*** * * * NOTICE OF PUBLIC MEETING * * * ***

CARROLLTON CITY COUNCIL
WORKSESSION AND REGULAR MEETING

MAY 3, 2011

CITY HALL, 2ND FLOOR
1945 E. JACKSON ROAD
CARROLLTON, TEXAS

PRE-MEETING, WORKSESSION & REGULAR MEETING –5:45 P.M.

AGENDA

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

1. Dinner

2. Mayor and Council **reports on meetings, gatherings, trips, contacts, and information sharing.**

3. Receive **supplemental staff information on meetings, gatherings, trips, contacts, reports and other information** and responses to questions.

4. Council will convene in **Executive Session** pursuant to Texas Government Code:

- **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.
- **Section 551.072** to discuss certain matters regarding real property.
- **Section 551.074** to discuss personnel matters.
- **Section 551.076** to discuss security matters.
- **Section 551.087** to discuss Economic Development.

5. Council will **reconvene in open session** to consider action, if any, on matters discussed in the Executive Session.

*** * * * WORKSESSION * * * ***
COUNCIL BRIEFING ROOM

6. Briefing On **Subordinate Structures And Outside Display Locating Near Commercial Buildings And In Parking Areas.**

7. Discuss **Future Agenda Items.**

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

8. Present A **Proclamation Declaring May 2-6, 2011 As *Holocaust Awareness Week.***

9. Present A **Proclamation Declaring May 2011 As *Motorcycle Awareness Month*.**

10. Present A **Proclamation Declaring May 2011 As *Older American Month*.**

11. Present A **Proclamation Declaring May 2-6, 2011 As *Public Service Recognition Week.***

12. Recognition of **CFBISD American Legion State Selections.**

13. Recognition of **Bijal Mehta.**

PUBLIC FORUM

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

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

BIDS & PURCHASES

***15.** Consider Approval of the**2011 Sampling and Analysis of Wastewater Discharges from Regulated Industries for Environmental Services from Various Vendors** In An Amount Not to Exceed $75,000.00.

CONTRACTS & AGREEMENTS

***16.** Consider Authorizing The City Manager To **Repeal The Construction Contract Awarded To Lindsay Glass Systems In The Amount Of $165,000.00 For The Carrollton City Hall Window Replacement Project And Approve A Contract With IDG Services, Inc.** In An Amount of $258,000.00.

***17.** Consider Authorizing The City Manager To Approve a **Contract With Metro-Plex Underground, LP For The Old Downtown Retention Pond** In An Amount Of $501,953.80.

***18.** Consider Authorizing The City Manager To Approve A **Contract With McKinstry Essention For An Energy Audit And Retrofit Services** In An Amount Of $521,185.00.

***19.** Consider Authorizing The City Manager To Approve **Change Order #1 With PM Construction & Rehab - Texas For Replacement Sewer Mains For The IH-35E Sanitary Sewer Replacement Project** In An Amount Of $114,550.00 For A Revised Contract Amount Of $764,277.50.

***20.** Consider Authorizing The City Manager To Approve A **Contract With RKM Utility Services, Inc. For The Water Line Replacements 2011 Project** In An Amount Of $992,265.00.

ORDINANCES

***21.** Consider An **Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2010 Through September 30, 2011.**

RESOLUTIONS

***22.** Consider A **Resolution Authorizing The City Manager To Acquire Improved Land Located At Broadway and Belt Line Road For Public Purposes.**

PUBLIC HEARINGS - CONSENT AGENDA

(Items listed under the "Public Hearing Consent Agenda" have received a unanimous recommendation for approval by the Planning & Zoning Commission, and the city has received no written opposition to the cases at the date of the posting of the agenda. However, any person is welcome to speak on any of these agenda items by completing a "Request to Speak" card prior to the meeting. Otherwise, the items will be considered without deliberation. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately.)

***23.** Hold A **Public Hearing And Consider An Ordinance Approving Various Text Amendments To The Comprehensive Zoning Ordinance And Carrollton Code Of Ordinances Regarding City Water Wells.** Case No. 04-11ZT1 Various CZO Text Amendments/City of Carrollton.

PUBLIC HEARINGS – INDIVIDUAL CONSIDERATION

24. Hold A **Public Hearing And Consider An Ordinance Approving Various Text Amendments To The Comprehensive Zoning Ordinance And Carrollton Code Of Ordinances Pertaining To Various Subordinate Structures That Locate Near Commercial Buildings And In Parking Areas**. Case No. 03-11ZT1 Various CZO & Carrollton Code Of Ordinances Text Amendments/City of Carrollton.

***CERTIFICATE** - I certify that the above agenda giving notice of meeting was posted on the bulletin board at the City Hall of Carrollton, Texas on the 29th day of April 2011 at 11:00 am.*

_____

Laura M. Bell, Deputy City Secretary

This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary's Office at least 72 hours in advance at 972-466-3021. Opportunities and services are offered by the City of Carrollton without regard to race, color, age, national origin, religion, sex or disability.

Agenda Item No. 6

CC MEETING : May 3, 2011

DATE: April 26, 2011

TO: Leonard Martin, City Manager

FROM: Ravi Shah, Director of Development Services

SUBJECT: Briefing On **Subordinate Structures And Outside Display Locating Near Commercial Buildings And In Parking Areas.**

BACKGROUND:

As part of the City Council's strategic goals, staff continues to propose improvements to streetscape and aesthetics as part of the corridor beautification initiative. One of the goals included identifying and reassessing various subordinate structures that are located near commercial buildings and in parking areas. The structures include donation bins, trash receptacles, mobile redemption and collection centers, vending machines, snow cone stands, and outdoor display. This briefing provides an assessment of current conditions, findings, and proposed requirements on the various types of subordinate structures.

A companion item on this agenda, under public hearing for individual consideration, details staff's research and proposed amendments, which was recommended for approval by the Planning and Zoning Commission on April 7, 2011.

STAFF RECOMMENDATION/ACTION DESIRED:

Agenda Item No. 7

CC MEETING : May 3, 2011

DATE: September 9, 2010

TO: Mayor and City Council

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Discuss **Future Agenda Items.**

Agenda Item No. 8

CC MEETING : May 3, 2011

DATE: April 28, 2011

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: **Recognition of Bijal Mehta.**

Agenda Item No. 9

CC MEETING : May 3, 2011

DATE: April 26, 2011

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Present A **Proclamation Declaring May 2-6, 2011 As *Holocaust Awareness Week.***

Agenda Item No. 10

CC MEETING : May 3, 2011

DATE: April 27, 2011

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Present A **Proclamation Declaring May 2011 As *Motorcycle Awareness Month*.**

Attachments:

☐ Proclamation

MOTORCYCLE AWARENESS MONTH

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and

WHEREAS, urging all of our community to become aware of the inherent danger involved in operating a motorcycle and give the operator the respect on the road they deserve;

NOW, THEREFORE, I, Ronald F. Branson, Mayor of Carrollton, Texas, do hereby proclaim the month of May 2011 as

MOTORCYCLE SAFETY AND AWARENESS MONTH

in Carrollton, Texas.

IN WITNESS WHEREOF, I have hereunto set my Hand and caused the Seal of the City of Carrollton, Texas to be affixed this 3rd day of May 2011.



Ronald F. Branson, Mayor

Agenda Item No. 11

CC MEETING : May 3, 2011

DATE: April 27, 2011

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Present A **Proclamation Declaring May 2011 As *Older American Month*.**

Agenda Item No. 12

CC MEETING : May 3, 2011

DATE: April 26, 2011

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Present A **Proclamation Declaring May 2-6, 2011 As *Public Service Recognition Week.***

Agenda Item No. 13

CC MEETING : May 3, 2011

DATE: April 28, 2011

TO: Leonard Martin, City Manager

FROM: Ashley D. Mitchell, Administrative Services Manager

SUBJECT: Recognition of **CFBISD American Legion State Selections.**

Agenda Item No. 15

CC MEETING : May 3, 2011

DATE: April 26, 2011

TO: Leonard Martin, City Manager

FROM: Scott Hudson, Environmental Services Director

SUBJECT: Consider Approval of the **2011 Sampling and Analysis of Wastewater Discharges from Regulated Industries for Environmental Services from Various Vendors** in An Amount Not to Exceed $75,000.00.

BACKGROUND:

This item seeks authorization of expenditures for professional services by ERMI Environmental Laboratories and the Trinity River Authority (TRA) for the sampling and analysis of wastewater discharges by the regulated industries in the city, as required by the federal Pretreatment Program.

The federal Pretreatment regulations require the city to conduct compliance monitoring of wastewater discharges of its regulated industries. To ensure consistent quality control and quality assurance, and legal defensibility of all field samplings and laboratory analyses, along with required documentation, the Environmental Services Department has selected ERMI Environmental Laboratories and TRA to conduct its wastewater monitoring.

FINANCIAL IMPLICATIONS:

This item is funded in the current approved budget. The total cost of the sampling and the laboratory analyses charged by ERMI Environmental Laboratories and TRA are fully paid by the industries. In addition, a fifteen percent (15%) up-charge and a $50 administrative fee are paid by the industries to the city, as required by the fee ordinance.

IMPACT ON COMMUNITY SUSTAINABILITY:

Compliance with the monitoring requirements of the Pretreatment Regulations ensures that the discharges of the regulated industries in the city conform to ordinance limits and prohibitions. This minimizes, if not prevents: discharges of excessive oils and suspended solids which could cause blockages in the sewer lines and consequent sanitary sewer overflows; discharges of corrosives, toxics and flammables which could damage the infrastructure and harm citizens; and, interference with wastewater treatment and sludge quality at the treatment plant.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing expenditures for sampling and laboratory analyses by ERMI Environmental Laboratories and TRA in an amount not to exceed $75,000.00.

Agenda Item No. 16

CC MEETING : May 3, 2011

DATE: April 25, 2011

TO: Leonard Martin, City Manager

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

SUBJECT: Consider Authorizing The City Manager To **Repeal The Construction Contract Awarded To Lindsay Glass Systems In The Amount Of $165,000.00 For The Carrollton City Hall Window Replacement Project And Approve A Contract With IDG Services, Inc.** In An Amount Of $258,000.00.

BACKGROUND:

The City has been awarded an Energy Efficiency Conservation Block Grant by the Department of Energy for the replacement of windows in City Hall. The scope of work entails removal of the existing ¼" single-pane glass from the curtain wall and punched (typical window) openings, and replacement with 1" high efficiency double-pane glass. According to the project architect (HDR), the resulting energy savings should be an approximately 16% increase in total building efficiency. There should also be a substantial reduction in temperature variations occurring in exterior offices. The project will also include replacement of the metal curtain wall facecaps, which will improve the building's aesthetic attributes.

In order to ensure adherence to a construction schedule, proposals were received based on an "A+B bidding" method in which the contractor not only submits a bid for labor and materials (A) but also for construction time (B). The two items are combined numerically for the purposes of evaluation and award of the contract; however, the monetary value of the contract is written for the "A" portion only. The contract also contains provisions for a $1,000 per day bonus for every day the project is complete and accepted prior to the contractor's stated construction time. The maximum bonus is capped at $15,000 (15 days). The schedule will be structured in a manner to allow selection, ordering, and manufacture of materials. On-the-ground construction time (B) will begin when materials are delivered and the contractor is mobilized to the site. This will minimize disturbance to City Hall operations.

FINANCIAL IMPLICATIONS:

Construction services for this project have been selected through competitive sealed proposals in accordance with Section 271.116 of the Texas Local Government Code. The City evaluated and ranked each proposed contractor based on the following selection criteria: 60% proposed price; 35% contractor qualifications; and, 5% proposed construction time. The City then selected the contractor that offered the best value as determined by the selection criteria and ranking evaluation.

Three proposals were received on January 18, 2011, and ranged from $150,000.00 to $314,000.00 with construction periods ranging from 25 to 30 days. In evaluation of both base proposal and time, Lindsay Glass Systems originally submitted the lowest total A+B bid of $175,000.00 ($150,000 base bid "A" & 25 day construction "B"), and Council issued authorization for the contract on February 8, 2011. However, Lindsay Glass failed to satisfy the City's contract requirements and the contract was not executed.

The second lowest proposal was presented by IDG Services, Inc., who originally submitted a proposal in the amount of $281,356. However, through negotiations, IDG Services revised their proposal to $243,000 in accordance with Section 271.116 of the Texas Local Government Code. Staff has reviewed the contractor's qualification packet submitted by IDG Services, Inc, and verified their performance on previous projects. Both IDG Services, Inc. and their primary glass sub-contractor are well established contracting firms, and have performed satisfactorily on numerous municipal and private projects across the Metroplex and Texas. Staff has verified references, and considered this contractor to be the lowest responsible proposer.

IDG Services, Inc. has submitted the lowest qualified proposal to perform the construction services for the project in the amount of $243,000.00 and a construction time of 30 calendar days. Funding is available for all construction by the Energy Efficiency Conservation Block Grant.

IMPACT ON COMMUNITY SUSTAINABILITY:

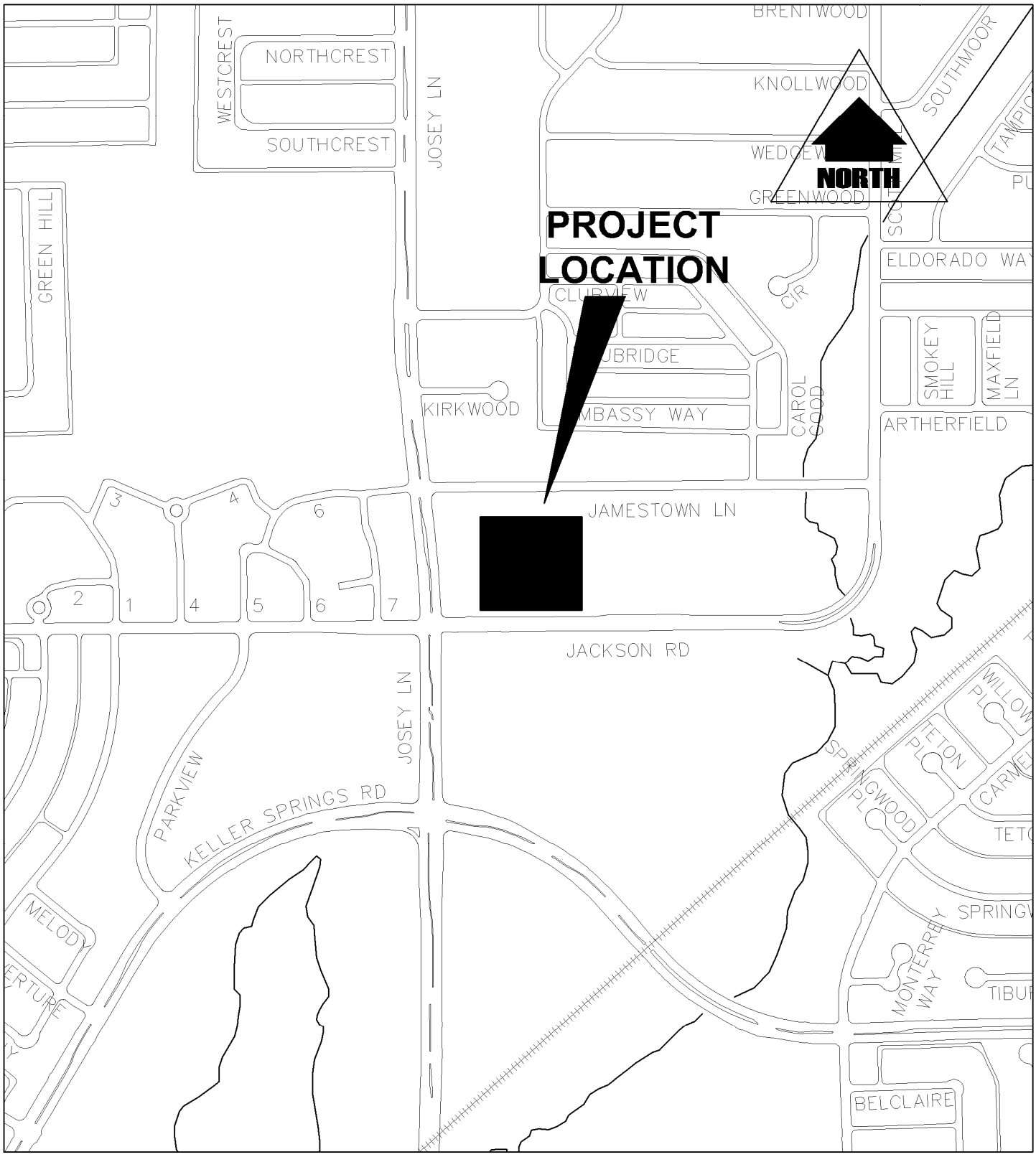
This project will contribute to community sustainability by reducing operating costs and promoting a more environmentally conscious facility with lower energy demands.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to approve a construction contract agreement with IDG Services, Inc. for the replacement of the Carrollton City Hall windows in an amount of $258,000 ($243,000.00 base bid and $15,000 potential bonus).

Attachments:

☐ Location Map
☐ Bid Summary



CITY HALL WINDOW REPLACEMENT

CARROLLTON
TEXAS
Where Connections Happen

SCALE:NTS DATE:01/11

ENGINEERING DEPARTMENT

1945 E. JACKSON ROAD CARROLLTON, TEXAS 75006 WWW.CITYOFCARROLLTON.COM (972)466-3200

FILENAME: CITY HALL WINDOWS.DWG

PROPOSAL TABULATION
Carrollton City Hall Window Replacement
PROPOSALS OPENED: January 18, 2011

	Lindsay Glass Systems 901 S. Armstrong Ave Denison, TX		IDG Services, Inc. 1403 TI Blvd, Ste A Richardson, TX		SFCC, Inc. 2410 Squire Plc, Ste B Farmers Branch, TX	
		TOTAL		TOTAL		TOTAL
TOTAL BASE BID (A)		$150,000.00		$243,000.00*		$314,000.00
CONST. LENGTH (days) (B)	25	$25,000.00	30	$30,000.00	45	$45,000.00
TOTAL A+B BID		$175,000.00		$273,000.00		$359,000.00

**Revised in accordance with Texas Local Government Code*

Agenda Item No. 17

CC MEETING : May 3, 2011

DATE: April 20, 2011

TO: Leonard Martin, City Manager

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

SUBJECT: Consider Authorizing The City Manager To Approve a **Contract With Metro-Plex Underground, LP For The Old Downtown Retention Pond**In An Amount Of $501,953.80.

BACKGROUND:

This contract is for the construction of a regional retention pond for the Old Downtown area in support of future transit-oriented development (TOD) and to address current inadequacies in the area's existing drainage system. While the Old Downtown area is not considered floodplain by FEMA, the analysis performed as part of the TOD Master Drainage Study of July 2007 indicates that the Old Downtown area is subject to flooding under a one percent design storm criteria. It currently does not meet the City's Stormwater Ordinance requirements. The retention pond design was approved by City Council on November 9, 2009

The construction includes excavation for the retention pond, installation of a fountain for the pond along with associated water piping and controls, and the construction of box culverts to route stormwater flow in and out of the pond. This project is scheduled for a six month construction time and will be coordinated with the construction of Vandergriff Drive, which will be part of The Broadway at Carrollton Station project.

Bids were opened on April 7, 2011. Nine bids were received ranging from $501,953.80 to $815,110.00, all of which were below the design engineer's estimate of about $900,000. References for the low bidder, Metroplex Underground, L.P. were checked and were in order. The bids are tabulated in Attachment A.

FINANCIAL IMPLICATIONS:

The low bid of $501,953.80 is well below the original budget figures for the project. Funds are available 854102-108880199 (TOD Retention Pond).

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will contribute to community sustainability by:

- The potential for flooding in the Old Downtown area will be reduced by the

reduction of peak flows into the existing drainage system.

- As part of a regional master plan to address drainage problems in the area, the number of independent drainage systems will be reduced, thereby lowering long term maintenance costs, lowering costs to developers in the vicinity, and improving the quality of development.
- This project will support TOD investments in the Downtown Carrollton Station area, including The Broadway at Carrollton Station.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends award of the construction contract for the Old Downtown Retention Pond to Metro-Plex Underground, L.P in an amount of $501,953.80.

Attachments:

☐ Bid Tabulation

Attachment A
Bid Tabulation

Contractor	Total Bid
Metroplex Underground, L.P.	$501,953.80
JRJ Paving	537,716.50
North Texas Contracting	537,904.00
Humphrey and Morton Construction	557,760.30
Jim Bowman Construction	602,050.04
UtiliTex	602,290.75
C. Greenscaping	658,837.80
C. Watts and Sons Construction	723,799.00
DCI Contracting, Inc.`	815,110.00

Agenda Item No. 18

CC MEETING : May 3, 2011

DATE: April 27, 2011

TO: Leonard Martin, City Manager

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

SUBJECT: Consider Authorizing The City Manager To Approve A **Contract With McKinstry Essention For An Energy Audit And Retrofit Services** In An Amount Of $521,185.00.

BACKGROUND:

The American Recovery and Reinvestment Act of 2009 (commonly known as the Stimulus Bill) allocated $3.2 billion for Energy Efficiency and Conservation Block Grants. Carrollton's share of these funds is $1,189,000. Among the activities the Department of Energy has specifically approved for Carrollton is conducting energy audits and implementing retrofits for the Police Station and Justice Center, Rosemeade Recreation Center, Sandy Lake Sports Complex and Service Center, Oak Creek Tennis Center and Don Cline and Bobby Ballard Pump Stations. Funding for this activity is approved at $521,185. Examples of potential retrofits include updated lighting, heating/ventilation/air conditioning equipment and improved weatherization.

Other activities under this grant include replacement of City Hall windows, retrofitting traffic signals with LEDs, water conservation education and outreach and optimizing traffic signal timing.

FINANCIAL IMPLICATIONS:

McKinstry Essention has submitted qualifications to the city of Carrollton to perform energy audit and design-build services for an amount not to exceed $521,185. Funding is available from the Energy Efficiency and Conservation Block Grant program through reimbursement from the ARRA funds.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will contribute to community sustainability by:

- Sustaining quality of life – enhanced energy efficiency has a positive impact on quality of life by reducing air pollutant emissions.
- Sustaining day-to-day operations – improving the city's energy efficiency will reduce ongoing operating costs and ensure resources for future operations and new initiatives.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to enter into a contract with McKinstry Essention for energy audit and retrofit services in an amount not to exceed $521,185.00.

Agenda Item No. 19

CC MEETING : May 3, 2011

DATE: April 20, 2011

TO: Leonard Martin, City Manager

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

SUBJECT: Consider Authorizing The City Manager To Approve **Change Order #1 With PM Construction & Rehab - Texas For Replacement Sewer Mains For The IH-35E Sanitary Sewer Replacment Project** In An Amount Of $114,550.00 For A Revised Contract Amount Of $764,277.50.

BACKGROUND:

The City Council awarded a contract on January 18, 2011 to PM Construction & Rehab – Texas in the amount of $649,727.50 for the reconstruction of problem sewer lines along IH-35E between College Avenue and Sandy Lake Road.

Change Order No. 1 reflects a change in scope to add additional pipe bursting and replacement of pipe that was planned to be rehabilitated later in the year. The bid prices on the project are very competitive and by constructing the additional sewer line now rather than in 6 months the city would eliminate the maintenance burden for this section of sewer line. This change order includes costs for the increased quantities. In essence, this action accelerates a planned sewer line reconstruction and reduces ongoing maintenance costs.

FINANCIAL IMPLICATIONS:

Funding for the additional construction work in the amount of $114,550.00 is available in Account Unit 855160 (Utility Consolidated), Activity Number 108500799.

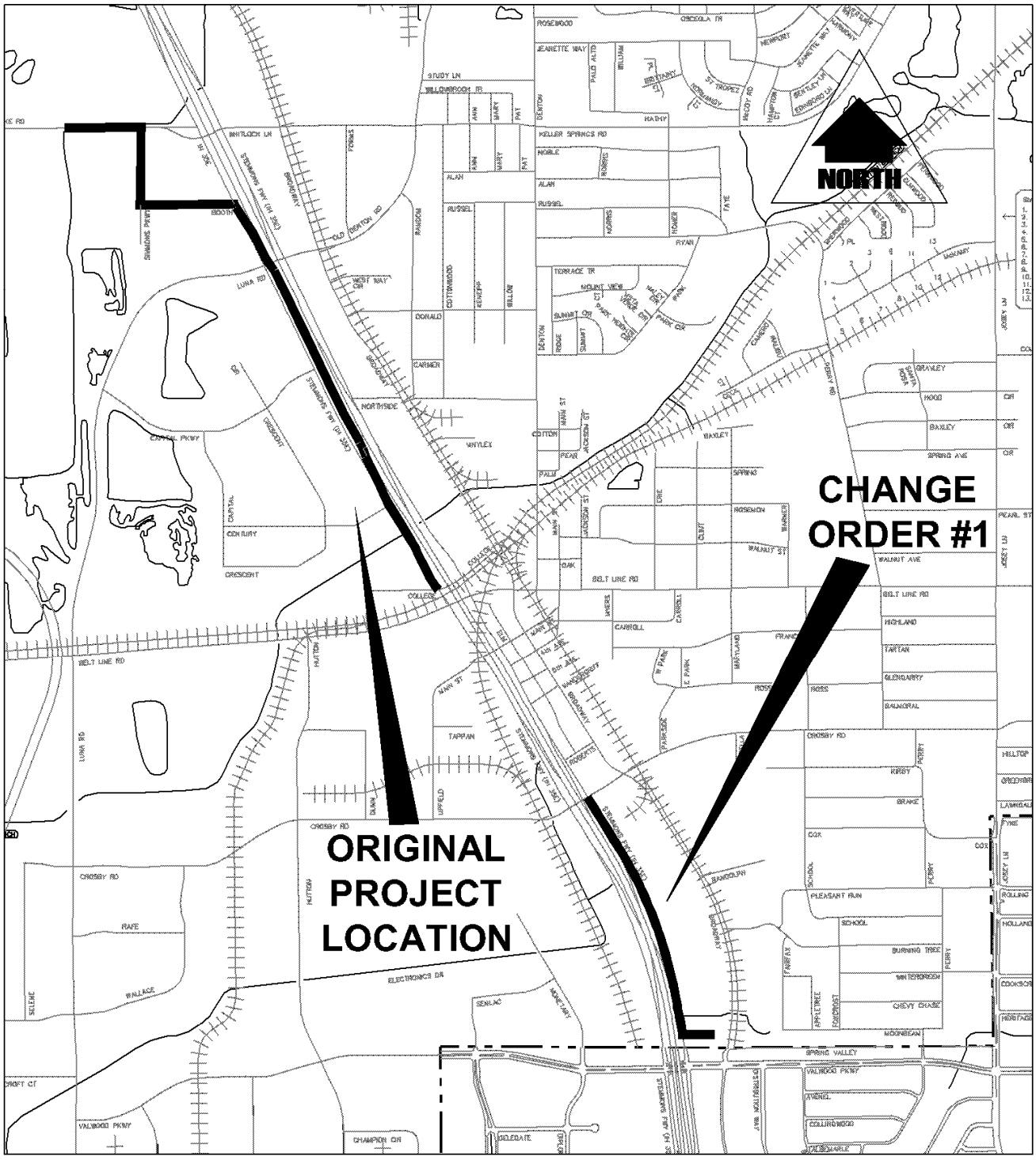
STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to execute Change Order No. 1 to PM Construction & Rehab – Texas that will increase the construction contract in an amount not to exceed $114,550.00 and revising the contract amount to $764,277.50.

Attachments:

☐ Location Map

ATTACHMENT A
LOCATION MAP



I-35 SEWER LINE REPLACEMENTS

CARROLLTON
TEXAS
Where Connections Happen

SCALE:NTS DATE:05/11

ENGINEERING DEPARTMENT

FILENAME: I-35 SEWER LINE REPLACEMENTS.DWG

1945 E. JACKSON ROAD CARROLLTON, TEXAS 75006 WWW.CITYOFCARROLLTON.COM (972)466-3200

Agenda Item No. 20

CC MEETING : May 3, 2011

DATE: April 25, 2011

TO: Leonard Martin, City Manager

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

SUBJECT: Consider Authorizing The City Manager To Approve A **Contract With RKM Utility Services, Inc. For The Water Line Replacements 2011 Project** In An Amount Of $992,265.00.

BACKGROUND:

The project is part of an ongoing program to replace water mains which have experienced repeated breaks and repair problems over the past years. This project will replace the existing 6 and 8-inch water mains in the Villas of Josey Ranch and Parkside Village Apartments, and on Province, Gallante, Cologne and Sonata Drives in the Carillon Hills Subdivision.

The project involves the removal and replacement of existing pavement, and the construction of new water lines. Therefore, environmental impacts should be minimal. No trees or wildlife will be affected by the construction.

The duration of construction is 10 months. Project signs will be erected at each end of the project areas. The project has been placed on the monthly Construction Update and on the City's website. Additionally, all affected residents will be notified in writing as to the construction schedule one week prior to any work beginning. Additional handouts will be distributed as required during the course of the project.

FINANCIAL IMPLICATIONS:

Thirteen (13) bids were received on April 21, 2011. Bids ranged from a low bid of $992,265.00 by RKM Utility Services, Inc. to a high bid of $1,648,510.00. RKM has completed several projects in Carrollton, most recently Peters Colony, Standridge Drive, 2009 Misc. Sewer Replacements, Woodlake #3 Subdivision, Park Place, Phase 1, and Furneaux Lane, all with acceptable results. They are currently finishing up the Water Line Replacements 2010, are in the middle of Park Place, Phase 2, and are about to begin the first phase of Two Worlds of Keller Springs. They appear capable of completing this project within the allotted time and budget.

The construction budget originally set up for this project was $1,350,000.00. Funding for this project is available in Account Unit 855160 (Utility Consolidated), Activity Number 108500799 in the amount of $992,265.00.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will contribute to community sustainability by:

- Sustaining quality of life – Improvements to the water lines will ensure that lines will work properly and that capacity is maintained.
- Sustaining day-to-day operations – The replacement of the old water lines should reduce the need for non-scheduled or emergency repairs.

STAFF RECOMMENDATION/ACTION DESIRED:

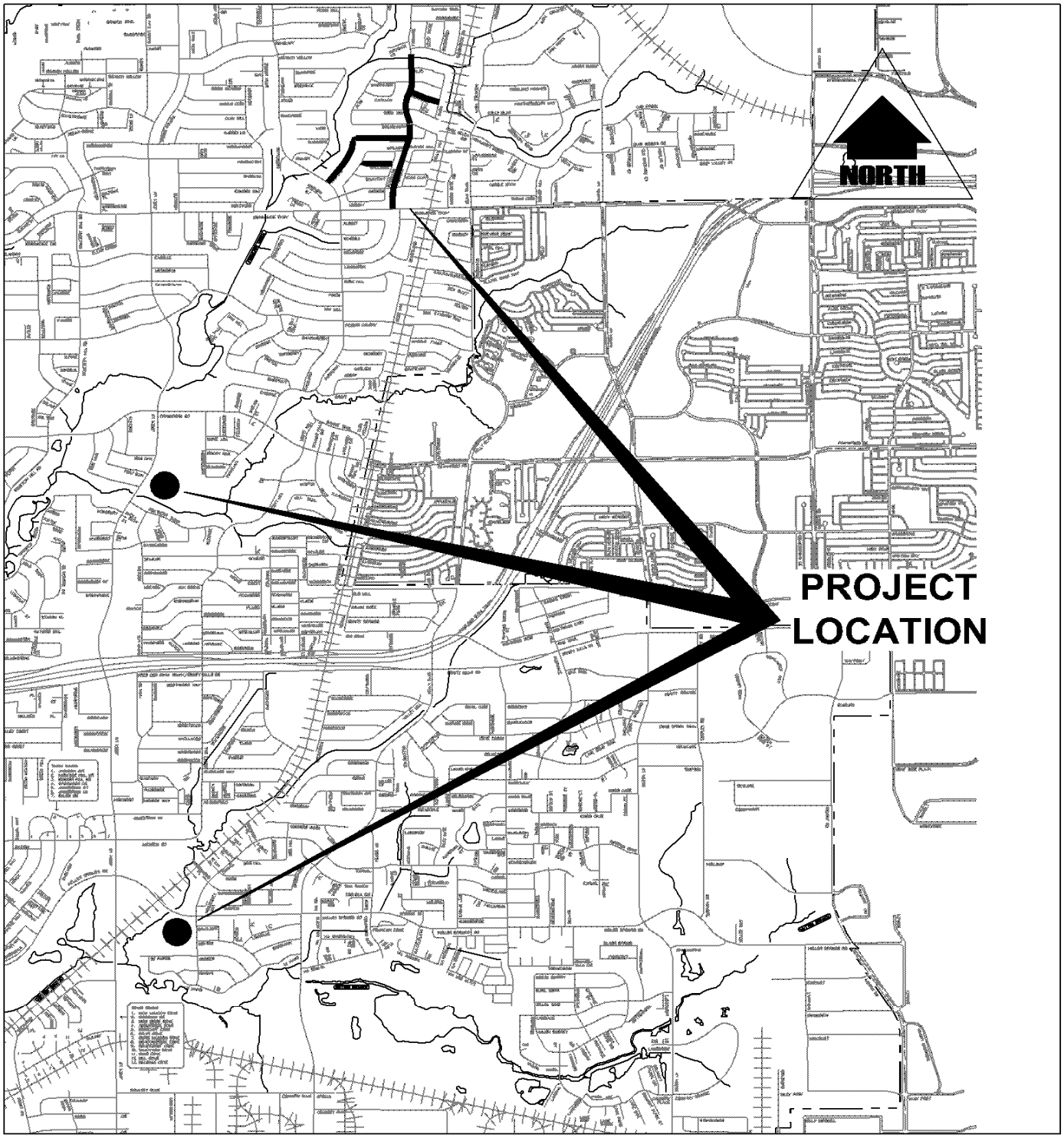
Staff recommends award of the construction contract for the Water Line Replacements 2011 Project to RKM Utility Services, Inc. in the amount of $992,265.00.

Attachments:

☐ Location Map

☐ Bid Tabulation

ATTACHMENT A
LOCATION MAP



FILENAME: 2011 WATER REPLACEMENTS.DWG

CARROLLTON
TEXAS
Where Connections Happen

2011 WATER REPLACEMENTS

SCALE:NTS DATE:05/11

ENGINEERING DEPARTMENT

1945 E. JACKSON ROAD CARROLLTON, TEXAS 75006 WWW.CITYOFCARROLLTON.COM (972)466-3200

ATTACHMENT B

BIDDERS LIST

PROJECT: Water Line Replacement 2011 DATE: April 21, 2011

DAYS/COMPLETE: 360 ESTIMATED COST: $1,350,000.00

CONTRACTOR	BID AMOUNT
RKM Utility Services, Inc.	$992,265.00
Barson Utilities	$1,139,360.00
SYB Construction Co., Inc.	$1,149,893.50
UtiliTex	$1,155,962.50
Camino Construction, LP	$1,219,560.00
Jim Bowman Construction Co., L.P.	$1,229,083.50
Tri-Tech Construction, Inc.	$1,265,432.50
Saber Development Corporation	$1,285,185.00
Muniz Construction, Inc.	$1,303,355.00
Municipal Utilities, Inc.	$1,332,600.00
Gin-Spen, Inc.	$1,405,438.00
Hall Albert Construction LLC	$1,438,412.00
Gra-Tex Utilities, Inc.	$1,648,510.00

Agenda Item No. 21

CC MEETING : May 3, 2011

DATE: April 22, 2011

TO: Leonard Martin, City Manager

FROM: Bob Scott, Assistant City Manager

SUBJECT: Consider An **Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2010 Through September 30, 2011.**

BACKGROUND:

The City Council approved the Operating and Capital Budget for Fiscal Year 2011 on September 14, 2010. At the time of approval, no expenditures were budgeted from the Golf Course Fleet Replacement Fund. On February 1, 2011, the City Council approved an amendment increasing Golf Course Fleet Replacement Fund expenditure budget by $264,677 for the purchase of replacement equipment identified by EAGLE, the City's golf course management company. Since that time, EAGLE has identified additional equipment that needs to be replaced. The estimated cost including make ready is $78,000. Thus, budget appropriation for this additional equipment purchase of $78,000 is needed.

EAGLE will be charged a monthly fleet replacement cost to recover the cost of the equipment over the estimated useful life. These charges will be deposited back into the Golf Course Fleet Replacement Fund.

FINANCIAL IMPLICATIONS:

Amend the fiscal year 2011 budget to increase the Golf Course Fleet Replacement Fund budgeted expenditures by $78,000. The Golf Course Fleet Replacement Fund had a budget basis fund balance of $285,991 as of March 31, 2011.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff desires the City Council to pass the attached ordinance authorizing an amendment to the Fiscal Year 2011 Operating and Capital Budget to increase the Golf Course Fleet Replacement Fund budgeted expenditures by $78,000 to provide appropriation for the needed equipment replacements and related make ready costs.

Attachments:

☐ Ordinance

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF CARROLLTON, TEXAS FOR THE FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011, FOR THE PURPOSE OF PROVIDING APPROPRIATION FOR EQUIPMENT REPLACEMENTS FROM THE GOLF COURSE FLEET REPLACEMENT FUND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council passed and approved ordinance number 3401 dated September 14, 2010, adopting and approving an operating and capital budget for the City of Carrollton, Texas, and authorizing appropriations for the fiscal year October 1, 2010 through September 30, 2011, and providing an effective date;

WHEREAS, the City Council passed and approved ordinance number 3423 dated February 8, 2011, amending the operating and capital budget for the City of Carrollton Texas for the fiscal year beginning October 1, 2010 through September 30, 2011, increasing the Golf Course Fleet Replacement Fund budgeted expenditures by $264,677 to provide for needed equipment replacement; and

WHEREAS, a grave public necessity exists and such expenditures to meet unusual and unforeseen conditions, could not, by reasonable diligent thought and attention, have been included in the original budget; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

SECTION 1

The City Council hereby adopts and approves an amendment to the Operating and Capital Budget for the City of Carrollton, Texas for the fiscal year beginning October 1, 2010 through September 30, 2011, increasing the Golf Course Fleet Replacement Fund budgeted expenditures by $78,000 to provide for needed equipment replacement.

SECTION 2

That this ordinance shall become effective on and after its adoption.

PASSED AND APPROVED THIS 3rd DAY OF MAY, 2011.

City of Carrollton, Texas

By: _____
Ronald F. Branson, Mayor

ATTEST:

_____
Ashley Mitchell, City Secretary

APPROVED AS TO FORM:

_____
Clayton Hutchins, City Attorney

APPROVED AS TO CONTENT:

_____
Bob Scott, Assistant City Manager

Agenda Item No. 22

CC MEETING : May 3, 2011

DATE: April 25, 2011

TO: Leonard Martin, City Manager

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

SUBJECT: Consider A **Resolution Authorizing The City Manager To Acquire Improved Land Located At Broadway and Belt Line Road For Public Purposes.**

BACKGROUND:

This is a strategic acquisition related to the City's ongoing improvement of the Carrollton Downtown Trail from Trinity Mills Station to Crosby Road.

This purchase consists of part (374 square feet) of one parcel at 1001 South Broadway, which is currently occupied by an automobile dealership.

FINANCIAL IMPLICATIONS:

Funding is available in Lawson Unit 854102 /Activity 110530199 through the Transit Oriented Budget.

IMPACT ON COMMUNITY SUSTAINABILITY:

The trail project is an ongoing sustainability project for the City.

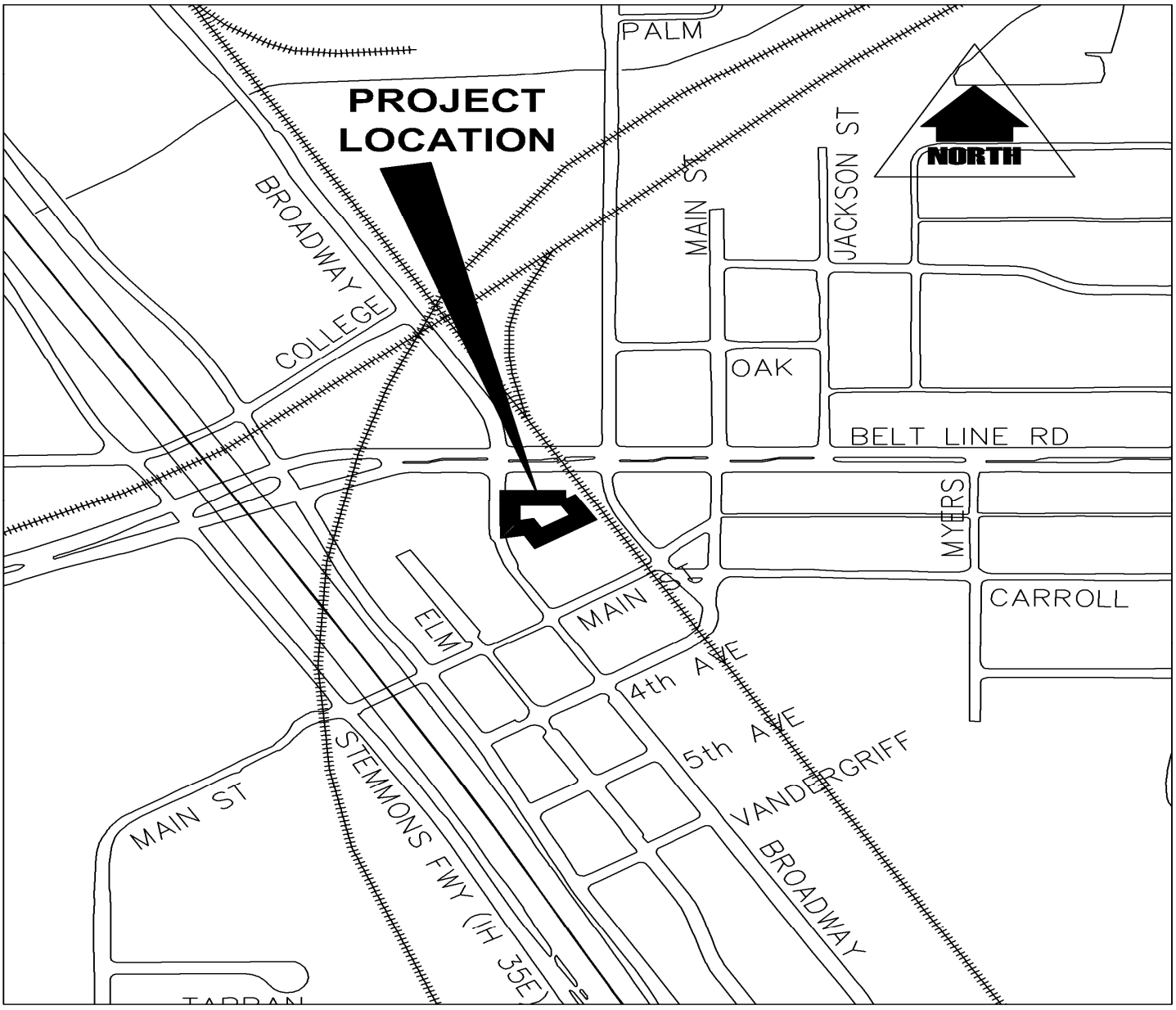
STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends the approval of the attached resolution authorizing the City Manager or his designee to acquire the tract of land as outlined in Attachment A.

Attachments:

- ☐ Location Map
- ☐ Survey Plat
- ☐ Resolution

Attachment A
Location Map



FILENAME:DOWNTOWN TRAIL.DWG

CARROLLTON
TEXAS
Where Connections Happen

DOWNTOWN TRAIL

SCALE:NTS DATE:04/11

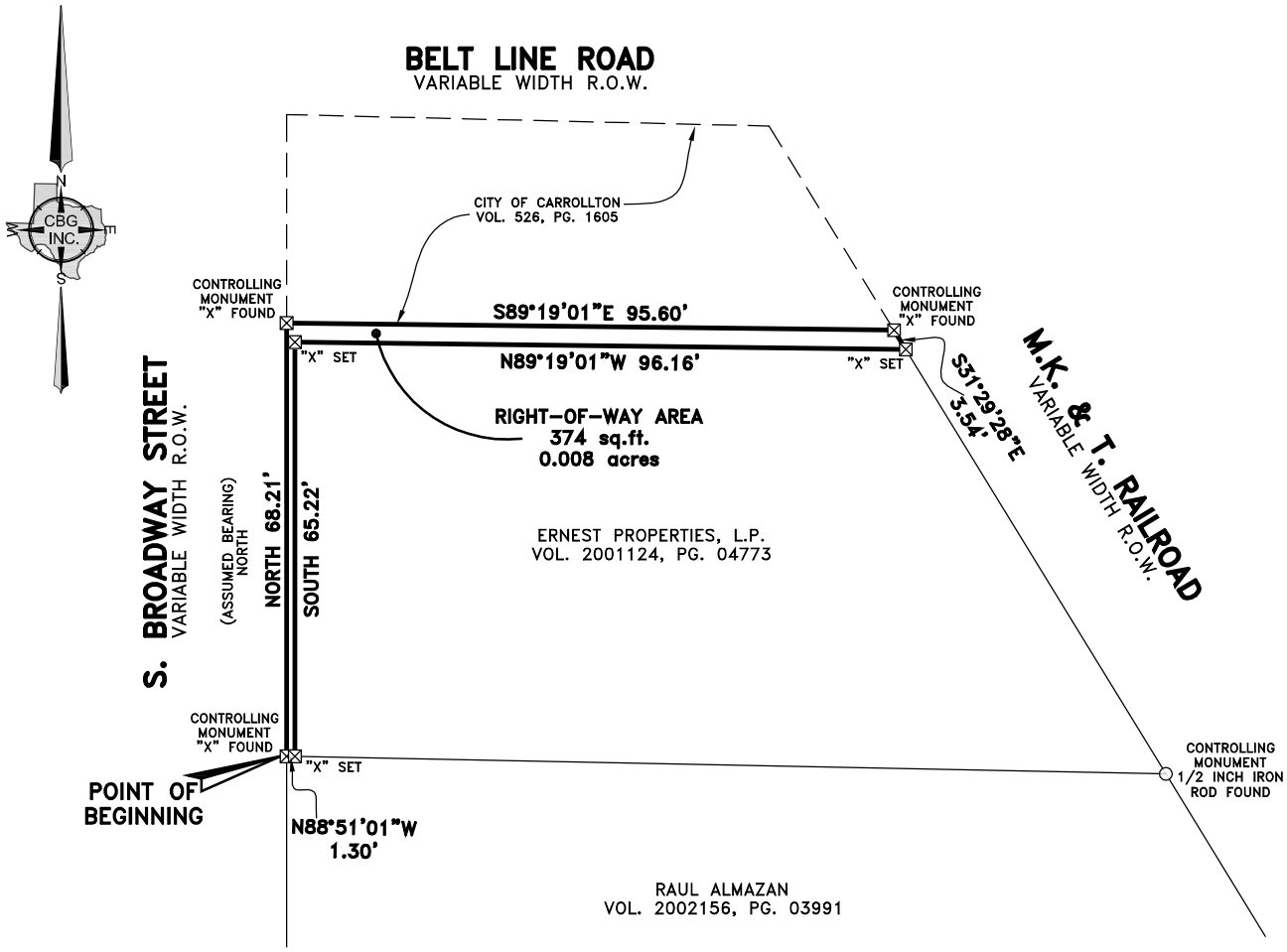
ENGINEERING DEPARTMENT

1945 E. JACKSON ROAD CARROLLTON, TEXAS 75006 WWW.CITYOFCARROLLTON.COM (972)466-3200

1001 S. Broadway St.

ATTACHMENT B

A 374 SQUARE FOOT TRACT SITUATED IN THE JOHN NIX SURVEY, ABSTRACT NO. 1089, AND BEING A PORTION OF LOTS 2, 3, & 4, BLOCK J, CORRECTED PLAT OF THE TOWN OF CARROLLTON, CITY OF CARROLLTON, DALLAS, COUNTY, TEXAS.



GENERAL NOTES:

1) BEARINGS ARE ASSUMED NORTH ALONG THE EAST LINE OF S. BROADWAY STREET.

_____

BRYAN CONNALLY
R.P.L.S. NO. 5513

CBG Surveying, Inc.

PLANNING · SURVEYING
12025 Shiloh Road Suite 230 Dallas, Texas 75228
P 214.349.9485 · F 214.349.2216
www.cbgdfw.com

SHEET 2 OF 2
JOB NO. 09010993-2
DRAWN BY: RR
DATE: 09/23/10

RESOLUTION NO. _ __

A RESOLUTION OF THE CITY OF CARROLLTON, TEXAS DECLARING A PUBLIC NECESSITY, AUTHORIZING PARTIAL ACQUISITION OF ONE IMPROVED PARCEL OF LAND KNOWN AS 1001 SOUTH BROADWAY STREET FOR PUBLIC PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the acquisition of one partial acquisition of one improved parcel of land for a trail and other public purposes is necessary and in the best interests of the residents of the City of Carrollton; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

SECTION 1:

That the City Council of the City of Carrollton hereby authorizes the City Manager or his designee to acquire 374 square feet of 1001 South Broadway Street for a trail and other public purposes.

SECTION 2:

That the City Council of the City of Carrollton hereby authorizes the City Manager, through his staff, to offer the owner fair market value as determined by an appraisal and market studies.

SECTION 3:

Those if negotiations fail, the City Manager is authorized to cause eminent domain proceedings to be instituted in order to acquire the parcel.

SECTION 4:

That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED May 3, 2011.

CITY OF CARROLLTON, TEXAS

By: _____
Ronald F. Branson, Mayor

ATTEST:

_____
Ashley D. Mitchell, City Secretary

Approved as to form:

_____
R. Clayton Hutchins, City Attorney

Approved as to content:

_____
Cesar J. Molina, P.E.
Director of Engineering

Agenda Item No. 23

CC MEETING : May 3, 2011

DATE: April 26, 2011

TO: Leonard Martin, City Manager

FROM: Loren Shapiro, Senior Planner

SUBJECT: Hold A **Public Hearing And Consider An Ordinance Approving Various Text Amendments To The Comprehensive Zoning Ordinance And Carrollton Code Of Ordinances Regarding City Water Wells.** Case No. 04-11ZT1 Various CZO Text Amendments/City of Carrollton.

BACKGROUND:

This is a City-initiated request for approval of amendments to the Comprehensive Zoning and Carrollton Code of Ordinances regarding sanitation and pollution control in areas in proximity of city water wells.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current or future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

On April 7, 2011, the Planning and Zoning Commission recommended **APPROVAL** with staff stipulations. The attached ordinance reflects the recommendation as presented at the meeting. The request was unanimously recommended for approval by the Commission, and no written opposition has been received. Therefore, the request has been placed on the agenda under Public Hearing Consent items.

Attachments:

- ☐ Result Sheet
- ☐ Technical Comments
- ☐ Draft P&Z Minutes
- ☐ Ordinance

RESULT SHEET

Date: 04/11/2011
Case No./Name: CZO Text Amendments – Various appurtenances that locate near commercial buildings and in parking areas.

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Approve as submitted.

B. P&Z RECOMMENDATIONS from P&Z meeting: 04/07/11
Result: **APPROVAL**/Vote: 9-0

C. CC PUBLIC HEARING and ORDINANCE ACTION from CC meeting: 05/03/2011
Result: /Vote:

ZONING TEXT AMENDMENT

Case Coordinators: Loren Shapiro and Regina Edwards

REQUEST: Approval of city-initiated amendments to the Comprehensive Zoning Ordinance establishing rules and regulations regarding sanitation and pollution control of the areas in proximity to the city's water supply wells.

REPRESENTED BY: The City of Carrollton, Public Works Department and City Attorney's Office

The primary purpose of the ordinance is to ensure compliance with state environmental rules and regulations.

BACKGROUND INFORMATION

The City has one operational ground water well rated at 2.0 MGD located in the Colombian Club Pumping Station Site. Currently, this well is designated only as a supplemental water source if City water usage exceeds the contracted Dallas Water Utilities rate of flow.

Under 30 TAC §290.41(c)(1) public drinking water suppliers are required to ensure the protection of a sanitary control easement of 150 feet radius around all public drinking water wells.

Most of the property within the required easement is city owned or ROW with the exception of two small parcels. The southern property owner has allowed an easement on their property. The western property is owned by the Union Pacific Railroad Company and current land use is for a railway spur heading south (See Exhibit A, below).

Therefore, after discussions with the Texas Commission on Environmental Quality (TCEQ), the best strategy is to adopt a city ordinance which will protect the land by prohibiting potential operations or construction of pollutant sources. This doesn't prevent the railway from operating the spur but does prevent future use that produces pollutants.

Note that the included definitions came from TCEQ as well as most of the language in the ordinance.
The city attorney's office has advised that these same regulations be placed in Title XVII. Environmental Regulations of the Code of Ordinances also.

The proposed amendments will be added to Article XXVII of the Comprehensive Zoning Ordinance, as provided on the proceeding pages.

Specific Proposed Amendments to CZO (Comprehensive Zoning Ordinance)

Article XXVII Performance Standards

Section L. Water Well Pollution Protection

1. Purpose.

A. This Section sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of any water wells operated by the City of Carrollton ("Wells") in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.

B. The objective of this Section is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

2. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this Section, shall have the meanings hereinafter designated:

A. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

B. *Wells* shall mean the water wells owned and operated by the City.

3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the Wells:

A. Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility,

liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1, 2, 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Section, "improperly constructed water wells" are those Wells that do not meet the surface and subsurface construction standards for a public water supply well.

B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Wells.

C. Construction of homes or buildings upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.

D. Normal farming and ranching operations are not prohibited by this Section; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

4. Right of Entry.

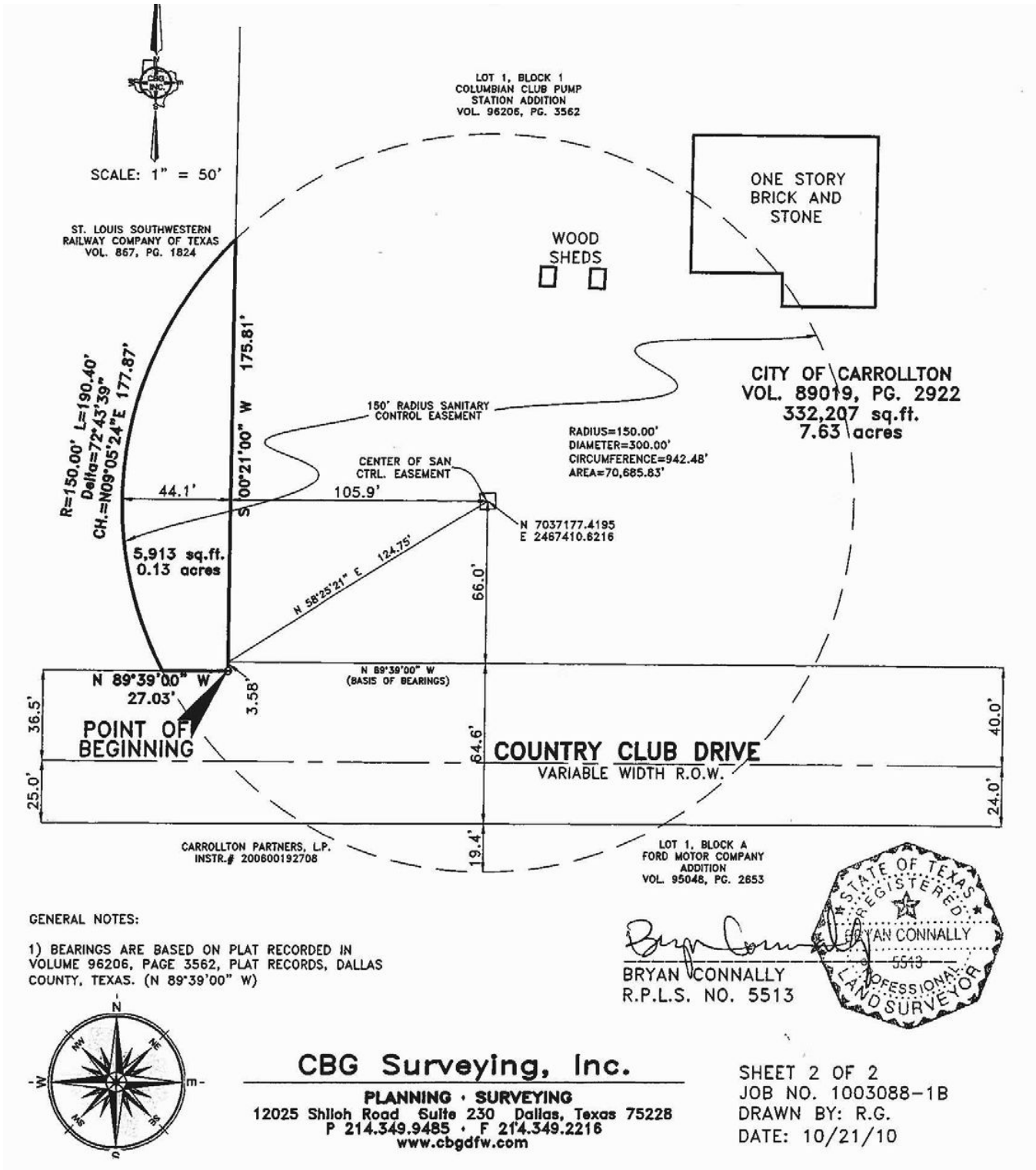
City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

5. Required Removal.

Any person who shall violate any provision of this section shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this Section.

Exhibit A:

150' RADIUS SANITARY CONTROL AREA
PART OF J.M. MYERS SURVEY, ABSTRACT NO. 939
CITY OF CARROLLTON, DALLAS COUNTY, TEXAS.



GENERAL NOTES:

1) BEARINGS ARE BASED ON PLAT RECORDED IN VOLUME 96206, PAGE 3562, PLAT RECORDS, DALLAS COUNTY, TEXAS. (N 89°39'00" W)

STATE OF TEXAS
REGISTERED
BRYAN CONNALLY
5513
PROFESSIONAL
LAND SURVEYOR

BRYAN CONNALLY
R.P.L.S. NO. 5513

CBG Surveying, Inc.
PLANNING · SURVEYING
12025 Shiloh Road Suite 230 Dallas, Texas 75228
P 214.349.9485 · F 214.349.2216
www.cbgdfw.com

SHEET 2 OF 2
JOB NO. 1003088-1B
DRAWN BY: R.G.
DATE: 10/21/10

DRAFT P&Z Minutes from April 7, 2011

Hold a public hearing and consider approval of **Text Amendments to the Comprehensive Zoning Ordinance** regarding compliance with state environmental rules and regulations related to city wells. Case No. 04-11ZT1 CZO Text Amendments/City of Carrollton. Case Coordinator: Loren Shapiro.

Taylor presented the case and stated staff is recommending approval.

Shapiro explained that the case would provide additional protection to municipal water well sites and asked the Commission for their recommendation for approval.

* ***Motion by Pfeil, second by Hrbacek, to close the public hearing and approve Case No. 04-11ZT1with a correction to a typographical mistake as discussed in the briefing; passed, 9 – 0.***

Taylor noted that this case would go to City Council on May 3, 2011.

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS BY AMENDING ORDINANCE 1470 (ALSO KNOWN AS CHAPTER 153. COMPREHENSIVE ZONING ORDINANCE) BY AMENDING ARTICLE XXVII. PERFORMANCE STANDARDS TO ADD SECTION L AND BY AMENDING TITLE XVII. ENVIRONMENTAL REGULATIONS BY ADDING CHAPTER 176. WATER WELL POLLUTION PREVENTION; PROVIDING FOR A PENALTY OF $2,000 PER DAY IN ACCORDANCE WITH SECTION 10.99 OF THE CARROLLTON CODE OF ORDINANCES, SEVERABILITY, SAVINGS AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, the City of Carrollton, Texas (the "City"), owns and operates water supply facilities within the City, including one (1) water well and related facilities (the "Well"), which provide potable water to the residents of the City;

WHEREAS, under 30 TAC §290.41(c)(1) public drinking water suppliers are required to ensure the protection of a 150 feet radius around all public drinking water wells; and

WHEREAS, because maintenance of sanitary conditions around such Wells is vital to the protection of the Well and to the protection of the health and safety of the residents of the City, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Well:

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

Section 1.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered Chapter 153. Zoning Ordinance, Article XXVII. Performance Standards, Section L. Water Well Pollution Protection which said section reads as follows:

Section L. Water Well Pollution Protection

1. Purpose.

A. This Section sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of any water wells operated by the City of Carrollton ("Wells") in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.

B. The objective of this Section is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

2. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this Section, shall have the meanings hereinafter designated:

A. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

B. *Wells* shall mean the water wells owned and operated by the City.

3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the Wells:

A. Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1, 2, 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Section, "improperly constructed water wells" are those Wells that do not meet the surface and subsurface construction standards for a public water supply well.

B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Wells.

C. Construction of homes or buildings upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.

D. Normal farming and ranching operations are not prohibited by this Section; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

4. Right of Entry.

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

5. Required Removal.

Any person who shall violate any provision of this section shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this Section.

Section 2.

That the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a chapter, to be numbered Title. XVII. Environmental Regulations., Chapter 176. Water Well Pollution Protection which said Chapter reads as follows:

Chapter 176. Water Well Pollution Protection

Section 176.01. **Purpose.**

A. This Section sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of any water wells operated by the City of Carrollton ("Wells") in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.

B. The objective of this Section is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

Section 176.02 **Definitions.**

Unless the context requires otherwise, the following terms and phrases, as used in this Section, shall have the meanings hereinafter designated:

A. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

B. *Wells* shall mean the water wells owned and operated by the City.

Section 176.03 **Prohibited Activities.**

The following activities are prohibited within the designated areas of land surrounding the Wells:

A. Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1, 2, 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Section, "improperly constructed water wells" are those Wells that do not meet the surface and subsurface construction standards for a public water supply well.

B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Wells.

C. Construction of homes or buildings upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.

D. Normal farming and ranching operations are not prohibited by this Section; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

Section 176.04 **Right of Entry**.

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

Section 176.05 **Required Removal**.

Any person who shall violate any provision of this section shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this Section.

Section 3.

This new Art. XXVII, Section L. of the CZO and this new Chapter 176 shall be cross-referenced in the Code of Ordinances.

Section 4.
Penalty.

That any Person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code as amended. Each day of violation shall constitute a separate offense.

Section 5.
Superceding Regulation or Statute.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

Section 6.
Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Carrollton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7.
Savings

That except as herein amended, Chapter 153. Zoning Ordinance. Title XXVII. Performance Standards and Title XVII. Environmental Regulations of the Carrollton Code of Ordinances, as amended, shall remain in full force and effect.

Section 8.

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

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this ___the day of _____, 2011.

CITY OF CARROLLTON, TEXAS

_____
Ronald F. Branson, Mayor

ATTEST:

_____
Ashley Mitchell, City Secretary

APPROVED AS TO FORM:

_____
Regina Atwell Edwards
First Asst. City Attorney

APPROVED AS TO CONTENT:

_____
Robert Kopp
Director of Public Works

_____
Scott Hudson
Director of Environmental Services

_____
Ravi Shah
Director of Development Services

Agenda Item No. 24

CC MEETING : May 3, 2011

DATE: April 26, 2011

TO: Leonard Martin, City Manager

FROM: Loren Shapiro, Senior Planner

SUBJECT: Hold A **Public Hearing And Consider An Ordinance Approving Various Text Amendments To The Comprehensive Zoning Ordinance And Carrollton Code Of Ordinances Pertaining To Various Subordinate Structures That Locate Near Commercial Buildings And In Parking Areas**. Case No. 03-11ZT1 Various CZO & Carrollton Code Of Ordinances Text Amendments/City of Carrollton.

BACKGROUND:

This is a city-initiated request for approval of amendments to the Comprehensive Zoning Ordinance and Carrollton Code of Ordinances pertaining to various subordinate structures that locate near commercial buildings and in parking areas.

Staff has researched the use of various subordinate structures including donation bins, trash receptacles, mobile redemption and collection centers, vending machines, snow cone stands, and outside display. The findings were presented to the City Council Re-Development Sub-Committee in January of 2011. It was determined that these structures should be regulated to ensure safety in parking lots and in front of commercial buildings. On March 3, 2011, the Planning and Zoning Commission provided staff with feedback and directed staff to make appropriate changes. Staff submitted a proposal to the Commission for action on April 7, 2011.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current or future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

On April 7, 2011, the Planning and Zoning Commission recommended **APPROVAL** with staff stipulations. The attached ordinance reflects the recommendation as presented at the meeting. Although no written opposition has been received, the recommendation by the Planning and Zoning Commission was not unanimous. Therefore, this application has been placed on the agenda under Public Hearings for Individual Consideration.

City Council has two options:

1. Approve the proposed ordinance as submitted; or
2. Recommend any modifications as desired.

Attachments:

- ☐ Result Sheet
- ☐ Technical Comments
- ☐ Proposed Text Changes Section
- ☐ Ordinance
- ☐ Draft P&Z Minutes

RESULT SHEET

Date: 04/13/2011
Case No./Name: CZO Text Amendments – Various appurtenances that locate near commercial buildings and in parking areas.

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Approve as submitted.

B. P&Z RECOMMENDATIONS from P&Z meeting: 03/03/11
Result: **Continue** until April 7, 2011/Vote: 7-0 (Taylor and Loreto absent)

C. P&Z RECOMMENDATIONS from P&Z meeting: 04/07/11
Result: **APPROVAL**/Vote: 8-1 (Frazier Against)

D. CC PUBLIC HEARING and ORDINANCE ACTION from CC meeting: 05/03/2011
Result: /Vote:

ZONING TEXT AMENDMENT

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

REQUEST: Approval of City-initiated amendments to the Comprehensive Zoning Ordinance and Carrollton Code of Ordinances regarding donation bins, trash receptacles, mobile redemption and collection centers, vending machines, snow cone stands, and outside display.

REPRESENTED BY: City of Carrollton

BACKGROUND INFORMATION

The purpose of the amendments is to identify, regulate, and define various support structures and merchandise that locate in the front of commercial buildings and in parking areas. Currently, in many cases, donation bins, smaller trash receptacles, mobile redemption and collection centers, vending machines, snow cones stands, and other merchandise and products displayed outdoors are in parking and pedestrian areas. Staff is recommending regulating the location of these structures to minimize impacts in maneuverability areas of automobiles and pedestrians for safety purposes.

Staff has concluded that some of these subordinate structures are not land uses at all, and should be removed from the use of land and structures chart in the Comprehensive Zoning Ordinance or regulated in other sections of the City Code of Ordinances, where similar regulations are enforced.

Below is a summary of changes with the proposed amendments in the latter section of this report.

A. DONATION BINS - A non permanent structure or bin used for the collection and temporary storage of used clothing, footwear, toys, household goods, electronic equipment, office equipment, and non-perishable items operated and/or distributed by a non-profit agency or other entity.

Current Regulations

- Classified as material recycling bins and a permitted land use in the Local Retail (LR-2 and LR-2), Light Commercial (LC), Heavy Commercial (HC), Commercial and Warehouse (C/W), Freeway (FWY), Light Industrial (LI), and Heavy Industrial (HI) zoning districts.
- Donation bins are allowed in parking areas; and
- Required to meet front, side, and rear yard setbacks.

Proposed Amendment

- Since donation bins are not considered a land use, regulations will be moved from the Comprehensive Zoning Ordinance to Article V, Chapter 50 Solid Waste and Recycling in the City Code of Ordinances, where other containers are regulated.
- Change classification from material recycling bin to donation bin.
- New definition created, as described above.
- Donations are primarily collected at the home through advertised mail fliers from organizations or other entities like non-profits. Therefore, staff is recommending that donation bins shall be prohibited outdoors.





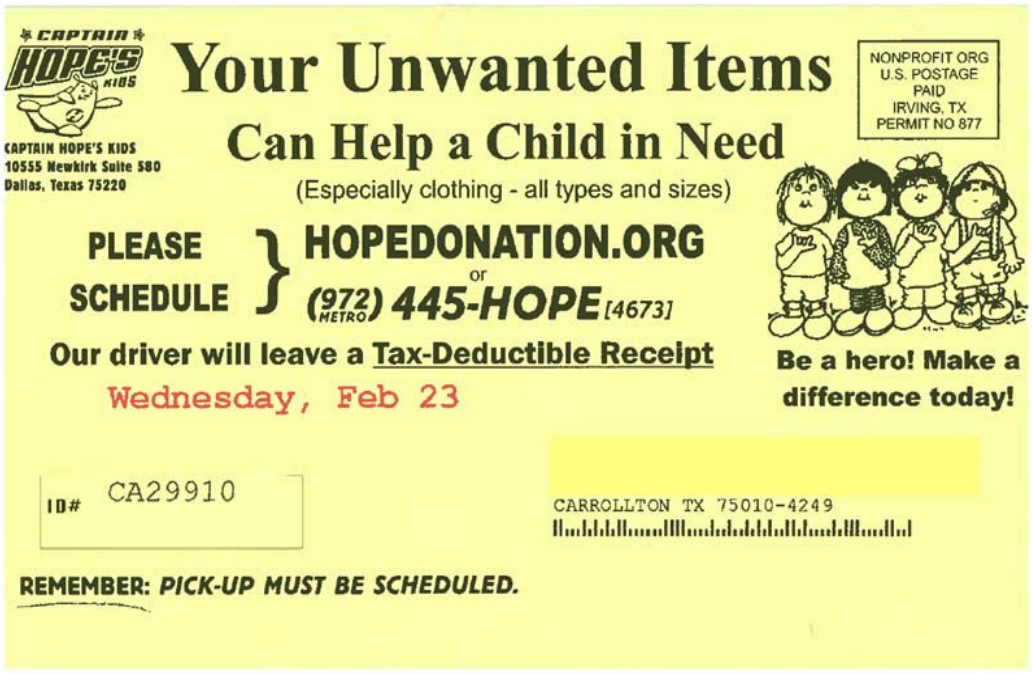




Above: *Donation bins are found in parking lots and adjacent to landscaped areas. The proposed amendments would prohibit donation bins outdoors. The bins would be allowed inside of a building as the examples show below.*









Above: *It has become commonplace to receive fliers in the mail to donate. Staff believes the need for donation bins have lessened, as various non-profits or other organizations have pick-ups of donated goods at people's homes.*

B. TRASH RECEPTACLES - A container or bin for temporary storage of waste or garbage or used recyclable waste or other materials which will be distributed to a recycling center or other processing or distribution facility.

Current Regulations

- Waste recycling bins are not mentioned in the Comprehensive Zoning Ordinance (only trash receptacles);
- Trash receptacles are currently screened on three sides by an opaque fence or wall (not solid masonry);
- There are no regulations that distinguish between commercial dumpsters and smaller trash cans or carts; and
- There are few standards regarding location.

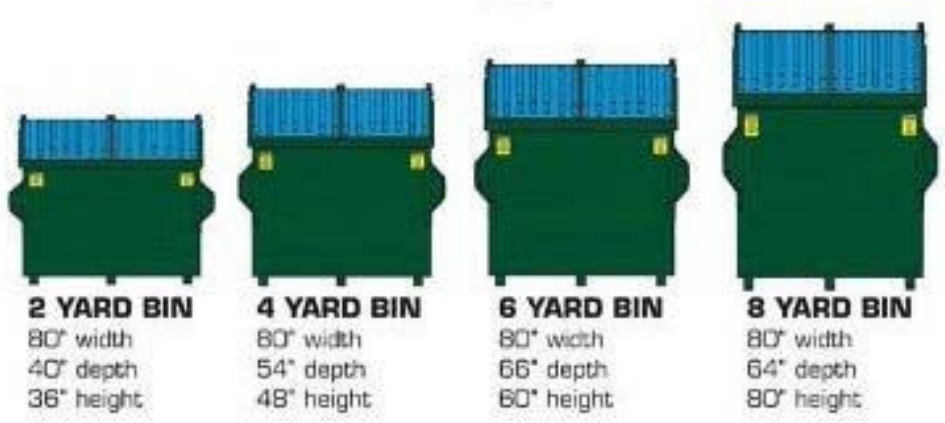
Proposed Amendment

- Trash receptacle regulations, including recycling bins shall remain in the Comprehensive Zoning Ordinance.
- Waste recycling bins will be classified and regulated as trash receptacles.
- New definition created, as described above.
- Two categories will be provided for trash receptacles based on size:
    1. Trash cans and carts 50 gallons (6.7 cubic feet) to less than 100 gallons (15.5 cubic feet):
        - Allowed locations:
            - Inside a building.
            - Flush against the exterior wall of a building.
            - Within 10 feet of the outside of a building.
        - Prohibited locations:
            - Parking areas.
            - Landscape areas.
            - Driveways.
        - Regulations would exclude waste and recycling bins on single family lots.
        - A minimum four (4) feet of clearance shall be provided to allow safe pedestrian access, if receptacles are located on a sidewalk.
    2. Dumpsters and bins 100 gallons (15.5 cubic feet) or greater:
        - Shall be screened on three sides by a masonry wall and contain architectural features that coordinate with the building façade except when completely hidden from view:
            - from a public street; or
            - an adjacent residentially zoned property.
        - The enclosure shall be provided with an opaque metal gate, except if the opening is not visible from any street.

- The dumpster enclosure gate shall remain closed except when serviced.
- Shall not locate closer to the right-of-way of a street than a building.
- Shall not occupy an undeveloped or unimproved parcel of land.
- Shall be located and configured to adequately allow sanitation trucks safe maneuverability to service trash receptacles.
- Shall not contain waste or recyclable materials stored outside of dumpsters.
- Shall be prohibited on properties containing single family uses (detached or attached).
- Shall be marked indicating the name and phone number of the firm or entity servicing dumpsters.
- Shall have lids.

3. Trash cans under 50 gallons are not regulated, as these facilities are appropriate in parking areas and do not pose a safety issue.











Examples of trash cans under 50 gallons (above).



Example of an appropriate dumpster enclosure: *Screened on 3 sides and contains an opaque metal gate.*





Example of an inappropriate dumpster without an enclosure (left) and location of trash cans 50 to under 100 gallons within 10 feet from a building (right).

C. MOBILE REDEMPTION AND COLLECTION CENTERS – A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used metal cans, plastic, glass or paper, and for which a cash refund or redeemable coupon may be issued OR for the collection of clothing, furniture and appliances which will be distributed to persons or other processing centers for secondhand goods.

Current Regulations

- May be located anywhere on property.
- Currently permitted as a primary use in the (LR-1, LR-2) Local Retail, (LC, HC) Light and Heavy Commercial, (C/W) Commercial Warehouse, (FWY) Freeway, and (LI, HI) Light and Heavy Industrial Districts.
- Not more than one truck, trailer, or other vehicle constituting a mobile redemption and collection center is allowed on a piece of property.
- No permit required.
- Outside storage of goods is prohibited.
- Currently, there is only one collection center at the North Carrollton Transit Center (DART) used as a primary use. This facility would remain in place and would be a legal-non conforming use.

Proposed Regulations

- Regulations shall remain in the Comprehensive Zoning Ordinance.
- Locate a minimum of 100 feet from a street.
- May locate behind or on the side of a building, but not between a building and a street.
- Require an annual permit.





Legal non-conforming: *This is an existing mobile collection center located at the DART (North Carrollton Transit Center) near the Trinity Mills Station. Any new mobile collection or redemption center would locate a minimum of 100 feet from a street right-of-way and not between the front of a building and a street.*

D. VENDING MACHINES – A fully enclosed, automated machine, where various goods may be purchased, either with coin, paper currency, or electronic payment card.

VENDING MACHINES (REVERSE) – a machine which accepts and issues a cash refund or redeemable coupon for used metal cans, plastic, glass, paper or other redeemable materials.

Current Regulations

- Reverse vending machines are a permitted land use in the Local Retail (LR-2 and LR-2), Light Commercial (LC), Heavy Commercial (HC), Commercial and Warehouse (C/W), Freeway (FWY), Light Industrial (LI), and Heavy Industrial (HI) zoning districts.
- Current requirements do not mention vending machines (only reverse vending machines).
- The location of the machines are not regulated.
- Maximum height is 10 feet.
- Maximum size is 150 square feet.

Proposed Regulations

- Vending and reverse vending machines will continue to be regulated in the Comprehensive Zoning Ordinance.
- The definitions of each machine will be revised and established (as shown above).
- Vending machines shall be allowed outdoors and shall be classified as outside display.
- Maximum area coverage for vending machines shall be 24 square feet.
- Reverse vending machines shall be prohibited outdoors.

- Allowed stipulations:
    - Vending machines shall locate flush against the outside of a building.
    - A minimum 4 feet of clearance shall be provided to allow for safe pedestrian traffic.
    - Vending machines in public or city parks shall not be regulated as outside display.

- Prohibited locations:
    - In required setbacks.
    - In parking areas.
    - In landscape areas.
    - On driveways.



Permitted: *All reverse vending machines shall locate inside of buildings (above), not outside. Vending machines are allowed outdoors and shall be classified as outside display (below).*









There is no limit on the number and size of vending and reverse machines that locate indoors such as at Wal-Mart (top) or in Albertsons (middle left and right). Ice vending machines (shown below) would be prohibited due to the size and location in parking areas, on unimproved surfaces, and not placed flush against a building.





E. SNOW CONE STANDS – A temporary portable building used for selling snow cones for a limited period of time.

Current Regulations

- Operates from a portable building for not more than 6 months.
- Vehicular drive-throughs are permitted.
- There is no distinction between snow cone stands operating inside portable buildings or trailers.
- There are no size limitations or building characteristics for stands or canopies.
- There are no regulations for ice storage compartments.

Proposed Regulations

- Regulations will remain in the Comprehensive Zoning Ordinance.
- Maximum size of a snow cone stand shall be 120 square feet.
- Canopies shall have a maximum size of 100 square feet.
- Snow cones stands shall contain a pitched roof.
- Snow cone stand shall contain at least one service window for customers.
- A menu board shall be provided on the same side of the portable building as the service window where patrons order.
- Ice storage compartments shall be screened from streets.
- Vehicular drive-throughs shall be prohibited.
- Shall not operate from a trailer, contain a trailer hitch, or be on wheels.
- Shall not locate on an unimproved lot.



1929 East Belt Line Road – Carrollton. Ice storage compartments would be required to be screened from the street.



1927 East Rosemeade Parkway – Carrollton



1000 West Rosemeade Parkway – Carrollton





Drive-throughs shall be prohibited due to safety concerns in parking lots. Snow cone stands shall contain a menu board on the same side of the building as the service window and shall be not more than 120 square feet in size.

F. OUTSIDE DISPLAY - The outdoor exhibit of merchandise, material, or equipment sold in and incidental to a main use on the same lot or tract of land. Outdoor display includes, but is not limited to propane storage tanks, sheds, landscaping materials, ice storage compartments, vending machines, fuel powered equipment and fire wood.

Current Regulations

- Provide only 2 feet of clearance for pedestrians between parking areas and buildings.
- Limit outside display to a maximum 5 percent of the total floor area of the building space.
- Allows outside display in parking areas.

New Proposed Regulations

- Outside display requirements shall remain in the Comprehensive Zoning Ordinance.
- Outside display would be prohibited in parking areas, landscape areas, and on unimproved surfaces.
- Outside display may locate adjacent to buildings.
- A minimum pedestrian clearance of 4 feet shall be maintained for access.
- Outdoor display shall not block or impede fire connections.
- Outside display would be prohibited in rights-of-way, except with a license agreement with the city.
- An exhibit is added to Appendix A – Illustrations, towards the end of the Comprehensive Zoning Ordinance (See page 35 of this report) to provide a graphic example of where outside display may locate.
- Corrected reference to Visibility Obstruction Ordinance in Chapter 53, Title 5, not Title 7 of the City Code of Ordinances.











Outside display would be permitted between the building and parking areas, but not exceeding more than 5 percent of the lease space. Outside display would include landscape materials, fire wood, portable propane gas tanks, vending machines, and ice storage compartments (first 3 photos above). Outside display in parking areas shall be prohibited (two bottom photos).

Specific Proposed Amendments to CZO (Comprehensive Zoning Ordinance) (pages 18-33):

ARTICLE V.
USE OF LAND AND STRUCTURES

#	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)
		3400 EATING AND DRINKING ESTABLISHMENTS																			
3408		~~Snow Cone Stand in a Portable Building (Ord. No. 1714, 06/18/91)~~ Snow Cone Stand											T	T		T	T	T	T	T	T
		5600 MISCELLANEOUS LAND USES, NEC.																			
5605		Material Recycling Center																		S	•
~~5606~~		~~Material Recycling Collection Bin~~											X	X		X	X	X	X	X	X
5607		Mobile Collection and Redemption Centers ~~for Secondhand Goods~~											•	•		•	•	•	•	•	•
~~5608~~		~~Mobile Redemption Center (Ord. No. 1705, 05/07/91)~~											X	X		X	X	X	X	X	X
~~5609~~		~~Reverse Vending Machine~~											X	X		X	X	X	X	X	X
617		Outside Display (Reference Article XXVI)											A	A		A	A	A	A	A	A

X **Currently allowed, but proposed to no longer be considered a land use**

• - Permitted Use S - Special Use Permit Required A - Allowed as Accessory Use Im - Use Permitted on Interim Basis Only
[ ] - Prohibited Use Sp - Site Plan Approval Required T - Allowed as Temporary Use _C - Conditional Use (See Article XX.1)

Underline = new additions
~~Strikethrough = removal~~
Text without underline or strikethrough will remain

ARTICLE XX.2.
"GWY" GATEWAY OVERLAY DISTRICT
(Entire Article Established, Ord. No. 2037, 11/15/94)

SECTION E. SCREENING REQUIREMENTS.

1. SCREENING WALL:

Screening walls applicable to the separation of uses, screening of satellite television reception dishes, trash receptacles and other items shall be provided in accordance with the requirements of the underlying zoning district, except as otherwise provided herein.

a. Outside storage shall be screened on all sides by a solid, opaque brick or stone wall of not less than six (6) feet in height measured at the highest finished grade, constructed in accordance with the general design standards of the City of Carrollton.

~~b. Trash receptacles shall be visually screened on three (3) sides by a solid, opaque brick or stone wall not less than six (6) feet in height measured at the highest finished grade. The height of the trash receptacle shall not be permitted to exceed the height of the visual screening device. Screening shall not be required on the side used for access by garbage pickup services. Such side shall not face less than 45 degrees from any adjacent street.~~

~~Trash receptacles already enclosed by a solid, opaque brick or stone wall of at least six (6) feet in height measured at the highest finished grade shall not be required to provide additional screening.~~

b. Screening walls shall not be allowed in any required landscape setback which is adjacent to a public thoroughfare.

ARTICLE XXIV.
OFF-STREET PARKING AND LOADING REGULATIONS

SECTION C. OFF-STREET PARKING AND STACKING REQUIREMENTS.

In all zoning districts there shall be provided off-street parking space in accordance with the following requirements.

1. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS:

c. Commercial	**Minimum Spaces Required**
~~Reverse vending machine~~	~~1 space~~

2. SCHEDULE OF OFF-STREET STACKING REQUIREMENTS:

   d. Kiosk, Food Sales or Service~~; Snow Cone Stand in a Portable Building~~:

   One (1) space at each drive-up service window, plus five (5) additional stacking spaces for each window; ***(Ord. No. 1714, 06/18/91)***

ARTICLE XXV.
LANDSCAPING AND BUFFERING

SECTION C. BUFFERING.

6. TRASH RECEPTACLES:

Trash receptacles greater than 100 gallons (or 15.5 cubic feet) in volume, located in any district, shall be visually screened on all sides by a solid, masonry, opaque ~~fence or~~ wall not less than six (6) feet in height measured at the highest finished grade. The height of the trash receptacle shall not be permitted to exceed the height of the visual screening device. ~~Screening shall not be required, however, on the side used for access by garbage pickup services.~~ The masonry screening wall shall contain architectural features that coordinate with the exterior building façade.

An opaque metal gate architecturally compatible with the exterior building facade shall be provided, except if the opening is not visible from a street. Gates shall remain closed except for the servicing of trash receptacles or for disposing waste.

Trash receptacles completely hidden from view from any street or a residentially zoned property shall not be required to provide enclosures.

Trash receptacles already enclosed by a solid, opaque visual screening device of at least six (6) feet in height measured at the highest finished grade shall not be required to provide additional screening.

ARTICLE XXVI.
OUTSIDE STORAGE AND DISPLAY

SECTION B. OUTSIDE DISPLAY.

1. In all districts where the outside display of merchandise for sale is permitted, such display shall be allowed only as an accessory use to the main use on the same lot or tract of land.

2. In all districts where the outside display of goods is permitted, such display of goods for sale incidental to a retail use such as ~~plant nursery~~, sales and rental of motor vehicles, mobile homes, boats or trailers, or the outside display of automobile-related merchandise for sale incidental to a gasoline filling station shall not be required to be screened in accordance with the provisions of Section A(3) of this Article.

3. In all districts where the outside display of goods is permitted, such display shall conform with all of the following requirements:

   a. Where outside display is located adjacent to a building, an unoccupied area of not less than four (4) ~~two (2)~~ feet in width shall be provided for pedestrian access between any outside display and vehicle overhang areas of any adjacent parking lot.

   b. In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, unimproved surface, landscape area, or in any parking lot. A parking lot in this subsection is defined as parking spaces and driving aisles (See Appendix A - Illustrations, Part 3 – Parking (Figure 3.6)). ~~a parking space necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel~~.

   c. Outside display shall be situated so as not to create a visibility obstruction to moving vehicles within a parking lot. Where outside display is located at the intersection of two (2) or more maneuvering aisles ~~within a parking lot~~, the displayed merchandise shall not exceed 30 inches in height above the grade level of the parking lot.

      Outside display located at the intersection of a maneuvering aisle and any public street shall comply with the provisions of Chapter 53 and Title 5 ~~7~~ of the Carrollton Code of Ordinances, otherwise known as the Visibility Obstructions Ordinance. ***(Ord. No. 1947, 10/19/93)***

   d. The area devoted to outside display shall not exceed five (5) percent of the total floor area of the building occupied by the use to which such outside display is accessory. ***(Ord. No. 1705, 05/07/91)***

   e. Outside display shall not block or impede access to a fire connection.

   f. Outside display shall be prohibited in any right-of-way except where allowed by a license agreement with the City.

ARTICLE XXVII.
PERFORMANCE STANDARDS

In any district no land shall be used in any manner other than in compliance with the performance standards set forth herein.

SECTION I. ~~J.~~ DEFINITIONS APPLICABLE TO THE PERFORMANCE STANDARDS.
(Ord. No. 2835; 07/01/03)

SECTION J ~~I.~~ TRASH RECEPTICLES.
(Ord. No. 2835; 07/01/03)

~~1. All commercial properties shall provide a trash dumpster location that meets screening and construction requirements.~~

~~2. All driveways to trash dumpsters shall be designed to accommodate the weight of a 56,000 pound G.V.W. sanitation truck. Lifting pads shall be provided in front of each trash dumpster location to accommodate the front wheels of the sanitation truck.~~

Trash receptacles shall be located and maintained in accordance with the following provisions:

1. Trash receptacles 50 gallons (6.7 cubic feet) to less than 100 gallons (15.5 cubic feet) in volume:

    a. Shall be inside a building, flush against the exterior wall of a building, or within 10 feet of the building.

    b. Are prohibited in parking areas, on driveways, or landscape areas, except containers under 50 gallons may be placed in parking lots.

    c. A minimum four (4) feet of clearance shall be provided to allow safe pedestrian access, if receptacles are located on a sidewalk.

    d. The regulations in this section exclude waste and recycling bins on single family lots.

2. Trash receptacles 100 gallons (15.5 cubic feet) or greater:

   a. A trash bin which is 100 gallons (15.5 cubic feet) or greater shall be located behind the main building on the lot or parcel, or shall be completely screened as prescribed in Article XXV, Section C.

   b. Trash bins shall be marked to identify the name and telephone number of the firm(s) or person(s) responsible for the removal of collected materials, and shall display a notice stating that no material shall be left outside of the collection bin or container.

   c. In no instance shall trash bins occupy an undeveloped or unimproved lot or parcel.

   d. Prohibited on properties that contain single family land uses.

   e. No trash receptacle shall be located between the main building and any adjacent public street.

   f. All driveways to trash dumpsters shall be designed to accommodate the weight of a 56,000 pound G.V.W. sanitation truck. Lifting pads shall be provided in front of each trash dumpster location to accommodate the front wheels of the sanitation truck.

   g. All refuse collected and stored must be completely contained within the trash receptacle. In no instance shall the collected or stored material be stacked to exceed the height of the waste container. No material shall be stored or displayed outside of the bin. The container shall be equipped with a lid that completely covers any opening utilized for the deposit of waste, and shall remain closed at all times, except for the deposit or removal of contents.

~~3.~~ h. Access to the trash dumpster and lift pad shall be in a "straight in" manner or positioned at a 45-degree angle located along a driving aisle, allowing for adequate sanitation truck maneuverability to service trash receptacles, or in a manner as approved by the City Manager or Designee.

~~4.~~ i Trash dumpsters shall not be located directly beneath any overhead utility line less than 25 feet in height.

SECTION K. VENDING AND REVERSE VENDING MACHINES

All vending and reverse vending machines shall comply with the following conditions:

1. Vending machines are subordinate structures that are classified as outside display. The area occupied by a vending machine shall be included in calculating coverage for outside display, as described in Article XXVI, Section B.

2. A reverse vending machine is prohibited outside.

3. A vending machine shall have a maximum height of ten (10) feet and maximum area of 24 square feet.

4. A vending machine shall be placed flush against the outside wall of a building.

5. A vending machine shall not be located within a required setback, open space, view corridor, landscaping area, or within a parking lot, or driveway aisle.

6. A vending machine shall be located to allow a minimum four (4) feet of clearance to allow safe pedestrian access.

7. Vending machines shall be maintained in a clean litter-free condition, and shall be sufficiently illuminated to ensure safe operation at all times.

8. Vending machines located in public parks are not required to meet the requirements above, except Section K (7), but shall be screened from streets.

ARTICLE XXVIII.
SPECIAL CONDITIONS AND DEVELOPMENT STANDARDS

SECTION E. SPECIAL CONDITIONS.
(Ord. No. 2587; 12/19/00)

~~1. RECYCLING FACILITIES:~~

~~Mobile collection centers for secondhand goods, mobile redemption centers, material recycling centers, reverse vending machines, and material recycling collection bins shall be located and maintained in accordance with the following provisions:~~

~~a. Such facilities shall meet all front, rear and side yard setback requirements of the district in which such facilities are located.~~

~~b. Such facilities may be located on parking spaces. Provided, however, that such spaces are not necessary to meet the minimum parking requirements of the main use of the lot or parcel.~~

~~c. Such facilities shall not be located within nor encroach upon a fire lane, maneuvering aisle, vehicle stacking space, or required landscaping areas. The location of such facilities shall comply with the Visibility Obstructions Ordinance, and all other applicable codes and ordinances of the city of Carrollton.~~

~~d. It shall be the responsibility of the owner of the property upon which such facilities are located to ensure that the provisions of this subsection are complied with.~~

~~e. Where a material recycling center constitutes the principal use on a lot or parcel, such facility shall comply with all applicable requirements of the district in which it is located.~~

~~f. In no instance shall a mobile collection center for secondhand goods, mobile redemption center, material recycling collection bin or reverse vending machine occupy a lot or parcel as the principal use or structure.~~

~~g. All material collected and stored must be completely contained within the collection bin or container. In no instance shall the collected or stored material be stacked to exceed the height of the collection bin or container. No material shall be stored or displayed outside of the collection bin or container. Where paper or clothing products are stored within the bin or container, such container shall be equipped with a lid that completely covers any opening utilized for the deposit of paper or clothing products, and which shall remain closed at all times, except for the deposit or removal of products.~~

~~h. Facilities used for the distribution of municipal goods and services, such as trash bags, shall be permitted in any district upon approval of the City Manager or Designee. The location of such facilities shall be in accordance with such standards as are required~~

~~for accessory structures within the applicable district. Provided, however, that the screening of such facilities is not required.~~

~~2. MATERIAL RECYCLING COLLECTION BIN:~~

~~a. The maximum size of a material recycling collection bin in any district shall be sixty (60) cubic yards. Provided, however, that a recycling collection bin in excess of three (3) cubic yards shall not be located adjacent to, nor within seventy-five (75) feet from, any residentially zoned district. A recycling collection bin which is in excess of three (3) cubic yards shall be located behind the main building on the lot or parcel, and shall be completely screened from the view of any public street by an opaque wall or fence.~~

~~b. The sale or leasing of goods collected or stored at a material recycling collection bin shall be prohibited at the collection bin or container.~~

~~c. Material recycling collection bins shall be clearly marked to identify the type of material which may be deposited. Such collection bin shall be marked to identify the name and telephone number of the firm(s) or person(s) responsible for the removal of collected materials, and shall display a notice stating that no material shall be left outside of the collection bin or container.~~

1. MOBILE COLLECTION AND REDEMPTION CENTERS:

a. The sale or leasing of goods collected or stored at a mobile collection center or mobile redemption center shall be prohibited at the collection or redemption center.

b. A mobile collection center for secondhand goods and mobile redemption center shall be clearly marked to identify the type of material which may be deposited. Such collection and redemption centers shall be marked to identify the name and telephone number of the firm(s) or person(s) responsible for the removal of collected materials, and shall display a notice stating that no material shall be left outside of the collection trailer or vehicle.

c. Not more than one (1) truck, van, trailer or other vehicle constituting a mobile collection center or mobile redemption center shall be permitted on a lot, parcel or shopping center~~, as herein defined~~.
(Ord. No. 1705, 05/07/91)

d. Shall be a minimum 100 feet from a street.

f. Shall locate behind or along the side of a building, but not between a building and a street.

g. An annual permit to operate mobile collection and redemptive centers is required to ensure the location meets the requirements above.

2. SNOW CONE STANDS ~~IN PORTABLE BUILDINGS~~:

a. TEMPORARY USE:

~~The duration of operation of~~ A snow cone stand in a portable building shall not operate for more than ~~exceed~~ six (6) months on the same lot or parcel, for any consecutive twelve (12) month period, measured from the date of issuance of a certificate of occupancy. The portable building occupied by the snow cone stand operation, ~~and~~ including all tables, chairs, tent, foundation, and other appurtenances thereto, shall be completely removed from the lot or parcel at the end of the operational ~~six (6) month~~ period.

b. RESPONSIBILITY:

It shall be the responsibility of the owner of the property upon which a snow cone stand is located to ensure that all provisions of this subsection are complied with.

c. SPECIAL CONDITIONS:

Snow cone stands in portable buildings shall be located and maintained in accordance with the following provisions:

1. A snow cone stand in a portable building, and all appurtenances thereto, shall comply with all applicable requirements of the district in which it is located. Such facility shall not be required, however, to meet the landscaping, exterior masonry, or underground utility requirements of the applicable zoning district.

2. A snow cone stand and its appurtenances may be located on parking spaces, provided that such spaces are not necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

3. A snow cone stand and its appurtenances ~~in a portable building~~ shall not be located within, nor encroach upon a fire lane, maneuvering aisle, vehicle stacking space, or required landscaping areas of the lot or parcel upon which the facility is placed. The location of such facility shall comply with the Visibility Obstructions Ordinance (Chapter 53 and Title V, City Code of Ordinances).

4. The portable building in which the snow cone operation is located shall be placed on a foundation in a manner prescribed by the building codes. Foundation skirts shall be provided on all sides of the building to within six (6) inches of the finished grade at the site where the building is located. ***(Ord. No. 1714, 06/18/91)***

5. Snow cone stands shall not exceed 120 square feet of floor space.

6. Snow cone stands shall contain at least one (1) service window for customers.

7. Snow cone stands shall contain a pitched roof.

8. The snow cone stand shall contain a menu board on the same side of the service window where patrons order.

9. A canopy or tent no larger than 100 square feet is a permitted appurtenance to allow for outdoor seating.

10. Ice storage compartments shall be screened from the street.

11. No drive-throughs will be permitted in conjunction with a snow cone stand.

12. Snow cone stands shall not operate from a trailer, contain a trailer hitch, or be on wheels.

13. In no instance shall snow cone stands occupy a lot or parcel that is unimproved.

ARTICLE XXXIV.
DEFINITIONS

(Entire Article amended; Ord. No. 1670, 11/20/90; Entire Article amended; Ord. No. 3148 "Mixed-Use District added only," 06/19/07; Ord. No. 3331, 10/06/09; amended "Building Facing the Square", "Church, Synogogue or Temple", "False Front", "Grade", and "Primary Façade" only)

SECTION A. GENERAL.

~~254. MATERIAL RECYCLING BIN: An accessory container or bin structure used solely for the collection and/or temporary storage of used clothing, metal cans, glass, paper or plastics which will be distributed to a material recycling center or other processing or distribution facility. A material recycling collection bin shall be located and maintained in the manner prescribed in Article XXVIII of this ordinance.~~
~~(Ord. No. 1705, 05/07/91)~~

255. MATERIAL RECYCLING CENTER: A facility or establishment used for, or involved in, the collecting, storage, sorting, crushing, breaking up, shredding, compacting, baling, palletizing or wholesale distribution of waste or scrap metal cans, glass, paper or plastics. Such facility shall not accept or process motor vehicles or motor vehicle parts or accessories, nonferrous metals scrap, petroleum products or waste, or textile waste. All operations shall be inside of a building. ~~A material recycling center shall be located and maintained in the manner prescribed in Article XXVIII of this ordinance.~~
(Ord. No. 1705, 05/07/91)

~~260. MOBILE COLLECTION CENTER FOR SECONDHAND GOODS: A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used clothing, furniture and appliances which will be distributed to persons or other processing centers for secondhand goods. A collection center for secondhand goods shall be located and maintained in the manner prescribed in Article XXVIII of this ordinance. *(Ord. No. 1705, 05/07/91)*~~

264. MOBILE REDEMPTION ~~CENTER~~ AND COLLECTION CENTER: A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used metal cans, plastic, glass or paper, and for which a cash refund or redeemable coupon may be issued OR for the collection of clothing, furniture and appliances which will be distributed to persons or other processing centers for secondhand goods ~~A mobile redemption center shall be located and maintained in the manner prescribed in~~ (also see Article XXVIII, Section E of this ordinance). ***(Ord. No. 1705, 05/07/91)***

281. OUTSIDE DISPLAY: The outdoor exhibit of merchandise, material, or equipment sold in and incidental to a main use on the same lot or tract of land. Outdoor display includes, but is not limited to propane storage tanks, vending machines, sheds, landscaping materials, ice storage compartments, fuel powered equipment, and fire wood (also see Article XXVI, Section B of this ordinance).

282. OUTSIDE STORAGE: The storage of commodities, goods and/or refuse outside of an enclosed building (also see Article XXVI, Section B of this ordinance).

350.1. SNOW CONE STAND: A temporary portable building used for selling snow cones for a limited period of time (Also see Article XXVIII, Section E).

~~335. REVERSE VENDING MACHINES: A fully enclosed, automated machine, which accepts and issues a cash refund or redeemable coupon for used metal cans, plastic, glass, paper or other redeemable materials Such machine shall have a maximum height of ten (10) feet, maximum ground coverage of 150 square feet, and a maximum storage capacity of 3,000 pounds. *(Ord. No. 1705, 05/07/91)*~~

378.1. TRASH RECEPTACLES: A container or bin for temporary storage of waste or garbage or used recyclable waste or other materials which will be distributed to a recycling center or other processing or distribution facility. (Also see Article XXVII, Section J).

404.1. VENDING MACHINES – A fully enclosed, automated machine, where various goods may be purchased, either with coin, paper currency, or electronic payment card.

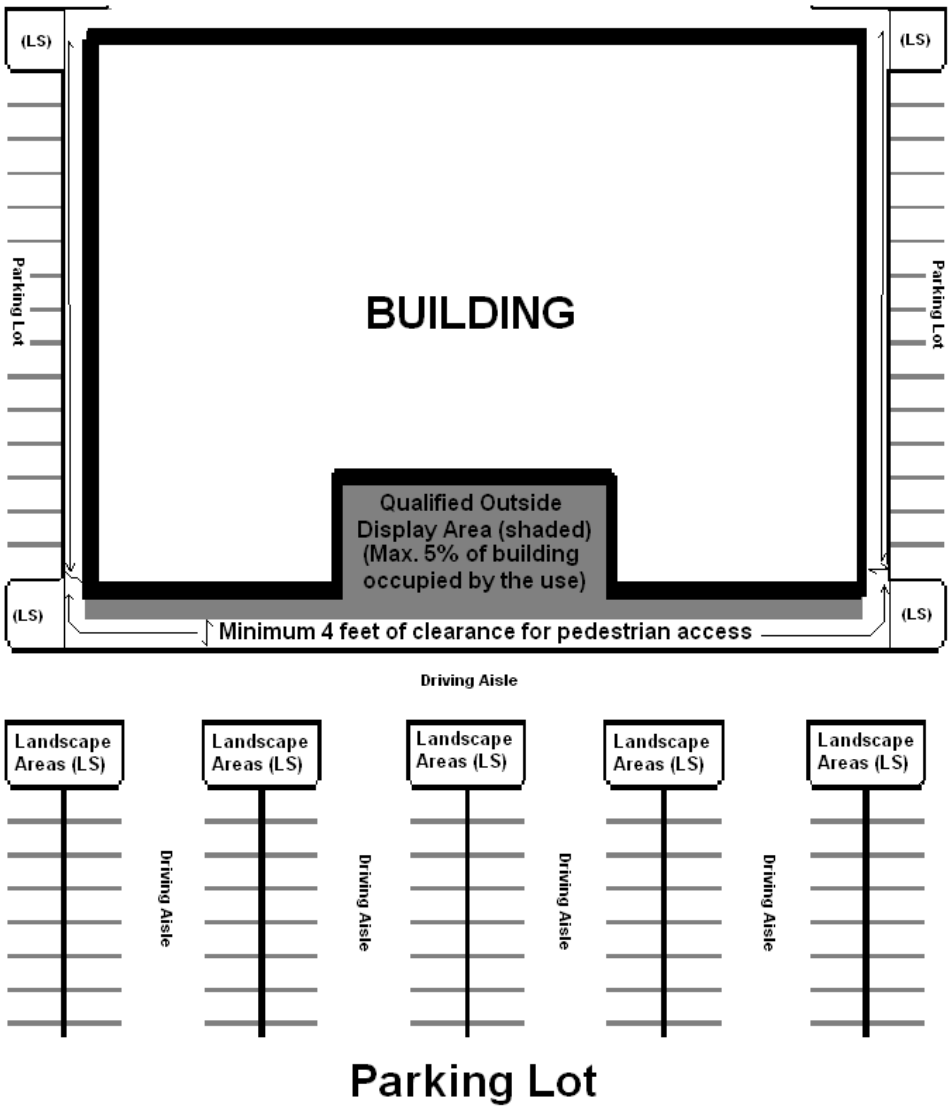
404.2 VENDING MACHINES (REVERSE) – a machine which accepts and issues a cash refund or redeemable coupon for used metal cans, plastic, glass, paper or other redeemable materials.

Appendix A
Illustrations

Part 3 – Parking

Figure 3.6
Outside Display

A minimum 4 feet of clearance shall be maintained between parking areas and the building to allow for pedestrian access (See Article XXVI, Section B).



Specific Proposed Amendments to the City Code of Ordinances

Title V.
Chapter 50 Solid Waste and Recycling

Sec. 50.01 Definitions

Donation Bins: A non permanent structure or bin used for the collection and temporary storage of used clothing, footwear, toys, household goods, electronic equipment, office equipment, and non-perishable items operated and/or distributed by a non-profit agency or other entity.

Sec. 50.50 Regulation

Donation bins shall be prohibited outdoors.

Draft P&Z Minutes from March 3, 2011

Hold a public hearing and consider amendments to the Comprehensive Zoning Ordinance regarding the **Regulation of outside storage and display and appurtenances including snow cone stands, donation bins, trash and waste receptacles, mobile collection and redemption centers, and vending machines**. Case No. 03-11ZT1 CZO Amendment/City of Carrollton. Case Coordinator: Loren Shapiro

Shapiro made a presentation, noting that staff was recommending that this case be continued to allow staff to continue refining it.

* ***Motion by McAninch, second by Sylo, to leave the public hearing open and continue the case to the April 7, 2011 meeting, passed 7 – 0 (Taylor & Loreto absent).***

DRAFT P&Z Minutes from April 7, 2011

Hold a public hearing and consider approval of **Text Amendments to the Comprehensive Zoning Ordinance** regarding regulation of outside storage and display and appurtenances including snow cone stands, donation bins, trash and waste receptacles, mobile collection and redemption centers, and vending machines. Case No. 03-11ZT1 CZO Amendments/City of Carrollton. Case Coordinator: Loren Shapiro

Taylor presented the case and stated staff is recommending approval.

Shapiro explained that the case would provide additional regulations to outdoor storage, display and snow cone stands and asked the Commission for their recommendation for approval.
Hrbacek asked if snow cone stands were temporary uses only, with permits lasting only six months.

Shapiro answered affirmatively.

* ***Motion by Pfeil, second by Hrbacek, to close the public hearing and approve Case No. 03-11ZT1; passed, 8 – 1 (Frazier opposed).***

Pfeil said that he appreciated the difficult time staff had with this case, as it was substantially about maintaining community appearance, and what one person thought attractive another might think ugly. He felt the ordinance as presented managed to find a reasonable "common ground."

Taylor noted that this case would go to City Council on May 3, 2011.

PLANNING
City of Carrollton
Date: 04/13/2011

ORDINANCE NUMBER

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE V. USE OF LAND AND STRUCTURES, SECTION C. USE MATRIX; ARTICLE XX.2. GATEWAY OVERLAY DISTRICT, SECTION E. SCREENING REQUIREMENTS; ARTICLE XXIV. OFF-STREET PARKING AND LOADING REGULATIONS, SECTION C. OFF-STREET PARKING AND STACKING REQUIREMENTS; ARTICLE XXV. LANDSCAPE AND BUFFERING, SECTION C. BUFFERING; ARTICLE XXVI. OUTSIDE STORAGE AND DISPLAY, SECTION B. OUTSIDE DISPLAY; ARTICLE XXVII. PERFORMANCE STANDARDS, SECTION I. DEFINITIONS APPLICABLE TO PERFORMANCE STANDARDS, SECTION J. TRASH RECEPTACLES, AND SECTION K. VENDING AND REVERSE VENDING MACHINES; ARTICLE XXVIII. SPECIAL CONDITIONS AND DEVELOPMENT STANDARDS, SECTION E. SPECIAL CONDITIONS; ARTICLE XXXIV. DEFINITIONS, SECTION A. GENERAL; AND APPENDIX A. ILLUSTRATIONS, PART 3- PARKING; AND AMENDING THE CITY OF CARROLLTON CODE OF ORDINANCES, TITLE V. PUBLIC WORKS, CHAPTER 50. SOLID WASTE AND RECYCLING TO DEFINE AND REGULATE DONATION BINS; AND PROVIDING FOR A PENALTY OF $2,000 PER DAY; SAVINGS, SEVERABILITY AND REPEALING CLAUSES; AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the 7th day of April 2011, the Planning and Zoning Commission considered and made recommendations on changes to the Comprehensive Zoning Ordinance of the City of Carrollton;

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

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws and solid waste and recycling provisions would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

That Article V. Use of Land and Structures, Section C. Use Matrix of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to read as follows:

#	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)
		3400 EATING AND DRINKING ESTABLISHMENTS																			
3408		Snow Cone Stand											T	T		T	T	T	T	T	T
		5600 MISCELLANEOUS LAND USES, NEC.																			
5605		Material Recycling Center																		S	•
5607		Mobile Collection and Redemption Centers											•	•		•	•	•	•	•	•
617		Outside Display (Reference Article XXVI)											A	A		A	A	A	A	A	A

• - Permitted Use S - Special Use Permit Required A - Allowed as Accessory Use Im - Use Permitted on Interim Basis Only
[ ] - Prohibited Use Sp - Site Plan Approval Required T - Allowed as Temporary Use _C - Conditional Use (See Article XX.1)

Section 2.

That Article XX.2. "GWY" Gateway Overlay District, Section E. Screening Requirements of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to read as follows:

SECTION E. SCREENING REQUIREMENTS.

1. SCREENING WALL:

Screening walls applicable to the separation of uses, screening of satellite television reception dishes, trash receptacles and other items shall be provided in accordance with the requirements of the underlying zoning district, except as otherwise provided herein.

a. Outside storage shall be screened on all sides by a solid, opaque brick or stone wall of not less than six (6) feet in height measured at the highest finished grade, constructed in accordance with the general design standards of the City of Carrollton.

b. Screening walls shall not be allowed in any required landscape setback which is adjacent to a public thoroughfare.

Section 3.

That Article XXIV. Off-Street Parking and Loading Regulations, Section C. Off-Street Parking and Stacking Requirements, Subsection (1)(c) of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to remove the following:

SECTION C. OFF-STREET PARKING AND STACKING REQUIREMENTS.

In all zoning districts there shall be provided off-street parking space in accordance with the following requirements.

1. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS:

c. Commercial	**Minimum Spaces Required**
~~Reverse Vending Machine~~	~~1 space~~

Section 4.

That Article XXIV. Off-Street Parking and Loading Regulations, Section C. Off-Street Parking and Stacking Requirements, Subsection (2)(d) of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to read as follows:

2. SCHEDULE OF OFF-STREET STACKING REQUIREMENTS:

d. Kiosk, Food Sales or Service:

One (1) space at each drive-up service window, plus five (5) additional stacking spaces for each window.

Section 5.

That Article XXV. Landscaping and Buffering, Section C. Buffering, Subsection 6. Trash Receptacles of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to read as follows:

SECTION C. BUFFERING.

6. TRASH RECEPTACLES:

Trash receptacles greater than 100 gallons (or 15.5 cubic feet) in volume, located in any district, shall be visually screened on all sides by a solid, masonry, opaque wall not less than six (6) feet in height measured at the highest finished grade. The height of the trash receptacle shall not be permitted to exceed the height of the visual screening device. The masonry screening wall shall contain architectural features that coordinate with the exterior building façade.

An opaque metal gate architecturally compatible with the exterior building facade shall be provided, except if the opening is not visible from a street. Gates shall remain closed except for the servicing of trash receptacles or for disposing waste.

Trash receptacles completely hidden from view from any street or a residentially zoned property shall not be required to provide enclosures.

Trash receptacles already enclosed by a solid, opaque visual screening device of at least six (6) feet in height measured at the highest finished grade shall not be required to provide additional screening.

Section 6.

That Article XXVI. Outside Storage and Display, Section B. Outside Display of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to read as follows:

SECTION B. OUTSIDE DISPLAY.

1. In all districts where the outside display of merchandise for sale is permitted, such display shall be allowed only as an accessory use to the main use on the same lot or tract of land.

2. In all districts where the outside display of goods is permitted, such display of goods for sale incidental to a retail use such as sales and rental of motor vehicles, mobile homes, boats or trailers, or the outside display of automobile-related merchandise for sale incidental to a gasoline filling station shall not be required to be screened in accordance with the provisions of Section A(3) of this Article.

3. In all districts where the outside display of goods is permitted, such display shall conform with all of the following requirements:

   a. Where outside display is located adjacent to a building, an unoccupied area of not less than four (4) feet in width shall be provided for pedestrian access between any outside display and vehicle overhang areas of any adjacent parking lot.

   b. In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, unimproved surface, landscape area, or in any parking lot. A parking lot in this section is defined as parking spaces and driving aisles (See Appendix A - Illustrations, Part 3 – Parking (Figure 3.6)).

   c. Outside display shall be situated so as not to create a visibility obstruction to moving vehicles within a parking lot. Where outside display is located at the intersection of two (2) or more maneuvering aisles, the displayed merchandise shall not exceed 30 inches in height above the grade level of the parking lot.

      Outside display located at the intersection of a maneuvering aisle and any public street shall comply with the provisions of Chapter 53 and Title 5 of the Carrollton Code of Ordinances, otherwise known as the Visibility Obstructions Ordinance.

   d. The area devoted to outside display shall not exceed five (5) percent of the total floor area of the building occupied by the use to which such outside display is accessory. ***(Ord. No. 1705, 05/07/91)***

   e. Outside display shall not block or impede access to a fire connection.

   f. Outside display shall be prohibited in any right-of-way except where allowed by a license agreement with the City.

Section 7.

That Article XXVII. Performance Standards, Section I. Trash Recepticles of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby renamed and amended to read as follows:

SECTION I. DEFINITIONS APPLICABLE TO THE PERFORMANCE STANDARDS.

1. Bounding Property Line - The far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line.

2. Daytime - The hours between sunrise and sunset on any given day.

3. Decibel - A unit of measurement of sound pressure.

4. Frequency - The number of times per second a vibration or sound wave oscillates.

5. Octave Band - A portion of the audible sound spectrum. An Octave Band analyzer divides the audible sound spectrum into eight (8) Octave Bands.

6. Odor Threshold - The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the Odor Threshold is prescribed by A.S.T.M. D1391-57, "Standard Method of Measuring Odor in Atmospheres."

7. Particulate Matter - Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

8. Smoke - The visible discharge of particulate matter from a chimney, vent or combustion process.

9. Toxic and Noxious Matter - Any solid, liquid or gaseous matter which is present in sufficient quantities to endanger the health, safety and comfort of persons in the vicinity or which may cause injury or damage to property.

10. Vibration - A periodic displacement of the earth measured in inches.

Section 8.

That Article XXVII. Performance Standards, Section J. Definitions Applicable to the Performance Standards of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby renamed and amended to read as follows:

SECTION J. TRASH RECEPTACLES.

Trash receptacles shall be located and maintained in accordance with the following provisions:

1. Trash receptacles 50 gallons (6.7 cubic feet) to less than 100 gallons (15.5 cubic feet) in volume:

    a. Shall be inside a building, flush against the exterior wall of a building, or within 10 feet of the building.

    b. Are prohibited in parking areas, on driveways, or landscape areas, except containers under 50 gallons may be placed next to shopping carts.

    c. A minimum four (4) feet of clearance shall be provided to allow safe pedestrian access, if receptacles are located on a sidewalk.

    d. The regulations in this subsection exclude waste and recycling bins on single family lots.

2. Trash receptacles 100 gallons (15.5 cubic feet) or greater:

    a. A trash bin which is 100 gallons (15.5 cubic feet) or greater shall be located behind the main building on the lot or parcel, or shall be completely screened as prescribed in Article XXV, Section C.

    b. Trash bins shall be marked to identify the name and telephone number of the firm(s) or person(s) responsible for the removal of collected materials, and shall display a notice stating that no material shall be left outside of the collection bin or container.

    c. In no instance shall trash bins occupy an undeveloped or unimproved lot or parcel.

    d. Prohibited on properties that contain single family land uses.

    e. Shall locate no closer to the street right-of-way than building(s).

f. All driveways to trash dumpsters shall be designed to accommodate the weight of a 56,000 pound G.V.W. sanitation truck. Lifting pads shall be provided in front of each trash dumpster location to accommodate the front wheels of the sanitation truck.

g. All refuse collected and stored must be completely contained within the trash receptacle. In no instance shall the collected or stored material be stacked to exceed the height of the waste container. No material shall be stored or displayed outside of the bin. The container shall be equipped with a lid that completely covers any opening utilized for the deposit of waste, and shall remain closed at all times, except for the deposit or removal of contents.

h. Access to the trash dumpster and lift pad shall be in a "straight in" manner or positioned at a 45-degree angle located along a driving aisle, allowing for adequate sanitation truck maneuverability to service trash receptacles, or in a manner as approved by the City Manager or Designee.

i. Trash dumpsters shall not be located directly beneath any overhead utility line less than 25 feet in height.

Section 9.

That Article XXVII. Performance Standards of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a section, to be numbered K., which said section reads as follows:

SECTION K. VENDING AND REVERSE VENDING MACHINES

All vending and reverse vending machines shall comply with the following conditions:

1. Vending machines are subordinate structures that are classified as outside display. The area occupied by a vending machine shall be included in calculating coverage for outside display, as described in Article XXVI, Section B.

2. A reverse vending machine is prohibited outside.

3. A vending machine shall have a maximum height of ten (10) feet and maximum area of 24 square feet.

4. A vending machine shall be placed flush against the outside wall of a building.

5. A vending machine shall not be located within a required setback, open space, view corridor, landscaping area, or within a parking lot, or driveway aisle.

6. A vending machine shall be located to allow a minimum four (4) feet of clearance to

allow safe pedestrian access.

7. Vending machines shall be maintained in a clean litter-free condition, and shall be sufficiently illuminated to ensure safe operation at all times.

8. Vending machines located in public parks are not required to meet the requirements above, except Section K (7), but shall be screened from streets.

Section 10.

That Article XXVIII. Special Conditions and Development Standards, Section E. Special Conditions of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to read as follows:

E. Special Conditions.

1. MOBILE COLLECTION AND REDEMPTION CENTERS:

   a. The sale or leasing of goods collected or stored at a mobile collection center or mobile redemption center shall be prohibited at the collection or redemption center.

   b. A mobile collection center for secondhand goods and mobile redemption center shall be clearly marked to identify the type of material which may be deposited. Such collection and redemption centers shall be marked to identify the name and telephone number of the firm(s) or person(s) responsible for the removal of collected materials, and shall display a notice stating that no material shall be left outside of the collection trailer or vehicle.

   c. Not more than one (1) truck, van, trailer or other vehicle constituting a mobile collection center or mobile redemption center shall be permitted on a lot, parcel or shopping center.

   d. Shall be a minimum 100 feet from a street.

   f. Shall locate behind or along the side of a building, but not between a building and a street.

   g. An annual permit to operate mobile collection and redemptive centers is required to ensure the location meets the requirements above.

2. SNOW CONE STANDS:

a. TEMPORARY USE:

A snow cone stand in a portable building shall not operate for more than six (6) months on the same lot or parcel, for any consecutive twelve (12) month period, measured from the date of issuance of a certificate of occupancy. The portable building occupied by the snow cone stand operation, including all tables, chairs, tent, foundation, and other appurtenances thereto, shall be completely removed from the lot or parcel at the end of the operational period.

b. RESPONSIBILITY:

It shall be the responsibility of the owner of the property upon which a snow cone stand is located to ensure that all provisions of this subsection are complied with.

c. SPECIAL CONDITIONS:

Snow cone stands in portable buildings shall be located and maintained in accordance with the following provisions:

1. A snow cone stand in a portable building and all appurtenances thereto, shall comply with all applicable requirements of the district in which it is located. Such facility shall not be required, however, to meet the landscaping, exterior masonry, or underground utility requirements of the applicable zoning district.

2. A snow cone stand and its appurtenances may be located on parking spaces, provided that such spaces are not necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

3. A snow cone stand and its appurtenances shall not be located within, nor encroach upon a fire lane, maneuvering aisle, vehicle stacking space, or required landscaping areas of the lot or parcel upon which the facility is placed. The location of such facility shall comply with the Visibility Obstructions Ordinance (Chapter 53 and Title V, City Code of Ordinances).

4. The portable building in which the snow cone operation is located shall be placed on a foundation in a manner prescribed by the building codes. Foundation skirts shall be provided on all sides of the building to within six (6) inches of the finished grade at the site where the building is located. ***(Ord. No. 1714, 06/18/91)***

5. Snow cone stands shall not exceed 120 square feet of floor space.

6. Snow cone stands shall contain at least one (1) service window for customers.

7. Snow cone stands shall contain a pitched roof.

8. The snow cone stand shall contain a menu on the same side of the service window where patrons order.

9. A canopy or tent no larger than 100 square feet is a permitted appurtenance to allow for outdoor seating.

10. Ice storage compartments shall be screened from the street.

11. No drive-throughs will be permitted in conjunction with a snow cone stand.

12. Snow cone stands shall not operate from a trailer, contain a trailer hitch, or be on wheels.

13. In no instance shall snow cone stands occupy a lot or parcel that is unimproved.

3. TEMPORARY ON-SITE HIRING OR EMPLOYMENT OFFICE:

A temporary on-site hiring or employment office shall comply with the following conditions:

a. The office shall be located on the same lot as the building where, upon completion, such employment will occur; and

b. The office shall be allowed only on the lot for which a building permit has been issued, and building construction is active; and

c. The office shall be allowed for a period not to exceed six (6) weeks, and shall be removed prior to issuance of a certificate of occupancy for the building under construction; and

d. Not more than one (1) trailer or building shall be used for the hiring or employment office; and

e. The office shall not be used or occupied until all driveways, driveway approaches and parking areas have been constructed in order to provide on-site traffic circulation and parking relative to the hiring or employment office. ***(Ord. No. 2099, 09/05/95)***

4. FRATERNAL ORGANIZATIONS WITH A PRIVATE CLUB:
(Sales and Consumption of Alcoholic Beverages) ***(Ord. No. 2281, 09/09/97)***

a. A fraternal organization with a private club as defined in Article XXXIV shall be permitted in accordance with the provision of this subsection and Article V of this ordinance.

b. 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.

c. A fraternal organization with a private club shall be subject to the following special conditions:

1. Building Requirements

Exterior signs located on the building or premises of a fraternal organization with a private club, in any district in which a fraternal organization with a private club is permitted, shall not advertise the sale or consumption of alcoholic beverages.

2. Location

A fraternal organization with a private club shall not be located closer than four hundred (400) feet from:

a. Any residential zoned district;
b. Church;
c. Public, private or denominational school;
d. Hospital;
e. Developed municipal neighborhood park, measured from the edge of the active recreational facilities, rather than the actual property line as provided in paragraph (f) below. For the purpose of this section, the Old Downtown square and plaza shall not be considered as a developed municipal neighborhood park.
f. This distance shall be measured in a straight line from the nearest public entrance of the fraternal organization excluding emergency exits and non-public entrances, to the property line of any of the above uses or zoning districts within the city of Carrollton.

5. MUNICIPAL GOLF COURSE
(Ord. 2640; 09/18/01; Ord. 2981; 07/05/05)

Permanent or temporary structures including tents and pavilions for the purpose of assembling persons shall not be located closer than 500 feet from any adjacent property lines of subdivisions developed for residential uses.

Section 11.

That Article XXXIV. Definitions, Section A. General of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended to delete the following definitions and to add or amend the following definitions to read as follows:

~~254. MATERIAL RECYCLING BIN: An accessory container or bin structure used solely for the collection and/or temporary storage of used clothing, metal cans, glass, paper or plastics which will be distributed to a material recycling center or other processing or distribution facility. A material recycling collection bin shall be located and maintained in the manner prescribed in Article XXVIII of this ordinance. *(Ord. No. 1705, 05/07/91)*~~

~~260. MOBILE COLLECTION CENTER FOR SECONDHAND GOODS: A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used clothing, furniture and appliances which will be distributed to persons or other processing centers for secondhand goods. A collection center for secondhand goods shall be located and maintained in the manner prescribed in Article XXVIII of this ordinance. *(Ord. No. 1705, 05/07/91)*~~

~~335. REVERSE VENDING MACHINES: A fully enclosed, automated machine, which accepts and issues a cash refund or redeemable coupon for used metal cans, plastic, glass, paper or other redeemable materials Such machine shall have a maximum height of ten (10) feet, maximum ground coverage of 150 square feet, and a maximum storage capacity of 3,000 pounds. *(Ord. No. 1705, 05/07/91)*~~

255. MATERIAL RECYCLING CENTER: A facility or establishment used for, or involved in, the collecting, storage, sorting, crushing, breaking up, shredding, compacting, baling, palletizing or wholesale distribution of waste or scrap metal cans, glass, paper or plastics. Such facility shall not accept or process motor vehicles or motor vehicle parts or accessories, nonferrous metals scrap, petroleum products or waste, or textile waste. All operations shall be inside of a building.

264. MOBILE REDEMPTION AND COLLECTION CENTER: A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used metal cans, plastic, glass or paper, and for which a cash refund or redeemable coupon may be issued OR for the collection of clothing, furniture and appliances

which will be distributed to persons or other processing centers for secondhand goods (also see Article XXVIII, Section E).

281. OUTSIDE DISPLAY: The outdoor exhibit of merchandise, material, or equipment sold in and incidental to a main use on the same lot or tract of land. Outdoor display includes, but is not limited to propane storage tanks, vending machines, sheds, landscaping materials, ice storage compartments, fuel powered equipment, and fire wood (also see Article XXVI, Section B).

282. OUTSIDE STORAGE: The storage of commodities, goods and/or refuse outside of an enclosed building (also see Article XXVI, Section A).

350.1. SNOW CONE STAND: A temporary portable building used for selling snow cones for a limited period of time (Also see Article XXVIII, Section E).

378.1. TRASH RECEPTACLES: A container or bin for temporary storage of waste or garbage or used recyclable waste or other materials which will be distributed to a recycling center or other processing or distribution facility. (Also see Article XXVII, Section J).

404.1. VENDING MACHINES: A fully enclosed, automated machine, where various goods may be purchased, either with coin, paper currency, or electronic payment card.

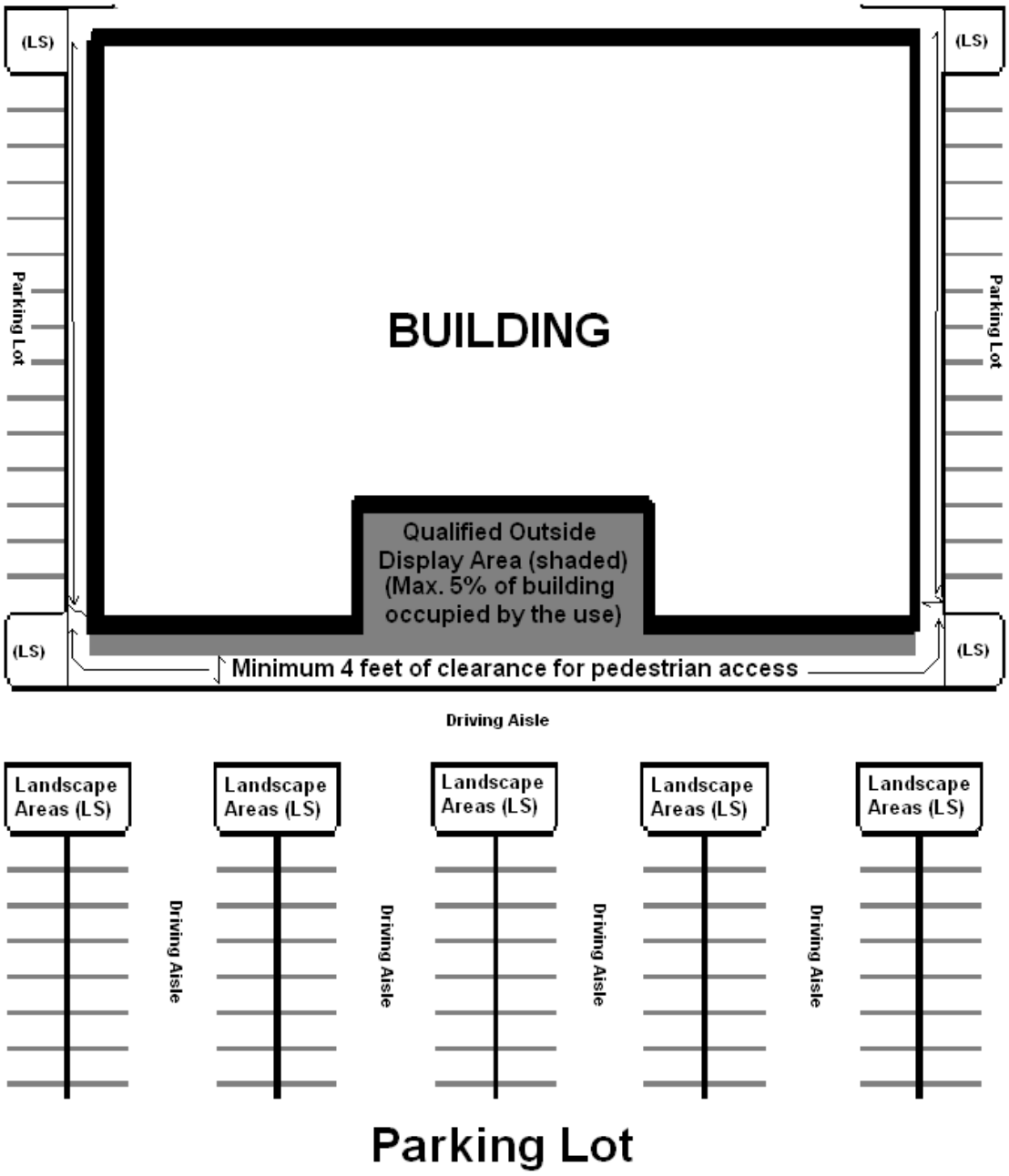
404.2. VENDING MACHINES (REVERSE): A machine which accepts and issues a cash refund or redeemable coupon for used metal cans, plastic, glass, paper or other redeemable materials.

Section 12.

That Appendix A. Illustrations, Part 3 - Parking of the Comprehensive Zoning Ordinance of the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a figure to be numbered Figure 3.6 Outside Display, which said figure reads as follows:

Figure 3.6
Outside Display

A minimum 4 feet of clearance shall be maintained between parking areas and the building to allow for pedestrian access (See Article XXVI, Section B).



Section 13.

That Title V. Public Works, Chapter 50. Solid Waste and Recycling, Section 50.01. Definitions of the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a new definition which said definition reads as follows:

Sec. 50.01 Definitions

Donation Bins: A non permanent structure or bin used for the collection and temporary storage of used clothing, footwear, toys, household goods, electronic equipment, office equipment, and non-perishable items operated and/or distributed by a non-profit agency or other entity.

Section 14.

That Title V. Public Works, Chapter 50. Solid Waste and Recycling of the Code of Ordinances, City of Carrollton, Texas is hereby amended by adding a new section, to be numbered 50.50, which said section reads as follows:

Sec. 50.50 Donation Bins

Donation bins shall be prohibited outdoors.

Section 15.

That the Comprehensive Zoning Ordinance and the Code of Ordinances are hereby amended to reflect the action taken herein.

Section 16.
Penalty Clause

That any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 17.
Severability Clause

It is hereby declared to be the intention of the City Council that in accordance with Section 10.07 of the Carrollton City Code, the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the

incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 18.
Repealing Clause

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 19.
Savings Clause

That Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, and the Code of Ordinances, as amended, shall remain in full force and effect.

Section 20.

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

PASSED AND APPROVED this the 3rd day of May, 2011.

CITY OF CARROLLTON

By: _____
Ronald F. Branson, Mayor

ATTEST:

_____
Ashley D. Mitchell
City Secretary

APPROVED AS TO FORM:

_____
Regina A. Edwards
First Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Loren Shapiro, AICP
Senior Planner