



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
William E. Dollar Municipal Building
200 North Fifth Street
Garland, Texas
Tuesday, December 3, 2019
7:00 p.m.**

The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

Garland City Hall and Council Chambers is wheelchair accessible. Special parking is available on the east side of City Hall and on Austin & State Street west of City Hall.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. BRAILLE IS NOT AVAILABLE.



LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

It is the custom and tradition of the members of the City Council to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the City Council and will not affect the decisions to be made during the meeting.

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

1. Consider approval of the minutes of the November 19, 2019 Regular Meeting.
2. Consider approval of the following bids:
 - a. **2019 Annual Concrete Contract** **Bid No. 0020-20**

Tri-Con Services, Inc. **\$3,000,000.00**

This request is to provide replacement or repair of concrete paving and structures throughout the city on an as-needed basis. This approval is for a Term Agreement with two (2) optional renewals.

b. TPA Right-of-Way Tree Trimming Services and Vegetation Management **Bid No. 0188-20**

Nelson Tree Service	\$221,271.00
Optional Contingency	<u>120,513.00</u>
TOTAL:	\$341,784.00

This request is to provide right-of-way tree trimming services for the TPA Jack Creek to Twin Oaks transmission line and TPA hot spot vegetation management. Tree trimming and vegetation management are performed for safety and reliability purposes and to provide for mandatory clearance between power lines and trees. This is a TPA expense and will be reimbursed at 100%. An Optional Contingency is included for any additional work that may be required.

c. TPA Right-of-Way Vegetation Management for Capital Improvement Projects **Bid No. 0189-20**

Nelson Tree Service	\$200,000.00
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This request is to provide right-of-way vegetation management services for TPA capital improvement projects. Vegetation management is performed for safety and reliability purposes and to provide for mandatory clearance between power lines and trees. This approval is for a Term Agreement with four (4) optional renewals. This is a TPA expense and will be reimbursed at 100%.

d. Landscape Maintenance **Bid No. 0485-19**

Qualicare Landscape Services	\$122,696.60
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This request is to approve Change Order #1 to provide additional grounds and landscape maintenance at new or enhanced City facilities. Funding for the new landscape areas was approved by City Council in the 2019-20 budget.

e. GP&L Apollo Substation Civil Site Construction **Bid No. 0042-20**

Tri-Con Services, Inc.	\$1,771,000.00
Optional Contingency	<u>177,100.00</u>
TOTAL:	\$1,948,100.00

This request is to provide civil site construction services for the GP&L Apollo Substation. This is part of the approved Apollo Substation Rebuild CIP project. An Optional Contingency is included for any additional work that may be required.

f. GP&L Nevill Road to Greasewood 345kV Transmission Line Monopoles **Bid No. 0076-20**

Techline, Inc.	\$3,505,050.00
Optional Contingency	<u>350,505.00</u>
TOTAL:	\$3,855,555.00

This request is for the purchase of fifty-five (55) steel monopole structures for the Nevill Road to Greasewood 345kV transmission line. This is part of the approved Nevill Road to Greasewood 345kV Transmission CIP project. An Optional Contingency is included for any additional materials that may be required.

g. GP&L Duct Line Improvements for Firewheel Lofts **Bid No. 0059-20**

Tri-Con Services, Inc.	\$399,000.00
Optional Contingency	<u>59,850.00</u>
TOTAL:	\$458,850.00

This request is to provide contract labor necessary for the extension of electric feeder NA-2 to the Firewheel Lofts development. This is an approved Distribution Underground CIP project. An Optional Contingency is included for any additional work that may be required.

h. Central Library Life and Safety Renovation **Bid No. 1096-17**

Hill & Wilkinson General Contractors	\$1,686,176.00
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This request is to approve Change Order #1 to provide construction services for the Central Library Life and Safety Renovation. The project includes upgrading two interior stairwells to bring them up to current Fire Code, resurfacing the parking lot, upgrading and expanding parking lot lighting, adding security cameras and access controls, and upgrading the restrooms.

i. North Garland Avenue Bridge Enhancements **Bid No. 1166.18**

Ashlar Contracting Company	\$403,972.00
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This request is for the North Garland Avenue Culvert Railing Enhancements at Stream 213.

- 3. Public hearing(s) were previously conducted for the following zoning case(s). Council approved the request(s) and instructed staff to bring forth the following ordinance(s) for consideration.**

a. Consider Various Amendments to the Garland Development Code

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas; providing a Savings Clause; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date. A public hearing was held during the November 19, 2019 Regular City Council meeting and the amendments were approved unanimously.

b. Consider an ordinance amending Chapter 34, "Planning", of the Code of Ordinances

Consider an ordinance amending Chapter 34, "Planning" of the Code of Ordinances of the City of Garland, Texas, to harmonize Chapter 34 with the Garland Development Code; repealing multiple provisions, providing a Savings Clause; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date. A public hearing was held during the November 19, 2019 Regular City Council meeting and the amendments were approved unanimously.

c. House Conversion File No. HC 19-01, Brian Cole Henson (District 2)

Consider an order for a House Conversion located at 920 West Avenue D, as approved with conditions and modifications with a seven (7) to two (2) vote during the November 19, 2019 Regular City Council meeting.

- 4. Consider an ordinance permanently rescheduling the first regular meeting in November from Tuesday to Monday**

At its November 18, 2019 Work Session, the City Council considered a report from the Administrative Services Committee. One of the recommendations brought forward by the Committee was the permanent rescheduling of the first Regular Meeting in November of each year in order to avoid conflicts between that meeting and election day.

- 5. Consider a resolution approving parking restrictions at Weaver Elementary**

At the November 18, 2019 work session, staff brought additional recommendations regarding the parking restrictions at Weaver Elementary.

6. Authorize the City Manager to enter into an agreement with the North Central Texas Council of Governments to accept funding for Shiloh Road Improvements

Council is requested to authorize the City Manager to enter into a funding agreement with the NCTCOG. The City of Garland has previously been awarded \$12.5 million for funding through the Regional Transportation Coalition (RTC) for the reconstruction and widening of Shiloh Road between Kingsley Road and Miller Road. The RTC has granted an additional \$6.25 million for this project to the City of Garland for construction of this project. In order to accept the additional funding and have it programmed by the NCTCOG, the City of Garland and the NCTCOG must enter into a funding agreement.

7. Consider by minute action approving Neighborhood Vitality Matching Grant applications for Hills at Firewheel and Spring Creek Estates

At the November 18 Work Session Council was briefed regarding the 2019 Fall Cycle Neighborhood Vitality Matching Grant applications, which were approved for consideration by the Community Services Committee.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the City Secretary before speaking (cards are located at the entrance to the Council Chambers). The Mayor will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium.

8. Hold public hearing(s) on:

- a. Consider the application of Jonathan Alvarez, requesting approval of a variance to Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code regarding the distance between a church, public school, or public hospital and an establishment that sells or serves alcoholic beverages. This property is located at 2030 West Buckingham Road. (File No. BW 19-02, District 8)**

The applicant requests a variance to allow alcoholic beverages to be served at an existing restaurant [Mi Pueblito Colombiano] which is closer than the required distance of 300 feet from a school.

- b. **Consider the application of Environmental Reconstruction Services, Inc., requesting approval of 1) an amended Detail Plan and 2) an amended Specific Use Provision for Fuel Pumps, Retail on a property zoned Planned Development (PD) District 83-32 for Community Retail Uses. This property is located at 5150 and 5102 Duck Creek Drive. (File No. Z 19-03, District 4)**

The applicant proposes to add two fuel pumps to an existing gas station.

- c. **Consider the application of Masterplan, requesting approval of 1) a Zoning Change from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses) and 2) a Specific Use Provision for a Recycling Salvage Yard (unlimited outside storage). This property is located at 312 South International Road. (File No. Z 19-32, District 6)**

The applicant proposes to continue the use of the property with an existing recycling salvage yard with outdoor storage. This item is the applicant's Planned Development (PD) and Specific Use Provision (SUP) request.

- d. **Consider the application of Masterplan, requesting approval of a Detail Plan for a Recycling Salvage Yard (unlimited outside storage). This property is located at 312 South International Road. (File No. Z 19-32, District 6)**

The applicant proposes to continue the use of the property with an existing recycling salvage yard with outdoor storage. This item serves as the applicant's Detail Plan request.

- e. **Consider the application of Rock Ink Tattoos, requesting approval of 1) a Specific Use Provision for Tattooing/Body Piercing Establishment on a property zoned Downtown (DT) District (Uptown Sub-district) and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of Tattooing/Body Piercing Establishments. This property is located at 316 Main Street. (File No. Z 19-36, District 2)**

The applicant proposes to continue the operation of a Tattooing / Body Piercing Establishment, for which a Specific Use Provision was previously approved for a term of three (3) years.

- f. **Consider the application of Patricia Ann Jones, requesting approval of a Specific Use Provision for a Guest House on a property zoned Single-Family-7 (SF-7) District. This property is located at 718 Carpenter Drive. (File No. Z 19-35, District 2)**

The applicant proposes to convert an existing accessory building into a Guest House.

9. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

10. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Frontier FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

1.

Meeting Date: 12/03/2019

Item Title: Minutes November 19

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the November 19, 2019 Regular Meeting.

Recommendation/Action Requested and Justification

Attachments

Minutes Nov 19



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, November 19, 2019, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Deputy Mayor Pro Tem Robert Vera
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

Mayor LeMay, along with Jed Johnson, City Auditor and Patricia Meaux, Auditor, presented a proclamation to Andrea Prater, Director of Community Outreach, Dallas Chapter, Association of Certified Fraud Examiners, proclaiming November 17 - 23 to be International Fraud Awareness Week.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

Motion was made by Deputy Mayor Pro Tem Robert Vera, and seconded by Council Member Rich Aubin to approve the Consent Agenda as presented.

Motion carried:

Vote: 9 - 0

1. APPROVED Consider approval of the minutes of the November 5, 2019 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Peripheral Equipment for Police Patrol Vehicles Bid No. 0127-20

GT Distributors, Inc.	\$307,849.88
Plastix Plus, LLC	105,375.00
Kustom Signal, Inc.	15,554.30
Stop Stick, LTD	<u>8,361.28</u>
TOTAL:	\$437,140.46

This request is to upfit the new Police Department Tahoes with the equipment necessary to make them fully functioning patrol vehicles.

b. APPROVED Rowlett Creek Wastewater Treatment Plant Primary Clarifier Improvements Bid No. 1340-19

Red River Construction Co.	\$1,432,000.00
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This request is to provide construction services for the rehabilitation of Primary Clarifiers 1 and 2 at the Rowlett Creek Wastewater Treatment Plant.

c. APPROVED GP&L GIS System Upgrade Bid No. 0113-20

SSP Innovations, LLC	\$126,467.50
Optional Contingency	<u>12,646.75</u>
TOTAL:	\$139,114.25

This request is for the implementation of Garland Power & Light's GIS system upgrade.

d. APPROVED Replacement Vehicles for Police and Fire Departments Bid No. 0143-20

Caldwell Country Chevrolet	\$1,776,962.00
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This request is for the purchase of replacement vehicles for the Police and Fire Departments.

e. APPROVED Fire Department Uniforms Bid No. 0034-20

Galls, LLC	\$130,000.00
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This request is for the purchase of uniforms for the Garland Fire Department. This approval is for a Term Agreement with four optional renewals.

f. APPROVED Professional Services for Recreation Facilities Renovations Bid No. 0157-20

Barker Rinker Seacat Architecture	\$1,047,320.00
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This request is to provide professional services to renovate the Hollabaugh Recreation Center, Garland Senior Activity Center and Fields Recreation Center.

g. APPROVED Engineering Services for Rowlett Creek Siphon Replacement at S.H. 78 Bid No. 0150-20

Neel-Schaffer, Inc.	\$309,770.00
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This request is to provide professional engineering design services to replace the two existing inverted sewer siphons crossing Rowlett Creek and Spring Creek, just west of Lavon Drive (State Highway 78), with two aerial crossings.

h. APPROVED Oracle Database Support and Security Services Bid No. 0174-20

SHI Government Solutions	\$200,102.00
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This request is to provide annual support and maintenance for the City's Oracle database products used by the Utility Billing, Finance and GIS systems, among others.

3. **A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.**

- a. **APPROVED Zoning File No. Z 19-29, Hidden Oaks Lot Venture, Ltd. (District 1)**

Ordinance No. 7106 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change in Zoning from Planned Development (PD) District 18-07 for Single-Family Attached (Townhouse) Use to a Planned Development (PD) District for Single-Family-5 (SF-5) Uses and 2) a Detail Plan for Single-Family-5 (SF-5) Use on a 14.251-acre tract of land located at 2845 Crist Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

4. **APPROVED Ordinance No. 7105** amending Chapter 22, "Health" of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.

At the November 18, 2019 Work Session, Council considered an ordinance that would revoke food permits for repeated low scores on unannounced inspections, that would require food establishments to post unannounced inspection scores, and that would prohibit the sale to a close relative and subsequent reopening of establishments whose food permit has been revoked.

5. **APPROVED Resolution No. 10417** authorizing the City Manager to execute a Multiple Use Agreement with the State of Texas Department of Transportation relating to the construction, maintenance and operation of a public bike/pedestrian trail; and providing an effective date.

At the November 4, 2019 Work Session, Council considered whether to enter into a Multiple Use Agreement with Texas Department of Transportation (TxDOT) for the construction and use of the MGR Bikeway (Duck Creek Trail Connections Segment II) at IH-30/Greenbelt Parkway.

6. **APPROVED Resolution No. 10418** authorizing the City Manager to execute an Interlocal Agreement with the City of Mesquite relating to the construction, maintenance and operation of a public bike/pedestrian trail; and providing an effective date.

At the November 4, 2019 Work Session, Council considered whether to enter into an Interlocal Agreement with the City of Mesquite, Texas for the construction and use of the MGR Bikeway (Duck Creek Trail Connections Segments II) at IH-30/Greenbelt Parkway.

7. **APPROVED Resolution No. 10419** approving an amendment to the Landfill Usage Agreement with the City of University Park; and authorizing the City Manager to execute the agreement; and providing an effective date.

At the November 4, 2019 Work Session, Council considered authorizing the City Manager to execute an amendment to the Landfill Usage Agreement between the City of Garland and the City of University Park. It has become necessary to amend the provision of the agreement regarding the calculating of the cost of service incurred by the City of Garland and charged to the City of University Park.

8. **APPROVED Authorize City Manager to enter into a Memorandum of Understanding with Dallas Area Rapid Transit (DART)**

Council is requested to authorize the City Manager to enter into a Memorandum of Understanding with DART. The City of Garland and DART may enter into a non-binding Memorandum of Understanding with regard to rail stations and bus transit centers located within Garland. The purpose would be to jointly explore development potential at the sites for transit-oriented developments. This item was previously discussed during the June 3, 2019 City Council Work Session.

9. **APPROVED Minute action approving an amendment to the Single Stream Recyclable Materials Transport, Processing and Marketing Agreement between the City of Garland and Fomento de Construcciones y Contratas, Inc. to initiate Tipping Fee payments to FCC for recyclable materials from the City's Recycling Drop-Off Center to their Materials Recovery Facility in Dallas, Texas.**

At the November 18, 2019 Work Session, Council considered the need to modify Single Stream Recyclable Materials Transport, Processing and Marketing Agreement between the City of Garland (City) and Fomento de Construcciones y Contratas, Inc. (FCC) due to decreased recyclables commodity values and increased operational costs.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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- 10. APPROVED Resolution No. 10420** expressing the City Council's concerns regarding the leadership of the Texas House of Representatives and the Legislature's continuing efforts to erode local control; and providing an effective date.

At the November 4, 2019 Work Session, Council considered whether to move forward with an expression of concern regarding Speaker of the House Dennis Bonnen and disparaging remarks he made about other members of the Texas House of Representatives and local public officials. A consensus of the City Council directed the City Attorney to prepare, in the form of a resolution, a statement of the Council's concerns regarding the leadership of the Texas House of Representatives in particular, and with the continuing erosion of local control more generally.

Council Member Gibbons proposed the adoption of a resolution and read the resolution of concerns regarding the leadership of the Texas House of Representatives and the Legislature's continuing efforts to erode local control. The Council upon signing the resolution agree with the direction to deliver the resolution to the following legislators: Representatives Button, Neave, Bowers, Ramos and Senators Hall and Johnson.

Motion was made by Council Member David Gibbons, and seconded by Council Member Rich Aubin to approve the resolution with a directive to the City Manager to deliver a copy of the adopted resolution to each of the Texas representatives for the City of Garland. Motion carried:

Vote: 9 - 0

- 11. APPROVED Request for Development Assistance from HIP Colfin Marquis Drive LLC**

Council is requested to consider a development incentive request from HIP Colfin Marquis Drive LLC for a partial rebate of applicable development fees required of a proposed new commercial project.

Council Member Hedrick recused himself from this item. The staff report was presented by David Gwin, Director of Economic Development.

Motion was made by Deputy Mayor Pro Tem Robert Vera, and seconded by Mayor Pro Tem Robert John Smith to approve the item as presented. Motion carried:

Vote: 8 - 0

- 12. APPROVED Request for Development Assistance from All Quality and Services, Inc.**

Council is requested to consider a development incentive request from All Quality and Services, Inc. (AQS) for a partial rebate of applicable Business and Personal Property (BPP) tax required of a proposed new manufacturing project for a specific period and a rebate of applicable Development Fees up to a maximum amount.

The staff report was presented by David Gwin, Director of Economic Development.

Motion was made by Council Member Rich Aubin, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the item as presented. Motion carried:

Vote: 9 - 0

**13. PUBLIC
HEARING
HELD:**

Hold a Public Hearing on the Proposed Concept Plan for the Skate Park

On February 5, 2019, Council approved the services of Newline Skateparks to begin the concept design of the proposed skate park in Rick Oden Park. Council will take public input on the proposed design developed by Newline. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 3, 2019 Regular Meeting.

Mayor LeMay opened the public hearing at 7:37 p.m. The staff report was presented by Ziad Kharrat, Parks Special Projects Administrator, Deputy City Manager Bates and John Fielder, Consultant. Speakers presenting oral testimony in favor of the item were: L. A. Wickham, Luke Ross, Tiffany Hoa, Chris Way, Mario Covarrubias, Clinton Haley, Warren Christie, Bryce Hunter, Margi Bice, Ian Eisenmann, Chris Jeffers, Elijah Moore, Menfil A. Saquic and Elizabeth Munoz. Robert Fehrenbach gave oral testimony against the current concept. Justin Patterson registered a position for the project, but did not testify. Darryl McCalop registered a position against the project, but did not testify.

There was discussion by the Council to give staff direction on the project. It was the consensus of the Council to move forward with the concept including at 40,000 square foot Skate Park.

Mayor LeMay closed the public hearing at 8:42 p.m. and called for a recess.

**14. PUBLIC
HEARING
HELD:**

Hold a Public Hearing on the Proposed Concept Master Plan for Rick Oden Park

In the approved 2019 Bond Program, Rick Oden Park was designated to receive major renovations. Kimley-Horn and Associates was engaged to perform the master plan design, from which a concept plan will be generated that will guide the development of detailed construction plans for the proposed amenities. Council will take public input regarding the proposed Master Plan as developed by Kimley-Horn. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 3, 2019 Regular Meeting.

Mayor LeMay reconvened the meeting at 9:00 p.m. and opened the public hearing. The staff report was presented by Ziad Kharrat, Parks Special Projects Administrator and John Fielder, Kimley-Horn. Speakers supporting amendments to the concept were: Joffrin Alexander, Fort Battad, Lee Thornburg, President of the Metroplex Tennis Association, Jeff Range, Laura Hock, Maria Galicia, Danny Campbell, Mary Lou Smith, Kiera Lowe, William Rink, Honorable Bob Day, former Mayor of Garland, Jeri Lilley, Dawn Ritz, Troy Funk, Linn Trinh, Raymond Loop, Brandon Pham, Andrew Lam, and Michele Wright. Speakers presenting testimony in favor of the project were: Jan Alexander, James Hutcherson, Margi Bice, Betty Roberts, Jill Creel, Luis Rodriguez, Christian Rodriguez and Reggie

Shanley. Speakers not in favor of the project as designed were Darryl McCalop and Robert Fehrenbach. The following persons registered a position for the project, but did not testify: Marcos Garcia, Kenny Dinh, Erick Smith, Heather Hutcherson, Richard Hartman, Chris Holder, Rizalino Santos, Ashley Rhodes, Alfredo Alvarado, Christine Taylor, James Taylor, Cindy Aldredge, Cynthia Wireman, Janice Rivenbark, Eric Yun, Yuko Lowe, Laya Gan-Dy, Aveewan Yun, Marcie Ulrich, Avery Cording, Andrew Lam, Brandon Pham, and Loanne Tieu.

There was discussion by the Council. Council gave staff direction to consider public input and revise the concept plan.

Mayor LeMay closed the public hearing at 10:48 p.m. and called for a recess.

15. Hold public hearings on:

- a. APPROVED Consider the application of Cole Henson, requesting approval of a House Conversion for a Church or Place of Worship. This property is located at 920 West Avenue D. (File No. HC 19-01, District 2)**

The applicant proposes an occupancy change for a church in an existing house. Additionally, an existing accessory building is proposed for use as a parsonage residence. In conjunction with the church, the applicant's Shiloh Pregnancy Care would offer services from the existing house.

Mayor LeMay reconvened the meeting at 11:05 p.m.

The staff report was presented by Kira Wauwie, Principal Development Planner. Speakers on this item were: Cole and Raven Henson, applicants, Gary Bennett, Attorney for the Henson's. There was discussion with the applicants and Brad Neighbor, City Attorney. There was discussion by the Council. Speakers in support of this item were: Leonard Leach, Pastor, Mt. Hebron Baptist Church, Jennifer Reneé Savage and Trisha Ines Brumley.

Mayor LeMay called for a recess at 12:30 a.m.

Mayor LeMay reconvened the meeting at 12:45 a.m.

Katherine Strimpel (left before speaking), Ann Hettinger (left before speaking), Julie Wilcox, Rachel Monk, Tiffani Price, Rev. Dr. Paul Burns, First Presbyterian Church of Garland, and Katelyn Patton. Speakers speaking in opposition to the application were: Honorable John Willis, former Garland Council Member, Michelle Stuyvesant, Daniel Maher, and Kathy Gatewood. The following individuals registered a position in support of the application, but did not testify: Claudia Hurtado, Patricia Noble, Rebecca Labrador, Vanessa Mendez, Ricardo Gonzalez, Ashlee Gonzalez, Eric Mangum, Donna Rolater, Jana Estep, Kevin Estep, Greg Brown, Brett Brumley, Marc S. Quinn and Richard C. Wilcox. The following individuals registered a position against the application, but did not testify: Eric Stuyvestant, James Sharp, Jan Alexander, Betty Roberts, Margi Bice, Dawn Peacock. Sandra Benford registered an undecided position in favor with restrictions.

The Mayor opened the discussion. Brad Neighbor, City Attorney, presented

his recommendation to the Council to approve the application based on the outlined conditions. There was discussion by the Council.

Motion was made by Council Member Deborah Morris, and seconded by Mayor Pro Tem Robert John Smith to approve the house conversion with the conditions detailed in the Plan Commission recommendations and modifications by the City Attorney. Motion carried:

Vote: 7 - 2 (Council Members Bookhout and Aubin)

b. APPROVED Consider Various Amendments to the Garland Development Code

The City Council is requested to consider various amendments throughout the Garland Development Code (GDC). The amendments were previously discussed during the November 4, 2019 Work Session.

The staff report was presented by Will Guerin, Director of Planning.

Motion was made by Council Member Rich Aubin, and seconded by Council Member David Gibbons to approve the item as presented. Motion carried:

Vote: 9 - 0

c. APPROVED Consider Amendments to Chapter 34, "Planning" of the Code of Ordinances

Council is requested to consider proposed amendments to repeal the majority of the content of Chapter 34, "Planning", of the Code of Ordinances. This chapter consists of regulations that have since been replaced with the adoption of the Garland Development Code in 2015.

The staff report was presented by Will Guerin, Director of Planning.

Motion was made by Council Member David Gibbons, and seconded by Council Member Rich Aubin to approve the item as presented. Motion carried:

Vote: 9 - 0

16. Citizen comments: There were no speakers on this item.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

17. Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 1:38 a.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 12/03/2019

Item Title: 2019 Annual Concrete Contract

Submitted By: Michael Polocek, Engineering Director

Bid Number: 0020-20

Purchase Justification:

This request is to provide replacement or repair of concrete paving and structures throughout the city on an as-needed basis. This approval is for a Term Agreement with two (2) optional renewals.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Five (5) bids were received and evaluated with Tri-Con Services, Inc., submitting the Straight Low Bid.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Tri-Con Services, Inc.	All	\$3,000,000.00
	TOTAL:	\$3,000,000.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 42663

Fiscal Impact

Total Project/Account: N/A
Expended/Encumbered to Date: N/A
Balance: N/A
This Item: \$3,000,000.00
Proposed Balance: N/A
Account #: 451-6999

Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to CIP and Operating accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget
CIP

Fiscal Year: 2019-20

Document Location: N/A

Budget Director Approval: Ron Young Approval Date: 11/21/2019

Purchasing Director Approval: Gary L. Holcomb Approval Date: 11/20/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. b.

Meeting Date: 12/03/2019

Item Title: TMPA Right-of-Way Tree Trimming Services and Vegetation Management

Submitted By: Steve Martin, Transmission Director

Bid Number: 0188-20

Purchase Justification:

This request is to provide right-of-way tree trimming services for the TMPA Jack Creek to Twin Oaks transmission line and TMPA hot spot vegetation management. Tree trimming and vegetation management are performed for safety and reliability purposes and to provide for mandatory clearance between power lines and trees. This is a TMPA expense and will be reimbursed at 100%. An Optional Contingency is included for any additional work that may be required.

Evaluation:

These services are being provided by Nelson Tree Service through an Interlocal Agreement with Bryan Texas Utilities Contract 042-11-18.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Nelson Tree Service	All	\$221,271.00
Optional Contingency		120,513.00
	TOTAL:	\$341,784.00

Basis for Award: Interlocal Agreement

Purchase Requisition #: 42619

Fiscal Impact

Total Project/Account: \$2,617,365

Expended/Encumbered to Date: 580,773

Balance: \$2,036,592

This Item: 341,784
Proposed Balance: \$1,694,808
Account #: 211-3542-7111
Fund/Dept/Project – Description and Comments:
Electric Utility Fund / Transmission / TMPA Reimbursed

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Operating Budget - Page C-196

Budget Director Approval: Ron Young

Approval Date: 11/21/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/20/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. c.

Meeting Date: 12/03/2019

Item Title: TMPA Right-of-Way Vegetation Management for Capital Improvement Projects

Submitted By: Steve Martin, Transmission Director

Bid Number: 0189-20

Purchase Justification:

This request is to provide right-of-way vegetation management services for TMPA capital improvement projects. Vegetation management is performed for safety and reliability purposes and to provide for mandatory clearance between power lines and trees. This approval is for a Term Agreement with four (4) optional renewals. This is a TMPA expense and will be reimbursed at 100%.

Evaluation:

These services are being provided by Nelson Tree Service through an Interlocal Agreement with Bryan Texas Utilities Contract 042-11-18.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Nelson Tree Service	All	\$200,000.00
	TOTAL:	\$200,000.00

Basis for Award: Interlocal Agreement

Purchase Requisition #: 42618

Fiscal Impact

Total Project/Account: N/A

Expended/Encumbered to Date: N/A

Balance: N/A

This Item: \$200,000

Proposed Balance: N/A
Account #: 451-6999

Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to TMPA Capital Projects as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: N/A

Budget Director Approval: Ron Young

Approval Date: 11/21/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/20/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. d.

Meeting Date: 12/03/2019

Item Title: Landscape Maintenance

Submitted By: Andy Hesser, Managing Director

Bid Number: 0485-19

Purchase Justification:

This request is to approve Change Order #1 to provide additional grounds and landscape maintenance at new or enhanced City facilities. Funding for the new landscape areas was approved by City Council in the 2019-20 budget.

Evaluation:

Qualicare Landscape Services was awarded the original Purchase Order BL 7586 in the amount of \$80,683.96 through a Best Value bid process.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Qualicare Landscape Services	All	\$122,696.60
	TOTAL:	\$122,696.60

Basis for Award: Change Order

Purchase Requisition #: 42623

Fiscal Impact

Total Project/Account: \$2,624,919
Expended/Encumbered to Date: 610,888
Balance: \$2,014,031
This Item: 122,697
Proposed Balance: \$1,891,334
Account #: 100-2412-711112

Fund/Dept/Project – Description and Comments:General Fund / Parks, Recreation and Cultural Arts Department / Operations

AttachmentsBid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Page C-99

Budget Director Approval: Ron Young

Approval Date: 11/22/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/22/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. e.

Meeting Date: 12/03/2019

Item Title: GP&L Apollo Substation Civil Site Construction

Submitted By: Steve Martin, Transmission Director

Bid Number: 0042-20

Purchase Justification:

This request is to provide civil site construction services for the GP&L Apollo Substation. This is part of the approved Apollo Substation Rebuild CIP project. An Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Five (5) bids were received and evaluated based on the published criteria. Tri-Con Services, Inc., received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Tri-Con Services, Inc.	All	\$1,771,000.00
Optional Contingency		177,100.00
	TOTAL:	\$1,948,100.00

Basis for Award: Best Value

Purchase Requisition #: 42509

Fiscal Impact

Total Project/Account: \$12,930,729
Expended/Encumbered to Date: 7,802,211
Balance: \$5,128,518
This Item: 1,948,100
Proposed Balance: \$3,180,418

Account #: 210-3799-3177201-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / 2019 Substations Upgrades Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: CIP - Page E10

Budget Director Approval: Ron Young

Approval Date: 11/22/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/22/2019

CITY OF GARLAND - BID RECAP SHEET OPENED: 11/07/19 REQ. NO. PR 42509 BID NO. 0042-20 PAGE: 1 of 1 BUYER: Teresa Smith				Tri-Con Services, Inc.		DynaGrid Construction Group, LLC		Kwest Group, LLC		Mann Robinson & Son, Inc		Farm and Ranch Construction, LLC	
I T E M	QTY	U N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	Lt.	Apollo Substation Civil Site		\$1,771,000.00		\$1,818,432.32		\$2,162,028.70		\$2,134,571.81		\$2,040,882.51
			Construction										
			Evaluation Criteria:										
			Price	Maximum = 30	30.00	29.22	24.57	24.89	26.03				
			Experience	Maximum = 20	20.00	20.00	20.00	20.00	20.00				
			Qualifications	Maximum = 20	20.00	20.00	20.00	15.00	15.00				
			Equipment	Maximum = 10	10.00	10.00	10.00	10.00	10.00				
			Safety	Maximum = 20	20.00	20.00	20.00	17.60	6.00				
			Total	Maximum = 100	100.00	99.22	94.57	87.49	77.03				
			TOTAL GROSS PRICE		\$1,771,000.00		\$1,818,432.32		\$2,162,028.70		\$2,134,571.81		\$2,040,882.51
			CASH DISCOUNT										
			TOTAL NET PRICE		\$1,771,000.00		\$1,818,432.32		\$2,162,028.70		\$2,134,571.81		\$2,040,882.51
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY										
NEXT LOW: \$1,818,432.32				689 # IonWave Notifications				All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.					
LOW: \$1,771,000.00				# IonWave HUBS									
SAVINGS: \$47,432.32				34 # Direct Contact HUBS									
				1 # HUBS Responded									



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. f.

Meeting Date: 12/03/2019

Item Title: GP&L Nevill Road to Greasewood 345kV Transmission Line Monopoles

Submitted By: Steve Martin, Transmission Director

Bid Number: 0076-20

Purchase Justification:

This request is for the purchase of fifty-five (55) steel monopole structures for the Nevill Road to Greasewood 345kV transmission line. This is part of the approved Nevill Road to Greasewood 345kV Transmission CIP project. An Optional Contingency is included for any additional materials that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated with Techline, Inc., submitting the Straight Low Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Techline, Inc.	All	\$3,505,050.00
Optional Contingency		350,505.00
	TOTAL:	\$3,855,555.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 42490

Fiscal Impact

Total Project/Account: \$9,200,000
Expended/Encumbered to Date: 1,500,039
Balance: \$7,699,961
This Item: 3,855,555
Proposed Balance: \$3,844,406

Account #: 210-3599-3144501-6051

Fund/Dept/Project – Description and Comments:

Electric CIP / Transmission Lines Program

Due to a long lead time on the order and delivery of materials, Electric is seeking approval to order these monopoles for work that will be requested as part of the 2020 Capital Improvement Program.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: CIP - Page E01

Budget Director Approval: Ron Young

Approval Date: 11/21/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/20/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. g.

Meeting Date: 12/03/2019

Item Title: GP&L Duct Line Improvements for Firewheel Lofts

Submitted By: Jonas Whitehead, Distribution Director

Bid Number: 0059-20

Purchase Justification:

This request is to provide contract labor necessary for the extension of electric feeder NA-2 to the Firewheel Lofts development. This is an approved Distribution Underground CIP project. An Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated with Tri-Con Services, Inc., submitting the Straight Low Bid.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Tri-Con Services, Inc.	All	\$399,000.00
Optional Contingency		59,850.00
	TOTAL:	\$458,850.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 42527

Fiscal Impact

Total Project/Account: \$2,626,068
Expended/Encumbered to Date: 487,466
Balance: \$2,138,602
This Item: 458,850
Proposed Balance: \$1,679,752
Account #: 210-3299-3162401-7111

Fund/Dept/Project – Description and Comments:Electric CIP / Distribution Lines - Underground Program

AttachmentsBid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: CIP - Page E09

Budget Director Approval: Ron Young

Approval Date: 11/21/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/20/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. h.

Meeting Date: 12/03/2019

Item Title: Central Library Life and Safety Renovation

Submitted By: Ginny Holliday, Facilities Management Director

Bid Number: 1096-17

Purchase Justification:

This request is to approve Change Order #1 to provide construction services for the Central Library Life and Safety Renovation. The project includes upgrading two interior stairwells to bring them up to current Fire Code, resurfacing the parking lot, upgrading and expanding parking lot lighting, adding security cameras and access controls, and upgrading the restrooms.

Evaluation:

Hill & Wilkinson General Contractors was awarded the initial Central Library materials handling system renovation in the amount of \$1,137,155 at the January 16, 2018, City Council Meeting. Hill & Wilkinson General Contractors has submitted a Guaranteed Maximum Price (GMP) of \$1,686,176 for this phase of the project.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Hill & Wilkinson General Contractors	All	\$1,686,176.00
	TOTAL:	\$1,686,176.00

Basis for Award: Change Order

Purchase Requisition #: 42693

Fiscal Impact

Total Project/Account: \$7,485,993

Expended/Encumbered to Date: 4,551,938

Balance: \$2,934,055

This Item: 1,686,176
Proposed Balance: \$1,247,879
Account #: 692-4749-1958412/1958500-9002,
692-1509-1002703-9002, 692-4749-1603707-9007,
692-4749-1606200-9002

Fund/Dept/Project – Description and Comments:

2019 CIP / Central Library Life & Safety Upgrades

Library Upgrades / Central Library Life & Safety Upgrades A - \$513,711

Streetscape Austin (6th to Glenbrook) / Downtown Streetscape & Redevelopment - \$283,215

HVAC / Facilities' HVAC Replacement/Upgrade - \$280,000

HVAC / Central Library Life & Safety Upgrades A - \$198,508

Site Upgrades / Central Library Life & Safety Upgrades A - \$359,959

Site Upgrades / Facilities' Parking Lots Upgrades - \$50,783

Total Bid Award / Various CIP Sources - \$1,686,176

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: CIP - Pages L02, ED03, MF01, & MF05

Budget Director Approval: Ron Young

Approval Date: 11/25/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/21/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. i.

Meeting Date: 12/03/2019

Item Title: North Garland Avenue Bridge Enhancements

Submitted By: Scott Bollinger, Neighborhood Resource Manager

Bid Number: 1166-18

Purchase Justification:

This request is for the North Garland Avenue Culvert Railing Enhancements at Stream 213.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated with Ashlar Contracting Company submitting the Straight Low Bid.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Ashlar Contracting Company	All	\$403,972.00
	TOTAL:	\$403,972.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 12345

Fiscal Impact

Total Project/Account: \$515,000

Expended/Encumbered to Date: 48,141

Balance: \$466,859

This Item: 403,972

Proposed Balance: \$62,887

Account #: 643-1509-1020104-7111

Fund/Dept/Project – Description and Comments:

Economic Development CIP / Neighborhood Vitality Grant Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: CIP - Page ED05

Budget Director Approval: Ron Young

Approval Date: 11/25/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 11/21/2019



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 12/03/2019

Item Title: Consider Various Amendments to the Garland Development Code.

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Consider various amendments to the Garland Development Code. A public hearing was held during the November 19, 2019 Regular City Council meeting and the amendments were approved unanimously. The ordinance has been prepared for final approval.

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

GDC Amendments Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Section 1.05, "Purpose," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.05 Purpose

(A) The regulations contained within this GDC are intended to implement official City goals and objectives with respect to the development and redevelopment of the City's physical environment, and are the City's minimum requirements for the development, redevelopment, and platting of land within the City and its ETJ.

(B) The development, redevelopment, and subdivision of land, as they affect a community's quality of life, are activities where regulation is a valid function of municipal government. Through the application of these regulations, the interests of public and private parties are protected by the granting of certain rights and privileges, and by establishing a fair and rational procedure for developing, redeveloping and subdividing land within the City and its ETJ.

(C) These provisions are intended to implement the following objectives:

(1) Promote the development, redevelopment and utilization of land in a manner that assures an attractive and high-quality community environment in accordance with the adopted *Comprehensive Plan* and other stated City policies and objectives;

(2) Guide, assist and expedite property owners and

applicants in the correct procedures to be followed in the development, redevelopment and subdivision of land, and to inform them of the City's minimum standards for same;

(3) Protect the public interest by imposing minimum standards for the location, design and type of public infrastructure (such as streets, sidewalks, alleys, utilities, storm drainage, and other essential public services) needed to serve new developments, redeveloping land, and for surrounding areas;

(4) Ensure the most efficient and beneficial provision of public facilities and services for each land tract being developed, redeveloped or subdivided;

(5) Provide for the safe and efficient circulation of traffic;

(6) Provide for safe and efficient pedestrian circulation that is appropriate for the various uses of land and buildings;

(7) Prevent pollution;

(8) Preserve the natural beauty and topography of the City and ensure development, redevelopment, and land subdivision that is appropriate with regard to these natural features;

(9) Establish adequate and accurate records of land subdivision;

(10) Provide for adequate light, air, and privacy;

(11) Secure safety from fire, flood, and other dangers;

(12) Prevent overcrowding of land and undue congestion of population; and

(13) Ensure development that promotes public welfare, protects property values, and enhances the quality of life for residents of the City of Garland."

Section 2

That Section 1.12, "Procedures of the Development Review Committee," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 1.12 Procedures of the Development Review Committee

(A) Types of Applications Reviewed. The DRC shall review the following types of applications:

(1) An application for a Detail Plan for a Planned Development District, along with any related application requirements, including Site Engineering Drawings.

. . ."

Section 3

That Section 1.14, "Initiation of Application," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 1.14 Initiation of Application

. . .

(C) Development Application Fee. Unless an applicant elects to participate in the Pre-Filing Process, the development application fee, as set by the City Fee Schedule, shall be due at the time the applicant files the application with the Planning Director.

(D) Application Appointments. Zoning, development plan, redevelopment, detail plan, or land subdivision applications may be filed, by appointment only, with the Planning Director, upon the date and time identified in the Development Application Schedule, as provided in Section 1.18 of this GDC. The Planning Director may limit the number of applications filed on a particular day if the Planning Director determines that it is not administratively feasible to process any additional applications within 30 days."

Section 4

That Section 1.15, "Pre-Submittal Process," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby renamed and amended in its entirety to read as follows:

"Section 1.15 Pre-Filing Process

(A) Pre-filing process voluntary. Prior to the official submission of a zoning, development plan, redevelopment, detail plan, or land subdivision application, the prospective applicant may elect to voluntarily participate in a pre-filing process with the DRC and the responsible official who will primarily process the application.

(B) Purpose. The purpose of the pre-filing process is to discuss the prospective applicant's general plans, needs, constraints and goals for the property, and to allow the prospective applicant to become familiar with the City's codes, development regulations, fees, and processes applicable to the project.

(C) Initial Pre-Filing Meeting. A prospective applicant shall be given the opportunity to meet with the Director of Planning and other city officials to discuss the prospective applicant's general development or redevelopment proposal. Following the initial pre-filing meeting, the Director of Planning shall make a determination as to whether it would be beneficial for the prospective applicant to further participate in the pre-filing process. In the event it is determined that it would be beneficial, and the prospective applicant elects to participate in the pre-filing process, the prospective applicant shall file with the Planning Department a pre-filing form that describes the nature of the project and the type(s) of application(s) that the applicant intends to file. The prospective applicant shall then be notified of the time and place of the DRC Pre-Filing Meeting where the proposed application shall be discussed.

(D) Vested Rights. Any assertion of vested rights based on working documents submitted during the pre-filing process shall be limited to a two-year period (that is, 730 calendar days) from the original date upon which the initial pre-filing form was filed (see Chapter 5, Article 1, Division 5).

(E) Primary Contact and Case Manager. At the DRC Pre-Filing Meeting, a City official shall be assigned to act as the primary contact for the prospective applicant and the related proposed

development application(s).

(1) The person assigned to be the primary contact will answer general questions, refer specific questions to applicable City staff, as well as coordinate any meetings between a prospective applicant and the City. The primary contact may become the Case Manager during the application review process; however, if a public hearing is a part of the process, a new Case Manager may be assigned prior to the associated technical review meeting (see Section 1.21 of this Chapter 1).

(2) When construction is ready to commence, a City official shall be assigned to act as Case Manager for the applicant for the project construction and inspection processes. The Case Manager will be assigned to the applicant at the Pre-Construction Meeting (see Section 1.22 of this Chapter 1).

(F) Written Records. Written and digital records submitted during the pre-filing process shall be kept in the office of the Planning and Community Development as part of the record for each proposed development application or project. A copy of the written records of the pre-filing process shall also be provided to any prospective applicant participating in the pre-filing process upon written request by the participant.

(G) DRC Pre-Filing Meeting; Technical Review Meeting. The purpose of the DRC Pre-Filing Meeting is to discuss in more detail the prospective applicant's general plan and proposed development or redevelopment with the members of the DRC. Following the DRC Pre-Filing Meeting, the prospective applicant shall pay the pre-filing process fee, as set by the City Fee Schedule, if the prospective applicant elects to participate in the pre-filing process. As part of the pre-filing process, the prospective applicant may be required to attend one or more additional pre-filing meetings and technical review meetings with the DRC, as determined necessary by the Planning Director.

(H) Effect. If the prospective applicant completes the pre-filing process, as determined by the Planning Director, the development application fee set by the City fee schedule is waived, and the prospective applicant may proceed with his or her official submittal of a zoning, development, redevelopment or land subdivision application. In the event a prospective applicant elects to participate in the pre-filing process, pays the required pre-filing process fee, and thereafter does not

complete the pre-filing process, as determined by the Planning Director, prior to filing his or her official application, the prospective applicant shall not receive a refund of the pre-filing process fee, and shall additionally pay the development application fee, in its entirety, as set by the City fee schedule, at the time of filing the application."

Section 5

That Section 1.17, "Waiver of Information," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.17 Waiver of Information

Notwithstanding the requirements of Division 1 of Article 2, Chapter 1 of this GDC, the responsible official may waive the submission of any information in the application and accompanying materials that the responsible official determines is not necessary due to the scope and nature of the proposed project."

Section 6

That Section 1.18, "Official Submission Date," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.18 Official Submission Date

(A) Applications may only be submitted by appointment on an Official Submission Date as set in the Development Application Schedule.

(1) Exception. If a plat application has a Working Plat that achieved acceptable status as contemplated in Chapter 3, Divisions 1, 2, and 3 of this GDC, the plat application may be filed by hand delivering it to the Planning Department during normal business hours. A plat application filed in this manner must attach evidence of the Working Plat having achieved acceptable status. A plat application lacking evidence that the Working Plat achieved Working Status

shall be discarded as abandoned property in accordance with Subsection (E).

(B) The Director of Planning shall determine and publish the Development Application Schedule in advance of each calendar year.

(1) The Director of Planning shall identify at least eighteen Official Submission Dates for each calendar year.

(2) Each calendar month other than December shall have at least one Official Submission Date.

(C) On each Official Submission Date, the Director of Planning, or his designee, shall identify a time period during which any appointments to submit applications must be set.

(1) At least four hours must be set aside on each Official Submission Date for such appointments.

(2) The time period for application appointments must fall within normal City business hours.

(3) Each appointment shall be of sufficient length to consider the application(s) at issue. The Director of Planning shall determine the amount of time necessary to consider a given application.

(D) The time period established by this GDC for processing or deciding an application shall commence on the date on which the applicant formally submits his or her application to the Planning Director as per this Section.

(E) Applications which are mailed to the Planning Department, left at the Planning Department, or otherwise delivered to the City of Garland in any fashion and on any date or time other than at a formal appointment for submission as described in this Section 1.18 shall be discarded as abandoned property and shall not be considered."

Section 7

That Section 1.21, "Technical Review Meeting," of Chapter 1,

"General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 1.21 Technical Review Meeting

(A) Requirement. In the event a prospective applicant elects to participate in the pre-filing process, the prospective applicant may be required to attend one or more technical review meetings with the DRC, including the responsible official.

. . .

(C) Applications Requiring Technical Review Meeting. Pre-filing documents and working files that require a technical review meeting (unless otherwise determined as unnecessary by the City) include documents related to a proposed application for the following:

- (1) Specific Use Provision;
- (2) Detail Plan (submitted as part of a Planned Development application);
- (3) Alternative compliance development process (if applicable);
- (4) House conversions (such as conversion from residential to nonresidential use); or
- (5) Any other proposed application as determined by the Planning Director.

(D) Effect. Following the technical review meeting with the DRC, the prospective applicant may proceed with making the necessary modifications discussed. Once all modifications have been made and the revisions to the pre-filing documents have been submitted to the Planning Director for review, the Planning Director shall make the determination as to whether the pre-filing process has been completed or whether additional modifications of the proposed application are needed."

Section 8

That Section 1.23, "Application Fees," of Chapter 1, "General

Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.23 Application Fees

Every application shall be accompanied by the prescribed fees set forth in the City's fee schedule (see the City's *Development Application Packet* as well as applicable sections in the City Code and this GDC). The prescribed fees shall not be refundable, except when the City Council waives the application fee for re-submission of an application that was denied. Fifty percent of the prescribed fee may be refunded to the applicant if an application is withdrawn prior to written or public notification, if such is required. The fee schedule may be amended from time to time by the City Council."

Section 9

That Section 1.24, "Published and Written Notice," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 1.24 Published & Written Notice

. . .

(B) Written Notice.

(1) Whenever written notice of a public hearing is required by controlling law or this GDC before a board, commission or the City Council, the responsible official shall cause notice to be personally delivered or sent by regular United States mail before the tenth calendar day (fifteenth calendar day for City Council hearings) before the hearing date to the following:

(a) For Plan Commission hearings, to each owner of real property located within four hundred feet of the exterior boundary of the property in question who has rendered the property for City taxes as the ownership appears on the most recently approved City tax roll, if such written notice is required by State law;

(b) The applicant and property owner;

(c) If the matter to be considered is before the Board of Adjustment, to each owner of real property located within two hundred feet of the exterior boundary of the property in question who has rendered the property for City taxes as the ownership appears on the most recently approved City tax roll; and

(d) If the matter to be considered is an appeal, to the appellant.

(2) The notice shall set forth the name of the applicant, the time, place and purpose of the hearing, identification of the subject property, and if the matter to be considered is an appeal, the name of the appellant.

(a) Notice shall be sent to each owner located within four hundred feet of the exterior boundary of the property in question, as indicated on the most recently approved City tax roll for land inside the City limits, and, when required by State law, on the most recently approved county tax roll for land in the City's ETJ. For recently annexed land that is not included on the most recently approved City or county tax roll, notice may be given by publication.

(b) Notice may be served by depositing the notice, properly addressed and first class postage prepaid, in the United States mail."

Section 10

That Section 1.51, "Engineering Review and Inspection Fees," of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its pertinent part to read as follows:

"Section 1.51 Engineering review and inspection fees

(A) Generally. All improvements and facilities placed or constructed in public rights-of-way, access, pedestrian, utility, drainage, and traffic-control easements requiring

future maintenance by the City shall be assessed an engineering review and inspection fee to recover administration and inspection cost based on the total construction cost of the improvements including, but not limited to, street paving, alley paving, traffic signals, screening walls, landscaping, storm sewers, sanitary sewers, lift stations, water lines, meters, fire hydrants, drainage structures, channels and appurtenances. The Director of Engineering shall collect the fee in an amount equal to four percent of the value of the improvements as determined from the total contract amount (including change orders) or the probable estimate of construction cost of such improvements and facilities as certified by the developer's engineer of record. All collections will be made payable to the City and shall be deposited by the Director of Engineering in the general fund. The minimum fee per development shall be \$100.00. The fee shall be paid in full by the developer prior to the release of engineering plans for construction by the Director of Engineering. True and correct copies of actual construction costs shall be provided in order to verify costs.

. . ."

Section 11

That Section 1.100, "Fees", of Chapter 1, "General Provisions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 1.100 Fees

The following fees shall apply to all filings, except where otherwise noted:

(A) Zoning change or specific use provision applications not submitted to the Pre-Filing procedures set forth in Section 1.15 of this GDC.

. . .

(B) Zoning change, specific use provision, or plat applications submitted to the Pre-Filing procedures in Section 1.15 of this GDC:

. . .

(C) Variance, appeal, waiver, and miscellaneous applications.

Type of Application	Fee
Alcohol distance	\$500.00
Alley waiver	\$300.00
Building line modification	\$150.00
Building line modification, if board of adjustment appeal is also required	None
Development standards variance (screening and landscaping, signage)	\$350.00
Alternative compliance	\$200.00
Fence variance	\$250.00
House conversion	\$800.00
Downtown development plan/regulating plan (new construction - includes major waiver)	\$1,000.00
Downtown minor waiver	\$250.00
Reasonable accommodations	\$0.00
Vested rights petition	\$0.00
Sidewalk waiver	\$200.00
Sign variance	\$250.00
Tree removal permit (application fee only; tree mitigation fees required as applicable)	\$150.00
Tree preservation variance	\$300.00
Municipal setting designation	\$5,000.00

”

Section 12

That Article 3, "Fees", of Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended by adding a new Division 5 titled "Miscellaneous Fees", and shall read as follows:

"Article 3: Fees

Division 5: Miscellaneous Fees

Section 1.111 Recycled materials/Used Goods Collection Point fees.

(A) Annual fee. The permit fee for each kiosk or container for the collection of used goods or recycled materials shall be \$500.00, to be tendered with the application. A permit fee of the same amount is due annually thereafter on or before January 1st.

(B) Fee waiver. The fee shall be waived for any kiosk or container owned by a nonprofit organization (as defined by 26 U.S.C. 501(c)(3)) if the container or kiosk is located on the same tract of land upon which the nonprofit organization actively operates a used goods, retail sales (indoors) business. The nonprofit organization must still obtain and display the annual permit.

(C) Proration. The permit fee shall be prorated for each month or portion of a month of any year the Recycled Materials/Used Goods Collection Point is not emplaced in a location within the City.

(D) Forfeiture of fee. Permit holders whose permit is revoked pursuant to the provisions of Section 2.52(A)(8)(d)(iv) of this GDC shall not be entitled to a proration or refund of any fees for the revoked permit."

Section 13

That Subsection A, "Base District and Supplemental Standards", of Section 2.09, "Development Standards," of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.09 Development Standards

(A) Base District and Supplemental Standards. In a PD district, development must conform to all development standards in the base zoning district (including, but not limited to, those pertaining to lot area, building size, building and height requirements, and parking), unless expressly stated otherwise in the PD district adopting ordinance.

. . ."

Section 14

That Section 2.14, "Adopting Ordinance," of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.14 Adopting Ordinance

Items Specific to the Ordinance. The ordinance establishing a PD district shall incorporate an approved Detail Plan as part of the district regulations and shall set forth the following:

. . ."

Section 15

That Section 2.16, "Documentation of PD Districts," of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 2.16 Documentation of PD Districts

(A) Planned Development Ordinances Approved Prior to the Adoption of the GDC. Prior to adoption of this GDC, the City Council previously established certain Planned Development districts which may have full or partially vested rights under the zoning and land use regulations in effect at the time of the original development permit application, unless the project is determined to be dormant (see Section 5.21 of this GDC). The PD ordinances or parts thereof approved prior to this GDC are depicted on the Zoning Map. Each prior PD ordinance is identified with a unique number with a PD prefix, and subsequent PD ordinances adopted after the effective date of this GDC shall be similarly and sequentially numbered for identification

purposes.

(B) Planned Development Ordinances Approved After Adoption of the GDC. All Planned Development zoning districts approved after adoption of this GDC, as may be amended, are prefixed by a "PD" designation and assigned a unique identification number and are referenced on the Zoning Map."

Section 16

That selected subsections of Section 2.21, "Criteria for Approval," of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, are hereby amended in pertinent part to read as follows:

"Section 2.21 Criteria for Approval

(A) Factors. When considering an application for a Specific Use Provision, the Plan Commission must evaluate the impact of the proposed specific use on, and its compatibility with, surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and is to consider the extent to which:

. . .

(7) The proposed use meets the development standards and any other such similar requirements for the zoning district; or, to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

. . .

(D) Revocation.

(1) The City Council may revoke any SUP approval after the applicant has failed to comply with any of the applicable requirements of this Chapter 2, other applicable sections of the GDC, the City Code, state or federal law, conditions of the SUP approval, or if one or more of the following conditions apply:

. . ."

Section 17

That Section 2.22, "Board of Adjustment," of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.22 Board of Adjustment

. . .

(C) Action of the Board of Adjustment.

(1) In exercising its powers, the Board may, in conformity with the provisions of the Statutes of the State of Texas, in Chapter 211 of the Texas Local Government Code, as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and make such order, requirement, decision, or determination as determined by the Board in its discretion. The Board has the same authority as the officer from whom the appeal is taken. The Board has the discretion to impose reasonable conditions to insure compliance and protect adjacent property.

. . .

(E) Jurisdiction of Board of Adjustment. When in its reasonable judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially impaired, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following variances or special exceptions to the regulations herein established and take action in regard to the continuance or discontinuance of a nonconforming use, as follows:

. . .

(7) To authorize a request for a variance regarding fencing regulations, including height, location, and materials.

. . ."

Section 18

That Table 2-3, "Single-Family Residential District Standards", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended as follows:

"Table 2-3 - Single-Family Residential District Standards

		Minimum Yard Setbacks									
District	Minimum Lot Area	Adjacent to Street			Not Adj./ Street		Minimum Dwelling Unit Area	Minimum Lot Width	Minimum Building Depth	Maximum Building Coverage	Maximum Height
	Standard Requirement/ Average	Front	Side	Rear	Side	Rear					
AG	87,120sf	30'	30'	30'	25'	30'	1,100sf	150'	150'	30%	35'
SF-E	30,000sf/ 27,000sf avg	35' 30' curvil. or staggered or cul-de-sac	25' 20' curvil. or staggered or cul-de-sac	35' 30' curvil. or staggered or cul-de-sac	10' each side	10'	2,100sf	100'	125'	45%	35'
SF-10	10,000sf/ 9,500sf avg	30' 25' curvil. or staggered or cul-de-sac	15' 15' curvil. or staggered or cul-de-sac	30' 25' curvil. or staggered or cul-de-sac	7.5' each side	10'	1,900sf	75'	100'	45%	35'
SF-7	7,000sf/ 6,650sf avg	20' 15' curvil. or staggered or cul-de-sac	15' 15' curvil. or staggered or cul-de-sac	25' 20' curvil. or staggered or cul-de-sac	6' each side	10'	1,500sf	60'	100'	45%	35'
SF-5	5,000sf/ 4,750sf avg	20' 15' curvil. or	15' 15' curvil. or	20' 15' curvil. or	5' each side	10'	1,500sf	55' / 60' corner	90'	50%	35'

		stagger ed or cul-de- sac	stagger ed or cul-de- sac	stagger ed or cul-de- sac							
--	--	------------------------------------	------------------------------------	------------------------------------	--	--	--	--	--	--	--

“

Section 19

That certain subsections of Section 2.34, “Regulations Applicable to all Residential Districts”, of Chapter 2, “Zoning Procedures”, of the Garland Development Code of the City of Garland, Texas, are hereby amended in pertinent part to read as follows:

“Section 2.34 Regulations Applicable to All Residential Districts.

(A) Development Standards for all Residential Districts. The development standards for each residential district are provided in Table 2-3 or Table 2-4 (as applicable), and described in the applicable section for each district (see Sections 2.35 through 2.40 of this Chapter 2).

(1) Minimum Lot Area. No main building or structure may be constructed or placed on a lot or land parcel containing less area than the minimum lot areas provided in Table 2-3 or Table 2-4 (as applicable) except for non-conforming, platted lots as described in Section 2.75 of this GDC.

. . .

(E) Yard Setbacks in all Residential Districts. Yards shall be free and clear of any appurtenances except as follows:

. . .

(G) Parking in all Residential Districts.

(1) Required Off-Street Parking. Off-street parking for each lot and dwelling must meet the standards and requirements as provided in the Land Use Matrix in Article 5 of this Chapter 2 and, for SFA, the standards and requirements of Section 2.37€ of this GDC.

. . .

(3) Minimum Driveway Length. Required residential automotive parking spaces located in an enclosed garage for all single-family detached, single-family attached and two-family dwellings shall have a minimum driveway length of twenty feet (measured along the shortest side to the right-of-way of the applicable roadway or alley). Required parking spaces must be immediately accessible from a driveway which is accessible to an all-weather alley or street. A portion of the driveway may be covered with a carport provided the carport complies with Sections 2.58 - 2.59 of this GDC.

. . .

(I) Accessory Building Standards. Accessory buildings must comply with provisions of Article 5, Division 4 (Accessory Buildings and Structures) of this Chapter 2 and must meet the same requirements as the main building.

(J) Proportionality of Bathrooms and Living Areas to Bedrooms. In addition to the required standards set forth in Section 32.04 of the City Code, bedrooms must be proportional to bathrooms and living areas in single-family and two-family dwellings such that for every two rooms used in the structure as a bedroom there must be at least one full bathroom (containing a commode, a sink and a shower or bathtub) and one living area.

. . .

(M) Governmental buildings. As a general matter, this article is not intended to, and does not apply to, buildings erected or maintained by any public school, or the City.

(N) Yards to be free and clear of appurtenances. Yards shall be free and clear of any appurtenances except as follows:

(1) In side yards:

(a) fences;

(b) HVAC equipment, swimming pool, water filtration, and similar equipment (provided a minimum of 3 feet of clear space is maintained between the equipment and property line);

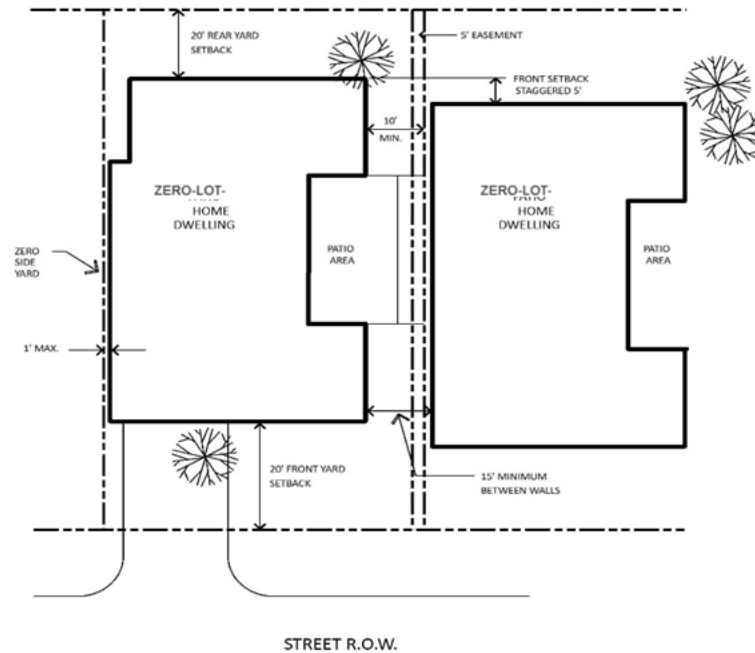
(c) driveways;

- (d) uncovered patio or flatwork; and
 - (e) decking (provided it does not exceed 30" in height measured from grade to the top of the deck).
- (2) In rear yards:
- (a) Accessory buildings as provided for in Section 2.58;
 - (b) driveways;
 - (c) flatwork; and
 - (d) fences.
- (3) In front yards:
- (a) Driveways;
 - (b) sidewalks; and
 - (c) fences (as provided for in Section 4.104)."

Section 20

That Illustration 2-6, "Zero-Lot-Line Homes - Setbacks, Orientation", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended by replacing the existing illustration with the following:

"Illustration 2-6 Zero-Lot-Line Homes - Setbacks, Orientation



Section 21

That Section 2.37, "SFA Single-Family Attached (Townhouse) District", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.37 SFA Single-Family Attached (Townhouse) District.

(B) Approval Process. Prior to the issuance of a Site Permit or a Building Permit for the construction of a townhouse, a townhouse structure, or a townhouse development (see definitions in Chapter 6 of this GDC) must first proceed administratively in accordance with the provisions of Article 1, Division 1 in Chapter 4 of this GDC.

. . . .

(E) Parking.

(1) General. Off-street parking and loading must be provided as set forth below. Guest parking shall be allowed within required yards.

. . . .

(4) Driveway Depth. A driveway, if provided, may not be less than twenty feet in length.

. . .

(K) Amenities.

. . .

(4) Types of and Standards for Amenities.

. . .

(f) Alternatives. A townhouse development may provide other community facilities for equal or better levels of recreational, entertainment, or social interaction. Alternative facilities for the development may be approved by the Planning Commission.

. . ."

Section 22

That Section 2.39, "MF, Multifamily District", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.39 MF, Multifamily District

. . .

(J) Residential Types Other Than Multifamily. Within the MF district, residential types other than apartments or condominiums must comply with the following development standards:

(1) Single-family detached homes must comply with the SF-5 district standards.

(2) Zero-lot-line homes must comply with the SF-5 district standards.

(3) Two-family (duplex) homes must comply with the 2F district standards.

(4) Single-family attached (townhouses) must comply

with the SFA district standards.”

Section 23

That Table 2-5, “Nonresidential District Standards”, of Section 2.41, “Regulations Applicable to all Nonresidential Districts”, of Chapter 2, “Zoning Procedures”, of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

“Table 2-5 - Nonresidential District Standards

		Minimum Yard Setbacks								
District	Minimum Lot Area Maximum Lot Area	Adjacent to Street			Not Adj./ Street (Side and Rear)	Min. Lot Width	Min. Lot Depth	Max. Building Coverage	Max. FAR	Max. Height
		Front	Side	Rear						
NO	Min: none Max: 3 acres	25'	20'	25'	none, except 20' when adjacent to residential district	none	none	40%	none	1 story (max. 16'), except pitched roofs may be 20'
CO	Min: none Max: none	1-2 stories: 25'	1-2 stories: 20'	1-2 stories: 25'	30' in height or less: none, except 20' when adjacent to residential district	none	none	none	none	Any legal height, subject to yard provisions in Section 2.43
		over 2 stories: see Section 2.41 (B) (1)b			above 30' in height: see Section 2.41 (B) (1)b					
NS	Min: none Max: 3 acres	25'	20'	25'	none, except 20' when adjacent to residential district	none	none	40%	none	1 story (max. 16'), except pitched roofs may be 20'
CR	Min: none Max: none	30'	20'	30'	none, except 20' when adjacent to residential district	none	none	40%	none	35'

LC	Min: none Max: none	30'	20'	20'	none, except 20' when adjacent to residential district	none	none	50%	none	35'
HC	Min: none Max: none	30'	20'	20'	none, except 20' when adjacent to residential district	none	none	50%	none	35'
IN	Min: none Max: none	1-2 stories: 30'	1-2 stories: 20'	1-2 stories: 30'	30' in height or less: none, except 20' when adjacent to residential district	none	none	60%	2:1	Any legal height, subject to yard provisions in Section 2.47
		over 2 stories: see Section 2.41 (B) (1)b			above 30' in height: see Section 2.41 (B) (1)b					

”

Section 24

That Section 2.41, “Regulations Applicable to all Nonresidential Districts”, of Chapter 2, “Zoning Procedures”, of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

“Section 2.41 Regulations Applicable to all Nonresidential Districts

(A) Development Standards for all Nonresidential Districts. Nonresidential zoning districts must be in compliance with the nonresidential development standards: (i) provided in Table 2-5; (ii) provided in the applicable sections of this GDC (see Sections 2.42 through 2.48); and (iii) provided below:

(1) Minimum Lot Area. No main building or structure may be constructed or placed on a lot or land parcel containing less area than the minimum lot areas provided for in Table 2-5 except for non-conforming, platted lots as described in Section 2.75 of this GDC.

. . .

(6) Maximum Floor Area Ratio (FAR). The combined

floor area of main buildings and Accessory Buildings may not exceed the maximum floor area ratios (FARs) as provided in Table 2-5.

(7) Maximum Height. Buildings may not exceed the maximum height as provided in Table 2-5. Maximum height shall be the distance between the lowest point on the ground that is within 2' of any exterior wall, and the highest point on the building's roof.

. . .

(C) Height Limits in all Nonresidential Districts.

. . .

(2) Height of Non-Occupied Structures. An appurtenant structure that is placed on, or that is an extension of, the roof of a building and that is not intended for human occupancy may exceed the maximum height allowed in a nonresidential district up to a maximum of fifty feet above the average grade of the building provided that all portions of the structure are set back an additional one foot for each foot that the structure exceeds the district's height limit for front, side, and rear yards. The following are examples of appurtenant structures: architectural features such as spires, steeples, domes, belfries, cupolas, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, water standpipes and tanks, mechanical equipment rooms that do not exceed fifty percent of a typical floor in area, and other similar architectural or utility features. However, telecommunications antennae (see Article 5, Division 5 of this Chapter 2), wind energy conversion systems (see Article 5, Division 7 of this Chapter 2), and signs (see Chapter 4, Article 5) are not appurtenant structures for the purposes of this Subsection (C), and are hereby expressly excluded.

. . ."

Section 25

That subsection I, "Site Design", of Section 2.49, "U, Urban

Districts (UR and UB)", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.49 U, Urban Districts (UR and UB)

. . .

(H) Building/Architectural Design.

. . .

(5) Facades and Building Forms. An identifiable first floor, upper facade, and rooflines. First floor facades must be designed Building facades that are visible to a public street in an Urban district must be designed with at human scale with elements such as window bays, recessed entries, awnings, canopies, and other human-scale architectural features. Additional building facade and form requirements for Urban districts are as follows:

. . .

(f) To emphasize the pedestrian scale, building facades must incorporate at least one element from at least two of the following groupings:

. . .

(I) Site Design

. . .

(5) Amenities. The residential components of an Urban district must incorporate and provide communal and personal convenience amenities on-site (that is, within the development), in accordance with the minimum number requirements provided in Subsection (6) below, unless provision of the amenities is approved in an off-site location in accordance with Subsection (7) below. Communal and personal amenities may include the following:

. . ."

Section 26

That the Land Use Matrix appended to the end of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended as follows:

"LAND USE MATRIX

N/A – Not applicable (i.e., no parking requirement) P The land use is allowed by right in the zoning district indicated.

* – See [Chapter 2, Section 2.52](#) for special standards

gfa – Gross floor area

The land use is prohibited in the zoning district indicated.

S The land use is allowed only upon approval of a Specific Use Provision (SUP) in the zoning district indicated.

	AG	SF-E	SF-10	SF-7	SF-5	SF-A	2F	MF	NO	CO	NS	CR	LC	HC	IN	UR	UB	DT (see Ch. 7)	Parking Requirements	Cross-Reference(s) for Special Standards
AGRICULTURAL USES																				
Farm, Ranch, Orchard	P																	-	2/dwelling unit	-
Feed Store	S												S	S				-	1/250 gfa	-
Stable, Commercial	P																	-	.5/stall	-
Stable, Private	P	S																-	N/A	Sec. 22.09, Art.1, Ch. 22, City Code
Stockyards, Livestock Auction, Livestock Hauling																		-	-	-
RESIDENTIAL USES																				
Accessory Dwelling:		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Guard/Manager/Caretaker	S												S	S	S			-	2/dwelling unit	Sec. 2.58
Guest House	S	S	S	S														-	1/dwelling unit	Sec. 2.58
Rental Unit	S	S																-	Efficiency and bedroom: 1 space 2+ bedrooms: 2 spaces	Sec. 2.58
Congregate Adult Living Facilities:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rehabilitation Facility, In Home/Residential	S	S	S				S	S									S	-	.2/resident	-

Rehabilitation Facility, Institutionalized								S										-	.3/resident	-
Elder Care Facilities:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Assisted Living								P		S1						S	S	-	1/3 dwelling units	Sec. 2.52(A)(12)
Continuing Care (combination)								P		S1						S	S	-	as determined by component s, and best/current practices	Sec. 2.52(A)(12)
Independent Living								P								P	P	-	1/dwelling unit	Sec. 2.52(A)(12)
Nursing/Convalescent Care								P		S1						S	S	-	.5/bed	Sec. 2.52(A)(12)
Household Living Units:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Two-Family (duplex)								P	P									-	2 enclosed/dwelling unit	Sec. 2.38
Dwelling, Industrialized Housing Unit	P	P	P	P	P	P	P											-	2 enclosed/dwelling unit	Sec. 2.52(A)(5)(d)
Dwelling, Manufactured/HUD-Code Home	S																	-	2 enclosed/dwelling unit	-
Dwelling, Mobile Home	S																	-	2 enclosed/dwelling unit	-
Dwelling, Multi-Family								P								P	P	-	Efficiency: 1 space 1 bedroom: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered, provided, however, that each unit must have at	Sec. 2.39

																			least one covered parking space)	
Dwelling, Live/Work																P	P	-	2 spaces, plus nonresidential requirement	Sec. 2.52(A)(5)(e)
Dwelling, Zero-Lot-Line Home					P			P										-	2 enclosed/dwelling unit	Sec. 2.36(C)
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P										-	2 enclosed/dwelling unit	Sec. 2.36
Dwelling, Single-Family Attached (Townhouse)						P		P								P	P	-	2.25 enclosed/dwelling unit	Sec. 2.37
Dwelling, Apartment																P	P	-	Efficiency: 1 space 1 bedroom: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)	-
Manufactured/Mobile Home Park or Subdivision																		-	-	-
ACCESSORY & TEMPORARY USES																				
Accessory Building	P	P	P	P	P	P	P	P										-	N/A	Sec. 2.58
Convenience Facilities:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-In Service												S	S	S	S			-	1/order station + 1 space per employee at maximum shift	-
Drive-Through Service										S		S	S	S	S			-	N/A	Sec. 4.20

Walk-Up Service											P	P	P	P	P	P	P	-	1/w alk-up window or order station + 1 space per employee at maximum shift	-
Fuel Pumps, Retail												S	P	P	P			-	N/A	Sec. 2.52(A)(3)
Itinerant Retail Vendor												*	*	*	*	*	*	-	N/A	Art. IX, Ch. 26, City Code
Kiosks, Self-Service:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Automated Teller Machine (ATM) – Drive-Up										P		P	P	P	P	S	P	-	1/ATM station (at the ATM)	Sec. 2.52(A)(7), Sec. 4.20
Automated Teller Machine (ATM) – Walk-Up									P	P	P	P	P	P	P	P	P	-	1/w alk-up ATM	Sec. 2.52(A)(7)
Retail (ice, water, etc.)												S	S	S				-	1 space	Sec. 2.52(A)(7), Sec. 4.20
Recycled Materials Collection											S	S	S	P	P			-	1 space	Sec. 2.52(A)(8), Sec. 4.20
Outside Display, New Materials											P	P	P	P	P		S	-	N/A	Sec. 2.52(A)(14)
Outside Display, Used Materials												S	S	P	P			-	N/A	Sec. 2.52(A)(14)
Outside Storage, New Materials												S	S	P	P			-	N/A	Sec. 2.52(A)(14)
Outside Storage, Used Materials													S	S	P			-	N/A	Sec. 2.52(A)(14)
Outside Storage Unit, Portable (POD)		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	-	N/A	Sec. 2.52(A)(14)
Seasonal Sales									*	*	*	*	*	*	*	*	*	-	N/A	Art.VIII, Ch. 30, City Code

Shelter Tent																		-	N/A	-
Shipping Container												*	*	*	*			-	N/A	Sec. 2.52(A)(15), Art. XII, Ch. 30, City Code
Temporary Building/Office (field office, construction office, subdivision sales office, etc.)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	-	1/1,000sf site area	Sec. 2.52(A)(19), and 30.03, 30.06, 30.194, City Code
INSTITUTIONAL AND EDUCATIONAL USES																				
Church or Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1/4 seats	Sec. 2.52(A)(29)
College or University									S	P		P	P	P		S	P	-	.5/student (site-specific study required)	-
Convention Facility										S		S	P	P	P		P	-	1/100 gfa	-
Day Care Facilities:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Day Care Center, Adult	S	S	S	S	S	S	S	S	P	P	P	P	P		S	S	S	-	1/3 clients + 1 per employee at maximum shift	Sec. 2.52(A)(13)
Day Care, Youth – Licensed Child-Care Center	S	S	S	S	S	S	S	S	P	P	P	P	P		S	S	S	-	1/10 children + 1 per employee at maximum shift	Sec. 2.52(A)(2)
Day Care, Youth – Registered Child-Care Home	2	2	2	2	2	2	2	2								2	2	-	N/A	Sec. 2.61
Learning Center, Specialized									S	P	S	P	P	P	S	S	S	-	1/10 students	-
School, Business									S	P	S	P	P	P	P		P	-	1/3	-

																			students	
School, Retail/Personal Services Training									S	S	S	P	P	P	P	S	P	-	1/3 students	-
School, Trade													S	P	P			-	1/3 students	-
School, Private, Religious or Charter	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	Elementary: 1/17 students Middle: 1/17 students High: 1/3 students	2.52(A)(2)
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	Elementary: 1/17 students Middle: 1/17 students High: 1/3 students	-
GOVERNMENT & HUMAN SERVICES USES																				
Charitable Boarding								S	S	S		S	S	S				-	.5/bed	-
Garden, Charitable	P	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	-	2 spaces	-
Garden, Civic	P	P	P	P	P	P	P	P								P	P	-	2 spaces	-
Post Office									P	P		P	P	P	P	P	P	-	1/300 gfa	-
Social Service Facility/Agency									S	S	S	P	P	P				-	1/300 gfa	-
MEDICAL & HEALTH SERVICES USES																				
Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutional										S		S	S	S	S				1 space per 4 beds	
Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			-	Determined by SUP	-
Hospital										P		S	P	P	S			-	1.5/bed	-
Medical and Dental									P	P	P	P	P	P	P	P	P	-	1/250 gfa	-

Office/Clinic																				
Mortuary/Funeral Home	S											S	S	P	S			-	1/200 gfa, or 1/4 seats in sanctuary and chapel(s) (w hichever is greater)	-
RECREATIONAL, SOCIAL AND ENTERTAINMENT USES																				
Athletic Events Facility, Indoor										S		P	P	P	P		P	-	1/125 gfa or 1/3 bleacher and spectator seats (w hichever is greater)	-
Athletic Events Facility, Outdoor	S												S	S	S			-	1/125 gfa or 1/3 bleacher and spectator seats (w hichever is greater)	-
Athletic Field, Stadium, Arena	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	1/125 gfa or 1/3 bleacher and spectator seats (w hichever is greater)	-
Civic Club/Fraternal Lodge										P		P	P	P	P		P	-	1/200 gfa	-
Commercial Amusement, Indoor												P	P	P	P	S	P	-	1/100 gfa	-
Commercial Amusement, Outdoor												S	P	P	S			-	1/1,000 sf of amusement area and accessory uses	-
Cultural Facility										P	S	P	P	P	S		P	-	1/300 gfa	-
Day Camp, Private	S																	-	Determined by SUP	-
Dry Boat Storage	S												S	S	P			-	1/2000 gfa	-

Equestrian Camp, Private	P	S																-	.5/stall	-
Golf Course/Country Club	S	S	S	S														-	5/green + 1/150 gfa for clubhouse/dining areas	-
Health & Fitness Gym (indoor)										S		P	P	P	S	P	P	-	1/150 gfa	-
Marina	S											S	S	S			S	-	1/5 slips + 1/2000 gfa for dry boat storage + 1/150 gfa for retail/dining areas	-
Public Amusement, Temporary												*	*	*	*		*	-	N/A	Art. VIII, Ch. 30, City Code.
Racing Track																		-	-	-
Reception Facility												S	S	S	S			-	1/100 gfa or 1 space for each 3 occupants (whichever is greater)	Sec. 2.52(A)(20)
Recreational Vehicle Park													P (PD req.)					-	1/RV pad + 1/8 RV pads for guest/customer/employee parking	Sec. 2.52(A)(34)
Shooting Range, Indoor													S	P	P			-	1/500 gfa + 1/target alley	-
Shooting Range, Outdoor	S																	-	1/500 gfa + 1/target alley	-
Theater, Large Scale												S	P	P				-	1/3 seats	-
Theater, Small Scale												P	P	P			S	-	1/3 seats	-
Zoo	S																	-	1/600 square feet of exhibit	-

																			area	
OFFICE, RETAIL & SERVICE USES																				
Alternative Financial Establishment												S						-	1/250 gfa	-
Antique Shop (indoors only)											P	P	P					-	1/250 gfa	-
Bait Sales, Live											S	S	P					-	1/250 gfa	-
Bakery, Retail									S	P	P	P	P	P	P	P	P	-	1/250 gfa	-
Bed and Breakfast	P	S	S													S	S	-	1/guest room + residential use requirement (according to that use)	Sec. 2.52(A)(11)
Business & Media Service									P	P	P	P	P	P	P	P	P	-	1/300 gfa	-
Call Center										P		P	P	P	P		S	-	1/150 gfa	-
Commercial Blood, Plasma, Tissue and Cell Collection Center												P	P	P					1/250 gfa	Sec. 2.52(A)(28)
Convenience Store (1,000–5,000sf)										S	S	P	P	P	P	P	P	-	1/250 gfa	Sec. 2.52(A)(1)
Financial Institution									P	P	P	P	P	P		P	P	-	1/300 gfa	Sec. 4.20
Flea Market, Indoor													S	S				-	1/200 gfa	Sec. 2.52(A)(32)
Flea Market, Outdoor														S				-	1/500 sf site area	Sec. 2.52(A)(32)
Furniture, Household Furnishings and Appliance Sales/Rental												P	P	P				-	1/400 gfa	-
Grocery/Supermarket (>5,000sf)												P	P	P		S	S	-	1/250 gfa	-
Home Improvement Center (>50,000sf)												P	P	P				-	1/250 gfa	-
Hotel/Motel, Extended									S			S	S		S		S	-	1.25/room	Sec.

Stay																			+ 1/200sf restaurant, retail, conference and office area	2.52(A)(11)
Hotel/Motel, Full Service										P		P	P		S		P	-	1/room + 1/200sf restaurant, retail, conference and office area	Sec. 2.52(A)(11)
Hotel/Motel, Limited Service										S		S	S		S		S	-	1/room + 1/200sf restaurant, retail, conference and office area	Sec. 2.52(A)(11)
Indoor Shopping Mall												P	P	P				-	0-400,000 gfa: 1/250 gfa 401,000+ gfa: 1/300 gfa	Sec. 2.52(A)(33)
Kiosk, Trailer or Mini-Structure (attended):		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail/Service											S	P	P	P	P		S	-	1/employee	Sec. 2.52(A)(7), Sec. 4.20
Recycled Materials Collection												S	P	P	P			-	1/employee	Sec. 2.52(A)(8), Sec. 4.20
Landscape Nursery (retail)												P	P	P	S			-	1/250 gfa + 1/2,000sf outdoor area	-
Landscape Nursery/Tree Farm (w holesale)	S												S	P	P			-	1/2,000sf outdoor area	Sec. 2.52(A)(17)
Laundry, Drop-Off (with drive-through or window)											P	P	P	P		S	S	-	1/250 gfa	Sec. 4.20
Laundry, Drop-Off (without drive-through or window)											P	P	P	P		P	P	-	1/250 gfa	-

Laundry, Self-Serve (Laundromat)											S	P	P	P		S	S	-	1/250 gfa	-
Office, General									P	P	P	P	P	P	P	P	P	-	1/300 gfa	-
Pawn Shop														P				-	1/250 gfa	-
Personal Services										S	P	P	P	P	S	P	P	-	1/250 gfa	-
Pet Store (indoors only)											S	P	P	P		P	P	-	1/250 gfa	-
Pharmacy (with drive-through or window)										P	S	P	P	P		S	S	-	1/250 gfa	Sec. 4.20
Pharmacy (without drive-through or window)										P	S	P	P	P		P	P	-	1/250 gfa	-
Produce Stand/Outdoor Farmers Market	S										S	S	P	P			S	-	4 + 1/600sf of site area	-
Restaurant										P	S	P	P	P	P	P	P	-	1/100 gfa	-
Restaurant, Drive-Through												S	S	S	S			-	1/100 gfa	Sec. 4.20
Retail Store											P	P	P	P		P	P	-	1-85,000sf: 1/250 gfa >85,000sf: 1/275 gfa	-
Sexually Oriented Business															P			-	1/250 gfa	Art. VIII, Ch. 26, City Code
Smoke Shop															S			-	1/250 gfa	-
Studio, Arts/Crafts											P	P	P	P		P	P	-	1/250 gfa	-
Studio, Fitness or Performing Arts											P	P	P	P		P	P	-	1/150 gfa	-
Tattooing/Body Piercing Establishment												S	S	S				-	1/250 gfa	Sec. 2.52(A)(6)
Used Goods, Retail Sales (Indoors)												S	P	P				-	1/250 gfa	-
COMMERCIAL USES																				

Bakery, Commercial													S	P	P			-	1/1,000 gfa	-
Building/Garden Materials Sales & Storage (w/wholesale)														P	P			-	1/400 gfa + 1/1,000 gfa storage area	Sec. 2.52(A)(23)
Bulk Material Sales & Storage (retail or w/wholesale)														S	S			-	1/1,000 gfa or 1/1,000 outdoor area (whichever is greater)	Sec. 2.52(A)(18)
Contractor's Office/Storage Yard (outside storage)													S	S	P			-	1/500 gfa for office + 1/1,000sf for warehouse	Sec. 2.52(A)(24)
Contractor's Office/Warehouse (indoors only)													P	P	P			-	1/500 gfa for office + 1/1,000sf for warehouse	Sec. 2.52(A)(25)
Custom Products Manufacturing													S	P	P			-	1/1,000 gfa	-
Equipment Leasing/Rental, Indoor											P	P	P	P				-	1/250 gfa	-
Equipment Leasing/Rental, Outdoor														S	P			-	1/600 gfa	Sec. 2.52(A)(27)
Feed/Grain Mill																		-	-	-
Furniture and Appliance Cleaning/Repair											S	P	P	P				-	1/1,000 gfa	-
Garden, Commercial	P																	-	1/5,000sf of site area-	-
Laundry Plant, Commercial													S	P	P			-	1/300 office gfa + 1/1,000 remainder gfa	-
Meat and Game Processing													S	P	P			-	1/500 gfa	-
Pet Care/Play Facility (indoor)											S	P	P	P	P	P		-	1/300 gfa	Sec. 2.52(A)(9)

Pet Care/Play Facility (outdoor)	S												S	P	P			-	1/300 gfa	Sec. 2.52(A)(9)
Portable Building Sales/Leasing														P	P			-	1/300 office gfa + 1/1,000sf for indoor sales/storage area	-
Printing/Publishing House										S		S	S	P	P			-	1/300 office gfa + 1/1,000 remainder gfa	-
Recording Studio/Media Production										S		P	P	P	P		S	-	1/300 gfa	-
Recycling Collection Center (no outside storage)														S	S			-	1/300 gfa for office + 1/1,000sf warehouse and storage area	Sec. 2.52(A)(8)
Recycling Salvage Yard (unlimited outside storage)															S			-	1/300 gfa for office + 1/1,000sf warehouse and storage area	Sec. 2.52(A)(8)
Self-Storage Facility (mini-warehouse)												S	S	P	P			-	1/20 units (1/25 units if over 100 units in development) + 1/300 office gfa	Sec. 2.52(A)(16)
Small Engine/Lawn Equipment Rental & Repair (indoors)												S	P	P	P			-	1/300 gfa	-
Taxidermist													S	P	P			-	1/400 gfa	-
Vehicle Dispatch & Storage													S	S	P			-	1/300 office gfa + 1/1,000 remainder gfa	-
Veterinary Clinic, Large Animal (outdoor pens)	S																	-	1/400 gfa	-

Veterinary Clinic, Small Animal (indoors only)									S	P	S	P	P	P	P	P	P	-	1/300 gfa	-
Veterinary Clinic, Small Animal (outdoor kennels, runs)	S												S	P	P			-	1/300 gfa	-
MOTOR VEHICLE & RELATED USES																				
Automobile Leasing/Rental										S		P	P	P	P			-	1/400 gfa	Sec. 2.52(A)(3)
Automobile Repair, Major													S	P	P			-	1/400 gfa + 2/repair bay	Sec. 2.52(A)(3), Sec. 4.20
Automobile Repair, Minor												P	P	P	P			-	1/400 gfa + 2/repair bay	Sec. 2.52(A)(3), Sec. 4.20
Automobile Sales, New or Used													S	P	S			-	customer parking: 1/400 gfa (minimum 2 spaces), plus 1 space per employee on-site at any time	-
Boat Sales, Leasing & Repair (outside storage)												S	S	P	S			-	1/600 gfa	Sec. 2.52(A)(14)
Car Wash, Automated/Rollover												S	P	P	P			-	1/200 gfa	Sec. 2.52(A)(3), Sec. 4.20
Car Wash, Full-Service/Detail												S	P	P	P			-	1/200 gfa	Sec. 2.52(A)(3), Sec. 4.20
Car Wash, Self-Service/Wand													S	P	P			-	1/bay	Sec. 2.52(A)(3), Sec. 4.20
Impoundment Lot (commercial/private)															S			-	1/300 office gfa	-
Motorcycle/ATV Sales, Leasing & Repair (new and used)													P	P	S			-	1/400 gfa	-

– indoors only)																				
Parking Lot or Garage, Commercial										P		P	P	P	P	P	P	-	1/300 office gfa	-
Personal Watercraft Sales, Leasing & Repair (new and used)												S	P	P	S			-	1/400 gfa	-
Recreational Vehicle/Trailer Sales, Leasing & Repair													S	P	S			-	1/600 gfa	-
Salvage Yard, Automotive																		-	-	-
Travel Center																		-	-	-
Truck/Bus Repair														S	S			-	1/600 gfa	-
Truck/Bus Sales & Leasing/Rental														S	S			-	1/600 gfa	-
Truck/Bus Storage														S	S			-	1/300 office gfa	-
Truck/Bus Wash														P	P			-	1/250 gfa + 1/bay	Sec. 2.52(A)(3), Sec. 4.20
Wrecker/Towing Service														P	P			-	1/300 office gfa + 1/w recker	-
TRANSPORTATION USES																				
Airport/Heliport														S	S			-	1/4 seating accommodation + .5/employee at maximum shift	-
Bus Stop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	NA	-
Helipad										S		S	S	S	S		S	-	5/helipad	-
Motor Freight Terminal/Railroad Switching Yard															P			-	1/1,000 gfa	-
Transit Station, Public									P	P	P	P	P	P	P	P	P	-	Determined by	-

																			operating agency	
Transportation Depot, Passenger (commercial)													S	S	S			-	Determined by SUP	Sec. 2.52(A)(10)
Transportation Terminal, Passenger (commercial)																		-	-	-
INDUSTRIAL USES																				
Animal Feed Processing & Storage															S			-	1/1,000 gfa or 5 visitors plus 1/employee at maximum shift, whichever is greater	-
Batching Plant															S			-	1/1,000 gfa or 5 visitors plus 1/employee at maximum shift, whichever is greater	Sec. 2.52(A)(26)
Batching Plant, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, whichever is greater	Sec. 2.52(A)(26)
Breweries/Wineries/Distilleries												S	S	S	P	S	S		1/1,000 gfa or 5 visitors + 1/employee at max. shift, whichever is greater 1/100 gfa for dining and tasting areas	Sec. 2.52(A)(35)
Data Center										S				P	P		S		1/5,000 gfa	-
Distribution Center, Large (indoors only)														S	P			-	1/300 office gfa + 1/1,000	Sec. 2.52(A)(30)

																			remainder gfa	
Distribution Center, Small (indoors only)													S	P	P			-	1/300 office gfa + 1/1,000 remainder gfa	Sec. 2.52(A)(30)
Food Processing & Storage														S	S			-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, w hichever is greater	-
Gas or Petroleum Drilling or Pipeline	S														S			-	N/A	Sec. 2.52(A)(21)
Heavy Machinery Sales, Rental, Storage & Repair														S	S			-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, w hichever is greater	-
High Risk Use															S			-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, w hichever is greater	-
Industrial or Manufacturing, Heavy															S			-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, w hichever is greater	Sec. 2.52(A)(31)
Industrial or Manufacturing, Light													S	P/S 3	P/S 3			-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, w hichever is greater	Sec. 2.52(A)(31)

Laboratory, Analytical or Research (indoor)										S		S	P	P	P			-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, whichever is greater	-
Leather & Allied Products Manufacturing															S			-	1/1,000 gfa or 5 visitors + 1/employee at maximum shift, whichever is greater	-
Mining/Mineral Extraction																		-	-	-
Warehouse, Office/Show room (indoors only)												S	P	P	P			-	1/300 office gfa + 1/1,000 remainder gfa	-
UTILITY & SERVICE USES																				
Antenna, Commercial	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	-	N/A	Div. 5, Art. 5, Ch. 2
Antenna, Private	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	-	N/A	Div. 6, Art. 5, Ch. 2
Electric Generating Plant	S														S			-	1/employee at maximum shift	-
Electric Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			-	1/employee at maximum shift	-
Gas Regulating Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			-	1/employee at maximum shift	-
Telecommunications Switching Station	S	S	S	S	S	S	S	S	P/S 4	P/S 4	P/S 4	P/S 4	P/S 4	P/S 4	P/S 4			-	1/employee at maximum shift	-
Wind Energy	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	N/A	Div. 7, Art.

square feet per garage bay.

(iii) A Major Automobile Repair business may not conduct, or market, the on-site sale of motor vehicles. It shall be an affirmative defense to prosecution that the on-site sale, or marketing, of a motor vehicle is the incidental sale of an unclaimed vehicle where the vehicle was brought into the facility for repair but was then abandoned back to the repair facility by the owner of the vehicle.

(iv) A Major Automobile Repair establishment may keep a maximum of one wrecker on-site for incidental towing.

(g) Automobile Repair, Minor. Minor Automobile Repair uses may not conduct any outdoor vehicle or equipment repairs or maintain or store overnight vehicles, parts, equipment, or accessories outdoors, except as follows:

(i) Vehicles currently being repaired may remain on-site for a maximum of fourteen calendar days.

(ii) All vehicles stored on-site must be kept either in a secured garage bay or in a secured, gated access parking lot enclosed by a blind fence or wall at least six feet high, and enclosing an area of at least 400 square feet per garage bay.

(iii) A Minor Automobile Repair establishment may keep a maximum of one wrecker on-site for incidental towing.

. . .

(4) Residential Buildings - Use or Conversion of Existing Building; Dwelling, Industrialized Housing Units. A residential building may not be converted to a nonresidential use unless the proposed use, the building, and the lot on which the building is located conform to all applicable ordinances. If in complete

conformance with all City Codes, the Building Official may approve the building conversion.

(5) Single-Family Residences or Dwellings in Nonresidential Districts; Temporary Housing; and Miscellaneous Dwellings.

(a) Unless residential uses are specifically indicated within a district as an allowed use within the Land Use Matrix, Article 5 of this Chapter 2, and unless a residential use is a legally nonconforming use within a district, no nonresidential structure may be used as a dwelling, and no new residential dwellings may be erected within a nonresidential zoning district.

. . .

(8) Recycling/Used Goods Collection Facilities. A recycling and reclamation facility, including any recycling/used goods collection point, must comply with all regulations for the district in which it is located and with the following provisions of this Subsection (8):

(a) General. All Recycling/Used Goods Collection Facilities (kiosks, collection centers, and salvage yards) must be in compliance with the following provisions:

(i) facilities must be kept reasonably free from noxious odors, rodents, insects, and refuse;

(ii) facilities may not be used for the collection of any food or consumable materials, unless expressly approved by SUP;

(iii) facilities must comply with all local, state and federal regulations pertaining to the collection, storage, and disposal of certain materials (such as metals, wires, HVAC components, chemicals, and hazardous/flammable materials); and

(iv) items being stored outdoors, where allowed, may not be stacked or stored above

the height of the screening device.

(b) Used Goods and Recycling Collection Points - Kiosks, Containers, and Trailers.

(i) General. The following provisions are applicable to all kiosks, containers, and trailers acting as collection points for used goods or recycled materials.

a. The kiosk, container or trailer may not be placed within any front or street side yard setback, or within any fire lane, easement, or required parking or loading space (applicable to temporary facilities only).

b. The kiosk, container, or trailer must be serviced/emptied regularly to avoid overfilling and spillage of materials (materials and litter are prohibited outside the kiosk, container or trailer).

c. The kiosk, container or trailer may not be used for the collection of any hazardous or flammable material.

d. The kiosk, container, or trailer must be placed in an easily accessed and well-lit area for security and public safety reasons (it can be located in front of the main building if kept in proper repair with a neat and clean appearance).

e. Kiosks, containers, or trailers governed by this section may be utilized only as a drop-off location. Recycled materials kiosks, containers, or trailers, whether self-service or attended, may not process the collected materials on-site. Used goods kiosks, containers, or trailers may not redistribute donated materials on-site.

(ii) Kiosks and containers. The following

provisions are applicable to all kiosks and containers acting as collection points for used goods or recycled materials.

a. A kiosk or container must have a footprint not greater than one hundred and forty square feet. Additionally, the kiosk or container must fit within one non-required parking space.

(iii) Maintenance and upkeep. All kiosks, containers, or trailers must keep and maintain the kiosk, container, or trailer as follows:

a. All contents in the kiosk, container, or trailer must be cleared no less than once per week. No items, materials, litter, or debris shall be allowed to accumulate within twenty feet of the kiosk, container, or trailer. Any items, materials, litter, or debris left outside the kiosk, container, or trailer shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within five days of discovery or notification, whichever occurs first.

b. The visual and structural integrity of the kiosk, container, or trailer must be maintained continuously. Missing or damaged notification signs, peeling paint, rust, and broken collection operating mechanisms shall be repaired within five days of discovery or notification, whichever occurs first.

c. All items and materials must fit into and be placed inside the kiosk, container, or trailer. The collection or storage of any materials outside the kiosk, container, or trailer is

strictly prohibited.

d. No kiosk, container, or trailer shall be permitted to be placed or remain placed within 200 feet from a residential dwelling such distance to be measured in straight lines.

e. The kiosk, container, or trailer shall be continuously kept and maintained in compliance with all permit requirements including those made a condition of issuance under this subsection (8).

(c) Recycling/Used Goods Collection Point - Trailer.

(i) A trailer used as a collection point must be attended during all hours of business and collection operations unless the trailer is

a. owned by a nonprofit, charitable organization (as defined by 26 U.S.C. 501(c)(3)); and

b. located on the same tract of land upon which the nonprofit organization actively operates a used goods, retail sales (indoors) business.

(ii) The trailer may not be positioned upon required parking spaces.

(iii) The trailer may not be located on the same tract of land as a kiosk or container acting as a collection point for used goods or recycled materials.

(d) Decals and permits.

(i) Permit & Decal Required. All kiosks or containers for the collection of used goods or recycled materials placed or located within the City must secure a permit and affix a decal to the used goods or recycled

materials collection kiosk or container in compliance with the provisions of this section. Obtaining the permit shall be a condition precedent to placing or maintaining the kiosk or container.

a. It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City to place or authorize, cause, suffer or permit any used goods collection box to be placed on or remain on such real property without a valid permit issued in compliance with the provisions of this subsection.

b. It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City to place or authorize, cause, suffer or permit any kiosk or container for the collection of used goods or recycled materials to be placed on or remain on such real property without having a current, valid decal issued in compliance with the provisions of this section affixed to the used goods collection box.

c. Any person or entity violating the requirements set forth in this Section 2.52(A)(8)(d)(i) shall be subject to the provisions of Chapter 5, Article 2, Division 2.

(ii) Permit and Decal Issuance.

a. Requirements. A permit and decal to allow a kiosk or container for the collection of used goods or recycled materials to be placed and used on designated real property shall be issued by the Building Official after inspection and verification that the following conditions are satisfied:

1. The person, if other than a natural person, receiving the permit and decal to place or maintain a kiosk or container is registered to operate in the State.
2. The real property owner provides signed, written authorization allowing the kiosk or container on the property.
3. The permit holder agrees to be responsible for collecting the contents of the kiosk or container in order to prevent overflow and littering.
4. No more than one kiosk or container will be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Building Official shall treat the shopping center or office development as if it is only one contiguous lot.
5. The kiosk or container will not exceed 50 square feet in size at any vertical point.
6. The kiosk or container will be located on a paved surface.
7. The placement of the kiosk or container will not impede traffic nor visually impair any motor vehicle operation.
8. The kiosk or container will not be located in a required building setback, buffer yard, utility, access, drainage or other public easement, a floodplain, a driveway or fire lane.

9. At least one stacking or parking space will be located immediately adjacent to the kiosk or container for the persons using the kiosk or container.

10. The kiosk or container will not block or occupy any number of required parking spaces.

11. The kiosk or container will have, clearly indicated in writing on the side of each box, that all used goods or recycled materials left at the location must fit into and be placed entirely within the kiosk or container. The writing shall be a minimum of two inches high.

12. The current permit decal for the specific kiosk or container must be affixed and displayed at all times on the outside of the kiosk or container.

b. Applications for Permits.
Applicants for permits under this section shall file a written application with the Building Official. Along with the completed application the applicant shall include:

1. The written authorization of the property owner allowing the used goods collection box on the property;

2. Elevations showing the appearance, materials, and dimensions of the used goods collection box, including the information required in this to be placed on the used goods collection box;

3. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the used goods collection box);

4. The fee, if any; and

5. A site plan containing:

i. The location and dimensions of all parcel boundaries;

ii. The location of all buildings on the site of the property on which the used goods collection box is proposed to be located;

iii. The proposed location of the used goods collection box;

iv. The distance between the proposed used goods collection box and parcel lines and buildings; and

v. The location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement, and striping/marketing.

c. Permit Non-Transferable. Permits and decals are non-transferable. The authority a permit confers shall be conferred only on the permit holder named therein.

d. Fees. The fee for permits is set forth in Section 1.111 of this GDC. All permits expire on December 31st of each calendar year regardless of the

date of issuance; provided, however, that the fee for a permit shall be prorated for each month or portion of a month for which the permit is issued.

e. Appeals. Any person denied a permit shall have the right to appeal such action using the method set forth in Chapter 5, Article 1, Division 1 of this GDC.

(iii) Maintenance and upkeep. The permit holder and the property owner shall be jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the kiosk or container set forth in Section 2.52(A) (8) (b) (iii), above.

(iv) Revocation of Permit.

a. Any permit issued hereunder may be revoked by the Building Official if the permit holder has received two or more notices of violation for violations of this Section or any provision of the GDC or the Garland Code of Ordinances within a 12 month time period or has knowingly made a false statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this section.

b. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or certified United States mail to their last known address. The revocation shall become effective five days following personal service or, if mailed, ten days from the date of mailing.

c. The permit holder shall have ten days from the date of such revocation in which to file notice with the Building Official of an appeal from the order

revoking the permit. The Building Official shall provide for a hearing on the appeal not later than 15 days after notice of the appeal is filed.

d. The timely filing of an appeal of a revocation pursuant to this section shall stay the revocation until the Building Official's decision on the appeal.

e. If the revocation is upheld following a hearing, the permit holder shall remove the kiosk, container, or trailer no later than five days after the final decision.

f. If a permit is denied or revoked by the Building Official, no second or additional permit shall be issued to the person who held the permit, nor to any affiliated person, within one year of the date such permit was denied or revoked.

(v) Location. Used goods and recycling kiosks, containers, and trailers are permitted only in the locations indicated in the Land Use Matrix. Used goods collection boxes are not permitted within any other zoning districts.

. . .

(11) Hotels/Motels and Transient Lodging. All types of transient lodging, including Full Service Hotels and Motels, Extended Stay Hotels and Motels, and Limited Service Hotels and Motels must comply with the following minimum required standards and regulations in this Subsection (11):

. . .

(c) Full Service Hotel/Motel. In addition to the provisions of Section 2.52(A)(11)(a) of this GDC, Full Service Hotels and Motels must comply with the following provisions:

. . .

(d) Extended Stay Hotel/Motel. In addition to the provisions of Section 2.52(A)(11)(a) of this GDC, Extended Stay Hotels and Motels must comply with the following provisions:

. . .

(e) Limited Service Hotel/Motel. In addition to the provisions of Section 2.52(A)(11)(a) of this GDC, Limited Service Hotels and Motels must comply with the following provisions:

. . .

(ii) Interior Design Standards.

a. Each guest room must have a minimum area of two hundred and seventy-five square feet, including sleeping area, bathroom, and closet space.

b. A fitness center must be provided.

c. Kitchens are prohibited in guest rooms (including ovens, burners, or full-size refrigerators). Microwaves and under-counter refrigerators are permitted in guest rooms.

d. A common leisure area must be provided for guests with at least one thousand square feet of floor area.

e. Limited Service Hotels and Motels must provide an indoor or outdoor swimming pool with at least eight hundred square feet of water surface area. Limited Service Hotels and Motels must also provide at least seven hundred square feet of meeting or conference rooms. Individual guest rooms may not be counted as meeting rooms.

. . .

(12) Elder Care Living Facilities. Elder care living facilities, of any type, must comply with the following provisions of this Subsection (12):

. . .

(e) Site Design.

(i) Density.

a. In addition to the provisions of Section 2.52(A)(11)(a) of this GDC, Assisted Living, Independent Living and Continuing Care facilities shall have a maximum density, as follows:

. . .

(g) Signage.

. . .

(ii) Attached signs may have a maximum total sign area of one-half times the width of the building, but no more than thirty-five square feet. Attached signs may be located only on the building containing the management office for the facility.

. . .

(14) Outside Display, Storage, and Retail Sales. Outside display, storage, and retail sales must comply with the following provisions of this Subsection (14):

. . .

(b) Outside Display. Where permitted, temporary outside display and outside storage of merchandise must:

. . .

(vi) Not be displayed for more than five

days in a given calendar month.

. . .

(15) Shipping Containers.

. . .

(e) No more than one permit may be issued to an applicant in any calendar year for the same site. A permit expires after ninety calendar days. The applicant for a permit under this Section must submit the following information along with the application for a permit:

. . .

(ii) A site plan depicting the proposed location(s) of the shipping container(s), the setback and other distances as specified by Subsection (d) of this Section, the location and type of screening to be used, and the number and dimensions of the shipping container(s); and

. . .

(f) At the time application is made, a fee as provided by Section 30.301 of the City Code must be paid to the City for each container. A permit may be revoked by the Building Official for a violation of any provision of this article upon ten days' written notice to the applicant.

(16) Self-Storage Facilities. Self-Storage Facilities must comply with the following provisions of this Subsection (16):

. . .

(b) Side and Rear Yard Setbacks. The applicable setbacks for the zoning district in which a Self-Storage Facility is located apply except that exterior solid walls of storage unit buildings may: (i) serve as the required perimeter screening (per Article 3 of Chapter 4 of this

GDC); (ii) encroach into side and rear yard setbacks; and (iii) may be placed on the property line(s) provided that:

(i) the exterior walls comply with the Building Code with respect to distance from adjacent structures and property lines;

(ii) no roof overhangs or encroaches upon an adjacent property;

(iii) no signage is placed on exterior walls;

(iv) spaces between buildings where no driveway exists are fenced with ornamental iron fencing with evergreen shrubs; and

(v) property line(s) are not adjacent to a residential zoning district.

. . .

(20) Reception Facility. A reception facility must comply with the following provisions of this Subsection (20):

. . .

(f) Location. Reception Facilities may not be located within five hundred feet of the property line of any dwelling unit or residential subdivision, elder care facility, or other Reception Facilities. The measurement of the distance between the establishment and a dwelling unit, elder care facility, or other Reception Facility shall be:

(i) for residential property, along a direct line from any exterior wall of the Reception Facility to the nearest point on the property line of the nearest residential zoned property;

(ii) for an MF dwelling not located on the same tract of land as the Reception Facility, along a direct line from any

exterior wall of the Reception Facility to the nearest point on the property line of the tract on which the MF dwelling is located;

(iii) for an elder care facility or other Reception Facility not located on the same tract of land as the establishment, along a direct line from the nearest exterior wall of the Reception Facility to the nearest exterior wall of the elder care facility or other Reception Facility; or

(iv) for an elder care facility or other Reception Facility located on the same tract of land or in a commercial or retail center sharing a common parking area, the measurement shall be along a straight line from the midpoint of the nearest exterior door of the Reception Facility to the midpoint of the nearest exterior wall of the dwelling unit, elder care facility, or other Reception Facility in question.

(g) For reception facilities located within a building containing other tenants, the measurement shall be from the nearest outer wall of the Reception Facility's leasehold space.

(h) A Reception Facility may not be located on the same tract as any multifamily dwelling or elder care facility.

. . .

(32) Flea Market, Indoor and Outdoor. Flea Markets, whether indoor or outdoor, may sell merchandise such as new and used household goods, personal effects, tools, artwork, plants, pets, furniture, and similar items in small quantities. However, Flea Markets, whether indoor or outdoor, are prohibited from selling any car, truck, recreational vehicle, boat, trailer, truck, motorcycle, all-terrain vehicle, personal watercraft, or other automotive or motorized vehicle. Individual vendors of Flea Markets are not required to obtain a Certificate of Occupancy for the space they are renting.

. . . "

Section 28

That Section 2.55, "Regulation of Distances", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.55 Regulation of Distances

. . .

(B) Measurement. The measurement of the distance between the establishment where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the establishment where alcoholic beverages are sold and the public school or private school shall be:

. . .

(3) For establishments located on the same property or within the same retail or commercial complex as a church, public school, private school, or public hospital, from the midpoint of the establishment's primary entrance to the midpoint of the church, public school, private school, or public hospital's primary entrance. If the establishment is located on or above the fifth story of a multistory building, the measurement shall include the distance vertically up the building to the floor level of the lowest floor upon which any portion of the establishment, church, public school, private school, or public hospital is in operation.

. . . "

Section 29

That Section 2.58, "Accessory Building Regulations", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 2.58 Accessory Building Regulations

(A) Front and Side Yards Along Streets. Accessory Buildings (including Accessory Dwellings) must adhere to the same requirements governing front yards adjacent to a street(s) as are required for the main building.

(B) Street Side Yard. An Accessory Building (including Accessory Dwellings) in a street side yard must provide the same side yard setback as required for the main building.

(C) Habitation Prohibited. No Accessory Building may be used as a place of habitation or as an Accessory Dwelling except as provided for in Section 2.51 of Chapter 2 of this GDC.

(D) Main Building. Accessory Buildings (including Accessory Dwellings) and accessory uses are prohibited without a main building being located on the same lot, except a barn or agricultural building in the Agricultural (AG) district.

(E) Not Sold or Sublet. Accessory Buildings (including Accessory Dwellings) may not be sold separately from sale of the entire property, including the main building(s), and may not be sublet.

(F) Building Permit. Accessory Buildings (including Accessory Dwellings) that have a total floor area over twenty square feet in size require a Building Permit (see Article 1, Division 4 of Chapter 4 of this GDC).

(G) Total Floor Area. The total floor area of all Accessory Buildings on a lot may not exceed thirty percent of the floor area of the main building on the lot, except that this requirement does not limit the floor area of an Accessory Building to less than six hundred square feet.

(H) Accessory Building Exceeding 200 Square Feet. An Accessory building that exceeds two hundred square feet in floor area must comply with the following provisions:

(1) The height of an Accessory Building having more than two hundred square feet in floor area may not exceed fifteen feet, with a maximum wall height of ten and one-half feet measured from the finished floor to the top plate.

(I) Accessory Building Exceeding 500 Square Feet. An Accessory

Building that exceeds five hundred square feet in total floor area must comply with the following provisions:

(1) The height of an Accessory Building having more than five hundred square feet in floor area may not exceed twenty-five feet or the height of the main structure, whichever is less, with a maximum wall height of twelve and one-half feet measured from the finished floor to the top plate.

(J) Non-Street/Interior Side & Rear Yard. An when an Accessory Building (including an Accessory Dwelling) is located in the rear yard, a minimum side and rear yard of three feet must be provided for the Accessory Building."

Section 30

That subsection A, "Carports", of Section 2.59, "Carports, Canopies and Porte Cocheres - Residential", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.59 Carports, Canopies, and Porte Cocheres - Residential

(A) Residential carports, canopies, and porte cocheres must comply with the following provisions:

. . .

(2) Carports, canopies, or porte cocheres that are located in front of a single-family residence or within a side yard adjacent to a street shall not exceed the height of the main building.

. . . "

Section 31

That Section 2.64, "Districts Allowed", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.64 Districts Allowed

. . .

(B) Nonresidential and Mixed-Use Districts. In nonresidential and mixed-use zoning districts, commercial antennae and antenna support structures are allowed as follows:

(1) Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Provision (SUP) provided the structure conforms in all other aspects to the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all nonresidential zoning districts, antenna support structures must meet all setback requirements. A site with a previously issued and currently active SUP shall not require a new SUP unless the height or footprint of the antenna support structure has changed.

. . ."

Section 32

That Section 2.71, "Lots", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.71 Lots

. . .

(C) Nonconforming Lots. Where a lot of record has less area, width, or depth than required by this GDC on its effective date, the lot is considered a conforming lot for the purposes of area, width, and depth requirements.

. . ."

Section 33

That subsection B, "Building Lines & Setbacks", of Section 2.72,

"Area & Building Regulations", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.72 Area & Building Regulations

. . .

(B) Building Lines & Setbacks.

(1) Building lines established on a recorded plat may only be changed through amending or replatting proceedings or by modifying a building line through the Plan Commission. If there is a conflict between platted building line and a building line set by this GDC or by special ordinance the most restrictive requirement shall apply.

. . ."

Section 34

That Section 2.76, "Continuance of Nonconformities", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.76 Continuance of Nonconformities

. . .

(E) The provisions of Sections 2.76 through 2.78 of this GDC also apply to vacant property on which the last Certificate of Occupancy was for a use that would not conform to the provisions of this GDC, which would require the use to have a Specific Use Provision, but legally existed as a conforming use without a Specific Use Provision under Article 2, Division 3 of this Chapter 2 prior to the adoption of this GDC. Such a use is allowed to be reestablished as a legal nonconforming use, except that the provisions of Section 2.81 are applicable.

. . ."

Section 35

That Section 2.77, "Expansion of Nonconformities", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.77 Expansion of Nonconformities

. . .

(B) Nonconforming Use Expansion Outside of a Structure; Beyond Lot.

. . .

(2) A nonconforming use may not be expanded or increased beyond the lot upon which the nonconforming use is located as of the effective date of this GDC, except to provide off-street loading or off-street parking space upon approval of the Board of Adjustment.

. . ."

Section 36

That Section 2.80, "Changing of Nonconforming Uses", of Chapter 2, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 2.80 Changing of Nonconforming Uses

(A) Changing to a Conforming Use. Where a conforming use is located in a structure which is nonconforming, the use may be changed to another conforming use by securing a Certificate of Occupancy and meeting the life and safety requirements as established in the applicable building code for the proposed use.

. . ."

Section 37

That Section 3.04, "Time for Decision on Plats," of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.04 Time for Decision on Plats

. . .

(B) Waiver of Right to 30-day Action. The Planning Director shall be the responsible official for the waivers provided by this Subsection.

. . .

(2) Received. A Waiver of Right to 30-Day Action must be received by the Planning Director on or before the fifth calendar day prior to the Plan Commission meeting at which action would have to be taken on the plat application. If the plat does not require Plan Commission action then the waiver request must be received on or before the fifth calendar day following the day the application is determined to be complete per Section 1.16 of Chapter 1 of this GDC. Waiver requests that are not timely received shall not be considered properly submitted, and action shall be taken on the plat application at such meeting as scheduled.

. . ."

Section 38

That Section 3.06, "General Application Requirements & Processing," of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.06 General Application Requirements & Processing

(A) Pre-Filing Meeting. Prior to the official submission of a complete plat application or Site Engineering Drawings, the applicant(s) shall attend a Pre-Filing Meeting as provided by Chapter 1, Section 1.15, unless such meeting is waived by the Planning Director and by the Director of Engineering.

. . ."

Section 39

That Section 3.08, "Applications & Procedures," of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.08 Applications & Procedures

. . .

(B) Pre-Filing Meeting. All applicants intending to submit a Preliminary Plat application shall attend a Pre-Filing Meeting with the Development Review Committee (DRC) in accordance with Chapter 1, Section 1.15.

. . ."

Section 40

That Subsection B, "Action by Plan Commission", of Section 3.16, "Action," of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.16 Action

. . .

(B) Action by Plan Commission. The Plan Commission shall either approve the Final Plat as submitted by the applicant or deny the Final Plat, using the standards set forth in Section 3.17 of this Chapter 3.

. . ."

Section 41

That Section 3.17, "Criteria for Approval," of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.17 Criteria for Approval

The following criteria shall be used to determine whether the application for a Final Plat shall be approved or denied:

(A) Final Plat with Prior Approved Preliminary Plat:

(1) The Final Plat conforms to the approved Preliminary Plat (as may have been amended);

(2) The Site Engineering Drawings conform to the requirements of Article 6, Division 1 of this Chapter 3, specifically, and Articles 3, 4 and 5 [4, 5 and 6] of this Chapter 3, generally, and have been approved by the Director of Engineering;

(3) Where public improvements have been installed, the improvements conform to the approved Site Engineering Drawings and have been approved for acceptance by the Director of Engineering;

(4) Where public improvements have been deferred, a Subdivision Improvement Agreement has been executed in conformity with Article 6, Division 3 of this Chapter 3;

(5) The final layout of the development meets all standards for adequacy of public facilities contained in this GDC;

(6) All required easements, the design of all lots, and the provision of required monumentation are in accordance with Article 5, Division 12 of this Chapter 3;

(7) The Final Plat meets all applicable county standards, when the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county;

(8) The Final Plat conforms to design requirements and construction standards as set forth in the *Technical Standards*, as amended;

(9) The Final Plat conforms with applicable criteria and checklist(s) in the City's *Development Application*

Packet, as amended, and as may have been provided to the applicant through the Planning Department; and

(10) The first phase, and each subsequent phase, of a phased development is capable of being developed and fully functional independent of any other phase and in full conformance with the City's *Technical Standards*.

(B) Final Plat with no Prior Approved Preliminary Plat:

(1) The Final Plat conforms to all criteria for approval of a Preliminary Plat (as if one had been required, see Section 3.10 of this Chapter 3); and

(2) The Subdivision Improvement Agreement, if applicable, has been approved by the Director of Engineering and executed in conformity with Article 6, Division 3 of this Chapter."

Section 42

That Subsection B, "Submittal of Final Plat Where Improvements Have Been Installed", of Section 3.19, "Recordation", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.19 Recordation

. . .

(B) Submittal of Final Plat Where Improvements Have Been Installed. Where all required public improvements have been installed prior to recording of the Final Plat, the applicant shall meet all requirements in accordance with Articles 4, 5 and 6 of this Chapter 3.

. . ."

Section 43

That Subsection D, "Final Plat Required for Permits & Services", of Section 3.30, "Purpose & Applicability", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.30 Purpose & Applicability

. . .

(D) Final Plat Required for Permits & Services. No Site Permit or Building Permit shall be issued, nor permanent utility service provided, for land that has only received approval as a Conveyance Plat. A Final Plat shall be approved by the Plan Commission and recorded with the applicable county, in accordance with Division 3 of Article 2 of this Chapter 3, prior to issuance of any Site Permit, Building Permit or initiation of utility service.

. . ."

Section 44

That Subsection C, "Construction Management", of Section 3.38, "General Requirements for Plat Revisions", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.38 General Requirements for Plat Revisions

. . .

(C) Construction Management. If the subdivision as replatted requires the construction of additional improvements, the provisions of Articles 4, 5, and 6 of this Chapter 3 apply, including the requirement for Site Engineering Drawings.

. . ."

Section 45

That Section 3.46, "Timing & Relief", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.46 Timing & Relief

(A) Timing of Dedication & Construction.

(1) Initial Provision for Dedication or Construction.
The developer shall submit for approval Schematic Engineering Drawings that demonstrate a proposed development will be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including:

. . .

(d) A Detail Plan; or

(e) A Downtown Development Plan.

As a condition of approval of the development application, the City may require the dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

. . ."

Section 46

That Section 3.62, "Schematic Drainage Plan Review", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

Section 3.62 Schematic Drainage Plan Review

A Schematic Stormwater Plan (SSP) shall be submitted to the City for review prior to submission of a Detail Plan or any type of plat that involves construction pursuant to Subsection 3.61(B) above (whichever occurs first). Schematic Drainage Plan requirements are in the *Technical Standards*, and basic information regarding the site shall be provided including, but not limited to, the following:

. . ."

Section 47

That Subsection C, "Waiver", of Section 3.80, "Requirements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in

pertinent part to read as follows:

"Section 3.80 Requirements

. . .

(C) Waiver. The Director of Engineering may authorize an Alley Waiver only for a subdivision having four or fewer lots, or the Plan Commission may authorize a Development Variance (in accordance with Article 1, Division 4 in Chapter 5 of this GDC) to the requirement for alleys. The requirement for alleys may be waived or varied only if each of the following conditions are met:

(1) A minimum ten-foot wide utility easement (or other size, as determined by the Director of Engineering or by the applicable utility provider) is provided on each lot adjacent to the street right-of-way, in accordance with Chapter 5, Article 1, Division 4 of this GDC;

. . ."

Section 48

That Section 3.86, "Existing Drainageways - Development Criteria", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.86 Existing Drainageways - Development Criteria

. . .

(D) Creeks and Natural Drainageways. The following provisions shall apply to all proposed development in relation to creeks.

(1) All creeks that have designated floodplains and Flood Insurance Study (F.I.S.) floodways, and any other natural drainage course, as identified by the most current Flood Insurance Rate Maps (FIRM) or by the Director of Engineering, may be left in a natural state, if so approved by the Director of Engineering.

. . .

(b) In these cases, the entire 100-year floodplain shall be platted out separately as a drainage easement, and the developer shall provide a means of acceptable access for city stormwater personnel. An erosion hazard setback (per the *Technical Standards Manual*) may also be included in the drainage easement dedication. The drainage easement shall be dedicated on the Final Plat as a separate lot to be owned and maintained by a Homeowners' or Property Owners' Association (as applicable for residential or nonresidential). At no time shall any portion of the 100-year floodplain exist or be within any single-family or two-family residential lot unless the lot is not within a Homeowners or Property Owners Association or a subdivision containing four or more lots, unless it is contained in a subdivision consisting of fewer than four lots. A minimum ten-foot wide accessway shall be provided along each side of the drainageway and included in the drainage easement with a traverse slope not to exceed ten percent, all in accordance with the *Technical Standards Manual*.

. . .

(3) So as to meet the stability and maintenance provisions in Subsection A above, the City may require improvements to creek or creek banks, in accordance with the *Technical Standards*, before issuance of a Letter of Final Acceptance in accordance with Section 3.111 of this Chapter 3.

(4) In order to negate or mitigate the need to obtain flood insurance, all portions of residential lots shall be removed from designated floodplains in accordance with the *Technical Standards Manual*. In all cases, the developer shall adhere to the requirements set forth in the City Code regarding flood damage prevention, and shall furnish engineering plans prepared by a professional engineer who is licensed in the State of Texas to the Director of Engineering for review and approval.

. . ."

Section 49

That Section 3.89, "Stormwater Detention & Retention Facilities", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.89 Stormwater Detention & Retention Facilities

. . .

(B) Detention Requirements.

. . .

(4) Alternative - Storm Sewer System. As an alternative to the provisions of this Section 3.89, a developer may elect to fund and construct an approved storm sewer system that will provide free outfall flow for the 100-year storm without negative impacts to the MS4 or to downstream or adjacent owners, in which event - upon completion and acceptance of the system in accordance with Article 6, Division 4 of this Chapter - the developer shall not have to otherwise comply with this Section 3.89 for those parts of the development that are served by the system.

. . .

(G) Maintenance Responsibilities.

(1) Recurrent & Consistent Maintenance. Detention and retention facilities and amenity ponds shall be adequately maintained on a recurrent and consistent basis by mowing, removing trash and debris, removing silt and sedimentation, grading, establishing and maintaining grass or other vegetation in order to provide stability for the structure, structural repair, mechanical repair, and such other activities as may be required to keep a facility covered by this Section 3.89 functioning in accordance with its original purpose and design. The affirmative defenses provided by Subsection 3.89(J)(3) do not apply to the requirements of this Subsection (G).

. . .

(J) Enforcement Remedies.

(1) Civil Remedies. Pursuant to Sec. 54.012(4) of the Texas Local Government Code, Subchapter B of Chapter 54, Texas Local Government Code, providing for the enforcement of certain ordinances through the imposition of civil penalties and injunction, is hereby made applicable to any violation of this Section 3.89.

. . . "

Section 50

That Section 3.93, "Sidewalks in New Developments", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 3.93 Sidewalks in New Developments

. . .

(F) Waiver or Alteration by Plan Commission.

. . .

(2) In each instance where a request to waive a sidewalk is approved by the Plan Commission, the applicant securing such approval shall pay to the City a sidewalk improvement fee in an amount equal to the estimated cost of constructing a standard width sidewalk on straight and level terrain, equal to the linear footage waived. For single or two family residential lots with large amounts of frontage, the maximum amount of the sidewalk improvement fee shall be based upon the lot width prescribed by the lot's zoning district. The estimate of cost shall be determined by the Director of Engineering, and that estimate shall be made available to the applicant.

. . .

(4) On the request of an owner of the property on which a sidewalk improvement fee has been paid into

the Street Improvement Fund, the City shall refund the sidewalk improvement fee if the City has failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment.

. . . "

Section 51

That Division 1 of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, including the following Sections, is hereby repealed:

- (1) Section 4.01, "Purpose & Applicability";
- (2) Section 4.02, "Preliminary Development Plan Submission & Approval";
- (3) Section 4.03, "Preliminary Development Plan Revisions"; and
- (4) Section 4.04, "Effect of Approval."

Section 52

That Section 4.05, "Purpose & Applicability", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.05 Purpose & Applicability

. . .

(B) Applicability.

(1) A request for alternative compliance from certain provisions as specifically cited within this GDC may be submitted for review and approval along with the project's initial development application (as applicable for the project). All alternative compliance requests must be clearly delineated graphically or in narrative format on the project's initial development application, including a reference to the specific Section within this GDC that allows consideration of alternative standard(s).

. . ."

Section 53

That Section 4.09, "Issuance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.09 Issuance

(A) Issuance. A Site Permit may be obtained from the Engineering Department after approval of the Site Engineering Drawings (see Chapter 3, Article 6 of this GDC) and after the following has occurred (as may be applicable for a particular development project):

- (1) Approval of a plat or replat;
- (2) All necessary permits have been obtained from applicable outside agencies;
- (3) All required off-site easements have been executed and filed for record;
- (4) All applicable fees have been paid; and
- (5) A Pre-Construction Meeting (see Chapter 1, Section 1.22 of this GDC) has been held with appropriate City staff. Site Permits are issued after the Pre-Construction Meeting if all City requirements have been satisfied.

. . ."

Section 54

That Section 4.12, "Issuance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.12 Issuance

(A) Issuance. A Building Permit may be obtained from the Building Inspection Department after the Pre-Construction

Meeting if all of the following have occurred:

(1) Issuance of a Site Permit, if required, by the Engineering Department;

(2) All applicable fees have been paid; and

(3) A plat has been filed for record with Dallas, Collin or other applicable County, and a filed copy of the plat has been submitted to the City.

. . ."

Section 55

That Section 4.13, "Effect of Issuance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.13 Effect of Issuance

. . .

(B) Validity. A Building Permit expires two years (that is, 730 calendar days) after the date the permit is issued and the project has not received an inspection, or two years after the date of the last inspection that shows progress toward completion of the project."

Section 56

That Section 4.18, "Applicability", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 4.18 Applicability

In all zoning districts, off-street parking and loading areas are required in accordance with the requirements of this Article 2, and the required parking ratios set forth on the Land Use Matrix in Section 2.51 of Chapter 2 of this GDC. All new developments, redevelopments, and expansions are required to show the proposed parking layout on the project's initial

development application (as applicable for the project)."

Section 57

That Section 4.19, "Plan Submission & Approval", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.19 Plan Submission & Approval

Application Submittal. Parking information for all applicable development projects must be submitted for approval or denial as part of a Site Permit, Building Permit, or Certificate of Occupancy submittal, whichever occurs first (see Divisions 3, 4 and 5 in Article 1 of this Chapter 4, respectively). The parking layout must include the following information:

. . ."

Section 58

That Section 4.20, "Off-Street Parking Requirements", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby renamed and amended in pertinent part to read as follows:

"Section 4.20 Off-Street Parking Requirements

. . .

(D) Access. Vehicular access to nonresidential uses from alleys serving residential areas is prohibited. All required parking and loading areas shall be accessed by a driveway meeting the requirements of Section 4.21.

. . .

(I) Off-Street Stacking Requirements for Drive-Throughs. In addition to the requirements set forth in the *Technical Standards Manual*, persons, property owners, or business owners must comply with the following off-street stacking requirements, as applicable, for drive-throughs:

. . ."

Section 59

That Section 4.21, "Driveway Standards", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 4.21 Driveway Standards

Driveways must comply with the standards provided in the City's Technical Standards Manual, as amended."

Section 60

That Section 4.27, "Administrative Approval of Alternative Compliance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in part by adding a new subsection B to read as follows:

"Section 4.27 Administrative Approval of Alternative Compliance

. . .

(B) Granting or denying request for alternative compliance.

(1) All requests for a deviation from required parking must be accompanied by a parking study prepared and conducted by a licensed transportation engineer.

(2) Any request for deviation seeking to exceed the required parking, regardless of degree, must be mitigated. Mitigation can be achieved by the use of pervious parking, increased landscaping (see Section 4.35 of this GDC), increased stormwater controls (see Section 3.63 of this GDC), or other method to reduce the impact, if any, of the change in parking.

(3) A request for a deviation shall be submitted to the Planning Director for review. The request must be accompanied by the parking study and, if required, a mitigation plan.

(4) The Planning Director shall review the submission

and required materials, then decide whether to approve the request."

Section 61

That Section 4.29, "Applicability & Exemptions", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.29 Applicability & Exemptions

(A) Full Compliance. A site must comply with the provisions of this Article 3 if any one or more of the following is proposed:

. . .

(2) The demolition and reconstruction of fifty percent or more of a single building or structure's existing square footage prior to demolition.

. . .

(4) The expansion of the size of a single structure or building footprint, or the aggregate footprint of multiple new buildings, by thirty percent or greater. If the size of a single structure or building footprint, or the aggregate footprint of multiple buildings, on a single site equals or exceeds one hundred thousand square feet of floor area, an expansion of twenty percent or greater requires full compliance with requirements of this Article 3.

(5) The expansion of a parking lot that increases the aggregate parking area by more than fifty percent of the original size of the parking area, in which case the entire parking area must meet the screening and landscaping standards set forth in Article 3, Division 4 of Chapter 4 of this GDC unless otherwise approved using the alternative compliance process outlined in Article 1, Division 2 of this Chapter 4.

(B) Partial Compliance. A site must comply with the screening and landscaping provisions if the following features are added to, altered, or expanded on a site which:

(1) increases the size or scale of a loading area and its related maneuvering area(s) unless fully hidden from public view (such as in an interior service court or behind a building);

(2) expands a parking lot in a manner which increases the aggregate parking area by fifty percent or less of the existing size of the parking area, in which case only the new portion shall meet the screening and landscaping standards set forth in Sections 4.44 and 4.34(B), respectively, unless otherwise approved using the alternative compliance process outlined in Article 1, Division 2 of this Chapter 4;

(3) increases the size or alters the layout of any outside storage area;

(4) provides additional refuse storage containers or alters the locations of existing containers;

(5) adds any ground- or wall-mounted equipment; or

(6) constructs a new parking area when the parking area has frontage along a public street or public access easement.

. . . ."

Section 62

That Section 4.30, "Definitions", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.30 Definitions

. . . .

(I) "*Protected Tree*" means any healthy, growing self-supporting woody perennial plant listed in Table 4-1 or Table 4-2 within Division 7 of this Article 3 that has a trunk size of six-inch caliper or greater when measured at a point four feet and six inches above ground level, which is of a species that normally attains a height of at least ten feet at maturity.

. . ."

Section 63

That Subsection H, "Irrigation Required", of "Section 4.33, "General Landscaping Standards", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.33 General Landscaping Standards.

. . .

(H) Irrigation Required. Required landscaped areas must be equipped with, and 100% covered by, an automatic, underground irrigation system that is continually on and in good working order so as to provide this coverage, and with freeze- and moisture-sensors to prevent watering at inappropriate times. The Planning Director may waive the requirement for an underground irrigation system and accept an alternative irrigation system or device if one or more of the following apply to a development site:

. . .

(P) Landscape Installation and Maintenance.

(1) Trees and landscape materials that are planted pursuant to this Article 3 (from the City's Approved Plant List, Division 7 of this Article 3) must be installed in accordance with professional installation standards.

(2) The property owner must sufficiently maintain trees and landscape materials so that they remain in a health, living, growing, and thriving condition.

(3) Property owners may be require to replace trees and landscape materials that are not healthy or which have died.

(4) Irrigation Systems.

(a) All irrigation systems must be maintained and

kept fully operable.

(b) Any leaks in the irrigation system, whether above or below ground, must be promptly repaired.

(c) Irrigation systems must have freeze and moisture sensors.

(d) Irrigation systems must be calibrated and set to provide periodic watering in an amount sufficient to maintain all trees and landscape materials."

Section 64

That Section 4.34, "Nonresidential, Multifamily & Senior Living Developments - Site & Perimeter Landscaping", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.34 Nonresidential, Multifamily & Senior Living Developments - Site & Perimeter Landscaping

. . .

(B) Landscape Buffers

. . .

(3) Buffer Plant Materials. Trees may be grouped or clustered to facilitate site design. The City encourages staggered or non-linear placement of plant material in the landscape buffer. Plant material in required landscape buffers must comply with the following provisions in this Subsection (3) and in Section 4.33:

. . .

(d) Substitutions. For property having less than one hundred and twenty feet of street frontage, up to forty percent of the required number of large canopy trees within the buffers may be replaced. For property having one hundred and twenty feet or more street frontage, up to

twenty-five percent of the required number of large canopy trees within buffers may be replaced by small ornamental trees, at a rate of three small ornamental trees for each large canopy tree. Substituted vegetation must be placed in a clustered, non-linear design.

(4) Buffer in Relation to Sidewalks & Easements. Landscape buffers must remain free and clear of permanent objects with the exception of pedestrian elements (such as, sidewalks or benches), existing utility poles or structures, and freestanding signs. Further, landscape buffers must comply with the following provisions:

. . .

(b) Where an easement, either pedestrian or utility, is required pursuant to Chapter 3, Sections 33.93(C) or 3.72(B)(1) of this GDC, the easement is permitted to overlap the required landscape buffer, so long as the required depth (from the property line) of the landscape buffer is provided. Where a landscape buffer and easement overlap, there must be a minimum depth of six feet of landscaped area that is not within the easement area to allow adequate space for plant material, while avoiding future conflict between installation, service or repair of utilities and plant materials. Every reasonable effort must be made to avoid the placement of plantings within the buffer-easement overlap area that may interfere with utilities. The Director of Engineering shall make the determination as to whether plantings may interfere with the use of the easement.

. . ."

Section 65

That Section 4.39, "Perimeter Screening Between Nonresidential, Multifamily, Single-Family Attached Developments & Residential Development", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in part as follows:

"Section 4.39 Perimeter Screening Between Nonresidential, Multifamily, and Single-Family Development

Nonresidential, multifamily, single-family attached, and residential developments must comply with the following perimeter screening provisions, as applicable:

(A) Nonresidential and Multifamily Developments. Nonresidential and Multifamily developments that are located adjacent to single-family (whether attached or detached) and two-family residential district boundary lines must provide screening in the form of one of the options listed below:

. . ."

Section 66

That Section 4.40, "Perimeter Screening Between Residential Development & Thoroughfares", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.40 Perimeter Screening Between Residential Development & Thoroughfares

. . .

(B) Perimeter Screening Between Multifamily Residential or Senior Living Developments and Single-Family Residential or Two-Family Districts. Multifamily and senior living developments that are located adjacent to single-family (whether attached or detached) and two-family residential district boundary lines must provide screening in the form of either Option 1 or Option 2 above, except these types of developments are not required to provide the large canopy trees cited in Option 1. Chain-link fencing does not satisfy this requirement."

Section 67

That Section 4.42, "Location & Screening of Light Vehicle Loading Areas", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby renamed and amended as follows:

"Section 4.42 Location & Screening of Light Vehicle and

Forklift Loading Areas

(A) General. Light vehicle and forklift loading areas must be screened from view from public streets and adjacent residential districts as required below:

(B) Location Not Requiring Screening. Light vehicle and forklift loading areas must, where feasible, be located in the back of nonresidential buildings or in areas that effectively cause the loading areas to not be visible from public streets and adjacent residential districts. The Planning Director, during review of the appropriate development application, may determine that screening is not necessary for these loading areas.

(C) Location Related to Streets. Light vehicle and forklift loading areas may be located in the front or side yard of nonresidential buildings that face a street provided that additional landscaping is provided adjacent to or within the required landscape buffer so that a living screen is created. The additional landscaping must include extra evergreen high-level screening shrubs (see Table 4-3 in Division 7 of this Article 3) and small ornamental trees at minimum ten-foot centers so that the living screen substantially limits the view of the loading area from the street. The Planning Director shall determine whether the proposed living screen is sufficient to meet these requirements.

(D) Location Related to Residential Districts.

(1) Light vehicle and forklift loading areas located in yards adjacent to residential districts must be screened with a minimum six-foot tall masonry wall or a continuous, opaque, evergreen living screen, along with one large canopy tree for every twenty-five lineal feet on-center.

(2) Perimeter screening between nonresidential and residential developments, as required in Section 4.39, may provide sufficient screening of light vehicle and forklift loading areas, depending upon the location of the loading area. The Planning Director shall determine whether proposed perimeter screening is sufficient to meet these requirements at the time of submission of the appropriate development application."

Section 68

That Section 4.45, "Design & Screening of Refuse Containers", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby renamed and amended in pertinent to read as follows:

"Section 4.45 Design & Screening for Refuse Containers"

The design and screening for refuse containers must comply with the following provisions:

(A) General. Refuse containers provided in conjunction with nonresidential and multifamily developments must be located behind the main building(s) or within an interior service court (which is highly recommended and encouraged). Refuse containers placed in a parking lot are prohibited in a required parking space, loading space, fire lane, easement, or access drive aisle. The door opening shall not face a public right-of-way. Additionally, the refuse container and its enclosure shall be placed outside of required setbacks from street or residential boundaries and outside of easements, and must be screened on three sides with a minimum eight-foot tall masonry wall. Alternatives to placement and screening of refuse containers may be approved using the alternative compliance process as outlined in Article 1, Division 2 in this Chapter 4.

(B) Compatibility. The exterior composition of screening walls must be architecturally compatible with the main building(s) and be composed of masonry materials (which must match the masonry materials used in the construction of the main building, if applicable).

(C) Enclosure & Access. All refuse containers must be placed on a reinforced concrete pad and all maneuvering areas and clearances must meet or exceed the criteria and dimensions shown in Illustration 4-2. A solid metal gate must be placed on the open side of the refuse screening wall to completely enclose the refuse container(s). The gate must remain closed when the placement or collection of refuse is not actively occurring. To allow for adequate access to the refuse container, there must be a minimum of twelve feet of horizontal clearance between each of the sides of the refuse screening wall or gate posts. A minimum three foot wide by seven feet high door pedestrian access door must be included in the enclosure.

(D) Shared Refuse Containers. Two or more nonresidential uses

may share a refuse container provided that the container and its enclosure is located on one of the properties within a perpetual mutual access and use easement, filed of record at the applicable County and a filed copy submitted to the City, to allow full access to the container by all persons authorized under the easement instrument, and provided that the shared container is emptied regularly enough to accommodate refuse disposal capacity for all users.

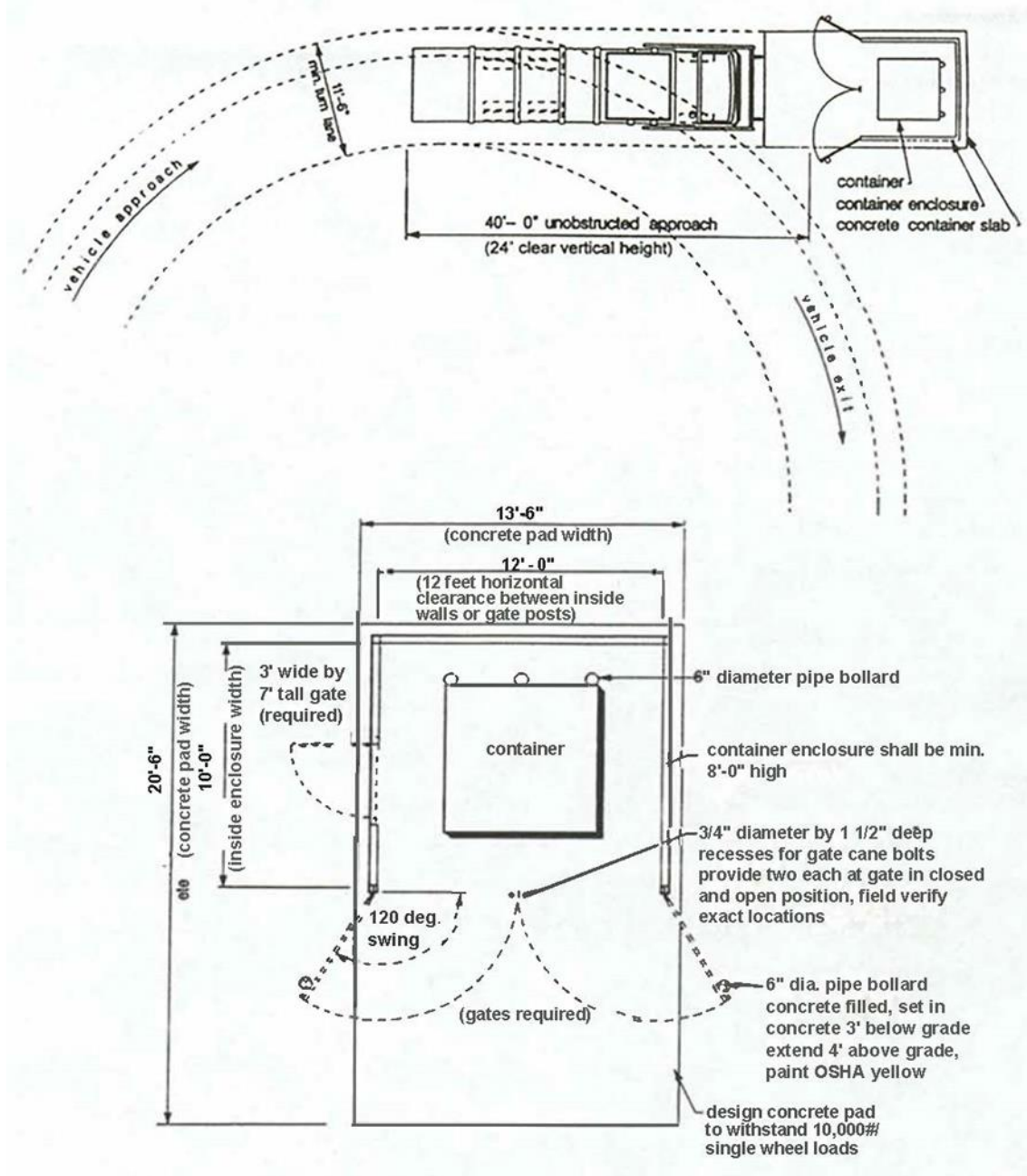
(E) Maintenance. Each refuse facility must be maintained by the property owner or the user of the facility, as applicable, and comply with all public health and sanitary regulations.

(F) In the event that an applicant declines to construct a refuse container enclosure or makes use of a commercial green cart (90 gallon commercial container), then the site shall reserve space as either excess parking or excess landscape area that may be converted for a future refuse container and enclosure construction; and this shall be shown on the site plan with the Site Permit or Building Permit whichever is applicable. The site plan shall show the location of the commercial green cart storage when not set out for refuse pick-up.

Section 69

That Illustration 4-2, "Design & Screening of Refuse Containers", of Chapter 2, "Zoning Procedures", of the Garland Development Code of the City of Garland, Texas, is hereby amended by being renamed and replacing the existing illustration with the following:

Illustration 4-2 **Design & Screening for Refuse Containers**



Section 70

That Section 4.53, "Development Variances", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

Section 4.53 Development Variances

Development Variance for Waiver of a Landscaping or Screening Requirement. An applicant may request a development variance from the Plan Commission, in accordance with Article 1, Division 4 of Chapter 5 of this GDC, for complete or partial waiver of any landscaping or screening provision in this Article 3 that is either outside the scope of those provisions qualifying for consideration under the alternative compliance process (see Article 1, Division 2 of this Chapter 4), and that meet the criteria outlined for development variances in Section 5.12 of this GDC.

Section 71

That Section 4.54.1, "Applicability & Exemptions", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.54.1 Applicability & Exemptions

(A) Applicability. This Article 4 applies to any development or redevelopment, as defined herein, unless specifically exempted in Subsections (B) or (C) below. Further, persons who develop or redevelop property, must comply with the following provisions:

. . .

(D) This Article 4 does not apply to undeveloped or infill lots of one acre or less and zoned SF, 2F, or SFA."

Section 72

That Section 4.55, "Definitions for Tree Preservation", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.55 Definitions for Tree Preservation

. . .

(C) "*Tree Inventory*" means a graphical and tabular representation of all protected trees (i.e., trees listed on

Table 4-9 of this GDC) on a site that identifies the individual and total caliper inches of protected trees and the size, location, and species of each protected tree.

. . ."

Section 73

That Section 4.56, "Tree Management Plan Required", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.56 Tree Management Plan Required

. . .

(C) Application Submittal.

(1) A Tree Management Plan may be submitted with the screening and landscaping plans (see Section 4.31), or with an appropriate development application (whichever occurs first).

. . ."

Section 74

That Table 4-9, "Existing Trees - Replacement Ratios", in Section 4.58, "Protected Trees", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended as follows:

"Table 4-9: Existing Trees - Replacement Ratio

Existing Tree Species	Replacement Ratio
Large Canopy Trees (listed in Table 4-1)	varies by size
6" to 18"	1:1 (1 caliper inch per 1 caliper inch)
18.1" or greater	2:1 (2 caliper inches per 1 caliper inch)

Small Ornamental Trees (listed in Table 4-2)	varies by size
6" to 10"	0.5:1 (1/2 caliper inch per 1 caliper inch)
10.1" to 18"	1:1 (1 caliper inch per 1 caliper inch)
18.1" or greater	1.5:1 (1.5 caliper inches per 1 caliper inch)
Other Tree Species (any size 6" or greater) (not listed in Tables 4-1 or 4-2)	0.25:1 (1/4 caliper inch per 1 caliper inch)

”

Section 75

That Section 4.71, “Residential Districts”, of Chapter 4, “Site Development”, of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

“Section 4.71 Residential Districts

. . .

(B) Electronic programmable signs. An electronic programmable sign located within a residential district or within 25 feet of a residential district are prohibited from displaying illuminated messages between 10:00 p.m. to 6:00 a.m., and must be oriented so that the sign face is facing perpendicular, as near as possible, to the street frontage on which the sign is located, and must comply with all limitations and regulations of Section 4.78(O).

(C) Sign Movement. No portion of any sign may move, flash, rotate, or change its illumination or copy except for programmable signs that are expressly allowed by this Section or Section 4.78(O) for legal nonresidential uses in residential districts. Non-illuminated changeable message signs which meet all the requirements of either the attached or freestanding sign provisions are allowed.

. . .”

Section 76

That Section 4.73, "Digital Display on Nonconforming Off-Premises Signs", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.73 Digital Display on Nonconforming Off-Premises Signs

. . .

(D) Sign Face Exchange Ratio.

(1) Except as provided in below subsection (2), for every one square foot of sign face modified to use digital display technology, three square feet of detached non-premises conventional sign face area must be removed from within the City (not including the face of the sign being modified), subject to the following provisions:

. . .

(c) If the structure being removed is an interior conventional sign, then the exchange ratio shall be for every one foot of sign face being modified to use digital display technology, two square feet of detached non-premises conventional sign face area must be removed from an interior sign;

. . ."

Section 77

That Section 4.81, "Variances; Appeals", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.81 Variances; Appeals

A request for a variance to one or more of the sign-related regulations cited in Subsection (D) below may be submitted to the Planning Department in the format specified by the Department, and will be processed and scheduled for

consideration for approval by the Plan Commission using the processing procedures set forth in Article 1, Division 4 of Chapter 5 of this GDC, and using the notification and public hearing procedures set forth in Article 2, Division 2 and Division 3 of Chapter 1 of this GDC.

. . .

(D) Administrative Approval for Increased Sign Area. An increase in sign area for attached signs and freestanding signs up to 10 percent of the allowable sign area may be approved by the Planning Director provided that the request meets the criteria outlined for development variances in Section 5.12, Division 4 of Chapter 5."

Section 78

That Section 4.83, "Nonresidential & Multifamily Building Materials & Design", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.83 Nonresidential & Multifamily Building Materials & Design

. . .

(D) Windows. Highly reflective mirror glass may not be installed as an exterior building material on any building or structure unless the installation is done in such a manner as to ensure that the material will not reflect light upon any other real property (whether public or privately owned), building, or structure. However, in order to encourage energy efficiency, the use of tinted or inward facing mirrored glass is allowed and encouraged.

(E) Canopies. All canopies that are intended to shelter vehicles or vehicular traffic such as a building's porte cochere, a bank's drive-through canopy, or a fuel station canopy, must have support columns constructed with the same type of masonry construction material used on the main building(s) facades, if any, or otherwise are in a manner architecturally compatible with the main building's facade."

Section 79

That Section 4.84, "Residential Design", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 4.84 Residential Design

(A) Design Standards.

. . .

(5) Exemptions. The following are exempt from the architectural requirements of this Section:

(a) Residential Accessory Buildings, as may be provided in Article 5, Division 4 of Chapter 2 of this GDC; and

. . ."

Section 80

That Section 4.104, "Setback Requirements Generally", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 4.104 Setback Requirements Generally

(A) No fence may be built within a required front yard, or in front of a building in a residential, nonresidential or mixed-use zoning district, as defined in this GDC, except as follows:

(1) Fences may be located at the property line in the front yard Agricultural (AG) and Industrial (*IN zoning districts.

(2) Fences may be located in the required front yard of property located in a residential zoning district provided:

(a) Type 1. A fence less than three and one-half feet in height, and:

(i) Made of wood or ornamental metal; and

(ii) Provides at least a four-inch wide vertical space for each linear foot and at least a one-foot wide horizontal space between horizontal portions of the fence; or

(b) Type 2. A fence less than two and one-half feet in height, and made of brick or masonry, excluding cinder block.

(B) Fences may be erected in the required side and rear setbacks in all zoning districts provided they are constructed and maintained in compliance with this Article. (See Illustration 2-17 for allowable fences on street side yards of a corner lot.)

(C) No barbed wire fence may be built within a required side or rear yard adjacent to a street except in the Industrial (IN) or Heavy Commercial (HC) zoning districts.

(D) No fence may be installed within a required visibility area, as defined in the City's *Technical Standards Manual*."

Section 81

That Section 4.105, "Gates Required", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part as follows:

"Section 4.105 Gates Required

. . .

(B) Fences erected along or near a rear or side property line that adjoin a street, alley or easement, that has an area that is required to be maintained by the property owner, a gate shall be provided in the fence if the area is not readily accessible from public property or private property owned by the fence owner.

. . ."

Section 82

That Section 4.109, "Development Variances", of Chapter 4, "Site Development", of the Garland Development Code of the City of

Garland, Texas, is hereby amended to read as follows:

"Section 4.109 Development Variances

The Board of Adjustment may, upon the showing of an undue hardship to the applicant, grant a Development Variance to the requirements set forth in Sections 4.104, 4.105, 4.106, and 4.107 of this Article 8."

Section 83

That Table 5-1, "Initial Decision-Makers & Appellate Decision Makers", in Section 5.02, "Appeal Requirements", of Chapter 5, "Relief Procedures & Enforcements", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 5.02 Appeal Requirements

. . . .

Table 5-1: Initial Decision-Makers & Appellate Decision-Makers

Type of Application or Petition	Decision-Maker	Appellate Decision-Maker	Further Appeal Decision-Maker
Text Amendment to Any GDC Provision Chapter 1, Article 2, Division 3	City Council	–	–
Zoning or Rezoning of Property Chapter 2, Article 2, Division 1, Section 2.05	City Council	–	–
Planned Development (PD) Zoning of Property Chapter 2, Article 2, Division 2, Section 2.13	City Council	–	–
Specific Use Provision (SUP) Zoning of Property Chapter 2, Article 2, Division 3, Section 2.20	City Council	–	–
Zoning Variance Chapter 2, Article 2, Division 5, Section 2.25	BOA	–	–
Preliminary Plat Approval	Plan Commission	City Council	–

Chapter 3, Article 2, Division 2, Section 3.09			
Extension of Preliminary Plat Approval Chapter 3, Article 2, Division 2, Section 3.12	Plan Commission	City Council	–
Final Plat Approval Chapter 3, Article 2, Division 3, Section 3.16	Plan Commission	City Council	–
Minor Plat Approval Chapter 3, Article 2, Division 4, Section 3.24	Planning Director	Plan Commission	City Council
Conveyance Plat Approval Chapter 3, Article 2, Division 5, Section 3.32	Plan Commission	City Council	–
Replat Approval Chapter 3, Article 2, Division 7, Section 3.39	Plan Commission	City Council	–
Amending Plat Approval Chapter 3, Article 2, Division 7, Section 3.40	Planning Director	Plan Commission	City Council
Plat Vacation Approval Chapter 3, Article 2, Division 7, Section 3.41	Plan Commission	City Council	–
Alley Waiver (4 or fewer lots) Chapter 3, Article 5, Division 6, Section 3.80	Director of Engineering	Plan Commission	–
Alley Development Variance (5+ lots) Chapter 3, Article 5, Division 6, Section 3.80	Plan Commission	City Council	–
Sidewalk Development Variance Chapter 3, Article 5, Division 13, Section 3.93	Plan Commission	City Council	–
Alternative Compliance Request Chapter 4, Article 1, Division 2, Section 4.07	Planning Director	Plan Commission	City Council –
Parking Deviation Chapter 4, Article 2, Division 3, Section 4.20(K)	Planning Director	BOA	–
Landscaping or Screening Development Variance Chapter 4, Article 3, Division 9, Section 4.53	Plan Commission	City Council	–

Sign Variance Chapter 4, Article 5, Division 6, Section 4.81	Plan Commission	City Council	–
Increased Sign Area (up to 10%) Chapter 4, Article 5, Division 6, Section 4.81	Planning Director	Plan Commission	City Council
Fence Variance Chapter 4, Article 8, Division 2, Section 4.109	BOA	–	–
Proportionality Appeal Chapter 5, Article 1, Division 2, Section 5.07	City Council	–	–
Vested Rights Petition Chapter 5, Article 1, Division 5	Planning Director	Plan Commission	City Council

“

Section 84

That Section 5.21, “Dormant Projects”, of Chapter 5, “Relief Procedures & Enforcements”, of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

“Section 5.21 Dormant Projects

(A) Definitions. For purposes of this section only:

(1) *Initial Permit* means any of the following types of applications or approvals granted under the Garland Comprehensive Zoning Ordinance or subdivision regulations (including Chapter 31 of the City Code), as amended, or any predecessor zoning, subdivision or development-related ordinance that was in effect prior to the effective date of this GDC: any Site Plan, Detail Plan, Specific Use Permit/Provision, any type of plat, or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation, or design of land uses, lots, or improvements on a site intended for development.

. . . .”

Section 85

That Article 2, "Enforcement", of Chapter 5, "Relief Procedures & Enforcement", of the Garland Development Code of the City of Garland, Texas, is hereby amended by adding a new Division 2 titled "Recycling/Used Goods Collection Points - Kiosks, Containers, and Trailers Violations", and shall read as follows:

Division 2 - Recycling/Used Goods Collection Points - Kiosks, Containers, and Trailers Violations

Section 5.26 Application

The following provisions shall apply to violations of City ordinances regarding Recycling/Used Goods Collection Kiosks, Containers, and Trailers set forth in Section 2.52(8).

Section 5.27 Missing or invalid permits

Any recycling or used goods collection kiosk or container located within the City that does not have a current, valid permit (or any permitted recycling/used goods collection kiosk, container or trailer that has received more than two notices of violation from the City in the past twelve months) is subject to impoundment by the City. Any trailer which is not attended at any time during hours of business and collection operations and which does not fall within the exception described in Section 2.52(A)(8)(c)(i) is subject to impoundment by the City. Any recycling/used goods collection kiosk, container, or trailer impounded by the City will be released to the owner upon payment of all actual costs incurred by the City for the impoundment and storage fees of \$25.00 per calendar day of storage.

Section 86

That Section 6.03, "Definitions", of Chapter 6, "Definitions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

"Section 6.03 Definitions

Following are the definitions of land uses, general terms, and

special terms used in this GDC.

. . .

ACCESSORY BUILDING: (x) A subordinate building or structure containing more than twenty square feet of area and more than four feet in height, which is detached from the main building and is secondary or incidental to the main building on the property.

ACCESSORY DWELLING: See *Dwelling, Accessory*.

ACCESSORY STRUCTURE: See *Accessory Building*.

. . .

BREEZEWAY: A small corridor with a roof, with no enclosed structure above it, that is a maximum of five feet in width (but may be of any length and height), designed as a walking path between a main building and an accessory building, usually a garage or carport, and is unenclosed (that is, open to the outside) on the two longest opposing sides.

. . .

BUILDABLE AREA: The remaining area of a building site after any required setbacks and easements have been calculated.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind, and that is affixed to the land. When separated by an absolute fire separation, each portion of the structure is deemed a separate building. This definition includes structures wholly enclosed by exterior walls and a roof.

. . .

CAPACITY: The maximum stormwater rate allowed in any portion of the MS4 that will not result in a surcharge of the system; or, the maximum stormwater rate that can be allowed in any portion of the MS4, as determined by the Director of Engineering.

. . .

CARPORT and PATIO COVERS (RESIDENTIAL and NONRESIDENTIAL): A roofed accessory structure, open on a minimum of two and three-fourth sides when attached to the primary structure and open on

three sides when detached from the primary structure. A carport anchored or otherwise attached to a building shall not, for the purposes of this GDC, be considered a building or a portion of a building.

. . .

DRIVEWAY: An improved surface that would allow vehicular access to a facility, building, area, parking or other amenity.

DRIVEWAY APPROACH: An improved surface on public property or public right-of-way that meets the standards specified in the Technical Standards Manual and provides access from the public way to private property.

. . .

DWELLING, ACCESSORY - GUEST HOUSE: (x) An incidental, on-site, dwelling unit that is either attached or detached from the primary residential structure, is used for temporary occupancy by guests or relatives of the owners of the property, is not for rent, is incidental to the main structure (the building area does not exceed thirty percent of the floor area of the main structure), and is not involved in the conduct of a business.

. . .

FLOOR AREA RATIO: The total floor area of a main building (or buildings) on a lot, divided by the lot area. Any maximum FAR permitted is calculated by dividing the gross square footage of the building(s) by the net (after right-of-way dedication) area of the lot (measured in square feet). Any below grade mechanical rooms, parking garages, or other non-occupied areas are not included in the gross square footage of the building(s) for the purposes of this calculation.

. . .

GOLF COURSE/COUNTRY CLUB: (x) An area that is improved with greens, fairways, and hazards that is owned and operated by a public or private entity. The term includes, where applicable, clubhouse(s), restaurant(s), swimming pool(s), tennis court(s), and similar traditional recreational or service facilities associated with golf courses and country clubs.

. . .

HEALTH & FITNESS GYM: (x) A private indoor facility operated to promote physical health and fitness activities such as exercise, physical therapy, personal training, and education pertaining to health and fitness. The uses and facilities may include, but are not limited to, weight lifting and exercise equipment, aerobics, swimming pools and spas, running tracks, indoor games, personal recreation courts (such as for racquetball, handball, and indoor tennis), or a dance or exercise studio that is larger than five thousand square feet in floor area. (See *Studio, Fitness or Performing Arts* for facilities that are five thousand square feet or less in size.)

. . .

KIOSK, SELF-SERVICE: (x) A type of kiosk, whether drive-up or walk-up, where no customer service employees are on site and a product or service is dispensed through a machine. Examples include freestanding ATMs, and automated freestanding vending machines for consumable commodities such as ice or drinking water. The term does not include a *Vending Machine, Exterior*.

. . .

LEATHER AND ALLIED PRODUCTS MANUFACTURING: (x) An indoor establishment engaged in transforming animal hides into leather by tanning or curing, and fabricating the leather into finished non-consumable products or into materials that will be further assembled by others into finished products. Includes the manufacture of similar products such as rubber footwear, textile luggage and plastic purses and wallets from other materials such as rubber, plastics and textiles that are thought of as "leather substitutes," and the processes of tanning, currying, dressing, dyeing and finishing of leather, hides and furs. The term does not include the slaughtering of any type of animal, and does not include any type of use that involves processing or storage of consumable products (see *Food Processing and Storage* and *Animal Feed Processing and Storage*).

. . .

LOT WIDTH: The horizontal distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, and parallel to the front property line.

MANUFACTURED/MOBILE HOME PARK OR SUBDIVISION: (x) A tract of land (minimum size ten acres, maximum size thirty-five acres),

under single ownership, which is designed, improved or intended to be used for short- or long-term occupancy by manufactured or mobile homes that are used as residential living units, in designated spaces. The term includes a residence for the owner or manager of the premises, utility hook-ups, Accessory Structures (such as carports, and storage buildings), playgrounds, open space/recreational areas, fenced yards for pets, and other similar amenities.

. . . .

PAWN SHOP: (x) A location or premises at which a pawnbroker (as defined by Section 371.003 of the Texas Finance Code) engages in the business of lending money on the security of pledged goods (as defined by Section 371.003 of the Texas Finance Code); or purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period.

. . . .

PERMANENT COSMETICS: The licensed practice of applying inks and dyes to the dermal layer of the skin, by the use of needles or other instruments designed to contact or puncture the skin, for the sole purpose of providing either permanent coloration for medical skin restoration or cosmetic coloration to enhance or diminish personal features such as lips, eyebrows, eyelids, and blemish and mole mitigation. In order for a cosmetic application to fall under this definition, the application must be non-pictorial in nature, and contain no verbiage or shapes or symbols of any kind. (Classified as *Personal Services* in the Land Use Matrix in Chapter 2 of this GDC).

. . . .

PRELIMINARY PLAT: A plat that illustrates the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the land division with applicable requirements of this GDC, and which is reviewed prior to approval of a Final Plat. See Chapter 3, Article 2, Division 2 of this GDC.

. . . .

RECREATIONAL VEHICLE PARK: (x) A tract of land for users of recreational vehicles to park on a temporary basis up to one hundred and eighty consecutive days. The term may include

accessory uses such as a residence for the owner or manager of the premises, utility hook-ups, laundry facilities, Accessory Buildings (such as gazebos, pavilions, storage buildings, or clubhouse), playgrounds, open space or recreational areas, fenced yards for pets, and other similar amenities. The term does not include a *Manufactured/Mobile Home Park*. See Subsection 2.52(A)(34) in Chapter 2 of this GDC.

. . .

RESIDENCE: A building occupied as the dwelling place of one or more persons in which the use and management of sleeping quarters, and all appliances for cooking, ventilating, heating, or lighting are under one control, including any type of dwelling defined herein.

. . .

SALVAGE YARD, AUTOMOTIVE: (x) Any lot or land parcel upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of dismantling to obtain parts for recycling, resale, or storage.

. . .

SERVICE BAY: A singular automobile space, within or underneath a building or structure, that provides a technician, customer, and/or automated system adequate space to safely and efficiently service one vehicle. This definition does not include overhead doors.

. . .

STABLE, PRIVATE: (x) A detached Accessory Building for the keeping of equine livestock owned by the occupants of the premises and not kept for remuneration, hire, or sale. (See Section 22.09 in Article 1 of Chapter 22 in the City Code for regulations pertaining to the keeping of livestock on private property, particularly minimum acreage requirements).

. . .

STRUCTURE: Anything constructed or erected on the ground or attached to the ground, that has a permanent location on the ground in some definite manner. Examples include, but are not limited to, buildings, towers, fences, carports, canopies,

sheds, cabins, mobile homes, and other similar things. Note that all buildings are structures, but not all structures are buildings. Also see *Building*.

. . .

YARD, REAR: The open space (unoccupied and unobstructed except for allowed appurtenances, accessory buildings or dwellings) located behind the rear building line of the principal building(s), calculated as the minimum horizontal distance between the rear property line and the rear building line of the principal building(s). Refer to Chapter 2, Article 6, Division 1, Illustration 2-13, for a diagram related to this definition.

. . ."

Section 87

That Table 7-1, "Downtown District Land Use Matrix", of Section 7.06, "Land and Building Use", of Chapter 7, "Downtown District", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Table 7-1: Downtown District Land Use Matrix

Legend:

P = Permitted by right

S = May be permitted by SUP

N/A= Not applicable (i.e., no parking requirement)

* = See [Chapter 2, Section 2.52](#) for special standards

** = Permitted by right in InTown Residential (North)

gfa = Gross floor area

NOTE: Land uses not listed in this matrix but included in [Section 2.51](#) have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

	Downtown Historic	Uptown	InTown Residential	Suburban Corridor	Parking Requirement	Cross-Reference(s) for Special Standards
Residential Uses						
Accessory Dw ellings	–	–	–	–	–	
Dw elling, Accessory - Guest	P	P	P	P	1/dw elling unit	

House						
Dwelling, Accessory - Rental Unit	P	P	P	P	Efficiency and 1 bedroom: 1 space 2+ bedrooms: 2 spaces	
Dwelling Accessory - Guard/Manager/Caretaker	P	P	P	P	2/dwelling unit	
Elder Care Facilities:						
Elder Care - Independent Living	P	P			1/dwelling unit	
Elder Care - Assisted Living		P			1/3 dwelling units	
Elder Care - Nursing/Convalescent Care		P			.5/bed	
Elder Care - Continuing Care (combination)		P			As determined by components, and best/current practices	
Household Living Units:						
Dwelling, Two-Family (duplex)		P		P	2 enclosed/dwelling unit	
Dwelling, Multifamily	P	P			Efficiency: 1 space 1 bedroom: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)	
Dwelling, Live-Work unit (in a live-work building)	P	P	P	P	2 spaces, plus nonresidential requirement	
Dwelling, Single-Family Detached		P	P	P	2 enclosed/dwelling unit	
Dwelling, Single-Family Attached (Townhouse)	P	P		P	2.25 enclosed/dwelling unit	
Dwelling, Apartment	P	P	P	P	Efficiency: 1 space 1 bedroom: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)	

Accessory & Temporary Uses						
Accessory Building, Residential	P	P	P	P	N/A	
Convenience Facilities:						
Drive-In Service				S	1/order station + 1 space per employee at maximum shift	
Drive-Through Service		S		S	N/A	
Walk-Up Service	P	P		P	1/w alk-up window or order station + 1 space per employee at maximum shift	
Fuel Pumps, Retail				S	N/A	
Kiosks, Self-Service:						
Automated Teller Machine (ATM) - Drive-Up		S		S	1/ATM station (at the ATM)	
Automated Teller Machine (ATM) - Walk-Up	P	P		P	1/w alk-up ATM	
Outside Display, New Materials	P	P		P	N/A	
Outside Display, Used Materials	S	S		S	N/A	
Outside Storage, New Materials		P		P	N/A	
Outside Storage, Used Materials		S		S	N/A	
Seasonal Sales				S	N/A	
Temporary Building/Office (field office, construction office, subdivision sales office, etc.)	*	*	*	*	1/1,000 sf site area	
Institutional and Educational						
College or University	P	P		P	.5/student (site-specific required)	
Convention Facility	P	P			1/100 gfa	
Day Care Facilities:						

Day Care Center, Adult	P	P	S	P	1/3 clients + 1 per employee at maximum shift	
Day Care, Youth - Licensed Child Care Center	P	P	S	P	1/10 children + 1 per employee at maximum shift	
Day Care, Youth - Registered Child Care Home	P	P	S	P	N/A	
Church or Place of Worship	P	P	P	P	1/4 seats	
Learning Center, Specialized	P	P		P	1/10 students	
School, Business	P	P		P	1/3 students	
School, Retail/Personal Services Training	P	P		P	1/3 students	
School, Trade		S			1/3 students	
School, Public	P	P	P	P	Elementary: 1/17 students Middle: 1/17 students High: 1/3 students	
School, Private, Religious or Charter	S	S	S	S	Elementary: 1/17 students Middle: 1/17 students High: 1/3 students	
Government and Human Services Uses						
Charitable Boarding	S	S	S	S	.5/bed	
Garden, Charitable	S	S	S	S	2 spaces	
Garden Civic	P	P	P	P	2 spaces	
Post Office Note to ask City Attorney [sic]		P		P	1/300 gfa	
Social Service Facility/Agency	P	P		P	1/300 gfa	
Medical & Health Services Uses						
Hospital		P			1.5/bed	

Medical and Dental Office/Clinic	P	P		P	1/250 gfa	
Mortuary/Funeral Home	P	P		P	1/200 gfa, or 1/4 seats in sanctuary and chapel(s) (whichever is greater)	
Recreational, Social and Entertainment Uses						
Athletic Events Facility, Indoor		S			1/125 gfa or 1/3 bleacher and spectator seats (whichever is greater)	
Civic Club/Fraternal Lodge	P	P		P	1/200 gfa	
Commercial Amusement, Indoor	P	P		P	1/100 gfa	
Commercial Amusement, Outdoor		S		S	1/1,000 sf of amusement area and accessory uses	
Public Amusement, Temporary	S	S		S	N/A	
Cultural Facility	P	P		P	1/300 gfa	
Health and Fitness Gym (indoor)	P	P		P	1/150 gfa	
Reception Facility	S	S		S	1/100 gfa or 1 space for each 3 occupants (whichever is greater)	
Theater, Small Scale	P	P		P	1/3 seats	
Theater, Large Scale		P			1/3 seats	
Office, Retail & Service Uses						
Antique Shop (indoors only)	P	P	**	P	1/250 gfa	
Bakery, Retail	P	P		P	1/250 gfa	
Bed and Breakfast	S	P	S		1/guest room + residential use requirement (according to that use)	
Business & Media Service	P	P		P	1/300 gfa	

Call Center		S		P	1/150 gfa	
Convenience Store (1,000-5,000 sf)	P	P		P	1/250 gfa	
Financial Institution	P	P		P	1/300 gfa	
Flea Market, Indoor	S	S		S	1/200 gfa	
Flea Market, Outdoor	S	S		S	1/500 sf site area	
Furniture, Household Furnishings and Appliance Sales/Rental	P	P		P	1/400 gfa	
Grocery/Supermarket (>5,000 sf)	P	P		P	1/250 gfa	
Home Improvement Center (>50,000 sf)		S		P	1/250 gfa	
Hotel/Motel, Extended Stay	P	P		P	1.25/room + 1/200 sf restaurant, retail, conference and office area	
Hotel/Motel, Full Service	P	P		P	1/room + 1/200 sf restaurant, retail, conference and office area	
Hotel/Motel, Limited Service	P	P		P	1/room + 1/200 sf restaurant, retail, conference and office area	
Indoor Shopping Mall	S	S		S	0-400,000 gfa: 1/250 gfa 401,000 + gfa: 1/300 gfa	
Kiosk, Trailer or Mini-Structure (attended):						
Retail/Service	S	P		P	1/employee	
Landscape Nursery (retail)				P	1/250 gfa + 1/2,000 sf outdoor area	
Laundry, Self-Serve (Laundromat)	P	P		P	1/250 gfa	
Laundry, Drop-Off (with drive-through or window)	S	S		P	1/250 gfa	

Laundry, Drop-Off (without drive-through or window)	P	P		P	1/250 gfa	
Office, General	P	P	**	P	1/300 gfa	
Personal Services	P	P	**	P	1/250 gfa	
Pet Store (indoors only)	S	P		P	1/250 gfa	
Pharmacy (with drive-through or window)	S	S		P	1/250 gfa	
Pharmacy (without drive-through or window)	P	P		P	1/250 gfa	
Produce Stand/Outdoor Farmers' Market	S	S		S	4 + 1/600 sf of site area	
Restaurant	P	P		P	1/100 gfa	
Restaurant, Drive-Through				S	1/100 gfa	
Retail Store	P	P	**	P	1-85,000 sf: 1/250 gfa >85,000 sf: 1/275 gfa	
Studio, Arts/Crafts	P	P	**	P	1/250 gfa	
Studio, Fitness or Performing Arts	P	P	**	P	1/150 gfa	
Used Goods, Retail Sales (indoors)	P	P		P	1/250 gfa	
Tattooing/Body Piercing Establishment	S	S		S	1/250 gfa	
Commercial Uses						
Bakery, Commercial		P		P	1/1,000 gfa	
Building/Garden Materials Sales & Storage (w/wholesale)		S			1/400 gfa + 1/1,000 gfa storage area	
Bulk Material Sales & Storage (retail or w/wholesale)		S			1/1,000 gfa or 1/1,000 outdoor area (whichever is greater)	
Contractor's Office/Warehouse (indoors only)		S			1/500 gfa for office + 1/1,000 sf for warehouse	

Equipment Leasing/Rental, Indoor		P			1/250 gfa	
Furniture and Appliance Cleaning/Repair		S			1/1,000 gfa	
Pet Care/Play Facility (indoor)		S		S	1/300 gfa	
Printing/Publishing House		S		P	1/300 office gfa + 1/1,000 remainder gfa	
Recording Studio/Media Production		P		P	1/300 gfa	
Small Engine/Lawn Equipment Rental & Repair (indoors)		P		P	1/300 gfa	
Veterinary Clinic, Small Animal (indoors only)		P		P	1/300 gfa	
Motor Vehicle & Related Uses						
Parking Lot or Garage, Commercial	P	P		P	1/300 office gfa	
Transportation Uses						
Bus Stop	P	P	P	P	N/A	
Helipad		S			5/helipad	
Transit Station, Public (multi-modal, public agency only)	P	P		P	Determined by operating agency	
Transportation Depot, Passenger (commercial)		S		S	Determined by SUP	
Industrial Uses						
Batching Plant, Temporary	P	P	P	P	1/1,000 gfa + 1/employee at maximum shift	
Breweries/Wineries/Distilleries	S	S		S	1/1,000 gfa + 1/employee at maximum shift 1/100 gfa for dining/tasting areas	Sec. 2.52(A)(35)
Laboratory, Analytical or Research (indoor)		S			1/1,000 gfa + 1/employee at maximum shift	

Warehouse, Office/Show room (indoors only)		S			1/300 office gfa + 1/1,000 remainder gfa	
Utility & Service Uses						
Antenna, Commercial	*	*	*	*	N/A	
Antenna, Private	P	P	P	P	N/A	
Electric Substation		S		S	1/employee at maximum shift	
Gas Regulating Station	S	S	S	S	1/employee at maximum shift	
Telecommunication Switching Station	S	S	S	S	1/employee at maximum shift	

Section 88

That Table 7-4, "Downtown District Land Use Matrix", of Section 7.11, "Building Standards", of Chapter 7, "Downtown District", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Table 7-4: Sub-District Building Types

	Sub-District			
Building Types	Downtown Historic	Uptown	InTown Residential	Suburban Corridor
Single-Family		X	X	
Townhouse	X	X		X
Mixed Residential	X	X		
Loft	X	X		X
Live/Work	X	X		X
Liner Building	X	X		

Mixed-Use	X	X		X
Commercial	X	X		X

“

Section 89

That Section 7.28, “Downtown Development Plan”, of Chapter 7, “Downtown District”, of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

“Section 7.28 Downtown Development Plan

. . .

(B) A Downtown Development Plan application shall include the following information and documents that demonstrate compliance with the Downtown district:

(1) Site layout plan

. . .”

Section 90

That Article 9, “Definitions”, of Chapter 7, “Downtown District”, of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

“Section 7.50 Definitions

The following definitions apply only within the Downtown District. Other definitions within this GDC shall govern when not in direct conflict with the terms below. If, however, there is a conflict the following definitions shall control within the Downtown District.

Access Drive. Any on-site drive or lane intended to accommodate motor vehicles or pedestrians.

Apartment. A multifamily structure containing three or more dwelling units located on a single lot and designed to be occupied by three or more families living independently of one another, excluding hotels or motels.

Awning. A roof-like cover supported from the exterior wall of a building, often of fabric, metal or glass, designed and intended to provide protection from the elements.

Block Face. One side of a street between two consecutive street intersections.

Building Facade, Primary. Any facade that faces a public street or open space.

Build-To Zone. The Build-To Zone establishes the minimum and maximum setback for a building facade from the curb line on private property.

Commercial Building. A building that contains nonresidential space/use, but no residential use.

Condominium, Residential. A building in which the space in each dwelling unit is owned individually, and all of the dwelling owners share in the ownership of the common areas, such as grounds and the building structures.

Director. The Planning Director, or designee.

Dismount Strip. A narrow width of paving between the back-of-curb of an on-street parking space and a planter or tree well. It enables passengers to more easily exit a parked vehicle and gain access to the sidewalk.

Downtown Development Plan. A plan that must be approved by the City prior to any improvements to a property with the Downtown (DT) district. An approved Downtown Development Plan is required prior to the issuance of site or building permits. (See Section 7.28 of this Chapter 7)

Duplex. A freestanding building on one lot, having separate accommodations for and occupied by not more than two families, one family in each living unit.

Entry, Primary. The main entry to a building or lease space on a block face. Such entries may also be located on a plaza or courtyard with direct access to the street.

Flex Space. Leasable space which has the necessary ceiling height and fire separation to accommodate retail and restaurant uses, though any allowed nonresidential use may occupy the space

until the retail market matures to a level that will cause the space to change to a retail or restaurant use.

Framework Plan. The Framework Plan (see Appendix A) adopted as part of this Chapter 7, and used as a guide for the application of these district regulations.

Frontage. Any portion of a lot that is immediately adjacent to a street. This does not include alleys.

Landmark Building. A building located on axis with a terminating street or public access drive or at the intersection of two or more streets. Such building shall incorporate architectural features that address height and articulation that emphasize the importance of such a location and shall be approved as part of the Downtown Development Plan.

Liner Building. A narrow building that lines the exterior of a parking garage structure adjacent to a street and sidewalk. It is generally thirty to sixty feet deep and occupied by any allowed use except parking.

Live/Work. Units containing both living quarters and a commercial space, such as retail, artist space or gallery, business or other professional office activities where the living and working areas shall each have a separate entry from a public walkway, and the residential component is located above the commercial use.

Loft. A flexible residential or commercial space characterized by higher than normal ceilings, open floor plans and, often, exposed duct work. Lofts may be found in Mixed Residential, Commercial and Mixed-Use buildings.

Masonry Material. See Chapter 6 of this GDC (Definitions).

Mixed Residential. A building containing a variety of residential unit sizes or types, such as studio, 1-, 2- or 3-bedroom apartments, condominiums or lofts.

Mixed-Use Building. A structure that combines residential and nonresidential uses in a single building.

Mullion. The vertical or horizontal divisions or joints between single windows in a multiple window unit.

Pedestrian Shed. A Pedestrian Shed is an area where the center

is an average one-quarter mile radius, about the distance of a five-minute walk at a leisurely pace.

Setback, Downtown. The area between the edge of the sidewalk and the building face under private ownership. In nonresidential adjacency, this area may include landscaping or outdoor seating and may be paved. In residential adjacency, the area will be landscaped and may include stoops, stairs and patios.

Stoop. A porch with steps that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

Streetscape. The urban design element that establishes the character for the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, sidewalks for pedestrians) as well as the visible private frontages (building facades and elevations, porches, setbacks, fences, awnings, etc.) and the amenities within the public frontages (street trees and plantings, benches, streetlights, bike facilities, other furnishings).

Studio Apartment. A small apartment usually consisting of one main area that combines the living and bedroom space, as well as a small kitchen/kitchenette and a bathroom.

Townhome. An attached dwelling unit, typically with a height of two or more stories, located on a separately platted lot, which shares at least one common wall with another such unit, typically grouped together in a cluster of 3 or more units.

Waiver to Design Standards, Major (Major Waiver). A change to or deviation from the standards of this District, as identified in the District regulations and requiring City Plan Commission recommendation and City Council approval.

Waiver to Design Standards, Minor (Minor Waiver). A change to the standards of this district that is not contrary to the stated goals and intent of the District as interpreted and authorized by the Director."

Section 91

That Garland Development Code for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and

except as amended by this Ordinance.

Section 92

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 93

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 94

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. b.

Meeting Date: 12/03/2019

Item Title: Consider an ordinance amending Chapter 34, "Planning", of the Code of Ordinances

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

An ordinance is proposed to repeal the majority of the content of Chapter 34, "Planning", of the Code of Ordinances. This chapter consists of regulations that have since been replaced with the adoption of the Garland Development Code in 2015. This item was approved during the public hearing on November 19, 2019 City Council meeting and the ordinance has been prepared for final approval.

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Chapter 34 Amendments

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 34, "PLANNING" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, TO HARMONIZE CHAPTER 34 WITH THE GARLAND DEVELOPMENT CODE; REPEALING MULTIPLE PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That the following Sections of Article I, "Tree Preservation", of Chapter 34, "Planning", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 34.02 "Definitions";
- b) Section 34.03 "Applicability";
- c) Section 34.04 "Submittal Requirements";
- d) Section 34.05 "Tree Preservation and Mitigation";
- e) Section 34.06 "Protection of Preserved Trees";
- f) Section 34.07 "Civil Penalties"; and
- g) Section 34.08 "Variances".

Section 2

That Article I, "Tree Preservation", of Chapter 34, "Planning", of the Code of Ordinances of the City of Garland, Texas, is hereby renamed as follows:

"Article I. General"

Section 3

That Section 34.01, "Purpose and Intent", of Article I,

"Tree Preservation", of Chapter 34, "Planning", of the Code of Ordinances of the City of Garland, Texas, is amended in its entirety to read as follows:

"Section 34.01 General

The provisions previously set forth in Chapter 34 of the Code of Ordinances of the City of Garland, Texas, are now codified in the Garland Development Code."

Section 4

That Article II, "Development Standards for SH 190, IH 30, and IH 635", of Chapter 34, "Planning", of the Code of Ordinances of the City of Garland, Texas, including each of the following sections, is hereby repealed:

- a) Section 34.15 "Corridor Boundaries";
- b) Section 34.16 "Definitions";
- c) Section 34.17 "Review and Appeals Process";
- d) Section 34.18 "Building Design";
- e) Section 34.19 "Building Placement";
- f) Section 34.20 "Screening and Landscaping";
- g) Section 34.21 "Signs";
- h) Section 34.22 "Glare and Illumination";
- i) Section 34.23 "Access, Parking and Circulation" (including Figures 2-10);
- j) Section 34.24 "Utilities (this section shall apply only to the SH 190 Corridor)";
- k) Section 34.25 "Watershed Management (this section shall apply only to the SH 190 Corridor)"; and
- l) Section 34.26 "Water Quality Protection".

Section 5

That Article III, "Multifamily Development Standards", of Chapter 34, "Planning", of the Code of Ordinances of the

City of Garland, Texas, including each of the following sections, is hereby repealed:

- a) Section 34.40 "Site Design";
- b) Section 34.41 "Screening and Landscaping"; and
- c) Section 34.42 "Signage".

Section 6

That Article IV, "Hotel and Motel Development Standards", of Chapter 34, "Planning", of the Code of Ordinances of the City of Garland, Texas, including each of the following sections, is hereby repealed:

- a) Section 34.43 "Site Design";
- b) Section 34.44 "Bed and Breakfast Accommodations";
- c) Section 34.45 "General Development Standards"; and
- d) Section 34.46 "Variance Procedure".

Section 7

That Article V, "Development Standards for Senior Living and Related Facilities", of Chapter 34, "Planning", of the Code of Ordinances of the City of Garland, Texas, including each of the following sections, is hereby repealed:

- a) Section 34.50 "Definitions";
- b) Section 34.51 "Site Design";
- c) Section 34.52 "Screening and Landscaping";
- d) Section 34.53 "Glare and Illumination";
- e) Section 34.54 "Signage";
- f) Section 34.55 "Support Services and Accessory Uses";
and
- g) Section 34.56 "Variances and Exceptions; Appeals".

Section 9

That Article VII, "Reasonable Accommodation from Zoning Ordinance Requirements", of Chapter 34, "Planning", of the Code of Ordinances of the City of Garland, Texas, including the following section, is hereby repealed:

- a) Section 34.60 "Procedure for Requesting Reasonable Accommodation from Requirements of the Zoning Ordinance by Persons with Disabilities".

Section 10

That Chapter 31 of the Code of Ordinances for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 11

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 12

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 13

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. c.

Meeting Date: 12/03/2019

Item Title: HC 19-01 Brian Cole Henson (District 2)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

A House Conversion (File HC 19-01) requested for 920 West Avenue D was approved with conditions by a seven (7) to two (2) vote during the November 19, 2019 City Council meeting. Staff has prepared the written order for final approval.

Recommendation/Action Requested and Justification

Consider approval of attached order.

Attachments

HC 19-01 Order

HC 19-01 Exhibit A

ZONING FILE NO. HC 19-01

BRIAN COLE HENSON,
Applicant,

§
§
§
§

CITY COUNCIL
CITY OF GARLAND, TEXAS

**ORDER FOR THE CONVERSION OF A RESIDENTIAL
BUILDING FOR A NONRESIDENTIAL USE**

WHEREAS, on **October 28, 2019**, the Plan Commission of the City of Garland, Texas held a public hearing on the above referenced application (“Application”) regarding the conversion of a residential building (the “Building”), one of two buildings located at 920 W. Avenue D, Garland, Dallas County, Texas (the “Premises”) to a nonresidential use, to wit, a church or place of worship for use in connection with a residentially-based ministry;

WHEREAS, after considering Applicant’s proposed plan, testimony, and facts presented before it, the Plan Commission found and recommended that the Application be granted, subject to certain conditions;

WHEREAS, Section 2.52 of the Garland Development Code (the “GDC”) states in relevant part, “A residential building may not be converted to a nonresidential use unless . . . the building and the lot on which the building is located conform to all applicable ordinances. If in complete conformance with all City Codes, the building may be approved for conversion. . .”;

WHEREAS, the Applicant stated and represented that the Premises will meet all technical requirements if the conversion is approved and thereafter be maintained in compliance with those requirements; and

WHEREAS, after considering the testimony of the witnesses, the written submissions contained in the record of this zoning file (including, without limitation, the proposed plan and other submissions from the Applicant), and all relevant facts, the City Council determines that the requested conversion and the recommendation of the Plan Commission be accepted, provided, that in order to accommodate the proposed use and to mitigate any negative effects from the conversion of the Building from a residential to a non-residential use it is appropriate to provide certain conditions on the conversion approval;

NOW, THEREFORE, IT IS ORDERED that the Application for the conversion of the Building for the stated nonresidential use as a church or place of worship be **GRANTED** subject to the following conditions, all of which shall be incorporated within the certificate of occupancy:

1. The conversion to allow for a nonresidential use as a church or place of worship applies only to the Building and not to accessory or secondary buildings located on the Premises,

which shall be used for the residential and residential accessory uses for which they were intended.

2. The only allowed use within the Building shall be a church or place of worship.
3. The Building shall not be used as a medical clinic, as defined by the GDC, for the practicing of medicine, as defined in the Texas Medical Practice Act, but may be used to provide STI testing, limited ultrasound, and other noninvasive procedures that do not require the presence of a licensed physician or surgeon.
4. The Building is intended to be used for non-residential purposes. No permanent or temporary resident, employee, volunteer, patron, guest, or relative of any person residing in the rectory (parsonage) located on the Premises, may stay overnight within any portion of the Building.
5. Only one employee, including the immediate family of the employee, of the church or place of worship may reside in the rectory (parsonage) located on the Premises.
6. To protect the residential character of the neighborhood and provide for safe and efficient circulation of pedestrian and vehicular traffic there shall be no off-site parking on public streets for employees, volunteers, patrons, or guests of the church or place of worship. Off-site parking on private property pursuant to a license agreement with the owner of the off-site property is permitted. In no event shall the occupancy exceed the limits of the occupancy class of the Building as provided in the building and fire codes.
7. Driveways and parking spaces shall be installed and maintained in conformance with all applicable provisions of the GDC, the Code of Ordinances, and state and federal law, including any applicable ADA provisions.
8. The Premises shall have a minimum of six on-site parking spaces. The parking spaces and driveway shall be constructed of concrete and shall be installed and maintained in conformance with the GDC and the City's Technical Standards.
9. If required by the GDC, parking shall be screened from abutting public streets (not including alleys) in conformance with all applicable provisions of the GDC.

10. This conversion approval is based upon the layout of the Building as submitted by the Applicant and depicted in Exhibit A attached hereto and incorporated herein. No substantial modifications of that layout (such that would unduly impair the re-conversion of the Building to residential uses) are allowed.
11. The Applicant has represented that revenues for the church or place of worship shall consist of donations. No commercial operations shall be conducted on the Premises.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

APPLICABLE REQUIREMENTS
FROM GARLAND DEVELOPMENT CODE

PROPOSED USE CHANGE (HOUSE CONVERSION)
FROM RESIDENCE TO A PLACE OF WORSHIP
WITHIN EXISTING ZONING DISTRICT SF-7

Definition: a building that is designed and used for the *regular assembly of religious worship*, along with *customary accessory activities* and that is tax exempt as defined by state law.

Applicability: Allowable by right in SF-7 per GDC Land Use Matrix (Section 2.51)

Special Requirements per Section 2.52(29): Any religious accessory activities and services (including, but not limited to, meal service, charitable food and goods distribution, recreational and entertainment functions, retail sales, and residential quarters) must be *oriented toward the primary nonprofit mission* of the establishment and may not be for profit. Residential uses are limited to a rectory or parsonage *residence for ministers*, priests, nuns, or rabbis on the premises, which may not be sold or rented out to any entity who is not directly employed by the establishment, and that are allowed as an accessory use or structure on the same premises.

Certificate of Occupancy: Required per Division 5 Section 4.14(B)(3-4). Occupancy change in an existing structure only requires Building Inspection Department approval per Section 4.15(2).

Parking: 6 total spaces provided on site: 2 spaces for Rectory and 4 spaces for the Place of Worship (16 seats as prescribed in GDC Land Use Matrix at 1 space per 4 seats required). Note that the number of seats is based on the maximum seat capacity of the assembly space within the existing structure.

Parking/Paving: To be designed as prescribed on GarlandTX.gov, per city standards.

Screening & Landscaping: All landscaping is existing to remain. Per Section 4.29, church sites are exempt from all provisions of Section 4.39 (Perimeter Screening between Nonresidential, Multifamily, Single-Family Attached Developments & Residential Development) except standards for parking areas, landscaping, and related screening apply.

Material Calculation: Approx. 3,500 SF of Wood Siding and 1,000 SF of Windows (Existing)

Traffic Impact & Eng. Drawings: Not required

APPLICABLE REQUIREMENTS
FROM IBC 2015

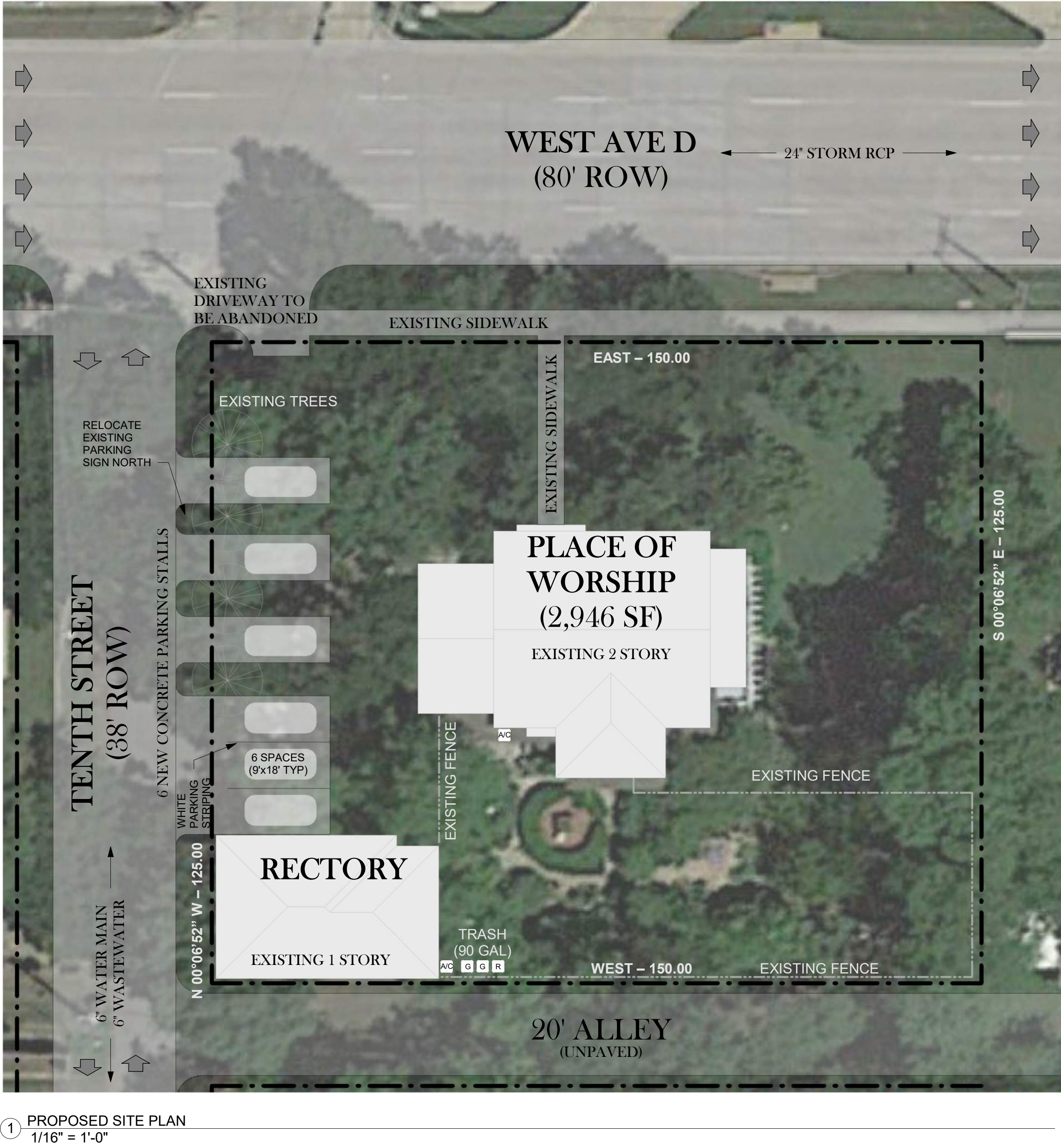
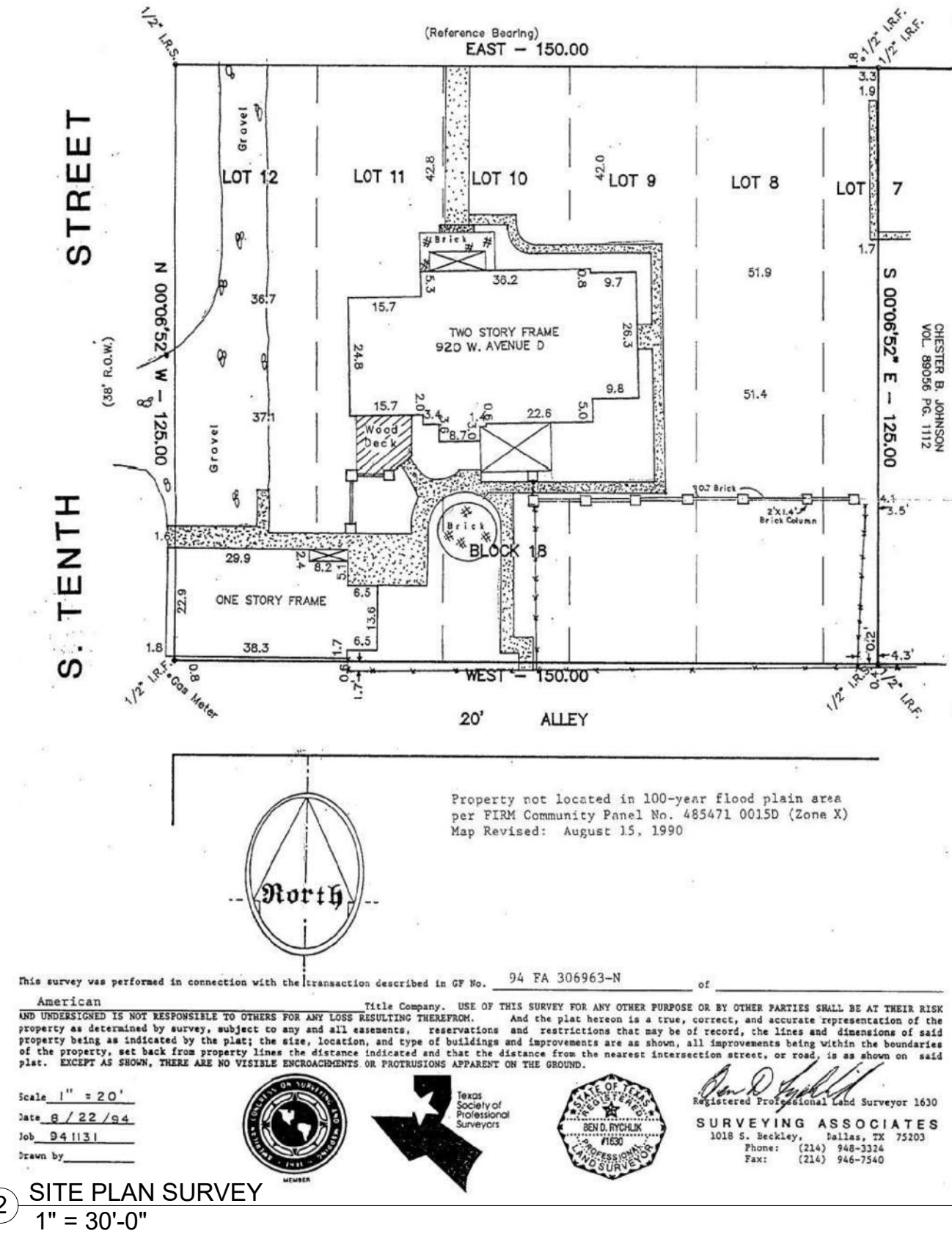
Occupancy Type: Per Section 303.1.1 A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be classified as a Group B occupancy.

Occupancy Load: 49 persons maximum (per Section 303.1.1 and 1006.2.1). Existing structure is 2,946 sf, therefore at 1/100 gsf for Group B, total occupant load is less than 50 persons.

Posting of Occupant Load: to be provided near main exit per Section 1004.3.

Exiting & Egress: The existing structure provides multiple exits, however, areas serving less than 50 persons require only 1 exit per 1006.3.2. Exit signage is not required per Section 1013.1(1&2). Per Section 1006.2.2.4, no room or space will accommodate more than 9 children under the age of 30 months unless 2 existing exits are provided in the space. Maximum common path of egress travel distance is 75 ft per 1006.2.1.

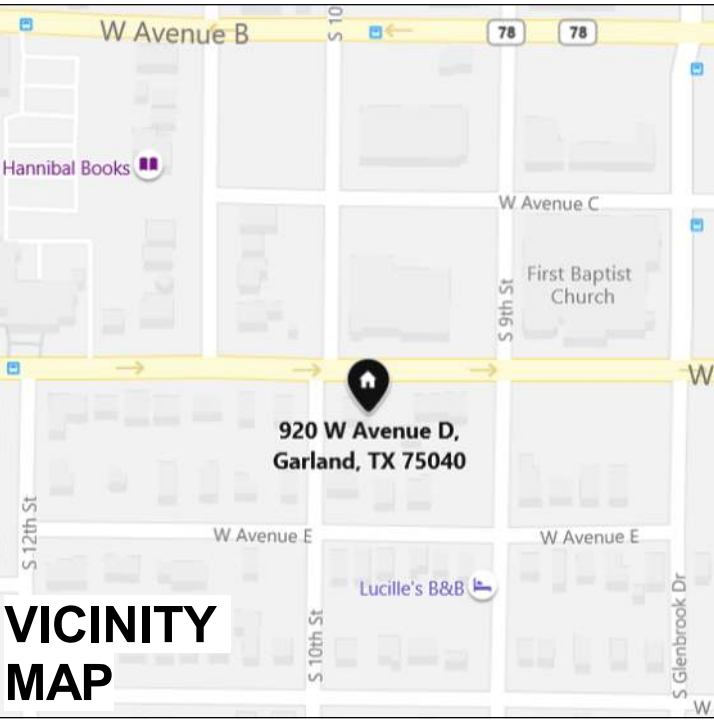
Accessibility: Accessible means of egress are not required to be provided in existing buildings per Section 1009.1(1). Compliance with Texas Accessibility Standards is not required for existing buildings that remain unaltered per TAS 201.1.



**SHILOH
PREGNANCY
CARE**

**A Ministry of
Living Hope Solutions**

A01



PRE-SUBMITTAL # 190730-1	
PROJECT TITLE:	SHILOH PREGNANCY CARE
DATE:	SUBMITTED: 08/12/19; REV #1: 09/02/19; REV #2: 10/07/19; REV#3: 10/17/19
PROJECT ADDRESS:	920 W AVE D, GARLAND TX 75040
EXISTING ZONING:	SF-7 (SINGLE FAMILY 7)
PROPOSED USE:	PLACE OF WORSHIP
OWNER (APPLICANT):	BRIAN COLE HENSON
PLAN PREPARER:	BRIAN COLE HENSON, ARCHITECT
COMPANY NAME:	SHILOH PREGNANCY CARE
ADDRESS/PHONE:	940-867-7488 (ADDRESS SAME)



NORTH (FRONT)
ELEVATION



EAST (SIDE)
ELEVATION



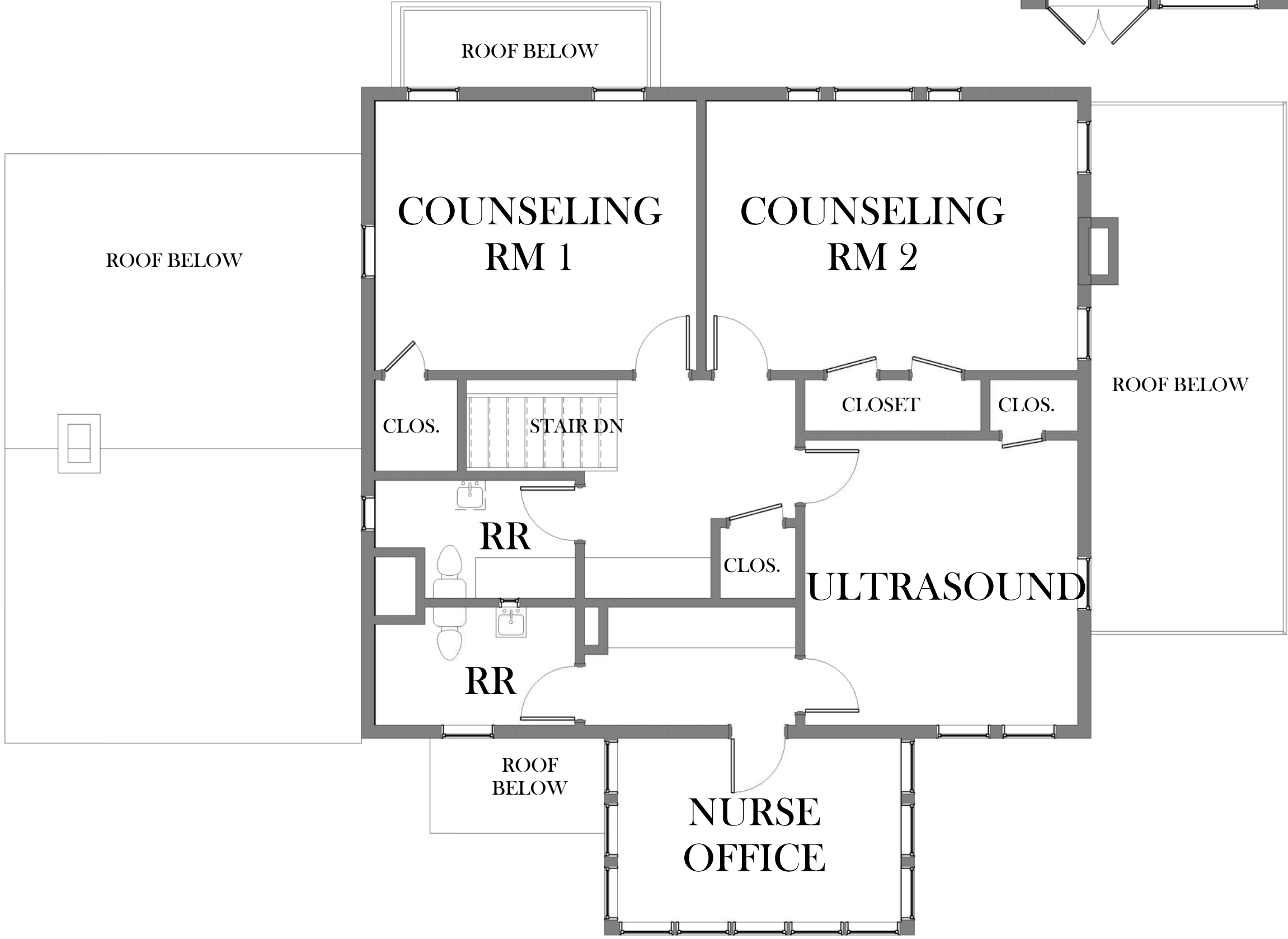
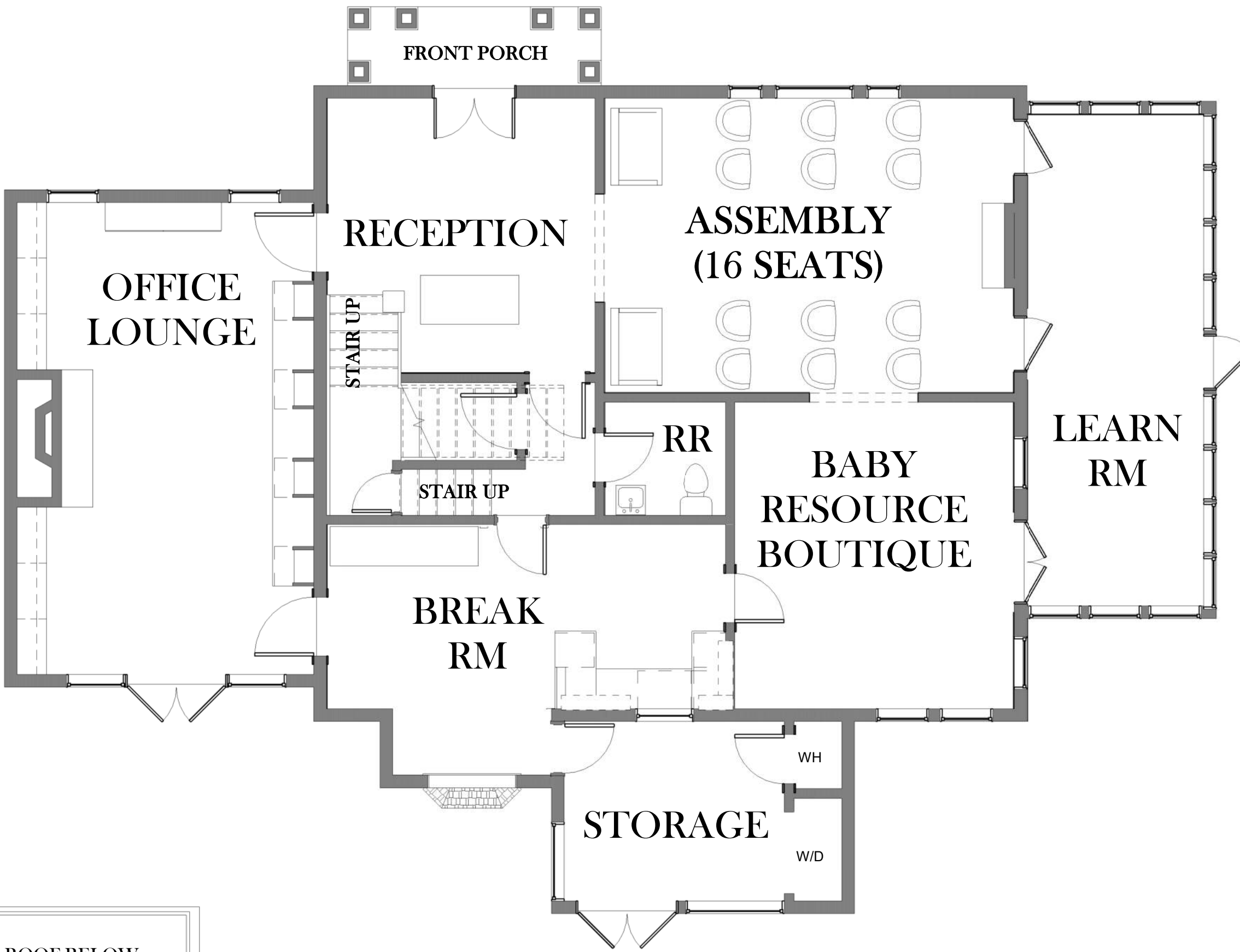
WEST (SIDE)
ELEVATION



SOUTH (REAR)
ELEVATION

PROPOSED USE
PLACE OF WORSHIP
16 SEATS
(LESS THAN 50 PERSONS)

PROPOSED
FIRST FLOOR



PROPOSED
SECOND FLOOR

PROPOSED
RECTORY

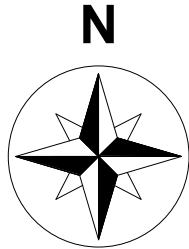
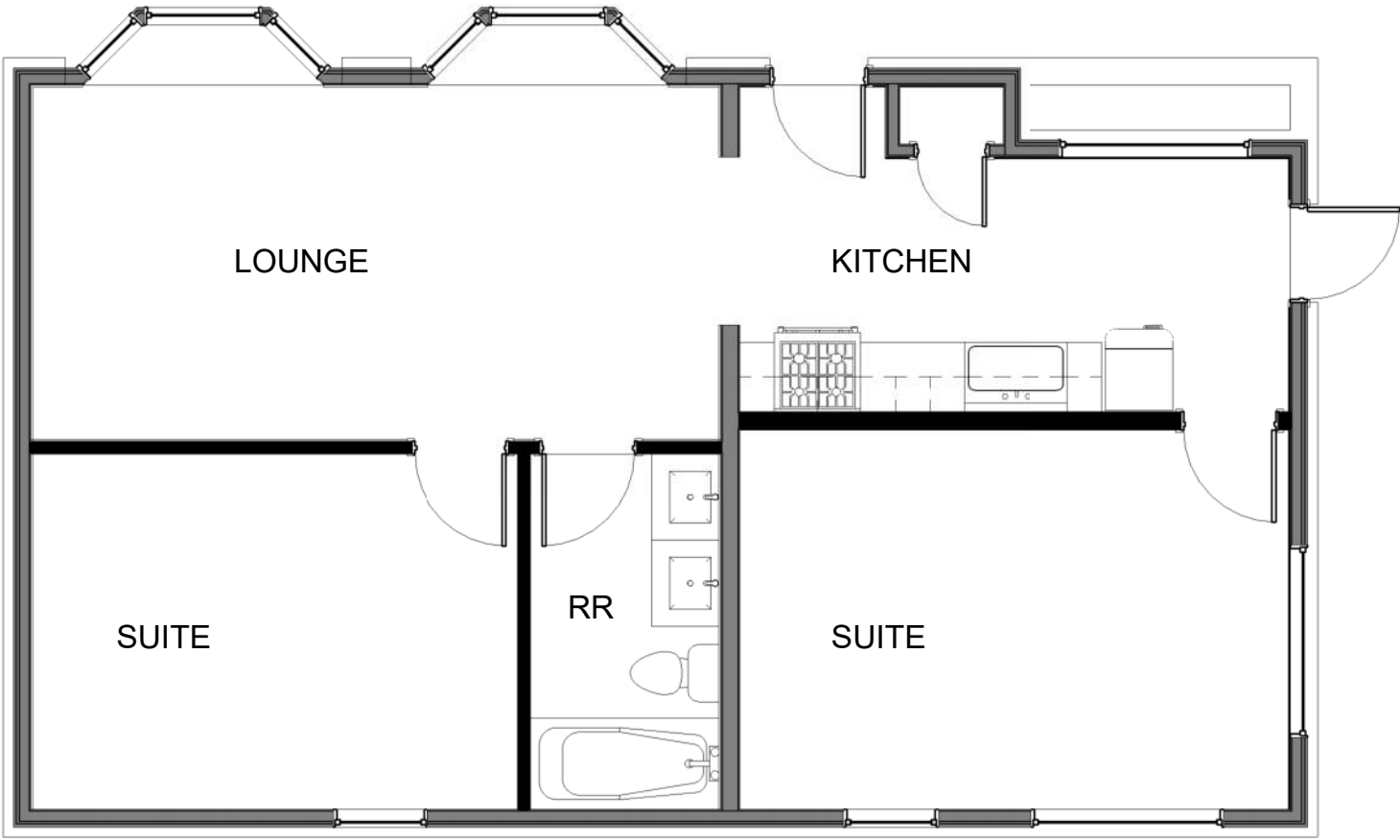


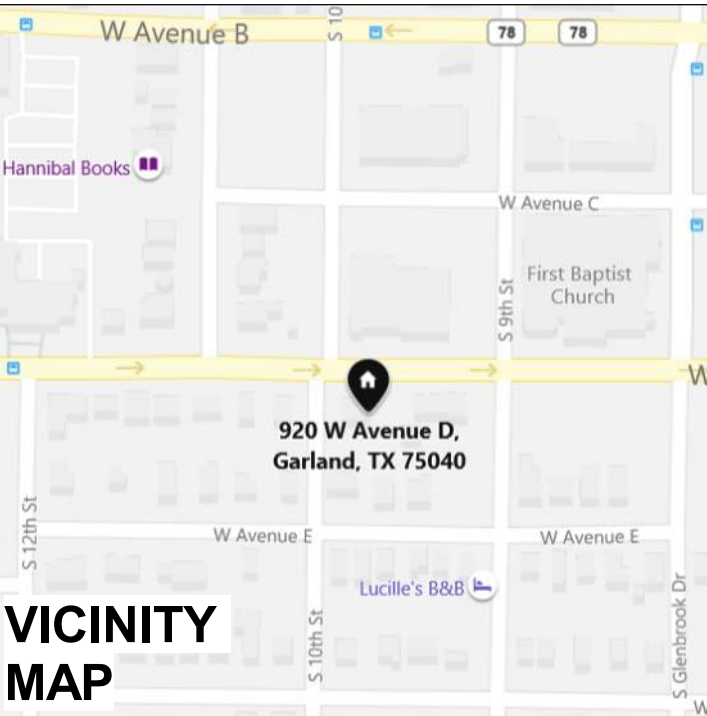
EXHIBIT A



**SHILOH
PREGNANCY
CARE**

**A Ministry of
Living Hope Solutions**

A02



**PRE-SUBMITTAL #
190730-1**

PROJECT TITLE:	SHILOH PREGNANCY CARE
DATE:	SUBMITTED: 08/12/19; REV #1: 09/02/19; REV #2: 10/07/19; REV#3: 10/17/19
PROJECT ADDRESS:	920 W AVE D, GARLAND TX 75040
EXISTING ZONING:	SF-7 (SINGLE FAMILY 7)
PROPOSED USE:	PLACE OF WORSHIP
OWNER (APPLICANT):	BRIAN COLE HENSON
PLAN PREPARER:	BRIAN COLE HENSON, ARCHITECT
COMPANY NAME:	SHILOH PREGNANCY CARE
ADDRESS/PHONE:	940-867-7488 (ADDRESS SAME)



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 12/03/2019

Item Title: Consider an Ordinance Scheduling the First Regular Meeting in November

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

At its November 18, 2019 Work Session, the City Council considered a report from the Administrative Services Committee. One of the recommendations brought forward by the Committee was the permanent rescheduling of the first regular meeting in November of each year in order to avoid conflicts between that meeting and election day. By adopting an ordinance to that effect, the default setting for the first Regular Meeting in November will be established as the first Monday of November rather than the first Tuesday. If future councils decided that setting is not appropriate for a given year or meeting, the date of that first meeting may be re-set by resolution as is done for other rescheduled meetings.

Recommendation/Action Requested and Justification

Council is requested to approve an ordinance implementing the scheduling change as described above by amending Sec. 10.14(A) of the Code of Ordinances.

Attachments

Ordinance amending first meeting date November

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10, "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 10.14(A) of Chapter 10, "Administration" of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a to read as follows:

"Sec. 10.14 Time and place of regular Council meeting

(A) Unless otherwise established by resolution or ordinance, pursuant to article 3, section 8 of the Charter, the City Council shall conduct a regular meeting on the first and third Tuesdays of each month, beginning at 7:00 p.m. at City Hall provided that the first meeting of November shall be held on the first Monday of November."

Section 2

That Chapter 10, "Administration" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 3

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 4

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

5.

Meeting Date: 12/03/2019

Item Title: Weaver Elementary Parking Ordinance

Submitted By: Paul Luedtke, Transportation Director

Summary of Request/Problem

At the November 18, 2019 work session, staff brought additional recommendations regarding the parking restrictions at Weaver Elementary.

Recommendation/Action Requested and Justification

Council is requesting to approve by resolution the parking restrictions at Weaver Elementary.

Attachments

Weaver Ordinance

Weaver Elementary Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 33, TRANSPORTATION, OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS RELATING TO LOADING ZONES; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Section 33.52(A) of Chapter 33, "Transportation", of the Code of Ordinances, City of Garland, Texas, is hereby amended by the addition of the following:

<u>Street</u>	<u>Extent</u>	<u>Side</u>
Mars Drive	Pleasant Valley Road to 320 feet of Pleasant Valley Road	East

Section 2

That Section 33.46(C) of Chapter 33, "Transportation", of the Code of Ordinances, City of Garland, Texas, is hereby amended by the deletion of the following and denoting the street/extent/side as "Reserved":

<u>Street</u>	<u>Extent</u>	<u>Side</u>
Mars Drive	Pleasant Valley Road to 240ft north of Pleasant Valley Road	East

Section 3

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 3

That Chapter 33, ATransportation@, of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the ____th day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED:





**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

6.

Meeting Date: 12/03/2019

Item Title: Funding Agreement with NCTCOG for Shiloh Road

Submitted By: Paul Luedtke, Transportation Director

Summary of Request/Problem

The City of Garland has previously been awarded \$12.5 million for funding through the Regional Transportation Coalition (RTC) for the reconstruction and widening of Shiloh Road between Kinglsey Road and Miller Road. The RTC has granted an additional \$6.25 million for this project to the City of Garland for construction of this project. In order to accept the additional funding and have it programmed by the NCTCOG, the City of Garland and the NCTCOG must enter into a funding agreement.

Recommendation/Action Requested and Justification

Authorize the City Manager to enter into the agreement with the NCTCOG.

Attachments

NCTCOG Agreement

**AGREEMENT FOR AWARD OF TRANSPORTATION DEVELOPMENT CREDITS
BETWEEN
THE REGIONAL TRANSPORTATION COUNCIL
AND
The City of Garland**

This Agreement is entered into by and between the Regional Transportation Council (RTC), acting in its capacity as policy body for the Metropolitan Planning Organization (MPO), and the City of Garland. The purpose of this Agreement is to outline the roles and responsibilities of each party with respect to Transportation Development Credits (TDC) awarded for purposes of the Shiloh Road from Kingsley Road to Miller Road project.

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the MPO for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the RTC, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions; and,

WHEREAS, 23 U.S.C. §120 permits a state to use certain toll revenue expenditures, TDCs, formerly called toll credits, as a credit toward the non-Federal share of all programs authorized by Title 23, with the exception of emergency relief programs, and for transit programs authorized by Title 49, Chapter 53; and,

WHEREAS, 43 Tex. Admin. Code §5.106 authorizes an MPO to award TDCs allocated to it by the State and 43 Tex. Admin. Code §5.110 requires an agreement be entered into between the MPO and entity awarded TDCs prior to and in order for those credits to be used; and,

WHEREAS, on December 13, 2018 and October 10, 2019, the RTC awarded a total of 3,750,000 TDCs to the City of Garland for improvements to Shiloh Road from Kingsley Road to Miller Road, consisting of widening the facility from four to six lanes with sidewalks; and,

WHEREAS, the City of Garland desires to use the TDCs awarded to it in lieu of the required local cash match for the federally funded transportation project listed above.

NOW, THEREFORE, in consideration of these premises and of the mutual covenants contained herein, NCTCOG and the City of Garland agree as follows:

AGREEMENT

1. RTC has awarded 3,750,000 TDCs to the City of Garland for use as described herein.
2. The City of Garland agrees to utilize the TDCs for the project identified and described herein as match to certain federal grant funds totaling approximately \$18,750,000.
3. Any unused TDCs shall be reallocated to other projects as solely determined by the RTC.
4. The City of Garland will be required to execute a separate funding agreement with a party other than RTC and/or NCTCOG for the federal grant funds referenced above.

5. Neither Party may assign this Agreement in whole or in part, without first obtaining the written consent of the other Party.
6. In the event any one or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as near as possible the original intent of the Parties.
7. The Parties shall negotiate in good faith toward resolving any disputes that arise under this Agreement, which shall be construed and enforced in accordance with the laws of the State of Texas. Venue for any action under this Agreement shall lie exclusively in Tarrant County, Texas.
8. This Agreement constitutes the entire agreement of the Parties with respect to the matters contemplated herein and supersedes all prior understandings and agreements regarding such subject matter. This Agreement may be modified or amended only in writing, signed by all Parties hereto.
9. The effective date of this Agreement is the date of last signature by the parties hereto.

Signed and Duly Executed by the Parties Below:

Bryan Bradford
City Manager
City of Garland

Date

Michael Morris, P.E.
Staff Director
Regional Transportation Council

Date



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

7.

Meeting Date: 12/03/2019

Item Title: Approval of Fall 2019 Neighborhood Vitality Matching Grant Submissions

Submitted By: Scott Bollinger, Neighborhood Resource Manager

Summary of Request/Problem

City Council was briefed at the November 18 Work Session regarding the 2019 Fall Cycle Neighborhood Vitality Matching Grant applications, which were approved for consideration by the Community Services Committee.

Recommendation/Action Requested and Justification

Approve the applications of Hills at Firewheel and Spring Creek Estates via minute action.

Attachments

NVMG Fall 2019 Policy Report

NVMG Fall 2019 Project Summaries



Meeting: Work Session

Date: December 3, 2019

Policy Report

NEIGHBORHOOD VITALITY MATCHING GRANT

ISSUE

Review Neighborhood Vitality Matching Grant applications.

OPTIONS

1. Approve applications as submitted
2. Approve applications with modifications
3. Deny approval of applications

RECOMMENDATION

The City Council was briefed on the 2019 Fall Cycle Neighborhood Vitality Matching Grant Program applications and recommends approval for Hills at Firewheel and Spring Creek Estates as submitted via minute action.

COUNCIL GOAL

Safe, Family-Friendly Neighborhoods

BACKGROUND

Proposition 6 was approved by Garland voters in May 2004 and included \$5,000,000 for the Neighborhood Vitality Matching Grant Program. Council has previously indicated that funds would be made available annually for neighborhood improvement projects. Preliminary bids obtained by the applicants total up to \$67,772.00.

CONSIDERATION

1. According to the program guidelines, approximately \$500,000 will be available annually for the grant program. These funds will be appropriated as part of the annual Capital Improvement Program for approved Neighborhood Vitality projects.

2. Staff has reviewed the applications to ensure compliance with the program guidelines. Issues identified during the review process are indicated on the project summary sheets.

ATTACHMENT(S)

Project Summaries

Submitted By:

Scott Bollinger
Neighborhood Resources Administrator

Approved By:

Becky King
Managing Director

Date: December 3, 2019

Date: December 3, 2019



NEIGHBORHOOD VITALITY MATCHING GRANT PROJECT SUMMARY

Neighborhood Association: Hills at Firewheel Neighborhood Association

Project Name: Neighborhood Entry Monument Sign

Project Location: Northwest corner of W Campbell Road and Blackwood Drive

City Council District 1 – Fall 2019 Cycle

Total Project Cost:	\$26,362.00
Requesting Amount:	\$21,090.00
Neighborhood Match:	\$5,272.00
Match %:	20%

Project Summary:

- Improve the neighborhood entrance sign at this location.
- Copy what has been installed at the Northeast and Southeast corner of N Garland Avenue and Sagebrush Trail within the neighborhood boundary.
- Remove current wood fencing and replace with new masonry monument sign. Build an additional stone column on right side, incorporate river rock around sign and add LED lights.





NEIGHBORHOOD VITALITY MATCHING GRANT PROJECT SUMMARY

Neighborhood Association: Spring Creek Estates Neighborhood Association

Project Name: Neighborhood Playground

Project Location: 6718 Rutledge Road

City Council District 1 – Fall 2019 Cycle

Total Project Cost:	\$41,360.00
Requesting Amount:	\$33,088.00
Neighborhood Match:	\$8,272.00
Match %:	20%

Project Summary:

- Install a playground & fence at this location. Playground will have 1 half ADA ramp, 2 benches and 2 trash receptacles. Fence will be wrought iron railings.
- Neighborhood does not currently have a playground within walking distance.
- Proposed surface area is 582 square feet with an 87' perimeter.



SKU: APS113316

•Ages: 2-12 years •Structure Size: 12' 2" x 16' 0"
•Capacity: 35-45 kids •Use Zone: 24' 2" x 28' 0"
•Total # Activities: 9 •Fall Height: 72"

ADA	Elevated	Accessible by Transfer	Ground	Type
	7	6	2	3





NEIGHBORHOOD VITALITY MATCHING GRANT PROJECT SUMMARY

Neighborhood Association: Spring Park Neighborhood Association

Project Name: Band Field Playground Replacement

Project Location: South of Springpark Way, end of cul-de-sac off Jonandrea Lane & Kristin Court

City Council District 1 – Fall 2019 Cycle

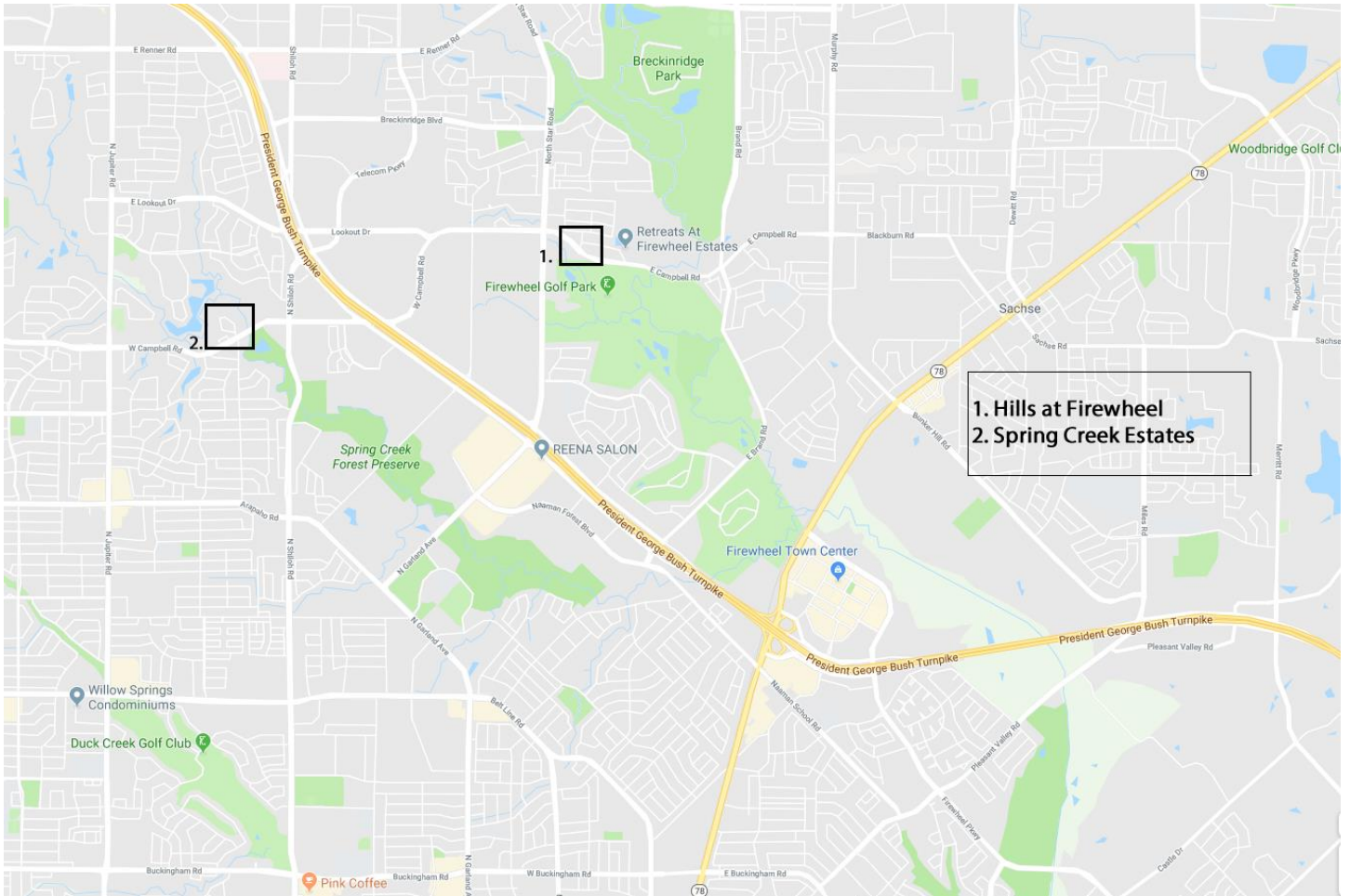
Total Project Cost:	\$30,000-\$40,000
Requesting Amount:	\$23,000-\$32,000
Neighborhood Match:	\$6,000-\$8,000
Match %:	20%

Project Summary:

- Replace current playground with new upgraded playground
- Playground will be installed in same general area as current



Office of Neighborhood Vitality Matching Grant Fall 2019 Cycle



NEIGHBORHOOD VITALITY MATCHING GRANT

PROJECT SUMMARY

Neighborhood Association: Hills at Firewheel Neighborhood Association

Project Name: Neighborhood Entry Monument Sign

Project Location: Northwest corner of W Campbell Road and Blackwood Drive

City Council District 1 – Fall 2019 Cycle

Total Project Cost:	\$26,362.00
Requesting Amount:	\$21,090.00
Neighborhood Match:	\$5,272.00
Match %:	20%

Project Summary:

- Improve the neighborhood entrance sign at this location.
- Duplicate what has been installed at the Northeast and Southeast corner of N Garland Avenue and Sagebrush Trail within the neighborhood boundary.
- Remove current wood fencing and replace with new masonry monument sign. Build an additional stone column on right side, incorporate river rock around sign and add LED lights.





NEIGHBORHOOD VITALITY MATCHING GRANT PROJECT SUMMARY

Neighborhood Association: Spring Creek Estates Neighborhood Association

Project Name: Neighborhood Playground

Project Location: 6718 Rutledge Road

City Council District 1 – Fall 2019 Cycle

Total Project Cost:	\$41,360.00
Requesting Amount:	\$33,088.00
Neighborhood Match:	\$8,272.00
Match %:	20%

Project Summary:

- Install a playground & fence at this location. Playground will have 1 half ADA ramp, 2 benches and 2 trash receptacles. Fence will be wrought iron railings.
- Neighborhood does not currently have a playground within walking distance.
- Proposed surface area is 582 square feet with an 87' perimeter.



SKU: APS113316

•Ages: 2-12 years •Structure Size: 12' 2" x 16' 0"
•Capacity: 35-45 kids •Use Zone: 24' 2" x 28' 0"
•Total # Activities: 9 •Fall Height: 72"



ADA	Elevated	Accessible by Transfer	Ground	Type
	7	6	2	3





GARLAND PLANNING REPORT

City Council Regular Session Agenda

8. a.

Meeting Date: 12/03/2019

Item Title: BW 19-02 Jonathan Alvarez (District 8)

Submitted By: Will Guerin, Planning Director

REQUEST

Variance to reduce the minimum separation requirement between an establishment that sells or serves alcoholic beverages and a school.

OWNER

Thanh Nguyen

BACKGROUND

Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code (GDC) states that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet of a church, public school or public hospital. However, Section 2.55(C) allows for a variance process through the City Council. The applicant, who represents an existing restaurant [Mi Pueblito Colombiano] located at 2030 W. Buckingham Road, requests a variance to allow the serving of alcoholic beverages. There is an existing public school [North Garland High School] north of the subject property, across Buckingham Road, approximately 110 feet away. In order to receive permits through the Texas Alcoholic Beverage Commission (TABC), the City of Garland must first give approval.

SITE DATA

The subject property contains 0.563 acres and fronts approximately 134 feet along Buckingham Road. The subject property is zoned Community Retail (CR) District.

CONSIDERATIONS

1. There is an existing restaurant, Mi Pueblito Colombiano, on the subject property. The applicant wishes to begin serving alcoholic beverages at the restaurant. The applicant is in the process of applying for a permit with the Texas Alcoholic Beverage Commission (TABC).
2. As mentioned above, Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code (GDC) states that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet to a church, public school or public hospital. There is an existing public school [North Garland High School] less than 300 feet from the subject

property. Per the GDC guidelines, the measurement between public schools and alcohol-selling establishments is in a direct line from property line to property line; the subject property and the North Garland High School property are approximately 110 feet apart.

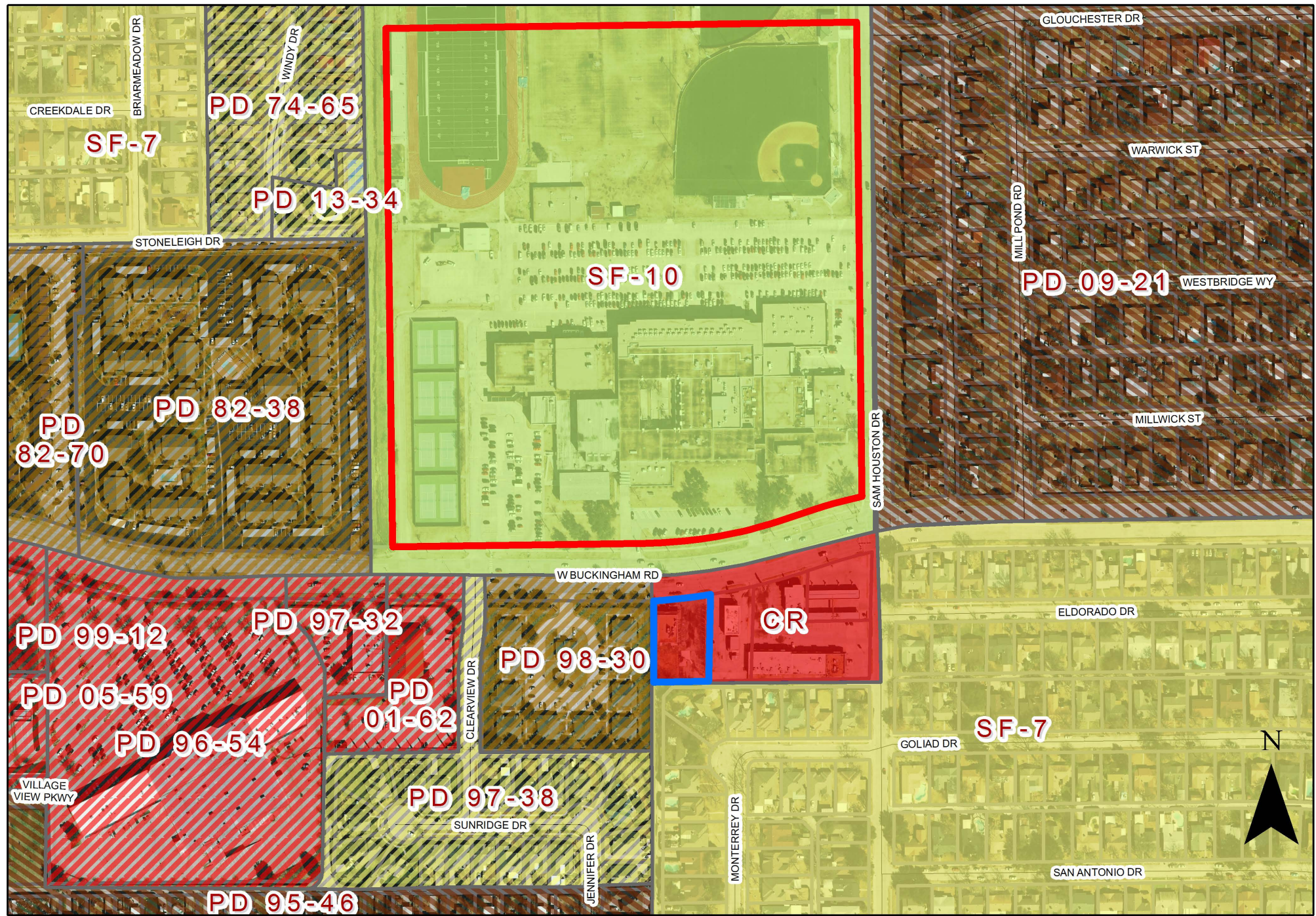
3. Chapter 2, Article 5, Section 2.55(C) of the Garland Development Code (GDC) states that “The City Council may grant a variance to the distance regulations provided by this Section if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.”

Attachments

BW 19-02 Location Map

BW 19-02 Responses

BW 19-02 Staff Presentation



We did not receive any responses for this case.

BW 19-02

Approval of a variance to Section 2.55 of the Garland Development Code regarding the distance to a church, public school, or public hospital from an establishment that sells or serves alcoholic beverages.

**City Council Meeting
December 3, 2019**



GARLAND

TEXAS MADE HERE



Case Information

Location: 2030 W. Buckingham Road

Applicant: Jonathan Alvarez

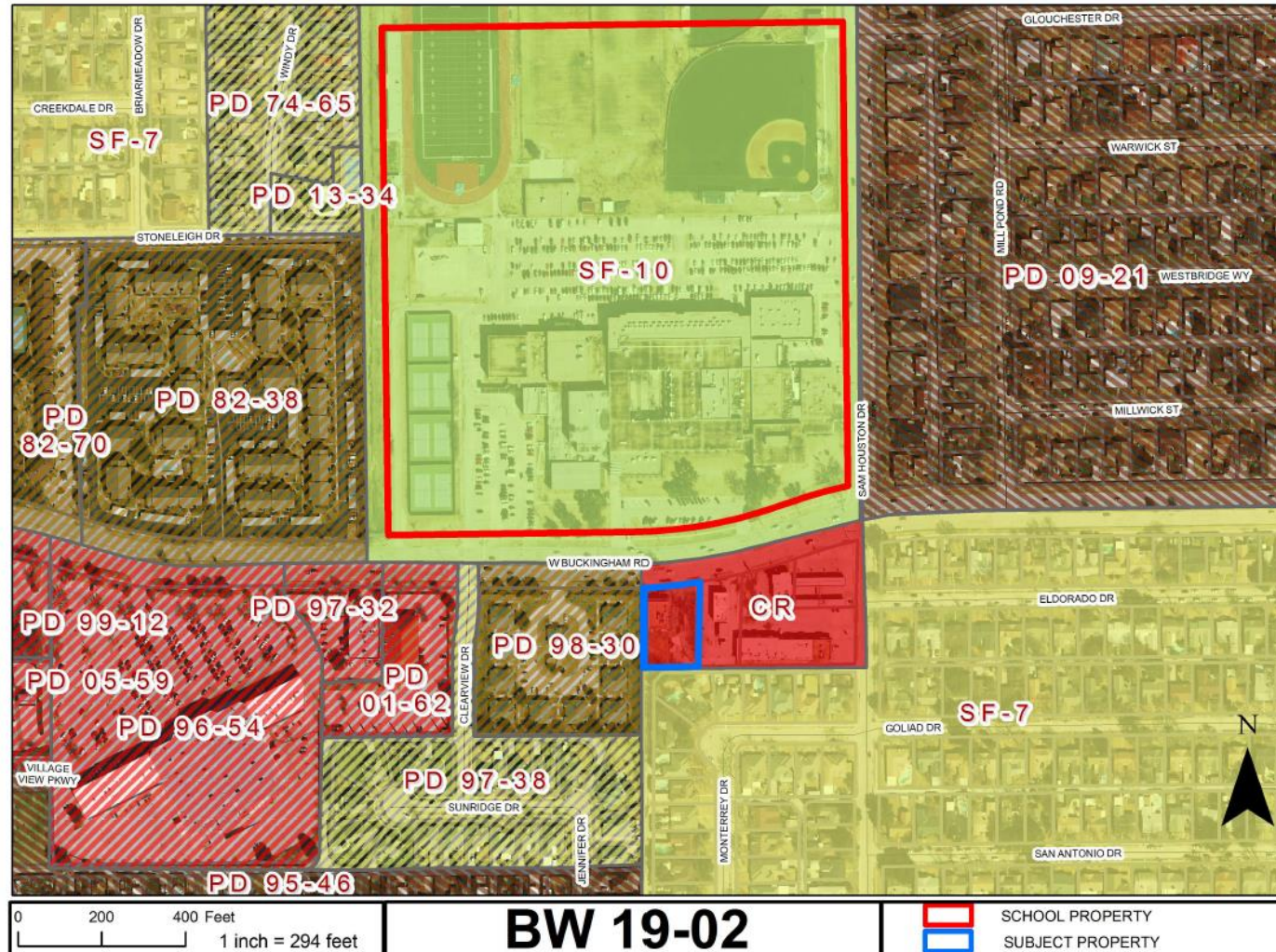
Owner: Thanh Nguyen

Zoning: Community Retail (CR) District



GARLAND
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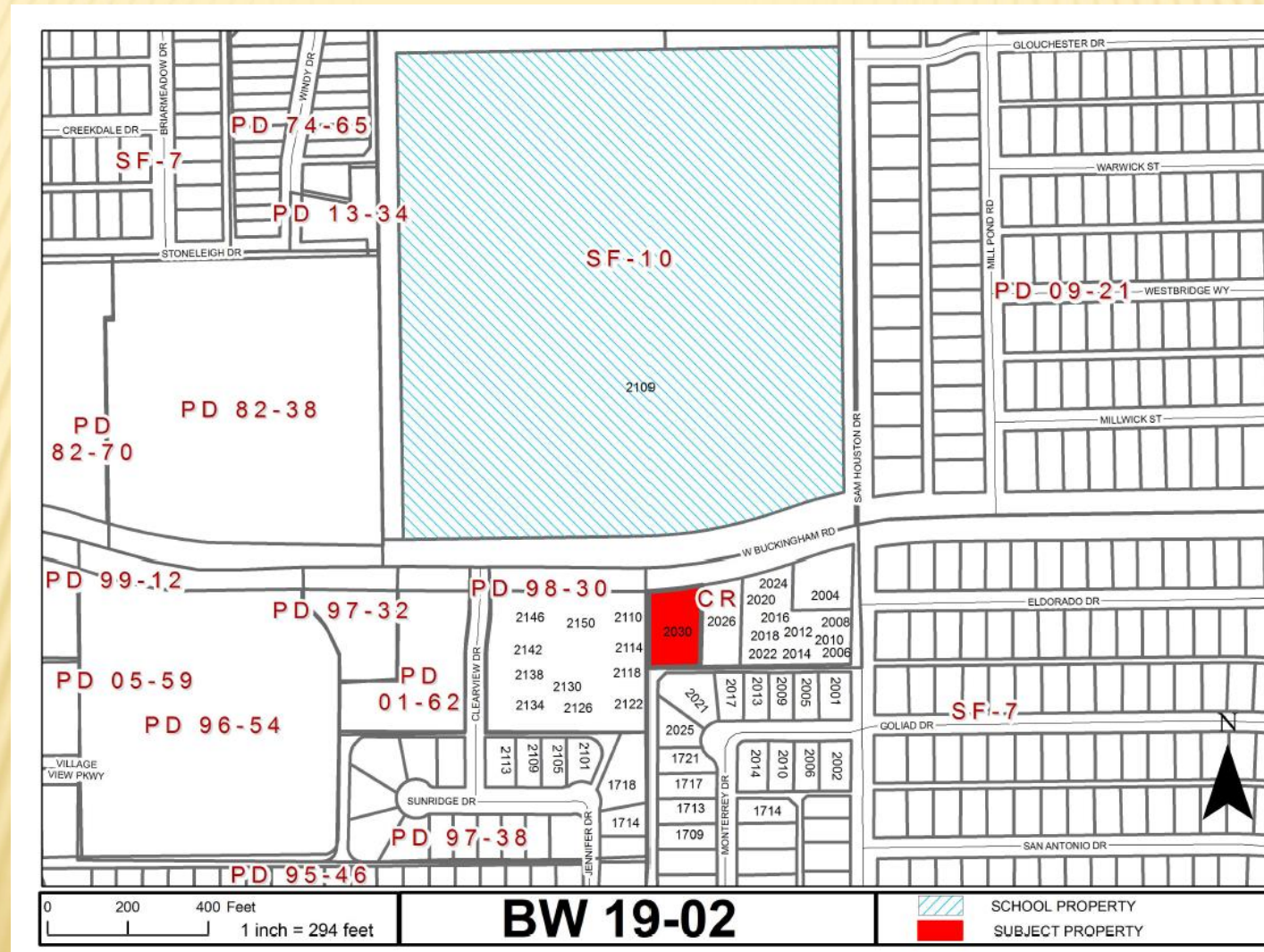
Location Map



BW 19-02



Location Map



BW 19-02



GARLAND PLANNING REPORT

City Council Regular Session Agenda

8. b.

Meeting Date: 12/03/2019

Item Title: Z 19-03 Environmental Reconstruction Services, Inc. (District 4)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of 1) an amended Detail Plan and 2) an amended Specific Use Provision (SUP) for Fuel Pumps, Retail on a property zoned Planned Development (PD) District 83-32 for Community Retail Uses.

OWNER

First Minit Markit, Inc.

PLAN COMMISSION RECOMMENDATION

On November 11, 2019 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of 1) an amended Detail Plan and 2) an amended Specific Use Provision (SUP) for Fuel Pumps, Retail on a property zoned Planned Development (PD) District 83-32 for Community Retail Uses for a period of twenty (20) years.

STAFF RECOMMENDATION

Approval of the request as presented by the applicant.

BACKGROUND

The subject property is zoned Planned Development (PD) District 83-32 which stipulates that prior to the development of the subject property, approval of a Detail Plan is required through a public hearing process. Additionally, the approval of PD 83-32 included a Specific Use Provision for gasoline sales (gas pumps). A portion of the site has been developed with in-line shops and a canopy with two fuel pumps. A convenience store use was established with the PD 83-32 zoning and is located within an existing in-line shops building. The applicant makes the above request to add two fuel pumps and expand the size of the canopy for the existing gas station.

SITE DATA

The overall subject property has an area of 2.88 acres. The developed portion of the site with the inline-shops and fuel canopy has an area of 1.16 acres with approximately 185 lineal feet of frontage along Oates Drive, and 273 lineal feet of frontage along Duck Creek Drive.

USE OF PROPERTY UNDER CURRENT ZONING

Planned Development (PD) District 82-32 allows those uses as permitted in the Community Retail (CR) District where Fuel Pumps, Retail is only permitted with approval of a Specific Use Provision.

CONSIDERATIONS

Detail Plan

1. Site Plan: The proposed fuel island canopy would consist of a 2,400 square foot structure over four (4) fuel dispensing stations. The existing fuel island canopy is approximately 800 square feet over two (2) fuel dispensing stations. No other changes are proposed to the site.
2. Parking: There are fifty-one parking spaces existing on the site. The additional two (2) fuel pumps and canopy do not result in the need to add parking spaces to the site because the Garland Development Code does not require parking for fuel pumps. Therefore, no new parking areas will be constructed.
3. Screening and Landscaping: The proposal does not trigger Garland Development Code (GDC) requirements for landscaping or screening improvements.
4. Elevations. The proposal does not trigger GDC requirements for building design improvements. The proposed canopy elevations comply with the GDC standards for canopy structures.
5. Signs: Any signage will be subject to the standards set forth in Chapter 4, Article 5 of the GDC. The application does not include changes to the existing signage and no requests for variances to the sign standards have been proposed.

Specific Use Provision

6. The applicant requests the SUP to be in effect for a period of twenty (20) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood Centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood Centers are served by local roads and transit routes.

Neighborhood Centers are generally five to ten acres. Developments within this land use pattern generally consist of one or more buildings including 30,000 to 100,000 square feet of leasable area. This development type typically serves a three-mile radius trade area, within a 5-10 minute drive time, and serves a population of 3,000 to 40,000.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties adjacent to the northeast are zoned Planned Development (PD) District 72-59 for Single-Family Attached (Townhouse) Uses and are developed with townhouses. The properties located adjacent and to the north of the site are zoned Planned Development (PD) District 75-37 for Single-Family Detached Dwelling Use and are developed with detached single-family dwellings.

The area to the southwest across Duck Creek is zoned Planned Development (PD) District 75-35 for Single-Family Detached Dwelling Use and is developed with the Duck Creek Greenbelt, the Duck Creek Trail and open space.

The property to the southeast across Oates Road is zoned Planned Development (PD) District 88-29 and is developed with a child care center.

Attachments

Z 19-03 Z 19-03 Environmental Reconstruction Services, Inc. Attachments and Exhibits

Z 19-03 Z 19-03 Environmental Reconstruction Services, Inc. Responses

Z 19-03 Staff Presentation

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 19-03

5150 and 5102 Duck Creek Drive

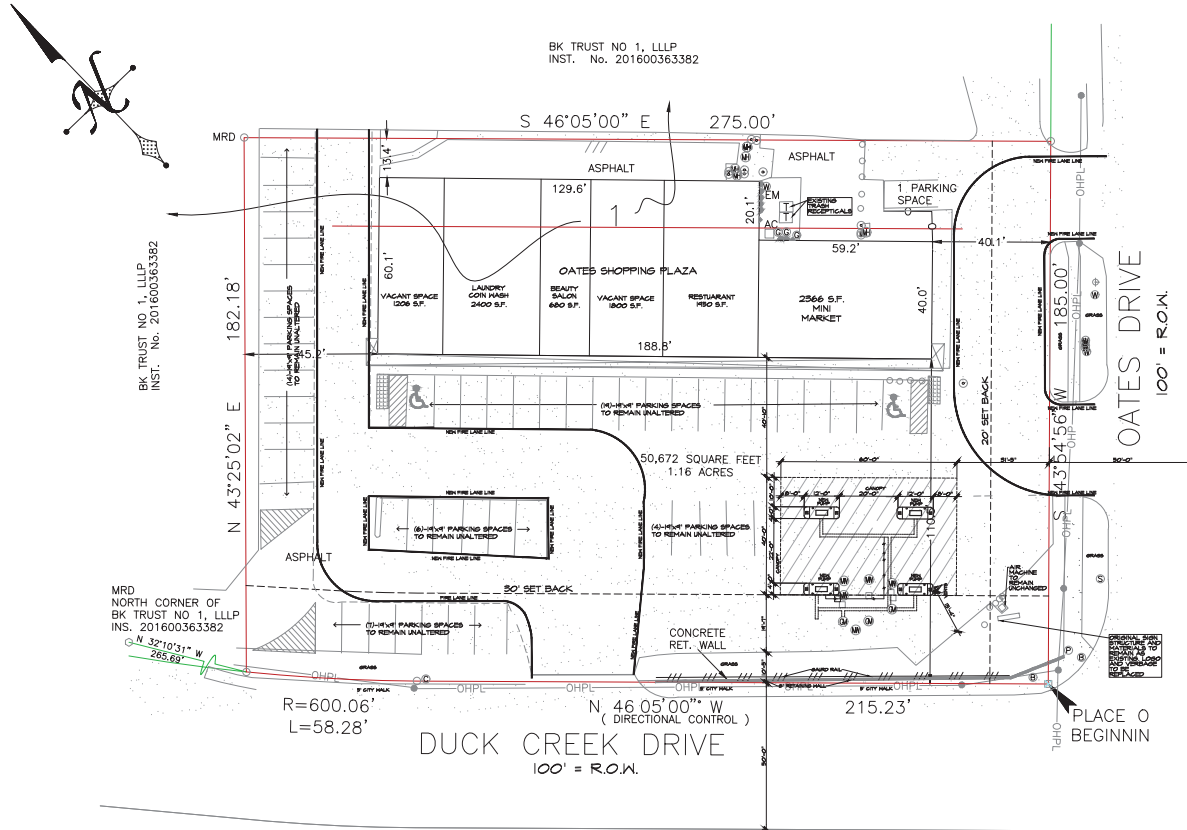
- I. Statement of Purpose:** The purpose of this Planned Development (PD) is for a Revised Detail Plan and Conditions including an Amended Specific Use Provision with the addition of two fuel dispensing pumps for an existing Fuel Pumps, Retail use.
- II. Statement of Effect:** This Planned Development (PD) shall not affect any regulation found in the Garland Development Code Ordinance No. 6773, and Planned Development (PD) District 83-32 as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 83-32 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- A. Detail Plan: Development is to be in general conformance with the Site Plan and Elevations set forth in Exhibits C and D. In the event of conflict between the conditions and Detail Plan, the conditions listed below are to apply.
- V. Specific Conditions:**
- A. Site Plan: Site development shall be in conformance to the elevations reflected on Exhibit C.
- B. Elevations: Elevations shall be in conformance to the elevations reflected on Exhibit D.
- C. Signs: All signs shall comply with the requirements of the Garland Development Code. Signs shown on the Exhibits are for illustrative purposes only.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 19-03

5150 and 5102 Duck Creek Drive

- II. Statement of Purpose:** The purpose of this Specific Use Provision is to allow the addition of two fuel dispensing pumps for an existing Fuel Pumps, Retail use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- VI. General Regulations:** All regulations of the Planned Development (PD) District 83-32 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- VII. Specific Regulations:**
- A. SUP Time Period: The Specific Use Provision for Fuel Pumps, Retail shall be in effect for a period of twenty (20) years.



LOT AREA CALCULATIONS	
TOTAL LOT AREA = 50,672 SQ.FT.	
LOT COVERAGE NEW GARAGES(288) AND EXISTING BUILDINGS(4) = 10,917 SQ.FT.	
LOT COVERAGE % TOTAL = 21.55%	
OPEN SPACE AND % = 40,000 SQ.FT (79.05%)	
LANDSCAPED AREA AND % = 4,000 SQ.FT (7.9%)	
OPEN SPACE AND % = 40,000 SQ.FT (79.05%)	
IMPERVIOUS COVERAGE = 10,917 SQ.FT. (21.55%)	

OATES SHOPPING PLAZA (PD 83-32) PROPOSED PLAN
PHASE II TRACT OF LOT 1/ BLOCK 1 - (PD 83-32)

SCALE: 1" = 30'

OWNER - KATHY CHV - (972-240-7851) GARLAND, TX
APPLICANT - E.R.S. - TERRY SAULS - (972-524-7851) PRINCETON, TX
PLAN PREPARER - K.D.S. - CURTIS NELSON - (214-510-8450) WYLLIE, TX

EXHIBIT C

DATE 10/14/18
Red Line
NAME ON
REVISIONS
1/2/19
2/1/19

FUEL SYSTEM ADDITION
Environmental Reconstruction Services
5150 Duck Creek Drive
Garland, Texas 75042 - Dallas County

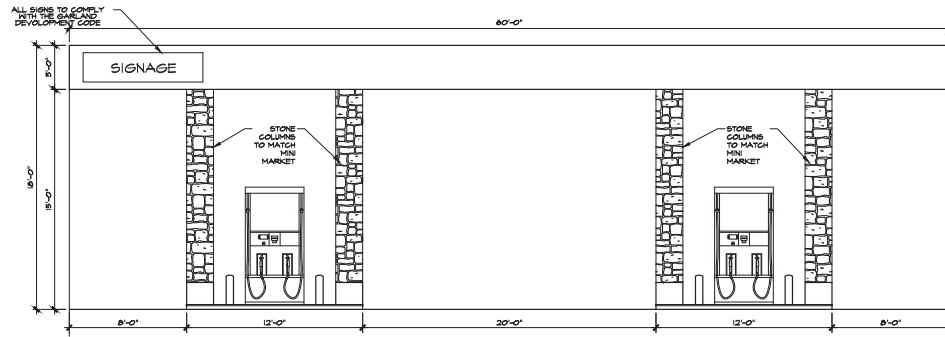


KINGDOM DESIGN GROUP

DESIGN - REMODELS - PLANNING - INTERIORS - DETAILS
102 ROLLING MEADOW, WYLLIE, TX 75098 - (214) 310-8950

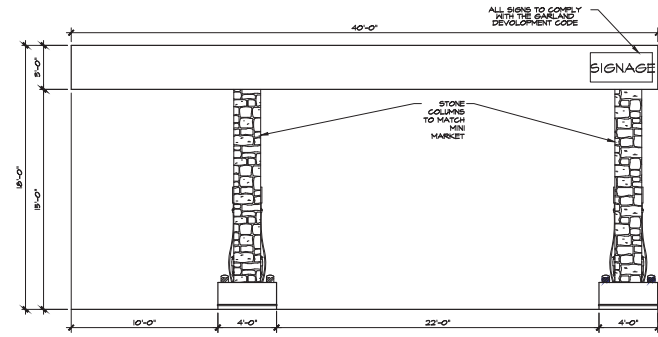
GENERAL NOTES

- 1) ALL SIGNS TO COMPLY WITH THE "GARLAND DEVELOPMENT CODE"



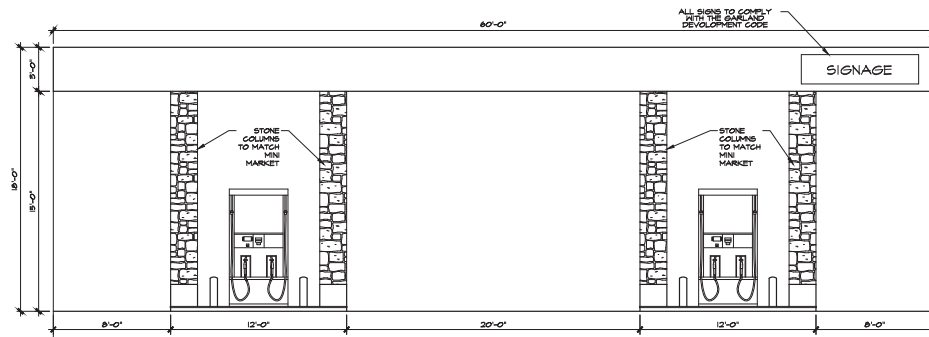
NORTHEAST ELEVATION

SCALE: 1/4" = 1'-0"



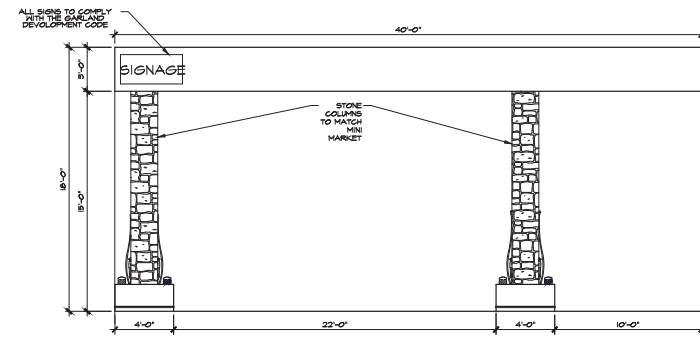
NORTHWEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTHWEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTHEAST ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT D

DATE 10/14/18
Red Line
NAME CA
REVISIONS
1/2/14
4/5/14

FUEL SYSTEM ADDITION
Environmental Reconstruction Services
5150 Duck Creek Drive
Garland, Texas 75043 - Dallas County

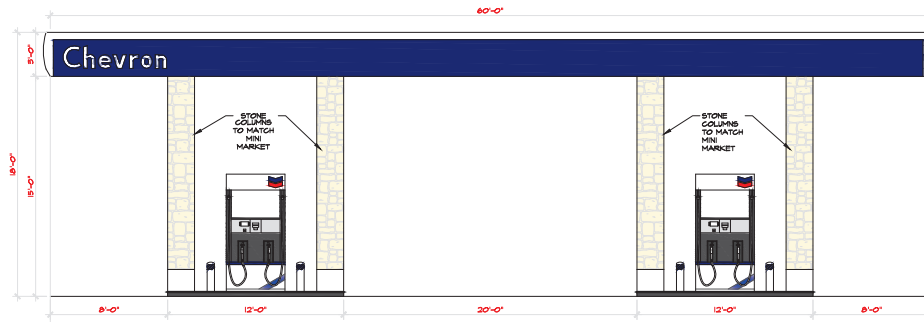


KINGDOM DESIGN GROUP
DESIGN • REMODELS • PLANNING • INTERIORS • DETAILS
102 ROLLING MEADOW, WYLLIE, TX 75088 - (214) 310-8850

A5
6 of 11
JOB # 218014

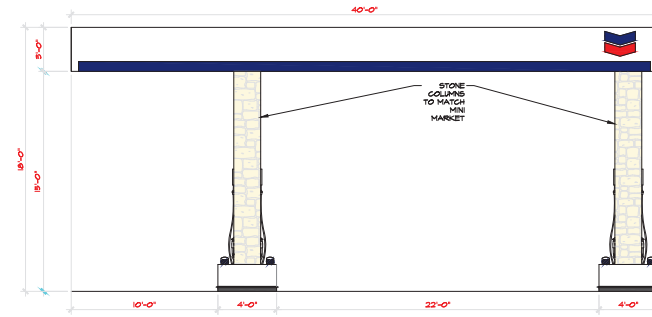
GENERAL NOTES FOR COLORED ELEVATION SHEET

- 1) ALL SIGNS TO COMPLY WITH THE "GARLAND DEVELOPMENT CODE"
- 2) PLEASE REFER TO THE CHEVRON COLOR CARD DOCUMENT (HALLMARK 2020 RETAIL COLOR STANDARDS DOCUMENT) PROVIDED WITH THIS SUBMITTAL



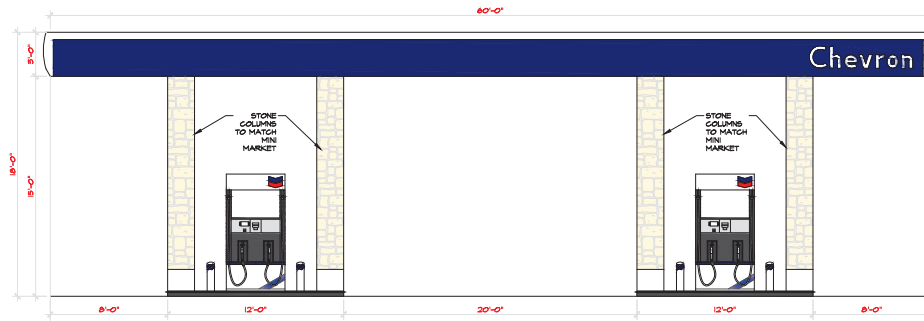
NORTHEAST ELEVATION

SCALE: 1/4" = 1'-0"



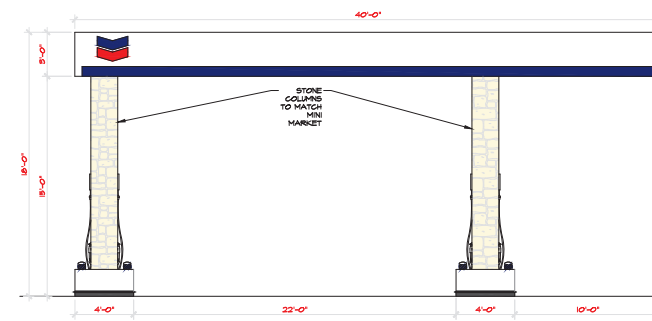
NORTHWEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTHWEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTHEAST ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT D

DATE 10/14/18
Red Line
NAME CA
REVISIONS
1/2/14
4/5/14

FUEL SYSTEM ADDITION
Environmental Reconstruction Services
5150 Dick Creek Drive
Garland, Texas 75043



KINGDOM DESIGN GROUP
DESIGN • RENOVATIONS • PLANNING • INTERIORS • DETAILS
102 ROLLING MEADOW, WYLLIE, TX 75098 - (214) 310-8850

CLR
of
JOB # 218014

REPORT & MINUTES

P.C. Meeting, November 11, 2019

Consideration of the application of **Environmental Reconstruction Services, Inc.**, requesting approval of 1) an amended Detail Plan and 2) an amended Specific Use Provision (SUP) for Fuel Pumps, Retail on a property zoned Planned Development (PD) District 83-32 for Community Retail Uses. This property is located at 5150 and 5102 Duck Creek Drive. (District 4) (File Z 19-03)

The applicant Terry Sauls, 2441 564 County Road, Princeton, Texas provided an overview of the request and elaborated on improved equipment standards to be implemented.

Motion was made by Commissioner O'Hara to close the public hearing and **approve** the request per staff recommendation. Seconded by Commissioner Hallman. **Motion carried: 9 Ayes, 0 Nays.**

Allmendinger, Tracy

From: raymondkiker@aol.com
Sent: Saturday, November 2, 2019 9:52 AM
To: Planning Group
Subject: hearing date/time
Attachments: planning@garlandtx.gov.jpg

I vote yes in favor of the request, thanks Ray Kiker



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

APPLICANT: Environmental Reconstruction Services, Inc.

File Z 19-03

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, November 11, 2019, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Environmental Reconstruction Services, Inc.**, requesting approval of 1) an amended Detail Plan and 2) an amended Specific Use Provision (SUP) for Fuel Pumps, Retail on a property zoned Planned Development (PD) District 83-32 for Community Retail Uses. The property is shown on the enclosed sketch and is described as follows:

Being Lot 1, Block 1, Oates Shopping Plaza, an addition in the City of Garland, Dallas County, Texas, according to the plat recorded in Volume 83133, Page 0298, Map Records, Dallas County, Texas, containing 2.8838 acres of land more or less. **The site is located at 5150 and 5102 Duck Creek Drive. (District 4)**

Note: The applicant proposes to add two fuel pumps to an existing gas station.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

RAYMOND KIKER 10/31/2019
4923 Collingwood Ct.
GARLAND, TX 75043



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

October 30, 2019

Z 19-03

Page 2 of 2

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

4922 Duck Creek

Your Property Address

Linda Holub

Printed Name

4922 Duck Creek Garland, TX 75043

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s)

Linda Holub

Signature

Title

Date:

11/2/19

NOV 7'19 PM 2:05



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Outside the Notification Area

October 30, 2019

Z 19-03

Page 2 of 2

Please include any comments you wish to provide supporting your position in the space provided below.

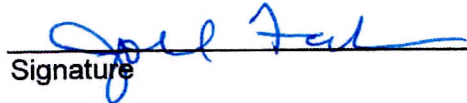
(Please complete the following information)

GISD Classical Center at Vial Elementary School, 126 Creekview Drive, Garland, 75043
Your Property Address

Joel E. Falcon
Printed Name

701 N. First Street	Garland, TX	75040
Address	City, State	Zip

The above statements reflect my (our) opinion regarding the proposed request(s)

 GISD Executive Director of Facilities & Maintenance
Signature Title

Date: 11/8/19

Z 19-03

Approval of 1) an amended Detail Plan and 2) an amended Specific Use Provision (SUP) for Fuel Pumps, Retail on a property zoned Planned Development (PD) District 83-32 for Community Retail Uses.

**City Council Meeting
December 3, 2019**



GARLAND

TEXAS MADE HERE

Case Information

Location: 5150 and 5102 Duck Creek Drive

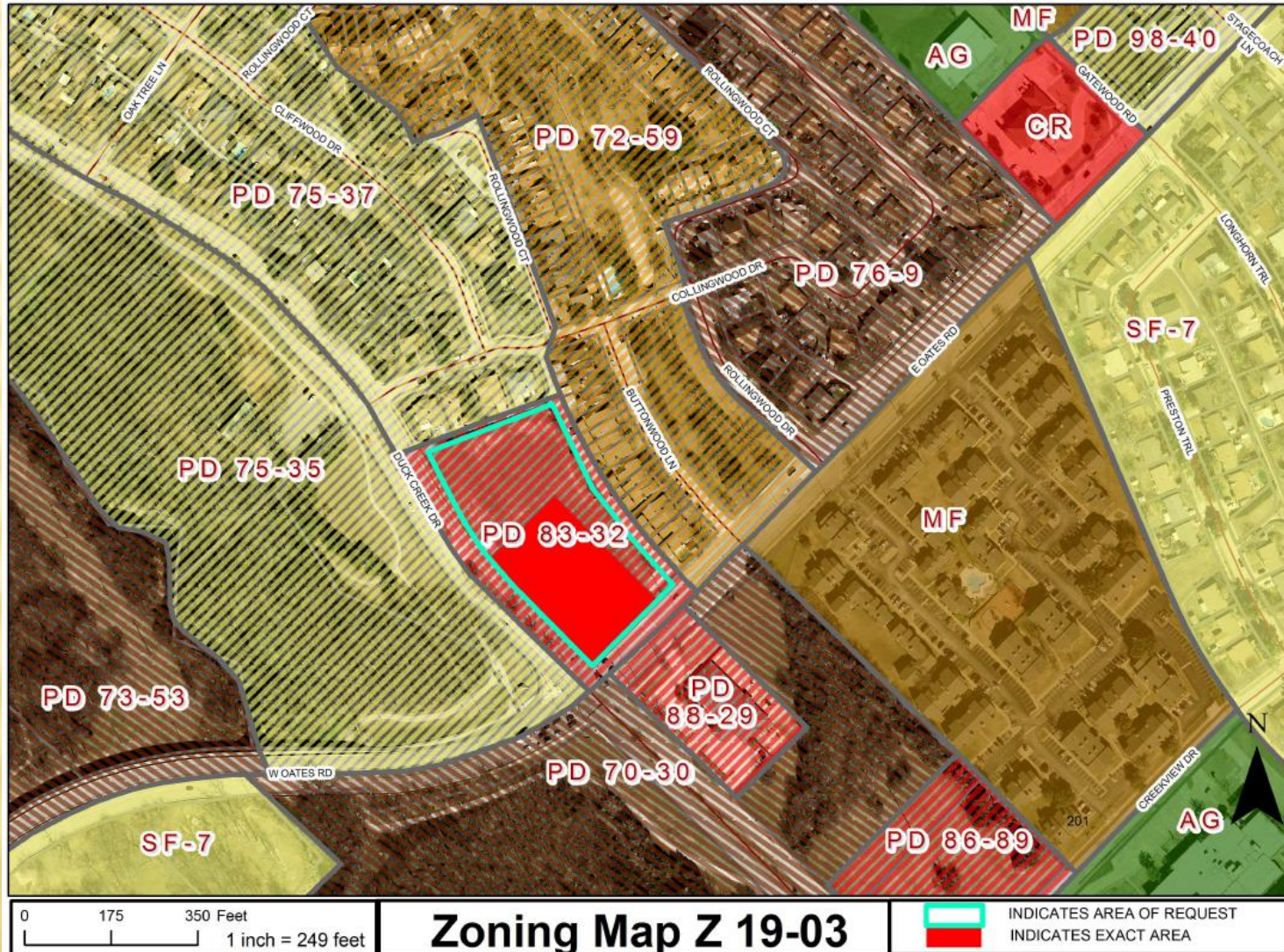
Applicant: Environmental Reconstruction Services, Inc.

Owner: First Minit Markit, Inc.

Acreage: 2.88 acres

Zoning: Planned Development (PD) District 83-32 for
Community Retail Uses

Location Map



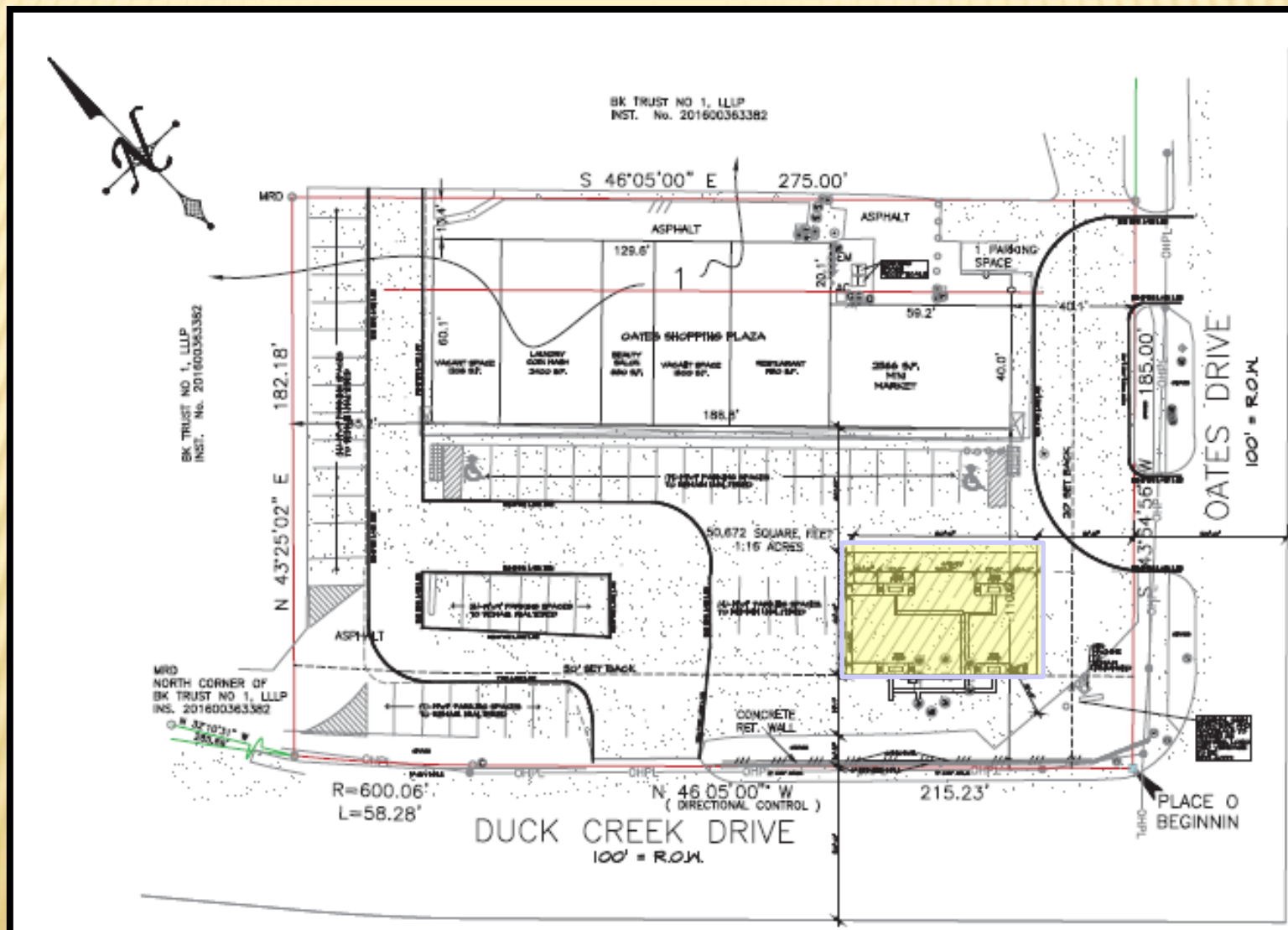
Zoning Map Z 19-03

INDICATES AREA OF REQUEST
INDICATES EXACT AREA

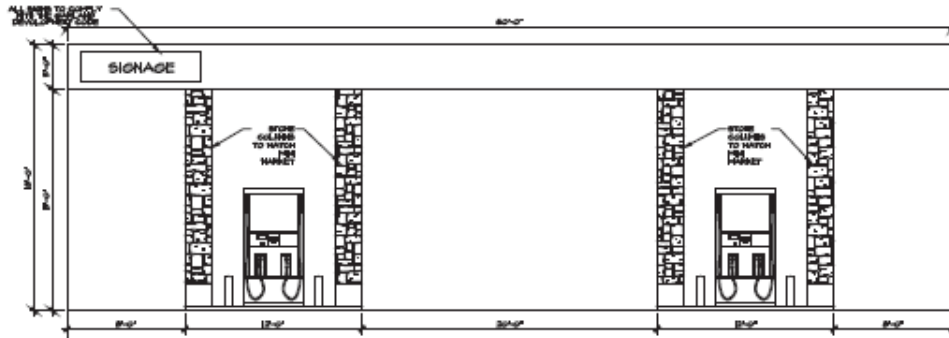


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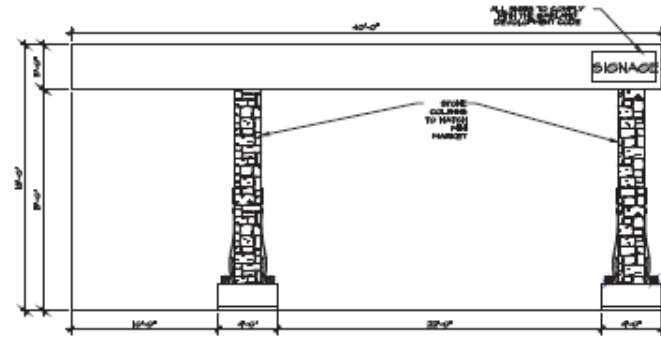
Site Plan



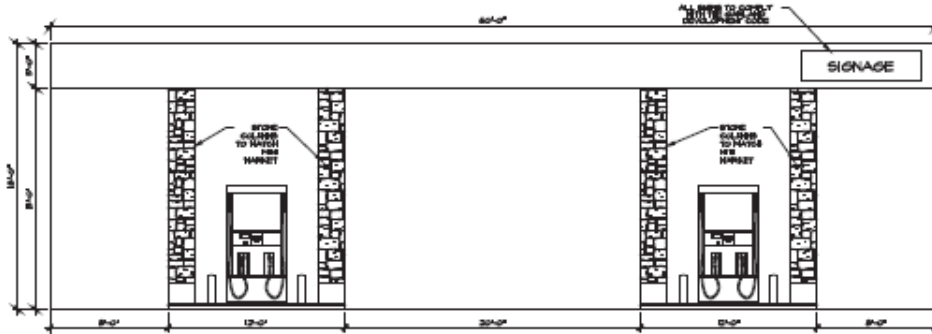
Landscape Plan



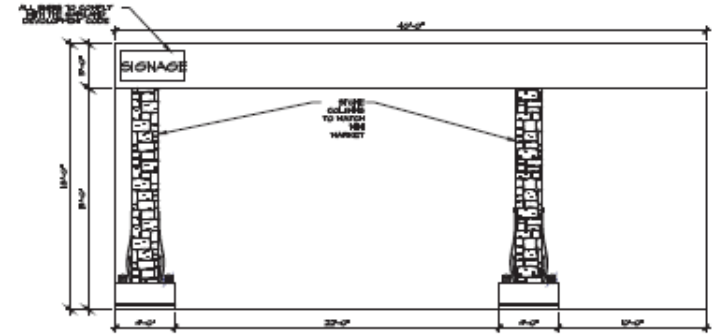
NORTHEAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



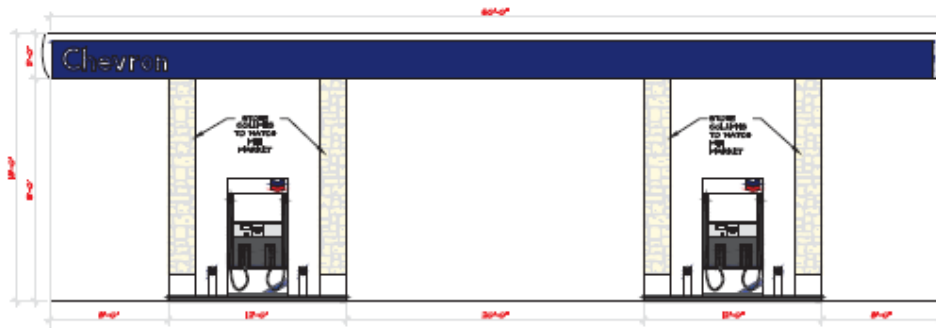
SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



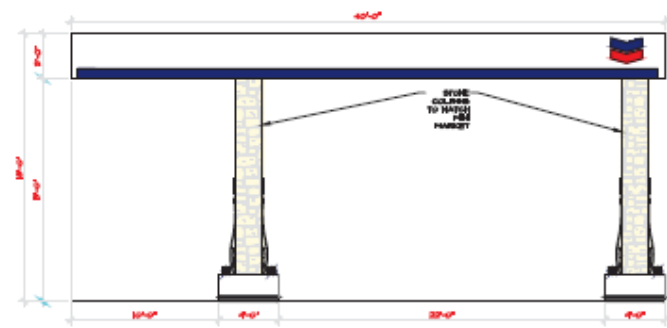
SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"

EXHIBIT D

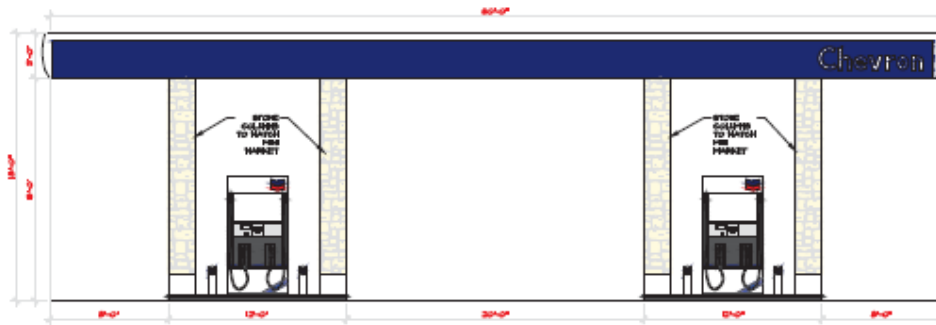
Elevation Plan



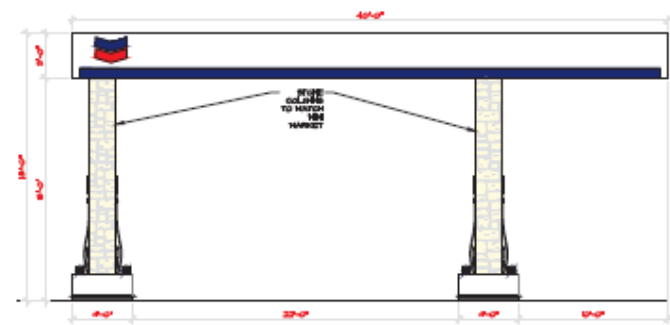
NORTHEAST ELEVATION
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NORTHWEST ELEVATION
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SOUTHWEST ELEVATION
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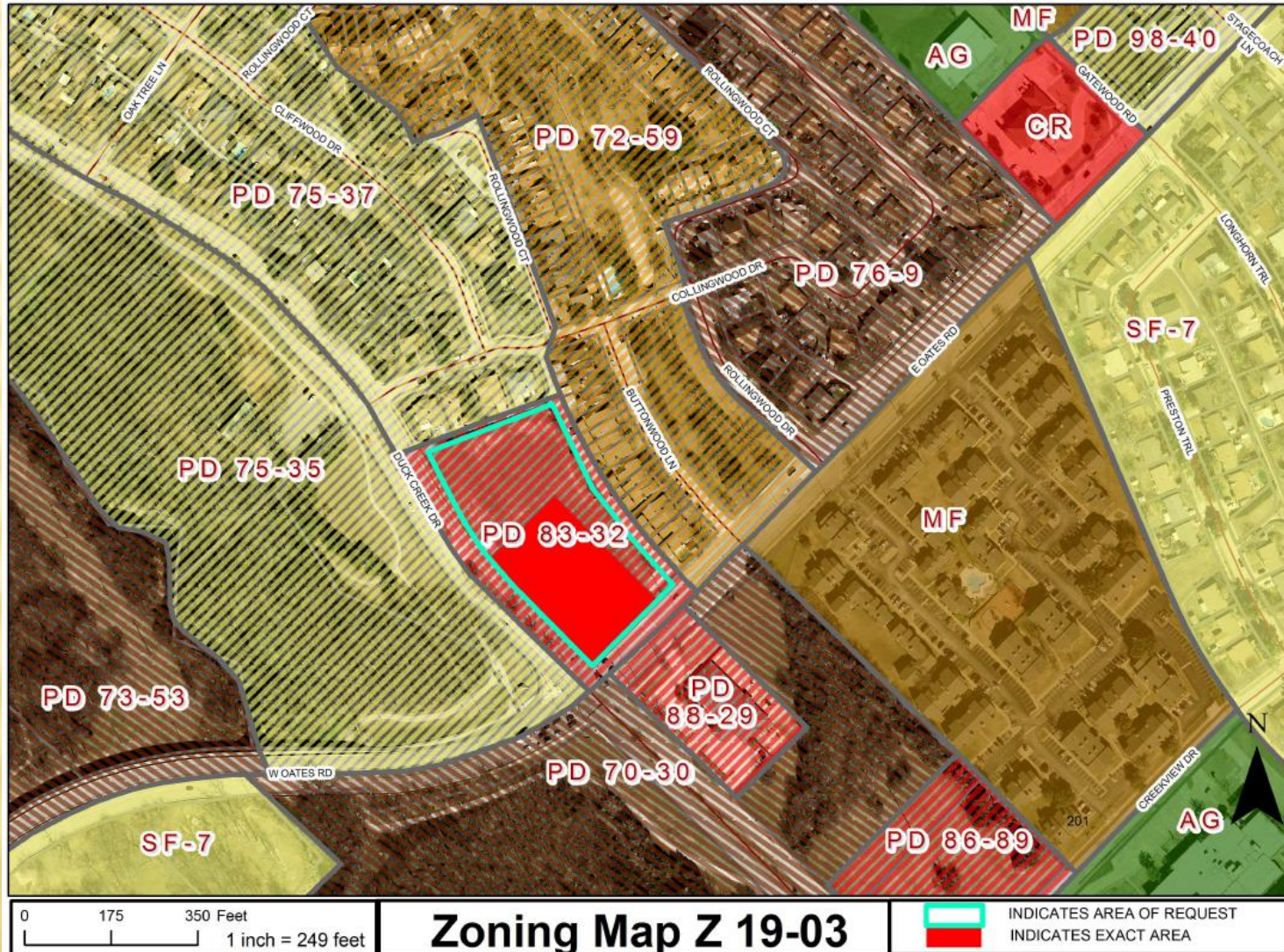
SOUTHEAST ELEVATION
SCALE: 1/4" = 1'-0"

EXHIBIT D

Consideration

The applicant requests the Specific Use Provision (SUP) to be in effect for a period of twenty (20) years.

Location Map





GARLAND PLANNING REPORT

City Council Regular Session Agenda

8. c.

Meeting Date: 12/03/2019

Item Title: Z 19-32 Masterplan - Zoning (District 6)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of 1) a Zoning Change from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses and 2) a Specific Use Provision for a Recycling Salvage Yard (unlimited outside storage).

OWNER

Garland Steel, Inc.

PLAN COMMISSION RECOMMENDATION

On November 11, 2019 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of 1) a Zoning Change from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses and 2) a Specific Use Provision for a Recycling Salvage Yard (unlimited outside storage), with the condition that the existing perimeter fencing be repaired within six (6) months.

In addition, the Plan Commission approved, due to the placement of a new refuse enclosure, 1) a Variance to Section 4.34 of the Garland Development Code regarding Site and Perimeter Landscaping, Parking; Fencing; 2) a Variance to Section 4.35 of the Garland Development Code regarding Parking Area Landscaping; 3) a Variance to Section 4.42 of the Garland Development Code regarding Location and Screening of Light Vehicle Loading Areas; and 4) a Variance to Section 4.44 of the Garland Development Code regarding Screening of Parking Areas.

STAFF RECOMMENDATION

Approval of 1) a Zoning Change from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses and 2) a Specific Use Provision for a Recycling Salvage Yard (unlimited outside storage), with the following conditions:

1) Outdoor storage areas shall be screened with a fully opaque, minimum eight-foot tall screening fence/wall installed on the perimeter of the site, except along International Road where there is primary building frontage as well as the driveways entering and exiting the site.

2) A timeframe for the completion of the above improvements is recommended. A completion date of no later than six (6) months from the date of the Ordinance approval is suggested.

Staff previously recommended that, due to the proposed landscaping improvements being shown within the right-of-way of International Road [Exhibit D] that the landscaping be relocated from the right-of-way onto the subject site where the existing asphalt driveway is located in front of the existing Building 2. However, staff and the applicant have further discussed a license agreement which would be an acceptable option to allow landscaping in the right-of-way.

BACKGROUND

The site is improved with an existing steel sales operation and a Recycling Salvage Yard (unlimited outside storage). The Recycling Salvage Yard (unlimited outside storage) was granted a Specific Use Permit under Ordinance 4552 (File No. 91-31) in 1991. The City's report for File No. 91-31 indicates that Garland Steel, Inc. had outgrown its location at 2821 Industrial Lane and sought to relocate to 312 South Industrial Road.

The City's historical records are not clear regarding when the site's 1991 Specific Use Permit expired or other action was taken to remove the Specific Use Permit from the site. However, the Official Zoning Map in 2015 did not include the 91-31 File and the map showed the site was zoned for Industrial-1 (I-1) District. The I-1 District was established as the Industrial (IN) District with the adoption of the Garland Development Code in 2015.

Additionally, in 2015 the City Council adopted a revised Official Zoning Map. With the adoption of the new Map, many of the then existing Specific Use Provisions were not carried forward and if a property owner desires to make changes, an application for consideration to legally establish the use under a new Specific Use Provision is required. The applicant is requesting to legally establish the existing Recycling Salvage Yard (unlimited outside storage) use. The Garland Development Code defines Recycling Salvage Yard as a facility which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, and textiles. The proposed use does not include an Automotive Salvage Yard, which is defined as a use in which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of dismantling to obtain parts for recycling, resale, or storage.

SITE DATA

The subject property contains 19.8 acres of land fronting 685.50 feet along International Road and has a depth of 1,522.07 feet.

USE OF PROPERTY UNDER CURRENT ZONING

The existing Industrial (IN) District allows a Recycling Salvage Yard (unlimited outside storage) with a Specific Use Provision. The site is used as a Recycling Salvage Yard (unlimited outside storage) without an approved Specific Use Provision. The site improvements include several buildings purposed for office, storage, distribution, recycling, and other recycling operation purposes. Outdoor improvements include open storage, outdoor storage bins for recycled materials, circulation routes for operations, parking, truck scales, and similar industrial improvements.

A Home Fabrication business operates from a portion of the site at its southwest corner. The applicant has included this portion of the site as part of the site limits although no recycling activities currently function at that location. Specifically, the Home Fabrication use extends approximately 170 feet along Shiloh Road north from the DART Railroad, and approximately 170 feet east along the DART Railroad. Fabrication uses are allowed by right in the Industrial (IN) District.

CONSIDERATIONS

Proposed Planned Development (PD) and Detail Plan:

1. The Detail Plan displays the existing site improvements which include vehicle circulation routes, parking, six (6) outside storage areas, and ten (10) buildings. The site is accessed from multiple driveways onto International Road. (Exhibit C)
2. The site improvements will remain unchanged and nonconforming with the exception of the following changes:
 - New landscaping at the front of the northern building located along International Road (west of Building 2). A portion of this landscaping is proposed within the International Road right-of-way. It is recommended that a condition be included to require the landscaping improvements to be relocated from the right-of-way onto the subject site where the existing asphalt driveway is located in front of the existing Building 2.
 - Landscaping with seven (7) trees planted along an unscreened area of the south property line. (Exhibit D)
 - New paving and truck scale at the northwest side of the site (north of Building 1 and 2).
 - Foundation replacement in Building #7.
 - Reduction of the outside storage visibility over the course of three (3) years.
3. The GDC states that Recycling Salvage Yards are permitted outside storage only where provided for in the Land Use Matrix; outside storage is an allowed use in the Industrial (IN) District and this site is zoned Industrial (IN) District. Further, Recycling Salvage Yards are allowed outside storage:
 - Where located behind the main building
 - In compliance with Section 2.52(A)(14(c), and
 - Where screened from all public streets and from neighboring properties in accordance with Chapter 4, Article 3 with a fully opaque, minimum eight (8) foot tall masonry screening wall, as applicable (unless another form of screening is approved with the initial development application).

The application proposes to maintain the existing screening with six (6) foot high wood fencing along the northernmost and east property line; chain link fencing along a portion of the northwest, east, and south property lines; nine (9) foot high metal panel fencing at the northeast, east and south property lines; existing trees and plant material; as well as structures and buildings to screen the outdoor storage from the public streets and neighboring properties.

The application proposes to reduce the visibility of stored materials over the course of three (3) years to: a) move piles of material away from the perimeter of the site, b) process the materials to reduce their size, and c) sell the material inventory.

It is recommended that a condition be included to frame the intent of the activity relative to the exact degree of outdoor storage visibility. Specifically, the GDC Chapter 2 Section 2.52 Special Standards for Recycle Salvage Yards requires a fully opaque, minimum eight-foot tall masonry screening wall unless another form of screening is approved with the initial development application.

4. The Garland Development Code (GDC) establishes a series of Special Standards to Recycling Salvage Yard regarding processing of materials, storage of materials and on-site traffic circulation. With the exception of the outdoor storage screening method prescribed under Special Standards (see Consideration No. 3), the proposed Recycling Salvage Yard shall comply with all the applicable Special Standards. Additionally, the Special Standards allow smelting, melting, refining, or other conversion back to a “raw material” state. The application indicates that the site operations will not include smelting or refining activity.
5. The Garland Development Code (GDC) establishes a parking ratio of one (1) parking space for every 300 square feet of office space plus one (1) parking space for every 1,000 square feet of warehouse/storage area. The proposed Recycling Salvage Yard would require 703 parking spaces whereas the application proposes to use the existing 89 parking spaces. The facility has operated continuously for several years with no complaints regarding parking deficiencies.
6. The proposed site improvements do not include new building construction. Therefore, the building design requirements of the GDC are not triggered. However, the applicant is proposing to paint the front façade of Building 2. (Exhibit E)

Specific Use Provision:

7. The Recycling Salvage Yard would operate Monday through Friday from 7:00 am to 7:00 pm and Saturday from 7:00 am to 12:00 pm (noon).
8. A Specific Use Provision for a Recycling Salvage Yard for a period of thirty (30) years is requested by the applicant.

Variances:

9. The Plan Commission approved Variance requests from Chapter 4 of the Garland Development Code (GDC) regarding site and perimeter landscaping and due to the placement of a new refuse enclosure: 3) a Variance to Section 4.34 of the Garland Development Code regarding Site and Perimeter Landscaping, Parking; Fencing; 4) a Variance to Section 4.35 of the Garland Development Code regarding Parking Area Landscaping; 5) a Variance to Section 4.42 of the Garland Development Code regarding Location and Screening of Light Vehicle Loading Areas; and 6) a Variance to Section 4.44 of the Garland Development Code regarding Screening of Parking Areas.

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site for Business Center uses in the Employment Center Building Block. Business Centers provide a cluster of business offices and/or low impact industry, including campus-type development, which cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity. Business Centers are generally located at intersections of major and/or secondary arterial streets or significant transit areas (bus/rail). Proximity and access to residential areas are encouraged to reduce travel times to employment. Site design addresses function and visual aesthetics providing appropriate buffering at gateway corridors, between adjacent developments, and for residential neighborhoods.

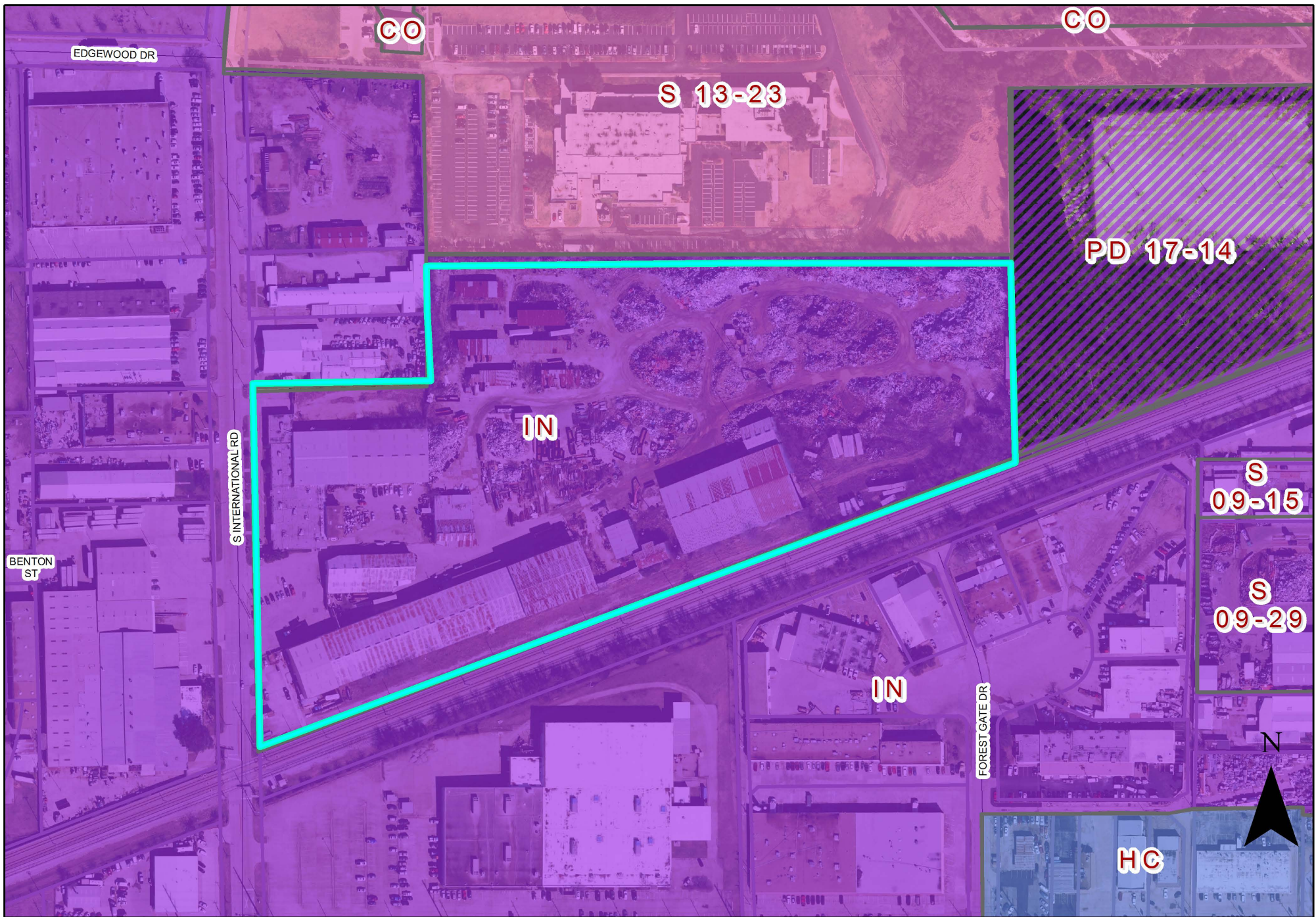
Business Centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses, including compatible residential uses that support the business employment sector.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Most of the properties to the east, south and west are zoned for Industrial Uses and are developed with a variety of industrial and heavy commercial land uses including Recycling Salvage Yards. The properties to the north are zoned for Industrial and Community Office Uses and are mostly developed with medical related land uses, and industrial uses.

Attachments

Z 19-32 Masterplan Attachments and Exhibits
Z 19-32 Masterplan Responses
Z 19-32 Masterplan Staff Presentation



Zoning Map Z 19-32

 INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 19-32

312 INTERNATIONAL ROAD

- I. Statement of Purpose:** The purpose of this Planned Development is to permit a Recycling Salvage Yard (unlimited outside storage).
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Industrial (IN) District and all Special Standards for Recycling Salvage Yard (unlimited outside storage) as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Detail Plan:** Development shall be in general conformance with the Site Plan, Landscape Plan, and Elevations set forth in Exhibit C, Exhibit D, and Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.
- V. Specific Regulations:**
 - A. Permitted Uses:** Only those uses as permitted in the Industrial (IN) District.
 - B. Prohibited Uses:** Smelting and refining of products are not allowed on this site.
 - C. Screening and Landscaping:** Screening and landscaping shall be in general conformance with the site plan and landscape plan labeled Exhibit C and Exhibit D.
 - D. Existing perimeter fencing** shall be brought into code compliance within six (6) months from the date of the Ordinance approval.
 - E. Maintenance Requirements:**

1) Landscaping must be regularly maintained in a healthy growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan within sixty (60) days after receipt of notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold or revoke city permits, approvals, consents, licenses and/or certificates for the property.

3) Screening and paving must be installed and regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and certificates for the property.

F. Elevations - Building 2 Only: Elevations shall be as shown in Exhibit E for Building 2 only.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 19-32

312 INTERNATIONAL ROAD

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Recycling Salvage Yard.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Industrial (IN) District and all Special Standards for Recycling Salvage Yard as set forth in Chapter 2 of the Garland Development Code Ordinance 6773 are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Specific Regulations:**
- A. Specific Use Provision: The Specific Use Provision for Recycling Salvage Yard shall be in effect for a period of thirty (30) years.
 - B. Truck Circulation Plan: Truck traffic shall comply with the vehicle paths as shown on Exhibit C.
 - C. Hours of Operation: The Recycling Salvage Yard shall be limited to the following days and times of operation: Monday through Friday from 7:00 am to 7:00 pm and Saturday from 7:00 am to 12:00 pm (noon).

REPORT & MINUTES

P.C. Meeting, November 11, 2019

Consideration of the application of **Masterplan**, requesting approval of 1) a Zoning Change from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses; 2) a Specific Use Provision for a Recycling Salvage Yard (unlimited outside storage); and due to the placement of a new refuse enclosure: 3) a Variance to Section 4.34 of the Garland Development Code regarding Site and Perimeter Landscaping, Parking; Fencing; 4) a Variance to Section 4.35 of the Garland Development Code regarding Parking Area Landscaping; 5) a Variance to Section 4.42 of the Garland Development Code regarding Location and Screening of Light Vehicle Loading Areas; and 6) a Variance to Section 4.44 of the Garland Development Code regarding Screening of Parking Areas. This property is located at 312 South International Road. (District 6) (File Z 19-32 - Zoning)

Representing the applicant, Maxwell Fisher, 900 Jackson Street, Suite 640, Dallas, Texas provided an overview of the request and proposed amendments. Mr. Fisher elaborated on the business operations including processing the various materials or moving the materials from certain property lines, and also mentioned the prohibitive cost of installing a masonry wall.

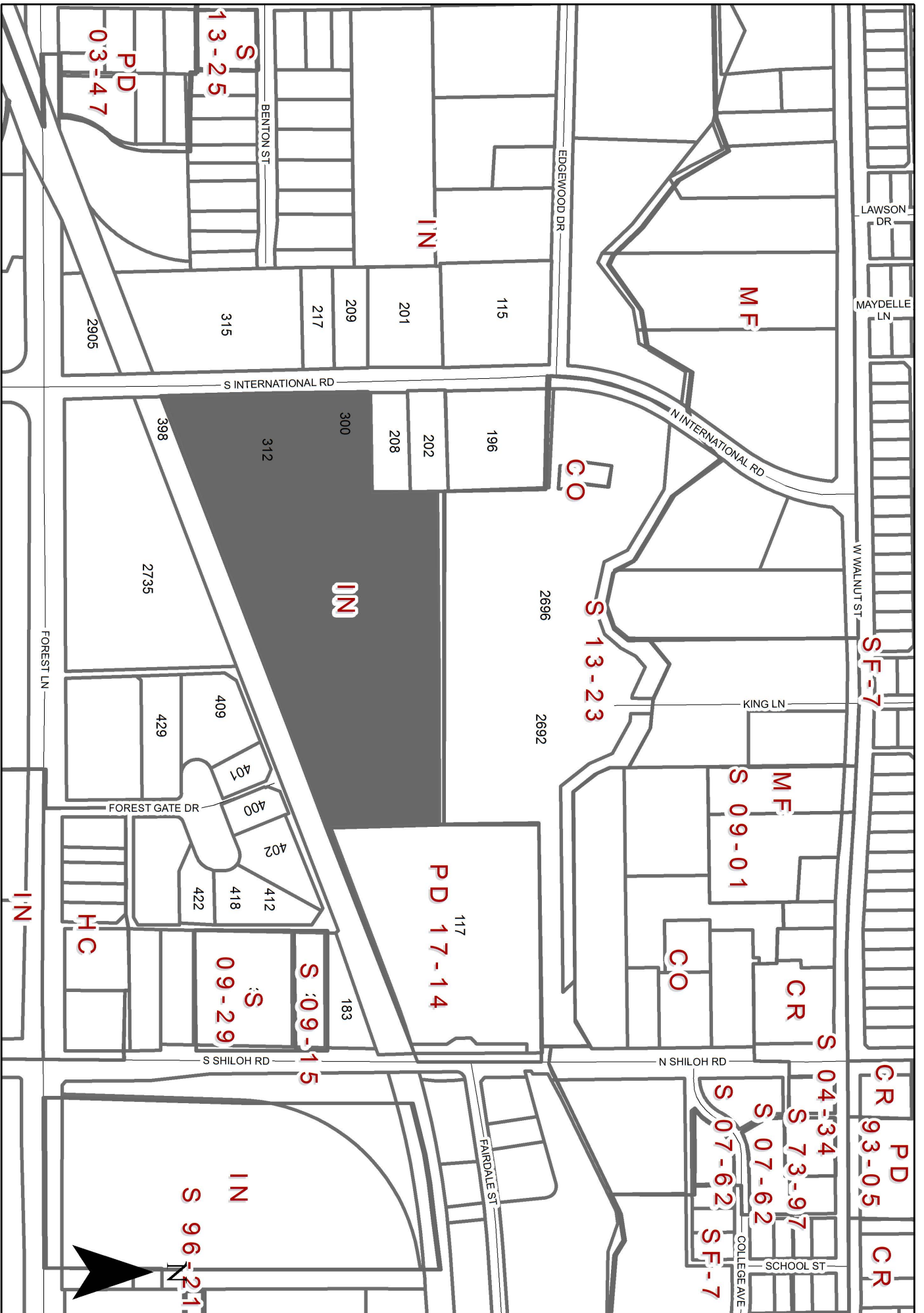
Chairman Roberts inquired to the lowering the storage height of the various materials on the subject site.

Commissioner Hallman inquired as to the location choice of the proposed landscaping trees.

Commissioner Williams inquired as to the hardship of the masonry wall and landscaping in the right-of-way.

There was discussion among the Commission is support of the request with proper repair to the current fencing in lieu of the masonry fence and not requiring the removal of the asphalt driveway.

Motion was made by Commissioner Williams to close the public hearing and **approve** the application with the extra provision that the fencing be repaired to code standards and allowing six (6) months to complete the items listed in the ordinance. Seconded by Commissioner Welborn. **Motion carried: 9 Ayes, 0 Nays.**



0 260 520 Feet

1 inch = 418 feet

Zoning Map Z 19-32

INDICATES AREA OF REQUEST

X I am in favor of the request.

 I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

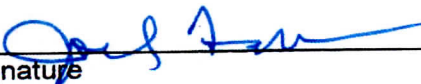
(Please complete the following information)

1) GISD Walnut Glen Academy, 3101 Edgewood Drive, Garland, TX 75042; 2) GISD Harris Hill
Your Property Address Administrative & Annex Bldgs, 501 & 601 S. Jupiter Road, Garland,
TX 75042

Joel E. Falcon
Printed Name

<u>701 N. First Street</u>	<u>Garland, TX</u>	<u>75040</u>
Address	City, State	Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

, GISD Executive Director of Facilities & Maintenance
Signature Title

Date: 11/8/19

Outside the Notification Area

Approval of 1) a Zoning Change from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses; 2) a Specific Use Provision for a Recycling Salvage Yard (unlimited outside storage).

Approval of a Detail Plan for Recycling Salvage Yard (unlimited outside storage) Use.

**City Council Meeting
December 3, 2019**



GARLAND

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Case Information

Location: 312 South International Road

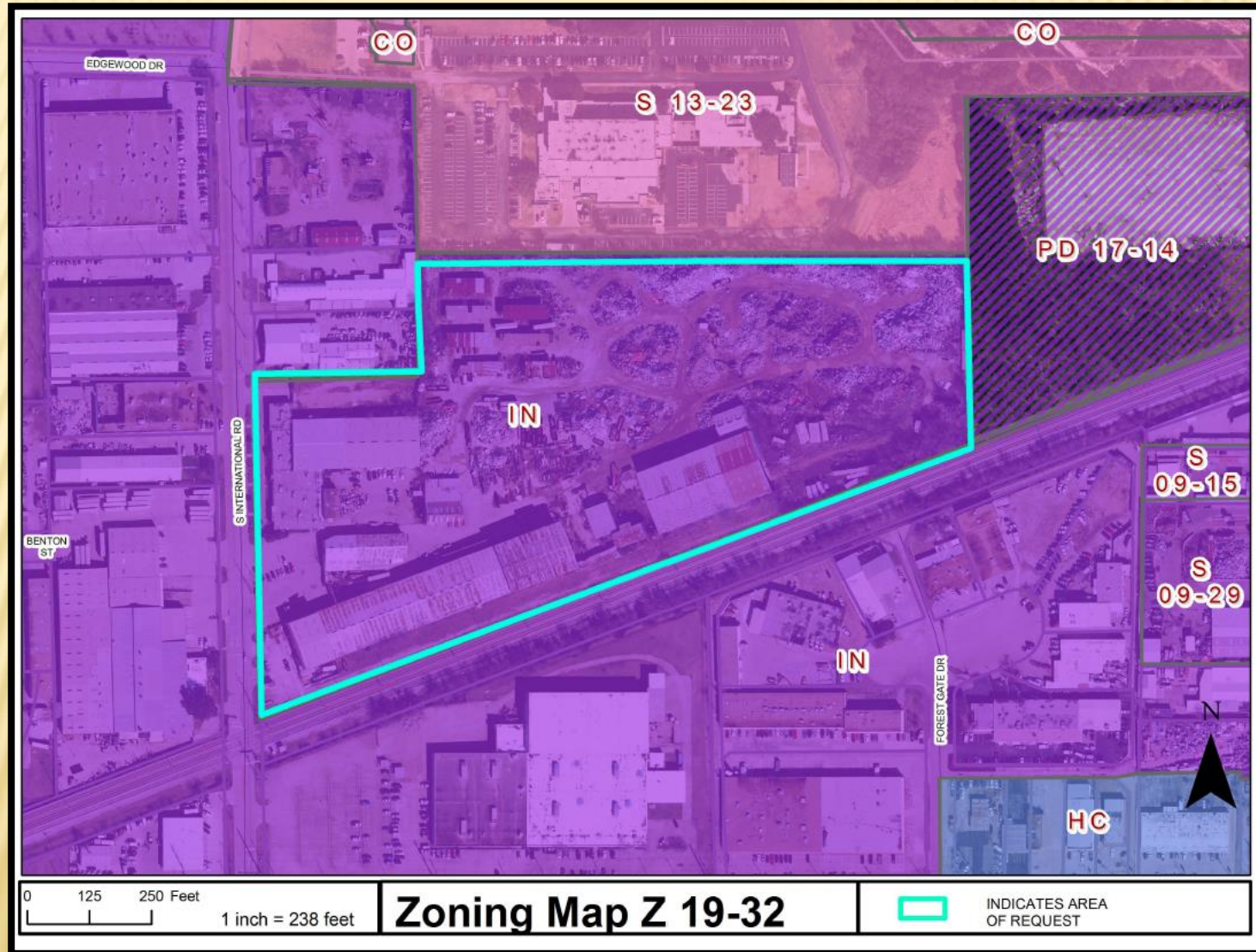
Applicant: Masterplan

Owner: Garland Steel, Inc.

Acreage: 19.8 acres

Zoning: Industrial (IN) District

Location Map





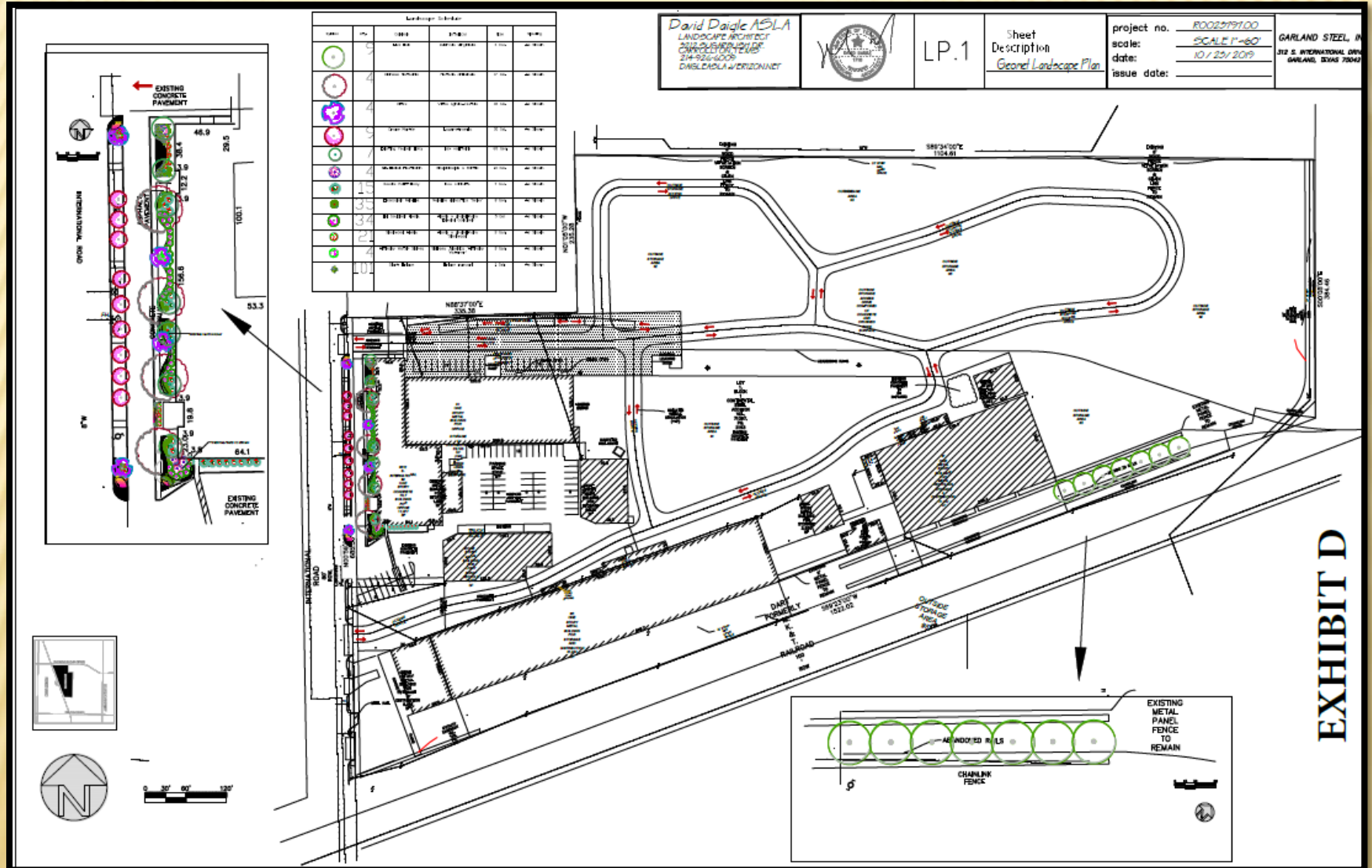
Site Plan



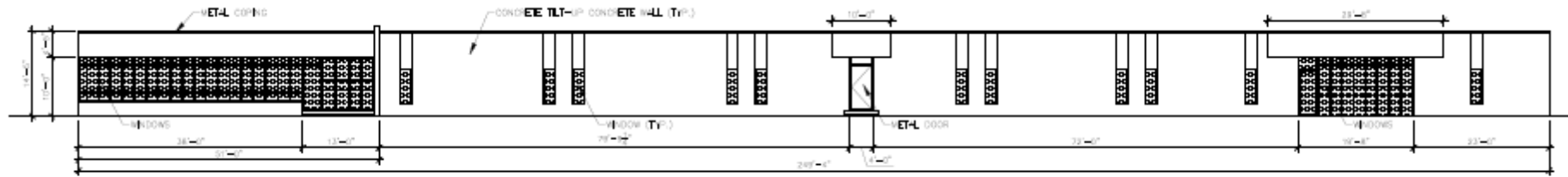


GARLAND
TEXAS MADE HERE

Landscape Plan



Elevation Plan



1 WEST ELEVATION (EXISTING BUILDING)
SCALE: 3/32"=1'-0"

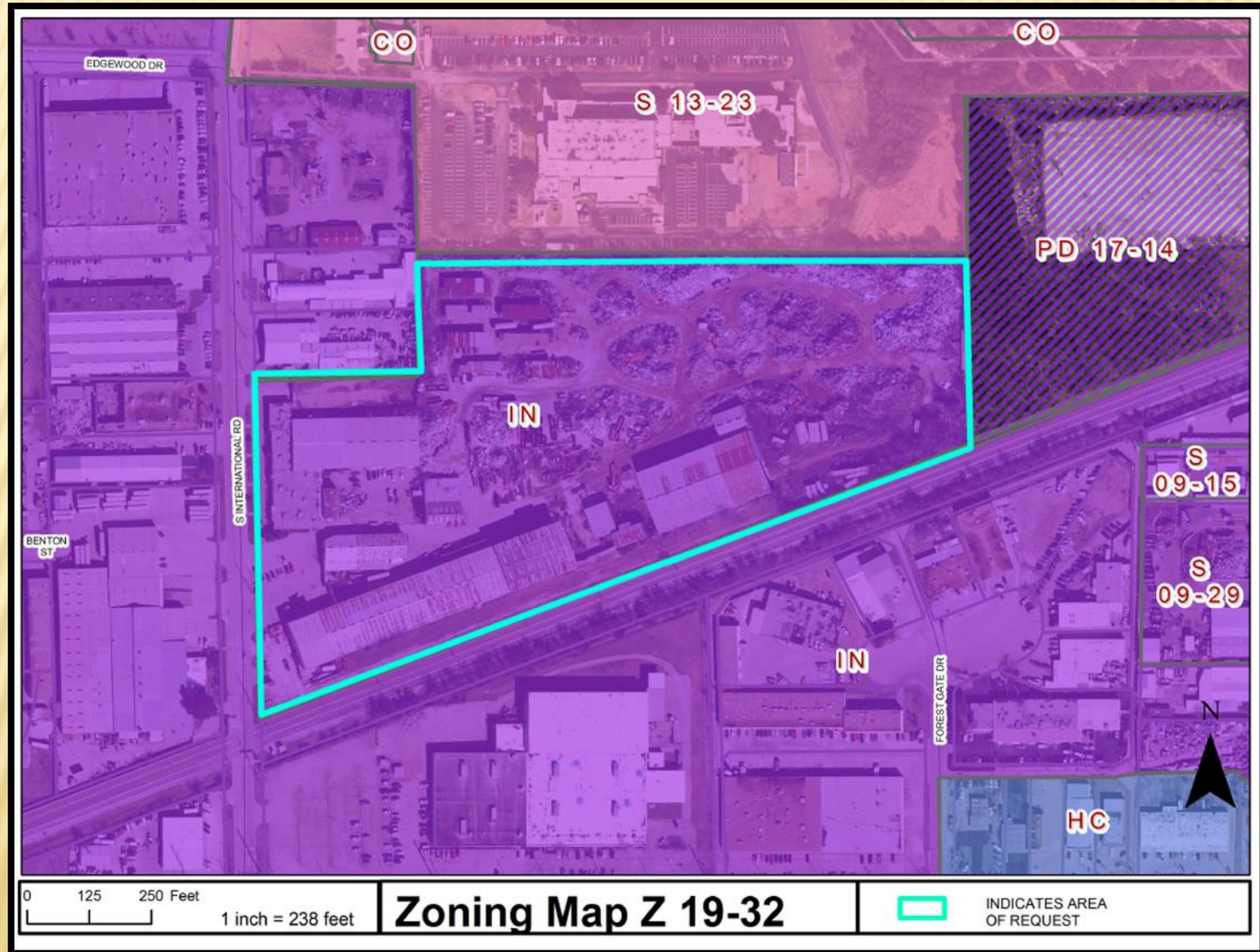
Consideration

The applicant requests the Specific Use Provision (SUP) to be in effect for a period of thirty (30) years.

Photos



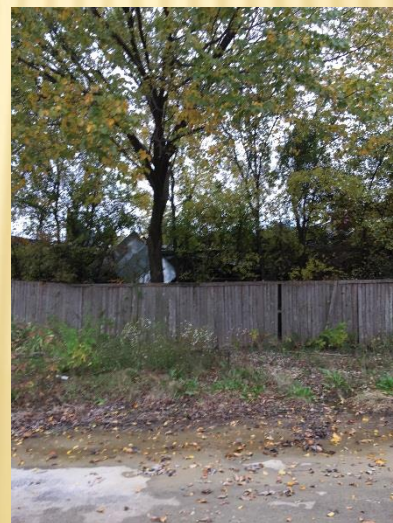
Location Map



Photos



Photos





GARLAND PLANNING REPORT

City Council Regular Session Agenda

8. d.

Meeting Date: 12/03/2019

Item Title: Z 19-32 Masterplan - Detail Plan (District 6)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of a Detail Plan for Recycling Salvage Yard (unlimited outside storage) Use.

OWNER

Garland Steel, Inc.

PLAN COMMISSION RECOMMENDATION

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Detail Plan for a Recycling Salvage Yard (unlimited outside storage).

STAFF RECOMMENDATION

Approval of a Detail Plan for Recycling Salvage Yard (unlimited outside storage) Use.

BACKGROUND

The site is improved with an existing steel sales operation and a Recycling Salvage Yard (unlimited outside storage). The Recycling Salvage Yard (unlimited outside storage) was granted a Specific Use Permit under Ordinance 4552 (File No. 91-31) in 1991. The City's report for File No. 91-31 indicates that Garland Steel, Inc. had outgrown its location at 2821 Industrial Lane and sought to relocate to 312 South Industrial Road.

The City's historical records are not clear regarding when the site's 1991 Specific Use Permit expired or other action was taken to remove the Specific Use Permit from the site. However, the Official Zoning Map in 2015 did not include the 91-31 File and the map showed the site was zoned for Industrial-1 (I-1) District. The I-1 District was established as the Industrial (IN) District with the adoption of the Garland Development Code in 2015.

Additionally, in 2015 the City Council adopted a revised Official Zoning Map. With the adoption of the new Map, many of the then existing Specific Use Provisions were not carried forward and if a property owner desires to make changes, an application for consideration to legally establish the use under a new Specific Use Provision is required. The applicant is requesting to legally establish the existing Recycling Salvage Yard (unlimited outside storage) use. The

Garland Development Code defines Recycling Salvage Yard as a facility which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, and textiles. The proposed use does not include an Automotive Salvage Yard, which is defined as a use in which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of dismantling to obtain parts for recycling, resale, or storage.

SITE DATA

The subject property contains 19.8 acres of land fronting 685.50 feet along International Road and has a depth of 1,522.07 feet.

USE OF PROPERTY UNDER CURRENT ZONING

The existing Industrial (IN) District allows a Recycling Salvage Yard (unlimited outside storage) with a Specific Use Provision. The site is used as a Recycling Salvage Yard (unlimited outside storage) without an approved Specific Use Provision. The site improvements include several buildings purposed for office, storage, distribution, recycling, and other recycling operation purposes. Outdoor improvements include open storage, outdoor storage bins for recycled materials, circulation routes for operations, parking, truck scales, and similar industrial improvements.

A Home Fabrication business operates from a portion of the site at its southwest corner. The applicant has included this portion of the site as part of the site limits although no recycling activities currently function at that location. Specifically, the Home Fabrication use extends approximately 170 feet along Shiloh Road north from the DART Railroad, and approximately 170 feet east along the DART Railroad. Fabrication uses are allowed by right in the Industrial (IN) District.

CONSIDERATIONS

Proposed Planned Development (PD) and Detail Plan:

1. The Detail Plan displays the existing site improvements which include vehicle circulation routes, parking, six (6) outside storage areas, and ten (10) buildings. The site is accessed from multiple driveways onto International Road. (Exhibit C)
2. The site improvements will remain unchanged and nonconforming with the exception of the following changes:
 - New landscaping at the front of the northern building located along International Road (west of Building 2). A portion of this landscaping is proposed within the International Road right-of-way. It is recommended that a condition be included to require the landscaping improvements to be relocated from the right-of-way onto the subject site where the existing asphalt driveway is located in front of the existing Building 2.
 - Landscaping with seven (7) trees planted along an unscreened area of the south property line. (Exhibit D)

- New paving and truck scale at the northwest side of the site (north of Building 1 and 2).
 - Foundation replacement in Building #7.
 - Reduction of the outside storage visibility over the course of three (3) years.
3. The GDC states that Recycling Salvage Yards are permitted outside storage only where provided for in the Land Use Matrix; outside storage is an allowed use in the Industrial (IN) District and this site is zoned Industrial (IN) District. Further, Recycling Salvage Yards are allowed outside storage:
- Where located behind the main building
 - In compliance with Section 2.52(A)(14(c), and
 - Where screened from all public streets and from neighboring properties in accordance with Chapter 4, Article 3 with a fully opaque, minimum eight (8) foot tall masonry screening wall, as applicable (unless another form of screening is approved with the initial development application).

The application proposes to maintain the existing screening with six (6) foot high wood fencing along the northernmost and east property line; chain link fencing along a portion of the northwest, east, and south property lines; nine (9) foot high metal panel fencing at the northeast, east and south property lines; existing trees and plant material; as well as structures and buildings to screen the outdoor storage from the public streets and neighboring properties.

The application proposes to reduce the visibility of stored materials over the course of three (3) years to: a) move piles of material away from the perimeter of the site, b) process the materials to reduce their size, and c) sell the material inventory.

It is recommended that a condition be included to frame the intent of the activity relative to the exact degree of outdoor storage visibility. Specifically, the GDC Chapter 2 Section 2.52 Special Standards for Recycle Salvage Yards requires a fully opaque, minimum eight-foot tall masonry screening wall unless another form of screening is approved with the initial development application.

1. The Garland Development Code (GDC) establishes a series of Special Standards to Recycling Salvage Yard regarding processing of materials, storage of materials and on-site traffic circulation. With the exception of the outdoor storage screening method prescribed under Special Standards (see Consideration No. 3), the proposed Recycling Salvage Yard shall comply with all the applicable Special Standards. Additionally, the Special Standards allow smelting, melting, refining, or other conversion back to a “raw material” state. The application indicates that the site operations will not include smelting or refining activity.
2. The Garland Development Code (GDC) establishes a parking ratio of one (1) parking space for every 300 square feet of office space plus one (1) parking space for every 1,000 square feet of warehouse/storage area. The proposed Recycling Salvage Yard would require 703 parking spaces whereas the application proposes to use the existing 89 parking spaces. The facility has operated continuously for several years with no complaints regarding parking deficiencies.

3. The proposed site improvements do not include new building construction. Therefore, the building design requirements of the GDC are not triggered. However, the applicant is proposing to paint the front façade of Building 2. (Exhibit E)

Specific Use Provision:

4. The Recycling Salvage Yard would operate Monday through Friday from 7:00 am to 7:00 pm and Saturday from 7:00 am to 12:00 pm (noon).
5. A Specific Use Provision for a Recycling Salvage Yard for a period of thirty (30) years is requested by the applicant.

Variances:

6. The Plan Commission approved Variance requests from Chapter 4 of the Garland Development Code (GDC) regarding site and perimeter landscaping and due to the placement of a new refuse enclosure: 3) a Variance to Section 4.34 of the Garland Development Code regarding Site and Perimeter Landscaping, Parking; Fencing; 4) a Variance to Section 4.35 of the Garland Development Code regarding Parking Area Landscaping; 5) a Variance to Section 4.42 of the Garland Development Code regarding Location and Screening of Light Vehicle Loading Areas; and 6) a Variance to Section 4.44 of the Garland Development Code regarding Screening of Parking Areas.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site for Business Center uses in the Employment Center Building Block. Business Centers provide a cluster of business offices and/or low impact industry, including campus-type development, which cumulatively employ large numbers of people. Operations within this development type occur internal to buildings resulting in minimal negative impacts (sound, air, traffic, outdoor lighting, storage, etc.) and are compatible with adjacent development types in architecture, character, scale, and intensity. Business Centers are generally located at intersections of major and/or secondary arterial streets or significant transit areas (bus/rail). Proximity and access to residential areas are encouraged to reduce travel times to employment. Site design addresses function and visual aesthetics providing appropriate buffering at gateway corridors, between adjacent developments, and for residential neighborhoods.

Business Centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses, including compatible residential uses that support the business employment sector.

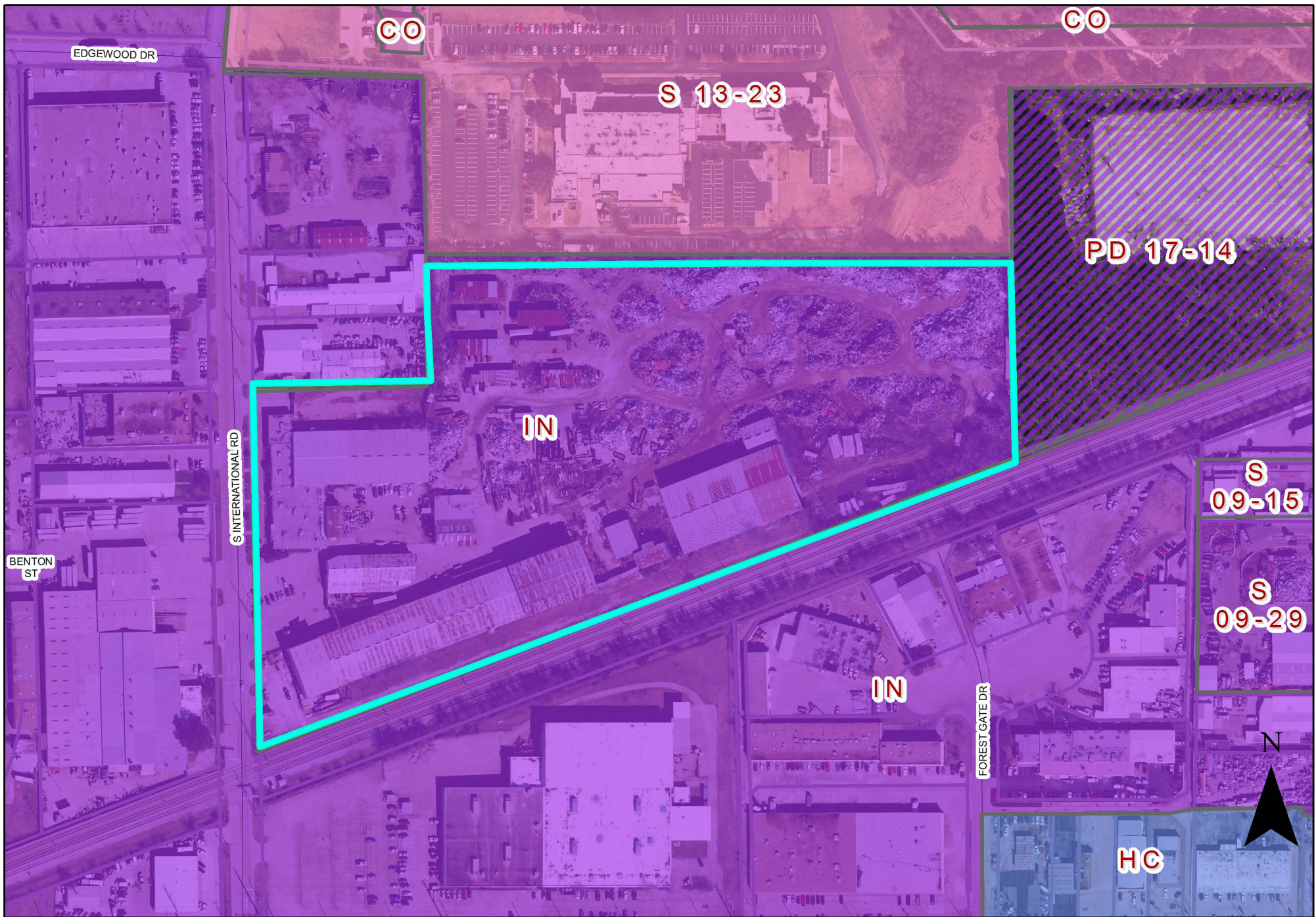
COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

Most of the properties to the east, south and west are zoned for Industrial Uses and are developed with a variety of industrial and heavy commercial land uses including Recycling Salvage Yards. The properties to the north are zoned for Industrial and Community Office Uses and are mostly developed with medical related land uses, and industrial uses.

Z 19-32 Masterplan Attachments and Exhibits (Detail Plan) Attachments and Exhibits

Z 19-32 Masterplan Responses

Z 19-32 Masterplan Attachments and Exhibits Staff Presentation



0 125 250 Feet

1 inch = 238 feet

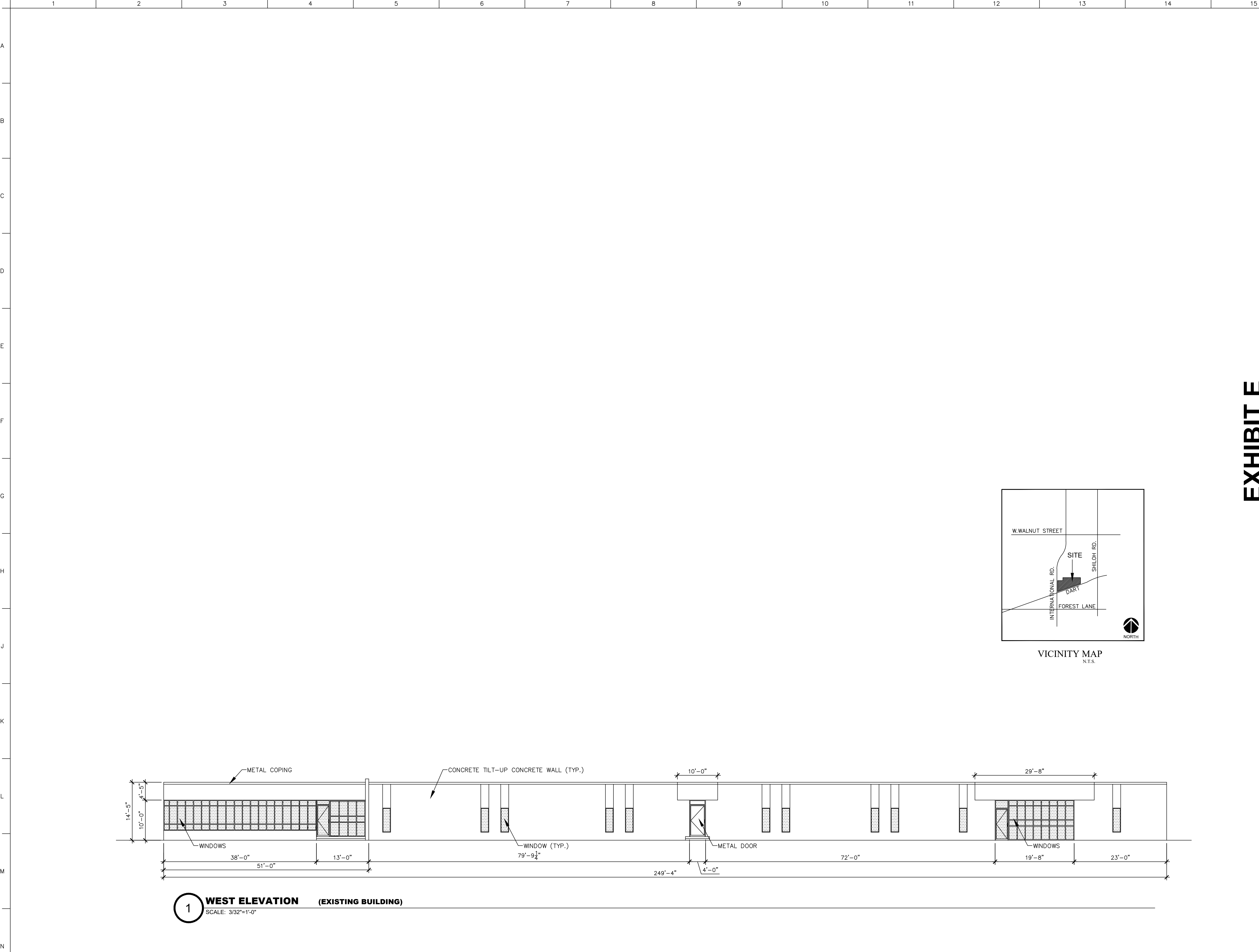
Zoning Map Z 19-32



INDICATES AREA
OF REQUEST



NOT FOR CONSTRUCTION



HAROLD BAECK ARCHITECTS, INC.
5353 ALPHA ROAD, SUITE 200
DALLAS, TEXAS 75240
PH. 972 661-8778

PROJECT:

GARLAND STEEL

OWNER:

GARLAND STEEL, INC.
312 S. INTERNATIONAL DR.
CONTINENTAL STEEL
ADDITION
GARLAND, TEXAS 75042
DALLAS COUNTY TEXAS
ATTN.
CASEY BECKER
972-494-6000
cbecker@garlandsteel.com

LEGAL DESCRIPTION :

REVISIONS:DATE:

Harold Baeck, Architect
TX Registration # 13592

PRELIMINARY
NOT FOR
CONSTRUCTION

These Drawings are
incomplete and may not be
used for regulatory approval,
permit, or construction.

EXISTING ZONING:
(IN) INDUSTRIAL

CASE NUMBER: 190801-2

PROJECT NO. _____
SCALE : _____
DATE : 09-24-2019
FILE NO. : _____
ISSUE DATE : _____
CASE NO. 190-81-2

A-1

SHEET NO. 1 OF 1 SHEETS

SHEET DESCRIPTION :

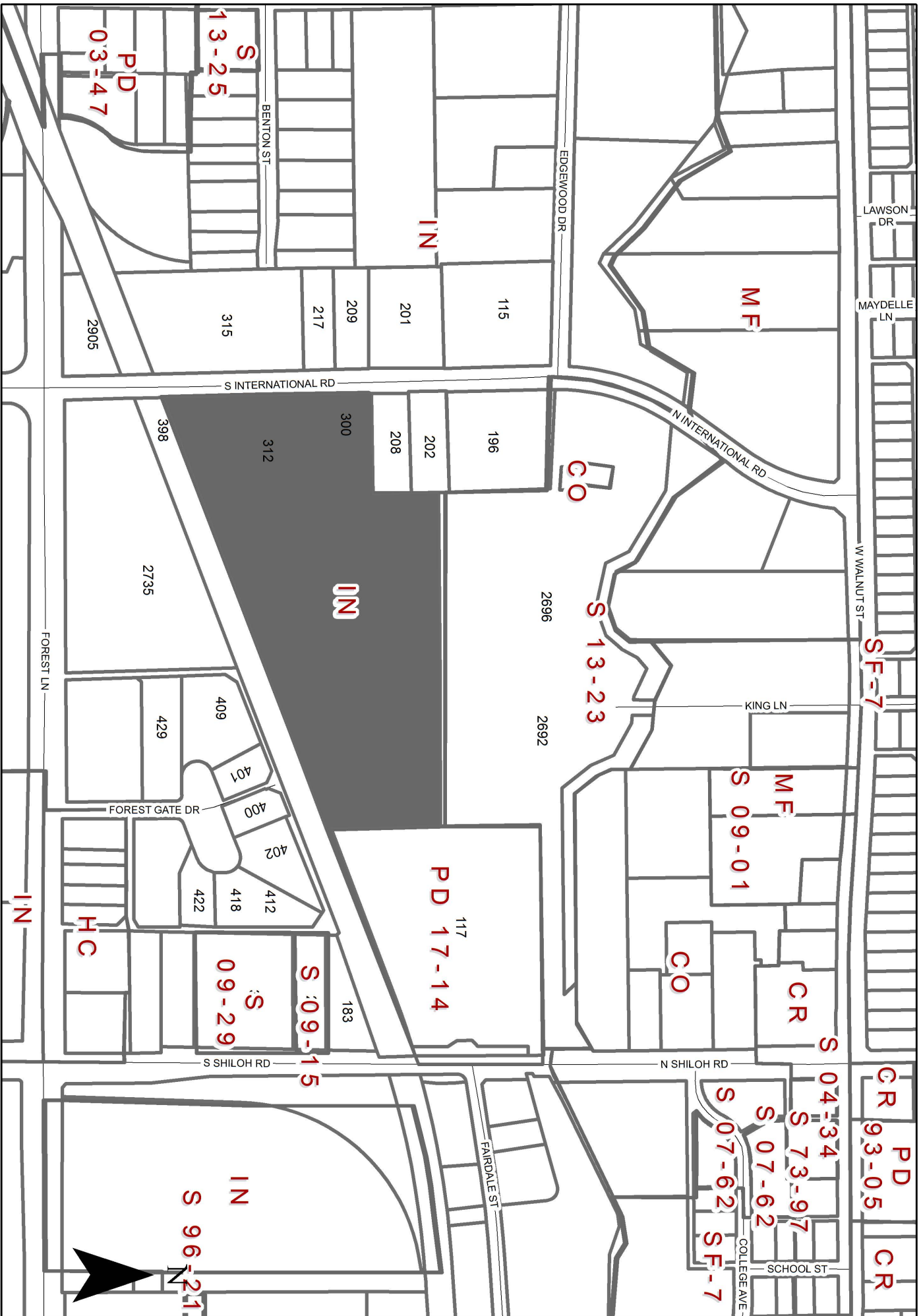
REPORT & MINUTES

P.C. Meeting, November 11, 2019

Consideration of the application of **Masterplan**, requesting approval of a Detail Plan for a Recycling Salvage Yard (unlimited outside storage). This property is located at 312 South International Road (District 6) (File Z 19-32 - Detail Plan)

The applicant was available for questions. There were no questions of this applicant.

Motion was made by Commissioner Williams to close the public hearing and **approve** the Detail Plan as requested. Seconded by Commissioner Welborn. **Motion carried: 9** Ayes, **0** Nays.



0 260 520 Feet
1 inch = 418 feet

Zoning Map Z 19-32

INDICATES AREA
OF REQUEST

X I am in favor of the request.

 I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

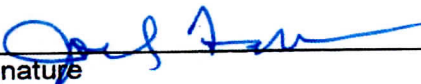
(Please complete the following information)

1) GISD Walnut Glen Academy, 3101 Edgewood Drive, Garland, TX 75042; 2) GISD Harris Hill
Your Property Address Administrative & Annex Bldgs, 501 & 601 S. Jupiter Road, Garland,
TX 75042

Joel E. Falcon
Printed Name

<u>701 N. First Street</u>	<u>Garland, TX</u>	<u>75040</u>
Address	City, State	Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

, GISD Executive Director of Facilities & Maintenance
Signature Title

Date: 11/8/19

Outside the Notification Area

Approval of 1) a Zoning Change from Industrial (IN) District to a Planned Development (PD) District for Industrial Uses; 2) a Specific Use Provision for a Recycling Salvage Yard (unlimited outside storage).

Approval of a Detail Plan for Recycling Salvage Yard (unlimited outside storage) Use.

**City Council Meeting
December 3, 2019**



GARLAND

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Case Information

Location: 312 South International Road

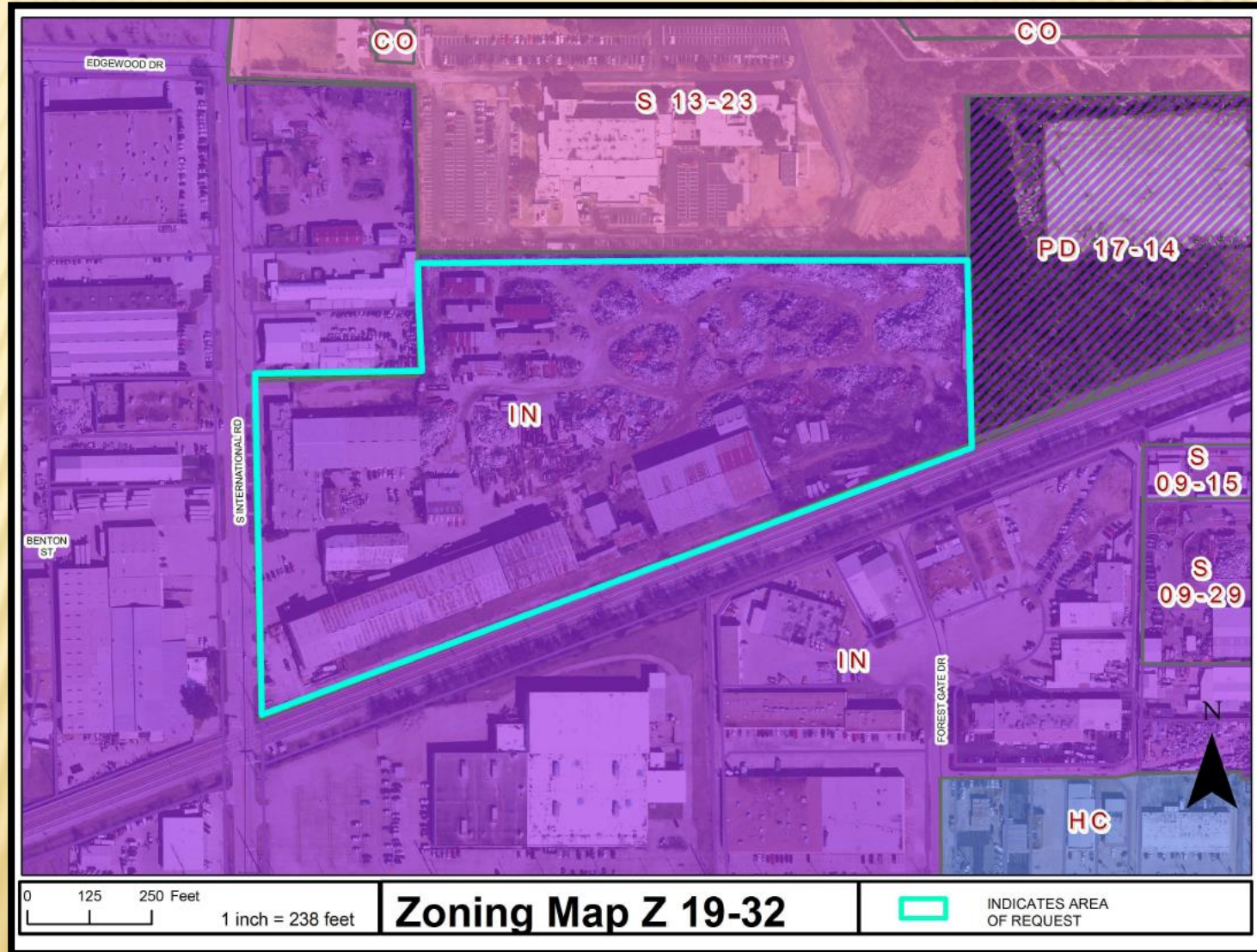
Applicant: Masterplan

Owner: Garland Steel, Inc.

Acreage: 19.8 acres

Zoning: Industrial (IN) District

Location Map





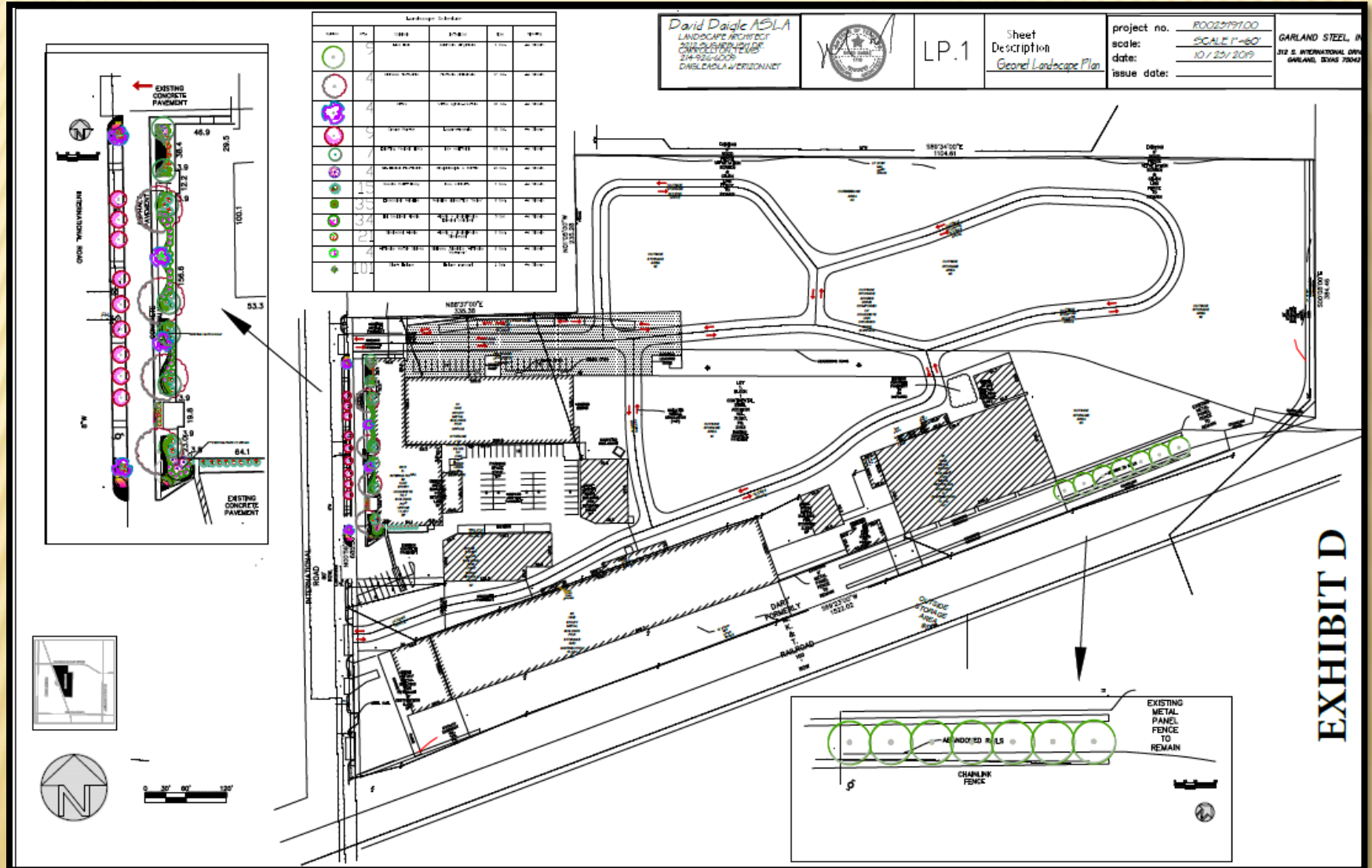
Site Plan



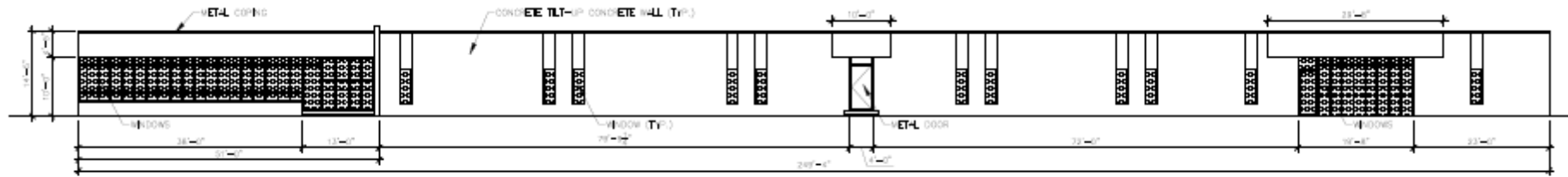


GARLAND
TEXAS MADE HERE

Landscape Plan



Elevation Plan



1 WEST ELEVATION (EXISTING BUILDING)
SCALE: 3/32"=1'-0"

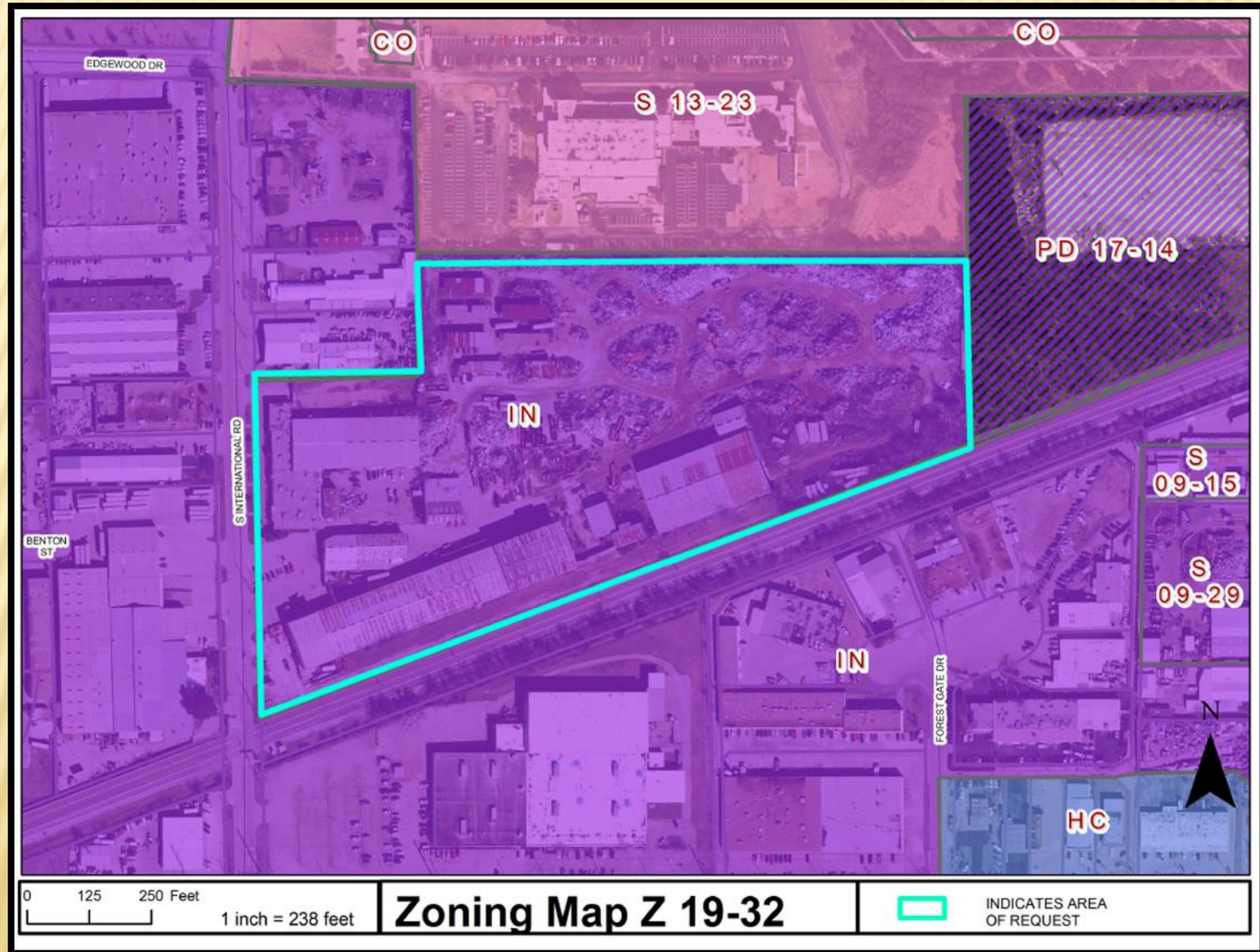
Consideration

The applicant requests the Specific Use Provision (SUP) to be in effect for a period of thirty (30) years.

Photos



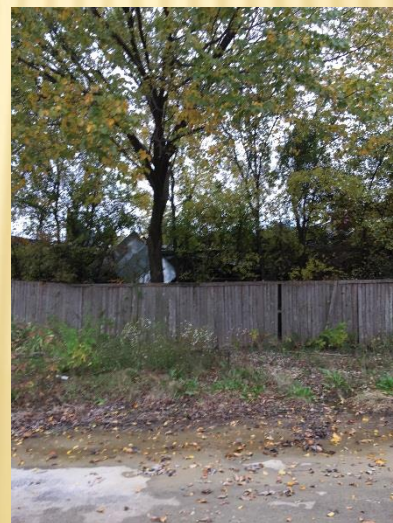
Location Map



Photos



Photos





GARLAND PLANNING REPORT

City Council Regular Session Agenda

8. e.

Meeting Date: 12/03/2019

Item Title: Z 19-36 Rock Ink Tattoos (District 2)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision for a Tattooing/Body Piercing Establishment on a property zoned Downtown (DT) District (Uptown (U) Sub-district) and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of Tattooing/Body Piercing Establishments.

OWNER

Duck Creek Commercial

PLAN COMMISSION RECOMMENDATION

On November 11, 2019 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for a Tattooing/Body Piercing Establishment on a property zoned Downtown (DT) District (Uptown (U) Sub-district) and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and Special Standards of Tattooing/Body Piercing Establishments for a period of five (5) years.

STAFF RECOMMENDATION

Approval of the request as presented by the applicant.

BACKGROUND

The property was developed in 1947 with a two-story building. The building is currently a multi-tenant building with a welding business, retail store and the applicant's tattooing business. The applicant is requesting approval to allow the continued operation of a Tattooing/Body Piercing Establishment on a 9,000 square-foot site.

SITE DATA

The site contains approximately 9,000 square feet with approximately 180 lineal feet of frontage along Main Street and 131 lineal feet of frontage along Fourth Street, which are both used as access points to and from the property.

USE OF PROPERTY UNDER CURRENT ZONING

The Uptown (U) Sub-district in the Downtown (DT) District consists of mixed-use office, retail and urban lifestyle housing. It may have a wide range of residential building types: townhouses, live/work, apartments, condominiums and lofts. Setbacks and landscaping are variable. Streets with dense street tree coverage and sidewalks define medium-size blocks. Tattooing/Body Piercing Establishment requires approval of a Specific Use Provision through a public hearing process.

In 2016, File Z 16-45 was approved for the operation of a Tattooing/Body Piercing Establishment and a Major Waiver of the Special Standards for Tattooing/Body Piercing Establishments. The Major Waiver was approved to allow the location of the use within 500 feet of a residence or residential subdivision, church or place of worship, public or private school, public park, public hospital, child care center, senior living facility, or other tattooing/body piercing establishment.

The Tattooing/Body Piercing Establishment was approved for a period of three (3) years and the applicant is requesting to continue operating the business.

CONSIDERATIONS

Specific Use Provision

1. The applicant proposes a Tattooing/Body Piercing Establishment in Suite 200, a 350 square-foot ground-level tenant space that is within an existing building on a 9,000 square-foot site. The Tattooing/Body Piercing Establishment would operate Monday through Friday, from 8:00 a.m. to 11:00 p.m.
2. The site plan (Exhibit C) shows existing pavement and thirty-seven (37) parking spaces on the overall site. The applicant proposes no changes to the existing parking count.
3. Neither a building expansion nor a parking lot expansion is being proposed with this request. Landscaping and screening compliance is not triggered by this request.
4. Signage is existing and no changes to signs are proposed with this application.
5. The applicant requests the SUP to be in effect for a period of five (5) years.

Major Waiver:

6. The City Council approval of File Z 16-45 included a Major Waiver of design standards to in the Downtown (DT) District. Major Waivers may only be approved by the City Council, following a recommendation by the Planning Director and the Plan Commission. In order to approve a Major Waiver, the City Council shall find that the Waiver:
 - Meets the general intent of this district; and
 - Will result in an improved project which will be an attractive contribution to the Downtown (DT) District.

Table 7-1 of the Garland Development Code cross-references Special Standards for Tattooing/Body Piercing Establishment found in Section 2.52(A)(6) of the Garland Development Code. These Special Standards impose a setback of 500 feet from a Tattooing/Body Piercing Establishment to any residence or residential subdivision, church or place of worship, public or private school, public park, public hospital, child care center, senior living facility, or other

tattooing/body piercing establishment.

The applicant requests approval of a Major Waiver to allow the proposed Tattooing/Body Piercing Establishment to be located a distance of less than 500 feet from residential dwellings [approximately 374 feet and 450 feet away] sited on the south side of West Avenue A and west of South 4th Street, and to be located a distance of approximately 420 feet from a Church or Place of Worship, sited at 201 South 4th Street.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood Centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties surrounding the subject area are zoned Downtown (DT) District with Uptown (U) Sub-district and the Downtown Historic (DH) Sub-district, which are located in Downtown Garland. These properties are developed with an array of land uses including Automobile Repair; Automobile Sales; Office, General; Church; Dwelling, Single-Family Detached; Retail Store and Personal Service.

The proposed Tattooing/Body Piercing Establishment is compatible with the surrounding land uses within the context of the Downtown (DT) District and the request is consistent with the goals and intent of the Downtown (DT) District and its guidelines.

Attachments

Z 19-36 Rock Ink Tattoos Attachments and Exhibits

Z 19-36 Rock Ink Tattoos Responses

Z 19-36 Rock Ink Tattoos Staff Presentation

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 19-36

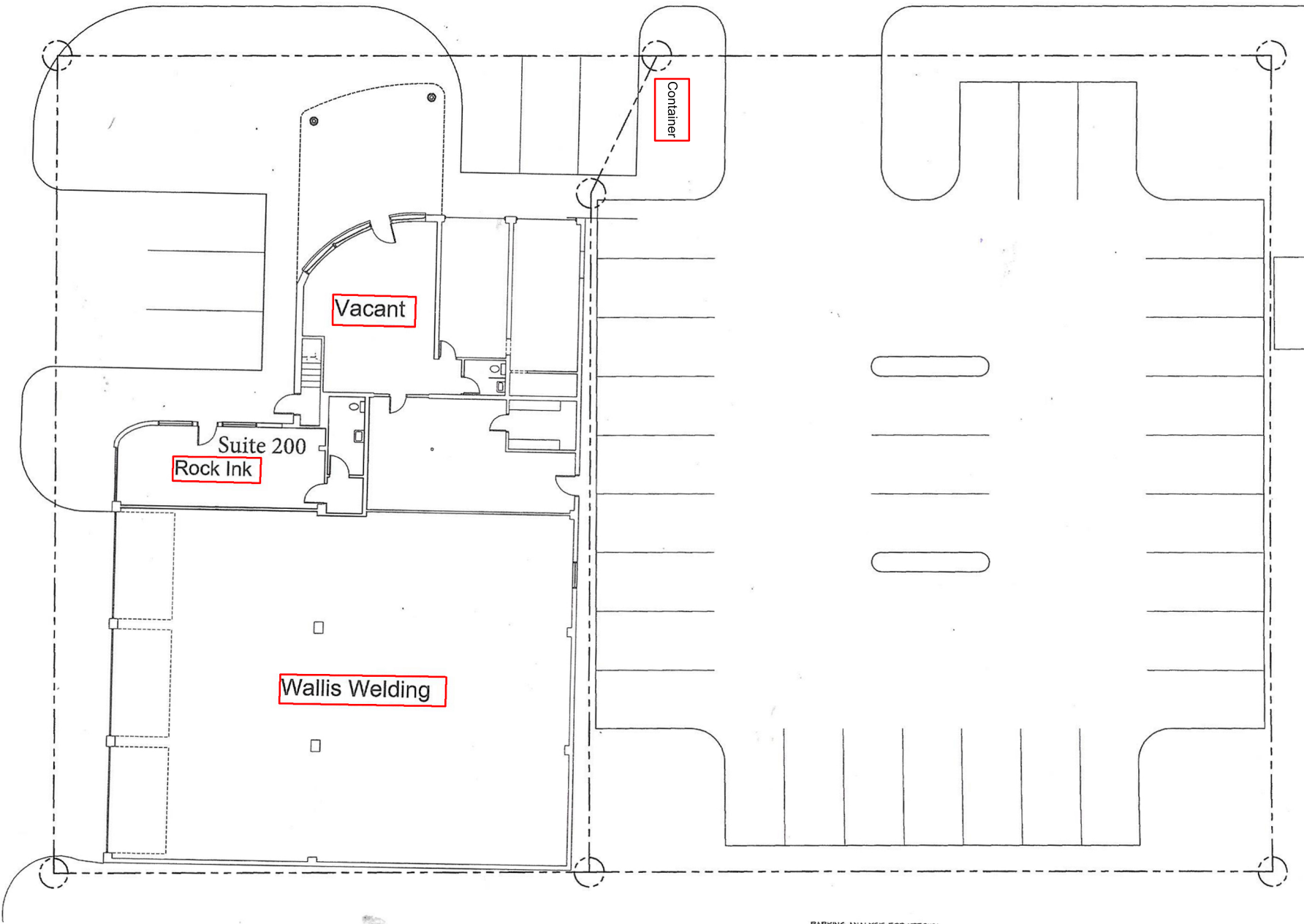
316 Main Street, Suite 200

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow Tattooing/Body Piercing Establishment.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Downtown (DT) District as set forth in Chapter 7 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Specific Use Provision:**
- A. SUP Time Period: The Specific Use Provision for a Tattooing/Body Piercing Establishment shall be in effect for a period of five (5) years.
- B. Site Layout: The site shall be in conformance with the site layout in Exhibit C.

EXHIBIT C

4TH STREET

MAIN STREET



1 SITE PLAN
SCALE: 1/8" = 1'-0"



PARKING ANALYSIS FOR UPTOWN

TENANT	USE	SIZE	RATIO	PARKING SPACES
WALLIS WELDING	STUDIO	4,500 S.F.	1/250	18
ROCK INK	TATTOO	300 S.F.	1/250	2
VACANT	RETAIL	1,500 S.F.	1/250	6
APARTMENT	RESIDENTIAL	1,250 S.F.	2 BEDROOM	2

Total Number of Parking Spaces Required: 28
Total Parking Spaces Provided: 37

REPORT & MINUTES

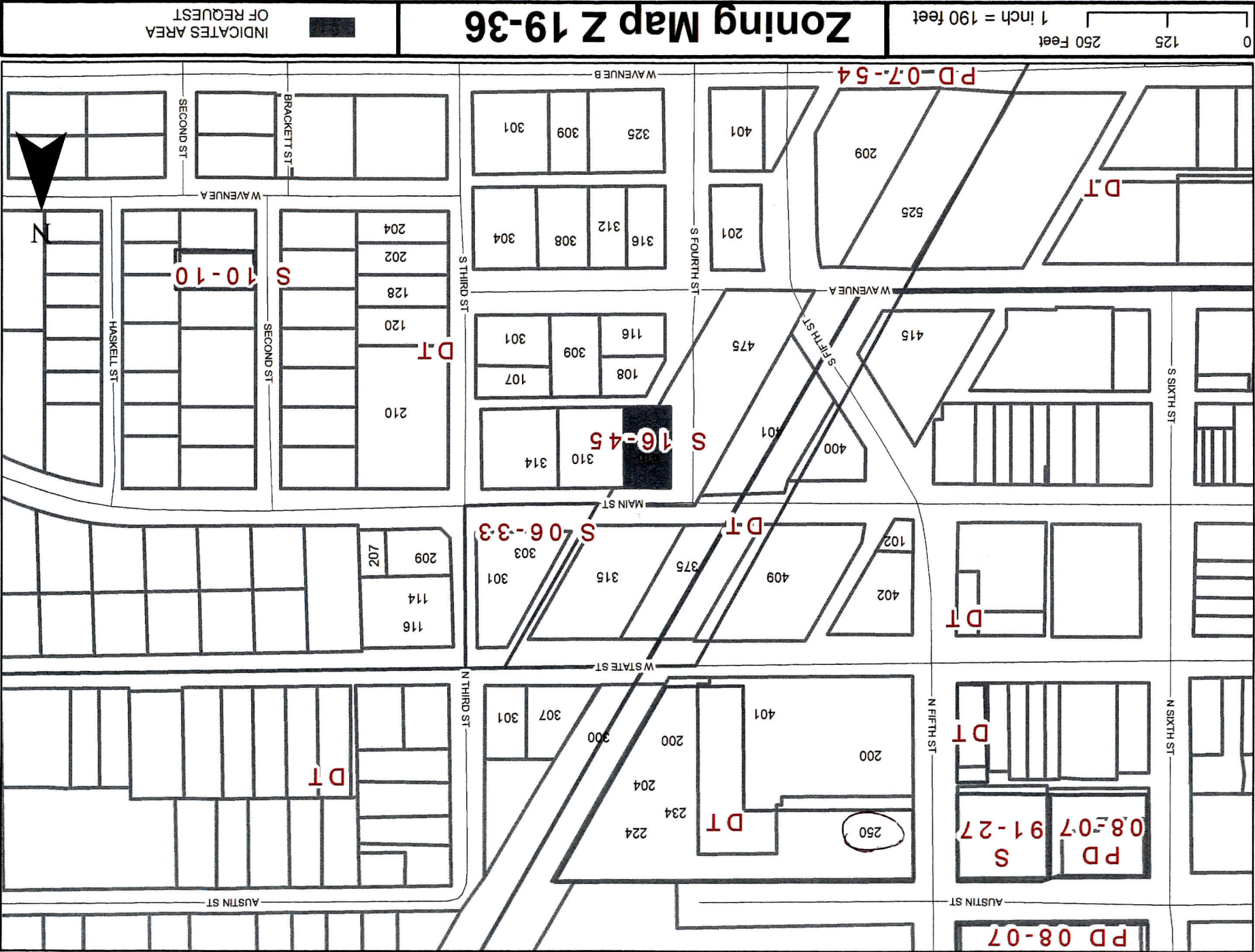
P.C. Meeting, November 11, 2019

Consideration of the application of **Rock Ink Tattoos**, requesting approval of 1) a Specific Use Provision for Tattooing/Body Piercing Establishment on a property zoned Downtown (DT) District (Uptown Sub-district) and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of Tattooing/Body Piercing Establishments. This property is located at 316 Main Street. (District 2) (File Z 19-36)

The applicant Lucas Cervellini, 1210 Wendell Way, Garland, Texas provided a brief overview of the request and remained available for questions.

There were no questions of this applicant.

Motion was made by Commissioner Rose to close the public hearing and **approve** the request per staff recommendation. Seconded by Commissioner Edwards. **Motion carried: 9** Ayes, **0** Nays.



Allmendinger, Tracy

From: Norm Bjornnes <nbjornnes@oaksproperties.com>
Sent: Wednesday, November 6, 2019 10:20 AM
To: Planning Group
Subject: File: Z 19-36 - Rock Ink Tattoos

Ladies & Gentlemen:

We own Oaks City Center Apartments at 250 N 5th Street and Oaks 5th Street Crossing Apartments at 351 N 5th Street in Downtown Garland. I write to support the applicant's continued operation of its business at 316 Main Street. Rock Ink has been a solid business contributor to Downtown Garland. Thank you.

→ Outside
notification
Area

Norman P. Bjornnes, Jr.

President



3550 East 46th Street, Suite 120 | Minneapolis, MN 55406

Direct 612-630-5943 | Main 612-874-1102

Cell 612-720-2716 | Fax 612-874-1054

nbjornnes@oaksproperties.com | www.oaksproperties.com



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

APPLICANT: Rock Ink Tattoos

File: Z 19-36

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, November 11, 2019, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Rock Ink Tattoos**, requesting approval of 1) a Specific Use Provision for a Tattooing/ Body Piercing Establishment on a property zoned Downtown (DT) District (Uptown Sub-district) and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of Tattooing/Body Piercing Establishments. The property is shown on the enclosed sketch and is described as follows:

BEING a tract of land situated in the Joel Crumpacker Survey, Abstract No. 328, City of Garland, Dallas County, Texas, being a part of Block 2 of the Town of Duck Creek, an Addition to the City of Garland, Dallas County, Texas, according to the map recorded in Volume 82, Page 352, Map Records, Dallas County, Texas being that same tract of land conveyed to Head Investments Co., a Texas corporation, Eighth Tract, by Warranty Deed recorded in Volume 76215, Page 2286, Deed Records, Dallas County, Texas.
This property is located at 316 Main Street. (District 2)

Note: The applicant proposes to continue the operation of a Tattooing/ Body Piercing Establishment, for which a Specific Use Provision was previously approved for a term of three (3) years.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205- 2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kimberly Hopkins at 972-205-2454.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Outside the Notification Area

November 11, 2019

Z 19-36

Page 2 of 2

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

1) GISD Tax Office, 901 W. State Street, Garland, TX 75040; 2) GISD Pathfinder Achievement Center, 221 S. 9th Street, Garland, TX 75040; 3) GISD Garland HS, 310 S. Garland Avenue, Garland, TX 75040

Your Property Address

Joel E. Falcon

Printed Name

701 N. First Street

Address

Garland, TX

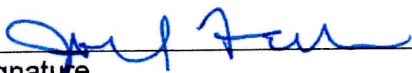
City, State

75040

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature



Title

, GISD Executive Director of Facilities & Maintenance

Date: 11/8/19

Outside the Notification Area

NOV 12 '19 AM 9:54

Z 19-36

Approval of 1) a Specific Use Provision for Tattooing/Body Piercing Establishment on a property zoned Downtown (DT) District (Uptown (U) Sub-district) and 2) a Major Waiver to Table 7-1 of the Garland Development Code regarding the location and special standards of Tattooing/Body Piercing Establishments

**City Council Meeting
December 3, 2019**



GARLAND

TEXAS MADE HERE

Case Information

Location: 316 Main Street, Suite 200

Applicant: Lucas E. Cervellini [Rock Ink Tattoos]

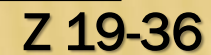
Owner: Duck Creek Commercial

Acreage: 0.24 acres

Zoning: Downtown (DT) District (Uptown Sub-district)

Location Map





Photos

The subject property was developed in 1947 with a 2-story building. The building is divided into four tenant spaces. One tenant space is occupied with a welding shop and the other three are currently vacant. The applicant is proposing to operate a tattooing/body piercing establishment from one of the currently vacant tenant spaces.

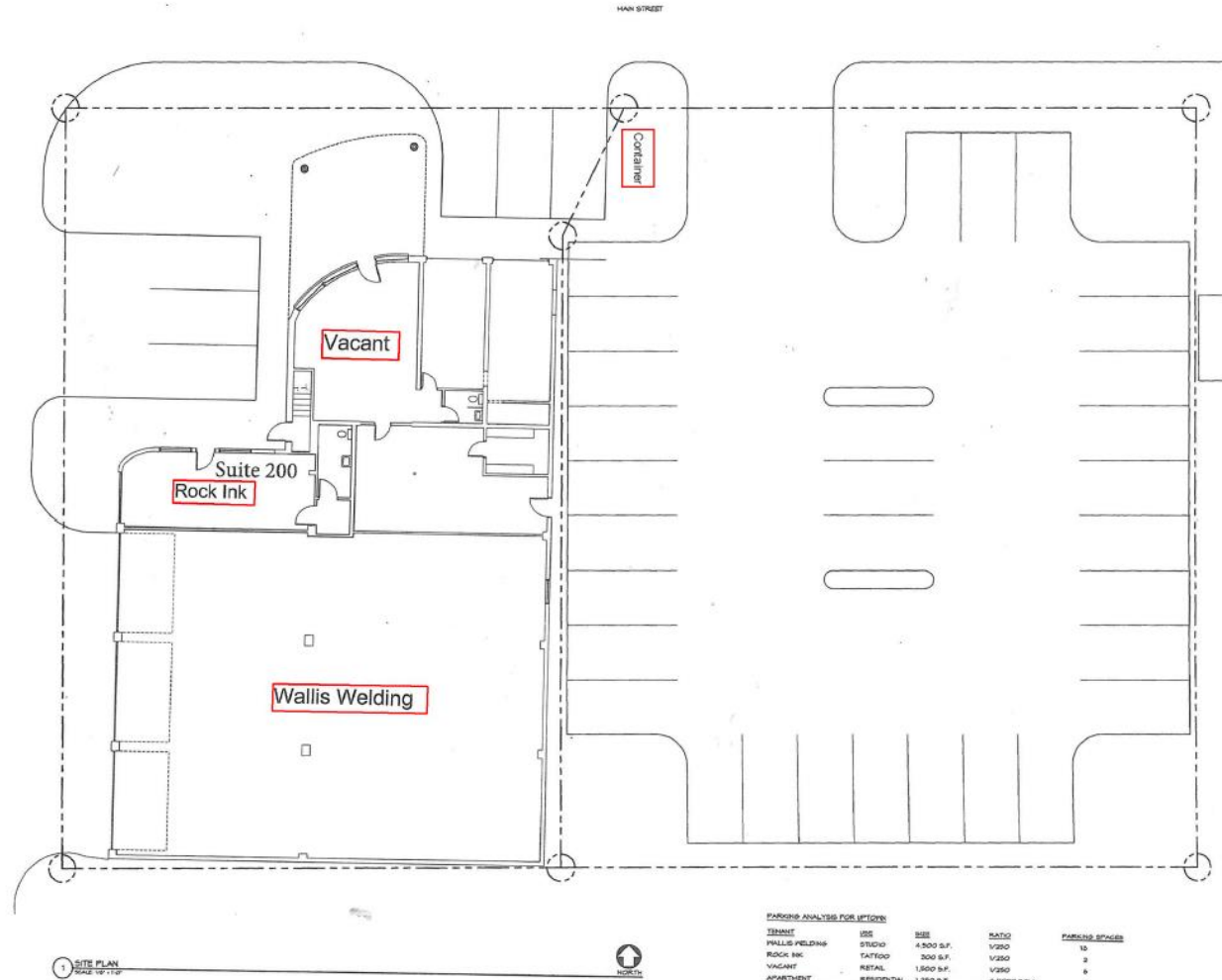


Photos



Site Plan

EXHIBIT C



Consideration

The applicant requests the Specific Use Provision (SUP) to be in effect for a period of five (5) years.

Location Map





GARLAND PLANNING REPORT

City Council Regular Session Agenda

8. f.

Meeting Date: 12/03/2019

Item Title: Z 19-35 Patricia Ann Jones (District 2)

Submitted By: Nabihah Ahmed, Development Planner

REQUEST

Approval of a Specific Use Provision for a Dwelling Accessory-Guest House on a property zoned Single-Family-7 (SF-7) District.

OWNER

Patricia Ann Jones

PLAN COMMISSION RECOMMENDATION

On November 11, 2019 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for a Dwelling Accessory-Guest House.

Additionally, the Plan Commission also recommended the Specific Use Provision to be valid for fifteen (15) years, in lieu of the previously requested ten (10) years.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Dwelling Accessory-Guest House on a property zoned Single-Family-7 (SF-7) District.

BACKGROUND

The applicant is requesting approval to allow a Guest House on a developed property. There is a 1,283 square foot single family home and a 327 square-foot accessory structure. The applicant would like to convert the existing accessory structure into a guest house.

SITE DATA

The site contains approximately 0.172 acres with approximately sixty (60) lineal feet of frontage along Carpenter Drive. The property can be accessed from Carpenter Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The Single-Family-7 (SF-7) District is intended to provide for development of primarily low-density detached, single-family residences on a variety of lot sizes, churches, schools, and public parks in logical, livable, and sustainable neighborhoods.

CONSIDERATIONS

1. The applicant proposes to convert the existing 327-square foot accessory structure into a Guest House.
2. The GDC defines Dwelling, Accessory-Guest House as an incidental, on-site, dwelling unit that is either attached or detached from the primary residential structure, is used for temporary occupancy by guests or relatives of the owners of the property, is not for rent, is incidental to the main structure (the building area does not exceed thirty percent of the floor area of the main structure), and is not involved in the conduct of a business. The applicant's proposal complies with the requirements. The proposal seeks a term of fifteen (15) years.
3. The Garland Development Code (GDC) establishes a parking ratio of one (1) space for the Guest House and two (2) enclosed spaces for the single-family home. Given the existing single-family home has a one-car garage, consistent with several other homes in the neighborhood, the applicant proposes to use the one (1) enclosed parking space for the single-family home and an on-street parking space is available for the Guest House.
4. This request does not trigger any screening or landscaping requirements.
5. The applicant requests the Specific Use Provision to be in effect for a period of fifteen (15) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Traditional Neighborhoods for the subject property. Traditional Neighborhoods are currently found throughout Garland and provide areas for low to moderate density single-family detached residential housing.

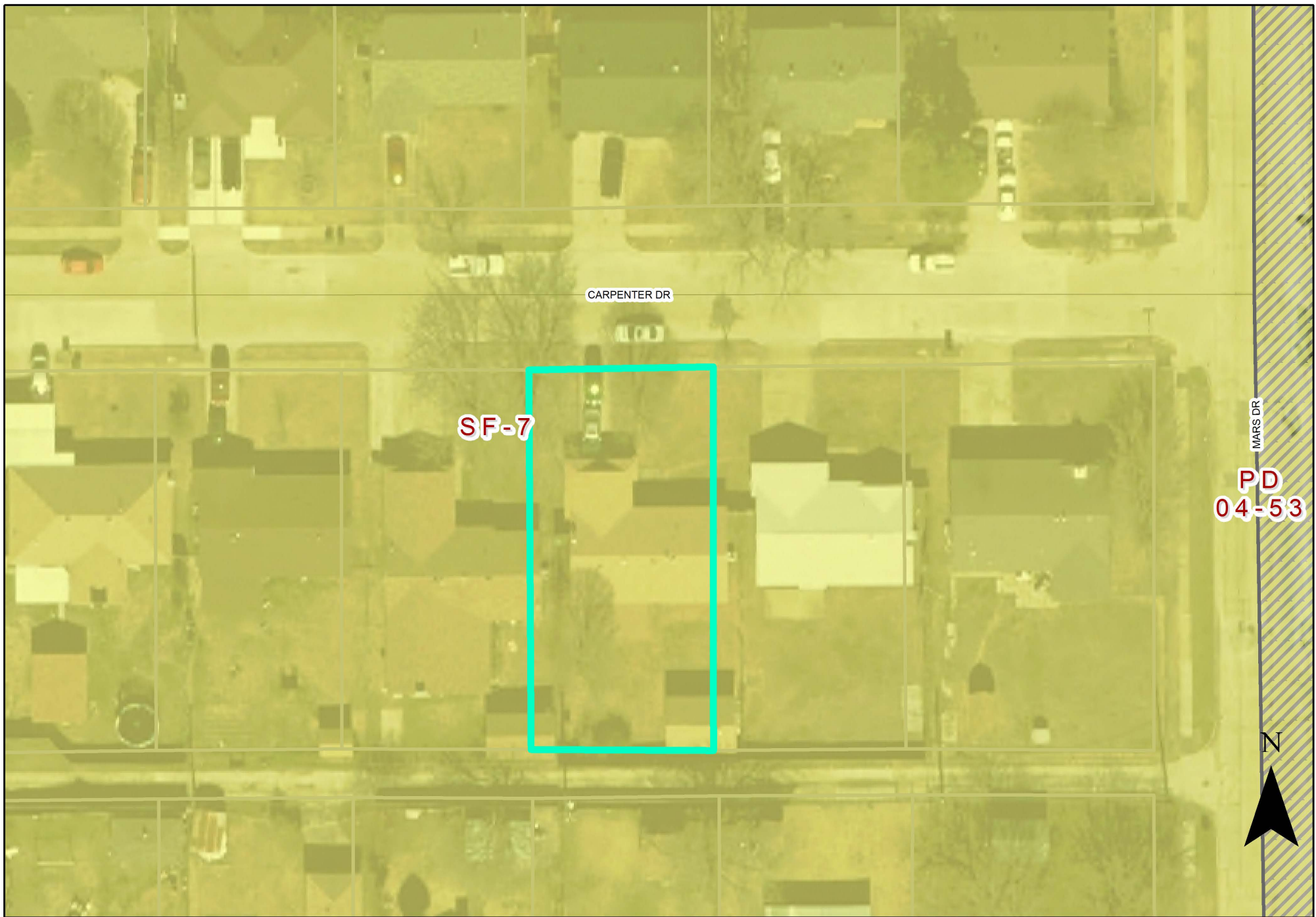
Traditional Neighborhoods also accommodate convenience retail (goods and services), office space, and public services. Non-residential structures are compatible in architectural style and scale with adjacent residential development. Non-residential uses are typically located at the intersection of local streets or at local and secondary arterial streets. Non-residential uses are within walking distance of the neighborhoods they serve and include minimal on-site parking.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north, east, south and west of the subject property are all zoned Single-Family-7 (SF-7) District and developed with single-family homes.

Attachments

Z 19-35 Patricia Ann Jones Attachments and Exhibits
Z 19-35 Responses - Updated
Z 19-35 Staff Presentation



0 25 50 Feet
1 inch = 41 feet

Zoning Map Z 19-35



INDICATES AREA
OF REQUEST

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 19-35

718 Carpenter Drive

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Dwelling, Accessory-Guest House.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulations found in the Garland Development Code, Ordinance No. 6773, as amended prior to the adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Single-Family-7 (SF-7) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- Site Layout: The site shall be in general conformance with the approved Site Plan labeled Exhibit C. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.
- V. Specific Use Provision:**
- A. SUP Time Period: The Specific Use Provision for a Dwelling, Accessory-Guest House shall be in effect for a period of fifteen (15) years.

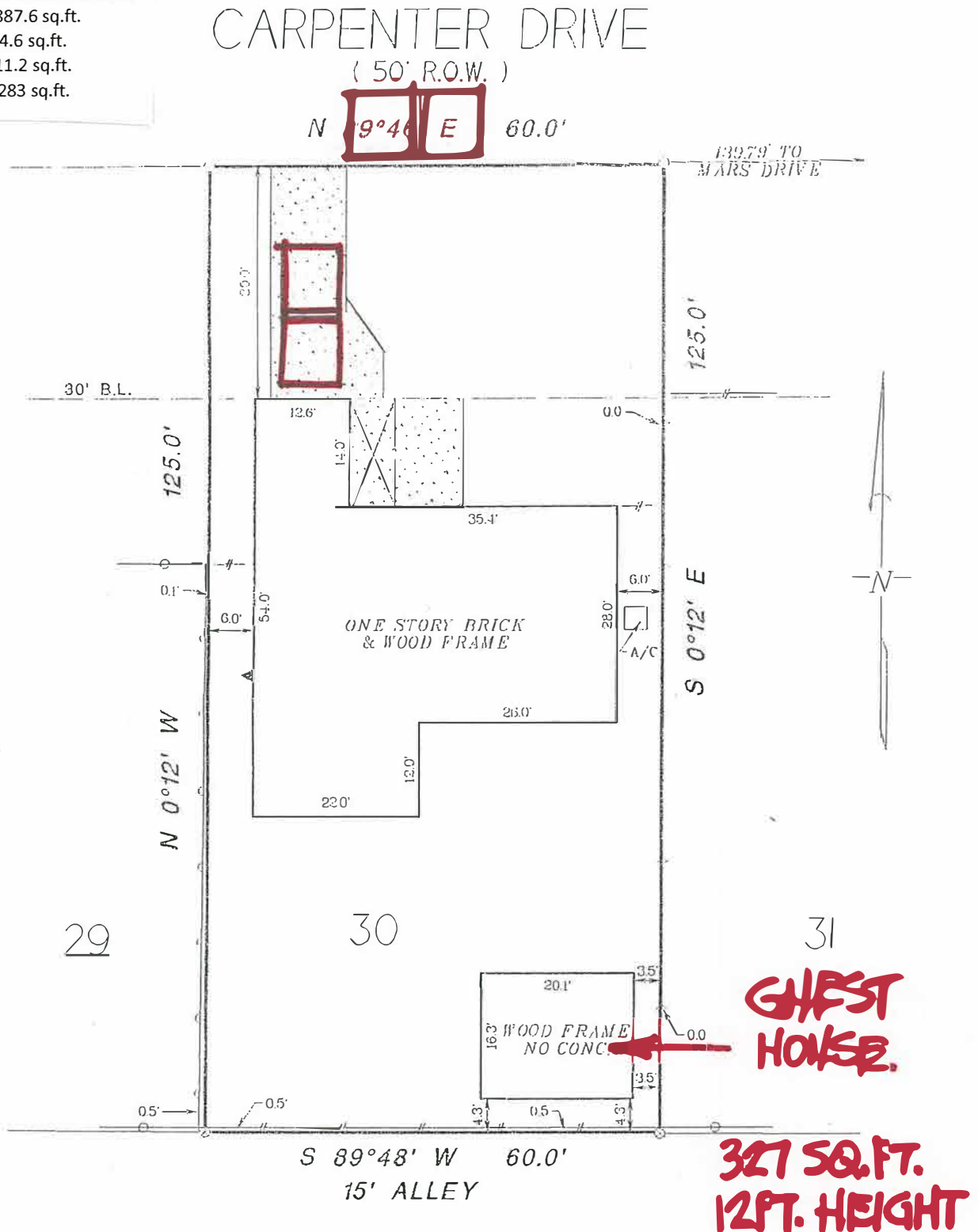
SURVEY PLAT **CR 190808-3**

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 718 CARPENTER DRIVE, in the city of GARLAND, Texas
Lot No. 30 Block No. 8 of STAR CREST ESTATES NO. 3
an Addition to the City of GARLAND, Texas, according to the MAP
thereof recorded in Volume 49 Page 183 of the MAP Records of DALLAS County, Texas.

Main Structure Measurements

$$31.7' \times 28' = 887.6 \text{ sq.ft.}$$
$$3.6' \times 23.5' = 84.6 \text{ sq.ft.}$$
$$12.6' \times 24.7 = 311.2 \text{ sq.ft.}$$

Total Area: 1,283 sq.ft.



NOTE: BEARINGS ARE BASED ON RECORDED PLAT

NOTE: According to the F.I.R.M. in Community Panel No. 485471 0020 D, this property does lie in Zone X and does not lie within the 100 year flood zone.

To REPUBLIC Title Company in connection with the transaction described in G.F. 97R05221 INJ

Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersign and the plot hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and types of buildings are as shown; as EXCEPT AS SHOWN all improvements are located within the boundaries the distance indicated and there are no visible and apparent encroachments or protrusions on the ground.

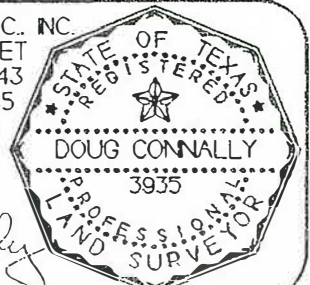
Drawn by: TIM
Scale: 1"=20'
Date: 8-29-97
Borrower: JONES
Job No. 975847-1

LEGEND

- LEGEND**

○ 1/2" IRON ROD FOUND	● POWER POLE
⊗ 1/2" IRON ROD SET	■ BRICK COLUMN
□ 1" PIPE FOUND	—○—○—○— GWIN LINK FENCE
□ FENCE POST CORNER	—//—//—//— WOOD FENCE
⊠ 1/2" FOUND IN CONCRETE	—x—x—x—x— BARBED WIRE FENCE
▲ UNDERGROUND ELECTRIC	— — — — — IRON FENCE
△ OVERHEAD ELECTRIC	[] CONCRETE
	[X] COVERED AREA
EDGE ASPHALT PAVING	
— — — — — OVERHEAD ELECTRIC SERVICE	
— — — — — OVERHEAD POWER LINE	

DOUG CONNALLY & ASSOC., INC.
9726 SKILLMAN STREET
DALLAS, TEXAS 75243
PHONE: (214) 349-9485
FAX: (214) 349-2216



Long Connally

RECEIVED SEP 30 2019

REPORT & MINUTES

P.C. Meeting, November 11, 2019

Consideration of the application of **Patricia Ann Jones**, requesting approval of a Specific Use Provision for a Guest House on a property zoned Single-Family-7 (SF-7) District. This property is located at 718 Carpenter Drive. (District 2) (File Z 19-35)

The applicant Patricia Ann Jones, 718 Carpenter Drive, Garland, Texas provided an overview of the request and elaborated on the work already in place for the guest house.

Commissioner Ott inquired as to the amount of work performed to the guest house and when it was completed.

Motion was made by Commissioner Hallman to close the public hearing and **approve** the request for a fifteen (15) year Specific Use Provision. Seconded by Commissioner Williams. **Motion carried: 9 Ayes, 0 Nays.**



INDICATES AREA
OF REQUEST

Zoning Map Z 19-35

0 120 240 Feet
1 inch = 163 feet



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

APPLICANT: Patricia Ann Jones

File: Z 19-35

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, November 11, 2019, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Patricia Ann Jones**, requesting approval of a Specific Use Provision for a Guest House on a property zoned Single-Family-7 (SF-7) District. The property is shown on the enclosed sketch and is described as follows:

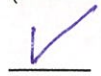
Being a 0.172-acre tract of land located at 718 Carpenter Drive in the City of Garland, Texas, and being Lot 30, Block 8, of Star Crest Estates No. 3, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 49, Page 183, of the Official Public Records of Dallas County, Texas. **This property is located at 718 Carpenter Drive. (District 2)**

Note: The applicant proposes to convert the existing 328 square-foot accessory building into a Guest House.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Nabiha Ahmed at 972-205-2453.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)



☒ I am in favor of the request.

☐ I am opposed to the request.

NOV 5'19 AM11:09



CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

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APPLICANT: Patricia Ann Jones

File: Z 19-35

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Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

NOV 7'19 PM 2:08



CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

APPLICANT: Patricia Ann Jones

File: Z 19-35

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Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

*Rita Nations
725 Carpenter Dr.
Garland, Tex 75040*

NOV 5 '19 PM 2:51



CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

APPLICANT: Patricia Ann Jones

File: Z 19-35

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Outside the Notification Area

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

GISD Sellers Middle School, 1009 Mars Drive, Garland, TX 75040

You're Property Address

Joel E. Falcon

Printed Name

701 N. First Street

Address

Garland, TX

City, State

75040

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Joel Falcon

Signature

, GISD Executive Director of Facilities & Maintenance

Title

Date: 11/8/19



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November-11, 2019 – 7:00 PM

APPLICANT: Patricia Ann Jones

File: Z 19-35

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Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

Please see attached notes ...

(Please complete the following information)

Your Property Address

Cindy Rockwell
Printed Name

721 John Glen Dr Garland TX 75040
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Cindy Rockwell
Signature Title

Date: 11/6/19



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

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APPLICANT: Patricia Ann Jones

File: Z 19-35

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Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

☐ I am in favor of the request.



☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

please see attached notes...

(Please complete the following information)

You're Property Address

Michelle Rockwell

Printed Name

701 Carpenter Dr

Address

Garland, TX

City, State

75040

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Michelle R. Rockwell

Signature

Title

Date: 11-08-19

Allmendinger, Tracy

From: Michelle Rockwell <shelly.rock@icloud.com>
Sent: Friday, November 8, 2019 10:39 AM
To: Planning Group
Subject: File Z 19-35
Attachments: File Z 19-35.pdf

To Whom It May Concern,

Please see attached notice letters opposing the approval of the guest house at 718 Carpenter Dr.

Please let me know if you have any questions.

Blessing,
Michelle Rockwell
214 772-3915

Regarding File Z 19-35

November 8, 2019

To Whom It May Concern,

We would like to express our concern about the application for the use of a Guest House at 718 Carpenter Drive. We are opposed to the addition of the guest house for several reasons. First, this address has been known to house the homeless in the back accessory building. They have been known to block the alley day and night to do scrapping in her backyard leaving trash through out the area and waking neighbors all hours of the night. We have picked up trash from them in this area numerous times including 20 screws just recently picked up so they wouldnt end up in anyones car tire. Secondly, this is a single family neighborhood and we already have issues with parking. You can hardly walk down the sidewalk becuase people are constantly blocking it with parked cars becuase there is no where to park on the street. If we add guest houses this will potentially add to the parking problem. If her home is like the rest of ours there are at least 3 bedrooms in her home; she should have an extra room to allow a guest to stay. Also, by adding a guest house all utilities will increase when allowing guests to stay. When living on a fixed income most people can barely make ends meet so this will cause for a need to charge rent which she has already admitted to in the past and our understanding is you are not allowed to charge rent for someone staying in a guest house. I hope you take ours concerns into consideration when determining if you will give approval for the guest house. If this one is approved it could set a trend and many more could want to do the same which could deteriorate the neighborhood and the city. Thank you for your time and consideration.

Blessings,

Concerned Residents



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

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Being a 0.172-acre tract of land located at 718 Carpenter Drive in the City of Garland, Texas, and being Lot 30, Block 8, of Star Crest Estates No. 3, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 49, Page 183, of the Official Public Records of Dallas County, Texas. **This property is located at 718 Carpenter Drive. (District 2)**

Note: The applicant proposes to convert the existing 328 square-foot accessory building into a Guest House.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Nabiha Ahmed at 972-205-2453.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

In viting homeless
Scraping mess
A trend for others
NOT enough parking
Charging rent, to pay bills.
Our homes have 3 bedrooms already for
guest

(Please complete the following information)

You're Property Address

GEORGE BYRD
Printed Name

775 JOHN GLENN DRIVE 75040
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

George Byrd
Signature Title

Date: NOV-95-2019



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

APPLICANT: Patricia Ann Jones

File: Z 19-35

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

NOV 7'19 PM 2:07



CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

HEARING DATE/TIME: Plan Commission: November 11, 2019 – 7:00 PM

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

NOV 13 '19 AM 10:04



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

October 30, 2019

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

NOV 13 '19 AM 10:0



CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

NOV 19 '19 PM 2:3E

Z 19-35

**Approval of an Specific Use Provision (SUP) for
a Dwelling, Accessory-Guest House on a
property zoned Single-Family-7 (SF-7) District.**

**City Council Meeting
December 3, 2019**



GARLAND

TEXAS MADE HERE

Case Information

Location: 718 Carpenter Drive

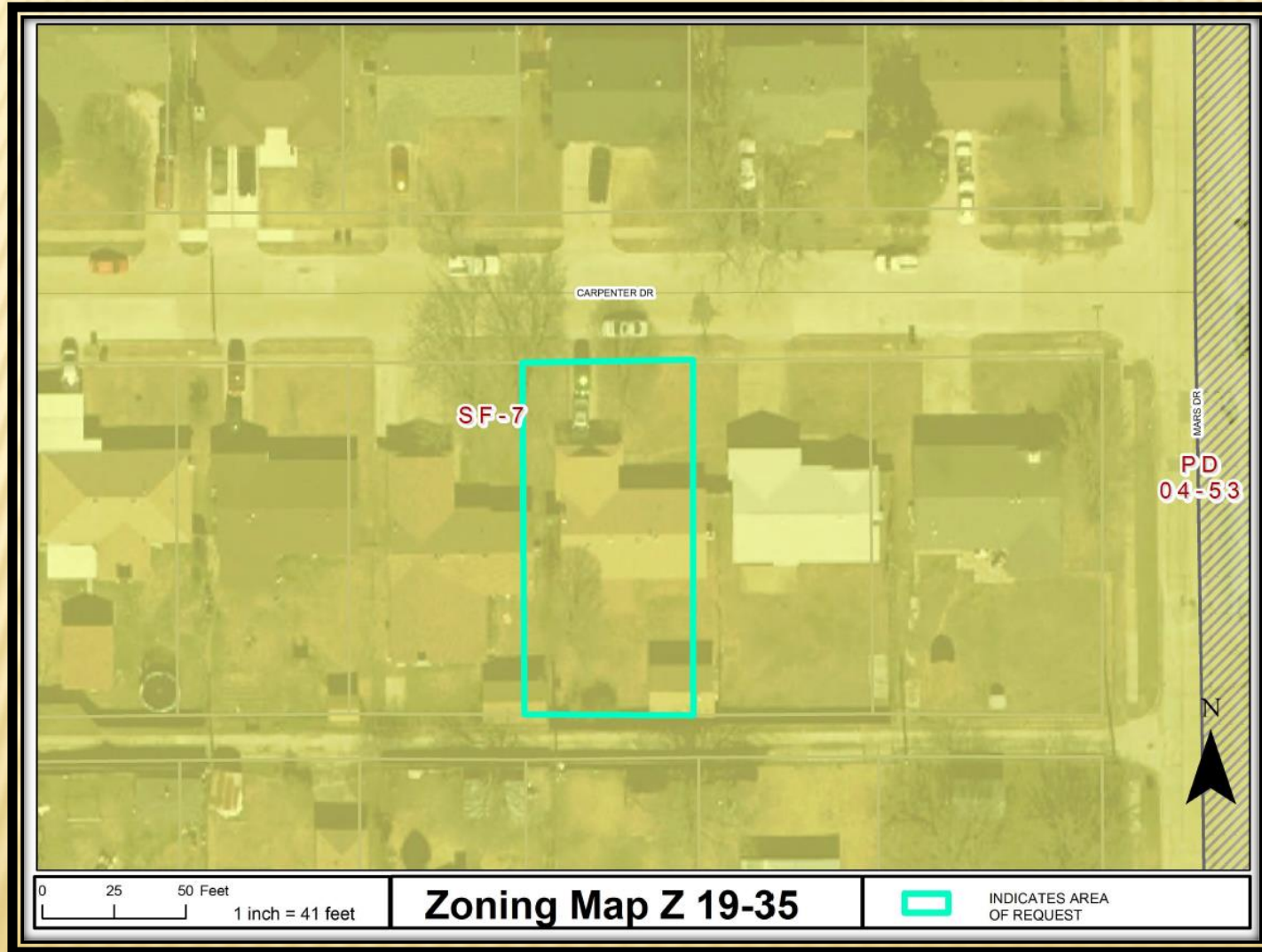
Applicant: Patricia Ann Jones

Owner: Patricia Ann Jones

Acreage: Approximately 0.172 acres

Zoning: Single-Family-7 (SF-7) District

Location Map



Photos



View of the single-family
home from Carpenter Drive.



View of the existing
Accessory Structure

Consideration

- The applicant requests the Specific Use Provision (SUP) to be in effect for a period of fifteen (15) years.
- The GDC defines Dwelling, Accessory-Guest House as an incidental, on-site, dwelling unit that is either attached or detached from the primary residential structure, is used for temporary occupancy by guests or relatives of the owners of the property, is not for rent, is incidental to the main structure (the building area does not exceed thirty percent of the floor area of the main structure), and is not involved in the conduct of a business. The applicant will comply with the requirements.
- The Garland Development Code (GDC) establishes a parking ratio of one (1) space for the Dwelling, Accessory-Guest House and two (2) enclosed spaces for the single-family home. Given the existing single-family home has a one-car garage, consistent with several other homes in the neighborhood, the applicant proposes to use the one (1) enclosed parking space for the single-family home and on-street parking is available for the Guest House.

Land Use

The Future Land Use Map of the Envision Garland Plan recommends Traditional Neighborhoods for the subject property. Traditional neighborhoods are currently found throughout Garland and provide areas for low to moderate density single-family detached residential housing.

Traditional neighborhoods also accommodate convenience retail (goods and services), office space, and public services. Non-residential structures are compatible in architectural style and scale with adjacent residential development. Non-residential uses are typically located at the intersection of local streets or at local and secondary arterial streets. Non-residential uses are within walking distance of the neighborhoods they serve and include minimal on-site parking

Location Map

