



City of Colleyville Planning and Zoning Commission Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Monday, November 8, 2021

City Council Chambers

**PRE COMMISSION MEETING
6:15 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

**LEGAL BRIEFING BY CITY ATTORNEY REGARDING PLANNING, ZONING,
PLATTING, AND LAND USE**

**REVIEW OF REGULAR AGENDA ITEMS AND DISCUSSION OF PREVIOUS
MEETING MINUTES**

**DISCUSSION OF ITEMS TO BE PLACED ON FUTURE AGENDAS AND
UPDATES ON DEVELOPMENT TRENDS, PROGRESS AND CITY COUNCIL
ACTIONS ON PAST AGENDA ITEMS**

**EXECUTIVE SESSION – In accordance with Texas Government Code
Chapter 551, Subchapter D, Section 551.071 – Legal – Consultation with
attorney on legal issues raised by public hearing or action items on the
agenda**

**7:00 P.M. - REGULAR MEETING
CALL TO ORDER AND ROLL
INVOCATION: COMMISSIONER RAINE
PLEDGE OF ALLEGIANCE**

1. APPROVAL OF MINUTES

- 1a** Planning and Zoning Commission Meeting Minutes - October 11, 2021
Planning and Zoning Commission Worksession Minutes - October 25, 2021

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024, TABLED FROM THE OCTOBER 11, 2021 PLANNING AND ZONING COMMISSION MEETING
- 2b** Consideration of a Special Use Permit for a Reduction in Parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028
- 2c** Consideration of amendments to Chapter 3 of the Land Development Code for the removal of the Mobile Home Residential District, specifically amending Section 3.16 MH - Mobile Home Residential District, Section 3.24B Schedule of Permitted Principal Uses, and Section 3.24.G Schedule of District Regulations, Case GC21-012
- 2d** Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013
- 2e** Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

3. CITIZEN COMMENTS

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards November 5, 2021 by 5:00 p.m.



Dakari Hill
Planning Technician

A quorum of the Colleyville City Council may be in attendance at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
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Agenda Number 1a	Agenda Date 11/8/2021	Number
Type Approval of Minutes		
Department Planning and Zoning Commission		

Title

Planning and Zoning Commission Meeting Minutes - October 11, 2021
Planning and Zoning Commission Worksession Minutes - October 25, 2021

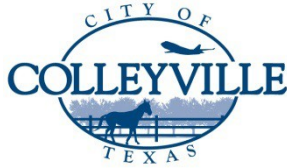
Explanation

Approval of minutes from the Planning and Zoning Commission Meeting on October 11, 2021 and the Planning and Zoning Commission Worksession on October 25, 2021.

Recommendation

Attachments

1. October 11, 2021 P&Z Minutes
2. October 25, 2021 P&Z Minutes



City of Colleyville Planning and Zoning Commission Minutes

City Hall
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Monday, October 11, 2021

Executive Conference Room

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission Meeting was called to order by Chair Bevill on October 11, 2021, at 6:15 p.m.

Roll Call

Present: David Groves, Lawrence Williamson, Sayeda Syed, Tim Raine, Matt Koch, Claudia Bevill, and George Bond

Absent: N/A

Staff Present: Ben Bryner, Jacquelyn Reyff, Larry Wright, Eddie Tangadunrat, Rob McKeown, and Dakari Hill

Also Present: Attorney, Nicole Corr

There was general discussion amongst Staff and the Commission regarding items to be presented this evening at the regular meeting.

Chair Bevill adjourned the Planning and Zoning Commission Meeting at 6:51 p.m.

CALL MEETING TO ORDER CITY COUNCIL CHAMBERS

The City of Colleyville Planning and Zoning Commission Meeting was called to order by Chair Bevill on October 11, 2021, at 7:00 p.m.

Roll Call

Present: David Groves, Lawrence Williamson, Sayeda Syed, Matt Koch, Claudia Bevill, and George Bond

Absent: N/A

Staff Present: Ben Bryner, Jacquelyn Reyff, Larry Wright, Eddie Tangadunrat, Rob McKeown, and Dakari Hill

Also Present: Attorney, Nicole Corr

1. APPROVAL OF MINUTES

- 1a** Planning and Zoning Commission Meeting Minutes – September 13, 2021
Planning and Zoning Commission Worksession Minutes – September 27, 2021

Commissioner Groves made a motion to approve the September 13, 2021 Planning and Zoning Commission Meeting Minutes and the September 27, 2021 Planning and Zoning Commission Worksession Minutes. Commissioner Koch seconded the motion.

The motion was carried by the following vote:

Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond
Nay: 0

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024

Jacquelyn Reyff presented the item and briefed the Commission.

The applicant, Kushal Bastakoti, 4119 Nepoli Way, Irving, TX came forward and briefed the Commission.

Mr. Bastakoti answered questions of the Commission regarding the store's management, types of products to be sold, and the franchise associated with the store.

An associate of the applicant, Steven Hz, 9655 Wharf Road, Dallas, TX answered questions of the Commission regarding the allowance of Delta 8 products, age verification for customers, and in-store usage of products.

An associate of the applicant, Anselm Hg, 1231 Alabama Road, Murphy, TX answered questions of the Commission regarding the allowance of Delta 8 products, the presentation put forward, and his role in the company.

The public hearing was open at 7:42 p.m.

With no one wishing to speak, the public hearing was closed at 7:43 p.m.

Commissioner Koch made a motion to table Case ZC21-024. Commissioner Williamson seconded the motion.

The motion was carried by the following vote:

**Aye: 7 –Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond
Nay: 0**

2b Consideration of a zoning change from PUD-C Planned Unit Development-Commercial district to PUD-C Planned Unit Development-Commercial district, specifically for a senior living facility, for Lots 1 & 2, Block A, Heritage Farms, located at 913 Cheek-Sparger Road and 3808 Wayne Drive, Case ZC21-025

Jacquelyn Reyff presented the item and briefed the Commission.

An associate of the applicant, Tim Mallad, 12467 Merit Drive, Dallas, TX came forward and briefed the commission.

An associate of the applicant, Rockland Berg, 419 Trinity River Circle, Dallas, TX came forward and briefed the commission.

An associate of the applicant, Barry Hudson, 550 Bailey Avenue, Suite 400, Fort Worth, TX came forward and briefed the commission.

An associate of the applicant, Russell Jones, 8309 Sandhill Crane Drive, Fort Worth, TX came forward and briefed the commission.

The applicant, Steven Ailey, 14268 Wheatfield Lane, Frisco, TX came forward and briefed the commission.

The public hearing was open at 8:24 p.m.

Tom Buckelew, 3709 Woodmont Court, Bedford, TX came forward and spoke in opposition to the case. Mr. Buckelew expressed concerns regarding drainage and flooding, specifically the building's concrete being unable to absorb drainage.

Michael Fuchs, 4205 Shadow Ridge Drive, Colleyville, TX came forward and spoke in opposition to the case. Mr. Fuchs expressed concerns regarding traffic, specifically the widening of Cheek-Sparger as a result of this development.

With no one wishing to speak, the public hearing was closed at 8:37 p.m.

Staff addressed concerns of the constituents regarding the drainage plan of the development and the potential widening of Cheek-Sparger Road.

The Commission detailed they wanted concerns regarding solutions to traffic issues, financials of the business, and the tangible benefit for the City addressed by the applicant and his associates.

Mr. Ailey, Mr. Mallad, Mr. Berg, Mr. Hudson, and Mr. Jones answered questions of the Commission regarding the buy-in process for residents, a potential Payment In Lieu of Taxes (PILOT), and a roundabout on Cheek-Sparger Road.

Staff answered questions of the Commission regarding a PILOT being part of a Planned Unit Development (PUD) and the impact of the development on emergency responders.

**Commissioner Koch made a motion to approve Case ZC21-025.
Commissioner Raine seconded the motion.**

The motion was carried by the following vote:

Aye: 3 –Raine, Koch, and Bond

Nay: 4 – Groves, Williamson, Syed, and Bevill

2c Consideration of a Minor Plat with a Plat Waiver for Street Frontage for Tract 2LL, Abstract 1248, Thomas J Polson Survey, located at 4813 Ford Court, Case PC21-015

Jacquelyn Reyff presented the item and briefed the Commission.

The applicant, Derek Tuttle, 4813 Ford Court, Colleyville, TX came forward and briefed the Commission.

Mr. Tuttle answered questions of the Commission regarding the location of horse stables, the property's retention pond, and the property's perimeter easements.

The public hearing was open at 9:50 p.m.

With no one wishing to speak, the public hearing was closed at 9:50 p.m.

**Commissioner Groves made a motion to approve Case PC21-015.
Commissioner Syed seconded the motion.**

The motion was carried by the following vote:

Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond
Nay: 0

2d Consideration of a zoning change from AG Agricultural district to R-40 Single Family Residential district for Tract 2F01, Abstract 1692, Joseph White Survey, located at 6113 Hunter Lane, Case ZC21-026

Jacquelyn Reff presented the item and briefed the Commission.

The public hearing was open at 9:55 p.m.

With no one wishing to speak, the public hearing was closed at 9:55 p.m.

Commissioner Syed made a motion to approve Case ZC21-026.
Commissioner Bond seconded the motion.

The motion was carried by the following vote:

Aye: 7 – Groves, Syed, Raine, Koch, Bevill, and Bond
Nay: 0

2e Consideration of a Minor Plat with a Plat Waiver for Lot Width for Tract 2F01, Abstract 1692, Joseph White Survey, located at 6113 Hunter Lane, Case PC21-016

Jacquelyn Reyff presented the item and briefed the Commission.

The public hearing was open at 9:57 p.m.

With no one wishing to speak, the public hearing was closed at 9:57 p.m.

Commissioner Bond made a motion to approve Case PC21-016.
Commissioner Raine seconded the motion.

The motion was carried by the following vote:

Aye: 7 – Groves, Williamson, Syed, Raine, Koch, Bevill, and Bond
Nay: 0

3. CITIZEN COMMENTS

With no one wishing to speak, the public hearing was closed at 9:58 p.m.

4. ADJOURNMENT

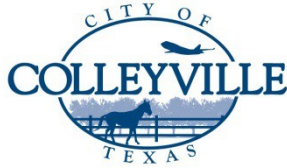
The meeting adjourned at 9:59 p.m.

The minutes were written and prepared by:



Dakari Hill
Planning Technician

The meeting minutes were approved on _____, _____ by a vote of _____.



City of Colleyville Planning and Zoning Commission Minutes

City Hall
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Monday, October 25, 2021

Executive Conference Room

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission Worksession Meeting was called to order by Chair Bevill on October 25, 2021, at 6:18 p.m.

Roll Call

Present: Lawrence Williamson, Sayeda Syed, Tim Raine, Matt Koch, and Claudia Bevill

Absent: David Groves and George Bond

Staff Present: Ben Bryner, Robert McKeown, and Dakari Hill

Also Present: Attorney, Nicole Corr

2. WORKSESSION AGENDA ITEMS

- 2a** Presentation and discussion of a Special Use Permit for a Reduction in Parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028

Ben Bryner presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the current operational status of the business, the legal standing of the shared parking agreements, and the permit's contingency on the shared agreements.

- 2b** Presentation and discussion of amendments to Chapter 3 of the Land Development Code for the removal of the Mobile Home Residential District, specifically amending Section 3.16 MH – Mobile Home Residential District, Section 3.24.G Schedule of District Regulations, Case GC21-012

Ben Bryner presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the eradication of the mobile home zoning district.

- 2c** Presentation and discussion of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

Ben Bryner presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the City's policy on existing structures without a special use permit.

- 2d** Presentation and discussion of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

Ben Bryner presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the language of the proposed amendment, setback requirements for commercial accessory buildings, and height limits for commercial accessory buildings.

- 2e** Presentation and discussion of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024

Ben Bryner presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the contingency of the certificate of occupancy on the special use permit, conditions that should be added to the special use permit, and parking requirements. The applicant, Kushal Bastakoti, 4119 Nepoli Way, Irving, TX, and associates, Steven Hz, 9655 Wharf Road, Suite 145, Dallas, TX and Anselm Hg, 1231 Alabama Road, Murphy, TX, addressed questions of the Commission regarding use of products on store premises, training for franchisees, and the accreditation of the training academy.

3. ADJOURNMENT

The meeting adjourned at 7:23 p.m.

The minutes were written and prepared by:



Dakari Hill

Planning Technician

The meeting minutes were approved on _____, _____ by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
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Agenda Number 2a	Agenda Date 11/8/2021	Number
Type Public Hearing Agenda Items		
Department Planning and Zoning Commission		

Title

Consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024, TABLED FROM THE OCTOBER 11, 2021 PLANNING AND ZONING COMMISSION MEETING

Explanation

UPDATE: The applicant supplied an updated Statement of Planning Objectives.

Kushal Bastakoti, of Earth and Roots CBD, has submitted a request for a Special Use Permit (SUP) to allow for a CBD Store use at 4209 Colleyville Boulevard, Suite B. A CBD store is allowed in the CC-3 Highway Commercial district with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-3 and generally located on the east side of Colleyville Boulevard, north of Cheek Sparger Road near the intersection of Felps Drive. The subject property is a platted lot and currently developed with a multi-tenant commercial building. Suite B is currently vacant.

Proposed Special Use Permit: Request – The applicant is requesting approval of an SUP to allow for a CBD store use at this location.

Ordinance – Land Development Code, Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses:

A CBD Store in the CC-2 and CC-3 non-residential zoning districts is required to obtain an SUP.

Analysis: The applicant is requesting the SUP for a CBD store. The hours of operation will be 9:00 am to 9:00 pm. The percentage of CBD products to be sold are between 40% - 60%. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

Plat Status: The property is platted as Lot 7R1A, Block 2, of the Andy Felps Addition.

DRC Review: The DRC reviewed the request during their September 20, 2021 meeting and determined the application was complete and may be scheduled for the next available Planning and Zoning Commission meeting.

Drainage: NA

Surrounding Development: The properties to the north and south are zoned CC-3 Highway Commercial, and developed with a mixture of retail and automotive uses. The property to the east is zoned R-20 Single Family Residential and is improved with single-family uses. The property to the west is located in the City of Hurst and developed with a commercial building.

Comprehensive Plan: The City's comprehensive plan, Destination Colleyville, identifies the subject property as "Colleyville Boulevard Corridor" and located within a Sales Tax Preferred Intersection.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the Fort Worth Star-Telegram as required by State law and the Land Development Code.

Staff Recommendation: Staff is neutral on this request.

Recommendation

None

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Notification Map
6. Notify List
7. Draft Ordinance

Aerial Map



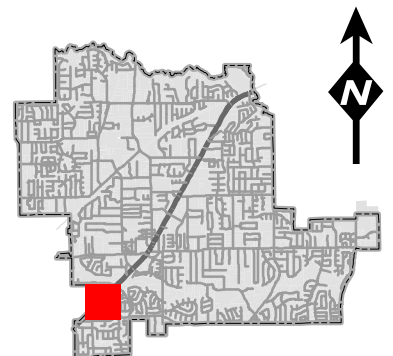
ZC21-024

4209 Colleyville Boulevard, Suite B

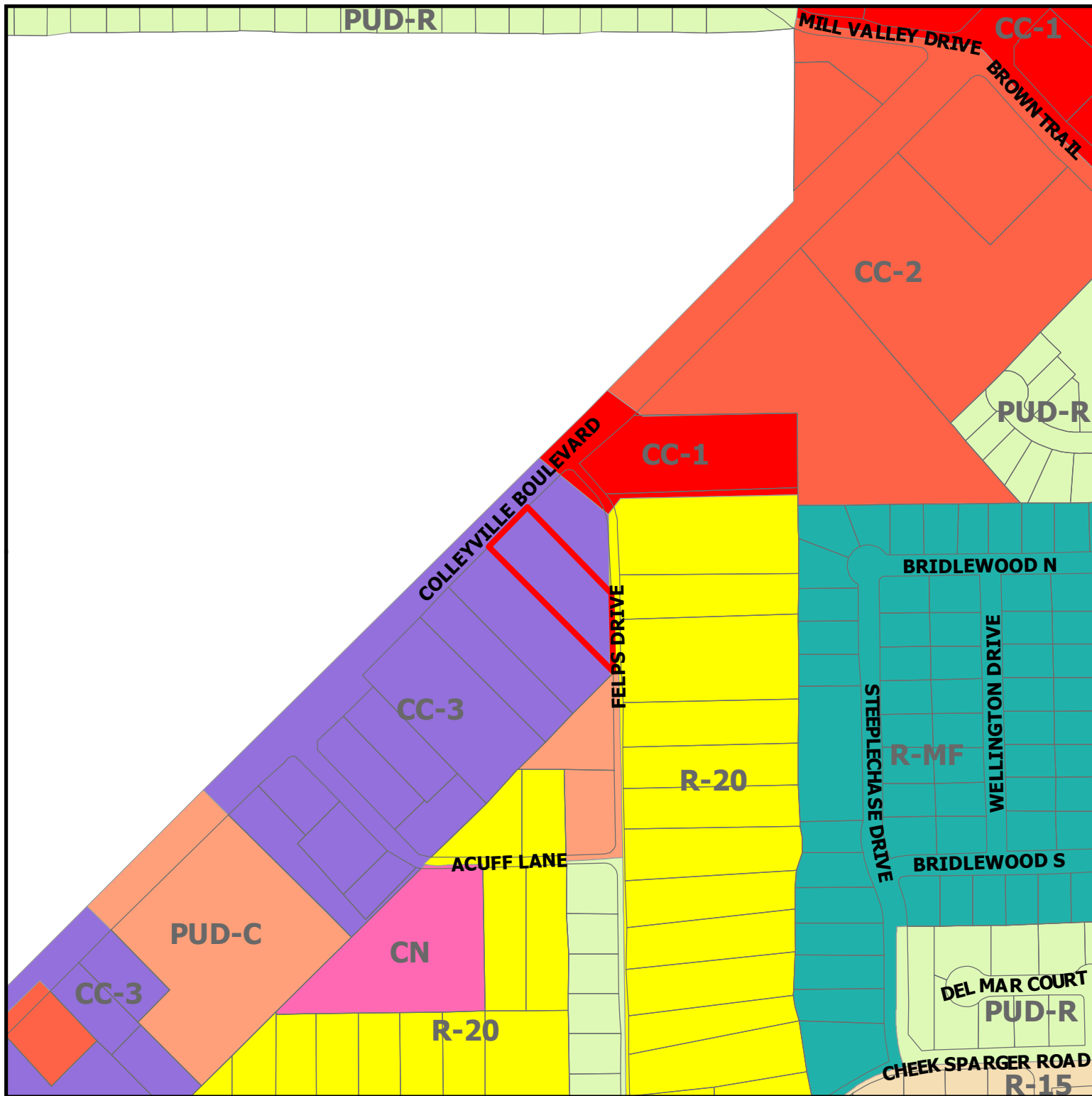
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Subject Property



Zoning Map



ZC21-024

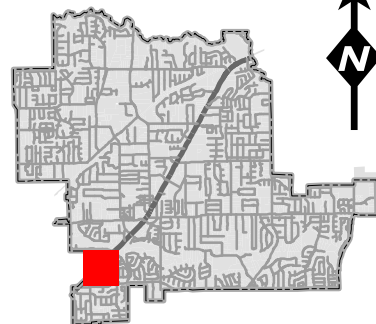
4209 Colleyville Boulevard, Suite B

DISCLAIMER:

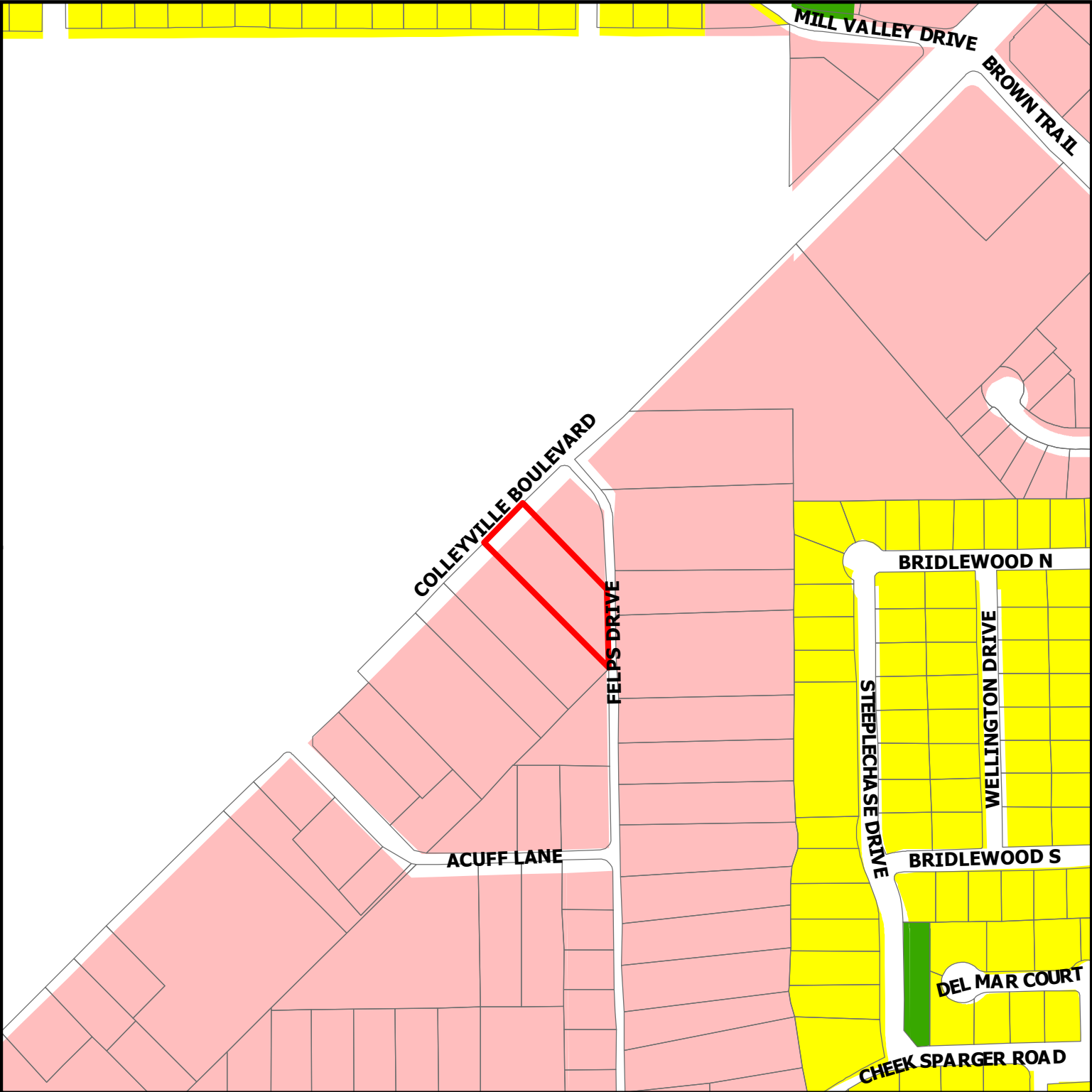
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Subject Property



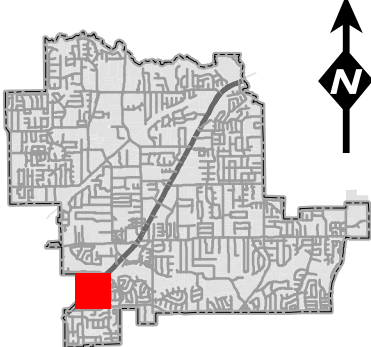
Future Land Use Map



ZC21-024

4209 Colleyville Boulevard, Suite B

-  Subject Property
-  Residential
-  Colleyville Blvd Corridor
-  Open Space; Parks



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EARTH AND ROOTS CBD

Presentation by Steven Ha, President

OUR MISSION

Earth and Roots CBD started with one vision: To bring the best quality hemp products for health and wellness, and offer the highest level of customer service to spread knowledge and awareness on how CBD and naturceuticals can change lives for the better.

Our goal is to empower education and wellness with hemp derived products. Helping others understand the benefits and power that cannabinoids can potentially offer, is our main goal.

Education on CBD has been, and is currently lacking, and we aim to spread awareness to people through our educational campaigns.

Limited research suggests cannabinoids show reduction in anxiety, inflammation, and pain. -Health.Harvard.edu



How is Earth and Roots classified as a high end CBD store?

1. All of our employees must pass 5 courses certificated from CBDtrainingacademy.com and train for excellence in education and customer experience.
2. We actually design our stores specifically to the balance of Black and White. The Yin & Yang which is the balance of life. We have been rated to be one of the best CBD stores in the state.
3. We don't sell any paraphernalia.
4. We don't sell any CBD products over 0.3% THC.
5. We don't sell Delta 8, Delta 10 or THCO or any other Isomer and Synthetic product.
6. Everything we produce is 100% natural, occurring from the hemp plant.
7. We use organic and natural ingredients in all of our products.
8. We use herbal blends in our CBD products for better health solutions.

We won 2nd best in DFW in the CBD category!

Best in **DFW**
The Dallas Morning News
People's Choice

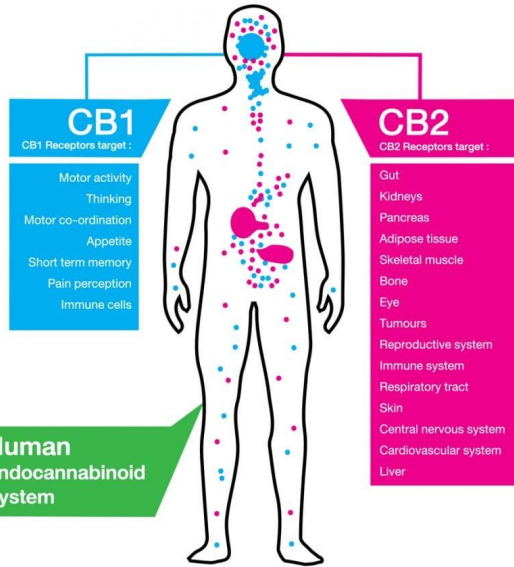


Why Franchise with Earth and Roots?

1. Our franchisees must be qualified to be part of Earth and Roots, through our vetting process.
2. We are highly selective of competitive candidates that will show passion, integrity and proven leadership to this industry.
3. We want to create a positive influence with CBD. We don't look for investors that want to be a franchisee, but operating owners.
4. We are a manufacturer that has proven grounds on distribution and won't have issues with the demand and supply as others have faced along inventory control.
5. Franchisees must have \$50k liquidity for a minimum of six months of post-down costs.



Why is hemp good for us?



Cannabinoids exert their effects by interacting with specific cannabinoid receptors present on the surface of cells. Cannabinoid receptors are an essential component of the body's endogenous, or endocannabinoid system (ECS). Every function in our body requires balance, or homeostasis, to perform at maximum capacity.



CB1 receptors

CB1 is expressed primarily in the brain, central nervous system, lungs, liver, kidneys, and other vital organs.



CB2 receptors

The communication of the CB1 to provide activity that inhibits inflammatory signaling pathways, bringing things back to a normal non-inflammatory state, or a state of homeostasis.



Conclusion

In today's world we lack a good balanced meal, exercise, sleep, and maintaining stress levels. This could be a dysfunction that can contribute in development in genetic and environmental factors.



Education and dosage is provided during the visit at the store and QR codes on every product so customers can scan and learn more.

CBD FARM HOUSE

1000 NATURAL

1:1 CBDA+CBG

NET WT 1 FL OZ | 30 ML

CANNABIS HAS OVER **100+**
CANNABINOIDS
two commonly known ones are:



The infographic is divided into two columns by a vertical line. The left column is headed 'HEMP' and states it 'contains 0.3% THC (OR LESS)'. The right column is headed 'MARIJUANA' and states it 'contains 15-20% THC (TYPICALLY)'. In the center, a circle labeled 'THC AMOUNT' has two arrows pointing to it: one from the left pointing to a small grey circle representing 0.3%, and one from the right pointing to a larger green circle representing 15-20%.

Plant Type	THC Content
Hemp	0.3% (OR LESS)
Marijuana	15-20% (TYPICALLY)

Because hemp and MJ are cousin plants. They can be confused in the mix. Non- reputable companies associate and market hemp as MJ with the tacky leaf. Which has caused stigma. Hemp has been used for thousands of year like bamboo such as rope, textiles, clothing, shoes, food and paper.

CONCEPT



Highlights

Our retail concept is very simple. We bring character in our stores through a mix of modern and industrial aesthetics, similar to New York concepts. As you can see, the White(California theme) and Black (New York theme) Brick concept. This represents Yin and Yang , which we based our concept out of: A balanced homeostasis of the body through our CBD products.

Advantages of franchising with E&R

1. CBD Manufacturer-owned franchise that has full inventory control and backing.
2. Training and Initial business set-up, ongoing Franchise Support, and continuous training development.
3. Ongoing innovation on new products from our own formulations, research and development, and packaging.
4. Our system is about helping our franchisees succeed, and we are very proud of our brand. You are not a store number, but family when accepted into Earth and Roots.
5. Marketing and advertising support, from our in house marketing team lead by our CMO with an extensive marketing agency background.
6. Pharmacist formulated products

The best franchisees are great leaders

PRIMARY CANNABINOIDS								
POTENTIAL BENEFITS*	THC	CBD	CBG	CBN	CBC	THC-V	THC-A	CBD-A
CAN ALLEVIATE PAIN	●	●	●	●	●			
CAN REDUCE INFLAMMATION		●	●	●	●		●	●
CAN SUPPRESS APPETITE		●				●		
CAN STIMULATE APPETITE	●	●						
CAN REDUCE NAUSEA	●	●						
CAN REDUCE ANXIETY		●			●			
CAN MODERATE PSYCHOSIS		●						
CAN BOOST IMMUNE SYSTEM		●						
CAN REDUCE BLOOD SUGAR LEVELS		●						
CAN REDUCE SEIZURES	●	●		●		●	●	
CAN SUPPRESS MUSCLE SPASMS	●	●		●			●	
CAN HELP AID SLEEP	●	●		●				
CAN DETER NEURODEGENERATION	●	●						
MAY INHIBIT CELL GROWTH IN TUMORS	●	●	●			●	●	●
CAN PROMOTE BONE HEALTH		●	●			●		
CAN REDUCE DEPRESSION		●	●					

*These statements have not been evaluated by the FDA. This product is not intended to diagnose, treat, cure, or prevent any disease.

SOURCE: CBD ORIGIN

TESTIMONIES

We have over (133) Google review 5.0 star in the past 10 months

Kathy George

6 reviews

★★★★★ 8 months ago

I visited the CBD farmhouse in Farmers Branch and they were closed on Saturday and a young man came to the door and informed me of Earth & Roots in The Colony. I arrived and a kind young man welcomed me and assessed my needs while being attentive to my many questions. I was comfortable and his product suggestions gave me relief while saving 40% from the CBD plus three blocks away. I went to pay for my purchase and had dropped a \$100 bill somewhere and panicked while a young lady came out to assist me in searching outside for the bill. We found the money and she introduced herself since she does facials inside the store.

The stores concept is met with a creative owner and Pharmacist which gives me more confidence in the products offered by this business. I am challenged by a congenital bone disorder with a 6" leg length discrepancy and forty two surgeries later, I refuse to depend on synthetic drugs for pain relief and appreciate this young lady joining the research offering Americans an effective and safe alternative that hemp can offer.

Thank you Earth& Roots.

Kathy George

Tyler Eppes

1 review

★★★★★ 4 months ago

Stopped in for the first time yesterday and had a wonderful experience. Eugene was an absolute doll, I can say that he taught me more in 15 minutes about the products I'm using than anyone in any other shop I've been to has. Great atmosphere and in house products so you know what you are getting. He also helped my mother find something to help with her tendonitis and was very informative. All in all terrific customer service and I left happy with exactly what I needed. Thank Eugene for me!

D

Danny Talanquines

5 reviews

★★★★★ 8 months ago

Walked into earth roots and I was immediately greeted with such kindness.

The salesperson, Eugene, was so knowledgeable and walked me through every step.

Just by chance, I met the owners and I could not be more impressed. They showed me the top selling products and explained everything to me. I never knew about CBD until it was explained to me by the employees.

Going through back pain and anxiety, it really helped. I am a registered nurse and I will say that these products really helped through my daily life. I found out that the products are made by a board certified pharmacist and I am hooked!

Just want to say thank you to earth roots for introducing me to a great product that I will now recommend to all my friends and coworkers!



tina tina

Local Guide · 9 reviews · 53 photos

★★★★★ 9 months ago

If you have sleeping problem, you need to try their "Sleepytime Full Spectrum". I've had sleep problems and tried from over the counter to prescriptions and this product is the best thus far. It work within 15 minutes and I get my deep sleep for a productive next day. Highly recommend it!



Eazydoesit

2 reviews

★★★★★ 8 months ago

Purchased the 1000 Topical for my father. He has been having problems with arthritis in his hands. He noticed improvement immediately. After a couple of days the pain and movement were back to normal. You have a customer for life. Awesome product and top of the line ingredients.

M

Milene Zapata

2 reviews

★★★★★ a year ago

I don't have words to express myself how wonderful CBD products are...I had a sharp pain on my left leg that I could hardly walk. I went to the hospital and they tried to find the cause of my pain with 3 MRI but they found nothing...my pain continued...my son Gabriel told me to try the Cooling cream and the 1500mgs tincture(sublingual) and in less than 2 weeks I was walking perfectly fine. I just couldn't believe it!!! The problem is that I still owe \$4,500 to the hospital. I will always use CBD products from CBD Farmhouse, they are very knowledgeable and their customer service is outstanding, they are very generous when you ask for samples...Thank you so much for all you do!

Meet Yuong Lam, PharmD & CEO

Yuong Lam is a pharmacist by trade and co-founder of Earth and Roots CBD™, our full time cannabis consultant and hemp product formulator. She is an alumni of both University of Houston and Texas Tech School of Pharmacy. She decided to leave the world of Big Pharma in 2019, and move into the alternative medicine and cannabis-derived nutraceuticals field. There are many studies by researchers and universities that show CBD could help many people in terms of pain, anxiety, inflammation, and sleep, but she felt that corporate retail pharmacy was restrictive in offering alternative solutions. That's how Earth and Roots CBD was born.



Meet Anselm, COO

Anselm Ng is a Houston native and co-founder of Earth and Roots CBD™. He found a passion for Cannabis and CBD products, as he realized that the world needs to learn more about the industry. Having operations experience in different fields of business, he quickly paired his passion with his partners, and finding ways to change people's lives for the better, bringing a positive influence to the world.



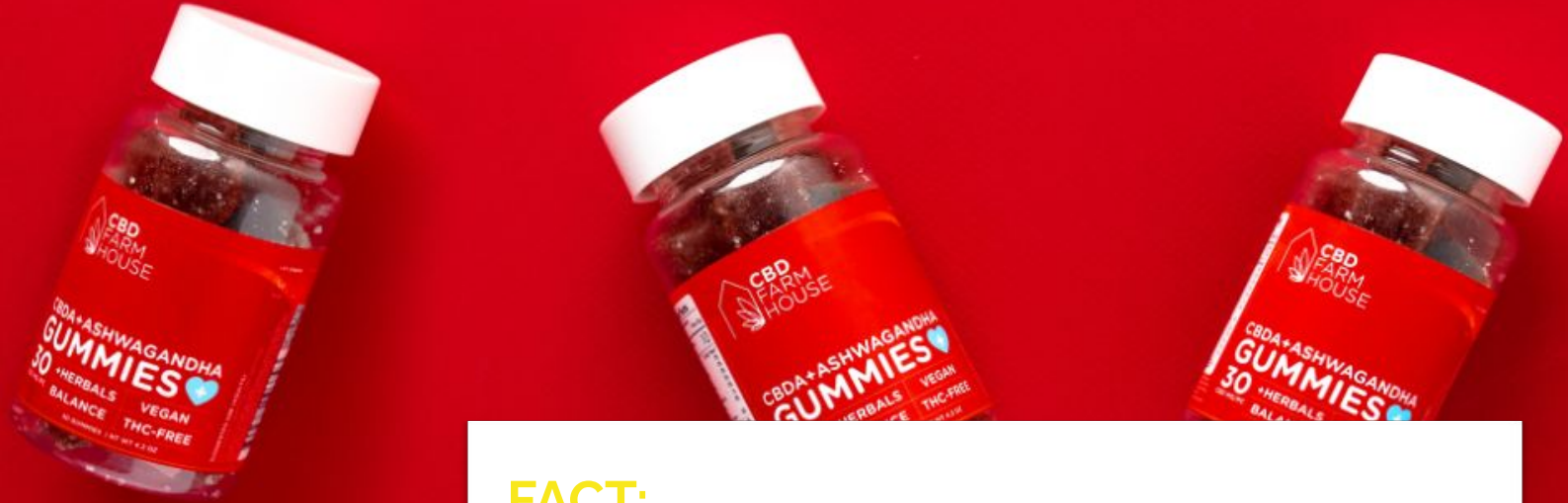


TRAINING

Our corporate trainer, Eugene, has 6 years of experience with CBD with over 6-8 certifications on CBD, CBD for pets and processing.

Every store that is set up, pre-launch, will have a 2 week training period. In these 2 weeks, Eugene will guide all employees at that location with extensive product knowledge, education, store operations, and top customer service with Earth and Roots. He will stay with that store location for a week after opening to ensure the operations of that store runs smoothly.

YOUR WELLNESS IS OUR CONCERN



FACT:

Our customers' health means everything to us. We don't just make plain CBD products, but we infuse them with healthy herbal blends to enhance our product benefits

How has CBD positively affected the nation and the demographics that use it?

In 2019 only 14% of consumers used CBD products. The statistics has shown that every age 18-72 has had equal usage since this number. CBD is for everyone.

Source: travel.trade.gov



Milestone

October 15, 2020

Opened up our first Earth and Roots Location in The Colony

August, 2021

Earth and Roots Franchise Corporation was created. Established Trademark, FDD and other certifications.

December, 2021

5 more Earth and Roots locations will have been opened, and 5 more in construction

2014

2015

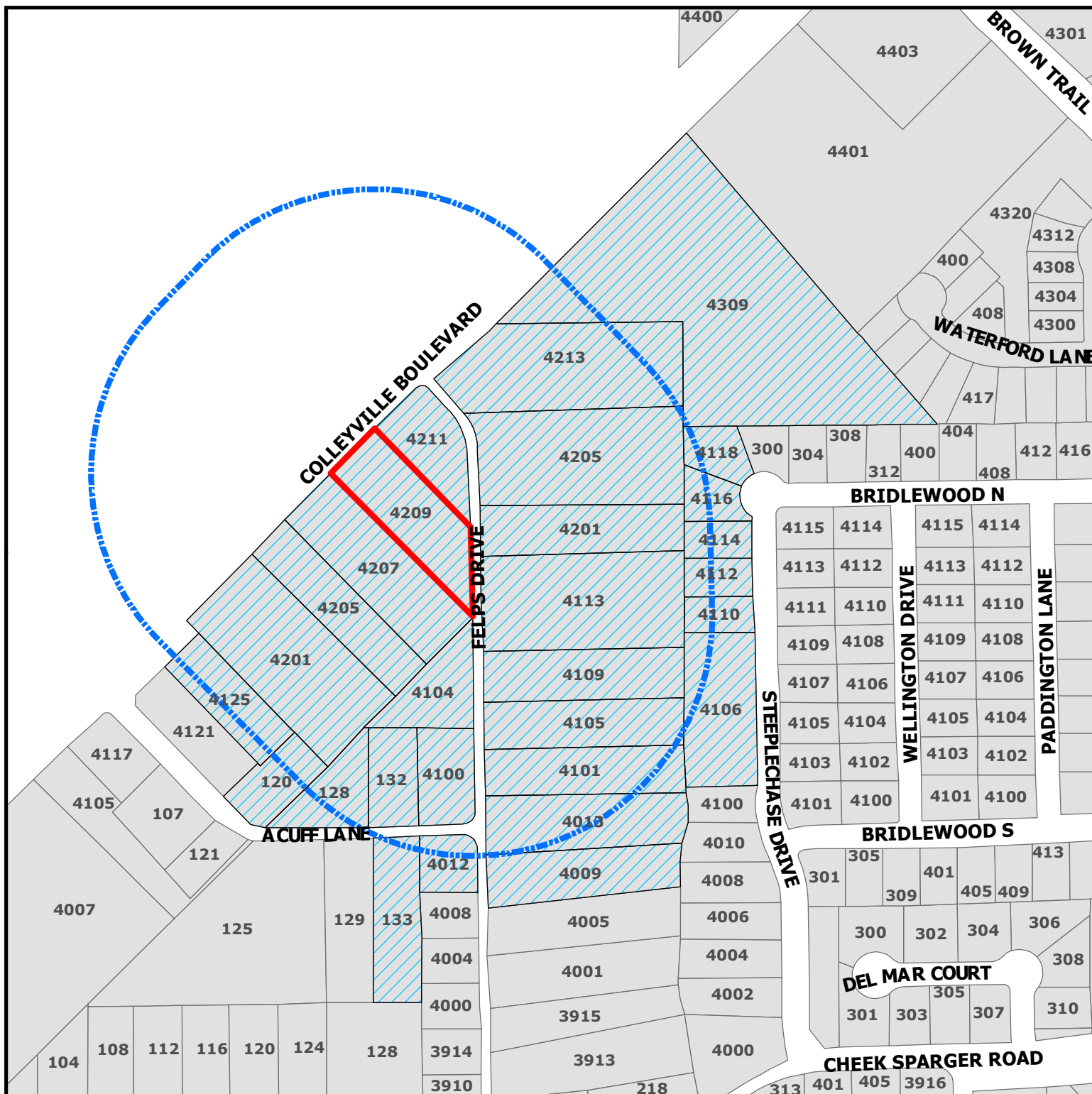
January, 2021

Stabilized our beta store operation and customer base

September, 2021

Secured 4 new DFW locations and POST development in Houston.

Notification Map



ZC21-024

4209 Colleyville Boulevard, Suite B

DISCLAIMER:

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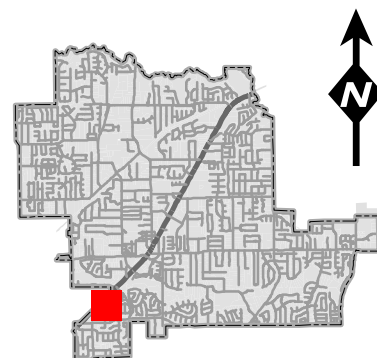
Subject Property



500ft Buffer



Properties within 500ft



Owner_Name	Owner_Addr	Owner_City
AUTO WASH DEPOT CENTERS	2400 E COMMERCIAL BLVD STE 901	FORT LAUDERDALE, FL
CHOATE, JOHN P	4112 STEEPLECHASE DR	COLLEYVILLE, TX
DUONG, TRANG	10268 CHARISSGLEN CIR	LITTLETON, CO
HINKLE-MORRISON, MICHAEL	4012 FELPS DR	COLLEYVILLE, TX
MANDATO, DAVID A	4109 FELPS DR	COLLEYVILLE, TX
WILKS, EARLEEN FAY	132 ACUFF LN	COLLEYVILLE, TX
HOELSCHER, KEVIN	4116 STEEPLECHASE DR	COLLEYVILLE, TX
ROMINE, LAQUITA JOY	4113 FELPS DR	COLLEYVILLE, TX
RAI, RAMINDERPAL	4201 FELPS DR	COLLEYVILLE, TX
FRENCH, JAMES E	PO BOX 550	TIOGA, TX
HOMEOWNERS OF BRIDLEWOOD	PO BOX 1142	COLLEYVILLE, TX
4209 COLLEYVILLE BLVD LLC	PO BOX 602	COLLEYVILLE, TX
LAWSON, DAVID S	4114 STEEPLECHASE DR	COLLEYVILLE, TX
4FD PROPERTIES LLC	4100 FELPS DR STE A	COLLEYVILLE, TX
4205 COLLEYVILLE LLC	PO BOX 92565	SOUTHLAKE, TX
BENCHMARK AMERICAN HOMES	9001 GLENDARA DR	NORTH RICHLAND HILLS, TX
LAPRELLE, CHAD	133 ACUFF LN	COLLEYVILLE, TX
CALLAHAN, JIMMY	PO BOX 430	YANTIS, TX
ACHA, CHRISTINE	7656 RIDGELINE DR	DUBLIN, CA
BOTEJU, PRABATH S	501 THORN WOOD DR	EULESS, TX
KNIGHT, STEVEN	4205 FELPS DR	COLLEYVILLE, TX
EKDREN TRUST	4110 STEEPLECHASE DR	COLLEYVILLE, TX
MIDBELT PROPERTIES LP	2722 FAIRMOUNT ST	DALLAS, TX
WIEGMANN, PAULA L	4118 STEEPLECHASE DR	COLLEYVILLE, TX
BRATTON, BILLY W	4009 FELPS DR	COLLEYVILLE, TX
FIRST ASSEMBLY OF GOD CH	PO BOX 98	COLLEYVILLE, TX
CORPORATION, ALARDIN	1721 WOODHILL LN	BEDFORD, TX
LATT PROPERTIES INC	3701 CLIFFWOOD DR	COLLEYVILLE, TX
CROMBIE, PHILLIP EST	128 ACUFF LN	COLLEYVILLE, TX
BRIDLEWOOD ESTATES	4110 Coachman	COLLEYVILLE, TX
TIFFANY PARK	1264 Harwood Road	BEDFORD, TX
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX

ORDINANCE O-21-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.841 ACRES, BEING LOT 7R1A, BLOCK 2, OF THE ANDY FELPS ADDITION, LOCATED AT 4209 COLLEYVILLE BOULEVARD, SUITE B, BY AUTHORIZING A SPECIAL USE PERMIT FOR A CBD STORE USE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for a CBD store for the business known as Earth and Roots CBD, Case No. ZC21-024; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to amend the City's zoning ordinance; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City Council is of the opinion that the change in zoning provided for herein should be made, in compliance with the City Charter, and state law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a CBD store on 0.841 acres, being Lot 7R1A, Block 2, of the Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, for the business known as Earth and Roots CBD, as depicted on the attached as Exhibit "A".

Sec. 2. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to a CBD store.
- b. The name of the business authorized for a CBD store by this Special Use Permit shall be called "Earth and Roots CBD".
- c. The hours of operation shall be 9 am to 9 pm.
- d. The business shall not sell any paraphernalia related to vaping and/or smoking.
- e. There shall not be any smoking on the premises, inside or outside, and a "no smoking" sign shall be posted.
- f. There shall not be any CBD products sold over 0.3% THC.
- g. There shall not be any Delta 8, Delta 10, or THCO or any other Isomer and Synthetic product sold.
- h. No smoothies or other similar food type products (prepared to order) shall be permitted.
- i. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- j. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

- Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 7. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of November 2021.

The second reading and public hearing being conducted on the 16th day of November 2021.

PASSED AND APPROVED BY A VOTE OF __ AYES, __ NAYS, AND __ ABSTENTIONS ON THIS THE 16TH DAY OF NOVEMBER 2021.

Mayor Richard Newton	_____ Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____ Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____ Place 6, Callie Rigney	_____
Place 4, George Dodson	_____	

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

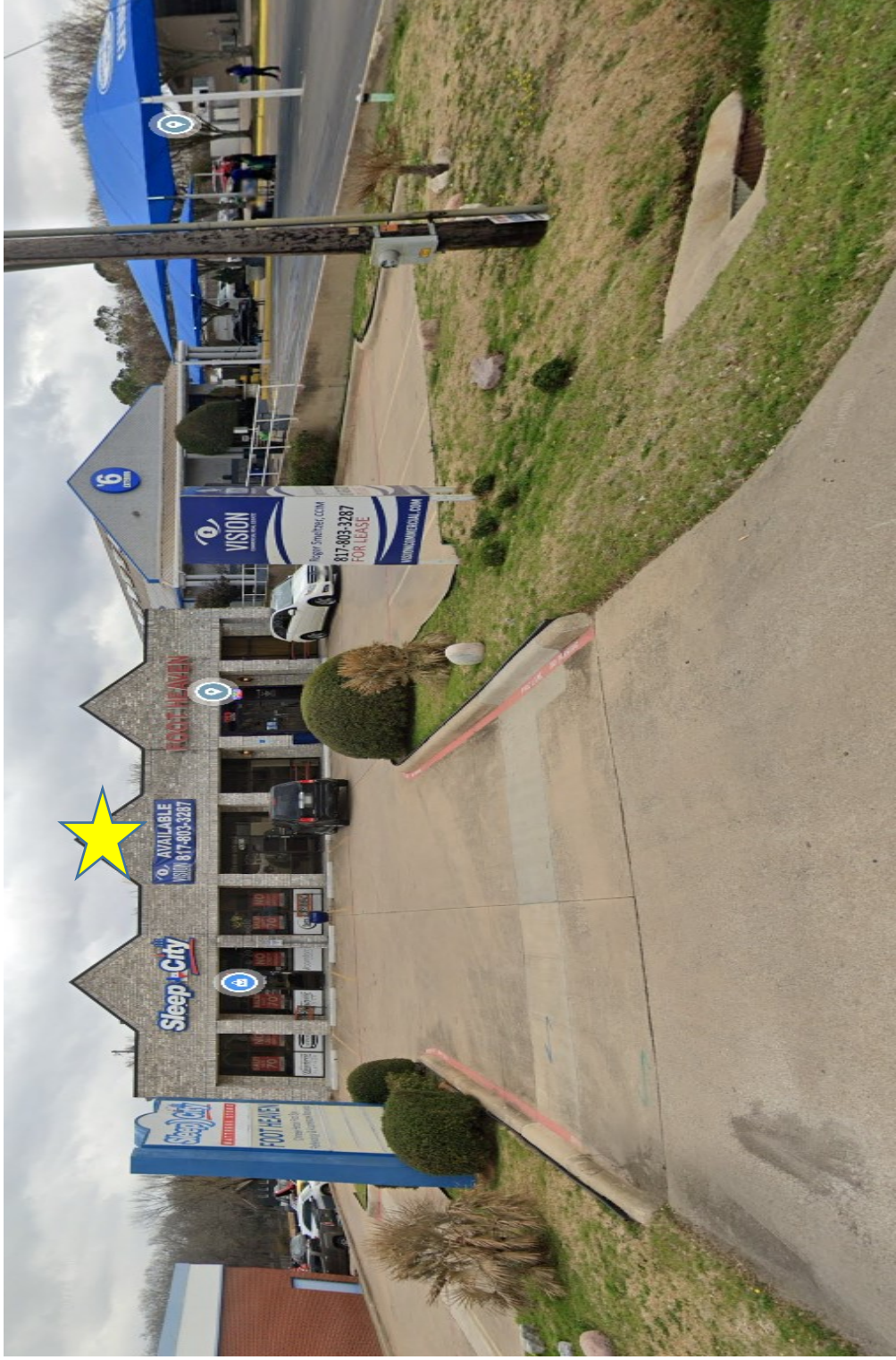
Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map







City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 2b	Agenda Date 11/8/2021	Number
Type Public Hearing Agenda Items		
Department Planning and Zoning Commission		

Title

Consideration of a Special Use Permit for a Reduction in Parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028

Explanation

Phil Tullis, of The Cajun Market, has submitted a request for a Special Use Permit (SUP) to allow for a reduction in parking at 5409 Colleyville Boulevard. A reduction in parking is requested to allow for the market use to transition into a restaurant use. The City Council may approve a reduction in parking with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-2 Shopping Center district and generally located on the east side of Colleyville Boulevard, south of Church Street. The subject property is a platted lot and currently shares the lot with an auto-use business.

Proposed Special Use Permit: Request – The applicant is requesting approval of an SUP to allow for a reduction in parking at this location.

Ordinance – Land Development Code, Chapter 3, Section 3.29 Parking Requirements I. Supplemental Parking Space Requirements:

5. A reduction may be authorized after approval of a Special Use Permit by the City Council when associated with new development or a significant change in use of an existing building or site. A parking analysis report justifying the reduction shall be provided as part of the request for parking reduction.

Analysis: The applicant is requesting the SUP for a reduction in parking. The parking ratio for a fish market is 1 space per 200 square feet (SF), or 13 required spaces. The parking ratio for a restaurant is 1 space per 100 SF, or 26 required spaces. Currently, the provided parking for The Cajun Market is 15 spaces. The adjacent bank provides 40 spaces with only 18 of those spaces needed to meet their parking space requirement. Therefore, a shared parking agreement between The Cajun Market and the adjacent bank will allow the market to meet the parking requirement for a restaurant use. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

Plat Status: The property is platted as Lot 1, Block 1, of the Corley Subdivision.

DRC Review: The DRC reviewed the request during their October 18, 2021 meeting and determined the application was complete and may be scheduled for the next available Planning and Zoning Commission meeting.

Drainage: NA

Surrounding Development: The properties to the north and east are zoned CC-1 Village Retail district and developed with a mixture of retail and automotive uses. The properties to the south and west are zoned CC-2 Shopping Center district and developed with a mixture of retail and institutional uses.

Comprehensive Plan: The City's comprehensive plan, *Destination Colleyville*, identifies the subject property as part of the "Colleyville Boulevard Corridor" and located within a Sales Tax Preferred Intersection.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the Fort Worth Star-Telegram as required by State law and the Land Development Code.

Staff Recommendation: Staff is neutral on this request.

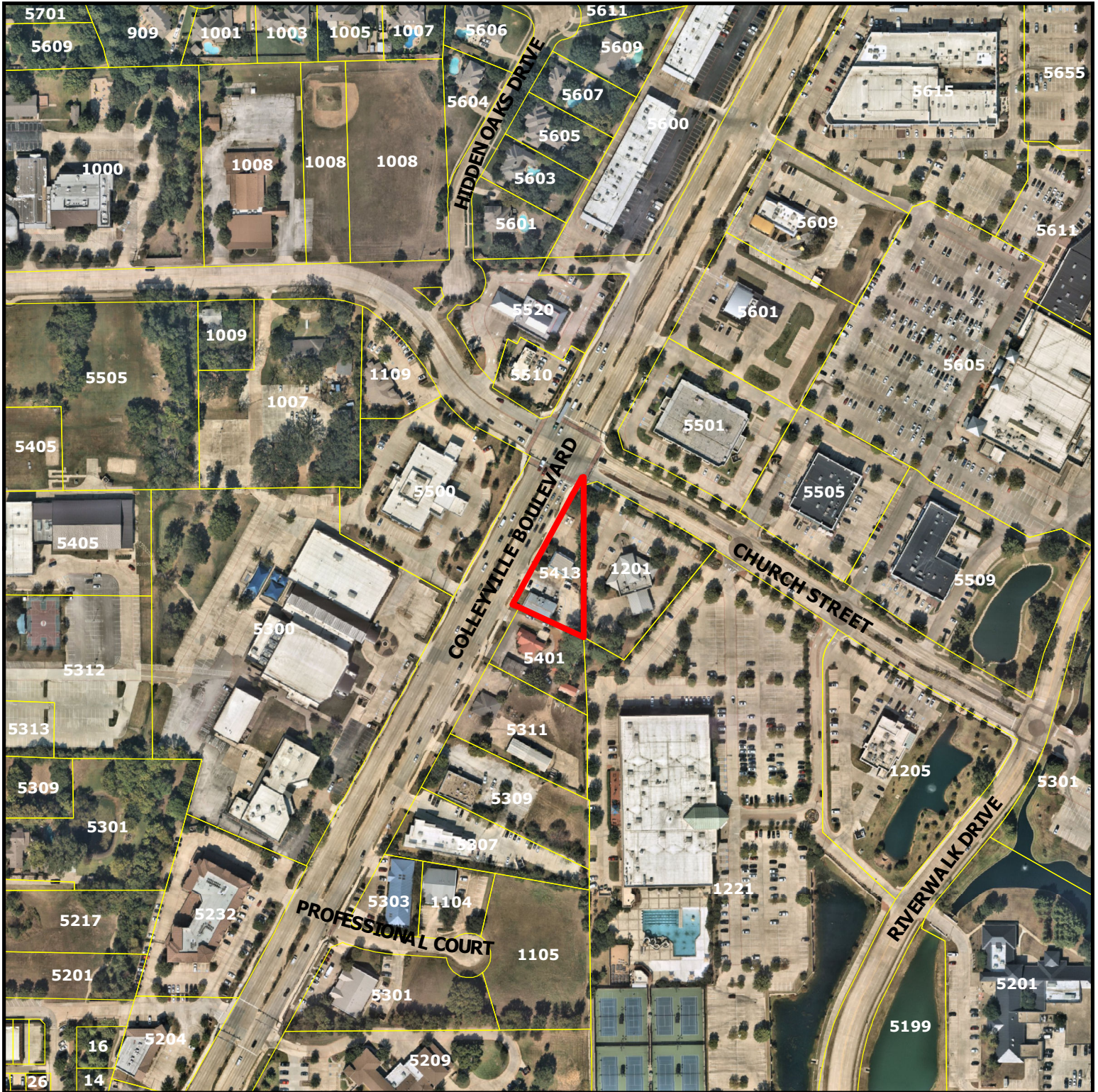
Recommendation

None

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan
6. Parking Analysis
7. Shared Parking Agreements
8. Notification Map
9. Notify List
10. Draft Ordinance

Aerial Map



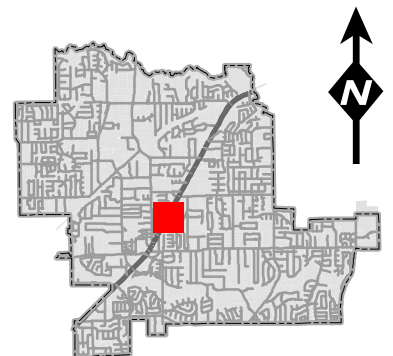
ZC21-028

5409 Colleyville Boulevard

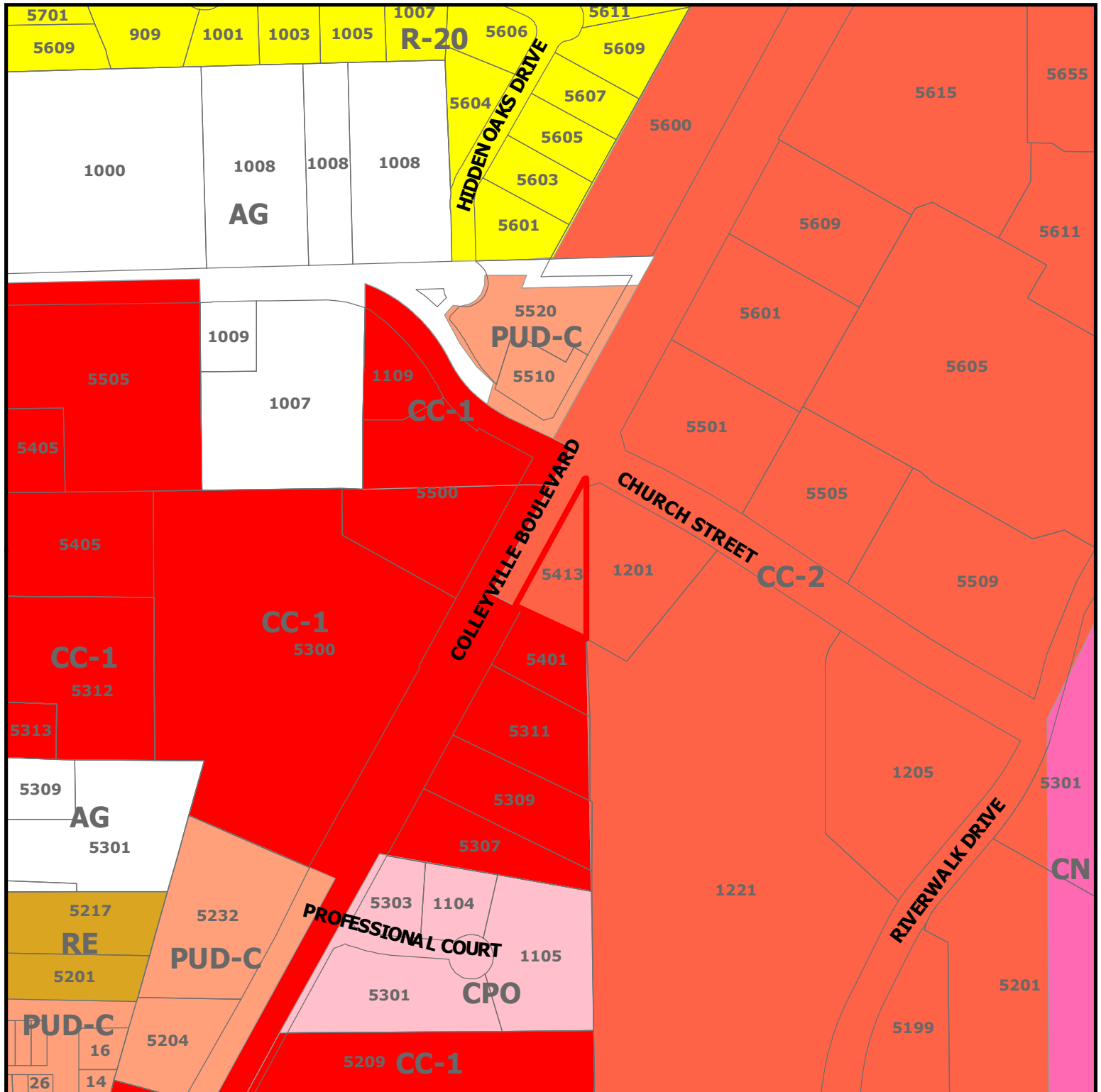
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Subject Property



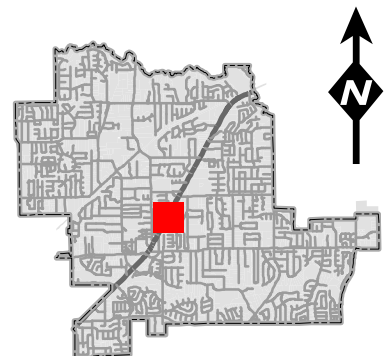
Zoning Map



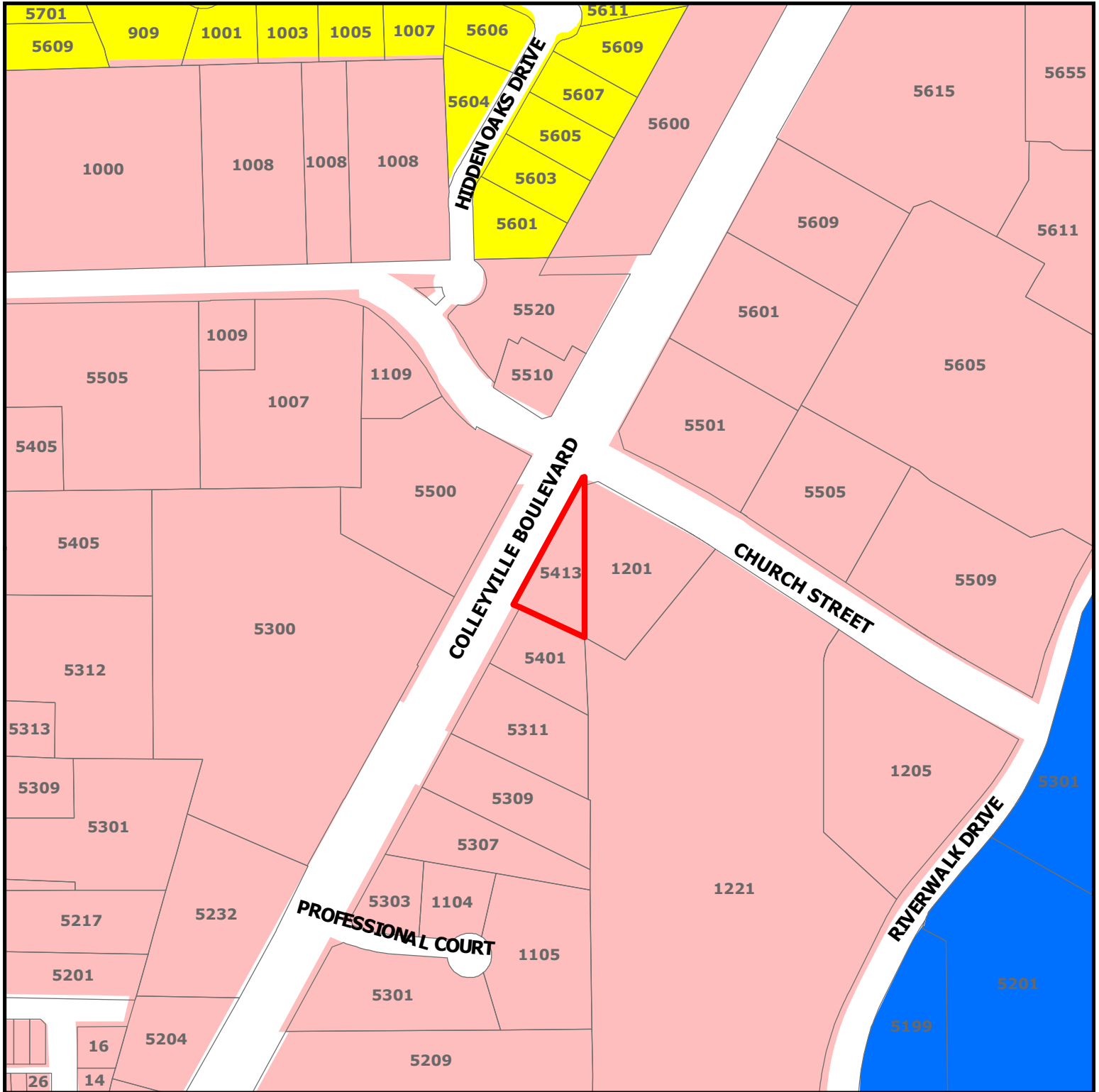
ZC21-028
5409 Colleyville Boulevard

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 Subject Property



Future Land Use Map



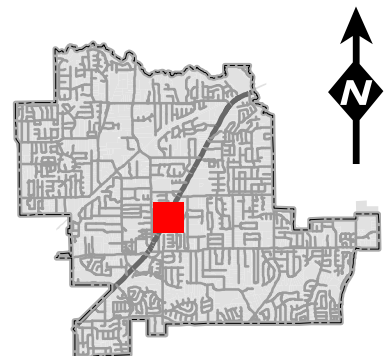
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ZC21-028

5409 Colleyville Boulevard

-  Subject Property
-  Residential
-  Institutional
-  Colleyville Blvd Corridor



THE CAJUN MARKET LLC STATEMENT OF PLANNING OBJECTIVES

THE Cajun Market LLC begin operations in June 2020 as T-Johnny's Cajun Market-Texas LLC.

The business was never organized as, or operated legally at the outset as a franchise or partnership. It's original name selection was solely to help expand a friend in Louisiana's brand name. Subsequently, and shortly after beginning operations it was soon apparent that there were significant differences in business philosophy by the owners of T-Johnny's Cajun Market in Louisiana and the owners of THE Cajun Market in Colleyville, which subsequently led to the name change of the business to THE Cajun Market.

Initially, THE Cajun Market in Colleyville was set up to operate as a seafood and Louisiana products specialty market serving fresh and cooked seafood to the public at large, along with fresh and frozen Cajun specialty meats, as well as Cajun-specific shelf products.

As such, THE Cajun Market had planned on operating as a market, with a limited amount of prepared or cooked foods and predominantly as a takeout business. It was determined that the 18 parking spaces the location provided would be sufficient to handle its customers during its operating hours of 11am to 8pm daily.

Unbeknownst to THE Cajun Market, as well as most other businesses when it delivered its business plan to the City that Covid, and the serious effects it was going to have on business was soon to arrive.

In order to survive THE Cajun Market has had to shift its focus from its initial plan to operate as a market to serving more cooked and prepared foods to attract customers and remain in business. Basically, a shift from a market-type business to a combination market café/restaurant business.

That decision has proved to be successful in that our business has been able to weather the Covid storm and thus far is surviving the increases in food costs mostly as a direct cause of supply chain issues.

Initially, we believed that we would draw customers from throughout the large base of Louisiana natives that currently live throughout the Metroplex. Even since we have increased the volume of hot food, including sandwiches, traditional Cajun fare, fried seafood dishes, along with our boiled and live seafood, and our other products, our business has thrived and helped us survive the economic downturn resulting from the pandemic and now increasing inflation. As it has turned out, the ratio of cooked food that we prepare and serve daily amounts to 90% of our overall revenues and is popular to Louisianans, Texas natives, and transplants alike. A lot of this success has come from the publicity we have received from the quality of our food and the publicity we have received from numerous publications being one of the only destinations in the Metroplex for authentic Cajun cuisine. In fact, when we recently reviewed our revenue receipts it appears that over 50% of our business comes from outside a five-mile radius of the City of Colleyville which would indicate that is a win-win for both our business and the City of Colleyville in the form of increased revenues to us and sales taxes to the City of Colleyville.

We are proud to be a contributing member to Colleyville's business and economic efforts both from our sales as well our community involvement, as was demonstrated by our help to those in need during the "Snowmeggedon" event, including the City's fire and police departments and our support of local schools and charities alike.

Our plan of action and request is to be reclassified from market status to café/restaurant status and to be allowed to add the word "Café" to our marquee signage.. It would appear that the only thing that initially prohibited that classification was a lack of parking which we now have.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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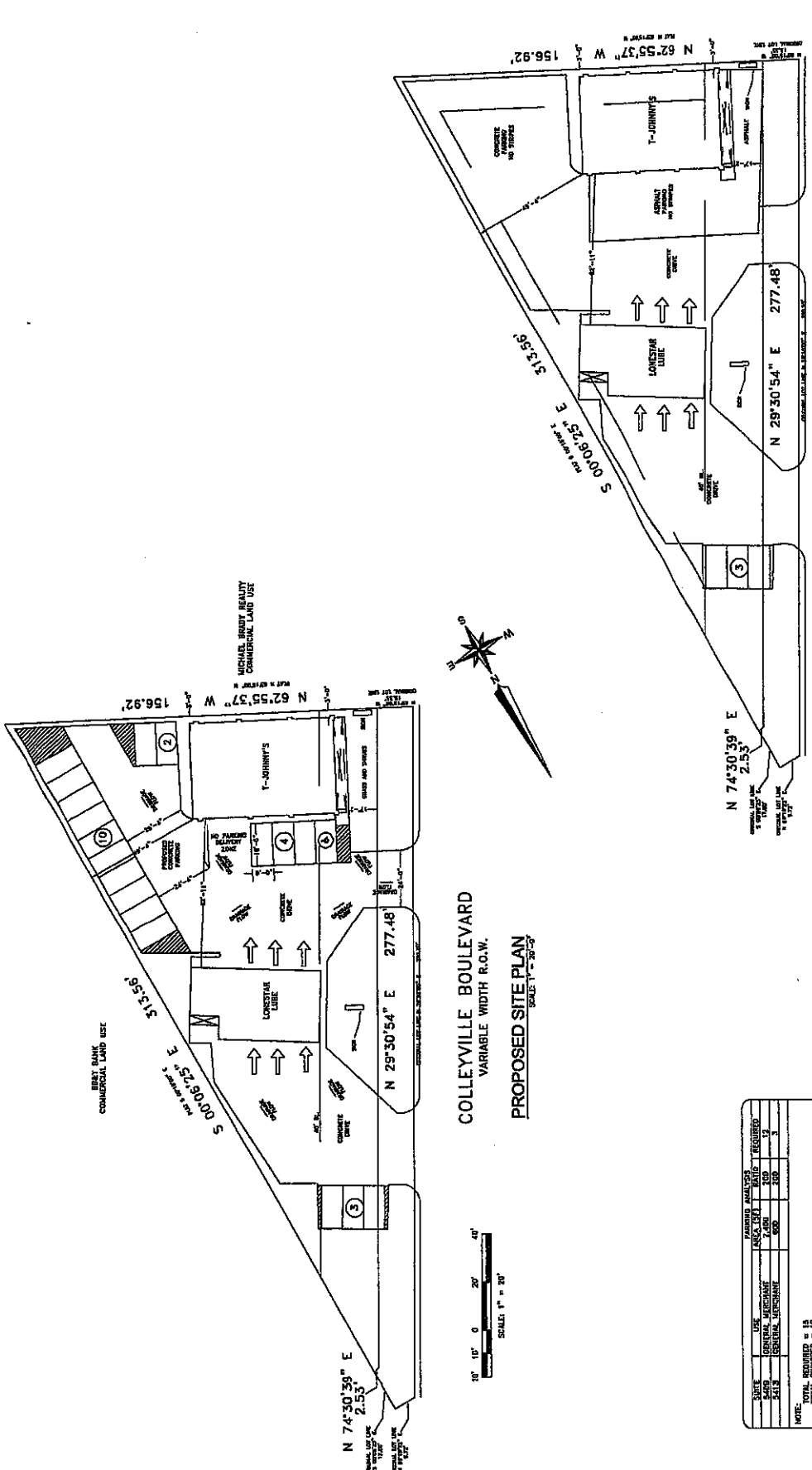
TEXAS PREMIER DRAFTING
 1000 KILPATRICK
 FORT WORTH, TEXAS 76106
 (817) 532-6775
 WWW.TEASPREMIERDRAFTING.COM

T-JOHNNY'S CALUM MARKET
 5409 COLLEYVILLE BOULEVARD
 COLLEYVILLE, TX 76034

PHILIP TULLIS
 5409 COLLEYVILLE BLVD
 COLLEYVILLE, TX 76034

DATE: 01.16.2020

SHEET	1	OF	1
DATE	01.16.2020	BY	SP
PROJECT	5409 COLLEYVILLE BLVD	CLIENT	SP
SCALE	1" = 20'-0"	DATE	01.16.2020



COLLEYVILLE BOULEVARD
 VARIABLE WIDTH R.O.W.
PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"



COLLEYVILLE BOULEVARD
 VARIABLE WIDTH R.O.W.
EXISTING SITE PLAN
 SCALE: 1" = 20'-0"



USE	AREA (SQ FT)	RATIO	REQUIRED
SITE	1000	1	1
OFFICE	1000	1	1
RETAIL	1000	1	1
RESTROOM	1000	1	1
STORAGE	1000	1	1
TOTAL	5000	5	5
NOTE:	TOTAL REQUIRED = 18		
	TOTAL PROVIDED = 1		

PARKING ANALYSIS FOR THE CAJUN MARKET (FORMERLY T-JOHNNY'S CAJUN MARKET)

When THE Cajun Market originally opened in June of 2020, it was assumed that it's primary business would be more of a market and takeout food provider versus a café type of business. It was assumed customers would be "in and out" in short periods of times, and a great deal of our business would be takeout.

Our original business plan by definition was as a market that would sell fresh and cooked seafood, meats and specialty product out of its freezers and specialty Cajun shelf products, with a certain amount of hot (cooked) food mostly prepare for takeout. These original plans met the City of Colleyville's regulations for the 18 parking places that exist on the site's location, as well as required handicapped parking and mandatory lane spacing for fire and emergency equipment to adequately access and traverse the property.

While the primary focus of the business has remained the same, it has had the need to grow and offer hot prepared food for sit-down as well as take out customers. The result of this much needed new customer business has changed the status of the business from market to café/restaurant.

Because of these changes, the number of parking spots (18) do not meet the City's requirements to be listed as a hot-food, sit-down, food-serving establishment.

However, we believe this problem can be resolved with a parking variance if granted by the City.

The Cajun Market & Café's adjacent business neighbors, BB&T Bank, Michael Brady Realtors, and Lone Star Lube recognized our success and need for additional parking. Each business came on its own volition and offered their assistance in solving the parking problem, by allowing The Cajun Market & Café's customers overflow parking to park at their adjacent facilities. That move has proven to be successful and has created zero negative impact on any of our surrounding neighbors' businesses.

Earlier in 2021 The Cajun Market met with and presented City Manager Jerry Ducay, Assistant City Manager for Business Development Adrienne Lothery, and City Councilman Tammy Nakamura with letters from each adjacent business neighbor indicating their willingness allowing The Cajun Market & Café's customers to park at their individual premises at will. These letters should be on file with the City Manager. If not, replacement letters can and will be provided.

It is our understanding that City regulations require a minimum of 32 parking spaces to operate as a café/restaurant. Collectively, the following parking spaces are available as follow:

- The Cajun Market & Café --- 18
- BB&T Bank --- 14
- Michael Brady --- 8
- Lone Star Lube --- 2

Total 42 spaces

Therefore, based on the current parking spaces THE Cajun Market Café possesses on its own location, and the additional parking spaces offered for use by our adjacent neighbor, we respectfully request the City of Colleyville issue a parking variance that would allow it to operate under a café/restaurant classification.

October 1 2020

RE: Overflow parking for the Cajun Market

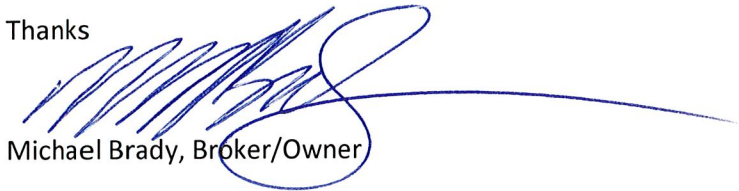
This is to confirm that I am allowing overflow parking in our parking lot for the Cajun Market located next door at 5409 Colleyville Blvd.

We are willing to work with them to help them be successful in the new business.

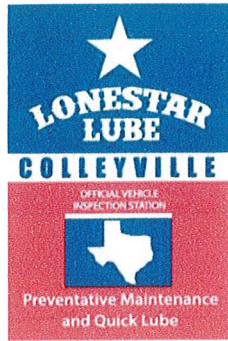
Phil and Deborah are the type of Business owners that Colleyville needs more of.

Please feel free to contact me if you have any questions or concerns.

Thanks



Michael Brady, Broker/Owner



October 7, 2020

RE: Overflow parking for the Cajun Market

To whom it may concern:

The letter is to confirm that I am allowing overflow parking in our parking lot at 5413 Colleyville Blvd., for the Cajun Market located at 5409 Colleyville Blvd.

We enjoy and value their business in the community and look forward to helping in any way to ensure they continue to thrive. Their market is bringing more business for Colleyville, and Phil and Deb are wonderful business owners.

Please feel free to contact me with any questions.

Thank you.

A handwritten signature in dark ink, appearing to read "Russell Gantos", with a long, sweeping horizontal line extending to the right.

Russell Gantos

Owner, Lone Star Lube Colleyville



10/27/2021

To Whom It May Concern:

I am Melissa Hooper, the Branch Leader of the Truist location located at: 1201 Church Street Colleyville, TX 76034. We grant permission to Phillip J Tullis, owner of The Cajun Market & Café, to utilize our parking lot spaces for Employees, Customers, or any other business need.

Should you have any questions or need additional details, please contact me at 817-849-1892.

Respectfully,

Melissa Hooper
Vice President
Branch Leader / Truist
1201 Church Street
Colleyville, TX 76034
Office: 817-849-1892 / Mobile: 817-874-7254
melissa.hooper@truist.com

Melissa Hooper

Phillip J Tullis

State of Texas County of Tarrant
Sworn to (or affirmed) and subscribed before me
This 26th day of October, 2021, by Melissa Hooper

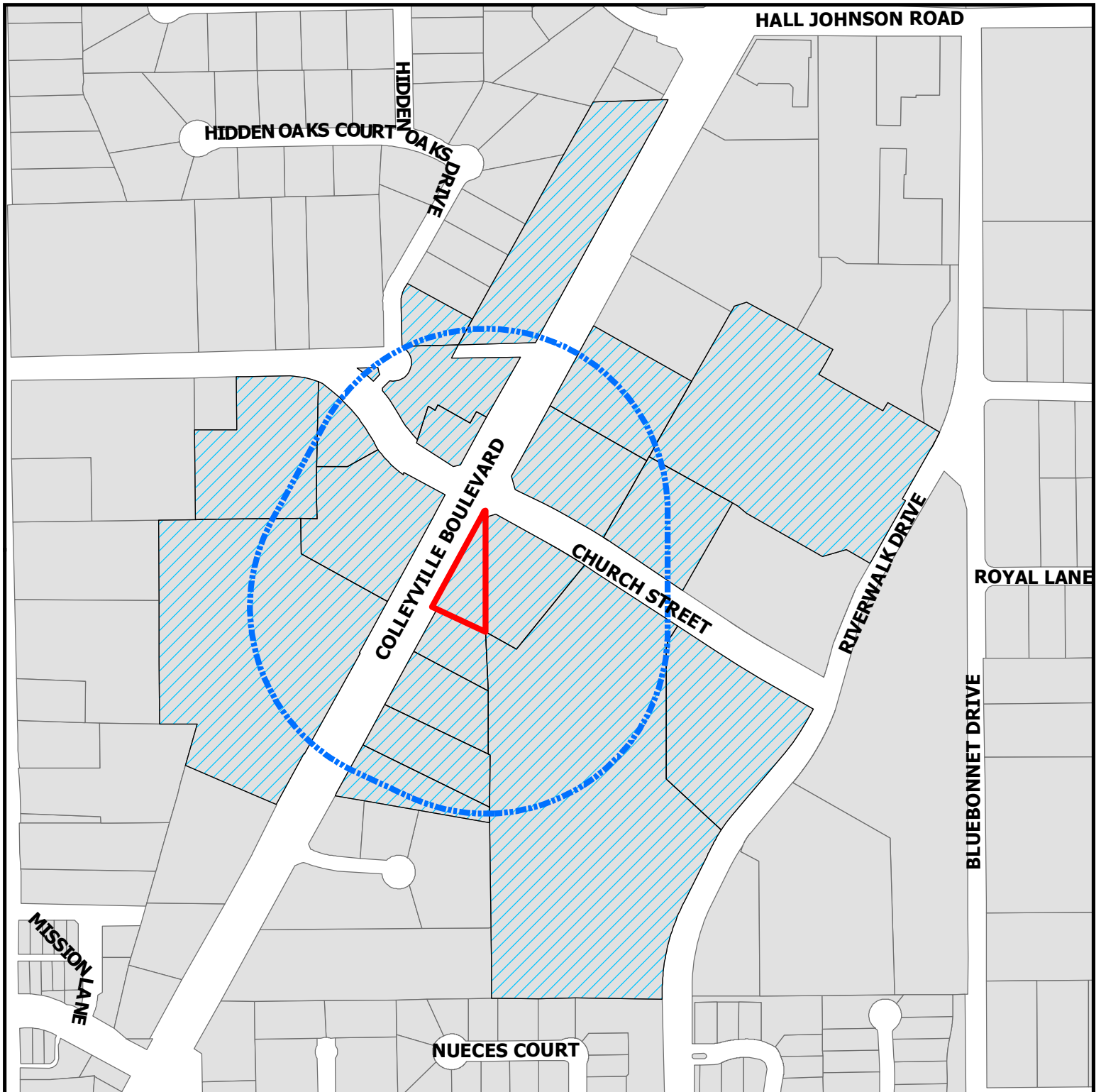
Notary Public's Signature Notary Name

State of Texas County of Tarrant
Sworn to (or affirmed) and subscribed before me
This 26th day of October, 2021, by Phillip J. Tullis

Notary Public's Signature Notary Name



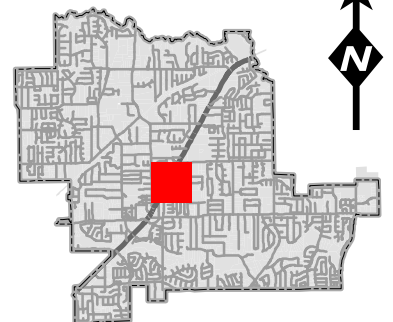
Notification Map



ZC21-028
5409 Colleyville Boulevard

DISCLAIMER:
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

-  Subject Property
-  500ft Buffer
-  Properties within 500ft



Owner Name	Owner Address	Owner City
EAGLE-COLLEYVILLE TOWNE SQ.	PO BOX 12670	DALLAS, TX
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX
CHARLES & ROB LTD	8235 DOUGLAS AVE STE 815	DALLAS, TX
FIRST BAPTIST CH COLLEYVILLE	5405 PLEASANT RUN RD	COLLEYVILLE, TX
CAVALIER INVESTMENT COMPANY	5829 N MESA ST	EL PASO, TX
BAJRAM & RUZDI INVESTMENTS	4701 MILL CREEK RD	COLLEYVILLE, TX
DEDIEGO FAMILY TRUST	4381 MORRIS DR	SOQUEL, CA
BAJRAM & RUZDI INVESTMENTS	4701 MILL CREEK RD	COLLEYVILLE, TX
R P GANTOS VENTURES LLC	7213 COTTONWOOD CT	NORTH RICHLAND HILLS, TX
JD JUDD REALTY HOLDINGS LLC	1109 CHURCH ST	COLLEYVILLE, TX
BRADY, LIBBY W	5405 COLLEYVILLE BLVD	COLLEYVILLE, TX
BOTTOM FAMILY TRUST	1401 FOUNTAINGROVE PKWY	SANTA ROSA, CA
SVAP III TC COLLEYVILLE LLC	302 DATURA ST STE 100	WEST PALM BEACH, FL
VELOCIS COLLEYVILLE LP	3131 MCKINNEY AVE # 10	DALLAS, TX
LTF REAL ESTATE MP I LLC	2902 CORPORATE PL	CHANHASSEN, MN
CHIVAKULA, LAKSHMI	4104 CHARBRAY CT	CEDAR PARK, TX
FIRST BAPTIST CH COLLEYVILLE	5405 PLEASANT RUN RD	COLLEYVILLE, TX
HTA-COLLEYVILLE HOSPITAL LLC	16435 N SCOTTSDALE RD STE 320	SCOTTSDALE, AZ
LAUKIEN, DIRK D	24 WATERWAY AVE STE 225	SPRING, TX
BRANCH BANKING & TRUST CO	150 S STRATFORD RD STE 400	WINSTON SALEM, NC
HIDDEN OAKS ESTATES		COLLEYVILLE, TX
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX

ORDINANCE O-21-XXXX

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.609 ACRES, BEING LOT 1, BLOCK 1, OF THE CORLEY SUBDIVISION, LOCATED AT 5409 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR A REDUCTION IN PARKING; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for a reduction in parking for the business known as THE Cajun Market, Case No. ZC21-028; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to amend the City's zoning ordinance; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City Council is of the opinion that the change in zoning provided for herein should be made, in compliance with the City Charter, and state law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a reduction in parking on 0.609 acres, being Lot 1, Block 1, of the Corley Subdivision, located at 5409 Colleyville Boulevard, for the business known as THE Cajun Market as depicted on the attached as Exhibit "A".

Sec. 2. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to a reduction in parking.
- b. The name of the business authorized for a reduction in parking by this Special Use Permit shall be called "THE Cajun Market".
- c. Exhibit C "Shared Parking Agreements" shall apply.
- d. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- e. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 21st DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

[illegible]

Exhibit "C" – Shared Parking Agreements



10/27/2021

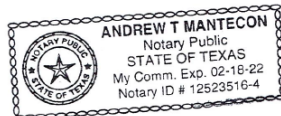
To Whom It May Concern:

I am Melissa Hooper, the Branch Leader of the Truist location located at: 1201 Church Street Colleyville, TX 76034. We grant permission to Phillip J Tullis, owner of The Cajun Market & Café, to utilize our parking lot spaces for Employees, Customers, or any other business need.

Should you have any questions or need additional details, please contact me at 817-849-1892.

Respectfully,

Melissa Hooper
Vice President
Branch Leader / Truist
1201 Church Street
Colleyville, TX 76034
Office: 817-849-1892 / Mobile: 817-874-7254
melissa.hooper@truist.com

Melissa Hooper
Phillip J Tullis

State of Texas County of Tarrant
Sworn to (or affirmed) and subscribed before me
This 26th day of October, 2021, by Melissa Hooper

Notary Public's Signature Notary Name

State of Texas County of Tarrant
Sworn to (or affirmed) and subscribed before me
This 26th day of October, 2021, by Phillip J. Tullis

Notary Public's Signature Notary Name

October 1 2020

RE: Overflow parking for the Cajun Market

This is to confirm that I am allowing overflow parking in our parking lot for the Cajun Market located next door at 5409 Colleyville Blvd.

We are willing to work with them to help them be successful in the new business.

Phil and Deborah are the type of Business owners that Colleyville needs more of.

Please feel free to contact me if you have any questions or concerns.

Thanks



Michael Brady, Broker/Owner



October 7, 2020

RE: Overflow parking for the Cajun Market

To whom it may concern:

The letter is to confirm that I am allowing overflow parking in our parking lot at 5413 Colleyville Blvd., for the Cajun Market located at 5409 Colleyville Blvd.

We enjoy and value their business in the community and look forward to helping in any way to ensure they continue to thrive. Their market is bringing more business for Colleyville, and Phil and Deb are wonderful business owners.

Please feel free to contact me with any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Russell Guntos", with a long horizontal flourish extending to the right.

Russell Guntos

Owner, Lone Star Lube Colleyville



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 2c	Agenda Date 11/8/2021	Number
Type Public Hearing Agenda Items		
Department Planning and Zoning Commission		

Title

Consideration of amendments to Chapter 3 of the Land Development Code for the removal of the Mobile Home Residential District, specifically amending Section 3.16 MH - Mobile Home Residential District, Section 3.24B Schedule of Permitted Principal Uses, and Section 3.24.G Schedule of District Regulations, Case GC21-012

Explanation

The City of Colleyville does not have any properties within the city limits with the MH Mobile Home Residential district designation. The amendment to the Land Development Code would remove the language referring to this specific district.

Recommendation

Approve

Attachments

1. Section 3.16 - MH Mobile Home Residential District
2. Section 3.24.B Schedule of Permitted Principal Uses
3. Section 3.24.G Schedule of District Regulations
4. Draft Ordinance

applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions of the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."
- J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefore, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.
- K. Open Space Required – Unless waived by the Planning and Zoning Commission, the RMF – Multi-Family Residential District shall conform to the Open Space Requirements as set forth in the provision for "Open Space Requirements," "Maximum Residential Density Permitted; and Density Increase Bonuses," and "Guarantee of Common Open Space."

Section 3.16 – MH – Mobile Home Residential District

- A. ~~MH – Mobile Home Residential District~~ – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the MH – Mobile Home Residential District.
- B. ~~Purpose and Intent~~ – The purpose and intent of the MH – Mobile Home Residential District is to provide for the orderly, safe, and healthful development of mobile home parks and mobile home subdivisions. Since mobile homes are recognized as a special form of housing, the intent of this district is to provide appropriate standards as to compatible land uses, density, minimum mobile home park or subdivision size, and other relevant requirements pertaining to the design, construction, alterations, and extensions of mobile home parks and mobile home subdivisions. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields.
- C. ~~Use Regulation~~ – Every mobile home park or mobile home subdivision hereafter constructed, enlarged, altered, extended, or created shall comply with all regulations set forth under this Section.
- D. ~~Permitted Principal Uses~~ – The permitted principal uses allowed in this district are as designated in *Section 3.24 – Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 – Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
 - 1. ~~Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.~~
 - 2. ~~Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool (s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.~~
 - 3. ~~Lanais, gazebos, garden and patio shelters, and children's play houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.~~
 - 4. ~~Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is~~

~~created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;~~

- ~~5. Required off-street parking and loading spaces.~~
 - ~~6. Home occupation uses, as defined by Chapter 2 – Definitions of this Land Development Code.~~
 - ~~7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for the “Parking, Storage or Use of Major Recreational Equipment and Vehicles.”~~
 - ~~8. Signs, in conformance with Chapter 7 – Sign Regulations of this Land Development Code.~~
 - ~~9. Private domestic greenhouses.~~
 - ~~10. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.~~
- ~~F. Prohibited Uses – Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the “Classification of New and Unlisted Uses.”~~
- ~~G. Density, Area, Yard, Height, and Lot Coverage Requirements – The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 – “Schedule of District Regulations” and other applicable provisions of Section 3.28 – “Supplementary District Regulations.”~~
- ~~H. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions for the “Off-Street Parking Requirements,” and “Off-Street Loading Requirements.”~~
- ~~I. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a “Special Use Permit” to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Chapter 1 – General Provisions of this Land Development Code.~~

Section 3.17 CPO – Professional Office Commercial District

- A. Purpose – This district is designed to be compatible adjacent to or near residential areas so as to provide office services needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments. Hours of operation do not permit businesses to be open at night.
- B. Permitted Uses
1. See Table 3.24.B - Schedule of Permitted Principle Uses
- C. Special Uses
1. See Table 3.24.B - Schedule of Permitted Principle Uses
- D. Site Requirements

Minimum lot size:	7, 200 s.f.	Minimum setbacks:	Max. Building height in stories:	2 st.
Maximum lot size:	1 acre	front:	Max. building height in feet:	35 ft.
Minimum lot width at front		side abutting residential:	Max. building height adj. to residential	

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P	P							6	3
Duplex – Attached Dwelling							P	S									6	2
Townhome – Attached Dwellings								S									6	4
Multi-family – Attached Dwellings								S									6	4
HUD Code Manufactured Housing									P								6	2
Assisted Living Facilities	PUD only																17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S								1,6	18
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P									5
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P	P							Sec. 3.27	n.a.
Carport	S	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.
Home Occupations Uses	P	P	P	P	P	P	P	P	P	P							6	n.a.
Accessory Dwelling	P	P	S	S											S		11	1
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S																25
Crop Farming	P	P																n.a.
Livestock raising and breeding	P	P															8	n.a.
Private horse stables for domestic use	P	P	P	S	S													n.a.
Roadside produce stands (year round)	S	S																n.a.
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			21
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			24

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	2	21	
Water Pumping Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	
Wind Driven Generators	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	14	n.a.	
E. PUBLIC AND INSTITUTIONAL USES																		
Colleges or Universities										S	S	S	S	S	S		12	
Community Centers or Recreation Centers	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		5	
Government Buildings, Offices and Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		8	
Fire Stations / Police Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		16	
Golf Courses – Public Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		22	
Government Maintenance Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25	
Libraries										P	P	P	P	P	P		9	
Museums										P	P	P	P	P	P		8	
Post Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		10	
Parks and Open Space Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25	
Public Maintenance and Storage Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		25	
Private Schools – Elementary and Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		13	
Private Schools – High School	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		14	
Public Schools – Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13	
Public Schools – High School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14	
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		18	
F. OFFICE USES																		
Accountant's Offices										P	P	P	P	P	S		8	
Advertising Agencies										P	P	P	P	P	S		8	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML		
Attorney Offices										P	P	P	P	P	S		8
Chiropractic Clinics										P	P	P	P	P	S		8
Emergency Clinic (24 hrs.)												S	P	P	S	7	6
Engineering, Architect's, and Surveyor's Offices										P	P	P	P	P	S		8
General Business Offices not elsewhere listed										P	P	P	P	P	S		8
Insurance Agencies										P	P	P	P	P	S		8
Management and Public Relations Services Offices										P	P	P	P	P	S		8
Optometrist Office										P	P	P	P	P	S		8
Psychologist Offices										P	P	P	P	P	S		8
Physician's or Dentist's Offices										P	P	P	P	P	S	4	7
Real Estate Agency Offices										P	P	P	P	P	S		8
Security Broker Offices										P	P	P	P	P	S		8
Telemarketing Offices												P	P	P	S		5
Title Abstract Offices										P	P	P	P	P	S		8
Trade or Business Schools												S	S	S	P		15
Travel Agency / Airline Ticket Offices										P	P	P	P	P	S		8
G. RETAIL AND SERVICE USES																	
Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption												S	S	S		9	n.a.
Alcoholic Beverage Sales – On-premises Consumption												S	S	S		9	n.a.
Package Store Sales – Off-premises Consumption												S	S	S		9	n.a.
Alcohol or Drug Treatment Center										S	S	S	S	S	S		24
Antique Stores												P	P	P			7

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
Apparel and Accessory Stores												P	P	P			7	
Arts and Crafts Stores and Hobby Shops												P	P	P			7	
Bakery Stores												P	P	P			7	
Banks, Credit Unions and Financial Institutions											P	P	P	P			8	
Barber Shops and Beauty Shops											P	P	P	P			7	
Bicycle Shops												P	P	P			7	
Book, Stationary or Greeting Card Shops												P	P	P			7	
Camera or Music Stores												P	P	P			7	
Carnivals and Circuses												S	S				24	
CBD Store													S	S			7	
Cemeteries or Mausoleums										S	S	S	S	S	S		24	
Charitable Donation Station												S	S	S			24	
Civic, Social or Fraternal Organizations										S	S	P	P				7	
Convenience Stores with gasoline sales												S	S	S	S		7	
Copy Centers/Print Shops										S	S	P	P	P	P		7	
Dance Studios, Martial Arts Studios, and Cheerleading & Gymnastics Facilities											S	P	P	P	P		7	
Day Care Centers										S	S	S	S	S			11	
Department Stores												P	P	P			7	
Dog Boarding with indoor and/or outdoor kennels													S	S	S		8	
Dog Grooming													S	S	S		8	
Dry Cleaner Pick-up Stations											S	P	P	P			7	
Dry Cleaners (up to 5,000 s. f. w/on-site laundry)												P	P	P			7	
Equipment Rental and Leasing Stores														S	P		7	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT		CPO	CN	CC1	CC2	CC3	ML		
Florist Shops												P	P	P	P			7
Food Catering														S	S	P		8
Funeral Homes													S	S	S			24
Furniture and Appliance Stores													P	P	P			9
General Retail Store (not listed elsewhere)													S	S	S			7
Grocery Stores													P	P	P		12	7
Hardware, electrical & plumbing w/o outside display												P	P	P	P			
Hardware , electrical & plumbing with outside display														S	P	P		
Hospitals													S	S	S			24
Hotels and Motels													S	P	P			19
Home Decoration Stores												P	P	P	P			7
Jewelry Stores												P	P	P	P			7
Locksmiths												S	S	S	S	P		8
Massage Therapy (Licensed and Unlicensed)													S	S	S		16	7
Mailing and Shipping Stores												P	P	P	P	P		7
Meat or Fish Market													P	P	P			7
Nurseries and Greenhouses with outside display														S	P	P		16
Pawn Shops																S		7
Pet Stores													P	P	P			7
Pharmacy												S	P	P	P			7
Photography Studios											P	P	P	P	P	P		8
Purchasing and/or resale of precious metals including jewelry, gem stones, gold, silver, and platinum and not licensed as a Pawn Shop by the State of Texas																S		7
Restaurants, Cafes and Cafeterias													P	P	P			5

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
Restaurants with drive-in or drive-thru service													P	P			5	
Second hand goods shop												S	S	S			7	
Self-service Laundries											S	S	S	S			7	
Short Term Loans (Title/Payday)															S		7	
Sporting Goods Store												P	P	P				
Shoe Repair Shops												P	P	P			8	
Tailor and Alteration Shops											P	P	P	P			8	
Veterinarian Clinic with indoor and/or outdoor kennels													S	S	S	3, 4	8	
Video Rental and Sales Stores												P	P	P			7	
Wedding Chapels												S	S	S	S		24	
H. RECREATIONAL AND ENTERTAINMENT USES																		
Adult Entertainment Establishments	See section 22-5 Code of Ordinances																5	
Amusement Centers (indoors)												P	P	P	S		7	
Archery and Firearms Ranges														S	S	5	24	
Billiard Parlors												S	S	S		13	23	
Commercial Recreation (outdoor)	S										S	S	S	S	S		24	
Fitness Centers											S	P	P	P	P		7	
Golf Courses – Privately Owned	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		22	
Golf Driving Ranges											S	S	S	S	S		22	
Miniature Golf Courses												S	S	S			20	
Roller or Ice Skating Rinks												S	S	S			24	
Theaters												P	P	P	S		18	
I. AUTOMOTIVE AND TRANSPORTATION USES																		
Airports and Heliports	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
Auto Alarm / Stereo / Window Tinting Stores													S	S	P	10	7	
Auto Lube Shops													S	S	P	10	9	
Automotive and Motor Vehicle Sales													S	S	S	10	8	
Auto Parts and Accessory Stores												P	P	P	P	10	7	
Auto, Truck or Trailer Rental													S	S	S	10	8	
Auto Upholstery Shops														S	P	10	9	
Auto Parking Lots and Garages (free standing)										S	S	S	S	S	S		n.a.	
Auto Repair Shop													S	S	S	10	9	
Boat and Water-craft Sales and Service													S	S	S	10	8	
Bus or Passenger Train Stations												S	S	S	S		24	
Car Wash (self-service and automatic)														S	S		9	
Commuter Transit Stations												S	S	S	S		24	
Gasoline Service Stations														S	S	10	7	
LPG / CNG Dispensing Stations														S	S		24	
Motorcycle Sales and Service														S	S	10	8	
Paint and Body Shops														S	S	10	9	
Park and Ride Facilities												S	S	S	S		24	
Railroad or Motor Freight Terminals															S		24	
Recreational Vehicle Sales and Service														S	S	10	8	
Tire and Battery Stores													S	S	S	10	7	
Truck and Heavy Equipment Sales and Service														S	S	10	8	
Vehicle Storage Yards or Facilities												S	S	S	S		24	
J. HEAVY COMMERCIAL, INDUSTRIAL & MANUFACTURING USES																		

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
Appliance Repair Shops														S	S		8	
Building Material Sales with outside storage														S	S		7	
Commercial Laundry														S	S		24	
Contractor Office with storage yard														S	S		24	
Contractor Office without storage yard														P	P		8	
Electronic Assembly or Manufacturing															P		25	
Exterminator Shop														S	S		24	
Food Packaging and Manufacturing															S		24	
Furniture and Cabinet Manufacturing															P		25	
Office Showroom															P		25	
Oil and Gas Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ch. 3.1	24	
Plumbing, HVAC and Electrical Trades Shops														P	P		8	
Printing and Publishing - Commercial															P		8	
Research and Development Labs															P		8	
Scientific Instrument Assembly and Manufacturing															P		8	
Self-Storage Facilities (mini-warehouse)															S		24	
Upholstery and Furniture Repair Shops														P	P		8	
Warehouse and Distribution Facilities															S		24	
Wood, Paper or Leather Products															P		25	
Manufacturing not elsewhere listed															S		24	
Welding or Machine Shop															P		25	
Wholesale Store/Supply															P		25	
Wholesale Store/Supply with outdoor storage															S		24	

- d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.
- e. The hours of operation shall follow the construction hours of operation as required in the Colleyville Code of Ordinances.
- f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.
- g. The application must state the amount of time that the temporary batch plant will be in operation. The permit duration shall not exceed 30 days from the date of issuance. The Administrative Official may extend the permit for an additional 30 days with good cause. Only one permit may be issued for a given parcel of property within a 12 month period.
- i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.
- j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and/or any raw materials may be sold from said plant.
- k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council.

E. Outdoor Storage; Screening and Hours of Operations

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation
CPO	Professional Office Commercial	No	8'	Daytime only
CN	Neighborhood Commercial	No	8'	Daytime only
CC1	Village Retail	No	8'	24 hours
CC2	Shopping Center	No	8'	24 hours
CC3	Highway Commercial	Yes	8'	24 hours
ML	Light Manufacturing - Industrial	Yes	8'	24 hours

F. District Regulation Notes

- A. To achieve the "urban village" design, front yards may be varied to as little as 10' from the front property line if required parking is setback not less than forty feet (40') from the front property line.
- B. Where abutting a lot zoned or used for residential purposes (RE through [MHRMF](#)) there shall be a twenty-five (25') foot side yard.
- C. Side or rear yards not required where no windows or other openings for light or entry face the yard, and not adjacent to single family.
- D. Where abutting a lot zoned or used for residential purposes (RE through [MHRMF](#)) there shall be a twenty-five (25') foot rear yard.

SECTION 3.24.G – SCHEDULE OF DISTRICT REGULATIONS

MAXIMUM RESIDENTIAL DENSITY; MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS; MAXIMUM BUILDING HEIGHT; MAXIMUM LOT COVERAGE; OUTDOOR STORAGE; SCREENING; AND, HOURS OF OPERATION

(See District Regulations Notes following Section 3.24.F for explanation of letters in charts)

Zoning Districts		Minimum Lot Size Requirements				Max. Lot Size	Minimum Yard Requirements**			Max. Building Height		Max. Lot Coverage	Max. Impervious Coverage	
		Area (sq. ft.)		Min. Width in feet	Min. Depth in feet		Front/Street ROW Side (feet)	Internal Side (feet)	Rear (feet)	Stories	Feet			
		Per Family	Total											
Classification		AG	130,880	130,880	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
		RE	80,000	80,000	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
		R-40	40,000	40,000	150'	150'	n.a.	40'	15'	25'	2.5	35'	20%	50%
		R-30	30,000	30,000	125'	125'	n.a.	35'	10'	25'	2.5	35'	25%	55%
		R-20	20,000	20,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	60%
		R-15	15,000	15,000	100'	125'	n.a.	30'	10'	25'	2.5	35'	30%	60%
		R-D	4,000	8,000	70'	115'	n.a.	25'	10'	25'	2.5	30'	50%	60%
		R-MF	2,700	18,000	70'	115'	n.a.	25'	10'	25'	2.0	30'	50%	80%
		R-MF	1,500	10,000	70'	115'	n.a.	25'	10'	25'	3.0	30'	75%	80%
		MH	2,000	20,000	100'	120'	n.a.	30'	10'	25'	2.0	30'	50%	80%
		C-PO	n.a.	7,200	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
		CN	n.a.	10,000	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
CC1	n.a.	15,000	150'	120'	5 acres	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	50%	80%		
CC2	n.a.	20,000	150'	120'	none	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	60%	80%		
CC3	n.a.	10,000	150'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	70%	80%		
ML	n.a.	10,000	100'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	60%	80%		

* All regulations may vary when above districts are used as a base district for a PUD.

** All required building lines shall adhere to the minimum yard requirement of the applicable zoning district for the property per Section 3.24.6- Schedule of District Regulations regardless of any setbacks shown on a plat unless a documented plat waiver has been approved.

ORDINANCE O-21-xxxx

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3, SECTION 3.16 MH – MOBILE HOME RESIDENTIAL DISTRICT, SECTION 3.24.B SCHEDULE OF PERMITTED PRINCIPAL USES, AND SECTION 3.24.G SCHEDULE OF DISTRICT REGULATIONS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 3, Section 3.16 MH- Mobile Home Residential District, Section 3.24B Schedule of Principal Uses, and Section 3.24G Schedule of District Regulations- Reserved of the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 3, Section 3.16 MH - Mobile Home Residential District, Section 3.24.B Schedule of Permitted Principal Uses, and Section 3.24.G Schedule of District Regulations* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this

ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A"

Colleyville, Texas, Land Development Code

applicable provisions of *Section 3.28 - "Supplementary District Regulations."*

- I. Off-street Parking and Loading Requirements – Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions of the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."
- J. Site Plan and Supporting Documents Required – Any application for a change in zoning district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefore, unless otherwise waived by the City Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of *Chapter 1 – General Provisions* of this Land Development Code.
- K. Open Space Required – Unless waived by the Planning and Zoning Commission, the RMF – Multi-Family Residential District shall conform to the Open Space Requirements as set forth in the provision for "Open Space Requirements," "Maximum Residential Density Permitted; and Density Increase Bonuses," and "Guarantee of Common Open Space."

Section 3.16 – MH – Mobile Home Residential District

- A. MH – Mobile Home Residential District – The regulations set forth in this Section, or as set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the MH – Mobile Home Residential District.
- B. Purpose and Intent – The purpose and intent of the MH – Mobile Home Residential District is to provide for the orderly, safe, and healthful development of mobile home parks and mobile home subdivisions. Since mobile homes are recognized as a special form of housing, the intent of this district is to provide appropriate standards as to compatible land uses, density, minimum mobile home park or subdivision size, and other relevant requirements pertaining to the design, construction, alterations, and extensions of mobile home parks and mobile home subdivisions. Land uses in this district are normally connected to an approved public or private sewage collection and treatment system, rather than individual septic tanks and sub-surface drainage fields.
- C. Use Regulation – Every mobile home park or mobile home subdivision hereafter constructed, enlarged, altered, extended, or created shall comply with all regulations set forth under this Section.
- D. Permitted Principal Uses – The permitted principal uses allowed in this district are as designated in *Section 3.24 – Schedule of Permitted Principal Uses*.
- E. Permitted Accessory Uses – Subject to the provisions of *Section 3.28 – Supplementary District Regulations*, accessory buildings, structures, and uses customarily incidental to the "permitted principal uses" are allowed, including but not limited to the following:
 - 1. Private residential garages, carports and related storage buildings and greenhouses accessory to permitted residential uses.
 - 2. Private swimming pools, wading pools, and game courts (lighted or unlighted), provided that: if lighted, the lighting shall be so directed and shielded so as not to shine directly on any adjacent residential property; and further provided that any such pool or game court is for the private use of the site occupants and their guests, and not operated as a business. Such pool (s) may be located in a required side or rear yard, but not forward of the primary dwelling on the lot, and shall not be located closer than five (5') feet to any side or rear property line.
 - 3. Lanais, gazebos, garden and patio shelters, and children's play houses, provided the privacy enjoyed by adjacent residential dwellings is not impaired.
 - 4. Non-commercial radio and television receiving antennae and non-commercial radio transmitting antennae limited in height to sixty (60') feet (measured from the ground line in front of the dwelling or use facing a public street), and further provided no electrical, radio or television signal interference is

~~created which would adversely affect such audio or visual signals to nearby dwellings and other permitted uses;~~

~~5. Required off-street parking and loading spaces.~~

~~6. Home occupation uses, as defined by Chapter 2 Definitions of this Land Development Code.~~

~~7. Parking and storage of private boat(s), camper trailer(s), or other recreational vehicle(s), in conformance with the requirements for the "Parking, Storage or Use of Major Recreational Equipment and Vehicles."~~

~~8. Signs, in conformance with Chapter 7 Sign Regulations of this Land Development Code.~~

~~9. Private domestic greenhouses.~~

~~10. Pool cabanas, laundry buildings, restroom/shower buildings, park office building, and other similar uses accessory to a Mobile Home Park or Mobile Home Subdivision.~~

~~F. Prohibited Uses Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with the provisions for the "Classification of New and Unlisted Uses."~~

~~G. Density, Area, Yard, Height, and Lot Coverage Requirements The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 3.24 "Schedule of District Regulations" and other applicable provisions of Section 3.28 "Supplementary District Regulations."~~

~~H. Off-street Parking and Loading Requirements Off-street parking and loading requirements pertaining to uses allowed in this district shall conform to the provisions for the "Off-Street Parking Requirements," and "Off-Street Loading Requirements."~~

~~I. Site Plan and Supporting Documents Required Any application for a change in zoning-district boundaries on the Official Zoning Map affecting this district, or for a "Special Use Permit" to be issued in this district, shall be accompanied by a site plan and supporting document therefor, unless otherwise waived by the Planning and Zoning Commission or Zoning Board of Adjustment, in conformance with the provisions of Chapter 1 General Provisions of this Land Development Code.~~

Section 3.17 CPO – Professional Office Commercial District

A. Purpose – This district is designed to be compatible adjacent to or near residential areas so as to provide office services needed by homeowners on a usual basis. The lot size maximum is small to encourage small-scale developments. Hours of operation do not permit businesses to be open at night.

B. Permitted Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

C. Special Uses

1. See Table 3.24.B - Schedule of Permitted Principle Uses

D. Site Requirements

Minimum lot size:	7, 200 s.f.	Minimum setbacks:		Max. Building height in stories:	2 st.
Maximum lot size:	1 acre	front:	40 ft.	Max. building height in feet:	35 ft.
Minimum lot width at front		side abutting residential:	25 ft.	Max. building height adj. to residential	

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Land Use Classification	Residential District								Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group		
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3			ML	
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P							6	3	
Duplex – Attached Dwelling							P	S								6	2	
Townhome – Attached Dwellings								S								6	4	
Multi-family – Attached Dwellings								S								6	4	
HUD Code Manufactured Housing																6	2	
Assisted Living Facilities	PUD only																17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S							1,6	18	
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P								5	
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P							Sec. 3.27	n.a.	
Carport	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.	
Home Occupations Uses	P	P	P	P	P	P	P	P	P							6	n.a.	
Accessory Dwelling	P	P	S	S											S	11	1	
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S															25	
Crop Farming	P	P															n.a.	
Livestock raising and breeding	P	P														8	n.a.	
Private horse stables for domestic use	P	P	P	S	S												n.a.	
Roadside produce stands (year round)	S	S															n.a.	
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21	
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	

Table 3.24.B- - Schedule of Permitted Principal Uses																	
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML		
Telecommunications Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	2	21
Water Pumping Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24
Wind Driven Generators	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	14	n.a.
E. PUBLIC AND INSTITUTIONAL USES																	
Colleges or Universities										S	S	S	S	S	S		12
Community Centers or Recreation Centers	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		5
Government Buildings, Offices and Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		8
Fire Stations / Police Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		16
Golf Courses – Public Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		22
Government Maintenance Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Libraries										P	P	P	P	P	P		9
Museums										P	P	P	P	P	P		8
Post Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		10
Parks and Open Space Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		25
Public Maintenance and Storage Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		25
Private Schools – Elementary and Secondary	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		13
Private Schools – High School	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		14
Public Schools – Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13
Public Schools – High School	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		18
F. OFFICE USES																	
Accountant's Offices										P	P	P	P	P	S		8
Advertising Agencies										P	P	P	P	P	S		8

Table 3.24.B- - Schedule of Permitted Principal Uses

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Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
Attorney Offices										P	P	P	P	P	S		8	
Chiropractic Clinics										P	P	P	P	P	S		8	
Emergency Clinic (24 hrs.)												S	P	P	S	7	6	
Engineering, Architect's, and Surveyor's Offices										P	P	P	P	P	S		8	
General Business Offices not elsewhere listed										P	P	P	P	P	S		8	
Insurance Agencies										P	P	P	P	P	S		8	
Management and Public Relations Services Offices										P	P	P	P	P	S		8	
Optometrist Office										P	P	P	P	P	S		8	
Psychologist Offices										P	P	P	P	P	S		8	
Physician's or Dentist's Offices										P	P	P	P	P	S	4	7	
Real Estate Agency Offices										P	P	P	P	P	S		8	
Security Broker Offices										P	P	P	P	P	S		8	
Telemarketing Offices												P	P	P	S		5	
Title Abstract Offices										P	P	P	P	P	S		8	
Trade or Business Schools												S	S	S	P		15	
Travel Agency / Airline Ticket Offices										P	P	P	P	P	S		8	
G. RETAIL AND SERVICE USES																		
Alcoholic Beverage Sales – (Beer and Wine Only) – Off-Premises Consumption												S	S	S		9	n.a.	
Alcoholic Beverage Sales – On-premises Consumption												S	S	S		9	n.a.	
Package Store Sales – Off-premises Consumption												S	S	S		9	n.a.	
Alcohol or Drug Treatment Center										S	S	S	S	S	S		24	
Antique Stores												P	P	P			7	

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	RMF	RMF	CPO	CN	CC1	CC2	CC3	ML		
Apparel and Accessory Stores													P	P	P			7
Arts and Crafts Stores and Hobby Shops													P	P	P			7
Bakery Stores													P	P	P			7
Banks, Credit Unions and Financial Institutions												P	P	P	P			8
Barber Shops and Beauty Shops												P	P	P	P			7
Bicycle Shops													P	P	P			7
Book, Stationary or Greeting Card Shops													P	P	P			7
Camera or Music Stores													P	P	P			7
Carnivals and Circuses													S	S				24
CBD Store														S	S			7
Cemeteries or Mausoleums											S	S	S	S	S	S		24
Charitable Donation Station													S	S	S			24
Civic, Social or Fraternal Organizations											S	S	P	P				7
Convenience Stores with gasoline sales													S	S	S	S		7
Copy Centers/Print Shops											S	S	P	P	P	P		7
Dance Studios, Martial Arts Studios, and Cheerleading & Gymnastics Facilities												S	P	P	P	P		7
Day Care Centers											S	S	S	S	S			11
Department Stores													P	P	P			7
Dog Boarding with indoor and/or outdoor kennels														S	S	S		8
Dog Grooming														S	S	S		8
Dry Cleaner Pick-up Stations												S	P	P	P			7
Dry Cleaners (up to 5,000 s. f. w/on-site laundry)													P	P	P			7
Equipment Rental and Leasing Stores															S	P		7

Table 3.24.B- - Schedule of Permitted Principal Uses

Land Use Classification	Residential District										Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
Florist Shops											P	P	P	P			7	
Food Catering													S	S	P		8	
Funeral Homes												S	S	S			24	
Furniture and Appliance Stores												P	P	P			9	
General Retail Store (not listed elsewhere)												S	S	S			7	
Grocery Stores												P	P	P		12	7	
Hardware, electrical & plumbing w/o outside display											P	P	P	P				
Hardware , electrical & plumbing with outside display													S	P	P			
Hospitals												S	S	S			24	
Hotels and Motels												S	P	P			19	
Home Decoration Stores											P	P	P	P			7	
Jewelry Stores											P	P	P	P			7	
Locksmiths											S	S	S	S	P		8	
Massage Therapy (Licensed and Unlicensed)												S	S	S		16	7	
Mailing and Shipping Stores											P	P	P	P	P		7	
Meat or Fish Market												P	P	P			7	
Nurseries and Greenhouses with outside display													S	P	P		16	
Pawn Shops															S		7	
Pet Stores												P	P	P			7	
Pharmacy											S	P	P	P			7	
Photography Studios										P	P	P	P	P	P		8	
Purchasing and/or resale of precious metals including jewelry, gem stones, gold, silver, and platinum and not licensed as a Pawn Shop by the State of Texas															S		7	
Restaurants, Cafes and Cafeterias												P	P	P			5	

Table 3.24.B - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																	
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML		
Restaurants with drive-in or drive-thru service													P	P			5
Second hand goods shop												S	S	S			7
Self-service Laundries											S	S	S	S			7
Short Term Loans (Title/Payday)															S		7
Sporting Goods Store												P	P	P			
Shoe Repair Shops												P	P	P			8
Tailor and Alteration Shops											P	P	P	P			8
Veterinarian Clinic with indoor and/or outdoor kennels													S	S	S	3, 4	8
Video Rental and Sales Stores												P	P	P			7
Wedding Chapels												S	S	S	S		24
H. RECREATIONAL AND ENTERTAINMENT USES																	
Adult Entertainment Establishments	See section 22-5 Code of Ordinances																5
Amusement Centers (indoors)												P	P	P	S		7
Archery and Firearms Ranges														S	S	5	24
Billiard Parlors												S	S	S		13	23
Commercial Recreation (outdoor)	S										S	S	S	S	S		24
Fitness Centers											S	P	P	P	P		7
Golf Courses – Privately Owned	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P		22
Golf Driving Ranges											S	S	S	S	S		22
Miniature Golf Courses												S	S	S			20
Roller or Ice Skating Rinks												S	S	S			24
Theaters												P	P	P	S		18
I. AUTOMOTIVE AND TRANSPORTATION USES																	
Airports and Heliports	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24

Table 3.24.B - Schedule of Permitted Principal Uses																	
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML		
Auto Alarm / Stereo / Window Tinting Stores													S	S	P	10	7
Auto Lube Shops													S	S	P	10	9
Automotive and Motor Vehicle Sales													S	S	S	10	8
Auto Parts and Accessory Stores												P	P	P	P	10	7
Auto, Truck or Trailer Rental													S	S	S	10	8
Auto Upholstery Shops														S	P	10	9
Auto Parking Lots and Garages (free standing)										S	S	S	S	S	S		n.a.
Auto Repair Shop													S	S	S	10	9
Boat and Water-craft Sales and Service													S	S	S	10	8
Bus or Passenger Train Stations												S	S	S	S		24
Car Wash (self-service and automatic)														S	S		9
Commuter Transit Stations												S	S	S	S		24
Gasoline Service Stations														S	S	10	7
LPG / CNG Dispensing Stations														S	S		24
Motorcycle Sales and Service														S	S	10	8
Paint and Body Shops														S	S	10	9
Park and Ride Facilities												S	S	S	S		24
Railroad or Motor Freight Terminals															S		24
Recreational Vehicle Sales and Service														S	S	10	8
Tire and Battery Stores													S	S	S	10	7
Truck and Heavy Equipment Sales and Service														S	S	10	8
Vehicle Storage Yards or Facilities												S	S	S	S		24
J. HEAVY COMMERCIAL, INDUSTRIAL & MANUFACTURING USES																	

Table 3.24.B- - Schedule of Permitted Principal Uses																	
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML		
Appliance Repair Shops														S	S		8
Building Material Sales with outside storage														S	S		7
Commercial Laundry														S	S		24
Contractor Office with storage yard														S	S		24
Contractor Office without storage yard														P	P		8
Electronic Assembly or Manufacturing															P		25
Exterminator Shop														S	S		24
Food Packaging and Manufacturing															S		24
Furniture and Cabinet Manufacturing															P		25
Office Showroom															P		25
Oil and Gas Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ch. 3.1	24
Plumbing, HVAC and Electrical Trades Shops														P	P		8
Printing and Publishing - Commercial															P		8
Research and Development Labs															P		8
Scientific Instrument Assembly and Manufacturing															P		8
Self-Storage Facilities (mini-warehouse)															S		24
Upholstery and Furniture Repair Shops														P	P		8
Warehouse and Distribution Facilities															S		24
Wood, Paper or Leather Products															P		25
Manufacturing not elsewhere listed															S		24
Welding or Machine Shop															P		25
Wholesale Store/Supply															P		25
Wholesale Store/Supply with outdoor storage															S		24

- d. The material delivery route shall be provided indicating routes for raw material delivery with details on the type and numbers of trucks per day. Said route shall require final approval by the City Manager or his/her designee.
- e. The hours of operation shall follow the construction hours of operation as required in the Colleyville Code of Ordinances.
- f. A letter of permission shall be provided by the property owner stating that the temporary batch plant will be used to provide concrete/asphalt for the same site where it is located and no other project(s). The letter must also state that the site will be left in good or better condition.
- g. The application must state the amount of time that the temporary batch plant will be in operation. The permit duration shall not exceed 30 days from the date of issuance. The Administrative Official may extend the permit for an additional 30 days with good cause. Only one permit may be issued for a given parcel of property within a 12 month period.
- i. The Public Works Director shall determine if additional materials testing is required and may determine the testing personnel required. Any cost of testing shall be paid by the applicant.
- j. The batch plant shall not be used as a batching facility for any other site other than the site on which it is located and no concrete, asphalt and/or any raw materials may be sold from said plant.
- k. Any appeal or waiver from the requirements of this section shall require final approval by the City Council.

E. Outdoor Storage; Screening and Hours of Operations

Zoning Districts		Outdoor Storage Allowed	Screening Requirements Adjacent to Single Family	Hours of Operation
CPO	Professional Office Commercial	No	8'	Daytime only
CN	Neighborhood Commercial	No	8'	Daytime only
CC1	Village Retail	No	8'	24 hours
CC2	Shopping Center	No	8'	24 hours
CC3	Highway Commercial	Yes	8'	24 hours
ML	Light Manufacturing - Industrial	Yes	8'	24 hours

F. District Regulation Notes

- A. To achieve the "urban village" design, front yards may be varied to as little as 10' from the front property line if required parking is setback not less than forty feet (40') from the front property line.
- B. Where abutting a lot zoned or used for residential purposes (RE through [MHRMF](#)) there shall be a twenty-five (25') foot side yard.
- C. Side or rear yards not required where no windows or other openings for light or entry face the yard, and not adjacent to single family.
- D. Where abutting a lot zoned or used for residential purposes (RE through [MHRMF](#)) there shall be a twenty-five (25') foot rear yard.

SECTION 3.24.G – SCHEDULE OF DISTRICT REGULATIONS

MAXIMUM RESIDENTIAL DENSITY; MINIMUM LOT SIZE REQUIREMENTS; MINIMUM YARD REQUIREMENTS; MAXIMUM BUILDING HEIGHT; MAXIMUM LOT COVERAGE; OUTDOOR STORAGE; SCREENING; AND, HOURS OF OPERATION

(See District Regulations Notes following Section 3.24.F for explanation of letters in charts)

Zoning Districts	Minimum Lot Size Requirements				Minimum Yard Requirements ^{**}				Max. Building Height		Max. Lot Coverage	Max. Impervious Coverage
	Area (sq. ft.)	Per Family	Min. Width in feet	Min. Depth in feet	Max. Lot Size	Front/Street ROW Side (feet)	Internal Side (feet)	Rear (feet)	Stories	Feet	Percent	Percent
AG Agricultural	130,880	130,880	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
RE S.F. "Estate" Residential	80,000	80,000	200	300	n.a.	40'	25'	40'	2.5	35'	20%	50%
R-40 Single Family Residential	40,000	40,000	150'	150'	n.a.	40'	15'	25'	2.5	35'	20%	50%
R-30 Single Family Residential	30,000	30,000	125'	125'	n.a.	35'	10'	25'	2.5	35'	25%	55%
R-20 Single Family Residential	20,000	20,000	100'	100'	n.a.	30'	10'	25'	2.5	35'	30%	60%
R-15 Single Family Residential	15,000	15,000	100'	100'	n.a.	30'	10'	25'	2.5	35'	30%	60%
R-D Two Family Residential	4,000	8,000	70'	115'	n.a.	25'	10'	25'	2.5	30'	50%	60%
R-MF Multi-Family Residential (zoned after June 16, 1961)	2,700	18,000	70'	115'	n.a.	25'	10'	25'	2.0	30'	50%	80%
R-MF Multi-Family Residential (zoned before June 16, 1961)	1,500	10,000	70'	115'	n.a.	25'	10'	25'	3.0	30'	75%	80%
MH Mobile Home (Minimum size of mobile home park - 40 spaces)												
C-PO Professional Office Commercial	n.a.	7,200	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
CN Neighborhood Commercial	n.a.	10,000	100'	120'	1 acre	40'	15' (B/C)	10' (C/D)	2.0	35'	40%	80%
CC1 Village Retail	n.a.	15,000	150'	120'	5 acres	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	50%	80%
CC2 Shopping Center	n.a.	20,000	150'	120'	none	40' (A)	15' (B/C)	10' (C/D)	2.0	35'	60%	80%
CC3 Highway Commercial	n.a.	10,000	150'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	70%	80%
ML Light Manufacturing	n.a.	10,000	100'	120'	none	40'	15' (B/C)	10' (C/D)	2.0	35'	60%	80%

* All regulations may vary when above districts are used as a base district for a PUD.

** All required building lines shall adhere to the minimum yard requirement of the applicable zoning district for the property per Section 3.24.6- Schedule of District Regulations regardless of any setbacks shown on a plat unless a documented plat waiver has been approved.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 2d	Agenda Date 11/8/2021	Number
Type Public Hearing Agenda Items		
Department Planning and Zoning Commission		

Title

Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

Explanation

There are several properties within the City of Colleyville with the RD Two-Family Residential zoning district designation. A 'duplex' is a permitted use within this district. However, all properties with this zoning designation have been developed with single-family homes. The amendment to the Land Development Code would require approval of a Special Use Permit (SUP) for a duplex use to be permitted.

Recommendation

Approve

Attachments

1. Section 3.24.B Schedule of Permitted Principal Uses
2. Draft Ordinance

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P	P							6	3
Duplex – Attached Dwelling								PS	S								6	2
Townhome – Attached Dwellings									S								6	4
Multi-family – Attached Dwellings									S								6	4
HUD Code Manufactured Housing										P							6	2
Assisted Living Facilities	PUD only																17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S								1,6	18
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P									5
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P	P							Sec. 3.27	n.a.
Carport	S	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.
Home Occupations Uses	P	P	P	P	P	P	P	P	P	P							6	n.a.
Accessory Dwelling	P	P	S	S											S		11	1
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S																25
Crop Farming	P	P																n.a.
Livestock raising and breeding	P	P															8	n.a.
Private horse stables for domestic use	P	P	P	S	S													n.a.
Roadside produce stands (year round)	S	S																n.a.
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			21
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			24

ORDINANCE O-21-xxxx

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3, SECTION 3.24.B SCHEDULE OF PERMITTED PRINCIPAL USES OF THE LAND DEVELOPMENT CODE, SPECIFICALLY REQUIRING A SPECIAL USE PERMIT FOR A DUPLEX IN THE RD TWO FAMILY RESIDENTIAL DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 3, Section 3.24B - Reserved of the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A"

Colleyville, Texas, Land Development Code

Table 3.24.B- - Schedule of Permitted Principal Uses																			
Land Use Classification	Residential District									Non-Residential Districts					Special Land Use Standards or Section Ref.	Parking Group			
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3			ML		
A. RESIDENTIAL ACCOMODATION USES																			
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P								6	3	
Duplex – Attached Dwelling							PS	S									6	2	
Townhome – Attached Dwellings								S									6	4	
Multi-family – Attached Dwellings								S									6	4	
HUD Code Manufactured Housing																	6	2	
Assisted Living Facilities	PUD only																	17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S								1,6	18	
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P									5	
B. ACCESSORY USES																			
Accessory Building	P	P	P	P	P	P	P	P	P								Sec. 3.27	n.a.	
Carport	S	S	S	S	S	S	S	S	S								Sec. 3.27.C	n.a.	
Home Occupations Uses	P	P	P	P	P	P	P	P	P								6	n.a.	
Accessory Dwelling	P	P	S	S											S		11	1	
C. AGRICULTURAL USES																			
Commercial equestrian boarding stable and school	P	S																25	
Crop Farming	P	P																n.a.	
Livestock raising and breeding	P	P															8	n.a.	
Private horse stables for domestic use	P	P	P	S	S													n.a.	
Roadside produce stands (year round)	S	S																n.a.	
D. UTILITY USES																			
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21	
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 2e	Agenda Date 11/8/2021	Number
Type Public Hearing Agenda Items		
Department Planning and Zoning Commission		

Title

Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

Explanation

Currently, the city has regulations for commercial accessory buildings in Section 3.27 of the Land Development Code. However, the Schedule of Permitted Principal Uses does not allow for 'accessory buildings' within the City's non-residential zoning districts. The amendment to the Land Development Code allows for commercial accessory buildings and attempts to clarify the regulations associated with such buildings.

Recommendation

Approve

Attachments

1. Section 3.24.B Schedule of Permitted Principal Uses
2. Section 3.27 Accessory Buildings and Residential Carport Regulations
3. Draft Ordinance

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																	
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML		
A. RESIDENTIAL ACCOMODATION USES																	
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P							6	3
Duplex – Attached Dwelling							P	S								6	2
Townhome – Attached Dwellings								S								6	4
Multi-family – Attached Dwellings								S								6	4
HUD Code Manufactured Housing									P							6	2
Assisted Living Facilities	PUD only																17
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S								1,6	18
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P									5
B. ACCESSORY USES																	
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.27	n.a.
Carport	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.
Home Occupations Uses	P	P	P	P	P	P	P	P	P							6	n.a.
Accessory Dwelling	P	P	S	S											S	11	1
C. AGRICULTURAL USES																	
Commercial equestrian boarding stable and school	P	S															25
Crop Farming	P	P															n.a.
Livestock raising and breeding	P	P														8	n.a.
Private horse stables for domestic use	P	P	P	S	S												n.a.
Roadside produce stands (year round)	S	S															n.a.
D. UTILITY USES																	
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24

name and address of the supervisor or foreman of said company or corporation and the name of its president.

- b. Name and owner of the property.
- c. Local address where fence is proposed to be erected.
- d. Materials and type of fence construction.
- e. Height of fence.
- f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
- g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages, pool houses, accessory dwellings, gazebos, cabanas, or other shade structures. **Exception:** structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed four percent (4%) of the aggregate area of the lot. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.
- b. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:
 - 1. Fifty percent (50%) of the primary structure;
 - 2. The maximum allowed square footage for accessory buildings on the lot; or
 - 3. No more than twelve hundred (1,200) square feet
- c. For the purpose of this Section, the size of an accessory building shall be the square footage of each floor, mezzanine, covered porch, or shade structure.
- d. An application to exceed the total square footage authorized above may be approved as a Special Use Permit (SUP).
- e. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, a legally-

existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

- f. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be allowed, erected, or located forward of the front façade of the primary dwelling. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from this requirement.
 - b. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
 - c. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. **Exception:** Open structures (open on at least 2 ¾ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.
 - d. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.
4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the allowed height of the zoning district. For clarification, structures shall be measured at grade and shall not exceed the maximum height of the zoning district.
 5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district. No accessory building shall be used for dwelling purposes (the act of occupying a structure – with or without a kitchen) other than for an accessory dwelling, where permitted by the district regulations or Special Use Permit. No accessory building or accessory dwelling shall be rented.
 6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. Commercial accessory buildings may be located within approved non-residential districts subject to the following conditions:
 - a. Limited to one (1) accessory building per platted lot.
 - b. Must meet same setbacks as the primary structure.
 - c. Maximum size of two hundred-fifty (250) square feet.
 - d. Maximum height of one-story and 15 feet.
 - e. Must be located to the rear of the primary building and not visible from adjacent roadways.
 - f. The use of the accessory building must be ancillary to the primary use.
 - g. Exterior walls shall be of the same materials as used with the primary structure.

h. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property.

- ~~1. No accessory building shall be erected in any required yard area except as set forth by this section.~~
- ~~2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.~~
- ~~3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:~~
 - ~~a. Maximum size of two hundred fifty (250) square feet.~~
 - ~~b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.~~
 - ~~c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.~~
 - ~~d. Located within required setbacks and in conformance with this section.~~
 - ~~e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.~~
 - ~~f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.~~
 - ~~g. Limited to one (1) kiosk per platted plot.~~

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
 - c. *Setbacks:*
 - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. *Maximum Number Per Lot:* one

e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.

ii. Posts - Posts shall be clad or finished of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than eight inches (8") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Cedar posts shall be wrapped using masonry stone or brick from the base to at least 50% of the post height. The exposed portion of the cedar post shall be a minimum of 8 inches.

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Section 3.28 Supplementary District Regulations

- A. All required building lines shall adhere to the minimum yard requirement of the applicable zoning district for the property per Section 3.24.6-Schedule of District Regulations regardless of any setbacks shown on a plat unless a documented plat waiver has been approved.
- B. Erection of More Than One Principal Building on a Lot – In any district other than Agricultural zoning, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.
- C. Buildings Constructed Across Lot Lines – No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.
- D. Exceptions to Height Regulations
 1. Schools, public buildings, and institutions may be erected to a height exceeding the maximum height in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
 2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.
 3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
 4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.

ORDINANCE O-21-xxxx

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3, SECTION 3.24.B SCHEDULE OF PERMITTED PRINCIPAL USES AND SECTION 3.27 ACCESSORY BUILDINGS AND RESIDENTIAL CARPORT REGULATIONS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses and 3.27 Accessory Buildings and Residential Carport Regulations* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this

ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A"

Colleyville, Texas, Land Development Code

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P								6	3
Duplex – Attached Dwelling							P	S									6	2
Townhome – Attached Dwellings								S									6	4
Multi-family – Attached Dwellings								S									6	4
HUD Code Manufactured Housing									P								6	2
Assisted Living Facilities	PUD only																17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S								1,6	18
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P									5
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 3.27	n.a.
Carport	S	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.
Home Occupations Uses	P	P	P	P	P	P	P	P	P	P							6	n.a.
Accessory Dwelling	P	P	S	S											S		11	1
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S																25
Crop Farming	P	P																n.a.
Livestock raising and breeding	P	P															8	n.a.
Private horse stables for domestic use	P	P	P	S	S													n.a.
Roadside produce stands (year round)	S	S																n.a.
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			21
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			24

name and address of the supervisor or foreman of said company or corporation and the name of its president.

- b. Name and owner of the property.
- c. Local address where fence is proposed to be erected.
- d. Materials and type of fence construction.
- e. Height of fence.
- f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
- g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages, pool houses, accessory dwellings, gazebos, cabanas, or other shade structures. **Exception:** structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed four percent (4%) of the aggregate area of the lot. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.
- b. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:
 - 1. Fifty percent (50%) of the primary structure;
 - 2. The maximum allowed square footage for accessory buildings on the lot; or
 - 3. No more than twelve hundred (1,200) square feet
- c. For the purpose of this Section, the size of an accessory building shall be the square footage of each floor, mezzanine, covered porch, or shade structure.
- d. An application to exceed the total square footage authorized above may be approved as a Special Use Permit (SUP).
- e. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, a legally-

existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

- f. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be allowed, erected, or located forward of the front façade of the primary dwelling. **Exception:** Lots containing a minimum of 80,000 square feet shall be exempt from this requirement.
 - b. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
 - c. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. **Exception:** Open structures (open on at least 2 ¼ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.
 - d. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.
4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the allowed height of the zoning district. For clarification, structures shall be measured at grade and shall not exceed the maximum height of the zoning district.
5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district. No accessory building shall be used for dwelling purposes (the act of occupying a structure – with or without a kitchen) other than for an accessory dwelling, where permitted by the district regulations or Special Use Permit. No accessory building or accessory dwelling shall be rented.
6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

- 1. Commercial accessory buildings may be located within approved non-residential districts subject to the following conditions:
 - a. Limited to one (1) accessory building per platted lot.
 - b. Must meet same setbacks as the primary structure.
 - c. Maximum size of two hundred-fifty (250) square feet.
 - d. Maximum height of one-story and 15 feet.
 - e. Must be located to the rear of the primary building and not visible from adjacent roadways.
 - f. The use of the accessory building must be ancillary to the primary use.
 - g. Exterior walls shall be of the same materials as used with the primary structure.

h. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property.

1. ~~No accessory building shall be erected in any required yard area except as set forth by this section.~~
2. ~~No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.~~
3. ~~Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:~~
 - a. ~~Maximum size of two hundred fifty (250) square feet.~~
 - b. ~~No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.~~
 - c. ~~Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material; provided metal material does not exceed twenty-five percent (25%) of the exterior walls.~~
 - d. ~~Located within required setbacks and in conformance with this section.~~
 - e. ~~Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.~~
 - f. ~~Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.~~
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C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
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The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

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- ii. Posts - Posts shall be clad or finished of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than eight inches (8") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Cedar posts shall be wrapped using masonry stone or brick from the base to at least 50% of the post height. The exposed portion of the cedar post shall be a minimum of 8 inches.

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The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

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