLICATION:

Special Use Permits shall be considered as an amendment to the Comprehensive Zoning Ordinance, and shall be processed and considered in accordance with Article XXXI of this ordinance.

3. REVIEW FOR APPROVAL:

The Planning and Zoning Commission, in considering and determining its recommendation to the City Council on any request for a Special Use Permit, may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any structure or use proposed.

4. SITE PLAN REQUIRED:

A site plan shall accompany any request for a Special Use Permit. Such site plan shall be prepared and submitted in a manner as prescribed by the Planning and Zoning Commission, instructions of which are available from the Urban Development Department. No building permit for any new structure shall be issued, nor shall any Certificate of Occupancy be issued on any existing structure, until such site plan has been approved by the City Council and submitted to the City Manager or Designee in accordance with any stipulations as may have been required by the City Council as conditions precedent for approval. (Ord. No. 1641, 07/17/90)

5. REQUIREMENTS FOR APPROVAL:

- a. The City Council may approve a Special Use Permit after review and recommendation by the Planning and Zoning Commission subject to appropriate conditions and safeguards when the Council finds:
 - 1. That the proposed use meets all of the minimum standards established in this ordinance and other applicable ordinances. The City Council may, in the interest of the public welfare and to ensure compliance with this ordinance, establish conditions of operation, location, arrangement and construction of any use for which a Special Use Permit is authorized. In authorizing the location of any of the uses listed as requiring a Special Use Permit, the City Council may impose such development standards and safeguards as the conditions and locations warrant relative to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions; and (Ord. No. 1641, 07/17/90)
 - 2. That the proposed use meets the intent of the district in which it is located, and is in accordance with the Comprehensive Plan; and
 - 3. That the proposed use will not be detrimental to the health, safety and welfare of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to the neighboring property.

SECTION C. COMPLIANCE.

Any person, corporation, or group of persons having a proprietary interest in any property which proposes to use such property in a manner which requires a Special Use Permit, after application thereof and payment of a fee as prescribed by the City Council, and public hearing before the Planning and Zoning Commission and the City Council as provided in Article XXXI of this Ordinance, as a condition for the said use of such property, shall comply with all ordinances, codes, regulations and conditions of the city of Carrollton. All structures shall comply with the electrical code, fire code, plumbing code, building code, and other applicable ordinances or codes of the city, and all state and federal laws and regulations applicable to such use. The Planning and Zoning Commission may recommend, and the City Council may impose, additional restrictions or stipulations as the facts and circumstances of each case may warrant.

SECTION D. SPECIAL CONDITIONS.

1. Every Special Use Permit granted under the provisions of this Article shall be considered as an amendment to the Comprehensive Zoning Ordinance as applicable to such property and shall be identified on the Official Zoning Map. The approved site plan accompanying the request for a Special Use Permit shall be made a part of the amending ordinance. In granting such permit the City Council may impose conditions which shall be complied with by the grantee before a building permit for any new structure, or

a Certificate of Occupancy for any newly constructed or existing structure, may be issued by the City Manager or Designee for the use of the structure on such property pursuant to said Special Use Permit. Such conditions shall not be construed as conditions precedent to the granting of a Special Use Permit for the change in zoning of such property, but shall be construed as conditions precedent to the granting of a building permit or a Certificate of Occupancy, as applicable.

2. The following shall be considered as minimum requirements to be met relative to a Special Use Permit for such specific uses. These requirements are not intended to repeal any other Section of this Article or Ordinance, but shall be cumulative and additional to any other requirements of this Article and Ordinance. (Ord. No. 1947, 10/19/93)

a. KINDERGARTENS AND DAY CARE CENTERS:

1. Day Care Centers or Kindergarten shall provide minimum indoor and outdoor space requirements, as required by the Texas Administrative Code, Chapter 746 Minimum Standards for Child-Care Centers and all other applicable laws. (Ord. No. 3312, 07/07/09)

Hours of operation for Kindergartens and Day Care Centers shall be determined on a case by case basis. Where a Special Use Permit has been established allowing a Kindergarten or Day Care Center, and where the applicable hours of operation have not been identified, the hours of operation shall not exceed the period between 6:00 am and 12:00 midnight.

- 2. Where the front entrance or designated student disembarkation point of a Kindergarten or Day Care Center is less than two hundred-fifty (250) feet from the main entrance of the site, off-street vehicle stacking spaces shall be provided in accordance with Article XXIV of this ordinance. (Ord. No. 1705, 05/07/91)
- 3. A minimum four (4) foot high wall or iron or metal fence shall enclose outdoor activity space. The minimum separation between rods shall be no less than four (4) inches on-center apart. (Ord. No. 3312, 07/07/09)

b. RESTAURANT WITH A PRIVATE CLUB:

(Ord. No. 1235, 01/21/86), (Ord. No. 1369, 04/21/87), (Ord. No. 2315, 02/17/98), (Ord. No. 2386, 11/03/98)

(Sales and Consumption of Alcoholic Beverages)

(For restaurants in mixed-use districts, refer to (i), Restaurant with A Private Club in Mixed-Use Districts) (Ord. No. 3148; 06/19/07)

A restaurant with a private club shall be permitted only upon approval of a Special Use Permit in the Office, Local Retail, Commercial, Freeway or Industrial Districts, or a Planned Development District allowing office, retail, commercial, freeway or industrial uses, only upon approval of a Special Use Permit. (Ord. No. 1802, 04/21/92)

A restaurant with a private club shall mean an association of persons, whether incorporated or unincorporated under the laws of the state of Texas, for the promotion of some common object

and whose members must be passed upon and elected as individuals, by a committee or a board made up of members of the club.

A Special Use Permit for a restaurant with a private club, if granted, shall be subject to the following special conditions, and such other conditions as may be incorporated in the ordinance granting the Special Use Permit:

1. BUILDING REQUIREMENTS:

In any district in which a restaurant with a private club is permitted, such restaurant with a private club shall occupy not less than two thousand, one hundred (2,100) square feet of airconditioned floor area.

In addition to the aforementioned minimum floor area requirements, the following shall also apply:

Exterior signs other than the established trade name of the restaurant located on the building or premises of a restaurant with a private club, in any district in which a restaurant with a private club is permitted, shall not advertise the sale or consumption of alcoholic beverages. (Ord. No. 1802, 04/21/92)

2. FOOD SERVICE:

Such restaurant with a private club shall provide regular food service for its members and their guests.

- A. A restaurant with a private club shall provide inside service only. However, service shall be permitted in an attached patio, garden or motion picture theater provided that such areas are accessed only from the main dining room of the restaurant. However, none of these attached areas shall be used to calculate square footage requirements for the restaurant. (Ord. No. 2492; 02/15/00); (Ord. No 2680, 05/07/02)
- B. The food preparation and storage area for the restaurant with a private club shall comprise a minimum of twenty (20) percent of the square footage of the area occupied by the restaurant with a private club, as provided for in paragraph (2)(A) of this Section.
- C. At least sixty (60) percent of the gross sales of a restaurant with a private club in a Local Retail, Office, Commercial, Freeway, or Industrial zoned district, or in a Planned Development District allowing retail, office, commercial, freeway or industrial uses, shall be from the sale of food and/or non-alcoholic beverages.

 (Ord. No. 2790; 04/01/03)

- D. In the case of hotels or motels, a private club will be allowed in an area totally separate from the restaurant only if all of the following requirements are met:
 - 1. At least sixty (60) percent of the combined gross food and beverage sales of the private club and restaurant(s) shall be from the sale of food and/or non-alcoholic beverages; (Ord. No. 2790; 04/01/03)
 - 2. The restaurant and private club shall be located within the same building(s) as the hotel or motel;
 - 3. Not less than two thousand, one hundred (2,100) square feet of floor area shall be occupied by restaurant facilities (total restaurant operations); (Ord. No. 1802, 04/21/92)
 - 4. The floor area of the private club does not exceed the floor area of the restaurant;
 - 5. That not less than twenty (20) percent of the total combined floor area of the restaurant and private club are used for food preparation and storage;
 - 6. The sale and consumption of alcoholic beverages may be permitted within the restaurant area(s);
 - 7. The private club shall not have a separate outside entrance or exit, except for fire exits as may be required by the building code.

3. LOCATION:

In a Local Retail, Commercial, Freeway, Industrial, or Planned Development District allowing retail, commercial, freeway or industrial uses, a restaurant with a private club shall not be located closer than three hundred (300) feet from:

- A. Any residential zoned district;
- B. Church;
- C. Public, private, or denominational school; (Ord. No. 1802, 04/21/92)
- D. Hospital;
- E. Developed municipal neighborhood park, measured from the edge of the active recreational facilities, as determined by the City Council after recommendation of the Planning and Zoning Commission.
- F. The distance contained in this subsection shall be measured in accordance with the regulations of the Texas Alcoholic Beverage Code.

4. TIME LIMIT:

In the event an application for a Building Permit for a restaurant with a private club is not made within one (1) year from the granting of the Special Use Permit for a restaurant with a private club, the City Council may direct the Planning and Zoning Commission to call a public hearing for the purpose of considering the cancellation or termination of such Special Use Permit.

ALCOHOL AWARENESS PROGRAM:

The applicant for a Special Use Permit for a restaurant with a private club shall submit, as a part of the application, a formal alcohol abuse awareness program to be used at the Carrollton location. Such alcohol abuse awareness program shall be submitted in the manner prescribed by the city of Carrollton.

(Reference Chapter 111, Carrollton Code of Ordinances)

6. NON-COMPLIANCE:

Violation of any provision of the terms of a Special Use Permit for a restaurant with a private club shall be cause for the City Council to direct the Planning and Zoning Commission to hold a public hearing to make a recommendation whether such Special Use Permit should be amended, changed or revoked.

c. MINI-STORAGE WAREHOUSES:

The maximum frontage of a mini-storage warehouse facility on any public street shall be one hundred (100) feet, such that the bulk of the facility is located on the rear one-half of the site. It shall be the stated intent of the city of Carrollton to encourage such facilities to be designed in a "flag" lot arrangement so that primarily higher intensity, compatible uses are located on the front one-half of the lot. The City Council may, however, approve a greater street frontage where, in its opinion, the design of the mini-storage warehouse facility meets the intent of this subsection. (Ord. No. 1890, 03/16/93)

d. TRAVEL TRAILER AND RECREATIONAL VEHICLE PARKS:

1. MINIMUM DEVELOPMENT STANDARDS:

- A. All travel trailer or recreational vehicle parks shall have paved interior driveways serving each travel trailer or recreational vehicle space, such driveways being not less than twenty-four (24) feet in width;
- B. Each travel trailer or recreational vehicle space in such park shall contain a minimum of one thousand, eight hundred (1,800) square feet of area, and shall be at least forty-five (45) feet in width, and shall front upon a paved driveway;
- C. A travel trailer or recreational vehicle shall be placed on a designated space in such a manner that there will be not less than fifteen (15) feet of separation between travel trailers or recreational vehicles on adjacent spaces;
- D. Each travel trailer or recreational vehicle park shall provide, at a minimum, the following:
 - 1. An electrical outlet capable of supplying four thousand (4,000) watts at 110-220 volts at each travel trailer or recreational vehicle space; and
 - 2. Hook-up apparatus for connection to the city sanitary sewer system at each travel trailer or recreational vehicle space; and
 - 3. Faucet or bibcock connected to the city water supply system at each travel trailer or recreational vehicle space; and
 - 4. A minimum of one (1) toilet, one (1) lavatory and one (1) shower for each six (6) travel trailer or recreational vehicle spaces or fraction thereof in the park.
- E. Service buildings that house sanitation and/or laundry facilities or any other such facilities shall be permanent structures constructed in accordance with all applicable codes and ordinances of the city of Carrollton;
- F. Each travel trailer or recreational vehicle park shall be provided with a means of security lighting. All toilet and shower buildings and facilities shall be provided with sufficient lighting facilities, which shall be kept lighted during the time one-half hour after sunset until one-half hour before sunrise.

2. MANAGEMENT REQUIREMENTS, GENERALLY:

A. The name of the person with direct management responsibility of the travel trailer or recreational vehicle park shall be filed for reference with the City Manager or

Designee, who shall be notified of any change in the person with such management responsibility to ensure accurate and updated files. In addition to the specific requirements of this section, it shall be the responsibility of the owner or manager of each travel trailer or recreational vehicle park to take such measures as may be deemed to be necessary by the City Manager or Designee or Director of Environmental Health to preserve the health, safety and welfare of all persons accommodated in the park, as well as the general public;

- B. It shall be the responsibility of the owner or manager of any travel trailer or recreational vehicle park to prescribe rules and regulations for the management of such park. Copies of all such rules and regulations shall be furnished to the City Manager or Designee, and copies shall be posted in conspicuous locations throughout the park;
- C. It shall be the responsibility of the owner or manager of a travel trailer or recreational vehicle park to keep a register of all persons accommodated at the park, such register to include the names of all persons, their home addresses, the license number and description of their vehicles, and duration of stay;
- D. Not more than one (1) travel trailer or recreational vehicle shall occupy a space within such park. No travel trailer or recreational vehicle shall be placed within a travel trailer or recreational vehicle park unless a designated space, provided in accordance with this section, is available for occupancy. These restrictions shall not apply, however, to automobiles or other vehicles which are not used for dwelling purposes;
- E. The removal of wheels or any similar transportation device from a travel trailer or recreational vehicle located within a travel trailer or recreational vehicle park shall be prohibited;
- F. No permanent addition or structure shall be built onto or become a part of any travel trailer or recreational vehicle located within a travel trailer or recreational vehicle park;
- G. The maximum duration of stay by any travel trailer, recreational vehicle or individual within a travel trailer or recreational vehicle park shall be fourteen (14) consecutive days, provided, however, that the person with direct management responsibility of such park shall be permitted to maintain a permanent residence within the park.

3. MAINTENANCE:

- A. Every travel trailer or recreational vehicle park owner shall maintain such park and any toilet, bath, shower and other equipment in connection therewith in a clean and sanitary condition, and shall maintain such equipment in a state of good operating condition.
- B. Such park shall otherwise be developed, occupied, maintained and managed in accordance with all applicable codes and ordinances of the city of Carrollton.

e. ADULT DAY CARE CENTERS:

- 1. A minimum floor area of fifty (50) square feet of living space shall be required per client. Such floor area shall be calculated exclusive of the kitchen and food service or dining areas, restrooms, bath areas, offices, corridors, stairways, garages, storage areas and outdoor space. A minimum of two hundred (200) square feet of site area shall be provided per client.
- 2. For an adult day care center located in a dwelling, the license-holder, operator, director or person otherwise responsible for the operation and provision of care within the facility shall maintain his or her primary residency within such dwelling. It is the intent of this paragraph to ensure that, where such facility is operated within a dwelling, it is accessory to the full-time residency of such dwelling.

 (Ord. No. 1573 09/05/89)

f. PERSONAL CARE HOMES AND RESPITE CARE FACILITIES:

- 1. A minimum floor area of eighty (80) square feet shall be provided in a one-bed bedroom, and a minimum floor area of sixty (60) square feet shall be provided per bed in a multiple-bed bedroom.
- 2. A personal care home, respite care facility or in-patient hospice shall be located within a freestanding building, containing no other use or uses, provided, however, such facility may be located in the same building as a hospital, convalescent center or other type of health care facility or health care institution.

 (Ord. No. 1573 09/05/89)

g. HOTEL AND TRANSIENT LODGING:

The following standards and criteria contained within this subsection are minimum required standards and shall apply to all lodging that is classified under the 0300 Hotel and Transient Lodging category. These provisions shall be effective December 1, 2008.

1. Bed and Breakfast Home/Bed and Breakfast Inn

A. Bed and Breakfast use must be evidenced by association with a Bed and Breakfast Accommodation and Reservation Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

B. Rate:

A daily rate shall be charged, and no weekly or bi-weekly rates may be charged.

C. Accommodations/Operations:

- 1. A minimum of three (3) and a maximum of six (6) guest rooms are permitted.
- 2. No kitchens are allowed in rooms, i.e. no ovens, burners or full-sized refrigerators. Microwave and/or under-counter refrigerators are permissible.
- 3. Leasing of a common area for social events is prohibited except when offstreet parking is provided for a meeting/reception area per Article XXIV, Off-Street Parking and Loading Regulations of the Comprehensive Zoning Ordinance, and subject to the Noise Ordinance and all other applicable ordinances and regulations.
- 4. A manager shall be on-site of a Bed and Breakfast Home and Bed and Breakfast Inn at all times when occupied by guests.

D. Site Design:

- 1. No vending machines are allowed outdoors.
- 2. No trash dumpsters are allowed for a Bed and Breakfast Home.

- E. Building Elements (Bed and Breakfast Inns only):
 - 1. A minimum of four (4) elements from the following list shall be incorporated for all Bed and Breakfast Inn buildings:
 - a. Awnings
 - b. Canopies
 - c. Ornamental cornices
 - d Alcoves
 - e. Recessed Entries
 - f. Pillar Posts
 - g. Decorative lighting
 - h. Other building elements that contribute to the human scale of a building or character of the architectural design of the building
 - 2. All facades or sides of Bed and Breakfast Inn buildings shall be designed with architectural style and building materials consistent with the front façade.

F. Parking:

- 1. One off-street parking space per guest room and one off-street parking space per owner/proprietor shall be required.
- 2. All overnight parking shall be designated parking spaces.
- 3. Other than driveways and sidewalks, the front yard (the property from the front of the building to the street) shall not be paved.
- 4. All parking areas on the property (except driveways) shall be behind any building lines.
- 5. Tandem parking is permitted.
- 6. Stacked parking is permitted in driveways for a maximum of four vehicles.

G. Landscaping:

Landscaping should contribute to the overall tranquility and serene setting of the establishment providing temporary, accommodations for guests in a residential setting. Benches, plantings, fountains and other private outdoor seating areas should be encouraged and some of these elements shall be incorporated into the site plan.

H. Signage is limited to six square feet, either free-standing or attached to a building or mailbox, non-illuminated, and shall display only the name and phone number of the

Bed and Breakfast Home or Bed and Breakfast Inn on it. No additional outdoor advertising is allowed.

- I. All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.
- J. Owner must secure a Chapter 97 Lodging License and obtain a Certificate of Occupancy before operating a Bed and Breakfast Home or a Bed and Breakfast Inn. Owner must comply with Chapter 97 and maintain the Lodging License and Certificate of Occupancy in order to operate.

2. Full Service Hotel

A. A Full Service Hotel use must be evidenced by association with a Hotel Accommodation and Reservation Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

B. Rate:

A daily rate shall be charged, and weekly or bi-weekly rates may not be charged.

C. Design Standards:

- 1. A Full Service Hotel must contain 125 or more guest rooms.
- 2. All guest rooms must be accessed from an interior hallway and an interior hallway shall be accessible from a central lobby area contained within the hotel, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.
- 3. Exterior balconies of rooms shall not be allowed within 200 feet of any property zoned and/or developed as single-family unless located within an interior courtyard or physically screened or separated by another building or portion of a building, unless otherwise approved by the City Manager or designee.
- 4. A porte-cochere or covered area must be provided immediately adjacent to the entrance with a registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two (2) vehicles parked side by side for guests checking in and out.
- 5. Brick pavers, stained or stamped concrete or a combination thereof shall be provided in all porte cochere areas and main drive locations.

- 6. Building articulation shall be included on all facades and building materials shall comply with those of the zoning district or as otherwise approved by the City Manager or designee.
- 7. The main entrance or exit shall be located on a major street furthest from any residential district or as otherwise approved by the City Manager or designee.
- 8. All entrances or exits of any incidental business within the Full Service Hotel shall be from the inside of the principal hotel building or as otherwise approved by the City Manager or designee.
- 9. Building height shall be a minimum of 4 stories.

D. Interior Design Standards:

- 1. Each guest room shall have a minimum area of two hundred and seventy-five (275) square feet, including sleeping area, bathroom and closet space.
- 2. Finished floor ceiling heights for all first floor guest rooms shall be a minimum of nine (9) feet.
- 3. Finished floor ceiling heights for all guest rooms located on second stories and above shall be a minimum of eight (8) feet.
- 4. Window PTAC units shall not project beyond the facade walls of any unit.
- 5. No kitchens are allowed in rooms, i.e. no ovens, burners or full-size refrigerators. Microwave and/or under-counter refrigerators are permissible.
- 6. Full Service Hotels must provide full-service facilities and amenities, such as a full service restaurant on-site with wait staff, an indoor or outdoor swimming pool. Full Service Hotels must provide meeting or conference rooms. Meeting or conference rooms shall consist of a minimum of 1,000 total square feet. Individual guest rooms shall not be counted as meeting rooms.
 - a. Also, the Full Service Hotel shall provide at least two (2) of the four (4) amenities listed below:
 - 1. Sports Court
 - 2. Exercise/Weight room
 - 3 Business Centers
 - 4. Gift Shops

- b. Other amenities that may be included:
 - 1. Arboretums
 - 2. Botanical Gardens (Outdoor or indoor)
 - 3. Spa/Sauna
 - 4. Game Room
 - 5. Indoor Water Park
 - 6. Jogging Trail
 - 7. Playground
 - 8. Plaza/Atrium
 - 9. Salon
 - 10. Shops and Boutiques
 - 11. Libraries
 - 12. Theaters
 - 13. Internet Cafes
 - 14. Special Attractions

E. Guest Services:

- 1. Daily housekeeping service must be provided to each room at no extra charge.
- 2. Hotel staff must be available at all times to provide check-in/out, custodial or maintenance services, or other guest services.
- F. All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.
- G. Owner must secure a Chapter 97 Lodging License and obtain a Certificate of Occupancy before operating a Full Service Hotel. Owner must comply with Chapter 97 and maintain the Lodging License and Certificate of Occupancy in order to operate.

3. Residence Hotel or Hotel Suites

The multi-dwelling facility is mainly suitable for the business traveler or extended vacation traveler in which rooms or suites include kitchenette facilities and sitting rooms in addition to the sleeping room for the long-term. Residential usage shall not be permitted.

A. A Residence Hotel or Hotel Suites use must be evidenced by association with a Hotel Accommodation and Reservation Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

B. Rate:

A weekly rate may be charged, and no monthly rate shall be charged.

C. Guest Services:

- 1. Daily housekeeping service must be provided to each room at no extra charge.
- 2. Hotel staff must be onsite and available at all times to provide check-in/out, custodial or maintenance services, or other guest services.

D. Building Design Standards:

- 1. Residence Hotels or Hotel Suites must contain 90 or more guest rooms.
- 2. All guest rooms must be accessed from an interior hallway and an interior hallway shall be accessible from a central lobby area contained within the hotel, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.
- 3. Exterior balconies of rooms shall not be allowed within 200 feet of any property zoned and/or developed as single-family unless located within an interior courtyard or physically screened or separated by another building or portion of a building, unless otherwise approved by the City Manager or designee.
- 4. A porte-cochere or covered area must be provided immediately adjacent to the entrance with a registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two (2) vehicles parked side by side for guests checking in and out.
- 5. Brick pavers, stained or stamped concrete or a combination thereof shall be provided in all porte cochere areas and main drive locations.
- 6. Building articulation shall be included on all facades and building materials shall comply with those of the zoning district.
- 7. The main entrance or exit shall be located on a major street furthest from any residential district or as otherwise approved by the City Manager or designee.
- 8. All entrances or exits of any incidental business within the Residence Hotel or Hotel Suites shall be from the inside of the principal hotel building or otherwise as approved by the City Manager or designee.

E. Interior Design Standards:

- 1. Kitchenettes are allowed in rooms. Kitchenettes may not be in a separate room and shall be contained within the same room as the sleeping facilities.
- 2. Restaurants, meeting rooms, clubhouse, and recreational facilities intended for the temporary residents and their guests are permitted.
- 3. Each guest room shall have a minimum area of three hundred (300) square feet, including sleeping area, kitchen, bathroom and closet space.
- 4. Finished floor ceiling heights for all first floor guest rooms shall be a minimum of nine (9) feet.
- 5. Finished floor ceiling heights for all guest rooms located on second stories and above shall be a minimum of eight (8) feet.
- 6. Window PTAC units shall not project beyond the façade walls of any unit.
- 7. The Residence Hotel or Hotel Suites shall provide at least two (2) from the list of amenities below:
 - a. An indoor or outdoor swimming pool
 - b. Weight room or fitness facility
 - c. Business Center
 - d. Sports Court

F. Screening:

Screening walls adjacent to property lines shall be permitted and screening walls around swimming pools and other recreational facilities shall be permitted. However, no screening walls adjacent to streets, alleys or rights-of-way shall be permitted unless otherwise approved by the City Manager or designee.

- G. All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.
- H. Owner must secure a Chapter 97 Lodging License and obtain a Certificate of Occupancy before operating a Residence Hotel or Hotel Suites. Owner must comply with Chapter 97 and maintain the Lodging License and Certificate of Occupancy in order to operate.

4. Limited Service Hotel

A. A Limited Service Hotel use must be evidenced by association with a Hotel Accommodation and Reservation Service, and the owner must provide proof of the collection and payment of State and local Hotel/Motel Occupancy Tax to the City upon request.

B. Rate:

A daily rate shall be charged, and a weekly or bi-weekly rate shall not be charged.

C. Design Standards:

- 1. A Limited Service Hotel must contain 100 or more guest rooms.
- 2. All guest rooms must be accessed from an interior hallway and an interior hallway shall be accessible from a central lobby area contained within the hotel, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.
- 3. Exterior balconies of rooms shall not be allowed within 200 feet of any property zoned and/or developed as single-family unless located within an interior courtyard or physically screened or separated by another building or portion of a building, unless otherwise approved by the City Manager or designee.
- 4. A porte-cochere or covered area must be provided immediately adjacent to the entrance with a registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two (2) vehicles parked side by side for guests checking in and out.
- 5. Brick pavers, stained or stamped concrete or a combination thereof shall be provided in all porte cochere areas and main drive locations.
- 6. Building articulation shall be included on all facades and building materials shall comply with those of the zoning district or as otherwise approved by the City Manager or designee.
- 7. The main entrance or exit shall be located on a major street furthest from any residential district or as otherwise approved by the City Manager or designee.
- 8. Building height shall be a minimum of 4 stories.

D. Interior Design Standards:

- 1. Each guest room shall have a minimum area of two hundred and seventy-five (275) square feet, including sleeping area, bathroom and closet space.
- 2. Finished floor ceiling heights for all first floor guest rooms shall be a minimum of nine (9) feet.
- 3. Finished floor ceiling heights for all guest rooms located on second stories and above shall be a minimum of eight (8) feet.
- 4. A Fitness Center/Exercise/Weight Room shall be provided.
- 5. No kitchens are allowed in rooms, i.e. no ovens, burners or full-size refrigerators. Microwaves and/or under-counter refrigerators are permissible.
- 6. A daily hot breakfast shall be provided for all registered guests. Breakfast area seating shall be at least 40% of the guest room count.
- 7. Limited Service Hotels must provide meeting or conference rooms. Meeting or conference rooms shall consist of a minimum of 600 square feet. Individual guest rooms shall not be counted as meeting rooms.
 - a. Also, the Limited Service Hotel shall provide at least two (2) of the three (3) amenities listed below:
 - 1. Indoor or Outdoor Pool
 - 2. Business Centers
 - 3. Pantry (Sundry Shop)

E. Guest Services:

- 1. Daily housekeeping service must be provided to each room at no extra charge.
- 2. Hotel staff must be available at all times to provide check-in/out services, custodial or maintenance services or other guest services.
- F. All minimum City requirements for Landscaping and Buffering, Off-Street Parking and Loading, Signs and all other applicable ordinances, and as amended, shall be met, except where provided herein.
- G. Owner must secure a Chapter 97 Lodging License and obtain a Certificate of Occupancy before operating a Limited Service Hotel. Owner must comply with Chapter 97 and maintain the Lodging License and Certificate of Occupancy in order to operate. (Ord. No. 3265, 12/01/08)

h. NATURAL GAS EXPLORATION, DRILLING AND PRODUCTION: (Ord. No. 3145, 06/05/07)

All natural gas exploration, drilling, production and related activities shall comply with Chapter 156.

RESTAURANT WITH A PRIVATE CLUB IN MIXED-USE DISTRICTS:

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(Ord. No. 1235, 01/21/86)
(Ord. No. 1369, 04/21/87)
(Ord. No. 2315, 02/17/98)
(Ord. No. 2386, 11/03/98)
(Ord. No. 3148, 06/19/07)
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(Sales and Consumption of Alcoholic Beverages)

A restaurant with a private club shall be permitted only upon approval of a Special Use Permit in Mixed-Use Districts.

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(Ord. No. 1802, 04/21/92)
(Ord. No. 2386, 11/03/98)
(Ord. No. 3148, 06/19/07)
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A restaurant with a private club shall mean an association of persons, whether incorporated or unincorporated under the laws of the state of Texas, for the promotion of some common object and whose members must be passed upon and elected as individuals, by a committee or a board made up of members of the club.

Mixed-Use District shall mean Property approved and designated on the Future Land Use Map of the Comprehensive Plan as Mixed-Use/Urban, and intended for a mix of residential and non-residential uses within the same development and/or building (Article XXXIV), and property annexed into the City of Carrollton after October 19, 2004.

A Special Use Permit for a restaurant with a private club, if granted, shall be subject to the following special conditions, and such other conditions as may be incorporated in the ordinance granting the Special Use Permit in Mixed-Use Districts:

1. APPLICATION REQUIREMENTS:

One Special Use Permit may be submitted for an entire retail area within a mixed-use district in lieu of a Special Use Permit for each restaurant.

2. FOOD SERVICE:

Such restaurant with a private club shall provide regular food service for its members and their guests.

- A. A restaurant with a private club shall provide inside service only. However, service shall be permitted in an attached patio, garden or motion picture theater provided that such areas are accessed only from the main dining room of the restaurant. However, none of these attached areas shall be used to calculate square footage requirements for the restaurant. (Ord. No. 2492, 02/15/00); (Ord. No. 2680, 05/07/02; (Ord. No. 2386, 06/19/07)
- B. At least fifty (50) percent of the gross sales of a restaurant with a private club shall be from the sale of food and/or non-alcoholic beverages. (Ord. No. 2790, 04/01/03; Ord. No. 2386, 06/19/07; Ord. No. 3331, 10/06/09 to correct typographical error)
- C. In the case of hotels or motels, a private club will be allowed in an area totally separate from the restaurant only if all of the following requirements are met:
 - 1. At least fifty (50) percent of the combined gross food and beverage sales of the private club and restaurant(s) shall be from the sale of food and/or non-alcoholic beverages; (Ord. No. 2790, 04/01/03); (Ord. No. 2 386, 06/19/07)
 - 2. The restaurant and private club shall be located within the same building(s) as the hotel or motel;
 - 3. The floor area of the private club does not exceed the floor area of the restaurant;
 - 4. The sale and consumption of alcoholic beverages may be permitted within the restaurant area(s);
 - 5. The private club shall not have a separate outside entrance or exit, except for fire exits as may be required by the building code.

3. LOCATION:

In a Mixed-Use District, a restaurant with a private club shall not be located closer than three hundred (300) feet from:

- A. Church;
- B. Public School;
- C. Public Hospital;
- D. The distance contained in this subsection shall be measured in accordance with the regulations of the Texas Alcoholic Beverage Commission.

4. TIME LIMIT:

In the event an application for a Building Permit for a restaurant with a private club is not made within three (3) years from the granting of the Special Use Permit for a restaurant with a private club, the City Council may direct the Planning and Zoning Commission to call a public hearing for the purpose of considering the cancellation or termination of such Special Use Permit.

This is a test line

5. NON-COMPLIANCE:

Violation of any provision of the terms of a Special Use Permit for a restaurant with a private club shall be cause for the City Council to direct the Planning and Zoning Commission to hold a public hearing to make a recommendation whether such Special Use Permit should be amended, changed or revoked.

j. ARCADE OR VIDEO ARCADE, EXCLUDING ADULT ARCADE (Ord. No. 3331, 10/06/09)

- 1. The number of simulated gambling devices may not exceed 75% of the total number of machines or tables located within the establishment.
- 2. All simulated gambling devices shall be clearly visible at all times from the interior side of the front door of the establishment.
- 3. Any windows located in perimeter walls of the establishment are prohibited from being obscured and shall be clear of any obstructions.
- 4. A label identifying compliance with state law must be clearly displayed on each simulated gambling device located within the establishment.
- 5. The Certificate of Occupancy issued by the City showing approval to operate an arcade shall be clearly displayed in the establishment.
- 6. A sign shall be posted on each simulated gambling device and on walls adjacent to such devices that states the following:

"This device is for entertainment purposes only, and may not be used to provide payouts in violation of Section 47.01 of the Texas Penal Code."

- 7. Signs shall be posted throughout establishments containing simulated gambling devices such that no point in the establishment is more than 50 feet from the nearest sign. Such signs shall state:
 - "All devices are for entertainment purposes only. No device may be used for illegal gambling purposes. Violators will be prosecuted."
- 8. For establishments not approved for smoking, a "No Smoking" signs shall be posted throughout the establishment such that no point in the establishment is more than 50 feet from the nearest sign. Such signs shall be in accordance with the requirements set forth in Section 93.04 of the Code of Ordinances.
- 9. The hours of operations shall be established by the Special Use Permit and the approved hours of operations shall be clearly posted at the entrance of the establishment.