



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

William E. Dollar Municipal Building

200 North Fifth Street

Garland, Texas

Monday, November 4, 2019

6:00 p.m.

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items the staff is seeking direction from the Council or providing information in a written format.

Verbal Briefing: These items do not require written background information or are an update on items previously discussed by the Council.

Regular Item: These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items are often accompanied by a formal presentation followed by discussion.

[Public comment will not be accepted during Work Session
unless Council determines otherwise.]

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

(1) Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

(2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, Tex. Gov't Code.

(3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.073, Tex. Gov't Code.

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.

(7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:

- generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
- bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
- effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
- risk management information, contracts, and strategies, including fuel hedging and storage;
- plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
- customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; Tex. Gov't Code; Sec. 552.133, Tex. Gov't Code]

1. Consider the Consent Agenda

A member of the City Council may ask for discussion or further information on an item posted as a consent agenda item on the next Regular Meeting of the City Council. The Council Member may also ask that an item on the posted consent agenda be pulled from the consent agenda and considered for a vote separate from consent agenda items on the regular agenda. All discussions or deliberations on this portion of the work session agenda are limited to posted agenda items and may not include a new or unposted subject matter.

2. Written Briefings:

a. Amendment to University Park Landfill Usage Agreement

Council is requested to authorize the City Manager to execute an amendment to the Landfill Usage Agreement between the City of Garland and the City of University Park. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 19, 2019 Regular Meeting.

b. Multiple Use Agreement with Texas Department of Transportation for MGR Bikeway (Duck Creek Trail Connections)

Council is requested to consider whether to enter into a Multiple Use Agreement (MUA) 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. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 19, 2019 Regular Meeting.

c. Interlocal Cooperation Agreement with the City of Mesquite for MGR Bikeway (Duck Creek Trail Connections)

Council is requested to consider whether to enter into an Interlocal Agreement (ILA) with the City of Mesquite, Texas ("Mesquite") for the construction and use of the MGR Bikeway (Duck Creek Trail Connections Segments II) at IH-30/Greenbelt Parkway. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 19, 2019 Regular Meeting.

d. Investment Portfolio Summary

Staff presents the Portfolio Summary report to Council each quarter. The report is in compliance with the requirements of the Public Funds Investment Act. Management of the City's portfolios is conducted in accordance with the City Council Financial Policy, Statement of Investment Strategy and Investment Policy.

e. FY 2019-2020 Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP)-Impaired Driving Mobilization (IDM) Grant

Council is requested to consider accepting a Texas Department of Transportation (TxDOT) - Selective Traffic Enforcement Program (STEP) - Impaired Driving Mobilization (IDM) Grant. This item is scheduled for formal consideration at the November 5, 2019 Regular Meeting.

f. Discuss the 2020 Scheduling of Council Dates

Council is requested to review and discuss if needed changes to the City Council meeting dates for 2020 as presented in the attached schedule.

3. Verbal Briefings:

a. Transportation, Infrastructure and Mobility Committee Report

Council Member Rich Aubin, Chair of the Transportation, Infrastructure and Mobility Committee, will provide a committee report on the following items:

- *City of Garland Transportation Priorities for Dallas Regional Mobility Coalition (DRMC)*
 - *The DRMC has requested that each member organization submit a priority item to be included in their strategic plans. The Committee recommends that pursuing future improvements to IH-30 from IH-635 to Bass Pro Drive should be Garland's priority project.*

b. Reappraisal of Storm Damaged Property

Property value is established as of January 1st for each calendar year. This value is used to assess a tax levy for the full calendar year. Because of a recent natural disaster that occurred on October 20, 2019, the City Council has the option to reappraise property which has been damaged as a result of the disaster. If the Council so chooses, the reappraisal will be conducted in accordance with the Texas Property Tax Code section 23.02. This item is scheduled for formal consideration at the November 5, 2019 Regular Meeting.

c. Statement of Concern Regarding the Texas Legislature and Local Governments

At the request of Council Member David Gibbons and Council Member Rich Aubin, Council is asked to consider adopting a resolution expressing its concerns regarding the House Speaker's comments and the apparent attitude of the Speaker and other legislators toward local government and their fellow members within the House. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 19, 2019 Regular Meeting.

d. Framework for Citizen Input at Work Sessions

At the October 21, 2019 Work Session, Council considered the impact of a new law, enacted as HB 2840 during the last legislative session, that allows for citizen input at any open meeting of a governmental body regarding an item on the agenda. The City Attorney was directed to bring back revisions and options for further Council discussion. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 21, 2019 Regular Meeting.

e. Discuss Curfew on Downtown Square

At the request of Council Member Deborah Morris and Mayor Pro Tem Robert John Smith, Council is requested to discuss setting a curfew for the Downtown Square.

f. Consider various amendments to the Garland Development Code

Staff will present various amendments to consider throughout the Garland Development Code (GDC).

4. Announce Future Agenda Items

A member of the City Council, with a second by another member, or the Mayor alone, may ask that an item be placed on a future agenda of the City Council or a committee of the City Council. No substantive discussion of that item will take place at this time.

5. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

2. a.

Meeting Date: November 4, 2019
Item Title: Amendment to University Park Landfill Usage Agreement
Submitted By: Matt Watson, Finance Director
Strategic Focus Areas: Sound Governance and Finances

ISSUE

Council is requested to authorize 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.

OPTIONS

1. Authorize the City Manager to execute the amendment to the Landfill Usage Agreement.
2. Do not authorize the City Manager to execute the amendment to the Landfill Usage Agreement.

RECOMMENDATION

Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 19, 2019 Regular Meeting.

BACKGROUND

On July 21, 1997, the City of Garland and the City of University Park entered into a Landfill Usage Agreement. In this agreement University Park agreed to transfer a tract of land located on Brand Road. As consideration for the transfer, the parties agreed to use the value of the land as credit against Landfill usage fees that would otherwise be charged to University Park for use of the Landfill. The landfill credit is \$8,295 a month for 354 months. This agreement also required the City of Garland, at its sole expense, to have an independent consultant annually conduct a cost of service study to generate a rate per ton for the upcoming Fiscal Year which the credit would be applied.

For FY 2019-20, the City of Garland used NewGen Strategies to conduct the Cost of Service model based on expenditures anticipated in the upcoming budget year, resulting in a cost per ton for 2020 of \$17.78 (University Park has historically brought approximately 13,000 tons to the landfill annually). However, it is difficult to have an accurate and timely projection of expenditures completed by a third party before the Proposed Budget is submitted for Council approval. In addition, the City of Garland staff could easily generate this cost of service with

internal staff. From discussions with University Park staff, both parties would like to amend this portion of the contract to allow for the City to conduct the cost of service internally, saving approximately \$4,000 a year. In addition, staff would like to have the cost of service methodology changed to be based on the prior year cost plus a 3% inflationary factor rather than based on the Proposed Budget for the upcoming year. This will allow the City staff to complete this analysis much earlier in the year, allowing both City's to properly plan for the upcoming budget cycle.

Attachments

Resolution

RESOLUTION NO.

A RESOLUTION 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

WHEREAS, on July 21, 1997, the City of Garland, Texas and the City of University Park, Texas entered into a Landfill Usage Agreement; and

WHEREAS, it has become necessary to amend the provision of that agreement regarding the calculating of the cost of service incurred by the City of Garland, Texas and charged to the City of University Park, Texas; and

WHEREAS, the new cost of service calculation will more accurately reflect the costs incurred by the City of Garland, Texas;

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

Section 1

That the City Manager is hereby authorized to execute the amendment to the Landfill Usage Agreement between the City of Garland, Texas and the City of University Park, Texas, in the form and substance attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

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

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND POLICY REPORT

City Council Work Session Agenda

2. b.

Meeting Date: November 4, 2019

Item Title: Multiple Use Agreement with Texas Department of Transportation for MGR Bikeway (Duck Creek Trail Connections)

Submitted By: Michael Polocek, Engineering Director

Strategic Focus Areas:

ISSUE

Consider whether to enter into a Multiple Use Agreement (MUA) 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.

OPTIONS

1. Adopt a Resolution which authorizes the City Manager to execute the attached MUA with TxDOT for the construction and use of the MGR Bikeway (Duck Creek Trail Connections Segment II) project at IH-30/ Greenbelt Parkway.
2. Take no action.

RECOMMENDATION

Option 1. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 19, 2019 Regular Meeting.

BACKGROUND

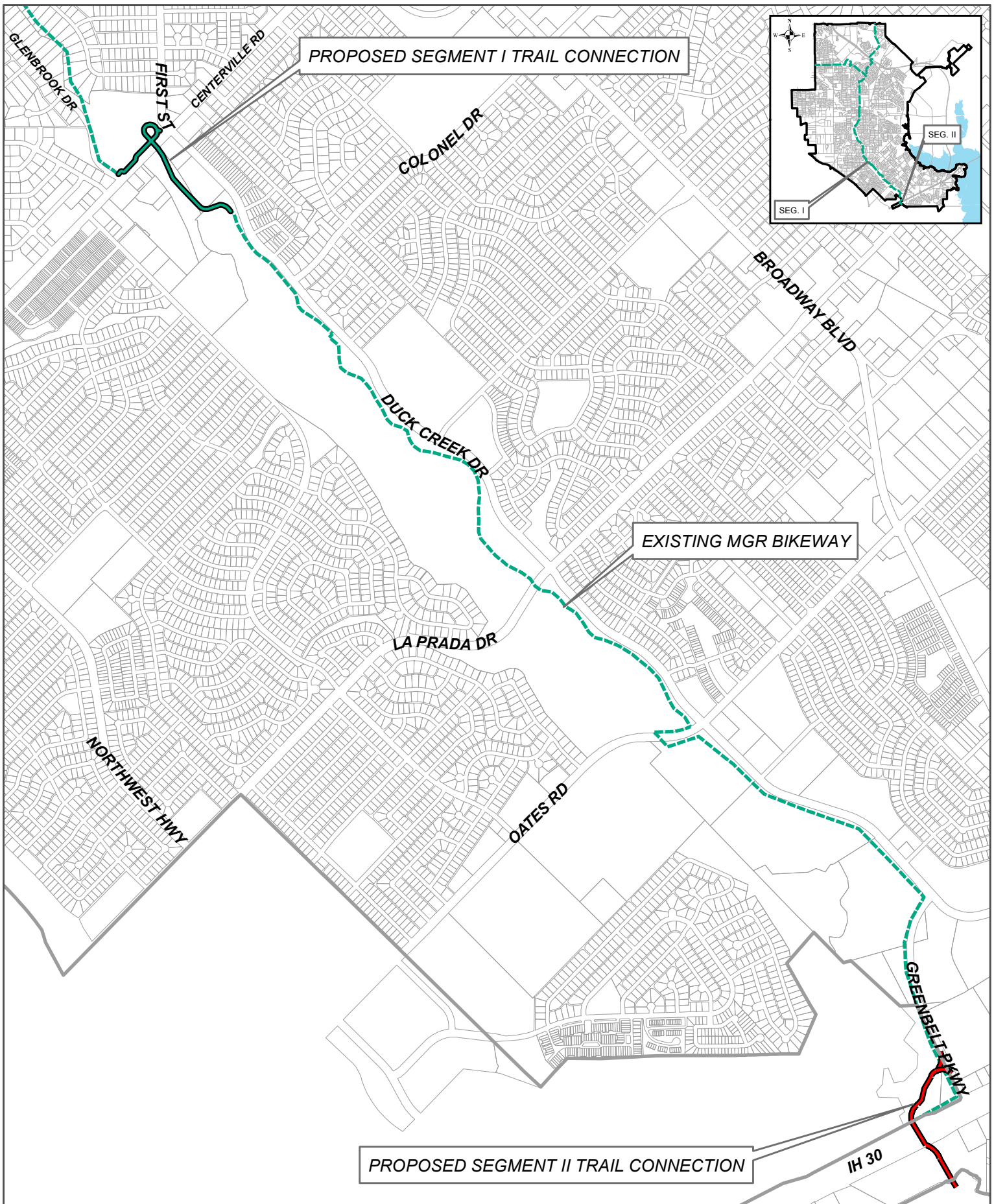
1. As part of the MGR Bikeway project, the City has requested a State permit for construction, maintenance and operation of a public Bike/Pedestrian Trail under the IH-30 bridge at Duck Creek indicated as Segment II Trail Connection on the attached location map. TxDOT has indicated its willingness to approve the request conditioned the City enter into an agreement with the State identifying respective responsibilities of the City and the State.
2. The agreement states that bike/pedestrian trail use is in the public interest and will not damage the highway facilities, impair safety, impede maintenance or restrict the operation of the highway facility.

CONSIDERATION

1. Council action is required to authorize the City Manager to sign the MUA with TxDOT.
2. The MUA has been reviewed and approved by the City Attorney's Office.

Attachments

MGR Bikeway Location Map
TxDOT MUA



MULTIPLE USE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made by the State of Texas by and between the Texas Department of Transportation, hereinafter referred to as "State", party of the first part, and **the City of Garland, Texas** hereinafter called "City", party of the second part, is to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, on the__day of____, **2019**, the governing body for the **City**, entered into Resolution/Ordinance No. _____, hereinafter identified by reference, authorizing the **City**'s participation in this Agreement with the State; and

WHEREAS, the **City** has requested the State permit the construction, maintenance and operation of a public **Bike/Pedestrian Trail** on the highway right of way, of **IH-30** (CONTROL SECTION NO. **0009-11**) shown graphically by the preliminary conceptual site plan in Exhibit "A" and being more specifically described by metes and bounds of Exhibit "B", which are attached and made a part hereof; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the **City** will enter into agreements with the state for the purpose of determining the respective responsibilities of the **City** and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the state.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. DESIGN AND CONSTRUCTION

City will prepare or provide for the construction plans for the facility, and will provide for the construction work as required by said plans at no cost to the State. Said plans shall include the design of the access control, necessary horizontal and vertical clearances for highway structures, adequate landscape treatment, adequate detail to ensure compliance with applicable structural design standards, sufficient traffic control provisions, and general layout. They shall also delineate and define the construction responsibilities of both parties hereto. Completed plans will be submitted to State for review and approval and when approved shall be attached to the Agreement and made a part thereof in all respects. Construction shall not commence until plans have been approved by the State. Any future revisions or additions shall be made after prior written approval of the State. Any sidewalks, curb ramps, and other pedestrian elements to be constructed, either on or off site, by the **City** shall be in accordance with the requirements of Title II of the Americans With Disabilities Act (ADA) and with the Texas Accessibility Standards (TAS). Elements constructed by the **City** and found not to comply with ADA or TAS shall be corrected at the entire expense of the **City**.

2. INSPECTION

Ingress and egress shall be allowed at all times to such facility for Federal Highway Administration personnel and State forces and equipment when highway maintenance operations are necessary, and for inspection purposes; and upon request, all parking or other activities for periods required for such operations will be prohibited.

3. PARKING REGULATIONS

Parking regulations shall be established limiting parking to single unit motor vehicles of size and capacity no greater than prescribed for 1¹/₂ ton trucks, such vehicles to conform in size and use to governing laws. Parking shall be permitted only in marked spaces

Parking shall be prohibited when a security threat, as determined by TxDOT, exists.

4. PROHIBITION/SIGNS

Regulations shall be established prohibiting the parking of vehicles transporting flammable or explosive loads and prohibiting use of the area in any manner for peddling, advertising or other purposes not in keeping with the objective of a public facility. The erection of signs other than those required for proper use of the area will be prohibited. All signs shall be approved by the State prior to the actual erection.

5. RESPONSIBILITIES

Timely maintenance, repair and operation of the facility shall be entirely the responsibility of the City. Such responsibility shall not be transferred, assigned or conveyed to a third party without the advanced written approval of the State. These responsibilities expressly include the timely maintenance and repair of any portion of the facility necessary to comply with the Americans with Disabilities Act. Further, such responsibility shall include picking up trash, mowing and otherwise keeping the facility in a clean and sanitary condition, and surveillance by police patrol to eliminate the possible creation of a nuisance or hazard to the public. Hazardous or unreasonably objectionable smoke, fumes, vapor or odors shall not be permitted to rise above the grade line of the highway, nor shall the facility subject the highway to hazardous or unreasonably objectionable dripping, droppings or discharge of any kind, including rain or snow.

If the State determines that City has failed to comply with these responsibilities, it will perform the necessary work and charge City the actual cost of the work.

6. FEES

Any fees levied for use of the facilities in the area shall be nominal and no more than are sufficient to defray the cost of construction, maintenance and operations thereof, and shall be subject to State approval.

A. Retention Period. The City shall maintain all books, documents, papers, accounting records and other evidence pertaining to fees collected and costs (hereinafter called the Records). The City shall make the records available during the term of the Agreement and for four years from the date the Agreement is terminated, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

B. Audit Report. If fees are collected by the City for the use of the facility under this Agreement, the City will provide the State an annual audit report detailing the fees collected for the use of the facility and the costs associated with constructing, maintaining, and operating the facility within the same period. If the report shows more fees collected than expenses for the construction, operation, or maintenance of the facility the City must provide a multiple year plan detailing how the additional revenue will be used for construction, operation, or maintenance of the facility.

C. Availability. The State or any of its duly authorized representatives, the Federal Highway Administration, the United States Department of Transportation, Office of Inspector General, and the Comptroller General shall have access to the City's records that are directly pertinent to this Agreement for the purpose of making audits and examinations.

7. TERMINATION UPON NOTICE

This provision is expressly made subject to the rights herein granted to both parties to terminate this Agreement upon written notice, and upon the exercise of any such right by either party, all obligations herein to make improvements to said facility shall immediately cease and terminate and City shall be responsible for the facility's timely removal at no cost to the State. If the State determines that City has failed to timely remove the facility, it will perform the necessary work and charge City the actual cost of the work.

8. MODIFICATION/TERMINATION OF AGREEMENT

If in the sole judgment of the State it is found at any future time that traffic conditions have so changed that the existence or use of the facility is impeding maintenance, damaging the highway facility, impairing safety or that the facility is not being properly operated, that it constitutes a nuisance, is abandoned, or if for any other reason it is the State's judgment that such facility is not in the public interest, this Agreement under which the facility was constructed may be: (1) modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility; or (2) terminated and the use of the area as proposed herein discontinued.

9. PROHIBITION OF STORAGE OF FLAMMABLE MATERIALS

All structures located or constructed within the area covered by the Agreement shall be fire resistant. The storage of flammable, explosive or hazardous materials is prohibited. Operations deemed to be a potential fire hazard shall be subject to regulation by the State.

10. RESTORATION OF AREA

The City shall provide written notification to the State that such facility will be discontinued for the purpose defined herein. The City shall, within One Hundred Twenty (120) days from the date of said notification, clear the area of all facilities that were its construction responsibility under this Agreement and restore the area to a condition satisfactory to the State.

11. PREVIOUS AGREEMENTS

It is understood that this Agreement in no way modifies or supersedes the terms and provisions of any existing agreements between the parties hereto.

12. NO WAIVER OF GOVERNMENTAL IMMUNITY; NO THIRD-PARTY LIABILITY

No party to this Agreement intends to waive, relinquish, limit or condition its general governmental or sovereign immunity from liability in any way.

Each party agrees and acknowledges that it is not an agent, servant, or employee of the other party and that under this provision each party is responsible only for its own acts and for those of its agents, servants, independent contractors or employees. Such responsibility includes, but is not limited to any claims or amounts arising or recovered under the "Workers Compensation Law," the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

Nothing in this Agreement shall be construed as creating any liability in favor of any third party against the State and the City. Additionally, this Agreement shall not ever be construed as relieving any third party from any liability against the State. Furthermore, the City shall become fully subrogated to the State's rights of recovery and shall be entitled to maintain any action over and against any third party who may be liable for damages. The State agrees to execute and deliver instruments and papers and to otherwise do that which is necessary to secure such rights.

13. INSURANCE

The City, shall provide necessary safeguards to protect the public on State maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance, repair and operation of the facility. City shall include TxDOT as an additional insured by endorsement in City's commercial general liability insurance policy. Prior to beginning work on the State's right of way, the City's construction contractor shall submit to the State a completed insurance form (TxDOT Form No. 1560) or appropriate certificate of self-insurance and shall maintain the required coverage during the construction of the facility.

14. USE OF RIGHT OF WAY

It is understood that the State by execution of this Agreement does not impair or relinquish the State's right to use such land for highway purposes when it is required for the construction or re-construction of the traffic facility for which it was acquired, nor shall use of the land under such Agreement ever be construed as abandonment by the State of such land acquired for highway purposes, and the State does not purport to grant any interest in the land described herein but merely consents to such use to the extent its authority and title permits.

15. ADDITIONAL CONSENT REQUIRED

The State asserts only that it has sufficient title for highway purposes. The City shall be responsible for obtaining such additional consent, permits or Agreement as may be necessary due to this agreement. This includes, but is not limited to, appropriate permits and clearances for environmental, ADA and public utilities.

16. FHWA ADDITIONAL REQUIREMENTS

If the Facility is located on the Federal-Aid Highway System, "ATTACHMENT A", which states additional requirements as set forth in the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710, shall be attached to and become a part of this Agreement.

17. CIVIL RIGHTS ASSURANCES

The City, for itself, its personal representatives, successors and interests and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no persons, on the grounds of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facility; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the City shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That if in the event of any breach of the above non-discrimination covenants, the State shall have the right to terminate the agreement and reenter and repossess said land and the facilities thereon, and hold the same as if said agreement had never been made or issued.

18. AMENDMENTS

Any changes in the time frame, character or responsibilities of the parties hereto shall be enacted by a written amendment executed by both parties hereto.

19. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

20. AUDIT

The State may conduct an audit or investigation of any aspect of this Agreement. The City must provide the State with access to any information the State considers relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of any facility or structure authorized by this Agreement or any contract to provide a service to the City if that service is authorized by this Agreement.

21. AUTHORITY OF STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the Agreement or indirectly through a subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

22. NOTICES

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

State
(Mailing Address)
Texas Department of Transportation
Maintenance Division
125 East 11th Street
Austin, Texas 78701-2483

City of Garland, Texas
(Mailing Address)
City of Garland, Texas
Attn: Engineering Department
PO Box 469002
Garland, TX 75046-9002

23. TIMELY PAYMENT

When any provision of this Agreement requires a payment to be made to the State, the other party hereto shall within thirty (30) days from receipt of the State's written notification pay the State for the full cost of repairing any damages to the highway facility which may result from the other party's construction, maintenance, repair or operation of the facility.

24. WARRANTS

The signatories to this agreement warrant that each has the authority to enter into this Agreement on behalf of the party represented.

List of Attached Exhibits:

Exhibit A - General Layout
Exhibit B - Metes and Bounds Description
Exhibit C - Approved Construction Plans
Exhibit D - Certificate of Insurance (TxDOT Form 1560)
Exhibit E - Attachment A (FHWA Additional Requirements)

IN WITNESS WHEREOF, the parties have hereunto affixed their signature, the **City of Garland, Texas** on the _____ day of _____, 20____, and the State on the _____ day of _____, 20_____.

City of Garland:

By: _____
Signature

Bryan Bradford
Printed Name
City Manager
Title

City of Garland, Texas
Agency

Date: _____

STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Director, Maintenance Division

Printed Name

Date

Recommended Approval:

By: _____
Mohamed K. Bur, P.E.

Title: **Dallas District Engineer**

Date: _____

ATTACHMENT A

Inasmuch as this project is on the Federal-Aid highway system, the following additional requirements as applicable with the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710.

1. Any significant revision in the design or construction of the facility shall receive prior approval by the Texas Department of Transportation subject to concurrency by the FHWA.
2. Any change in the authorized use of airspace shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
3. The airspace shall not be transferred, assigned or conveyed to another party without prior Texas Department of Transportation approval subject to concurrence by the FHWA.
4. This Agreement will be revocable in the event that the airspace facility ceases to be used or is abandoned.



GARLAND POLICY REPORT

City Council Work Session Agenda

2. c.

Meeting Date: November 4, 2019

Item Title: Interlocal Cooperation Agreement with the City of Mesquite for MGR Bikeway (Duck Creek Trail Connections)

Submitted By: Michael Polocek, Engineering Director

Strategic Focus Areas: Enhanced Quality of Life through Amenities, Arts, and Events

ISSUE

Consider whether to enter into an Interlocal Cooperation Agreement (ILA) with the City of Mesquite, Texas ("Mesquite") for the construction and use of the MGR Bikeway (Duck Creek Trail Connections Segments II) at IH-30/Greenbelt Parkway.

OPTIONS

1. Adopt a Resolution which authorizes the City Manager to execute the attached ILA with Mesquite for the construction and use of the MGR Bikeway (Duck Creek Trail Connections Segment II) project at IH-30/ Greenbelt Parkway.
2. Take no action.

RECOMMENDATION

Option 1. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the November 19, 2019 Regular Meeting.

BACKGROUND

1. MGR Bikeway (Duck Creek Trail Connections Segments II) at IH-30/Greenbelt Parkway includes improvements located within Mesquite jurisdiction.
2. Through partnership of the Cities, a regional system of multipurpose trails was developed in Garland and Mesquite, connecting communities, neighborhoods and other destination points. The trails will meet public recreation and transportation needs as well as add to the quality of life for the citizens of both Cities.
3. The City has negotiated an Interlocal Cooperation Agreement (ILA) with Mesquite for construction, maintenance and operation of a public Bike/Pedestrian Trail at both Cities' jurisdiction line as shown on the attached Location Map. Mesquite has indicated its willingness to present the ILA to their Council for consideration.

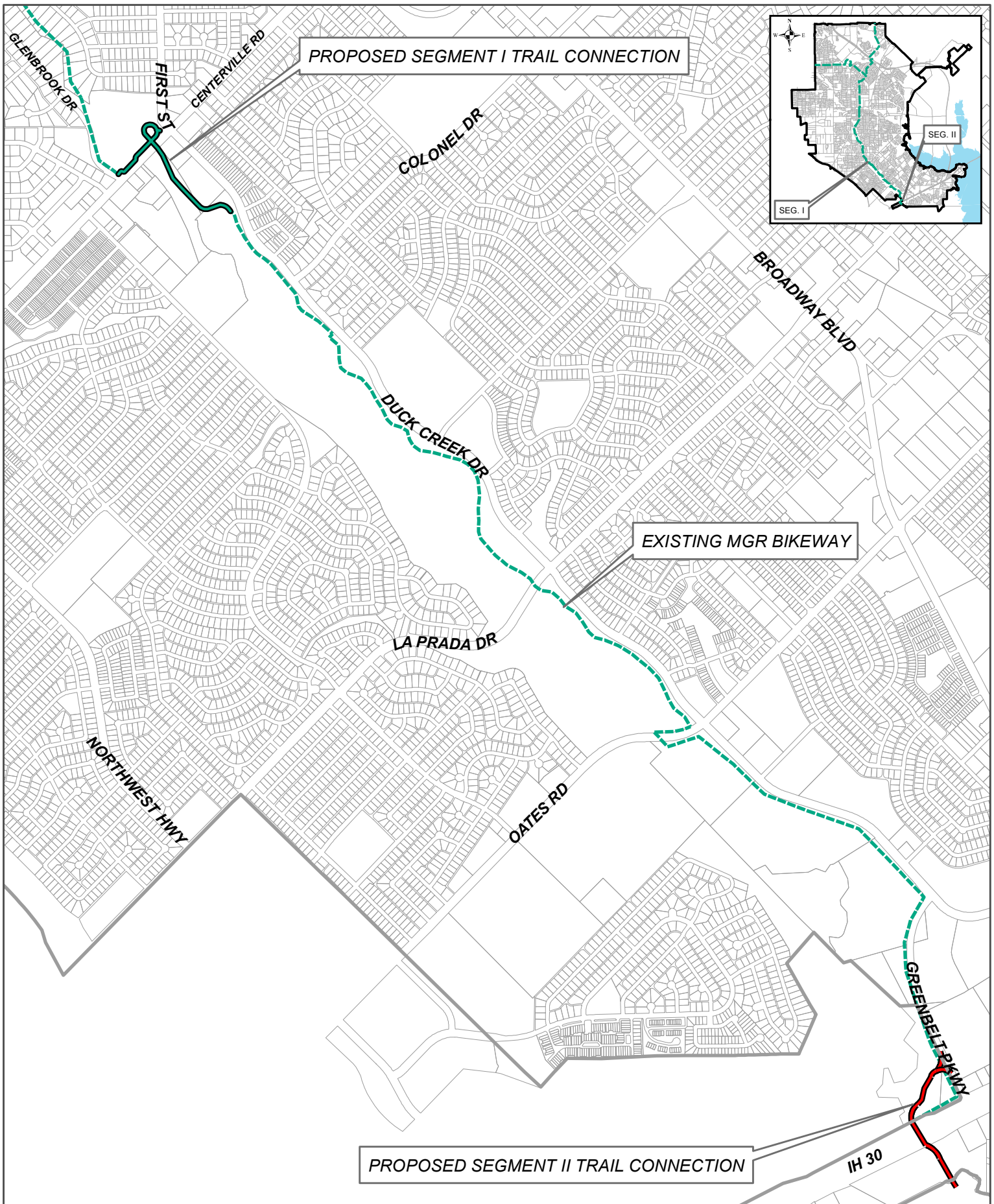
4. The agreement establishes the terms of design, construction, inspections, acceptance ownership, operation and maintenance of the trail.

CONSIDERATION

1. Council action is required to authorize the City Manager to sign the ILA with Mesquite.
2. The ILA was reviewed by the City Attorney's Office.

Attachments

MGR Bikeway Location Map
ILA City of Mesquite



STATE OF TEXAS §
 § INTERLOCAL COOPERATION
COUNTY OF DALLAS § AGREEMENT

This Interlocal Cooperation Agreement (“Agreement”) is entered into by and between the City of Mesquite, Texas (“Mesquite”) and the City of Garland, Texas (“Garland”), acting by and through their respective authorized representatives, pursuant to Chapter 791, Texas Government Code, as amended. The Cities of Mesquite and Garland are collectively referred to herein as the “Cities” and each is individually referred to as “City” or “Party.”

RECITALS:

WHEREAS, the Cities desire to enter into an agreement which sets forth the understandings and obligations of the Cities with respect to the construction of improvements to a multipurpose trail segment located within Mesquite; and

WHEREAS, the Cities are authorized to enter into this Agreement pursuant to Section 791.011 of the Texas Government Code, the Texas Interlocal Cooperation Act, which authorizes the Cities to contract with one another to perform governmental functions and services, including all or part of a function or service in recreation, public health and welfare, and streets, roads, and drainage, engineering, and other governmental functions in which the Cities are mutually interested;

WHEREAS, the functions and services of the Cities set forth in this Agreement are governmental functions and services which each City is authorized to perform and provide, and the terms, conditions and provisions of this Agreement are in support of and further the public health, safety, welfare, and convenience of the citizens of each of the Cities and are in the public interest;

WHEREAS, through a partnership of the Cities, a regional system of multipurpose trails is being developed in Garland and Mesquite connecting communities, neighborhoods, and other destination points;

WHEREAS, these trails will be used to meet public recreation and transportation needs and will add to the quality of life for the people of both Cities;

WHEREAS, the Cities desire to establish an intra-jurisdictional trail connection to promote connectivity of the regional trail system;

WHEREAS, much of the trail segment will follow the alignment of Duck Creek and will be generally situated within the floodplain/floodway;

WHEREAS, the Cities support the trail project, and recognize that its success is dependent on the continued cooperation between the Cities; and

WHEREAS, the Cities agree that in order to properly connect the new construction with existing trail system, it is necessary to construct a segment of trail within the City of Mesquite.

NOW THEREFORE, in exchange for the mutual covenants set forth herein and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Cities agree as follows:

Article I Purpose

The purpose of this Agreement is to set forth the understandings and obligations of the Cities with respect to the construction of improvements to a segment of the Duck Creek multipurpose trail.

Article II Definitions

Except when the context clearly indicates a different meaning, the following words and phrases shall have the following meanings:

“City” shall mean respectively Garland and Mesquite.

“Cities” shall mean Garland and Mesquite collectively.

“Designated Representative” shall mean the person designated by each City to act on its behalf during the term of this Agreement. Each City may from time to time replace the Designated Representative, at which time the City will notify the other City in writing of the newly appointed Designated Representative.

“Garland” shall mean the City of Garland.

“Mesquite” shall mean the City of Mesquite.

“Project” shall collectively mean the design and construction of the improvements to the Trail within the Mesquite city limits.

“Trail” shall mean the approximately 2,400 linear feet of a 12-foot-wide concrete trail that generally traverses from the northwest corner of westbound IH-30 frontage road and Greenbelt Parkway, southerly under the IH-30 Bridge at Duck Creek, and then crosses Duck Creek south of IH-30. A steel truss pedestrian bridge, approximately 100 feet long, will be utilized to cross Duck Creek. A detailed depiction of the Trail is reflected in the **Appendix A**, which is attached and incorporated hereto.

Article III Term

This Agreement shall become effective as to each Party on the date of execution as indicated on the signature page for each Party and shall continue in force and remain binding on each Party until the Project has been completed and the Cities have substantially fulfilled each and every obligation to one another as described herein.

Article IV Project

4.1 Preparation of MGR Bikeway (Duck Creek Trail Connections) Project Plans and Specifications. The Cities acknowledge, understand, and agree that prior to the Effective Date, Garland has caused the “MGR Bikeway (Duck Creek Trail Connections) Project Plans” and specifications, a copy of which is attached hereto as **Appendix B** and incorporated hereto, to be prepared by BW2 Engineers, Inc., a professional engineering firm. Garland further agrees to direct its engineer to complete MGR Bikeway (Duck Creek Trail Connections) Project Plans to 100% completion. These Plans and Specifications shall be in conformance with the ordinances and regulations of the City of Mesquite, and approved by the Mesquite City Engineer prior to the commencement of construction activities within the City of Mesquite.

4.2 Bidding. Garland shall be responsible for soliciting competitive bids, and awarding a contract for the construction of the Project in accordance with applicable state law, including the costs related to preparation of bid packages and advertising.

4.3 Construction Costs; Payment.

- (a) Garland shall be responsible for the payment to contractors for the costs associated with construction of the Project.
- (b) If Mesquite determines that additional work is required after awarding the bid for the Project and such additional work is performed after written approval from Mesquite of a change order related to the additional work, Mesquite shall pay such additional amounts to Garland as they become due.
- (c) Any Party paying for the performance of governmental functions or services under this Agreement shall make those payments from current revenues available to the paying party.

4.4 Acquisition of Easements. Garland shall obtain, at Garland’s cost, any necessary easements located within Mesquite that are required to complete the Project. Garland shall be named as the Grantee for any perpetual easement located within Mesquite. After completion and acceptance of the Project by Garland, Garland shall assign its interests to any perpetual easement granted in connection with the Project located within Mesquite to Mesquite. Any and all temporary construction easements shall name Garland as grantee.

4.5 Right of Entry. Mesquite hereby grants to Garland, its employees, agents, and contractors, the nonexclusive right and license to enter upon the area of the multipurpose trail segment located along Duck Creek and within Mesquite, as described and depicted in **Appendix "A"**, to conduct the necessary construction activities related to the Project, as described in **Appendix "B"**.

4.6 Ownership and Maintenance of Improvements. Upon completion of the Project and final acceptance by Garland, ownership of the Trail improvements shall transfer to Mesquite. Following the conveyance of ownership of the Project improvements, unless otherwise stated herein, all repair and maintenance shall be Mesquite's sole responsibility.

4.7 Contractor Compliance. Unless otherwise agreed between the Designated Representatives, Garland shall have the responsibility of determining whether the contractor has complied with the provisions in the contract for construction of the Project.

4.8 Final Acceptance. Garland shall not accept the portion of the Project within Mesquite until those portions are inspected by Mesquite and authorization to accept is given to Garland by the Mesquite Designated Representative. Authorization to accept shall not be unreasonably withheld or delayed and, in any case, the inspection must occur within 60 days after the written request to inspect and approve is given to Mesquite by Garland.

Article V

Use and Operation of the Trail

5.1 Prohibition/Signs. Regulations shall be established by the Cities that cars, trucks, and motorcycles are not permitted on the Trail except those vehicles used by Mesquite and Garland for purposes of construction and maintenance and public safety vehicles including, without limitation, police vehicles, ambulances, fire truck apparatus, and other vehicles used by police and fire personnel. The erection of signs along the Trail other than those required for proper use of the area shall be prohibited.

5.2 Maintenance and Administration. Each City will take on the responsibility to maintain, repair and operate the part of the Trail located in its own jurisdiction. These responsibilities expressly include the timely maintenance and repair of any portion of the facility, including the bridge, providing adequate signage, and other actions necessary to comply with the Americans with Disabilities Act and aid the public enjoyment of these resources. Further, such responsibility shall include picking up trash, debris removal, mowing and otherwise keeping the Trail in a clean and sanitary condition, and other such steps as determined by each respective City to prevent the creation of a nuisance or hazard to the public. In the event of natural disasters or storms, both Cities will attempt to re-open the Trail as quickly as possible, consistent with other priorities.

5.3 Trail Operations. It is the intent of this Agreement that the Trail shall be open 365 days a year, and that access shall not be restricted. Restricted access is permissible only when in the interest of preserving public health, safety, and welfare.

Article VI Miscellaneous

6.1 No Waiver of Governmental Immunity; No Third-Party Liability. No Party to this Agreement intends to waive, relinquish, limit or condition its general governmental or sovereign immunity from liability in any way.

Each Party agrees and acknowledges that it is not an agent, servant, or employee of the other Party and that under this provision each Party is responsible only for its own acts and for those of its agents, servants, independent contractors or employees. Such responsibility includes, but is not limited to any claims or amounts arising or recovered under the “Workers Compensation Law,” the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

This Agreement shall not ever be construed as relieving any third party from any liability against the Parties.

6.2 Severability. If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

6.3 Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement shall continue in full force and effect.

6.4 Amendment. This Agreement may be amended only by the mutual written consent of the Cities.

6.5 Third Parties. This Agreement is intended to inure only to the benefit of the Parties hereto. This Agreement is not intended to create, nor shall be deemed or construed to create any rights in third parties.

6.6 Audit. The Parties may conduct an audit or investigation of any aspect of this Agreement. Each Party must provide the other with access to any information relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of the Trail authorized by this Agreement or any contract to provide a service to each Party if that service is authorized by this Agreement.

6.7 Notice. All notices required under this Agreement between the Cities must be in writing, addressed to the attention of each respective Designated Representative, and shall be

delivered in person, or certified mail, return receipt requested to the following respective addresses:

City of Garland	City of Mesquite
Attn: Engineering Department	Attn: Director of Public Works
PO Box 469002	PO Box 850137
Garland, TX 75046-9002	Mesquite, TX 75185-0137

6.8 Governing Law. The validity of this Agreement and any of its terms and provisions as well as the rights and duties of the Cities, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in the State District Court of Dallas County, Texas.

6.9 Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

(Signature pages to follow)

EXECUTED this _____ day of _____, 2019.

City of Mesquite, Texas

By: _____
Printed Name: Cliff Keheley
Title: City Manager

Attested to:

By: _____
Sonja Land, City Secretary

Approved as to Form:

By: _____
Ileana Fernandez, Assistant City Attorney

EXECUTED this _____ day of _____, 2019.

City of Garland, Texas

By: _____
Printed Name: _____
Title: _____

Attested to:

By: _____
Printed Name: _____
Title: _____

EXHIBIT A



GARLAND POLICY REPORT

City Council Work Session Agenda

2. d.

Meeting Date: November 4, 2019
Item Title: Investment Portfolio Summary
Submitted By: Matt Watson, Finance Director
Strategic Focus Areas: Sound Governance and Finances

ISSUE

Staff presents the Portfolio Summary report to Council each quarter. The report is in compliance with the requirements of the Public Funds Investment Act. Management of the City's portfolios is conducted in accordance with the City Council Financial Policy, Statement of Investment Strategy and Investment Policy.

RECOMMENDATION

The September 30, 2019, Portfolio Summary is presented to inform the Council of the current status of the City's invested funds. Staff will be available to discuss the report with Council.

Attachments

September 30, 2019 Investment Portfolio Report



November 4, 2019

To: Members of the City Council,
City Manager,
and City of Garland Residents

The Portfolio Summary report is presented to Council each quarter. We certify that the September 30, 2019 report complies with the requirements of the Public Funds Investment Act. Management of the City's portfolios is maintained in accordance with the City Council Financial Policy, Statement of Investment Policy and Statement of Investment Strategy.

Matt Watson
Finance Director

Kathryn Ritchie
Controller

Cameron Thatcher
Cash & Debt Manager

City of Garland

Portfolio Summary

The City of Garland Portfolio Summary presents investment portfolio information on eight portfolios. Each portfolio has a purpose with unique investment management characteristics and objectives.

All portfolios and funds on hand are managed in compliance with the requirements of the Public Funds Investment Act. Management of the City's portfolios is conducted in accordance with the City Council Financial Policy, Statement of Investment Policy, and Statement of Investment Strategy.

Treasury Portfolio

The Treasury Portfolio is the primary source of funding City operation and maintenance expenditures. All budgeted revenues as well as bond proceeds are deposited into the Treasury Portfolio. The portfolio is managed so that sufficient liquidity is achieved at all times to support the ongoing operations, maintenance and capital improvements of the City.

General Obligation Interest & Sinking Portfolio

The General Obligation Interest & Sinking Portfolio pays periodic debt service on tax supported debt. Ad Valorem tax collections is the major revenue source. The portfolio is managed to ensure that debt is paid when it becomes due.

Rate Mitigation Portfolio

The Rate Mitigation Portfolio was established in 1997. The assets in the portfolio may be used to either pay Garland Power & Light Electric Utility debt service or to offset rate increases of the Electric Utility. The portfolio is managed according to forecasted funding requirements.

Economic Development Portfolio

The Economic Development Portfolio serves as a funding source for economic development initiatives. The portfolio maintains ample liquidity since a major expenditure can occur within a short amount of time.

CMH Landfill Portfolio

The CMH Landfill Portfolio holds invested funds that will be used to expand the Hinton Landfill when a current refuse cell reaches its capacity. The portfolio is managed so that funding is available when needed.

Water & Sewer Reserve Portfolio

The Water & Sewer Reserve Portfolio is required by Water & Sewer bond covenants. The City is required to set aside a reserve which serves as additional assurance to a bond holder that Water & Sewer debt will be paid when due.

CIP Interim Financing Portfolio

The CIP Interim Financing Portfolio is comprised of funds which will be spent in the General Obligation, the Electric Utility and the Water & Sewer Utility Capital Improvement Programs. The funds are managed to achieve maximum liquidity.

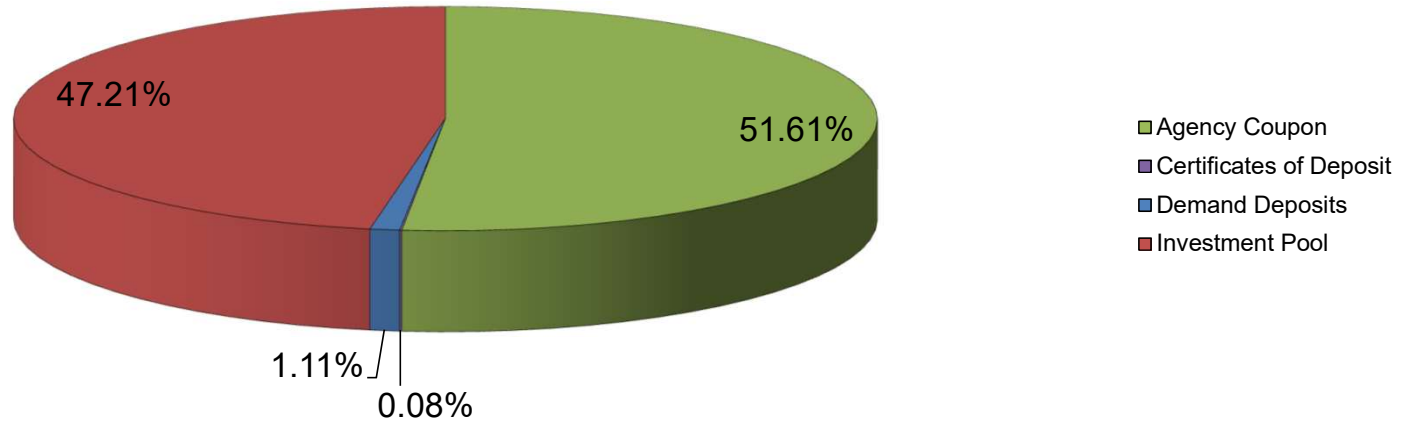
Grants & Other Portfolio

The Grants & Other Portfolio is comprised of funds that have been granted to the City by Federal or State agencies which are yet unspent. Maximum liquidity is required in this portfolio.

Safety - Securities by Type
City of Garland, Texas
September 30, 2019

<u>Security Type</u>	<u>Treasury</u>	<u>GO I & S</u>	<u>Rate Mitigation</u>	<u>Economic Development</u>	<u>CMH Landfill</u>	<u>Water & Sewer Reserve</u>	<u>CIP Interim Financing</u>	<u>Grants & Other</u>	<u>Total Book Value</u>	<u>Percent</u>
Agency Coupon	\$145,950,211	\$ -	\$112,923,776	\$ -	\$ 5,642,943	\$ -	\$ -	\$ -	\$264,516,931	51.61%
Certificates of Deposit	-	-	-	-	415,000	-	-	-	415,000	0.08%
Demand Deposits	5,665,200	-	-	-	-	-	-	-	5,665,200	1.11%
Investment Pool	131,470,378	5,611,220	59,388,588	4,700,735	2,770,267	8,000,629	29,156,448	858,399	241,956,664	47.21%
Total	\$283,085,790	\$ 5,611,220	\$172,312,365	\$ 4,700,735	\$ 8,828,210	\$ 8,000,629	\$ 29,156,448	\$ 858,399	\$512,553,795	100.00%

Safety - Securities by Type



Note:

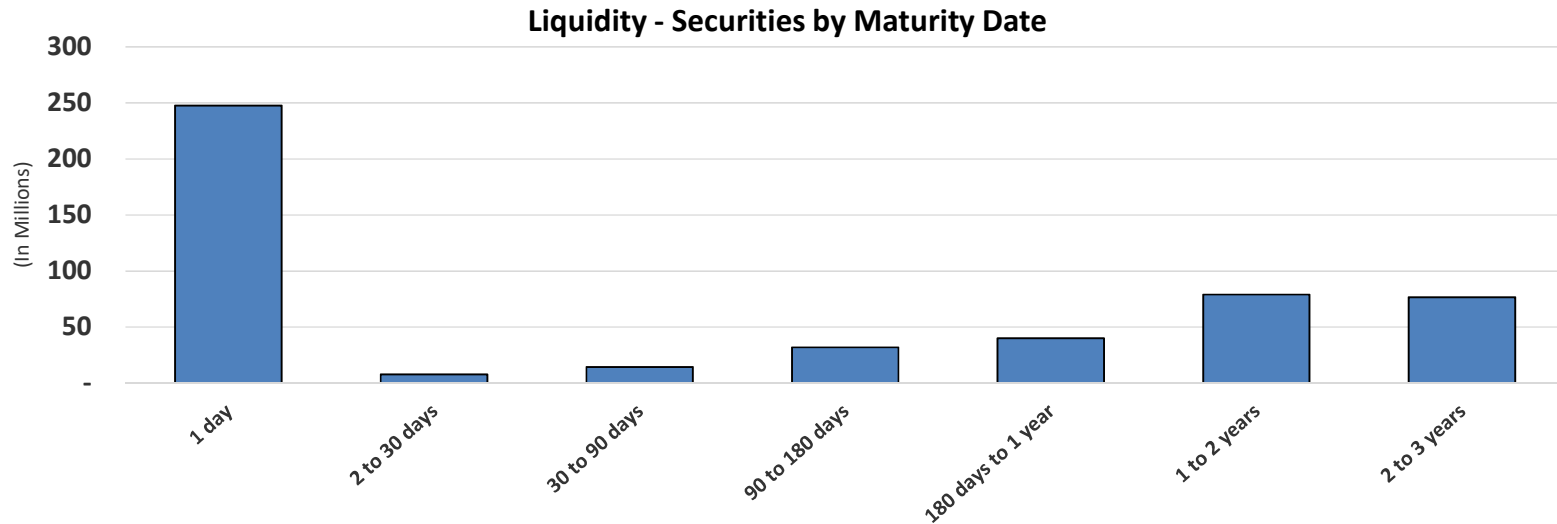
Safety and preservation of capital are the foremost objectives of the investment program. Types of securities held in the investment portfolio must be authorized by the Texas Government Code and City Council Policy.

Liquidity - Securities by Maturity Date

City of Garland, Texas

September 30, 2019

	<u>Treasury</u>	<u>GO I & S</u>	<u>Rate</u> <u>Mitigation</u>	<u>Economic</u> <u>Development</u>	<u>CMH</u> <u>Landfill</u>	<u>Water & Sewer</u> <u>Reserve</u>	<u>CIP Interim</u> <u>Financing</u>	<u>Grants &</u> <u>Other</u>	<u>Total</u> <u>Par</u> <u>Value</u>	<u>Percent</u>
1 day - Pools & Demand Deposits	\$ 137,135,578	\$ 5,611,220	\$ 59,388,588	\$ 4,700,735	\$ 2,770,267	\$ 8,000,629	\$ 29,156,448	\$ 858,399	\$ 247,621,864	48.32%
2 to 30 days	5,000,000	-	1,095,000	-	1,630,000	-	-	-	7,725,000	1.51%
31 to 90 days	9,000,000	-	5,000,000	-	415,000	-	-	-	14,415,000	2.81%
91 to 180 days	18,000,000	-	10,000,000	-	4,000,000	-	-	-	32,000,000	6.24%
181 days to 1 year	23,000,000	-	17,000,000	-	-	-	-	-	40,000,000	7.80%
1 to 2 years	46,000,000	-	33,000,000	-	-	-	-	-	79,000,000	15.41%
2 to 3 years	45,000,000	-	31,750,000	-	-	-	-	-	76,750,000	14.98%
	<u>\$ 283,135,578</u>	<u>\$ 5,611,220</u>	<u>\$ 172,233,588</u>	<u>\$ 4,700,735</u>	<u>\$ 8,815,267</u>	<u>\$ 8,000,629</u>	<u>\$ 29,156,448</u>	<u>\$ 858,399</u>	<u>\$ 512,511,864</u>	<u>100.00%</u>
Weighted Average Maturity Days	256	1	412	1	188	1	1	1	283	

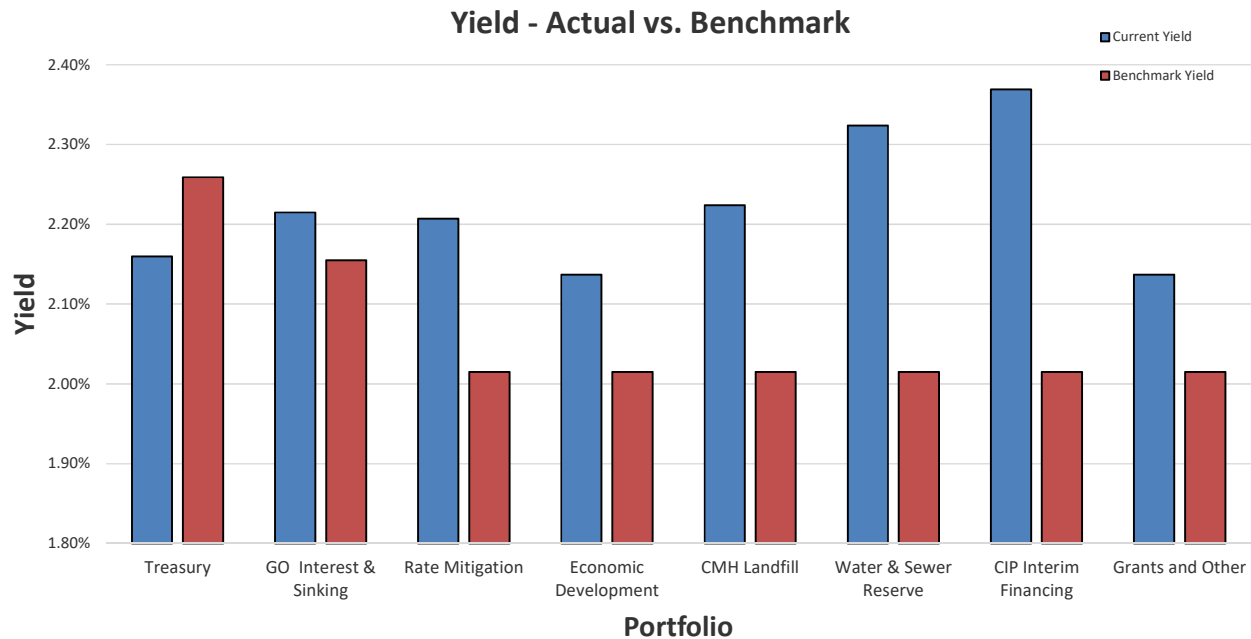


Note:

Liquidity is maintained in the investment portfolio to ensure that all operating expenditures are paid when due. Securities with varying maturities comprise the investment portfolio so that sufficient funds are always available.

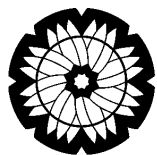
Yield - Interest Income
City of Garland, Texas
September 30, 2019

<u>Portfolio</u>	<u>Interest Income Fiscal YTD</u>	<u>Current Yield</u>	<u>Benchmark Yield</u>	<u>Over (Under) Benchmark</u>	<u>Benchmark Source</u>
Treasury	\$6,027,580	2.160%	2.259%	-0.099%	2 Year average UST Note
GO Interest & Sinking	\$306,599	2.215%	2.155%	0.060%	180 Day average UST Bill
Rate Mitigation	\$3,596,993	2.207%	2.015%	0.192%	3 year average UST Note
Economic Development	\$124,554	2.137%	2.015%	0.122%	90 Day average UST Bill
CMH Landfill	\$231,560	2.224%	2.015%	0.209%	3 year average UST Note
Water & Sewer Reserve	\$178,744	2.324%	2.015%	0.309%	3 year average UST Note
CIP Interim Financing	\$278,805	2.369%	2.015%	0.354%	90 Day average UST Bill
Grants and Other	\$24,789	2.137%	2.015%	0.122%	90 Day average UST Bill
Total Portfolios	<u>\$10,769,624</u>				



Note:

The investment program is designed to attain a market average rate of return taking into account the cash flow characteristics of each portfolio. Investment securities are held to maturity. Consequently, losses are not incurred.



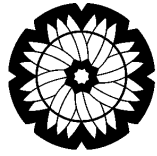
GARLAND

City of Garland
Texas Compliance Summary
Sorted by Investment Class
October 1, 2018 - September 30, 2019

City of Garland

-

Investment Class			Par Value	Market Value	Book Value	Accrued Interest
> 1 Year FV	Value beginning	10/01/2018	152,725,000.00	151,392,220.06	152,570,469.95	460,306.52
	Net Change		84,750,000.00	88,091,261.47	84,949,417.52	763,551.45
	Value ending	09/30/2019	237,475,000.00	239,483,481.53	237,519,887.47	1,223,857.97
< 1 Year AC	Value beginning	10/01/2018	299,161,984.42	298,835,426.62	299,145,231.74	176,939.55
	Net Change		-24,125,120.42	-23,666,878.90	-24,111,324.06	-44,396.38
	Value ending	09/30/2019	275,036,864.00	275,168,547.72	275,033,907.68	132,543.17
Total	Value beginning	10/01/2018	451,886,984.42	450,227,646.68	451,715,701.69	637,246.07
	Net Change		60,624,879.58	64,424,382.57	60,838,093.46	719,155.07
	Value ending	09/30/2019	512,511,864.00	514,652,029.25	512,553,795.15	1,356,401.14



GARLAND

**City of Garland
Texas Compliance Details
Sorted by Investment Class
September 30, 2019**

City of Garland

CUSIP	Investment #	Fund	Issuer	Investment Type	Par Value	Maturity Date	Call Date	Current Rate	Market Price	Market Date	Market Value	Book Value
Investment Class: > 1 Year FV												
3130ACM92	2377	635	Federal Home Loan Bank	FAC	1,630,000.00	10/21/2019		1.500	99.981	09/30/2019	1,629,692.37	1,629,930.68
3133EA5N4	2361	214	Federal Farm Credit Bank	FAC	1,095,000.00	10/22/2019		1.250	99.966	09/30/2019	1,094,638.51	1,094,858.19
3130AFJZ1	2423	100	Federal Home Loan Bank	FAC	5,000,000.00	12/11/2019		2.625	100.148	09/30/2019	5,007,429.55	4,999,105.87
3130ADUB6	2407	214	Federal Home Loan Bank	FAC	5,000,000.00	12/19/2019		2.320	100.099	09/30/2019	5,004,988.75	4,999,975.24
3137EAEE5	2367	214	Federal Home Loan Mort. Corp.	FAC	2,000,000.00	01/17/2020		1.500	99.877	09/30/2019	1,997,556.00	1,999,762.17
3130ADN32	2404	214	Federal Home Loan Bank	FAC	5,000,000.00	02/11/2020		2.125	100.072	09/30/2019	5,003,620.35	4,998,352.49
3135G0T29	2373	100	Fed National Mort Assoc	FAC	5,000,000.00	02/28/2020		1.500	99.829	09/30/2019	4,991,479.70	4,998,995.02
3130ABUN4	2380	100	Federal Home Loan Bank	FAC	5,000,000.00	02/28/2020		1.520	99.875	09/30/2019	4,993,759.25	4,997,660.94
3130ABUN4	2381	214	Federal Home Loan Bank	FAC	3,000,000.00	02/28/2020		1.520	99.875	09/30/2019	2,996,255.55	2,998,714.83
3134GBL83	2364	100	Federal Home Loan Mort. Corp.	FAC	3,000,000.00	03/27/2020		1.600	99.857	09/30/2019	2,995,735.83	3,000,000.00
3133EJ6B0	2431	100	Federal Farm Credit Bank	FAC	5,000,000.00	04/24/2020		2.600	100.431	09/30/2019	5,021,597.45	4,999,503.78
3133EJ6B0	2432	214	Federal Farm Credit Bank	FAC	3,000,000.00	04/24/2020		2.600	100.431	09/30/2019	3,012,958.47	2,999,702.27
3130ACN83	2378	100	Federal Home Loan Bank	FAC	5,000,000.00	05/15/2020		1.700	99.874	09/30/2019	4,993,721.20	5,000,000.00
3130ACN83	2382	214	Federal Home Loan Bank	FAC	5,000,000.00	05/15/2020		1.700	99.874	09/30/2019	4,993,721.20	4,998,971.80
313370E38	2435	214	Federal Home Loan Bank	FAC	2,000,000.00	06/12/2020		3.375	101.037	09/30/2019	2,020,754.02	2,009,979.03
3134GBN40	2363	214	Federal Home Loan Mort. Corp.	FAC	2,000,000.00	06/29/2020		1.625	99.818	09/30/2019	1,996,374.60	2,000,000.00
3133EKPZ3	2462	100	Federal Farm Credit Bank	FAC	5,000,000.00	07/10/2020		2.125	100.237	09/30/2019	5,011,880.75	5,000,000.00
3133EKPZ3	2463	214	Federal Farm Credit Bank	FAC	5,000,000.00	07/10/2020		2.125	100.237	09/30/2019	5,011,880.75	5,000,000.00
3130ACE26	2356	100	Federal Home Loan Bank	FAC	2,000,000.00	09/28/2020		1.375	99.544	09/30/2019	1,990,888.66	1,999,110.75
3134GBL42	2359	100	Federal Home Loan Mort. Corp.	FAC	3,000,000.00	09/28/2020		1.670	99.832	09/30/2019	2,994,962.07	3,000,000.00
3130AEWA4	2446	635	Federal Home Loan Bank	FAC	2,000,000.00	10/01/2020		2.625	100.774	09/30/2019	2,015,499.82	2,001,637.28
3130AEWA4	2447	214	Federal Home Loan Bank	FAC	3,000,000.00	10/01/2020		2.625	100.774	09/30/2019	3,023,249.73	3,002,455.92
3133EHF57	2372	100	Federal Farm Credit Bank	FAC	3,000,000.00	10/13/2020		1.680	99.896	09/30/2019	2,996,896.32	2,999,173.33
3134GBX56	2430	100	Federal Home Loan Mort. Corp.	FAC	5,000,000.00	11/24/2020		2.250	100.496	09/30/2019	5,024,801.05	4,980,641.01
3133EKQC3	2461	100	Federal Farm Credit Bank	FAC	5,000,000.00	12/10/2020		1.950	100.126	09/30/2019	5,006,343.20	4,998,148.43
3133EKQC3	2464	214	Federal Farm Credit Bank	FAC	10,000,000.00	12/10/2020		1.950	100.126	09/30/2019	10,012,686.40	9,996,296.86
313371U79	2427	635	Federal Home Loan Bank	FAC	2,000,000.00	12/11/2020		3.125	101.528	09/30/2019	2,030,560.52	2,011,375.40
3133EJ2R9	2421	214	Federal Farm Credit Bank	FAC	5,000,000.00	12/14/2020		2.750	101.076	09/30/2019	5,053,817.85	4,995,412.40
3133EJ4Q9	2425	214	Federal Farm Credit Bank	FAC	3,000,000.00	01/11/2021		2.550	100.902	09/30/2019	3,027,062.19	2,999,175.83
3135G0J20	2467	100	Fed National Mort Assoc	FAC	10,000,000.00	02/26/2021		1.375	99.460	09/30/2019	9,946,074.80	9,935,155.32
3133EJ2S7	2422	100	Federal Farm Credit Bank	FAC	5,000,000.00	03/12/2021		2.770	101.359	09/30/2019	5,067,990.50	4,995,175.93
3134GTNP4	2452	100	Federal Home Loan Mort. Corp.	FAC	5,000,000.00	05/27/2021 11/27/2019		2.500	100.075	09/30/2019	5,003,796.40	5,000,000.00

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CUSIP	Investment #	Fund	Issuer	Investment Type	Par Value	Maturity Date	Call Date	Current Rate	Market Price	Market Date	Market Value	Book Value
Investment Class: > 1 Year FV												
3134GTNP4	2453	214	Federal Home Loan Mort. Corp.	FAC	5,000,000.00	05/27/2021	11/27/2019	2.500	100.075	09/30/2019	5,003,796.40	5,000,000.00
3133EKRVO	2465	100	Federal Farm Credit Bank	FAC	5,000,000.00	06/24/2021		1.900	100.293	09/30/2019	5,014,697.25	4,995,889.93
3133EJTF6	2443	100	Federal Farm Credit Bank	FAC	3,000,000.00	07/02/2021		2.700	101.579	09/30/2019	3,047,392.38	3,006,860.92
3133EJTF6	2444	214	Federal Farm Credit Bank	FAC	2,000,000.00	07/02/2021		2.700	101.579	09/30/2019	2,031,594.92	2,004,573.94
3133EKZV1	2470	214	Federal Farm Credit Bank	FAC	5,000,000.00	08/16/2021		1.550	99.602	09/30/2019	4,980,117.35	4,985,644.34
3130A0EN6	2428	214	Federal Home Loan Bank	FAC	3,000,000.00	12/10/2021		2.875	102.575	09/30/2019	3,077,272.20	3,015,509.49
3130AFFN2	2439	100	Federal Home Loan Bank	FAC	5,000,000.00	12/10/2021		3.000	102.887	09/30/2019	5,144,365.80	5,038,606.56
3135G0U92	2426	100	Fed National Mort Assoc	FAC	5,000,000.00	01/11/2022		2.625	102.136	09/30/2019	5,106,809.25	4,998,694.25
3133EJ5P0	2429	100	Federal Farm Credit Bank	FAC	5,000,000.00	01/18/2022		2.600	102.058	09/30/2019	5,102,930.35	4,998,902.08
3133EJ5P0	2433	214	Federal Farm Credit Bank	FAC	3,000,000.00	01/18/2022		2.600	102.058	09/30/2019	3,061,758.21	2,995,847.52
31422BCD0	2438	214	Farmer Mac	FAC	3,000,000.00	02/01/2022		2.680	102.046	09/30/2019	3,061,392.00	3,001,400.00
3133EKAK2	2445	100	Federal Farm Credit Bank	FAC	5,000,000.00	02/14/2022		2.530	101.979	09/30/2019	5,098,972.05	4,993,316.21
3133EKBV7	2448	100	Federal Farm Credit Bank	FAC	10,000,000.00	03/01/2022		2.550	102.076	09/30/2019	10,207,633.80	9,999,758.33
3133EKBV7	2449	214	Federal Farm Credit Bank	FAC	5,000,000.00	03/01/2022		2.550	102.076	09/30/2019	5,103,816.90	4,999,879.17
313378WG2	2451	100	Federal Home Loan Bank	FAC	5,000,000.00	03/11/2022		2.500	102.060	09/30/2019	5,103,008.70	5,032,824.08
3133EKEW2	2450	214	Federal Farm Credit Bank	FAC	5,000,000.00	03/28/2022		2.280	101.503	09/30/2019	5,075,187.45	5,008,273.21
3133EKNR3	2457	214	Federal Farm Credit Bank	FAC	5,000,000.00	06/03/2022		2.200	101.453	09/30/2019	5,072,698.75	4,995,461.23
313379Q69	2454	100	Federal Home Loan Bank	FAC	5,000,000.00	06/10/2022		2.125	101.266	09/30/2019	5,063,336.00	4,985,644.92
3134GSV44	2434	214	Federal Home Loan Mort. Corp.	FAC	2,750,000.00	07/15/2022	01/30/2020	2.800	100.228	09/30/2019	2,756,279.96	2,749,445.58
3133EKPC4	2460	214	Federal Farm Credit Bank	FAC	5,000,000.00	09/06/2022		2.125	101.460	09/30/2019	5,073,003.75	5,006,828.83
3130A3KM5	2459	214	Federal Home Loan Bank	FAC	5,000,000.00	12/09/2022		2.500	102.524	09/30/2019	5,126,223.25	5,062,239.87
3133EKKT2	2458	214	Federal Farm Credit Bank	FAC	5,000,000.00	02/08/2023		2.250	102.071	09/30/2019	5,103,589.60	5,026,857.57
3133834G3	2455	214	Federal Home Loan Bank	FAC	5,000,000.00	06/09/2023		2.125	101.898	09/30/2019	5,094,931.40	4,978,158.67
				Subtotal	237,475,000.00						239,483,481.53	237,519,887.47
Investment Class: < 1 Year AC												
TEXSTAR	1822	100	TXSTAR	RRP	45,113,189.64			2.105	100.000	09/30/2019	45,113,189.64	45,113,189.64
TREASURY	1825	100	TEXPOOL Investement Pool	RRP	47,711,906.93			2.137	100.000	09/30/2019	47,711,906.93	47,711,906.93
FICA1	1944	100	Federally Insured Cash Account	RR2	5,665,200.07			1.950	100.000	09/30/2019	5,665,200.07	5,665,200.07
DEBTSVC	1814	111	TEXPOOL Investement Pool	RRP	1,743,076.11			2.137	100.000	09/30/2019	1,743,076.11	1,743,076.11
RATE	1815	214	TEXPOOL Investement Pool	RRP	42,051,110.18			2.137	100.000	09/30/2019	42,051,110.18	42,051,110.18
LANDFILL	1812	635	TEXPOOL Investement Pool	RRP	2,253,943.11			2.137	100.000	09/30/2019	2,253,943.11	2,253,943.11
WTR-RES-OTHER	1833	223-02	TEXPOOL Investement Pool	RRP	3,473,867.62			2.137	100.000	09/30/2019	3,473,867.62	3,473,867.62
SWR-RES-OTHER	1834	233-02	TEXPOOL Investement Pool	RRP	4,519,018.64			2.137	100.000	09/30/2019	4,519,018.64	4,519,018.64
HCV	1865	822-01	TEXPOOL Investement Pool	RRP	698,089.01			2.137	100.000	09/30/2019	698,089.01	698,089.01
FSS ESCROW	1866	822-02	TEXPOOL Investement Pool	RRP	91,138.48			2.137	100.000	09/30/2019	91,138.48	91,138.48

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CUSIP	Investment #	Fund	Issuer	Investment Type	Par Value	Maturity Date	Call Date	Current Rate	Market Price	Market Date	Market Value	Book Value
Investment Class: < 1 Year AC												
SEIZURE OTHR	1905	923	TEXPOOL Investment Pool	RRP	64,965.74			2.137	100.000	09/30/2019	64,965.74	64,965.74
ED FD	2186	215	TEXPOOL Investment Pool	RRP	4,700,734.60			2.137	100.000	09/30/2019	4,700,734.60	4,700,734.60
GO CP	2268	601	TEXPOOL Investment Pool	RRP	7,264,415.56			2.137	100.000	09/30/2019	7,264,415.56	7,264,415.56
ELEC CP	2269	210	TEXPOOL Investment Pool	RRP	6,279,132.84			2.137	100.000	09/30/2019	6,279,132.84	6,279,132.84
WATER CP	2270	220	TEXPOOL Investment Pool	RRP	3,466,300.32			2.137	100.000	09/30/2019	3,466,300.32	3,466,300.32
SEWER CP	2271	230	TEXPOOL Investment Pool	RRP	4,637,386.48			2.137	100.000	09/30/2019	4,637,386.48	4,637,386.48
SYS2417	2417	100	Texpool Prime Investment Pool	RRP	38,645,281.84			2.250	100.000	09/30/2019	38,645,281.84	38,645,281.84
SYS2418	2418	214	Texpool Prime Investment Pool	RRP	17,337,478.11			2.250	100.000	09/30/2019	17,337,478.11	17,337,478.11
SYS2418	2419	635	Texpool Prime Investment Pool	RRP	516,323.67			2.250	100.000	09/30/2019	516,323.67	516,323.67
SYS2418	2420	111	Texpool Prime Investment Pool	RRP	3,868,143.84			2.250	100.000	09/30/2019	3,868,143.84	3,868,143.84
JAG-2018	2469	871-18	TEXPOOL Investment Pool	RRP	4,205.71			2.137	100.000	09/30/2019	4,205.71	4,205.71
TWDB PRIN	2474	228-01	TEXPOOL Investment Pool	RRP	975,629.74			2.137	100.000	09/30/2019	975,629.74	975,629.74
TWDB ESCROW	2475	228-02	TEXPOOL Investment Pool	RRP	6,533,582.61			2.137	100.000	09/30/2019	6,533,582.61	6,533,582.61
TWDB RESERVE	2477	228-03	TEXPOOL Investment Pool	RRP	7,743.15				100.000	09/30/2019	7,743.15	7,743.15
3130ACM92	2376	100	Federal Home Loan Bank	FAC	5,000,000.00	10/21/2019		1.500	99.981	09/30/2019	4,999,056.35	4,999,784.67
92937CGF9	2387	635	First Financial	BCD	167,000.00	11/01/2019		1.700	100.000	09/30/2019	167,000.00	167,000.00
38148PRZ2	2388	635	First Financial	BCD	248,000.00	11/01/2019		1.700	100.000	09/30/2019	248,000.00	248,000.00
3133EHP98	2386	100	Federal Farm Credit Bank	FAC	4,000,000.00	11/06/2019		1.600	99.979	09/30/2019	3,999,162.12	3,999,865.83
3135G0T29	2379	100	Fed National Mort Assoc	FAC	5,000,000.00	02/28/2020		1.500	99.829	09/30/2019	4,991,479.70	4,997,344.84
3134GBN40	2362	100	Federal Home Loan Mort. Corp.	FAC	3,000,000.00	06/29/2020		1.625	99.818	09/30/2019	2,994,561.90	3,000,000.00
3133EJ4Q9	2424	100	Federal Farm Credit Bank	FAC	5,000,000.00	01/11/2021		2.550	100.902	09/30/2019	5,045,103.65	4,998,265.70
31422BCD0	2437	100	Farmer Mac	FAC	5,000,000.00	02/01/2022		2.680	102.046	09/30/2019	5,102,320.00	5,001,782.64
				Subtotal	275,036,864.00						275,168,547.72	275,033,907.68
				Total	512,511,864.00						514,652,029.25	512,553,795.15



GARLAND POLICY REPORT

City Council Work Session Agenda

2. e.

Meeting Date: November 4, 2019

Item Title: FY 2019-2020 Texas Department of Transportation (TxDOT) –
Selective Traffic Enforcement Program (STEP) - Impaired Driving
Mobilization (IDM) Grant

Submitted By: Jeffrey Bryan, Chief of Police

Strategic Focus Areas: Safe Community

ISSUE

Council is requested to consider accepting a Texas Department of Transportation (TxDOT) – Selective Traffic Enforcement Program (STEP) – Impaired Driving Mobilization (IDM) Grant.

OPTIONS

1. Accept TxDOT STEP-IDM Grant funding.
2. Do not accept TxDOT STEP-IDM Grant funding.

RECOMMENDATION

This item is scheduled for formal consideration at the November 5, 2019 Regular Meeting.

BACKGROUND

The Garland Police Department has partnered with The Texas Department of Transportation (TxDOT) for many years by participating in STEP-IDM enforcement grants. The purpose of this grant is to save lives and reduce motor vehicle accidents and related injuries by aggressively enforcing the laws of the State of Texas associated with Driving While Intoxicated (DWI) and Driving Under the Influence by Minor (DUI). Enforcement efforts will be focused throughout the City of Garland.

The enforcement activities will also be supplemented by additional public information and education campaigns conducted during the enforcement periods.

CONSIDERATION

The grant for FY 2019-2020 is in the amount of \$9,930.68. If accepted, TxDOT will reimburse the City of Garland \$7,833.32. The grant requires the City to provide \$2,097.36 in matching funds. This will be accomplished in part through fringe benefits expenditures, indirect costs and administrative time spent on grant related paperwork. Consequently, the City can satisfy the contractual match requirements without expending any additional funds.

Attachments

FY20 TXDOT IDM Resolution

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) - IMPAIRED DRIVING MOBILIZATION (IDM) GRANT IN THE AMOUNT OF \$9,930.68; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the Garland City Council hereby accepts a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program - Impaired Driving Mobilization Grant in the amount of \$9,930.68 for the purpose of enforcing Driving While Intoxicated (DWI) violations during the following four (4) separate enforcement waves:

Christmas/New Year's Wave - December 13, 2019 to January 2, 2020; Spring Break Wave - March 6, 2020 to March 23, 2020; Independence Day Wave - June 26, 2020 to July 12, 2020; and Labor Day Wave - August 21, 2020 to September 7, 2020.

Section 2

That this Resolution shall be and become effective immediately upon and after its adoption 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 Work Session Agenda

2. f.

Meeting Date: November 4, 2019

Item Title: Discuss the 2020 Scheduling of Council Meetings

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council is requested to review and discuss if needed changes to the City Council meeting dates for 2020 as presented in the attached schedule.

Recommendation/Action Requested and Justification

Discussion only.

Attachments

2019 City Council Dates

RESOLUTION NO.

A RESOLUTION RESCHEDULING MEETINGS OF THE CITY COUNCIL TO BE HELD IN CALENDAR YEAR 2019 AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Sec. 8, Article III of the City Charter requires the City Council to prescribe by ordinance or resolution the time for its regular meetings; and

WHEREAS, Sec. 10.14 of the Code of Ordinances provides that regular meetings of the City Council shall be held on the first and third Tuesdays of each month; and

WHEREAS, because the first regular meeting for January, 2019 falls on the New Year's holiday, the City Council desires to reschedule that meeting to a later date in January; and

WHEREAS, in order to allow the members of the City Council to participate in the National Night Out Against Crime, the usual schedule for the meeting of the City Council that would be held on the first Tuesday of October is impracticable; and

WHEREAS, because the second regular meeting of the City Council for November will fall during the Thanksgiving holidays, the City Council desires to reschedule that meeting to an earlier date in November; and

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

Section 1

That the City Council hereby establishes January 8, 2019 as the date of its first regular meeting in January, 2019; September 30, 2019 as the date of its first regular meeting for the month of October, 2019; and November 12, 2019 as the date of its second regular meeting for the month of November, 2019.

Section 2

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the 4th day of December, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3. a.

Meeting Date: November 4, 2019

Item Title: Transportation, Infrastructure and Mobility Committee Report

Summary of Request/Problem

Council Member Rich Aubin, Chair of the Transportation, Infrastructure and Mobility Committee, will provide a committee report on the following items:

- City of Garland Transportation Priorities for Dallas Regional Mobility Coalition (DRMC)
 - The DRMC has requested that each member organization submit a priority item to be included in their strategic plans. The Committee recommends that pursuing future improvements to IH-30 from IH-635 to Bass Pro Drive should be Garland's priority project.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

City of Garland Transportation Priority

From: [Nickerson, Councilman Jerry](#)
To: brandi@dallasmobility.org
Cc: [Smith, Councilman Robert](#); [Aubin, Councilman Rich](#); [Potter, Carma](#); [Bradford, Bryan](#); [Baker, John](#); [Neighbor, Brad](#); [Luedtke, Paul](#)
Subject: No 1 Transportation Priority City of Garland
Date: Thursday, October 24, 2019 9:17:20 AM

Brandi,

In our last meeting it was requested that each member City provide its number one Transportation concern moving forward.

In our city we have a City Council Transportation subcommittee that reviews and brings recommendations back to the full City Council for consideration.

I had asked to have this priority topic considered at this Subcommittee meeting. Councilman Rich Aubin chairs this subcommittee, he is also the City of Garland representative on the RTC, Mayor Pro Tem Robert John Smith and myself are the remaining members of this subcommittee. We met last week and considered this agenda item.

It was a unanimous decision of this subcommittee for me to bring forth and submit our City's Number one priority to the DRMC.

That priority is completion of all upgrades to I-30 between the Bass Pro overpass from the east end to the I-30 Interchange with Loop 635 at the west end. This segment is approximately 3 miles. This priority should include making this section of I-30 a separate and stand alone segment from the remaining portions of I-30 through Downtown Dallas and that this segment should be funded and completed as the first phase of the I-30 upgrades.

There are several reasons for this priority.

1. With 635 beginning construction and the 635/ I-30 interchange part of this work it makes sense to continue this back to the east to the Bass Pro Overpass.
2. At the east end the I-30 segment from Dalrock in Rowlett to the Bass Pro Overpass in Garland will begin construction and may complete closely with that completion of 635.
3. TXDOT is also moving forward in design with the rebuilding of the Bass Pro Overpass to an underpass and desires to begin construction immediately after the I-30 Dalrock to Bass Pro segment. Funding of this work should also be part of this priority.
4. The major economic benefit that this improved segment of I-30 will have to the City of Garland as well as the Improved traffic flow that will benefit multiple cities back to the east and Dallas to the west and Mesquite to the south justifies the consideration.

Please place this on the list as the City of Garlands No 1 Transportation Priority for DRMC support.

If there are any questions please let me know.

Thank you

Jerry A. Nickerson, PE
City Council Member
District 3 City Council
P.O. Box 469002
Garland, TX 75046
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Council3@GarlandTX.gov

GarlandTX.gov



GARLAND POLICY REPORT

City Council Work Session Agenda

3. b.

Meeting Date: November 4, 2019
Item Title: Reappraisal of Storm Damaged Property
Submitted By: Corey Worsham, Tax Administrator
Strategic Focus Areas: Sound Governance and Finances

ISSUE

Property value is established as of January 1st for each calendar year. This value is used to assess a tax levy for the full calendar year. Because of a recent natural disaster that occurred on October 20, 2019, the City Council has the option to reappraise property which has been damaged as a result of the disaster. If the Council so chooses, the reappraisal will be conducted in accordance with the Texas Property Tax Code section 23.02.

OPTIONS

The City Council may:

1. Consider a resolution at the November 5, 2019 City Council Meeting to authorize the reappraisal of the disaster area which would result in a prorated reappraisal for the affected property owners.
2. Take no action related to reappraisal of the property.

RECOMMENDATION

Authorize the reappraisal of the property damaged by the October 20, 2019 storm. This item is scheduled for formal consideration at the November 5, 2019 Regular Meeting.

BACKGROUND

Section 23.02 of the Texas Property Tax Code allows for the reappraisal of property that was damaged in a disaster area if the governing body of a taxing unit request the reappraisal. If the reappraisal is not authorized by all taxing units in which the property is located, an indication of the participating taxing units will be included in the appraisal district's records. The requesting taxing units shall share in the cost of reappraisal; however, the Dallas Central Appraisal District has waived all additional cost relating to this effort. There will be a minor administrative effort within the tax office in order to recalculate the affected tax levies.

CONSIDERATION

Approximately 170 properties were affected and many sustained significant damage. These properties may receive a prorated reduction in value. The impacted properties could receive a prorated assessment beginning on the date of the disaster (October 20, 2019) through the remainder of the year 2019. An example of this calculation is indicated below:

Original Value	Tax Rate	=Original Levy	Prorated at 293 days taxable
\$170,000	.007696	\$1,308.32	\$1,048.94
Reappraised Value	Tax Rate	= Reappraised Levy	Prorated at 72 days taxable
\$20,000	.007696	\$153.92	\$30.24
		Total Tax Levy Post Reappraisal	\$1,079.18

This example provides a \$229.14 savings to the property owner

Attachments

DCAD reappraisal resolution
DCAD memo of reappraisal

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, REQUESTING THAT THE DALLAS COUNTY CENTRAL APPRAISAL DISTRICT REAPPRAISE PROPERTIES IN THE CITY OF GARLAND AFFECTED BY THE RECENT TORNADOES, AS AUTHORIZED BY SECTION 23.02 OF THE TEXAS TAX CODE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Garland has suffered widespread severe property damage and injuries resulting from the devastating tornadoes that occurred on Sunday, October 20, 2019;

WHEREAS, on October 21, 2019, Governor Greg Abbott, in accordance with the authority vested in him by Sections 418.014 through 418.17 of the Texas Disaster Act, declared a state of disaster in several North Texas counties, including Dallas, Collin, and Rockwall Counties;

WHEREAS, the City of Garland desires that the Dallas Central Appraisal District reappraise all property damaged by the disaster as authorized by Texas Tax Code Section 23.02;

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

Section 1

The City of Garland requests that the Dallas Central Appraisal District reappraise all property within the City of Garland city limits damaged by the disaster described in the recital above as soon as practicable.

Section 2

The City Manager is authorized to pay the Dallas Central Appraisal District the City's share of the costs of the reappraisal, computed as set forth in Section 23.02(c) of the Texas Tax Code.

Section 3

After property damaged in the disaster is reappraised, the taxes on the reappraised property shall be prorated for the year 2019 in the manner provided in Section 23.02(d) of the Texas Tax Code.

Section 4

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the 5th day of November, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



Dallas Central Appraisal District

MEMORANDUM

DATE: **October 22, 2019**

TO: **Dallas County**
 Dallas County Community College District
 Dallas County Hospital District
 City of Dallas
 City of Garland
 City of Richardson
 City of Rowlett
 Dallas Independent School District
 Garland Independent School District
 Richardson Independent School District

FROM: **Office of the Dallas Central Appraisal District Chief Appraiser, W. Kenneth Nolan**

SUBJECT: **Disaster Reappraisal**

It has come to our attention that Governor Abbott declared Dallas County a disaster area on Monday, October 21, 2019, after the damage caused by the tornado outbreak on October 20, 2019.

The Texas Property Tax Code provides for the following:

Sec. 23.02. REAPPRAISAL OF PROPERTY DAMAGED IN NATURAL DISASTER AREA.

- (a) The governing body of a taxing unit that is located partly or entirely inside an area declared to be a natural disaster area by the governor may authorize reappraisal of all property damaged in the disaster at its market value immediately after the disaster.
- (b) If a taxing unit authorizes a reappraisal pursuant to this section, the appraisal office shall complete the reappraisal as soon as practicable. The appraisal office shall include on the appraisal records, in addition to other information required or authorized by law:
 - (1) the date of the disaster;
 - (2) the appraised value of the property after the disaster; and
 - (3) if the reappraisal is not authorized by all taxing units in which the property is located, an indication of the taxing units to which the reappraisal applies.
- (c) A taxing unit that authorizes a reappraisal under this section must pay the appraisal district all the costs of making the reappraisal. If two or more taxing units provide for the reappraisal in the

same territory, each shall share the costs of the reappraisal in that territory in the proportion the total dollar amount of taxes imposed in that territory in the preceding year bears to the total dollar amount of taxes all units providing for reappraisal of that territory imposed in the preceding year.

- (d) If property damaged in a natural disaster is reappraised as provided by this section, the governing body shall provide for prorating the taxes on the property for the year in which the disaster occurred. If the taxes are prorated, taxes due on the property are determined as follows: the taxes on the property based on its value on January 1 of that year are multiplied by a fraction, the denominator of which is 365 and the numerator of which is the number of days before the date the disaster occurred; the taxes on the property based on its reappraised value are multiplied by a fraction, the denominator of which is 365 and the numerator of which is the number of days, including the date the disaster occurred, remaining in the year; and the total of the two amounts is the amount of taxes on the property for the year.

DCAD will be taking the following actions regarding the damaged areas:

- DCAD Personnel will inspect all damaged property regardless of whether Disaster Reappraisal is adopted by taxing units
- If Disaster Reappraisal is adopted DCAD **WILL NOT CHARGE** taxing units extra for reappraisal as provided in Tax Code
- Special Appraisal Notices will be mailed to affected property owners if Disaster Reappraisal is authorized.
 - Notices will explain the process, and the protest procedures
 - Notices will contain both January 1 value and Disaster value
 - Notices will be mailed as soon as field work is completed
- DCAD Website will contain FAQ's concerning the Disaster Reappraisal Process and special email for questions
 - tornado@dcad.org
- If Disaster Reappraisal is adopted, the Certified Appraisal Roll for 2019 will reflect a prorated appraised value and will be updated on a Supplemental Appraisal Roll
- All damaged properties will be will maintain the damaged value for all of 2020 unless major repairs are completed by January 1, 2020

If your jurisdiction chooses to adopt by resolution, a disaster reappraisal please notify us as soon as possible and include a copy of the signed resolution.

If you have any questions, please contact myself or Cheryl Jordan in my office.

W. Kenneth Nolan
Chief Appraiser
Dallas Central Appraisal District
(214) 819-2330
nolank@dcad.org



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3. c.

Meeting Date: November 4, 2019

Item Title: Statement of Concern Regarding the Texas Legislature and Local Governments

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Speaker of the House Dennis Bonnen recently announced that he will not seek reelection. His announcement comes after he was secretly tape-recorded by the leader of a well-funded lobbying group who then disclosed the contents of the recording. In the recording, the Speaker of the House made disparaging remarks about other members of the Texas House of Representatives and he referred to local public officials in offensive and insulting terms. His general message – something that apparently has broader support in the Texas Legislature – is that local public officials are beneath the Legislature and not worthy of providing input as to matters of legislation that affects the local governments those officials represent. That attitude appears to be reflected in what the Speaker and his money backers strongly support, that being a law that will silence local governments from participating in the drafting of legislation that directly affects local government operations.

Recommendation/Action Requested and Justification

At the request of Council Member David Gibbons, seconded by Council Member Rich Aubin, Council is asked to consider adopting a resolution expressing its concerns regarding the House Speaker's comments and the apparent attitude of the Speaker and other legislators toward local government and their fellow members within the House. If consensus is reached, the City Attorney will prepare a final draft of an appropriate resolution for Council's vote on the November 19, 2019 Regular Meeting.

Attachments

Bonnen Resolution

DRAFT

FOR DISCUSSION PURPOSES ONLY

Non-Final and Unapproved

[This document has not been reviewed or approved by the Garland City Council]

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE CITY COUNCIL'S CONCERNS REGARDING THE LEADERSHIP OF THE TEXAS HOUSE OF REPRESENTATIVES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, cities provide the most direct sort of services to their citizens, affecting lives and the quality of living every day, including fire and police first responders, public health services, streets and roads, waste and recyclable services, storm drainage response, clean and safe water supplies, park, libraries, and other lifestyle services;

WHEREAS, the state itself looks to cities to be the main source of delivering governmental services that it is unable provide itself to the average citizen in order to provide Texans the things needed most to live, work, and play;

WHEREAS, over 100 years ago the people of Texas voted to provide for local home-rule for Texas cities so that the citizens of cities like Garland could have direct and local control over matters affecting their lives;

WHEREAS, the people of this state expect cooperative and efficient government on all levels; oppressive over-regulation of local matters benefits no one other than certain legislators who cater to wealthy special interest lobbying groups at the expense of the people who live in cities and who want to control locally the activities of the cities in which they live;

WHEREAS, the Speaker of the House of Representatives, Dennis Bonnen, has been recorded as disparaging local control and locally elected public officials, telling a wealthy special interest lobbying group that his goal for the next legislative session is to make it the worst "in the history of the legislature for cities and counties";

WHEREAS, to make matters worse, Speaker Bonnen and one of his main operatives, State Representative Dustin Burrows, R-Lubbock, asked a wealthy special interest lobbying group, Empower Texans, to target a list of representatives *in their own party* in the

DRAFT

FOR DISCUSSION PURPOSES ONLY

Non-Final and Unapproved

[This document has not been reviewed or approved by the Garland City Council]

upcoming primary elections, purportedly offering to provide special treatment for that lobbying group if it cooperated;

WHEREAS, in the process of disparaging locally-elected representatives of cities and other local governments, Bonnen also commented in the crudest terms about fellow members of the Texas House of Representatives calling out, among others, one of our own representatives, Rep. Ana-Maria Ramos;

WHEREAS, the irony of Bonnen and his followers catering to wealthy special interest lobbying groups while condemning so-called "taxpayer-funded lobbying" has not been lost on Garland;

WHEREAS, Bonnen and his followers championed a number of bills last session that eroded if not denuded local control in a manner that will eventually hurt the levels of services provided to the citizens;

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

Section 1

That the City Council of the City of Garland, Texas expresses its concerns and disappointment that leadership of the Texas Legislature, influenced no doubt, by the financial support of a small but wealthy special interest group, has made a sport of hammering Texas cities with laws that strip them of local control and with laws that continue to function as unfunded mandates, all the while clamoring to silence any city-fronted opposition by casting any dissenting voices as coming from "taxpayer-funded lobbying".

DRAFT

FOR DISCUSSION PURPOSES ONLY

Non-Final and Unapproved

[This document has not been reviewed or approved by the Garland City Council]

Section 2

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

Section 3

That the following members of the City Council, by affixing their signatures below, endorse the content of this resolution:

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

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ENDORSED:

Council, District ____

Etc.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3. d.

Meeting Date: November 4, 2019

Item Title: Framework for Citizen Input at Work Sessions

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

A new law allows a member of the public who desires to address the Council regarding an item on any agenda, including a work session agenda, to speak regarding the item at the meeting. A governmental body has the option of allowing speakers before the agenda is discussed or contemporaneously with the discussion of the agenda. A governmental body also has the option to provide reasonable rules as to the length of time a speaker may have.

This item was considered by the Council at the October 21, 2019 Work Session at which time the City Attorney was directed to bring back revisions and options for further Council discussion.

Recommendation/Action Requested and Justification

The Council has several decisions to make and several options within those decisions such as when will speakers be allowed to address the Council at a work session (before, during or a hybrid depending on circumstances) and for how long. After the Council has reached a consensus on the various points, the City Attorney will provide revised agenda posting language and will draft any necessary policy changes to the Council's rules of order to accommodate the Council's decision.

If a consensus is reached, the revised agenda posting template and any necessary changes to the Council's rules of order will be presented for formal approval at the November 21, 2019 Regular Meeting.

Attachments

HB 2840 FAQs

House Bill 2840: Public Comment on Agenda Items

Texas Municipal League Legal Staff

Updated October 2019

512-231-7400

legalinfo@tml.org

1. What is House Bill 2840?

House Bill 2840 by Representative Terry Canales (D – Edinburg) passed during the Eighty-Sixth Regular Legislative Session. It became effective on September 1, 2019. The bill, codified at Texas Government Code Section 551.007, amends the Texas Open Meetings Act (Act) to address public testimony at open meetings. Before the passage of the bill, the public had a legal right only to observe, rather than speak at, an open meeting of a governmental body. *See* Tex. Att’y Gen. Op. No. JC-0169 (2000).

House Bill 2840 gives the public the right to speak on an item on the agenda at an open meeting of the following municipal governmental bodies:

- a city council;
- a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a city (e.g., probably a city’s board of adjustment); and
- the governing body of a special district created by law (Each city should consult local legal counsel as to the applicability of this provision. *See, e.g., Sierra Club v. Austin Transp. Study Policy Advisory Committee*, 746 S.W.2d 298 (Tex. App. —Austin 1988, writ denied (concluding that Austin transportation advisory committee was a “special district”))).

TEX. GOV’T CODE §§ 551.001(3)(C), (D), (H), 551.007(a). The bill also applies to a handful of other non-municipal governmental bodies. *See id.* §§ 551.001(3), 551.007(a).

Notably, the bill doesn’t apply to state agencies. It also doesn’t appear to apply to entities that are subject to the Act, but don’t fall within the term “governmental body” as defined in the Act, such as a planning and zoning commission or an economic development corporation. *See, e.g., TEX. LOC. GOV’T CODE* §§ 211.0075, 501.072; *see also* Tex. Att’y Gen. Op. No. JC-0327 (2001) (concluding that the board of the Bryan-College State Economic Development Corporation is not a governmental body under the Act). City officials should consult local legal counsel to determine whether any particular entity is subject to the bill.

2. Does House Bill 2840 mandate that a governmental body have a “public hearing” on every agenda item?

No. Public hearings are meetings legally required by law to record public comment on a matter being considered by a governmental entity. These same laws govern how the public hearings are to be conducted. *See, e.g., TEX. LOC. GOV’T CODE* §§ 102.006(a) (“The governing body of a municipality shall hold a public hearing on the proposed budget. Any person may attend and may participate in the hearing.”), 43.063(a) (“Before a municipality may institute annexation proceedings, the governing body of the municipality must conduct two public hearings at which persons interested in the annexation are given the opportunity to be heard.”).

Existing precedent makes clear the distinction between a public hearing and public comment at a meeting. *See* Tex. Att’y Gen. Op. Nos. M-220 (1968) at 5 (A meeting that is “open to the public” under the Act is one that the public is entitled to attend.); JM-584 (1986) at 3; H-188 (1973) at 2; LO-96-111 at 1; *see also*

Eudaly v. City of Colleyville, 642 S.W.2d 75, 77 (Tex. App.—Fort Worth 1982, writ ref'd n.r.e.) (distinguishing between “public meeting,” where public was not entitled to comment, and “public hearing,” where public was entitled to comment).

House Bill 2840 doesn’t require a public hearing on every item on an agenda. It merely grants limited authority to a citizen to address a governmental body, subject to reasonable rules adopted by the body.

3. When does the public have the right to speak on items on the agenda of an open meeting?

Some commentators have suggested that the bill allows a citizen to speak throughout a meeting on agenda items before a vote, not only in the time designated by the city. Government Code Section 551.007(b) provides that “A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting *before or during the body’s consideration of the item.*” TEX. GOV’T CODE § 551.007(b) (emphasis added).

The legislature typically uses the word “or” as a disjunctive. See *Spradlin v. Jim Walter Homes, Inc.*, 34 S.W.3d 578, 581 (Tex. 2000). “It separates words or phrases in the alternate relationship, indicating that either of the separated words or phrases may be employed without the other.” *Jones v. State*, 175 S.W.3d 927, 932 (Tex. App.—Dallas 2005, no pet.) (citing *Perez v. State*, 11 S.W.3d 218, 225 (Tex. Crim. App. 2000)). The legislature’s use of the disjunctive here evidences its intent to allow the governmental body to decide at which point in the meeting a member of the public speaks.

Section 551.007(b) does not grant a member of the public the right to speak *both* before and during the governmental body’s consideration of an item. Moreover, a member of the public has no right under Section 551.007(b) to speak *after* the body’s consideration of an item. See also TEX. GOV’T CODE § 551.007(c) (authorizing the governmental body to adopt “rules concerning the public’s right to speak at an open meeting”), TEX. LOC. GOV’T CODE § 22.038(c) (“The governing body shall determine the rules of its proceedings”), Tex. Att’y Gen. Op. No. DM-473 (1998) (concluding a home rule city is authorized to adopt reasonable rules of procedure for meetings).

The legislative history of House Bill 2840 explains why a governmental body may limit a speaker to one of the two options: “It has been suggested that the practice of the governing bodies of certain political subdivisions to provide for public input and comment only at the conclusion of a meeting of the governing body makes it too difficult for the public to properly weigh in on decisions being made because they are forced to wait through the entire meeting to provide an opinion on any subject matter being addressed at the meeting.” See Senate Business & Commerce Comm., Bill Analysis, H.B. 2840, Senate Research Center, May 15, 2019.

4. Is a governmental body allowed to adopt reasonable rules regarding the public’s right to speak at open meetings?

Yes. A governmental body may adopt reasonable rules concerning the public’s right to speak at an open meeting, consistent with the relevant provisions of law allowing it to do so. *Id.* § 551.007(c); See Tex. Att’y Gen. Op. Nos. H-188 (1973) at 2, LO-96-111 at 1. The rules may include, among many other things, how long a person may address the governmental body on a given item. *Id.* § 551.007(d) (If the person addressing the governmental body needs a translator, the governmental body is required to allow at least twice the normal amount of time for the non-English speaker to address the body.).

Prior to the passage of House Bill 2840, the attorney general summarized the authority of a local governmental body to control public comment at its meetings:

We think that the [governmental body] has broad discretion in exercising its statutory powers under the Local Government Code, and may limit the number of persons who may speak on a topic and the length and frequency of their presentations. However, it must act reasonably and may not discriminate on the basis of the particular views expressed, nor arbitrarily deny citizens their right to apply to the government for redress of grievances by “petition, address or remonstrance,” as guaranteed by article I, section 27 of the Texas Constitution. The [governmental body] as a whole has the authority to determine its own agenda. Attorney General Opinions DM-228 (1993) at 2-3, JM-63 (1983) at 1. The [body] may adopt reasonable rules consistent with relevant provisions of law – including, among other things, the Open Meetings Act – to govern the conduct of its meetings. Attorney General Opinion DM-228 (1993) at 3. The court may limit the number, frequency, and length of presentations to it. Attorney General Opinion H-188 (1973) at 2. We note that, as Attorney General Opinion H-188 points out, the Open Meetings Act does not of itself give citizens the right to participate in a public meeting, but only the right to observe it. However, if the [body] has adopted a policy of opening the floor to citizen comment, Attorney General Opinion H-188 counsels that such a policy must be administered in an even-handed fashion, and that the [body] may not discriminate against a particular point of view. Such limits as the [governmental body] adopts must not be arbitrary or unreasonable, and must not unfairly discriminate among views seeking expression.

Tex. Att’y Gen. Op. No. LO-96-111. Of course, House Bill 2840 modifies the conclusion that the Act doesn’t give members of the public the right to speak at an open meeting. Beyond that, however, the remaining conclusions remain valid. *See also* TEX. LOC. GOV’T CODE § 22.038(c) (“The governing body [of a general law city] shall determine the rules of its proceedings”), Tex. Att’y Gen. Op. No. DM-473 (1998) (concluding a home rule city is authorized to adopt reasonable rules of procedure as long as they are not inconsistent with the constitution, statutes or city charter provisions).

The bottom line is that a member of the public’s right to address a governmental body under Section 511.007 is, by the express terms of the section, subject to reasonable rules adopted by the governmental body.

5. Does House Bill 2840 require a governmental body to allow a member of the public to speak during the body’s consideration of an agenda item if the person wishes to do so?

Likely not. The city council could comply with Section 551.007 by allowing a member of the public to address the body regarding the item any time before the body’s consideration of the item. What if a member of the public misses the opportunity to speak on an item during a designated public comment period at the beginning of an open meeting? Is a governmental body then required to allow that person to speak on the item later in the meeting during the body’s consideration of the item? Likely not, because the governmental body retains control of its meetings. The governmental body may set a designated time (e.g., before agenda items are considered) for speakers to address the body regarding an item on the agenda. If a speaker misses that opportunity, Section 551.007 does not grant the person the right to interrupt the meeting.

What if a member of the public is in attendance during a designated public comment period at the beginning of an open meeting, but chooses not to comment on an agenda item until later in the meeting during the body’s consideration of the item? Is the governmental body required to allow that person to speak on the item during the body’s consideration of the item? Likely not, because the governmental body retains control of its meetings.

6. Is a governmental body required to allow the public to speak on agenda items at “workshops” or “work sessions?”

Cities sometimes post meeting notices indicating that the city council will hold a “council work session” or “council workshop.” These terms are not defined in the Act, but are commonly used to refer to a meeting in which the council will be briefed by staff (or other experts) on a single matter of interest to the city. Oftentimes, the subject of a work session is highly technical in nature and/or requires a detailed and thorough explanation. A city council generally will not plan to take action during a work session as it is frequently intended as an educational precursor to some possible future action. For instance, city councils often hold meetings referred to as “work sessions” leading up to the adoption of the budget.

City attorneys disagree about whether Section 551.007 applies to a workshop or work sessions. While some believe it applies, others have a different interpretation. That interpretation is largely based on when the governmental body “considers” an item. For example, a city may hold budget workshops for city councilmembers to discuss financial priorities amongst themselves. Some argue that the city council isn’t “considering” the item at that time. Rather, they argue, the budget itself will be considered when it is placed on the city council’s agenda for action at a future meeting. The bill author’s staff has indicated that the bill isn’t meant to apply to a workshop or work session.

7. May the governmental body still allow the public to ask questions about items not on the agenda? Must a governmental body allow the public to ask questions about items not on the agenda?

It has long been “common for units of local government to invite any member of the public to make whatever comments they desire in the public forum at the time of the public meeting,” including comments about items not on the agenda. Tex. Att’y Gen. Op. Nos. JC-0169 (2000). A governmental body may, but does not have to, allow the public to make comments about items not on the agenda. House Bill 2840 mandates that a governmental body allow a citizen to speak only in regard to items on an agenda.

If the governmental body allows the public to comment on items not on the agenda, the governmental body can still apply reasonable rules regarding the number, frequency, and length of presentation, but it cannot discriminate against speakers. *See, e.g.,* Tex. Att’y Gen. Op. No. LO-96-111. The governmental body may not deliberate on any item that is not on the agenda. For such an item, the governmental body may: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda. TEX. GOV’T CODE § 551.042.

8. May the governmental body prevent the public from criticizing the governmental body or actions of the governmental body?

A governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. However, the bill “does not apply to public criticism that is otherwise prohibited by law.” *Id.* § 551.007(e). What public criticism is prohibited by law remains to be seen. Defamation would probably fall under that prohibition. In any case, a city should be able to enforce a decorum policy for public speakers, so long as it doesn’t prohibit criticism.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3. e.

Meeting Date: November 4, 2019

Item Title: Discuss Curfew on Downtown Square

Summary of Request/Problem

At the request of Council Member Deborah Morris and Mayor Pro Tem Robert John Smith, Council is requested to discuss setting a curfew for the Downtown Square.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND PLANNING REPORT

City Council Work Session Agenda

3. f.

Meeting Date: November 4, 2019

Item Title: Consider various amendments to the Garland Development Code

Submitted By: Will Guerin, Planning Director

REQUEST

Consider various amendments to the Garland Development Code

PLAN COMMISSION RECOMMENDATION

During their October 28, 2019 meeting, the Plan Commission, with a nine (9) to zero (0) vote, recommended approval of the GDC amendments.

STAFF RECOMMENDATION

Approval of the proposed amendments to the Garland Development Code

BACKGROUND

Since the adoption of the Garland Development Code in 2015, staff has compiled a list of needed amendments, primarily intended as clean-up related items and reducing inconsistencies. There are proposed amendments throughout the code. The below considerations do not list all the proposed amendments in the draft ordinance; however, some notable amendments are mentioned, some of which may warrant policy discussion.

CONSIDERATIONS

1. Staff proposes to eliminate the requirement of Preliminary Development Plan (PDP) applications. Preliminary Development Plans were created with the adoption of the GDC in 2015 and were intended to provide a comprehensive administrative review of a project when proper zoning is in place (Preliminary Development Plans are administrative and not reviewed by the Plan Commission or City Council). However, staff finds that PDP's have in effect created an additional and unnecessary step in the development process and have not added the intended value, as review for GDC compliance is achievable through the standard existing site and building permitting review processes.
2. *Section 2.39(l)(1)*. In the draft ordinance, the internal storage requirement for Multi-Family development is highlighted for discussion and possible removal. Currently an enclosed storage facility must be constructed on-site for each dwelling unit in a MF structure, with convenient access to its corresponding unit. The minimum size of each storage facility must be twenty-five square feet, and must contain not less than one hundred and

seventy-five cubic feet. A garage may not count as a storage facility unless the required storage space is added to the size of the garage.

Developers are struggling to meet this requirement with new multi-family developments, as internal “storage” is typically provided through areas within the unit such as larger walk-in closets, rather than individual storage facilities. Staff is not aware of such a requirement in other cities, though further research may be conducted pending City Council direction.

3. *Section 2.52(A)(3)(f)&(g)*. Staff proposes amendments to better regulate vehicle storage at automobile repair (major and minor) facilities. Included in the draft amendments are:

- Automobile Repair uses may not conduct any outdoor vehicle or equipment repairs or maintain or store overnight vehicles, parts, equipment, or accessories outdoors.

- Vehicles currently being repaired may remain on-site for a maximum of ninety (90) calendar days at Major Automobile Repair facilities. For Minor Automobile Repair facilities, vehicles currently being repaired may remain on-site for a maximum of fourteen (14) calendar days.

- For Major Automobile Repair facilities, 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 600 square feet per garage bay. For Minor Automobile Repair facilities, 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.

4. *Section 2.52(A)(8)*. The City Attorney's Office has drafted comprehensive amendments regarding regulations and permitting requirements of Used Goods/Recycling Collection Facilities, reflected in the attachment.
5. *Section 2.52(A)(20)(f)*. A draft amendment is included that would create a minimum distance between proposed Reception Facilities and residential development (single-family or multi-family), senior living facilities, and other Reception Facilities. There are significant compatibility concerns when these uses are in close proximity to one other. A minimum distance of five hundred (500) feet is proposed.
6. An allowance for fences in residential front yards is proposed, provided that the fence is no more than 3.5 feet in height and made of wood or ornamental metal, or a fence no more than 2.5 feet in height and made of brick or masonry, excluding cinder block. More detailed requirements may be found in Section 4.104.
7. *Section 4.20(K) and 4.27(B)*. Currently parking deviations for proposals that are not part of a public hearing zoning case may be considered administratively by staff through the Alternative Compliance process when a reduced parking amount is proposed, or by the Board of Adjustment when more than 15% above the parking requirement is proposed. The draft amendments propose to shift the 15%+ parking deviation from the Board of Adjustment to the administrative Alternative Compliance process. Mitigation is required in these cases where additional parking is provided, including possible additional landscaping, pervious parking, and/or increased stormwater controls. In either type of

deviation, a parking generation study is required to be submitted by the applicant. It is proposed to keep the existing mitigation and parking study requirements in place.

8. Clarification is proposed delineating Buildings versus Structures. In the proposed delineation, all buildings are considered structures but not all structures are buildings. In the Chapter 6 definition of “Building”, Buildings are proposed to be considered wholly enclosed structures by exterior walls and a roof. It should be noted that under the proposed ordinance language, masonry requirements may be applied towards Structures. It should also be noted that a proposed change clarifies that carports, even those attached to a main building, are not considered Buildings.
9. In Chapter 7 which is specific to Downtown development standards, an amendment to Table 7-4 is drafted which would clarify that single-family development is allowed in the Uptown subdistrict. Currently there is a conflict in that the Single-Family Detached Dwelling use is listed as allowed in the Chapter 7 Land Use Matrix, but the Single-Family “building type” is not listed as allowed in Table 7-4. The amendment would make the allowances between the use and building type consistent. It should be noted that there are existing single-family detached neighborhoods in the Uptown subdistrict.
10. The draft redlined amendments are attached for the City Council's review and recommendation.

Attachments

GDC 10-30-19 Working Copy
Staff Presentation

GARLAND

DEVELOPMENT CODE -10-30-2019

PREFACE:

Printed herein is the Garland Development Code, adopted by Ordinance 6773 enacted May 19, 2015. Due to the nature of the development code and the technicalities involved in adopting or amending it, the development code is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended section. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets.

Including Web Update 7.2

This Development Code contains all ordinances deemed appropriate to be included as enacted through Ordinance 7040 adopted 2/19/19.

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1 - AUTHORITY; PURPOSE

Division 1 - General Provisions

Section 1.01 Source of Authority

(A) Enabling Legislation. The regulations within this Garland Development Code (GDC) are authorized under the authority of the Constitution and other laws of the State of Texas, including Chapters 211 and 212 of the Texas Local Government Code, and the City's home-rule authority as provided in the Garland City Charter (the Charter). The provisions of this GDC expressly extend to, and are enforceable upon, all areas inside the City's limits, as those limits may exist from time to time and as those limits may be adjusted through annexation or disannexation. Some portions of this GDC, such as [Chapter 3](#) (Subdivision Regulations) also extend throughout, and are enforceable upon, the City's extraterritorial jurisdiction (ETJ), as those areas may also exist from time to time and as those areas may also be adjusted through annexation or disannexation or otherwise.

(B) Authority. Authority under this GDC is vested in and delegated to the officials and decision-makers designated in various chapters of this GDC, the City Code, the Charter, and the constitution and laws of the State of Texas. This authority shall be deemed supplemental to any other authority lawfully conferred upon the City's officials and decision-makers. The omission of a citation in this GDC to any authority conferred upon the officials and decision-makers under the Charter, the Constitution or laws of the State of Texas, or the City Code, or the failure to identify in this article authority conferred by other provisions of this GDC, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.

(C) Responsible Official. The responsible official is generally the City staff person assigned authority and responsibility under this GDC or the City Code for taking the following actions with regard to an application:

- (1) Accepting the application for filing and processing;
- (2) Reviewing and making recommendations concerning the application;
- (3) Seeking advice of other City departments and coordinating any recommendations from such departments concerning the application;
- (4) Deciding the application, where so authorized;
- (5) Preparing reports to and advising any board, commission or the City Council that has responsibility for making recommendations on or deciding the application;
- (6) Delegating the official's authority to other appropriate City officials, who shall thereupon be deemed the

responsible official for purposes of carrying out the delegated duties;

(7) Initiating enforcement actions concerning compliance with the standards applicable to the application and the conditions imposed thereon; and

(8) Taking all other actions necessary for administration of the provisions of this GDC with respect to the application.

(Ordinance 6773 adopted 5/19/15)

Section 1.02 Implied and Specific Authority

(A) Implied Authority. The officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by this GDC to the extent that the implied authority is not in conflict with the expressly delegated authority, and to the extent that the implied authority is not in conflict with controlling law.

(B) Specific Authority - City Manager. The City Manager, or his designee, is hereby authorized and directed to enforce all of the provisions of this GDC related to the construction, inspection, safety and compliance of buildings (see [Article 1 in Chapter 4](#) of this GDC) and signage (see [Article 5 in Chapter 4](#) of this GDC).

(Ordinance 6773 adopted 5/19/15)

Section 1.03 Limitation on Authority

(A) City Policy. It is the policy of the City that the standards and procedures applicable to development of property within the City's limits and within the City's ETJ are as stated in this GDC, notwithstanding any representation by any City official summarizing, paraphrasing or otherwise interpreting such standards to the contrary, whether generally or as applied to development of specific property.

(B) Representations. No City official, whether an employee of the City, a contracted consultant or other representative of the City, a member of an appointed board or commission, or a member of the City Council, shall have the authority to make binding representations as to the following:

(1) Future Action on Application or Legislative Action. To a property owner concerning the likelihood of an outcome of that official's decision or the decision of an appointed board, commission or the City Council, on any application or legislative action that has yet to be filed or is pending before the City for decision.

(2) Future Amendments. To any person concerning the likelihood that a change in any legislative classification or a change in the text of this GDC as applied to a specific tract of land will be granted or made, or that an existing legislative classification or text provision will remain in effect, or that any petition for relief will be granted.

No person is entitled to rely upon any representation made by an official in breach of this Subsection, and each and every such representation shall be deemed in violation of the policy of the City, and is not binding on the City in any respect. No subsequent decision of the City shall be deemed a ratification of any representation made in contravention of this Subsection. The provisions of Article XVII, Section 13 of the Charter expressly apply to and are incorporated into this GDC by reference.

(C) Effect of this GDC on Liability Claims. The City's approval of an application under the standards and procedures of this GDC does not guarantee or assure that development of the property in accordance with the standards will prevent, minimize or mitigate harm to adjoining property. A person who undertakes development activities shall not rely on the City's approval of an application as ensuring that the development activities will not result in harm to adjoining property. The regulations contained in this GDC constitute an exercise of the City's governmental authority, and approval of an application shall not give rise to any liability on the part of the City or its officers, agents and employees, nor will an approval release the applicant from any liability for harm arising out of development of the property under applicable law. -

(D) No Waivers. Except as expressly provided for in this GDC, no official, board or commission of the City, or the City Council, shall have authority to waive any requirement or standard of this GDC. Any attempted waiver of a requirement or standard in contravention of this Subsection is void and of no effect and, upon discovery, shall be grounds for revocation of a permit or approved development application, in accordance with [Section 5.25](#), should such revocation be necessary to protect public health, safety or welfare.

(Ordinance 6773 adopted 5/19/15)

Section 1.04 Conflict in Authority

(A) Internal Inconsistency. Whenever one or more provisions of this GDC are in apparent conflict, the provisions shall be construed, if possible, so that effect is given to each. If the conflict is between a general provision and a

specific provision, and the conflict is irreconcilable, the specific provision shall prevail as an exception to the general provision, unless the general provision is the later enactment and the manifest intent is that the general provision should prevail. The Planning Director shall be responsible for resolving any internal conflicts or inconsistencies by reasonably applying the aforementioned rules of construction. Appeals to such interpretations may be made to the Plan Commission (and further appealed to City Council, if necessary), except for interpretations pertaining to zoning regulations set forth in [Chapter 2](#) of this GDC which shall be made to the Board of Adjustment (see [Chapter 2, Article 2, Division 4](#)).

(B) Incomplete Provisions. Whenever a specific standard or procedure of this GDC is incomplete when applied in isolation to an application or development activity, such standard shall be supplemented by any general or specific provision of this GDC, the City's *Development Application Packet* (such as development guides, checklists, and applications), the Code, or controlling law in order to give effect to the incomplete provision.

(C) Conflict with State Law. To the extent any provision of this GDC conflicts with Texas law, the provision shall be construed so as to be in compliance with state law, where possible. If it is not possible to construe a given provision in a manner that is compliant with state law, the provision shall not be enforced.

(Ordinance 6773 adopted 5/19/15)

Section 1.05 Purpose

~~(A) Purpose.~~

~~(1A)~~ 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.

~~(B2)~~ 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.

~~(C3)~~ These provisions are intended to implement the following objectives:

~~(1a)~~ 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;

~~(2b)~~ 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;

~~(3e)~~ 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;

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

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

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

~~(7g)~~ Prevent pollution;

~~(8h)~~ 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;

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

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

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

~~(12l)~~ 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.

(Ordinance 6773 adopted 5/19/15)

Section 1.06 Pending Applications

All administratively complete applications for zoning, development, redevelopment or subdivision approval that are pending on the effective date of this GDC, and that have not lapsed, shall be reviewed under the applicable regulations in effect immediately preceding the effective date of this GDC (see [Chapter 5, Article 1, Division 5](#)). (Ordinance 6773 adopted 5/19/15)

Section 1.07 Interpretation; Conflict; Severability

(A) Interpretation. In their interpretation and application, the provisions of the regulations contained in this GDC shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(B) Conflict With Other Laws. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of controlling law except as provided in this GDC. To the extent that this GDC promulgates standards or imposes restrictions or duties which differ from those imposed by other City ordinances, rules or regulations, the regulations contained within this GDC shall supersede such other provisions to the extent of any conflict or inconsistency.

(C) Severability. If any part or provision of this GDC, or the application of this GDC to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

(Ordinance 6773 adopted 5/19/15)

Section 1.08 Saving Provision

This GDC shall not be construed as terminating, dismissing, or abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of the effective date of this GDC, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided in this GDC. (Ordinance 6773 adopted 5/19/15)

Section 1.09 Indebtedness (“all taxes paid”)

No person who owes delinquent taxes, delinquent paving or other infrastructure fees or assessments, delinquent fees, or any other delinquent debts or obligations to the City, and which are directly attributable to a piece of property, shall be allowed to receive approval for any development application (such as plats, replats, and Site Engineering Drawings) until the taxes, assessments, debts or obligations directly attributable to the property and owed by the property owner or a previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City Manager has been made for the timely full payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations to the City have been paid in full at the time of submission for any application for approval under this GDC. A tax certificate(s) shall be provided by the applicant as required by Section 12.002 of the Texas Property Code. (Ordinance 6773 adopted 5/19/15)

Section 1.10 Misrepresentation of Facts

It is a violation of this GDC for any person to knowingly or willfully misrepresent or, with intent to deceive, knowingly or willingly fail to include, any information required by this GDC in any zoning, platting or development application or during any public hearing or meeting of the Plan Commission, City Council, Board of Adjustment, or other City decision-making body. Such a violation shall constitute grounds for denial of the application or revocation of a previously granted approval. (Ordinance 6773 adopted 5/19/15)

Division 2 - Development Review Committee

Section 1.11 Structure of the Development Review Committee

(A) General. The Development Review Committee (the DRC) shall be organized to provide information, advice, and guidance to prospective applicants, to coordinate interdepartmental examination of development applications, and to generally ensure that development applications comply with this GDC and other controlling laws.

(B) Organization and Structure. The DRC shall generally consist of the following members or their duly authorized

representatives, and shall include the responsible official for the application(s) being examined. DRC members shall attend meetings on an as-needed basis, and certain members may or may not be present at any particular meeting if their presence is not needed. Any of the following may appoint a designee to attend as a representative of that official:

- (1) The Planning Director, or designee, who shall serve as the Chair of the DRC;
- (2) Additionally authorized Planning Department representative(s) appointed by the Planning Director;
- (3) The Director of Engineering;
- (4) The Director of Transportation;
- (5) The Director of Parks & Recreation;
- (6) The Director of Environmental Waste Services;
- (7) The Building Official;
- (8) The City Surveyor;
- (9) The Fire Chief;
- (10) Representative(s) from Garland Power & Light (GP&L); and
- (11) Representative(s) of any other City department or other public entity determined necessary or helpful by the Planning Director (such as the Health Department, Dallas or other applicable County, public safety entities, and school districts).

(Ordinance 6773 adopted 5/19/15)

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 ~~a Preliminary Development Plan and~~ Site Engineering Drawings;
- (2) An application for a Specific Use Provision (SUP), along with any related application requirements, including a Site Plan and Site Engineering Drawings;
- (3) An application for a Site Permit;
- (4) An application for a Building Permit;
- (5) An application for any type of plat, including a Preliminary and a Final Plat; and
- (6) Any other application appropriate for DRC review as determined by the Planning Director.

(B) Procedures for Filing an Application.

- (1) The applicant shall file with the Planning Director an appropriate number of copies of any application to be reviewed by the DRC.
- (2) The applicant shall be notified of the meeting time and place at which his application shall be reviewed.
- (3) To be reviewed by the DRC, the application must be deemed to be officially filed and complete, in accordance with [Section 1.16](#) of this Chapter 1.

(C) Meetings. All meetings of the DRC shall be open to any applicant who submitted an application for that DRC meeting. The DRC shall meet on an as-needed basis, to be determined by the number and nature of applications submitted.

(D) Written Records. Written records of DRC meetings shall be kept in the office of the Planning Department as part of the record for each development application or project. A copy of the written record of the DRC meeting shall also be provided to any applicant participating in such DRC meeting upon written request by such participant.

(Ordinance 6773 adopted 5/19/15)

Section 1.13 Authority for Reviewing Applications

(A) Authority. The DRC shall serve in a review capacity for various types of development applications. The DRC is a City-staff advisory body, and shall make no final decisions on any type of development application.

(B) Authority for Recommendations. The DRC shall make recommendations to the responsible official, who shall then act on the application (if such action authority is given in this GDC) or shall present DRC findings and

recommendations to the Board of Adjustment, Plan Commission or City Council, as appropriate depending on the type of application.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 2 - UNIVERSAL PROCEDURES

Division 1 - Applications Processing

Section 1.14 Initiation of Application

(A) Initiation by Owner. Unless otherwise expressly provided by this GDC, a development application or other petition authorized by this GDC may be initiated only in writing by, and bearing the original signature of, the actual owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a designated representative, the application shall include a written and notarized statement from the property owner authorizing the representative to file the application on the owner's behalf. The responsible official may establish the type of documents needed to determine ownership or agency.

(B) Initiation by City. A duly authorized representative of the City may initiate any application authorized under this GDC.

(C) Development Application Fee. Unless an applicant elects to participate in the ~~Pre-Submittal~~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. ~~In the event the designated filing day falls on a City Holiday then applications may be filed, by appointment only, on the next business day on which the City is open at the time identified on the Development Application Schedule.~~ 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.

(Ordinance 6773 adopted 5/19/15)

(Ordinance 6773 adopted 5/19/15)

Section 1.15 ~~Pre-Submittal~~Pre-Filing Process

(A) ~~Pre-submittal~~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-submittal~~pre-filing process with the DRC and the responsible official who will primarily process the application.

(B) Purpose. The purpose of the ~~pre-submittal~~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-Submittal~~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-submittal~~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-submittal~~pre-filing process. In the event it is determined that it would be beneficial, and the prospective applicant elects to participate in the ~~pre-submittal~~pre-filing process, the prospective applicant shall file with the Planning Department a ~~pre-submittal~~pre-filing form that describes the nature of the project and the type(s) of application(s) that the applicant intends to submit. The prospective applicant shall then be notified of the time and place of the DRC ~~Pre-Submittal~~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-submittal~~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-submittal~~pre-filing form was filed (see Chapter 5, Article 1, Division 5).

(E) Primary Contact and Case Manager. At the DRC ~~Pre-Submittal~~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-submittal~~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-submittal~~pre-filing process shall also be provided to any prospective applicant participating in the ~~pre-submittal~~pre-filing process upon written request by the participant.

(G) DRC ~~Pre-Submittal~~Pre-Filing Meeting; Technical Review Meeting. The purpose of the DRC ~~Pre-Submittal~~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-Submittal~~Pre-Filing Meeting, the prospective applicant shall pay the ~~pre-submittal~~pre-filing process fee, as set by the City Fee Schedule, if the prospective applicant elects to participate in the ~~pre-submittal~~pre-filing process. As part of the ~~pre-submittal~~pre-filing process, the prospective applicant may be required to attend one or more additional ~~pre-submittal~~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-submittal~~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-submittal~~pre-filing process, pays the required ~~pre-submittal~~pre-filing process fee, and thereafter does not compete the ~~pre-submittal~~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-submittal~~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 1.16 Repealed.

Section 1.17 Waiver of Information

Notwithstanding the requirements ~~of Section 1.15 [1.16]~~ of ~~this Division 1 of Article 2~~, Chapter 1, 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. (Ordinance 6773 adopted 5/19/15)

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 submits his or her application to the Planning Director.

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

(Ordinance 6773 adopted 5/19/15)

Section 1.19 Modification of Applications

The applicant may modify a complete application following its submission and prior to expiration of the period during which the City is required to act on the application, if the modification is for revisions requested by the City, and is received by the Director of Planning at least seven calendar days prior to the time scheduled for decision on the application. In the event the applicant voluntarily elects to extend the period during which the City is required to act on the application, then the applicant may modify any complete application following its submission if the modification is received by the Planning Director at least seven calendar days prior to the time the applicant voluntarily elected to schedule for a decision on the application. The voluntary extension of time may not exceed a period of thirty days from the date on which the application was originally set for hearing.

Section 1.20 Amendments and Revisions to Approval

Unless another method is expressly provided by this GDC (see Section 1.19), any request to amend or revise a submitted application shall be considered a new application and must be decided in accordance with the procedures governing an original application and the standards in effect at the time such new application is filed with the City.

Section 1.21 Technical Review Meeting

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

(B) Purpose. The purpose of a technical review meeting is to allow the prospective applicant to review his or her proposed development application files and working documents with the DRC. Comments compiled from each City department as part of their review of the files and working documents shall be provided to the prospective applicant at the meeting. The comments shall provide information about necessary modifications needed for the proposed development application to meet City codes, development regulations and processes that are applicable to the proposed application.

(C) Applications Requiring Technical Review Meeting. ~~Pre-Submittal~~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) Preliminary Development Plan;~~

~~(4)~~ Alternative compliance development process (if applicable);

~~(5)~~ House conversions (such as conversion from residential to nonresidential use); or

~~(6)~~ 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-submittal~~pre-filing documents have been submitted to the Planning Director for review, the Planning Director shall make the determination as to whether the ~~pre-submittal~~pre-filing process has been completed or whether additional modifications of the proposed application are needed.

(Ordinance 6773 adopted 5/19/15)

Section 1.22 Pre-Construction Meeting

(A) Purpose. The purpose of a Pre-Construction Meeting is to discuss administrative, communication and

operating procedures for project construction prior to the issuance of a Site Permit (see [Chapter 4, Article 1, Division 3](#)) or Building Permit (see [Chapter 4, Article 1, Division 4](#)). A list of typical inspection items, procedures and acceptance criteria for items in public right-of-way and easements will be also be furnished to the applicant.

(B) Requirement. Following the approval of required Site Engineering Drawings prior to commencement of any construction. Applicants shall attend a required Pre-Construction Meeting with the Engineering Department. Applicants must begin construction within sixty (60) days of any Pre-Construction Meeting. If an applicant fails to begin construction within sixty (60) days, an additional Pre-Construction Meeting shall be held and the deadline for commencement of construction shall be extended an additional sixty (60) days from said meeting to begin construction. Projects that require a Pre-Construction Meeting are those for which a Site Permit or a Building Permit is required.

(C) Notice.

(1) When the applicant receives notice from the City that the required Site Engineering Drawings have been approved, the project will then be eligible for the required Pre-Construction Meeting.

(2) If appropriate, a single Pre-Construction Meeting may be held for the issuance of both a Site Permit and a Building Permit. However, if the applicant chooses to begin construction of the project prior to approval of a Building Permit, two separate Pre-Construction Meetings shall be required.

(D) Written Records. Written records of Pre-Construction Meetings shall be kept in the office of the Engineering Department as part of the record for each development application or project. A copy of the written record of the Pre-Construction Meeting shall also be provided to any applicant participating in such meeting upon written request by such participant.

(E) Effect. Following the Pre-Construction Meeting, and provided that all other City pre-construction requirements have been met, the applicant shall be issued a Site Permit (and possibly also a Building Permit, if applicable and if all City requirements for a Building Permit have also been met) which allows the applicant to commence with construction of the project.

(Ordinance 6773 adopted 5/19/15)

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 fee 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. (Ordinance 6773 adopted 5/19/15)

Division 2 - Notice Requirements

Section 1.24 Published & Written Notice

(A) Published Notice. Whenever published notice of a public hearing before a board, commission or the City Council is required under this GDC or controlling law, the responsible official shall cause notice to be published and posted in accordance with controlling law prior to the date set for the required hearing; such notice shall be published and posted according to the time frame provided by controlling law for the particular development application for which the public hearing is to be held. The notice shall set forth the date, time, place and purpose of the hearing, as well as identification of the subject property where the decision concerns an individual tract or parcel of land.

(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 if the matter is before the~~ Plan Commission ~~hearings;~~ to each owner of real property located within four hundred feet of the exterior boundary of the property in question ~~to all such owners who have has~~ rendered the property for City taxes as the ownership appears on the last-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 ~~have has~~ rendered ~~their the~~ property for City taxes as the ownership appears on the last-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 ~~municipal 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 ~~municipal 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.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Text Amendments

Section 1.25 Amendments to the GDC

Where required by this GDC, or controlling law, the City Council shall consider the recommendation of the Plan Commission, together with the recommendations of any other advisory board or commission prescribed by this GDC or established by the City Council, concerning a proposed text amendment. Where action is required of the Plan Commission or other advisory board or commission on a proposed text amendment, the Plan Commission or other advisory board or commission shall also conduct a public hearing. Published notice for such amendment shall be in accordance with [Section 1.24](#) of this Chapter 1. (Ordinance 6773 adopted 5/19/15)

Division 4 - Expiration & Extension of Applications

Section 1.26 Time of Expiration

(A) Unless otherwise expressly provided in this GDC, an approved application shall automatically expire two years (that is, 730 calendar days) following the approval date of the development application. Upon expiration, all activities under the development application shall be deemed in violation of this GDC if:

(1) The applicant fails to satisfy any condition that was imposed by this GDC or as part of the approval of the application or that was made under the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or

(2) The applicant fails to submit a subsequent complete application required by this GDC within the time so required.

(3) If no time limit for satisfaction of conditions is specified in the decision on the application, the time shall be presumed to be two years (that is, 730 calendar days) following the date the application was approved, except as provided in [Section 1.27](#) of this Chapter 1.

(B) Except as provided in [Section 1.27](#) of this Chapter 1, or upon a different date being determined pursuant to a vested rights petition, an application approved prior to the effective date of this GDC shall expire in accordance with the terms of the regulations in effect at the time the application was filed.

(Ordinance 6773 adopted 5/19/15)

Section 1.27 Expiration for Projects

(A) Notwithstanding any other provision of this GDC, for any approved application for which no expiration date was in effect on September 1, 2005, an expiration date two years (that is, 730 calendar days) following the date of approval of the development application shall apply, unless the applicant of the development application files a petition before such date for a vested rights determination pursuant to [Chapter 5, Article 1, Division 5](#) of this GDC alleging that progress has been made toward completion of the project for which the application subject to expiration was filed. If a vested rights petition is timely filed, the City Council shall determine the expiration date of the

development application in deciding the petition.

(B) Notwithstanding any other provision of this GDC, once a development application has expired under Subsection (A) above, all previously approved applications for the same land shall also expire no later than five years (that is, 1,825 calendar days) following the date of submission of the first application for the project for which the expired application was filed, unless the applicant of such development application(s) files a petition before such date for a vested rights determination pursuant to [Chapter 5, Article 1, Division 5](#) of this GDC. If a vested rights petition is timely filed, the City Council shall determine the expiration date of the previously approved development application(s) in deciding the petition.

(C) Progress toward completion of a project shall mean that any of the following events have occurred within relevant time periods:

- (1) An application for a Final Plat or plan has been filed with the City, and remains in effect at the time the vested rights petition was filed;
- (2) A good faith attempt is made to file an application with the City to continue towards completion of the project;
- (3) Costs have been incurred for developing the project, including without limitation, costs associated with roadway, utility and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of at least five percent of the most recent appraised market value of the real property on which the project is located;
- (4) Financial security is posted with the City to ensure performance of an obligation, and remains in effect at the time the vested rights petition was filed; or
- (5) Utility connection fees or impact fees for the project have been paid, and have not been refunded.

(Ordinance 6773 adopted 5/19/15)

Section 1.28 Extension Procedures

(A) Unless a different time frame is expressly provided for a specific procedure by this GDC, the responsible official or the board, commission or the City Council that finally approved an application may grant an initial extension of the time for expiration of the application for a period not to exceed one year (that is, 365 calendar days) following the date of the expiration of the application, provided that a request for extension is made in writing at least forty-five calendar days before the approved application expires. Every request for extension shall include a statement of the reasons why the expiration date should be extended. The decision-maker may grant a request for an initial extension upon demonstration that circumstances beyond the control of the applicant have resulted in an inability to perform the tasks necessary to prevent the development application from expiring before the expiration date.

(B) A second extension of the expiration date of an officially filed, complete application may be granted for a period not to exceed one additional year (that is, 365 additional calendar days). The extension application must be made in writing and filed prior to expiration of the first time extension described in Subsection (A) above, and the second extension may be granted only by the City Council. In determining whether to grant a second extension request, the City Council shall take into account the reasons for the requested extension, the ability of the applicant to comply with any conditions attached to the original approval, whether extension is likely to result in timely completion of the project, and the extent to which any newly adopted regulations should be applied to the proposed development taking into consideration the detrimental effects, if any, the newly adopted regulations would have on the development or redevelopment.

(C) In granting an extension, the official or other decision-making body deciding the request may impose such conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served. In granting a subsequent extension request, the City Council may require that one or more newly adopted development standards be applied to the proposed development, with the consent of the applicant. If the applicant withholds consent and other good cause that may warrant an extension is not proven by the applicant, the extension may be denied.

(Ordinance 6773 adopted 5/19/15)

Section 1.29 Effect of Decision on Extension

The granting of an extension request for a development application also extends any other related applications otherwise deemed expired. The denial of an extension request results in the immediate lapse of the development application and any other related applications are deemed expired. Thereafter, the applicant shall file a new development application before undertaking any activity originally authorized by the lapsed application. (Ordinance 6773 adopted 5/19/15)

Article 3: Fees

Division One: General provisions

Section 1.40 Fees not exclusive

The fees set forth herein are in addition to any other fees imposed by city ordinance, by state law, or by any other source.

Section 1.41 Non-refundable

Unless otherwise indicated, all fees are non-refundable.

Sections 1.42-1.49 Reserved

Division Two: Engineering fees

Section 1.50 Maps and data service fees

The following schedule of fees for maps and other engineering data apply as follows:

Street map: 24"x36"	Color	\$ 25.00
	Black & White	\$ 5.00
Subdivision map: 5' x 5'	Color	\$125.00
	Black & White	\$ 20.00
Subdivision map: 2' x 3'	Color	1 st – no charge; then \$25.00
	Black & White	\$ 5.00
Standard Construction Details	Book (8½ x 11")	\$ 50.00
	PDF on CD	\$ 25.00
GPS Exhibits	Book (8½ x 11")	\$ 50.00
	PDF on CD	\$ 25.00
Digital data on CD	\$ 25.00 + 1.00 / MB of data	

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~~ 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.

(B) Cost overruns; additional fees. If the actual cost of the improvements is 10% or more over the estimate of probable cost, then a significant cost overrun has occurred. In the event of a significant cost overrun, additional Engineering Review and Inspection Fees shall be calculated by multiplying the amount of the cost overrun by 4%.

Section 1.52 Temporary water service fees

(A) A fee as set forth in Section 50.33 of the Garland Code of Ordinances shall be paid by the builder for the setting of a water meter in a subdivision. Such fee shall be paid at the time of the application for the building permit.

(B) Temporary water service for house construction shall be provided after a water meter is set (direct connection to the water tap is not allowed). A fee as set forth in Section 30.301 of the Garland Code of Ordinances shall be paid for each temporary service. Temporary water service shall not continue more than one hundred twenty (120) days from the date of its initial installation. Temporary water service shall also be removed when final inspection is made on the house.

Section 1.53 Street sign fees

The fee for each street sign assembly required by a subdivision is one hundred fifty dollars (\$150.00) per assembly for standard nine inch (9") blank signs for street names.

Section 1.54 Sidewalk construction permit fee

The fee for a sidewalk permit under this GDC shall be as set forth in the Building Inspection provisions of the Garland Code of Ordinances, and specifically, 30.301.

Sections 1.55-1.69 Reserved

Division 3: Impact fees

Section 1.70 Purpose

This Division is intended to assure the provision of adequate public facilities to serve new development in the City by requiring each new development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

Section 1.71 Authority

This Division is adopted pursuant to Chapter 395 of the Texas Local Government Code, the Texas Constitution, and the City Charter. The provisions of this Division shall not be construed to limit the power of the City to utilize other methods authorized under state law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Division and the Garland Code of Ordinances. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Division.

Section 1.72 Definitions

For the purposes of this Division, the following definitions shall apply:

(A) Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Division.

(B) "Capital improvements" means either a water facility or a roadway facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.

- (C) “Capital Improvements Advisory Committee” means the City Planning and Zoning Commission, together with such ad hoc representatives as may be appointed from time to time, to fulfill the composition mandated by Texas Local Government Code § 395.058.
- (D) “Capital improvements plan” means the capital improvements plan adopted by the City Council, as updated and amended pursuant to this article. The capital improvements plan identifies those capital improvements for which impact fees may be imposed by the City, service areas, the maximum fee rate allowed in accordance with Chapter 395 of the Texas Local Government Code, and other pertinent information.
- (E) “City” means the City of Garland, Texas.
- (F) “Credit” means the amount of the reductions of an impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed.
- (G) “Facilities expansion” means either a water facility expansion or a roadway facility expansion.
- (H) “Final plat approval” or “approval of a final plat” means the point at which the applicant has complied with all conditions of approval and the plat has been released for filing with Dallas County.
- (I) “Impact fee” means either a fee for water facilities or a fee for roadway facilities imposed on new development by the City pursuant to this Division in order to generate revenue to fund or recoup all or part of the costs of capital improvements or facility expansion necessitated by and attributable to such new development. Impact fees do not include the dedication of property, rights-of-way or easements for such facilities, or the construction of such improvements, imposed pursuant to the City zoning or subdivision regulations, nor do impact fees include fees placed in trust or escrow funds for the purpose of reimbursing developers for oversizing or constructing water or pro rata fees for reimbursement of the City’s costs for extending water mains. Impact fees also do not include charges for water services to a wholesale customer such as a water district, political subdivision or the state, or other wholesale utility customer.
- (J) “Impact fee capital improvements plan” means either a water improvements plan or a roadway capital improvements plan adopted or revised pursuant to this Division.
- (K) “Land use assumptions” means the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the impact fee capital improvements plan are based.
- (L) “Land use equivalency table” means a table converting the demands for capital improvements generated by various land uses to numbers of service units, as may be amended from time to time and which is presented in Section 2.33(D) of this GDC.
- (M) “New development” means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any subdivision, development, use or extension of land, that:
- (1) Has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity;
 - (2) Requires either the approval and filing of a plat pursuant to the City’s subdivision regulations, the issuance of a building permit, or connection to the City water system; and
 - (3) Has not been exempted from the application of this Division by provisions contained herein.
- (N) “Offset” means the amount of the reduction, in accordance with this Division or administrative guidelines promulgated under this Division, of an impact fee to fairly reflect the value of system facilities provided by a developer pursuant to the City’s zoning and subdivision ordinances, regulations or requirements.
- (O) “Plat” means any final subdivision plat or final subdivision replat of any lot or tract within the territorial boundaries of the City approved by the Plan Commission under the provisions of chapter 212 of the Texas Local Government Code, Chapter 31 of the Garland Code of Ordinances, or this GDC, excluding, however, any subdivision plat or replat solely for any of the purposes described in Texas Local Government Code § 212.016(a)(1)

through (9) (relating to corrections of errors and similar matters). A plat shall be considered approved on the date reflected on the plat as the date of approval by the Plan Commission.

(P) “Property owner” means any person, corporation, legal entity or agent thereof having a legal or equitable interest in the land for which an impact fee becomes due. The term property owner includes the developer of a new development.

(Q) “Roadway” means any principal or minor arterial or collector roadway designated in the City’s adopted thoroughfare plan, as may be amended from time to time, and includes any roadway designated as a numbered highway of the official federal or state highway system, to the extent that the City incurs capital improvement costs for such facility.

(R) “Roadway facility” means an improvement or appurtenance to a roadway including, without limitation, rights-of-way (whether conveyed in fee or by easement); intersection improvements; traffic signals and control devices; turn and deceleration lanes; medians and median cuts; gutters and other drainage facilities associated with the roadway; street lighting; and curbs. Roadway facility also includes any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or state highway system, and to any improvements or appurtenances to such federal or state highway system, and to any improvements or appurtenances to such federal or state highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Roadway facility does not include those improvements or appurtenances to a roadway that constitutes a site-related facility.

(S) “Roadway facility expansion” means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.

(T) “Schedule” or “schedules” means the approved roadway impact fee rate schedule 1 (max fee), the roadway impact fee rate schedule 2 (collection rates), the water impact fee rate schedule 1 (max fee), the water impact fee rate schedule 2 (collection rate), and the official maps of service areas for roadway impact fees and water impact fees, as applicable, then current and in effect as of the date of assessment of impact fees pursuant to this GDC.

(U) “Service area” means either a water service area or a roadway service area within the corporate limits of the City, as identified on the service area map in the capital improvements plan, within which impact fees for capital improvements or facility expansions may be collected for new development occurring within such area.

(V) “Service unit” means, for water facilities, a living unit equivalent based upon a 5/8 displacement type water meter; for roadway facilities, the term means a vehicle mile.

(W) “Site-related facility” means an improvement or facility substantially benefiting or substantially used, or to be used, by a new development, that is not included in the capital improvements plan, and for which the property owner is solely responsible under subdivision or other applicable regulations governing the new development.

(X) “System facility” means a capital improvement or facility expansion that is designated in the capital improvements plan and is not a site-related facility. System facility may include a capital improvement that is located off site, or within or on the perimeter of the site of the new development.

(Y) “Water facility” means a water transmission line or main, pump station, storage tank, water supply facility, treatment facility or other facility included within and comprising an integral component of the City’s water storage or distribution system. Water facility includes land, easements or structures associated with such facilities but excludes site-related facilities.

(Z) “Water facility” expansion means the expansion of the capacity of any existing water facility for the purpose of serving new development, but does not include the repair, maintenance, modernization, or expansion of an existing water improvement to serve existing development.

Section 1.73 Applicability

The provisions of this Division apply to all new, nonexempt development within the corporate boundaries of the City. The provisions of this Division apply uniformly within each service area.

Section 1.74 Impact fee as a condition of development approval

No application for new development shall be approved within the City without assessment of an impact fee pursuant to the article, and no building permit shall be issued unless the applicant has paid the impact fee imposed by and calculated hereunder, unless a different time or method of payment has been authorized by agreement between the City and the property owner.

Section 1.75 Impact Fees per service unit

(A) Impact fees per service unit for each service area shall be calculated, determined, and assessed in accordance with the approved schedules.

(1) Calculate the total projected costs of capital improvements necessitated by and attributable to new development in the service area identified in the capital improvements plan for each category of capital improvements;

(2) Divide the resultant amount by the total number of service units anticipated within the service area, based upon the land use assumptions for that service area; and

(3) From such amount, subtract a credit equal to fifty percent (50%) of the total projected costs.

(B) As an alternative to the calculation made pursuant to subsection (A)(3), the City may, but is not obligated to, incorporate within the capital improvements plan for any category of capital improvements a discount against the total cost of capital improvements, in the amount of the portion of ad valorem tax and utility service revenues, if any, including the payment of debt, to be generated by new service units during the period the capital improvements plan is in effect, including the payment of debt, associated with the capital improvements in the plan.

(C) The impact fee per service unit to be paid by each new development within a service area shall be that established by this article, as such may be amended from time to time, and shall be an amount less than or equal to the maximum impact fee per service unit established in subsection (A), and shall in no event exceed the maximum fee per service unit provided by Texas Local Government Code § 395.015.

(D) The amount of the impact fees to be assessed by water meter type and size or by vehicle mile shall be as set forth in Schedule 1. The amount of the impact fees to be paid by water meter type and size or by vehicle mile shall be as set forth in schedule 2. Impact fee schedules may be amended from time to time utilizing an amendment procedure set forth in this article.

Section 1.76 Assessment of impact fees

(A) Assessment of the impact fee for any new development shall be made as follows:

(1) For land that is unplatted at the time of application for a building permit or utility connection, or for a new development that received final plat approval prior to April 16, 1991, and for which no replatting is necessary pursuant to the City subdivision regulations prior to development, assessment of impact fees shall occur at the time application is made for the building permit or utility connection, whichever first occurs, and shall be the amount of the maximum impact fee per service unit as set forth in schedule 1 then in effect.

(2) For a new development submitted for approval pursuant to the City's subdivision regulations on or after April 16, 1991, or for which replatting results in an increase in the number of service units after such date, assessment of impact fees shall be at the time of final plat approval, and shall be the amount of the maximum impact fee per service unit as set forth in schedule 1 then in effect.

(B) Following assessment of the impact fee, the amount of the impact fee assessment per service unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application, that results in approval of additional service units, in which case a new assessment shall occur at the schedule 1 rate then in effect for such additional service units.

(C) Following the vacating of any plat or submittal of any replat, a new assessment must be made in accordance with subsection (A)(2).

(D) Approval of an amended plat pursuant to Texas Local Government Code § 212.016 and the City's subdivision regulations is not subject to reassessment for an impact fee.

Section 1.77 Payment and collection of impact fees

(A) Impact fees shall be collected at the time the City issues a building permit.

(B) The impact fees to be paid and collected by water meter size or by vehicle mile shall be the amount listed in schedule 2. The City may enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.

(C) The City shall compute the impact fees for the new development in the following manner:

(1) The amount of each impact fee shall be determined by multiplying the number of service units generated by the new development by the impact fee per service unit for the service area using schedule 2. The number of service units shall be determined by using the land equivalency table shown in attachment 1.

(2) The amount of each impact fee shall be reduced by any allowable offsets or credits for that category of capital improvements, in the manner provided in section 1.178 of this GDC.

(3) The total amount of the impact fees for the new development shall be calculated and attached to the development application as a condition of approval.

(D) If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using schedule 2 then in effect, with credits for previous payment of fees being applied against the new fees due.

(E) If the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using schedule 2 then in effect, and such additional fee shall be collected at the times prescribed by this section.

Section 1.78 Offsets and credits against impact fees

(A) Under the provisions of this section and pursuant to administrative guidelines promulgated by the City, the present value of any system facility dedicated to the City by the person against whom impact fees were assessed, which has been approved and accepted by the City, may be offset or credited against the amount of the impact fee due for that category of capital improvement. The offset or credit may not be transferred, applied or assigned to another development.

(B) All offsets or credits against impact fees shall be based upon the standards contained in the City's administrative guidelines. No offset or credit shall be given for the dedication or construction of site-related facilities.

(C) No offset or credit shall be given for an oversized facility that is not identified within the applicable capital improvements plan, unless the City agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets or credits are incorporated in an agreement for capital improvements pursuant to a development agreement.

(D) In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to these impact fee regulations or otherwise, or for any amount exceeding the total impact fees due for the development for that category of capital improvements, unless expressly agreed to by the City in writing.

(E) The City may participate in the costs of a system improvement to be dedicated to the City, including costs that exceed the amount of the impact fees due for the development for that category of capital improvements, in accordance with policies and rules established under the City's subdivision regulations or the administrative guidelines. The amount of any offset shall not include the amount of the City's participation.

(F) Offsets and credits created after September 30, 2004 shall expire ten years from the date the offset or credit was created. Offsets or credits arising prior to that date shall expire ten years from that date.

Section 1.79 Establishment of accounts

(A) An account or accounts shall be established to which interest is allocated for each service area for each category of capital facility for which an impact fee is imposed pursuant to this Division. Each impact fee collected within the service area shall be deposited in such account.

(B) Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this Division.

(C) The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in this Division. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Division; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten years from the date the fee is deposited into the account.

(D) Financial records for impact fees shall be kept and maintained showing the source and disbursement of all fees collected in or expended from each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. I

Section 1.80 Appeals

(A) The property owner or applicant for new development may appeal the following administrative decisions to the City Council:

- (1) The applicability of an impact fee to the development;
 - (1) The amount of the impact fee due;
 - (2) The availability of, the amount of, or the expiration of an offset or credit;
 - (3) The application of an offset or credit against an impact fee due;
 - (4) The amount of the impact fee in proportion to the benefit received by the new development; or
 - (5) The amount of a refund due, if any.

(B) The burden of proof is on the property owner/applicant to demonstrate the basis of the appeal. A notice of appeal must be submitted in writing and shall be filed with the Director of Planning within thirty days following the assessment of impact fees under this Division. If the appeal pertains to assessments on non-residential development, the Director of Planning shall forward a copy of the notice of appeal to the Director of Economic Development who shall promptly provide any recommendations on the merits of the appeal to the Director of Planning prior to submission of the appeal to the City Council.

Section 1.81 Refunds

(A) Upon written application submitted to the Director of Planning, any impact fee or portion thereof collected pursuant to this Division that has not been recouped or expended within the service area prior to or within ten years from the date of payment, shall be refunded to the record owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in chapter 302.002, Texas Finance Code or its successor statute. An application for refund pursuant to this section shall be submitted within sixty days after the expiration of the ten-year period for expenditure of the fee. an impact fee shall be considered expended on a first-in, first-out basis.

(B) An impact fee collected pursuant to this Division shall be considered expended if the total expenditures for capital improvements or facility expansion for the service area prior to or within ten years following the date of payment exceeds the total fees collected within the service area for such improvements or expansions during such period.

(C) Upon application, any impact fee or portion thereof collected pursuant to this Division shall be refunded if:

- (1) Existing service is available and service is denied;

(2) Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

(3) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(D) If a refund is due under this section, the City shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(E) If the building permit for a new development for which an impact fee has been paid has expired, no tap purchases for that category of capital improvements have been made to the development, and a modified or new application has not been filed within six months of such expiration, the City shall, upon written application, rebate the amount of the impact fee to the record owner of the property for which the impact fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

Section 1.82 Updates to plans and revisions of fees

(A) The City shall update its land use assumptions and capital improvements plan at least every five years, commencing from the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code.

(B) The City may review its land use assumptions, impact fees, capital improvements plan and other factors such as market conditions more frequently than provided in subsection (A) to determine whether the land use assumptions and capital improvements plan should be updated and the impact fee recalculated accordingly, or whether schedules 1 or 2 should be changed. Schedule 2 may be amended without revising land use assumptions and capital improvements plan at any time prior to the update provided for in subsection (A), provided that the impact fees to be collected under schedule 2 do not exceed the impact fees assessed under schedule 1.

(C) If, at the time an update is required pursuant to subsection (A), the City Council determines that no change to the land use assumptions, capital improvements plan or impact fee is needed, it may dispense with such update by following the procedures provided in Texas Local Government Code § 395.0575.

(D) The City may amend the land use equivalency table (attachment 1) at any time prior to the update provided for in subsection (A); provided that the number of service units associated with a land use already identified on the land use equivalency table shall not be increased.

Section 1.83 Functions of Capital Improvements Advisory Committee

(A) The Capital Improvements Advisory Committee shall perform the following functions:

(1) Advise and assist the City in adopting land use assumptions;

(2) Review the capital improvements plan and file written comments on impact fees;

(3) Monitor and evaluate implementation of the capital improvements plan;

(4) Advise the City of the need to update or revise the land use assumptions, capital improvements plan and impact fees; and

(5) File a semiannual report evaluating the progress of the capital improvements plan and identifying any perceived inequities in implementing the plans or administering the impact fees.

(B) The City shall make available to the Capital Improvements Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

Section 1.84 Development Agreements

(A) An owner of a new development may construct or finance a capital improvement or facility expansion designated in the impact fee capital improvements plan, if required or authorized by the City, by entering into an agreement with the City prior to the issuance of any building permit for the development. The agreement shall identify the estimated cost of the improvement or expansion, the schedule for initiation and completion of the improvement or expansion, a requirement that the improvement be designed and completed to City standards, a requirement as to performance and payment bonds ensuring the proper and timely completion of the improvement or expansion, and such other terms and conditions as deemed necessary by the City. The agreement shall provide for the method to be used to determine the amount of the offset or credit to be given against impact fees due for the development.

(B) The City and such owner either may agree that the costs incurred or funds advanced will be offset or credited against the impact fees otherwise due from the new development, or they may agree that the City shall reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, or from other funding sources. In the event that the City elects to reimburse an owner for the dedication, construction or financing of a capital improvement or facility expansion designated in the capital improvements plan, the terms of reimbursement shall be incorporated in the agreement required by subsection (A). An agreement under this section shall be in all respects subject to the availability of City funds, including current and projected impact fee fund accounts.

Section 1.85 Exceptions and Exemptions

Notwithstanding anything to the contrary in this article, no impact fees shall be payable in any of the following circumstances:

(A) The new development consists of an irrigation system connected to a new water meter located on residential property on which existing single-family or duplex dwellings are already served through a separate water meter and the new meter is used primarily for landscape irrigation; or

(B) If the City Council determines that a waiver of impact fees for the new development will result in significant economic benefits for the City that substantially exceed the likely amount of impact fees that would otherwise be payable by providing an incentive for capital investment in the City and the creation or retention of jobs.

Section 1.86 Impact fee as additional and supplemental regulation

(A) Impact fees established by this article are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of buildings permits, the connection of water taps, or certificates of occupancy. Impact fees are intended to be consistent with and to further the policies of the City's comprehensive land use plan, the capital improvements plan, the zoning ordinance, subdivision regulations and other City ordinances, resolutions, and policies by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(B) This article shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or the provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

(C) Except as otherwise provided in this article, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment that is or may be lawfully imposed on and due against the property.

Section 1.87 Petition for relief

Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the City Council to determine whether any duty required by this article has not been performed within the time so prescribed. The petition shall be in writing and shall state specifically the nature of the unperformed duty and request that the duty be performed within sixty days of the request. If the City Council determines that the duty is required pursuant to the article and is late in being performed, it shall cause the duty to commence within sixty days of the date of the request and to continue until completion. This subsection is not applicable to matters which may be appealed pursuant to Section 1.80.

Section 1.88 Impact Fee Schedule 1

(A) Roadway Impact Fee Rate Schedule (Max Fee)

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev-Unit		2016 Maximum Fee SAA	2016 Maximum Fee SAB	2016 Maximum Fee SAC	2016 Maximum Fee SAD
PORT AND TERMINAL								
Truck terminal	030	Acre	39.30		\$40,558	\$81,783	\$104,577	\$58,400
INDUSTRIAL								
General light industrial	110	1,000 SF GFA	5.82		\$6,006	\$12,111	\$15,487	\$8,649
General heavy industrial	120	1,000 SF GFA	4.08		\$4,211	\$8,490	\$10,857	\$6,063
Industrial park	130	1,000 SF GFA	5.10		\$5,263	\$10,613	\$13,571	\$7,579
Warehousing	150	1,000 SF GFA	1.92		\$1,981	\$3,996	\$5,109	\$2,853
Mini-warehouse	151	1,000 SF GFA	1.56		\$1,610	\$3,246	\$4,151	\$2,318
RESIDENTIAL								
Single-family detached housing	210	Dwelling unit	4.90		\$5,057	\$10,197	\$13,039	\$7,281
Apartment/multifamily	220	Dwelling unit	3.03		\$3,127	\$6,305	\$8,063	\$4,503
Residential condominium/townhome	230	Dwelling unit	2.55		\$2,632	\$5,307	\$6,786	\$3,789
Mobile home park/manufactured housing	240	Dwelling unit	2.89		\$2,982	\$6,014	\$7,690	\$4,295
Senior adult housing-detached	251	Dwelling unit	1.32		\$1,362	\$2,747	\$3,513	\$1,962
Senior adult housing-attached	252	Dwelling unit	1.22		\$1,259	\$2,539	\$3,246	\$1,813
Assisted living	254	Beds	1.08		\$1,115	\$2,247	\$2,874	\$1,605
LODGING								
Hotel	310	Room	1.93		\$1,992	\$4,016	\$5,136	\$2,868
Motel/other lodging facilities	310	Room	1.51		\$1,558	\$3,142	\$4,018	\$2,244
RECREATIONAL								
Golf driving range	432	Tee	4.91		\$5,067	\$10,218	\$13,066	\$7,296
Golf course	430	Acre	1.18		\$1,218	\$2,456	\$3,140	\$1,753

Recreational community center	495	1,000 SF GFA	10.77		\$11,115	\$22,412	\$28,659	\$16,004
Ice skating rink	465	1,000 SF GFA	9.27		\$9,567	\$19,291	\$24,667	\$13,775
Miniature golf course	431	Hole	1.30		\$1,342	\$2,705	\$3,459	\$1,932
Multiplex movie theater	445	Screens	53.61		\$55,326	\$111,562	\$142,656	\$79,664
Racquet/tennis club	491	Court	13.17		\$13,591	\$27,407	\$35,045	\$19,571
INSTITUTIONAL								
Church	560	1,000 SF GFA	2.29		\$2,363	\$4,765	\$6,094	\$3,403
Day-care center	565	1,000 SF GFA	12.06		\$12,446	\$25,097	\$32,092	\$17,921
Primary/middle school (1–8)	522	Students	0.28		\$289	\$583	\$745	\$416
High school	530	Students	0.23		\$237	\$479	\$612	\$342
Junior/community college	540	Students	0.63		\$650	\$1,311	\$1,676	\$936
University/college	550	Students	0.89		\$918	\$1,852	\$2,368	\$1,323
MEDICAL								
Clinic	630	1,000 SF GFA	25.51		\$26,326	\$53,086	\$67,882	\$37,908
Hospital	610	1,000 SF GFA	4.58		\$4,727	\$9,531	\$12,187	\$6,806
Nursing home	620	Beds	1.08		\$1,115	\$2,247	\$2,874	\$1,605
Animal hospital/veterinary clinic	640	1,000 SF GFA	16.25		\$16,770	\$33,816	\$43,241	\$24,148
OFFICE								
Corporate headquarters building	714	1,000 SF GFA	8.46		\$8,731	\$17,605	\$22,512	\$12,572
General office building	710	1,000 SF GFA	8.94		\$9,226	\$18,604	\$23,789	\$13,285
Medical-dental office building	720	1,000 SF GFA	17.58		\$18,143	\$36,584	\$46,780	\$26,124
Single tenant office building	715	1,000 SF GFA	10.44		\$10,774	\$21,726	\$27,781	\$15,514
Office park	750	1,000 SF GFA	8.88		\$9,164	\$18,479	\$23,630	\$13,196
COMMERCIAL								
Automobile related								

Automobile care center	942	1,000 SF Occ. GLA	4.16		\$4,293	\$8,657	\$11,070	\$6,182
Automobile parts sales	843	1,000 SF GFA	7.59		\$7,833	\$15,795	\$20,197	\$11,279
Gasoline/service station	944	Vehicle fueling position	4.82		\$4,974	\$10,030	\$12,826	\$7,163
Gasoline/service station w/conv market	945	Vehicle fueling position	3.56		\$3,674	\$7,408	\$9,473	\$5,290
Gasoline/service station w/conv market and carwash	946	Vehicle fueling position	3.66		\$3,777	\$7,616	\$9,739	\$5,439
New car sales	841	1,000 SF GFA	4.67		\$4,819	\$9,718	\$12,427	\$6,940
Quick lubrication vehicle shop	941	Servicing positions	6.92		\$7,141	\$14,401	\$18,414	\$10,283
Self-service carwash	947	Stall	1.99		\$2,054	\$4,141	\$5,295	\$2,957
Automated carwash	948	Stall	5.08		\$5,243	\$10,571	\$13,518	\$7,549
Tire store	848	1,000 SF GFA	6.65		\$6,863	\$13,839	\$17,696	\$9,882
Dining								
Fast food restaurant with drive-thru window	934	1,000 SF GFA	46.05		\$47,524	\$95,830	\$122,539	\$68,430
Fast food restaurant without drive-thru window	933	1,000 SF GFA	36.89		\$38,070	\$76,768	\$98,164	\$54,819
High turnover (sit-down) restaurant	932	1,000 SF GFA	17.03		\$17,575	\$35,439	\$45,317	\$25,307
Quality restaurant	931	1,000 SF GFA	12.72		\$13,127	\$26,470	\$33,848	\$18,902
Coffee/donut shop with drive-thru window	937	1,000 SF GFA	29.08		\$30,011	\$60,515	\$77,382	\$43,213
Other retail								
Freestanding discount store	815	1,000 SF GFA	9.77		\$10,083	\$20,331	\$25,998	\$14,518
Nursery (garden center)	817	1,000 SF GFA	13.61		\$14,046	\$28,322	\$36,216	\$20,224
Home improvement superstore	862	1,000 SF GFA	3.39		\$3,498	\$7,055	\$9,021	\$5,038
Pharmacy/drugstore w/o drive-thru window	880	1,000 SF GFA	11.06		\$11,414	\$23,016	\$29,431	\$16,435

Pharmacy/drugstore w/drive-thru window	881	1,000 SF GFA	14.14		\$14,592	\$29,425	\$37,627	\$21,012
Shopping center	820	1,000 SF GFA	6.86		\$7,080	\$14,276	\$18,254	\$10,194
Supermarket	850	1,000 SF GFA	17.00		\$17,544	\$35,377	\$45,237	\$25,262
Toy/children's superstore	864	1,000 SF GFA	9.77		\$10,083	\$20,331	\$25,998	\$14,518
Department store	875	1,000 SF GFA	3.67		\$3,787	\$7,637	\$9,766	\$5,454
SERVICES								
Walk-in bank	911	1,000 SF GFA	16.20		\$16,718	\$33,712	\$43,108	\$24,073
Drive-in bank	912	Drive-in lanes	39.20		\$40,454	\$81,575	\$104,311	\$58,251
Hair salon	918	1,000 SF GLA	2.27		\$2,343	\$4,724	\$6,040	\$3,373

(B) Water Impact Fee Schedule 1 (Max Fee)

Meter Size*	Maximum Continuous Operating Capacity (GPM)**	Service Unit Equivalent	Maximum Assessable Fee
5/8" x 3/4" PD	10	1	\$593.00
3/4" PD	15	1.5	\$890.00
1" PD	25	2.5	\$1,483.00
1-1/2" PD	50	5	\$2,965.00
2" PD	80	8	\$4,744.00
2" Compound	80	8	\$4,744.00
2" Turbine	160	16	\$9,488.00
3" Compound	175	17.5	\$10,378.00
3" Turbine	350	35	\$20,755.00
4" Compound	300	30	\$17,790.00
4" Turbine	650	65	\$38,545.00
6" Compound	675	67.5	\$40,028.00
6" Turbine	1,400	140	\$83,020.00

8" Compound	900	90	\$53,370.00
8" Turbine	2,400	240	\$142,320.00
10" Turbine	3,500	350	\$207,550.00
*PD = Positive Displacement Meter (Typical Residential Water Meter)			
** Operating capacities obtained from American Water Works (AWWA) C-700, C-701 & C-702			

Section 1.89 Impact fee Schedule 2.

(A) Roadway Impact Rate Schedule 2 (Collection Rates)

	ITE Land Use Code	Developme nt Unit	Veh- Mi Per Dev- Unit	Percent of Max. Collecte d	2016 Collecti on Rate SAA	Percent of Max. Collecte d	2016 Collecti on Rate SAB	Percent of Max. Collecte d	2016 Collecti on Rate SAC	Percent of Max. Collecte d	2016 Collecti on Rate SAD
PORT AND TERMINAL											
Truck terminal	030	Acre	39.30	45%	\$18,251	22%	\$18,251	17%	\$18,251	31%	\$18,251
INDUSTRIAL											
General light industrial	110	1,000 SF GFA	5.82	15%	\$901	7%	\$901	6%	\$901	10%	\$901
General heavy industrial	120	1,000 SF GFA	4.08	15%	\$632	7%	\$632	6%	\$632	10%	\$632
Industrial park	130	1,000 SF GFA	5.10	15%	\$789	7%	\$789	6%	\$789	10%	\$789
Warehousing	150	1,000 SF GFA	1.92	15%	\$297	7%	\$297	6%	\$297	10%	\$297
Mini-warehouse	151	1,000 SF GFA	1.56	15%	\$241	7%	\$241	6%	\$241	10%	\$241
RESIDENTIAL											
Single-family detached housing	210	Dwelling unit	4.90	60%	\$3,034	30%	\$3,034	23%	\$3,034	42%	\$3,034
Apartment/multifamily	220	Dwelling unit	3.03	60%	\$1,876	30%	\$1,876	23%	\$1,876	42%	\$1,876

Residential condominium/townhome	230	Dwelling unit	2.55	60%	\$1,579	30%	\$1,579	23%	\$1,579	42%	\$1,579
Mobile home park/manufactured housing	240	Dwelling unit	2.89	60%	\$1,789	30%	\$1,789	23%	\$1,789	42%	\$1,789
Senior adult housing-detached	251	Dwelling unit	1.32	60%	\$817	30%	\$817	23%	\$817	42%	\$817
Senior adult housing-attached	252	Dwelling unit	1.22	60%	\$755	30%	\$755	23%	\$755	42%	\$755
Assisted living	254	Beds	1.08	60%	\$669	30%	\$669	23%	\$669	42%	\$669
LODGING											
Hotel	310	Room	1.93	45%	\$896	22%	\$896	17%	\$896	31%	\$896
Motel/other lodging facilities	320	Room	1.51	45%	\$701	22%	\$701	17%	\$701	31%	\$701
RECREATIONAL											
Golf driving range	432	Tee	4.91	45%	\$2,280	22%	\$2,280	17%	\$2,280	31%	\$2,280
Golf course	430	Acre	1.18	45%	\$548	22%	\$548	17%	\$548	31%	\$548
Recreational community center	495	1,000 SF GFA	10.77	45%	\$5,002	22%	\$5,002	17%	\$5,002	31%	\$5,002
Ice skating rink	465	1,000 SF GFA	9.27	45%	\$4,305	22%	\$4,305	17%	\$4,305	31%	\$4,305
Miniature golf course	431	Hole	1.30	45%	\$604	22%	\$604	17%	\$604	31%	\$604
Multiplex movie theater	445	Screens	53.61	45%	\$24,896	22%	\$24,896	17%	\$24,896	31%	\$24,896
Racquet/tennis club	491	Court	13.17	45%	\$6,116	22%	\$6,116	17%	\$6,116	31%	\$6,116
INSTITUTIONAL											
Church	560	1,000 SF GFA	2.29	45%	\$1,063	22%	\$1,063	17%	\$1,063	31%	\$1,063
Day-care center	565	1,000 SF GFA	12.06	45%	\$5,601	22%	\$5,601	17%	\$5,601	31%	\$5,601

Primary/middle school (18)	522	Students	0.28	45%	\$130	22%	\$130	17%	\$130	31%	\$130
High school	530	Students	0.23	45%	\$107	22%	\$107	17%	\$107	31%	\$107
Junior/community college	540	Students	0.63	45%	\$293	22%	\$293	17%	\$293	31%	\$293
University/college	550	Students	0.89	45%	\$413	22%	\$413	17%	\$413	31%	\$413
MEDICAL											
Clinic	630	1,000 SF GFA	25.51	45%	\$11,847	22%	\$11,847	17%	\$11,847	31%	\$11,847
Hospital	610	1,000 SF GFA	4.58	45%	\$2,127	22%	\$2,127	17%	\$2,127	31%	\$2,127
Nursing home	620	Beds	1.08	45%	\$502	22%	\$502	17%	\$502	31%	\$502
Animal hospital/veterinary clinic	640	1,000 SF GFA	16.25	45%	\$7,547	22%	\$7,547	17%	\$7,547	31%	\$7,547
OFFICE											
Corporate headquarters building	714	1,000 SF GFA	8.46	45%	\$3,929	22%	\$3,929	17%	\$3,929	31%	\$3,929
General office building	710	1,000 SF GFA	8.94	45%	\$4,152	22%	\$4,152	17%	\$4,152	31%	\$4,152
Medical-dental office building	720	1,000 SF GFA	17.58	45%	\$8,164	22%	\$8,164	17%	\$8,164	31%	\$8,164
Single tenant office building	715	1,000 SF GFA	10.44	45%	\$4,848	22%	\$4,848	17%	\$4,848	31%	\$4,848
Office park	750	1,000 SF GFA	8.88	45%	\$4,124	22%	\$4,124	17%	\$4,124	31%	\$4,124
COMMERCIAL											
Automobile related											
Automobile care center	942	1,000 SF Occ. GLA	4.16	45%	\$1,932	22%	\$1,932	17%	\$1,932	31%	\$1,932
Automobile parts sales	843	1,000 SF GFA	7.59	45%	\$3,525	22%	\$3,525	17%	\$3,525	31%	\$3,525

Gasoline/service station	944	Vehicle fueling position	4.82	45%	\$2,238	22%	\$2,238	17%	\$2,238	31%	\$2,238
Gasoline/service station w/conv market	945	Vehicle fueling position	3.56	45%	\$1,653	22%	\$1,653	17%	\$1,653	31%	\$1,653
Gasoline/service station w/conv market and carwash	946	Vehicle fueling position	3.66	45%	\$1,700	22%	\$1,700	17%	\$1,700	31%	\$1,700
New car sales	841	1,000 SF GFA	4.67	45%	\$2,169	22%	\$2,169	17%	\$2,169	31%	\$2,169
Quick lubrication vehicle shop	941	Servicing positions	6.92	45%	\$3,214	22%	\$3,214	17%	\$3,214	31%	\$3,214
Self-service carwash	947	Stall	1.99	45%	\$924	22%	\$924	17%	\$924	31%	\$924
Automated carwash	948	Stall	5.08	45%	\$2,359	22%	\$2,359	17%	\$2,359	31%	\$2,359
Tire store	848	1,000 SF GFA	6.65	45%	\$3,088	22%	\$3,088	17%	\$3,088	31%	\$3,088
Dining											
Fast food restaurant with drive-thru window	934	1,000 SF GFA	46.05	45%	\$21,386	22%	\$21,386	17%	\$21,386	31%	\$21,386
Fast food restaurant without drive-thru window	933	1,000 SF GFA	36.89	45%	\$17,132	22%	\$17,132	17%	\$17,132	31%	\$17,132
High turnover (sit-down) restaurant	932	1,000 SF GFA	17.03	45%	\$7,909	22%	\$7,909	17%	\$7,909	31%	\$7,909
Quality restaurant	931	1,000 SF GFA	12.72	45%	\$5,907	22%	\$5,907	17%	\$5,907	31%	\$5,907
Coffee/donut shop with drive-thru window	937	1,000 SF GFA	29.08	45%	\$13,505	22%	\$13,505	17%	\$13,505	31%	\$13,505
Other retail											
Freestanding discount store	815	1,000 SF GFA	9.77	45%	\$4,537	22%	\$4,537	17%	\$4,537	31%	\$4,537

Nursery (garden center)	817	1,000 SF GFA	13.61	45%	\$6,320	22%	\$6,320	17%	\$6,320	31%	\$6,320
Home improvement superstore	862	1,000 SF GFA	3.39	45%	\$1,574	22%	\$1,574	17%	\$1,574	31%	\$1,574
Pharmacy/drugstore w/o drive-thru window	880	1,000 SF GFA	11.06	45%	\$5,136	22%	\$5,136	17%	\$5,136	31%	\$5,136
Pharmacy/drugstore w/ drive-thru window	881	1,000 SF GFA	14.14	45%	\$6,567	22%	\$6,567	17%	\$6,567	31%	\$6,567
Shopping center	820	1,000 SF GLA	6.86	45%	\$3,186	22%	\$3,186	17%	\$3,186	31%	\$3,186
Supermarket	850	1,000 SF GFA	17.00	45%	\$7,895	22%	\$7,895	17%	\$7,895	31%	\$7,895
Toy/children's superstore	864	1,000 SF GFA	9.77	45%	\$4,537	22%	\$4,537	17%	\$4,537	31%	\$4,537
Department store	875	1,000 SF GFA	3.67	45%	\$1,704	22%	\$1,704	17%	\$1,704	31%	\$1,704
SERVICES											
Walk-in bank	911	1,000 SF GFA	16.20	45%	\$7,523	22%	\$7,523	17%	\$7,523	31%	\$7,523
Drive-in bank	912	Drive-in lanes	39.20	45%	\$18,204	22%	\$18,204	17%	\$18,204	31%	\$18,204
Hair salon	918	1,000 SF GLA	2.27	45%	\$1,054	22%	\$1,054	17%	\$1,054	31%	\$1,054

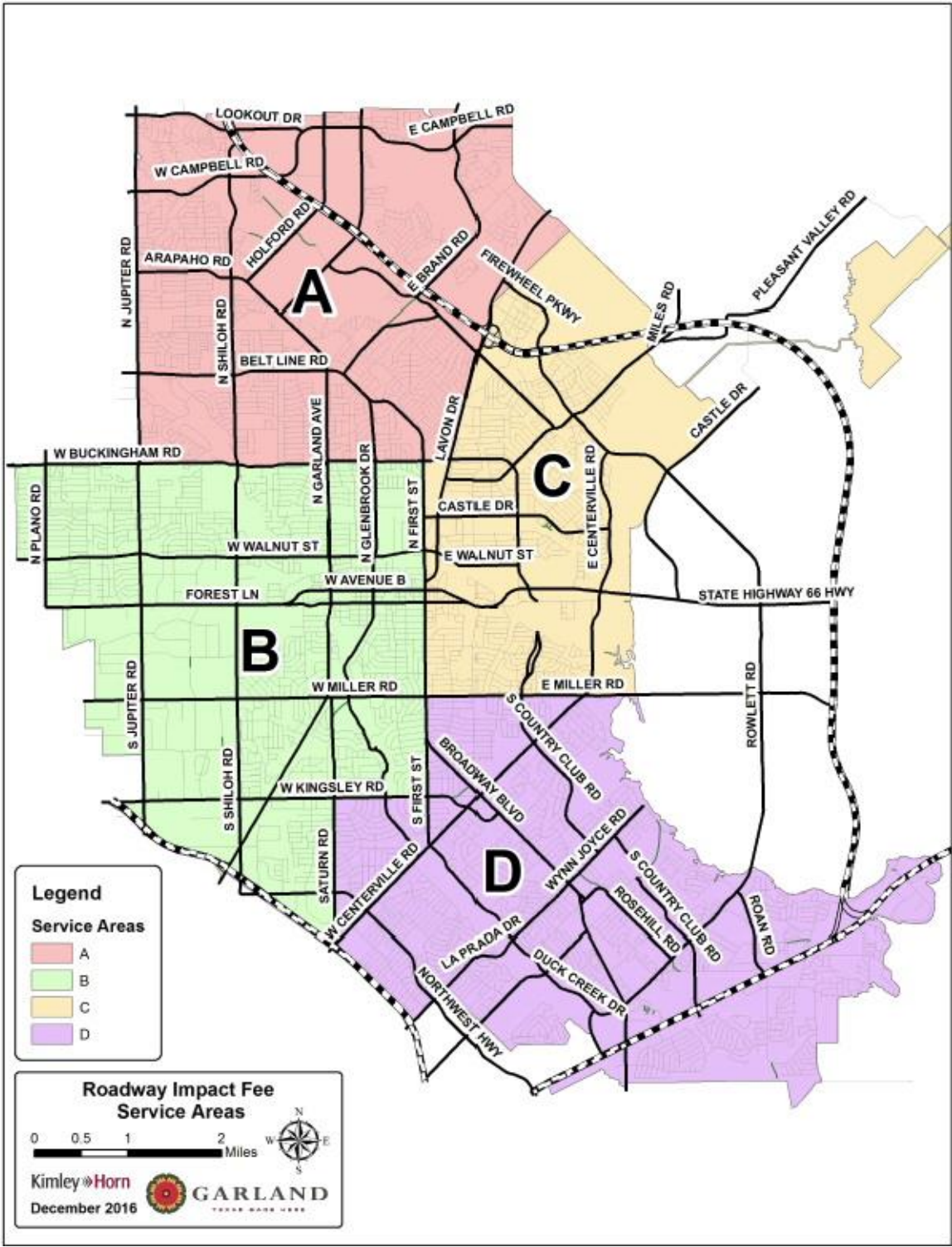
(B) Water Impact Fee Rate Schedule 2 (Collection Rate)

Meter Size*	Maximum Continuous Operating Capacity (GPM)**	Service Unit Equivalent	Maximum Assessable Fee
5/8" x 3/4" PD	10	1	\$593.00
3/4" PD	15	1.5	\$890.00
1" PD	25	2.5	\$1,483.00
1-1/2" PD	50	5	\$2,965.00
2" PD	80	8	\$4,744.00

2" Compound	80	8	\$4,744.00
2" Turbine	160	16	\$9,488.00
3" Compound	175	17.5	\$10,378.00
3" Turbine	350	35	\$20,755.00
4" Compound	300	30	\$17,790.00
4" Turbine	650	65	\$38,545.00
6" Compound	675	67.5	\$40,028.00
6" Turbine	1,400	140	\$83,020.00
8" Compound	900	90	\$53,370.00
8" Turbine	2,400	240	\$142,320.00
10" Turbine	3,500	350	\$207,550.00
*PD = Positive Displacement Meter (Typical Residential Water Meter)			
** Operating capacities obtained from American Water Works (AWWA) C-700, C-701 & C-702			

(C) Consult the service area maps in Sections 1.90-1.91 to determine the service area.

Section 1.90 Garland Roadway Impact Fee Service Areas



Section 1.91 Garland Water System Service Area



Sections 1.92 – 1.99 Reserved.

Division 4: Planning and Zoning Fees

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 in Section 1.15 of this GDC.

Type of Application	Fee
Planned development (PD) zoning (new or revised detail plan)	\$6,000.00 + \$50.00 per acre
Planned development - amendment of conditions	\$6,000.00
Specific use provision - new construction or expansion	\$6,000.00 + \$50.00 per acre
Specific use provision - use change	\$6,000.00
Specific use provision - residential less than one (1) acre	\$6,000.00 (0 – 1 acre)
Zoning change request	\$6,000.00
Preliminary, final, or replats	\$6,000.00 + \$50.00 acre or portion thereof
Residential replats/final plat involving residentially zoned platted property	\$6,000.00 + \$50.00 acre or portion thereof
Amending plats	\$3000.00 + \$50.00 acre or portion thereof
Minor plats	\$6,000.00 + \$50.00 acre or portion thereof
Plat vacation	\$6,000.00 + \$50.00 acre or portion thereof
Conveyance plats	\$6,000.00 + \$50.00 acre or portion thereof
Downtown development plan/regulating plan (new construction - includes major waiver)	\$6,000.00
Resubmission of any application denied due to errors in the detail plan	\$6,000.00 + \$50.00 per acre

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

Type of Application	Fee
Planned development (PD) zoning (new or revised concept/detail plan)	\$2,000.00 + \$50.00 per acre
Planned development - amendment of conditions	\$1,000.00
Specific use provision - new construction or expansion	\$1,000.00 + \$50.00 per acre
Specific use provision - use change	\$1,000.00
Specific use provision - residential less than one (1) acre	\$500.00 (0 – 1 acre)
Zoning change request	\$1,000.00
Preliminary, final, or replats	\$500.00 + \$50.00 acre or portion thereof

Residential replats/final plat involving residentially zoned platted property	\$500.00 + \$50.00 acre or portion thereof
Amending plats	\$250.00 + \$50.00 acre or portion thereof
Minor plats	\$500.00 + \$50.00 acre or portion thereof
Plat vacation	\$500.00 + \$50.00 acre or portion thereof
Conveyance plats	\$500.00 + \$50.00 acre or portion thereof
Downtown development plan/regulating plan (new construction - includes major waiver)	\$1,000.00

* Final Plat involving residentially zoned platted property

(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 (requiring public hearing)	\$800.00
Preliminary development plan (new construction)	\$1,000.00
Preliminary development plan (special use standards)	\$100.00
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

(D) Zoning verification letters.

Type	Fee
Zoning verification letter	\$200.00

Section 1.101 Refund Policy for Planning & Zoning Fees

(A) A party which has requested one or more of the services enumerated in Section 1.100 of this GDC may request a refund of a portion of the fees paid, but only if the party withdraws the request prior to both the advertisement of legal notice or distribution of bond letters. If a party timely withdraws its request, the party is entitled to a refund of 50% of the fees actually paid. For purposes of this Section, the Director of Planning shall decide whether a party has timely withdrawn its request.

(B) A party which fails to timely withdraw its request shall not be entitled to any refund of these fees.

Sections 1.102-1.110 Reserved.”

Article 3: Fees

Division 5: Miscellaneous Fees

Section 1.111 Recycled materials/Used Goods Collection Points.

(A) Annual fee. The permit fee for each kiosk, container, or trailer 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) 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.

(C) 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.

CHAPTER 2

ZONING REGULATIONS^{*}

ARTICLE 1 - RELATIONSHIP TO THE COMPREHENSIVE PLAN & OTHER ADOPTED PLANS[†]

Division 1 - Applicability & Consistency

Section 2.01 Rules for Determining Consistency

(A) Comprehensive Plan & Amendments. Zoning shall be in accordance with the City's adopted *Comprehensive Plan*, as amended and updated.

(1) Zoning regulations shall be kept current and consistent with the goals and objectives of the *Comprehensive Plan* and must be designed to:

- (a) lessen congestion in the streets;
- (b) secure safety from fire, panic, and other dangers;
- (c) promote health and the general welfare;
- (d) provide adequate light and air;
- (e) prevent the overcrowding of land;
- (f) avoid undue concentration of population; or
- (g) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

(2) As an ongoing implementation measure following periodic review of the *Comprehensive Plan*, the zoning on all undeveloped or other parcels of land should be reviewed to determine if the zoning in effect on such parcels at the time remains appropriate.

(3) If there are undeveloped or other parcels with zoning that, in the opinion of City staff, the Plan Commission, or City Council, is inconsistent with the *Comprehensive Plan*, a recommendation may be made that a public hearing be called to review and to possibly amend the zoning on that parcel(s) according to proceedings specified in [Article 2, Division 1](#) of this Chapter 2.

(B) Application Consistency.

(1) In determining whether a zoning application is consistent with the *Comprehensive Plan*, the City shall take into consideration the applicable policies in the *Comprehensive Plan* and the policies that govern interpretation of the *Future Land Use Map*, as well as location or property-specific designations on the *Map*.

(2) The *Comprehensive Plan's Future Land Use Map* shall not be construed as defining zoning district boundaries. A combination of the *Future Land Use Map* and all applicable *Comprehensive Plan* policies will be used as a guide in making decisions regarding zoning on individual land parcels.

(Ordinance 6773 adopted 5/19/15)

Section 2.02 Consistency with Adopted Plans, Policies & Maps

Plans, Policies & Maps. All development related plans, policies and maps (such as, but not limited to, the *Comprehensive Plan*, *Major Thoroughfare Plan*, utility and storm drainage master plans, and other public facility master plans), as amended, adopted or utilized by the City in the review and approval of development projects and rezoning requests shall apply to legislative, quasi-judicial, and administrative development applications, and consistency and conformance with such is required. (Ordinance 6773 adopted 5/19/15)

ARTICLE 2 - ZONING PROCEDURES

Division 1 - Application for Change of Zoning

Section 2.03 Purpose, Applicability and Effect

(A) Purpose. The purpose of an application for a change of zoning is to achieve the following:

- (1) Establish the initial zoning district classification of land;
- (2) Change the zoning district classification of land;
- (3) Authorize a use of land; or
- (4) In the case of any overlay zoning districts, to authorize uses or certain zoning standards for the land which are not presently authorized under the regulations for the zoning district in which the land is located.

(B) Applicability.

- (1) Where a property owner seeks to rezone land, to establish zoning on newly annexed land, or to establish a Specific Use Provision (SUP) or Planned Development (PD) zoning classification on land, the property owner must submit an application for a change of zoning before seeking approval of any development application for the land.
- (2) The requirements of this Chapter 2 apply to all land located within the City's corporate limits upon the effective date of this GDC, and also to all land parcels that are subsequently annexed into the City upon the effective date of the annexation.

(C) Effect. Enactment of an ordinance approving an application for a change of zoning results in an initial or a change in zoning district classification for the land, and the use of the land thereafter is subject to the requirements of the new zoning district.

(Ordinance 6773 adopted 5/19/15)

Section 2.04 General Provisions

(A) Responsible Official. The Planning Director is the responsible official for processing an application for a change of zoning.

(B) Definitions. Following are definitions, general terms, and special terms used in this GDC that are related to the approval process for land development applications.

(1) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, detail plan, land development application, and site development plan.

(2) "Plat" includes a preliminary plat, general plan, final plat, and replat.

(C) Initiation of Change of Zoning. Only the property owner or the owner's authorized representative, the Plan Commission on its own motion, or the City Council on its own motion, may initiate an application for a change of zoning on a land parcel.

(1) In the event the ownership stated on an application is different from that shown in City or appraisal district records, or if the applicant is a representative of the property owner, the applicant must submit written evidence of ownership (such as a certified copy of a deed, will, or other conveyance instrument) or a verification signed and notarized by the property owner that the applicant is acting as an authorized representative for the property owner, as applicable.

(2) A landowner or representative seeking approval of an application for a change of zoning must pay or otherwise satisfy all delinquent taxes, paving assessments, impact fees, or any other delinquent debts or obligations for the land to be rezoned before the application is submitted, in accordance with Section 1.09 in Chapter 1 of this GDC. It is the applicant's burden to provide evidence that all taxes and obligations have been paid.

(D) Contents of Application for Change of Zoning. Detailed requirements for the format and contents of an application for change of zoning must be in accordance with requirements in the *Development Application Packet*, as may be amended from time to time.

Section 2.05 Processing of Zoning Application, Plat, Plan, and Decision

(A) Planning Director Report. For all change of zoning requests (including a PD or SUP) or applications of a plan or plat, the Planning Director must review the application and prepare a written report providing a planning analysis on the merits of the zoning application, plan, or plat.

(1) The report shall include the proposed development's impacts, if any, on planning, engineering, transportation, building inspection, fire protection, and neighborhood enhancement and protection, depending on the issues and complexity of the development. In the event an applicant files both an application for a change in zoning and a plat or plan (including zoning applications that require a plan or plat), the Planning Director shall determine whether the plan or plat meets the requirements of state law and the GDC, and provide a separate planning analysis on the merits of the zoning case.

(2) For applications including a plan or plat, as applicable, the report must include a recommendation approving, approving with conditions, or denial of the plan or plat. In the event the recommendation of the Planning Director is approving with conditions or a denial of the application, the Planning Director shall include in the report, in the form of

a proposed order, a statement of the conditions for the conditional approval, or reasons for disapproval, that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the proposed order must:

(a) be directly related to the requirements under Chapter 212, Subchapter A of the Texas Local Government Code; and

(b) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.

(3) The report must be submitted to the Plan Commission prior to the Commission making a recommendation to the Council, and must be submitted to the Council prior to its decision.

(B) Published and Personal Notice. For a public hearing on a change of zoning application, the Planning Director shall publish notice as set forth below:

(1) For a public hearing before the Plan Commission: personal notice in accordance with [Section 1.24\(B\)](#) in Chapter 1 of this GDC;

(2) For a public hearing before the City Council, or joint public hearing before the Plan Commission and the City Council: published and personal notice in accordance with [Sections 1.24\(A\) and 1.24\(B\)](#) in Chapter 1 of this GDC.

(C) Posted Notice. For any requested change of zoning on a specific parcel, a sign must be posted on the property, in accordance with procedures set forth in the Development Application Packet, as may be amended from time to time.

(D) Joint Public Hearing. The City Council and Plan Commission may convene a joint public hearing on a change of zoning request at the time and place designated in the public hearing notice(s). The hearing must be conducted in accordance with the City Council's normal rules and procedures that are applicable to public hearings. The Mayor, or his designee, shall be the presiding officer at a joint public hearing where an application for a change of zoning is heard.

(E) Applicant Representation. The applicant, or an authorized representative for the applicant, must attend the public hearing held by the Plan Commission and, separately or jointly, by the City Council for the requested change of zoning. If an applicant (or duly authorized representative) does not appear at such public hearing, then such absence may constitute sufficient grounds for the change of zoning application to be postponed or denied.

(F) Plan Commission - Public Hearing & Recommendation.

(1) The Plan Commission shall hold a public hearing to consider a proposed change of zoning. Following the public hearing, the Plan Commission shall provide its recommendation on the requested change of zoning, and shall forward its recommendation to the City Council. The Plan Commission may recommend approval or denial of the change of zoning application.

(2) In cases where the applicant is requesting both a change of zoning and an approval of a plan or plat, the Plan Commission shall

(a) determine whether the plan or plat meets the requirements of state law and the GDC,

(b) provide a separate planning analysis on the merits of the zoning and land use, and

(c) make separate recommendations for the zoning request and the plan in the form of a proposed order to City Council.

(3) Mandatory Approval. The Plan Commission shall recommend approval of a plan or plat that is required to be prepared under this GDC or state law and that satisfies all applicable regulations.

(4) Underlying Zoning. A plan does not meet technical requirements if the intended use is not consistent with the underlying zoning. In cases where the applicant is requesting both a change of zoning and an approval of a plan, the Plan Commission shall recommend denial of the plan if the Plan Commission also recommends a denial for the request for a zoning change and the intended use is inconsistent with the current zoning designation.

(5) Recommendation Deadline on a Plan. The Plan Commission shall recommend approval, approval with conditions, or disapproval of a plan within 30 days after the date the plan is filed. In the event the Plan Commission fails act on a plan within 30 days, the plan shall be considered favorably recommended by the Plan Commission and the proposed order to the City Council shall reflect that the plan is recommended by the plan Commission by inaction.

(6) Decision Deadline on a Plat. The Plan Commission shall approve, approve with conditions, or disapprove a plat within 30 days after date the plat is filed. A plat shall be considered approved by the Plan Commission unless it is disapproved within the 30 day period.

(7) Proposed Order. Following the public hearing, the Plan Commission shall issue a proposed written order to the City Council stating its decision to approve, approve with conditions, or disapprove a plan. In cases where the applicant is requesting a zoning change, the proposed order shall provide a separate planning analysis on the merits of the zoning and land use. The applicant shall be given a copy of the proposed order.

(8) Conditional Approval or Denial of a Plan. If the Plan Commission recommends a conditional approval or disapproval of a plan, the proposed order shall state the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must:

(a) be directly related to the requirements under Chapter 212, Subchapter A, of the Texas Local Government Code; and

(b) include a citation to the law, statute, or ordinance, that is the basis for the conditional approval or disapproval.

(9) Postponement of Decision. The Plan Commission may, by written request of the applicant, postpone making a decision on the application of a plan or plat and may defer its recommendation to City Council. Upon approval of the Plan Commission, the postponement may be for a period not to exceed 30 calendar days, and does not require additional public notice if such postponement is to a date certain. The Plan Commission may not request or require an applicant to request postponement, waive a deadline or other approval procedure under this GDC or Chapter 212, Subchapter A of the Texas Local Government Code.

(10) The Plan Commission may recommend approval of a zoning designation of lesser intensity within the same general zoning category (such as residential, nonresidential, or mixed-use, see [Table 2-1](#)) without additional public notice provided that the impact on adjacent properties would be lessened or not affected (that is, the lesser intensity would have no anticipated harmful effect on adjacent properties).

(11) The Plan Commission may recommend approval of a modified version of the requested zoning district (or of a less intense district) in the form of a Planned Development (PD) District (refer to [Article 2, Division 2](#) of this Chapter 2).

(G) City Council - Public Hearing & Decision.

(1) Following receipt of the Plan Commission's recommendation, the Planning Director Report, and a public hearing on the change of zoning request, the City Council shall consider the request for a change of zoning, and render a decision on the request. The City Council may approve or deny the request. The Council's decision on a change of zoning request is final.

(2) The City Council may decide the change of zoning request based upon the Plan Commission's recommendation, or:

(a) It may approve a zoning designation of lesser intensity within the same general zoning category (such as residential, nonresidential, mixed-use, etc. – see [Table 2-1](#)) provided that the impact on adjacent properties would be lessened or not affected (that is, the zoning designation of lesser intensity would have no anticipated harmful effect on adjacent properties).

(b) It may approve a modified version of the requested zoning change (or of a less intense district) in the form of a Planned Development (PD) District (refer to [Article 2, Division 2](#) of this Chapter 2).

(3) In cases where the applicant is requesting both a change of zoning and an approval of a plan, the City Council shall:

(a) determine whether the plan meets the requirements of state law and the GDC,

(b) conduct a separate planning analysis on the merits of the zoning and land use, and

(c) make separate findings for the zoning request and the plan in the form of a final order.

(4) Mandatory Approval. The City Council shall approve a plan that is required to be prepared under this GDC or state law and that satisfies all applicable regulations.

(5) Underlying Zoning. A plan does not meet technical requirements if the intended use is not consistent with the underlying zoning. In cases where the applicant is requesting both a change of zoning and an approval of a plan, the City Council shall deny the plan if the request for a zoning change is denied and the intended use is inconsistent

with the current zoning designation.

(6) Decision Deadline on a Plan. The City Council shall approve, approve with conditions, or disapprove a plan within 30 days after date the Plan Commission made its recommendation regarding the plan. A plan shall be considered approved by the City Council unless it is disapproved within the 30 day period. In the event the City Council fails to act on a plan within the 30 days, the plan shall be considered approved by the City Council and the final order shall state the date the plan was filed and that the City Council failed to act on the plan within the mandatory 30 day period.

(7) Conditional Approval or Denial of a Plan. In the event the City Council is approving a plan with conditions or is denying the plan, the City Council shall include in the final order a statement of the conditions for the conditional approval, or reasons for disapproval, that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the final order must:

(a) be directly related to the requirements under Chapter 212, Subchapter A of the Texas Local Government Code; and

(b) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval.

(8) Final Order. The City Council shall issue a final order indicating whether the plan was approved, approved with conditions, or denied. The final order must be signed by the Mayor and attested by the City Secretary, or a majority of the members of City Council. A written copy of the final order shall be sent to the applicant. In cases where the applicant is requesting a zoning change, the final order shall provide a separate decision of the zoning and land use request.

(9) Postponement of Decision. The City Council may, by written request of the applicant, postpone making a decision on the application of a plan or plat and may defer its final decision. The City Council may not request or require an applicant to request postponement, waive a deadline or other approval procedure under this GDC or Chapter 212, Subchapter A of the Texas Local Government Code. Upon approval of the City Council, the postponement may be for a period not to exceed 30 calendar days, and does not require additional public notice if such postponement is to a date certain.

(H) Ordinance. Approval by the Council of the change of zoning application shall be in the form of an ordinance that amends the City's official Zoning Map. The Planning Director shall identify each change of zoning on the Zoning Map in accordance with the change approved by the Council.

Table 2-1 - Zoning Intensity Hierarchy

Zoning District Requested in a Zoning Application...	AG	SF-E	SF-10	SF-7	SF-5	SFA	2F	MF	NO	CO	NS	CR	LC	HC	IN	UR	UB	DT	PD	SUP
Residential Districts																				
AG – Agricultural	●																		PD/AG	
SF-E – Single-Family Estate (30,000sf lots)	●	●																	PD/SF-E	
SF-10 – Single-Family-10 (10,000sf lots)	●	●	●																PD/SF-10	
SF-7 – Single-Family-7 (7,000sf lots)	●	●	●	●															PD/SF-7	
SF-5 – Single-Family-5 (5,000sf lots/Z-Lot homes)	●	●	●	●	●														PD/SF-5	
2F – Two-Family (duplexes)	●	●	●	●	●	●	●												PD/2F	
SFA – Single-Family Attached (townhouses)	●	●	●	●	●	●													PD/SFA	
MF – Multi-Family (18 units/acre)	●	●	●	●	●	●	●	●											PD/MF	
Non-Residential Districts																				
NO – Neighborhood Office									●										PD/NO	
CO – Community Office									●	●									PD/CO	
NS – Neighborhood Services									●		●								PD/NS	
CR – Community Retail									●		●	●							PD/CR	
LC – Light Commercial									●		●	●	●						PD/LC	
HC – Heavy Commercial									●		●	●	●	●					PD/HC	
IN – Industrial									●	●	●	●	●	●	●				PD/IN	
Mixed-Use Districts																				
UR – Urban Residential																●			PD/UR	
UB – Urban Business																	●		PD/UB	
Overlay and Special Districts																				
DT – Downtown (form-based code)																		●		
PD – Planned Development																			●	
SUP – Specific Use Provision																				●

(I) Super-Majority Vote (Twenty-Percent Rule). Where a written protest against the change of zoning application is filed in accordance with Section 211.006(d) of the Texas Local Government Code (as amended), a change of zoning does not become effective except by the favorable vote of three-fourths of all members of the full City Council. For the purposes of this Subsection, the following apply:

- (1) The written protest of any one owner of land owned by two or more persons is presumed to be the protest of all such owners.
- (2) The written protest must be submitted to the Planning Director, or submitted directly to the Commission or Council prior to the close of the public hearing at which the proposed change of zoning is to be considered.
- (3) A person who wishes to withdraw a written protest must submit a signed, written request, or a request by email with an electronic signature, for the withdrawal to the Planning Director by the deadline for submitting a written protest. A protest may not be otherwise withdrawn.

(J) Public Hearing and Approval Process for Text Amendment. The public hearing and approval process for any text amendment to the zoning regulations in this Chapter 2 shall be in accordance with the procedures outlined within [Chapter 1, Article 2, Division 3](#) (Text Amendments).

(K) Consideration of Previously Denied Amendments. A request to change the zoning designation for a tract of land may not be considered by the Plan Commission or the City Council within one year of the Council's denial of the same, or substantially similar, requested change for all or any portion of the parcel, unless:

- (1) the Council determines that there has been a substantial change in conditions surrounding the land since the initial request, and agrees to reconsider the change by a three-fourths vote of the members present and voting; or
- (2) the Council's initial decision on the request to change the zoning designation was made "without prejudice.

(Ordinance 6773 adopted 5/19/15)

Section 2.06 Criteria for Approval

In making a determination regarding a requested change of zoning, the Plan Commission, and the City Council may consider the following factors:

- (A) Whether the proposed change of zoning implements the policies of the adopted *Comprehensive Plan*;
- (B) Whether the uses allowed by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole;
- (C) Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
- (D) The amount of and development absorption (or redevelopment) rate of vacant or underutilized land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- (E) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also; and
- (F) Any other factors which substantially affect the public health, safety, morals, or general welfare.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Application for Planned Development (PD) District

Section 2.07 Purpose, Applicability, Nature and Size of District

(A) Purpose. The purpose of a Planned Development zoning district (PD district) is to provide for the development of land as an integral unit for single or mixed uses in accordance with special conditions or a Detail Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are generally intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of standard zoning districts.

(B) Applicability. A PD district may only be established in one of the following circumstances:

- (1) The land is located in proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and therefore it would be desirable to the neighborhood for the developer and the City to develop and implement mutually-agreed upon, enforceable development standards;
- (2) The land, or adjacent property that would be affected by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
- (3) The land is proposed for development as a mixed-use development or a non-traditional development requiring more flexible and innovative design standards or employing new design concepts not regulated by this GDC;
- (4) The land serves as transition between different and seemingly incompatible land uses;
- (5) The land is proposed for development as a major office, retail, commercial or industrial employment center, and special design standards may be warranted given the size, complexity, mix of uses, or intensity of uses in or of the proposed development;
- (6) The land is of such a character that it is in the community's best interest to encourage high-quality development through flexible development standards to further the goals and objectives of the City's *Comprehensive Plan*; or
- (7) The land consists of unusually configured parcels that cannot be developed efficiently under the base district standards.

(C) Nature of the District. Each PD district is based on the standard zoning district(s) that most closely resembles the development anticipated. Development in a PD district must be consistent with the Detail Plan (where required) submitted in the application for a Planned Development.

(Ordinance 6773 adopted 5/19/15)

Section 2.08 Authorized Uses; Consistency with Detail Plan

(A) Base Zoning District Uses.

(1) Any use allowed by right in the [Land Use Matrix](#) in Article 5 of this Chapter 2 for the base district(s) of the PD is allowed in the PD district, unless the use is prohibited or otherwise conditioned in the regulations adopted for the PD district.

(2) Uses designated as specific uses in the [Land Use Matrix](#) in Article 5 of this Chapter 2 for the base district(s) of the PD may be authorized in the PD district unless such uses are otherwise conditioned in the regulations adopted for the PD district.

(B) Planned Development Zoning District Uses. The PD district may provide for uses not normally allowed in the base zoning district(s) provided that the uses are compatible with the other uses allowed in the district. The ordinance establishing the PD district shall expressly state any uses that are allowed in the PD district but are not allowed uses in the base zoning district.

(C) Location and Arrangement of Buildings. The location and arrangement of all buildings in the PD district must be consistent with the Detail Plan, if any, approved with the district.

(D) Consistency Required. All development applications within a PD district must be consistent with the Detail Plan. Failure of a subsequent development application to generally conform to the approved Detail Plan will result in denial of the application, unless the PD district regulations are amended through incorporation of a revised Detail Plan with which the development application is consistent.

(Ordinance 6773 adopted 5/19/15)

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, ~~house-building~~ size, building and height requirements, and parking), unless expressly stated otherwise in the PD district adopting ordinance.

(B) Planned Development Zoning District Standards. Special development standards applicable to certain uses in the base zoning district or pursuant to this GDC will apply to the PD district, unless expressly stated otherwise in the PD district adopting ordinance.

(1) Standards that may be modified in the PD ordinance include (but are not limited to) lot area, lot width, lot depth, yard depths and widths, building height and size, building exterior construction, lot coverage, floor area ratio, parking, access, screening, fencing, alternative paving, landscaping, accessory buildings, signage, lighting, and residential density (subject to [Section 2.08](#) in this Chapter 2).

(2) A PD ordinance may increase or decrease the development standards or other requirements otherwise applicable to particular uses.

(Ordinance 6773 adopted 5/19/15)

Section 2.10 Application Requirements

(A) Responsible Official. The Planning Director is the responsible official for processing a PD district application.

(B) Contents of Application for PD Zoning. Detailed requirements for the format and contents of an application for a PD district must be in accordance with requirements in the *Development Application Packet*, as may be amended from time to time.

(Ordinance 6773 adopted 5/19/15)

Section 2.11 Repealed

(Ordinance 6773 adopted 5/19/15)

Section 2.12 Detail Plan

(A) Requirement for Detail Plan. No PD district may be established without approval of a Detail Plan unless such requirement is waived by the Planning Director or is established as waived in the PD ordinance.

(B) Purpose of Detail Plan. The purpose of a Detail Plan is to specifically illustrate the proposed location and arrangement of uses and structures, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities, and the overall design of the development.

(C) Contents of Detail Plan. Detailed requirements for the format and contents of a Detail Plan must be in

accordance with requirements in the *Development Application Packet*, as may be amended from time to time. The Detail Plan shall be incorporated into the regulations of the PD ordinance, shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

Section 2.13 Approval of a Planned Development District

(A) Factors. The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny an application for a PD district:

- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in [Section 2.07](#) of this Chapter 2 warranting a PD district classification;
- (2) The extent to which the proposed PD district furthers City planning policies and formally adopted planning documents;
- (3) The extent to which the proposed PD district will result in a more desirable development than could be achieved through conventional zoning classifications;
- (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development;
- (5) The extent to which proposed uses and the configuration of uses depicted in the Detail Plan are compatible with existing and planned adjoining uses; and
- (6) The extent to which the proposed open space and recreational amenities within the development provide a more desirable living environment and enhanced recreational opportunities for residents of the district and for the public generally.

(B) Approval Process. The establishment of a PD district is a change of zoning; therefore, the approval process for a PD district ordinance, including the approval of related applications such as a Detail Plan, must follow the process set forth for a change of zoning in [Article 2, Division 1](#) of this Chapter 2.

(C) Conditions. The Plan Commission and City Council may impose such conditions to the PD district regulations and Detail Plan (as applicable) as are necessary to assure that the purpose of the PD district is implemented and to safeguard the public health, safety, and welfare.

(Ordinance 6773 adopted 5/19/15)

Section 2.14 Adopting Ordinance

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

- (A) The base zoning district(s), together with the boundaries of the PD district;
- (B) A statement as to the purpose and intent of the PD district;
- (C) The allowed, conditional and accessory uses authorized in the PD district if any such differ from the base zoning district(s);
- (D) The development and design standards (such as landscaping, building materials, parking restrictions or arrangements, etc.) applicable to development within the district that differ from those in the base zoning district(s);
- (E) Provisions stating that all zoning and development standards not expressly set forth for the PD district in the adopting ordinance are the same as the base zoning district(s), and that the provisions of this GDC, unless expressly modified in the adopting PD ordinance, will be applicable to all subsequent development applications for land within the PD district;
- (F) Any special use-related or operational standards (such as hours of operation, access restrictions, etc.) applicable to development and use operations within the district that differ from those in the base zoning district(s);
- (G) Anticipated dedications of land or public improvements; and
- (H) Any additional conditions established by the City Council.

(Ordinance 6773 adopted 5/19/15)

Section 2.15 Subsequent Development Applications

(A) Minor Deviations from Approved Detail Plan. In determining whether development applications are consistent with the approved Detail Plan, minor deviations from the Detail Plan may be approved by the Planning Director upon submission of a Minor Amended Detail Plan. Unless otherwise specified in the PD adopting ordinance, the Planning Director has the discretion to determine whether deviations from the Detail Plan are minor deviations, upon a

determination that the deviations meet the intent of the PD conditions, and meet or exceed the requirements of the Detail Plan.

(B) Major Deviations from Approved Detail Plan. All other deviations from the approved Detail Plan that the Planning Director has not determined to be minor, will be considered major and must be submitted for approval as a change of zoning application to amend the PD district to the Plan Commission and City Council.

(Ordinance 6773 adopted 5/19/15)

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, ~~specified in Appendix A,~~ are depicted on the Zoning Map. Each prior PD ordinance is identified with a unique number with a PD prefix ~~as shown in Appendix A,~~ 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. ~~A list of such Planned Development districts, indicating the base district, permissibility of uses, and any specific stipulations will be maintained as part of this GDC in Appendix A.~~

(Ordinance 6773 adopted 5/19/15)

~~**Editor’s note**—The list of Planned Development districts (Appendix A) referred to in section 2.16 is not printed herein.~~

Division 3 - Specific Use Provision (SUP)

Section 2.17 Purpose, Applicability, and Effect

(A) Purpose. The purpose of a Specific Use Provision (SUP) is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with other uses in the vicinity. Specific uses are those uses which are generally compatible with the allowed land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use.

(B) Applicability. A Specific Use Provision is required to use or develop property within the City limits for any use designated as a specific use in the [Land Use Matrix](#) in Article 5 of this Chapter 2 for the zoning district in which the property is located. The Specific Use Provision application may be accompanied by a Site Plan prepared in accordance with requirements set forth in the *Development Application Packet*, as may be amended from time to time.

(C) Effect. Approval of a Specific Use Provision authorizes the use or development of the property in accordance with the conditions of the SUP adopting ordinance. Approval of a Specific Use Provision authorizes only the particular use for which the SUP is issued and applies only to the property for which the SUP is issued. A Specific Use Provision does not alter a zoning district classification except by allowing a particular use, subject to conditions and regulations in addition to those of the base zoning district as the Plan Commission and City Council may determine necessary. Unless approved by the Planning Director, no conditionally allowed use may be enlarged, extended, increased in intensity, or relocated unless an application is made for a new Specific Use Provision in accordance with the procedures set forth in this Section. Initiation or development of the use is not authorized until the applicant has secured all the permits and approvals required by this GDC.

(D) Appurtenant to the Land. Prior to the adoption of this GDC, the City Council approved certain land uses through the granting of Specific Use Provisions that were expressly tied to individuals, such as the applicant, a landowner, or employees of a business conducting operations on a subject property. All Specific Use Provisions, including any SUP approved prior to the adoption of this GDC, are hereby considered to be appurtenant to the land rather than the landowner.

(Ordinance 6773 adopted 5/19/15; Ordinance 6945 adopted 12/12/17)

Section 2.18 Documentation of Specific Use Provisions

(A) Specific Use Permits Approved Prior to the Adoption of the GDC. Prior to adoption of this GDC, the City

Council previously established various Specific Use Permits, some of which are to be continued in full force and effect unless they have expired or will expire. The Specific Use Permits that are to be continued are shown on the Zoning Map. Any and all conditions, restrictions, regulations and requirements which apply to the respective Specific Use Permits also remain in full effect after the adoption of this GDC. Any changes to a previously approved Specific Use Permit require submission and approval of a change of zoning application to amend the previously approved Specific Use Permit ordinance in accordance with the standards contained within this GDC.

(B) List of Specific Use Provisions Approved After Adoption of the GDC. All Specific Use Provisions approved in accordance with the provisions of this GDC, as may be amended, are sequentially numbered and are referenced on a listing maintained and available in the Planning Department.

(Ordinance 6773 adopted 5/19/15)

Section 2.19 Application Requirements

(A) Responsible Official. The Planning Director is the responsible official for processing a Specific Use Provision application.

(B) Site Plan. A Site Plan may be required as part of an SUP application. The requirements for the format and content of a Site Plan must be in compliance with the requirements in the *Development Application Packet*, as may be amended from time to time. The Site Plan may be incorporated into the regulations of the SUP ordinance and must be construed in conjunction with the authorized uses and development standards, if any, set forth in the SUP ordinance.

(C) Contents of Application for SUP. Detailed requirements for the format and contents of an application for an SUP must be in accordance with requirements in the *Development Application Packet*, as may be amended from time to time.

(Ordinance 6773 adopted 5/19/15)

Section 2.20 Processing of Application and Decision

Hearing, Notification and Approval Process. The establishment of an SUP is a zoning process; therefore, the approval process for an SUP ordinance is the same process set forth for a change of zoning in [Article 2, Division 1](#) of this Chapter 2. (Ordinance 6773 adopted 5/19/15)

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:

(1) The proposed use at the specified location is consistent with City policies, including the adopted *Comprehensive Plan*;

(2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

(3) The proposed use is compatible with, and preserves or enhances, the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development-related adverse impacts, such as traffic, noise, odors, visual nuisances or other similar adverse effects to adjacent development and neighborhoods;

(4) The proposed use does not generate pedestrian and vehicular traffic that will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

(5) The proposed use incorporates existing private drives, roadway alignments, or other traffic efficiency or safety measures as may be needed to reduce or eliminate development-generated traffic on neighborhood streets (as may be determined by the Transportation Department);

(6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed specific use on adjacent properties; and

(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.

(B) Conditions. The Plan Commission and City Council may attach conditions to the Specific Use Provision to mitigate adverse effects of the proposed use and to carry out the intent of this Section. Conditions may include any, or a combination, of the following:

- (1) Limitation of building size or height;
 - (2) Increased open space;
 - (3) Limitations on impervious surfaces;
 - (4) Enhanced loading and parking requirements;
 - (5) Additional landscaping, sidewalk, screening, vehicular access and parking improvements;
 - (6) Placement or orientation of buildings and entryways;
 - (7) Buffer yards, landscaping and screening;
 - (8) Signage restrictions and design;
 - (9) Limitation on operation or function of proposed use (for example, hours of operation);
 - (10) Limitation on the effective time period for an SUP; or
 - (11) Any other criteria to safeguard and protect public health, safety, and welfare.
- (C) Information. The City Council and Plan Commission may require plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of uses or structures proposed as part of the SUP application.
- (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:
 - (a) The specific use is not constructed in conformance with the approved plans or the property is not being used in conformance with the approved SUP;
 - (b) Compliance with the SUP and any of its conditions has not been consistently demonstrated and attempts to secure compliance have been unsuccessful; or
 - (c) The SUP was issued erroneously on the basis of incorrect or misleading information given by the applicant.
 - (2) Upon recommendation of revocation by the Planning Director, the Plan Commission must conduct a public hearing, at which an applicant will be provided an opportunity to present information and to answer any questions in regard to the recommended revocation.
 - (3) City staff has the burden of proof to demonstrate that the applicant has failed to comply with any of the applicable requirements of this Chapter 2, other applicable sections of the GDC, state or federal law, conditions of the SUP approval, or that at least one of the aforementioned Subsection (D)(1) conditions apply.
 - (4) The Plan Commission must make a recommendation to the City Council to revoke the SUP if it finds that a violation exists and has not been remedied.
- (Ordinance 6773 adopted 5/19/15)

Division 4 - Board of Adjustment (BOA)

Section 2.22 Board of Adjustment

- (A) Organization. The Board of Adjustment (Board) shall consist of nine members, one of whom shall serve as the alternate, and all of whom shall be appointed by the City Council. The chairperson of the Board shall determine prior to the beginning of each meeting which member is to serve as the alternate for that meeting if an alternate is required to be designated. Each member must be a citizen and taxpayer of the City. Each member shall serve for a term of two years and may be removed under the provisions of Article IV, Section 2 of the City Charter. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant in the same manner as original appointments are made to the Board. All cases considered by the Board must be heard by at least six and no more than eight members.
- (B) Operational Procedures.
- (1) The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this GDC or controlling law. Meetings of the Board may be held at the call of the Chairman or at such other times as the Board may determine and in accordance with the Texas Open Meetings Act. The Chairman, or in the

Chair's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

(2) The Board must keep minutes of its proceedings, recording the vote of each member upon each question, indicating whether a member was absent or did not vote, and must keep record of its examination and other official actions, all of which is to be immediately filed in the office of the Board as a public record.

(3) Appeals to the Board can be taken by any person aggrieved, or by an officer, department, or board of the City affected by a decision of the Building Official. The appeal must be taken within fifteen calendar days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken must transmit to the Board, as soon as practicable, all the documents constituting the records upon which the action appealed from was taken.

(4) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed, that in his opinion such stay will cause imminent peril to life or property. In such case, proceedings will not be stayed other than by a restraining order which may be granted by the Board or a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. Criminal action commenced in the Municipal Court of the City will not be stayed.

(5) No appeal to the Board for the same or a related variance, which was previously heard on appeal, on the same piece of property, will be accepted prior to the expiration of six months (that is, 180 calendar days) following the previous ruling by the Board, unless other property in the immediate vicinity has within the same six-month period been changed or acted upon by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. This change in circumstances will give the Board discretion to rehear an appeal prior to the expiration of a six-month period. But, despite a change in circumstances the Board is not compelled to grant a subsequent appeal. A subsequent additional appeal is to be considered entirely on the merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(6) At a public hearing relative to an appeal, any interested party may appear before the Board in person, by agent, or by attorney. The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the Board on any matter. An action granting a variance authorizing the issuance of a Building Permit or Certificate of Occupancy is valid for only one hundred and eighty calendar days, unless the Building Permit or Certificate of Occupancy is obtained in the one hundred eighty day period. However, the Board may grant the applicant a longer time period to obtain the Building Permit or Certificate of Occupancy. If the applicant has not obtained a Building Permit or Certificate of Occupancy within one hundred and eighty days, or within an extended period, the action of the Board is void without prejudice to any subsequent appeal.

(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]~~ 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.

(2) The concurring vote of six members of the Board is necessary to reverse any order, requirement, decision or determination of any administrative official, to decide in favor of the applicant on any matter upon which the Board is required to pass under this GDC, or to authorize a variance from the terms of this GDC. A simple majority vote of the members then present may approve any other action of the Board. An alternate member may vote – in order to provide an uneven number of votes – on any business matter of the Board that does not require the Board to reverse an order, requirement, decision or determination of an administrative official, to decide in favor of an applicant on any matter on which the Board is required to pass under this GDC, or to authorize a variance from the terms of this GDC.

(D) Notice of Hearing Before Board of Adjustment Required. The Board must hold a public hearing on all appeals made to it and written notice of the public hearing must be sent to the applicant and all other persons who are owners of real property lying within two hundred feet of the property on which the appeal is made. The notice of appeal must be given not less than ten calendar days before the date set for the hearing to all owners (as ownership appears on the last certified City tax roll), who have rendered their property for City taxes. The notice may be served by mailing it with a properly addressed card or envelope, postage paid, in the United States Post Office. Notice must also be given by publishing the notice on the official website of the City of Garland at least ten calendar days prior to the date set for the hearing. The notice, whether by mail or on the City website, [shall] state the time and place of such hearing

(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:

- (1) To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the official charged with the enforcement of Chapter 2 of this GDC.
- (2) To initiate on its motion, or on cause presented by interested property owners, action to bring about the discontinuance of a nonconforming use in accordance with Subsection (3) below.
- (3) To require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this GDC.
- (4) To authorize the remodeling or enlargement of a nonconforming use when such a remodeling or enlargement would not tend to prolong the life of the nonconforming use. Upon review of the facts, the Board may establish a specific period of time for the return of the occupancy to a conforming use in accordance with Subsection (3) above.
- (5) To authorize the reconstruction of a nonconforming structure or building on the same lot or tract, provided that the reconstruction does not, in the judgment of the Board, prevent the return of the property to a conforming use or increase the nonconformity of a nonconforming structure and provided that the reconstruction conforms to the provisions of [Article 7](#) of this Chapter 2.
- (6) To authorize a variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, setback standards, off-street parking, or off-street loading regulations where the literal enforcement of the provisions of this GDC would result in an unnecessary hardship, and where the variance is necessary to permit the use of a specific parcel of land which differs from other parcels of land in the same district by being of such a restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this GDC may not be granted to relieve a self-created or personal hardship, or for mere financial hardship. Further, a variance may not be granted to permit a person a privilege in developing a parcel of land not permitted by this GDC, or not permitted on other parcels of land in the district. No variance may be granted if the granting of the variance will create an unnecessary hardship as herein defined on another parcel of property.

~~(7) To authorize a request for reasonable accommodation from certain zoning requirements by persons with disabilities.~~

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

(F) Fees. All persons, firms, or corporations requesting a hearing before the Board are required to pay the necessary fees as set forth in the City's fee schedule (see the *Development Application Packet*, as well as applicable sections of the City Code).

(Ordinance 6773 adopted 5/19/15)

State law reference—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

Division 5 - Special Exceptions, Reasonable Accommodations & Zoning Variances

Section 2.23 Special Exceptions

(A) Purpose. The purpose of a special exception is to authorize a modification of zoning standards applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning regulations and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.

(B) Applicability. The Planning Director may make a determination as to whether a requested deviation from a GDC standard qualifies as a special exception, or if it constitutes a variance (see [Section 2.25](#)). An application for a special exception may be filed only for those modifications listed below:

- (1) To alter front, side or rear setbacks, provided that the special exception does not exceed ten percent of the minimum requirement;

- (2) To waive or reduce the parking and loading requirements in an amount not exceeding thirty-three percent (of the normal requirement in any zoning district) for one or more of the following situations, whenever the character or use of the building makes unnecessary the full provision of parking or loading facilities or where the regulations would impose an unreasonable hardship upon the use of the property for the following purposes:
- (a) Housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership;
 - (b) Adaptive reuse or restoration of a historically or architecturally significant structure;
 - (c) Expansion of a nonprofit, public, or social service use on an existing site; and
 - (d) Conversion of a nonconforming use to a conforming use that will maintain some nonconforming aspects (such as too little parking).
- (3) To correct an inadvertent building, fence, accessory building, or other structural encroachment into a required front, side, or rear yard setback.
- (C) Effect. Approval of an application for a special exception entitles the property owner to undertake the activity authorized under the exception.
- (D) Application Requirements. The Building Official is the responsible official for processing a special exception application. Requirements for the format and contents of an application for a Special Exception must be in accordance with the requirements specified in the *Development Application Packet*, as may be amended from time to time.
- (E) Processing of Application and Decision.
- (1) The Board of Adjustment must conduct a public hearing on the application in accordance with normal rules and procedures that are applicable to public hearings, and personal notice must be provided in accordance with [Section 1.24](#) of Chapter 1 of this GDC.
 - (2) The Board of Adjustment must approve, conditionally approve, or deny the special exception application as it deems appropriate.
 - (3) The minutes of the Board of Adjustment meeting at which a special exception is decided are the official record and documentation of the special exception.
- (F) Criteria for Approval.
- (1) In deciding whether to approve, conditionally approve, or deny the application for a special exception, the Board must apply the standards in [Article 7](#) of this Chapter 2 governing special exceptions. In addition, the Board must consider whether the special exception will substantially and adversely affect the use of adjacent or neighboring property.
 - (2) The Board may impose conditions on the granting of a special exception as are necessary to prevent harm to adjacent or neighboring property.
- (G) Expiration. The special exception expires on the date established as a condition of approval or one year (that is, 365 calendar days) after the Board approves or conditionally approves the application (not including the approval date), unless the applicant performs all the terms, conditions, and obligations of the approved special exception prior to the expiration date.

(Ordinance 6773 adopted 5/19/15)

Section 2.24 Reasonable Accommodations

- (A) Purpose. The purpose of a reasonable accommodation is to authorize a modification of certain zoning standards so that a person with disabilities may have equal access to housing within the City of Garland.
- (B) Applicability.
- (1) A person requesting a reasonable accommodation from a zoning regulation(s) in Chapter 2 of this GDC on the basis of a disability must file a written application for a reasonable accommodation with the Planning Director. The applicant shall not be charged a fee for the application. The application must expressly state the accommodation from the zoning regulation(s) requested and the basis for the request.
 - (2) If an applicant requests assistance to file a written application for reasonable accommodation due to a disability, the Planning Director shall provide assistance including, but not limited to, transcribing a verbal request into a written request.

- (3) The Planning Director shall review the application, confer with the Office of the City Attorney, and issue a written decision on the request no later than 30 calendar days from the date the request is received. The written decision shall state the basis of the decision.
- (4) If the Planning Director fails to render a written decision within 30 calendar days, the application shall be deemed granted.
- (5) After receiving an application for a reasonable accommodation, the Planning Director may request additional information from the applicant consistent with the Federal Fair Housing Amendments Act and the American with Disabilities Act. The request shall specify the additional information that is needed from the applicant for the Planning Director to render a decision. In the event additional information is requested by the Planning Director, the 30 calendar day period to issue a decision is stayed until the applicant's response is received by the Planning Director.
- (6) The applicant (or the person on whose behalf the applicant is requesting the accommodation) has the burden to present sufficient facts in the application that demonstrate:
- (a) The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a handicap as defined by the Fair Housing Amendments Act; and
- (b) The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this subsection section is "necessary" if without the accommodation the applicant (or the person on whose behalf the applicant is requesting the accommodation) will be denied an equal opportunity to obtain the housing of his or her choice;
- (7) If the applicant demonstrates the matters set out in subsection (6) above, the request for reasonable accommodation shall be granted by the Planning Director, unless the Planning Director demonstrates that the accommodation requested would fundamentally alter the City's zoning regulations, or would pose an undue negative impact on the public health, safety or welfare.
- (8) If the Planning Director finds that the requested accommodation would fundamentally alter the City's zoning regulations, or would pose an undue negative impact on the public health, safety, or welfare, the Planning Director shall determine whether an alternative reasonable accommodation exists that would effectively meet the disability-related need.
- (C) Appeals.
- (1) An applicant may appeal the written decision to deny or to grant an alternative reasonable accommodation to the City Manager no later than 30 calendar days from the date the decision is mailed.
- (2) If an applicant needs assistance appealing a written decision, the Planning Director shall provide assistance including, but not limited to, transcribing a verbal appeal into a written appeal.
- (3) An appeal must be in writing and include the grounds for the appeal.
- (4) An applicant is not required to pay a fee to appeal a written decision.
- (5) The City Manager, or a person designated by the City Manager (other than the Planning Director or an official of the Planning Department), shall review the appeal and issue a written decision no later than 30 calendar days from the date the appeal is received. The written decision shall expressly state the basis of the decision.
- (6) If the City Manager, or a person designated by the City Manager (other than the Planning Director or an official of the Planning Department), fails to render a written decision on the appeal within 30 calendar days from the date the appeal is received, the requested accommodation shall be deemed granted.
- (7) Consideration of an appeal is subject to the same criteria set forth in subsection (B)(6) above.

(Ordinance 6773 adopted 5/19/15; Ordinance 6881 adopted 2/7/17)

Section 2.25 Zoning Variances

- (A) Purpose & Applicability. The purpose of a variance is to vary one or more zoning standards applicable to a use authorized under this Chapter 2. A variance application cannot be used as a means of amending the text of the City's zoning regulations or of changing a zoning district classification of the property for which the variance is sought. A variance application also cannot be used as a means to contest the applicability of a standard to a development application, an exemption determination, or a decision on a development application.
- (B) Effect. The granting of a variance petition, in whole or in part, authorizes the decision-maker to evaluate a variance application using the varied standard, for the duration of the variance.
- (C) Application Requirements.

(1) A variance application must contain a detailed written statement of the reasons why the standards to be varied should not be applied to the use identified in the application, and must be accompanied by the fee established by the City Council. The application also must be accompanied by illustrations or other documents showing the effect of the requested variance on the proposed development.

(2) A variance application must be filed with the Building Official. No development application that is dependent upon approval of the pending variance application may be approved until a final decision has been reached on the variance application.

(D) Processing of Petitions and Decision.

(1) The Board of Adjustment shall conduct a public hearing on the variance application in accordance with normal rules and procedures that are applicable to public hearings, and personal notice must be provided in accordance with [Section 1.24](#) of this GDC.

(2) The Board of Adjustment must approve, conditionally approve, or deny the variance application as it deems appropriate.

(3) The applicant bears the burden of proof in establishing the facts to justify a variance.

(E) Criteria for Approval. In deciding the variance application, the Board shall apply the following criteria:

(1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this GDC to the proposed use would create an unnecessary hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land, or would deprive the applicant of the reasonable and beneficial use of the land;

(2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the applicant's land;

(3) The variance is necessary for the preservation of a substantial property right of the applicant;

(4) Granting the variance application will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

(5) Granting the variance application will not have the effect of preventing the orderly use and enjoyment of other land within the area subject to the provisions of this GDC, or adversely affect the rights of owners or residents of surrounding property;

(6) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the applicant;

(7) The request for a variance is not based solely on the applicant's desire for increased financial gain from the property, or to reduce an existing financial hardship; and

(8) The degree of variance granted must be the minimum amount necessary to meet the needs of the applicant and to satisfy the standards in this [Section 2.25](#).

(F) Expiration and Extension. A variance that results in the authorization to issue a Building Permit or Certificate of Occupancy will expire one year from the date the variance is granted, unless the applicant files a complete application for a Building Permit or Certificate of Occupancy with the City within one year of the date the variance was granted. The Building Official may extend the time for filing the Building Permit application for good cause.

(Ordinance 6773 adopted 5/19/15)

Section 2.26 Application for Change in Nonconforming Status

(A) Application. A property owner may apply to the Board of Adjustment for a change in the status of a nonconforming use or structure for the following matters:

(1) Expansion of the land area or the building area of a nonconforming use;

(2) Reconstruction or repair of a nonconforming structure that has been destroyed (refer to [Article 7](#) in this Chapter 2);

(3) Resumption of a nonconforming use previously abandoned;

(4) The enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair does not increase the use's nonconformity; or

(5) Encroachment on a zoning setback line.

(B) Effect. If the Board grants the application for a change in nonconforming status, any modifications made in the
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nonconforming use, structure, or lot that are consistent with the approved application will be of the same status, and subject to the same limitations, as the original nonconformity under this GDC.

(C) Decision. The Board must process and decide the petition for a change in nonconforming status as a special exception in accordance with [Section 2.23](#) of this Chapter 2.

(D) Criteria for Approval. In deciding the application, the Board must apply the following criteria:

- (1) The proposed change in nonconforming status meets the criteria in [Article 7](#) of this Chapter 2; and
- (2) Granting the application must not result in greater harm to adjacent land uses than the original nonconformity.

(E) Petition for Termination.

- (1) The Building Official is the responsible official for processing a petition seeking termination of nonconforming status.
- (2) A City official may petition the Board of Adjustment for termination in nonconforming status of a nonconforming use, nonconforming structure, or nonconforming lot.
- (3) If the Board grants the petition for termination of nonconforming status, the nonconforming use, nonconforming structure, or nonconforming lot will be in violation of this GDC and subject to any remedy for enforcement, as provided herein.
- (4) The application must include a concise statement of the reasons why the nonconforming status should be terminated, with specific reference to the rule(s) governing the nonconformity that the petitioner seeks to enforce, and a detailed explanation of how granting the petition will enforce the rule(s) governing nonconforming status.
- (5) The Board must process and decide the petition for termination in nonconforming status as a revocation proceeding under [Section 5.25](#) of this GDC.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 3 - ZONING REGULATIONS

Division 1 - Purpose

Section 2.27 Purpose of Regulations & Districts

The zoning regulations and districts contained in this GDC are established in accordance with the City's adopted *Comprehensive Plan* (as amended), as authorized by Chapter 211 of the Texas Local Government Code, for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural, and architectural importance and significance within the City limits. The zoning regulations and districts contained in this GDC are established with reasonable consideration for, among other things, the character of each zoning district and its peculiar suitability for the particular uses specified, conserving the value of land, buildings, and environmentally sensitive features, and encouraging the most appropriate use of land throughout the City. These districts and regulations have specifically been designed, among other things:

- (A) To aid in the health and safety of the community;
- (B) To suppress and prevent disorder;
- (C) To lessen congestion in the streets;
- (D) To secure safety from fire, panic, and other dangers;
- (E) To ensure adequate light and air;
- (F) To prevent the overcrowding of land, avoiding undue concentration of population; and
- (G) To facilitate the adequate provision of transportation, water supply, wastewater treatment, schools, parks, and other public requirements.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Zoning Map

Section 2.28 Division of the City into Districts & Related Map

The City is hereby divided into zoning districts and the boundaries of zoning districts set out herein are delineated upon the Zoning Map of the City, which is incorporated herein by reference as if the same were set forth herein in detail. (Ordinance 6773 adopted 5/19/15)

Section 2.29 The Official Zoning Map

(A) Official Map. The City's official Zoning Map must be maintained as an electronic file and titled as "Official Zoning Map of the City of Garland, Texas." The aforementioned electronic version is the official Zoning Map and must bear the signature of the Mayor, attested by the City Secretary, must bear the seal of the City, and must contain the following certification: "This is to certify that this is the Official Zoning Map referred to by the Garland Development Code, Ordinance No. _____ of the City of Garland, Texas, adopted on the _____ day of _____, 20____, as amended by official action of the City Council."

(B) Maintenance of Official Map. The official Zoning Map must be maintained in the office of the Planning Director. The Map must be kept up-to-date by promptly incorporating all subsequent amendments enacted by official action of the City Council into the official Zoning Map.

(C) Changes or Amendments Reflected on the Map. Any changes or amendments made to the zoning district boundaries must be incorporated into the electronic version of the official Zoning Map promptly after the amendment has been approved by the City Council. The Planning Director must maintain a descriptive log of amendments to the Map.

(D) Replacement of the Official Zoning Map. In the event that the official Zoning Map file becomes damaged, destroyed, lost, or difficult to interpret for any reason, the City Council may adopt, by ordinance following a public hearing, a new official Zoning Map that will replace and supersede the prior Zoning Map, but will not amend or otherwise change the original official Zoning Map or any subsequent amendment thereto.

(Ordinance 6773 adopted 5/19/15)

Section 2.30 Zoning District Boundaries

(A) Rules of Interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules apply:

(1) Boundaries shown as approximately following the centerlines of streets, highways, alleys, and railroad lines must be construed to follow the centerlines (if established) or the mid-point between the right-of-way or easement lines.

(2) Boundaries shown as approximately following platted lot lines, City limits, or other jurisdictional boundaries must be construed as following such lot lines or boundary lines.

(3) Boundaries shown as following shorelines or the centerlines of streams, rivers, creeks, canals, bodies of water, or drainageways must be construed to follow the shorelines or centerlines (as applicable), and in the event of change in a shoreline or centerline boundaries must be construed as moving with the actual shoreline or centerline.

(4) Boundaries indicated as approximately following the "take line" along Lake Ray Hubbard must be construed as following the actual "take line."

(5) Boundaries shown as parallel to, or extensions of, features described in Subsections (1) through (4) above must be so construed. Distances not specifically indicated on the Zoning Map must be determined by the scale of the Map.

(6) The zoning classification applied to a tract of land adjacent to a street will extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification will not apply to the street. Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district line adjoining each side of such street, alley, or other public way is extended to the centerline of the vacated street, alley, or public way.

(7) Where physical features on the ground are at variance with information shown on the Zoning Map, or if there arises a question as to how or whether a parcel of property is zoned and the question cannot be resolved by the application of Subsections (1) through (6) above, then the Plan Commission must reasonably interpret the zoning district boundaries.

(8) If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property will be considered classified as AG, Agricultural district in the same manner as provided for newly annexed territory.

(B) Prior Changes of Zoning. Changes of zoning that were made between the effective date of the previous Zoning Ordinance (Ordinance No. 4647, as amended), adopted on March 30, 1993, and the effective date of this

GDC are valid, and are depicted in approximate locations on the Zoning Map. For exact legal descriptions, refer to the adopting ordinances for each particular change of zoning.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Compliance & Application

Section 2.31 Compliance & Application of Zoning Regulations

(A) Compliance Hereafter. All land, buildings, structures, or appurtenances thereon located within the City of Garland, Texas that are occupied, used, constructed, erected, removed, placed, demolished, or converted after the effective date of this GDC must be in conformance with the zoning regulations prescribed for the zoning district in which the land or building is located, or the land, buildings, structures, or appurtenances will be subject to penalties provided in [Chapter 5](#) of this GDC. This provision applies to only the portion of the building, structure, or land that is actually newly occupied, used, erected, constructed, reconstructed, moved, or structurally altered after the effective date of this GDC. All of the standards and regulations prescribed by this GDC are the minimum requirements unless explicitly stated otherwise.

(B) Lot Area Deficiency. If a lot was legally platted prior to the effective date of this GDC, was held in separate ownership from any adjacent property prior to the effective date of this GDC, and contains less area, width, or depth than is required under these regulations, the platted lot may be used for any lawful use within the district notwithstanding the lot area deficiency. However, the lot is subject to all other district regulations.

(C) Use Conflicting with Other Regulations. Uses prohibited by state or federal law, or that operate in excess of state or federal environmental, pollution, or performance standards as determined by the applicable state or federal agency, are prohibited under this GDC.

(D) Yards, Open Spaces, Off-Street Parking and Loading Spaces. No part of a yard, open space, or off-street parking, or loading space required for a building or use by these zoning regulations may be used to satisfy a requirement for any other building or use unless "sharing" of the space is specifically approved by the City during the zoning, platting, or development process.

(E) Completion of Buildings. No provision herein shall be interpreted to require any change in the plans, construction, or use of a building for which a currently valid Building Permit has been obtained as of the effective date of this GDC, so long as the entire building is completed within two years (that is, 730 calendar days) following the effective date of this GDC.

(1) The Building Official, upon application, may grant a one year (that is, 365 calendar days) time extension to complete the building or project upon demonstration of reasonable construction progress toward completion.

(2) A Building Permit, which does not expressly state an expiration date, in effect as of the effective date of this GDC, shall become void if no progress has been made toward completion within two years (that is, 730 calendar days) following the effective date of this GDC.

(F) Existing Uses. All existing uses that may be nonconforming after the effective date of this GDC shall comply with [Chapter 2, Article 7](#) of this GDC.

(G) Appurtenant to the Land. Zoning is considered to be appurtenant to the land rather than the landowner.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Zoning Upon Annexation

Section 2.32 Zoning Regulations & Annexation

(A) Establishment of Zoning. As soon as practical following annexation, but in no event more than one hundred and eighty calendar days thereafter, the Planning Director must initiate proceedings to establish appropriate zoning on the newly annexed territory. The Planning Director must give public notification and must comply with all other standard procedures for a change of zoning as set forth in [Article 2, Division 1](#) of this Chapter 2, and in [Chapter 1](#) of this GDC.

(B) Timing of Zoning. The proceedings to establish zoning may be undertaken concurrently with annexation procedures (that is, notices and public hearings). However, the final zoning approval and formal adoption of the ordinance establishing zoning may only occur after annexation takes effect and as a separate and distinct action by

the City Council.

(C) Initial Zoning. From the time an annexation takes effect until action is completed to zone the land, the land is zoned as Agricultural (AG) district, and all zoning and development regulations of the Agricultural zoning district must be adhered to with respect to development and use of the land.

(D) Proper Notification. The initial zoning of annexed land must meet the requirements for notification and public hearings as set forth in [Chapter 1](#) of this GDC and all applicable state laws.

(E) Simultaneous Petition for Annexation & Zoning by a Landowner. The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of a petition for annexation, but an annexation petition may not be conditioned upon the approval of any particular zoning classification.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 4 - ZONING DISTRICTS

Division 1 - Zoning Districts Established

Section 2.33 Uniformity & Division into Districts

(A) Minimum Regulations. The regulations set by this GDC for each district are minimum regulations and apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(B) Purpose of Zoning Districts. Each zoning district herein established is provided a specific purpose, in accordance with the *Comprehensive Plan* (as amended), for the location of various activities and development types throughout the City. It is intended that these districts will be used to implement the policies and objectives of the City, as stated in its *Comprehensive Plan*.

(C) Specific Zoning Districts. The City of Garland is hereby divided into the following zoning districts, which are grouped into the following four categories: Residential, Nonresidential, Mixed-Use, and Overlay/Special districts, and are represented by the following abbreviations and district names:

Residential Districts

AG	Agricultural District
SF-E	Single-Family Estate District (30,000 square-foot lot size)
SF-10	Single-Family District (10,000 square-foot lot size)
SF-7	Single-Family District (7,000 square-foot lot size)
SF-5	Single-Family District (5,000 square-foot lot size)
SFA	Single-Family Attached District (townhouses)
2F	Two-Family District (duplexes)
MF	Multifamily District (18 units per acre)

Nonresidential Districts

NO	Neighborhood Office District
CO	Community Office District

NS	Neighborhood Services District
CR	Community Retail District
LC	Light Commercial District
HC	Heavy Commercial District
IN	Industrial District

Mixed-Use Districts

UR	Urban Residential District (75 units per acre/high density, predominantly residential with some support retail/services)
UB	Urban Business District (mixed-use, predominantly retail/services/business with some medium/high density residential)

Overlay and Special Districts

DT	Downtown District (Form-Based Code – see Chapter 7 of this GDC)
DAO	Downtown Automotive Overlay District (see Section 2.48 of this Chapter 2)
PD	Planned Development (see Article 2, Division 2 of this Chapter 2)
SUP	Specific Use Provision (see Article 2, Division 3 of this Chapter 2)

(D) Equivalency Table. The following [Table 2-2](#) identifies zoning districts that were adopted in the City's previous Zoning Ordinance (Ordinance No. 4647, as amended) and the equivalent zoning districts established in this GDC:

Table 2-2 - Zoning Districts Equivalency Table

New Zoning Districts (GDC)	Former Zoning Districts (Ordinance #4647)
Residential Districts	
AG Agricultural district	AG Agriculture district
SF-E Single-Family Estate district (30,000 sf lots)	n/a
SF-10 Single-Family-10 district (10,000 sf lots)	SF-16 Single-Family-16 district (16,000 sf lots)
SF-10 Single Family-10 district (10,000 sf lots)	SF-10 Single Family-10 district (10,000 sf lots)
SF-7 Single-Family-7 district (7,000 sf lots)	SF-7 Single-Family-7 district (7,000 sf lots)
SF-5 Single-Family-5 district (5,000 sf lots/patio homes)	n/a

SFA Single-Family Attached district (townhouses)	TH Townhouse district
2F Two-Family district (duplexes)	D Duplex district
MF Multifamily district (18 du/acre)	MF-12 Multifamily district (12 du/acre) MF-18 Multifamily district (18 du/acre)
Nonresidential Districts	
NO Neighborhood Office district	O-1 Office-1 district
CO Community Office district	O-2 Office-2 district HS Health Services district
NS Neighborhood Services district	NS Neighborhood Service district
CR Community Retail district	SC Shopping Center district GB General Business district
LC Light Commercial district	C-I Commercial-1 district
HC Heavy Commercial district	C-2 Commercial-2 district
IN Industrial district	I-1 Industrial-1 district I-2 Industrial-2 district
n/a	FW Freeway district
Mixed-Use Districts	
UR Urban Residential district	n/a
UB Urban Business district	n/a
Overlay and Special Districts	
DAO Downtown Automotive Overlay district	O-DTA Downtown Automotive Uses Overlay district
n/a	O-190 SH 190 Overlay district
n/a	O-635 IH 635 Overlay district
n/a	O-30 IH 30 Overlay district
DT Downtown district (form-based code)	CA-1 Central Area 1 district CA-2 Central Area 2 district Other existing districts within the DT boundaries

PD Planned Development	PD Planned Development
SUP Specific Use Provision	SUP Specific Use Permit

(Ordinance 6773 adopted 5/19/15)

Division 2 - Residential Districts

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.
- (2) Minimum Lot Width. The minimum lot width must meet the criteria provided in [Table 2-3](#) or [Table 2-4](#) (as applicable).
- (3) Minimum Lot Depth. The minimum lot depth must meet the criteria provided in [Table 2-3](#) or [Table 2-4](#) (as applicable).

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 Lot Depth	Maximum Lot-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 staggered or cul-de- sac	15' 15' curvil. or staggered or cul-de- sac	20' 15' curvil. or staggered or cul-de- sac	5' each side	10'	1,500sf	55'/ 60' corner	90'	50%	35'
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(4) **Maximum Density.** The maximum density of a residential development must meet the criteria provided in [Table 2-3](#) or [Table 2-4](#) (as applicable).

(5) **Maximum Lot Coverage.** Buildings or structures (or parts thereof) may not be erected, expanded, or placed so as to cover more than the maximum lot coverage provided in [Table 2-3](#) or [Table 2-4](#) (as applicable).

(B) **Lot Area Percentage Reductions in SF-E, SF-10, SF-7, SF-5, 2F, and SFA Districts.** The minimum lot area may be reduced by up to ten percent in the SF-E district, or by up to five percent in the SF-10, SF-7, SF-5, 2F, and SFA districts, provided that the average lot area for the entire development must meet the minimum lot averages as provided in [Table 2-3](#) or [Table 2-4](#) (as applicable). In no case may the number of lots being reduced be more than ten percent of the total number of lots in the overall development.

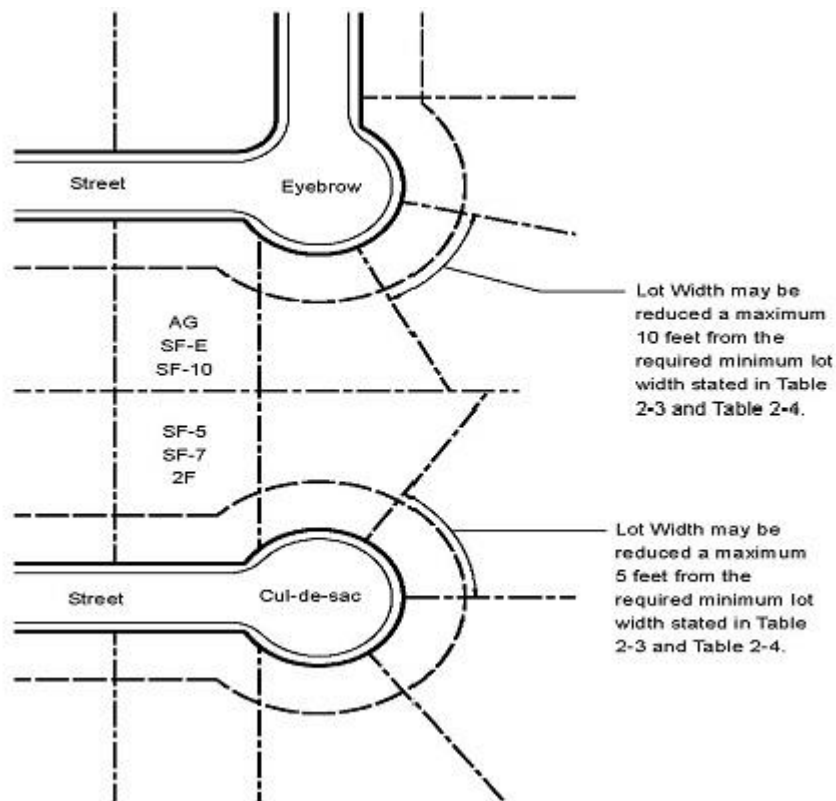
Table 2-4 - Other Residential District Standards

		Minimum Yard Setbacks									
District	Minimum Lot Area Maximum Density/Acre	Adjacent to Street			Not Adjacent To Street		Min. Dwelling Unit Area	Min. Lot Width	Min. Lot Depth	Max. Lot Coverage Max. FAR	Max. Height
	Standard Requirement/ Average	Front	Side	Rear	Side	Rear					
2F	8,000sf/pair 4,000sf/du	25' 20' curvil. or staggered or cul-de- sac	25' 20' curvil. or staggered or cul-de- sac	25' 20' curvil. or staggered or cul-de- sac	7.5' each side	10'	2,600sf/ pair 1,300sf/du	75'/lot or pair of lots if platted separately	100'	40%	35'
SFA	2,000sf/ 1,900 avg max. 12/acre	10'	10'	10'	5'	5'	1,400sf/ 1,300 avg	20' internal 30' end	90'	75%	40'
MF	none max. 18/acre	20'	20'	20'	12'	12'	efficiency: 500sf 1-BR: 650sf 2-BR: 800sf add'l BR: 150sf avg: 725sf	75'	100'	60%	40%

(C) **Lot Width Reductions in AG, SF-E, SF-10, SF-7, SF-5, and 2F Districts.** The minimum lot width may be reduced up to ten feet in the AG, SF-E, and SF-10 districts, or up to five feet in the SF-7, SF-5, and 2F districts, for a lot fronting onto the arc portion of a cul-de-sac or “eyebrow” street (see [Illustration 2-1](#)).

Illustration 2-1

Residential Lot Width Reduction on Cul-De-Sac or Street Eyebrow



(D) Dwelling Unit Area in all Residential Districts. The establishment of minimum dwelling unit areas for each residential district will ensure that there is consistency and reasonable compatibility within neighborhoods, which will assist in maintaining property values and stability. Each residential district must have the specific minimum dwelling unit areas, exclusive of garage square footage, as provided in [Table 2-3](#) or [Table 2-4](#), as applicable.

(1) Minimum Dwelling Unit Area for Pre-Existing Dwelling Units. Any residential dwelling unit already in existence (or having a valid City-issued Building Permit) in any residential district as of the effective date of this GDC that has less gross floor area than required by this GDC will be in compliance with this Subsection (D). However, modifications or reconstruction of a nonconforming dwelling unit are prohibited unless the modification or reconstruction does not reduce the dwelling unit area or eliminate the required off-street parking.

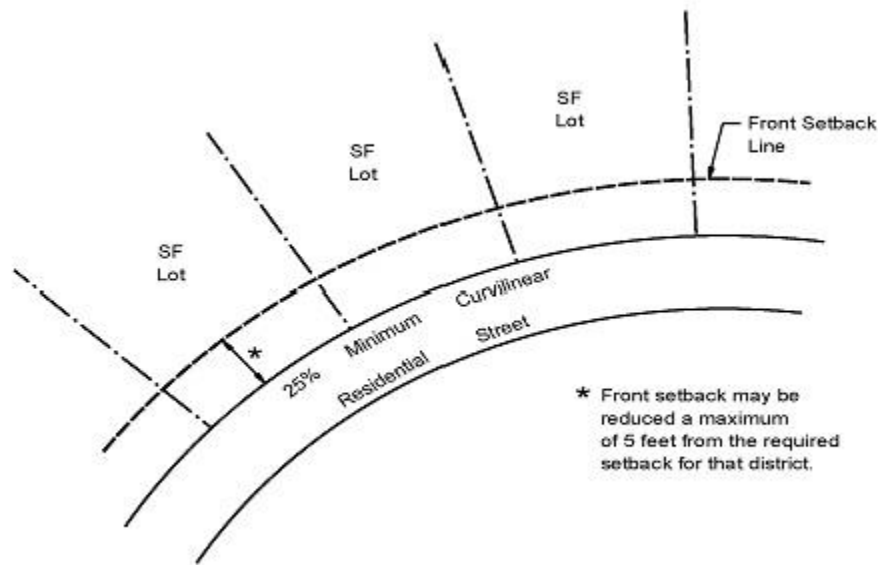
(2) Minimum Dwelling Unit Area for Infill/Redevelopment Housing. New infill/redevelopment dwelling units must have a minimum dwelling unit area at least equal to the average size of existing units of the same type that are within a two hundred foot radius.

(E) Yard Setbacks in all Residential Districts. (1) Yards Adjacent to Streets. Yards adjacent to streets must be measured from the existing right-of-way or proposed right-of-way line of adjacent streets as provided for on the approved current *Major Thoroughfare Plan*, whichever requires the greater setback. Yards must meet the minimum yard requirements provided in [Table 2-3](#) or [Table 2-4](#), as applicable.

(a) Curvilinear Streets. The minimum front yard setback for single-family detached, single-family attached and two-family homes on curved street sections only (see definition of *Curvilinear* in [Chapter 6](#) of this GDC) may be reduced by a maximum of five feet, but to no less than ten feet minimum, if at least twenty-five percent of the street lengths in the overall subdivision are curvilinear in design. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets, excluding streets with a right-of-way width greater than sixty feet (see [Illustration 2-2](#)).

Illustration 2-2

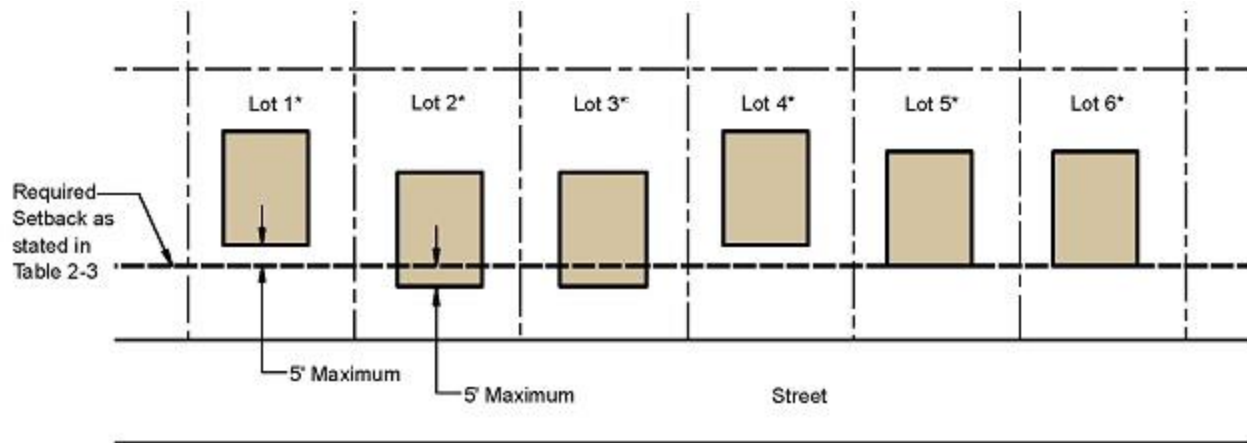
Reduced Front Yard Setback on Curvilinear Streets



(b) **Staggered or Varied Setbacks.** The minimum front yard setback for single-family detached, single-family attached and two-family homes may be staggered, varied, increased or reduced (see [Illustration 2-3](#)) up to five feet (per [Table 2-3](#) or [Table 2-4](#), as applicable), provided that the average setback for any block face must meet applicable district's standards. Under this provision, no more than three adjacent lots may have a setback of up to five feet less than the applicable district's normal minimum requirement. The staggered or varied setbacks applied by this Section may not be used where the setback reduction described in Subsection (a) above is used.

Illustration 2-3

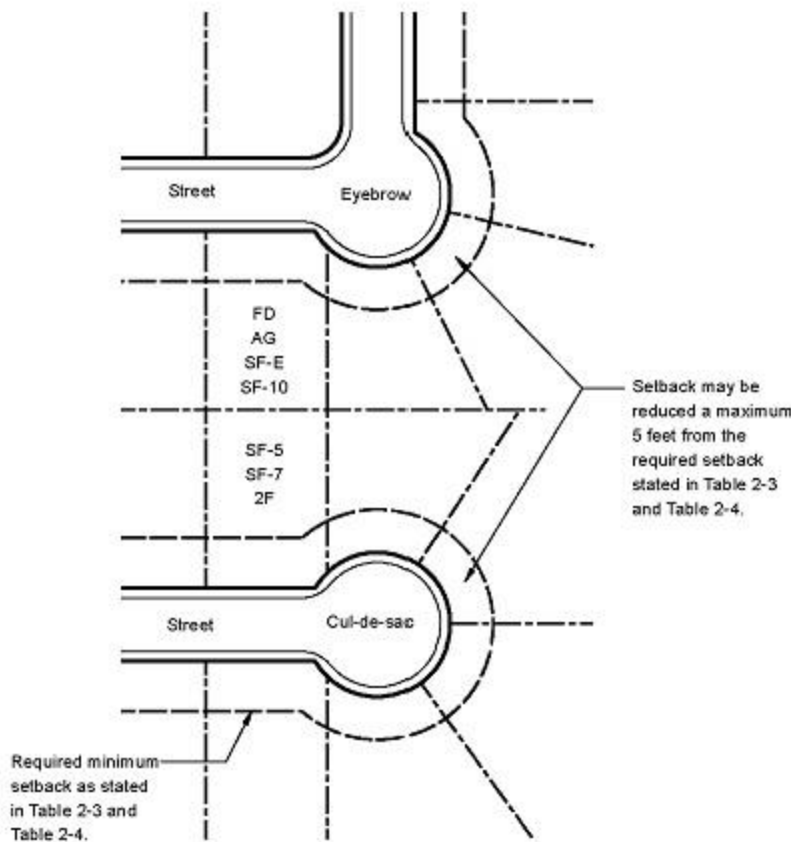
Staggered or Varied Front Yard Setbacks



(c) **Cul-de-Sacs and Street "Eyebrows".** The minimum front yard setback for single-family detached, single-family attached, and two-family homes may be reduced by up to five feet for lots fronting onto the arc portion of a cul-de-sac or street "eyebrow" (see [Illustration 2-4](#)).

Illustration 2-4

Residential Front Setback Reduction on Cul-De-Sac or Street Eyebrow



(d) Infill/Redevelopment Housing. New infill/redevelopment single-family detached, single-family attached, and two-family homes may observe a reduced front yard setback that reflects the average setback of existing homes that are within two hundred feet along the same side of the street.

(e) Garage Doors Facing Street or Alley.

i. Regardless of other setbacks, a street-facing garage, or alley-facing garage door must have a minimum setback of twenty feet from the applicable street or alley right-of-way line.

ii. For all single-family (excluding townhouses) and two-family houses, a garage door facing any street must be offset (that is, set back) behind the street-facing facade of the house a minimum of five feet (see [Illustration 4.6-7 \[4-13\] in Article 6 of Chapter 4](#) of this GDC). This requirement applies to new construction only, and not to existing garages.

(f) Garage Doors Not Facing Street or Alley. Regardless of other side yard setbacks, a garage door facing an adjacent/interior property line shall have a minimum setback of twenty-four feet from the face of the door to the adjacent property line for vehicle maneuvering. This requirement applies to new construction only, and not to existing garages.

(2) Yards Not Adjacent to Streets. Minimum yard requirements for each residential district must meet the requirements provided in [Table 2-3](#) or [Table 2-4](#), as applicable.

(3) Projections. All portions of main buildings or structures must be set back from property lines. All portions of a required yard must be open and unobstructed except that:

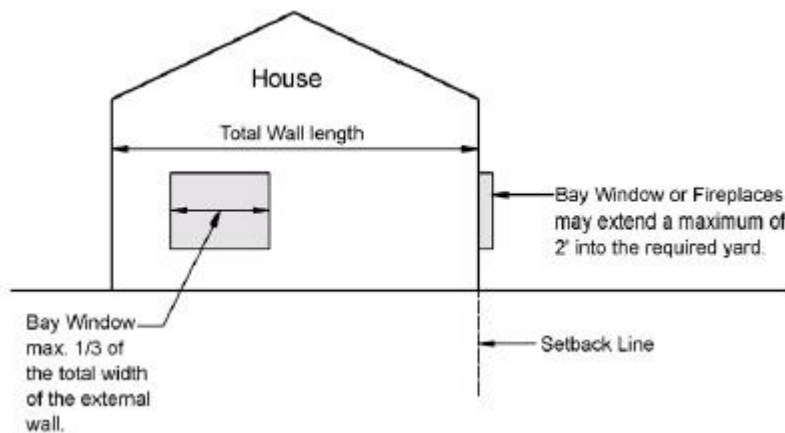
(a) Ordinary projections of window sills, belt courses and other similar architectural features may project no more than one foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies, and other similar architectural features may not project more than two feet into required front and rear yards. Roof overhangs may not project more than two feet into a required side yard.

(b) Fireplaces, bay windows, and other similar construction not exceeding seven feet in width may not extend more than two feet into a required yard; provided the total length of all such projections into a yard may not exceed one-third the length of the exterior wall, excluding garages adjacent to that yard (see [Illustration 2-5](#)).

(c) An uncovered wood deck thirty inches or less in height may project into a required side or rear yard.

Illustration 2-5

Projections into Required Yards



(F) Height Limits in all Residential Districts.

(1) Maximum Structure Height. No building or structure in any residential district may exceed the maximum height provided for in [Table 2-3](#) or [Table 2-4](#), as applicable. See [Chapter 6](#) of this GDC, specifically definitions of *Building Height* and *Grade*.

(2) Height of Non-Occupied Structures. An appurtenance structure that is placed on, or that are extensions of, the roof of a building, and that is not intended for human occupancy, may exceed the maximum height allowed in a residential 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 (or portion thereof) that the structure exceeds the district's height limit for all front, side, and rear yards. The following are examples of appurtenant structures for the purposes of this Subsection (F): 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 in this Chapter 2](#)), wind generators (see [Article 5, Division 7 in this Chapter 2](#)) or signs (see [Article 5 in Chapter 4](#) of this GDC) are not appurtenant structures for the purpose of this Subsection (F) and are hereby expressly excluded.

(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(E) of this GDC.

(2) Garages Required. Required residential automotive parking spaces must be located within an enclosed garage for all single-family detached, single-family attached, and two-family dwellings.

(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. This Subsection does not apply to required residential parking spaces located in an unenclosed carport.

(H) Recreational Vehicles. Recreational vehicles, travel trailers, campers, motor homes, and similar vehicles, used for on-site dwelling purposes, are prohibited in all residential districts.

(I) Accessory Building Standards. Accessory buildings must comply with provisions of [Article 5, Division 4](#) (Accessory Buildings and Structures) of this Chapter 2, except buildings exceeding five hundred square feet shall be treated as main buildings for purpose of setbacks, 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 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.

(K) Nonresidential Uses and Structures. The development requirements (including, but not limited to, requirements for lot area, lot width, lot depth, lot coverage, setbacks, building height, parking, landscaping, screening, exterior construction, lighting) for allowed nonresidential uses (such as, schools, churches, day cares) in residential districts are as provided in the Neighborhood Services (NS) zoning district.

(L) Exterior Construction. Exterior design and construction materials for all residential structures must comply with

provisions of [Article 6 in Chapter 4](#) of this GDC, and with any special construction standards provided for in each zoning district or within the City Code, whichever is more stringent.

(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

(d) 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).

(Ordinance 6773 adopted 5/19/15)

Section 2.35 AG, Agricultural District

(A) Purpose. The Agricultural district is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, land which due to its topography or location within a floodplain or other undevelopable area is not anticipated to be developed for more intense use, and land which has been newly annexed into the City of Garland. Land that has been newly annexed into the City is initially zoned Agricultural until it is zoned another more permanent zoning classification in the future. Single-family uses on large lots are appropriate in this district.

(B) Allowed Uses. All allowed land uses in the AG district (whether by right or by SUP) are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(Ordinance 6773 adopted 5/19/15)

Section 2.36 SF, Single-Family Districts (SF-E, SF-10, SF-7, and SF-5)

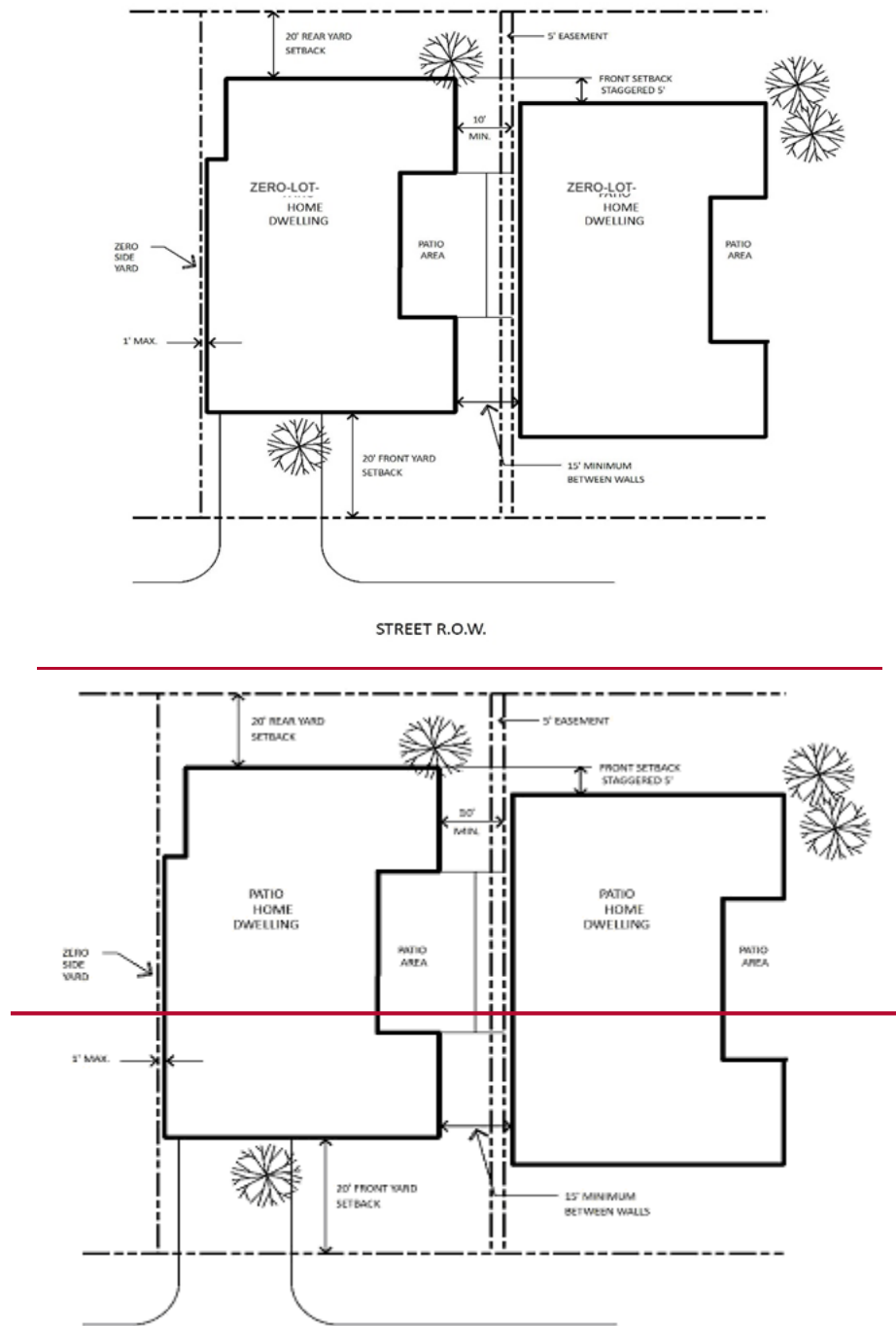
(A) Purpose. The Single-Family Residential districts are intended to provide for development of primarily low-density detached, single-family residences on a variety of lot sizes, churches, schools, and public parks in logical, livable, and sustainable neighborhoods.

(B) Allowed Uses. All allowed land uses (whether by right or by SUP) in the SF-E, SF-10, SF-7, or SF-5 districts (as applicable) are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Zero-Lot-Line Homes. Where zero-lot-line homes are allowed, one interior side yard must be reduced to zero feet, while the other side yard must be a minimum of ten feet (see [Illustration 2-6](#)). The minimum side yard setback for a non-key corner lot is fifteen feet, and twenty feet for a key corner lot. A minimum five-foot wide maintenance easement must be placed on the adjacent lot (that is, next to the zero-lot-line) to enable the property owner to maintain the portion of the house that is on the zero-lot-line. Side yards and maintenance easements must be shown on the subdivision plat along with special plat language for zero-lot-line homes (available in the *Development Application Packet*, as may be amended from time to time). Roof overhangs may project into the maintenance easement not more than twenty-four inches. All other types of projections are prohibited.

Illustration 2-6

Zero-Lot-Line Homes – Setbacks, Orientation



(Ordinance 6773 adopted 5/19/15)

Section 2.37 SFA, Single-Family Attached (Townhouse) District

(A) Purpose. The Single-Family Attached district is intended to promote stable, quality, attached-occupancy residential development on individual lots in logical, livable, and sustainable neighborhoods. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the *Comprehensive Plan*, may provide a transition district between lower density residential areas, multifamily or nonresidential areas, or major thoroughfares.

(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), a **Preliminary Development Plan** must first **be approved/proceed** administratively in accordance with the provisions of [Article 1, Division 1 in Chapter 4](#) of this GDC.

(C) Allowed Uses. All allowed uses (whether by right or by SUP) in the SFA district are indicated within the [Land](#)

[Use Matrix](#), Article 5 of this Chapter 2.

(D) Yard Setback Requirements.

(1) General. Yard setback requirements for residential structures are provided in [Table 2-4](#) and in [Section 2.34](#) of this Chapter 2, unless otherwise provided below.

(2) Special Side Setbacks.

(a) Internal Dwelling Unit Setbacks. There is no setback requirement for attached residential units along the common (shared) wall.

(b) End Dwelling Unit Setbacks. When adjacent to a street, an alley, or a common area, buildings must be set back as if they are adjacent to a street and as provided for in [Table 2-4](#).

(E) Parking.

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

(2) Resident Parking. A minimum of two off-street parking spaces within an enclosed private garage must be provided for each residential unit.

(3) Guest Parking. A minimum of one off-street parking space must be provided for every four townhouse units, or fraction thereof. The maximum distance from the required guest parking space to the unit(s) served is four hundred feet, measured along a street right-of-way.

(4) Driveway Depth. A driveway, if provided, may not be less than twenty feet in length. ~~If a garage immediately fronts a street or alley without providing the minimum driveway length, the apron to the garage may not exceed five feet.~~

(F) Building Spacing. The minimum distance between front facades of residential structures (face-to-face distance) is fifty feet. The minimum distance between rear facades of residential structures is thirty feet. All distances are to be measured from the base, or foundation, of each vertical wall or facade.

(G) General Requirements.

(1) Lot Orientation. All lots within the SFA district must front on a public street, a City-approved public way, or common area lot that is dedicated for mutual access to each lot. A lot may have front, side, or rear vehicular access provided that a minimum setback of twenty feet is maintained for any street-facing or alley-facing garage door.

(2) Attached Units and Building Length. Each structure may have no fewer than three and no more than six attached units. The maximum length for any townhouse structure is one hundred and eighty feet.

(3) Common (Shared) Walls. A minimum of seventy-five percent of the length of a side facade of attached units must be a common (shared) wall.

(H) Building Architecture.

(1) Statement of Intent. Because of the scale of townhouse buildings, careful design considerations are necessary to ensure the creation of a livable neighborhood. In order to provide a level of architectural variety and avoid visual monotony and repetition within the subdivision, structures and individual units must be designed to create an integrated and aesthetically engaging community. This variation can be achieved through careful design and use of a range of architectural and design techniques, including but not limited to, the following:

(a) Attention to building mass, shape, and scale;

(b) Variation on and amongst building facades through articulation, fenestration, and entry treatments;

(c) Use of roof design and details to articulate structures and accent features; and

(d) Use of exterior materials, patterns, colors, and textures to create community theme, enhance visual variety, and add fine details to structures.

(2) Facade Modulation. Unarticulated, monolithic, or broad-flat walls must not exceed thirty feet in length. Acceptable techniques for achieving facade modulation include, but are not limited to, the following or a combination of the following:

(a) Recessing or protruding a portion of the facade vertically or horizontally with at least two feet for each offset;

(b) Articulating offsets with architectural elements like porches, balconies, bay windows, covered entries, or other features; and

- (c) Articulating the roof line by stepping the roof and by emphasizing dormers, chimneys, and other features.
- (3) Exterior Materials. Exterior construction materials must be in compliance with [Section 4.84](#) in Article 6, Chapter 4 of this GDC.
- (4) Other Exterior Construction Standards. Unless expressly waived in this Section, all other exterior construction requirements in [Article 6 of Chapter 4](#) of this GDC, and in the City Code, apply to the design of buildings and structures.
- (I) Screening and Landscaping. All townhouse developments must comply with the screening and landscape standards within [Article 3 of Chapter 4](#) of this GDC.
- (J) Private Common Areas.
 - (1) Statement of Intent. Townhouse developments generally have a greater density than traditional detached single-family residential developments. Because lot sizes in attached housing communities are reduced, private yards are smaller than in detached residential developments; therefore, community common areas and amenities become even more important to the quality of life within such neighborhoods. The purpose of the common area standards is two-fold: (i) private common areas, including amenities, must be accessible and usable by all community residents, and (ii) private common areas must be aesthetically appealing, commonly accessible, visible, and contribute to the overall visual quality of the development. Private common areas must be owned and maintained by a Homeowners' Association (HOA).
 - (2) Minimum Aggregate Common Area. A minimum of ten percent of the gross platted area of each townhouse development must be devoted to private common area, including required community amenities. Only those tracts that meet the minimum standards for common area lots, as described in this Section, may count toward the required aggregate common area. Townhouse developments of six units or less, inclusive of all phases of the proposed development, are exempt from providing required common area.
 - (3) Accessibility. At least ten percent of the perimeter of each dedicated common area lot must be adjacent to a street. A perimeter adjacent to a dedicated alley does not fulfill this requirement. No townhouse unit may be more than one thousand feet from a dedicated common area lot.
 - (4) Lot Requirements. Common area lots must conform to the following lot requirements:
 - (a) Lot Area. The minimum area for a dedicated common area lot is five thousand square feet. A townhouse development may contain tracts less than this minimum area, however townhouse tracts may not be counted toward the aggregate common area requirement described above.
 - (b) Lot Dimensions. The minimum lot width and depth for a dedicated common area lot is forty feet.
- (5) Landscaping. See [Article 3 in Chapter 4](#) of this GDC.
- (K) Amenities.
 - (1) Statement of Intent. Townhouse developments contain residential lots that are notably smaller than the lots for a standard detached home subdivision. In order to compensate for the loss of private outdoor living area and amenities, townhouse developments must contain recreational, entertainment, or social amenities available for use by all residents of the development.
 - (2) Minimum Required. At least one of the amenities described below must be provided for a townhouse development of twenty-five to one hundred dwelling units. For townhouse developments having over one hundred dwelling units, at least one additional amenity is required for every fifty residential units over one hundred, or fraction thereof. For townhouse developments having over three hundred units, duplication of amenities is allowed provided that at least one of each is provided in the development. Developments of twenty-four units or less, inclusive of all phases of the proposed development, are exempt from this requirement.
 - (3) Location. Amenities must be placed within designated common areas, and must be distributed throughout the development (that is, amenities may not all be located or concentrated in any one area).
 - (4) Types of and Standards for Amenities.
 - (a) Clubhouse. A clubhouse must be a minimum of two thousand, five hundred square feet in floor area. The clubhouse may contain a fitness center, meeting, activity room, or other appropriate facilities to serve residents of the development.
 - (b) Swimming Pool. A swimming pool must have a minimum of eight hundred square feet of surface water. Pool equipment areas must be screened from residential lots.
 - (c) Leisure Areas. A leisure area must be available to all residents of the development and must have a minimum

of two pieces of play equipment, benches, and shade trees (or a shade structure), at least one picnic table, and other “family-friendly” fixtures. The two pieces of leisure equipment may be placed at separate locations within the development.

(d) Private Park. A private park is a common area that contains pedestrian paths, outdoor seating areas, and picnic areas (including outdoor grills and picnic tables). A private park must include at least one tree for every one thousand, two hundred and fifty square feet, and must contain a lot area of at least twenty thousand square feet. A minimum fifty percent of the required trees must be large trees (a minimum three-inch caliper measurement upon planting). The remainder of the required trees may be large trees (a minimum of three-inch caliper measurement upon planting) or smaller/ornamental trees (a minimum of eight feet in height upon planting). All required trees must be selected from the Approved Plant List (for each respective tree type) in [Article 3, Chapter 4](#) of this GDC.

(e) Athletic Courts. Athletic courts, which may include tennis, basketball, racquetball, multi-purpose, or other facilities, must be fully playable for the activity intended. Athletic courts must contain a minimum of two playing courts. The two courts do not have to be designed for the same activity, and they may be placed at separate locations within the development.

(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 ~~on~~by the ~~Preliminary Development Plan for the development~~[Planning Commission](#).

(L) Residential Types Other Than Townhouses. Within the SFA district, residential types other than townhouses must comply with the development standards for the applicable residential type, as follows:

- (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.

(Ordinance 6773 adopted 5/19/15)

Section 2.38 2F, Two-Family (Duplex) District

(A) Purpose. The Two-Family district is intended to promote stable, quality medium density residential development on pairs of lots in logical, livable, and sustainable neighborhoods. This district may be included within single-family neighborhoods or, when in accordance with the intent of the *Comprehensive Plan*, may provide a transition district between lower density residential areas and higher density or nonresidential areas or major thoroughfares.

(B) Allowed Uses. All allowed land uses (by right or by SUP) in the 2F District are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Minimum Dwelling Unit Area. The minimum floor area, exclusive of garage square footage, for each residential dwelling unit in a 2F district is provided for in [Table 2-4](#), except that the minimum floor area of a unit in a duplex may be up to one hundred square feet less than the designated minimum dwelling unit area. However, a duplex structure (both units combined) may not be less than twice the designated minimum dwelling unit area.

(D) Yard Setback Requirements.

(1) Yards Adjacent to Streets. Yards adjacent to streets within a 2F district must comply with the standards provided in [Table 2-4](#) and in [Section 2.34](#) of this Chapter 2, unless otherwise expressly provided below.

(2) Yards Not Adjacent to Streets. Yards that are not adjacent to streets within a 2F district must comply with the standards provided in [Table 2-4](#), unless otherwise expressly provided below.

(a) Internal Dwelling Unit Setback. There is no setback requirement between the duplex units along the common (shared) wall.

(b) Common (Shared) Walls. A minimum of seventy-five percent of the length of a side facade of each pair of duplex units must be a common (shared) wall.

(E) Residential Types Other Than Duplexes. Within the 2F district, residential types other than duplexes must comply with the following applicable 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.

(Ordinance 6773 adopted 5/19/15)

Section 2.39 MF, Multifamily District

(A) Purpose. The Multifamily district is an attached residential district intended to promote stable, quality, attached-occupancy residential development in livable, sustainable, and compact residential communities at a maximum density of eighteen dwelling units per acre. The principal allowed land uses include low-rise to mid-rise multiple-family dwelling structures that are renter-occupied or owner-occupied (as in condominiums). Recreational, religious, health, and educational uses normally located to serve residential areas are also allowed in this district. This district should be located adjacent to an arterial or collector street, and can serve as a buffer between nonresidential development or heavy automobile traffic and medium-density or low-density residential development. This district accommodates a variety of housing types including triplexes, quadplexes, apartments, and condominiums.

(B) Allowed Uses. All allowed land uses (whether by right or by SUP) in the MF district are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Lot and Density Requirements. Lots used for multifamily purposes must conform to the minimum lot area, width and depth requirements, and to the maximum density requirements, as described in [Table 2-4](#).

(D) Minimum Dwelling Unit Area. The minimum floor area requirements, exclusive of garage square footage, for each residential dwelling unit in the MF district are described in [Table 2-4](#).

(E) Efficiency Dwelling Units. The maximum number of efficiency dwelling units may not exceed ten percent of the total number of units in the same development. Any fractional number of units must be rounded up to the next whole number of units.

(F) Yard Setback Requirements.

(1) General. The yard setback requirements for all structures in a MF district are provided in [Table 2-4](#) and in [Section 2.34](#) of this Chapter 2, unless otherwise expressly provided below.

(2) Special Side and Rear Setbacks. Where an MF district is located adjacent to a single-family zoning district or a single-family Planned Development district, the side and rear setbacks must be 1.25 times the maximum height of each building or a maximum of fifty feet.

(G) Building Placement.

(1) Building Placement. Where there are multiple MF structures located within a development, a minimum of fifty percent of the structures that are located within one hundred feet of, or visible from, any public right-of-way must be positioned where the structures' facades are at an angle of at least thirty degrees to the street right-of-way line. The intent of this provision is to avoid the external appearance of long and monotonous building alignments. The Planning Director may approve a building placement plan that does not conform to this Subsection pursuant to the alternative compliance process set forth in [Article 1, Division 2 of Chapter 4](#), if the alternative placement plan is consistent with the intent of this provision.

(2) Building Separation. All portions of a multifamily dwelling structure must be a minimum of twenty feet from other multifamily dwelling structures, or any portions thereof.

(H) Exterior Construction.

(1) Construction Materials. Exterior design and construction materials of all MF structures must comply with provisions in [Article 6 of Chapter 4](#) of this GDC.

(2) Roofscapes.

(a) Roofing Materials. Roofing materials on a MF Structure must comply with the provisions of Article 6 of Chapter 4 of this GDC.

(b) Rooftop Equipment. Rooftop-mounted air-conditioning and other mechanical equipment on a MF structure must be screened in compliance with [Section 4.46](#) in Article 3, Chapter 4 of this GDC.

(I) Other Requirements.

~~(1) Storage Space. An enclosed storage facility must be constructed on-site for each dwelling unit in a MF structure, with convenient access to its corresponding unit. The minimum size of each storage facility must be twenty five square feet, and must contain not less than one hundred and seventy five cubic feet. A garage may not count as a storage facility unless the required storage space is added to the size of the garage. [Policy discussion with Council on this.](#)~~

~~(21) Clubhouse. A clubhouse must be constructed on-site and made available to all residents of a MF development, with the following minimum interior (that is, air-conditioned space) square footage requirements:~~

- (a) An MF development with two hundred dwelling units or less must have a clubhouse that is a minimum 2,500 square feet in size.
- (b) An MF development with two hundred and one dwelling units to three hundred and fifty dwelling units must have a clubhouse that is a minimum 3,500 square feet in size.
- (c) An MF development with over three hundred and fifty dwelling units must have a clubhouse that is a minimum 4,000 square feet in size. Alternatively, a MF development may have two clubhouses, each a minimum of 2,000 square feet in size.
- (32) Swimming Pool(s). One swimming pool having a minimum of eight hundred square feet of surface water must be provided for each MF development. A second swimming pool having a minimum of eight hundred square feet of surface water must be provided for any MF development that has more than two hundred and fifty dwelling units.
- (43) Leisure Areas. One leisure area having a minimum area of one thousand square feet, containing at least two pieces of play equipment, or other outdoor amenities (such as, picnic areas with tables, barbeque pits, arbors, or gazebos) must be provided for each MF development. A second leisure area (having the same requirements for amenities as the first leisure area) must be provided for any MF development that has more than two hundred and fifty dwelling units.
- (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.
- ~~(K) Approval Process. Prior to the issuance of a building or other development permit for the construction of a multifamily structure, a Preliminary Development Plan must first be approved administratively in accordance with the provisions of Article 1, Division 1 in Chapter 4 of this GDC.~~

(Ordinance 6773 adopted 5/19/15)

Section 2.40 Reserved

Division 3 - Nonresidential Districts

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](#).
 - (2) Maximum Lot Area. No main building or structure may be constructed or placed on a lot or land parcel exceeding the maximum lot areas provided for in [Table 2-5](#).
 - (3) Minimum Lot Width. The minimum lot width must be in compliance with the standards provided in [Table 2-5](#).
 - (4) Minimum Lot Depth. The minimum lot depth must be in compliance with the standards provided in [Table 2-5](#).
 - (5) Maximum Lot Coverage. Buildings or structures, or parts thereof, may not be erected, expanded or placed so as to cover more than the maximum lot coverage as provided in [Table 2-5](#).
 - (6) Maximum Floor Area Ratio (FAR). The combined floor area of main buildings and ~~accessory structures~~[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.~~

Table 2-5 - Nonresidential District Standards

		Minimum Yard Setbacks								
District	Minimum Lot Area	Adjacent to Street			Not Adj./ Street (Side and Rear)	Min. Lot Width	Min. Lot Depth	Max. Lot Building Coverage	Max. FAR	Max. Height
	Maximum Lot Area	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)(12)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					

(B) Yard Setbacks in all Nonresidential Districts.

(1) **Yards Adjacent to Streets.** In all nonresidential districts, yards adjacent to streets must be measured from the base, or foundation, of a building's closest vertical wall or facade to the existing or proposed right-of-way line of any adjacent street as provided in the City's *Major Thoroughfare Plan*, whichever requires the greater setback. Minimum yards for each nonresidential district must be in compliance with the standards provided in [Table 2-5](#) and as provided below:

(a) **One- or Two-Story Buildings.** The yards for one or two-story buildings in a nonresidential district must be in compliance with the standards provided in [Table 2-5](#).

(b) **Buildings Greater than Two Stories.** The yards for buildings, and portions thereof, greater than two stories in a nonresidential district, adjacent to a residential development, and separated by a street, must be in compliance with the standards provided in [Table 2-5](#), with an additional twenty-five feet of setback added for each story over two stories. However, no yard setback adjacent to a street may be required to be more than one hundred feet.

(c) **Infill/Redevelopment Buildings.** New infill/redevelopment buildings in a nonresidential district may have a reduced front yard setback that reflects the average setback of existing buildings along the same side of the street that are within two hundred linear feet of the subject property. The reduced setback may be no more than five feet less than the average setback of existing buildings along the same side of the street.

(d) **Garage or Automotive Doors Facing Street or Alley.** Regardless of other setbacks, a street- or alley-facing garage or automotive repair bay door must have a minimum setback of twenty feet from the street or alley right-of-way line (also see [Section 2.52\(A\)\(3\)](#)).

(2) Yards Not Adjacent to Streets. Yards not adjacent to a street in a nonresidential district must be measured from the base, or foundation, of a building's closest vertical wall or facade to the closest side or rear property line. Yards for each nonresidential district must be in compliance with the standards provided in [Table 2-5](#) and as provided below:

(a) For Buildings Thirty Feet in Height or Less. The setbacks for buildings thirty feet in height or less are provided in [Table 2-5](#).

(b) For Buildings Above Thirty Feet in Height and Adjacent to Residential Districts. The minimum side and rear setbacks for buildings above thirty feet in height and adjacent to residential districts are 1.25 times the maximum height of the building. However, in no case may a setback be required to be greater than fifty feet.

(c) Garage or Automotive Doors Not Facing Street or Alley. Regardless of other side yard setbacks, a garage or automotive repair bay door facing an adjacent/interior property line must have a minimum setback of twenty-four feet from the face of the door to the adjacent property line (also see [Section 2.52\(A\)\(3\)](#)).

(3) Projections. All portions of main buildings or structures, including projections, in a nonresidential district must be set back from property lines. Every part of a required yard must be open and unobstructed except that:

(a) Ordinary projections of window sills, belt courses, and other similar architectural features may project up to a maximum of one foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other similar architectural features may project up to a maximum of five feet into required front, side, and rear yards.

(b) An uncovered wood deck thirty inches or less in height may project into a required side or rear yard.

(c) No projection may overhang a property line or a right-of-way line.

(C) Height Limits in all Nonresidential Districts.

(1) Maximum Structure Height. No building or structure in a nonresidential district may exceed the maximum height provided for in [Table 2-5](#). See [Chapter 6](#) of this GDC, specifically definitions of *Building Height* and *Grade*.

(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 6 \[7\] 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.

(D) Parking in all Nonresidential Districts.

(1) Required Off-Street Parking. Off-street parking for each type of use and building in a nonresidential district must be in compliance with [Chapter 4, Article 2](#) of this GDC. Parking is allowed within required setbacks unless otherwise expressly restricted in a particular district.

(2) Heavy Load Vehicle Parking and Loading. No heavy load vehicle parking area in a nonresidential district may be located closer than twenty feet to any residential district boundary. However, if the heavy loading area is adjacent to a residential district boundary, the minimum setback requirement is increased to seventy-five feet.

(E) Recreational Vehicles in all Nonresidential Districts. Recreational vehicles, travel trailers, campers, motor homes, and similar vehicles may not be used for on-site dwelling purposes in a nonresidential district, unless expressly authorized pursuant to a PD district ordinance.

(F) Landscaping and Screening. Landscaping and screening requirements for all nonresidential districts must be in compliance with [Chapter 4, Article 3](#) of this GDC.

(G) Outside Storage or Display. Outside storage or display, if allowed in a district, must be in compliance with [Section 2.52\(A\)\(14\)](#) of this Chapter 2.

(H) Building Design. See [Article 6 in Chapter 4](#) of this GDC for building design standards.

(Ordinance 6773 adopted 5/19/15)

Section 2.42 NO, Neighborhood Office District

(A) Purpose. The Neighborhood Office (NO) district is intended to create an appropriate setting for low intensity office and professional uses. The district may be used as a transition district between residential uses and more intense uses. With appropriate buffers and landscaping, this district may be located contiguous to residential districts. Allowed uses should be compatible with adjacent residential areas by limiting heights to one story, and may not include uses that create excessive amounts of traffic, noise, trash, or late-night business operations.

(B) Allowed Uses. All allowed land uses (whether by right or by SUP) in the NO district are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Special Amenities. Since the Neighborhood Office district is intended to serve the immediate neighborhood(s) with professional office services and job opportunities, developments within the NO district must be small in scale (see maximum lot area in [Table 2-5](#)) and architecturally harmonious with the neighborhood. Where feasible, provision must be made for pedestrian access and convenience by connecting directly with sidewalks and trails to and from nearby neighborhoods.

(D) Shared, Off-Site and Reduced Parking. Shared, off-site, and reduced parking within a NO district must be in compliance with [Section 4.20](#) in Article 2, Chapter 4 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.43 CO, Community Office District

(A) Purpose. The Community Office (CO) district is intended to create an appropriate setting for medium and higher intensity office and professional uses. The district may be used as a transition district between low intensity office/retail uses and more intense uses. It is also generally appropriate along major transportation corridors. However, the CO district is generally not appropriate in proximity to low-density residential districts. Examples of allowed uses in a CO district are: professional offices, campus-style corporate office, research, and assembly operations that may be large in scale but that are conducted wholly within a building(s) with very limited or no outside storage.

(B) Allowed Uses. All allowed land uses (whether by right or by SUP) in the CO district are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Special Amenities. The Community Office district is intended to serve the larger community and region with professional office services and job opportunities. Where feasible, provision must be made for pedestrian access and convenience by connecting directly with sidewalks and trails to and from neighborhoods, shopping areas, and other employment centers.

(D) Shared, Off-Site and Reduced Parking. Shared, off-site, and reduced parking within a CO district must be in compliance with [Section 4.20](#) in Article 2, Chapter 4 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.44 NS, Neighborhood Services District

(A) Purpose. The Neighborhood Services (NS) district is intended to accommodate a limited range of small-scale retail and personal service activities that are supportive and desirable in proximity to residential neighborhoods. The district regulations are designed to ensure compatibility with the residential environment, minimizing the generation of additional noise, traffic, odor, fumes, or other objectionable conditions.

(B) Allowed Uses. All allowed land uses (whether by right or by SUP) in the NS district are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Shared, Off-Site and Reduced Parking. Shared, off-site, and reduced parking within a NS district must be in compliance with [Section 4.20](#) in Article 2, Chapter 4 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.45 CR, Community Retail District

(A) Purpose. The Community Retail (CR) district is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR district is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low-density residential districts without significant buffering and screening features. An example of allowed use in a CR district is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a CR district must be focused onto the major thoroughfare network. Development in a CR district may not be designed in a manner that increases traffic through residential areas.

(B) Allowed Uses. All allowed uses (whether by right or by SUP) in the CR district are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Shared, Off-Site and Reduced Parking. Shared, off-site, and reduced parking within a CR district must be in compliance with [Section 4.20](#) in Article 2, Chapter 4 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.46 LC and HC, Commercial Districts

(A) Purpose. The Light Commercial (LC) and Heavy Commercial (HC) districts are intended to provide locations for commercial and service-related establishments, such as building material and wholesale product sales, contractors' shops, automotive repair services, upholstery shops, and other similar commercial uses. Uses in this district may utilize outside storage areas that are screened from public view (see [Subsection 2.52\(A\)\(14\)](#) of this Chapter 2, and [Section 4.43](#) in Chapter 4, as applicable) as may be provided in the [Land Use Matrix](#), Article 5 of this Chapter 2. Some light manufacturing uses may also be allowed subject to certain conditions. The uses envisioned for the district will typically have operation characteristics that are generally not compatible with residential uses and some nonresidential uses. Convenient access to major thoroughfares and other transportation systems is a primary consideration for the types of uses that are found in the Commercial districts.

(B) Allowed Uses. All allowed uses (whether by right or by SUP) in the LC or HC districts are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Shared, Off-Site and Reduced Parking. Shared, off-site, and reduced parking within the LC or HC districts must be in compliance with [Subsection 4.20](#) in Article 2, Chapter 4 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.47 IN, Industrial District

(A) Purpose. The Industrial (IN) district is intended to provide for a wide range of industrial uses that are generally not compatible adjacent to residential neighborhoods, and may or may not be compatible with some nonresidential uses. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial district also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities. The Industrial district regulations are designed to ensure compatibility among the various uses allowed in the district, and to protect adjacent non-industrial development from potentially incompatible uses and conditions.

(B) Allowed Uses. All allowed uses (whether by right or by SUP) in the IN district are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Shared, Off-Site and Reduced Parking. Shared, off-site, and reduced parking within a IN district must be in compliance with [Section 4.20](#) in Article 2, Chapter 4 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.48 DAO, Downtown Automotive Overlay District

(A) Purpose. The Downtown Automotive Overlay (DAO) district is intended to allow for the transfer of certain development rights for automotive and similar uses to other sites within the same zoning overlay.

(B) General Provisions. The following provisions apply to the Downtown Automotive Overlay (DAO) district, as designated on the City's official Zoning Map and more particularly described below:

(1) Except as specifically provided in this Section, the inclusion of an area within an overlay district governed by the provisions of this Section do not affect the underlying zoning of such areas or any provision of a Planned Development or other ordinance pertaining to any property within the City.

(2) A Planned Development ordinance may further limit or regulate the uses allowed within the Planned Development district.

(3) In the event of a conflict between this [Section 2.48](#) and a Planned Development ordinance regulating the same property, the more restrictive regulation shall control.

(C) Description of the Downtown Automotive Overlay Boundaries. The Downtown Automotive Overlay district consists of all that area located within the boundaries as reflected on the Downtown Framework Plan (see Section 7.05.1(H) [\[Appendix A\]](#) in Chapter 7 of this GDC).

(D) Restrictions on Automotive Uses within the Downtown Automotive Overlay District.

(1) For the purposes of the Downtown Automotive Overlay district, an "automotive use" includes any business or

use of property that, as a whole or any component part, consists of any of the following uses listed in the [Land Use Matrix](#), Article 5 of this Chapter 2:

- (a) Automobile Leasing/Rental
- (b) Automobile Sales, New or Used
- (c) Automobile Repair, Major
- (d) Automobile Repair, Minor
- (e) Boat Sales, Leasing and Repair
- (f) Car Wash (Automated/Rollover, Self-Service/Wand, or Full-Service/Detail)
- (g) Impoundment Lot (Commercial or Private)
- (h) Motorcycle/ATV Sales, Leasing and Repair (New and Used)
- (i) Parking Lot or Garage, Commercial
- (j) Personal Watercraft Sales, Leasing and Repair (New and Used)
- (k) Recreational Vehicle/Trailer Sales, Leasing and Repair
- (l) Salvage Yard, Automotive
- (m) Travel Center/Truck Stop
- (n) Truck/Bus Repair
- (o) Truck/Bus Sales and Leasing/Rental
- (p) Truck/Bus Storage
- (q) Truck/Bus Wash
- (r) Wrecker/Towing Service

(2) An automotive use that was operating under a valid and existing Certificate of Occupancy as of April 19, 2005 must be allocated a transferable land use credit for each square foot of property occupied or used for the automotive use, inclusive of parking areas, but exclusive of any adjoining streets, alley, sidewalks, or other public property.

(3) A new automotive use may not operate, and an existing automotive use may not expand, unless the proposed or existing automotive use obtains transferable land use credits from another automotive use within the Downtown Automotive Overlay district for each square foot of area to be used in the operation or expansion. An automotive use that makes the transfer may not transfer less than all of its transferable land use credits and may only transfer those credits to a single transferee. The transferee may use less than all of the credits so transferred, but any unused credits are thereafter void and may not be further transferred. Credits may be transferred and aggregated to create a new site for an automotive use, or may be added to an existing site of an automotive use for expansion, but no site so created or expanded may exceed ten thousand (10,000) square feet in lot area. The transferable land use credits created by this Section may only be transferred within the Downtown Automotive Overlay district or to another area within the City where the automotive use is allowed. No transferable land use credit from any other zoning district may be transferred into the Downtown Automotive Overlay district.

(4) An automotive use that discontinues operating may transfer its transferable land use credits during the period ending sixty calendar days after the cessation of business of the automotive use, but the credits expire sixty calendar days after the automotive use ceases doing business. The termination of utility services to the automotive use is prima facie evidence of the cessation of business. Transferable land use credits may be transferred only by the owner of the land to which the credits apply.

(5) Notwithstanding the provisions of Subsection (4), above, in the event the building from which an automotive use operates is damaged or destroyed by fire, weather, calamity, or other cause beyond the control of the owner or operator of the automotive use, the owner may reconstruct the building damaged or destroyed, provided that:

- (a) Such reconstruction complies with all applicable ordinances, regulations, and standards then in effect; and
- (b) Application for building, development, and other necessary permits is made within six months (that is, 180 calendar days) following the event that caused the damage or destruction.

(E) Approval Process. All requests for transfer of credits shall be reviewed using the applicable permit approval process (as applicable for the particular development) as outlined in [Article 1, Division 2 in Chapter 4](#) of this GDC. All of the development standards required in the subject property's base zoning district will apply.

Division 4 - Mixed-Use Districts

Section 2.49 U, Urban Districts (UR and UB)

(A) Purpose. The Urban (U) districts are intended to allow cohesive, orderly, creative, and predominantly vertically-oriented mixed-use and mixed-density developments. There are two types of Urban districts: Urban Residential (UR) and Urban Business (UB). UR districts are predominantly residentially-oriented districts that may also include a limited number of integrated nonresidential uses that are compatible with, harmonious with, and supportive of, a high-density, urban-style residential neighborhood. UB districts are predominantly business- and shopping-oriented districts that may also include a limited amount of integrated residential uses that are compatible with, and supportive of, a high-density, urban-style business district.

The Urban districts are also intended to establish a distinctive community character in specially selected areas through innovative and mutually-sustaining land uses, urban-style and pedestrian-oriented site design, efficient traffic and pedestrian circulation, innovative and high-quality architectural elements and landscaping concepts, and other similar enhanced design features that will in turn elicit a strong sense of community, civic pride, and of satisfaction with quality of life among those who choose to enjoy the lifestyle created by these districts.

Appropriate flexibility in final design should be given to developers and designers of Urban districts to allow creativity for the opportunities associated with individual sites. The Urban districts can include a mixture of architectural styles ranging from contemporary to traditional. The general intent of these districts is to maximize utilization of land for a mixture of mutually sustainable uses, while also utilizing open spaces to the greatest extent possible in an urban setting for public recreation and leisure purposes. Urban districts are intended to include a diverse mixture of residential housing choices and business/employment opportunities (for example, live-work units) in a symbiotic and urban-style environment that not only accommodates residents' needs to live, work, learn, and play within a neighborhood setting, but that also builds long-term stability, civic pride and fiscal value for the community in general.

(B) Allowed Uses. All allowed uses (whether by right or by SUP) in the UR or UB district (as applicable) are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2. Single-family attached residences are only allowed in the Urban districts to the extent they are in compliance with the SFA district requirements.

(C) Use Integration. Developments within the Urban districts must be comprised of a mixture of residential and nonresidential uses that are conducive to a live-work environment.

(1) For UR districts, a minimum of seventy percent of the total building square footage within each development must be devoted to residential uses. The remaining building square footage (maximum 30%) must be devoted to compatible, complementary nonresidential land uses, predominantly on the first (ground) floor level.

(2) For UB districts, a minimum of seventy percent of the total building square footage within each development must be devoted to nonresidential uses (such as, retail, office, personal services). The remaining building square footage (maximum 30%) must be devoted to residential land uses, predominantly on levels above the first floor.

(3) Other combinations (in terms of percentages) of land use mixtures may be achieved by establishment of a Planned Development (PD) district that is based upon the applicable Urban district.

(D) Parking. Off-street parking and loading for Urban districts must be in compliance with provisions of the [Land Use Matrix](#), Article 5 of this Chapter 2 and with [Chapter 4, Article 2](#) of this GDC unless otherwise provided below.

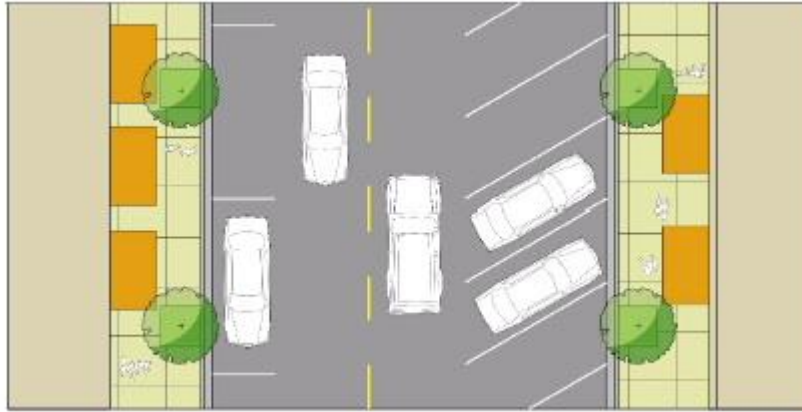
(1) Number of Parking Spaces. For all nonresidential uses in an Urban district, the number of required off-street parking spaces may be reduced as provided in [Section 7.11\(D\) \[7.12\(D\)\]](#) in Chapter 7 of this GDC (the DT district) for each type of use as shown on the [Land Use Matrix](#), Article 5 of this Chapter 2.

(2) Location. Surface off-street parking areas in an Urban district is prohibited in front of any structure within a designated front yard unless specifically approved during the plan review process. Surface off-street parking areas must be located generally to the side or rear of the main buildings in designated side or rear yards.

(3) Orientation. Surface off-street parking areas in an Urban district must be subdivided so as to avoid large expanses of pavement.

(4) On-Street Head-In or Angled Parking. Unless a street segment is restricted by City ordinance as a "No Parking" zone, a single bay of angled or parallel parking in an Urban district may be provided along the street in front of main buildings (see [Illustration 2-7](#)).

Example of Angled and Parallel Parking in Urban Districts



(5) **Shared and Off-Site Parking.** Shared or off-site parking arrangements in an Urban district may be approved during the review and approval of the initial development application. The requirements and procedures for a shared or off-site parking arrangement are provided in [Article 2, Division 3 in Chapter 4](#) of this GDC.

(6) **Structured (Garage) Parking.** To enhance the overall visual character of an Urban district, and to mitigate overall bulk appearance of parking structures, the following design standards apply to parking structures in an Urban district:

(a) All above-grade parking structures must be designed to be consistent with and complementary to the architectural style of the main building(s), and must incorporate at least two of the following design elements:

- i. Distinctive architectural elements (cornices, piers, columns, friezes, quoins, mullions, fenestration, pilasters, rustication, or accentuating belt courses – see [Illustration 2-8](#));
- ii. Variation in wall planes (wall openings, canopies, articulations, wall convexities and/or concavities, balconies, or awnings – see [Illustration 2-8](#));
- iii. Change in materials (defined as a minimum of two separate, compatible materials excluding glazing – each separate material must be at least twenty percent of each facade’s surface area, excluding glazing);
- iv. Change in colors (defined as a minimum of two separate, compatible colors excluding glazing – each separate color must be at least twenty percent of each facade’s surface area, excluding glazing).

(b) All above-grade parking structures must be designed with a distinguishable first floor, upper facades, and roofs. Parking garage first floors must be designed at human scale with pedestrian-scale elements such as awnings, canopies, window breaks, and door openings.

(c) Above-grade parking garages may be designed using decorative metal elements such as ornate meshes, screens and the like, but non-decorative steel guard cables that are visible to the public or to adjacent properties are prohibited.

(7) **Individual Residential Garages and Driveways.**

(a) Individual residential garages and driveways in an Urban district must be designed, constructed, and operated to allow access only from a rear (or side) alley or an interior common access service drive aisle, a dedicated fire lane, or a dedicated shared parking court (and may not be facing or accessed from a public street).

(b) Garages in an Urban district must be set back from any street or alley right-of-way a minimum of twenty feet;

(c) Driveways for residential dwelling units must be no wider than twelve feet until the driveway is beyond the adjacent front building face.

Illustration 2-8

Examples of Acceptable Facade Articulation for Parking Structures



(E) Screening and Buffering.

(1) Screening and Buffering Between Uses. Screening walls or other buffering elements in an Urban district, which are typically required between varying types of uses (see [Chapter 4, Article 3](#) in this GDC), are only required when establishing a new nonresidential use adjacent to a pre-existing residential use or residential zoning district. This requirement may be waived by the Planning Director during the review and approval of the initial development application if the Director determines the screening is not necessary to protect the adjacent property from the new use. Required screening devices in an Urban district must be designed in such a way that allows pedestrian access to the development from public sidewalks along streets, as well as from adjacent properties where cross-access would be beneficial to both properties.

(2) Screening of parking areas, loading areas, solid waste containers, ground-mounted and roof-mounted mechanical equipment, and other site features must be in compliance with the standards provided in [Chapter 4, Article 3](#) of this GDC.

(F) Signage. All signage within an Urban district must be in compliance with [Chapter 4, Article 5](#) unless otherwise provided below:

(1) Unity in Design. Signs within an Urban district must conform to a unified design, such that size, materials, and

colors of each sign are similar and complementary.

(2) Freestanding Signs. All freestanding signs within an Urban district must be monument style (that is, not pole or pylon style), unless otherwise varied and approved during the sign permitting process.

(3) Pedestrian-Scale Signs. Signs in a pedestrian-scale setting (such as along storefront pedestrian walkways) within an Urban district must be pedestrian-oriented and may include under-awning, hanging signs, or perpendicular signs attached to a building.

(G) Pedestrian Access - Sidewalks. Sidewalks must be provided between the street and the building, and shall be a minimum of eight feet in width except in pre-developed areas where the sidewalk system is already established prior to the effective date of this GDC. In those areas, redevelopment of lots or tracts must include repairs or replacement of the adjacent portion of the existing sidewalk, as determined by the Director of Transportation and in compliance with the City's standards in effect at the time. Barrier-free ramps must be added (or replaced) at all street corners and at any designated mid-block pedestrian crossings in accordance with local, state, and federal law.

(H) Building/Architectural Design.

(1) Purpose. The intent of architectural design controls in Urban districts is to promote distinctive, high-quality architectural design in a pedestrian-scale setting that sets a particular Urban development apart visually (and thematically) from other developments in the vicinity. The development standards provided in this Section are intended to promote continuity among redevelopment projects and new structures within a particular Urban district.

(2) Compatibility. Exterior construction in an Urban district must be compatible and complementary as to design and colors throughout each development.

(3) Uniformity. All buildings must employ "four-sided architecture" in an Urban district, meaning that comparable design elements must be used on all exposed sides of a building. No lesser quality design elements may be used in an Urban district for the rear or any side of a building unless the side is screened from ground level view.

(4) Articulation. Architectural features of buildings in an Urban district must provide diversity and articulation of wall surfaces through use of one or more of the following architectural elements: pilasters, quoins, projected awnings, solid canopies, bay windows, or towers. Additional horizontal and vertical building articulation requirements of an Urban district are as follows:

(a) Horizontal Building Articulation.

i. Building facades that are visible to a public street and that are between forty feet and one hundred feet in length require at least one horizontal articulation break that is a minimum of two feet in depth for at least twenty percent of the total length of the building facade. Curved facades may be used to meet the articulation requirement if at least one-half of the curved facade meets the minimum two-foot depth.

ii. Building facades that are visible to a public street and that are over one hundred feet in length require at least one horizontal articulation break per fifty linear feet that is a minimum of two feet in depth, so that the cumulative articulation breaks total at least twenty percent of the building facade's total length. Curved facades may be used to meet the articulation requirement if at least one-half of the curved facade meets the minimum two-foot depth.

(b) Vertical (Roofline) and Building Articulation.

i. Building facades that are visible to a public street and that are between forty feet and one hundred feet in length require at least one vertical articulation break that is a minimum of twenty percent higher or lower than the building facade's average unarticulated height for at least twenty percent of the building facade's total length.

ii. Building facades that are visible to a public street and that are over one hundred feet in length require at least one vertical articulation break that is a minimum of twenty percent higher or lower than the building facade's average unarticulated height for every fifty linear feet, so that the cumulative vertical articulation breaks total at least twenty percent of the building facade's total length.

(c) Each sequential block of new development within an Urban district must contain a unique, but visually compatible, building facade to encourage architectural variety within larger projects by using a combination of architectural elements.

(5) Facades and Building Forms. ~~an~~ 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:

(a) First floor facades may not exceed twenty feet in height, but interior spaces may be taller than upper level

building floor-to-ceiling heights;

(b) First floor facade heights must be consistent for individual buildings, so as to form a distinctive horizontal “base floor” visual element;

(c) Buildings must reflect a small-scale visual pattern along the street frontage with building bay widths of approximately twenty-five to fifty feet;

(d) Upper facades must be designed using architectural elements such as window spacing, facade sections, projections/concavities, awnings, window covers, window hoods, and balconies;

(e) Individual floors must be identifiable with elements such as material changes, trim, color changes, moldings, cornices, belt courses, awnings, balconies, or other similar architectural features; and

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

i. Architectural elements such as cornices, piers, columns, friezes, quoins, mullions, fenestration, pilasters, rustication, or belt courses.

ii. Variations in wall planes with canopies, balconies, or awnings.

iii. Changes in materials or color – each facade must incorporate at least two separate materials or color changes, excluding glazing. Each separate material or color change must comprise at least twenty percent of each facade’s appearance, excluding glazing.

(6) Highly Reflective Exterior Construction Materials.

Highly reflective materials and surfaces, including reflective metal siding and mirrored glass glazing, must be installed in such a manner as to diffuse reflective light and prevent the focused redirection of sunlight or other luminants beyond the boundary line of the premises on which the facility is located.

(7) Exterior Colors.

(a) The use of florescent paint and florescent colors are prohibited in an Urban district.

(b) Exterior colors must complement one another, and must promote the architectural style of the Urban district.

(8) Building Entries.

(a) Main building entrances in an Urban district must be from public sidewalks or plazas and comply with the following:

i. In order to create a pedestrian-oriented and access-friendly environment, a building must have its main entrance from a public sidewalk or plaza or from a private sidewalk or plaza that is publicly accessible through a public easement.

ii. Secondary entrances to a building from a parking lot are permitted.

iii. Main entrances to a building must be easily identifiable and must utilize pedestrian-scale design elements.

(b) Building entrances in an Urban district must be accented by architectural elements such as recessed facades, columns, overhanging roofs, awnings, or balconies.

(c) Spaces in an Urban district that are along pedestrian walkways and parking lots must provide rear entrances to buildings that are identifiable with elements such as signage, plantings, awnings above rear windows, or other human-scale elements.

(d) Residential Entries. Street-level dwelling units within multi-unit structures in an Urban district must have individual street-oriented or common corridor entries. The fronts of all townhouse, row home or other single-family attached dwelling units shall face an adjacent open space, park or street.

(9) Roofs.

(a) Roof lines in an Urban district must be consistent with the coordinated architectural theme and variable in terms of shape, pitch, and height, in order to avoid long expanses of flat similar roof lines.

(b) Roofs in an Urban district must be designed as individual design elements, and must be utilized to screen roof-mounted mechanical equipment and satellite dishes.

(c) The use of mansard or gambrel roofs is prohibited in an Urban district.

(l) Site Design.

- (1) Purpose. The intent of site design controls in Urban districts is to optimize pedestrian scale, building utilization, efficient traffic circulation, and visual quality. The arrangement of building masses, parking areas, open spaces, landscaping, pedestrian walkways, and site furnishings must encourage pedestrian activity, create unique views, and create an attractive, safe, and sustainable development site.
- (2) Site Design.
 - (a) Building Orientation. Building orientation in an Urban district must consider uses both within structures and outside; plazas, open spaces, and other pedestrian spaces must be integrated into the site.
 - (b) Block Lengths. Block lengths in Urban districts must be characterized by smaller, walkable blocks that are connected to each other; cul-de-sacs or other single-entrance streets are prohibited unless, due to topography or existing development patterns, there is no other reasonable alternative to serve the Urban development. Single-entrance streets may be approved by the Planning Director during the development review process based on the foregoing criteria. Small block lengths and connected street patterns provide opportunities for traffic efficiency and pedestrian connectivity.
 - i. The minimum length of a street block is two hundred feet in an Urban district.
 - ii. The maximum length of a street block is five hundred feet in an Urban district.
 - (c) View Corridors. The arrangement of streets, open spaces, and buildings in an Urban district must create view corridors where practicable.
 - (d) Scale. The massing of new buildings in an Urban district must be articulated in a variety of ways, including the use of projecting and recessed elements such as porches, cantilevers, balconies, bay windows, and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality, and to contribute to human-scale development. Larger-scale residential buildings with a box-like appearance are prohibited in an Urban district unless approved by the Planning Director during the development approval process to the extent that the Planning Director determines that the buildings meet the spirit and intent of the Urban district.
- (3) Height, Density and Area Requirements. The following are the height, density, and area requirements required for lots and structures in an Urban district, unless otherwise provided in this Section:
 - (a) Minimum size of an Urban district rezoning request is three acres unless the area to be rezoned is immediately adjacent to an existing Urban district.
 - (b) Minimum lot width is thirty feet.
 - (c) Minimum lot width for multifamily tracts is seventy-five feet.
 - (d) Minimum lot depth is one hundred feet.
 - (e) Maximum lot coverage may not exceed eighty percent of the site unless a higher amount is granted as part of a Planned Development.
 - (f) Minimum building height is thirty feet if residential or vertical mixed-use, fifteen feet if nonresidential.
 - (g) Maximum building height is seventy-five feet, excluding roof-mounted mechanical equipment or architectural design features.
 - (h) Minimum density of multifamily residential is thirty dwelling units per net developable acre of land.
 - (i) Maximum density of multifamily residential is eighty dwelling units per net developable acre of land.
 - (j) The minimum dwelling unit sizes in the Urban district must follow the MF district standards.
- (4) Yard and Build-To Lines.
 - (a) Yards in an Urban district must be free from any encroachments, unless otherwise provided for in this GDC, including primary buildings, accessory buildings, detached garages, and ground-mounted mechanical equipment.
 - (b) Buildings and structures in an Urban district must be in compliance with the following provisions (all setbacks are measured from the property line):
 - i. Front maximum build-to line is twenty feet; all areas adjacent to a street are front yards; no parking is allowed in the front yard unless otherwise approved during the site permitting process.
 - ii. Front minimum build-to line is ten feet from a public street right-of-way line, and zero feet from a private street or access easement provided that utilities and pedestrian circulation (sidewalks) are accommodated.
 - iii. The maximum front porch setback is fifteen feet.

- iv. All rear and side yards must be a minimum of ten feet.
- v. Dwelling units may be attached to each other with appropriate fire walls (in accordance with the City Code).
- (c) At least seventy-five percent of the front facade of any structure facing a street in an Urban district must be located between the minimum and the maximum build-to lines. Up to twenty-five percent of the facade may be located further from the back-of-curb than the maximum build-to line but may not be located greater than fifty feet beyond the maximum build-to line. No part of any front facade in an Urban district may be located between the back-of-curb and the minimum build-to line (see Illustration 2-10).
- (d) The following provisions apply to side-yard and rear-yard setbacks in an Urban district, where adjacent to traditional single- or two-family residential districts:
 - i. Urban developments must provide a solid masonry screening wall that is in compliance with the design standards provided in [Chapter 4, Article 3](#) of this GDC), and the minimum side and rear setbacks must be 1.25 times the maximum height of the building or a maximum of fifty feet.
 - ii. Where adjacent to a single-family district, all portions of the building above thirty-five feet in height must be set back to fit within a forty-five degree slope measured from the residential property line to maintain privacy for adjacent traditional single- or two-family residential zoning (see Illustration 2-9).

Illustration 2-9

Example of Setback for Shallow Parcels Adjacent to Traditional Single- and Two-Family Zoned Residential Areas

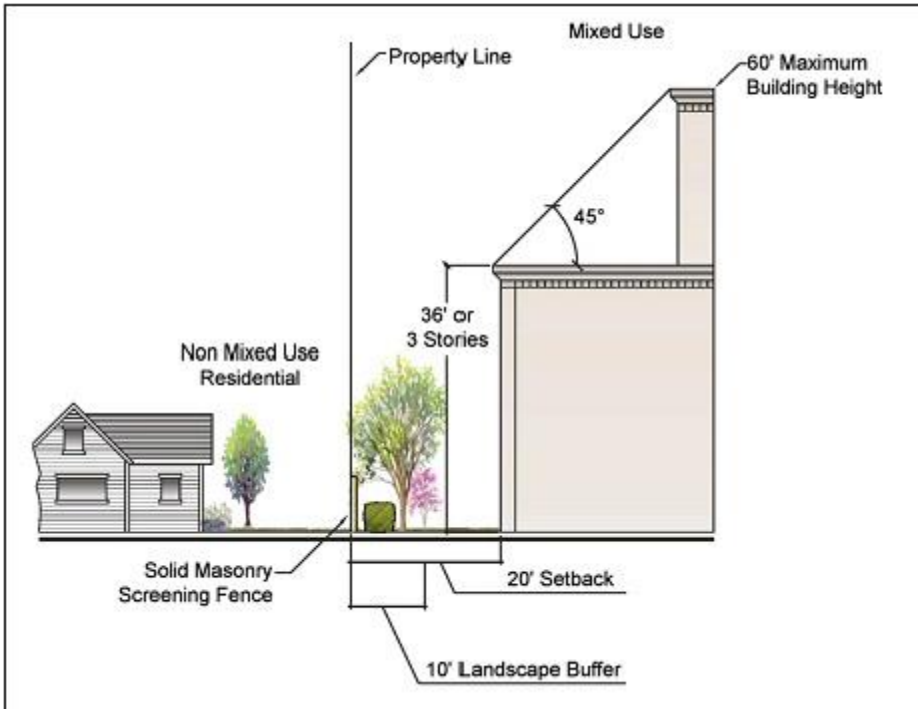
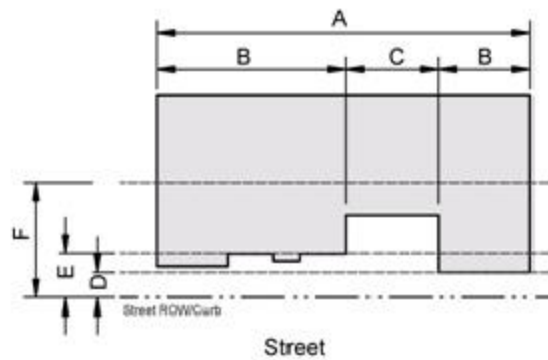


Illustration 2-10

Front Setback and Build-To Lines for Mixed-Use Buildings

Front Setback & Build-To Lines – Mixed-Use Buildings
(plan view shown in example)



- A** - Building's total street-facing length
- B** - At least 75% of façade length shall be located between the minimum and the maximum build-to lines
- C** - No more than 25% of façade length can be located behind the maximum build-to line
- D** - Front minimum build-to line = 10'
- E** - Front maximum build-to line = 20'
- F** - Absolute maximum building setback: maximum build-to line 20' plus 50' = 70'

(5) Amenities. The residential components of an Urban district must incorporate and provide ~~and provide [sic]~~ 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:

- (a) Swimming pool;
- (b) Fitness center;
- (c) Business center;
- (d) Dining establishment;
- (e) Game and leisure room;
- (f) Personal services (such as, hair salon, therapeutic massage);
- (g) Multi-purpose gymnasium;
- (h) Meeting/conference rooms;
- (i) Convenience/sundries shop; or
- (j) Child care center.

(6) Amenities Required by Size of Development. The minimum number of amenities that must be provided on-site (or as may be approved off-site pursuant to Subsection (7) below) for the residential components of an Urban district are as follows:

- (a) A development having up to, and including two hundred dwelling units must provide at least two of the amenities listed in Subsection (5) above;
- (b) A development having two hundred and one dwelling units to five hundred units must provide at least four of the amenities listed in Subsection (5) above; and
- (c) A development having five hundred and one or more dwelling units must provide at least six of the amenities listed in Subsection (5) above.

(7) Shared Amenities. The Planning Director may, using the procedure for alternative compliance (as set forth in [Chapter 4, Article 1, Division 2](#) of this GDC), approve shared use of amenities among two or more developments provided that use of the amenities by residents of all applicable developments is ensured in perpetuity in a form that is acceptable to the City.

(8) Site Furnishings. Site furnishings in an Urban district development must comply with the following:

(a) Site furnishings, including (but not limited to) benches, litter receptacles, planters, bollards, lighting, bicycle racks, public art, and fountains in an Urban district must emphasize the architectural character of each individual Urban development.

(b) Individual Urban developments must maintain continuity in the style, forms, materials, and colors of site furnishings. Site furnishings must be of the same architectural character as the buildings in the development.

(c) Site furnishings must be durable, low-maintenance, and resistant to vandalism.

(d) Site furnishings must be placed so as to maintain an unencumbered walkway of at least four feet in width for pedestrians.

(e) Lighting for off-street parking facilities and pedestrian corridors must be of the same height, style, and color. Lighting must complement the architectural style and character of the buildings in the development.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 5 - USE REGULATIONS

Division 1 - Interpretive Rules

Section 2.50 Uniformity

(A) Use of Land and/or Buildings. The use of land and buildings must conform to those listed in the following [Land Use Matrix](#). No land or building may be used and no building or structure may be erected, altered, or converted other than for those uses expressly allowed in the zoning district in which it is located.

The legend for interpreting the allowed uses in the [Land Use Matrix](#) (Article 5, Division 2 of this Chapter 2) is:

P	The land use is allowed by right in the zoning district indicated.
	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.

(B) Unlisted Use. If a use is not listed (or blank) in the [Land Use Matrix](#), it is prohibited in all zoning districts except as provided in Section 2.50(C).

(C) Classification of New & Unlisted Uses. New types of land use may arise in the future, and forms of land use not presently anticipated may seek to locate in the City. In order to provide for new uses, a determination as to the appropriate classification of any new or unlisted form of land use in the [Land Use Matrix](#) (Article 5, Division 2 of this Chapter 2) shall be made as follows.

(1) A new and unlisted use may be interpreted by the Planning Director as similar to a listed use.

(a) The unlisted use must possess the majority of characteristics of the listed use.

(b) If the Planning Director determines an unlisted use is substantially similar to a listed use, no amendment of the [Land Use Matrix](#) is required.

(c) If the use is not found to be substantially similar to a listed use, it must be considered as a prohibited use and must be submitted to the Plan Commission and City Council as provided in Subsection (2)(c) below.

(2) A person, City department, the Plan Commission, or the City Council may propose text amendments to zoning regulations to regulate new and previously unlisted uses.

(a) A person requesting the addition of a new or unlisted use must submit to the Planning Director all information necessary for the classification of the use, including the following:

- i. The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - ii. The type of product sold or produced under the use;
 - iii. Whether the use has enclosed or open storage and the amount and nature of the storage;
 - iv. Employment anticipated with the use;
 - v. Transportation characteristics of the use;
 - vi. The nature and time of occupancy and operation of the premises;
 - vii. The off-street parking and loading requirements of the use; and
 - viii. The amount of noise, odor, fumes, dust, toxic materials, and vibration likely to be generated by the use;
- (b) The Planning Director shall refer the question concerning any new or unlisted use to the Plan Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts related to the information listed in Subsection (a) above.
- (c) The Plan Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses allowed in the various districts and determine the zoning district or districts that will allow the use (whether by right or by SUP).
- (d) The Plan Commission shall report its recommendations to the City Council as to the classification proposed for any new or unlisted use.
- (e) The City Council shall consider the recommendation of the Plan Commission and make a determination concerning the classification of such use. If approved, the new or unlisted use shall be amended in the [Land Use Matrix](#) according to procedures outlined in Article 2 of this Chapter 2 (that is, following notification and public hearing) for a zoning text amendment.
- (Ordinance 6773 adopted 5/19/15)

Division 2 - Land Use Matrix

Section 2.51 The Land Use Matrix

- (A) The [Land Use Matrix](#) is as set forth [at the end of this chapter].

(Ordinance 6773 adopted 5/19/15)

Section 2.52 Special Standards for Certain Uses

(A) Specific Requirements. The City has established the following standards for certain land uses that apply to the uses regardless of the zoning district in which they are located, unless otherwise stated within other sections of this GDC. The definitions for each land use listed below are contained within Chapter 6 of this GDC.

- (1) Convenience Stores. Convenience stores must comply with the following provisions of this Subsection (1):

- (a) A Convenience Store may not offer drive-in, drive-up, drive-through or walk-up sales, or service of pre-packaged, sealed, unopened beverages.
- (b) A Convenience Store must contain a minimum of one thousand square feet of retail space unless it is located in a multi-tenant building in an Urban district.
- (c) For purposes of this Section, the terms “drive-in,” “drive-up,” “drive-through” and “walk-up” do not prohibit the service of food or beverages to customers:

- (i) Who must physically leave their vehicles and enter a building in order to make a purchase; or
- (ii) As part of a drive-through restaurant in connection with the sale or service of food to the customer.

(2) Youth Day Care Centers and Private Schools (including Kindergartens and Pre-Schools). Youth Day Care Centers and Private Schools must comply with the development standards of the zoning district and with the following regulations and standards of this Subsection (2):

- (a) State License. All Day Care Centers and Private Schools must have and maintain a valid State license, if required, for the type of operation.
- (b) Outdoor Play Area.

- (i) All Day Care Centers and Private Schools must provide at least sixty-five square feet of fenced outdoor play space per child, based upon the maximum licensed capacity of the facility. The required outdoor play area may have no perimeter dimension of less than thirty linear feet. However, where the minimum requirements of outdoor play area have been met, any additional space used as a portion of the outdoor play area may be of any dimension. For Day Care Centers or Private Schools that are located within an office building, retail center, or other nonresidential structure, the outdoor play area requirement may be satisfied by providing an equivalent amount of indoor play space (such as a gymnasium or other enclosed area that is conducive to recreational activities).
- (ii) The outdoor or indoor play area must be directly accessed from the main building unless otherwise approved by the Planning Director during the development review process.
- (iii) The outdoor play area, including any additional space in excess of minimum requirements, must be completely enclosed by a minimum five-foot tall fence with at least two exits.
- (iv) The outdoor play area must have large canopy trees at the rate of at least one tree per five hundred square feet of play area, and at least fifty percent of the outdoor play area must be pervious (that is, unpaved), except when otherwise provided for when a Specific Use Provision has been granted or through approval of a request for alternative compliance in accordance with [Article 1, Division 2 in Chapter 4](#) of this GDC.
- (v) At least one active play structure or apparatus (such as a swing-set or slide) must be provided for outdoor play areas.
- (vi) Outdoor play areas are prohibited in required front yards.
- (c) Screening of Outdoor Play Area. A minimum six-foot high solid fence is required along play areas that are adjacent to residentially zoned property.
- (d) Parking and Loading. Paved off-street parking must be provided at the ratio shown on the [Land Use Matrix](#), Article 5 of this Chapter 2 unless the facility is located within (or integrated with) an office structure as an accessory use primarily oriented to its tenants and their clients or guests.
- (e) Off-Street Loading Area. A paved area must be provided for the loading and unloading of children on a pass-through, distinct private driveway, exclusive of any fire lane(s), except when otherwise provided for when a Specific Use Provision has been granted or through approval of a request for alternative compliance in accordance with [Article 1, Division 2 in Chapter 4](#) of this GDC.
- (f) Access/Paving. Primary access must be from a collector or larger street (not an alley or fire lane). All driveways, entrances, and parking areas must conform to City standard specifications.
- (3) Automotive Uses.
 - (a) Motor Fuel Pumps and Canopies. Motor fuel pumps and canopies must comply with the following provisions and standards of this Subsection (3)(a):
 - (i) Motor fuel station pump islands (and their canopy structures) must be set back a minimum of twenty feet to a property line that is adjacent to a public street, and a minimum of fifteen feet to any property line that is not adjacent to a public street or a residential zoning district.
 - (ii) Motor fuel pump service areas must be designed with service parking bays and escape lanes as shown in [Illustration 2-11](#) and [Illustration 2-12](#).
 - (b) Car & Heavy Load Vehicle/Bus Washes. Car, heavy load vehicle, and bus washes must comply with the stacking requirements provided in [Section 4.20](#) of Chapter 4.
 - (c) Automotive Service Bays. Automotive service bays must comply with the stacking requirements provided in [Section 4.20](#) of Chapter 4. Overhead/roll-up service bay doors may not face any public street unless expressly provided below:
 - (i) An oil/lube change establishment and an automated car wash bay may have overhead/roll-up service bay doors on opposite sides of the building for drive-through convenience. For a corner lot, only one set of service bay doors (either entrance or exit) may face onto the secondary roadway (for example: along a freeway frontage road or a major arterial one set of doors face onto the perpendicular side street and the other/opposite set of doors must face the interior side yard). For a through lot, or for a lot having three or more sides facing a public street, or for another peculiar circumstance pertaining to how a development site is situated, a request for alternative compliance may be submitted (see [Article 1, Division 2 in Chapter 4](#) of this GDC) for consideration of an alternative placement of doors.
 - (ii) Legally nonconforming overhead or roll-up service bay doors in existence as of the effective date of this GDC may remain for their current purpose. However, upon any change of use on the property to any non-automotive use

(unless the non-automotive use requires the bay doors for its operation, such as a contractor's office/warehouse) any overhead or roll-up service door must be permanently closed and removed. The remaining openings must be converted to either fixed-pane windows or solid exterior construction that matches, to the greatest extent practical, the colors and finishes of the building. Alternatives to this requirement may be considered for approval through submission of a request for alternative compliance in accordance with [Article 1, Division 2 in Chapter 4](#) of this GDC.

(d) Automobile Leasing/Rental. An automobile leasing or rental establishment may provide for on-site, short-term, incidental storage of automobiles to be rented. However, any on-site storage of inoperable vehicles (or vehicles needing repairs) including motorbikes, motor scooters, and recreational vehicles, is limited to a maximum of three calendar days.

(e) Automobile Parts Sales, Retail (Indoors). Indoor Retail Automobile Parts Sales uses may not: (i) store inoperable vehicles or vehicles requiring repair overnight; (ii) conduct on-site repairs of vehicles; (iii) have vehicle repair bays; or (iv) conduct other outside storage activities.

(f) Automobile Repair, Major. Major Automobile Repair uses may not: ~~(i)~~ conduct any outdoor vehicle or equipment repairs; ~~(ii)~~ or maintain or store overnight vehicles, parts, equipment, or accessories outdoors, except the parking of

(i) ~~vehicles~~ Vehicles currently being repaired, ~~which~~ may remain on-site for a maximum of ninety calendar days; ~~or~~

(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 600 square feet per garage bay.

(iii) A Major Automobile Repair business may not ~~(iii)~~ 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: ~~(i)~~ conduct any outdoor vehicle or equipment repairs or; ~~(ii)~~ maintain or store overnight vehicles, parts, equipment, or accessories outdoors.

(i) ~~, except the parking of vehicles~~ Vehicles currently being repaired, ~~which~~ 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.

Illustration 2-11

Motor Fuel Pump Islands - Two in Each Queue

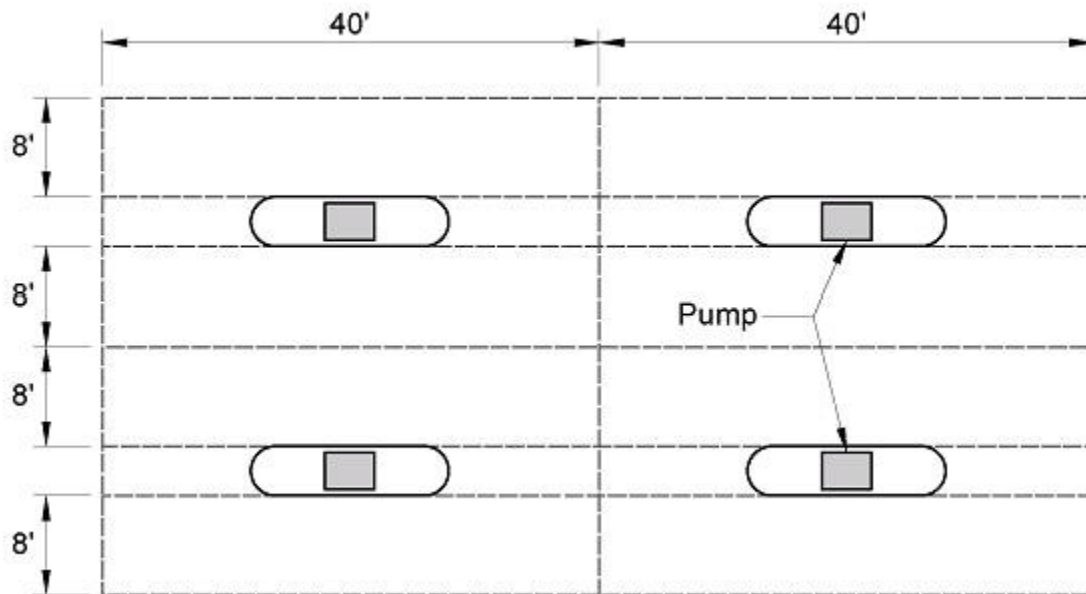
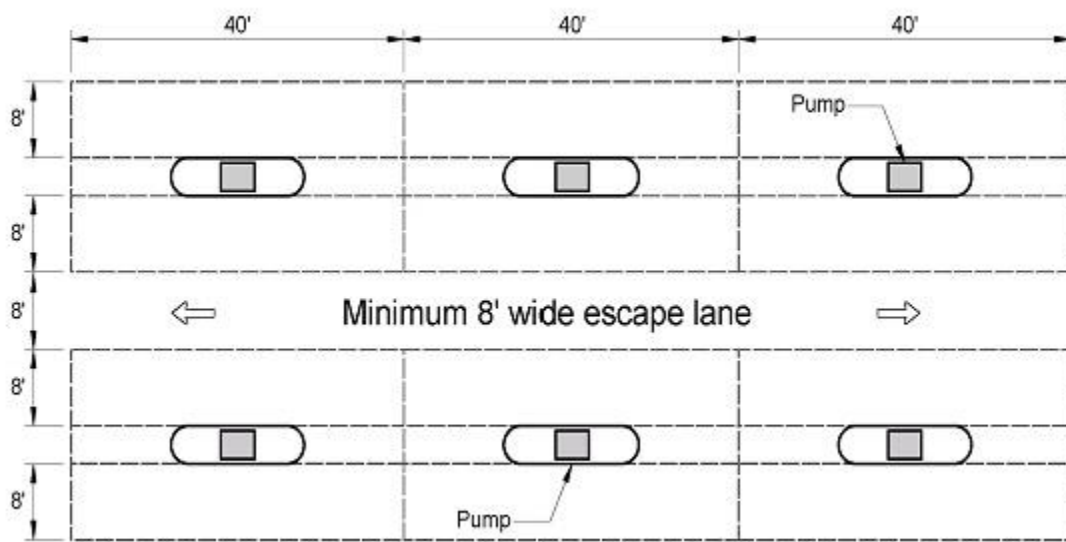


Illustration 2-12

Motor Fuel Pump Islands - Three or more in Each Queue



(4) Residential Buildings - Use or Conversion of Existing Building; Dwelling, Industrialized Housing Units. ~~No building or portion of a building that is designed, constructed, or used as a residence may be converted to a nonresidential use of any type unless expressly provided for in this GDC.~~

~~(a) — Compliance with City Codes.~~ 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 building may ~~be approved~~ approve the building conversion ~~for conversion subject to all applicable provisions of this Subsection 2.52(A)(4).~~

~~(b) — In a Nonresidential Zoning District.~~ Subject to above Subsection (a), a residential building in a nonresidential zoning district may be converted to a nonresidential use. The Building Official may issue a Certificate of Occupancy for nonresidential use in a residential building in a nonresidential zoning district.

~~(c) — In a Residential Zoning District.~~ In a residential zoning district, the City Council may approve the conversion after receiving a recommendation thereon from the Plan Commission and after conducting a public hearing on the matter.

(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 ~~residence~~dwelling, and no new residential dwellings may be erected, within a nonresidential zoning district.

(b) Any single-family residential dwelling existing in a nonresidential district at the time of the effective date of this GDC, and uses and buildings erected as accessory to a single-family dwelling, may be repaired, altered or added to, including new accessory buildings, the same as if the dwelling were erected in a single-family residential district (see [Article 7](#) in this Chapter 2 for Nonconforming Uses & Structures).

(c) Recreational vehicles, travel trailers, tents and other forms of portable or temporary housing may not be used for dwelling or guest housing purposes in any district.

(d) Industrialized Housing Unit Dwellings modules must bear a permanently affixed decal issued by the Texas Department of Labor and Standards which indicates compliance with the standards, rules and regulations established by the Department for industrialized homes.

(e) Live/Work Dwellings must have a separate entry from a public walkway for the living and working areas, and the residential component must be located above the commercial use or behind the commercial use in relation to the primary entry. The business activity occupying a live/work unit may utilize employees in addition to the residents; however, at least one of the full-time workers of a live/work unit must reside in the unit, and the residential area may not be rented separately from the working area.

(6) Tattooing/Body Piercing Establishments. Tattooing/body piercing establishments, when developed as an allowed use, must comply with the development standards of the district and the following regulations and standards of this Subsection (6):

(a) Location. Tattooing/body piercing establishments may not be located within five hundred feet of 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 measurement of the distance between the establishment and a residence, church or place of worship, public or private school, park 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.

(b) State License. A tattooing/body piercing establishment, or employee of, or persons providing a regulated service therein, must maintain a valid state license at all times where a license is required by state law.

(c) Permanent Cosmetics. The application of permanent cosmetics (as defined in [Chapter 6](#) of this GDC) is allowed as an accessory use in any personal service establishment that is related to personal appearance (such as, hair salons, nail salons, waxing or tanning salons, or spas), subject to the establishment, employees, or persons providing a regulated service therein, having a valid state license at all times, where a license is required by state law.

(7) Kiosks.

(a) Kiosks are prohibited within required building setbacks, required parking spaces, easements, fire lanes, drive aisles, and rights-of-way.

(b) Merchandise and dropped-off materials are prohibited outside of a kiosk structure.

(c) A maximum of one kiosk is allowed per fifty thousand square feet (or portion thereof) of floor area on a property, and no more than three kiosks may be located within a shopping center site.

(d) Any type of kiosk that is of “drive-up” or “drive-through” style, as may be allowed in the zoning district where it will be placed (see the [Land Use Matrix](#) in Article 5 of this Chapter 2), must have at least two vehicle stacking spaces for queued vehicles.

(e) Any kiosk designed or intended to be occupied must have a minimum floor area of twenty-five square feet.

(f) An ATM kiosk may be within the main building, on-site and detached from the main building, or located off-site. ATMs located within, attached to, or incorporated within a bank’s drive-through canopy are considered accessory to the principal bank use.

(8) Recycling/Used Goods Collection Facilities. ~~Recycling and reclamation facilities must comply with all regulations for the district in which it is located and with the following provisions of this Subsection (8):~~

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

~~(i) — facilities 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);

(ii) ~~facilities must be serviced/emptied regularly to avoid overfilling and spillage of materials (materials and litter are prohibited outside the kiosk or container) (applicable to temporary facilities only);~~

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

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

(v) ~~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~~

(vi) ~~Items being stored outdoors, where allowed, may not be stacked or stored above the height of the screening device.~~

~~(b) Used Goods Collection Point – Kiosk or Container.~~

~~(i) Maximum size: The maximum size of a used goods collection point is one hundred and forty square feet, and it must fit within one non-required parking space;~~

~~(ii) The collection point may not be used for the collection of any hazardous or flammable material; and~~

~~(iii) The collection point 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).~~

~~(c) Used Goods Collection Point – Trailer.~~

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

~~(ii) A trailer used as a collection point may not be used for the collection of any hazardous or flammable material; and~~

~~(iii) A trailer used as a collection point 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).~~

~~(d) Recycled Materials Collection Kiosks and Containers (attended or self-serve).~~

~~(i) Maximum size: A kiosk or container used for the collection of recycled materials must be no larger than one hundred and forty square feet (any recycling or reclamation collection kiosk or container larger than 140 square feet is considered a Recycling Collection Center, and must meet the City's construction standards for buildings in its applicable zoning district);~~

~~(ii) A recycled materials collection kiosk or container may not be used for the collection of any hazardous or flammable material;~~

~~(iii) Where the collection point for recycled materials is a trailer, movable vehicle, or other non-permanent facility, the facility 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); and~~

~~(iv) Recycled materials kiosks, whether self-service or attended, may not process the collected materials on-site. The kiosks may be utilized only as a drop-off location. 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.

(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;

(d) Decals and permits.

(i) Permit & Decal Required. All kiosks, containers, and trailers 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, container or trailer in compliance with the provisions of this section. Obtaining the permit shall be a condition precedent to placing or maintaining the kiosk, container, or trailer.

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, container, or trailer 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. Failure to obtain and display a decal indicating the kiosk, container or trailer has a current permit allowing it to be located or maintained within the City 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, container, or trailer 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, container, or trailer is registered to operate in the State.
2. The real property owner provides signed, written authorization allowing the kiosk, container, or trailer on the property.
3. The permit holder agrees to be responsible for collecting the contents of the kiosk, container, or trailer in order to prevent overflow and littering.
4. No more than one kiosk, container, or trailer 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, container, or trailer will not exceed 50 square feet in size at any vertical point.
6. The kiosk, container, or trailer will be located on a paved surface.
7. The placement of the kiosk, container, or trailer will not impede traffic nor visually impair any motor vehicle

operation.

8. The kiosk, container, or trailer 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, container, or trailer for the persons using the kiosk, container, or trailer.

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

11. The kiosk, container, or trailer 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, container, or trailer. The writing shall be a minimum of two inches high.

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; 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/markings.

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

d. 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.

e. 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.

f. 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).

(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.

(e) Recycling Collection Centers.

(i) Recycling collection centers must be attended during all hours of business or collection;

(ii) Processing of materials at a Recycling Collection Center is limited to the indoor weighing, sorting, flattening, crushing, shredding, bundling, and palletizing materials for shipment essentially by hand or by machine, and does not include smelting, melting, refining, or other conversion back to a "raw material" state;

(iii) All of a recycling collection center's processing operations (such as, crushing, bundling, or palletizing) must be fully enclosed within a building (no outside storage is allowed);

(iv) Outside storage of a recycling collection center's materials is not permitted; and

(v) Recycling collection centers must have an on-site vehicle circulation plan. The plan must be designed and operated so that all truck and other vehicle traffic associated with the recycling center is accommodated on-site and does not interfere with the traffic lanes on the adjacent street.

(f) Recycling Salvage Yards. Recycling salvage yards must comply with the following provisions:

(i) The recycling salvage yard must be attended during all hours of business or collection;

(ii) Processing of materials may include weighing, sorting, flattening, crushing, shredding, bundling, and palletizing materials for shipment by hand or by machine, and may also include smelting, melting, refining, or other conversion back to a "raw material" state.

(iii) All processing operations (such as, crushing, bundling, or palletizing) must occur within a building or within an outside storage yard;

(iv) Outside storage of materials are permitted only where provided for in the [Land Use Matrix](#) in Article 5 of this Chapter 2 for applicable zoning district, where located behind the main building, where in compliance with the special standards in [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-foot tall masonry screening wall, as applicable (unless another form of screening is approved with the initial development application); and

(v) Recycling salvage yards must have an on-site vehicle circulation plan. The plan must be designed and operated so that all truck and other vehicle traffic associated with the recycling salvage yard is accommodated on-site and does not interfere with the traffic lanes on the adjacent street.

(9) Pet Care/Play Facilities. The outdoor play/exercise areas of all types of Pet Care/Play facilities (including dog

parks) must be maintained in a clean, odor-free and waste-free condition, and may not be used after 10:00 p.m. if the facility is within one thousand feet of a residential district.

(10) Transportation Depots. Transportation depots must comply with the following provisions of this Subsection (10):

(a) Locational Requirements. A Passenger Transportation Depot may not be located closer than five hundred feet to a single-family or two-family residential use or a single- or two-family residential zoning district, as measured from the depot's property line.

(b) Parking. In addition to the parking requirement shown on the [Land Use Matrix](#) in Article 5 of this Chapter 2, adequate paved parking must be provided on-site to accommodate all buses present on the site at any given time. Buses are prohibited from parking in any right-of-way, easement, fire lane, driveway, traffic circulation aisle or required parking space, or on any neighboring property. Overnight parking of passengers' vehicles is allowed provided that each vehicle is parked on-site in a properly marked parking space and not in a street or on another property.

(c) Idling Buses. To reduce noise and potentially harmful fumes, buses are prohibited from idling with the engine running for a period longer than one-half hour.

(d) Ticket Office and Lobby. Passenger Transportation Depots must have an attended passenger lobby equipped with adequate seating to accommodate a minimum of fifty percent of the average capacity of a standard bus, and adequate restroom facilities for travelers. The facility must also be attended at all times when buses and trains are scheduled to arrive and depart and must comply with all design and development provisions set forth in this GDC unless the establishment is a legally nonconforming use on the effective date of this GDC.

(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):

(a) General: Hotels and Motels (other than Bed and Breakfast). A Hotel or Motel (other than a Bed and Breakfast) must comply with the following provisions:

(i) All guest rooms must have access from only an interior hallway, which is accessible from a central lobby area contained within the building, except first floor units, which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.

(ii) A porte-cochere or covered valet area must be provided immediately adjacent to the lobby entrance and registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two vehicles parked side-by-side for guests checking in and out.

(iii) All entrances and exits of any incidental business within a Hotel or Motel must be from the inside of the principal hotel building.

(iv) A fitness center and a pantry (small sundries shop) must be provided.

(b) Bed and Breakfast. A Bed and Breakfast must comply with the following provisions:

(i) Accommodations/Operations.

a. A maximum of ten guest rooms (exclusive of the living quarters of the owner or operator) are allowed.

b. Kitchens are prohibited in rooms (including no ovens, burners, or full-size refrigerators). Microwaves and under-counter refrigerators are permitted in rooms.

c. A Bed and Breakfast may include kitchen and dining facilities to furnish meals for guests, but may not include other uses unless permitted by the zoning district.

d. The maximum length of stay for guests may not exceed fourteen calendar days.

(ii) Building Elements. Bed and Breakfast buildings must be designed in compliance with the requirements of the zoning district within which the building is located, as provided in [Chapter 4, Article 6](#) of this GDC. In addition, all facades must be designed with architectural style and building materials consistent with the front facade, and a minimum of four elements from the following list must be incorporated into all Bed and Breakfast buildings (a Bed and Breakfast operating in a residential house is exempt from this Subsection):

a. Awnings;

b. Canopies;

c. Ornamental cornices;

- d. Alcoves;
- e. Recessed entries;
- f. Pillar posts;
- g. Decorative lighting; or
- h. Other building elements that contribute to the architectural character of the building.

(iii) Parking (see [Land Use Matrix](#) in Article 5 of this Chapter 2).

- a. All overnight parking must be in designated parking spaces.
- b. Other than driveways and sidewalks, the front yard (from the area between the front of the building and the street) may not be paved.
- c. All parking areas on the property (except driveways) must be behind the front, side, and rear building lines.
- d. Tandem parking is permitted.
- e. Stacked parking is permitted in driveways for a maximum of four vehicles.

(iv) Landscaping. Landscaping must contribute to the residential setting of the establishment. Benches, plantings, fountains, and other private outdoor leisure areas should be encouraged and some of these elements must be incorporated into the facility's design.

(v) Signage. Signage is limited to six square feet, either monument style or attached to a building or mailbox, be non-illuminated, and display only the name and phone number of the Bed and Breakfast. No additional outdoor advertising is allowed.

(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:

(i) Design Standards. A Full-Service Hotel or Motel must have a minimum of one hundred guest rooms.

(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. Kitchens are prohibited in guest rooms (including no ovens, burners, or full-size refrigerators). Microwaves and under-counter refrigerators are permitted in guest rooms.
- c. Full-Service Hotels and Motels must provide full-service facilities and amenities including (but not limited to) an on-site full service restaurant with table service, wait staff, seating for at least thirty customers, and a full menu with on-site food preparation. Full-Service Hotels and Motels must provide an indoor or outdoor swimming pool with at least eight hundred square feet of water surface area, and must also provide at least four thousand square feet of meeting or conference rooms. Individual guest rooms may not be counted as meeting rooms.

(iii) Required Amenities. Full-Service Hotels and Motels must provide at least two of the following amenities:

- a. Fitness Center;
- b. Business center;
- c. Gift shops; or
- d. Lounge

(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:

(i) Building Design Standards. Extended Stay Hotels and Motels must have one hundred or more guest rooms.

(ii) Interior Design Standards.

- a. Each guest room must have a minimum area of three hundred square feet, including sleeping area, kitchen, bathroom, and closet space.
- b. Kitchenettes are permitted in guest rooms.
- c. A fitness center must be provided.
- d. Extended Stay Hotels and Motels must provide an indoor or outdoor swimming pool with a minimum eight hundred square feet of water surface area. Extended Stay 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.

(iii) Required Amenities. Extended Stay Hotels and Motels must provide at least two of the following amenities:

- a. Full service restaurant;
- b. Business center;
- c. Laundry room for guest use;
- d. Lounge; or
- e. Pantry (small sundries shop).

(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:

(i) Design Standards. A Limited Service Hotel or Motel must have a minimum of seventy-five guest rooms.

(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.

~~b(1)c~~. Kitchens are prohibited in guest rooms (including ovens, burners, or full-size refrigerators). Microwaves and under-counter refrigerators are permitted in guest rooms.

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

~~de~~. 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.

(iii) Required Amenities. Limited Service Hotels and Motels must provide at least two of the following amenities:

- a. Full service restaurant;
- b. Business center;
- c. Lounge; or
- d. Pantry (small sundries shop).

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

(a) Elder Care - Assisted Living facilities.

(i) Elder Care - Assisted Living facilities may provide a limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, and hairdressing, may be provided or associated with the facility.

(ii) Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities.

(iii) Full-time medical or nursing care may not be provided by an Elder Care - Assisted Living facility, but may be privately arranged for by individual residents on a part-time or temporary basis (such as, visiting nurses or health care attendants).

(b) Elder Care - Continuing Care facilities.

(i) Elder Care - Continuing Care facilities may provide support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing.

(ii) Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities.

(iii) Full-time medical or nursing care may be provided by the facility.

(c) Elder Care - Independent Living facilities.

(i) Elder Care - Independent Living facilities may provide a limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, and hairdressing.

(ii) Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen

facilities.

(iii) Full-time medical or nursing care may not be provided by an Elder Care - Independent Living facility, but may be privately arranged for by individual residents on a part-time or temporary basis (such as, visiting nurses or health care attendants).

(d) Elder Care - Nursing/Convalescent Care facilities.

(i) Elder Care - Nursing/Convalescent Care facilities may provide a limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, and hairdressing.

(ii) Units may be attached or detached, single- or double-occupancy, and may include limited kitchen facilities.

(iii) Full-time medical or nursing care must be provided by an Elder Care - Nursing/Convalescent Care facility.

(iv) An Elder Care - Nursing/Convalescent Care facility must include an institutional-scale hospice facility (that is, a facility that, due to the number of residents accommodated or other licensing requirements, operates in a facility that is not a residence).

(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:

i. Eighteen dwelling units per acre in the MF zoning district;

ii. Seventy-five dwelling units per acre in Urban districts; or

iii. Facilities must comply with the density standards established by the governing ordinance in a PD district (if applicable).

b. There is no maximum density established for Nursing/ Convalescent Care facilities, unless otherwise provided in the governing ordinance for a PD district (if applicable).

(ii) Building Design.

a. Maximum Height. The maximum height of an Elder Care living facility is governed by the regulations of the zoning district in which the facility is located.

b. Storage Space. Except for Nursing/Convalescent Care facilities, an enclosed storage space must be provided for each dwelling unit within an Elder Care living facility with direct access provided from the dwelling unit. Each storage space must be a minimum of twenty-five square feet in floor area, and must be a minimum of one hundred and seventy-five cubic feet. A garage may not count as a storage space.

c. Exterior Construction. The exterior construction of all Elder Care facilities must be in compliance with all applicable standards provided in [Chapter 4, Article 6](#) of this GDC.

(iii) Site Facilities.

a. Unit Size and Mix.

i. Nursing Convalescent Care: There is no minimum unit size for nursing convalescent care facilities.

ii. Assisted Living Facility: Dwelling units of assisted living facilities must be a minimum of two hundred square feet.

iii. Independent Living Facility: The average minimum dwelling unit size for independent living facilities is six hundred square feet. One-bedroom units must have a minimum dwelling unit size of four hundred seventy-five square feet. Two-bedroom units must have a minimum dwelling unit size of seven hundred twenty-five square feet. No dwelling unit may contain more than two bedrooms.

b. Common Areas. Indoor common or recreational areas must be provided at a ratio of at least one hundred square feet of gross floor area per dwelling unit. Examples of common areas are: common living and sitting rooms, dining rooms, libraries, game rooms, exercise rooms, dance floors, arts and crafts rooms, music rooms, and other age appropriate indoor recreational facilities.

(iv) Building Placement.

a. Buildings within an Assisted Living or an Independent Living facility must be a minimum of twenty feet apart.

b. No building, or any part thereof, of an Elder Care living facility may be placed less than thirty feet from the right-of-way of any public street.

- c. No building, or any part thereof, of an Elder Care living facility may be placed less than:
 - i. Fifteen feet from rear and side property lines (ten feet if the setback area is landscaped and where approved by the Plan Commission).
 - ii. Single-story buildings not exceeding thirty feet in height, must be set back a minimum of fifty feet from the property line of an abutting residential district (forty feet if the area is landscaped with additional landscaping and where approved by the Plan Commission).
- d. All other buildings and those buildings exceeding thirty feet in height, and that abut a residential district, must be set back from the residential district line a minimum of 1.25 times the height of the highest point on the building above grade.

(v) Parking and Circulation.

- a. A minimum of fifty percent of the required parking spaces for an independent senior living facility must be contained in either an enclosed garage or a multi-car covered parking structure. Detached covered parking must function unobtrusively and be compatible with the main buildings of the facility in regard to design, style, and color. Detached covered parking structures, if used, must be located near the building served. A detached covered parking structure may not accommodate more than ten parking spaces or be located closer than twenty feet to another parking structure.
- b. All parking spaces located between any building and the right-of-way of any public street or a single-family district must be screened from view in compliance with Section 4.44, Article 3 in Chapter 4 of this GDC.

(f) Screening and Landscaping.

- (i) A minimum of forty percent of the gross platted area of the site of a senior living facility must be devoted to landscaping, open space areas, pools, and similar outdoor recreational activity areas. This requirement does not apply within the UR or UB District.
- (ii) Perimeter fencing and landscaping is required along property lines and access points to a senior living facility. Perimeter fencing must have a minimum height of six feet and be constructed of masonry or ornamental metal with masonry columns with a maximum of fifty-foot centers. Perimeter fencing is not required within the UR or UB District. Landscaping must be provided in compliance with Article 3 in Chapter 4 of this GDC, except that the fence height must be six feet (instead of five feet). Allowed fencing materials includes masonry and ornamental metal, but excludes chain-link.

(g) Signage.

- (i) Signage for a senior living facility must comply with the regulations applicable to the Multifamily (MF) zoning district, pursuant to Article 5 in Chapter 4 of this GDC.
- (ii) Attached signs may ~~have~~ ~~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.

(h) Support Services and Accessory Uses.

- (i) In addition to dwelling units for occupants of the facility, a senior living facility may include special facilities and services for its residents such as cafeterias, dining rooms, housekeeping services, laundry services, transportation services, libraries, game rooms, exercise rooms, dance floors, arts and crafts rooms, swimming pools, greenhouses, and other recreational facilities.
- (ii) The following uses are permitted within an assisted living facility or independent senior living facility to provide on-site goods and services for the use and benefit of residents of the facility. The following are intended as accessory and secondary uses only, and for the exclusive use of facility residents, their guests, and facility staff:
 - a. Medical office;
 - b. Massage therapy;
 - c. Drug store/pharmacy;
 - d. Optical dispensary;
 - e. Limited restaurant;
 - f. Retail sales/personal service;
 - g. Financial institutions;

- h. Church/religious facilities; and
- i. Adult day care facility.

The total floor area occupied by the above-listed uses may comprise a maximum of ten percent of the total floor area contained within the senior living facility. Signage for the above-listed accessory uses is limited to attached signs visible from within the premises only, with a maximum area of fifteen square feet.

(13) Adult Day Care Facilities. Adult day care facilities must comply with the following provisions of this Subsection (13):

- (a) Drop-Off. Facilities must provide a covered on-site drop-off area for clients, exclusive of fire lane(s), except when otherwise provided for where a Specific Use Provision has been granted, or through approval of a request for alternative compliance in accordance with [Article 1, Division 2 in Chapter 4](#) of this GDC.
- (b) Outdoor Leisure Area. Facilities must provide a fenced outdoor leisure area.

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

- (a) Seasonal Sales. Seasonal sales must comply with the temporary commercial activity permit requirements provided in Article VIII, Chapter 30 of the City Code.
- (b) Outside Display. Where permitted, temporary outside display and outside storage of merchandise must:
 - (i) Not be located more than five feet from the main building's exterior wall nor on top of any structure.
 - (ii) Not occupy any required parking spaces.
 - (iii) Not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site.
 - (iv) Not extend over five feet in height, nor into a public right-of-way, over any public easement, or onto adjacent property.
 - (v) Be displayed in a neat, orderly manner, and the display area must be maintained in a clean, litter-free manner.
- (vi) Not be displayed for more than five days in a given calendar month.
- (c) Outside Storage.
 - (i) Where permitted, outside storage must:
 - a. Not be located between the front of the building and the street, nor on top of any structure, nor stacked higher than the building or device that screens the stored materials, and
 - b. Be screened (that is, cannot be visible from any public street or adjacent property) at a minimum height of six feet by one or a combination of the methods provided in [Chapter 4, Article 3](#) of this GDC.
 - i. Alternative equivalent screening may be approved using the alternative compliance process provided in [Article 1, Division 2 of Chapter 4](#) of this GDC.
 - ii. In the Industrial zoning district only, and when an outside storage area is not adjacent to or visible from a street (as shown on the City's adopted *Major Thoroughfare Plan*), wood fences or coated chain-link with slats is permitted for outside storage screening.
- (ii) Temporary Portable Storage Containers. Temporary portable storage containers:
 - a. Are permitted without a permit, on a short-term basis (see Subsection f. below) in any zoning district;
 - b. May not be located in front of the main building(s), except as provided for a residence in Subsection f. below;
 - c. May not be located within any required front, side, or rear yard setback (except as provided for a residence in Subsection f. below), or within any fire lane, easement, or right-of-way;
 - d. May not occupy any required vehicular parking (except as provided for a residence in Subsection f. below), stacking, loading, or maneuvering space;
 - e. Must be completely screened from view of public streets (either by a building or by a screening device), except as provided for a residence in Subsection f. below;
 - f. May not remain on-site for longer than fourteen calendar days. For a storage unit that is needed to temporarily store or secure construction materials at a City-permitted construction site, or to temporarily store or secure personal residential possessions while moving, or during house remodeling, the fourteen calendar day time period may be

extended for the duration of the construction, or the moving, or house remodeling, provided: (i) a permit for the temporary portable storage container is first issued by the City; (ii) the Building Permit for the construction site remains valid (if applicable); and (iii) that the temporary storage unit is immediately removed from the premises upon completion of construction, moving, or house remodeling, as applicable;

g. Are limited to the placement of a maximum of two temporary portable storage containers on a single lot, tract, or parcel (unless the temporary storage units are needed for a City-permitted construction site, in which case the Building Official may approve and permit more than two units);

h. May not exceed twenty feet in length, eight feet in width, or eight feet in height (a container of larger size in one or more of these dimensions is defined as a “shipping container”);

i. May not be illuminated in any way;

j. May not be used for any use other than the storage of personal materials or goods (that is, no business or commercial operations except as provided for under this Subsection); and

k. Are limited to the placement of a maximum of one temporary portable storage container for a single- or two-family residence, on a short-term basis only in compliance with Subsection f. above, during home construction, moving, or house remodeling. A temporary storage unit may be placed in the driveway of a residence (with no screening required) and within the front, side, or rear setback (as applicable to driveway location), but may not encroach into any fire lane, easement, adjacent property, or right-of-way.

(15) Shipping Containers. Shipping containers must comply with the following provisions of this Subsection (15):

(a) Shipping containers may not be used or stored within one hundred feet of a residential zoning district (except for a nonresidential use only, such as a school, day care, or church, in a residential district, on a short-term basis, and subject to the requirements of [Section 2.52\(A\)\(14\)\(c\)\(ii\)\(d, j and k\)](#), unless expressly permitted below); and

(b) The dimensions of a shipping container may not exceed any of the following dimensions: forty linear feet in length, nine linear feet in width, or nine linear feet in height.

(c) Shipping containers may be used for the temporary storage of goods to be sold at retail only where a permit has been issued under the provisions of this Section authorizing that use. A permit may not be issued for a refrigerated, open top, “flat rack” or bulk liquid, or other container that is not fully enclosed on six sides.

(d) The Building Official may issue a permit authorizing the use of a shipping container for the temporary storage of goods to be sold at a retail establishment subject to the following requirements:

(i) A shipping container may not be located:

- a. nearer to a street than the front of the building to which the shipping container is an accessory;
- b. adjacent to a street designated as a major thoroughfare by the *Major Thoroughfare Plan*;
- c. within fifty feet of the property line of an adjacent property; or
- d. nearer than ten feet to the building to which the shipping container is an accessory.

Permitted shipping container must comply with all setback regulations of the zoning district in which the shipping container is located. In the event of a conflict between the setback specified by the zoning ordinance and a setback specified by this Section, the more restrictive shall apply.

(ii) A shipping container must be screened from the view of an adjacent street or residential property by one of the following: (i) a solid fence, a minimum of six feet in height; (ii) a living screen of evergreen shrubs, a minimum of six feet in height.

(iii) The total area of shipping containers authorized under a permit may not exceed ten percent of the area of the building to which the shipping containers are an accessory. No more than fifteen shipping containers are permitted. Shipping containers may not be stacked.

(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:

(i) The area of the building (in square feet) to which the shipping container is an accessory;

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

(iii) The proposed date for the commencement of the permit period and the date of expiration of the most recent permit, if any, issued to the applicant under this Section.

(f) At the time application is made, a fee as provided by Section 30.301 of the City Code ~~[Code of Ordinances]~~ 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):

(a) Security. Self-Storage Facilities must have either management personnel living on the premises at all times or continuous video surveillance of all indoor and outdoor common areas of the premises, a minimum eight-foot tall perimeter security fencing (except as allowed in Subsection (b) below), and controlled access gates. All required electronic security features must be present and operational at all times and have the capability of storing images for a minimum of 14 days.

(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) the exterior walls are one hundred percent textured masonry to match the rest of the complex;~~

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

~~(iv)~~ no signage is placed on exterior walls;

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

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

(c) Special Vehicle, Recreational Vehicle and Boat Storage. Storage of special vehicles, recreational vehicles, or boats: (i) must be in a designated area; (ii) may not occupy any required parking spaces; and (iii) are only allowed with approval of an SUP and accompanying Site Plan.

(17) Landscape Nursery/Tree Farm. A commercial Landscape Nursery/Tree Farm may use compacted and stabilized road-base gravel or asphalt for all drive aisles in the plant-growing and display areas of the site if a request for alternative compliance is submitted, and subsequently approved, in accordance with Article 1, Division 2 in Chapter 4 of this GDC. The main entry drive aisle, all customer parking areas at the sales center or retail building, and all required fire lanes must be paved in accordance with the City's paving standards.

(18) Bulk Materials Sales and Storage. Bulk Materials Sales and Storage must meet all standards of outside storage as provided in Section 2.52(A)14.

(19) Temporary Building/Office. The use of compacted and stabilized road-base gravel or asphalt for required parking areas for a Temporary Building/Office is allowed, provided that the building is no larger than two thousand square feet in total area and complies with Sections 30.03, 30.06 and 30.194 in the City Code.

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

(a) Time Period. An SUP for a reception facility is valid for the time period specified in the SUP ordinance.

(b) Security. The reception facility must provide security at every event where alcoholic beverages are provided or served, and also for any events occurring after 6:00 p.m. Security must be by a qualified person(s) who is authorized to provide private security under Chapter 1702 of the Texas Occupations Code.

(c) Loitering, Outside Activities. Prolonged congregating or loitering of event attendees or participants outside the reception facility is prohibited. Outside activities, if any, must be in compliance with the City's noise regulations as set forth in the City Code.

(d) Noise Mitigation. The applicant must add noise mitigation materials to the existing building if determined necessary by the City to protect surrounding properties and the public health, safety, and welfare.

(e) Litter & Debris. Any litter or debris left on the premises must be removed immediately following the event. The owner of the facility is responsible for removal of all litter and debris.

~~(f) Location. Reception Facilities may not be located within five hundred feet of any dwelling unit or residential~~

subdivision, senior living facility, or other Reception Facilities. The measurement of the distance between the establishment and a dwelling unit, public hospital, senior living facility, or other Reception Facility shall be:

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

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

(ii) for a senior living facility, or other Reception Facility not located on the same tract of land as the establishment, along a direct line from the nearest exterior door of the Reception Facility to the nearest exterior door of the senior living facility, or other Reception Facility; or

(iii) for a senior living 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 door of the senior living facility, or other Reception Facility in question.

(21) Gas or Petroleum Drilling or Pipeline. Any gas- or petroleum-related use or activity must comply with all state and federal guidelines (including, but not limited to, drilling, pipelines and conveyance methods). The applicant must also submit a technical opinion and report prepared by a qualified licensed engineer. The report must accurately describe and analyze the property intended for the proposed gas- or petroleum-related use or activity, and provide an analysis addressing the appropriateness of the location of the proposed activity, which must include safety procedures and safeguards that will be utilized to adequately protect the public health, safety and welfare. The applicant must also submit drilling and construction design standards based on the technical report and current best practices in the region. In no case may a gas- or petroleum-related use or facility be within one thousand, five hundred feet of any existing residential use or a residential zoning district.

(22) Vending Machine, Exterior. Vending machines that are located outside of the main building must:

(a) Be placed in a well-lighted location that is within five feet of the outside wall of the main building, and is also within twenty feet of the main entrance to the building;

(b) Be placed on a sidewalk that has sufficient width so that at least four feet of the sidewalk's width remains unobstructed; and

(c) Not exceed two vending machines per premises.

(23) Building/Garden Materials Sales and Storage. A Building/Garden Materials Sales and Storage establishment must comply with the following provisions of this Subsection (23):

(a) The outside display and storage of new or unused materials for sale is allowed up to a maximum of fifty percent of the total enclosed building square footage, provided that the outside display and storage is screened in accordance with [Section 2.52\(A\)\(14\)](#) in this Chapter 2, and with [Section 4.43](#) in Chapter 4 of this GDC, as applicable.

(b) Outside display and storage exceeding fifty percent of the total enclosed building square footage may be approved by SUP, pursuant to [Division 3 in Article 2 of this Chapter 2](#).

(24) Contractor's Office/Storage Yard. A Contractor's Office/Storage Yard must comply with the following provisions of this Subsection (24):

(a) The outside display and storage of usable materials normally associated with the business (not unrelated scrap, junk, or trash) is allowed up to fifty percent of the total enclosed building square footage, provided that the outside display and storage is screened in accordance with [Section 2.52\(A\)\(14\)](#) in this Chapter 2, and with [Section 4.43](#) in Chapter 4 of this GDC, as applicable.

(b) Outside display and storage exceeding fifty percent of the total enclosed building square footage may be approved by SUP, pursuant to [Division 3 in Article 2 of this Chapter 2](#).

(25) Contractor's Office/Warehouse. Outside display or storage is a prohibited use for a Contractor's Office/Warehouse.

(26) Batching Plant. A Batching Plant may sell concrete or asphalt produced on the premises on contract in bulk or by the truck load as a secondary use. The outside storage of materials is included as an allowed use of a Batching Plant.

(27) Equipment Leasing/Rental, Outdoor. An Equipment Leasing/Rental establishment must comply with the

following provisions of this Subsection (27):

(a) The outside display and storage of usable materials normally associated with the rental business (not unrelated scrap, junk, or trash) is allowed up to fifty percent of the total enclosed building square footage, provided that the outside display and storage is screened in accordance with [Section 2.52\(A\)\(14\)](#) in this Chapter 2, and with [Section 4.43](#) in Chapter 4 of this GDC, as applicable.

(b) Outside display and storage exceeding fifty percent of the total enclosed building square footage may be approved by SUP, pursuant to [Division 3 in Article 2 of this Chapter 2](#).

(28) Commercial Blood, Plasma, Tissue, and Cell Collection Center. A Commercial Blood, Plasma, Tissue, and Cell Collection Center may not operate within:

(a) One-half mile of another Commercial Blood Plasma Center. The distance is measured in the same manner as provided in [Section 2.55\(B\)](#) of this Chapter 2; or

(b) Five hundred feet of a lot zoned or used for a residence, church, public or private school, public park or playground, or day care facility. The distance is measured in the same manner as provided in [Section 2.55\(B\)](#) of this Chapter 2.

(29) Church, or Place of Worship. 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. Bible study and other similar activities which occur in a person's primary residence do not fall under the definition of Church or Place of Worship.

(30) Distribution Centers, Large and Small. With the exception of parking areas, loading docks and outside scales (if provided), all large or small distribution center activities must take place entirely within an enclosed building. Outside display or outside storage is prohibited, unless such is allowed (by right or by SUP) and approved in the zoning district wherein the business is located.

(31) Industrial or Manufacturing, Heavy and Light. Heavy or light Industrial or manufacturing uses must conduct all activities, except the loading or unloading of material, within a fully enclosed building. Heavy or light Industrial or manufacturing uses may not process or store consumable products (see definitions for *Food Processing and Storage* and *Animal Feed Processing and Storage* in [Chapter 6](#) of this GDC), or of any type of leather or allied products (see definition for *Leather and Allied Products Manufacturing* in [Chapter 6](#) of this GDC). Light industrial or manufacturing uses may not emit dust, odor, smoke, gas, fumes, or vibrations beyond the property's boundary, nor produce noise above the ambient noise level of the surrounding area or is in violation of other code, law or ordinance

(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 prohibiting [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 ~~be [sic]~~ required to obtain a Certificate of Occupancy for the space they are renting.

(33) Indoor Shopping Mall. Each retail use in an Indoor Shopping Mall must be a use that is allowed by right, or that may be allowed by SUP, in the zoning district where an Indoor Shopping Mall is located. Each retail vendor in an Indoor Shopping Mall is required to obtain a Certificate of Occupancy for the space they are renting, but is not required to have separate utilities (such as, water or electricity). On-site parking for each vendor of an Indoor Shopping Mall is calculated by each type of operation (such as, regular retail, restaurant, and personal service).

(34) Recreational Vehicle (RV) Park. A Recreational Vehicle Park must comply with the following provisions of this Subsection (36):

(a) Planned Development (PD) District Required. An RV Park is allowed only within a PD district. The approval of a Detail Plan is required.

(b) Thoroughfare Access. Primary access must be provided from a Type D (four-lane, divided) thoroughfare or larger, as designated on the *Major Thoroughfare Plan*.

(c) Development Regulations. An RV Park must comply with the requirements of the zoning district within which it is located and to all applicable requirements of this GDC, including the following development regulations: Where there is a conflict between the GDC and these regulations, the following regulations shall control:

(i) Lot and Density Requirements.

- a. A minimum site area of ten acres is required.
- b. The maximum density is limited to twenty RVs per gross acre.

(ii) Setbacks. Minimum yard setbacks for structures and RV pads from public streets (does not apply to internal private drives) are as follows:

- a. Front yard setback adjacent to a street: thirty feet.
- b. Side and rear yard setbacks adjacent to a street: twenty feet.
- c. No setback is required for yards not adjacent to a street, except where the yard is adjacent to a residential district a setback of twenty feet is required.

(iii) Perimeter Fencing. Perimeter fencing must be provided along all property lines and access points to an RV Park.

- a. Perimeter fencing must have a minimum height of six feet and be constructed of masonry or ornamental iron, with masonry columns on maximum fifty-foot centers.
- b. Landscaping must comply with [Article 3, Chapter 4](#) of this GDC, except that the minimum fence height is six feet (instead of five feet), and chain-link fences are prohibited.

(iv) Screening and Landscaping. In addition to Subsection iii. above, an RV Park must comply with all of the applicable provisions of [Article 3, Chapter 4](#) of this GDC.

(v) Open Space. A minimum of ten percent of the gross platted area of the RV Park must be devoted to open space, landscaping, outdoor recreation activity areas, or combination thereof.

(vi) Paving, Access and Off-Street Parking.

- a. One vehicle parking space must be provided on each RV site. Additional parking must be provided to serve guests, residents, customers, and employees at a minimum rate of one space for each eight RV pads, to be placed in parking lots located in convenient proximity to RV sites and Park amenities. All parking spaces must comply with the requirements of Article 2, Chapter 4 of this GDC.
- b. Boats, cargo or utility trailers, and commercial trucks may not be stored in an RV Park, except that they may be parked for a period not longer than thirty days if they are operated by a current occupant of the RV Park.
- c. All parking spaces, RV pads, streets, access drives and driveways must be concrete, and be designed and constructed in accordance with the City's *Technical Standards*.

(vii) Signage.

- a. One freestanding pole or monument sign is permitted at the main entrance to an RV Park where in compliance with the requirements of [Article 5, Chapter 4](#) of this GDC.
- b. Except for directional signs permitted by the GDC, and except for Subsection vii.a. above, freestanding signs are prohibited within an RV Park. Signs identifying buildings and accessory uses may be attached signs only.

(viii) Building Design and Materials. All buildings within an RV Park must meet the requirements of [Article 6, Chapter 4](#) of this GDC.

(d) Rental Period. RV sites may only be rented to the same occupant for a maximum of one hundred and eighty consecutive days.

(e) Accessory Uses and Amenities.

- (i) All permitted accessory uses and amenities may be used only by RV Park residents and their guests, and may not be intended for use by the general public.
- (ii) The following uses are permitted as accessory uses to an RV Park:
 - a. Sale of convenience food, sundries and personal items;
 - b. Snack shop;
 - c. Sale of RV accessory items and propane;
 - d. Manager/caretaker residence;
 - e. Self-service laundry facility;

f. Restroom/bathing facility;

g. Guest cabin; and

h. Guard/entry structure.

(iii) Recreational Vehicle/Trailer Sales, Leasing & Repair, and Truck/Bus Storage, as defined by [Chapter 6](#) of this GDC are not permitted uses. This does not, however, prohibit an individual RV owner from placing a “for sale” sign on their own vehicle.

(iv) RV Parks must provide at least three of the following amenities:

a. Swimming pool;

b. Fitness center/exercise facility;

c. Business center;

d. Community center/club house;

e. Game room;

f. Outdoor game court/field/playground; or

g. Picnic/grilling area.

(v) Accessory uses and amenities may not operate within RVs.

(vi) RV Parks must contain sufficient designated area(s) to provide adequate shelter from storms for the occupants of the Park.

(35) Breweries, Wineries, and Distilleries. Breweries, wineries, and distilleries are subject to all requirements applicable to the zoning district in which any such use may be located, including all applicable screening and loading requirements.

(a) Manufacturing and production activities must be conducted wholly indoors. An outdoor seating area may be provided for samplings and tasting, if otherwise allowed under the Texas Alcoholic Beverage Code, or as a food service area if the facility is operated as a restaurant as defined in this GDC and under this section.

(b) The facility may not emit dust, odor, smoke, gas, fumes, or vibrations beyond the boundary line of the premises on which the facility is located and shall comply with the noise limits contained in the Code of Ordinances.

(c) Outdoor storage of materials or products is prohibited except in the Industrial (IN) District or when allowed under the terms of a specific use provision.

(d) A facility may provide food service and, if so, shall be considered and may operate under this GDC as a restaurant if the facility derives thirty-five percent or more of its gross revenues from food sales so long as the facility otherwise complies with the provisions of this section. Drive-through food service is not allowed at a brewery, winery or distillery operating under the provisions of this section.

(e) The regulations on alcoholic beverages, including distance limitations, contained in this GDC apply to breweries, wineries, and distilleries. The on-premises consumption of alcoholic beverages is allowed if so allowed under the Texas Alcoholic Beverage Code and the person operating the facility holds a valid, current license or permit from the Texas Alcoholic Beverage Commission.

(Ordinance 6773 adopted 5/19/15; Ordinance 6925 adopted 7/18/17; Ordinance 6979, sec. 2, adopted 4/17/18)

Division 3 - Alcoholic Beverages*

Section 2.53 Regulation of Private Clubs and the Sale and Service of Alcoholic Beverages

Purpose. The purpose of this Article 5, Division 3 is to provide for the fullest extent of regulation of alcoholic beverages allowed to the City under the Texas Constitution and the Texas Alcoholic Beverage Code. Nothing contained herein shall be deemed or construed as a waiver or estoppel of any rights that the voters, through the City, may possess as to the regulation of alcoholic beverages. The GDC does not include zoning for “bars,” “nightclubs,” “taverns,” or similar establishments. Section 32.03(f) [32.03(g)] of the Texas Alcoholic Beverage Code requires a private club to provide “regular food service adequate to its members and their guests.” The Texas Alcoholic Beverage Code further requires that holders of food and beverage certificates have food service as the primary business being operated on the premises or the establishment. (Ordinance 6773 adopted 5/19/15)

Section 2.54 Restaurants Selling or Serving Alcoholic Beverages

An establishment is not a restaurant under the provisions of the GDC (whether operating as a general restaurant or a drive-through restaurant) unless the establishment derives at least sixty-five percent of its gross revenues from the sale or service of food or holds a valid food and beverage certificate issued by the Alcoholic Beverage Commission. For the purposes of this GDC Article 5, Division 3, a general restaurant is an eating establishment:

- (A) That maintains and uses, on each day on which the establishment is open for business, food service facilities for the preparation and service of multiple entrees;
- (B) At which customers are primarily served by waitpersons at tables; and
- (C) That, if located in a freestanding building, has no less than three thousand square feet of gross floor area.

(Ordinance 6773 adopted 5/19/15)

Section 2.55 Regulation of Distances

(A) Location. An establishment that sells or serves alcoholic beverages may not be located nearer than:

- (1) Three hundred feet of a church, public school, or public hospital;
- (2) One thousand feet from a public school if the City Council receives a request from the board of trustees of a school district under Section 38.007 of the Texas Education Code; or
- (3) One thousand feet from a private school if the City Council receives a request from the governing body of the private school.

(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:

- (1) In a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or
- (2) If the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(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.

(C) 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.

(D) Subsections 2.55(A)(2) and 2.55(A)(3) above do not apply to the holder of:

- (1) A retail on-premises consumption permit or license if less than fifty percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;
- (2) A retail off-premises consumption permit or license if less than fifty percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or
- (3) A wholesaler distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102, TEX. ALCOHOLIC BEV. CODE.

(Ordinance 6773 adopted 5/19/15)

State law reference—Sales near church, school or hospital, V.T.C.A., Alcoholic Beverage Code, sec. 109.33.

Section 2.56 Fees

Restaurant. Pursuant to Sec. 11.38 and Sec. 61.36 of the Tex. Alc. Bev. Code, a fee is levied in the amount of one-half the state fee for each permit or license issued by the Texas Alcoholic Beverage Commission for a premises located within the City unless otherwise excepted or exempted by law. (Ordinance 6773 adopted 5/19/15)

State law references—Local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code, sec. 11.38; local fee authorized on alcoholic beverage licenses, V.T.C.A., Alcoholic Beverage Code, sec. 61.36.

Section 2.57 Reserved

Division 4 - Accessory Uses and Structures

Section 2.58 Accessory Building Regulations

- (A) Front and Side Yards Along Streets. Accessory ~~buildings~~ 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~~ Accessory Building (including Accessory Dwellings) in a street side yard must provide the same side yard setback as required for the main ~~structure~~ building.
- (C) Habitation Prohibited. No ~~accessory building~~ 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~~ 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~~ 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~~ 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 ~~the all accessory building~~ 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~~ Accessory Building to less than six hundred square feet.
- (H) Accessory Building Exceeding 200 Square Feet. An Accessory ~~building~~ Building that exceeds two hundred square feet in floor area must comply with the following provisions:
 - (1) The height of an ~~accessory building~~ 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~~ Building that exceeds five hundred square feet in total floor area must comply with the following provisions:
 - (1) The height of an ~~accessory building~~ 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. When an ~~accessory building~~ 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~~ Accessory Building.

(Ordinance 6773 adopted 5/19/15)

Section 2.59 Carports, Canopies and Porte Cocheres - Residential

- (A) Carports. Residential carports, canopies, and porte cocheres must comply with the following provisions:
 - (1) No carports, canopies, or porte cocheres of metal construction may be located in front of a single-family residence or within a side yard adjacent to a street.
 - (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 ~~is restricted to eight feet in height~~ shall not exceed the height of the main building.
 - (3) Carports, canopies, or porte cocheres of metal construction may be located at the rear of a single-family residence so long as access is from a paved alley at the rear of the property.

- (4) A carport, canopy, or porte cochere that is located in the rear yard of a one-story single-family residence is restricted to a height not to exceed the height of the peak of the roof of the residence or fifteen feet, whichever is greater. A carport, canopy, or porte cochere that is located in the rear yard of a two-story (or greater) single-family residence is restricted to a height of fifteen feet.
 - (5) All construction plans submitted for permit approval must meet applicable load span specifications required by the Building Code or bear the stamp of an Engineer licensed in the State of Texas.
 - (6) Carports, canopies, or porte cocheres may not be enclosed or converted into a garage space, living space, storage, or work room.
 - (7) The siding of carports, canopies, or porte cocheres may extend down a maximum of two feet from the roof on the open sides of the structure.
 - (8) These requirements apply only to carports, canopies, and porte cocheres constructed after the original effective date of the adopting Ordinance No. 5993, April 18, 2006.
 - (9) Carports, canopies, and porte cocheres located in multifamily developments (including senior living facilities) must comply with the below Section 2.60.
 - (B) Exemption. This Section 2.59 does not apply to farm or agricultural buildings.
- (Ordinance 6773 adopted 5/19/15)

Section 2.60 Carports, Canopies and Porte Cocheres - Nonresidential

- (A) Carports, Canopies and Porte Cocheres. A carport, canopy or porte cochere for a nonresidential use (regardless of zoning district) must:
 - (1) Not encroach into a required front, side or rear yard setback;
 - (2) Not extend over a public street, a City easement (unless approved by the Director of Engineering), or a refuse or solid waste container (dumpster);
 - (3) Have a minimum fourteen-foot clearance when extending over a fire lane or vehicular drive aisle;
 - (4) Be supported by columns that are architecturally integrated and are similar to the colors of the main building;
 - (5) Have no more than ten parking stalls under each roof structure; and
 - (6) Not be located closer than eighteen feet, measured post-to-post, to another parking structure without a landscaped island and at least one large canopy tree between structures.
 - (7) The siding of carports, canopies, or porte cocheres may extend down a maximum of two feet from the roof on the open sides of the structure.
- (Ordinance 6773 adopted 5/19/15)

Section 2.61 Home Occupations

- (A) Definition. A Home Occupation may be lawfully conducted only as a secondary, accessory use.
- (B) General Prohibition. A Home Occupation is prohibited, unless: (i) it is conducted entirely indoors, only by a person residing in the home; (ii) it offers no goods for sale or display on the premises; and (iii) it does not require the delivery or shipment of goods from the residence.
- (C) Criteria. It is an affirmative defense to prosecution under Section 2.61(B) above, that the Home Occupation meets each of the following criteria:
 - (1) Only one person, other than occupants of the residence, is engaged in the Home Occupation at the residence regardless whether that person is a volunteer, an employee or is otherwise compensated;
 - (2) There is no outside storage of materials connected with the Home Occupation;
 - (3) There is not more than one vehicle used in connection with the Home Occupation located on the premises or on an adjacent street. A vehicle used in the operation of the home occupation may be no larger than a passenger van or pick-up truck;
 - (4) There is no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation, and no use of a sign, including any sign on a vehicle parked on the premises or on an adjacent street, to advertise the Home Occupation;
 - (5) There is no substantial increase in traffic and no need for additional parking;

- (6) The Home Occupation does not create noxious conditions to abutting or neighboring property such as noise, odor, light, or smoke; and
- (7) The business is conducted completely indoors, except where the business activities conducted outdoors do not inconvenience or interfere with the peace, enjoyment, comfort, or tranquility of any neighboring property.
- (D) Prohibited Activities. Notwithstanding any other provision of this Section 2.61, the following are hereby expressly prohibited as home occupations:
- (1) Vehicle sales;
 - (2) Vehicle repairs;
 - (3) Wrecker service;
 - (4) Limousine or taxi service;
 - (5) Animal breeding; and
 - (6) Contracting, lawn care, or construction services, that require the storage of construction equipment or vehicles.
- (Ordinance 6773 adopted 5/19/15)

Division 5 - Telecommunications Towers & Antennas

Section 2.62 Applicability

- (A) These regulations apply to all commercial and private antennae and support structures, unless exempted in Subsections (B), (C), and (D) below.
- (B) Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennae, and private radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet or more in height:
- (1) In any zoning district, antennae that are thirty-nine inches or less in diameter;
 - (2) In a nonresidential zoning district, antennae that are two meters or less in diameter;
 - (3) In any zoning district, antennae designed to only receive television or internet broadcasts;
 - (4) In any zoning district, private radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
 - (5) In any zoning district, private radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet in height.
- (C) Antennas mounted on existing City elevated water storage tanks are exempt from the requirements of this Division 5, provided a license or lease authorizing the antenna(s) has been approved by the City. All other antennae or towers, located on property owned, leased or otherwise controlled by the City of Garland are subject to the requirements herein.
- (D) Antennas and antenna support structures used in licensed amateur communications are regulated under Division 6 of this Article 5, and are exempt from the requirements of this Division 5.
- (E) Support structures or antennae legally installed before the effective date of this Division 5 are not required to comply with this Division 5, but must meet all applicable state, federal and local requirements, building codes, and safety standards.

(Ordinance 6773 adopted 5/19/15)

Section 2.63 Definitions

Definitions for telecommunications-related terms are located in [Chapter 6](#) of this GDC. (Ordinance 6773 adopted 5/19/15)

Section 2.64 Districts Allowed

- (A) Residential Zoning Districts. In all residential zoning districts, commercial antennae and antenna support structures are prohibited, except as specified within this Section 2.64.
- (1) Utility Structures. A commercial antenna may be attached to a utility structure (such as an electrical transmission or distribution tower, or an elevated water storage tank) provided that the utility structure exceeds fifty

feet in height, and provided that the antenna does not extend more than ten feet above the height of the utility structure.

(2) Stealth. A commercial antenna may be placed wholly within any building allowed in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building or structure if it is painted or disguised to integrate into the overall architectural design, if it does not have any type of exterior non-vertical array, and if it is not readily identifiable as an antenna from public roadways or from neighboring residential properties.

(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.

(2) Utility Structures. A commercial antenna may be attached to a utility structure (such as an electrical transmission or distribution tower, elevated water storage tank, or highway light fixtures) provided that the utility structure exceeds fifty feet in height, and provided that the antenna does not extend more than ten feet above the height of the utility structure.

(3) Stealth. A commercial antenna may be placed wholly within any building allowed in the zoning district. A commercial antenna may also be mounted on an accessory utility structure, light standard or flagpole, or flush to the exterior of a building or structure if it is painted or disguised to integrate into the overall architectural design of the supporting structure, if it does not have any type of exterior non-vertical array, and if it is not readily identifiable as an antenna from public roadways or from neighboring residential properties.

(Ordinance 6773 adopted 5/19/15)

Section 2.65 General Requirements

(A) Antennae and support structures may be considered either principal or accessory uses.

(B) In residential zoning districts, the setback from any property line for antennae and support structure is one foot for every one foot in height of the antennae.

(C) No commercial antenna support structure may be closer to any residential district boundary line or the residential dwelling property line than a distance equal to three times the height of the support structure. The setback distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet in height, or to antennae placed wholly within, or mounted upon, a building.

(D) Freestanding commercial antenna support structures must be a minimum distance of five thousand feet from another wireless telecommunications antenna.

(E) No private or commercial antenna, antenna support structure, microwave reflector or antenna, or associated foundations or support wires or appurtenances may be located within any required setback area for the front, side, or rear yards.

(F) All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and all other applicable federal, state and local regulations and requirements. If those standards change, then the owner of an antenna or support structure must bring the antenna or structure into compliance within one hundred and eighty calendar days, or as may otherwise be required by the applicable regulating authority.

(G) A Building Permit is required to erect or install an antenna, antenna support structure and related structures or equipment, unless the antenna is exempt from these regulations (see Subsection 2.62(B) above). All installations must comply with applicable federal, state and local laws and the standards published by the Electronics Industry Alliance (EIA).

(H) Antennae (private or commercial) may not create electromagnetic or other interference with any government agency's radio frequencies and public safety operations, as required by the FCC. Antennae also may not interfere with radio or television reception of nearby property owners. The use of such equipment may not infringe upon

adjoining property owners.

(I) No antenna or support structure may be located so as to create a visual obstruction within critical visibility areas (such as, at street intersections, or where a private driveway enters a roadway) or a traffic safety problem.

(J) Safeguards must be utilized to prevent unauthorized access to an antenna installation (such as, on an elevated water storage tank or utility structure, or a freestanding installation). Safeguards include certain devices identified or recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety device. Climbing spikes or other similar climbing device, if utilized, must be removed immediately following use.

(K) Temporary antennae are only allowed in the following instances:

(1) In conjunction with, and used for, a festival, carnival, rodeo, or other special event or activity;

(2) In case of an emergency (such as severe weather) or a news coverage event; or

(3) When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within seventy-two hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, then the owner must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.

(L) Collocation is required.

(1) New support structures over fifty feet in height must be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment must also be provided.

(2) A support structure which is modified or reconstructed in order to accommodate collocation must be of the same type, design, and height as the existing structure, and it may be moved on the same property within fifty feet of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by SUP, then its new location must be within the physical/land boundaries of the SUP). The original support structure must be removed from the property within ninety days following completion of the new structure.

(3) Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna must comply with and be compatible with the design of the existing antenna on the collocated structure.

(4) An existing antenna or support structure is allowed to increase its height up to twenty percent in order to encourage and accommodate collocation.

(M) Support buildings and storage areas or buildings must be screened from public view if mounted on a rooftop. When ground-mounted, they must meet all applicable front, side, and rear yard setback requirements of the applicable base zoning district. They must also be of a neutral color. Support buildings and storage areas or buildings must be screened from public view by a dense, opaque, evergreen landscaped screen with an initial planting height of three feet, and which will attain an ultimate height of six feet at maturity. A six-foot solid masonry wall may be used in lieu of the landscaped screen provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited, and ornamental iron or coated chain-link may only be used in conjunction with a landscaped screen as specified above.

(N) Satellite dishes and other similar antennae are allowed on the roof of a building, as long as satellite dishes do not exceed one meter in diameter and antennae do not extend over ten feet above the roof of the building. A letter certifying the structural integrity of the roof and building will support the proposed satellite dish or antennae must be written and sealed by a licensed architect or engineer, and submitted to the Building Inspection Department prior to any approval of a roof-mounted antenna. Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

(O) Only one private antenna or support structure is allowed per residential lot. However, a maximum of two satellite dishes are allowed if each unit is no larger than one meter in diameter.

(P) All commercial signs, flags, lights, and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA or FCC are prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that the lights are not commercial (that is, for-profit) in nature, and are the same size, configuration, number of bulbs, and degree of luminance as they previously existed prior to support structure modification or replacement.

(Q) Any publicly owned antennae or antenna support structures is allowed in any zoning district (such as public

safety communications).

(Ordinance 6773 adopted 5/19/15)

Division 6 - Licensed Amateur Communications

Section 2.66 Applicability & Definitions

(A) The provisions of this Division 6 apply only to antennae and antenna support structures used in licensed amateur communications. The provisions of this Division 6 shall control in the event of a conflict with Division 5. If the communication facilities do not comply with the applicable district development standards and the following regulations, then a Specific Use Provision is required.

(B) Definitions.

(1) “*Antenna*” means “private antenna” for purposes of determining allowed uses within the [Land Use Matrix, Article 5 of this Chapter 2](#).

(2) “*Antenna support structure*” means a structure, such as a mast, tower or pole that is placed, erected or constructed to support one or more antennae for the purpose of engaging in licensed amateur communications. Buildings and associated roof-mounted equipment shall not be considered as antenna support structures.

(3) “*Licensed amateur communications*” means amateur radio operations, also known as the amateur radio service, as regulated and licensed by the Federal Communications Commission pursuant to 47 C.F.R. Part 97; and

(4) “*Compelling communications need*” means a need for relief based upon the inability of the applicant to obtain reasonable communications goals due to engineering or technical limitations or physical characteristics, such as trees, buildings, or structures located on the subject and adjacent properties that obstruct or significantly impede communications to and from the subject property.

(Ordinance 6773 adopted 5/19/15)

Section 2.67 Maximum Number of Antennas and Antenna Support Structures

No more than two antenna support structures for licensed amateur communications are allowed per lot of record in a residential district. Upon a showing of a compelling communications need, the Planning Director may administratively approve additional antenna support structures. (Ordinance 6773 adopted 5/19/15)

Section 2.68 Height

The maximum height for an antenna support structure in any district is eighty feet. Upon a showing of a compelling communications need, the Planning Director may administratively approve a maximum height of one hundred feet. An antenna support structure that exceeds one hundred feet in height is allowed only with the approval of a Specific Use Provision. (Ordinance 6773 adopted 5/19/15)

Section 2.69 Antenna and Antenna Support Structure Standards

(A) Number and Size. The number and size of antennae placed upon an antenna support structure used for licensed amateur communications is limited by the wind load requirements contained in the current version of the City’s building codes or by the manufacturer’s specifications for wind loading, whichever is more restrictive.

(B) Setbacks.

(1) Front Yards. Antenna support structures (including guy wires, foundations, anchors, and other components of the structure) are not permitted in required front yards. The Planning Director may administratively approve the location of guy wires in a required front yard if it is demonstrated that there is compelling communications need for such location or if there are limiting physical characteristics of the subject property that necessitate the location of guy wires in the front yard.

(2) Side and Rear Yards. Guy wires are permitted in required side and rear yards. Minimum setbacks for antenna support structures are the same as those required for accessory buildings in the applicable residential district and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces under single-family district regulations are permitted.

(3) Separation. There are no minimum or maximum separation requirements for antenna support structures from other structures on the same lot of record.

(C) Lights. Lights mounted on antenna support structures must comply with all requirements of Article 7, Chapter 4

of this GDC.

(D) Construction Standards. Antenna support structures must be installed and may be modified in accordance with the manufacturer's specifications or under the seal of a licensed professional engineer.

(E) Maintenance. Antennas and antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse must be removed or brought into repair within ninety days following notice given by the Building Official; however, the Building Official may order immediate action to prevent an imminent threat to public safety or property.

(F) License Required. Only licensed amateur radio operators are permitted to install, or have installed, and operate licensed amateur communication facilities under the provisions of this Division 6. Proof of license is required at the time application is made for a building permit to install and operate licensed amateur communication facilities under the provisions of this Division 6.

(G) Discontinuance. Within one hundred and eighty days of the date of discontinuance, the owner of property on which an antenna structure is located must remove the structure from the property in the event licensed amateur communications will be discontinued at the property due to change in ownership from a licensed amateur radio operator to a person not licensed to engage in licensed amateur communications, the death of the licensee, or the loss or surrender of the FCC license authorizing those communications.

(Ordinance 6773 adopted 5/19/15)

Division 7 - Wind Energy Conversion Systems (WECS)

Section 2.70 General Requirements

(A) Definitions. Definitions for wind energy-related terms are located in [Chapter 6](#) of this GDC.

(B) General Regulations. The following general regulations apply to all wind energy conversion systems (WECS) located within any zoning district. A wind energy conversion system lawfully in existence as of the effective date of this GDC is not required to meet the requirements established herein. Nothing contained in this Division 7 is intended to supersede the provisions of any applicable deed restrictions.

(1) Required Plans and Specifications. In addition to the submittals otherwise required upon making application for a Site Permit or a Building Permit, the application for a Building Permit for a wind energy conversion system must be accompanied by:

(a) A site plan of the proposed wind energy conversion system, which must include:

i. A survey or a scaled drawing of the site on which the proposed wind energy conversion system will be constructed;

ii. A plan view layout of the proposed wind energy conversion system clearly showing:

a. The location of the system in respect to the property on which the system will be built;

b. All components of the system; the distance of the system to all surrounding property lines; required setbacks; existing structures on the site; and natural features such as watercourses and trees;

iii. Elevation drawings that include:

a. The design and height of the proposed wind energy conversion system;

b. Detailed drawings of all system components;

c. Screening requirements; and

iv. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms with the edition of the National Electrical Code in effect at the time of construction.

(b) Standard installation drawings of the wind turbine structure, including the tower base, and footings, if any.

(c) If the system is mounted on a tower, either an engineering analysis of the tower or a copy of the manufacturing specifications demonstrating compliance of the system with the edition of the International Residential Code in effect at the time of construction. An engineering analysis must be certified by a licensed professional engineer registered in the State of Texas.

(d) Evidence of the notice to the utility company as required by Subsection 2.70(B)(10) below.

- (2) Construction Standards. A wind energy conversion system must be installed according to the manufacturer's recommendations or under the seal of a professional engineer licensed in the State of Texas.
- (3) Maximum Height. Subject to the height limitations imposed by the setback requirements in Subsection 2.70(B)(4) for other than a roof-mounted installation, the maximum height of the system may not exceed forty feet from ground level to the topmost portion of the system inclusive of the turbine and blades. For horizontally-mounted (vertically-spinning) turbines, the measurement of maximum height is made by measuring to the center of the turbine shaft and then adding the length of a blade. Additionally, no system when installed may exceed the height recommended by the manufacturer or the distributor of the system.
- (4) Location and Setback. A tower-mounted wind energy conversion system may be anchored only in the rear yard of the lot on which the system is located. A tower-mounted system may not be located nearer to a side or rear lot line than one times the height of the system, inclusive of turbine blades. No part of a wind energy conversion system, including blades or guy wire anchors, may protrude across any property line or public right-of-way.
- (5) Primary Structure Required. A wind energy conversion system may exist only as a secondary use. A wind energy conversion system may not be erected on a lot or land tract until a primary structure has been constructed.
- (6) Sound Pressure Levels. Sound pressure levels produced by the operation of a wind energy conversion system may not exceed the limitations set forth in Section 22.69 of the City Code.
- (7) Lighting. All lighting not required by Federal Aviation Administration (FAA) regulation is prohibited, however, operational lighting installed by the manufacturer of the system as original equipment is allowed. When obstruction lighting is required by FAA regulations, the lighting may not exceed the minimum requirements of those regulations. If so required, a wind energy conversion system tower structure may be artificially lighted only with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-0684), flashing no faster than twenty flashes per minute. Upward lighting, floodlights or other lighting not required by the FAA is prohibited.
- (8) Signs. No advertising or other signs may be placed on a wind energy conversion system.
- (9) Prohibited in Easements. No portion of a wind energy conversion system may be located in, on, or across a public easement unless authorized by the easement holder.
- (10) Notice to Utility Company on Grid-Interconnected Systems. No grid-interconnected wind energy conversion system may be installed until evidence has been provided to the City that the appropriate electric power provider has been informed of the customer's intent to install a grid-connected customer-owned wind energy conversion system, and that the customer's system meets the utility's approved specifications for interconnection. If a system will interconnect through Garland Power and Light, the system must conform to the provisions of Ordinance No. 5886 and such other interconnection requirements applicable thereto. Off-grid systems are exempt from this requirement.
- (11) State or Federal Requirements. A wind energy conversion system must meet or exceed current standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate wind energy conversion systems. If the standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owner of the wind energy conversion system must bring the wind energy conversion system into compliance with those revised standards and regulations within one hundred and eighty-three calendar days following the effective date of the revised standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
- (12) Roof-Mounted Systems. Any wind energy conversion system designed to be mounted on the roof of a structure that does not extend more than sixty inches above the roof line is not required to comply with the provisions of Subsections 2.70(B)(1)a.i, 2.70(B)(1)a.ii and 2.70(B)(4) of this Division 7.

(C) Maintenance and Abandonment:

- (1) A wind energy conversion system must be maintained at all times according to the manufacturer's specifications.
- (2) A wind energy conversion system that has become unstable, leans more than five degrees out-of-plumb, or that poses a danger of collapse must be removed or brought into repair within sixty calendar days following notice by the Building Official to the owner of the property upon which the system is located. The Building Official may order immediate repairs or complete removal of the system where there is a risk of an imminent probable collapse and a danger to public health, safety, and welfare. Failure to make the required repairs within the time provided is an offense.
- (3) If the owner of a wind energy conversion system plans to abandon or discontinue, or is required to discontinue, the operation of the system, the owner must notify the Building Official by certified U.S. mail of the proposed date of abandonment or discontinuation. The notice must be given no less than thirty calendar days prior to abandonment or

discontinuation.

(a) In the event that an owner fails to give proper notice of abandonment or discontinuance, the wind energy conversion system will be considered abandoned if the wind energy conversion system is not operated for one hundred and eighty-three calendar days.

(b) Upon abandonment or discontinuation of use, the property owner must physically remove the wind energy conversion system within ninety calendar days following the date of abandonment or discontinuance of operation. "Physically remove" includes, without limitation, the actual, complete removal of the tower, turbine, and all other components of the wind energy conversion system from the site upon which the system is located.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 6 - LOT & YARD STANDARDS

Division 1 - Lot Requirements & Yard Provisions

Section 2.71 Lots

(A) Lot Required. Every building or property use (excluding temporary amusements or similar uses) hereafter erected, altered, expanded, placed, or otherwise located must be on a lot or lots of record, except when situated on a farm or ranch.

(B) Multiple Structures on Lot. Where a lot of record is used for other than single-family or duplex dwelling uses, more than one main building may be located upon the lot, provided that all other provisions of this GDC are met.

(C) Substandard 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.

(D) Frontage on Street.

(1) Every building hereafter erected must be on a lot which has been platted and filed for record in accordance with the procedures of this GDC (specifically [Chapter 3](#)), as amended. Every lot must have a frontage on a public or improved private street, and all structures must be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. The public or private street must have a minimum right-of-way as provided in the approved current *Major Thoroughfare Plan*.

(2) Whenever more than one main building is located upon a lot (as allowed in Subsection 2.71(B) above), each building must conform to the yard, parking, density requirements applicable to the uses and districts, and the front of each main building must face a public street. However, upon approval of the appropriate development application by the City, the requirement that the front of each main building must face a public street may be waived.

(E) Residential Uses. All residential uses in existence at the effective date of this GDC in which minimum lot square footage requirements were in compliance with Ordinance 4647, as amended, or requirements of an applicable Planned Development (PD) Ordinance are conforming for the purposes of square footage requirements.

(Ordinance 6773 adopted 5/19/15)

Section 2.72 Area & Building Regulations

(A) Measuring Setbacks & Lot Dimensions. All setback measurements must be made in accordance with Illustration 2-13.

(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.

(2) Where a building line has been established by a special ordinance adopted prior to the passage of this GDC, and the building line requires a greater or lesser yard setback than is prescribed by this GDC for the district in which the property is located, the required yard must comply with the building line established by that ordinance.

(C) Yard Depth & Width Adjacent to Streets. Depth and width of required yards adjacent to streets must be measured in accordance with Illustration 2-14.

(D) Yards in Relation to Future Rights-of-Way. Where a future right-of-way line has been established for future

widening or opening of an abutting street or thoroughfare, the front, side, or rear yard must be measured from the future abutting right-of-way line.

(E) Front Yards.

(1) Corner Lots. On all corner lots, only one lot line may be designated as the front lot line, and the front yard setback must be the required distance from the designated lot line.

(2) Measuring Front Yards. The front yard must be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace.

(3) Double-Frontage Lots. Required front yard setbacks must be provided on both frontages of double-frontage lots, as depicted in Illustration 2-15.

(F) Illustration of Lots. Illustration 2-16 shows the various types of “typical” lots that are regulated by this GDC, and Illustration 2-17 shows a “key corner” lot. Key corner lots must observe the same front yard setback on both sides so that the front yard setbacks of the key corner lot, and its two neighboring lots, are the same on each respective street frontage.

Illustration 2-13
Required Yards (Setbacks)

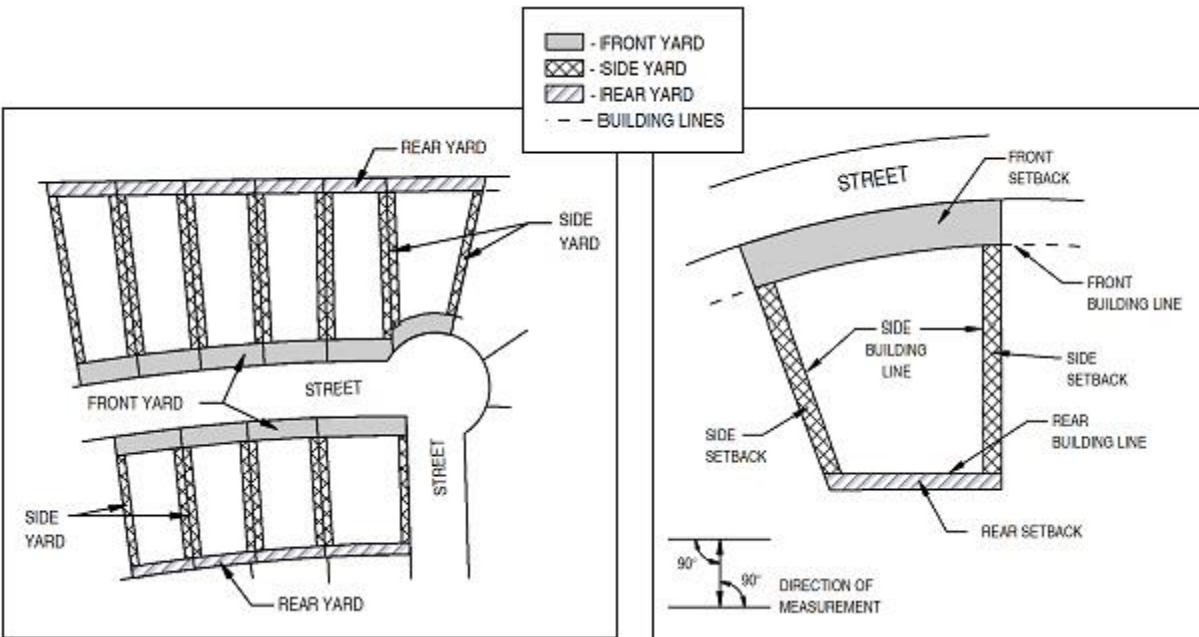


Illustration 2-14
Measuring Lot Depth and Width

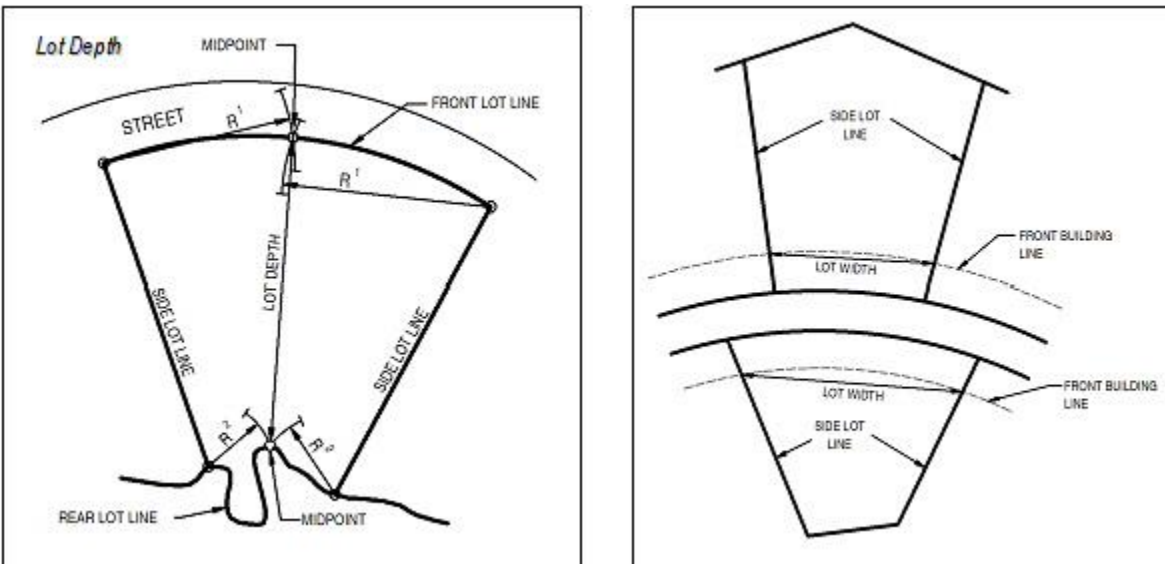


Illustration 2-15

Double Frontage Lots & Front Yards

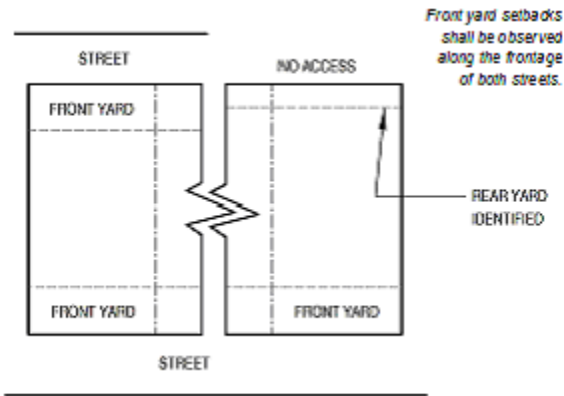


Illustration 2-16
Types of Lots

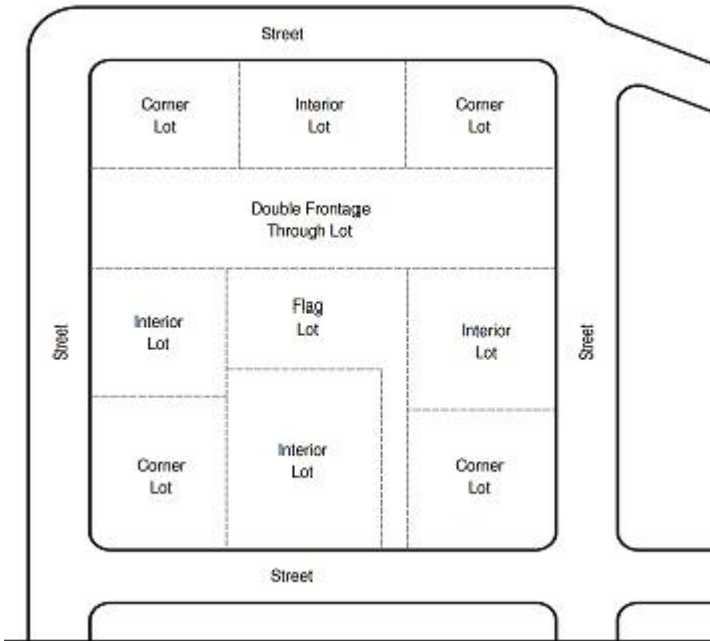
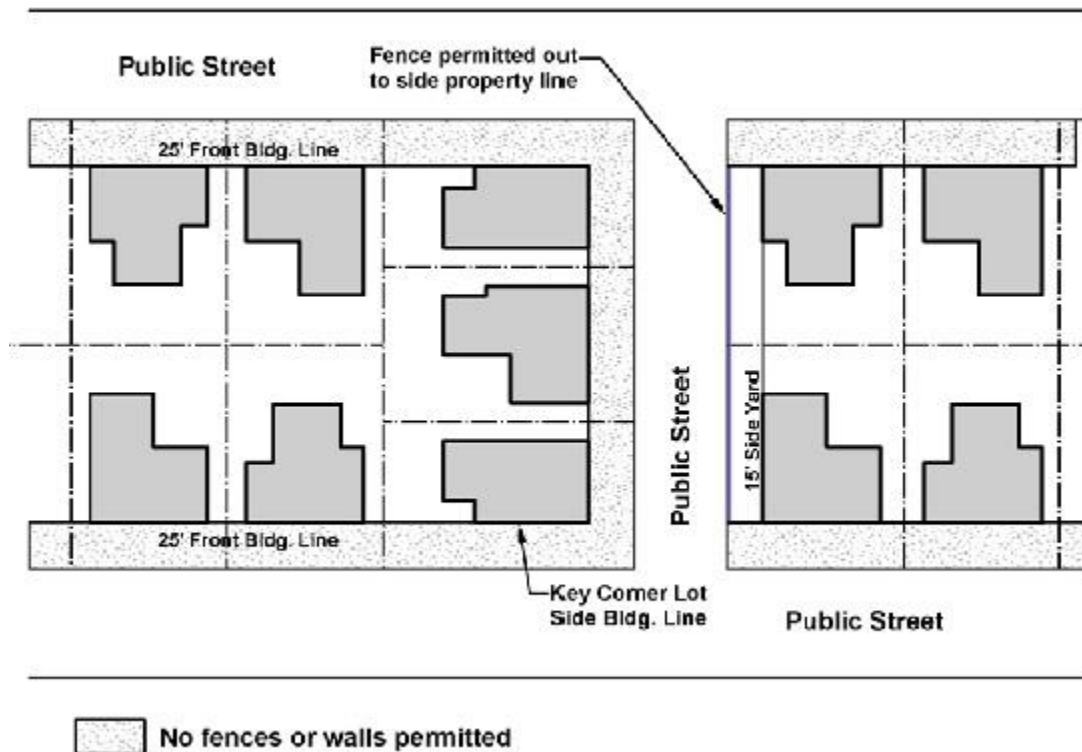


Illustration 2-17
Key Corner Lot



(Ordinance 6773 adopted 5/19/15)

ARTICLE 7 - NONCONFORMING USES & STRUCTURES

Division 1 - Classification of Nonconformities

Section 2.73 Purpose & Conformity

(A) Purpose. It is the purpose of this GDC and specifically this Chapter 2, Article 7 that nonconforming uses and structures be eventually discontinued, and the structures and the use thereof be required to conform to the regulations prescribed in this GDC, having due regard for the amortization of the value of such nonconforming use or structure.

(B) Conformity. Any nonconforming use of land or structure may not be enlarged, changed, altered, or repaired except in conformity with the regulations within this Chapter 2, Article 7.

(Ordinance 6773 adopted 5/19/15)

Section 2.74 Nonconforming Use or Structure Criteria

(A) Criteria. Any use or structure that does not conform with the regulations of this GDC on the effective date hereof, or any amendment hereto, are considered a nonconforming use or structure provided that:

- (1) The use or structure was in the City prior to adoption of the original zoning ordinance (Ordinance 436) on October 21, 1952, and has existed continuously as a nonconforming use; or
- (2) The use or structure existed when the land occupied by the use or structure was annexed into the City and has continuously existed as a nonconforming use; or
- (3) The use or structure was in conformity with the zoning ordinance in effect at the time of annexation and has continuously existed.

(B) Nonconformity Due to ROW Acquisition. A structure or use is not a nonconforming use or structure when the cause of the nonconformity is due to the acquisition of right-of-way (ROW) for a street or alley by the City or other public or quasi-public entity whether through eminent domain or by dedication.

(C) Conformance to a Zoning District. Any use or structure that does not conform with the regulations of the zoning district in which it is located on the effective date of this GDC or any amendment hereto is in violation of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.75 Nonconforming Lot Criteria

(A) Criteria. Any platted lot that does not conform with the regulations of this GDC on the effective date hereof, or any amendment hereto, except as expressly provided in Subsection (C) below, is a nonconforming platted lot provided that:

- (1) the platted lot was in existence under and in compliance with the provisions of the immediately prior zoning regulations; or
- (2) the platted lot was a lawful, nonconforming platted lot under the immediately prior zoning regulations; or
- (3) the platted lot was in existence at the time of annexation into the City, and was a legally platted subdivision of the land at the time of annexation.

(B) Conformance to a Zoning District. Any other platted lot that does not conform with the regulations of the Zoning District in which it is located on the effective date of this GDC or any amendment hereto, and except as provided in Subsection (C) below, is in violation of this GDC.

(C) Conforming Platted Lots. The following types of platted lots are considered in conformance with the provisions of this GDC, notwithstanding the fact that the lot does not meet the standards of this GDC in the district in which it is located:

- (1) Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
- (2) Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

(D) Use of a Platted Lot. Nothing in this GDC shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this GDC.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Regulation of Nonconformities

Section 2.76 Continuance of Nonconformities

Criteria. Any legal nonconforming use or structure may be continued, subject to the following:

(A) The lawful use of any building, structure, sign or land in accordance with the terms of the regulations by which the use was established, or in the case of annexed property, in accordance with the regulations under which the use was created, may be continued.

(B) Abatement of a legal nonconforming use or structure within a given period of time may be required by the City, provided, however, the right to continue the nonconforming use or use of a nonconforming structure is subject to regulations prohibiting nuisances and must be terminated when the use or structure constitutes a nuisance.

(C) A nonconforming use or structure is subject to any reasonable regulations as the Board of Adjustment (BOA) may require to protect adjacent property and subject to the specific nonconforming use or structure regulations contained within this GDC.

(D) Any use that does not conform to the provisions of this GDC that requires the use to have a Specific Use Provision, but which 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, is allowed to continue as a legal nonconforming use, except that the provisions of Section 2.81 are applicable.

(E) The provisions of ~~this~~ 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.

(Ordinance 6773 adopted 5/19/15)

Section 2.77 Expansion of Nonconformities

(A) Nonconforming Use Expansion Within a Structure. A nonconforming use may not be extended to any other

part of the structure in which it is located.

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

(1) A non-conforming use within a structure may not be extended to use land outside the structure.

(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~~[1]~~.

(C) Nonconforming Structure Expansion. Nonconforming structures may not be enlarged, remodeled, or extended so as to increase the nonconformity with any of the provisions of this GDC.

(D) Other Provisions Met. All nonconforming uses being expanded under the provisions of this GDC must comply with all other applicable provisions of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 2.78 Repairs & Alterations

(A) Moving a Nonconforming Structure. A nonconforming structure or building may not be moved, in whole or in part, to any other location on the lot, or to any other location or lot, unless every portion of the nonconforming structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated.

(B) Right to Repair Maintained.

(1) Upgrading, Strengthening, Repair or Maintenance. Nothing in this GDC shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless the repairs or maintenance exceed fifty percent of the structure's appraised value, as determined by the Dallas or Collin County Appraisal District. (Refer to Section 2.79(C) for replacement cost explanation.)

(2) Structural Alterations Allowed If Changed to Conforming Use. Structural alterations may not be made except those required by law or ordinance, unless the building is changed to a conforming use, and provided that no additional dwelling units may be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located.

(C) Substandard Nonconforming Structure. The right to operate and maintain any nonconforming structure will terminate whenever the nonconforming structure becomes substandard under any applicable ordinance of the City and the cost of bringing the nonconforming structure into compliance with the provisions of this GDC exceeds fifty percent of the replacement cost of the structure on the date the appropriate City official determines that the structure is substandard. (Refer to Section 2.79(C) for replacement cost explanation.)

(Ordinance 6773 adopted 5/19/15)

Section 2.79 Reconstruction Following Damage or Destruction

(A) Structure Totally Destroyed. If a nonconforming structure or a structure occupied by a nonconforming use is totally destroyed by fire or the elements, such structure may not be reconstructed or rebuilt except in conformance with this GDC.

(B) Structure Partially Destroyed.

(1) In the case of partial destruction of a nonconforming structure or a structure occupied by a nonconforming use where sixty percent or less of the structure's current replacement value is destroyed, the Building Official may issue a permit for reconstruction.

(2) In the case of partial destruction of a nonconforming structure or a structure occupied by a nonconforming use where more than sixty percent, but less than one hundred percent of the structure's current replacement value is destroyed, the BOA may allow for the rebuilding (but not for enlarging) of the structure following a hearing and affirmative vote. As to multiple-family structures, sixty percent or more of the structure means sixty percent or more of the dwelling units contained within the multiple-family complex.

(3) Repair must be completed within three hundred and sixty-five calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Planning Director.

(C) Replacement Cost. In determining the replacement cost of any nonconforming structure, the cost of land or any factors other than the nonconforming structure itself, including the foundation, may not be considered.

(Ordinance 6773 adopted 5/19/15)

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 ~~all current standards~~ the life and safety requirements as established in the applicable building code for the proposed use.
- (1) Once a nonconforming use is changed to a conforming use, the use may not thereafter be changed back to a nonconforming use.
- (2) A conforming use located in a nonconforming structure may not be changed to a nonconforming use.
- (Ordinance 6773 adopted 5/19/15)

Section 2.81 Termination of Nonconforming Uses

Right to Operate Use Terminated. The right to operate a nonconforming use will cease and the use will terminate under any of the following circumstances:

- (A) Whenever an existing nonconforming use is abandoned all nonconforming rights are terminated and the premises must be used in conformance with this GDC. Abandonment is the act of discontinuance of any nonconforming use. The discontinuance of a nonconforming use for a period of six months is prima facie evidence of abandonment and the owner has the burden to prove that the nonconforming use has not been abandoned.
- (B) Whenever there is a violation of any of the provisions of this GDC or violation of any ordinance of the City of Garland with respect to a nonconforming use, the right to operate such nonconforming use will terminate immediately upon such violation.
- (C) Whenever a nonconforming use is changed to a conforming use by rezoning so as to achieve compliance with the provisions of a new or different zoning district, those nonconforming rights are terminated.
- (D) Whenever a nonconforming use is changed to a conforming use under the provisions of this UDC, those nonconforming rights are terminated.
- (E) Whenever the structure in which a nonconforming use is housed, operated, or maintained is destroyed or damaged by fire or other causes to the extent of sixty percent or more of the value of the structure, the right to operate such nonconforming use will terminate, except as may be approved by the Board of Adjustment. (Refer to Article 2, Division 5 in this Chapter 2).
- (F) Whenever the public convenience and welfare will be substantially served, the BOA may, in specific cases, after public notice and public hearing (in accordance with Article 2, Division 5 of this Chapter 2, and subject to appropriate conditions and safeguards, require the discontinuance of a nonconforming use under any plan whereby full-value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this UDC.
- (Ordinance 6773 adopted 5/19/15)

LAND USE MATRIX

N/A – Not applicable (i.e., no parking P requirement) 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 Requireme nts	Cross- Reference(s) for Special Standards
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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 Dwellings:		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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 1 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 Units:	Living	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	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/HU D-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 least one covered parking space)	Sec. 2.39
	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 StructureBuilding		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/walk-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/walk-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	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	P	P	P	P	P		S	S	S	-	1/10 children + 1 per employee at	Sec. 2.52(A)(2)

																				maximum shift	
	Day Care, Youth – Registered Child-Care Home		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 Office/Clinic									P	P	P	P	P	P	P	P	-	1/250 gfa	-		
Mortuary/Funeral Home	S											S	S	P	S			-	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			P	P	P	P		P	-	1/125 gfa or 1/3 bleacher and spectator seats (whichever is greater)	-
Athletic Events Facility, Outdoor	S													S	S	S			-	1/125 gfa or 1/3 bleacher and spectator seats (whichever is greater)	-
Athletic Field, Stadium, Arena	S	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 (whichever 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 Stay									S		S	S		S		S	-	1.25/room + 1/200sf restaurant, retail, conference and office area	Sec. 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	Sec.

																				gfa 401,000+ gfa: 1/300 gfa	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 (wholesale)	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 (wholesale)														P	P			-	1/400 gfa + 1/1,000 gfa storage area	Sec. 2.52(A)(23)
Bulk Material Sales & Storage (retail or 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	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/wrecker	-
TRANSPORTATION USES																				
Airport/Heliport														S	S			-	1/4 seating accommod ation + .5/employe e 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 <u>+or 5 visitors +</u> 1/employee at maximum shift, <u>whichever is greater</u>	-
Batching Plant															S			-	1/1,000 gfa <u>or 5 visitors +</u> <u>plus</u> 1/employee at maximum shift, <u>whichever is greater</u>	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 <u>or 5 visitors +</u> <u>plus</u> 1/employee at maximum shift, <u>whichever is greater</u>	Sec. 2.52(A)(26)
Breweries/Wineries/Distilleries													S	S	S	P	S	S	1/1,000 gfa <u>or 5 visitors +</u> <u>plus</u> 1/employee at max. shift, <u>whichever is greater</u> 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 remainder gfa	Sec. 2.52(A)(30)
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 <u>or 5 visitors +</u> <u>plus</u> 1/employee at maximum shift, <u>whichever</u>	-

																			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 plus+ 1/employee at maximum shift, whichever is greater	-	
High Risk Use														S			-	1/1,000 gfa or 5 visitors plus+ 1/employee at maximum shift, whichever is greater	-	
Industrial or Manufacturing, Heavy														S			-	1/1,000 gfa + or 5 visitors plus 1/employee at maximum shift, whichever is greater	Sec. 2.52(A)(31)	
Industrial or Manufacturing, Light												S	P/S 3	P/S 4S3			-	1/1,000 gfa + or 5 visitors plus 1/employee at maximum shift, whichever is greater	Sec. 2.52(A)(31)	
Laboratory, Analytical or Research (indoor)									S		S	P	P	P			-	1/1,000 gfa + or 5 visitors plus 1/employee at maximum shift, whichever is greater	-	
Leather & Allied Products Manufacturing														S			-	1/1,000 gfa + or 5 visitors plus 1/employee at maximum shift, whichever is greater	-	
Mining/Mineral Extraction																	-	-	-	
Warehouse, Office/Showroom (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 45	P/S 45	P/S 45	P/S 45	P/S 54	P/S 45			-	1/employee at maximum shift	-	
Wind Energy Conversion System	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	N/A	Div. 7, Art. 5, Ch.2	

- 1 These Elder Care uses are permitted by right in this district if located within 1,000 feet of a Hospital,
measured property line to property line.
- 2 Day Care, Youth – Registered Child-Care Home: Allowed by right in the designated zoning districts,
subject to the regulations for Home Occupations (see Section 2.61 of Chapter 2)
- 3 Light Industrial/Manufacturing uses require issuance of an SUP where contiguous or where within 100’
of a residential zoning district or a residential use.
- 4 Telecommunications Switching Station uses require issuance of an SUP when located within 1,000
feet of a residential zoning district.

CHAPTER 3

SUBDIVISION REGULATIONS

ARTICLE 1 - GENERAL SUBDIVISION AUTHORITY OF THE CITY*

Division 1 - Applicability

Section 3.01 Applicability

(A) Applicability.

- (1) No Building Permit shall be issued for any building or structure on a property until a plat has been approved and filed for record, unless specifically exempted herein.
- (2) The provisions of this Chapter 3 shall apply to the following forms of land subdivision and development activity within the City's limits and its extraterritorial jurisdiction (ETJ):
 - (a) Any non-exempt (see Section 3.03 of this Chapter 3) division of land into two or more tracts, lots, sites or parcels;
 - (b) Any combination or re-subdivision of separate land parcels;
 - (c) Any construction of, addition to, or relocation of any structure for which a Building Permit is required, if the property is not already platted (replating a property may be necessary to add or modify easements, to shift or change lot lines, or other similar changes to the property's recorded plat);
 - (d) Any development or use of land that does not involve construction or use of a permanent building (one that only uses a temporary building or no building at all), except when the only change to the use of the land or buildings is a change of user, a change of Certificate of Occupancy, or an interior-only remodel; and
 - (e) Any development or use of land that will require the construction, or the reconstruction, of any required public improvement(s).
- (3) The subdivision of a property, or the sale of a portion of a property, by metes and bounds rather than as a platted lot of record is a violation of this GDC and state law unless specifically exempted in Section 3.03 of this Chapter 3. An unauthorized subdivision of land may be grounds for the City to withhold or deny connection to utilities, construction and Building Permits, and Certificates of Occupancy until the property is properly platted in accordance with this GDC.

(B) Subdivision Rules. The provisions of this Chapter 3, the standards governing constructed facilities applicable to plats in other portions of this GDC and the City Code, and the City's *Technical Standards*, as adopted by the City Council, as may be amended and approved by the Director of Engineering, constitute the City's rules for the subdivision and development of land that lies within the City's corporate limits and within its ETJ.

(C) Technical Standards. The City's *Technical Standards* are those as defined in [Chapter 6](#) of this GDC.

(D) Conflict Among Technical Standards. The City's *Technical Standards* shall control and prevail to the extent of any conflict with the provisions of the NCTCOG's *Standard Specifications for Public Works Construction in North Central Texas*, latest edition.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 2 - SUBDIVISION PROCEDURES

Division 1 - Provisions Applicable to All Platting Procedures

Section 3.02 Types of Plats Required

(A) Final, Conveyance, or Minor Plat. A recordable plat must be approved by the City prior to any land division and prior to any new construction or redevelopment. The type of recordable plat is determined by the type of land division, construction or redevelopment project contemplated, as determined by the Planning Director in accordance with the standards provided by this GDC.

(B) Replat. A Replat, which must conform in all respects with state law and the provisions of Section 3.38 and Section 3.39 of this Chapter 3, is required any time a platted, recorded lot is further divided or expanded, and which thereby changes the boundaries or dimensions of any lot. In the case of minor revisions to recorded plats or lots, a Minor Plat or Amending Plat may instead be utilized if allowed by state law and if the plat conforms with Article 2, Division 4 and with Article 2, Division 7, Section 3.40, respectively.

(Ordinance 6773 adopted 5/19/15)

Section 3.03 Exemptions

(A) Exemptions. The following land divisions are exempt from the requirements of this GDC that apply to plats:

- (1) Existing cemeteries that comply with all state and local laws governing the establishment, operation, and maintenance of cemeteries, to the extent of individual sales and conveyances of burial plots within the cemetery;
- (2) A division of land created by an order of a court of competent jurisdiction, provided however, that prior to construction of improvements on any portion of the parcels created by the court order, a plat meeting the requirements of this GDC shall be approved and recorded prior to the issuance of permits; and
- (3) A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(Ordinance 6773 adopted 5/19/15)

Section 3.04 Time for Decision on Plats

(A) Time Period for Action.

- (1) Thirty Days. All plat applications shall be acted upon within thirty calendar days following the date the City determines the application is complete (see [Section 1.16](#)) unless a waiver is submitted in accordance with Subsection (B) below.
- (2) Approved by Operation of Law. If no decision is rendered on a complete plat application within the thirty-day period and no waiver has been filed by the applicant under Subsection (B), the plat application, as submitted, shall be deemed approved.

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

- (1) Request. An applicant may submit in writing a waiver of the right to approval or disapproval of a plat within the 30-day period provided in Subsection (A) above (a Waiver of Right to 30-Day Action).
- (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 this Chapter 3~~ [\[Chapter 1\] 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.
- (3) Action. A Waiver of Right to 30-Day Action requires no formal approval by the Planning Director. The City shall accept any timely waiver submitted by an applicant, and the Waiver of Right to 30-Day Action shall become part of the City's file for the development project.
- (4) Requirements Maintained. Submission of a Waiver of Right to 30-Day Action, and acceptance of such waiver by the City as part of a plat application, does not affect the applicability of any requirement within this GDC. A waiver or variance from any requirement of this GDC or the City Code is a separate and distinct process.

(Ordinance 6773 adopted 5/19/15)

Section 3.05 Relationship Between Platting & Zoning

(A) Zoning. Inside the corporate limits of the City, the following shall apply:

- (1) Conformance with Existing Zoning. All plat and development applications must conform with the existing zoning on the property.
- (2) Request to Rezone First. If an applicant seeks to change the zoning for the property, the request for a change in zoning must be submitted and approved prior to acceptance of a plat application unless as otherwise provided below.
 - (a) The applicant may request approval from the Planning Director to submit a plat application simultaneously with a zoning change request, in which case the application for the requested zoning change shall be acted upon first provided that the plat application is accompanied by a properly executed and timely Waiver of Right to 30-Day Action.
 - (b) In the event that the requested zoning change is denied, the plat application shall also be rejected or denied unless it otherwise fully conforms with the existing zoning on the property.
- (3) Planned Development (PD) District and Specific Use Provision (SUP) Zoning. In a Planned Development (PD) district (refer to [Chapter 2, Article 2, Division 2](#)) or for Specific Use Provision (SUP) zoning (refer to [Chapter 2, Article 2, Division 3](#)), a plat application must conform with all PD/SUP and other applicable zoning regulations, and with the approved PD/SUP zoning exhibit, Detail Plan, Site Plan, or other layout plan approved as part of the PD/SUP ordinance.

(Ordinance 6773 adopted 5/19/15)

Section 3.06 General Application Requirements & Processing

- (A) ~~Pre-Submittal~~Pre-Filing Meeting. Prior to the official submission of a complete plat application or Site Engineering Drawings, the applicant(s) shall attend a ~~Pre-Submittal~~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.
- (B) Application Contents. Submittal requirements for all types of plat and development applications are set forth in the City's *Development Application Packet*, as amended. It is the applicant's responsibility to be familiar with, and to fully comply with, the City's requirements for submission, review, and approval of any plat or development application.
- (C) General Plat Application Requirements. For all types of plats, a Working Plat shall be submitted through the City Engineering Department for review and shall achieve acceptable status. Once acceptable status is achieved, the applicant shall submit a complete plat application in accordance with Section 1.16 of Chapter 1 that meets all requirements of the City's *Development Application Packet*, as amended.
- (D) Review and Approval Process. The review and approval process for all plat applications shall be administered in accordance with the City's *Development Application Packet*, as amended.
- (E) Utility Providers. Prior to the approval and filing of a Final Plat, the applicant shall contact all utility providers (including gas, telephone, electric and cable television providers servicing the site) and shall provide on the proposed Plat any utility service easements a utility provider may require to serve the area contained in the proposed Plat. Such utility service easements shall be included in and depicted on the Final Plat. Approval of a Final Plat is subject to the correct placement and depiction of both on-site and off-site easements required by the utility providers that will provide utility services to the area contained in the Plat. If no response is provided by a utility provider(s) regarding the establishment of easements for the provider's facilities, then the Final Plat may be approved without such utility easements, and future acquisition of such easements shall be the responsibility of the applicant or of the utility provider(s), as applicable. The applicant shall provide, along with the Final Plat application, documentation of the reasonable attempts by the applicant, prior to submission of the Final Plat, to obtain all utility providers' comments regarding necessity for easements.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Preliminary Plat (for Single- and Two-Family Developments)

Section 3.07 Purpose & Applicability

- (A) Purpose. The purpose of a Preliminary Plat is to establish the general layout of the proposed subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the proposed land division with applicable requirements of this GDC.
- (B) Applicability.
- (1) A Preliminary Plat is required for all single-family detached, two-family residential, and townhouse developments having two or more lots, unless the Planning Director determines that a Preliminary Plat is not needed and an exemption from this requirement is therefore granted by the Director.
- (2) A Preliminary Plat is not required for multifamily or nonresidential developments, unless the Planning Director determines that the submission, review and approval of a Preliminary Plat is necessary for public health, safety or welfare reasons.

(Ordinance 6773 adopted 5/19/15)

Section 3.08 Application & Procedures

- (A) Application Submission and Processing. A completed application for Preliminary Plat approval must be submitted, and will be processed, in accordance with Section 3.06 of this Chapter 3 and the procedures set forth in the City's *Development Application Packet*, as amended.
- (B) ~~Pre-Submittal~~Pre-Filing Meeting. All applicants intending to submit a Preliminary Plat application shall attend a ~~Pre-Submittal~~Pre-Filing Meeting with the Development Review Committee (DRC) in accordance with Chapter 1, Section 1.15.
- (C) Accompanying Applications. Before filing an application for a Preliminary Plat, the applicant must submit full Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must achieve acceptable

status prior to submission of the Plat application. However, approval of the Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division 2 of Article 2 of this Chapter 3 for the Preliminary Plat, and by Division 1 of Article 6 of this Chapter 3 for the Site Engineering Drawings.

(D) Review Process. A Preliminary Plat application shall be reviewed by the Development Review Committee (DRC) and the Planning Director. The standards of review and approval process for a Preliminary Plat are set forth in the City's *Development Application Packet*, as amended.

(Ordinance 6773 adopted 5/19/15)

Section 3.09 Action

(A) Review and Determination. The Plan Commission shall review the Preliminary Plat application, findings of the DRC, and any other information submitted with the application or supplied by City staff. From all such information, the Plan Commission shall determine whether the Preliminary Plat application complies with this GDC and the City *Development Application Packet*, as amended.

(B) Action by Plan Commission. The Plan Commission shall either approve the Preliminary Plat as submitted by the applicant or deny the Preliminary Plat, using the standards set forth in Section 3.10 below.

(C) Appeal. The applicant may appeal a decision of the Plan Commission to deny a Preliminary Plat to the City Council. Such appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 3.10 Criteria for Approval

(A) The following criteria shall be used to determine whether the application for a Preliminary Plat shall be approved or denied:

(1) The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable PD/SUP zoning standards, and with any approved development agreements, if applicable;

(2) The proposed means of providing, and the configuration of public improvements, including but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, easements and rights-of-way are adequate to serve the development, meet applicable standards of this GDC, and conform to the City's adopted master plans for those facilities;

(3) The Preliminary Plat has been duly reviewed by applicable City staff;

(4) 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;

(5) The Preliminary Plat conforms to design requirements and construction standards as set forth in the City's *Technical Standards*; and

(6) The Preliminary Plat conforms to application submission requirements in the City's *Development Application Packet*, as amended.

(Ordinance 6773 adopted 5/19/15)

Section 3.11 Effect of Approval

(A) Right to Proceed. The approval of a Preliminary Plat application shall allow the applicant to continue applying for and obtaining a Site Permit. The Final Plat application shall be submitted, approved by the City, and filed for record with the applicable county prior to issuance of any Building Permit for the property.

(B) Installation of Subdivision Improvements.

(1) Approval of the Preliminary Plat by the Plan Commission constitutes general approval of the layout illustrated on the Preliminary Plat as a guide to the installation of streets, water, sewer, storm drainage, and other improvements that are planned or required to serve the proposed development.

(2) Approval of the Preliminary Plat does not constitute approval of the proposed development's final Site Engineering Drawings, nor shall approval of the Preliminary Plat be construed to mean acceptance by the public of the dedication of any roads, utilities, drainageways, or other such land and improvement dedications.

(3) Construction of all subdivision improvements shall be based upon the approved Site Engineering Drawings, in accordance with Division 1 of Article 6 of this Chapter 3, specifically, and Articles 3, 4 and 5 [4, 5 and 6] of this Chapter 3, generally.

(Ordinance 6773 adopted 5/19/15)

Section 3.12 Expiration & Extension

(A) Validity. The approval of a Preliminary Plat application shall remain in effect for two years (that is, 730 calendar days) following the date of approval by the Plan Commission (or by the City Council, on appeal, if the Preliminary Plat was denied by the Plan Commission).

(B) Expiration & Extension.

(1) Two-Year Validity. If the Site Engineering Drawings have not been approved within the two-year period, the approved Preliminary Plat application expires and shall be null and void.

(2) Portion of Preliminary Plat Submitted for Construction. If Site Engineering Drawings have been approved for only a portion of the land covered in the approved Preliminary Plat within the two-year period, as may be the case for a phased development, the remaining portion of the Preliminary Plat continues to be valid for the remainder of the two-year period. The first phase, and every subsequent phase, of a phased development shall be designed, and shall have all required public improvements constructed, to exist independently, all of which shall conform to the City's *Technical Standards* in the same manner as if for a single-phase development.

(3) Relationship to Site Engineering Drawings. A Preliminary Plat shall remain valid for the period of time in which approved Site Engineering Drawings are valid, as long as forward progress on the development is underway and ongoing.

(4) Extension. The Preliminary Plat application, or portion thereof in the case of a phased development, may be extended if a request for extension is made in writing to the Plan Commission at least thirty calendar days prior to expiration of the Preliminary Plat. Such written request shall include reasons why the Plat should be extended. The Plan Commission shall review the extension request, and shall take one of the following actions:

(a) Approve the extension request for one year (that is, 365 calendar days);

(b) Approve the extension request for a shorter or longer period of time, or with conditions the Plan Commission deems appropriate to protect the public health, safety and welfare; or

(c) Deny the extension request.

(5) Extension and Vested Rights. In deciding a request for an extension of a Preliminary Plat, the Plan Commission may consider whether the applicant is willing to waive, in writing, the vesting of rights under the application for a Preliminary Plat.

(Ordinance 6773 adopted 5/19/15)

Section 3.13 Amendments to Preliminary Plat Following Approval

(A) Minor Amendments. Minor amendments in the design of the subdivision for which a Preliminary Plat has been approved may be incorporated into an application for approval of Site Engineering Drawings or a Final Plat without the necessity of submitting a new application for re-approval of a Preliminary Plat. Minor amendments include minor adjustments in street or alley alignments, minor adjustments to easements that result during preparation of the Site Engineering Drawings (provided that such adjustments do not compromise the intended use and function of the property), and minor adjustments in lot lines that do not result in creation of additional lots or any nonconforming lots, provided that all such amendments are consistent with applicable approved prior applications.

(B) Major Amendments. All other proposed amendments to the design of the subdivision for which a Preliminary Plat has been approved are considered major amendments that require the submittal and approval of a new application for re-approval of a Preliminary Plat before approval of the Site Engineering Drawings or of a Final Plat.

(C) Determination. The Planning Director shall, consistent with the provisions of this Section, make a determination of whether proposed amendments are deemed to be minor or shall require new submittal and re-approval of a Preliminary Plat.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Final Plat (for All Development Types)

Section 3.14 Purpose & Exceptions

(A) Purpose. The purpose of a Final Plat is to assure that:

- (1) The proposed subdivision and development of the land to which the Plat applies is consistent with all standards of this GDC pertaining to the adequacy of public facilities;
 - (2) Public improvements to serve the subdivision or development have been installed and accepted by the City, or that provision for such installation has been made; and
 - (3) All other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- (B) Exceptions. A Final Plat is not required when a Minor Plat is submitted (see Section 3.22 of this Chapter 3).
- (Ordinance 6773 adopted 5/19/15)

Section 3.15 Application & Procedures

- (A) Application Submission and Processing. A complete application for Final Plat approval shall be submitted and will be processed in accordance with Section 3.06 of this Chapter 3 and the City's *Development Application Packet*, as amended.
- (B) Review Process. A Final Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. The Planning Director shall schedule the Final Plat application for Plan Commission consideration in accordance with Section 3.04 of this Chapter 3.
- (C) Accompanying Documents. Before filing an application for a Final Plat, an applicant must submit required Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must have achieved acceptable status in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. Approval of the Final Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division 3 of Article 2 of this Chapter 3 for the Final Plat, and by Division 1 and Division 3 of Article 6 of this Chapter 3 for the Site Engineering Drawings and Subdivision Improvement Agreements, respectively.
- (D) Prior Approved Preliminary Plat. The Final Plat and all accompanying data shall conform to the Preliminary Plat (if one was required) as approved, incorporating all conditions imposed or required by the Planning Director (or by the Plan Commission on appeal), if applicable.

(Ordinance 6773 adopted 5/19/15)

Section 3.16 Action

- (A) Review and Determination. The Plan Commission shall review the Final Plat application, findings of the DRC, and any other information submitted with the application or supplied by City staff. From all such information, the Commission shall determine whether the Final Plat application complies with this GDC and the City's *Development Application Packet*, as amended.
- (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 ~~3.10~~ ~~[3.17]~~ 3.17 of this Chapter 3.
- (C) Appeal. The applicant may appeal a decision of the Plan Commission to deny a Final Plat to the City Council. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 3.17 Criteria for Approval

- (A) The following criteria shall be used to determine whether the application for a Final Plat shall be approved or denied:
- ~~(A1)~~ Final Plat with Prior Approved Preliminary Plat:
- ~~(1a)~~ The Final Plat conforms to the approved Preliminary Plat (as may have been amended);
 - ~~(2b)~~ 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;
 - ~~(3e)~~ 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;
 - ~~(4d)~~ Where public improvements have been deferred, a Subdivision Improvement Agreement has been executed in conformity with Article 6, Division 3 of this Chapter 3;

- (5e) The final layout of the development meets all standards for adequacy of public facilities contained in this GDC;
 - (6f) 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;
 - (7g) 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;
 - (8h) The Final Plat conforms to design requirements and construction standards as set forth in the *Technical Standards*, as amended;
 - (9i) 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
 - (10j) 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*.
- (B2) Final Plat with no Prior Approved Preliminary Plat:
- (1a) 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
 - (2b) 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. ~~1.1~~

(Ordinance 6773 adopted 5/19/15)

Section 3.18 Effect of Approval

(A) For Single- and Two-Family Residential Projects. The approval of a Final Plat:

- (1) Supersedes any prior approved Preliminary Plat for the same land.
- (2) Authorizes the applicant to seek approval and issuance of Building Permits for individual lots (refer to Article 1, Division 4 in Chapter 4 of this GDC).
- (3) Authorizes the applicant to sell individual lots when all required public improvements have been constructed, inspected and accepted by the City, and when the Final Plat has been filed for record at the applicable county.

(B) For Other Types of Development Projects. The approval of a Final Plat:

- (1) Supersedes any prior approved Preliminary Plat for the same land (if applicable).
- (2) Authorizes the applicant to seek approval and issuance of a Site Permit (refer to Article 1, Division 3 in Chapter 4 of this GDC) and Building Permit (refer to Article 1, Division 4 in Chapter 4 of this GDC).
- (3) Authorizes the applicant to install improvements in public rights-of-way in conformance with approved Site Engineering Drawings and under a Subdivision Improvement Agreement (refer to Article 6, Division 3 of this Chapter 3), if applicable.
- (4) Authorizes the applicant to sell individual lots when all required public improvements have been constructed, inspected and accepted by the City, and when the Final Plat has been filed for record at the applicable county.

(Ordinance 6773 adopted 5/19/15)

Section 3.19 Recordation

(A) Procedure. The applicant shall supply to the Planning Department the required number of signed and executed copies of the approved Final Plat that will be needed to file the Plat, upon approval, at the applicable county (in the county's required format) within six months (that is, 180 calendar days) following the approval date. The Final Plat shall bear the notarized signatures of the property owner(s) and the notarized seal of the Registered Professional Land Surveyor who prepared the Plat.

- (1) Signatures. Following approval of the Final Plat and the submission of copies for signatures, the Planning Director shall obtain the final two signatures from the chairperson of the Plan Commission and the City Secretary for execution of the Final Plat.
- (2) Recording. The Final Plat shall then be returned to the applicant for recording at the applicable county. Failure to properly record the Final Plat with the applicable county within six months (that is, 180 calendar days) following approval will cause the Final Plat to become null and void, and the applicant shall be required to re-initiate the platting process.

(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 ~~3, 4 and 5~~ [4, 5 and 6] of this Chapter 3.

(C) Submittal of Final Plat Where Improvements Have Not Been Installed.

(1) Where only a portion (or none) of the required public improvements have been completed in connection with an approved Final Plat, with prior approved Preliminary Plat prior to its filing for record at the applicable county, the applicant shall submit and execute a Subdivision Improvement Agreement in conformance with Article 6, Division 3 of this Chapter 3, and only if such Subdivision Improvement Agreement is approved by the City may the applicant then submit the Final Plat for filing at the applicable county.

(2) For a Final Plat with no prior approved Preliminary Plat, the Final Plat recordation shall be done in accordance with Subsection 3.19(A) above. Improvements must be installed and accepted to obtain a Certificate of Occupancy unless improvements are deferred per Section 3.102 of this Chapter 3.

(3) No Building Permit shall be issued until the Final Plat for the property is approved by the City and filed for record at the applicable county (see Article 1, Division 4 in Chapter 4 of this GDC).

(Ordinance 6773 adopted 5/19/15)

Section 3.20 Expiration

(A) No Expiration After Recordation. There is no expiration of a Final Plat after it is approved by the City and recorded with the applicable county.

(B) Expiration if Not Recorded. If an approved Final Plat is not timely recorded pursuant to Section 3.19 above then it shall become null and void.

(Ordinance 6773 adopted 5/19/15)

Section 3.21 Revisions Following Approval & Recordation

Replat or Amending Plat. Revisions may only be approved as a Replat (Section 3.39 of this Chapter 3) or Amending Plat (Section 3.40 of this Chapter 3). (Ordinance 6773 adopted 5/19/15)

Division 4 - Minor Plat (Administrative Approval)

Section 3.22 Purpose & Applicability

(A) Purpose. The purpose of a Minor Plat is to facilitate divisions of land under the circumstances described in Section 212.0065 of the Texas Local Government Code.

(B) Applicability. An application for a Minor Plat may be approved under the following circumstances:

(1) The proposed plat or replat results in four or fewer lots;

(2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this GDC; and

(3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way dedication and the establishment of new on-site easements (or off-site easements, via separate instrument) are allowed as part of, and shall be shown on, a Minor Plat.

(Ordinance 6773 adopted 5/19/15)

Section 3.23 Application & Procedures

(A) Application Submission and Processing. A complete application for Minor Plat approval shall be submitted, and will be processed, in accordance with Section 3.06 of this Chapter 3. A Minor Plat application must meet all application and recordation requirements of a Final Plat.

(B) Review Process. A Minor Plat application shall be reviewed by the DRC and the Planning Director in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. The Planning Director shall take action on the Minor Plat application, or shall schedule the application for Plan Commission consideration, in accordance with Section 3.04 of this Chapter 3.

(C) Accompanying Documents. An application for a Minor Plat may be submitted with accompanying documents similar to those for a Final Plat, as set forth in Section 3.15(C) of this Chapter 3.

(Ordinance 6773 adopted 5/19/15)

Section 3.24 Action

(A) Review and Determination. The Planning Director shall review the Minor Plat application, the findings of the DRC, and any other information submitted with the application (including the Site Engineering Drawings, if applicable). From all such information, the Planning Director shall determine whether the Minor Plat application is in compliance with this GDC.

(B) Action by Planning Director. The Planning Director shall take one of the following actions:

(1) Approve the Minor Plat as submitted by the applicant;

(2) Refer the Minor Plat to the Plan Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section 3.04 of this Chapter 3.

(C) Appeal. The applicant may appeal a decision of the Plan Commission (upon referral by the Planning Director) to deny a Minor Plat application to the City Council. Such appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 3.25 Criteria for Approval

The Planning Director, or the Plan Commission on referral, shall decide whether to approve or deny the Minor Plat application based upon the following criteria:

(A) The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Subdivision Improvement Agreement (if applicable), and all other requirements of this GDC that apply to the plat;

(B) All lots to be created by the plat already have access to an improved public or private street, and all are connected to or readily connectible to all other required City utilities and services;

(C) The ownership, maintenance, and allowed uses of all designated easements have been stated on the Minor Plat;

(D) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision; and

(E) The lot configuration does not adversely affect surrounding storm drainage patterns, nor does it create lot-to-lot drainage or adversely affect surrounding properties and rights-of-way, as determined by the Director of Engineering.

(Ordinance 6773 adopted 5/19/15)

Section 3.26 Effect of Approval

The approval of a Minor Plat authorizes the applicant to seek approval of a Site Permit (refer to [Chapter 4, Article 1, Division 3](#)), and, after the Plat is filed for record by the applicant, a Building Permit may be issued (see [Chapter 4, Article 1, Division 4](#)). (Ordinance 6773 adopted 5/19/15)

Section 3.27 Recordation

Same as Final Plat. Recordation procedures are the same as those for the recordation of a Final Plat in Section 3.19 of this Chapter 3. (Ordinance 6773 adopted 5/19/15)

Section 3.28 Expiration

(A) No Expiration After Recordation. There is no expiration of a Minor Plat after it is approved by the City and recorded with the applicable county.

(B) Expiration if Not Recorded. If an approved Minor Plat is not timely recorded pursuant to Section 3.19 of this Chapter 3, then it shall be null and void.

(Ordinance 6773 adopted 5/19/15)

Section 3.29 Revisions Following Approval & Recordation

Replat or Amending Plat. Revisions to a Minor Plat may only be approved as a REPLAT (Section 3.39 of this Chapter 3) or Amending Plat (Section 3.40 of this Chapter 3). (Ordinance 6773 adopted 5/19/15)

Division 5 - Conveyance Plat

Section 3.30 Purpose & Applicability

(A) Purpose. The purpose of a Conveyance Plat is to provide a mechanism for land to be divided into lots or to dedicate public right-of-way, when such subdivision of the land is for conveyance (sale or inheritance) purposes only. This type of plat is appropriate when no immediate development is contemplated; when or if development does occur, then the land shall be properly platted in the form of a Final Plat (with or without approval of a Preliminary Plat, as applicable) prior to any type of development, construction activities, or further subdivision of the land.

(B) Applicability. A Conveyance Plat may be used in lieu of a Final Plat to record the subdivision of property in the following instances:

(1) To record the remainder of a tract that is created by a Final Plat of a portion of the property, provided that the remainder is not intended for immediate development.

(2) To record the subdivision of property into lots, all of which are not intended for immediate development, provided minimum frontage requirements for all lots (as applicable) are met, and provided all lots have access in accordance with Section 3.33 of this Chapter 3. All public rights-of-way required by the City under this GDC (if any) shall be shown on, and dedicated by, a Conveyance Plat in accordance with Section 3.33, but the actual improvement of existing streets, and construction of any required new streets, may be deferred until development and further platting of the property shown on a Conveyance Plat.

(C) Subsequent Filing of a Final Plat. No Final Plat processed and approved in association with a Conveyance Plat shall be approved by the Plan Commission or filed for record at the applicable county without the concurrent (or prior) approval and recording of the associated Conveyance Plat for the remainder of the subject property. Both plats shall be submitted, reviewed, considered for approval, and filed for record at the county as separate plat drawings (that is, not combined into a single plat drawing).

(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 Article 2 of this Chapter 3, prior to issuance of any Site Permit, Building Permit or initiation of utility service.

(E) Grading Plans. Grading plans for the excavation or filling of earthen material may be approved by the Director of Engineering (in accordance with tree mitigation requirements in Chapter 4, Article 4 of this GDC), at the Director's sole discretion, with approval of a Conveyance Plat.

(Ordinance 6773 adopted 5/19/15)

Section 3.31 Application & Procedures

(A) Application Submission and Processing. A complete application for Conveyance Plat approval shall be submitted, and will be processed, in accordance with Section 3.06 of this Chapter 3. A Conveyance Plat application must meet all application and recordation requirements of a Final Plat.

(B) Review Process. A Conveyance Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. The Planning Director shall schedule the Conveyance Plat application for Plan Commission consideration, in accordance with Section 3.04 of this Chapter 3.

(Ordinance 6773 adopted 5/19/15)

Section 3.32 Action

(A) Review and Determination. The Plan Commission shall review the Conveyance Plat application, findings of the DRC, and any other information submitted with the application or supplied by City staff. From all such information, the Commission shall determine whether the Conveyance Plat application is in compliance with this GDC.

(B) Action by Plan Commission. The Plan Commission shall consider a Conveyance Plat application in the same manner as a Final Plat, and shall either approve the Conveyance Plat as submitted by the applicant or deny the Conveyance Plat.

(Ordinance 6773 adopted 5/19/15)

Section 3.33 Criteria for Approval

(A) Access. All tracts, parcels, lots or sites created by a Conveyance Plat shall have minimum frontage and access to an existing public street or to an existing City-approved private street that meets City construction standards and that provides access to the City's existing public street system. All lots created by a Conveyance Plat shall have the minimum number of points of access as required by this GDC.

(B) Reservation of Rights-of-Way. A Conveyance Plat shall provide for the reservation of future rights-of-way of planned roadways (unless the City requires immediate dedication of such on the Plat – see Subsection 3.33(C) below). Right-of-way reservation acknowledges the future obligation to dedicate right-of-way for public thoroughfares and streets specified on the City's adopted *Major Thoroughfare Plan* (as amended). Reservation of right-of-way does not grant any immediate right or interest in the property to the City. The final alignment may be adjusted upon Final Plat application in order to meet engineering design standards.

(C) Dedication of Rights-of-Way. Dedication of right-of-way for planned roadways shall be required on a Conveyance Plat where the City deems it appropriate and in the best public interest to acquire such rights-of-way immediately. The required right-of-way dedication shall be limited to that which is necessary to provide access to one or more lots on the property or to avoid creating the "land-locking" of adjacent property, and where such immediate right-of-way acquisition is necessary to complete turn lanes, intersections, and transitions in road pavement width or other necessary roadway improvements to accommodate the proposed subdivision contemplated in the Conveyance Plat.

(Ordinance 6773 adopted 5/19/15)

Section 3.34 Effect of Approval

The approval of a Conveyance Plat provides the applicant with a recorded plat for the sale or inheritance of the platted property. Any subsequent improvements to, or site disturbance activities on, the property to initiate development require the applicant to submit a Preliminary Plat (if required) and a Final Plat application in accordance with Division 2 and Division 3 of this Article 2, respectively. (Ordinance 6773 adopted 5/19/15)

Section 3.35 Recordation

Same as Final Plat. Recordation procedures are the same as those for the recordation of a Final Plat in Section 3.19 of this Chapter 3. (Ordinance 6773 adopted 5/19/15)

Section 3.36 Expiration

(A) No Expiration After Recordation. There shall be no expiration of a Conveyance Plat after it is approved by the City and recorded with the applicable county.

(B) Expiration if Not Recorded. If an approved Conveyance Plat is not timely recorded pursuant to Section 3.19 of this Chapter 3, then it shall be null and void.

(Ordinance 6773 adopted 5/19/15)

Section 3.37 Revisions Following Approval & Recordation

Final, Replat or Amending Plat. Revisions to a Conveyance Plat may only be approved as a Final Plat (Division 3 of this Article 2), a Replat (Section 3.39 of this Chapter 3), or an Amending Plat (Section 3.40 of this Chapter 3). (Ordinance 6773 adopted 5/19/15)

Division 6 - (Reserved)

Division 7 - Revisions to Recorded Plats

Section 3.38 General Requirements for Plat Revisions

(A) Applicability and Terminology.

(1) The procedures in this Division 7 shall apply only if a property owner seeks to change any portion of a plat that has been filed of record with the applicable county.

(2) The term *Replat* includes changes to a recorded Final Plat, whether the change is effected by replatting without vacation (Section 3.39 of this Chapter 3), approving an Amending Plat (Section 3.40 of this Chapter 3), or a new plat application.

(B) City Action Required for Plat Revisions. Except as expressly stated otherwise in this Division 7, any change to a recorded Final Plat, Conveyance Plat or Replat must be approved by the Plan Commission.

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

(D) Application and Approval Procedures. Unless otherwise specified, an application and all related procedures and approvals (including approval criteria and recordation) for a Replat or Amending Plat are the same as those specified for a Final Plat in Article 2, Division 3 except that an Amending Plat may be administratively approved (see below Section 3.40 of this Chapter 3).

(Ordinance 6773 adopted 5/19/15)

Section 3.39 Replat Without Plat Vacation

(A) Applicability.

(1) A Replat of all or a portion of a recorded plat may be approved without vacating the recorded plat, if the Replat:

- (a) Is signed and acknowledged by only the owners of the property being replatted;
- (b) Is approved after a public hearing on the Replat;
- (c) Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat; and
- (d) Meets all other requirements of Section 212.014 of the Texas Local Government Code, as amended.

(2) A Replat that does not vacate a previous plat may be approved if its purpose is to amend, relocate or abandon (with the City's approval) an easement(s) that was previously established by plat (that is, not established by separate instrument), to dedicate public right-of-way, to subdivide property or to combine lots.

(B) Application Submission and Processing. A complete application for Replat approval must be submitted, and will be processed, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. A Replat application must comply with all application and recordation requirements of a Final Plat. The Planning Director shall schedule the Replat application for Plan Commission public hearing and consideration, in accordance with Section 3.04 of this Chapter 3.

(C) Partial Replat Application. For a Replat that involves only a portion of the lots in an original subdivision, such Replat shall show enough of the surrounding original subdivision lots and streets to clearly depict where the affected lot(s) is situated. The Planning Director may determine how much of, or if all of, the original subdivision shall be shown on a Replat. All Replats shall reference the previous subdivision's name and recording information, and shall clearly cite the specific lot(s) which are being changed along with a detailed "Purpose for Replat" statement.

(D) General Notice and Hearing Requirements.

(1) Published and personal notice is required only for certain residential Replats, in accordance with Section 212.015 of the Texas Local Government Code, as amended.

(2) For applications for replat filed on or after September 1, 2019, if a proposed replat does not require a variance or exception, no hearing shall be required. The City shall provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipal or, in the case of subdivisions within the City's ETJ, county tax roll. The notice shall include the zoning designation of the property after the replat, and a telephone number and email address an owner of a lot may use to contact the City about the replat.

(3) For applications for replat filed on or after September 1, 2019, if a proposed replat requires either a variance or an exception, then a public hearing on a Replat shall be conducted by the Plan Commission in accordance with the normal rules and procedures that are applicable to public hearings.

(4) For applications for replat filed before September 1, 2019, the Plan Commission shall conduct a public hearing on the replat in accordance with the normal rules and procedures applicable to public hearings.

(E) Special Residential Replat Requirements.

(1) Applicability. In addition to compliance with other requirements of this Section 3.39, a Replat without vacating the preceding plat shall conform to the requirements of this Subsection if:

- (a) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
- (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

(2) Exception. The requirements of this Subsection do not apply to the approval of a Replat application that affects only a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single- or two-family (such as a duplex) residential use. Such designation shall be noted on the

recorded plat or in the legally recorded restriction applicable to such plat.

(3) Notice and Hearing. Beginning on September 1, 2019, for any replat for which a hearing must be held pursuant to subsection (D) above, notice of the public hearing at which the Replat will be considered shall be given in accordance with Article 2, Division 2 of Chapter 1 of this GDC, unless otherwise required by state law. Prior to September 1, 2019, notice of the public hearing at which the Replat will be considered shall be given in accordance with Article 2, Division 2 of Chapter 1 of this GDC, unless otherwise required by state law.

(4) Protest. If the Replat application is protested in accordance with this Subsection, approval of the Replat requires the affirmative vote of at least three-fourths of the members of the Plan Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent of the area of the lots or land immediately adjoining the area covered by the Replat application and extending two hundred feet from that area, but within the original subdivision, shall be filed with the Plan Commission prior to the close of the public hearing. The area of streets and alleys shall be included in the area computations.

(F) Review and Determination. The Planning Director shall review the Replat application, findings of the DRC, and any other information submitted with the application. From all such information, the Planning Director shall determine whether the Replat application is in compliance with the regulations of this GDC.

(G) Action by Plan Commission. The Plan Commission shall conduct the public hearing, shall consider the Replat application in the same manner as for a Final Plat, and shall approve the Replat as submitted by the applicant or deny the Replat.

(H) Appeal. The applicant may appeal a decision of the Plan Commission to deny a Replat to the City Council. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(I) Effect of Approval. Upon approval of a Replat application, and upon approval of any associated Site Engineering Drawings (if applicable) in accordance with Article 6, Division 1 of this Chapter 3, the applicant may seek approval of a Site Permit (refer to Article 1, Division 3 of Chapter 4 of this GDC), and may subsequently seek approval of a Building Permit (refer to Article 1, Division 4 of Chapter 4 of this GDC).

(J) Recordation.

(1) Same as Final Plat. Recordation procedures shall be as set forth for the recordation of a Final Plat in Section 3.19 of this Chapter 3.

(2) Replat Controls. Upon recordation at the applicable county, a Replat is controlling over the previously recorded plat for the portion replatted.

(K) Expiration.

(1) No Expiration After Recordation. There is no expiration of a Replat after it is approved by the City and recorded with the applicable county.

(2) Expiration if Not Recorded. If an approved Replat is not timely recorded pursuant to Section 3.19 of this Chapter 3, then it is null and void.

(L) Replat or Amending Plat. Revisions to a Replat may only be approved as a Replat (this Section 3.39) or Amending Plat (Section 3.40 of this Chapter 3).

(Ordinance 6773 adopted 5/19/15)

State law references—Replatting without vacating preceding plat, V.T.C.A., Local Government Code, sec. 212.014; additional requirements for certain replats, V.T.C.A., Local Government Code, sec. 212.015.

Section 3.40 Amending Plat (administrative approval)

(A) Purpose. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with state law.

(B) Applicability. The procedures for amending plats apply only if the sole purpose of the amending plat is for one or more of the following purposes:

- (1) Correct an error in a course or distance shown on the preceding plat;
- (2) Add a course or distance that was omitted on the preceding plat;
- (3) Correct an error in a real property description shown on the preceding plat;
- (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor

responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by the City, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;

(b) Neither lot is abolished;

(c) The amendment does not attempt to remove recorded covenants or restrictions; and

(d) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove recorded covenants or restrictions; and

(c) The amendment does not increase the number of lots;

(10) Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(a) The changes do not affect applicable zoning and other regulations of the City;

(b) The changes do not attempt to amend or remove any covenants or restrictions; and

(c) The area covered by the changes is located in an area that the Plan Commission or City Council has approved, after a public hearing, as a residential improvement area; or

(11) Replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove recorded covenants or restrictions;

(c) The amendment does not increase the number of lots; and

(d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(C) Application Submission and Processing. A complete application for approval of an Amending Plat shall be submitted, and will be processed, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended, and Section 3.06 of this Chapter 3. An Amending Plat application must comply with all application and recordation requirements of a Final Plat.

(D) Review Process. An Amending Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. The Planning Director shall take action on the Amending Plat application, or shall schedule the application for Plan Commission consideration, in accordance with Section 3.04 of this Chapter 3.

(E) Partial Amending Plat Application. For an Amending Plat that involves only a portion of the lots in an original subdivision, such Amending Plat shall show enough of the surrounding original subdivision lots and streets to clearly depict where the affected lot(s) is situated. The Planning Director may determine how much of, or if all of, the original subdivision shall be shown on an Amending Plat. All Amending Plats shall clearly cite the specific lot(s) that is being changed, along with a detailed "Purpose for Amending Plat" statement.

(F) Notice. In accordance with state law, the approval of an Amending Plat does not require notice, public hearing, or approval of other lot owners.

(G) Review and Determination. The Planning Director shall review the Amending Plat application, the findings of the DRC, and any other information submitted with the application. From all such information, the Planning Director shall determine whether the Amending Plat application complies with the regulations of this GDC.

(H) Action by Planning Director. The Planning Director shall either approve the Amending Plat as submitted by the

applicant, or shall refer the Amending Plat to the Plan Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section 3.04 of this Chapter 3.

(I) Appeal. The applicant may appeal any decision of the Plan Commission (upon referral by the Planning Director) to deny an Amending Plat application to the City Council. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(J) Criteria for Approval. The Director shall decide whether to approve or to refer approval of an Amending Plat application by determining whether the Amending Plat makes only those changes to the recorded plat that are allowed under Subsection (B) above and by state law.

(K) Effect of Approval. The approval of an Amending Plat authorizes the applicant to seek approval of a Site Permit (refer to Article 1, Division 3 in Chapter 4 of this GDC) or a Building Permit (refer to Article 1, Division 4 in Chapter 4 of this GDC).

(L) Recordation.

(1) Same as Final Plat. Recordation procedures are the same as those for the recordation of a Final Plat in Section 3.19 of this Chapter 3.

(2) Controlling. Upon recordation at the applicable county, an Amending Plat is controlling over the previously recorded plat without vacation of the previously recorded plat.

(M) Expiration.

(1) No Expiration After Recordation. An Amending Plat does not expire after it is approved by the City and recorded with the applicable county.

(2) Expiration if Not Recorded. If an approved Amending Plat is not timely recorded pursuant to Section 3.19 of this Chapter 3, then it is null and void.

(N) Replat or Amending Plat. Revisions to an Amending Plat may only be approved as a REPLAT (Section 3.39 of this Chapter 3) or as another Amending Plat (this Section 3.40).

(Ordinance 6773 adopted 5/19/15)

State law reference—Amending plat, V.T.C.A., Local Government Code, sec. 212.016.

Section 3.41 Plat Vacation

(A) Purpose. The purpose of Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of controlling state law.

(B) Applicability. A Plat Vacation application must first be approved by the Plan Commission prior to vacation of any recorded plat or portion thereof. A plat may be vacated only in accordance with state law, and only in conjunction with simultaneous approval of a new revised Final (or other type of recordable) plat application in accordance with this GDC unless such Plat Vacation was initiated by the City under Subsection 3.41(C)(3) below.

(C) Initiation of a Plat Vacation.

(1) By Property Owner. The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.

(2) By All Lot Owners. If lots in the plat have been sold, an application to vacate the plat may be submitted by all the owners of lots in the plat.

(3) By City Council. The City Council may, on its own motion, determine that a recorded plat should be vacated in the public interest; if:

(a) No lots within the approved plat have been sold within five years following the date the Final Plat was approved by the City;

(b) The property owner has breached a Subdivision Improvement Agreement, and the City does not have funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or

(c) The plat has been of record for more than five years, and the City Council determines that the further sale of lots within the subdivision or addition is not in the public interest, except that the vacation shall apply only to lots owned by the property owner who or which filed the plat, or its successors.

(D) Application Submission and Processing. A complete application for approval of a Plat Vacation must be

submitted, and will be processed, in accordance with Section 3.06 of this Chapter 3. An application for Plat Vacation must also be accompanied by an application for a Final (or other recordable) Plat for all of the land subject to the recorded plat or portion thereof to be vacated, prepared in accordance with this Article.

(E) Review Process. A Plat Vacation application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's *Development Application Packet*, as amended. The Planning Director shall schedule the Plat Vacation application for Plan Commission consideration simultaneously with the new Final (or other recordable) Plat application, in accordance with Section 3.04 of this Chapter 3.

(F) Processing and Decision.

(1) The Plat Vacation application shall be decided by the Plan Commission in conjunction with its decision on a new Final (or other recordable) Plat application for all of the subject property.

(2) The Plat Vacation application shall be processed together with the new Final (or other recordable) Plat application in accordance with the procedures applicable to the new Plat application under this Article 2.

(3) If a Plat Vacation application is submitted with a Preliminary Plat application (rather than a recordable plat application), the Plan Commission's decision on the Plat Vacation application may be deferred or conditioned on approval of a Final (or other recordable) Plat application for all of the subject property. The Commission shall decide the Plat Vacation application after it decides the Final (or other recordable) Plat application.

(G) Criteria for Approval. The Plan Commission may only approve a Plat Vacation application upon approving the new Final (or other recordable) Plat application for all of the subject property, and must deny a Plat Vacation application if the new Plat application is denied. The new Plat application, as well as any preceding Preliminary Plat application, shall be decided in accordance with the criteria for approval in Division 3, Section 3.17, of this Article 2.

(H) Effect.

(1) On the execution and recording of the vacating instrument, the previously recorded plat shall become null and void, and shall have no effect. Regardless of the City's action on the Plat Vacation petition, the applicant shall have no right to a refund of any monies, fees or charges paid to the City, nor to the return of any property or consideration dedicated or delivered to and accepted by the City (including acceptance by use) except as may have previously been agreed to by the City Council.

(2) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(3) The City may retain all or specific portions of rights-of-way or easements dedicated to the City or for public use on the plat being considered for vacation. However, Plat Vacation may be approved if the necessary rights-of-way and easements are conveyed in a separate legal document in a form approved by the City Attorney.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 3 - (RESERVED)

ARTICLE 4 - DEDICATION & CONSTRUCTION POLICIES

Division 1 - Adequate Public Facilities

Section 3.42 General Policies

(A) Adequate Service for Areas Proposed for Development. Land proposed for development in the City and in the City's ETJ must be adequately served by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or until provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

(1) Street Access. A Plat will not be approved unless:

(a) All of the proposed lots have street access that complies with the City's *Technical Standards Manual*; and

(b) All of the proposed lots have direct access to a public or private street that is improved to the City's minimum design and paving standards (or to a public street that will be improved to the City's standards during construction of the proposed development), or to an approved public access easement, improved to public street standards and that

is connected to an improved public street. The Planning Director may waive or amend the street access requirements where improved street access is not practical due to the physical characteristics of the land.

(2) Water. A Plat will not be approved unless all of the proposed lots have direct access to a public water system in a manner capable of providing adequate water for health and emergency purposes to the development and all lots within the development.

(a) All lots shall be provided with the ability to directly connect to a looped water main providing water flow from at least two directions or sources.

(b) Water service shall be sufficient to meet the fire flow requirements for all lots within the proposed development, except where a suitable alternative means of fire protection is approved by the Fire Department.

(3) Wastewater. A Plat will not be approved unless all of the proposed lots are served by, or have direct access to, an approved means of wastewater collection and treatment. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the wastewater system as provided in the *Technical Standards*.

(4) Storm Drainage. Increased stormwater runoff attributable to new development may not be allowed to cause impacts to adjoining, upstream or downstream properties and shall not exceed the existing capacity of the downstream drainage system. Impacts include an increase in runoff – in volume and velocity – between pre- and post-development conditions, and erosion on another property. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the City may require the phasing of development, the use of control methods such as retention or detention, or may require the developer to obtain off-site drainage easements or to construct off-site drainage improvements as means of mitigation.

(B) Developer Responsibility for Adequate Facilities. The developer shall be responsible for the following:

(1) Phasing of development or improvements in order to ensure the provision of adequate public facilities; each phase must be capable of existing as an independent unit each of which separately conform to the requirements in the City's *Technical Standards*.

(2) Extensions of public facilities and roadways (including any necessary on-site and off-site facilities) to connect to existing public facilities;

(3) Providing and procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);

(4) Providing proof to the City of adequate public facilities through a capacity analysis for water, wastewater and drainage facilities;

(5) Making reasonable provisions for future expansion of the public facilities that serve the development in order to accommodate future developments by extending water, wastewater and drainage lines to the limits of the development which may include complying with the City's oversize and pro rata participation program requirements, if applicable;

(6) Providing for the future operation and maintenance of facilities that serve a public purpose but that will not be dedicated to the public;

(7) Providing monetary or other form of approved security to ensure full performance for the completion of construction of public facilities for the development;

(8) Obtaining approvals from utility providers (other than the City) that will provide utility services to the development; and

(9) Complying with the requirements, which may include obtaining permits and other approvals, of authorities and non-City utility providers that may have jurisdiction over or which will serve the project or an aspect of the project. A non-exclusive example is the necessity of obtaining approvals from a railroad or the Dallas Area Rapid Transit Authority for a railroad crossing that will serve the project. The City is not responsible for ensuring compliance with such requirements or for obtaining or issuing such permits and approvals unless otherwise provided by law. Proof of compliance with such requirements (including copies of permit and other authorizations) shall be submitted by the developer to the City.

(Ordinance 6773 adopted 5/19/15)

Section 3.43 Conformance to Plans

(A) Capital Improvements Generally. Proposed capital improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted *Comprehensive Plan*, other adopted

master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

(B) Major Thoroughfare Plan. No Final Plat shall be approved for any subdivision within the City or its ETJ until there is adequate provision for thoroughfares as shown on the *Major Thoroughfare Plan*, as approved by the City.

(1) No Amendment Necessary. Subject to approval of the Director of Transportation, whenever a street connection or alignment is made, whether or not it is similar to the exact alignment shown on the *Major Thoroughfare Plan*, no other *Major Thoroughfare Plan* amendment shall be necessary. The design and construction of the proposed thoroughfare shall be in conformance with the City's master plans for thoroughfares and with the *Technical Standards*, and shall be subject to approval by the Directors of Transportation and Engineering. Such approvals shall be required prior to Final Plat approval.

(2) Amendment Necessary. If a different roadway type is proposed or if the connection is not proposed to be made, then the *Major Thoroughfare Plan* shall be amended prior to Final Plat approval, and upon provision of a Traffic Impact Analysis (TIA) of the proposed amendment in accordance with Article 5, Division 5 of this Chapter 3.

(C) Water and Wastewater Plans.

(1) Construction Requirements.

(a) All public water and wastewater mains shall be located in the frontage along streets, or in easements adjacent to the development, in order to provide service to adjacent property.

(b) Extension of Lines. Water and wastewater lines shall be extended along the entire frontage of the development adjacent to a street. If the development is not adjacent to a street, water and wastewater lines shall be extended in such a manner as to allow convenient future connections to new developments. If new developments will never be constructed beyond the development under construction due to physical constraints, the Director of Engineering may waive this requirement.

(c) Public water and wastewater mains shall not be located within a private street, drive or access easement unless a city utility easement is provided for the mains.

(d) No portion of a building or structure shall encroach over or into any public easement.

(e) A utility easement for water or wastewater between two lots must be entirely contained within a single lot.

(f) When it is necessary to relocate or replace an existing water or wastewater facility to accommodate a proposed subdivision, the developer is responsible for all costs associated with the relocation including the acquisition of necessary easements, except for oversize participation.

(2) Construction Plans. Plans for construction of all water and wastewater facilities required by this GDC shall be prepared in accordance with the requirements and specifications contained in the City's *Technical Standards*, the regulations of the Texas Commission on Environmental Quality (TCEQ) or its successor agency, and the City's current adopted Fire Code. Plans for the improvements shall be prepared by an engineer licensed in the State of Texas, and shall be in a form and format acceptable to the Director of Engineering.

(3) Acquisition of Easements. The developer shall be responsible for the acquisition of all required off-site easements.

(4) No Warranty of Availability. The City makes no representations or warranties that water supply or wastewater capacity will be available at any particular time or place.

(5) Lines Generally. Water or wastewater service lines shall not cross any adjacent lot. The public main shall be extended so as not to require the service to extend across another lot. Public water and wastewater mains adjacent to a roadway owned by a governmental entity other than the City shall be constructed outside the right-of-way in a separate easement unless otherwise agreed by those entities and the City.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Dedication & Construction Obligations

Section 3.44 Policy Statement

It is in the public's best interest that all new developments have adequate levels of public facilities and services. It is necessary and desirable to provide for the dedication of rights-of-way and easements for capital improvements to support new development at the earliest stage of the development process. Further, the City desires to assure that

development impacts are mitigated through contributions of rights-of-way, easements, and the orderly construction of capital improvements. It is the policy of the City that a development project contribute no more than its fair share of such costs. There is an essential nexus between the demand on public facilities systems created by a new development, and the necessity of dedicating rights-of-way and easements and the construction of capital improvements to offset such impacts. Requirements for dedication and construction of capital improvements to serve a proposed new development will be attached as conditions of approval of any development application that contains a specific layout of the development. (Ordinance 6773 adopted 5/19/15)

Section 3.45 Responsibilities of the Developer

(A) General Dedication and Construction Requirements. The developer of a proposed development has an obligation to dedicate such land and interests in land, and to construct water, wastewater, road, and storm drainage facilities needed to adequately serve the proposed development.

(B) Facilities Impact Studies and Schematic Engineering Drawings.

(1) The City may require that a developer submit one or more public facilities studies and Schematic Engineering Drawings, as defined in the *Technical Standards Manual*, regarding the proposed development in order to assist the City in determining whether the proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development.

(2) The study shall identify, at a minimum, the adequacy of existing facilities, the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service, assuming development at the intensity proposed in the development application.

(3) The City may require, at the time of approval of a subsequent development application (such as a Final Plat), an update of a public facilities study approved in connection with a prior development application (such as a Preliminary Plat).

(Ordinance 6773 adopted 5/19/15)

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:

(a) An application for a change in zoning for the property (including establishing a Specific Use Provision (SUP), a Planned Development (PD) zoning district, or an overlay zoning district);

(b) A petition for an annexation agreement or an annexation development agreement;

(c) An application for any type of plat;

(d) A Detail Plan; or

~~(e) A Preliminary Development Plan; or~~

~~(f) 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.

(2) Deferral of Obligation.

(a) The obligation to dedicate rights-of-way for, and to construct, one or more capital improvements to serve a new phased development may be deferred by the Director of Engineering, upon written request by the applicant, until approval of a subsequent development application for a later phase of a phased development. However, each separate phase of a development must be adequately served by all required public facilities such that each phase can exist independently without reliance upon a future phase for such facilities.

(b) As a condition of deferring the obligation, the City may require that the developer enter into a Subdivision Improvement Agreement pursuant to Article 6, Division 3 of this Chapter 3, specifying the time for dedication of rights-of-way for, or construction of, capital improvements serving the development.

(B) Relief from Obligations. In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of capital improvements, credit or offset the obligations against payment of impact fees (see Article 3, Division 3 in Chapter 1 of this GDC), or relieve the property owner of some or part of the obligations in response to a petition for

relief from a dedication or construction requirement pursuant to Article 1, Division 2 in Chapter 5 of this GDC.
(Ordinance 6773 adopted 5/19/15)

Section 3.47 Roadway Participation - Improvement of Adjacent (Perimeter) Roads and Utilities

(A) Improvement of the Proportional Share of an Adjacent Road.

(1) When an area within a proposed plat, whether residential or nonresidential:

(a) Abuts on one or both sides of an existing road or City utility facility, or a planned or future road, drainage or City utility facility as shown on the City's *Major Thoroughfare Plan* or adopted plans related to water and wastewater; and

(b) Improvements to an adjacent road are necessitated by and attributable to the development, the developer shall bring the following facilities to City standards, or replace them such that they meet City standards, according to the development's proportional share:

i. Road facilities, including but not limited to adjacent and appurtenant sidewalks, bike lanes, barrier-free ramps, storm drainage facilities, medians, median openings, left turn lanes, and water quality or erosion controls;

ii. Traffic mitigation facilities, including but not limited to signalization, medians, access and deceleration lanes; and

iii. City utility facilities.

(2) If the developer of a project disputes the City's proportional share calculation, the Developer shall prepare and submit a proportional share study to the City at the developer's sole expense (see Article 1, Division 2 in Chapter 5 of this GDC).

(B) Calculation of Minimum Proportional Share.

(1) Subject to Section 3.44, the developer's share of improvements to a perimeter road is at minimum the equivalent of one-half of any adjacent street, along the entire front footage of the subdivision, depending upon the type of the abutting street as shown on the City's *Major Thoroughfare Plan*.

(2) Subject to Section 3.44 of this Chapter 3, the developer's minimum share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a local roadway, including the curbs and other roadway appurtenances. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision.

(3) The City may participate in the costs of perimeter roads in excess of the developer's proportional share obligations, in cases where perimeter road costs are not borne by another public entity, and in cases where the application of the standards in this Section 3.47 result in a disproportional burden on the development, as determined in accordance with Article 1, Division 2 in Chapter 5 of this GDC.

(C) Participation in Construction of Other Necessary Facilities. Adjustments shall be made to the developer's proportionate share to the extent that the developer is required to participate in the construction or cost of construction of region-serving public facilities such as highways, major bridges, and drainage projects that serve a drainage basin rather than local drainage.

(D) Improvements. All streets abutting a development shall be improved, and rights-of-way platted, in accordance with the standards prescribed herein. If the developer widens existing pavement, the existing pavement shall be cut back a distance required by the Director of Engineering to assure adequate sub-base and pavement joint before additional paving material is placed.

(1) Existing Boundary Streets. For boundary streets existing to some degree, for example, by previous partial dedication or prescriptive easement, the following standards apply.

(a) For all classifications of such streets, the developer shall dedicate, to the extent of whatever interest the developer may have in the area to be dedicated, one-half of the additional right-of-way necessary to comprise the full street width required. Dedication of more than half of this additional increment may be required, in some instances, to maximize use of existing roadway and to ensure a consistent street alignment with a minimum of undesirable curvature.

(b) For all streets classified as A, B, C, D, E, F, or G, except highways to be completed by others, the developer is required to pave one-half the additional portion of street right-of-way remaining to be paved, according to the adopted *Major Thoroughfare Plan*. If the Director of Engineering determines that unusual circumstances exist such that the present construction of required improvements should be deferred, in lieu of constructing the required improvements at the time of developing the project, the developer may request one of the following options:

- i. The developer may contribute to the City its proportional share of an amount of money necessary to complete all paving, curbing, storm drainage facilities, traffic improvements, and associated City utilities required but not installed as part of the development project. These funds shall be held, and eventually disposed of, in the manner described within Article 4, Division 3 of this Chapter 3 (Escrow Policies and Procedures) for the City to construct at a later date;
- ii. The developer may, by written request to the Director of Engineering, defer the obligation to a later date until approval of a subsequent application for a later phase of a phased development. If approved, the developer's obligations shall be set forth in a Subdivision Improvement Agreement per Article 6, Division 3 of this Chapter 3;
- iii. The developer may, with City Council Approval, execute a Development Agreement, prior to development, that runs with the ownership of the land and that obligates the person who owns the land to place into a City cash escrow fund (see Article 4, Division 3 of this Chapter 3) the amount of money necessary to cover the developer's proportional share of the cost of all required public street improvements. The Development Agreement shall be in a City-approved form, signed by the property owner, notarized, and filed with the official property records of the applicable county;
- (iv) If the adjacent street is not part of a pending capital improvement project, in lieu of construction the developer must pay the additional roadway impact fees as provided on Schedule 1 in Section 1.88 of this GDC. Any previously paid roadway impact fees or other offset or credits under Section 1.78 of this GDC will be credited to the developer. The remaining balance must be paid prior to issuance of a Site Permit and will be collected as additional roadway impact fees.

(2) New Boundary Streets. For new boundary streets forming part of the subdivision boundary, the following standards apply.

(a) Local Streets. Where a local street forms part of the subdivision boundary, the developer shall dedicate right-of-way sufficient to make such street conform to requirements of Article 5, Division 4 of this Chapter 3. The developer shall also improve such street in conformance with all standards and specifications of the City, including installation of curbs on both sides of the street. Local street sections and specifications can be found in the *Technical Standards*.

(b) Other Streets. Where a proposed thoroughfare (other than a local street) forms part of a subdivision boundary, the developer shall dedicate one-half of the additional right-of-way necessary to comprise the full street width required by Article 5, Division 4 of this Chapter 3. Dedication of more than half of this additional increment may be required, in some instances, to maximize the use of existing streets and to ensure a consistent street alignment with a minimum of undesirable curvature in accordance with the *Technical Standards*. The developer shall also improve such street in conformance with all standards and specifications of the City, including installation of curbs on both sides of the street (minimum width allowable is that of a local street section).

(c) Highway. If the right-of-way for a highway lies adjacent to or forms part of the subdivision boundary and the highway will be completed by authorities other than the City, no paving improvements for such shall be required of the developer.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Escrow Policies & Procedures

Section 3.48 Request for Escrow

(A) Request. Except for Subsection (B) below, whenever this GDC requires a developer to construct a public improvement the property owner may petition the City Council to construct the improvement at a later time, in exchange for a deposit of cash into escrow as established in Section 3.49 below, if circumstances exist that create an undue hardship or that would impede public infrastructure coordination or timing.

(B) Escrow Election. If a developer is required to construct a public improvement under Article 4 of this Chapter 3, the developer may voluntarily elect to construct the improvement at a later time, in exchange for a deposit of cash into escrow as established in Section 3.49 below, if the developer determines that unusual circumstances exist that cause undue hardships or that would impede public infrastructure coordination or timing.

(C) If more than one thoroughfare will be constructed in order to meet adequacy requirements for roadways, the Director of Transportation may prioritize roadways for which escrow will be accepted and may require the deposit of all funds attributable to the development in escrow accounts for one or more of the affected roadways.

(D) The Director of Transportation shall review the particular circumstances involved, and may require a Traffic

Impact Analysis (TIA) in accordance with Article 5, Division 5 of this Chapter 3. The Director of Transportation shall determine whether or not the acceptance of escrow deposits will be acceptable in lieu of the developer's obligation to construct the street.

(Ordinance 6773 adopted 5/19/15)

Section 3.49 Escrow Deposit

(A) Amount & Responsibility. If the City Council agrees to accept escrow deposits, or if a developer voluntarily elects to deposit funds in escrow under Section 3.48(B) above, in lieu of construction by the property owner, the property owner shall deposit in escrow with the City cash in an amount equal to the owner's share of the costs of design, construction, permits, reviews and approvals, inspections, any additional land acquisition, and an appropriate inflation factor as per the Engineering News-Record, based upon an average of the previous five years' inflation rates projected over the following two years, to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future.

(1) The amount shall be reviewed by the Director of Engineering and, if approved, shall be paid prior to issuance of a Site Permit.

(2) The obligations and responsibilities of the property owner shall become those of the property owner's transferees, successors and assigns; and the liability therefor shall be joint and several.

(B) Return of Escrow.

(1) On the request of an owner of the property on which an impact fee, or an amount voluntarily paid under Section 3.48(B) above has been paid into escrow, the City shall refund the escrow funds, or the amount voluntarily paid under Section 3.48(B), if existing facilities are available and service is denied or the City has, after collecting the fee when service was not available, failed to commence construction or design 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 following the date of payment.

(2) Escrow amounts, or portions of escrowed amounts, that have been placed with the City under this Division 3 and that have been held for a period of ten years following the date of such payment or agreement, shall be returned to the person who is the property owner of record at the time the refund is paid.

(3) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate set forth in Section 395.025 of the Texas Local Government Code.

(4) Notwithstanding any provision contained in this GDC to the contrary, if the escrow funds were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(5) A refund of escrow amounts does not remove any obligations of the property owner for construction of the required facilities if a Site Permit has not been issued on the subject property or if application for a new Site Permit is made.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Pro-Rata

Section 3.50 Purpose; Method of Determining Charges

(A) Intent & Purpose. The intent and purpose of this Division 4 is to provide an equitable charge for water and wastewater connections as a proportionate distribution of the capital cost of water and wastewater main extensions to serve property in the City on a front-foot basis.

(B) Director of Engineering Determination. If a tract of land is so situated or shaped that the front-foot rule creates an inequitable basis between the tract and other land in the City, then the Director of Engineering shall determine the proper charges in accord with the intent and purpose of this Division 4.

(Ordinance 6773 adopted 5/19/15)

Section 3.51 Reserved

Section 3.52 Pro Rata Charge Established

(A) Application of Charges & Calculation. A pro rata charge shall be assessed for the land to be served by the extension of water or wastewater mains, and shall be paid prior issuance of a Site Permit. Subject to the provisions contained in Sections 2.53 and 3.57, the pro rata charge shall be calculated by determining one-half the average

actual cost of eight-inch water and wastewater lines accepted by the City during the most current twelve-month period of October 1 through September 30. Average actual costs shall be revised annually on October 1 of each year using the cost of developer-installed lines in the average. The Director of Engineering shall compute the actual charge on an annual basis, and shall make such computation available to the public.

(B) Independent Payment. The payment of pro rata charges is independent of, and shall be paid in addition to, any applicable tap charges and water or sewer impact fees (see Division 3 of Chapter 1, Article 1 of this GDC). Provided however, if a developer would be entitled to a pro rata refund under this Division 4, the developer may disclaim that right to a refund and assign that right to the City in exchange for a credit against applicable tap charges and impact fees, as applicable.

(Ordinance 6773 adopted 5/19/15)

Section 3.53 Extension for Property Subdivided or Platted for Development - Basis

(A) Platting Required. Where extensions of water and wastewater systems are required to serve property which has been subdivided or platted for development, water and wastewater facilities may be extended to the property on the following basis and in accordance with minimum standards and procedures described in this Section 3.53. It shall be unlawful to serve or connect any lot, tract or land parcel, or any part thereof, or for the use of the owner or purchaser of such land, or any part thereof, with water and sewer connections, unless and until such lot, tract, or land parcel shall be platted in conformance with the platting requirements of the City, and until a Final Plat (or other recordable plat) has been approved by the Plan Commission and filed for record at the applicable county. Where future extension is anticipated, lines shall be constructed to the limits of the development.

(B) Extensions within Property To Be Developed.

(1) Refund of Oversize. Developers of property shall defray the entire cost of water and wastewater systems within the boundaries of the subdivision, except that the City will refund the oversized cost of any water main or sewer main inside such subdivided area larger than eight inches in size, unless such larger size is required to serve the development in question. Such size of water main and wastewater main for adequate service shall be determined by the developer and reviewed by the Director of Engineering, whose decision shall be final. Refunds of oversize cost will be made upon acceptance of the system by the City (refer to Article 6, Division 4 of this Chapter 3).

(2) Size of Mains. Mains lying along one or more sides of a subdivided tract which serve property other than the subdivision for which the extensions are made:

(a) For mains eight inches and smaller, the developers will be refunded upon request one-half of the current average actual cost of the size main constructed when the adjacent property is developed.

(b) For mains larger than eight inches in size, the developer will be refunded the difference between cost of the larger main required and the cost of an eight-inch main, the difference to be determined from the prices bid on the contract for installing utilities in this addition. Payment on the City's part will be due upon completion of the utilities in the project and acceptance by the City (refer to Article 6, Division 4 of this Chapter 3).

(c) Where water or wastewater mains lie along one or more sides of a development and serve that development exclusively, such mains will be considered "on-site mains."

(d) Where good planning dictates it is to the advantage of the City to require any property owner or developer to plat his lots so that houses will back up to a street or thoroughfare, then the water or sewer lines will be located in the street and will serve only one side of the street, and the City will pay one-half of the construction cost of these water and/or sewer lines.

(C) Where Main Is In Place, In or Adjacent to the Property To Be Developed.

(1) If an existing water main or sewer main lies in a street, alley or easement in or along an area or tract of land to be subdivided and developed for resale that does not have an existing wastewater service tap before extensions from or connections to such line will be made by a developer, the developer shall pay into the water utility fund the current average actual cost per lineal foot of water line and sewer line. If such main lies along the development and serves one side only, one-half these costs shall be paid unless such lines serve the development in question exclusively. Such money shall be paid to the water utility fund and will constitute a charge for use of such water or wastewater main in place.

(2) An exception to the normal pro rata charge for water or sewer may be made on any existing water or sewer line that runs along one or more sides of a five-acre or larger sized land tract that has not been subdivided. An exception may also be made for a single residential user on land tracts that have not been subdivided and that lie largely (more than seventy-five percent by area) within an official 100-year floodplain as defined in this GDC. Before any connection to such line shall be made, the applicant shall pay a charge based on sixty feet of frontage and in

accordance with the above rates. Such payment does not exempt the remainder of the property from being charged pro rata charges under this Division 4 at such time as it is platted or developed.

(Ordinance 6773 adopted 5/19/15)

Section 3.54 Reserved

Section 3.55 Reserved

Section 3.56 City Not Obligated to Make Extension

City's Discretion. In no event shall the City be obligated to proceed under the terms of this Division if funds are not available or if, at the discretion of the City, the extension may not be practical. (Ordinance 6773 adopted 5/19/15)

Section 3.57 Time Limit on City's Obligation to Refund Charges

(A) Time Period. A pro rata refund account established under this Division 4 shall be maintained by the City for a period of ten years following the date the completed extension was accepted by the City. If qualifications for a refund have not been met within such ten-year period, the funds remaining in the pro rata refund account shall revert to the City and the City shall have no further obligation with respect to the refunding of or accounting for such funds.

(B) Original Developer. A pro rata refund shall be made only to the developer who originally incurred the installation costs to which the refund pertained where pro rata fees have actually been collected by the City from subsequent developers. The refund shall be based upon the amount of pro rata fees actually collected by the subsequent developers for the subject line(s).

(C) Extension By Developer. If an extension is installed by a developer in or adjacent to an existing subdivision to serve the subdivision being developed by the developer, no pro rata charge shall be collected from any lot within that the existing subdivision and no pro rata refund shall be due to the developer making the extension.

(Ordinance 6773 adopted 5/19/15)

Section 3.58 Disposition of Charges

Water Utility Fund. Any and all sums of money collected as a fee or connection charge at the rates set out in this Division 4 shall be credited to the water utility fund of the City. (Ordinance 6773 adopted 5/19/15)

Division 5 - ETJ Policies & Regulations

Section 3.59 General Policies

(A) Application of Requirements. Unless otherwise stated within this Chapter 3 of the GDC, all standards, specifications, and regulations shall apply to development within the City's extraterritorial jurisdiction (ETJ).

(B) Extension of Services. Given that land proposed for development in the City's ETJ shall be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities, the following policies for the provision of infrastructure services into the ETJ shall apply.

(1) It is in the City's best interest to encourage development in areas adjacent to compatible development already receiving City services where those services have excess capacity.

(2) It is in the City's best interest to discourage development in remote areas as well as those areas that exhibit environmental hazards.

(3) It is in the City's best interest to annex areas that:

- (a) Need to be protected in order to prevent or reduce flood damage in existing urban areas;
- (b) Possess unique physical characteristics;
- (c) Have requested City services; and
- (d) Minimize fiscal liability;

(4) It is in the City's best interest to withhold all water and sewer extensions outside City limits except in instances where the extension will serve a large volume user who has agreed to annexation at a predetermined date; and who has demonstrated that a significant community benefit will accrue to the City if it provides such service outside City limits; and where no significant fiscal liabilities will be incurred by the City of Garland.

(5) It is in the City's best interest to provide services other than water and sewer to individual users beyond City limits:

- (a) Upon request and under contracts or cost-sharing arrangements that minimize future fiscal liability;
 - (b) Upon request and under contracts or cost-sharing arrangements that encourage compact development;
 - (c) Upon request and under contracts or cost-sharing arrangements that ensure compliance with City subdivision, building, electrical, plumbing and fire codes; and
 - (d) When it is not in the City's best interest to annex the areas to be served.
- (6) The City shall therefore provide for extension of public facilities and services under the following circumstances:
- (a) Such extension is part of an agreement that provides for development consistent with established City policies, such as the *Comprehensive Plan*;
 - (b) Such extension allows the City to retain its right under state law to annex the property in the future;
 - (c) The quality of the development that is occurring is consistent with City standards; and
 - (d) The use or development offers significant public benefits to the City.
- (C) County Regulations. In any case whereby the subdivision rules and regulations of the applicable county provide a more stringent standard, the more stringent standard shall apply.

(Ordinance 6773 adopted 5/19/15)

Section 3.60 City Participation in Improvements in ETJ

- (A) Improvements. The City is not required to participate in the cost of any improvements where such improvements required by this Chapter 3 are outside the corporate limits of the City, but within the City's ETJ.
- (B) Certificates of Occupancy/Utility Connections.
 - (1) A Certificate of Occupancy for nonresidential and multifamily projects shall not be issued until a Letter of Final Acceptance has been issued in accordance with Section 3.111 of this Chapter 3.
 - (2) Utility connections for residential subdivisions in the ETJ shall not be issued until a Letter of Final Acceptance has been issued in accordance with Section 3.111 of this Chapter 3.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 5 - SUBDIVISION REQUIREMENTS & STANDARDS

Division 1 - Stormwater Practices for New Development and Redevelopment

Section 3.61 Purpose, Applicability & Intent

- (A) Purpose and Intent. The City has adopted a stormwater program as part of its Texas Pollutant Discharge Elimination System (TPDES) permit. The intent of the program is to proactively promote integrated site design principles and stormwater controls that will minimize the hydrologic impact of development and redevelopment on stormwater quantity and quality. Storm drainage facilities must comply with the City's *Technical Standards*.
- (B) Applicability. This Division 1 is applicable to all new developments and significant redevelopment projects that consist of land disturbance greater than or equal to one acre, and to a land disturbance area of less than one acre if the activity is part of a common plan of development that is one acre or larger. The developer of a project submitted to the City for approval on or after the effective date of this GDC shall comply with the provisions of this Division 1.

(Ordinance 6773 adopted 5/19/15)

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, ~~Preliminary Development 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:

- (A) An engineer-scaled drawing showing the topography of the property on and within fifty feet of the development.
- (B) An estimate of the proposed increase/decrease in pervious area.

- (C) Existing and proposed drainage patterns, storm sewer layout, sizes, inlets and retaining walls on the site.
- (D) One-hundred-year runoff entering and leaving the site and disposition of the stormwater runoff before and after development.
- (E) Existing stormwater controls on the site.
- (F) A brief description of any proposed stormwater controls that will be designed for the site (such as whether runoff will be conveyed through a storm sewer system, whether there be a detention pond(s), or whether runoff will be conveyed to an existing system). The description must show the location and preliminary sizing of off-site improvements required to connect to the public drainage system, including any easement needs where applicable.

(Ordinance 6773 adopted 5/19/15)

Section 3.63 Required Practices for Excess Parking

- (A) General. If a development will contain excess parking as a feature of stormwater control, the development must comply with the provisions of this Section. If a development is subject to the detention requirements under Section 3.89 of this Article 5, then meeting the detention requirements of that Section will fulfill the requirements of this Section.
- (B) Excess Parking Requirements. For some types of developments, this GDC specifies a maximum allowable number of parking spaces. Parking areas in excess of the maximum number allowable for the particular type of development shall be graded toward the perimeter landscaping buffer or islands, and shall drain across pervious areas to provide water quality treatment before being routed to a conveyance system. Pervious areas may include naturally occurring buffers or undisturbed areas, lawns, landscaping, filter strips, parking lot islands, bioretention areas, and enhanced swales, or excess parking areas may be drained toward an approved stormwater control as listed in the *Technical Standards*.
- (C) Alternative Requirements. A development shall be required to double the minimum required landscaping, in landscape area square footage and shrubs/trees, on the site of the development if Subsection (B) above is not at least partially fulfilled. If Subsection (B) above is at least partially fulfilled, the additional landscaping requirement of this Subsection will be prorated based upon the amount of parking and rooftop areas that do meet the requirements of Subsection (B). Landscaping requirements are found in [Article 3 in Chapter 4](#) of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 3.64 Reserved
Section 3.65 Reserved

Division 2 - Water & Wastewater Systems

Section 3.66 Developer Responsibilities

- (A) Water System.
 - (1) The developer of a subdivision shall furnish and install the complete water system, including the mains, valves, fire hydrants, service lines and appurtenances from the water main to the property line.
 - (2) The developer shall provide all water taps and locate and raise to grade all water services. The developer shall also furnish and install the meter box, the curb stop, the approved connector pipe and the meter nipple to the location, grade and detail as shown on the Site Engineering Drawings of the development.
 - (3) It shall be the responsibility of the developer and the developer's contractor to protect, adjust and replace any and all service lines and meter boxes as deemed necessary by the Director of Engineering prior to the installation of the water meter.
 - (4) The developer and the developer's contractor shall be responsible for the protection of the service line and meter box and any expense for repair until all paving, drainage and utilities are accepted by the City. If the service line or meter box is damaged after the acceptance of paving and utilities, it shall become the responsibility and expense of the building contractor or owner of the structure to be served, to repair and replace the service line and meter box prior to the use of any construction water or the placement of the meter.
- (B) Wastewater System. The developer shall furnish and install the complete wastewater system, including the mains, manholes, cleanouts, and wye branches with laterals from main to property line for all lots, lift stations and appurtenances.

(C) Existing Facilities. If existing facilities are affected by the proposed system, the developer shall be responsible for making appropriate adjustments to existing facilities including, but not limited to, off-site improvements and easement acquisitions. Existing facility adjustments shall be subject to Engineering and Water Department review and approval.

(D) Construction. Water and wastewater systems shall be designed and incorporated into required Site Engineering Drawings (refer to Article 6, Division 1 of this Chapter 3). After City approval of Site Engineering Drawings, the developer shall construct the water and wastewater systems in accordance with the approved Site Engineering Drawings and Site Permit.

(Ordinance 6773 adopted 5/19/15)

Section 3.67 Standards for Design and Construction

(A) Water Facilities. The design and construction of water system improvements shall also comply with the following standards:

- (1) Design and construction of a water source on the site shall be in accordance with applicable regulations of the TCEQ.
- (2) Design and construction of water service from the City shall be in accordance with the City's master plan for water provision, with the standards in the City's *Technical Standards*, and with the TCEQ.
- (3) Design and construction of a fire protection and suppression system shall be in accordance with the required standards in the State Board of Insurance Commissioners, Fire Insurance Division, and in accordance with the City's Fire Department and Fire Code.

(B) Wastewater Facilities. All wastewater facilities shall be designed and constructed in accordance with the City's master plan for wastewater provision, with the standards in the *Technical Standards*, and with the TCEQ.

(Ordinance 6773 adopted 5/19/15)

Section 3.68 Water System Requirements

(A) Location.

- (1) The location of all fire hydrants, and all water mains and other supply improvements shall be shown on the Site Engineering Drawings, in accordance with the Engineering *Technical Standards*.
- (2) Water lines shall be located within a public right-of-way or dedicated easement.

(B) Mains. The water mains shall not be less than eight inches (8") in diameter and shall be installed per the *Technical Standards* and manufactured in accordance with and the latest federal, TCEQ, and American Water Works Association (AWWA) specifications.

(C) Fire Hydrants. Fire hydrants shall be located in a development in accordance with the City's *Technical Standards*, or as determined by the Fire Department. In instances where access between the fire hydrant and buildings may be blocked, additional fire hydrants shall be provided to provide adequate fire protection, as recommended and approved by the Fire Department.

(D) Valves. Sufficient valves shall be installed in accordance with good engineering practice and in accordance with the *Technical Standards*.

(E) Service Lines. Service lines shall be installed from the water main to the property line in accordance with the *Technical Standards*.

(Ordinance 6773 adopted 5/19/15)

Section 3.69 Wastewater System Requirements

(A) Site Engineering Drawings & Details. The location of all wastewater improvements shall be shown on the Site Engineering Drawings.

(B) Wastewater System Layout.

- (1) The layout shall be designed in such a manner that the sewers may not be laid on less than the minimum grade specified by the TCEQ, and in accordance with the *Technical Standards*.
- (2) Profiles of sewers showing the grades and depths shall be submitted to the City as part of Preliminary Plat and Final Plat approval requirements, and shall be subject to review and approval by the Director of Engineering.
- (C) Manholes. Manholes shall be located according to the City's *Technical Standards*.

(D) Branches. Branch sewer services, one for each lot and not less than four inches in inside diameter (or per the *Technical Standards*, as applicable), shall be installed.

(E) Lift Stations. All lift stations shall be designed and constructed in conformance with the latest TCEQ regulations. Detailed design data and plans and specifications of lift stations shall be submitted to the City as part of Preliminary Plat and Final Plat approval requirements, and shall be subject to review and approval by the Director of Engineering and by the Water Department.

(F) On-Site Wastewater Facilities.

(1) Location. For those areas where the City determines that a connection to the central sewer system is not available, then the City may approve an on-site treatment system that complies with local, county, state and federal regulations.

(2) Approval by County. Plans for an on-site wastewater facility, as well as actual installation of such, shall be subject to approval by the applicable county's health department prior to Preliminary Plat approval.

(3) Standards. On-site wastewater facilities shall be provided in accordance with the applicable county's health department standards and controlling local, state and federal regulations.

(4) Soil Considerations. Wastewater disposal facilities requiring soil absorption systems may be prohibited where such systems will not function properly due to high groundwater, flooding, or unsuitable soil characteristics.

(5) Water Service & Lot Size. Platted subdivisions served by a public water supply, having lots using individual subsurface methods for wastewater disposal shall have a surface area of at least one acre. Platted subdivisions served by an individual water supply well and an individual wastewater disposal system shall maintain a minimum of a one hundred and fifty foot radius around the well in which no subsurface wastewater system may be constructed, and each lot shall contain not less than one acre.

(6) Existing & Future Systems. Existing on-site sewerage facilities shall be upgraded by the owner, at the owner's expense, if the operation of the facility does not comply with current government regulations or results in objectionable odors, unsanitary conditions or groundwater pollution. All new development and construction, either in the City or its ETJ, shall conform to these requirements.

(Ordinance 6773 adopted 5/19/15)

Section 3.70 Methods of Construction

(A) Extension Construction. Water and wastewater main extensions to serve a subdivision to the City, a plat of which has been finally approved by the Plan Commission, may be accomplished in the following manner:

(1) By Private Contract. The installation of water and sewer mains may be awarded on a private contract in accordance with the provisions set forth in this Chapter 3. Any such installations, when made, shall become the property of the City free and clear of all liens and encumbrances. The City specifically reserves the option to advertise for bids and install any or all portions of extensions of water and sewer lines over eight inches in size.

(2) By City Contract. Upon approval of the City, the developer of a subdivision may design and prepare construction plans of water and wastewater facilities or either of them to serve the subdivision, including any access or off-site facility that may be required. The developer of a subdivision shall deposit with the City the total cost of such extensions required to serve the subdivision, including the cost of approach or off-site mains fronting property not owned by the developer if required by the provisions of this Article covering off-site mains. The City will construct such mains and, upon determination of final completion cost, will refund any excess amount deposited or require of such developer additional funds due to defray the entire cost of the project on-site and of off-site facilities for which the developer is responsible.

(Ordinance 6773 adopted 5/19/15)

Section 3.71 Check and Backflow Valves; Indemnity Agreement

(A) Property Subject to Flooding. If, in the opinion of the Director of Engineering and the Director of Water Utilities, property to which water and wastewater main extensions are requested is subject to flooding or the wastewater discharge, if the main is extended, may be subject to surcharge due to the infiltration of flood or stormwaters, or if the land to be served by the extension is subject to flooding due to its elevation in relation to a proposed sewer line, then no extension of water or sewer mains shall be made to the land until and unless the owner or developer of the land agrees to install check or backflow valves and the owner or developer shall execute and file in the deed records of the applicable county a written indemnification of the City holding the City, its employees, agents and officials harmless from any and all damages, costs or expenses of any kind due to or arising from the surcharge of the extended lines(s). The indemnification shall be in a form provided by the City and shall constitute a covenant running

with the land binding upon the owner and the successors and assigns of the owner. (Ordinance 6773 adopted 5/19/15)

Division 3 - Utility Location

Section 3.72 Policy & Requirements

(A) Policy. It is in the public's best interest to coordinate and regulate the placement of public and private utilities in the public right-of-way and in easements on private property. Such regulations and coordination shall be managed under the general guidelines of this Section 3.72.

(B) Requirements.

(1) Alleys shall be the preferred location for franchised utility extensions; however, if no alley is provided, a ten-foot utility easement (or other size as determined by the Director of Engineering) shall be provided adjacent to the street rights-of-way.

(2) Any off-site easements that are necessary to fulfill City requirements or are required by the City shall be dedicated to the City by separate instrument and reflected on the plat (including recordation number) before consideration of the plat by the Plan Commission.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Streets

Section 3.73 Developer Responsibilities

(A) Safety, Convenience, Functionality. Proposed streets that serve new development shall provide a safe, convenient and functional system for vehicular, bicycle, and pedestrian circulation, shall be properly related to the adopted *Major Thoroughfare Plan*, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New developments shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the overall thoroughfare network.

(B) Responsibility for Adequacy. The developer shall assure that the subdivision is served by adequate streets, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the policies and standards within this GDC, and subject to the City's cost participation policies. All streets within a development, including curb and gutter improvements, shall be provided by and at the expense of the developer. Additional right-of-way may be required at street intersections to accommodate utilities, sidewalks, deceleration and left turn lanes, traffic-control devices or sight distances.

(Ordinance 6773 adopted 5/19/15)

Section 3.74 General Requirements

(A) Design & Construction. All paving within a street right-of-way in a subdivision shall be reinforced concrete and streets shall be designed and constructed according to the City's *Technical Standards*.

(B) Consideration of Natural Features. The streets in a subdivision shall be platted with regard to the creeks, wooded areas, and other topographical features lending themselves to attractive design.

(C) Intersections & Block Lengths. Intersecting cross-streets shall be a maximum of twelve hundred feet apart, thus requiring the length of blocks to be a maximum of twelve hundred feet, unless otherwise approved by the Director of Transportation and the Director of Engineering.

(D) Extension of Existing Streets.

(1) The arrangement of streets shall provide for the continuation and extension of streets of the width and right-of-way shown on the *Major Thoroughfare Plan* of the City, or as recommended by the Plan Commission.

(2) All new street extensions shall be continuations of existing streets at the same or greater width and bearing the same street names.

(3) Wherever the right-of-way width of a street transitions to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of a

street intersection.

(E) Dedication Minimum. No right-of-way dedication shall be less than fifty feet in width, unless otherwise approved by the Director of Transportation and the Director of Engineering.

(F) Intersection Street Angles. No intersecting street shall be platted with the angle included between adjoining streets lines less than eighty degrees nor more than one hundred degrees. Minimum tangency for intersecting streets and alleys will be in accordance with the City's *Technical Standards*.

(G) Dead-End Streets & Cul-De-Sacs. Dead-end streets shall be platted where the subdivision adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof. Where dead-end streets are otherwise necessary, a cul-de-sac will be required with a maximum length of seven hundred and fifty feet and an end turnaround radius of not less than that required by the Fire Code.

(H) Street Signs.

(1) Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to the *Technical Standards*.

(2) A fee shall be paid for street name sign assemblies, in accordance with Section 1.53 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 3.75 Street Rights-of-Way

(A) Arrangement of Streets and Conformance to the Major Thoroughfare Plan. Except as provided in Subsection (B) below, the City's adopted *Major Thoroughfare Plan* shall be used as a guide for the type of roadway, for the location of the roadway, and for areas that the roadway is intended to connect as part of the platting process.

(B) Streets Not Shown on the Major Thoroughfare Plan. For streets that are not shown on the City's *Major Thoroughfare Plan*, such as local residential streets, the arrangement of such streets within a subdivision shall provide for adequate access, and shall:

(1) Conform to a plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformity to existing streets impractical;

(2) Provide for future access, such as by stubbing streets for future extension; and

(3) Not conflict in any way with existing or proposed driveway openings; this shall include openings on the opposite side of an existing or planned median-divided thoroughfare, in which case new streets shall align with such driveway openings such that median openings can be shared.

(C) Paving & Rights-of-Way Width. Paving width and specifications shall be in accordance with the City of Garland's *Major Thoroughfare Plan* and with the City's *Technical Standards*.

(1) Residential Subdivisions.

(a) Street pavement width shall be at least twenty-six feet face-to-face of curb, and twenty-seven feet back-to-back of curb in residential subdivisions where required front yard setbacks are twenty-five feet or greater.

(b) For collector streets in residential subdivisions, the street paving shall be at least thirty-six feet face-to-face of curb and thirty-seven feet back-to-back of curb.

(2) Other Types of Subdivisions. For streets in all other areas, the paving shall be at least forty-four feet face-to-face of curb and forty-five feet back-to-back of curb.

(Ordinance 6773 adopted 5/19/15)

Section 3.76 Street Clean-Up

Streets Clean Upon Acceptance. After the streets are completed in a subdivision, debris or construction materials of any nature shall not be placed in the streets without written permission of the Director of Engineering. Prior to Final Acceptance, the streets shall be swept clean of any dirt, debris and foreign material. (Ordinance 6773 adopted 5/19/15)

Division 5 - Traffic Impact Analysis

Section 3.77 Purpose & Applicability

(A) Purposes and Findings.

(1) New development shall be supported by an adequate network of thoroughfares.

(2) Thoroughfares are an essential component of the City's street network and are necessary to accommodate the continuing growth and development of the City.

(3) It is necessary and desirable to obtain rights-of-way for off-site, abutting, and internal thoroughfares to support new development at the time of platting or development.

(4) The City desires to assure both that development impacts are mitigated through contributions of thoroughfare rights-of-way and improvements and that a development project is not required to contribute more than its fair share of thoroughfare costs.

(5) It is the City's intent to assure that dedications of thoroughfare rights-of-way and thoroughfare construction requirements are proportional to the traffic demands created by a new development.

(6) It is the intent of the City that a road adequacy determination be made concurrent with approval of development applications.

(B) Applicability.

(1) A Traffic Impact Analysis (TIA) may be required whenever it is determined by the Director of Transportation that the proposed development has the potential to generate a high number of vehicle trips per day that may adversely affect the City's transportation network.

(2) The method of preparing the TIA shall be determined by the Director of Transportation.

(Ordinance 6773 adopted 5/19/15)

Section 3.78 Standards for and Timing of Traffic Impact Analysis

TIA and Update Required. When required by the Director of Transportation, a TIA shall be submitted with an application for a change in zoning, a Preliminary Plat, a Final Plat or review and approval of Site Engineering Drawings, whichever occurs first in the development or redevelopment of a land parcel. An updated TIA shall also be submitted with the Final Plat, and shall be generally consistent with the TIA submitted with the Preliminary Plat, if applicable. The initial TIA shall be also be updated whenever the plan for the proposed development is modified to authorize more intensive development, such as through a request for a change in zoning. (Ordinance 6773 adopted 5/19/15)

Section 3.79 City Evaluation & Action

(A) The Director of Transportation shall evaluate the adequacy of the TIA and shall make recommendations concerning:

(1) Whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare; and

(2) The extent of the applicant's obligations to make such dedications or improvements.

(B) The Director of Transportation may withhold issuance of a Site Permit where the surrounding roadway network is determined to not be adequate for the proposed development, and may impose one or more of the following remedies:

(1) Delay or phasing of development until thoroughfares with adequate capacity or intersection improvements are constructed;

(2) The dedication or construction of thoroughfares or traffic-control improvements needed to mitigate the traffic impacts generated by the proposed development; or

(3) Any combination of any of the above.

(Ordinance 6773 adopted 5/19/15)

Division 6 - Alleys

Section 3.80 Requirements

(A) Design & Construction. Alleys shall be designed and constructed according to the City's *Technical Standards Manual*.

(B) Alleys Required. Alleys are required for all residential subdivisions of two (2) or more lots.

(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,~~Article 1, Division 4 of this GDC;

(2) No lot-to-lot surface drainage exists or will result within the subdivision;

(3) The subdivision design allows for an efficient solid waste collection pattern;

(4) Adequate area is dedicated for drainage facilities and utilities;

(5) Adequate on- and off-street parking is provided; and

(6) Waiver or variance from the requirement for alleys will not adversely affect other properties.

(D) Alley Width.

(1) Alleys shall be not less than twenty feet in right-of-way width and paved with reinforced concrete, in accordance with the City's *Technical Standards*.

(2) Additional paving width shall be provided at all intersections and turns in the alley alignment, per the *Technical Standards*. Curves or turns in alleys shall be in accordance with the *Technical Standards* such that they will accommodate turning movements of sanitation trucks, fire apparatus and other large vehicles.

(E) Alley Length. Alleys may not exceed the maximum length set forth in the City's *Technical Standards Manual*, as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets (at the right-of-way line of the street at the alley entrance). A request for a Development Variance of alley length may be considered based on the following:

(1) The effect of alley length upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways and in driving around to the front of their homes; and

(2) Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures.

(F) Alley Design.

(1) Alley intersections shall be perpendicular as described in the *Technical Standards Manual*.

(2) Intersection pavement design shall be of sufficient width and inside radius to accommodate waste collection and emergency vehicles.

(3) Intersections shall be three-way wherever possible, and four-way intersections are prohibited. No alley intersection serving more than four directions is allowed.

(G) Dead-End Alleys.

(1) "Hammerhead" alleys are prohibited. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the Director of Transportation. Pavement within the easement must be constructed per the reinforced concrete alley section as shown in the City's *Technical Standards*.

(2) Permanent dead-end alleys are prohibited.

(3) Four-way, alley-to-alley intersections are prohibited.

(Ordinance 6773 adopted 5/19/15)

Section 3.81 Alley Clean-Up

Alleys Clean Upon Completion. After the alleys are completed in a subdivision, debris or construction materials of any nature shall not be placed in the alleys without written permission of the Director of Engineering. Prior to Final Acceptance, the alleys shall be swept clean of any dirt, debris, construction materials, and foreign material. (Ordinance 6773 adopted 5/19/15)

Section 3.82 Reserved

Division 7 - Driveways and Fire Lanes

Section 3.83 Uniformity

- (A) Design & Construction. Driveways shall be designed, constructed and provided according to the City's *Technical Standards*.
- (B) Restrictions. Residential driveways are not permitted off of any arterial street as so designated by the City's *Major Thoroughfare Plan* as Type A, B, C, or D thoroughfares. The Director of Transportation may modify the design of, or may prohibit the location of, any driveway due to safety considerations.
- (C) Permit Required. No person shall construct, reconstruct, maintain, alter or repair, remove or replace any curb, gutter, driveway or other concrete work on any public property within the City without first obtaining a Sidewalk and Driveway Approach Permit.
- (D) Fire Lanes. Fire lanes are to be designed in accordance with the City's Fire Code. Fire lanes shall be shown in the Site Engineering Drawings, and shall be maintained to the City's standards by the property owner. For safety and emergency accessibility reasons during construction, developments other than single-family detached or two-family residential subdivisions may not proceed with vertical structural construction above the foundation prior to completion and City inspection of all fire lanes and fire hydrants on the site (unless otherwise approved by the Fire Chief).
- (E) Duty to Construct Curb When Driveway Abandoned. Whenever any curb is removed, or where no curb is present, in order to provide a driveway and the use of such driveway is at any time abandoned and not used for ingress and egress to the property, it is the duty of the property owner of such property to restore or construct the curb in accordance with the City's *Technical Standards*.

(Ordinance 6773 adopted 5/19/15)

Division 8 - Stormwater Management and Storm Sewer Requirements

Section 3.84 General Stormwater Practices for New Development and Redevelopment

- (A) See Article 5, Division 1 in this Chapter 3 for the required stormwater practices for new development and redevelopment.
- (B) Unless otherwise provided in this Code, all stormwater management practices, techniques and facilities shall be conform to the standards and requirements contained in Article XII (Stormwater Quality) of Chapter 31 of the City Code, with the City's *Technical Standards*, and with any other applicable regulations in the City Code and this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 3.85 Grading & Drainage

- (A) General. No person shall alter, change, modify, excavate or fill any lot, subdivision or development in a manner that causes a material adverse impact from surface runoff or stormwater to adjoining property. An appropriate plan submittal and permit from the Building Inspections Department shall be required for any land disturbing activity exceeding 5,000 square feet up to one (1) acre, or changing the grade elevation by cut or fill in excess of 1' from existing grade. Disturbance of over one acre shall require Site Engineering Drawings, as set forth in Section 3.95 of Chapter 3 of this GDC. Any unpermitted fill piles shall be removed or spread to within allowed grades within thirty (30) days of the initial pile being placed on the property. The Director of Engineering or the Building Official may require submission of proof of compliance with the provisions of this Division, certified by an engineer who is licensed in the State of Texas.
- (B) Improvements Required. Grading and drainage improvements must conform with the applicable provisions of this Division and with the City's *Technical Standards*. Grading and drainage plans submitted to the Engineering Department shall be prepared under the direction of, and shall be sealed by, a professional engineer who is licensed in the State of Texas.
- (C) Plan Submittal. Grading and drainage plans for all developments shall be provided as part of the Site Engineering Drawings unless no Site Permit is required, in which case grading and drainage plans shall be submitted with the Building Permit submittal documents. If no Building Permit is required, mass grading plans shall be submitted for a Site Permit to the Engineering Department.

(Ordinance 6773 adopted 5/19/15)

Section 3.86 Existing Drainageways - Development Criteria

- (A) Purpose. The City acknowledges the wide diversity of existing creeks and drainageways throughout the City and states its intention that overall drainage patterns and features shall be disrupted as little as possible in the

process of development, provided that a development must provide adequate drainage through a stable, easily maintainable manner.

(B) Floodplain Development Requirements. All development proposed adjacent to or within the 100-year floodplain shall conform with the City's Flood Damage Prevention Ordinance (Article VII of Chapter 31 of the City Code).

(C) Designated on Plat. Any dedications and easements required by this Chapter 3 shall be designated on the Preliminary Plat and Final Plat.

(1) Final Plat Inscription. Every Final Plat of a subdivision which contains a drainageway as regulated by this Chapter 3 shall contain special language as set forth in the City's *Technical Standards Manual*, as amended.

(2) Notice of Inscription to Grantee. In addition, the developer shall include with or in the deed of each lot of the subdivision which abuts or contains a drainageway, a notice of the foregoing language sufficient to inform the grantee of the deed of the requirement contained within the language.

(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.

(a) In order for the Director of Engineering to approve a creek to be left in its natural state, the natural channel along with the encompassing drainage easement shall be of sufficient width and depth to carry the 100-year storm, plus one foot of freeboard and ten-foot accessway on both sides of the channel. Disturbance of a natural channel is prohibited except that prior to acceptance by the City, the developer shall perform general maintenance such as clearing underbrush, debris dam removal, litter pick-up, and the removal of other undesirable items, as directed 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 ~~(4)~~ 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~~ *Technical Standards Manual*.

i. Such access shall be subject to review and approval by the Director of Engineering, and streets or alleys may be required between dedicated properties and adjacent development.

ii. Other undeveloped floodplain may also be dedicated as a drainage easement, pursuant to Subsection (b) above, at the time of platting.

(2) Responsibility for drainage maintenance shall be set forth in the drainage easement.

(3) So as to meet the stability and maintenance provisions in Subsection ~~(a) [(1)]~~ (A) above, the City may require improvements to creek or creek banks, in accordance with the *Technical Standards Manual*, 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~~[-]~~.

(5) The following provisions shall apply to all proposed development within the Rowlett and Spring Creek 100-year floodplains, as more particularly described on the Albert H. Halff Associates, Inc., November 1988, Rowlett and Spring Creek Flood Plain Management Study:

(a) Base flood elevations (BFE) for the 100-year flood event that reflect ultimate development land use throughout the watershed shall be used for design and planning of floodplain development.

(b) Development within the floodplain shall be permitted only if it can be demonstrated that there will be no rise in

the base flood elevation.

(c) Fill volumes shall be balanced (+/- 15%) by excavation volumes to preserve overall valley storage within the floodplain. Areas excavated shall be landscaped to restore a natural cover.

(d) The bed and banks of Rowlett and Spring Creeks shall be left in a natural state to control erosive velocities, prevent excessive downstream discharges, and preserve the natural effect of the stream. Exceptions are permitted for major bridge crossings, public welfare, and safety.

(e) Increases to existing average velocities shall be allowed to a maximum average velocity of no greater than six feet per second.

(f) Significant stands of trees and other environmental features within the floodplain shall be preserved.

(6) All lots adjacent to a creek or drainageway shall have minimum finished floor elevations defined on the subdivision plat a minimum of two feet above the FEMA F.I.S. one-hundred-year water surface elevation. Where available, the fully developed watershed water surface elevation shall be used to establish minimum finished floor elevations.

(7) Paved stormwater access driveways with removable bollards shall be provided from a public street right-of-way to drainage easements incorporating creeks or drainageways as directed by the Director of Engineering.

(E) All development shall comply with Article VII (Flood Damage Prevention) of Chapter 31 of the City Code. It shall be the responsibility of the developer to obtain a Conditional Letter of Map Revision (CLOMR) issued by the Federal Emergency Management Agency (FEMA) prior to approval of Site Engineering Drawings (and subsequent issuance of a Site Permit) and a Letter of Map Revision (LOMR) prior to issuance of a Letter of Final Acceptance in accordance with Section 3.111 of this Chapter 3.

(F) Upon completion and a Letter of Final Acceptance (Section 3.111 of this Chapter 3) being issued for any drainageway channel improvements as set forth within this Section 3.86 of this Division 8, the property owner on whose property the channel improvements lie, or whose property directly abuts such channel improvements, shall be responsible for necessary mowing, irrigation, weeding, litter pick-up, fertilizing, and such other maintenance as is required to maintain a healthy stand of grass or other groundcover.

(G) No obstruction to the flow of stormwater runoff shall be permitted.

(H) Additional Studies. Upon request by the City, the property owner shall submit additional studies, including but not limited to the following, as deemed appropriate and necessary by the City, as part of the Preliminary Plat (if applicable) or Final Plat submittal requirements. These studies shall be considered during review and approval of the Preliminary or Final Plat, as applicable.

(1) Wetland Delineation and Waters of the U.S. Study;

(2) Erosion Hazard Setback Study;

(3) Storm Drainage Study;

(4) Flood Study; and

(5) Downstream Assessment Study.

(Ordinance 6773 adopted 5/19/15)

Section 3.87 Storm Sewers - General Requirements

(A) Erosion Control. Erosion control shall comply with the City's *Technical Standards*, as amended.

(B) Requirement. Underground storm sewer systems are required, as defined in the *Technical Standards*, to prevent excessive stormwater runoff from entering the public street or rights-of-way or private streets.

(C) Public underground storm sewer systems shall be contained in the public street right-of-way or within a drainage easement that is in accordance with the City's *Technical Standards Manual*. At low points on grade, a concrete-lined positive overflow path shall be provided. The positive overflow path shall be contained in a drainage easement of sufficient width to convey the 100-year storm runoff.

(D) Calculation of Runoff. The calculation of stormwater runoff shall comply with the *Technical Standards*. Stormwater runoff calculations shall be made anticipating a fully developed watershed, prepared and sealed by a professional engineer licensed in Texas, and submitted for review and approval by the Director of Engineering. The *Comprehensive Plan*, existing land use, and zoning maps shall be used to determine fully developed conditions. The Director of Engineering reserves the right to review the determination of fully developed conditions and may require revisions.

(E) Detention. If stormwater runoff from a proposed development exceeds the capacity of the existing downstream system, detention of stormwater runoff in a manner prescribed by Section 3.89 of this Division 8 shall be provided for the excess runoff. Easement and maintenance responsibilities for the detention system shall be inscribed on the Preliminary Plat and Final Plat.

(F) Easements. Drainage easements shall be dedicated for public drainage features in accordance with requirements of this GDC. Drainage easements and features shall be included as a portion of buildable (such as habitable structure) lot(s) and not as a separate self-standing lot unless specifically authorized by the Director of Engineering. If a large development-related feature is authorized on a separate lot, a Homeowners' Association is required to assume maintenance responsibilities for the feature(s). Storm drainage easements shall be located along side property lines, and such easements shall be contained fully on one lot or tract, and shall not be split across the property line between two lots or tracts.

(G) Minimum Finished Floor Elevations. The Director of Engineering may require minimum finished floor elevations (FFE) to provide flood protection on certain lots within a development. The FFEs shall be shown on the Final Plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. FFEs shall be two feet above the fully developed 100-year water surface elevation where an FFE is associated with a natural major creek or open channel. When an FFE is necessitated by situations other than a natural major creek or open channel, the FFE shall be set by the developer's engineer and shall be subject to the approval of the City.

(H) Off-Site Drainage. When a proposed development requires off-site grading where stormwater runoff has been collected or concentrated, it shall not be allowed to drain onto adjacent property except into existing major creeks, channels, storm sewers or streets unless a notarized letter of permission is obtained from the owner of the property onto which the drainage will drain. The letter shall state that the permission shall bind the owner of the affected property and shall be a covenant running with the land. It shall also refer to the plans for the improvements creating the need for the permission. The letter shall be filed for record with the applicable county.

(I) Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this section, shall have the following meanings:

- (1) "Amenity pond" means a permanent pool of a pre-determined volume of stormwater kept or maintained purely for aesthetic purposes and that is not designed to provide additional capacity for the temporary storage of stormwater required for detention
- (2) Capacity means the maximum stormwater rate allowed in any portion of the MS4 that will not result in a surcharge of the system, or, as determined by the managing director, the maximum stormwater rate that can be allowed in any portion of the MS4.
- (3) Development means any manmade change to real property, whether previously improved or unimproved, including, without limitation, filling, grading, paving, the installation of infrastructure such as water lines, storm sewers or sanitary sewers, or the construction of buildings or other structures.
- (4) Discharge means the addition or introduction of stormwater into the MS4 or into waters of the United States.
- (5) Detention means the temporary storage of stormwater to be released at a pre-determined and controlled rate.
- (6) Extended dry detention facility means a detention basin constructed in a manner so as to retain stormwater for a time sufficient for sediments and particulate pollutants to settle and designed so that no stormwater is intended to remain in the basin after the discharge is complete.
- (7) Facility or facilities means a detention, retention, or other stormwater storage or handling measure as described in this section and may, depending on the context in which the term is used, include an amenity pond.
- (8) Managing Director means the Managing Director of Engineering, Transportation, Streets, and Stormwater, or a designee of that person.
- (9) Municipal separate storm sewer system or "MS4" means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sanitary sewage.
- (10) One-hundred-year storm means a storm event having a one-percent chance of occurring in any given year.
- (11) Retention facility is a facility that provides a permanent pool of a pre-determined volume of stormwater and that is designed to provide additional capacity for the temporary storage of stormwater that may be required for

detention purposes.

(12) Stabilized cover means a uniform perennial vegetative cover established and maintained with a density of 70% or greater, or an approved equivalent stabilization measure (such as rip-rap, gabions, etc.).

(Ordinance 6773 adopted 5/19/15)

Section 3.88 Drainage Systems & Storm Sewers - Construction Costs

The entire cost of the design and construction of storm sewers, drainage systems, or floodplain alterations within or abutting a subdivision shall be borne by the developer. This shall include all necessary off-site storm sewer extensions necessary to achieve free outfall flow including, but not limited to, easement acquisition. (Ordinance 6773 adopted 5/19/15)

Section 3.89 Stormwater Detention & Retention Facilities

(A) Purpose. The purpose of this Section is:

- (1) To protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with land development within the City.
- (2) To minimize damage to public and private property, reduce flooding, ensure a functional drainage system, and reduce land and channel erosion.
- (3) To provide minimum construction standards for detention and retention facilities and amenity ponds and to facilitate long-term care and the function of those structures by establishing maintenance responsibilities.
- (4) To assist in the attainment and maintenance of stormwater quality standards.

(B) Detention Requirements.

(1) Developments Requiring Detention. Stormwater detention shall be addressed in the design, and implemented in the construction of, any new development or re-development having additional impervious cover of one acre or more, including any previous additions or modifications that increased the amount of imperviousness, and if the site of the development is located in an area where any of the following situations exist:

- (a) If the 100-year stormwater runoff release rate from the proposed development exceeds the existing or programmed capacity of the MS4, then detention in such cases shall be designed and implemented to limit stormwater runoff to a rate that does not exceed the existing or programmed capacity of the MS4 for that site.
- (b) If a proposed development is in an area where the MS4 is under-capacity by current design standards and the proposed 100-year stormwater runoff exceeds the existing stormwater runoff for the site of the development, then detention in such cases shall be designed and implemented to limit stormwater runoff rates to the pre-development runoff rate.
- (c) If the proposed development is within the drainage area abutting the ecological boundary of the Spring Creek Forest Preserve or within the drainage area abutting the Spring Creek Forest Preserve boundary as defined by the *Technical Standards*, then detention in such cases shall be designed and implemented to conform to those provisions of the *Technical Standards*.

(2) Means of Detention. Required detention shall be achieved through a means consistent with sound engineering practices and in a manner approved by the Director of Engineering. Such means may include extended dry detention, retention, underground storage and parking lot storage.

(3) Design and Construction. The design and construction of all detention and retention facilities shall include provisions relating to functionality, stormwater quality, and maintenance as set forth within this Section 3.89 of this Division 8.

(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 ~~36~~, Division 4 ~~[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.

[(C) Reserved]

(D) Retention Facilities & Amenity Ponds.

(1) Provisions. A retention facility shall be designed and constructed to provide a permanent water storage volume

and may provide additional volume as may be needed to temporarily store stormwater for detention purposes. A retention facility shall provide an outfall structure having a predetermined release rate.

(2) Amenity Ponds. Amenity ponds may be constructed for aesthetic purposes, provided the amenity pond will not produce any adverse impacts to adjacent or downstream properties or to the MS4. Amenity ponds are not required to provide stormwater quality enhancement measures. However, if the amenity pond is used for any flood or stormwater quality purpose, then it shall be construed as a detention or retention pond, as applicable, and must comply with the applicable detention or retention pond provisions.

(3) Design & Construction. Unless approved by the Director of Engineering, the design and construction of all retention facilities shall provide for flood control, stormwater quality, stabilized emergency overflow, and maintenance as set forth below and shall provide a minimum of one foot of freeboard.

(4) Minimal Accumulation. All retention facilities and amenity ponds shall be designed to minimize the accumulation of unwanted vegetation, insect and algal growth, stagnant water, and odors. The Director of Engineering may require a retention facility or amenity pond to have a minimum pool depth or to be equipped with aeration devices or other measures designed to minimize nuisance conditions.

(E) Design Criteria.

(1) Professional Engineer. All detention and retention facilities and all amenity ponds shall be designed by a professional engineer licensed to practice in the State of Texas.

(2) Design & Construction Approval Process. A proposed detention or retention facility or an amenity pond shall be incorporated into the overall concept, planning, site development, and drainage plans for the development. The facility shall include appropriate landscaping and screening and be integrated into the development in a manner that enhances overall appearance and function of the site, especially in relation to the view from public streets. The design and construction aspects of all detention or retention facilities and amenity ponds shall be included in the landscaping plans and Site Engineering Drawings submitted to the City along with supporting calculations, documentation and such other plans, specifications and other information as may be needed for an appropriate review. Approval of the design and construction of facilities shall be accomplished through the City's development review process and construction inspection process which will include the Development Review Committee.

(3) No Adverse Impact. Detention or retention facilities and amenity ponds shall be designed so as not to cause any adverse impact to any property adjacent to, draining towards, or draining away from, the facility.

(4) Public Safety. Detention and retention facilities and amenity ponds shall be designed and constructed taking into consideration the safety of the public and others. Items of site safety to be considered include the stability of embankments or cut slopes, temporary and permanent water depths, accessibility, fencing, and the compatibility of the facility with surrounding land uses.

(5) No Fences or Obstructions. No fence or obstruction shall be located within a detention or retention facility, or within an amenity pond site without approval of the City.

(6) Design Capacity. Detention and retention facilities and amenity ponds shall be designed so that the maximum release rate of all flood frequencies up to and including the 100-year storm shall not exceed the programmed capacity of the MS4 for the area. If the existing MS4 for the area is already under-capacity, then the facility shall be designed so that the maximum rate of stormwater runoff shall be no greater after development than prior to development.

(7) Additional Freeboard. Unless otherwise approved by the Director of Engineering, all open detention or retention facilities shall provide an additional one foot of freeboard above the maximum water surface elevation together with a stabilized emergency overflow structure.

(8) Maintenance. Detention and retention facilities shall be designed and constructed to include sufficient land and open space to provide for adequate maintenance of the facility consistent with this Section and other provisions of this GDC. A permanent detention pond easement containing the facility and the area surrounding the facility needed for maintenance of the facility shall be granted to the City. The acceptance of the easement by the City shall not obligate the City to provide care or maintenance for the facility in any manner. The City may require, but is not limited to:

- (a) An all-weather access drive of at least ten feet in width with acceptable cross and longitudinal slopes from the facility to an adjoining public right-of-way or access easement;
- (b) An all-weather access ramp to the bottom of the facility with acceptable cross and longitudinal slopes; and
- (c) A level surface of a minimum of ten feet in width with acceptable cross and longitudinal slopes along the top of

the facility, unencumbered by landscaping or other physical impediments.

(9) Slopes and Barriers.

(a) Earthen side slopes for detention and retention facilities and amenity ponds shall be constructed with a slope no steeper than 4:1 (horizontal-to-vertical). The Director of Engineering may require a slope stability study to be performed by a licensed engineer for any slope having an unusual height or in soils having unstable characteristics.

(b) A steeper side slope or wall may be allowed if approved structural measures are implemented to stabilize the slope and a handrail, fence, wall, or other barrier is constructed adjacent to the facility at a location and of a height, material, manner of construction, and appearance approved by the Director of Engineering and provided the barrier complies with other applicable codes and zoning requirements.

(c) The Director of Engineering may approve an alternative design to the requirements of this Subsection (E)(9) if strict adherence would unduly alter an existing natural feature such as a creek, waterway, natural pond, or stand of trees, and an acceptable alternative is proposed.

(d) Extended dry detention facilities shall include paved concrete flumes having a minimum slope of one-half percent for low-flow conditions. Unless otherwise approved by the Director of Engineering, a flume shall be installed between all inlet and outlet structures, and between point discharge locations (such as curb or swale outlets) and the bottom of the facility.

(10) Other Jurisdictional Requirements. The design, construction, and operation of all detention and retention facilities and amenity ponds shall comply with all applicable federal, state, and local requirements regarding the design, construction, and operation of lakes, dams or other impoundments of water.

(11) Permanent Irrigation. Unless otherwise approved by the Director of Engineering, every detention and retention facility and amenity pond shall be equipped with a permanent irrigation system having sufficient coverage to ensure the establishment and continued viability of living portions of the stabilized cover for the facility.

(F) Stormwater Quality.

(1) Improvement. Detention and retention facilities shall be designed and constructed to improve stormwater quality. Detention and retention facilities shall be designed and constructed to detain the first one inch of a rainfall event for a minimum of twenty-four hours. This volume may be incorporated into, or operated in combination with, any additional storage volume needed for larger storm events.

(2) Alternative Methods for Improvement. The Director of Engineering may approve alternate methods for detention and for achieving improved stormwater quality. Alternate methods may include utilization of mechanical filters, traps, or other pre-fabricated systems provided that the alternative methods prevent seventy percent or more of the total suspended solids, down to a one hundred micron-sized particle, from passing through the outlet structure and entering the MS4 and so long as the intent of the provisions contained in this article are met. Water quality enhancement measures shall be designed using the one-year, six-hour duration storm as defined in the most current NCTCOG "Integrated Stormwater Design Manual for Site Development." If using a prefabricated stormwater screening device, the applicant shall provide supporting literature/data from the manufacturer indicating that the selected unit is properly sized for the project and that it complies with the intent of this GDC.

(G) Maintenance Responsibilities.

(1) Recurrent & Consistent Maintenance. Detention and retention facilities and amenity ~~ponds~~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).

(2) Program for Permanent Maintenance. The owner of a development containing a detention or retention facility, specifically including amenity ponds, shall establish a program that will provide for the permanent maintenance of the facility.

(a) The program may, for example, include the creation of a homeowners' association or other permanently established entity having the ability to levy assessments or other means of providing a permanent source of revenue to fund the maintenance program and to perform, or cause to be performed, the activities required under the maintenance program.

(b) The maintenance program and the responsibilities to be undertaken pursuant to that program shall be described in a final operations and maintenance manual, a copy of which shall be provided to the City. The manual

shall define the need for and purposes of the facility, describe the major components of the facility, create and mandate an inspection program and the ongoing maintenance procedures, identify all of the operational elements and features of the facility, and shall authorize the City to inspect the facilities for compliance. The contents of the manual shall be at least equivalent to the guidelines established in the “Garland Pond Operations and Maintenance Manual” (see the City’s *Technical Standards*).

(c) Additional requirements may be imposed due to unique or unusual circumstances as determined by the Director of Engineering.

(d) Any type of subdivision plat required for a particular development that contains a detention or retention facility shall delineate the maintenance responsibilities for the facilities.

(e) If a homeowners’ association is to provide maintenance for the facility, the maintenance responsibilities and a reference to the operations manual shall be included in the deed restrictions and covenants of the association.

(f) A signed and notarized Maintenance Acknowledgement is an integral part of the Operations & Maintenance (O&M) Manual required for all developments containing a detention, retention, or amenity pond. The party signing the document acknowledges and agrees to be responsible for the performance and maintenance of the detention, retention or amenity pond defined in the O&M Manual. A new, signed, and notarized Maintenance Acknowledgement shall be provided to the City any time there is a change in the responsible party.

(H) Construction Practices.

(1) Constructed During Initial Phases of Development. If a detention or retention facility or amenity pond will be part of a development, the developer shall construct the facility during the initial phases of construction of the development, unless otherwise directed by the Director of Engineering, and shall ensure that the facility is fully functional as designed, prior to any paving activities, including the establishment of a stabilized cover, the living portions of which shall be maintained in a live, growing condition throughout the remaining phases of construction.

(2) Maintenance During Construction. The developer shall adequately maintain the facility during construction including mowing, removing trash, debris, silt and sedimentation, grading, and maintaining all living components of the facility in a stable, growing condition.

(3) Letter of Conformance. As a condition of, and prior to, a Letter of Final Acceptance being issued (Article 6, Division 4 of this Chapter 3) for a development containing a facility covered by this Section 3.89, the developer shall submit to the Director of Engineering a Letter of Conformance prepared by a professional engineer licensed in the State of Texas. The letter of conformance shall state that each facility within the development has been constructed in accordance with the lines and grades as approved on the design drawings and is functioning in accordance with the intent and purpose of the approved design.

(4) Adequate Stabilized Vegetative Cover. No Building Permits (for a residential development) or Certificate of Occupancy (for a nonresidential development) for any development containing a facility covered by this Section 3.89 shall be issued until an adequate stabilized vegetative cover is in place on all completed facilities within the development. Any living portion of the stabilized cover shall be in a stable, growing condition.

(5) Funds Provided. If, due to soil conditions, heartiness of seed or sod, unusually severe weather, inadequate or sporadic maintenance activities or similar circumstances, the long-term viability of a stabilized vegetative cover is questionable, the Director of Engineering may require the developer to deposit with the City a sum of money sufficient to fund the estimated costs of repairing, replacing, and maintaining the stabilized cover for a period of one year, to be used to establish a stabilized cover for the facility as originally contemplated. Costs may be estimated based upon the use of non-City equipment and labor. The City shall not be obligated to provide City-owned equipment or labor for such purposes. The deposit shall be submitted by the developer prior to the issuance of Building Permits or Certificates of Occupancy for the development, and shall be deposited in the City’s Stormwater Fund. Any portion of the deposit remaining after a period of one year shall be refunded, without interest, to the developer.

(6) No Alteration Without Approval. Following construction, a facility shall not be altered without the written approval of the Director of Engineering.

(I) Landscaping Standards.

(1) General. Detention and retention facilities and amenity ponds shall, through appropriate landscaping and screening, be integrated into the design of a development site in a manner that enhances the overall appearance and function of the site, especially in relation to the view from public streets.

(2) Review & Approval.

- (a) Landscaping and screening of detention and retention facilities and amenity ponds shall be shown on plans required by applicable site development regulations. These plans shall be integrated into the Site Engineering Drawings (refer to Article 6, Division 1 of this Chapter 3) for the site.
- (b) If a facility is to be constructed where there are no established landscaping or screening standards, then a landscape and screening plan will be required that is consistent with those required in other areas of the City.
- (c) Approval of the design and construction of landscaping and screening shall be accomplished through the City's development review process and construction inspection process which will include, but not be limited to, the Development Review Committee.
- (3) Methods & Materials. Methods and materials used for landscaping and screening shall be compatible with methods and materials used to meet site landscaping and screening requirements. Such facilities shall be landscaped using plant materials of a species, size, and spacing appropriate to the surrounding landscape and that do not result in blockage or impairment of the stormwater management function of the facility or associated maintenance activities.
- (4) Open Space. Detention and retention facilities and amenity ponds shall, where appropriate, be designed to serve an open space function in addition to the primary function of stormwater management. Organic shapes that blend into the natural landscape are preferred.
- (5) Screening. Detention and retention facilities and amenity ponds, and any associated fencing or barriers, shall be appropriately screened from the view of adjacent public streets or public ways. The material, height, construction, and appearance of the rail, fence, wall, or barrier, shall be approved by the Director of Engineering, shall be compatible with the overall character of the development, and shall be consistent with that allowed by other applicable codes or zoning requirements.

Trees, ornamental grasses, shrubs and groundcover shall be provided around the perimeter of detention and retention ponds within one hundred feet of a Type D or larger thoroughfare to minimize the visual impact from the street. The screening of the detention and retention ponds may be waived by the Planning Director based on site evaluation.

(J) Enforcement Remedies.

(1) Civil Remedies. Pursuant to Sec. ~~54.012(5)~~ [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.

(2) Criminal Penalties. A person who violates any provision of this Section shall be strictly liable for such violation regardless of the presence or absence of a culpable mental state and shall, upon conviction, be subject to a fine of not more than \$2,000 per violation, per day.

(3) Affirmative Defenses. Unless otherwise provided in this Section, it shall be an affirmative defense to a prosecution under this Section if:

- (a) The detention facility, retention facility, or amenity pond that is the basis of the violation existed or was under construction prior to May 1, 2002; or
- (b) The facility is located on property used primarily for agricultural purposes if the facility is at least three hundred feet from any public street, park, or property zoned for residential or commercial uses.

(Ordinance 6773 adopted 5/19/15)

Division 9 - (Reserved)

Division 10 - (Reserved)

Division 11 - (Reserved)

Division 12 - Easements; Lot Design; Monumentation

Section 3.90 Easements

(A) Type, Size, and Location. If not otherwise specified within this GDC, the type, size, and location of easements

shall be determined by the City's *Technical Standards* Manual and the Director of Engineering. The location of utility easements shall be in accordance with Division 3 of this Article 5.

(B) Maintenance. Any easements established shall be maintained by the property owner unless otherwise stated on the plat or in the specified language on a separate instrument.

(C) Designated on Plat. For new development and redevelopment, all necessary on-site easements shall be established on the Preliminary Plat, Final Plat or Replat, and not by separate instrument except as permitted by the City's *Technical Standards* Manual. Easements that were previously established and recorded as separate instruments shall be shown on the Plat with correct filing information before Plan Commission's consideration of the plat. Easements shall be labeled on the plat and labeled for the specific purpose for which they are being provided. Examples include a City Utility Easement (CUE) (not simply a "utility" easement which would allow franchise utilities in City easements), or a drainage easement, or an access easement.

(D) Lot Area in Relation to Easements. The area of a lot shall be computed inclusive of all required public and utility easements.

(E) Easements for Utility Providers. The applicant is responsible for contacting all utility providers prior to submission of a plat application or Site Engineering Drawings, whichever occurs first, and for securing all necessary easements for same prior to Final Plat approval and recordation. The applicant shall provide the Director of Engineering with written certification that all necessary utility providers have been notified, and such secured easements shall be shown on the Final Plat with the recording information for each.

(F) Off-Site Easements. All necessary off-site easements required for installation of required off-site public improvements to serve the development shall be acquired by the applicant prior to approval and recordation of the Final Plat. Off-site easements shall be conveyed and recorded at the applicable county by an instrument approved by the City, and shall be shown on the Final Plat along with the recording information for each.

(Ordinance 6773 adopted 5/19/15)

Section 3.91 Lots

(A) Zoning District Requirements, If Applicable. Lots shall conform to the minimum requirements of the established zoning district, if located within the City's corporate limits.

(B) Lot Frontage and Access. All lots shall have at least one boundary with frontage on a public or improved private street or on a City-approved private access easement. In addition, lot frontage shall be sufficient to ensure driveway access to each lot.

(C) Lot Shape.

(1) In general, triangular, severely elongated (in excess of a three-to-one depth-to-width ratio) or tapered, or flag lots shall be avoided whenever possible.

(2) Irregularly shaped lots shall have sufficient width at the building line to meet frontage requirements for the appropriate zoning district (if applicable), and shall provide a reasonable building pad without encroachment into front, side, or rear yard setbacks or into any type of easement.

(3) The City reserves the right to deny approval for any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

(D) Double Frontage Lots. Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from arterial streets, or to overcome a specific disadvantage or hardship imposed by topography or other factors.

(E) Lot & Block Numbering. All lots are to be numbered consecutively within each block. Each lot and block shall be identified numerically (that is not an alpha designation).

(Ordinance 6773 adopted 5/19/15)

Section 3.92 Monuments

(A) Minimum Monumentation Standards. All survey monumentation shall conform to the minimum monumentation standards contained herein and the standard monumentation details contained in the City's *Technical Standards Manual*, unless the City Surveyor approves alternative monumentation. Consult the City's *Technical Standards Manual* for materials and specifications.

Division 13 - Sidewalks

Section 3.93 Sidewalks in New Developments

- (A) Requirement. Sidewalks shall be required on both sides of all streets within new subdivisions and on the subdivision side of all streets which are adjacent to or which abut the subdivision being developed.
- (B) Design & Construction. The width, design and construction of all sidewalks shall comply with the City's *Technical Standards*.
- (C) Location. The sidewalk shall be located between the street curb or pavement edge and the right-of-way line. The standard placement of sidewalks shall be one foot from the right-of-way line, but may be varied with the written approval of the Director of Engineering, provided the sidewalk remains within a street right-of-way or within platted pedestrian easements adjacent to street rights-of-way. Rights-of-way or platted pedestrian easements shall be provided throughout the radius of all cul-de-sac or flared streets to allow the construction of sidewalks a uniform distance from the street curb for the entire extent of the street.
- (D) Construction Prior to Letter of Final Acceptance. The following sidewalks shall be constructed prior to the issuance of a Letter of Final Acceptance (refer to Article 6, Division 4, Section 3.111 of this Chapter 3) of the subdivision:
- (1) Along all streets (including the subdivision side of boundary streets) upon which no lot abuts or which are or will be separated from the subdivision by a screening wall; and
 - (2) Along any other portions of streets (including the subdivision side of boundary streets) which do not or will not abut the front or side of a buildable lot.
- (E) Permit for Construction. Application for permits to construct sidewalks in a subdivision shall be made to the City Building Inspection Department if installation of a sidewalk(s) is not included as part of the Site Engineering Drawings for a development (or redevelopment) project. All sidewalks shall be constructed in accordance with this Division 13 and other applicable provisions of this GDC. The fee for this permit is set forth in Article 3 of Chapter 1 of this GDC.
- (F) Waiver or Alteration by Plan Commission.
- (1) Sidewalk requirements may be waived or altered as a Development Variance (see Article 1, Division 4 in Chapter 5 of this GDC) by the Plan Commission for any of the following reasons:
 - (a) The terrain makes construction of sidewalks impractical.
 - (b) The sidewalk or portion thereof would serve no useful purpose at the time of building construction.
 - (c) The cost of construction is prohibitive when compared with the benefits to the immediate neighborhood.
 - (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.
 - (3) The amount shall be rendered to the Director of Engineering, placed by the City in a fund designated "Street Improvement Fund," prior to the issuance of a Site Permit, and shall be specifically used for the construction of the sidewalk waived.
 - (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~~ 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.
 - (5) Escrow amounts, or portions of escrowed amounts, which have been placed with the City and which have been held for a period of ten years from the date of such payment or agreement shall be returned to the record property owner at the time the refund is paid.
 - (6) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate

set forth in Section 395.025 of the Texas Local Government Code, as amended.

(7) Notwithstanding any provision contained herein to the contrary, if the sidewalk improvement fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(8) A refund of escrow amounts does not remove any obligations of the property owner for construction of the required facilities if a Site Permit has not been issued on the subject lot or if application for a new Site Permit is made.

(Ordinance 6773 adopted 5/19/15)

Section 3.94 Reserved

ARTICLE 6 - SITE ENGINEERING DRAWINGS & MANAGEMENT

Division 1 - Site Engineering Drawings

Section 3.95 Purpose, Authority & Applicability

The purpose of Site Engineering Drawings is to assure that public improvements required to be installed in order to serve a subdivision or a development are designed by a professional engineer that is in good standing and licensed in the State of Texas, and are constructed in accordance with all standards of this GDC. Site Engineering Drawings are generally required for any of the following: connection to a City water, wastewater or storm sewer system, street paving, when land grading operations exceeds 5,000 square feet or as indicated in this GDC and the *Technical Standards*. The term Site Engineering Drawings includes associated plat (such as, the applicable Preliminary Plat or Final Plat for that type of development) and engineering/construction plans for grading and drainage, paving, water and wastewater utilities, stormwater management (including those related to integrated stormwater management designs, erosion control, and pollution prevention), tree preservation and mitigation, landscaping, and irrigation, and if required, site plans, screening and retaining walls, and special construction details for items not covered by the City's standard construction details (reference the City's *Development Application Packet* and *Technical Standards* for requirements). (Ordinance 6773 adopted 5/19/15)

Section 3.96 Application & Procedures

(A) General Site Engineering Drawings Review & Approval Process. The Engineering Department maintains requirements, checklists and procedures for review and approval of Site Engineering Drawings (also reference the City's *Development Application Packet* and *Technical Standards* for further information and submittal requirements).

(B) Application Completeness. Incomplete plans shall not be accepted for review and shall not be considered officially submitted; such plans shall be returned to the applicant.

(C) Engineering Review and Inspection Fee. A fee shall be required for engineering review and inspection, in accordance with Division 2 of Article 3 of Chapter 1 of this GDC.

(D) Director of Engineering Review. The Director of Engineering shall be the responsible official for review and approval of Site Engineering Drawings.

(Ordinance 6773 adopted 5/19/15)

Section 3.97 Action

(A) Director of Engineering Action. The Director of Engineering, as the final decision maker, shall determine the adequacy and completeness for Site Engineering Drawings. In this capacity, therefore, the Director of Engineering shall:

- (1) Approve the Site Engineering Drawings,
- (2) Approve the Site Engineering Drawings subject to modifications, or
- (3) Deny the Site Engineering Drawings.

(B) Approval Required & Timing of Construction. Prior to issuance of a Site Permit or a Building Permit, Site Engineering Drawings must be approved. Construction of improvements as shown on Site Engineering Drawings may occur:

- (1) Prior to approval of the Final Plat and prior to plat recordation; or

(2) Following approval of the Final Plat and plat recordation if a Subdivision Improvement Agreement has been provided in accordance with Article 6, Division 3 of this Chapter 3.

(Ordinance 6773 adopted 5/19/15)

Section 3.98 Criteria for Approval

The Director of Engineering shall render a decision on the Site Engineering Drawings in accordance with the following criteria:

- (A) The plans are consistent with the approved Preliminary Plat, or the proposed Final Plat, as applicable;
- (B) The plans conform to the development standards and to standards for adequate public facilities contained within this Chapter 3, and contained generally within this GDC and any other City codes;
- (C) The plans conform to the specifications contained in the *Technical Standards*; and
- (D) All necessary on-site and off-site easements are secured, in accordance with Section 3.90 of this Chapter 3.

(Ordinance 6773 adopted 5/19/15)

Section 3.99 Approval

(A) Approval Letter. Upon completion of the plan review process, the Director of Engineering shall notify the applicant of approval of the Site Engineering Drawings.

(B) Procedure. When the Site Engineering Drawings are approved:

- (1) The City shall stamp “Release for Construction” on one full reproducible set of the Site Engineering Drawings and issue it to the applicant (refer to *Technical Standards* for further information).
- (2) A full set (copy) of the City-approved and stamped Site Engineering Drawings shall be available for inspection on the job site at all times.

(C) Effect. Approval of Site Engineering Drawings along with the City’s “Release for Construction” stamped plans authorizes the applicant to schedule a Pre-Construction Meeting in accordance with [Section 1.22](#) in Chapter 1 of this GDC, and subsequent issuance of a Site Permit in accordance with Article 1, Division 3 in Chapter 4 of this GDC. A Site Permit shall only be issued following the mandatory Pre-Construction Meeting and after all relevant fees have been paid. Upon issuance of a Site Permit, the applicant may proceed with construction of all items reflected on the Site Engineering Drawings.

(Ordinance 6773 adopted 5/19/15)

Section 3.100 Expiration & Extension

(A) Expiration.

(1) One-Year Validity. Approval of the Site Engineering Drawings shall remain in effect for one year (that is, 365 calendar days) following the date of approval, provided that progress toward completion of the project continues to be demonstrated as provided by law. During this time period, the applicant shall submit application for, and shall acquire approval of, a Final Plat or a Site Permit. Subject to extension as provided by law, if a Site Permit has not been issued or a Final Plat has not been approved within the one-year period, the Site Engineering Drawings shall expire and shall be null and void.

(2) Void If Not Extended. If the validity of the Site Engineering Drawings is not extended in accordance with Subsection (B) below, the Site Engineering Drawings shall expire and shall be null and void.

(B) Extension. Approval of the Site Engineering Drawings may be extended for one year (that is, 365 calendar days). A request for extension shall be made in writing to the Engineering Director at least thirty calendar days prior to expiration of the Drawings, and shall include reasons why the Drawings should be extended.

(1) Decision by the Director of Engineering. The Director of Engineering will review the application and approve, approve with conditions, or deny the extension within thirty calendar days following receipt of the extension request.

(2) Considerations. In considering an extension, the Director of Engineering shall consider the following:

- (a) Whether a Final Plat has been submitted and approved for any portion of the property shown in the Site Engineering Drawings;
- (b) Whether a Site Permit has been issued for any portion of the property shown in the Site Engineering Drawings;
- (c) Whether the Site Engineering Drawings comply with new regulations that impact the health, safety and general welfare of the community.

- (d) Whether the Subdivision Improvement Agreement (Article 6, Division 3 of this Chapter 3), if applicable, is still valid and in full effect.
- (e) If the Subdivision Improvement Agreement has been extended, whether additional security has been provided to cover the extended period of time.
- (Ordinance 6773 adopted 5/19/15)

Division 2 - Construction of Public Improvements

Section 3.101 Public Improvement Acceptance with Approved Final Plat

- (A) Acceptance Prior to Approval of Final Plat with Prior Approved Preliminary Plat. Installation and acceptance of all required public improvements, in accordance with the approved Preliminary Plat and the approved Site Engineering Drawings, shall occur prior to recordation of the Final Plat at the applicable county, reference Section 3.111 of this Article 6 for Acceptance Requirements, and Section 3.19 of Article 2, Division 3 of this Chapter 3 for Recordation requirements. A Final Plat shall not be accepted for recordation prior to completion of public improvements except as provided in Section 3.102 below.
- (B) Improvements Installed After Approval of Final Plat with no Prior Approved Preliminary Plat. Installation of all required public improvements shall occur, in accordance with the approved Final Plat and the approved Site Engineering Drawings, reference Section 3.19 of Article 2, Division 3 of this Chapter 3 for Recordation, and Section 3.111 of this Article 6 for Acceptance Requirements. All public improvements shall be complete and accepted in compliance with Section 3.111 prior to obtaining a Certificate of Occupancy except as provided in Section 3.102 below.
- (C) Phased Development. If the development is being constructed in phases, and is platted in phases, improvements shall be completed as platted areas are approved and phases are constructed. Each phase shall be able to exist as an independent unit and conform to all requirements of the City's *Technical Standards*.

(Ordinance 6773 adopted 5/19/15)

Section 3.102 Deferral

- (A) Sole Discretion of City. It shall be at the City's sole discretion to determine whether the deferral of construction of public improvements until after Final Plat approval and recordation or prior to a Certificate of Occupancy is appropriate, and therefore, whether financial guarantee is acceptable through a Subdivision Improvement Agreement.
- (B) Recommendation & Decision. The Director of Engineering shall make the final decision; refer to Article 6, Division 3 of this Chapter 3, Subdivision Improvement Agreement.
- (C) Approval. The Director of Engineering, upon request of the applicant, may defer the obligation to install one or more public improvements to serve the development until after Final Plat recordation upon execution of a Subdivision Improvement Agreement in accordance with Article 6, Division 3 of this Chapter 3, and that is approved by the City. The request shall be submitted with the application for approval of Site Engineering Drawings.
- (D) Subdivision Improvement Agreement. Deferral of the obligation to install public improvements shall be conditioned on execution of a Subdivision Improvement Agreement, in accordance with Article 6, Division 3 of this Chapter 3.
- (E) Timing. Completion of all required public improvements shall be as specified in the Subdivision Improvement Agreement.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Subdivision Improvement Agreement

Section 3.103 Requirement for Agreement

- (A) Subdivision Improvement Agreement or Security for Completion. Whenever public improvements to serve the development are deferred until after Final Plat recordation for Final Plats with a prior approved Preliminary Plat, the Final Plat shall not be filed for recording at the applicable county unless and until the applicant enters into a Subdivision Improvement Agreement in accordance with this Division 3 of Article 6 of this Chapter 3. The application

for a Subdivision Improvement Agreement shall be made in conjunction with an application for approval of the Site Engineering Drawings.

(B) Whenever public improvements to serve the development are deferred until after Certificate of Occupancy for Final Plats with no prior approved Preliminary Plat, the Certificate of Occupancy shall not be issued unless and until the applicant enters into a Subdivision Improvement Agreement in accordance with this Division 3 of Article 6 of this Chapter 3. The application for a Subdivision Improvement Agreement shall be made in conjunction with an application for approval of the Site Engineering Drawings.

(Ordinance 6773 adopted 5/19/15)

Section 3.104 Obligations of Agreement

(A) Obligations Under Agreement. Whenever public improvements to serve the development are deferred as described in Section 3.103 above, the property owner shall enter into a Subdivision Improvement Agreement by which the applicant:

- (1) Covenants to complete the improvements;
- (2) Covenants to warranty the improvements for two years (that is, 730 calendar days) following acceptance by the City;
- (3) Covenants to provide a maintenance bond for such period in the amount set forth in Section 3.111;
- (4) Provides provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor, with the City as a co-obligee;
- (5) Provides provisions for securing the obligations of the Agreement consistent with Section 3.106 of this Division 3; and
- (6) Outlines other terms and conditions as are agreed to by the applicant and the City, or as may be required by this GDC.

(B) Agreement to Run with the Land. The Subdivision Improvement Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. All existing owners shall be required to execute the Agreement or provide written consent to the covenants and other items contained in the Agreement. The City shall deliver a release to bona-fide, third-party purchasers of individual lots when all required public improvements have been accepted by the City.

(Ordinance 6773 adopted 5/19/15)

Section 3.105 Action

(A) General Subdivision Improvement Agreement Review & Approval Process. The Engineering Department maintains all procedures and instructions for execution of a Subdivision Improvement Agreement.

(B) Recommendation by the Director of Engineering. The Director of Engineering shall provide a recommendation to the City Council as to whether the Subdivision Improvement Agreement should be approved, approved with conditions, or denied by the City Council. The agreement shall also be subject to review by the City Attorney. The Director of Engineering shall not make such recommendation to the City Council until all provisions are agreed upon by the City Attorney.

(Ordinance 6773 adopted 5/19/15)

Section 3.106 Type of Security

(A) Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after recordation of the Final Plat pursuant to a Subdivision Improvement Agreement, the Agreement shall guarantee proper construction and completion of subdivision improvements by one of the methods described below:

- (1) Performance Bond. A bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City in an amount equal to the cost of improvements required. The performance bond is subject to the review and approval by the City Attorney.
- (2) Trust Agreement. A trust deposit in a bank or trust company for the benefit of the City of Garland, of a sum of money equal to the probable estimated construction cost. Selection of trustee shall be executed on the form provided by the City and approved as to form by the City Attorney.
- (3) Irrevocable Letter of Credit. A letter, on a form provided by the City, signed by the principal officer of a local bank, federally insured savings and loan association, or other financial institution acceptable to the City, agreeing to

pay the City on demand a stipulated sum of money to apply to the probable estimated construction cost.

(B) Estimated Cost & Related Approval. The security shall be issued in the amount of one hundred and ten percent of the probable estimated construction cost as determined by the applicant's professional engineer and approved by the Director of Engineering. The security shall be subject to the review and approval of the City Attorney.

(C) Security for Construction in Extraterritorial Jurisdiction. Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the applicable county, the security shall also meet any applicable county standards.

(Ordinance 6773 adopted 5/19/15)

Section 3.107 Full and Partial Release of Security

(A) Upon final completion of all improvements covered by a Subdivision Improvement Agreement and its associated form of security, the applicant may make written request for release of such security by the City. Upon receipt of such written request, the Director of Engineering shall make a determination whether such release is warranted, and whether all required improvements are ready for acceptance by the City. Upon a finding that all responsibilities and obligations under the Subdivision Improvement Agreement have been fulfilled, the Director of Engineering shall authorize release of the security back to the applicant.

(B) Upon written request for partial release of surety from the applicant, the Director of Engineering shall determine the percentage of total work required which has already been performed. That portion of the total, less any prior amounts released and a retainage not to exceed ten percent of the total, shall then be released.

(C) The Director of Engineering and other necessary City officials shall execute any documents necessary to cause release of any portion of the security in accordance with this provision, provided that all such documents shall be subject to approval by the City Attorney.

(D) No partial release shall be granted where any substantial part of work performed prior to the date of application for release fails to meet City standards and specifications for any reason other than incompleteness.

(Ordinance 6773 adopted 5/19/15)

Section 3.108 Extension

Where good cause exists, the Director of Engineering may extend the period of time designated for completion of necessary improvements specified within the Subdivision Improvement Agreement. Such extension of time shall be reported to the City Council. No such extension shall be granted unless additional security has been provided by the developer to cover the extended period of time. (Ordinance 6773 adopted 5/19/15)

Section 3.109 Remedies

In addition to all other remedies authorized in [Chapter 5](#) of this GDC, where a Subdivision Improvement Agreement has been executed, but required public improvements have not been installed in accordance with the terms of the Agreement, the City Council may:

(A) Declare the Subdivision Improvement Agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the Subdivision Improvement Agreement is declared to be in default;

(B) Obtain funds under the security and authorize completion of the improvements by the City itself or through a third party; or

(C) Assign its right to receive funds under the security to any third party, including a subsequent owner of the development, in exchange for a Subdivision Improvement Agreement with the subsequent owner and the additional posting of security to complete the public improvements serving the tract.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Inspection, Maintenance, & Acceptance

Section 3.110 Inspections & Maintenance During Construction

(A) Inspections.

(1) The Director of Engineering or his authorized representative shall inspect the construction of improvements (all

phases) while in progress, as well as upon completion. The applicant, or contractor, shall maintain regular contact with the Director of Engineering during construction of improvements.

(2) Construction must conform to the approved Site Engineering Drawings. The City reserves the right to require corrections to the Drawings, at the applicant's sole expense, to accommodate actual site conditions differing from that shown on the approved plans; for details not consistent or equivalent to the latest revision to the City's *Technical Standards*; and, to accommodate omissions on the approved plans. Any significant change in design required during construction shall be made by the applicant's engineer, and shall be subject to approval by the Director of Engineering.

(3) If the Director of Engineering finds upon inspection that any of the required public improvements have not been constructed properly and in accordance with the approved Site Engineering Drawings, the applicant shall be responsible for correcting and completing the public improvements. The applicant or contractor shall maintain daily contact with the City inspector during construction of improvements. No public wastewater, water or storm sewer pipe shall be covered without approval of the City inspector. No subgrade material, stabilization or paving shall be applied in public right-of-way without approval of the City inspector. The inspector may at any time cause any construction, installation or maintenance of improvements to cease when, in his judgment the City's *Technical Standards* have been violated and may require reconstruction or other work, as may be necessary, to correct the violation.

(4) A fee as set forth in section 50.33 of the City Code, shall be paid by the builder for the setting of a water meter for each lot in a subdivision. Such fee shall be paid at the time of the application for the Building Permit for each lot.

(5) Temporary water service for house construction shall be provided after a water meter is set (direct connection to the water tap is not allowed). A fee as set forth in Section 30.301 of Chapter 30, "Building Inspection," of the City Code, shall be paid for each temporary service. Temporary water service shall not continue for more than one hundred twenty calendar days following the date of its initial installation. Temporary water service shall be discontinued when final inspection is made on the house.

(B) Maintenance During Construction. The applicant shall be responsible for maintaining all required public improvements during construction of the development.

(Ordinance 6773 adopted 5/19/15)

Section 3.111 Acceptance Following Construction

(A) Submission of As-Built Plans or Record Drawings.

(1) As-Built Plan Submission. The City shall not accept dedication of required public improvements until the applicant's engineer has certified to the Director of Engineering, through submission of a detailed as-built/record drawings of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved Site Engineering Drawings. Each as-built or record drawing sheet shall show all changes made in the plans during construction, and on each sheet, there shall be an "as-built" or "record" stamp bearing the signature of the engineer of record and date. Detailed requirements for such drawings shall be in accordance with the requirements set forth in the City's *Technical Standards Manual*.

(B) Public Utility Survey & Easement Adjustments. The City shall not accept dedication of required public improvements until the applicant's surveyor has certified to the Director of Engineering, through a certification letter and submission of a Public Utility Survey establishing that the visible public utility improvements have been installed within the Final Plat dedicated easements. See the *Technical Standards Manual* for requirements for the Public Utility Survey and certification letter.

If improvements are installed outside of the dedicated easements, at the discretion of the Director of Engineering, the improvements shall be reconstructed within the utility easements or additional easement(s) by separate instrument shall be provided and recorded along with a subsequent Amending Plat or Replat of the property at the developer's expense. A letter of acceptance shall not be issued until the approved recorded separate instrument is received by the Director of Engineering.

(C) Acceptance or Rejection of Improvements by Director of Engineering.

(1) Responsible Official. The Director of Engineering shall be responsible for certifying acceptance of completed subdivision improvements intended for dedication to the City.

(2) Final Inspection. After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Engineering will perform a final inspection before recommending acceptance of the improvements.

- (3) Letter of Final Acceptance. Upon a recommendation of acceptance and a maintenance bond being executed in conformance with Subsection (F) below, the Director of Engineering shall issue a Letter of Final Acceptance to the applicant, thereby notifying the applicant of the acceptance.
- (4) Meaning of Acceptance. If the Director of Engineering accepts such improvements, the City shall execute all the necessary documents to release the full amount of security, including any retainage (when applicable). Acceptance of the improvements shall mean that the applicant has transferred all rights to all the public improvements to the City for title, use and maintenance.
- (5) Rejection. The Director of Engineering shall reject such improvements if they fail to comply with standards and specifications of the City.
- (D) Disclaimer. Approval of a Preliminary Plat or Final Plat by the Plan Commission, or approval of the Site Engineering Drawings by the Director of Engineering, shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this Section.
- (E) Acceptance of Improvements for Land in Extraterritorial Jurisdiction. Where the facilities to be constructed under the Subdivision Improvement Agreement are located within the City's extraterritorial jurisdiction, and are to be dedicated to the applicable county, the Director of Engineering shall inform a county representative that the public improvements have been constructed in accordance with the approved Site Engineering Drawings, and are ready for acceptance by the applicable county.
- (F) Maintenance Bond Following Acceptance. The owner shall covenant to warranty the required public improvements for two years (that is, 730 calendar days) following acceptance by the City of all required public improvements and shall provide a maintenance bond for that period of time in an amount equal to one hundred percent of the actual cost of the improvements for such period. All improvements located within an easement or right-of-way shall be bonded. A Letter of Final Acceptance (Subsection (C)(3) above) shall be conditioned upon execution of the maintenance bond.
- (Ordinance 6773 adopted 5/19/15)

CHAPTER 4

SITE DEVELOPMENT

ARTICLE 1 - DEVELOPMENT PROCEDURES

Division 1 - ~~Preliminary Development Plan (PDP)~~Repealed

Section 4.01 ~~Purpose & Applicability~~Repealed

~~(A) — Purpose. This division establishes a review process for all new development, as required in Subsection (B) below. A Preliminary Development Plan initiates the review process. The purpose of a Preliminary Development Plan is:~~

~~(1) — To ensure that a proposed project is in compliance with this GDC, including the zoning regulations in Chapter 2 and the development standards required in this Chapter 4.~~

~~(2) — To ensure that a proposed project is in compliance with applicable City ordinances and guidelines prior to commencement of construction.~~

~~(3) — To coordinate improvements to property by reviewing such improvements in relation to traffic safety, enhancement and maintenance of property values, and reduction of any potential health and safety hazards.~~

~~(B) — Applicability.~~

~~(1) — Submission and approval of a Preliminary Development Plan is required for the following (unless a project is associated with a Planned Development (PD) or a Specific Use Provision (SUP), in which case the respective PD Detail Plan or SUP Site Plan (as applicable) would serve as the project's Preliminary Development Plan):~~

~~(a) — Nonresidential developments within a mixed-use zoning district or nonresidential developments that seek alternative compliance (see Division 2 in this Article 1);~~

~~(b) — Mixed-use developments;~~

- (c) — Townhouse developments;
- (d) — Multifamily developments;
- (e) — Uses identified in the Land Use Matrix as having special standards (see Section 2.51); and
- (f) — Single-family and two-family residential developments that:
 - (i) — Include a private amenity comprised of one or more buildings (“amenity building(s)”), such as a private swimming clubhouse;
 - (ii) — Include a golf course; or
 - (iii) — Have private streets.

In these instances, Preliminary Development Plan submission and approval is required for amenity buildings, golf course clubhouses, hospitality areas, and gated entrances.

~~(C) — Responsible Official.~~

- ~~(1) — The Planning Director is the official responsible for processing a Preliminary Development Plan application.~~
- ~~(2) — The Planning Director is authorized to waive the requirement for submission of a Preliminary Development Plan.~~

(Ordinance 6773 adopted 5/19/15)

Section 4.02 Preliminary Development Plan Submission & Approval~~Repealed~~

~~(A) — Application Submittal.~~

- ~~(1) — An application for a Preliminary Development Plan must be submitted to the Planning Director.~~
- ~~(2) — After review by the Development Review Committee (DRC), the Planning Director will make the determination to approve or deny the Preliminary Development Plan.~~
- ~~(3) — The Preliminary Development Plan package must show all site elements necessary to review the overall layout and development characteristics of the project. The City’s *Development Application Packet*, as amended, provides the required application forms and requirements.~~

~~(B) — Application Review & Approval. Upon official submission of a complete application for approval of a Preliminary Development Plan, the DRC will review the application. The review will include discussion of revisions necessary to the application to ensure its compliance with this GDC and any other applicable regulations. The applicant must revise the Preliminary Development Plan application with the necessary corrections identified by the DRC’s review and re-submit it for further review. The Planning Director will then decide on whether to approve, approve with conditions and modifications, or deny the Plan the Preliminary Development Plan [sic] application. If a Preliminary Development Plan application is denied, the applicant will be provided reasons for the denial. Whether specifically stated or not, approval of a Preliminary Development Plan is always conditional in nature, and is always subject to any additions or alterations to the Site Engineering Drawings as may be deemed necessary by the Director of Engineering.~~

~~(C) — Alternatives. During review of a Preliminary Development Plan application, the Planning Director may approve certain alternatives to the requirements within this GDC (if the alternatives are specified within the applicable section of this GDC), using the alternative compliance process as outlined in Division 2 of this Article 1.~~

~~(D) — Appeal of Conditional Approval or Denial. A decision to conditionally approve or to deny a Preliminary Development Plan by the Planning Director may be appealed to the Plan Commission. The appeal must be submitted and processed in the manner prescribed in Chapter 5 of this GDC.~~

(Ordinance 6773 adopted 5/19/15)

Section 4.03 Preliminary Development Plan Revisions~~Repealed~~

~~(A) — Minor Revisions/Amendments. The final design or layout of a project may necessitate minor changes in the approved Preliminary Development Plan. Minor preliminary development plan revisions must comply with the following provisions:~~

- ~~(1) — The Planning Director may approve minor modifications to an approved Preliminary Development Plan without the necessity of the applicant filing a new application for approval. The Planning Director shall make a determination as to whether a modification is minor in nature or necessitates the submittal of a new application.~~
- ~~(2) — Minor revisions must be reflected on any subsequent submission of the Site Engineering Drawings or the Building Plan Set (as applicable for the project).~~

~~(B) — Major Revisions. In the event the Planning Director requires a new application for approval, a revised Preliminary Development Plan must be re-submitted in the manner prescribed by Section 4.02 of this Article 1. If approved, the revised Preliminary Development Plan becomes the controlling Preliminary Development Plan for the project.~~

(Ordinance 6773 adopted 5/19/15)

Section 4.04 Effect of Approval~~Repealed~~

~~(A) — Right to Proceed. The approval of a Preliminary Development Plan application permits the applicant to apply for a Site Permit (see Division 3 of this Article 1) and, if necessary, a Building Permit (see Division 4 of this Article 1).~~

~~(B) — Validity. A Preliminary Development Plan becomes null and void if a Site Permit or a Building Permit is not issued for the project within three hundred and sixty-five calendar days following the Preliminary Development Plan approval date.~~

(Ordinance 6773 adopted 5/19/15)

Division 2 - Alternative Compliance Process

Section 4.05 Purpose & Applicability

(A) Purpose. This division establishes a provision for alternative compliance associated with the review and approval of a development or redevelopment project, including improvements to existing on-site structures or existing site features, as required in Subsection (B) below. The purpose of the alternative compliance process is to ensure that:

(1) A proposed project is in compliance with this GDC to the greatest extent appropriate for the improvements to be undertaken.

(2) A proposed project meets requirements that are appropriate for lots or sites and site-specific development or redevelopment challenges by applying a flexible approval procedure.

(3) A proposed redevelopment or development project enhances the site, and therefore the overall environment of the City.

(4) Allows for different standards that are in agreement with the City's adopted *Comprehensive Plan* and produce an equal or enhanced level of results as intended by the original development standards.

(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 ~~Preliminary Development Plan for a project, or 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 ~~Preliminary Development Plan (or on the~~ project's initial development application), including a reference to the specific Section within this GDC that allows consideration of alternative standard(s).

(2) The applicable zoning district standards for a project are not to be reduced or varied using the alternative compliance process unless standard is specifically cited as qualifying for alternative compliance consideration in its respective section of this GDC.

(C) Responsible Official. The Planning Director is the official responsible for processing a request for alternative compliance consideration.

(D) Development agreement required. The Planning Director may only grant a request for alternative compliance with the provisions of Articles 2, 3, or 4 of Chapter 4 of this GDC by entering into a development agreement with the applicant. The development agreement may include matters outside of Articles 2, 3, or 4 of Chapter 4 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 4.06 Alternative Compliance Evaluation Criteria

Evaluation Criteria.

(A) The alternative compliance standard(s) sought by the applicant must be in agreement with, and promote, the recommendations and policies within the City's adopted *Comprehensive Plan*.

(B) The proposed standard(s) must not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements.

(C) The proposed standard(s) must not modify the land uses allowed in the zoning district in which the subject property is located, nor add a land use not normally allowed in the zoning district.

(Ordinance 6773 adopted 5/19/15)

Section 4.07 Denial of a Request for Alternative Compliance

If the Planning Director denies an alternative compliance request, the applicant may seek a variance from the applicable Board or Commission (as appropriate for the specific compliance provision) if variance is authorized in this GDC. (Ordinance 6773 adopted 5/19/15)

Division 3 - Site Permit

Section 4.08 Purpose & Applicability

(A) Purpose. A Site Permit allows work to begin on the site, including the construction of public improvements that are generally located outside of the building pad or footprint. The site work is generally authorized prior to work on the actual building(s).

(B) Applicability. A Site Permit is required prior to commencement of any site improvements on any land within the City limits. A Site Permit may, at the Director of Engineering's discretion, be required for any land within the City's extraterritorial jurisdiction. Site improvements may include (but are not limited to) grading, paving, utilities, stormwater management facilities, landscaping, irrigation, and screening as may be reflected on the approved Site Engineering Drawings.

(C) Responsible Official. The Director of Engineering is the official responsible for issuing Site Permits.

(Ordinance 6773 adopted 5/19/15)

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 Preliminary Development Plan, including any alternative compliance provisions (if applicable for the particular project);~~

~~(21)~~ Approval of a plat or replat;

~~(32)~~ All necessary permits have been obtained from applicable outside agencies;

~~(43)~~ All required off-site easements have been executed and filed for record;

~~(54)~~ All applicable fees have been paid; and

~~(65)~~ 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.

(B) Timing in Relation to Building Permit. When a Site Permit is required, it must be obtained prior to the issuance of a Building Permit.

(C) Application. All applications must be submitted on a form provided in the City's *Development Application Packet*, as amended, along with any other information as may be requested by the Director of Engineering.

(Ordinance 6773 adopted 5/19/15)

Section 4.10 Effect of Issuance

(A) Right to Proceed. The issuance of a Site Permit allows the applicant to proceed with the construction of site and public improvements.

(B) Validity. A Site Permit becomes null and void if work on the site improvements has not commenced within three hundred and sixty-five (365) calendar days following the Site Permit date of issuance. A site permit shall also expire three hundred and sixty-five (365) calendar days following the date of the most recent inspection reflecting progress on the public infrastructure improvements.

(C) Responsible Official. The Building Official is the official Responsible for issuance of a Building Permit.

Division 4 - Building Permit

Section 4.11 Purpose & Applicability

- (A) Purpose. A Building Permit allows work to commence on a building or other building components. The City reviews a Building Permit application for compliance with all applicable codes and ordinances related to the construction of proposed buildings and appurtenances.
- (B) Applicability. Any new construction, addition, repair, or alteration to a building within the City limits of Garland requires a Building Permit as detailed in Chapter 30 of the City Code.
- (C) Responsible Official. The Building Official is the official responsible for issuance of a Building Permit.

(Ordinance 6773 adopted 5/19/15)

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) — Approval of a Preliminary Development Plan, including any alternative compliance provisions (if applicable for the particular project);~~
- (21) Issuance of a Site Permit, if required, by the Engineering Department;
- (32) All applicable fees have been paid; and
- (43) 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.
- (B) Application. All applications must be submitted on a form supplied by the Building Inspection Department (see the City's *Development Application Packet*, as amended) along with any other information as may be requested by the Building Official.

(Ordinance 6773 adopted 5/19/15)

Section 4.13 Effect of Issuance

- (A) Right to Proceed. The issuance of a Building Permit permits commencement of construction of a building project. A Building Permit also permits, upon Final Inspection approval, application for a Certificate of Occupancy (for nonresidential and multifamily projects only).
- (B) Validity. A Building Permit expires two years (that is, 730 calendar days) after the date the permit ~~is~~^{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.

(Ordinance 6773 adopted 5/19/15)

Division 5 - Certificate of Occupancy

Section 4.14 Purpose & Applicability

- (A) Purpose. A Certificate of Occupancy (C.O.) permits a building to be occupied by its end-user. During review of a C.O. application, the City confirms that all applicable codes (including the City's structural and fire-life-safety codes) and ordinances related to the structure and its intended occupant(s) are in compliance with the City's zoning and land use regulations.
- (B) Applicability. A Residential building must receive a Final Inspection before it is occupied. A Nonresidential building must receive a Certificate of Occupancy before it is occupied. A new C.O. is required each time one of the following occurs:
- (1) A new business begins operation;
 - (2) A tenant change;
 - (3) A change in the type of use; or

(4) A change of occupancy classification.

(C) Responsible Official. The Building Official is the official responsible for issuing a Certificate of Occupancy.

(Ordinance 6773 adopted 5/19/15)

Section 4.15 Issuance

(A) Issuance. A Certificate of Occupancy may be obtained from the Building Inspection Department following determination by the Building Official that all construction has been completed on the building, all final inspections have been approved; ; all violations have been cured; all citations and any related fines have been paid; and all applicable fees have been paid. The final review and inspection may also involve other appropriate departments (such as, the City's Health Department and Fire Department), depending on the application and type of intended occupancy.

(1) In order to obtain a Certificate of Occupancy for new construction (see Subsection 4.14(B)(1) above), all final construction approvals by all departments must be completed prior to submission of an application for a C.O.

(2) When occupancy change in an existing structure occurs (see Subsections 4.14(B)(2) through (B)(4) above), only the Building Inspection Department's approval is necessary, unless the change involves circumstances that necessitate involvement and approval by other City departments.

(B) General Timing. A Certificate of Occupancy is generally issued after all construction on a building is complete, all Building Permit requirements have been satisfied, and all final inspections have been completed and approved.

(C) Review & Inspection. The Building Inspection Department will review all Certificate of Occupancy applications, and provide related inspection services.

(D) Application. All applications must be submitted on a form provided in the City's *Development Application Packet*, as amended, along with any other information as may be requested by the Building Official.

(Ordinance 6773 adopted 5/19/15)

Section 4.16 Effect of Issuance

(A) Effect. The issuance of a Certificate of Occupancy allows the applicant to occupy the building, and in the case of a nonresidential structure, to operate a business from the building in accordance with the terms of the certificate and in compliance with the City's zoning and land use regulations. All activities associated with the conduct of a business for which a C.O. has been issued must be conducted on the site and not within public rights-of-way or on other neighboring properties, except for the actual transportation and delivery of goods from the business location to the goods' delivery site. Vehicles associated with a business are prohibited from parking on neighboring properties unless a shared parking agreement is reviewed by the City and executed and filed for record as a mutual parking arrangement that is acceptable to the City.

(B) Validity. A Certificate of Occupancy remains valid until one or more of the events cited in Subsection 4.14(B) occurs (which requires issuance of a new C.O.), provided that the premises complies with all applicable local, state, and federal laws.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 2 - PARKING & LOADING

Division 1 - Purpose & Application

Section 4.17 Purpose

The standards for providing parking and loading areas are provided to ensure that parking and loading elements are adequate, but not excessive, to support the related land uses, to generally lessen congestion on streets, and to encourage the most efficient use of land. (Ordinance 6773 adopted 5/19/15)

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 ~~a Preliminary Development Plan or on~~ the project's initial development application (as applicable for the project). (Ordinance 6773 adopted 5/19/15)

Division 2 - Administration & Procedures

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 ~~Preliminary Development Plan~~, Site Permit, Building Permit, or Certificate of Occupancy submittal, whichever occurs first (see Divisions ~~1 through 4~~ [1, 3, 4 and 5] in Article 1 of this Chapter 4, respectively). The parking layout must include the following information:

- (A) All existing and proposed off-street parking spaces, with dimensions of all parking bays and drive aisles;
- (B) All on-street parking spaces (if applicable);
- (C) Any off-site parking spaces (if applicable);
- (D) Loading areas (if applicable);
- (E) Ingress and egress related to parking areas;
- (F) A table that shows the building square footage of each use on the property, each use's corresponding parking requirement, and the number of parking spaces provided for each use; and
- (G) The type of parking area surface material.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Provisions Applicable to All Zoning Districts

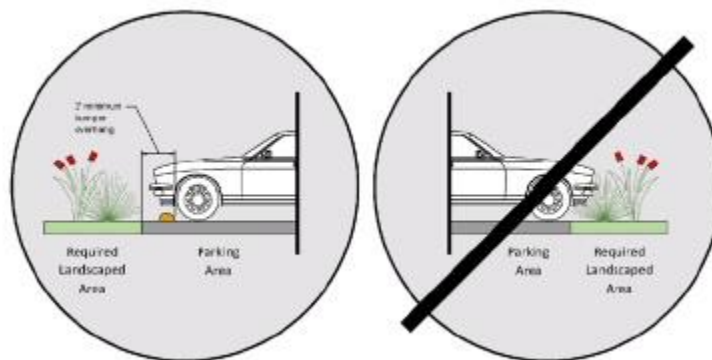
Section 4.20 Off-Street Parking Requirements

(A) Off-Street Parking Ratios. All uses of land and buildings in the City of Garland, except for within the Downtown district, must provide off-street parking at the ratios set forth within the [Land Use Matrix](#) (Section 2.51 in Chapter 2 of this GDC). Land uses within the Downtown district must provide parking in accordance with that district (see [Chapter 7](#) of this GDC). In any district, when more than one use occurs on a site, the required off-street parking must be prorated according to the requirements of each use. In computing the total required parking, a fraction in the final figure must be rounded to the next highest whole number.

(B) Stall and Aisle Dimensions. A person, property owner, or developer must comply with the minimum dimensions of parking stalls and aisles, including full-size parking spaces and compact car parking spaces specified in the City's *Technical Standards Manual*, as amended.

(C) Vehicle Stopping Devices, Overhangs, Curbing.

(1) Vehicle Stopping Devices. Parking and vehicle sales areas must have a vehicle stopping device (including, but not limited to, raised curbs, wheel stops, and bollards) installed to prevent parking of motor vehicles in any required landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line, public sidewalk, or adjacent property.



(2) Vehicle Overhang. A sidewalk can accommodate vehicle overhangs provided that a minimum four-foot unobstructed sidewalk area is maintained (see [Chapter 3](#) for required sidewalks). This requirement applies only where spaces are adjacent to the walks, right-of-way, and landscaping. In any event, parking may not be allowed to overhang public right-of-way.

(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.

(E) Materials. All parking for land uses and buildings, including required parking and any additional parking that are provided on- or off-site, must be constructed of concrete (in accordance with the City's *Technical Standards*). Other paving materials for parking areas may be proposed for non-required parking using the alternative compliance process outlined in [Article 1, Division 2 of this Chapter 4](#).

(F) Location. All parking for land uses and buildings, including required parking and any additional parking that are provided on- or off-site, must be located within a zoning district that allows the use for which the parking is required.

(G) Shared and Off-Site Parking. A portion of the required off-street parking for different buildings, structures, or uses may be shared (up to 50%). In addition, a portion of the required off-street parking for different buildings, structures, or uses may be provided off-site (up to 25%). Both are subject to the following requirements:

(1) Shared and off-site parking must be on an immediately contiguous lot or tract, and all shared parking spaces must be located within three hundred feet of the property boundary of the use(s) the shared parking serves.

(2) The Planning Director is responsible for the approval or denial of a request for shared or off-site parking as part of the appropriate development application.

(3) Each property owner must execute an irrevocable mutual parking agreement (granting parking easements necessary to assure retention of the shared or off-site parking spaces), in a form acceptable to the City, file this document with the County, and provide a copy of the filed document to the City prior to issuance of a Site Permit, Building Permit or Certificate of Occupancy (as applicable, and whichever occurs first) for any use that relies upon the shared or off-site parking arrangement.

(4) For shared parking, the peak parking demand for any of the buildings, structures, or uses will generally occur at a different time of day than the peak parking demand of other adjacent buildings, structures, or uses. The developer is responsible for providing parking demand data to support the request for a reduction in total parking space requirement due to joint use. Parking requirements are determined based on parking demand for the peak parking period. If at some time the peak parking demand changes, or if a shared parking arrangement becomes inadequate to accommodate the parking generated by the uses or a nuisance to surrounding property owners, the Planning Director has the authority to require the uses sharing the parking to submit a parking study prepared by a licensed transportation engineer for review and, if deemed necessary, the Director may place limitations or other safeguards on the parking arrangement to protect the public health, safety, or welfare.

(H) Use of Required Parking and Loading Spaces. Required off-street parking and loading spaces may be used only for parking and loading spaces. Use for any other purpose is prohibited.

(I) Off-Street Stacking Requirements for Drive-Throughs. ~~Persons~~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:

(1) General. A stacking space is an area on a site measuring eight feet by twenty-two feet with direct forward access to a service window or station of a drive-through facility that does not constitute space for any other circulation driveway, parking space, or maneuvering area, and that does not include the area where a vehicle is actually being served from a drive-through window. An escape lane of at least eight feet in width and with negotiable geometric design must be provided to allow vehicles to exit the stacking lane in the event of a stalled vehicle, emergency, or accidental entry.

(2) Banks/Financial Institutions. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, requires a minimum of five stacking spaces. One escape lane must be provided.

(3) Restaurants. For each service window of a drive-through restaurant, a minimum of five stacking spaces is required for the first vehicle stop (usually the menu/order board), and two stacking spaces is required for each additional vehicle stop (such as order/pick-up windows). One escape lane is required from the beginning of the stacking lane to the first stop (that is, the menu/order board).

(4) Other Retail Uses. For other retail operations (other than restaurants, banks, or those operations specifically cited in this section) and kiosks that provide drive-through or drive-up service (such as pharmacies or dry cleaners), a minimum of two stacking spaces for each service window are required.

(5) Car Wash, Full-Service/Detail. For a full-service car wash, each vacuum or gas pump lane requires a minimum of four stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space is required to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

(6) Car Wash, Automated/Rollover. For each automated self-service (drive-through/rollover) car wash bay, a

minimum of three stacking spaces, in addition to the wash bay itself, are required. One stacking space is required at the exit end of each wash bay for window-drying and other detailing.

(7) Car Wash, Self-Service. For each manually operated, wand-type self-service (open) car wash bay, a minimum of two stacking spaces, in addition to the wash bay itself, are required. One stacking space is required at the exit end of each wash bay for window-drying and other detailing, unless a separate area or shade structure is provided outside of circulation aisles for these activities.

(8) Automobile Repair (with drive-through). For drive-through automobile repair establishments (such as, 20-minute oil and lube maintenance stations), a minimum of one stacking space is required for each service bay in addition to the service bay itself.

(J) Storage of Recreational Vehicles and Boats. Recreational vehicles and boats that are being stored may not occupy parking required by this Article 2. Spaces and areas dedicated to recreational vehicle storage must be paved in accordance with the City's paving standards for parking areas, and must not be directly visible from any public right-of-way or single-family property line (see Section 32.57 of the Code).

(K) Deviation of Required Spaces. The ~~maximum amount~~number of required parking spaces for a particular nonresidential or multifamily use (as set forth in the Land Use Matrix in Section 2.51 of Chapter 2) may be ~~changed~~increased, as identified below. ~~A request for a deviation~~ (that is, ~~an increase~~a change in parking ~~space requirements~~) ~~in excess of the ratio shown for a particular sized project (maximum fifteen percent)~~ may be submitted for approval using the ~~alternative compliance~~ Alternative Compliance process outlined in Article 1, Division 2 of this Chapter 4, ~~and the request must be accompanied by a parking generation study prepared by a licensed transportation engineer. A request for a parking deviation in excess of the applicable amount shown below for a project may also be submitted using the alternative compliance process, except that any request for deviation that exceeds fifteen percent of the maximum parking requirement shall be processed, reviewed, and decided as a Zoning Variance by the Board of Adjustments in accordance with the procedures set forth in Section 2.25 of this GDC. Any type of deviation, 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 of the increased parking.~~

~~Deviation of Required Off-Street Parking Spaces~~

Size of Structures (square feet)	Percent of Deviation
0 to 40,000 sf	up to 5%
40,001 to 85,000 sf	up to 10%
greater than 85,000 sf	up to 15%

(Ordinance 6773 adopted 5/19/15)

Section 4.21 Driveway Standards

Driveways must comply with the standards provided in the City's ~~Traffic Management~~Technical Standards Manual, as amended. (Ordinance 6773 adopted 5/19/15)

Section 4.22 Loading Requirements

(A) General Criteria. A person, property owner, or business owner must comply with the following loading requirements:

(1) Driveways, aisles, maneuvering areas, and heavy load vehicle berths must be designed to accommodate the largest vehicles normally expected to use those particular driveways, aisles, maneuvering areas, and heavy load vehicle berths.

(2) All parking, loading, and maneuvering of heavy load vehicles must be conducted off-street and on private property. All drives and approaches must provide adequate space and clearances to allow the maneuvering of heavy load vehicles off-street.

(3) Required vehicle parking is prohibited within the heavy load vehicle dock apron space or maneuvering areas.

(4) The minimum dimensions of a loading area (or heavy load vehicle loading berth) are provided in the City's

Technical Standards Manual, as amended, and incorporated herein.

(B) Loading Ratios & Area. All nonresidential uses must provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at ratios consistent with Table 4-1 below, based on square feet of gross floor area, or fraction thereof.

Table 4-1: Number of Required Off-Street Loading Spaces (Heavy Load Vehicle Loading Spaces)

Retail, Restaurants and Commercial Structures (Square Feet)	Hotels, Office Buildings, Industrial and Similar Establishments (Square Feet)	Minimum Number of Loading Spaces
0 to 10,000 sf	0 to 50,000 sf	1 loading space
10,001 to 150,000 sf	50,001 to 200,000 sf	2 loading spaces
150,001 to 200,000 sf	200,001 to 500,000 sf	3 loading spaces
each additional 100,000 sf	each additional 200,000 sf	1 additional loading space

(C) Loading Area Location.

(1) Heavy load vehicle loading spaces and apron space must not be located on the street side of a building, except as approved by the Planning Director in accordance with Division 6 of this Article 2.

(2) Heavy load vehicle loading spaces and apron space must not be located within a required setback or landscape buffer strip, except as approved by the Planning Director as an alternative compliance request in accordance with Division 6 of this Article 2.

(3) See Article 3 (Screening & Landscaping) for additional screening requirements for loading areas.

(D) Waiver. The Planning Director has the authority to waive all or a portion of the loading space requirement if, upon receipt and review of data prepared by a transportation engineer licensed in the state of Texas, it is demonstrated that the requirement is excessive or unnecessary for the proposed use.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Off-Street Parking Provisions for Residential Districts

Section 4.23 Off-Street Parking Requirements

(A) Off-Street Parking Location. Required off-street parking for all types of uses must be located on the same site as the use it serves (unless approved as shared or off-site parking, or as required by the Downtown district, if applicable).

(B) Number of Parking Spaces. The number of required parking spaces for each type of use is provided in the [Land Use Matrix](#) in Chapter 2, Section 2.51, of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 4.24 Multifamily Developments

Multifamily residential developments must comply with the following off-street parking provisions provided below:

(A) Covered Parking, Attached or Detached. At least fifty percent of the required parking spaces for a multifamily development must be either an attached enclosed garage or a detached multi-car covered parking structure. Each unit must have at least one covered parking space.

(B) Attached Enclosed Garages. Attached enclosed garages, if used, must be a minimum of ten feet wide by twenty feet long (for one-car garages).

(C) Detached Covered Parking Structures. Detached covered parking structures, if used, must:

(1) Meet the building materials and design requirements set forth in Section 2.60 in Chapter 2 of this GDC; and

(2) Be located within one hundred feet of the building served.

(D) Location Adjacent to Thoroughfares.

(1) Parking spaces and detached parking structures are prohibited in a street yard adjacent to State Highway 190, Interstate Highway 30 or Interstate Highway 635.

(2) All parking spaces located adjacent to the right-of-way of any other public thoroughfare or single-family district must be screened from view in accordance with [Article 3 of this Chapter 4](#).

(Ordinance 6773 adopted 5/19/15)

Division 5 - Off-Street Parking Provisions for Nonresidential Districts

Section 4.25 Off-Street Parking Requirements

Off-street parking in nonresidential districts must comply with the following parking requirements:

(A) Off-Street Parking Location.

(1) Required off-street parking is required on the same site as the use it serves, or as an off-site or a shared parking arrangement upon approval of the Planning Director in accordance with [Section 4.20\(G\)](#) of this Article 2.

(2) Parking areas are prohibited within any landscape buffer strip.

(3) For any land parcel having frontage along State Highway 190, Interstate Highway 30 or Interstate Highway 635, only one single- or double-loaded row of parking is permitted between the front or face of the building and the highway right-of-way line provided that at least two times the amount of parking area landscaping (as required in Section 4.35 of this GDC) is provided in these portions of the parking area. All other parking areas must be located to the side or behind the building unless otherwise approved by the Planning Director during the alternative compliance process, as outlined in Division 6 of this Article 2.

(B) Off-Street Parking for Motor Vehicle, Transportation and Related Uses. For all types of motor vehicle, transportation and related uses, all vehicles that are parked, stored, displayed, or utilized by the establishment must be parked in a striped, clearly designated parking space, on an all-weather surface that is constructed in accordance with the City's *Technical Standards*.

(Ordinance 6773 adopted 5/19/15)

Section 4.26 Parking in the Downtown (DT) Zoning District

Off-Street Parking Ratios. Off-street parking in the Downtown District must comply with the Downtown zoning district requirements (see [Chapter 7](#) of this GDC). (Ordinance 6773 adopted 5/19/15)

Division 6 - Approval of Alternatives

Section 4.27 Administrative Approval of Alternative Compliance

(A) Request for Approval of Alternative Compliance. A request for alternative compliance may be submitted in accordance with Article 1 of this Chapter 4. The Planning Director may approve the following types of requests only upon a finding that the proposed alternative is: (i) consistent with the purpose and intent of this Article 2, as applicable; and (ii) promotes the public health, safety, morals, or general welfare.

(1) A parking ratio which differs from that specified within the [Land Use Matrix](#) (GDC Chapter 2, Section 2.51) based on a parking study conducted by a certified traffic planner or licensed transportation engineer which sets forth an acceptable alternative ratio.

(2) Off-site parking based upon the following criteria:

(a) Where it can be demonstrated that the parking is accessible and the way in which access is provided to the off-site location does not create a safety hazard for pedestrian or vehicular traffic;

(b) Where it can be demonstrated (that is, through proof of ownership or executed agreement with the owner) that the site will be used for parking only as long as the requirement exists or until another approved parking site is provided;

(c) Each off-site parking space is within a radius of six hundred feet of the use it serves; and

- (d) The parking site is compatible with surrounding land uses and will not adversely impact neighboring uses, including generating vehicular traffic which might create a hazard in the neighborhood.
- (3) The location of parking in front of a building for a site that has frontage along State Highway 190, Interstate Highway 30 or Interstate Highway 635 (see Section 4.25(A)(3) of this Article 2).
- (4) The allowance for heavy load vehicle loading areas located:
 - (a) On the street side of any building where two or more sides of the building face dedicated streets; or
 - (b) Within a required setback or landscape buffer strip when part of a common loading area designed to serve more than one building.

(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.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 3 - SCREENING & LANDSCAPING

Division 1 - Objectives & Definitions

Section 4.28 Objectives

The following criteria are used to evaluate any proposed Landscape Plan:

- (A) Landscaping must:
 - (1) Enhance community appearance, identity, and unique natural beauty;
 - (2) Reduce the reliance on irrigation, thus conserving the public water supply;
 - (3) Shade seating, walking, and outdoor activity areas;
 - (4) Provide a barrier between vehicles and pedestrians;
 - (5) Protect and enhance property values;
 - (6) Delineate safe walking paths while avoiding barriers;
 - (7) Diminish the intrusion of headlights and other glare;
 - (8) Provide a natural habitat for birds and other wildlife;
 - (9) Aid in the abatement of noise, glare, heat and dust; shield buildings from winter wind and summer sun thereby conserving energy;
 - (10) Reduce land use conflicts and visual impact by screening certain site features of activity and storage; and
 - (11) Accommodate water quality goals and impede stormwater runoff.
- (B) The landscape design must have a variety of species, and a variety of color throughout the seasons.
 - (1) Landscape design must preserve and incorporate existing trees whenever possible.
 - (2) Landscape design must define spaces including entrance areas, pedestrian paths, vehicular avenues, parking areas, and sitting areas.
 - (3) Landscape design must avoid the creation of pedestrian and visual barriers that hinder accessibility and social

interaction, and that compromise safety.

(4) Indigenous landscape materials must be selected whenever feasible.

(5) When appropriate, drought resistant plants must be selected to conserve water.

(Ordinance 6773 adopted 5/19/15)

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:

(1) The construction of a building or structure on an undeveloped site.

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

(3) The conversion of an existing residential structure to a nonresidential structure.

(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 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.

(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) ~~Any increase in~~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) ~~Expansion of~~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)~~ Article 3, Division 4 of Chapter 4 of this GDC, ~~respectively~~, unless otherwise approved using the alternative compliance process outlined in Article 1, Division 2 of this Chapter 4;

(3) ~~Any increase in~~increases in the size or alters the layout of any outside storage area;

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

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

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

(C) Exemptions. The following uses and properties are exempt from the requirements of this Article 3, or from certain provisions of this Article 3, as specified:

(1) Temporary structures, such as job trailers associated with construction activities;

(2) Public schools and 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.

(3) Freestanding cell towers are exempt from Subsection 4.34(B) (Landscape Buffers);

(4) Cemeteries;

(5) Property subject to the Downtown Form-Based Code District development standards (see Chapter 7 of this GDC);

(6) Property included in a master plan for a public park;

(7) Property governed by screening and landscaping requirements approved as part of a Planned Development (PD) district;

(8) Restoration of a building, within three hundred and sixty-five calendar days after it has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of public enemy, or accident of any kind, provided the structure

does not increase in size to the extent that compliance of these standards is required by Section 4.29(A) above;

(9) Restoration of a building that has a City, county, state or national historic designation if it can be demonstrated and determined that compliance with these landscape and screening standards will detract from the historic or architectural significance of the structure, site or existing landscaping. The Planning Director has the authority to determine whether or not such demonstration has been made.

(10) Resurfacing an existing parking lot in its original configuration does not constitute a reconstruction or development of a parking lot and therefore would not be subject to screening and landscaping standards as set forth in this Article 3. However, if an asphalt or otherwise substandard surface parking lot is voluntarily or involuntarily reconstructed to meet current standards, the newly constructed parking lot is subject to the requirements, as applicable, of this Article 3.

(Ordinance 6773 adopted 5/19/15)

Section 4.30 Definitions

The following terms and phrases, as used in this [Chapter 4, Article 3](#), have the following meanings (other related definitions are contained within Article 4 of this Chapter 4, and also within [Chapter 6](#), of this GDC):

(A) “*Caliper*” means a standard for the trunk measurement. It is the diameter of the trunk measured twelve inches above ground level for new or replacement trees. If a tree is a multi-trunk variety, the caliper of the tree is the sum of the largest trunk plus one-half the total of all other trunks, measured at twelve inches above the root ball. Existing tree caliper must be measured 4-1/2' above the noted grade.

(B) “*Drip Line*” means a circular area beneath the canopy of a tree, the radius of which is equal to the distance from the trunk to a vertical line extending from the outermost portion of the canopy to the ground.

(C) “*Existing Tree*” means any living, self-supporting woody plant with a caliper of two inches in diameter or greater.

(D) “*Groundcover & Turf Grasses*” means any vegetative groundcover of a variety that is listed as a grass in Table 4-5 within Division 7 of this Article 3. Generally, it includes plants or grasses of species which normally reach a height of less than three feet upon maturity, installed in a manner intended to form a continuous cover over the ground.

(E) “*Irrigator*” means a person who holds a license to practice irrigation in the state of Texas.

(F) “*Landscape Architect*” means a person licensed to practice landscape architecture in the state of Texas.

(G) “*Non-Disturb Zone*” means an area on a development site that is physically staked to protect the entire drip lines of existing trees that will be preserved, that is not disturbed in any way during construction, and that remains in its original state (including grades) after construction is completed.

(H) “*Perennials & Ornamental Grasses*” means vegetation of a variety listed as such in Table 4-7 within Division 7 of this Article 3.

(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~~[1]~~.

(J) “*Screening & Landscaping Plan*” means a plan that describes and depicts how a proposed development complies with the landscape regulations of this Article 3, including depiction of screening device(s) and the location, size, and species of landscaping materials. The plan includes any related plans for irrigation that can be shown on a separate drawing.

(K) “*Shrubs - Low Level Screening*” means a shrub or grass of a variety listed as such in Table 4-4 within Division 7 of this Article 3.

(L) “*Tree - Large Canopy Tree*” means a tree of a variety listed as such in Table 4-1 within Division 7 of this Article 3.

(M) “*Tree - Small Ornamental Tree*” means a tree of a variety listed as such in Table 4-2 within Division 7 of this Article 3.

(N) “*Trees & Shrubs - High Level Screening*” means vegetation of a variety listed as such in Table 4-3 within Division 7 of this Article 3.

(O) “*Vines for Screening Walls*” means a variety of vegetation listed as such in Table 4-6 within Division 7 of this

Article 3. Generally, it is a weak-stemmed plant that derives its support from climbing, twining, or creeping along a surface.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Screening & Landscape Plans - Administrative Procedures

Section 4.31 Plan Submission & Approval

(A) Screening & Landscaping Plans Required. Screening and landscaping plans are required for all applicable development as outlined in Section 4.29 of this Article 3. The plans must sufficiently demonstrate and depict how the proposed development complies with the regulations of this Article 3 (see detailed drawing requirements in the City's *Development Application Packet*).

(B) Plan Submittal. Screening and landscaping plans must be submitted for review by the Planning Director as part of the initial development application (as applicable for a particular project). Preliminary review of the screening and landscaping plans may be required with a zoning application or with other review processes required by this GDC.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Installation & Maintenance; Enforcement

Section 4.32 Installation & Maintenance

(A) Installation. The installation of all materials shown on the approved screening and landscaping plans must be inspected and approved by the Building Inspection Department prior to issuance of a Certificate of Occupancy.

(B) If a person applies for a Certificate of Occupancy during a season of the year in which the City determines that it would be impractical to plant trees, shrubs, groundcover or grass, the City may issue a temporary Certificate of Occupancy conditioned on the owner's compliance with all landscaping requirements. The temporary Certificate of Occupancy may be revoked on a date the City determines is reasonable, taking into consideration the time of year, weather, and probable survivability of the plants and landscaping.

(C) Maintenance. The property owner is responsible for the maintenance of all required landscaping, including, but not limited to, the following:

(1) Plant material must be perpetually maintained in a healthy, vigorous, living, and growing condition as is appropriate for the season of the year; and

(2) Plant materials that die must be replaced by the property owner with the same plant variety (or an approved alternative) at the initial planting size within thirty calendar days following notification by the City, or within an alternative time period, not to exceed one hundred and twenty calendar days, if such is approved by the Planning Director.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Landscaping Design Requirements

Section 4.33 General Landscaping Standards

(A) Living Coverage Required. Required landscaped open areas and non-paved areas between the front of building(s) and any street right-of-way line must be completely covered with living plant material. Landscaping materials, such as wood chips and gravel, may be used under trees, shrubs, and other plants, but must not comprise a significant portion of the total landscaped area. Any additional landscaped (pervious) areas that are in excess of the required landscaped area must also be covered with either living plant material, such as turf grass or other groundcover or landscape materials such as rock, wood chips or mulch, or an alternative approved by the Planning Director.

(B) Plant Material Standards. Plant materials required by this GDC must be of a species listed in the Approved Plant List for the City of Garland (see Division 7 of this Article 3), and all plant materials installed on a development or redevelopment site must conform with the most recent edition (at the time of development or redevelopment) of

the “American Standard for Nursery Stock” (as amended), published by the American Association of Nurserymen. Grass seed, sod, and other material must be clean and reasonably free of weeds, noxious pests, and insects.

(C) Tree Size at Installation. Large canopy trees (see Table 4-1 in the Approved Plant List, Division 7 of this Article 3) and street trees in the DT district must be a minimum of three inches in caliper (measured twelve inches above the ground) and seven feet in planted height at time of installation. Small ornamental trees (see Table 4-2 in the Approved Plant List, Division 7 of this Article 3) must be a minimum of one and one-half inch in caliper (measured six inches above the ground) and five feet in planted height at time of installation.

(D) Shrub Size at Installation and Coverage at Maturity. Shrubs that are not of a “dwarf” variety must be a minimum of two feet in planted height at time of installation. Hedges or shrub massings, where installed for screening purposes, must be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be at least six feet high within three years following installation (except for parking lot headlight screens, which must form a continuous, solid visual screen at least three feet high within two years following installation). Shrubs that are of a “dwarf” or “miniature” variety must be a minimum of one foot in planted height at time of installation unless that particular variety and size of shrub is typically less than one foot in planted height in North Central Texas.

(E) Vines. Vines must be a minimum of two feet in height (vine length) upon installation, and may be used in conjunction with decorative fences, screens, or walls to meet landscape screening requirements if approved by the Planning Director as part of the review of screening and landscaping plans.

(F) Turf Areas. Proposed turf areas for new developments, and for the redevelopment of a property that is subject to this Article (see Section 4.29), must be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod Bermuda turf grass (or other good coverage evergreen groundcover, if approved by the Planning Director as part of the review of screening and landscaping plans) must be used in all street and alley rights-of-way, in drainage swales, on earthen berms, and in other areas that may be subject to erosion or will likely be subject to high foot traffic. The requirement to use solid sod is limited to those areas where the surface soil is disturbed during the development (or redevelopment) of the property, and does not apply in the case of a single-family residence where the soil surface is not disturbed in the street right-of-way.

(G) Turf and Groundcover Coverage. Turf and groundcover areas must be planted in a manner that presents a finished appearance and reasonably complete coverage within one year following installation.

(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:

- (1) If attractive and hardy, pest-resistant, and disease-resistant xeriscape planting materials are utilized (these techniques are encouraged by the City, if designed and sufficiently maintained); or
- (2) If the amount of landscaped area and materials is very limited and the landscaped area is located further than two hundred feet from a water source or meter.

(I) Irrigation Water Conservation. Irrigation facilities within medians or adjacent to curbs must be designed and installed with low gallonage and low angle nozzles (or using a subsurface tubing system provided that the system provides even watering and full coverage) to prevent water overflow into the street. Freeze- and moisture-sensors must be used with each controller to prevent irrigation systems from activating during freezing weather (creating unsafe spillage and ice on roads and sidewalks) and during other impractical times, such as rainy periods.

(J) Irrigation Design. Irrigation devices must not be visible from public streets or walkways (except for underground irrigation systems whose sprinkler heads are designed to “pop up” during use and retract when finished). Underground systems that are designed to irrigate portions of public right-of-way and street parkways (such as, the area between sidewalks and the street curb) must be designed so that main irrigation water lines are at least three feet away from the street curb (where practical, single sprinkler head serving lateral lines must “T” out from the main line toward the street curb – this minimizes damage to the irrigation system if a vehicle jumps the curb into the parkway area).

(K) Landscape Area Protection and Viability. Landscaping (including xeriscape landscaping) areas, within or adjacent to parking areas, must be protected by a six-inch monolithic concrete curb (or by wheel stops, perforated curbing, or other appropriate protection device, if approved by the Planning Director as part of the review of screening and landscaping plans, as a means to allow paved areas to drain into landscaped areas for stormwater management purposes). All landscaping areas must be maintained in a healthy, living, growing, and thriving condition. All landscaped and open space areas, including parking lots, must be kept free of trash, litter, and other

similar debris.

(L) Berms. Earthen berms must have side slopes not to exceed thirty-three and one-third percent (3:1 slope; three feet of horizontal distance for each one foot of vertical height). Berms must be completely covered with evergreen vegetation to prevent erosion, and must include any other necessary drainage or erosion prevention measures as may be reasonably required by the Director of Engineering.

(M) Protection of Preserved Trees. Existing trees that must be preserved pursuant to Chapter 4, Article 4 of this GDC, must have an undisturbed, permeable surface area under (and extending outward to) the existing drip line of the tree. New trees must have a permeable surface area under the drip line that is a minimum diameter of five feet around the trunk of the tree. No paving or impervious surface material may be placed closer than five feet from the trunk of any tree (unless approved by the Planning Director as part of the review of screening and landscaping plans, and provided that appropriate root barriers or other root containment techniques are used to prevent long-term damage to paving, particularly sidewalks, by root growth and spreading).

(N) Trees Near Rights-of-Way and Utility Easements. Planting trees closer than four feet to a street or alley right-of-way line (except in the mixed-use districts) is prohibited (unless no other alternative is available, as determined by the Planning Director). Planting trees closer than eight feet to a public utility line (water or sewer) is also prohibited (unless no other alternative is available, as determined by the Planning Director). Further, a landscaping area in which trees are to be provided must not conflict with a utility easement (unless no other alternative is available, as determined by the Planning Director). The degree of landscape buffer and utility easement overlap must be minimized, and plant materials must be placed so as to not conflict with utility lines, facilities or easements.

(O) Tree Clearance Heights. Trees must be maintained by the property owner (or by the immediately adjacent property owner where trees are located within public right-of-way) to sufficiently allow a clear height of at least eight feet over sidewalks and other pedestrian pathways, and a clear height of at least fourteen feet over streets, drive aisles, and other vehicular traffic ways.

(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 healthy, living, growing, and thriving condition.

(3) Property owners may be required 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.

(Q) Trees Under Overhead Utility Lines and Near Easements. Only small ornamental trees, shrubs, and groundcovers (no large canopy trees) are permitted within ten feet of existing or proposed overhead utility lines or within any water, wastewater, storm drainage, or utility easement (unless an alternative is approved by the Director of Engineering and by the Planning Director on the screening and landscaping plan review).

(R) Driveways Through Landscaped Areas. Paving, other than on an approved driveway, is prohibited in required landscaped areas.

(S) Variety of Species Required. In order to achieve a variety of landscape materials and color throughout the seasons, selected plant materials (including trees) used to meet the requirements of this Article 3 must not include more than fifty percent of any single tree or shrub species from the Approved Plant List (Division 7 of this Article 3).

(Ordinance 6773 adopted 5/19/15)

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

Nonresidential, multifamily, and senior living developments must comply with the following site and perimeter landscaping provisions:

(A) Total Landscape Area Requirement. Landscape materials must cover a minimum of ten percent of the total

site area, except as provided below in this Section 4.34 for multifamily and senior living developments. The ground must be completely covered with grass or other vegetation to count towards meeting this landscape area requirement. Required landscape buffers and internal landscaping areas shall count towards meeting the total landscape area requirement.

Multifamily, Senior Living, and Related Developments. A minimum of forty percent of the gross platted area of the site of any multifamily or senior living facility must be devoted to landscaping, open space areas, pools, and similar outdoor recreational activity areas.

(B) Landscape Buffers. The landscape buffers of nonresidential, multifamily, or senior living developments must comply with the following provisions:

(1) Adjacent to Major Thoroughfares.

(a) A landscape buffer, twenty feet in depth (from the property line), is required in nonresidential yards adjacent to any thoroughfare designated as AA or larger on the City's adopted *Major Thoroughfare Plan*.

(b) A landscape buffer, fifteen feet in depth (from the property line) is required in nonresidential yards adjacent to Type A through D thoroughfares, as designated on the City's adopted *Major Thoroughfare Plan*.

(c) Each of the above buffers may be reduced up to five feet in depth if plant materials within the buffer area are provided at a rate of one and one-half times the minimum requirements as defined in Subsection 4.34(B)(3) below.

(2) Adjacent to All Other Public Streets. A landscape buffer that is ten feet in depth (from the property line), is required in yards adjacent to public streets, other than major thoroughfares. The buffer may be decreased from ten feet to eight feet provided that at least one and one-half times the minimum required buffer plant materials are provided.

(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:

(a) Adjacent to Major Thoroughfares (Type AA through D). For every thirty lineal feet, or fraction thereof, of required landscape buffer, one large canopy tree is required, along with seven shrubs or ornamental grasses.

(b) Adjacent to All Other Public Streets. For every thirty lineal feet, or fraction thereof, of required landscape buffer, one large canopy tree is required.

(c) Groundcover. Turf (grass) must provide a maximum of seventy-five percent of coverage within the landscape buffer. The remaining twenty-five percent of groundcover must be selected from a species listed in Table 4-5 in Division 7 of this Article 3. This groundcover must be arranged in a curvilinear fashion throughout the landscape buffer.

(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 ~~as provided below~~. 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 one large canopy tree ~~equals three small ornamental trees~~. Substituted vegetation must be placed in a clustered, non-linear design.

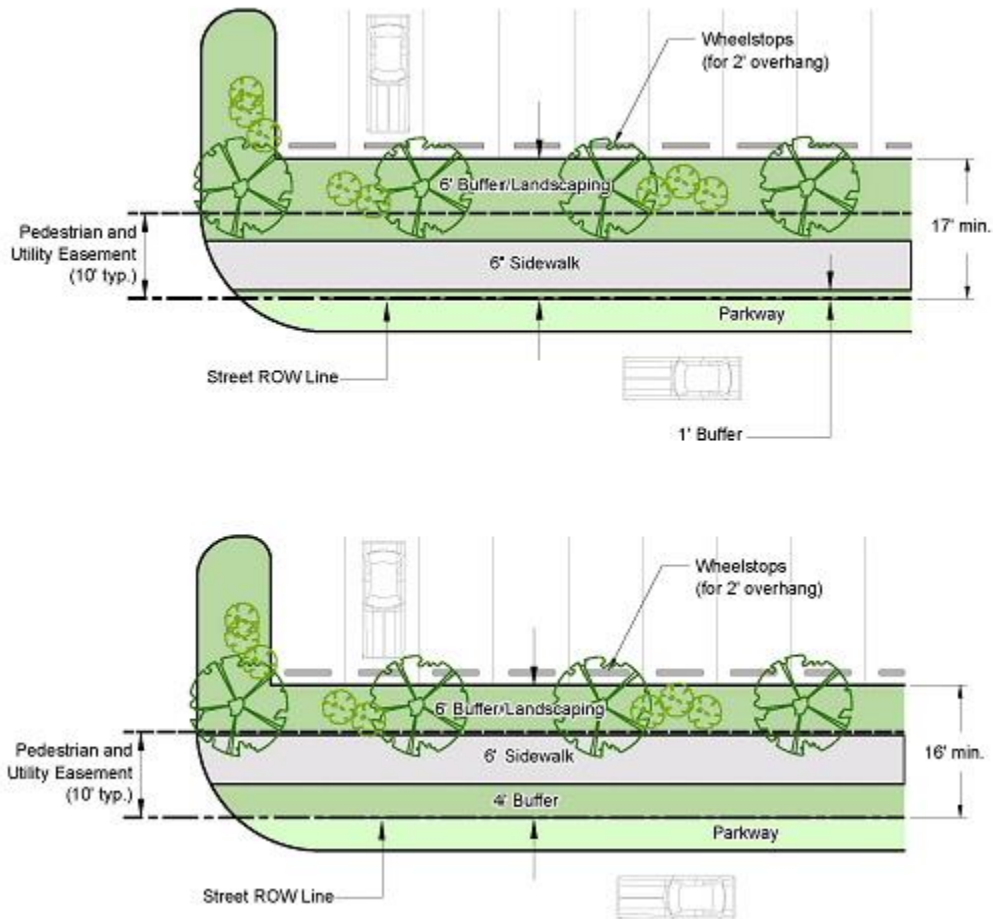
(4) Buffer in Relation to Sidewalks & Easements. Landscape buffers must remain free and clear of permanent objects with the exception of pedestrian elements (such as, sidewalks or benches), existing utility poles or structures, and freestanding signs. Further, landscape buffers must comply with the following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

(a) The depth of the required landscape buffer (from the property line) may include placement of sidewalks, as required in Chapter 3, Article 5, Division 13 of this GDC, so long as the width of the larger portion of the buffer bifurcated by the sidewalk is a minimum of six feet to allow for adequate space for required plant material, and the required depth of the landscape buffer is provided in addition to the required sidewalk (see Illustration 4-1); and

(b) Where an easement, either pedestrian or utility, is required pursuant to Chapter 3, Sections ~~3.91(C)~~ 3.93(C) or ~~3.70(B)(1)~~ 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.

Illustration 4-1

Landscape Buffer in Relation to the Pedestrian & Utility Easement and Sidewalk (two scenarios)



(Ordinance 6773 adopted 5/19/15)

Section 4.35 Nonresidential, Multifamily & Senior Living Developments - Parking Area Landscaping

Nonresidential, multifamily, and senior living developments must comply with the following parking area landscaping provisions:

(A) General. Landscaped areas must generally be dispersed throughout parking areas, located to define parking areas, assist in clarifying appropriate traffic circulation patterns, and comply with the following provisions, where applicable:

- (1) Living landscape materials must cover a minimum of five percent of the total parking lot area.
- (2) Persons owning parking lots that are only one bay wide, or that are only two bays with a single central drive aisle, may place the required parking area landscaping along the perimeter of the parking lot. However, any perimeter landscaped area used to satisfy the parking area landscaping requirement may not be counted toward meeting other landscape requirements or located in other landscaped buffer areas, and the perimeter landscape area must be a minimum of seven feet wide where there is a two-foot bumper overhang, or five feet wide where there is no bumper overhang.

(B) Specific Regulations.

- (1) A landscaped island must be located at the terminus of each parking row, and must contain a minimum of one large canopy tree, except as otherwise provided for automobile sales establishments in Subsection (7) below.
- (2) Subject to above Section 4.35(A), landscaped islands must be a minimum of six feet by eighteen feet, or one hundred and eight square feet, in order to provide adequate permeable area for large tree root growth and for maintenance of landscaping.
- (3) There must be a minimum of one large canopy tree within sixty-five feet of every parking space, except as provided for automobile sales establishments in Subsection (7) below.
- (4) One large canopy tree is required for every ten parking spaces.

(5) Up to thirty-five percent of the required large canopy trees may be substituted with small ornamental trees in accordance with Subsection 4.34(B)(3)(d). Small ornamental trees must be clustered in groups of three or more to provide a continuous canopy.

(6) Design of parking areas to direct stormwater runoff to landscaped areas is highly encouraged. Innovative designs (such as, punctured or discontinuous curbing around parking lots draining to landscaped areas) can be approved using the alternative compliance process (see [Article 1, Division 2 in this Chapter 4](#)) or using the City's sustainable stormwater practices procedures (see Chapter 3, Article 5, Division 1 in this GDC).

(7) For automobile sales operations (new or used), the required interior parking lot islands and trees, as required in Section 4.35(B)(1) and Section 4.35(B)(3) above, may be clustered together on larger and fewer islands provided that the islands are placed and generally distributed within the portions of parking lots that are located between the building(s) and a street right-of-way line.

(Ordinance 6773 adopted 5/19/15)

Section 4.36 Mixed-Use Developments

The landscaping and tree planting requirements for the UR, UB, and DT mixed-use districts are the same as the Downtown district (DT), and provided for in the Form-Based Code (see [Chapter 7](#) in this GDC). All other general provisions for landscaping and screening in this Article 3, including plan submission and approval (Division 2), installation and maintenance (Division 3), landscaping standards (Section 4.33), screening requirements (Division 5), approved plant materials (Division 7), tree credits (Division 8), and approval of alternatives (Division 9) apply within the mixed-use districts, unless otherwise approved during the establishment of a mixed-use district, or during the development review process. (Ordinance 6773 adopted 5/19/15)

Section 4.37 Residential Development Landscaping

Landscaping within residential districts must comply with the following provisions, as applicable:

(A) Single-Family Detached & Duplex Lots.

(1) Two large canopy trees are required on all single-family detached and duplex residential lots and at least one of which must be located within the front yard. Two large canopy trees are required within the front yard of all duplex lots (that is, one tree within the front yard of each dwelling unit).

(2) Single-family detached and duplex yards adjacent to streets must be planted with a solid covering of turf. An approved means of soil erosion control in the rear or side yards is also required.

(B) Townhouse Developments. Townhouse developments must comply with the following provisions:

(1) At least one tree is required for each townhouse unit and must be placed either on that lot or within fifty feet of that unit. For each townhouse structure, at least fifty percent of the required trees must be large canopy trees. The remainder of the required trees may be small ornamental trees. Trees required in this Subsection are separate from, and in addition to, the common area tree requirement described in Subsection (2) below.

(2) At least one tree is required for every two thousand five hundred square feet of townhouse common areas not covered by a building or other impervious amenity. At least fifty percent of the required trees must be large canopy trees (that is, a minimum three-inch caliper upon planting). The remainder of the required trees may be small ornamental trees.

(3) Required trees must be selected from the Approved Plant List (for each respective tree type) in Division 7 of this Article 3 (see Table 4-1 and Table 4-2).

(Ordinance 6773 adopted 5/19/15)

Section 4.38 Landscaping for Detention, Retention & Amenity Ponds

Trees, ornamental grasses, shrubs, and groundcover are required around the perimeter of a detention and retention pond, located within one hundred feet of a Type D or larger thoroughfare, as shown on the City's adopted *Major Thoroughfare Plan*, to minimize the visual impact as viewed from the street. Based on a site evaluation, the Planning Director may waive the requirement to screen detention and retention ponds. (Ordinance 6773 adopted 5/19/15)

Division 5 - Screening Requirements

Section 4.39 Perimeter Screening Between Nonresidential, Multifamily, [and](#) Single-Family [Attached Developments & Residential Development](#)

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

(A) Nonresidential Developments. Nonresidential 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:

(1) Option 1 - Brick or Stone Masonry Wall. A minimum six-foot tall, and maximum eight-foot tall, masonry wall is required along all common property lines. The wall must be constructed of brick or stone, in accordance with the City's *Technical Standards*, or a simulated product with the appearance of hand-laid brick or stone with the same structural integrity of the City's standard screening wall details. In addition to the screening wall, one large canopy tree for every twenty-five linear feet, or portion thereof, is required and must be equally spaced for the entire length of the wall on the development's side of the wall. A masonry wall composed of color-intrinsic stucco or highly articulated (such as split-faced) masonry may be used in lieu of the brick or stone masonry wall, provided that the wall is offset at least one foot for at least twenty-five feet for every one hundred foot section of wall.

(2) Option 2 - Ornamental Metal Fence. A minimum five-foot tall ornamental metal fence with masonry columns, spaced with a maximum of fifty feet between the centers of each column, is required along all common property lines. A continuous row of evergreen high-level screening shrubs (see Table 4-3 in Division 7 of this Article 3) are required along all portions of the fence that are not opaque masonry. All landscaping must be located on the development's side of the fence.

(3) Option 3 - Earthen Berms. An earthen berm (see Section 4.33(L)), or an undulating series of berms, with a living screen may be used provided that each berm is a minimum of six feet in height upon installation for at least eighty percent of the screening length, and provided that each berm and landscaping provides continuous, mostly opaque, screening within three hundred and sixty-five calendar days following installation. Large canopy trees are required for every fifty lineal feet, or portion thereof, of the berm screening (on top of, beside, or meandering in and out of berms). Up to twenty-five percent of the required large canopy trees may be substituted in accordance with Section 4.34(B)(3)(d) in this Article 3.

(B) Alternative Screening Options. Alternative designs to meet screening requirements may be submitted for consideration, and possible approval, for expansion, rehabilitation, or redevelopment projects using the alternative compliance process outlined in Article 1, Division 2 of this Chapter 4.

~~(C) There is no screening required between SF-A and Nonresidential districts.~~

(Ordinance 6773 adopted 5/19/15)

Section 4.40 Perimeter Screening Between Residential Development & Thoroughfares

(A) General. Residential development adjacent to Type D or larger thoroughfares, as designated on the City's adopted *Major Thoroughfare Plan*, must be screened from the thoroughfares with one of the options listed below:

(1) Option 1 - Brick or Stone Masonry Wall. A masonry wall is required in accordance with Section 4.39(A)(1) (except large canopy trees may be at maximum fifty-foot centers) and is subject to the following requirements:

(a) The trees and screening wall are located within a minimum eight-foot wide landscape buffer, dedicated to a required Homeowners' Association for maintenance, on the street side of the screening wall; and

(b) Trees may be placed within City right-of-way provided that:

i. The drip line of all trees (at maturity) is located no closer than the ultimate planned street curb alignment;

ii. There are no conflicts with utility lines; and

iii. The applicant enters into a License Agreement with the City (through the Engineering Department).

(2) Option 2 - Ornamental Metal Fence. An ornamental metal fence is required, in accordance with Section 4.39(A)(2), and must comply with the following:

(a) Large canopy trees are required at maximum fifty-foot centers;

(b) All shrubs, trees and the fence must be located within a minimum five-foot wide landscape buffer, dedicated to a required Homeowners' Association for maintenance, on the street side of the screening fence; and

(c) Trees may be placed within City right-of-way subject to Subsections 4.40(A)(1)(b)(i) through 4.40(A)(1)(b)(iii) above.

~~(B) — Perimeter screening between Multi-Family Residential or Senior Living Developments and Single-Family~~

Residential or Two-Family Districts

~~(B1) — Multifamily and Senior Living Developments. Multifamily and senior living developments that are located adjacent to single-family 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.~~ (B) Perimeter Screening Between Multi-Family Residential or Senior Living Developments and Single-Family Residential or Two-Family Districts. Multifamily and Senior Living Developments. 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.

(Ordinance 6773 adopted 5/19/15)

Section 4.41 Screening of Heavy Vehicles in Nonresidential Loading Areas

(A) General. Heavy vehicle loading areas in nonresidential areas must be screened from view from public streets designated as Type D or larger on the City's adopted *Major Thoroughfare Plan*, and from adjacent residential districts (if applicable), with a minimum eight-foot tall masonry wall in accordance with Section 4.39(A)(1) except the trees must be placed on the side of the wall facing the street. The screening must fully screen the longest heavy load vehicle operating on the site at any time, and must be constructed of masonry that is architecturally compatible with the main building(s). For heavy load vehicle loading areas located adjacent to a public streets designated as Type E, F or G on the City's adopted *Major Thoroughfare Plan* (or a smaller street), acceptable screening from the street may be accomplished by a coated chain-link fence with a continuous row of evergreen, high-level screening shrubs (see Table 4-3 in Division 7 of this Article 3) in lieu of the masonry wall with trees. The screening shrubs must be a minimum height of eight feet tall at the time of installation.

(B) Perimeter Screening. Perimeter screening between nonresidential and residential development, as required in Section 4.39, may provide sufficient screening of heavy load vehicle 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 the appropriate development application.

(C) Alternative Screening Options. Alternative designs to satisfy the screening requirements of expansion, rehabilitation, or redevelopment projects containing heavy loading areas may be submitted for consideration using the alternative compliance process outlined in [Article 1, Division 2 of this Chapter 4](#).

(Ordinance 6773 adopted 5/19/15)

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.

(Ordinance 6773 adopted 5/19/15)

Section 4.43 Screening of Outside Storage Areas

(A) General. Outside storage areas must be screened from the view of public streets and adjacent residential districts, and must comply with the provisions of this [Section 4.43](#):

(B) Screening Required.

(1) Outside storage areas in nonresidential zoning districts must be screened from public streets designated as Type D or larger on the City's adopted *Major Thoroughfare Plan* with a minimum five-foot tall coated chain-link fence combined with a minimum six-foot tall continuous, opaque living screen using evergreen high-level screening shrubs (see Table 4-3 in Division 7 of this Article 3). Coated chain-link fencing with slats may be used to screen outside storage areas from streets that are designated as smaller than Type D on the *Major Thoroughfare Plan*, in accordance with Section 4.41. However, where a storage area contains items greater than six feet in height, additional large evergreen canopy trees must be planted every thirty feet on center, either adjacent to the screening device or within the landscape buffer (if adjacent to a public street).

(2) Outside storage areas in all other districts (where allowed) must be screened with a minimum six-foot tall masonry wall of brick or stone that is architecturally compatible with the main building(s).

(C) Perimeter Screening Adjacent to Residential. Perimeter screening between nonresidential and residential developments, as required in Section 4.39, may provide sufficient screening of an outside storage area, depending upon the location of the storage area. At the time of the initial development application process, the Planning Director shall determine whether proposed perimeter screening is sufficient.

(Ordinance 6773 adopted 5/19/15)

Section 4.44 Screening of Parking Areas

(A) General. Where screening for parking is required adjacent to a public street, the City encourages the integration of parking area screening elements into the landscape buffer design. The visual impact of parking areas from public streets and residential districts must be minimized through the planting of shrubs or ornamental grasses so that adequate visual screening is provided. An applicant must be in compliance with one of the below options provided within this Subsection (A) (the options below may qualify for the buffer requirement in Section 4.34(B)(3)):

(1) Option 1. Screening is required with a continuous or undulating row of shrubs or ornamental grasses that are a minimum of twenty-four inches in height at installation, and which provide a continuous, solid visual screen at least three feet in height within two years following installation, in accordance with Section 4.33(D); or

(2) Option 2. An earthen berm may be used for screening provided that the berm is completely covered with evergreen vegetation (including shrubs and groundcovers) that will achieve a continuous, solid visual screen at least three feet in height within two years following installation, in accordance with Section 4.33(D).

(B) Perimeter Screening. Perimeter screening between nonresidential and residential developments, as required in Section 4.39, may provide sufficient screening of parking areas only where a masonry wall with trees (Option 1) is used. At the time of the initial development application review, the Planning Director shall determine whether a proposed perimeter screening is sufficient to meet these requirements.

(Ordinance 6773 adopted 5/19/15)

Section 4.45 Design & Screening ~~of~~ for Refuse Containers

The design and screening ~~of~~ 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. where possible 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 ~~six~~ 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.

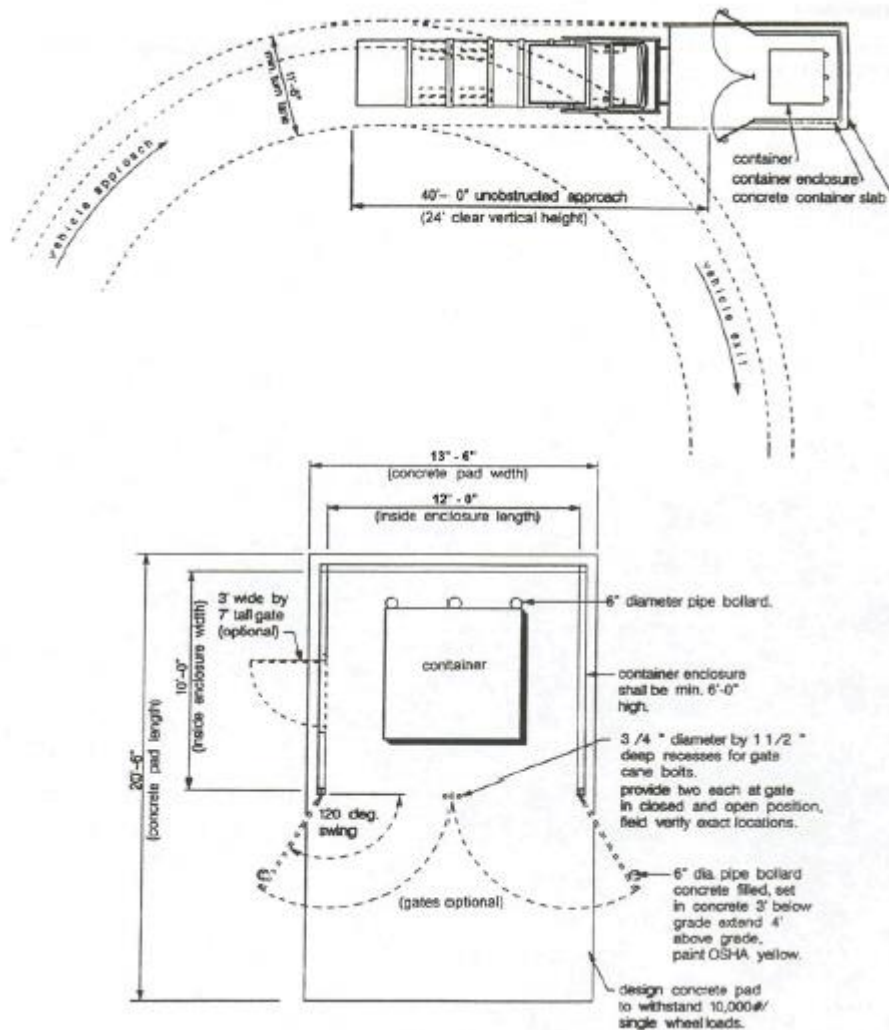
~~(D) Location. Refuse containers placed in a parking lot are prohibited in a required parking space, loading space, fire lane, or access drive aisle. Refuse containers must be placed in a location that facilitates collection by the solid waste disposal provider.~~

(E) 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.

(F) 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.

Illustration 4-2 Design & Screening of Refuse Containers



(Ordinance 6773 adopted 5/19/15)

Section 4.46 Screening of Roof- and Ground-Mounted Mechanical Equipment

(A) General. All roof- and ground-mounted mechanical equipment (such as, HVAC units, satellite dishes, or telecommunications equipment) must be completely screened from view from adjacent public streets and residential districts.

(B) Roof- and Ground-Mounted Mechanical Equipment. Roof- and ground-mounted mechanical equipment must comply with the following provisions:

- (1) Equipment must be fully screened and not visible from any property line of the premises on which the equipment is located when viewed at ground level and up to an elevation of six feet.
- (2) Ground-mounted equipment must be fully screened with an evergreen living screen, berms in combination with evergreen landscaping, or a screening wall constructed with building materials that are consistent and compatible with the main building. Wherever possible, ground-mounted equipment must be installed behind the main building.
- (3) Roof-mounted equipment must be set back from the building's exterior wall (interior within the building's roof footprint is highly recommended and encouraged) to accomplish the level of screening described in Subsection 4.46(B)(1) above. If the equipment setback does not achieve adequate screening, then a parapet wall or some other roof-mounted screening device equal to the height of the equipment is required. The parapet wall or other screening device must be constructed with building materials that are consistent and compatible with the building.
- (4) Mechanical penthouses must complement overall building design.
- (5) Screening devices must be designed and constructed in a manner that does not conflict with the equipment's operation or maintenance activities.
- (6) Screening must be of sufficient height to provide complete visual screening. At the time of review of the appropriate development application, the Planning Director shall determine whether the screening is adequate. The determination shall be based on the height of the equipment as well as its distance from all property lines. The

Planning Director may require submission of one or more line-of-sight studies that demonstrate the proposed screening plan complies with this [Section 4.46](#).

(7) Equipment owned, operated, or maintained by a utility company on private development sites (including GP&L substations constructed on land owned or leased by GP&L) must be screened in conformance with this [Section 4.46](#). However, screening elements must be set back from equipment a minimum of five feet on the side and rear. If the front of the equipment requires screening, screening elements must be set back from equipment a minimum of twelve feet for adequate clearance and air circulation.

(Ordinance 6773 adopted 5/19/15)

Section 4.47 Screening of Wall-Mounted Mechanical Equipment

Screening of exposed wall-mounted mechanical equipment (such as, conduits, ladders, utility boxes, or drain and down spouts) on structures within nonresidential and multifamily developments must be either:

- (A) Painted to match the color of the building; or
- (B) Have a natural metal finish.

(Ordinance 6773 adopted 5/19/15)

Division 6 - (Reserved)

Division 7 - Approved Plant List

Section 4.48 General

(A) Approved Plant Materials & Tables. Tree and plants required by Articles 3 and 4 of this Chapter 4, and by other chapters and sections within this GDC, must be selected only from the species indicated by type in the following Tables 4-1 through 4-7, as applicable. However, the City does encourage landscaping diversity and may consider alternatives beyond the plant species listed herein. The plant species shown in Tables 4-1 through 4-7 are native and adapted species that: (i) are recognized by the agricultural or horticultural industry as being appropriate for the North Central Texas climate; (ii) are relatively cold hardy and drought tolerant; and (iii) are predominantly pest- and insect-free.

(B) Drought Resistant Plant Material. In an effort to reduce water usage, the City encourages the planting of drought resistant plant materials, as cited in the Approved Plant List.

(C) Responsibility of the Property Owner. All landscaping and screening elements required by various chapters and sections within this GDC must be maintained by the property owner.

Table 4-1: Trees - Large Canopy

Common Name	Botanical Name	Remarks	Drought Tolerant
Oak, Burr	Quercus macrocarpa	Native	Y
Oak, Chinquapin	Quercus muehlenbergii	Native	Y
Oak, Live	Quercus virginiana	Native, Evergreen	Y
Oak, Red	Quercus shumardii	Native	Y
Pecan	Carya illinoensis	Native	Y
Ash, Texas	Fraxinus texensis	Native	Y
White ash	Fraxinus americana	Native	Y

Bald Cypress	Taxodium distichum	Adapted	
Elm, Cedar	Ulmus crassifolia	Native	Y
Elm, Allee Lacebark	Ulmus parvifolia 'Elmer II'	Adapted	
Elm, Bosque Lacebark	Ulmus parvifolia 'UPMTFI'	Adapted	
Magnolia Southern	Magnolia grandiflora	Adapted, Evergreen	
Maple, Bigtooth	Acer grandidentatum	Adapted	
Maple, Caddo	Acer saccharum 'Caddo'	Adapted	Y
Persimmon, Common	Diospyros virginiana	Adapted	
Pistache, Chinese	Pistacia chinensis	Adapted	
Ginkgo 'Autumn Gold'	Ginkgo biloba 'Autumn Gold'	Adapted	
Honey Locust	Gleditsia triacanthos 'inermis'	Adapted	Y
American Elm	Ulmus americana	Native	Y
Sweetgum	Liquidambar styraciflua	Adapted	

Table 4-2: Trees - Small Ornamental

Common Name	Botanical Name	Remarks	Drought Tolerant
Holly, Yaupon	Ilex vomitoria	Native, Evergreen	Y
Maple, Shantung	Acer truncatum	Adapted	
Mexican Plum	Prunus mexicana	Native	Y
Pear, Aristocrat	Pyrus calleryana 'Aristocrat'	Adapted	
Persimmon, Texas	Diospyros texana	Adapted	Y
Possumhaw Holly	Ilex decidua	Native	Y
Rusty Blackhaw	Viburnum rufidulum	Native	Y
Texas Redbud	Cercis canadensis var 'texensis'	Native	Y
Chaste Tree	Vitex agnus-castus	Adapted	Y
Crape Myrtle	Lagerstroemia indica	Adapted	Y

Eve's Necklace	Sophora affinis	Adapted	Y
Golden Raintree	Koelreuteria paniculata	Adapted	
Lacey Oak	Quercus glaucoides	Adapted	
Vasey Oak	Quercus pungens 'Vaseyi'	Adapted	
Shining Sumac	Rhus copallina	Adapted	Y

Table 4-3: Trees & Shrubs - High-Level Screening

Common Name	Botanical Name	Remarks	Drought Tolerant
Eastern Red Cedar	Juniperus virginiana	Native, Evergreen	Y
Holly, Foster	Ilex x attenuata 'Foster'	Adapted, Evergreen	
Holly, Nellie R. Stevens	Ilex cornuta 'Nellie R. Stevens'	Adapted, Evergreen	Y
Magnolia, 'Little Gem'	Magnolia grandiflora 'Little Gem'	Adapted, Evergreen	
Wax Myrtle	Myrica cerifera	Native, Evergreen	Y
Pine, Mondell/Eldarica	Pinus eldarica	Adapted, Evergreen	Y
Elaeagnus	Elaeagnus macrophylla 'Ebbenji'	Adapted, Evergreen	Y
Leyland Cypress	Cupressocyparis leylandii	Adapted, Evergreen	
Cherry Laurel	Prunus caroliniana	Adapted, Evergreen	
Glossy Ligustrum	Ligustrum lucidum	Adapted, Evergreen	
Waxleaf Ligustrum	Ligustrum japonicum	Adapted, Evergreen	
Chinese Photinia	Photinia serrulata (not P. fraseri)	Adapted, Evergreen	
Burford Holly	Ilex cornuta 'Burfordii'	Adapted, Evergreen	
Mary Nell Holly	Ilex x 'Mary Nell'	Adapted, Evergreen	

Table 4-4: Shrubs - Low-Level Screening

Common Name	Botanical Name	Remarks	Drought Tolerant
Glossy Abelia	Abelia grandiflora	Adapted, Evergreen	Y
Agarito	Berberis trifoliata	Native, Evergreen	Y

American Beautyberry	Callicarpa americana	Native, Evergreen	Y
Aromatic Sumac	Rhus aromatica	Native, Evergreen	Y
Nandina	Nandina domestica	Adapted, Evergreen	Y
Indian Hawthorn	Raphiolepis indica	Adapted, Evergreen	
Holly, Dwarf Burford	Ilex cornuta 'Burfordii Nana'	Adapted, Evergreen	
Holly, Berries Jubilee	Ilex cornuta 'Berries Jubilee'	Adapted, Evergreen	
Holly, Carissa	Ilex cornuta 'Carissa'	Adapted, Evergreen	Y
Holly, Dazzler	Ilex cornuta 'Dazzler'	Adapted, Evergreen	Y
Holly, Dwarf Chinese	Ilex cornuta 'Rotunda'	Adapted, Evergreen	Y
Holly, Dwarf Yaupon	Ilex vomitoria 'Nana'	Adapted, Evergreen	Y
Red Yucca	Hesperaloe parvifolia	Adapted, Evergreen	Y
Texas Sage	Leucophyllum frutescens	Adapted, Evergreen	Y
Soft-leaf Yucca	Yucca recurvifolia	Adapted, Evergreen	Y
Red Barberry 'Rose Glow'	Berberis thunbergii 'Rose Glow'	Adapted, Evergreen	Y
'Morning Miscanthus	Miscanthus sinensis 'gracillimus'	Adapted, Evergreen	Y

Table 4-5: Groundcover and Turf Grasses

Common Name	Botanical Name	Remarks	Drought Tolerant
Bermuda Grass	Cynodon dactylon	Adapted	Y
Buffalo Grass	Buchloe dactyloides	Native	Y
St. Augustine Grass	Stenotaphrum secundatum	Adapted	
Monkey/Mondo Grass	Ophiopogon japonica	Adapted, Evergreen	
Liriope	Liriope muscari (not L. spicata)	Adapted, Evergreen	Y
Asian Jasmine	Trachelospermum asiaticum	Adapted, Evergreen	Y
Vinca	Vinca minor (not V. major)	Adapted, Evergreen	Y
Wintercreeper	Euonymus fortunei	Adapted	Y

Trailing Juniper	Juniperus spp.	Adapted, Evergreen	Y
English Ivy	Hedera helix	Adapted, Evergreen	Y

Table 4-6: Vines for Screening Walls

Common Name	Botanical Name	Remarks	Drought Tolerant
Coral Honeysuckle	Lonicera sempervirens	Adapted	Y
Crossvine	Bignonia capreolata	Adapted	Y
Trumpet Vine	Campsis radicans	Adapted	

Table 4-7: Perennials & Ornamental Grasses¹

Common Name	Botanical Name	Remarks	Drought Tolerant
Blackeyed Susan	Rudbeckia hirta	Native	Y
Blackfoot Daisy	Melampodium leucanthum	Native	Y
Fall Aster	Aster longifolia	Native	Y
Pink Skullcap	Scutellaria suffrutescens	Adapted	Y
Purple Coneflower	Echinacea purpurea	Adapted	Y
Rockrose	Pavonia lasiopetala	Adapted	Y
Sage, Autumn	Salvia greggii	Adapted	Y
Sage, Big Red	Salvia penstemonoides	Adapted	Y
Texas Star Hibiscus	Hibiscus coccinea	Adapted	Y
Turk's Cap	Malvaviscus drummondii	Adapted	Y
Maidengrass	Miscanthus spp.	Adapted	Y

¹ Perennials and ornamental grasses must be used to enhance required landscaping, but do not count as required “shrubs” or “trees” in meeting landscaping requirements.

(Ordinance 6773 adopted 5/19/15)

Division 8 - Tree Credits

Section 4.49 Tree Retention Credits

(A) Credits. Existing large canopy trees and healthy, mature ornamental trees must be preserved wherever possible (see Article 4 of this Chapter 4). Any tree listed within Table 4-1 or 4-2 in Section 4.48 that is preserved on a

site and is six caliper inches or greater will be credited toward meeting up to thirty percent of the tree requirements of any provision of this Article 3 for that area within which they are located, according to the following Table 4-8.

Preserved tree species that are not listed in Table 4-1 or 4-2 may be approved by the Planning Director using the alternative compliance process (see Division 9 of this Article 3, and [Article 1, Division 2 of this Chapter 4](#)).

Table 4-8: Existing Trees - Tree Credits

Caliper of Existing Large Canopy Tree (listed in Table 4-1)	Credit Against Tree Requirement
6" to 12"	1 large canopy tree
12.1" to 24"	2 large canopy trees
24.1" or greater	3 large canopy trees

Caliper of Small Ornamental Tree (listed in Table 4-2)	Credit Against Tree Requirement
6" to 10"	.5 large canopy tree
10.1" to 15"	1 large canopy tree
15.1" or greater	1.5 large canopy trees

(B) Location of Existing Trees. To receive credit, the existing tree(s), which will be retained, must be generally located within an area that a tree is required by this Article 3, unless otherwise approved using the alternative compliance process (see Division 9 of this Article 3, and [Article 1, Division 2 of this Chapter 4](#)).

(C) Condition of Existing Trees.

(1) The Planning Director may revoke credit issued for existing trees where trees intended for credits are damaged due to construction, broken branches, soil compaction, soil cut or fill, or other acts.

(2) Existing trees receiving credit must remain in a healthy, growing condition. Any existing tree that is used to receive credit for a required landscaping tree and subsequently dies must be replaced, in accordance with Section 4.58, on a basis of one hundred and fifty percent of the replacement ratios shown in Table 4-9 within Article 4 of this Chapter 4.

(Ordinance 6773 adopted 5/19/15)

Section 4.50 Tree Planting Credits

In order to encourage the installation of larger trees, credits will also be given for planting trees of a larger caliper inch size than minimally required. Credit for larger size trees will be given based upon the following provisions:

(A) Any approved tree planted greater in size than what is minimally required by this Article 3 will count as credit towards the minimum tree requirements at a size equal to the increase in tree caliper.

(B) A maximum of twenty-five percent reduction of the total number of required trees in landscape buffer and parking areas may be credited for larger trees.

(Ordinance 6773 adopted 5/19/15)

Section 4.51 Perimeter Tree Zone

Credit for Preserving Existing Tree-Lines Adjacent to Residential Districts. A person, property owner, or developer, must comply with the following provisions related to existing tree-lines adjacent to residential districts:

(A) A minimum fifteen-foot non-disturb zone is required along any side or rear perimeter of a development or redevelopment site, regardless of the type of development or redevelopment, that is adjacent to a residential zoning

district if any existing protected tree(s) exists within such area.

(B) Existing protected trees that are located within a non-disturb zone must be protected and preserved; they will be given additional credit at a rate of one hundred and fifty percent of their caliper size (for example, a preserved 9" caliper tree, which would normally get a credit for one large canopy tree per Table 4-8, will be considered to be a 13.5" caliper tree, which would receive credits for two large canopy trees).

(Ordinance 6773 adopted 5/19/15)

Division 9 - Approval of Alternatives

Section 4.52 Administrative Approval of Alternative Compliance

(A) Request for Alternative Compliance. A request for alternative compliance may be submitted in accordance with Article 1, Division 2 of this Chapter 4. The Planning Director may, by entering into a development agreement with the applicant, approve the following alternatives, but only upon a finding that the proposed alternative is; (i) consistent with the purpose and intent of this Article 3, as applicable; and (ii) promotes the public health, safety, morals, or general welfare:

- (1) A greater distance between plantings, where the applicant can demonstrate that the plant variety(s) employed will form a solid visual screen with spacing greater than thirty-six inches on-center.
- (2) Minor variations in the location and types of required landscape materials due to unusual topographic constraints, sight restrictions, siting requirements, preservation of existing stands of native trees, or similar conditions, or in order to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the amount of landscape materials.
- (3) Variation of a required landscape buffer along a street frontage where immediately adjacent properties on both sides (at side property lines) have a smaller, or no, landscape buffer strip, in order to maintain consistency between existing parking lot and drive aisle alignments. If a landscape buffer variation is granted, an equal amount of the landscaped area and trees that were granted a variance are required elsewhere on the site as determined by the Planning Director.
- (4) Partial or complete relief from the perimeter screening requirements within Sections 4.39 or 4.40, as applicable, where there is a minimum buffer depth of fifty feet, and an existing stand of mature trees, upon a finding that:
 - (a) The granting of relief does not adversely affect the residential area; and
 - (b) The natural landscape features as described above are sufficient to provide adequate screening.
- (5) Partial or complete relief from the loading area screening requirements within Sections 4.41 or 4.42, as applicable, where the loading area is located in a yard adjacent to a minor street, Type E or less, as designated on the City's adopted *Major Thoroughfare Plan*, which is adjacent to an industrial use.
- (6) Partial or complete relief from the outside storage area screening requirements within [Section 4.43](#), where unique topographical or physical features accomplish adequate screening.
- (7) Partial or complete relief from the placement or screening of refuse containers where the proposed container is located within a side or rear setback, or within an easement for a building site that is small or oddly shaped.
- (8) Credit as provided in Section 4.49 for an existing tree that is not within Table 4-1 or 4-2 that is preserved on a site.
- (9) Credit as provided in Section 4.49 for an existing tree that is not located in the landscape area to which credit is applied, or that is located in an undisturbed area on the site.

(B) Required Documentation. It is the sole responsibility of the applicant to provide evidence in support of the specified criteria in Subsections (1) through (9) above, including any materials requested by the Planning Director that would assist in a decision to approve or deny the request.

(C) Development agreement required. The Planning Director may only approve a request for alternative compliance with the provisions of this Article 3 by entering into a development agreement with the applicant. The development agreement may include matters outside of this Article 3.

(Ordinance 6773 adopted 5/19/15)

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. (Ordinance 6773 adopted 5/19/15)

ARTICLE 4 - TREE PRESERVATION & MITIGATION

Division 1 - Purpose & Definitions

Section 4.54 Purpose & Intent

(A) Purpose. The purpose of this Article 4 is to require the preservation of existing, healthy trees as properties are developed or redeveloped, and to provide for the replacement of trees when they are removed for the development and redevelopment of lands.

(B) Intent. This Article 4 is intended to require the incorporation of existing significant trees and tree groupings into the overall design of a development, and to prevent clear-cutting and the unnecessary removal of trees in association with site development or redevelopment. Preservation and replacement of trees is beneficial to the public health and welfare because trees reduce stormwater runoff and erosion, regenerate oxygen, purify the air of carbon dioxide, dust and pollutants, moderate local heat and winds and thereby conserve limited energy resources, delineate urban spaces, buffer conflicting land uses, provide habitats for wildlife that increases biodiversity, and enhance community appearance and property values.

(C) Preservation to the Greatest Extent Possible. As development proposals are made, design alternatives that preserve trees to the greatest extent possible should be explored. The lawful removal of trees and their necessary mitigation should only occur where it is determined that the trees would be inappropriate, impractical, or cost prohibitive to preserve.

(Ordinance 6773 adopted 5/19/15)

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) ~~through (D)~~ ~~[sic]~~ or C below. Further, persons who develop or redevelop property, must comply with the following provisions:

(1) Applicable development and redevelopment proposals must include a Tree Management Plan and Tree Removal Authorization prior to tree removal in accordance with Division 2 of this Article 4.

(2) Preservation and mitigation of trees as required herein applies to any tree that is removed from private or public property as part of a development or redevelopment.

(B) Single-Family, Townhouse, and Two-Family Lots. This Article 4 does not apply to a protected tree located on a developed single-family, townhouse, or two-family residential lot contained within a plat of record on where a residential structure that has been released for occupancy is located. Those trees located in common areas and the required open space or screening must be protected in accordance with this Article 4.

(C) Commercial or Wholesale Nursery. This Article 4 does not apply to a bona-fide, commercial, or wholesale tree nursery to the extent a tree is held for sale or distribution in the ordinary course of business of the nursery.

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

(Ordinance 6773 adopted 5/19/15)

Section 4.55 Definitions for Tree Preservation

The following terms and phrases, as used in this Article 4, have the following meanings (other related definitions are contained within [Article 3 of this Chapter 4](#), and also within [Chapter 6](#), of this GDC):

(A) “*Critical Root Zone*” means the area of soil around and beneath a tree that supports that tree’s root system, any disturbance of which directly affects the tree’s chance of survival. The area is measured as a circle with a diameter equal to one foot for each one inch caliper of the tree trunk, or that tree’s crown drip line, whichever is the greater distance from the tree trunk.

(B) “*Protective Fencing*” means a temporary vertical barrier made of construction fencing, chain-link fencing, or similar materials having a minimum height of five feet.

(C) “*Tree Inventory*” means a graphical and tabular representation of all existing 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.

(D) “*Tree Management Plan*” means a layout of the proposed development with graphical and tabular representation of all protected trees and other trees to be preserved on a site, where the plan; (i) meets the requirements of this Article 4; (ii) contains the information required in Division 2; and (iii) includes a planting plan and other mitigation information as necessary.

(E) “*Tree Removal Authorization*” means an approval issued by the Planning Director based on a Tree Management Plan that has been approved by the Planning Director during Site Plan, PD Detail Plan, Site Permit or Building Inspection review and approval (as applicable, and whichever occurs first).

(F) “*Replacement Tree*” means a tree used for the purpose of mitigating the destruction or removal of a protected tree, and having a minimum caliper size of three inches (as required in Division 4 of this Article 4).

(Ordinance 6773 adopted 5/19/15)

Division 2 - Administrative Procedures

Section 4.56 Tree Management Plan Required

(A) Tree Management Plan Required. A Tree Management Plan is required for any development proposing to remove protected trees, prior to the removal of any protected tree, for all applicable development as outlined in Section 4.54.1 of this Article 4. The Planning Director may, upon a written request, waive the requirement for a separate Tree Management Plan for development or redevelopment sites that require removal of five or fewer protected trees where the tree management information is presented on the screening and landscaping plans.

(B) Responsible Official. The Planning Director is the official responsible for the review and approval or denial of a Tree Management Plan.

(C) Application Submittal.

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

(2) If neither a zoning application nor plat is required, a Tree Management Plan must be submitted as part of the initial development application.

(D) Requirements. A Tree Management Plan must be prepared by a certified arborist or registered landscape architect (unless waived by the Planning Director pursuant to above Subsection (A) of this Section 4.56) and must include the following information:

(1) A layout of the intended development, including the building footprint and parking areas.

(2) A Tree Inventory that is completed no more than two years (that is, 730 calendar days) prior to the date of submission, and also prepared by a certified arborist or registered landscape architect.

(3) The location, caliper inch, and species of existing protected trees on the site.

(4) The location and an itemized list of trees, by size and species, proposed for removal, and indicating the total aggregate value in caliper inches.

(5) The location and an itemized list of the trees, by size and species, to be preserved, and indicating the total aggregate value in caliper inches.

(6) The existing and proposed grades at the base of the trees to be preserved.

(7) The protective measures and barriers to be used during construction to preserve the protected trees that are to remain.

(8) A plan for the mitigation of tree caliper inches required to be replaced that indicates the proposed location, size, and species of trees planned for removal, as well as for the trees that will be preserved.

(9) Phantom lines that depict streets, rights-of-way, easements, and other improvements in order to clearly indicate how the proposed development relates to the existing trees that are planned for removal, and to the new

trees that are proposed to replace them.

(E) Action - Approval or Denial. A Tree Management Plan will be preliminarily reviewed by the Planning Director as part of the initial development application. Final review and approval of a Tree Management Plan occurs in conjunction with review and approval of the Site Engineering or Building Construction Drawings, whichever is required first.

(F) Effect - Tree Removal Authorization. Approval of a Tree Management Plan by the Planning Director results in a Tree Removal Authorization. It shall be unlawful for any person to remove or destroy any protected tree without first obtaining Tree Removal Authorization, except as provided for residential lots in Section 4.54.1(B).

(G) Sites That Are Not Involved in the Development Process. A person, property owner, or developer must comply with the following procedures, as applicable, of this Subsection (G) in situations where no site permits, building permits, or proposed development plans are being sought (the following procedures apply to all trees on a property):

(1) Before any tree can be removed, including protected trees, a Tree Removal Permit must be obtained from the Planning Department. Protected trees are as defined by Section 4.30 of Article 3 in this Chapter 4.

(2) Tree Removal Permits must be submitted with a tree survey (or site plan) prepared by a registered Landscape Architect or Arborist.

(3) The survey or site plan must identify all trees proposed for removal, the location of the trees on the site, and identify the tree's caliper inch and species.

(4) The applicant must also submit a tree replacement plan prepared by a registered Landscape Architect or Arborist showing how the trees will be mitigated. A Tree Removal Permit will only be issued after the tree replacement plan (landscape plan) has been submitted and approved. The Planning Director may waive the requirement of the plan being prepared by a landscape professional based on the extent of tree removal and tree replacement.

(5) Mitigation of removed protected trees must follow the mitigation requirements of Division 4 (Tree Preservation and Mitigation Requirements) of this Article 4, regarding replacement trees or payment into the tree fund for trees not replanted on-site.

(6) Trees removed from required landscape areas must be replanted within those areas unless approved by the Planning Director through alternative compliance.

(Ordinance 6773 adopted 5/19/15)

Division 3 - Enforcement & Penalties

Section 4.57 Enforcement & Penalties

(A) Civil Penalties. Any person, or property owner, who engages or participates in, allows, or suffers the following prohibited activities, will be subject to civil penalties in the amount of two hundred and fifty dollars per caliper inch of tree removed or injured:

(1) The removal of any tree in violation of this Article 4; or

(2) Injuring a tree by failing to comply with the tree protection measures required by this Article 4, and the injury causes, or may reasonably be expected to cause, the tree to die.

(B) Administrative Enforcement and Adjudication. The City shall follow the administrative enforcement and adjudication procedures as outlined in Chapter 24 of the City Code, to assess and adjudicate any civil penalties imposed under this Section 4.57.

(C) Reforestation and Tree Management Fund. Penalties paid to the City under this Section 4.57 will be deposited into a reforestation and tree management fund to be used by the City to provide and support landscape plantings on other properties.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Tree Preservation & Mitigation Requirements

Section 4.58 Protected Trees

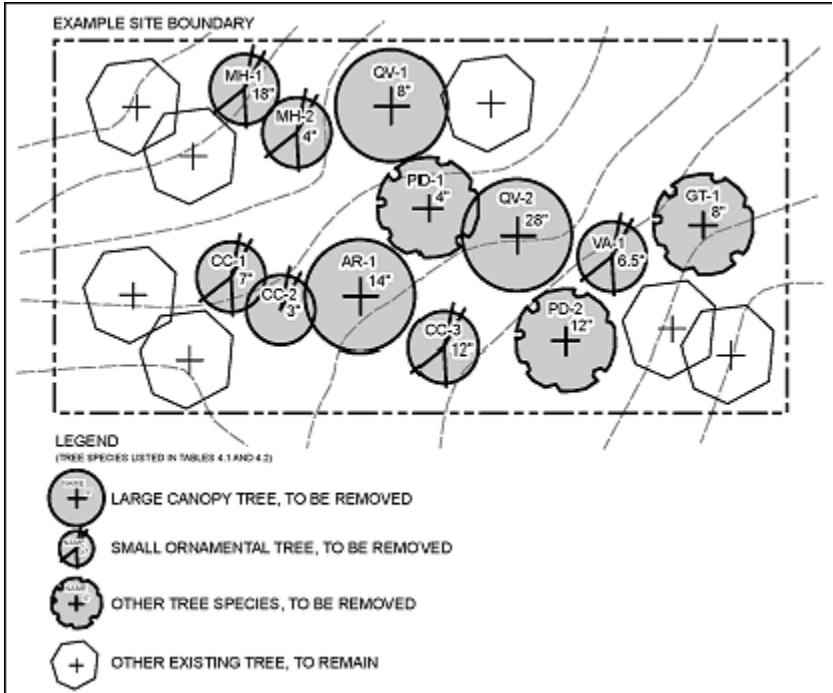
- (A) Replacement. Any protected tree that is healthy and growing on a site, but is not preserved, must be replaced at the minimum rates shown in Table 4-9 for each type of tree species (see example of how to inventory, identify, and calculate tree mitigation in Illustration 4-3).
- (B) Replacement Trees To Be Used. Any tree planted as a replacement tree to comply with provisions of this Article 4 must be a species cited in Tables 4-1 or 4-2 (refer to Division 7 in Article 3 of this Chapter 4).
- (C) Minimum Size of Replacement Trees. Any tree planted as a replacement tree to comply with provisions of this Article 4 must have a caliper of three inches or larger (either single-trunk or multi-trunk) at planting.

Table 4-9: Existing Trees - Replacement Ratios

<u>Existing</u> 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 <u>6" or greater</u>) (not listed in Tables 4-1 or 4-2)	0.25:1 (1/4 caliper inch per 1 caliper inch)

Illustration 4-3

Example of Tree Inventory and Mitigation Calculation



Large Canopy Trees (listed in Table 4-1)

Tree to be Removed	Total Inches to be Removed	Caliper to be	Replacement Ratio	Replacement Caliper Inches Required
QV-1	8.0 inches		1.0:1 (1 caliper inch per caliper inch)	8.0 inches
QV-2	28.0 inches		2.0:1 (2 caliper inches per caliper inch)	56.0 inches
AR-1	14.0 inches		1.0:1 (1 caliper inches per caliper inch)	14.0 inches
Subtotal	50.0 inches			78.0 inches

Small Ornamental Trees (listed in Table 4-2)

Trees to be Removed	Total Inches to be Removed	Caliper to be	Replacement Ratio	Replacement Caliper Inches Required
CC-1	7.0 inches		0.5:1 (1/2 caliper inch per caliper inch)	3.5 inches
CC-2	3.0 inches		N/A (non-protected tree)	0.0 inches
CC-3	12.0 inches		1.0:1 (1 caliper inch per caliper inch)	12.0 inches
MH-1	18.0 inches		1: 1 (1 caliper inches per caliper inch)	18.0 inches
MH-2	4.0 inches		N/A (non-protected tree)	0.0 inches
VA-1	6.5 inches		0.5:1 (1/2 caliper inch per caliper inch)	3.25 inches
Subtotal	50.5 inches			36.75 inches

Other Tree Species (not listed in Table 4-1 or in Table 4-2)

Tree to be Removed	Total Inches to be Removed	Caliper to be	Replacement Ratio	Replacement Caliper Inches Required
PD-1	4.0 inches		0.25:1 (1/4 caliper inch per caliper inch)	1.0 inch
PD-2	12.0 inches		0.25:1 (1/4 caliper inch per caliper inch)	3.0 inches
GT-1	8.0 inches		0.25:1 (1/4 caliper inch per caliper inch)	2.0 inches
Subtotal	24.0 inches			6.0 inches
TOTAL	124.5 inches			171.75 inches

(Ordinance 6773 adopted 5/19/15)

Section 4.59 Protection of Preserved Trees

(A) Identification of Trees to Be Removed. Trees that are proposed for removal must be flagged or otherwise identified in order to differentiate those trees from preserved trees prior to commencement of development or redevelopment activity.

(B) Protection Measures for Trees to Be Preserved. The critical root zone of all preserved trees must be surrounded to create an area of non-encroachment by placement of appropriate protective fencing around the drip line of the tree during site preparation and construction. The original natural grade around the tree inside the drip line must not be disturbed in any way. The area within the protective fencing must not be used for parking vehicles or equipment, for materials storage, or for chemical wash-out areas.

(C) Protection Mandatory for Preserved Trees. It is unlawful to do anything to, or near, a preserved tree that would likely, either immediately or over time, cause the tree to die, including severe pruning, trunk or bark damage, burning or intense heat, the introduction of toxic gaseous or liquid substance to the ground under the tree's drip line or to the air around the tree or to the tree itself, or any other similar harmful act.

(Ordinance 6773 adopted 5/19/15)

Section 4.60 Relationship of Tree Preservation to Other Requirements

(A) Credit for Preserved Trees in Article 3 and Article 4. Protected trees that are preserved and used to comply with the provisions of this Article 4, may also be used to fulfill the tree planting requirements specified in Section 4.49 in Article 3 (Screening & Landscaping) of this Chapter 4 or in other City regulations, except as provided in Subsection (B) below.

(B) Replacement trees for a single-family, duplex, or townhouse residential development project must be placed within common areas that are owned and maintained by a homeowners' association (HOA), and may not count as the trees that are required on each residential lot per Sections 4.37(A) and 4.37(B) in Article 3 of this Chapter 4.

(Ordinance 6773 adopted 5/19/15)

Division 5 - Approval of Alternatives

Section 4.61 Administrative Approval of Alternative Compliance

Request for Alternative Compliance. A request for alternative compliance may be submitted in accordance with Article 1, Division 2 of this Chapter 4. The Planning Director may, by entering into a development agreement with the applicant, approve the following, but only upon a finding the proposed alternative is; (i) consistent with the purpose and intent of this Article 4, as applicable; and (ii) promotes the public health, safety, morals, or general welfare:

(A) For a site where trees are numerous and where areas of such trees are predominately left undisturbed by development, the Planning Director may approve an appropriate sampling method (based upon a reasonable sampling inventory of at least twenty-five percent of all "typical" areas of tree cover in such non-disturb zones, as may be approved by the Planning Director) for the Tree Inventory.

(B) For a perimeter tree zone (as described in Section 4.51), the Planning Director may approve removal of up to fifty percent of the protected trees within the zone upon a finding that the trees are located too close together, they are too close to a property line so that they prevent placement of a fence or screening wall (as applicable) along that property line, they are not healthy enough to survive for a reasonable period of time, they may cause harm to an adjacent property due to leaning or other anomaly, or some other circumstance exists which necessitates their removal.

(C) If, due to the size, shape, or topography of the intended development site, it is determined by the Planning Director that a Tree Management Plan for the site is unworkable (or not necessary), the Planning Director may approve a Tree Management Plan that provides for the mitigation of protected trees within the City of Garland through:

(1) The planting of replacement trees at an off-site location; or

(2) The payment to a City Reforestation and Tree Management Fund of an amount equal to one hundred percent of the cost of a replacement tree(s). This fee, in lieu of tree replacement, is based on the cost of three-inch caliper trees, totaling the mitigation caliper inches required, moved to and installed on the site. The fee is one hundred and fifty dollars per caliper inch.

(D) In order to preserve the sizes and species of significant trees that are located within a proposed parking area, the Planning Director may approve a reduction, of not more than ten percent, of the number of required parking spaces for a site, provided the applicant demonstrates adequate parking through "best practices" industry parking

information.

(E) Development agreement required. The Planning Director may only approve a request for alternative compliance with the provisions of this Article 4 by entering into a development agreement with the applicant. The development agreement may include matters outside of this Article 4.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 5 - SIGNS*

Division 1 - Purpose & Definitions

Section 4.62 Legislative Findings; Interpretation; and General Matters

(A) Purpose. The City Council hereby finds that the regulation of the size, quantity, illumination, movement, materials, location, height, and condition of all signs placed on private property within the City of Garland (1) is essential to the health, safety, and welfare of citizens of Garland, (2) promotes the free flow of traffic and protects pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage, (3) is critical for the protection of property values and the aesthetic character of neighborhoods, and (4) is beneficial to economic development.

(B) Interpretation. This article shall be interpreted in a manner consistent with the First Amendment of the Constitution of the United States and Article I of the Texas Constitution. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article and may be given effect without the invalid provision.

(C) Governmental Signs. As a general matter, this article is not intended to, and does not apply to, signs erected, maintained, or otherwise posted by governmental entities, the State, the federal government, or the City. However, [Sections 4.69](#) and [4.71](#) of this article shall apply to signs erected, maintained, or otherwise posted by the State or any of its departments or agencies, any school district, county, appraisal district, other municipality, quasi-governmental agency, or the federal government.

(D) Substitution. A noncommercial message of any type may be substituted for any allowed commercial message or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. A substitution of a noncommercial message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision does not create a right to increase the total number or square feet of signs on a tract of land or property, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

(E) Conflict. In the event of a conflict between this article and an ordinance of the City, then the most restrictive provision shall apply.

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.63 Definitions

The following terms and phrases, as used in this Article 5, have the following meanings:

(A) “*Sign*” means a name, identification, description, messages, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other surface that directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building, and not exposed to view from a street or public right-of-way shall not be considered a sign for purposes of this article. Each display surface of a sign or sign face shall be considered to be a sign. A closely associated grouping of signs, shall constitute a single sign where the distance separating each component does not exceed 2 feet from edge to edge.

(B) “*Sign area*” means:

(1) the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or

(2) where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

- (C) “*Sign face*” means the entire display surface area of a sign upon, against, or through which copy is placed.
- (D) “*Digital billboard*” means an off-premises sign, display or device, which is capable of producing an animated or moving digital image, copy, or video by electronic means, and is operated by an entity possessing an outdoor advertising license issued by the Texas Department of Transportation and all other governmental agencies having jurisdiction.
- (E) “*Electric*” means any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- (F) “*Flashing*” means any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this article any moving illuminated sign, except electronic programmable signs, shall be considered a flashing sign.
- (G) “*Freestanding*” means a permanent sign erected and maintained on a freestanding frame, mast or pole not attached to any building.
- (H) “*Regulatory sign*” means a sign that is required to be constructed, placed, or maintained by the federal, state or local government or by the property owner to the extent necessary to enforce a property owner’s rights.
- (I) “*Integral*” means a sign that is embedded, extruded or carved into the material of a building facade.
- (J) “*Marquee*” means a permanent canopy or covering structure, other than a roof or awning, bearing a signboard or copy projecting from and attached to a building.
- (K) “*Main entry*” means the front elevation of the tenant space or building where the primary entrance to the tenant space is located and where the building fronts the primary street address or parking lot servicing premises.
- (L) “*Off-premises sign*” means a sign that pertains to a business, person, organization, activity, event, or place not physically located on the premises upon which the sign is located.
- (M) “*On-premises sign*” means any sign that relates to the site on which it is located, pertaining to a tenant, business, person, organization, activity, event, or place that has a physical presence located on the same site as the sign. For the purposes of this definition, “virtual tenants” shall not be considered to be located on the premises.
- (N) “*Portable sign*” means any device or sign without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
- (O) “*Roof sign*” means a sign affixed to, applied on, or erected upon or above a roof or eave line of a building or structure. Signs attached to parapets or mansard roofs shall be considered attached signs.
- (P) “*Temporary sign*” means any sign that is readily removable, constructed of materials that are temporary in nature, such as paper, cloth, canvas, plastic sheet, or cardboard, and is reasonably determined by the Building Official to be displayed for a limited period of time.
- (Q) “*Virtual tenant*” or “*Virtual tenancy*” means a lease, rental, license, or other similar possession or use of a space or address, where the tenant, user, or licensee does not physically occupy the actual space. Examples may include but are not limited to: a post office box, automated teller machine, digital network, server or hard-drive, advertising space, or a vending machine or other similar unmanned kiosk, that is not owned and operated by the actual tenant for the space on which the vending machine or kiosk is located.
- (Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Division 2 - Administration & Procedures

Section 4.65 Building Official Authority

The Building Official is the primary City official responsible for enforcing the provisions of this article. However, the City Manager, in his or her discretion, may delegate the authority of enforcing the provisions of this article to any official or employee of the City. (Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.65 Sign Permit & Fees

(A) Permit Required. No person may erect, construct, alter, rebuild, enlarge, extend, convert, replace, or relocate, a sign, or cause or suffer the same to be done without first obtaining a sign permit for each sign (except for certain exempt signs as provided in [Section 4.67](#) and as otherwise provided below). A sign permit applies to only one applicant and one physical location.

- (B) Responsible Official. The Building Official, or his or her designee, is the responsible official for issuance of a sign permit.
- (C) Creation of a Site. The Building Official may not issue a permit for construction, erection, or placement of any type of permanent sign until a site is established for the sign by an approved site permit, building permit, or certificate of occupancy (whichever comes first for a particular project).
- (D) Application. To obtain a sign permit, the applicant must file an official application in writing and include plans and all information required by the Building Inspection Department.

(E) Fees and Refunding of Fees.

- (1) Sign Permit Fee. The fee for a sign permit is provided in Chapter 30, Article XVI of the City Code.

Where work is started or commenced without first obtaining a required sign permit, the sign permit fee shall be doubled. The Board of Adjustment may waive or reduce any amount over the standard sign permit fee, as provided for in Chapter 30, Article XVI of the City Code, upon a reasonable determination that the sign was (a) designed and constructed in conformance with this article and all other City codes and ordinances, and (b) a reduction or waiver would be equitable after taking into account the facts and circumstances of the case. The payment of any fee does not relieve any person from fully complying with the requirements of this article or any other City codes or ordinances.

- (2) Fee Refunds. The Building Official may authorize a refund of a sign permit fee if it is determined that a sign permit was issued in error or that a sign permit cannot be legally issued. Any such fee refund shall be processed in the manner provided in Chapter 30, Article XVI of the City Code.

(F) Issuance of Sign Permit. A sign permit shall be issued by the Building Official provided that the plans and specifications meet with all the requirement of this article, all other applicable codes of the City, and the appropriate fee has been paid.

(G) Expiration of Sign Permit. A sign permit issued under the provisions of this article expires if the work authorized by the permit is not completed within 90 calendar days following the sign permit issuance date. Upon expiration of, and before work may recommence, the applicant must apply for and obtain a new sign permit.

(H) Suspension or Revocation of Sign Permit. The Building Official may suspend or revoke any sign permit issued under the provisions of this article upon a determination that the permit was issued in error or on the basis of incorrect or false information, or whenever the permit was issued in violation of any of the provisions of this article or any other ordinance of the City or any state or federal law. The suspension or revocation is effective immediately upon written notice being personally delivered or mailed to the person to whom the sign permit was issued at the address provided by the applicant in the respective sign permit application, to the owner or benefactor of the sign, or to the owner of the premises upon which the sign is located. Any sign installed under a revoked sign permit must be removed by the permit holder, sign owner, or property owner within fifteen calendar days following the mailing of the written notice of the revocation.

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.66 Inspections

(A) All signs that require a permit are subject to a pre-inspection and a final inspection (see subsection (B) below), and any additional inspections as reasonably determined necessary by the Building Official.

(B) Pre-Inspection. The Building Official, upon receipt of an application for a sign permit, may conduct a pre-inspection. The following requirements must be met by the applicant for the issuance of a sign permit: (i) the work described in an application for a sign permit complies with the provisions of this article, state, and federal law; (ii) the plans, specifications, and other information filed in the application comply with the provisions of this article, state, and federal law; and (iii) the related sign permit fees have been paid in full.

(C) Final Inspection. The sign permit holder must, within 3 working days of completion of the sign installation, request a final inspection.

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.67 Exempt from Sign Permit

The following types of signs or activities must comply with all sign requirements of this article, but are not required to have a sign permit:

(A) Maintenance. No sign permit is required for maintenance to a lawfully placed sign. Maintenance includes all care and minor repair needed to maintain a safe, attractive, and finished structure, frame pole, brackets, or surface

and that does not enlarge or materially alter any face or display portion of the sign. Replacing a damaged or structurally unsound frame pole with another frame pole on a legally conforming sign of the same size and height is considered maintenance. Changing the copy on a sign without changing the dimensions of the face or the size of the copy is considered maintenance if the sign serves the same establishment or entity after the change.

(B) Temporary Signs on Single-family Lots. A sign permit is not required for temporary or seasonal signs on residential lots, not including multifamily tracts, lots, or properties.

(C) Address signs. A sign permit is not required for address signs placed pursuant to [Section 4.70\(A\)\(3\)](#).

(D) Traffic or Movement Control Sign. The following standards serve an important public health and safety function, and are intended to be used by the owners of private property that is open to the public to reduce confusion and to limit the risk of accidents involving vehicular and pedestrian traffic. Subject to the following provisions of Subsections (1)–(5), no permit is required for a small, incidental, on-site sign designated specifically for the purpose of directing or providing safety guidance to vehicular or pedestrian traffic on private property. Traffic-control signs on private property:

- (1) shall not exceed a maximum height of 3 feet from the ground;
- (2) shall not exceed a maximum surface area of 6 square feet;
- (3) are permitted in all multifamily, single-family attached, mixed-use, and nonresidential zoning districts, and are allowed for any nonresidential use that is lawfully located in an agricultural, single-family, or two-family zoning district;
- (4) shall be placed or setback a minimum of 3 feet from any right-of-way line; and
- (5) if illuminated, a sign permit must be obtained through the Building Inspection Department.

(E) Sandwich Board Sign. A permit is not required for a sandwich board sign. A sandwich board sign is a self-supporting A-shaped temporary sign with two visible sides that is placed in front of a business, generally on a sidewalk, to attract patrons into the establishment. A sandwich board sign must comply with the following provisions:

- (1) The maximum height shall be 4 feet.
- (2) The maximum surface area of each side is 10 square feet and a maximum of 30 inches wide.
- (3) A sandwich board sign is allowed in all mixed-use zoning districts.
- (4) The sign may not be placed or located a distance greater than 5 feet from the building in which the advertised use is located, and must be placed within close proximity of the main entrance of the business. Sandwich board signs must be placed so that a minimum walkway width of 4 feet is maintained, not including the area upon which the sandwich board sign is located.
- (5) A property or business may have only one sandwich board sign per street frontage.
- (6) A sandwich board sign may be displayed only during hours of operation.

(F) Vehicle Signs. A permit is not required for a vehicle sign that complies with the provisions of this article.

(G) Window Sign. A window sign is a sign painted or affixed to the exterior or interior surface of a window, or placed behind, or within 3 feet of, the window surface so as to be visible from the exterior. Window signs must comply with the following provisions:

- (1) Window signage on buildings used for commercial or retail purposes may occupy or cover no more than 25 percent of the total window surface area for each leased space within a multi-tenant building. Window signage, in aggregate, may occupy or cover no more than 25 percent of the total window surface area for each building facade that is visible from a public street or alley (maximum 25 percent coverage for all window surfaces combined).
- (2) Luminous gaseous tubing, LED lights, or other strip lighting attached directly to a window, window frame, door, doorframe, or within 3 feet of a window or door shall be considered a “window sign” when forming a border, when directing attention to a premises, or when forming letters, logos, symbols, or pictorial designs of any kind. Luminaries shall not blink, flash, rotate, scroll, change color, increase or decrease in intensity. In addition to these window sign limitations, electronic programmable window signs shall comply with [Sections 4.78\(O\)\(3\), \(7\), and \(8\)](#).

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Division 3 - General Sign Provisions

Section 4.68 General Regulations for All Districts

- (A) Where Allowed. Signs defined and classified herein are allowed in all zoning districts unless expressly stated otherwise for a particular type of sign.
- (B) Compliance with Other Laws and Codes. All signs erected or maintained pursuant to the provisions of this article must be erected and maintained in compliance with all applicable state laws and with the Building Code, Electrical Code, and other applicable ordinances of the City. In the event of conflict between this article and other laws, the most restrictive standard applies.
- (C) Duration. Legal signs specifically defined and classified herein are allowed to remain in place for an unlimited period of time, unless specifically stated otherwise for a particular type or sign, or on the sign permit, provided that they have a valid sign permit (if required), and that they are not required to be removed under some provision in this Article 5.
- (D) Number of Signs. Each business with a store front or main entry is entitled to display signage. The number of wall signs or attached signs is limited by allowable sign area as set forth in [Section 4.78](#). The number of freestanding signs is limited by the type, location, and proximity to other freestanding signs as set forth in [Section 4.78](#). Temporary signs are limited as set forth in [Section 4.70](#) and [4.78](#).
- (E) Freestanding Signs. All freestanding signs in excess of 8 feet in height must be designed, and the plans and specifications prepared and sealed by an engineer licensed in the State of Texas. Multifamily sites are prohibited from displaying any type of freestanding sign, except for monument signs, subject to the provisions of [Section 4.78\(L\)](#).
- (F) Wall/Attached Signs. Attached signs are permitted for multifamily premises, nonresidential districts, and nonresidential uses in residential zoning districts, subject to the provisions of Section 30.106 of the City Code, except that they must have a maximum sign area of one-half times the width of the building with a maximum of 160 square feet. All signs attached to any type of structure or building shall be reviewed by the Building Official. Plans and specifications for attached signs must be prepared and sealed by a licensed engineer if, in the reasonable opinion of the Building Official, the sign is of a size, weight, dimension, or mounting design that it might pose a structural or safety risk to the building, property or persons visiting the site.
- (G) Noncombustible Materials. All freestanding signs must be constructed of materials that are noncombustible or slow burning (as in the case of plastic inserts or facings) and must be supported by only noncombustible material and finished in a presentable manner. Untreated wood or unpainted or nongalvanized steel supports are specifically prohibited.
- (H) Weatherproofing. All signs must be designed and constructed in a manner to prevent the accumulation of water.
- (I) Vertical Clearance. All freestanding and projecting signs must maintain a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface (including streets, alleys, drive aisles, fire lanes, or parking spaces).

(Ordinance 7040 adopted 2/19/19)

Section 4.69 Prohibited Signs

- (A) Prohibited Signs. Signs that are not expressly authorized under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the City Council are prohibited. Signs are prohibited in all Districts unless:
- (1) Constructed pursuant to a valid sign permit when required under this GDC; and
 - (2) Authorized under this GDC.
- (B) Commercial Signs in Residential Areas. Commercial signs, except as expressly provided for herein, are prohibited in residential zones and on property used for nontransient residential uses. A model home may have one on-premises sign subject to the provisions and limitations of below [Section 4.71](#).
- (C) Handbills and Placards. Miscellaneous commercial advertising matter may not be scattered or placed on or suspended from buildings, poles, sidewalks, or fences; no person may paste, stick, stack, nail, affix, paint, mark, inscribe, or otherwise place any commercial advertisement, handbill, flyer, placard, inscription or any other type of written matter or object (including any goods, wares, or merchandise) for any commercial purpose upon any building, light or utility pole, post, structure, fence or wall, railing, tree, sidewalk, parkway, driveway, or parking area, or on any other public property other than a sign defined, regulated, and allowed by this article or other City ordinance (except street address numbers that are placed in compliance with the International Residential Code, as adopted by the City

Code, are allowed on curbs and on residential fences to identify house numbers for emergency and service personnel);

(D) Certain Illuminated and Animated Signs.

(1) Any type of sign that is illuminated to an intensity, or in a manner, which causes a glare of brightness to a degree that constitutes a hazard to traffic or a nuisance to adjacent properties is prohibited.

(2) Except as otherwise expressly provided for in this article, a sign, including a programmable sign, may not emanate a luminance more than 0.3 footcandles above the natural ambient light level of the location at the time of measurement, as measured from a point 250 feet from the sign face.

(3) Except as otherwise expressly provided for in this article, moving, flashing, animated, intermittently lighted, changing color, beacons (except for aircraft directional and warning beacons required by the FAA), revolving, swinging, fluttering, or similarly constructed signs are prohibited.

(E) Roof Signs. Except as otherwise expressly provided for in this article, roof signs of all types are prohibited.

(F) Temporary and Portable Signs. Temporary and portable signs are prohibited, except for certain temporary signs that may be expressly allowed for limited time periods in this article.

(G) Searchlights. Searchlights of all types are prohibited.

(H) Location Prohibitions. Any sign constructed, placed, or maintained that does not meet all of the following minimum standards is prohibited. Any sign allowed by this article, and not otherwise exempted, must be placed:

(1) So that it maintains a vertical and horizontal clearance of at least 10 feet from any overhead or underground power line, utility pole, telephone wire or cable, electrical streetlight standard or other above- or below-ground utility equipment or structure, or as required by the City's electrical code (whichever is more stringent), except that such clearance is not required from the electrical feeder line to the sign itself, or to feeder electrical or telephone wires or cables that serve the building(s) on the same premises where the sign is to be located;

(2) So that it is not attached to or will not interfere in any way with the use of any fire escape, exit, or standpipe;

(3) So that it will not obstruct any required building openings to such an extent that light or ventilation is reduced below that required;

(4) Completely outside of all public rights-of-way and easements (unless otherwise authorized in this article or other City ordinance), including street parkways and medians, except for governmental signs, special events signs that are authorized by the City, and subdivision entrance signs that are expressly authorized by the City;

(5) So that it will not block any fire lane, fire hydrant, or other fire hose connection; and

(6) So that it will not obstruct or interfere with the minimum sight line standards as set forth in Chapter 33 (Transportation), Article VI, Section 33.66 of the City Code.

(I) Signs Encroaching Rights-of-Way or Easements. Signs encroaching into or over a public right-of-way or easement are prohibited, unless the encroachment is authorized under a licensing agreement with the City, in accordance with Section 31.117 of the City Code.

(J) Obscene, Indecent, and Immoral Matter. It is unlawful for any person to display upon any sign obscene, indecent, or immoral matter.

(K) Off-premises Signs. Off-premises signs are prohibited unless expressly authorized by this article.

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.70 Authorized Signs

(A) Authorized Signs. Notwithstanding any other provision of this GDC, the following signs are authorized in every district:

(1) Although these regulations do not apply to signs erected, maintained or posted by the City, state, or federal government, these regulations clarify that governmental signs are allowed in every zoning district which form the expression of the City when erected and maintained and include the signs described and regulated in this subsection and subsections (A)(2)–(4) of this [Section 4.70](#), when erected and maintained pursuant to law.

(2) Traffic-control devices, not including directional signs, on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic-Control Devices adopted in this State and if not adopted by this State with the Manual on Uniform Traffic-Control Devices adopted by the Federal Highway Administration.

Comment: The Federal Highway Administration has established uniform standards for signs that regulate traffic or

that are erected and maintained within road rights-of-way or adjacent property. These uniform standards serve an extraordinarily important public function and are intended to be used by the owners of private property that is open to the public to reduce confusion and limit the risk of accident.

(3) Every improved property within the City shall be marked using numerals that accurately identify the address of the property so that public safety departments can easily identify the address from public right(s)-of-way. Property owners shall comply with Section R319.1 of the International Residential Code, Section 505.1 of the International Fire Code as amended by Section 30.226, and Section 21.01 of the City Code.

(4) Where a federal, State or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property that meets the standards and dimensions required by applicable law.

(5) For convenience stores signs, also see Section 26.163 for additional limitations on window signs and other required signs.

(B) Noncommercial flags.

(1) Purpose and Intent. It is the intent of this GDC to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes, thereby preserving property values and protecting traffic safety. The unreasonable accumulation of signs adversely affects these goals, property values, and public safety.

(2) Noncommercial flags do not require a permit for display. There are no time limitations for the display of noncommercial flags. The display of noncommercial flags are subject to the following provisions:

(a) Commercial, Industrial, and Retail Districts.

(i) The maximum aggregate surface area of noncommercial flags located on a property or tract of land located within a commercial, industrial, or retail zoning district may be no greater than 200 square feet.

(ii) Noncommercial flags attached to a building located on property or tract of land within a commercial, industrial, or retail zoning district may not exceed the height of the building. Freestanding flags must be attached to poles and may not exceed the height of the building or a maximum of 12 feet, whichever is less.

(iii) In addition to the display of noncommercial flags allowed by above subsections (i) and (ii), a single freestanding noncommercial flag that is a maximum of 375 square feet may be flown on a property or tract of land located within a commercial, industrial, or retail zoning district that is immediately adjacent to IH635, IH30, and State Highway 190, at a height of no greater than 80 feet, as long as it is attached to a properly permitted and approved flagpole.

(iv) All freestanding noncommercial flags must be securely attached to a structure or the ground capable of withstanding a 70 mph wind and be setback a minimum of 15 feet from the edge of the street or the back of the curb or a distance equal to the height of the pole, whichever is greater.

(b) Residential Zoning Districts.

(i) Freestanding noncommercial flags may not exceed the height of the primary structure located on the property or tract of land.

(ii) All freestanding noncommercial flags must be securely attached to a structure, or the ground, capable of withstanding a 70 mph wind and be setback a minimum of 15 from the edge of the street or back of the curb.

(C) For purposes of this Section 4.70 the lessor of a property is considered the property owner where the lessor holds a right to use exclusive of others (that is, the sole right to occupy). In the event there are multiple lessors of a property, then each lessor shall have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.

(D) One banner may be used as a temporary sign at the same location to which the owner has properly submitted a new application for a permanent sign or is in the process of replacing the old sign with a new one. The temporary banner sign may only remain until such time as the new sign is installed or for 60 days, whichever occurs first. The temporary banner must be similar in size as the permanent sign described in the owner's application for the permanent sign.

(E) Vehicle Signs. A vehicle sign is a type of sign that is mounted on, attached to, or painted on a vehicle, trailer, skid, or other wheeled or mobile conveyance.

(1) Vehicles with attached signs being primarily used to create additional on-premises signage for a business are

prohibited.

(2) Vehicles with attached signs that cannot lawfully operate on a public street and are visible from a public right-of-way are prohibited.

(3) Vehicles with attached signs parked on vacant property, land, or a structure, and that are visible from a public right-of-way are prohibited.

(Ordinance 7040 adopted 2/19/19)

Section 4.71 Residential Districts

The following provisions apply to all signs in residential zoning districts, including signs within 25 feet of a residential district boundary, signs within 25 feet of a public park of more than one acre, or signs located where a multifamily residential use occurs within a nonresidential zoning district:

(A) Sign Illumination. A sign, including a programmable sign, may not emanate a luminance more than 0.2 footcandles above the natural ambient light level of the location at the time of measurement, as measured from the nearest residential property line; and

(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(P)~~ 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(P)~~ Section 4.78(O) for legal nonresidential uses in residential districts. Nonilluminated changeable message signs which meet all the requirements of either the attached or freestanding sign provisions are allowed.

(D) Model Homes. A model home may have one temporary sign in residential subdivisions. Model home signs are subject to, and must comply with, the following provisions:

(1) Maximum height: The maximum height for a model home sign is 15 feet.

(2) Maximum size/area: The maximum sign area for a model home sign is 32 square feet.

(3) Location: Model home signs are allowed in all single-family (including townhouses) and two-family residential zoning districts.

(4) Placement/setbacks: Model home signs must be placed no closer than 5 feet from any property or right-of-way line.

(5) Maximum number: Each builder within a development may have a maximum of one model home sign on each model home lot.

(6) Duration: A model home sign may not remain on a premises once the premises or 80 percent of the lots in the development where the sign is located have an approved building inspection by the City.

(7) Illumination: A model home sign may not be blinking, fluctuating, or moving. Lighting for the sign must be direct (that is, 90 percent of the emitted light must be directed onto the sign) and may not emanate a luminance more than 0.2 footcandles above the natural ambient light level of the location at the time of measurement, as measured from the nearest residential property line.

(E) Subdivision Entrance Signs. The Plan Commission may approve the placement of a subdivision entrance sign(s) on any legally placed structure at the entrance and within the common area of a subdivision, which is owned and maintained by a home owners' association for single-family or duplex residential subdivision. The maximum sign area of a subdivision entrance sign may not exceed forty square feet. The maximum number of signs allowed for each subdivision is two signs per street entrance into the platted subdivision area. The sign height, maximum sign area, location on the site, setbacks, a graphic representation of the sign, and the total number of signs per subdivision must be prominently indicated on the plans submitted for consideration by the Plan Commission.

Exception - Administrative Approval. The Building Official may approve, and issue a sign permit for, a subdivision entrance sign that complies with the criteria above, with all other applicable provisions in this article, and with both of the following additional criteria:

(1) The sign is attached to a screening wall that is not located within the street right-of-way; and

(2) The sign is not animated or illuminated in any way.

(F) Temporary Signs. The following are Temporary signs that are allowed at any time in residential zoning districts or on property used for residential purposes:

- (1) A property owner may place one or more temporary signs, not including a noncommercial flag, with an aggregate sign face area of no larger than 36 square feet, and at a maximum height of 6 feet, on the property at any time; and
- (2) A property owner may place one or more temporary signs, not including a noncommercial flag, with an aggregate sign face area of no larger than 9 square feet in one or more windows on the property at any time.
- (3) Commercial signs or advertisements may not be displayed on any lot, tract, or property that is lawfully used as a residential use.

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.72 Existing Signs

(A) Nonconforming Signs

(1) Continuation Generally. A legally nonconforming sign is allowed to remain as is in the same location as it existed on the effective date of this GDC. The right for a legally nonconforming sign to continue existing as is will terminate, and the sign must be removed within 15 calendar days (unless otherwise provided below), if and when one or more of the conditions stated below exists or occurs:

- (a) A sign becomes an illegal sign when it is altered, moved, or relocated without a Sign Permit pursuant to the provisions of this article;
- (b) A sign is damaged or destroyed and the cost to repair it exceeds 60 percent of the replacement cost of the sign on the date of damage; or
- (c) A sign that is intended to be perpendicular (90 degrees) to the ground leans at an angle 75 degrees or less, unless a variance is granted in accordance with [Section 4.81](#) of this article (or, for a sign that was purposefully placed at an angle upon installation, its angle to the ground decreases by 15 degrees or more; no sign, regardless of its original installation angle, is allowed to remain at less than a 45 degree angle to the ground).

(2) Signs with Special Historic or Architectural Significance. Any sign designated by official action of the City Council as having special historic or architectural significance is exempt from the provisions of this article.

(3) Signs on Property Acquired by a Governmental Entity. A legally nonconforming sign located on property acquired by the City or another governmental entity may be temporarily relocated on-site provided the sign is removed or rebuilt to conform to this article (and any other applicable City codes or ordinances) within 365 calendar days following relocation of the sign. Relocation is limited to the same physical sign with no increase in height, area, or change in other physical attributes. For the purposes of this provision, a property acquisition by the City does not include right-of-way dedicated in the subdivision platting process.

(B) Cessation of Business Operations. If a sign is nonconforming, to maintain its status as a legally nonconforming sign, the business must remain in operation and conduct normal business activities on the premises on a regular basis. If regular business operations cease for more than 365 calendar days, then the City may require the relocation, reconstruction, or removal of the sign.

(C) Illegal Signs

(1) Illegal Conforming Signs. Owners of illegal conforming signs must apply for and obtain a sign permit from the City within 15 calendar days following notification of noncompliance.

(2) Illegal Nonconforming Signs. The owner of an illegal nonconforming sign that requires a sign permit must apply for a permit and upgrade the sign to conforming within thirty calendar days following original notification. If a sign permit is not granted, then the sign must be removed by the property owner within 60 calendar days following original notification. In the case of painted wall signs for which a Sign Permit is not in effect, such signs must be removed or painted over (with a paint material and color that matches the exterior finish of the affected building facade such that the sign's location is not visible) within 30 calendar days following original notification of violation.

(D) Removal of Signs

(1) Obsolete or Abandoned Signs. In the event a business ceases to conduct regular business activities on the premises upon which a sign is located for a period of more than 365 calendar days, then the City may require the relocation, reconstruction, or removal of the sign. However, if the premises containing the sign or sign structure is leased the City may not require removal under this subsection sooner than the second anniversary after the date the most recent tenant ceases to operate on the premises.

(2) Unsafe Signs. Any sign that is determined by the Building Official to be unsafe is subject to removal, upon notice per subsection (4) below, if the Building Official determines that removal is necessary in order to protect the public health, safety, and welfare.

(3) Notice to Remove Sign or to Correct Noncompliance.

(a) Upon a determination that a sign must be removed, or that a sign is not in compliance with one or more provisions of this article, the Building Official shall give written notice to the owner of the premises upon which the sign is located, as indicated on city utility and tax appraisal records, to remove the sign, or to bring it into compliance, within 15 calendar days after notice is served. The written notice shall be sent to the property owner, who must remove the sign (or correct any noncompliance, as applicable) within 15 calendar days.

(b) The notice period, and removal/compliance period, for all temporary signs that are not in compliance with this article shall be 72 hours rather than 15 calendar days.

(4) Storage of Impounded Signs.

(a) The City shall store impounded signs for a minimum of 20 calendar days before destroying the signs pursuant to below subsection (c). The owner of the signs may claim them after paying all costs associated with their removal, transportation, and storage, as applicable.

(b) Within 3 business days of taking possession of an illegal or abandoned sign on private property, the City shall send written notice to the owner of the property on which the sign was taken, as indicated or any known party having control over the real property. The notice shall:

i. Give the location of the facility in which the sign is being held;

ii. State that the sign can be reclaimed not later than the 20th day after the date of the notice on payment of towing, preservation, and storage fees; and

iii. State that failure of the owner to claim the sign during the 20 day holding period is a waiver by that person of all right, title, and interest in the sign.

(c) Any impounded signs not claimed within 20 calendar days may be destroyed by the City. In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day number one; thereafter, all days including weekends and holidays shall be counted.

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.73 Digital Display on Nonconforming Off-Premises Signs

(A) Certain nonconforming detached off-premises signs may be modified to use digital display technology subject to the restrictions and provisions of this Section 4.73.

(B) Application. The owner of a nonconforming detached off-premises sign desiring to convert the sign to a digital display must submit a digital billboard sign permit application for a face modification. The Building Official shall review the application and make a determination as to whether the subject sign qualifies for an off-premises digital billboard conversion permit. In the event the Building Official approves the permit, the owner must apply for a demolition permit to remove the existing sign face area in accordance with subsection (D). The owner must complete demolition of the sign face according to the applicable ratio in below subsection (D) before the sign face is modified.

(C) Compliance Required.

(1) Except as provided in this Section 4.73, off-premises digital billboards must fully comply with the size, height, spacing, setback, and all other applicable provisions in this article.

(2) Off-premises digital billboard support structures must be built to comply with this GDC.

(3) Off-premises digital billboards must comply with Title 43 Texas Administrative Code Section 21.163, "Electronic Signs," as amended.

(4) Both existing and new digital billboards must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness, message duration, and proximity of the sign to other digital displays, ramps, and interchanges.

(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 nonpremises 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:

- (a) To receive credit for the removal of an area of detached off-premises conventional sign face, the entire sign face and structure supporting the removed sign face must be removed;
 - (b) At least one structure removed must be within a five mile radius of the conventional face being converted to digital, unless the structure being removed is an interior conventional sign located adjacent to or facing an interior street or right-of-way (that is, not adjacent to or oriented toward I-635 or I-30);
 - (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 nonpremises conventional sign face area must be removed from an interior sign; ~~and~~
 - (d) No credit is given for the area of the conventional face being removed for conversion to a digital display; and
 - (e) The removal of the entire nonconventional sign face area, including the entire support structure, must be completed before commencing construction work modifying the conventional sign to use digital display.
- (2) The new digital sign face may be no larger than the preexisting conventional sign face, but in no case may be larger than 700 square feet.
- (E) Location and Number.
- (1) The conversion of conventional face nonconforming off-premises signs to digital face signs is limited to detached off-premises signs located adjacent to, and oriented toward the main travel lanes of, IH635 and IH30.
 - (2) For support structures with only one digital display sign, signs must be located a minimum of 1,500 feet from any other digital display sign oriented to the same traffic direction along the main travel lanes of IH635 and IH30, measured linearly.
 - (3) Digital display signs may not be located within 300 feet of any lot located in a residential district, measured radially.
- (F) Support Structures.
- (1) Digital display sign support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the travel surface of the highway, whichever is higher, except that no digital display sign may be higher than the conventional sign it replaced.
 - (2) Sign support structures and faces being converted to accommodate digital displays may not be modified to change the angle of a sign face.
 - (3) Electrical service to sign support structures with digital displays must be underground between the property line and the sign.
- (G) Display.
- (1) All digital displays must conform with the illumination restrictions of above [Section 4.69\(D\)](#). An off-premises digital display sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
 - (2) An off-premises digital display may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.
 - (3) Before the issuance of a digital display sign permit, the applicant must provide an ambient light survey from adjacent residential properties and a written certification from the sign manufacturer that:
 - (a) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards of this subsection; and
 - (b) the light intensity is protected from end-user manipulation by password-protected software or other method satisfactory to the Building Official.
- (H) Change of Message. Changes of message must comply with the following provisions:
- (1) Each message must be displayed for a minimum of eight seconds;
 - (2) Changes of message must be accomplished within two seconds;
 - (3) Changes of message must occur simultaneously on the entire sign face; and
 - (4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.
- (I) Malfunction. Digital display signs operators must respond to a malfunction within one hour after notification and

must remedy the malfunction within 12 hours after notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied.

(Ordinance 7040 adopted 2/19/19)

Section 4.74 Maintenance of Signs

(A) General. All signs and sign support structures, together with all of their supports, braces, guys and anchors, must be kept in good repair, in safe condition, and in a proper state of appearance and preservation. Except as provided in [Section 4.72\(A\)](#) above, any sign or portion of a sign or sign support that is unsafe, an obstruction to the use of any sidewalk or roadway, or that is in such dilapidated condition as to be unsightly and, therefore, detrimental to the public welfare must be repaired and maintained, or removed.

(B) Deteriorated Signs. A sign of any type may not be kept in a dilapidated or deteriorated condition. Any sign which the Building Official determines is in an unacceptable deteriorated condition or unsafe is subject to removal. Prior to removing any such sign, the Building Official shall give written notice to the owner of the premises upon which the sign is located, as indicated on city utility and tax appraisal records, to remove the sign or remediate all defects or dangerous conditions as expressly stated in the notice, within 15 calendar days after notice is served. The written notice shall be sent to the property owner, who must remove the sign (or correct any noncompliance, as applicable) within 15 calendar days.

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.75 Sign Area

Measurement of Sign Area. The measurement of sign area is as follows:

(A) Square or Rectangular Signs. The length of the sign multiplied by the height of the sign (see [Illustration 4-4](#)).

(B) Irregularly Shaped Signs. The area of horizontally oriented squares, rectangles or circles, or combination thereof, necessary to enclose the sign face (see [Illustration 4-5](#)).

(C) Signs Composed of Individual Cutout Letters or Figures. The sign area of a sign made up of letters, words or symbols within a frame is determined from the outside edge of the frame of the sign. However, the sign area of signs composed of individual letters or figures is equal to the sum of the area of squares or rectangles necessary to enclose each word or groupings of letters or figures (see [Illustration 4-6](#)).

(D) Freestanding Multi-Panel Signs. The sign area of a sign that is comprised of multiple separate panels (such as the three-panel shopping area sign shown in [Illustration 4-5](#)) is calculated as the aggregate area of all panels and does not include the space between panels, provided that all associated panels are no greater than 2 feet apart. In the event the space between panels exceeds the 2 feet maximum distance allowed, each panel shall be construed as separate signs. Multi-panel signs require only one sign permit.

(E) Sign Base/Support Structure. The base or support structure of the sign is not counted as part of the overall sign area computation provided that such base or support structure has no sign, advertising, commercial, or business message on it, not including incidental plates or stickers of no greater than one square foot, which display manufacturer or owner information or address signs placed pursuant to [Section 4.70\(A\)\(3\)](#). The base or support structure does count toward overall sign height.

(F) Illuminated Borders. Luminous gaseous tubing, LED lights, or other strip lighting attached directly to a surface shall be considered a "wall sign or attached sign" when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols, or pictorial designs of any kind. The area of the sign shall be determined by a geometric shape that enclosed the entire luminaire(s).

Illustration 4-4

Sign Area - Square or Rectangular Square



Illustration 4-5

Sign Area - Irregularly Shaped Signs



Illustration 4-6

Sign Area - Signs Composed of Individual Cutout Words or Figures



(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

Section 4.76 Reserved

Division 4 - Sign Types & Related Regulations

Section 4.77 Freestanding Sign Restrictions

Unless expressly authorized by this article, a premises may not have more than one freestanding sign, not including temporary signs. Unless expressly authorized by this article, businesses may not advertise on both a multi-tenant sign and another freestanding sign, not including temporary signs, located on the premises. (Ordinance 7040 adopted 2/19/19)

Section 4.78 Signs - Permit Required

(A) Attached Sign (also termed Attached Wall Sign or Wall Sign). An attached sign or attached wall sign is a sign that is attached to, applied to, applied on, or supported by any part of a building (such as a wall, parapet, canopy facia, awning, arcade, mansard, or marquee) that encloses or covers usable space (as contrasted to a freestanding or detached sign).

An attached sign may be attached to, affixed upon, or painted upon a wall surface with the sign facing parallel to and projecting not more than eighteen inches from the surface of the building or appurtenance. Attached signs painted or applied directly upon an exterior wall surface must be professionally designed and constructed, consist of professional quality workmanship and exterior grade paints and materials, and be maintained at all times so that there is minimal fading, chipping, or peeling. The property owner shall remove any attached signs painted or applied directly upon an exterior wall surface that have not been properly maintained or are in a deteriorated condition.

A sign attached to or painted upon an awning or a canopy and visible to the exterior is considered in the allowable calculations for wall signs (also see “awning sign” and “canopy sign” for additional limitations). Luminous gaseous tubing, LED lights, or other strip lighting attached directly to a wall surface is considered a “wall sign” when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols, or pictorial designs of any kind. Attached signs or attached wall signs must comply with the following provisions:

(1) Maximum height: Attached signs may not extend higher than the height of the wall surface, unless noted below for parapet signs:

(a) Signs may be placed a maximum of 10 feet above the roof on a parapet or similar projection that is continuous on three or more sides; and

(b) Signs may not project above any portion of a parapet or similar projection.

(2) Maximum size: Attached signs must comply with the following provisions for the total maximum surface area of all attached wall signs per facade in aggregate:

(a) For single-tenant buildings:

(i) Front (main entry) facade only: The maximum square footage of an attached sign on the front of a single-tenant

building may not exceed 2 square feet per lineal width in feet of building width of the wall upon which the sign is mounted, and in no case may any of the sign's dimensions exceed 75 percent of the corresponding width or the height of the wall, with a maximum of 200 square feet.

(ii) Side and rear facades: The maximum square footage of an attached sign on a side or rear facade of a single-tenant building may not exceed one square foot per lineal width in feet, of the wall upon which the sign is mounted, and in no case may any of the sign's dimensions exceed 50 percent of the corresponding width or the height of the wall, with a maximum of 100 square feet.

(b) For "end-cap" tenants in multi-tenant strip center buildings:

(i) Front (main entry) facade only: The maximum square footage of an attached sign on a front facade for "end cap" tenants in multi-tenant building may not exceed 2 times the lineal width, in feet, of the tenant frontage. Tenant wall sign shall only be permitted upon the wall fronting the tenant and in no case may the sign's dimensions exceed 75 percent of either the corresponding width or the height of the wall. The total maximum sign area may not exceed 200 square feet.

(ii) Side facade: The maximum square footage of an attached sign on a side facade for "end cap" tenants in a multi-tenant building may not exceed one square foot per lineal width, in feet, of the wall upon which the sign is mounted adjacent to the tenant space, and in no case may the sign's dimensions exceed 25 percent of either the corresponding width or the height of the wall. The total maximum sign area shall not exceed 100 square feet.

(c) For "interior" tenants in multi-tenant strip center buildings:

(i) Front (main entry) facade only: The maximum square footage of an attached sign on a front facade for "interior" tenants in a multi-tenant building may not exceed the square footage of 2 times the lineal width of the wall upon which the sign is mounted, and in no case may the sign's dimensions exceed 75 percent of either the corresponding width or the height of the wall. The total maximum sign area shall not exceed 200 square feet.

(ii) Side and rear facades: Attached wall signs are not permitted for interior tenants.

(d) For buildings three or more stories in height: The square footage of an attached sign that identifies the building name, and that is not attached to a tenant space, shall not exceed one square foot per the lineal width, in feet, of the frontage of the building, in addition to the total sign area otherwise allowed in this Section 4.78(A) and the maximum area for the building name sign shall be 100 square feet.

(e) For multiple tenant building with "interior" tenants that do not have direct exterior exits (such as office buildings, indoor shopping malls, and other similar uses) the total sign area of all wall signs for all tenants combined may not exceed the allowable sign area allowed in Section 4.78(2)(a).

(f) The total combined area of attached signs (including attached wall signs, awning signs, and canopy signs) for any elevational view shall not exceed that allowed for attached signs as set forth in Section 4.78(2)(a).

(3) Location: Attached signs are allowed in all nonresidential and mixed-use zoning districts.

(4) Placement/setbacks: On the vertical face only of a building; attached signs must be comprised of individual letters or characters attached directly to the building face or to a raceway, or unilluminated panels comprised of individual letters or characters (cans, illuminated panels or illuminated box type signs shall not be permitted) and must be professionally designed, constructed, and applied in a workmanlike manner.

(B) Awning Sign. An awning sign is a sign that is painted or applied directly on the surface of an awning. Awning signs must comply with the following provisions:

(1) Maximum height: The height of an awning sign shall be no greater than the vertical face only of the awning (for purposes of this subsection, the front vertical surface area for a "bubble" awning is located only on the front of the awning and not on its sides, and comprises the awning surface as measured from the bottom edge to that point on the awning that is less than 45 degrees to the ground plane, as viewed on the elevational view of the awning).

(2) Maximum size/area: Awning signs must comply with the following provisions:

(a) Shall not exceed the lineal width of the awning upon which the sign is applied;

(b) Shall not be internally illuminated (can be illuminated using downward focused wall-mounted "gooseneck" or other decorative wall lighting);

(c) Shall be designed and installed as an integral, architectural element of the entire building system in a uniform, rhythmic systematic design pattern, including compatible color and lighting; and

(d) The total combined area of attached signs (including attached wall signs, awning signs, and canopy signs) for any elevational view shall not exceed that allowed for attached signs as set forth in Section 4.78(A).

(3) Location: Awning signs are allowed in all nonresidential and mixed-use zoning districts.

(4) Placement: Awning signs must have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface.

(C) Temporary Signs. Temporary signs include banners, balloons, pennants, inflatables, streamers, sails, air-supported devices, feathers, wind devices, and other similar types of temporary signs (but not including noncommercial flags, which are regulated by above [Section 4.70](#)) that may be placed on a structure or at a site that is intended to draw attention to a particular commercial event or commercial product must comply with the following provisions:

(1) Maximum size/area: The maximum surface area of all temporary signs located on a property or tract of land, may be no greater than two times the width of the wall containing the main entrance of the building, or tenant space occupied by the applicant who intends to display the temporary signage. In no case may the total square footage of the surface area of all the temporary signs located on a property or tract of land exceed 200 square feet.

(2) Maximum Height: Temporary signs attached to the building may not exceed the height of the building. Freestanding temporary signs such as balloons, inflatables, or wind devices shall not exceed the height of the building or a maximum of 12 feet, whichever is less.

(3) Location: Temporary signs attached to the building are allowed in all nonresidential, mixed-use, multifamily, and townhouse zoning districts, and allowed for any nonresidential use (such as a church, school, or day care center) that is located in an agricultural, single-family, or two-family zoning district. Except as expressly allowed under this Article 5, freestanding temporary signs (such as balloons, inflatables, streamers, sails, or wind devices) are only allowed in nonresidential and the commercial areas of mixed use zoning districts.

(4) Placement: Temporary signs attached to a building must be securely attached to the vertical face only of a building or a canopy so that the banner does not move, flap, wave, flutter, or twirl. Temporary signs may not be attached to an object such as a fence, screening wall, tree, utility pole or structure, or permanent sign support, and may not extend vertically above the roofline of the structure. Nonresidential uses located in residential districts, such as schools and churches may attach temporary signs to fences and other structures when approved by the Building Official where the temporary sign will not impose undue stress on the structure. All temporary signs must be on-premises and may not be located on public property or in the public right-of-way. All freestanding temporary signs must be securely affixed to the main structure or the ground capable of withstanding a 70 mph wind and be setback a minimum of 15 feet from the edge of the street or the back of the curb.

(5) Maximum number: The maximum number of temporary signs in nonresidential and commercial areas of mixed use zoning districts, shall be limited by the maximum total area of 200 square feet, but in no case shall the total number of temporary signs exceed 3.

(6) Duration: Temporary signs may be displayed no more than 20 calendar days from the date the associated business, person, organization, activity, or event first opens to the public, which shall be indicated on the sign permit application.

(D) Blade Sign, Pedestrian. Pedestrian blade signs are generally placed perpendicular to the building's front entrance facade, and they are either suspended beneath a canopy or awning or attached directly to, and project out from, the building's facade. Blade signs may not encroach into any public right-of-way or over any public easement (except a pedestrian easement). A pedestrian blade sign must have a minimum clearance of 8 feet above any sidewalk or pedestrian travel surface, and fourteen feet above any vehicular parking or circulation surface. Pedestrian blade signs must comply with the following provisions:

(1) Maximum size/area: The maximum surface area of a pedestrian blade sign is 4 square feet when suspended beneath a ground-level canopy or awning, or attached to a building on the ground-level facade. The blade sign may be no larger than 8 square feet when attached to the building's second or higher story.

(2) Location: Pedestrian blade signs are allowed in all nonresidential and mixed-use zoning districts, and allowed for any nonresidential use (such as a church, school, or day care center) that is located in an agricultural or residential zoning district.

(3) Placement/setbacks: A pedestrian blade sign must be suspended beneath a canopy or awning, or attached to building's entrance facade at a minimum height of 8 feet from the grade of the sidewalk and a maximum height of 10 feet, measured from the lowest portion of the frame or structure of the sign.

(4) Maximum number: A business may have one pedestrian blade sign per public entrance.

(E) Canopy Sign. A canopy sign is a type of attached sign that is painted or applied directly on the surface of an attached or freestanding canopy, or that is designed to be an integral part of the face of a canopy. Canopy signs

must comply with the following provisions:

- (1) Maximum height: The height of a canopy sign may not extend beyond the vertical face of the canopy.
- (2) Maximum size/area: A canopy sign's size and area must comply with the following:
 - (a) The sign may not exceed 75 percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of twenty-five square feet, whichever is smaller;
 - (b) The copy or artwork may or may not be illuminated; and
 - (c) Gaseous, LED, or illuminated lighting on a canopy must be in conformance with [Section 4.98\(A\)](#) in Article 7 in this Chapter 4.
 - (d) The total combined area of attached signs (including attached wall signs, awning signs, and canopy signs) for any elevational view may not exceed that allowed for attached signs as set forth in Section 4.78(A).
- (3) Location: Canopy signs are allowed in all nonresidential and mixed-use zoning districts.
- (4) Quality: Canopy signs must be professionally designed and constructed, consist of professional quality workmanship and exterior grade paints and materials, and be maintained at all times so that there is minimal fading, chipping, or peeling.
- (5) Placement/setbacks: Canopy signs may be placed on the vertical face only of a canopy (not on the roof). Canopy signs must have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface.
- (6) Maximum number: There may be no more than one canopy sign per canopy face.
- (F) Changeable Message Sign (nonelectronic, also termed Reader Board Sign). A nonelectronic changeable message sign is a wall-mounted or freestanding sign (or a portion of a larger sign), with manually interchangeable letters and symbols. It includes nonelectronic bulletin boards and theater marquees; but, it is not a "Programmable Sign." A changeable message sign may be a component of another type of sign, such as a monument or pylon sign, and all applicable standards for the type of sign of which it is a part apply including, but not limited to, those pertaining to maximum height, maximum size/area, permissibility in each zoning district, placement/setbacks, or number of signs permissible per lot.
- (G) Changeable Message Signs (Electronic). See "Programmable Sign."
- (H) Construction Sign. A construction sign is a temporary sign allowed while a development project is being constructed on the premises upon which the sign is located. Construction signs must comply with the following provisions:
 - (1) Maximum height: A construction sign may be no more than 15 feet in height.
 - (2) Maximum size/area: A construction sign may be no more 32 square feet.
 - (3) Location: Construction signs are allowed in all zoning districts, but not on lots containing model home signs.
 - (4) Placement/setbacks: Construction signs must be placed a minimum of 10 feet from any property or right-of-way line.
 - (5) Maximum number: The maximum number of construction signs at a single site is one per 1,500 feet of total street frontage (or portion thereof). The total street frontage shall be based on the frontage of the street named on the construction permit as the address of the site.
 - (6) Duration: Construction signs may remain at a project until it is complete. Construction signs must be removed prior to final building inspection or occupancy of the structure.
- [(I) Reserved.]
- (J) Menu Board. A menu board is an on-site display that is utilized by restaurant, entertainment, and other business establishments in a drive-through operation. The menu board may be wall-mounted near the establishment's primary entrance, or may be freestanding at a drive-in or drive-through food service establishment, and may have a speaker and an electronic visual order display board or panel that verifies what the patron is ordering at the drive-through. Menu boards must comply with the following provisions:
 - (1) Maximum height: The maximum height of a menu board is 8 feet if freestanding; if it is mounted upon a wall above a sidewalk, the top edge must be no higher than 7 feet above nearest sidewalk grade.
 - (2) Maximum size/area: The maximum surface area of a menu board is 45 square feet.
 - (3) Location: Menu boards are allowed in the zoning districts that allow the associated use by right (or by SUP

where applicable).

(4) Placement/setbacks: Menu boards, if freestanding, are prohibited in the front building setback(s); menu boards are prohibited in a side or rear yard where adjacent to any residential zoning district.

(5) Maximum number: If freestanding, two menu boards per establishment (or per drive-through lane, if more than one) are allowed. However, drive-in style restaurants may have one menu board per parking stall, plus up to two menu boards for a drive-through lane. If wall-mounted, one menu board per business is allowed.

(K) Monument Sign. A monument sign is a type of freestanding ground mounted sign having a low profile and the structure of which being made of stone, concrete, decorative metal, brick, or similar materials that is designed to complement the architecture of the building or complex on the premises where the sign is located. The lower edge of a monument sign must be contiguous with the ground (that is, solid from the ground up), and may not be elevated above grade by the use of poles, struts or wires, and may not incorporate embellishments or cut-outs. All sign panels on a monument sign must be architecturally compatible and cohesively designed. Monument signs must comply with the following provisions:

(1) Maximum height: The maximum height for a monument sign is 7 feet, including the monument base, as measured from the average ground level at the base to the topmost portion of the sign or structure. The ground upon which a monument sign is located may be bermed (or designed as a raised planter with heavy evergreen landscaping to conceal the planter on all sides) a maximum of 2 feet above average grade where the sign is placed.

(2) Maximum size/sign area: The maximum surface area of a monument sign is 50 square feet.

(3) Location: A monument sign is allowed in all zoning districts, but is prohibited on individual single- or two-family residential lots.

(4) Placement/setbacks: A monument sign must be placed a minimum of 5 feet from any property or right-of-way line.

(5) Maximum number: A site is allowed only one monument sign per street frontage, or a maximum of one per 300 feet of total street frontage if no pole or pylon sign is also used, but in no case are more than 3 monument signs allowed.

(L) Multi-Tenant Complex Sign.

(1) A "Unified-lot" means two or more contiguous premises, whether in a single building or multiple buildings, which are a part of the same site plan, shopping center, business complex, or other similar type of multi-tenant development.

(2) Except as expressly provided for within this subsection (L), owners or tenants of property located within a unified-lot may not construct, or advertise on, freestanding signs, except on multi-tenant complex signs that are the subject of a unified-lot sign agreement, to which they are a party, as further detailed in below subsection (f).

(3) A multi-tenant complex sign is a type of freestanding sign that is used to identify the name of a multiple-building and multiple-tenant retail shopping center, a business park, or an industrial, commercial or office center or complex to assist public safety and emergency personnel in identifying individual businesses or tenants on the site or within the shopping center or business complex. A multi-tenant complex sign must be mounted on a single structural element on one of the lots represented on the sign. A multi-tenant complex sign is allowed with a fully executed unified lot agreement, as more particularly described in below subsection (f). Freestanding businesses that are represented on a multi-tenant complex sign, and that have a minimum building square footage of 5,000 square feet, are also allowed one monument sign on their own lot, in addition to representation on a site-applicable multi-tenant complex sign. All sign panels on a multi-tenant complex sign must be architecturally compatible and cohesively designed. Multi-tenant complex signs must comply with the following provisions:

(a) Maximum height: The maximum height of a multi-tenant complex sign is 35 feet. If located within 100 feet of an elevated portion of Interstate Highway 635, Interstate Highway 30 or President George Bush Turnpike/State Highway 190 and if sign visibility is impeded due to the highway elevation, the Planning Director may approve up to 10 feet of additional height, but in no case may it exceed a total height of 40 feet, in accordance with the alternative compliance provisions of [Article 1, Division 2 of this Chapter 4](#).

(b) Maximum size/area: The maximum surface area of multi-tenant complex signs is 150 square feet per side for pylon style signs, and 200 square feet per side for monument style signs.

(c) Location: Multi-tenant complex signs are allowed in all nonresidential and mixed-use zoning districts on a unified-lot development site of combined contiguous lots that is at least 5 acres in size.

(d) Placement/setbacks: Multi-tenant complex signs must be placed a minimum of 10 feet from any property or

right-of-way line. Multi-tenant complex signs may be only masonry pylon or monument style (that is, they may not be pole signs).

(e) Maximum number: Only one multi-tenant complex sign is allowed per 20 acres in the development and only one per street frontage.

(f) Unified-lot sign agreement: A unified-lot sign agreement, in a form provided by the City, is required whenever the owners (or the sole owner if only one) of 2 or more contiguous lots agree to treat their separate lots as one unified lot for the limited purpose of sharing a multi-tenant complex sign. The property owners must both be named as parties and execute the agreement. The agreement shall provide the following: (i) a legal description of the properties subject to the agreement; (ii) the parties agree to treat their separate lots as one unified lot; (iii) the parties agree to maintain the sign in accordance with [Section 4.72 of this Article 5](#); (iv) a provision that the parties, their heirs, and assigns forego any rights to additional freestanding street front signage on the premises covered by the agreement (except for freestanding businesses who may have one additional monument sign on their own lot); (v) a provision that the agreement is a covenant running with the land to be filed and made a part of the Deed Records of the applicable county of jurisdiction; and (vi) a provision that the agreement cannot be amended or terminated without the consent of the Building Official. A unified-lot sign agreement is not effective until a true and correct copy of the approved agreement is filed with the applicable county and a copy is filed with the Building Official.

(M) Mural (also termed Original Art Display). A mural is a nonelectronic, static work of art applied directly to a building's wall surface. Murals are intended for viewing and enjoyment by the public as art. Murals must comply with the following provisions:

(1) Maximum height: A mural may extend no higher than the height of wall surface.

(2) Location: Murals are allowed in all nonresidential and mixed-use zoning districts.

(3) Placement/setbacks: Murals may only be placed on the vertical face only of a building. They must be professionally applied by an experienced mural-painting artisan(s) using paint that will weather well and will generally remain legible and in its original appearance for at least 5 years following application.

(4) Maximum number: The number of murals is limited to one per building, or one per street frontage for a corner or through lot or property.

(N) Pole Sign. A pole sign is a single-support style sign that is placed on or anchored in the ground, and that is structurally independent of any building or other structure. Pole signs are prohibited in all zoning districts.

(O) Programmable Signs (Electronic). A programmable sign is a sign capable of displaying changing content through still, animated, scrolling or moving messages or images by remote or automatic means without the need to physically touch the sign face. The term includes signs that project images, display messages or images by means of electronic or 'digital' illumination such as cathode ray tubes, light emitting diodes (LED), plasma screens, liquid crystal displays, fiber optics, lasers, projectors and similar technology. Electronic programmable signs must comply with the following provisions:

(1) Maximum height: The maximum height for an electronic programmable sign is the same standard as the type of sign on which it is attached (such as a monument sign, pole, or pylon sign).

(2) Maximum size/area: The maximum surface area of an electronic sign is the same standard as the type of sign on which it is attached (such as a monument sign, pole, or pylon sign).

(3) Location: Electronic programmable signs are allowed as on-premises, freestanding signs in all nonresidential and mixed-use districts. An electronic programmable sign is also permitted in a residential district on a site that contains and operates as a lawful nonresidential use, and that has at least one frontage on a Type D (four-lane, divided) or larger thoroughfare, as shown on the City's adopted Major Thoroughfare Plan, in which case the electronic programmable sign may only be placed on a Type D or larger street frontage. Additionally, where located within a residential district or within 25 feet of a residential district, electronic programmable signs are prohibited from displaying illuminated messages between 10:00 p.m. to 6:00 a.m. to further minimize potential negative impacts on surrounding residential properties.

(4) Attached signs or Attached Wall Signs. Attached programmable signs are prohibited in all districts.

(5) Placement/setbacks: The placement and setback standard for an electronic programmable sign is the same as the type of sign on which it is attached (such as a monument sign or pylon sign).

(6) Maximum number: One electronic programmable sign is allowed per site. Except on a site in a nonresidential zoning district with frontage on 2 or more streets, or more than 300 feet of frontage on a single street, a maximum of 2 electronic programmable signs are allowed, both of which must be monument signs.

(7) Electronic programmable signs are prohibited from:

- (a) Displaying animated, full-motion or other moving images, or display a flashing or blinking image, an image that incorporates intermittent or bursts of illumination, or an image that scrolls, fades, rolls, shades, dissolves, or otherwise gives the appearance of movement that is not solely a transition between displays as provided by Subsection 4.78(O)(7)(c) below;
- (b) Projecting an image onto a structure, building, the ground, or another object;
- (c) Displaying an image for a period of less than eight seconds, or exceeding a period of two seconds during a transition between a complete change of message (other than black screen);
- (d) Transitioning from one display to the next in a manner that requires the viewer to read subsequent displays in order to determine the message being conveyed; or
- (e) Including any audio message.

(8) A programmable sign must be equipped with a properly functioning automatic dimmer to adjust the luminance of the sign relative to ambient light so that at no time the sign will exceed the luminance limitations of Subsections 4.70(I) and 4.70(J) [sic]. A programmable sign must be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, nontransitory image or to a black screen if the sign malfunctions. The owner of a programmable sign must provide the Building Official with current, valid contact information for a person who is authorized and able to turn off the programmable sign within four hours of notification in the event of a malfunction.

(9) The sign face(s) of a freestanding on-premises pylon or monument signs may be converted to a programmable sign only in a manner that fully conforms to the provisions of this GDC. A lawfully existing, nonconforming on-premises sign must be made conforming in all respects including, without limitation, setbacks, sign area, height, and number in order to convert the sign face(s) of the sign to a programmable sign.

(P) Pylon Sign. A pylon sign is a double- (or multiple-) support single-tenant or multi-tenant style sign that is placed on, or anchored in, the ground, and that is structurally independent of any building or other structure. Pylon signs must be designed in such a manner so that the support structures are architecturally and visibly distinct from one another. Pylon signs must be located entirely on private property and not within any public right-of-way or easement. All sign panels on a multi-tenant pylon sign must be architecturally compatible and cohesively designed. All supports for a pylon sign must be constructed of masonry products (or be constructed in such a manner as to have the appearance of masonry (however, stucco construction is not allowed)). Pylon signs must comply with the following provisions:

- (1) Maximum height: A pylon sign may be a maximum height of 22 feet.
- (2) Maximum size/area: The maximum surface area of a pylon sign is 150 square feet.
- (3) Location: Pylon signs are allowed in all nonresidential zoning districts with the exception of NS, NO, UR, UB and DT districts (only monument-style freestanding signs are allowed in those districts).
- (4) Placement/setbacks: A pylon sign must be placed a minimum of 20 feet from any property or right-of-way line.
- (5) Maximum number: One pylon sign per site per public street frontage is allowed (not allowed if property only has access from an access easement or nonpublic street); minimum spacing between freestanding pylon signs on-site and from those on adjacent properties shall be at least 150 feet.

(Q) Reader Board Sign. Reader board signs must comply with the standards of a “Changeable Message Sign, Nonelectronic.”

(Ordinance 6773 adopted 5/19/15; Ordinance 6943 adopted 11/7/17; Ordinance 7040 adopted 2/19/19)

[Division 5 - Reserved]

[Sections 4.79–4.80 Reserved]

Division 6 - Variances; Appeals

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,~~ [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.

(A) The Plan Commission may, in specific cases and subject to appropriate conditions, authorize variances and exceptions to the regulations established in this Article 5 when the Commission has made a finding from the evidence presented that strict compliance with a requirement will result in a hardship or inequity to the applicant in accomplishing the objectives of this article, provided that economic or self-created hardship alone is not a sufficient basis for the granting of a variance or exception. A three-quarters (3/4) vote of the Plan Commission members present and voting is required to approve a sign variance. Upon appeal (if any), a three-quarters (3/4) vote of the City Council members present and voting is required to overrule a sign variance denial by the Plan Commission.

(B) The Plan Commission, in considering an application for a sign variance, shall apply the criteria for approval set forth in [Section 5.12, Division 4 of Chapter 5](#), including, but not limited to, the extent to which the site for which the applicant seeks a variance differs from adjoining sites, the extent that the hardship or inequity claimed by the applicant is self-created or based upon financial need of the applicant, and the adverse effects that the granting of a variance may or would create.

(C) Allowed Variances. The following sign-related regulations may be varied in accordance with the provisions of the above Subsection (C):

- (1) Increase the maximum sign area up to an additional 25 percent; and
- (2) Encroachment into a required sign setback.

(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](#).

(Ordinance 6773 adopted 5/19/15; Ordinance 7040 adopted 2/19/19)

ARTICLE 6 - BUILDING DESIGN

Division 1 - Exterior Building Requirements

Section 4.82 Purpose, Applicability & Definitions

(A) Purpose. It is the purpose of this Article 6 to provide regulations which ensure that buildings and structures in Garland are appropriately designed to create an aesthetically pleasing, quality environment.

(B) Applicability.

(1) The requirements contained within this Article 6 are minimum standards and apply to all new residential and nonresidential buildings and structures, as specified, within the City of Garland.

(2) Existing nonresidential buildings that are expanded must conform to these requirements, except as may be otherwise approved in accordance with Section 4.85 in this Article 6.

(3) Existing buildings and sites that are being expanded or redeveloped may be eligible to request exterior construction alternatives through the alternative compliance process as set forth in Section 4.85 of this Article 6, and in [Article 1, Division 2 of this Chapter 4](#).

(C) Allowable Materials. Buildings may be constructed of any material approved for a given usage in a Relevant Model Code.

(Ordinance 6773 adopted 5/19/15)

Section 4.83 Nonresidential & Multifamily Building Materials & Design

(A) Architectural Elements.

(1) Except as provided for Industrial (IN) districts in Subsections 4.83(G) and 4.83(H) below, all nonresidential and multifamily buildings must incorporate design elements which create character or reflect regional architecture by including at least six of the following elements, photos and examples of which are provided below:

- (a) Awnings or canopies;

- (b) Display windows;
- (c) Divided light windows;
- (d) Transoms;
- (e) Shutters;
- (f) Alcoves/porticos;
- (g) Recessed entries;
- (h) Ornamental window headers/lintels;
- (i) Quoins;
- (j) Distinctive lighting features;
- (k) Planters or fountains;
- (l) Benches for outdoor seating;
- (m) Dormers;
- (n) Varied roof heights;
- (o) Ornamental facade trims;
- (p) Bay windows; and
- (q) Gable windows.



(B) Facade Articulation.

- (1) Horizontal building articulation (facade depth) and vertical building articulation (facade height) is required on all street-facing facades of all nonresidential and multifamily buildings in the manner and in conformity with the standards provided in Illustration 4-7.
- (2) Facade offsets must be shown, along with calculations verifying that the building elevations meet the above requirements, on a building Facade (elevation) Plan. The building Facade Plan must be submitted for review at the time of the initial development application along with the building elevations.
- (3) Canopies, arches, and covered colonnades count toward applicable facade depth or height articulation requirements.
- (4) Visual examples of acceptable facade articulation are provided in the photos which are provided below.

(C) Parking Structures.

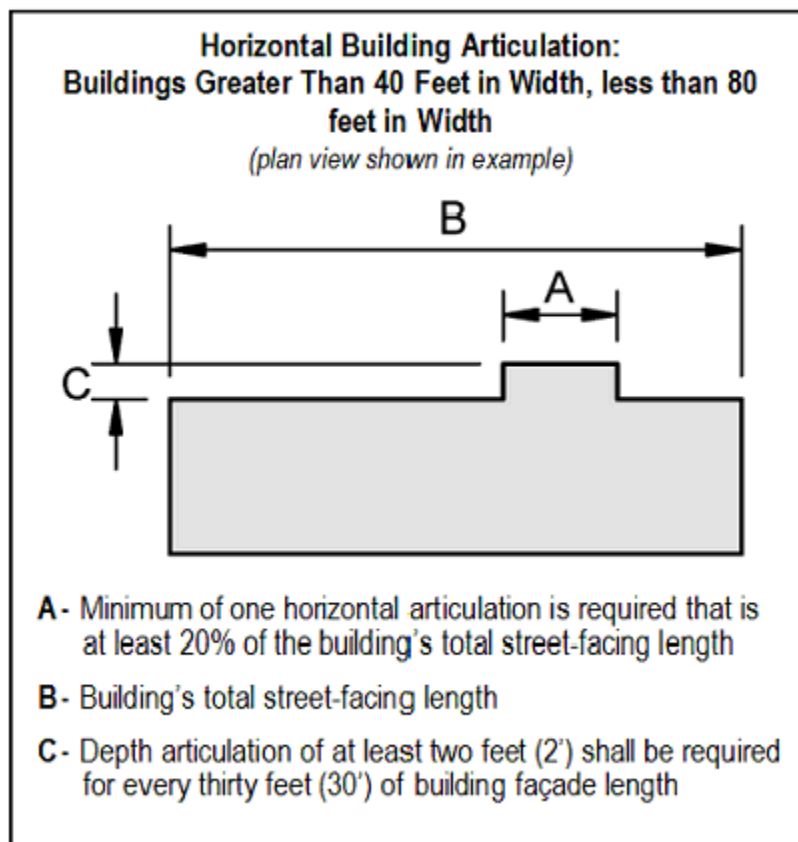
- (1) All above-grade parking structures must be designed to blend in with the architectural style of the main

building(s), and must incorporate at least two of the following design elements:

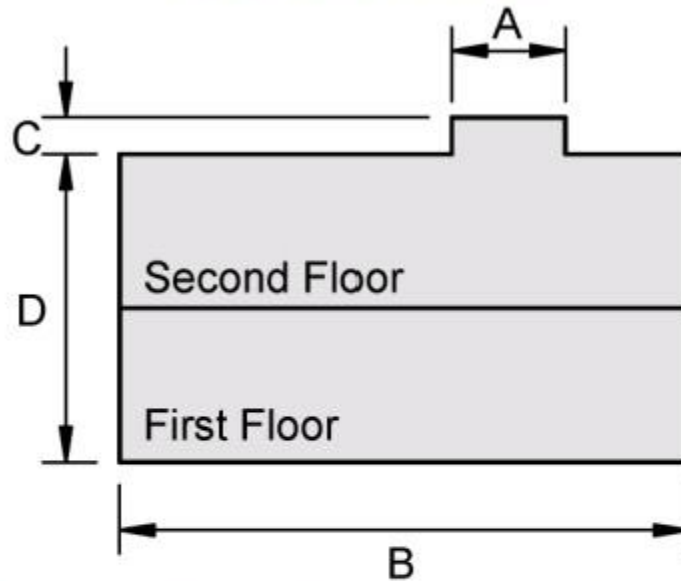
- (a) Distinctive architectural elements such as cornices, piers, columns, friezes, quoins, mullions, fenestration, pilasters, rustication, or accentuating belt courses. Examples of such distinctive architectural elements may be found in [Illustration 2-8 in Chapter 2](#) of this GDC;
 - (b) Variation in wall planes such as wall openings, canopies, articulations, wall convexities, wall concavities, balconies, or awnings. Examples of such variation in wall planes may be found in [Illustration 2-8 in Chapter 2](#) of this GDC; and
 - (c) Change in materials. Such a change must involve a minimum of two separate, compatible materials, excluding glazing. Each area covered by the separate material change must cover at least twenty percent of each facade's surface area, excluding glazing.
 - (d) Change in colors. Such a change must involve a minimum of two separate, compatible colors, excluding glazing. Each area covered by the separate color change must cover at least twenty percent of each facade's surface area, excluding glazing.
- (2) All above-grade parking structures must be designed with a distinguishable first floor, upper facades, and roofs. Parking garage first floors must be designed at human scale with pedestrian-scale elements such as awnings, canopies, window breaks, and door openings.
- (3) Above-grade parking garages may be designed using decorative metal elements such as ornate meshes, screens, and the like, but must not be allowed to have non-decorative steel guard cables that are visible to the public or to adjacent properties.
- (D) Windows. Highly reflective mirror glass ~~may not be installed, must not be used~~ 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 publicly 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.

Illustration 4-7

Horizontal and Vertical Building Articulation



**Vertical Building Articulation:
Buildings Greater Than 50 Feet in Width**
(elevation view shown in example)



- A-** Minimum of one vertical articulation is required that is at least 20% of the building's total street-facing façade width
- B-** Building's total street-facing façade width
- C-** Height articulation for flat roofs of at least three feet (3') shall be required for every fifty feet (50') of building façade width (i.e., a 150' frontage requires at least 9' of articulation)
- D-** Building's non-articulated height

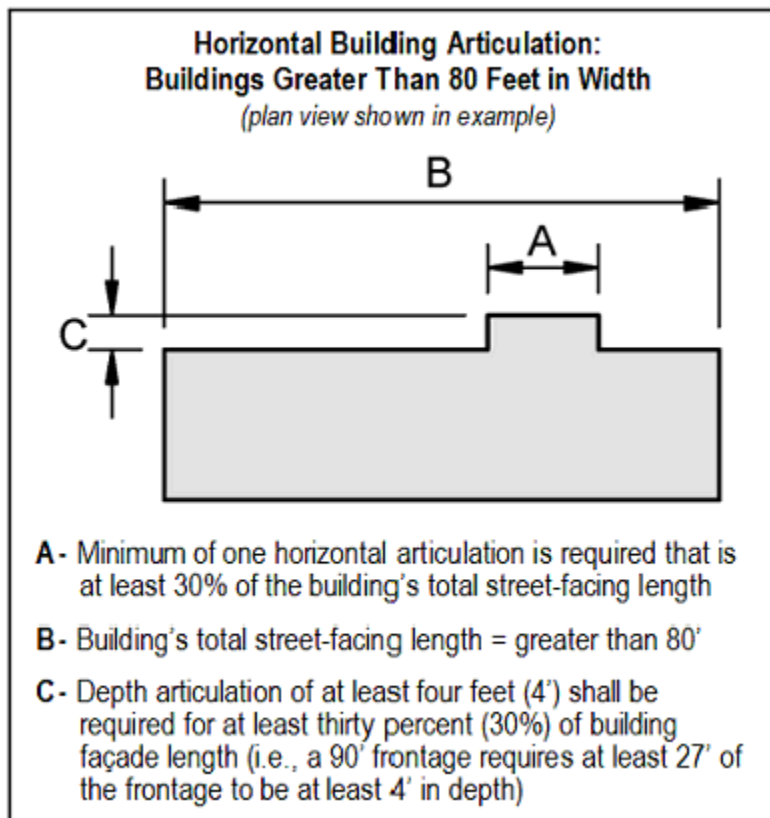
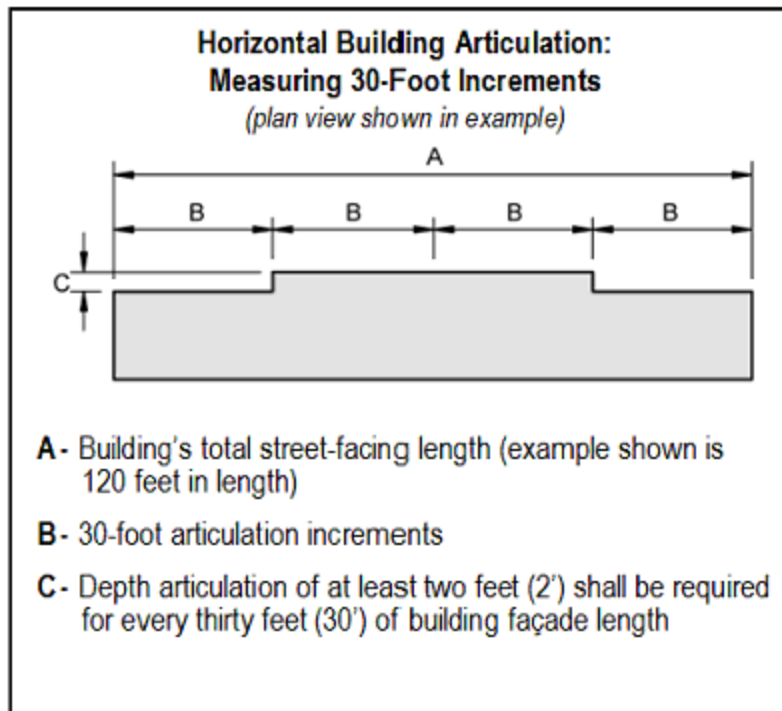


Illustration 4-7 cont'd.

Horizontal and Vertical Building Articulation (how to measure 30' increments)



Examples of Acceptable Facade Articulation



(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.

(Ordinance 6773 adopted 5/19/15)

Section 4.84 Residential Design

(A) Design Standards.

(1) Required Standards. All single-family, two-family, and townhouse residential structures must be designed in accordance with the following design standards, unless otherwise approved as Planned Development (PD) zoning or pursuant to Subsection 4.85 of this Article 6.

(2) Garages.

(a) The face of a garage door must be at least twenty feet from the street or alley right-of-way line that the garage door faces (twenty-four feet if facing an interior lot/property line), and must have at least one of the following designs, as depicted in Illustrations 4-9 through 4-13:

- i. Rear entry;
- ii. "J" drives, for front entry properties;
- iii. "Swing" drives, for side entry properties; or
- iv. Offset front entry with the garage door set back at least five feet behind the front building face.

Illustration 4-9
Rear Entry

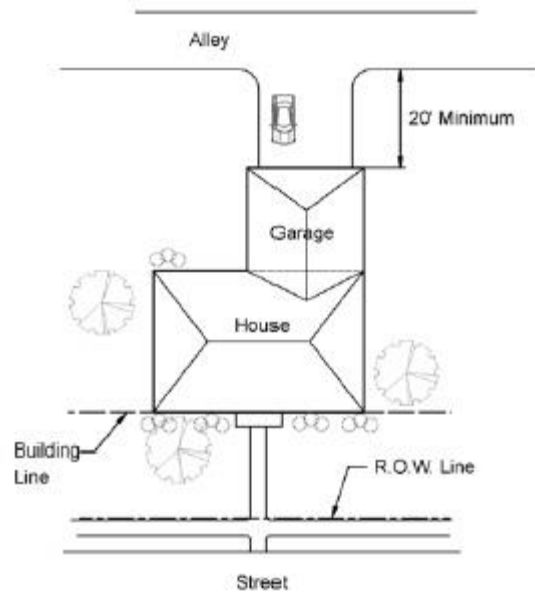


Illustration 4-10
“J” Drive

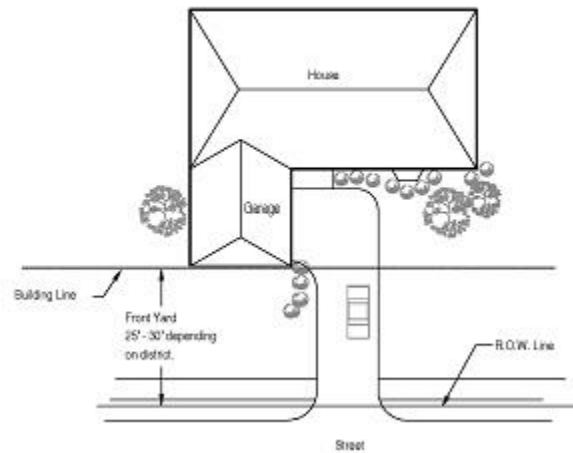


Illustration 4-11
“Swing” Drive

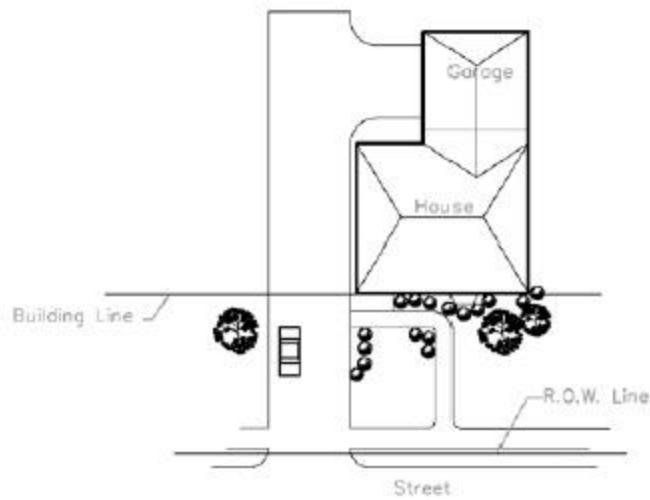


Illustration 4-12

“J” Drive

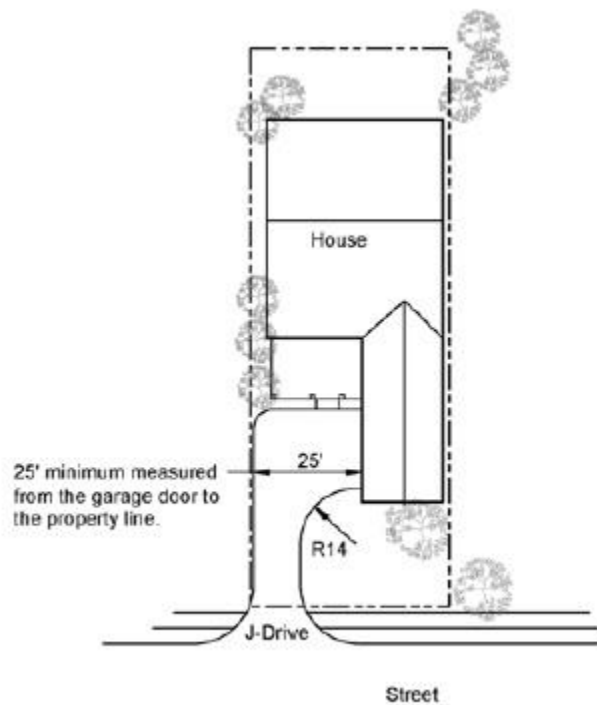
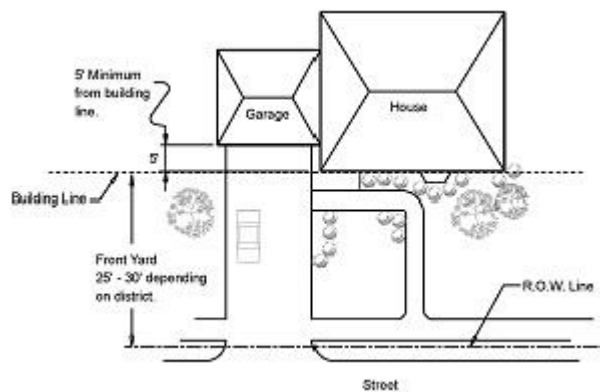


Illustration 4-13

Offset Front Entry



- (3) Architectural Requirements. Each dwelling unit must be designed and built in accordance with the following

minimum criteria:

(a) Architectural Relief. No facade of a dwelling unit facing a public street or any portion of an interior side or rear facade above the first story of a dwelling unit may contain a flat, unarticulated or uninterrupted wall length of greater than twenty percent of the horizontal length of the facade. Any such facade section must contain an offset of at least two or more feet. Illustrations 4-14 and 4-15 below are examples of dwelling units which do not meet this standard and which would be unacceptable.

Illustration 4-14



Illustration 4-15



(b) Minimum Number of Elevations. The front building elevation of a dwelling must not be duplicated on the three adjacent houses on both sides, or on the four houses directly across the street. This requirement may be waived by the Building Official if the building materials and the architectural elements, such as windows, dormers, facade offsets, or overhangs, of a home are significant enough to make the front facade of the home look substantially different from its neighboring structures.

(c) Minimum Number of Design Elements. A minimum of three of the following elements, as depicted in Illustrations 4-16 and 4-17, must be incorporated into the design of each dwelling unit:

- i. Multiple pane windows featuring either divided light or simulated divided light;
- ii. A front porch area enclosed by a railing at least thirty inches in height, and containing decorative columns at least six inches in diameter;
- iii. Gable(s) with window(s);
- iv. Dormer(s);
- v. Bay windows with a minimum projection of twenty-four inches;
- vi. Minimum 8:12 roof pitch;
- vii. Split garage doors with a separate door for each vehicle bay; or

- viii. Front covered porch with at least forty square feet of usable space, and a minimum depth of five feet.

Illustration 4-16



Illustration H [4-17]



(d) Walls & Windows. Windows and doors must comprise at least twenty-five percent of the wall area of the front building face of a dwelling.

(e) Roof Design.

i. A roof pitch of at least 6:12 is required for each dwelling unit.

ii. Each dwelling unit must be constructed with a roof overhang of not less than eighteen inches, as measured from the finished exterior building facade to the soffit.

(4) Carports. Carports must meet the building materials and design requirements contained in Section 2.59 in Chapter 2 of this GDC.

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

(a) Residential ~~accessory structures~~ Accessory Buildings, as may be provided in [Article 5, Division 4 of Chapter 2](#) of this GDC; and

(b) Temporary buildings, but only if approved during the alternative compliance review process as set forth in Section 4.85 of this Article 6, or in [Article 1, Division 2 of this Chapter 4](#).

(Ordinance 6773 adopted 5/19/15)

Section 4.85 Allowed Materials

Unless stated otherwise in this GDC, a building may use a material approved by the applicable Relevant Model Code for a given application.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 7 - GLARE & LIGHTING

Division 1 - Purpose & Applicability

Section 4.86 Purpose

The purpose of this Article 7 is to provide standards for controlling outdoor lighting and glare to encourage energy conservation, promote nighttime public safety, and reduce annoyance and inconvenience to property owners and vehicular traffic. The following standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while minimizing light trespass and skyglow. (Ordinance 6773 adopted 5/19/15)

Section 4.87 Applicability

This Article 7 applies to all types of development, unless otherwise specified herein. (Ordinance 6773 adopted 5/19/15)

Division 2 - Lighting Plan - Administration & Procedures

Section 4.88 Plan Submission & Approval

(A) Lighting Plan. All types of nonresidential and multifamily developments that are within or adjacent to a residential zoning district or adjacent to a residential use must submit a Lighting Plan, in accordance with Division 2 below, to show how the proposed development will comply with the regulations of this Article 7. The Planning Director may waive the requirement for submission and approval of a Lighting Plan upon a finding that the proposed development and its lighting will not negatively affect neighboring properties.

(B) Application Submittal. An application for a Lighting Plan (if required) must be submitted to the Planning Director as part of the initial development application. The Lighting Plan must include the following information:

- (1) The type and description (such as, catalog cuts by manufacturers and drawings) of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, and their respective location on the site; and
- (2) Any photometric data, where provided by manufacturers, or similar data showing the angle of cut-off or light emissions.

(C) The above required Lighting Plan must show enough information in sufficient detail to enable the Planning Director to determine whether the Plan is in compliance with the requirements of this Article 7. If the Planning Director is unable to make a determination based on insufficient information, the applicant may also be required to submit reports of tests performed and certified by a recognized testing laboratory. The reports must provide sufficient evidence to demonstrate compliance with the applicable provisions of this Article 7.

(Ordinance 6773 adopted 5/19/15)

Division 3 - General Regulations

Section 4.89 Design & Maintenance

(A) Quality & Appearance. All fixtures and supports must be painted or otherwise treated to resist rust and corrosion, and also must be maintained in an attractive condition and in a manner consistent with the surrounding architecture.

(B) Condition. All fixtures and lamps must be maintained in a working, serviceable condition at all times.

(Ordinance 6773 adopted 5/19/15)

Section 4.90 Glare - Direction & Intensity

(A) Glare. Any use is prohibited from operating in a manner so that the intensity of its glare or direct illumination projecting across the property boundary and onto another public or private property is a nuisance or detracts from the use or enjoyment of adjacent property.

(B) Height Across Property Lines. All outside lights must be made up of a light source and reflector designed such that the light beam is controlled and not directed across any of the property's boundaries onto other public or private property above a height of three feet.

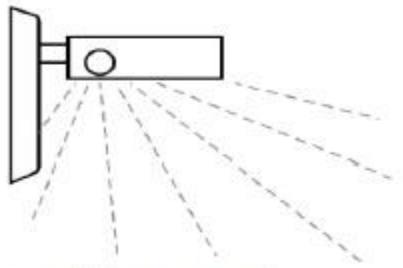
(C) Maximum Intensity. The allowable maximum intensity measured at the property line is 0.5 footcandle above the ambient light level, except as may be otherwise specified within this Article 7 for specific lighting situations.

(Ordinance 6773 adopted 5/19/15)

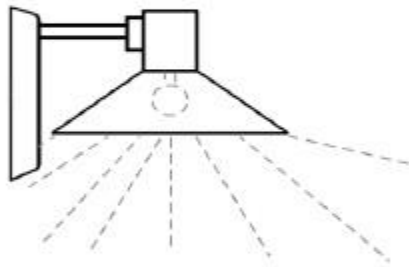
Section 4.91 Luminaries

(A) General. Light sources must be of a down-light, indirect, diffused or shielded type (minimum seventy-degree cut-off when measured from horizontal), or installed and maintained in a manner to reduce glare effect and consequent interference with use of adjacent properties and streets.

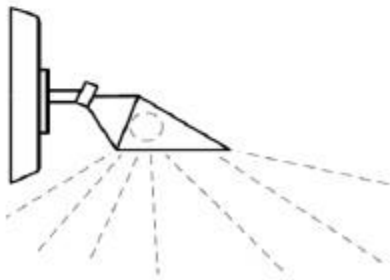
Permitted



Typical "Shoe Box Fixture"

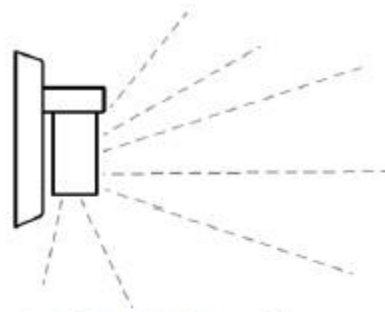


Opaque Reflector (lamp inside)

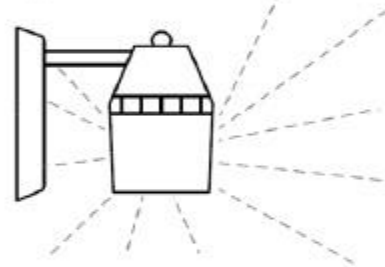


Area Flood Light with Hood/Shield

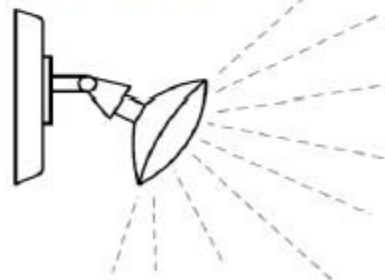
Prohibited



Typical "Wall Pack Fixture"



Typical "Barn Light"



Area Flood Light

(B) Appearance & Height. Lighting standards, poles, and fixtures must be a single color compatible with the architecture of the building(s) served. The height of the standards, poles, and fixtures, excluding those mounted on a building, may not exceed the height of the highest roofline of the building(s) within the site, except as provided in Subsection 4.92 (Recreational Area Lighting) or in Table 4-10 (Mounting Heights for Lighting in Parking Areas) in this Article 7.

(C) Accent Lighting (low wattage). In nonresidential and mixed-use zoning districts only, strings of low-wattage (maximum fifteen watts), steady-glowing, and non-twinkling lights are allowed for permanent display on a nonresidential building or its premises (such as on an outdoor dining patio, along a walkway, or in trees on the site) without City approval or a Permit. Bare bulbs above fifteen watts and strings of such higher wattage lamps are prohibited.

(Ordinance 6773 adopted 5/19/15)

Section 4.92 Recreational Area Lighting

(A) Height. Lighting related to athletic or recreational uses may employ standards, poles, and fixtures in excess of the heights prescribed in Subsection 4.91(B) of this Article 7.

(B) Living Screen Required. Where recreational uses are adjacent to a residential zoning district or use, separation by streets notwithstanding, and the recreational use is, or will be, illuminated in a manner that produces a light intensity in excess of 0.5 footcandle above the ambient light level at the property line of the residential district or use, or where the light source is exposed to the residential district or use, a living screen (in addition to or to supplement any perimeter screening, if required by Subsections 4.39 and 4.40 in Article 3 of this Chapter 4 – if large

canopy trees are required pursuant to those Subsections, then the tree requirement below supersedes and does not duplicate that requirement) is required in accordance with the following provisions:

(1) A variety of large canopy trees that normally grow to, or in excess of, a height of thirty feet must be provided at twenty-five feet on center along the property perimeter abutting the residential use. At least seventy-five percent of the required trees must be evergreen species for year-round screening, and the trees must be regularly spaced along the perimeter.

(2) The trees required above must be of species and planting height that will achieve (within five years following planting), and maintain, a crown width sufficient to form a continuous screen at heights between ten feet and thirty feet above grade.

(C) Lighting Plan; Line-of-Sight Study. Submission and approval of a Lighting Plan (in accordance with Section 4.88 of this Article 7) and graphic Line-of-Sight Sketches may be required by the Planning Director to help assess the potential lighting impact for any location on a recreational site that is adjacent to a residential district or use. Upon review of a Lighting Plan and Sketches, the Planning Director may require additional screening if determined necessary by the Planning Director to protect adjacent properties.

(Ordinance 6773 adopted 5/19/15)

Section 4.93 Thoroughfare Lighting

Exemption. Lighting provided by or on behalf of governmental entities for safe travel upon public thoroughfares is expressly exempted from compliance with this Article 7. (Ordinance 6773 adopted 5/19/15)

Section 4.94 Walkway Lighting for Outdoor Pedestrian Areas

Walkway lighting for outdoor pedestrian areas must comply with the following provisions:

(A) Illumination. All outdoor pedestrian areas and walkways must be illuminated. The level of intensity of illumination, measured at the walkway surface, must be a minimum average of 0.8 footcandles, distributed at an average-to-minimum uniformity ratio of at least 5:1. Walkway lighting may be provided by pedestrian-scale bollard-style fixtures, or may be provided by other means, such as parking lot or building-mounted fixtures.

(B) Fixture Height. The mounting height of luminaire fixtures may not exceed twelve feet.

(C) Fixture Types. Pole and wall-mounted fixtures mounted above six feet must be of a down-light or cut-off type.

(Ordinance 6773 adopted 5/19/15)

Division 4 - Nonresidential & Mixed-Use Regulations

Nonresidential and mixed-use uses must comply with the following provisions:

Section 4.95 Site & Building Lighting

(A) Building Floodlighting. Building floodlighting is only allowed if it uses white, shielded or not visible, steadily illuminating light sources (building floodlighting may not be tinted using colored bulbs, gels, or lenses, and it may not change colors or blink or change intensity in any way).

(B) Lighted Objects. Freestanding “art forms” and other site objects may not be internally lighted. Site fixtures may only be externally illuminated using tightly focused up-lighting from a white, shielded or not visible, steadily illuminating light source (that is, they may not be tinted using colored bulbs, gels, or lenses, and they may not change colors or blink or change intensity in any way).

(Ordinance 6773 adopted 5/19/15)

Section 4.96 Parking & Loading Lighting

Parking and loading lighting must comply with the following provisions:

(A) General. All off-street parking areas for nonresidential uses (in all zoning districts) that are used after dark must be illuminated beginning at sunset and continuing throughout the hours of business operation. Illumination of parking areas must be sufficient to ensure the visibility of pedestrians and the safe movement of traffic within the site.

(B) Intensity. The level of intensity of illumination, measured at a height of three feet above the pavement surface, must be a minimum average of two footcandles above the ambient light level, and a minimum level at any point of at least 0.66 footcandle above the ambient light level.

(C) Mounting Height. The mounting height of luminaire fixtures may not exceed the heights specified in Table 4-10

below.

Table 4-10: Mounting Heights for Lighting in Parking Areas

Width of Parking Area	Maximum Luminaire Mounting Height
0 - 60 feet	14 feet
60.1 - 102 feet	20 feet
102.1 or greater feet	30 feet

(D) Appearance. Standards, poles, and fixtures must be of a single color, compatible with the architecture of the building.

(E) Type of Fixtures. All lighting fixtures must be restricted to down-light or cut-off types. Low-pressure sodium lighting or lighting of similar color may not be used.

(Ordinance 6773 adopted 5/19/15)

Section 4.97 Walkway Lighting

Walkway lighting must comply with the following provisions:

(A) Intensity. All outdoor pedestrian areas and uncovered walkways, separate from parking or buildings but essential to the nighttime operation of nonresidential uses within nonresidential districts, must be continually illuminated between sunset and sunrise. The level of intensity of illumination, measured at the walkway surface, is a minimum average of 0.8 footcandle. For pedestrian walkways located within one hundred feet of a residential district, and for all sidewalks on private property within a residential district (excluding public sidewalks along street rights-of-way), walkway lighting must be low “bollard”-style (not mounted on light poles over five feet tall) so that lighting occurs as a “groundwash” on the walkways and does not overspill into residential lots.

(B) Mounting Height. The mounting height of luminaire fixtures within one hundred feet of a residential district may not exceed twelve feet above the ground.

(Ordinance 6773 adopted 5/19/15)

Section 4.98 Gaseous/Electrified Tubing and Backlit Lighting Elements

(A) General Requirements. The use of gaseous, light-emitting diode (LED), or other electrified or illuminated tubing or backlit “band” lighting to outline or decorate buildings, signs, or other site features is limited as follows:

(1) Gaseous, light-emitting diode (LED), or other electrified or illuminated tubing or backlit “band” lighting is prohibited in residential and Agriculture (AG) zoning districts.

(2) In nonresidential and mixed-use zoning districts, gaseous, light-emitting diode (LED), or other electrified or illuminated tubing or backlit “band” lighting must comply with the following provisions:

(a) Allowed to decorate only one predominantly horizontal architectural element on a building (that is, along the rooflines including any peaks, arches, or bump-ups, or horizontally along the building’s facade as lighted tubing or a backlit “band”), provided that the tubing or “band” does not exceed six inches in width. Outlining windows, doorways, and other architectural building features, other than as provided above, is prohibited.

(b) Building-mounted awnings may be backlit provided they do not comprise more than ten percent of a building facade’s total surface area, or the outermost edges only of awnings may be outlined or decorated with gaseous or electrified tubing (entire awnings may not be outlined, only the outermost edges).

(c) Building-mounted, projecting porch covers may be outlined or decorated with gaseous or electrified tubing to highlight the main entrance into the building. Only the outermost panel or plane that is approximately parallel to the building’s front facade may be backlit (not the entire projecting porch cover).

(d) Around the outer edges of canopies sheltering vehicular areas (such as canopies of gas stations, convenience stores, or drive-through bank facilities) may be outlined or decorated with one gaseous, LED, or electrified/illuminated tubing strip having a maximum width of six inches, or with a backlit “band,” provided that the “band” does not exceed one-third the thickness of the canopy or twelve inches in width, whichever is smaller (the “band” may not protrude beyond the upper or lower edge of the canopy).

(e) Freestanding “art forms” and other site objects may not be illuminated by or with gaseous, LED, or other electrified or illuminated tubing or devices.

(Ordinance 6773 adopted 5/19/15)

Division 5 - Approval of Alternatives

Section 4.99 Administrative Approval of Alternatives

(A) Request for Alternative Compliance. A request for alternative compliance may only be submitted to vary one or more of the lighting-related regulations cited in Subsections (1) through (5) below. The alternative compliance application must be submitted and processed in accordance with [Article 1, Division 2 of this Chapter 4](#). The Planning Director may approve alternatives to the following standards, based upon a finding that the proposed alternative meets the spirit and intent of this Article 7, as applicable to a particular development:

- (1) The height of freestanding lighting fixtures;
- (2) The style or illumination intensity of lighting fixtures (only if such fixtures are located at least three hundred feet away from a residential zoning district or use);
- (3) The maximum wattage of accent lighting;
- (4) The screening associated with athletic or recreational lighting; or
- (5) The gaseous/electrified building lighting design.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 8 - FENCES

Division 1 - Applicability & Definitions

Section 4.100 Applicability

Applicability. All fences must be erected and maintained in accordance with the following provisions, except as may be otherwise provided herein for specific circumstances and within specific zoning districts:

- (A) The provisions of this Article 8 apply to all fences in the City, without regard to zoning, unless expressly stated otherwise.
- (B) All fences erected or maintained pursuant to the provisions of this Article 8 must be in compliance with all other applicable ordinances of the City. In the event of conflict between this Article 8 and other laws, the most restrictive standard applies.
- (C) No fence may be erected, maintained, placed, or otherwise situated in such a manner so as to obstruct or interfere with the minimum sight line standards as provided in Chapter 33 (Transportation) of the City Code.
- (D) A fence that does not comply with the requirements of this Article 8 as of the effective date of this GDC is allowed to remain. However, any improvements, reconstruction, or construction to the fence is subject to the provisions of this Article 8.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Fence Regulations

Section 4.101 Permit Required

- (A) No person may build a fence without having first applied for and obtained a permit from the City, except as provided in Subsection (B) below.
- (B) A permit is not required to replace an existing fence that:
 - (1) Is otherwise in compliance with the provisions of this Article 8;
 - (2) Is not located within a yard adjacent to a street or at a street and alley intersection;

- (3) Is not a required swimming pool fence; and
 - (4) Is in the same location, constructed of similar materials, and is of similar height as the fence it is replacing.
- (Ordinance 6773 adopted 5/19/15)

Section 4.102 Allowed Fencing Materials

Fences may be constructed of the following materials:

- (1) Brick;
- (2) Stone;
- (3) Decorative metal (such as wrought iron);
- (4) Concrete (such as "Woodcrete");
- (5) Wood;
- (6) Chain-link; or
- (7) Other "industry standard" fencing material (uncommon or atypical materials not normally used in the professional fence-building industry), if approved by the Building Official prior to installation.

(Ordinance 6773 adopted 5/19/15)

Section 4.103 Prohibited Fencing Materials

(A) No person may build or rebuild or maintain in place any fence composed, in whole or in part, of:

- (1) Barbed wire or razor wire;
- (2) Welded or woven wire such as chicken wire, hog wire (and similar agricultural wires), stockade panels, and panels such as plywood or engineered wood;
- (3) Used materials;
- (4) An electric fence;
- (5) Galvanized sheet metal, corrugated metal, or corrugated fiberglass; or
- (6) Materials not approved for exterior exposure.

(B) The following are affirmative defenses to a violation of this Article:

- (1) In a district zoned Agriculture (AG) and used for agricultural purpose, or in other districts where an agricultural use lawfully exists, provided that the fence is not otherwise prohibited by any other ordinance or law, a fence may be composed of barbed wire, welded wire, or woven wire, or both, and may include an electric fence if the electric fence charging device is approved by a nationally recognized testing laboratory.
- (2) In the Industrial (IN) and Heavy Commercial (HC) zoning districts only, barbed wire may be used as a component of a fence provided that the fence is composed only in part of barbed wire and that portion of the fence is at least six feet above the nearest grade. The barbed wire portion of the fence must be a maximum height of three feet vertically or horizontally from the main portion of the fence. The barbed wire portion must consist of individual strands of wire placed parallel to the ground and may not be placed in a coiled, wrapped, or undulating position.
- (3) In residential zoning districts, an electric fence may be located only within the side and rear yard, all electrified components must be located a minimum of twenty-four inches inside of another fence (which must be a minimum of thirty-six inches in height), the electric fence charging device must be approved by a nationally recognized testing laboratory, and the fence must otherwise comply with all applicable laws and ordinances.
- (4) Subsection 4.103(A)(5) does not prohibit the use of corrugated metal material in the Industrial (IN) and Heavy Commercial (HC) zoning districts, but only with a minimum twenty-six gauge and one-inch corrugation when commercially designed and engineered as a fencing material as a component of a modular, prefabricated fence.
- (5) When mandated by state or federal statute.
- (6) When required for public safety for local governmental facilities.

(C) Fences within utility and drainage easements are prohibited unless specifically approved by the Director of Engineering. If such fence placement is approved, it must be constructed with metal posts and removable fence sections, and it may require a license agreement between the property owner and the City of Garland.

(Ordinance 6773 adopted 5/19/15)

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 in the Agriculture (AG) and Industrial (IN) zoning districts,~~ and except as ~~provided below~~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:

(a) Made of wood or ornamental metal; and

(b) 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

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

(B) ~~No fence may be built within a required front yard or any closer than the front edge of the building in nonresidential and mixed-use zoning districts.~~ 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*.

(Ordinance 6773 adopted 5/19/15)

Section 4.105 Gates Required

(A) Any fence built so as to enclose an area must provide a gate or other opening in the fence of at least three feet in width and with a minimum headroom clearance of six feet and eight inches in height.

(B) ~~Any fence built along or near a rear property line which adjoins a street, alley, or public easement must provide a gate or other opening giving direct access to the street, alley, or public easement.~~ 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.

(C) Gates for vehicular use must be a minimum of twenty feet from the property line for all types of property other than single-family or two-family residential.

(D) Gates are prohibited from swinging out over a public right-of-way.

(E) Gates across a fire lane or an access easement must be equipped with Knox locks or other means of emergency access, as approved by the City's Fire and Police Departments.

(Ordinance 6773 adopted 5/19/15)

Section 4.106 Height Limit

(A) No fence may be built so as to exceed eight feet in height on any residentially zoned property, nor may a fence be built to exceed twelve feet in height in the Industrial (IN) zoning district or ten feet in height in any other nonresidential zoning district.

(B) Fence height is measured from the grade adjacent to the fence from the applicant's side of the fence. If the fence is constructed on top of a retaining wall, it is measured from the highest grade at the retaining wall.

(Ordinance 6773 adopted 5/19/15)

Section 4.107 Construction

Fences must be designed and constructed to structurally support fencing materials and to withstand a minimum one hundred miles-per-hour wind speed. (Ordinance 6773 adopted 5/19/15)

Section 4.108 Maintenance

It is unlawful to maintain a fence in such a manner as to allow:

- (A) Any portion of a fence to lean so that the fence’s axis is more than ten degrees out of perpendicular alignment with its base;
 - (B) Missing, loose or broken pickets, slats, or panels in a fence; or
 - (C) Symbols, writings, and other graffiti on a fence except for those which are allowed as signs under [Article 5 of this Chapter 4](#), or which pertain to the address or occupancy of a property.
- (Ordinance 6773 adopted 5/19/15)

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 Sections 4.105, 4.106 and 4.107 of this Article 8. (Ordinance 6773 adopted 5/19/15)

CHAPTER 5

RELIEF PROCEDURES & ENFORCEMENT*

ARTICLE 1 - RELIEF PROCEDURES

Division 1 - Appeals Generally

Section 5.01 Purpose, Applicability and Effect

- (A) Purpose. The purpose of an appeal is to contest the initial decision on an application based upon an alleged error in the utilization of the criteria for approval of the application. An appeal must not be used as a means of amending, varying, or otherwise modifying the standards of this GDC that apply to the application.
 - (B) Applicability. Unless otherwise provided by this GDC, the appeal of any decision from a regulation(s) imposed by this GDC is to be made to the body designated as the “Appellate Decision-Maker” cited in Table 5-1. In the event of any further appeal, such an appeal is to be made to the City Council unless otherwise provided in State law.
 - (C) Effect. The decision of an Appellate Decision-Maker supersedes the decision from the previous decision-maker, as provided for in Table 5-1. The appeal may result in approval of the application or petition, conditional approval of the application or petition with modifications, or denial of the application or petition for which appeal was sought. The entity that is cited as “Further Appeal Decision-Maker” in Table 5-1 is the final authority in such decision unless otherwise provided in state law for such applicable decision.
- (Ordinance 6773 adopted 5/19/15)

Section 5.02 Appeal Requirements

- (A) Who May Appeal. The applicant may appeal a final decision on an application to the appellate authority designated by this GDC in Table 5-1. Only appeals expressly stated in Table 5-1 are allowed. If an appeal of a decision is not designated on Table 5-1, then no appeal is provided under this GDC.
- (B) Form of Appeal. The appeal must contain a written statement of the reasons why the appeal is being made, and must be accompanied by a copy of the application on which the initial decision was rendered. The appeal must also contain any other documents that are required by the City to clarify what is being appealed, and may also include any other documents that support the position of the appellant.
- (C) Time for Filing Appeal. A written appeal must be filed with the responsible official within ten calendar days following the date of the final decision on the application.

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 Chapter 3, Article 2, Division 2, Section 3.09	Plan Commission	City Council	–
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 3.8 [3.80]	Director of Engineering	Plan Commission	–
Alley Development Variance (5+ lots) Chapter 3, Article 5, Division 6, Section 3.8 [3.80]	Plan Commission	City Council	–
Sidewalk Development Variance Chapter 3, Article 5, Division 13, Section 3.93	Plan Commission	City Council	–
Preliminary Development Plan Approval	Planning Director	Plan Commission	City Council

Chapter 4, Article 1, Division 1, Section 4.02			
Alternative Compliance Request Chapter 4, Article 1, Division 2, Section 4.07	Planning Director	Plan Commission	City Council –
Maximum Parking Deviation (15% or less) Chapter 4, Article 2, Division 3, Section 4.20(K)	Planning Director	BOA	–
Maximum Parking Zoning Variance (over 15%) Chapter 4, Article 2, Division 3, Section 4.20(K)	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 4.110 {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

(Ordinance 6773 adopted 5/19/15)

Section 5.03 Processing of Appeal and Decision

(A) Responsible Official. The responsible official for processing an appeal is the person designated by this GDC for originally processing the application at issue in the appeal. For example, if the responsible official for processing a plat application is the Planning Director, then the Planning Director would also be the official who is responsible for processing an appeal to the decision on such application.

(B) Appellate Review. Table 5-1 outlines the chain of appellate review for each type of appealable decision provided in this GDC.

(C) Stay of Proceedings. Receipt of a written appeal of a decision on an application temporarily stays all proceedings of the City in furtherance of the decision from which appeal is taken, including, but not limited to: acceptance, processing, or issuance of any applications that are dependent on the application being appealed, and any development activities authorized by initial approval of the application.

(1) The stay is to remain in effect during the pendency of the appeal process, and may be removed only if the responsible official certifies in writing to the appellate authority that the stay would cause imminent peril to life or property.

(2) If the stay has been removed pursuant to Subsection (1) above, the stay may be reinstated only by order of the “appellate authority” or a court with jurisdiction, after notice to the responsible official.

(D) Consideration. The responsible official for an appeal shall schedule such appeal for consideration by the

appropriate appellate authority provided for in Table 5-1, within thirty calendar days following receipt of the written appeal. The applicable appellate authority shall review the appeal and any supporting documents, allow the appellant an opportunity to present its case, and render a decision on the appeal. If the responsible official for an appeal is also the Appellate Decision-Maker as provided for by Table 5-1, then the Appellate Decision-Maker shall take action on the appeal request within the 30-day period cited above.

(E) Hearing and Notice. For any appeal that requires notification or a public hearing, the notification and procedures followed at the public hearing shall comport with Article 2, Division 2 and Division 3 of Chapter 1 of this GDC.

(F) Decision on Appeal. The appellate authority shall render its decision to affirm, reverse or modify the original application decision from which the appeal was taken.

(G) Criteria for Decision. In deciding the appeal, the appellate authority shall apply the same criteria that govern the initial decision on the application under the provisions of this GDC.

(Ordinance 6773 adopted 5/19/15)

Division 2 - Proportionality Appeal: Petition for Relief from Dedication or Construction Requirement

Section 5.04 Policy Reference

Adequate Public Facilities Policy. Dedication and construction requirements imposed by this GDC are in accordance with the City's stated Adequacy of Public Facilities policies as set forth in Chapter 3, Article 4 (Dedication and Construction Policies). (Ordinance 6773 adopted 5/19/15)

Section 5.05 Purpose, Applicability and Effect

(A) Purpose. A proportionality appeal from a dedication or construction requirement is used to provide relief where the application of a uniform dedication and construction requirement on a proposed development is not roughly proportional to the nature and extent of the impacts created by the proposed development, or does not meaningfully support a legitimate public purpose.

(B) Applicability. A petition for relief under this Section must be filed in writing by a property owner or applicant in order to contest any requirement to dedicate land or to construct one or more required public improvements. The dedication or construction requirements must be for dedication to the public, and must be imposed by the City as a condition of approval for a development application. The construction requirements being appealed must either be requirements under uniform standards, or construction requirements attached as a condition to approval of the development application. A petition under this Division 2 must not be used to waive standards on grounds applicable to any waiver application as found in other Sections of this GDC.

(C) Effect. If the relief requested under the petition is granted in whole or in part by the City Council, the dedication or construction requirement which was initially imposed shall be modified accordingly. The standards applied or the conditions attached to initial approval of the development application shall be thereafter applied in accordance with the relief granted. In the event the original application was denied by the decision-maker based upon the property owner's failure to incorporate the dedication or construction requirement in the proposed development application, the application shall be remanded to the original decision-maker for a decision consistent with the relief granted by the Council.

(Ordinance 6773 adopted 5/19/15)

Section 5.06 Petition Requirements

(A) Who May Apply. A proportionality appeal can only be made by a property owner or applicant by filing a written petition for relief from a dedication or construction requirement when a dedication or construction requirement has been applied to a development application, or is the basis for denying the development application.

(B) Form of Petition. The written petition for relief from a dedication or construction requirement must allege either that application of the standard relating to the dedication or construction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development, or that application of the standard relating to the dedication or construction requirement does not meaningfully support a legitimate public purpose.

(C) Information Required. The petitioner must provide the following additional written information in support of the petition for relief, as is applicable to such petition:

(1) Total capacity of the City's water, wastewater, stormwater, or roadway system to be utilized by the proposed

development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also must be provided for the entire development proposed, including any phases already developed.

(2) Total capacity to be supplied to the City's water, wastewater, stormwater, parks or roadway system by the proposed dedication of an interest in land or construction of capital improvements. If the development application is part of a phased development, the information must include any capacity supplied by prior dedications or construction of capital improvements.

(3) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the City's public facilities system(s) from the entire development must be considered.

(4) The effect of any City participation in the costs of oversizing the capital improvement to be constructed in accordance with the City's requirements.

(5) Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.

(D) Time for Filing Petition and Supporting Information. A petition for relief from a dedication or construction requirement, as provided for in [Chapter 3](#) of this GDC and the City's *Technical Standards*, must be filed with the responsible official within fifteen calendar days following the Plan Commission's decision to conditionally approve or deny an application for approval of a development application. The additional information in support of the petition must be filed within sixty calendar days following the initial decision, unless the applicant (petitioner for relief) seeks and is granted an extension in writing. The responsible official may extend the time for submitting the study for a period not to exceed an additional thirty calendar days for good cause shown.

(Ordinance 6773 adopted 5/19/15)

Section 5.07 Processing of Petitions and Decision

(A) Responsible Official. The Director of Engineering is the responsible official for a petition for relief from a dedication or construction requirement.

(B) Evaluation and Recommendation.

(1) The Director of Engineering shall evaluate the petition and supporting information, and shall make a recommendation to the City Council based upon the information provided by the applicant and any comments submitted by a person(s) affected by the dedication or construction requirement.

(2) In evaluating the petition and supporting information, the Director of Engineering shall take into account the maximum amount of any impact fees to be charged against the development for the type of capital improvement that is the subject of the petition, or similar developments on the City's water, wastewater, roadway or drainage systems. The Director of Engineering may utilize any reasonable methodology in evaluating the petitioner's supporting information, prepared by a professional engineer licensed in the state of Texas. The Director of Engineering may use any reasonable methodology to evaluate what has been submitted, including impact fee methodologies.

(3) Where the petition is for relief from dedication of rights-of-way or construction of a facility in the City's extraterritorial jurisdiction that is to be dedicated to Dallas, Collin, or any other County, the Director of Engineering shall coordinate a recommendation with the appropriate County official responsible for reviewing plats and public improvements in that County.

(C) Decision-Maker. The City Council shall decide the petition for relief from a dedication or construction requirement.

(D) Consideration. The City Council shall consider the petition for relief within sixty calendar days after all of the information supporting the petition (see Section 5.06) is filed with the Director of Engineering.

(E) Burden of Proof. The City bears the burden of proof to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the petitioner.

(F) Decision. The City Council shall base their decision on a petition for relief from a dedication or construction requirement upon the following criteria:

(1) The City Council shall determine whether the application of the standard or condition requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature

and extent of the impacts created by the proposed development on such City's water, wastewater, stormwater, or roadway system, and reasonably benefits the development.

(2) In making such determination, the City Council shall consider the evidence submitted by the petitioner, the Director of Engineering's report and recommendation, other information submitted by interested persons, and any recommendations from an applicable County in situations where the property is located within the City's extraterritorial jurisdiction.

(G) Action. Based on the criteria in Subsection (F) above, the City Council shall, within thirty calendar days following the final submission of any testimony or evidence by the developer, take one of the following actions:

(1) Grant the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality;

(2) Grant the petition for relief, and direct that the City participate in the costs of acquiring land or property interests for, or constructing, the capital improvement under standard participation policies;

(3) Deny the petition for relief, and impose the standard or condition in accordance with the initial decision; or

(4) Deny the petition for relief, and if upon finding that the proposed dedication or construction requirement is inadequate to offset the impacts of the development on the City's water, wastewater, stormwater, or roadway system, either wholly deny the development application or require that additional dedications for, or improvements to, such systems be made as a condition of approval of the application.

(Ordinance 6773 adopted 5/19/15)

Section 5.08 Expiration; Effect of Relief

(A) Expiration or Failure to File Application. Where a development application which was denied by the Director of Engineering based upon the imposition of the regulation requiring dedication of land or construction of a capital improvement, and the City Council decision is to grant some level of relief, the petitioner must re-submit the application within ninety calendar days following the date the petition for relief is granted, in whole or in part, and said application must conform with the City Council's decision on the petition.

(1) If such re-submittal of the application is not made within the ninety-day period, the relief granted by the City Council on the petition shall expire and the initial decision of the Director of Engineering will be binding.

(2) If the re-submitted application is modified in any way by the Director of Engineering, a new petition for relief may be filed by the applicant.

(3) If the re-submitted application is denied by the Director of Engineering on other grounds, a new petition for relief may be filed by the applicant.

(B) Effect.

(1) The relief granted on the petition shall remain in effect for the period the development application is in effect, and shall expire upon expiration of the plat or related application.

(2) The Director of Engineering may require the applicant to submit a modified application or supporting materials in order to conform the application to the relief granted by the City Council on the petition.

(Ordinance 6773 adopted 5/19/15)

Division 3 - (Reserved)

Division 4 - Development Variances

Section 5.09 Regulatory Reference

Regulatory Reference. The development-related variances referred to in this portion of the GDC are limited to design variation and relief sought from requirements in [Chapter 3](#), and from certain specific requirements cited in [Chapter 2](#) and Chapter 4, of this GDC and which are reflected in Table 5-1, and as may be authorized by Chapter 212 of the Texas Local Government Code, as amended. Special exceptions and zoning variances within the jurisdiction of the Board of Adjustment are governed by the provisions of [Chapter 2](#) of this GDC. (Ordinance 6773 adopted 5/19/15)

Section 5.10 Purpose and Applicability

(A) Purpose. The purpose of a request for a development variance under this portion of the GDC is to determine

whether one or more standards of [Chapter 3](#), and certain specific requirements cited in [Chapter 2](#) and Chapter 4, of this GDC, and which are reflected in Table 5-1, that are applicable to a particular plat or development application should be varied or should not be applied due to a site-related limitation or an operation of State law.

(B) Applicability. An applicant must file a written petition in order to obtain a development variance from one or more of the standards applicable to platting and development as such are imposed by [Chapter 3](#), and certain specific requirements cited in [Chapter 2](#) and Chapter 4, of this GDC and reflected in Table 5-1.

(Ordinance 6773 adopted 5/19/15)

Section 5.11 Sequence of Actions

Action on Related Applications. The development variance petition shall be decided by the Plan Commission at the same time as the Plan Commission considers the approval of the associated plat application. A plat or development application that is presented for administrative approval must not seek approval of a development variance, as any such variance request must be resolved prior to administrative consideration and approval. (Ordinance 6773 adopted 5/19/15)

Section 5.12 Criteria for Approval

(A) Criteria. The following considerations shall be made when reviewing a requested development variance:

(1) The existence of special circumstances or conditions arising from the physical surroundings, shape, topography, or other features affecting the land, which are intrinsic to the land parcel itself and which are not self-imposed by the applicant, owner or user of the subject land parcel, such that the strict application of the requirements of [Chapter 3](#), or the certain specific requirements cited in [Chapter 2](#) and Chapter 4, of this GDC and reflected in Table 5-1, that may be varied under this Division 4, to the proposed use would create an unnecessary hardship or inequity upon or for the applicant, or would deprive the applicant of the reasonable and beneficial use of the land. Any unnecessary hardship or inequity must be distinguishable from a mere inconvenience or a mere financial burden in developing the land, and does not include a legitimate cost-benefit proportionality inequity which shall be submitted, processed and considered in accordance with Article 1, Division 2 of this Chapter 5;

(2) The circumstances causing the special conditions described in Section 5.12(A)(1) above do not similarly affect all or most similarly situated properties in the vicinity of the applicant's/petitioner's land;

(3) The development variance is necessary for the preservation and enjoyment of a substantial property right of the applicant/petitioner;

(4) Granting the development variance will not be detrimental to the public health, safety, or welfare, and will not be injurious to other property within the area;

(5) Granting the development variance will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this GDC, and will not be adversely affect the rights of owners or residents of surrounding property;

(6) The special circumstances intrinsic to the subject land parcel and the resultant inequity thereof as described in Section 5.12(A)(1) above, is not caused wholly or in substantial part by the applicant/petitioner;

(7) The request for a development variance is not based exclusively on the applicant's/petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship; and

(8) The degree of variation requested by the development variance is the minimum amount and extent necessary to satisfactorily meet the needs of the applicant/petitioner, and to also satisfy the general spirit and intent of the minimum development standards in this GDC.

(B) Burden of Proof. The applicant/petitioner bears the burden of proof to demonstrate that the application of a requirement that may be varied under this Division 4 and that is normally uniformly applied imposes a disproportionate burden on the applicant/petitioner.

(C) Decision. The Plan Commission shall consider the development variance petition contemporaneously with its consideration of the applicable application and, based upon the criteria set forth in Subsection (A) above, shall take one of the following actions:

(1) Deny the development variance petition, and impose the applicable standard or requirement provided for in this GDC; or

(2) Grant the development variance petition, and waive in whole or in part the applicable standard or requirement provided for in this GDC.

(D) Notification of Decision on Petition. The applicant/petitioner shall be notified of the decision on the

development variance petition by adoption of the official minutes of said action by the Plan Commission.

(E) Appeal. The applicant may appeal a decision of the Plan Commission to deny a development variance petition to the City Council. Such appeal shall be processed and decided in accordance with applicable provisions of Division 1 of this Chapter 5.

(Ordinance 6773 adopted 5/19/15)

Section 5.13 Effect of Approval

Effect. Following the granting of a development variance from a requirement(s) in this GDC, the applicant may submit or continue the processing of a development application in accordance with the terms or conditions of the development variance which was granted. The development variance granted shall remain in effect for the same period that the related application is in effect, and shall expire upon expiration of the application. Any extension of the related application shall also result in the extension of the relief granted on the development variance petition. (Ordinance 6773 adopted 5/19/15)

Division 5 - Vested Rights Petition

Section 5.14 Purpose, Applicability and Effect

(A) This Division 5 establishes criteria for determining whether a project is entitled to vested rights under Chapter 245 or Section 43.002 of the Texas Local Government Code. To the extent a project is entitled to vested rights, as determined under this Division 5, a permit necessary to initiate, continue, or complete a project may be exempt from current regulations.

(B) Purpose. The purpose of this Division 5 is to:

- (1) Establish a clear and consistent process for evaluating vested rights claims;
- (2) Ensure that vested rights determinations are based on accurate and complete information, including the nature and scope of the original project for which vested rights are asserted and actual development that has occurred over time; and
- (3) Recognize legitimate claims of vested rights under state law, while ensuring that new development complies to the greatest extent possible with current regulations.

(C) Applicability. A vested rights petition may be filed relating to a development application authorized under [Chapter 2](#), [Chapter 3](#) and/or Chapter 4 of this GDC, which has been filed in accordance with Chapter 245 of the Texas Local Government Code, or successor statute.

- (1) A vested rights petition must be filed prior to expiration of certain development applications pursuant to Chapter 1, Article 2, Division 4, of this GDC; and
- (2) A vested rights petition must not be filed with a petition for a text amendment, a zoning map amendment, or any other request for a legislative decision by the City Council.

(D) Effect. Upon the granting of a vested rights petition in whole or in part, the responsible official shall process the application and the applicable Initial Decision-Maker shall decide the application in accordance with the standards specified in the relief order, based on prior ordinance requirements or development standards.

(Ordinance 6773 adopted 5/19/15)

Section 5.15 Petition Requirements

(A) Who May Petition. A vested rights petition may be filed with any application identified in this GDC by a property owner, or the owner's duly authorized representative.

(B) Form of Petition. The vested rights petition must allege that the petitioner has a vested right relating to some, or all, of the land which is the subject of the application, under Texas Local Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute, that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition must include the following information and documents:

- (1) A narrative description providing a summary of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
- (2) The date on which the applicant claims that vested rights accrued and a copy of each approved or pending

application, permit, fair notice, or other document which is the basis for the contention that the City may not apply current standards to the application which is the subject of the petition;

- (3) The official submission date of the development application;
 - (4) The date the project for which the development application was submitted was commenced;
 - (5) Identification of all standards otherwise applicable to the application from which relief is sought;
 - (6) Identification of any current standards which petitioner does not contest can be applied to the application at issue;
 - (7) A narrative description of how the application of current standards affects the proposed use of the land, landscaping, tree preservation, open space, park dedication, lot size, lot dimensions, lot coverage, or building size shown on the application for which the petition is filed;
 - (8) A copy of any prior vested rights determination involving the same land; and
 - (9) Whenever the petitioner alleges that a development application which is subject to expiration under [Chapter 1, Section 1.27](#) should not be terminated, a description of the events evidencing a progression toward completion of the project for which the development application was approved.
- (C) Time for Filing Petition. A vested rights petition must be filed at the same time as an application for which a vested right is claimed, except that the petition may also be filed before the date of expiration of any development application when filed pursuant to [Chapter 1, Section 1.27](#). Where more than one application is authorized to be filed simultaneously by this GDC, the petition may be filed simultaneously with each application.

(Ordinance 6773 adopted 5/19/15)

Section 5.16 Processing of Petitions and Decision

(A) Responsible Official.

- (1) The responsible official for a vested rights petition is the responsible official charged with processing the application associated with the petition, except where a petition is submitted pursuant to [Chapter 1, Section 1.27](#).
- (2) In situations where multiple applications are submitted and there is more than one responsible official, the decision of each responsible official shall be coordinated with that of any other responsible official on the vested rights petition.
- (3) Where a vested rights petition asserts a vested right to an entire project, the Planning Director is the responsible official.
- (4) The responsible official shall promptly forward a copy of the vested rights petition to the City Attorney following the filing of the petition.

(B) Initial Decision. The Initial Decision-Maker on a vested rights petition, as provided in Table 5-1, shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the Initial Decision-Maker's reasoning and setting forth the decision on the petition.

(C) Appeal of Decision on Petition. The applicant/petitioner may appeal the Initial Decision-Maker's decision on the vested rights petition to the Appellate Decision-Maker authority cited in Table 5-1. Such an appeal must be filed in accordance with the procedures set forth in Section 5.02. Any further appeal of such petition must be made to the applicable authority cited in Table 5-1 and filed within ten calendar days following the date of the decision being appealed.

(D) Effect on Related Applications. A copy of the final decision on the vested rights petition (or appeal) under this Section must be submitted as part of the application requirements for any related and subsequently filed plat or development application. No related application will be accepted as complete without such a final decision having been rendered, and without the submission of the final decision documentation having been included with the application.

(Ordinance 6773 adopted 5/19/15)

Section 5.17 Action on Petition and Order

(A) Action on the Petition. Not later than fifteen business days after acceptance of a complete vested rights petition, the Initial Decision-Maker, as provided in Table 5-1, shall review the petition under Section 5.18 and render a determination consistent with the requirements of this Division 5. The Initial Decision-Maker may take any one of the following actions:

- (1) Grant the relief requested in the petition, and direct that the application be reviewed and decided in accordance with the standards contained in identified prior regulations;
 - (2) Grant the relief requested in part, and direct that certain identified current standards be applied to the application, while standards contained in identified prior regulations also shall be applied;
 - (3) Deny the relief requested in the petition, and direct that the application be reviewed and decided under currently applicable standards; or
 - (4) For petitions filed pursuant to [Chapter 1, Section 1.27](#), specify the expiration date or the conditions of expiration for the development application(s).
- (B) The Initial Decision-Maker may approve a petition in part if a project is legally entitled to some, but not all, of the rights asserted in the petition, or if a change in the scale or intensity of development is necessary to maintain conformity with the original project. A vested rights determination may not waive or modify applicable regulations or provide relief which is not provided for through Chapter 245 or Section 43.002 of the Texas Local Government Code.
- (C) Order on Petition. The responsible official shall issue a written report and decision on the vested rights petition which shall include statements, findings, and determinations on the following:
- (1) The nature of the relief granted, if any;
 - (2) The approved or filed application(s) upon which relief is premised under the petition;
 - (3) Current standards which shall apply to the application for which relief is sought, if applicable;
 - (4) Prior standards which shall apply to the application for which relief is sought, including any procedural standards, if applicable;
 - (5) The statutory basis or other grounds upon which relief is denied in whole or in part on the petition;
 - (6) To the extent feasible, subsequently filed related applications that are subject to the same relief granted on the petition; and
 - (7) For petitions filed pursuant to [Chapter 1, Section 1.27](#), the date of expiration of the development application.
- (Ordinance 6773 adopted 5/19/15)

Section 5.18 Criteria for Approval

- (A) Factors. The decision-maker, whether the Initial Decision-Maker or Appellate Decision-Maker, shall decide a vested rights petition that alleges rights under Chapter 245 of the Texas Local Government Code pursuant to the criteria described in this Subsection.
- (1) General Standard. A permit application may be approved and the project granted development rights under Chapter 245 of the Local Government Code if approval of the permit is required to initiate, continue, or complete a project for which a prior permit or fair notice application was submitted to the City. An application may not be approved, and a project granted development rights, if the permit is unrelated to or inconsistent with the original project or if the original project has been completed, changed, or expired.
 - (2) Review Criteria. In determining the relief to be granted, if any, on a vested rights petition that alleges rights under Chapter 245 of the Texas Local Government Code, the decision-maker shall consider the following factors, where applicable:
 - (a) The nature and extent of proposed development shown on the prior permit or other application that initiated the project for which vested rights are claimed;
 - (b) Whether the permit application submitted in connection with the vested rights petition is related to, and consistent with, the original project;
 - (c) The nature and extent of prior development of the property, including any permitting or construction activity that occurred subsequent to the vesting date requested by the applicant;
 - (d) Any prior vested rights determinations made for development of the property;
 - (e) Whether current standards adopted after commencement of the project affect the proposed use of the land, landscaping, tree preservation, open space, park dedication, lot size, lot dimensions, lot coverage, or building size based upon the proposed application;
 - (f) Whether any statutory exception applies to the standards in the current GDC from which the applicant seeks relief; and
 - (g) Whether any prior approved applications relied upon by the petitioner have expired.

(B) Conditions. In the event that the claim of vested rights under a petition is based upon a pending application which is subject to standards that have been superseded by current standards of this GDC, the decision-maker may condition any relief granted upon the approval of the application under those previously superseded standards.

(Ordinance 6773 adopted 5/19/15)

Section 5.19 Application Following Final Decision on Petition

(A) After the City has reached a final decision on a vested rights petition, the property owner must revise the application for which relief was sought to conform said application to the final decision, unless the relief granted on the vested rights petition is consistent with the application on file.

(B) The decision-maker on the application shall consider any application revised under this Subsection in accordance with the procedures for deciding the initial application under this GDC and in conformity with the relief granted on the petition.

(C) If the relief granted on the vested rights petition is consistent with the application on file, no revisions are necessary.

(D) If proceedings have been stayed on the application pending referral of the vested rights petition to the City Council, proceedings on the application shall resume after the City Council's decision on the vested rights petition.

(Ordinance 6773 adopted 5/19/15)

Section 5.20 Expiration and Extension

(A) Expiration. Any relief which may have been granted on a vested rights petition expires on occurrence of any one of the following events:

(1) The petitioner or property owner fails to submit a required revised application consistent with the relief granted within sixty calendar days following the final decision on the petition;

(2) The application for which relief was granted on the vested rights petition is denied; or

(3) The application for which relief was granted on the vested rights petition expires.

(B) Extension. Any extension of the expiration date for the application for which relief was granted on a vested rights petition also extends the relief granted on the petition for a like period.

(Ordinance 6773 adopted 5/19/15)

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, ~~Preliminary Development 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.

(2) *Final Permit* means a Building Permit, Certificate of Occupancy, or Final Plat approved 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.

(B) Expiration of Permits. Any application or permit that was approved or filed at least five years prior to September 1, 2015 or the effective date of this GDC, whichever is later, and was not previously subject to an expiration date, expires on the effective date of this GDC where no progress has been made toward completion of the project.

(C) Reinstatement. The owner of the land subject to an initial permit that expires under Subsection (B) above may petition the City Council to reinstate such permit by filing a written petition within sixty calendar days following the effective date of this GDC. The petition must clearly state the grounds for reinstatement, and must be accompanied by documentation providing evidence of one of the following:

(1) More than five years prior to the effective date of this GDC, one of the following events had occurred:

(a) A final permit for all or part of the land subject to the approved initial permit was approved, or was filed and was subsequently approved;

- (b) An application for a final permit was submitted for all or part of the land subject to the expired initial permit, but such application was rejected on grounds of incompleteness (consistent with Texas Local Government Code, Chapter 245.005(c)(2));
 - (c) Costs for development of the land subject to the initial permit, including costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent of the most recent appraised market value of the land;
 - (d) Fiscal security was posted to ensure performance of an obligation required for all or a part of the land subject to the approved initial permit; or
 - (e) Utility connection fees or other fees for all or part of the land subject to the approved initial permit were paid.
- (2) During the time period beginning five years prior to the effective date of this GDC, but ending before the expiration date specified in Subsection (B) above, one of the following events had occurred:
- (a) A final permit was approved for all or part of the land subject to the approved zoning application, and remained in effect for such land on the expiration date; or
 - (b) A complete application for approval of a final permit for all or part of the land subject to the approved initial permit was pending for decision on the expiration date.
- (D) City Council Action on Reinstatement. When considering a petition to reinstate an expired permit under this Section, the City Council may take any one of the following actions:
- (1) Reinstate the expired initial permit without an expiration date, if it finds that the petitioner has met any one of the criteria listed in Subsection (C)(1) above;
 - (2) Reinstate the initial permit for all or part of the land subject thereto, if it finds that the petitioner has met any one of the criteria listed in Subsection (C)(2) above, subject to such expiration dates or other conditions that assure that the remaining land that is not subject to an approved or pending final permit application will be developed in a timely fashion. In granting relief under this provision, the City Council may require that development of such remaining land be subject to standards enacted after approval of the initial permit;
 - (3) Deny the petition, if it finds that the petitioner has failed to meet any of the criteria in Subsection (C); or
 - (4) Reinstate the permit for only that part of the land subject to a pending final permit application, if it finds that the petitioner has met the criteria in Subsection (C)(2)(b) and the pending application subsequently was approved, and deny the petition for the remaining land subject to the expired initial permit.
- (Ordinance 6773 adopted 5/19/15)

ARTICLE 2 - ENFORCEMENT*

Division 1 - Enforcement

Section 5.22 General

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used or developed in violation of this GDC or any application approved thereunder, in addition to other remedies, the City may institute any appropriate action or proceedings to prevent or abate such activity. (Ordinance 6773 adopted 5/19/15)

Section 5.23 Civil Court Actions

The City Attorney is authorized to file and prosecute an action at law or in equity, where permitted under the laws of Texas, in a court of competent jurisdiction to enforce the provisions of this GDC. The initiation of one form of enforcement action by the City Attorney will not preclude the City Attorney from initiating any other form of enforcement action. (Ordinance 6773 adopted 5/19/15)

Section 5.24 Fines and Penalties

(A) Violations of provisions of this GDC or failure to comply with any of its requirements (including violations of any safeguards established in connection with approval of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this GDC or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance with Title 1, Chapter 10, Article 1 of the City Code.

(B) The owner or occupant of any building, structure, premises, or part thereof, and any architect, builder,

contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

(C) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(D) It is further the intent and declared purpose of this GDC that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time that the previous regulations were repealed and this GDC adopted shall be discharged or affected by such repeal, but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted, and causes presently in process may be prosecuted in all respects as if such previous regulations had not been repealed.

(Ordinance 6773 adopted 5/19/15)

Section 5.25 Revocation Proceedings

(A) If an authorized official determines, based on inspection or investigation by the City, that there are reasonable grounds for revocation of an approved application, the official shall set a public hearing before the authority that approved such application (either originally or on appeal), except that a hearing to consider revocation of an administrative decision shall be conducted by City Council. If the City Council was the Initial or Appellate Decision-Maker, the City Council may, at its option and upon a simple majority vote, continue the public hearing and refer the proposed revocation to the Plan Commission for its report and recommendation prior to taking action on a proposed revocation. Factors which may warrant revocation of an approved application include the following:

- (1) A material mistake was made in approving the application;
- (2) Approval of the application was procured on the basis of material misrepresentations or fraud on the part of the applicant;
- (3) Development activities being undertaken on the land subject to the development application are not in conformity with terms of the approved application;
- (4) The use authorized by the permit is in violation of a condition of approval of the approved application; or
- (5) Development of the land, or the discontinuance thereof, poses a danger or threat to the public health, safety or welfare.

(B) The applicant and any interested parties shall be given notice of the hearing in the manner provided in Chapter 1, Article 2, Division 2. The public hearing shall be conducted in accordance with the City Council's normal rules and procedures that are applicable to public hearings.

(C) In rendering its decision whether to revoke the approved application, the decision-maker shall determine whether the activity authorized under the original approved application complies with the terms, conditions, and requirements of such approval. The decision-maker may revoke the application, affirm it, or affirm it with attached conditions which assure that the terms, conditions, and requirements of the application shall be met.

(D) Following revocation and pending any appeal, it shall be unlawful to undertake or perform any activity that was previously authorized by the approved application without applying for and obtaining approval of a new application for the activity. Appeal from the decision to revoke the approved application must be to the City Council, unless the decision to revoke was made by the City Council, in which case the revocation is final.

(Ordinance 6773 adopted 5/19/15)

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, container, or trailer 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 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

CHAPTER 6

DEFINITIONS

ARTICLE 1 - DEFINITIONS

Division 1 - Definitions

Section 6.01 Usage and Interpretation

- (A) Usage. The following definitions are intended to provide descriptions for words and terms used within this GDC. Absent any conflict, words and terms used in this GDC have the meanings ascribed thereto in this Chapter 6.
- (B) Conflicts. When words and terms are defined herein, and are also defined in other ordinance(s) of the City, they are to be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Chapter 6 controls.
- (C) Present and Past Tenses. Words used in the present tense include the future tense; words used in the masculine gender include the feminine gender; words used in the singular number include the plural number; and words used in the plural number include the singular number.
- (D) Specific Word Usage.
- (1) The word *shall* is mandatory and not discretionary.
 - (2) The word *including* shall be construed as meaning “including, but not limited to.”
 - (3) The word *includes* shall be construed as meaning “includes, but is not limited to.”
- (E) Words Not Defined. Terms not herein defined have the meaning assigned to them in the City’s Building Code or other applicable City Code. Terms not herein defined nor defined in any applicable City Code have the meaning customarily assigned to them in the planning and zoning profession.
- (F) Secondary Uses. A secondary use is permitted provided that the definition of the primary use does not preclude the secondary use.
- (G) Interpretation. The Planning Director has the authority to interpret any undefined term and any defined but ambiguous term used in this GDC. The Planning Director’s interpretation may be appealed to the Board of Adjustment in the manner prescribed in [Article 2, Division 4 of Chapter 2](#) of this GDC. The following rules of construction apply, where applicable, in interpreting provisions of this GDC:
- (1) The designation in this GDC of an official, by title or otherwise includes a designee of the official.
 - (2) “Year” means 365 calendar days.
 - (3) “Month” means 30 calendar days.
 - (4) “Developer” is not, in all cases, interpreted as a reference solely to the property owner. The Planning Director, at his sole discretion, may also interpret “developer” to mean persons acting on behalf of the property owner as an agent.
- (H) Land Use Definitions & Matrix Correlation. The symbol “(x)” denotes that the definition is reflected as a use in the [Land Use Matrix](#) in Chapter 2 of this GDC.

(Ordinance 6773 adopted 5/19/15)

Section 6.02 Definitions in Other Locations within the GDC

For the purpose of this GDC, certain terms and words are to be used and interpreted as defined within the articles, divisions or sections of this GDC wherein they apply to certain regulations. (Ordinance 6773 adopted 5/19/15)

Section 6.03 Definitions

Following are the definitions of land uses, general terms, and special terms used in this GDC.

ACCESS: The means of approaching or entering a property. It includes a right of passage to and from an adjacent street, alley, or property.

ACCESSORY: Being secondary or subordinate to something else.

ACCESSORY ~~STRUCTURE~~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:** (x) A subordinate building, 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 STRUCTURE: See Accessory Building

ACCESSORY USE: A use that is clearly and customarily incidental and secondary to the permitted or principal use of land or building(s), and that is under the same ownership as and located upon the same lot as the principal use, and which does not change the character thereof. To qualify as an accessory use, the land or building area that is used for the accessory use must be substantially less than that used for the primary use.

ADJACENT: Contiguous, abutting or touching, and separated only by common property lines or an alley.

ADJACENT TO RESIDENTIAL DISTRICT: Located in such a manner as to be adjoining, contiguous with, or abutting a residential district boundary line, even where separated by an alley right-of-way or an easement.

AIRPORT/HELIPORT: (x) An area reserved or improved for the landing or take-off of aircraft, including rotary wing aircraft, which may include hangars, fueling, repair, and servicing facilities for aircraft, as well as facilities for passengers.

ALLEY: A public street that is used primarily for vehicular access to the back or side of properties, and gives a secondary means of access to property abutting thereon.

ALL-WEATHER SURFACE: Paving material that provides a hard base for automobile use, which is composed of asphaltic or Portland cement bind pavement or other pavement material approved by the Director of Engineering, so as to provide a durable and dustless surface.

ALTERNATIVE FINANCIAL ESTABLISHMENT: (x) A check cashing business, payday advance or loan business, car title loan business, or a money transfer business. The term does not include a bank or financial institution. With respect to a check cashing business, it does not include a pawnshop, a grocery store, or a convenience store or similar retail business that cashes checks or money orders, or that issues money orders or money transfers for a minimum flat fee as a service incidental to its main purpose of business, provided that the check cashing service does not constitute fifty percent or more of the trade of that business.

AMENITY: Aesthetic or other characteristic of a development that increase its desirability visually, desirability to the City or its marketability to the public. Amenities may vary according to the type and nature of development, but examples include a naturalized retention or detention pond (see definition below), a recreational facility, landscaping, or large trees.

AMENITY POND: A permanent pool of a pre-determined volume of stormwater retained or maintained purely for aesthetic purposes and that is not designed to provide additional capacity for the temporary storage of stormwater required for detention.

ANIMAL FEED PROCESSING & STORAGE: (x) A large-scale manufacturing operation that prepares or produces foods for animal consumption such as livestock feeds, foods and snacks for domestic animals, and other similar animal-consumables primarily for commercial or wholesale customers for off-site distribution and consumption. The term includes dry and cold storage of animal food products, unless such is incidental to another primary use such as a pet store, stable, or agricultural operation. The term may include incidental retail sales of animal food products produced on the premises. The term does not include the preparation or manufacture of products for consumption by humans (see definition for *Food Processing and Storage*), or the slaughtering of any type of animal.

ANTENNA, COMMERCIAL: (x) An antenna or antenna support structure used for the purpose of transmission, retransmission, or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business or for financial gain (such as, commercial broadcasting, cellular/wireless telecommunications). A satellite dish antenna that exceeds six feet in diameter is considered a commercial antenna.

ANTENNA, PRIVATE: (x) An antenna or antenna support structure used for the purpose of transmission, retransmission, or reception of radio, television, electromagnetic, or microwave signals for private or personal use. A satellite dish antenna not exceeding six feet in diameter is considered a noncommercial antenna.

ANTENNA OR MICROWAVE REFLECTOR: An antenna is the arrangement of wires or metal rods used in transmission, retransmission or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape or configuration that is used to receive or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes.

ANTENNA SUPPORT STRUCTURE: An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.

ANTIQUE SHOP, INDOORS: (x) A retail establishment engaged in the sale of works of art, furniture, or other artifacts of an earlier period (an antique object's value is typically greater than original purchase price because of age, scarcity or intrinsic value), with all sales and storage occurring completely inside a building unless otherwise allowed in the zoning district. The term does not include the sales of any car, truck, recreational vehicle, boat, trailer, truck, motorcycle, all-terrain vehicle, personal watercraft, or other automotive or motorized vehicle.

AREA REGULATIONS: The regulations controlling minimum lot area, minimum lot depth and width, maximum building area or coverage, as well as required front, side and rear yards.

ARTICULATION: An interruption or differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by a measurable distance.

AS-BUILT/RECORD DRAWINGS: A group of drawings that depicts the final configuration of the installed or constructed improvements of a development, or improvements which have been verified by the contractor as their installation or construction occurs during development. The as-built or record drawings must reflect the construction plans (or working drawings) used, corrected, or clarified in the field. For the purposes of this GDC, the terms "as-built drawing" and "record drawing" are interchangeable.

ASSOCIATION: Generally a homeowners' (HOA) or property owners' association (POA). A nonprofit organization operating under recorded land agreements through which: (i) each lot owner in a planned development or other described land area is a member pursuant to a conveyance instrument or other instrument of record; (ii) each lot is subject to a charge for a proportionate share of expenses for the organization's activities such as maintaining common property; and (iii) the charge, if unpaid, may be perfected as a lien against the property.

ATHLETIC EVENTS FACILITY, INDOOR: (x) A facility operated to accommodate indoor sporting events such as basketball, volleyball, indoor tennis, racquetball/handball, hockey, gymnastics, indoor soccer, futsal, or indoor swimming and scuba. Uses and facilities include, but are not limited to, indoor game courts, fields and ice rinks, weight lifting and exercise equipment, aerobics, swimming pools and spas, running or jogging tracks, spectator seating and bleachers, sport gear shops, or concessions.

ATHLETIC EVENTS FACILITY, OUTDOOR: (x) An outdoor facility operated to accommodate outdoor sporting events such as football, soccer, baseball, softball, tennis, or skateboarding. Uses and facilities may include, but are not limited to, game fields, outdoor game courts, swimming pools, running or jogging tracks, spectator seating and bleachers, sport gear shops, or concessions.

ATHLETIC FIELD, STADIUM, ARENA: (x) An athletic field or stadium that is owned and operated by a public agency, such as a public school district, for the general public.

AUTOMOBILE: A passenger motor vehicle that is self-propelled such as a car, pick-up, sport utility vehicle, or passenger van. The term does not include motorcycles, all-terrain vehicles (ATVs), motorbikes, motor scooters, golf carts, trailers, or recreational vehicles (RVs).

AUTOMOBILE LEASING/RENTAL: (x) A business establishment that provides for the renting of automobiles (not trucks or heavy load vehicles) on a short- or long-term basis.

AUTOMOBILE PARTS SALES, RETAIL (INDOORS): A retail store that specializes in the inside display and sale of new or used automotive accessories and parts for automobiles (not trucks or heavy load vehicles) and personal use trailers (classified as a *Retail Store*). The term does not include a *Salvage Yard*.

AUTOMOBILE PARTS SALES & SERVICE: See *Automobile Repair, Minor*.

AUTOMOBILE REPAIR, MAJOR: (x) General repair or reconditioning of automobiles such as the following: engines, air-conditioning systems and transmissions for motor vehicles, collision repair services including body, frame or fender

straightening or repair, customizing, painting, vehicle steam cleaning, undercoating and rustproofing, the uses listed under *Automobile Repair (Minor)*, and other similar uses.

AUTOMOBILE REPAIR, MINOR: (x) Minor repair of automobiles such as the following: replacement of parts, tires (includes tire store), tubes and batteries, diagnostic services, minor maintenance services such as grease, oil (includes oil or lube facility), spark plug and filter changing, tune-ups, emergency road service, replacement of starters, alternators, hoses and brake parts, automobile washing and polishing, performing state inspections and making minor repairs necessary to pass state inspections, normal servicing of air-conditioning systems, the repair and replacement of automotive glass and upholstery, and other similar maintenance services, but not including any operation named under *Automobile Repair (Major)* or any other similar use.

AUTOMOBILE SALES, NEW OR USED: (x) Retail sales of new or used automobiles. The term includes the following incidental uses: major and minor vehicle repairs, parts sales, on-site fuel tank(s) for use by the operation only (no retail fuel sales) if approved by the Fire Department and Building Official, vehicle leasing in lieu of purchase, and vehicle rental to service customers.

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.

BAIT SALES, LIVE: (x) The storage and sale of fishing bait such as minnows, worms, and crickets.

BAKERY, COMMERCIAL: (x) A large-scale food manufacturing operation that produces baked goods such as bread, buns, biscuits, ice cream cones, cakes, and pies primarily for commercial or wholesale customers for off-site distribution and consumption. The term includes incidental retail sales of baked goods produced on the premises.

BAKERY, RETAIL: (x) A small-scale, retail sales establishment that specializes in the production, decorating, and sale of oven-baked cakes, pies, doughnuts, bread, and other similar specialty baked and dessert items primarily for off-site consumption.

BARRICADE: In the context of tree preservation, an area of undisturbed ground left around an existing tree during construction to help stabilize the root structure and prevent damage to the bark and limbs.

BASEMENT: That portion of a building having one-half or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of not less than six and one-half feet. A basement is not counted in computing the number of stories permitted by this GDC.

BATCHING PLANT: (x) A permanent manufacturing facility that has fixed features with foundations for facilities used in the production of concrete or asphalt. The term includes mixing plants, conveyor belts, office building(s), storage structure(s), and other structures that are intended to remain in place for longer than one year.

BATCHING PLANT, TEMPORARY: (x) A temporary manufacturing facility for the production of concrete or asphalt that is not intended to remain beyond the duration of the specific construction project for which it is established. The term does not apply to facilities that remain after thirty calendar days following completion of its associated construction project.

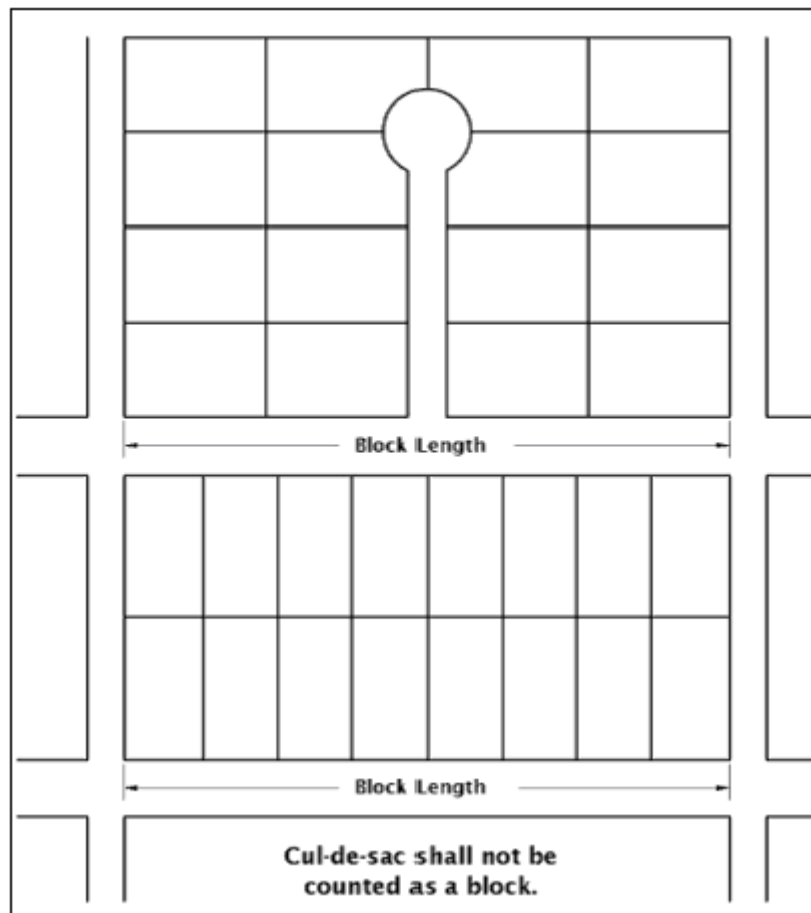
BED AND BREAKFAST: (x) An owner (or operator) occupied residence in which sleeping accommodations are provided for transient guests, and one or more meal(s) are provided (for guests only), both for compensation.

BLOCK: An area enclosed by streets. A block is determined by the streets along its boundary that surround one or more lots. The streets used to determine a block are through-streets and not cul-de-sac streets. A group of lots adjacent to a cul-de-sac are not counted as a block. Refer to Figure 6-1.

BLOCK FACE: One side of a street between two consecutive intersections.

BLOCK LENGTH: The distance along a side of a street between two intersecting streets. If the street is a dead-end type, it is the distance between the nearest street and the end of the dead-end street. Block length distances are measured along the street centerline from one end of a row or group of lots to the other end. Refer to the illustration of block length shown in Figure 6-1.

Figure 6-1: Block and Block Length



BLOOD BANK: A facility that obtains blood from voluntary donors and that is registered or licensed by the Office of Biologics of the United States Food and Drug Administration and accredited by the American Association of Blood Banks or the American Red Cross Blood Services, or is qualified for membership in the American Association of Tissue Banks. The term includes a blood center, regional collection center, tissue bank, and transfusion service. The term does not include commercial blood plasma centers.

BOAT SALES, LEASING & REPAIR: (x) An establishment offering the sale, leasing, rental, service, or repair of boats that are over eighteen feet in length (the sale of non-motorized boats under eighteen feet in length are classified as general retail sales – see *Retail Store*). The term includes outside display and storage of inventory (subject to [Subsection 2.52\(A\)\(14\)](#) in Chapter 2 of this GDC).

BREEZEWAY: A small corridor with a roof, with no enclosed structure above it, and 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.

BREWERIES, WINERIES, AND DISTILLERIES: A facility that manufactures in commercial quantities alcoholic beverages from raw materials or blends of raw and processed materials or by mixing, rectifying or distilling processed materials. The term does not include a warehouse or bulk storage facility.

BUFFER: An area of land that is intended to mitigate impacts and provide separation between land uses or along roadways. A buffer may be landscaped and may also include berms, walls, or fences.

BUILDING: Any structure (as defined herein below) 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 or partly enclosed by with an exterior wall walls and a roof.

BUILDING - MAIN, PRIMARY or PRINCIPAL: A building in which the permitted or principal land use of a lot or tract of land is conducted.

BUILDING AREA: The remaining area of a building site after any required setbacks and easements have

been calculated.

BUILDING CODE: All building regulations adopted under the Garland City Code.

BUILDING FACADE, PRIMARY: Any facade that faces a public street or open space.

BUILDING/GARDEN MATERIALS SALES & STORAGE: (x) The indoor and outdoor sale of building materials that are primarily oriented toward the wholesale building construction industry (such as, lumber, drywall, bricks/stone, roofing, paint, electrical supplies, plumbing fixtures, concrete and mortars, doors, windows, siding, landscaping materials, tools, or hardware) rather than toward retail home improvement supplies. Materials offered for sale are palletized, bagged, crated, packaged or similarly contained, are commonly loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for *Bulk Materials Sales and Storage*). (Also see definitions for the various types of *Outside Display* and *Outside Storage*.)

BUILDING HEIGHT: The vertical distance measured from grade at the front of the building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

BUILDING LINE: A line approximately parallel to the right-of-way line at a specified distance, marking the minimum distance from the right-of-way line that a building or structure may be erected.

BUILDING, MIXED RESIDENTIAL: A building that may contain a variety of residential unit sizes or types, such as studios, 1-, 2- or 3-bedroom apartments, condominiums, or lofts.

BUILDING, MIXED-USE: A structure that combines residential and nonresidential uses in a single building.

BUILDING OFFICIAL: The city official, or the Building Official's designee, that has primary responsibility for enforcement of the Building Code and any applicable regulations within this GDC.

BUILDING or STRUCTURE FOOTPRINT: The foundation below a building or structure including the area under any permanent structural canopies.

BUILDING PERMIT: An instrument in writing signed by the Building Official authorizing described construction on a particular lot.

BULK MATERIALS SALES & STORAGE: (x) The indoor or outdoor storage and sale of uncontained inanimate materials such as rock (including a granite "slab yard"), stone, sand, aggregates, powders, composts, wood chips, sod turf, soils, and other building- and road-construction related materials.

BUSINESS & MEDIA SERVICE: (x) An establishment that provides business-related services not otherwise listed herein as a specified use. The term includes services such as retail or small-scale print and copy shops, private mail and shipping services, office equipment sales/repair/service shops, with a maximum square footage of five thousand square feet. (For an establishment that is over five thousand square feet, see *Printing/Publishing House*.)

BUS STOP: (x) A location along a street right-of-way or on a private property where a publicly owned and operated transit system picks up and drops off passengers. The term does not include any kind of parking, vehicle storage, or facilities or concessions for passengers.

CALL CENTER: (x) An establishment larger than twenty-five thousand square feet that solicits business or the purchase of off-site goods or services, or that provides support services by electronic communication. An establishment that is twenty-five thousand square feet or less in size is defined as *Office, General*.

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. ~~11~~

CARE OF ALCOHOLIC, DRUG DEPENDENT OR PSYCHIATRIC PATIENTS, INSITUTIONAL: An institutional-type facility for the licensed in-patient care of alcoholic, drug dependent or psychiatric patients.

CARPORT and PATIO COVERS (RESIDENTIAL and NONRESIDENTIAL): A roofed 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.

CAR TITLE LOAN BUSINESS: An establishment that makes small, short-term, consumer loans that typically leverage the equity value of a customer's motor vehicle as collateral by taking physical possession of title to the vehicle, by executing a sale-leaseback agreement with the customer, or by executing a power of attorney with the customer, by means of which the borrower's failure to repay the loan or make interest payments to extend the loan allows the car title loan business to take possession of the vehicle, or other collateral, from the customer (see *Alternative Financial Establishment*).

CAR WASH, AUTOMATED/ROLLOVER: (x) Washing, waxing, or cleaning of automobiles involving automated self-service (drive-through/rollover) wash bays and apparatuses.

CAR WASH, FULL-SERVICE/DETAIL: (x) Establishment where employees wash, dry, wax, or detail vehicles for a fee.

CAR WASH, SELF-SERVICE/WAND: (x) Establishment where patrons wash, dry, wax, or detail vehicles, typically by means of a self-service wand-type wash bay (usually open-air).

CEMETERY: (x) Land used or intended to be used for the below-ground burial of the dead and dedicated for cemetery purposes. The term may include columbariums, crematoriums, mausoleums, mortuaries, funeral service chapels, and on-site monument and floral sales, or any combination thereof.

CENTERLINE, STREETS or ALLEYS: An imaginary line drawn midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline is determined by the Director of Engineering.

CERTIFICATE OF OCCUPANCY: A written instrument executed by the Building Official authorizing a described land use, as set forth in the Building Code and within Article 1, Division 5 in Chapter 4 of this GDC.

CHARITABLE BOARDING: (x) A facility that provides free lodging and one or more of the following supportive services for indigent individuals or families with no regular home or residential address, on a nonprofit (that is, recognized as a charitable organization under the provisions of IRS Code 501(c)(3)) and temporary basis (that is, the facility is not being used as a permanent residence). Supportive services include, but are not limited to: provision of meals, assistance in obtaining permanent housing, medical counseling, treatment, or supervision, psychological counseling, treatment or supervision, assistance in recuperating from the effects of, or refraining from, the use of drugs or alcohol, nutritional counseling, employment counseling, job training and placement, and child care.

CHECK CASHING BUSINESS: An establishment that, for a fee or other payment taken out of the proceeds of the transaction, provides payment to the customer – regardless of an existing checking or other relationship between the establishment and the customer – of an amount of money equal to the face of a check, draft, warrant, written authorization for an electronic transfer of money, or similar representation of payment owed by a third-party to the customer (see *Alternative Financial Establishment*).

CHURCH OR PLACE OF WORSHIP: (x) 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.

CITY: The City of Garland, Texas.

CITY CODE: The Code of Ordinances of the City of Garland, Texas.

CITY ENGINEER: See *Director of Engineering*.

CITY MANAGER: The individual holding the office of City Manager under the terms of the Garland City Charter, or a designee authorized to act on behalf of the City Manager.

CITY OFFICIAL: An individual acting in his official capacity as a member, officer, agent, contractor, or employee of the City.

CITY PLANNER: See *Planning Director*.

CITY SECRETARY: The individual holding the office of City Secretary under the terms of the Garland City Charter, or a designee authorized to act on behalf of the City Secretary.

CITY STANDARDS: See *Technical Standards*.

CIVIC CLUB/FRATERNAL LODGE: (x) A regular meeting place accommodating ten or more members of a nonprofit, restricted membership group that has a specific purpose related to the welfare of its members, and that engages in civic, social and fraternal activities (such as, Elks, Masons, Knights of Columbus, or a labor union). Does not include any organization that offers its facilities or services on a commercial or for-profit basis (such as a *Reception Hall*).

CLOTHING STORE, RESALE (includes thrift store, consignment store): See *Used Goods, Retail Sales (Indoors)*.

COLLEGE OR UNIVERSITY: (x) A post-secondary institution for higher learning that grants associate or bachelor degrees, and that may have research facilities or professional schools that grant master and doctoral degrees, in a large campus-style setting with multiple buildings and parking areas, and that may also have residence hall(s), bookstore(s), communal dining facility(s), and other traditional college campus facilities. The term may include a satellite, or storefront-style, location. However, the term does not include *Business Schools, Trade Schools or Retail/Personal Services Training Schools*.

COLLOCATION: The use of a single support structure or site by more than one communications provider.

COMMENCE(ing) CONSTRUCTION: The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction or development.

COMMERCIAL AMUSEMENT, INDOOR: (x) An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all activities take place indoors (that is, fully enclosed within a building), including but not limited to the following: a bowling alley, ice or roller skating rink, billiard parlor; laser tag, whirleyball, arcade, or indoor amusement park.

COMMERCIAL AMUSEMENT, OUTDOOR: (x) An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein some or all activities take place outdoors (that is, not fully enclosed within a building), including but not limited to the following: bicycle track or dirt bike course, outdoor swimming pool or scuba diving facility, paintball, golf driving range or small golf course having nine or fewer holes that are par three or below, miniature golf course, batting cages, go-cart track, or an outdoor amusement park.

COMMERCIAL BUILDING: A building that contains office and/or retail space, but no residential uses.

COMMERCIAL BLOOD, PLASMA, TISSUE AND CELL COLLECTION CENTER: (x) A facility used in the commercial collection of human blood, blood plasma, cells or tissue from persons who are or will be compensated for providing the blood, blood plasma, cells or tissue.

COMMERCIAL VEHICLE/TRUCK: See *Heavy Load Vehicle*.

COMMUNITY HOME: As defined by Chapter 123 of the Texas Human Resources Code, as amended, a place where not more than six physically or mentally impaired or handicapped persons (regardless of legal relationship) are provided room and board, as well as supervised care and rehabilitation by not more than two persons. The facility must meet all the specifications and requirements of the Community Homes for Disabled Persons Disabilities Act, Chapter 123 of the Texas Human Resources Code. Also may be referred to as a Family Home (see Chapter 202 of the Texas Property Code). In the event of a conflict between this definition and the definition provided by Chapter 123 of the Texas Human Resources Code, as amended, state law shall control.

COMPLETE APPLICATION: An application that meets the standards of Article 2, Division 1 in Chapter 1 of this GDC, and has been determined by the City to be complete in accordance with the Texas Local Government Code, Chapter 245, or successor statute.

COMPREHENSIVE PLAN: The City's long-range plan, adopted in accordance with Chapter 213 of the Texas Local Government Code, intended to guide the growth and development of the community and including analysis and recommendations concerning the community's population, economy, housing, transportation, community facilities and land use. This includes any portion thereof that is separately adopted and any amendment to the Comprehensive Plan or portion thereof.

CONSTRUCTION: With respect to a building, construction is the assembly of materials into a structure, or the rehabilitation or replacement of a structure that has been damaged, altered, or removed; or, that is

proposed to be altered or removed to an extent exceeding fifty percent of the area of the structure at the time of the damage, alteration, or removal. For the purposes of this definition, construction includes the installation of a parking lot.

CONSTRUCTION PLANS: See *Site Engineering Drawings*.

CONSUMER: The actual user of water from a City water connection.

CONTRACTOR'S OFFICE/STORAGE YARD: (x) An office and storage facility for materials, equipment, tools, products, and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating/air conditioning, roofing, paving, pest control, janitorial, major appliance repair/service, masonry, carpet installation/ cleaning, windows/glass (excluding automotive glass), landscaping installation/maintenance, swimming pools, fencing, and other similar contractors.

CONTRACTOR'S OFFICE/WAREHOUSE: (x) An indoor office and storage facility for materials, equipment, tools, products, and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating/air conditioning, roofing, paving, pest control, janitorial, major appliance repair/service, masonry, carpet installation/cleaning, windows/glass (excluding automotive glass), landscaping installation/ maintenance, swimming pools, fencing, and other similar contractors.

CONVENIENCE STORE: (x) A small-scale retail store of at least one thousand, but no larger than five thousand square feet in size that primarily provides for consumer shopping of a brief duration, characterized by a limited product mix (generally emphasizing prepared and prepackaged snack foods, candy, beverages, tobacco products, sundries, newspapers, and magazines).

CONVENTION FACILITY: (x) A building or complex of buildings that house cultural, recreational, athletic, convention, professional conference, or entertainment facilities owned or operated by a governmental or other public agency.

CORNER LOT: See *Lot, Corner*.

COVERAGE: The percent of a lot or tract covered by the first floor or the largest floor of a building or structure, whichever is larger, including but not limited to all covered porches, patios, garages, and accessory buildings. Unsupported roof overhangs and other allowed architectural projections are excluded from coverage computation.

CUL-DE-SAC: A local street having one inlet/outlet to another street and terminated on the opposite end by a vehicular turnaround.

CULTURAL FACILITY: (x) A facility that provides for display, performance, or enjoyment of heritage, history, the arts, cultural resources, or artifacts. Includes, but is not limited to, art galleries, museums, arts performance venues, cultural centers, interpretive sites, and private libraries typically operated by a nonprofit entity. The term does not include commercially operated theaters (see *Theater, Small Scale* and *Theater, Large Scale*).

CURVILINEAR STREET: The term "curvilinear in design" refers to a street segment that is designed with a degree of curvature not less than 3°30' and not greater than 22°55' and that offsets a minimum distance of thirty feet where measured perpendicular to the initial tangent line of the curve.

CUSTOM PRODUCTS MANUFACTURING: (x) An indoor facility for the manufacture, assembly, or crafting of non-mass-produced, non-automotive products on a single-item basis (such as, custom welding/ironworks, furniture, cabinetry, stone, and other countertops). Includes no outside display or storage, unless such is allowed (by right or by SUP) and approved in the zoning district wherein the business is located. (Also see definitions for the various types of *Outside Display* and *Outside Storage*.)

DATA CENTER: (x) A facility used to house computer systems and associated components, telecommunications systems, and storage systems. Generally includes redundant or back-up power supplies, redundant data communications connections, environmental controls (such as, air conditioning and fire suppression), and security devices.

DAY CAMP, PRIVATE: (x) A facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities on a daytime basis. The term does not include any camp that includes

overnight stays, or horses or livestock of any kind (see *Equestrian Camp, Private and Stable, Commercial*).

DAY CARE CENTER, ADULT: (x) A facility licensed by the Texas Department of Human Services that provides day services under an Adult Day Care Program for less than twenty-four hours per day to five or more elderly or disabled persons who are not related by blood, marriage, or adoption to the owner or operator of the facility.

DAY CARE, YOUTH - LICENSED CHILD CARE CENTER: (x) As defined by administrative rule of the Department of Family and Protective Services (DFPS), or as amended by the DFPS, an operation providing care for six or more children from birth through thirteen years of age, for less than twenty-four hours per day at a location other than the permit holder's home. In the event of a conflict between this definition and an amended definition provided by DFPS, the DFPS definition shall control.

DAY CARE, YOUTH - LICENSED CHILD CARE HOME: (x) As defined by administrative rule of the Department of Family and Protective Services (DFPS), or as amended by the DFPS, a premise or location where the primary caregiver provides care in the caregiver's own residence for children from birth through thirteen years of age for less than twenty-four hours per day. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, excluding the caregiver's own children who live on the premises, may not exceed twelve. In the event of a conflict between this definition and an amended definition provided by DFPS, the DFPS definition shall control.

DAY CARE, YOUTH - REGISTERED CHILD CARE HOME: (x) As defined by administrative rule of the Department of Family and Protective Services (DFPS), or as amended by the DFPS, a caregiver who provides regular care in his own home for not more than six children from birth through thirteen years and has a current and valid registration certificate issued by DFPS. Child day care can be provided for up to six additional school-age children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, shall not exceed twelve. In the event of a conflict between this definition and an amended definition provided by DFPS, the DFPS definition shall control.

DENSITY: The number of dwelling units per net acre of platted land being developed. Net acre shall be defined as the acreage of a site less any existing or proposed rights-of-way or floodplain that is not either reclaimed or substantially improved as open space and incorporated into the project.

DEPTH OF LOT: See *Lot Depth*.

DETENTION: The temporary storage of stormwater to be released at a pre-determined and controlled rate.

DEVELOPED AREA: That portion of a tract or parcel upon which a building, structure, pavement, or other improvements have been placed.

DEVELOPER: A person, including a governmental entity, undertaking the division or improvement of land and other activities covered by this GDC, including the preparation of a plat showing the layout of the land and location of any public improvements. The term "developer" is intended to include the term "subdivider."

DEVELOPMENT: Initiation of any activities related to the platting of land or construction of buildings or structures (including activities such as the filing of a preliminary plan or plat, a plan for development, or plat application), the construction of impervious surfaces (such as, parking lots), the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including without limitation removal of vegetation, grading, clearing, filling or removal of soil.

DEVELOPMENT APPLICATION: Either a petition for a legislative decision, such as a zoning amendment, or an application for a development permit, such as a plat.

DEVELOPMENT PERMIT: A decision by the Commission, Board, or responsible official designated by this GDC, acting in an administrative or quasi-judicial capacity, that authorizes the holder of the permit to undertake one or more development activities or to file further applications needed to initiate or continue development activities authorized under this GDC.

DEVELOPMENT SITE: An area, building, or plot of ground, held under common ownership or control, that is the subject of a zoning or development application and are a part of a development plan. All lands used to

calculate densities or meet minimum dimensional requirements of the zoning regulations are considered part of a development site.

DEVELOPMENT STANDARDS: All regulations, design standards, requirements, and restrictions that apply to a development.

DIRECTOR OF ENGINEERING: The City of Garland's Director of Engineering, or an authorized representative.

DIRECTOR OF PLANNING: See *Planning Director*.

DISCHARGE: The addition or introduction of stormwater into the MS4 or into waters of the United States.

DISTRIBUTION CENTER, LARGE: (x) A large-scale (that is, over ten shipping truck bays) warehousing and distribution operation having buildings used primarily for the storage or distribution of goods, merchandise, supplies, or equipment including wholesalers that display, sell, and distribute merchandise to business representatives. The term includes large-scale, long-distance, moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. (Also see definitions for *Outside Display* and *Outside Storage*.)

DISTRIBUTION CENTER, SMALL: (x) A small-scale (that is, ten or fewer shipping truck bays) warehousing/distribution operation having a building(s) used primarily for the storage and/or distribution of goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes small-scale moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. (Also see definitions for *Outside Display* and *Outside Storage*.)

DISTRICT: A zoning district under this GDC.

DRIVE-IN SERVICE: (x) A facility in which occupants of a motor vehicle receive or obtain products or a service, while remaining in their vehicle, from a server who delivers goods or services to their vehicle. The term does not include curbside service for a restaurant.

DRIVE-THROUGH SERVICE: (x) The receipt of products or a service through a building opening (including a window, door, or mechanical device attached to or detached from the building) where occupants of motor vehicles receive or obtain products or a service, while remaining in their vehicles, from a server who does not typically leave the confines of the building during such transactions.

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.

DRY BOAT STORAGE: (x) An enclosed or partially enclosed structure, not constructed over a body of water, that is designed for use as storage for watercraft and marine equipment and that is not accessed directly by boat from a body of water.

DUMPSTER: See *Refuse Container*.

DWELLING (or Dwelling Unit): Any building or portion thereof which is designed or used exclusively for residential purposes by one family for living, sanitary, and sleeping purposes, and that has no more than one cooking facility (that is, only one kitchen). The term does not include hotels or motels.

DWELLING, ACCESSORY: A subordinate dwelling unit that is either attached or detached from the primary on-site structure, is used as a residence, is incidental to the main structure/s (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. ((x) - For various types of Accessory Dwellings, see *Dwelling, Accessory - Guest House*; *Dwelling, Accessory - Rental Unit*; *Dwelling, Accessory - Guard/Manager/Caretaker*)

DWELLING, ACCESSORY - GUARD/MANAGER/CARETAKER: (x) An incidental, on-site, dwelling unit, which does not exceed thirty percent of the floor area of the main structure and is not involved in the conduct of a business, that is either attached or detached from the main structure, not for rent, and is used for

occupancy by on-site guards, managers, or caretakers who work solely for the owners of the property or the business that operates on the 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 ~~(that is, a maximum one calendar year)~~ 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.

DWELLING, ACCESSORY - RENTAL UNIT: (x) An incidental, on-site, dwelling unit that is either attached or detached from the primary residential structure, is used for temporary occupancy for compensation (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.

DWELLING, APARTMENT: (x) A type of dwelling unit that is intended to house one family and that is either combined with one other apartment dwelling unit or is incorporated into, and added to, a structure that is utilized by a conforming nonresidential use.

DWELLING, CONDOMINIUM: 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. See *Dwelling, Multifamily*.

DWELLING, EFFICIENCY UNIT: A type of multifamily dwelling unit that consists of not more than one habitable room separated by no more than a half-wall partition, and kitchen and bathroom facilities.

DWELLING, INDUSTRIALIZED HOUSING UNIT: (x) (Also called Modular Prefabricated Structure or Modular Home.) A structure that is manufactured at a location other than the home-site, utilizing assembly-line type production techniques or other construction methods unique to the manufacturing process and designed to be used as a permanent dwelling installed on a permanent foundation (see [Subsection 2.52\(A\)\(5\)\(d\)](#) in Chapter 2 of this GDC). The term shall not include nor apply to the following:

- a. “Sectional” or “panelized” housing where the basic components assembled at the home-site are not at least three-sided modules;
- b. A home which is singly and separately constructed for relocation, and built to the City’s building codes;
- c. Modules incorporating concrete or masonry as primary structural components;
- d. A Dwelling, Manufactured/HUD-Code Home (as defined in this GDC); or
- e. A Dwelling, Mobile Home (as defined in this GDC).

DWELLING, LIVE/WORK. (x) Units containing both living quarters and a commercial space, such as retail, artist space or gallery, business or other professional office activities (see [Subsection 2.52\(A\)\(5\)\(e\)](#) in Chapter 2 of this GDC).

DWELLING, LOFT: See *Dwelling, Apartment*.

DWELLING, MANUFACTURED/HUD-CODE HOME: (x) A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body-feet or more in width or forty body-feet or more in length, or when erected on-site, is three hundred and twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems as a self-contained unit.

DWELLING, MOBILE HOME: (x) A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body-feet or more in width or forty body-feet or more in length, or when erected on-site is three hundred and twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems as a self-contained unit.

DWELLING, MULTIFAMILY: (x) A residential building containing three or more dwelling units which are not located on individual platted lots. The residential building contains dwelling units that are designed to be occupied by families living independently of one another. The term includes cooperative apartments and condominiums. For the purpose of these regulations, regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods less than thirty calendar days are considered a hotel or motel.

DWELLING, SINGLE-FAMILY: A residential building, designed for occupancy by one family or an individual. The term is general and includes such specialized types as single-family detached, single-family attached (townhouses), patio homes, and zero-lot-line homes. For regulatory purposes, the term shall not be construed to mean manufactured homes, mobile homes, industrialized homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of portable or temporary housing.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE): (x) A single dwelling unit of a group of no less than three, or more than six, attached dwelling units separated from each other by fire-rated walls in compliance with the City's building codes. Each dwelling unit occupies its own separately platted lot and is generally two or more stories in height. The term does not include *Dwelling, Multifamily*.

DWELLING, SINGLE-FAMILY DETACHED: (x) A single-family dwelling unit with no attached wall(s) or dwelling unit(s) that is designed for occupancy by one family or an individual, and that is entirely separated from structures on adjacent lots.

DWELLING, STUDIO APARTMENT: See *Dwelling, Apartment*.

DWELLING, TWO-FAMILY (DUPLEX): (x) A residential building on a single lot (or on an adjoining pair of lots) containing two attached dwelling units, each designed to be occupied by one family (that is, the building is occupied by not more than two families, one in each dwelling unit) and each having a separate entrance.

DWELLING, ZERO-LOT-LINE HOME: (x) A type of detached, single-family dwelling on a separately platted lot that is designed so that one side yard is reduced to zero feet, and that permits the construction of a detached single-family dwelling with one side of the dwelling placed on the side property line.

ELDER CARE - ASSISTED LIVING: (x) A type of *Personal Care Facility* (see definition) in which five or more elderly (over 55 years of age) persons, regardless of legal relationship, live and who need limited assistance with daily living activities (see [Subsection 2.52\(A\)\(12\)\(a\)](#) in Chapter 2 of this GDC).

ELDER CARE - CONTINUING CARE: (x) A facility in which five or more elderly (over 55 years of age) persons, regardless of legal relationship, live who need limited and then more extensive assistance with daily living activities as their needs change. This type of facility provides housing/accommodations and services along the continuum of an elderly person's needs including independent living, assisted living, and/or nursing/convalescent care (see [Subsection 2.52\(A\)\(12\)\(b\)](#) in Chapter 2 of this GDC).

ELDER CARE - INDEPENDENT LIVING: (x) A facility in which five or more elderly (over 55 years of age) persons, regardless of legal relationship, live a mostly ambulatory lifestyle but who may need limited assistance with daily living activities (see [Subsection 2.52\(A\)\(12\)\(c\)](#) in Chapter 2 of this GDC).

ELDER CARE - NURSING/CONVALESCENT CARE: (x) An extended care facility licensed to provide full-time, convalescent or chronic care, including lodging and meals for five or more individuals who, by reason of infirmity, are unable to care for themselves and who need ongoing health supervision but not hospitalization (see [Subsection 2.52\(A\)\(12\)\(d\)](#) in Chapter 2 of this GDC).

ELECTRIC GENERATING PLANT: (x) A facility that generates electricity from mechanical power produced by gas, coal, or steam.

ELECTRIC SUBSTATION: (x) A facility for transforming electricity for distribution to individual customers.

ENGINEER: A person currently licensed under the Texas Engineering Practice Act to practice the profession of engineering in the State of Texas.

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.

ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. Environmental Protection Agency, or, where

appropriate, the administrator or other duly authorized official of that agency.

EQUESTRIAN CAMP, PRIVATE: (x) A facility arranged and conducted for the organized recreation and equestrian instruction of children including riding, horse, and stable care on a daytime basis. The term may include other secondary outdoor activities such as swimming and tennis, but does not include overnight stays.

EQUIPMENT LEASING/RENTAL, INDOOR: (x) An indoor facility that rents (usually on a short-term basis) tools, small household or gardening-related machines (other than heavy machinery), party furnishings, and other equipment with no outside storage or display.

EQUIPMENT LEASING/RENTAL, OUTDOOR: (x) A facility that rents (usually on a short-term basis) tools, small household or gardening-related machines (other than heavy machinery), party furnishings, and other equipment. The term includes the outside display and storage of usable materials normally associated with the rental business (but not items such as unrelated scrap, junk, or trash), subject to [Subsection 2.52\(A\)\(14\)](#) in Chapter 2 of this GDC. (Also see definitions for the various types of *Outside Display* and *Outside Storage*.)

ERECT: To construct, reconstruct, install, or build.

EXCAVATION: Any digging, trenching, scraping, or other activity that disturbs natural soil or rock to a depth of two feet or more, other than soil disturbance incidental to the removal of trees or vegetation.

EXPRESSWAY: A type of street designated as an expressway or freeway by the City.

EXTENDED DRY DETENTION FACILITY: A detention basin constructed in a manner so as to retain stormwater for a time sufficient for sediments and particulate pollutants to settle and designed so that no stormwater is intended to remain in the basin after the discharge is complete.

EXTERIOR ALTERATION: Any change or addition to the dimensions, materials, configuration, character, or appearance, including the floor, exterior walls, columns, porches, doors, or windows, of a structure or building.

FACADE: The entire area of a side (that is, an elevation) of a building or structure that extends from ground level to the top of a parapet, wall, or eave(s) and from one corner to another. The area of a facade is defined by the outer limits of all of its visible exterior elements. Also, any separate face of a building, including parapet walls and omitted wall lines, or any part of a building that encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five degrees of one another, they are to be considered as part of a single facade.

FACILITY or FACILITIES: As this term is used in [Chapter 3](#) of this GDC, a detention, retention, or other stormwater storage or handling mechanism and may, depending on the context in which the term is used, include an amenity pond.

FAMILY: Any number of persons living together as a single housekeeping unit who are related by blood, legal adoption, or marriage (within two degrees of affinity or consanguinity), but not more than three persons living in a dwelling unit who are unrelated to the first person listed on the deed as the owner (or first signatory on the lease if the property is leased) by blood, adoption, or marriage.

FAMILY HOME: See *Community Home*.

FARM, RANCH, ORCHARD: (x) An area of two acres or more which is used for growing farm products such as vegetables, fruits, trees, and grain. May also include the raising thereon of farm animals such as horses, poultry, cattle, and sheep, and may also include the necessary accessory uses for raising, treating, and storing farm products and animals on the premises. The term does not include the commercial feeding of offal or garbage to swine or other animals, and does not include any type of husbandry specifically prohibited by ordinance or law. The term does not include the retail sale of farm products (see *Produce Stand/Farmers' Market*).

FEED/GRAIN MILL: (x) An indoor establishment that manufactures and packages vegetative (non-meat-based) feeds for livestock.

FEED STORE: (x) A business establishment for the selling of corn, grain, and other foodstuffs for animals and livestock. The term may include the sale and rental of other tools, implements, and goods related to

agricultural processes, but does not include the sale or rental of farm machinery such as tractors, trailers, or cultivation equipment.

FEEDLOT: A facility that provides confined areas where cattle, horses, or other livestock are held for extended periods of time for the purpose of weight increase by feeding highly nutritious grain feed.

FENCE: Any structure that exceeds twelve inches in height above the nearest grade and that encloses, partitions, or divides any yard as defined in this GDC.

FINAL PLAT: The plat of a subdivision that, when authorized, submitted, and approved is recorded in the official public records.

FINANCIAL INSTITUTION (or BANK): (x) An establishment such as a bank, savings and loan association, or credit union that is regulated by federal or state law, that accepts and maintains deposits from individuals, businesses, or other institutions, that makes both short- and long-term loans, including loans secured by collateral other than personal property, and that provides related financial services to its customers. The term does not include *Alternative Financial Establishment*.

FLEA MARKET, INDOOR: (x) A periodic market held fully within a building where groups of individual sellers offer their goods for sale to the public, typically with no long-term lease arrangement between the individual sellers and the flea market operator (see [Subsection 2.52\(A\)\(32\)](#) in Chapter 2 of this GDC).

FLEA MARKET, OUTDOOR: (x) A periodic market held in an open area (that is, not enclosed within a building) where groups of individual sellers offer their goods for sale to the public, typically with no long-term lease arrangement between the individual sellers and the flea market operator (see [Subsection 2.52\(A\)\(32\)](#) in Chapter 2 of this GDC).

FLOOR AREA: The square footage of total floor area of all floors (that is, stories) within a building or buildings on a lot, measured from the interior face of exterior walls.

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) ~~to~~ **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.

FOOD PROCESSING & STORAGE: (x) A large-scale manufacturing operation that prepares or produces foods and beverages for human consumption, primarily for commercial and wholesale customers for off-site distribution and consumption. The term includes dry and cold storage of food products, unless they are incidental to another primary use such as a grocery store or a restaurant. The term may include incidental retail sales of food products produced on the premises. The term does not include the preparation or manufacture of products for consumption by animals (see definition for *Animal Feed Processing and Storage*), or the slaughtering of any type of animal other than sea life.

FRONT (of a Building): The side of a building on which the main entrance (front door) is located.

FRONTAGE: Any portion of a lot that is immediately adjacent to a street but not including alleys.

FRONTAGE, LOT: The length of street frontage between property lines.

FRONTAGE, STREET: The linear distance of the property line measured along all abutting street rights-of-way; the length of all property on one side of a street between two intersecting streets measured along the line of the street, or if the street is a dead-end, then the length of all property abutting on one side between an intersecting street and the end of the dead-end street.

FUEL PUMPS, RETAIL: (x) The retail sale of liquid or gaseous fuels for the operation of motor vehicles.

FURNITURE & APPLIANCE CLEANING/REPAIR: (x) An indoor establishment that cleans, repairs, or refurbishes common household appliances, furnishings, and electronics either on-site or at the customer's location. The term includes furniture reupholstering and carpet and drapery cleaning and repair. The term does not include the following: automotive reupholstering or repairs/refurbishing of any type of appliance or equipment that has an internal combustion engine (such as cars, trucks, motorcycles, lawnmowers, or boats) or outside display or storage, unless such is allowed (by right or by SUP) and approved in the zoning district

wherein the business is located. (Also see definitions for the various types of *Outside Display* and *Outside Storage*.)

FURNITURE, HOUSEHOLD FURNISHINGS AND APPLIANCE SALES/RENTAL: (x) A retail establishment that sells new goods for furnishing the home including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic kitchen appliances, and other household furnishings. Also includes an establishment that rents furniture and household appliances on a contractual basis.

GARDEN, CHARITABLE: (x) A facility that is owned and operated by a nonprofit religious-oriented or charity-oriented agency for the purpose of cultivation of fruits, vegetables, and other flora species for human consumption by individuals who are supported by the agency and not for commercial sale. Does not include a *Landscape Nursery, Retail* or a *Landscape Nursery/Tree Farm (Wholesale)*.

GARDEN, CIVIC: (x) A facility that is owned or operated by a public or nonprofit agency, or individual, for the purpose of cultivation of fruits, flowers, vegetables, small ornamental plants, and other flora species by more than one person or family, for charitable purposes (not for commercial sale), or for their own use. The term does not include a *Landscape Nursery, Retail* or a *Landscape Nursery/Tree Farm (Wholesale)*.

GARDEN, COMMERCIAL: (x) A facility that is owned or operated by an individual or by a business entity for the purpose of cultivation of fruits, flowers, vegetables, small ornamental plants, and other flora species by more than one person or family for their own use and not for commercial sale. Does not include a *Landscape Nursery, Retail* or a *Landscape Nursery/Tree Farm (Wholesale)*.

GAS OR PETROLEUM DRILLING & PIPELINE: (x) The drilling, extraction, and transportation of subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing, or manufacturing.

GAS REGULATING STATION: (x) An assemblage of equipment that reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. The term includes auxiliary equipment such as valves, control instruments, or control lines as well as piping.

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 ~~tradition[al]~~traditional recreational or service facilities associated with golf courses and country clubs.

GRADE: The average elevation of the highest and lowest elevation measured at the finished surface of the ground at any of the exterior corners of the building or structure.

GROCERY/SUPERMARKET: (x) A retail store of over five thousand square feet in size that primarily sells groceries and consumable food items, but that may also sell items such as tobacco products, sundries/toiletries, household and other non-food items, newspapers and magazines, candy and snacks, floral items, prepackaged convenience food items, in-house delicatessen- and bakery-prepared food items, and audio and video rentals for off-site use and consumption. The term includes on-site deli- and bakery-food consumption provided that the dining areas comprise no more than twenty percent of the total sales floor area of the store.

GROSS LEASABLE AREA (GLA): Total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, and upper floors, measured in square feet from the centerline of joint partitions and from outside wall faces.

GROUP HOME: As defined in Chapter 591 of the Texas Health & Safety Code, as amended, a residential arrangement, other than a residential care facility, licensed by the State of Texas, or a community center in which not more than fifteen persons with mental retardation voluntarily live and, under appropriate supervision, may share responsibilities for the operation of the living unit. This definition shall include foster homes, halfway houses, and day care facilities for persons with mental retardation. For a use to qualify as a Group Home, the persons that reside therein must meet all the specifications and requirements of the Persons with Mental Retardation Act, Chapter 591 of the Texas Health & Safety Code. In the event of a conflict between this definition and the definition provided by Chapter 591 of the Texas Health & Safety Code, as amended, state law shall control.

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 ~~game[s]~~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.)

HEAVY LOAD VEHICLE: A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than sixteen thousand pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

HEAVY MACHINERY SALES, RENTAL, STORAGE & REPAIR: (x) An establishment for the indoor or outdoor display, sales, rental, storage, or repair of heavy machinery including tractors and other farm machinery, bulldozers, street graders, paving machines, cranes, and similar construction-related heavy equipment.

HEAVY VEHICLE LOADING AREA: A paved area designed to accommodate the maneuvering, loading and unloading, and parking of commercial vehicles having a length of twenty-seven feet or greater.

HEIGHT (of an Antenna or Tower): The distance measured from the finished grade of the lot or parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

HELIPAD: (x) An area of land or water, or a structural surface, which is used or intended for use for the landing and taking off of helicopters. The term does not include refueling, maintenance, repairs, or overnight storage of helicopters.

HIGH RISK USE: (x) Any type of use that is determined to be of special health or safety hazard due to excessive or toxic fumes, smoke, gas, dust, odors, noise, vibration, or danger from fire, explosion or radiation, and that involves the use or storage of materials meeting the "degree of hazard" criteria of the Uniform Fire Code in quantities determined to be hazardous by the Fire Marshal.

HIGHWAY: A county, state, federal, or other road facility shown as Type AA or larger on the City's *Major Thoroughfare Plan* (Interstate Highway 635, Interstate Highway 30, and State Highway 190).

HOME IMPROVEMENT CENTER: (x) The indoor retail sale of building materials that are primarily oriented toward home improvements (such as, lumber, drywall, paint, electrical supplies, plumbing fixtures, prepackaged concrete and mortars, doors, windows, siding, landscaping materials, tools, or hardware) rather than toward the wholesale building construction industry. The term does not include outside display or storage, unless such is allowed (by right or by SUP) and approved in the zoning district wherein the business is located. (Also see the various types of *Outside Display* and *Outside Storage*.)

HOME OCCUPATION: Any activity conducted by a resident of a dwelling unit on the premises of the residence. It includes, without limitation, any activity that results in the manufacturing, repair, or provision of goods or services.

HOSPITAL: (x) A building or portion thereof, used or designed for temporary housing and treatment of sick or injured patients where they are given medical or surgical treatment, and which is licensed by the State of Texas. The term includes an institutional-scale hospice facility.

HOTEL/MOTEL, EXTENDED STAY: (x) A facility for the overnight or extended stay (that is, thirty calendar days or longer) lodging of guests for compensation. An extended service hotel or motel typically includes kitchenette facilities and a sitting or work area in each room, and may have on-site food service for guests.

HOTEL/MOTEL, FULL SERVICE: (x) A facility for the overnight or temporary lodging of travelers for compensation. A full service hotel or motel has meeting facilities and on-site food service for guests.

HOTEL/MOTEL, LIMITED SERVICE: (x) A building(s) for the overnight or temporary lodging of travelers for compensation. A limited service hotel or motel may have on-site food preparation/service for guests.

IMPERVIOUS COVER: See *Coverage*.

IMPOUNDMENT LOT (COMMERCIAL/PRIVATE): (x) An area used for the temporary parking and storage of primarily operable impounded vehicles. The term does not include the sales, dismantling or sales of parts from any vehicle, nor the parking or storage of wrecked, junked or inoperable vehicles for longer than thirty calendar days.

IMPROVED LOT OR TRACT: A lot or tract that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure or improvement.

INDOOR SHOPPING MALL: (x) An indoors-only retail establishment that leases space to multiple tenants who each independently conduct their own retail operation in individual rooms that are fully enclosed having walls extending to the ceiling (see [Subsection 2.52\(A\)\(33\)](#) in Chapter 2 of this GDC).

INDUSTRIAL or MANUFACTURING, HEAVY: (x) Heavy industrial manufacturing, processing, assembling, researching and developing, packaging, shipping, storing, servicing or other similar activities that are not prohibited by law and typically involve the processing or manufacture of non-consumable products from raw materials, which do not meet standards set forth in the definition of *Light Industrial or Manufacturing* uses (see [Subsection 2.52\(A\)\(31\)](#) in Chapter 2 of this GDC).

INDUSTRIAL or MANUFACTURING, LIGHT: (x) An indoor establishment engaged in light assembly or manufacturing of finished non-consumable products or parts, predominately from previously prepared materials including the fabrication, manufacture, assembly, storing, and packaging of such products or parts. (see [Subsection 2.52\(A\)\(31\)](#) in Chapter 2 of this GDC).

INTERSECTION: The junctions of the centerlines of any two public rights-of-way, other than alleyways, crossing at grade or, where the crossing is separated at grade, the intersection is the point at which expressway travel pavements converge or diverge, or the point at which any expressway interchange ramp intersects the expressway travel pavement.

ITINERANT RETAIL VENDOR: (x) A transient retail business that does not occur in a permanent structure, in a structure for which a temporary permit has been obtained, or in association with another temporary use such as a carnival, fair, parade, or festival. The term does not apply to garage sales, businesses or sales of seasonal items (see *Seasonal Sales*), mobile service businesses (see *Mobile Service Vendor*), or businesses that hold a lease term on the property of at least one year (that is, 365 calendar days).

KIOSK: A small, freestanding, one-story structure or device (such as a charitable donations drop-box, or a recycling “igloo”) having a maximum floor area of three hundred and fifty square feet and used for commercial purposes, for a drop-off facility, or for the posting of temporary information or posters, notices, and announcements (see [Subsection 2.52\(A\)\(7\)](#) in Chapter 2 of this GDC).

KIOSK, ATTENDED - RECYCLED MATERIALS COLLECTION: (x) A type of kiosk, or a trailer, that has an on-site attendant during all hours of operation and which provides a neighborhood drop-off and collection point for recyclable or reusable household-related (that is, non-automotive, non-consumable, non-compostable, non-hazardous and non-flammable) materials such as aluminum cans, glass bottles, papers including magazines and newspapers, metal and plastic containers, clothes, shoes, toys, towels, linens, small kitchen appliances, electronics, and books. The term does not include an attended recycling collection center (see *Recycling Collection Center*).

KIOSK, ATTENDED - RETAIL/SERVICE: (x) A type of kiosk, whether drive-up or walk-up, that has an on-site attendant during all hours of operation where a product or service is dispensed either through a machine or by the attendant. Examples include a small kiosk structure that sells food items, convenience items such as ice or drinking water, or a locksmith. The term does not include a *Vending Machine, Exterior*.

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~~ and automated freestanding vending machines for consumable commodities such as ice or drinking water. The term does not include a *Vending Machine, Exterior*.

KIOSK, SELF-SERVICE - AUTOMATED TELLER MACHINE (ATM): (x) A self-service kiosk, operated by a bank or financial institution for the convenience of its customers to conduct transactions including deposits,

withdrawals and fund transfers without contact with bank personnel (see [Subsection 2.52\(A\)\(7\)](#) in Chapter 2 of this GDC).

KIOSK, SELF-SERVICE - RECYCLED MATERIALS COLLECTION: (x) A small self-service structure or temporary container (such as, an “igloo,” a dumpster or similar-type container) which provides a neighborhood drop-off and collection point for reusable, recoverable, or recyclable household-related (that is, non-automotive, non-consumable, non-compostable, non-hazardous and non-flammable) materials such as clothes, shoes, toys, towels/linens, small kitchen appliances and electronics, books, aluminum cans (including “can banks”), glass bottles, papers including magazines and newspapers, or metal and plastic containers. This definition does not include large trailers or manned collection centers (see *Recycling Collection Center*) (see [Subsection 2.52\(A\)\(7\)](#) in Chapter 2 of this GDC).

KIOSK, SELF-SERVICE - RETAIL: (x) A self-service kiosk, operated by a business entity for the convenience of its customers to purchase and obtain a commodity that is either prepackaged or dispensed in bulk to the customer (such as, ice, or drinking water). The term does not include a *Vending Machine, Exterior*.

LABORATORY, ANALYTICAL OR RESEARCH: (x) An indoor facility for testing and analyzing scientific problems including soil testing, concrete compression testing, medical testing, prototype design and development, and other types of product research and testing. The term includes a medical and dental laboratory (see *Medical and Dental Laboratory*).

LAND USE CREDIT: A square foot of property occupied or used for an automotive use as regulated by the Downtown Auto Overlay district (see [Section 2.48](#) in Chapter 2 of this GDC), inclusive of parking areas but exclusive of any adjoining streets, alley, sidewalks, or other public property.

LANDSCAPE NURSERY, RETAIL: (x) A retail business for the display and sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, pavers, and other materials used in indoor and outdoor landscaping.

LANDSCAPE NURSERY/TREE FARM (WHOLESALE): (x) An establishment for the cultivation and propagation, display, storage and sale (mostly wholesale, but can include a limited amount of retail sales) of large plants, shrubs, trees and other materials used in indoor or outdoor plantings. This definition may also include the contracting for installation or maintenance of landscaping as an accessory use.

LANDSCAPING: An area devoted to and maintained predominantly with living plant material including lawn, groundcover, trees, shrubs, other plant materials, accessory decorative outdoor landscape elements such as fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements. The term may also be referred to as Landscaped Area.

LAUNDRY, DROP-OFF: (x) A small-scale retail establishment (including a dry cleaners) that is no larger than three thousand square feet in size, and that serves as a location for customers to drop off and pick up clothes to be laundered, dry cleaned, pressed or other cleaning process. Alterations and garment repair may also be offered in relation to this use.

LAUNDRY, SELF-SERVE (LAUNDROMAT): (x) A retail establishment offering machines for customers to use in laundering garments on a self-serve basis.

LAUNDRY PLANT, COMMERCIAL: (x) A commercial establishment that is larger than three thousand square feet in size, and that launders or dry cleans garments, linens or similar textiles on a bulk, commercial or wholesale basis (not retail). The term includes a uniform supply service. Alterations and repair of garments are allowed as a secondary use.

LEARNING CENTER, SPECIALIZED: (x) A private educational establishment that offers specialized or advanced courses similar to those offered in the public school system (such as mathematics, languages, or sciences) for a fee. Also includes an educational establishment that offers specialized training in improving educational skills such as those related to course study and test-taking, as well as an establishment that specializes in speech, hearing, sight or reading therapy, and teaching basic life skills to mentally retarded, handicapped, or blind persons.

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,” ~~land~~ 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*).

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.

LIVESTOCK AUCTION: A facility for the auctioning and sale of cattle, horses, or other livestock where confinement of animals is normally for a period of less than one week, and where feed of a filler-type is primarily provided. Animal turnover under this use is expected to be continuous. ((x) - Shown within the [Land Use Matrix](#) in Chapter 2 of this GDC under *Stockyards, Livestock Auction and Livestock Hauling*)

LIVESTOCK HAULING: A business expressly involved with the transportation of cattle, horses, hogs, chickens or other types of livestock, where the temporary confinement of animals may be necessary. The hauling and temporary indoor storage or housing of plant materials, small pet-type animals such as dogs and cats, fish, birds or inanimate (non-living) goods is classified as a Motor Freight Terminal. ((x) - Shown within the [Land Use Matrix](#) in Chapter 2 of this GDC under *Stockyards, Livestock Auction and Livestock Hauling*)

LIVESTOCK, LARGE: See Section 22.09 in Article 1 of Chapter 22 in the City Code.

LIVING AREA (as in a Residence): An enclosed and air-conditioned room of at least one hundred and twenty square feet in size, other than an unfinished garage or basement, and other than a room used as a bedroom, bathroom, or kitchen.

LOT: An undivided tract or parcel of land shown and designated with a tract or lot number on a duly recorded subdivision plat. A lot may be offered for sale, conveyance, transfer or improvement, is designated as a distinct and separate tract, and is identified by a tract, lot number, or symbol in a duly approved plat that has been properly filed of record.

LOT AREA: The square foot area or the acreage of a lot within the bounding property lines and exclusive of dedicated streets and alleys, but may include easements.

LOT, CORNER: A lot abutting upon two or more streets at their intersection(s).

LOT COVERAGE: See *Coverage*.

LOT DEPTH: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line).

LOT, DOUBLE FRONTAGE: Any lot, not a corner lot, with frontage on two streets that are essentially parallel to each other or are within forty-five degrees of being parallel to each other.

LOT, FLAG-SHAPED: An irregularly shaped lot that takes its sole access via a long, narrow strip of land connecting the principal building site to a public street.

LOT, INTERIOR: A lot other than a corner lot.

LOT, KEY CORNER: A lot where both neighboring lots have front yard setbacks adjacent to the corner lot on both sides.

LOT LINE: A property (ownership) boundary of a lot, as defined herein.

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~~Accessory Buildings (such as carports and storage buildings), playgrounds, open space/recreational areas, fenced yards for pets, and other similar amenities.

MARINA: (x) A waterfront business establishment for the docking, wet storage, refueling, and servicing of boats and personal watercraft used on the abutting lake or reservoir. The term includes watercraft fuel sales, fishing equipment and bait sales, fishing pier/services, boat/watercraft rentals, a restaurant(s), dry boat storage, and other amenities related to boating, fishing, and outdoors recreational enjoyment.

MASONRY MATERIALS: Masonry Materials are brick, stone, tile, or other similar building units or materials, or any combination of these materials, laid up unit-by-unit, and set in mortar. Notwithstanding the foregoing, Masonry Construction includes the following materials:

(a) Hard-fired brick such as kiln-fired clay, shale, or slate material. Acceptable materials may also include integrally-colored concrete brick, known as concrete masonry units or CMUs, but only subject to the limitations in Subsection 4.82(C)(1)(d) and only if the concrete masonry units conform to the same ASTM standard for construction as typical hard-fired clay brick. Material under this Section must meet the classification of severe weather grade and have a minimum thickness of two and one-quarter inches when applied as a veneer. Acceptable materials under this Section do not include unfired or underfired clay, sand, or shale brick.

(b) Stone such as naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable, all-weather stone that is customarily used in exterior building construction. Acceptable materials may also include cast or manufactured stone product, provided that such product yields a highly textured, stone-like appearance, its coloration is integral to the masonry material, and it is demonstrated to be highly durable and maintenance-free. The surface of any manufactured stone must not be painted. Natural or man-made stone must have a minimum thickness of two and five-eighths inches when applied as a veneer.

(c) Concrete masonry units, also known as CMUs, for nonresidential and multifamily projects only, provided that such concrete masonry units are integrally-colored, not painted, have a highly textured exterior finish such as “split-face,” are classified as severe weather grade, and are not lightweight or featherweight concrete or cinder blocks.

Masonry Materials do not include any of the following:

(a) Adobe or mortar wash surface material;

(b) Exterior insulation and finish system (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;

(c) Cementitious fiberboard siding, such as “SmartBoard” or “HardiBoard”;

(d) Vinyl-based siding material, as may be allowed by the City’s Building Code;

(e) Lightweight or featherweight concrete blocks or cinder blocks;

(f) Exterior plaster, including stucco; and

(g) Any other cementitious product not listed above.

MASSAGE THERAPY: A type of personal service that offers therapeutic massage by a massage therapist (as defined and licensed by state law).

MEAT & GAME PROCESSING: (x) The skinning, preparation, packaging, storage, and freezing of meat from non-equine livestock and game animals for personal (noncommercial) use by individuals. The term includes, as a secondary use, on-site retail sale of meats with appropriate state and local permits or licenses.

MEDICAL AND DENTAL LABORATORY: A facility operated for the primary purpose of performing medical, dental or optical research, testing, and analytical work having a direct relationship to the provision of health services (classified as a *Laboratory, Analytical or Research*). The term does not include examination or treatment of medical or dental patients (see *Medical and Dental Office/Clinic or Hospital*).

MEDICAL AND DENTAL OFFICE/CLINIC: (x) An office facility that is primarily engaged in furnishing direct medical services to people with physical or mental ailments. The term includes a single office or a group of

offices for one or more physicians or dentists (including orthodontia) for medical examinations, treatment of injuries and illnesses, and minor surgical procedures on people on an outpatient basis, but not including facilities for overnight stays.

MINING/MINERAL EXTRACTION: (x) The process by which stone, gravel, sand, aggregates, metallic ores, coal, precious stones, salt, or other solid-form rocks or minerals are extracted from the earth. The term includes quarrying, extraction, milling, crushing, screening, washing, floatation, stockpiling, and other activities customarily performed at a mine site or as part of a mining operation to prepare the extracted materials for sale or shipment.

MINOR PLAT: A plat involving four or fewer lots fronting an existing street and not requiring a new street or municipal facilities.

MOBILE SERVICE VENDOR: A mobile service business that typically travels to most, if not all, of its customers rather than its customers coming to the business's shop (such as, a mobile automotive windshield installer, mobile veterinary clinic, mobile pet-bathing service, or mobile locksmith). The term does not include retail sales of any goods or items other than those installed or expended in the actual conduct of the mobile service (such as, a windshield that is installed by a mobile installer, vaccinations and supplies delivered and administered by a mobile veterinary clinic, or door locks and keys cut and sold by a mobile locksmith).

MODEL CODE: A publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law, including but not limited to, the International Residential Code, International Plumbing Code, International Electrical Code, International Mechanical Code, the National Electrical Code, the International Building Code, the International Fire Code, the International Fuel Gas Code, and the International Energy Conservation Code.

MONEY TRANSFER BUSINESS: An establishment, other than a financial institution or a bank that engages in or facilitates the transmission of monetary funds to or from a location outside the United States and its territories for a fee.

MORTUARY/FUNERAL HOME: (x) A place for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. The term does not include any type of cemetery (below-ground) interment for bodies, but may include funeral service chapels, on-site monument and floral sales, columbariums, crematoriums, mausoleums (interment in above-ground tombs or vaults), or any combination thereof.

MOTORCYCLE/ATV SALES, LEASING & REPAIR: (x) An establishment offering the sales, leasing, rental, service, or repair of motorcycles, all-terrain vehicles, motorbikes, motor scooters, golf carts, and similar personal motor vehicles. The term includes service, repair and sales of parts for personal motor vehicles such as sidecars, accessories, or motorcycle-drawn trailers. The term does not include outside display or storage, unless such is allowed (by right or by SUP) and approved in the zoning district wherein the business is located. (Also see definitions for the various types of *Outside Display* and *Outside Storage*).

MOTOR FREIGHT TERMINAL/RAILROAD SWITCHING YARD: (x) A premises where cargo is stored and where trucks, including tractor trailer units, load and unload cargo on a regular basis. The term includes a railroad freight terminal, facilities for the temporary storage of loads and cargo (including outside storage) prior to shipment, or that are transferring from one mode of transportation to another (such as to/from trucks and rail cars), and may include on-site fuel tank(s) for use by the operation only (no retail or external fuel sales) if such are approved by the Fire Department and Building Official.

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

MUNICIPAL GOVERNMENT OFFICE/FACILITY: Any land area, building, structure, or facility that is owned, leased, used, or operated by the City of Garland, Texas.

MUNICIPAL SEPARATE STORM SEWER SYSTEM or "MS4": The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is

not used for collecting or conveying sanitary sewage.

NONCONFORMING: A use or structure that was lawful at the time it was originated, but does not comply with current provisions of this GDC or a law passed at a later date.

NONCONFORMING LOT: Any platted lot that was lawful at the time it was platted, but does not conform to the regulations of this GDC and that is regulated by [Chapter 2, Article 7](#) and specifically by Section 2.75 in this GDC.

NONCONFORMING STRUCTURE: Any structure, building, or physical improvement existing on land that was lawful prior to enactment of this GDC, but which does not conform to the regulations, relative to its size, height or location, within the zoning district in which it is located.

NONCONFORMING USE: Any activity or use of land which was lawful prior to the enactment of this GDC but does not conform to the regulations of the zoning district in which it is located.

OCCUPANCY: Any utilization of real property, its attachments or appurtenances.

OFFICE, GENERAL: (x) A facility used for the indoor provision of professional, executive, management, or administrative services. The term includes administrative functions involved in real estate, insurance, legal services, property management, investments, personnel, travel, clerical, administrative services, small-scale (that is, twenty-five thousand square feet or less in size) telephone answering (also see *Call Center*), military recruiting, dispatch only of home and business maintenance and repair services (such as, carpet cleaning, pest control, plumbing, or mechanical repair), box office, a telework center, and business offices of public utilities, organizations and associations. The term does not include on-site storage of service vehicles, materials, inventory, chemicals, or medical or dental offices.

OFFICIAL SUBMISSION (or Filing) DATE: The date an applicant hand-delivers an application or plan to the correct designated City department, as stated in this GDC or the *Development Application Packet*, or deposits the application or plan with the United States Postal Service by certified mail addressed to the City, with all required fees and documents as stated in the *Development Application Packet* and as described in Section 1.18 in Chapter 1 of this GDC. The official submission date is also subject to complete application provisions within this GDC; see the definition of Complete Application as well as requirements within [Section 1.16](#) in Chapter 1 of this GDC.

OFF-SITE MAIN: A water or sewer (wastewater and storm) main totally outside a tract of land to be subdivided and developed for resale.

ONE-HUNDRED-YEAR STORM: A storm event having a one percent chance of occurring in any given twelve-month period.

ON-SITE MAIN: A water or sewer (wastewater and storm) main totally within or adjacent to a tract of land to be subdivided and developed for resale.

OUTSIDE DISPLAY, NEW MATERIALS: (x) The temporary placement and display, in an unenclosed or unroofed area, of any new goods (including pre-packaged foods and beverages), materials or merchandise for less than twenty-four hours on business days only (that is, not on a continuous basis), and which are removed from display at the end of each business day and stored indoors overnight.

OUTSIDE DISPLAY, USED MATERIALS: (x) The temporary placement and display, in an unenclosed or unroofed area, of any used or salvaged materials or merchandise for less than twenty-four hours on business days only (that is, not on a continuous basis), and which are removed from display at the end of each business day and stored indoors overnight.

OUTSIDE STORAGE, NEW MATERIALS: (x) The keeping, in an unenclosed or unroofed area, of any new goods (including pre-packaged foods and beverages), materials or merchandise in the same place for more than twenty-four hours.

OUTSIDE STORAGE, USED MATERIALS: (x) The keeping, in an unenclosed or unroofed area, of any used or salvaged non-consumable goods, materials or merchandise in the same place for more than twenty-four hours.

OUTSIDE STORAGE UNIT, PORTABLE (POD): (x) A storage unit, or container, that is delivered to a location

on a truck, placed on a premises, and used for storage usually on a temporary basis (that is, not permanent).

OWNER: A person who holds legal possession or ownership of an interest in property. Where applied to a building or land, the term includes any part owner, joint owner, lessee, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, for the whole or of a part of a building or land.

PARAPET: A low wall or railing that projects above the roof; it may be an extension of a vertical wall.

PARKING AREA: An area containing multiple parking spaces together with accompanying maneuvering area and driveway access, usually off-street and always composed of all-weather surface material, for the temporary placement of motor vehicles.

PARKING LOT OR GARAGE, COMMERCIAL: (x) An open lot or a structure designed specifically for the temporary or long-term parking or storage of operable (that is, no junked, wrecked, or inoperable vehicles) automobiles and light-duty trucks (that is, no heavy load vehicles), owned by others, for a fee. The term may include a designated space for a parking attendant.

PARKING, SHARED: Parking which is shared by tenants, visitors, and the general public. Hours of availability by each use sharing the parking space(s) must be provided for in an irrevocable parking agreement that has been approved by the City.

PARKING SPACE: Generally, a storage area or stall for parking of an individual motor vehicle.

PARKWAY: That portion of the public right-of-way lying primarily between the edge of the pavement or curb and the private property line.

PATIO HOME: A type of detached, single-family dwelling on a smaller, separately platted lot (typically between four thousand and six thousand square feet) and having reduced setbacks. See *Dwelling, Single-Family* and *Dwelling, Zero-Lot-Line Home*.

PAWN SHOP: (x) A location or premises at which a pawnbroker (as defined by Section ~~371.001~~[371.003] of the Texas Finance Code) engages in the business of lending money on the security of pledged goods (as defined by Section ~~371.001~~[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.

PAYDAY ADVANCE OR LOAN BUSINESS: An establishment that makes small consumer loans, backed by postdated check or authorization to make an electronic debit against an existing financial account, in which the check or debit is held for an agreed-upon term or until the customer's next payday, and then cashed or debited unless the customer repays the loan within the agreed time frame (see *Alternative Financial Establishment*).

PERFORMANCE STANDARD: Standards specified for the operating characteristics of different activities and related to noise, smoke, airborne particulate matters, odors, toxic and noxious matter, glare, exterior illumination, and vibration.

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]~~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).

PERMITTED USE: A use specifically allowed in one or more of the various zoning districts by right, meaning that no zoning amendment is necessary to allow the use within a designated zoning district. This term does not include uses permitted with a Specific Use Provision (SUP).

PERSON: A human being, his heirs, executors, administrators, or assigns and may extend and be applied to associations, corporations, organizations, firms, partnerships, estates, trusts, and business trusts and to a government or governmental subdivision or agency, other than the City.

PERSONAL CARE FACILITY (ASSISTED LIVING FACILITY): As defined by Section 247.002 of the Texas Health & Safety Code, an establishment that furnishes, in one or more facilities, food and shelter to four or

more persons who are unrelated to the proprietor of the establishment, and provides personal care services or administration of medication by a person licensed or otherwise authorized in this state to administer the medication, and may provide assistance with or supervision of the administration of medication. For the purposes of this definition, personal care services means:

- a. Assistance with feeding, dressing, movement, bathing, or other personal needs or maintenance;
- b. General supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in a personal care facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

For a use to qualify as a Personal Care (Assisted Living Facility), it must meet all the specifications and requirements of the Assisted Living Facility Licensing Act, Chapter 247 of the Texas Health & Safety Code. In the event of a conflict between this definition and the definition provided by Chapter 247 of the Texas Health & Safety Code, state law shall control.

PERSONAL PROPERTY: Property that is not real property, which can be seen, weighed, measured, felt, or otherwise perceived by the senses. For the purpose of regulating garage sales, the term shall mean property that is owned, utilized and maintained by an individual or members of his or her household and acquired in the normal course of living or maintaining a residence. The term does not include merchandise that was purchased for resale or obtained on consignment.

PERSONAL SERVICES: (x) An establishment that provides services to individuals, such services primarily involved in the care of the persons not otherwise listed herein as a specified use. The term includes, but is not limited to, services such as barber and beauty shops, tailoring, licensed massage or physical therapy, photography or portrait studios, manicure salons, the application of permanent cosmetics, hair removal and tanning salons, or weight-loss salons.

PERSONAL WATERCRAFT SALES, LEASING & REPAIR: (x) An establishment offering the sales, leasing, rental, service, or repair of personal water craft vehicles. The term includes sales of accessories, transport trailers, and water recreation supplies. The term does not include outside display or storage, unless allowed (by right or by SUP) and approved in the zoning district wherein the business is located. (Also see definitions for the various types of *Outside Display* and *Outside Storage*).

PET CARE/PLAY FACILITY (INDOORS): (x) An indoor commercial establishment in which domestic animals (such as dogs and cats) are housed, groomed, bred, boarded, entertained, or trained for a fee or compensation. The term includes overnight boarding, pet day cares, indoor dog parks, and grooming-only salons (that is, a pet salon that is not part of a retail *Pet Store* establishment). In order to fall under this definition, all of the establishment's activities must occur indoors, except for periodic outdoor breaks or exercise under close supervision for limited periods of time (periods of up to one hour).

PET CARE/PLAY FACILITY (OUTDOORS): (x) A commercial establishment in which domestic animals (such as dogs and cats) are housed, groomed, bred, boarded, entertained, or trained for a fee or compensation. The term includes overnight boarding in outdoor kennels or runs, outdoor pet day cares, outdoor dog parks, and other traditional kennel activities that occur outdoors, generally for an extended period of time (including overnight).

PET STORE: (x) A retail establishment offering small animals for sale (no livestock) where all creatures are housed within the building, and the sale of pet foods and supplies. May include pet grooming salon, indoor pet care/play/boarding and/or small animal veterinary services as accessory use(s).

PETITION FOR A LEGISLATIVE DECISION: A request for approval of an action authorized under this GDC requiring action by the City Council acting in its legislative capacity.

PETITION FOR CHANGE IN NONCONFORMING STATUS: A request by a property owner to the City of Garland Board of Adjustment (BOA) under [Article 2, Division 4 in Chapter 2](#) of this GDC for a change in the status of a nonconforming use or structure to allow for modification to the use or property owned.

PETITION FOR RELIEF FROM DEDICATION OR CONSTRUCTION REQUIREMENT: See *Proportionality Appeal*.

PHARMACY: (x) A retail establishment engaged in the retail sale of prescription drugs, nonprescription medications, cosmetics, sundries, and other related personal care supplies. The term may include sales of pre-packaged food and beverage items as an accessory use only.

PHYSICAL THERAPY: A type of personal service that offers, by licensed physical therapy professionals, activities such as therapeutic massage, rehabilitative strength and flexibility training, and physical pain relief techniques, as prescribed by a licensed doctor and on an outpatient basis (no overnight stays). (Classified as *Personal Services* in the [Land Use Matrix](#) in Chapter 2 of this GDC)

PLANNED DEVELOPMENT (PD) DISTRICT: A comprehensively planned land development project that may allow flexibility in development standards such as those that specify building siting, densities, mixtures of housing types and land uses, usable open spaces, and the preservation of trees or other significant natural features. A PD district must adhere to the standards of [Chapter 2, Article 2, Division 2](#) of this GDC.

PLANNING DIRECTOR: The Director of the City's Planning & Community Development Department, or an authorized designee.

PLAT: A map, drawing, chart, or plan showing the exact layout and proposed construction of a proposed development into one or more lots, blocks, streets, parks, school sites, commercial or industrial sites, easements, alleys, or any other elements as required by this GDC and which a subdivider shall submit for approval in accordance with this GDC.

PORCH: A roofed space open on one or more sides, one or more stories in height, the roof of which is an extension of the roof of a building to which the porch is attached. The purpose of porch space is to shelter people or objects, not including vehicles, from the sun, rain and general weather.

PORTABLE BUILDING SALES/LEASING: (x) An establishment that displays, sells, or rents structures that are capable of being carried or transported to another location, not including mobile homes, HUD-Code homes, or industrialized homes. Outside display and storage must comply with [Subsection 2.52\(A\)\(14\)](#) in Chapter 2 of this GDC.

PORTABLE CLASSROOM BUILDING: A building manufactured off-site and transported to the campus of a Public School, Private, Religious or Charter School, or Place of Worship for the purpose of classroom instruction, but not intended to remain on a permanent basis.

POST OFFICE: (x) A local branch of the U.S. Postal Service engaged in the distribution of mail, including incidental services such as mailing and shipping services and leasing of mailboxes.

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 ~~25~~[Article 2](#), Division 2 of this GDC.

PRINTING/PUBLISHING HOUSE: (x) An establishment whose primary service is long-run printing including, but not limited to, book, magazine and newspaper publishing. (For a retail or small-scale print and copy shop, and for a private mail and shipping service, having five thousand square feet or less in floor area, see *Business & Media Service*.)

PRINTING, RETAIL/SMALL SCALE: See *Business & Media Service*.

PRO RATA: A charge made against a property owner to repay a proportional share of the capital cost of a public improvement such as water and sewer mains.

PRODUCE STAND/FARMERS' MARKET (OUTDOOR): (x) A permanent structure that is used to sell fruit, edible seeds and nuts, vegetables, and similar farm-raised foods.

PROPERTY OWNER: See *Owner*.

PROPORTIONALITY APPEAL: A request for relief, based upon constitutional standards, from a requirement imposed under this GDC to dedicate or construct a public improvement that is reviewed and decided under Chapter 5, Article 1, Division 2 of this GDC.

PUBLIC AMUSEMENT, TEMPORARY: (x) An amusement enterprise that is in operation on a temporary basis (that is, two months or less) offering entertainment, a sporting event or games of skill to the general

public for a fee or charge. Activities for this use may take place indoors or outdoors. Examples include a carnival, circus, or haunted house.

PUBLIC RIGHT-OF-WAY: The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement, which has been dedicated to the public use, regardless of whether title is held by the City in fee or in an interest less than fee.

PUBLIC VIEW: Areas that can be seen from any public street.

RACING TRACK: (x) An outdoor facility for racing automotive vehicles or motorcycles. The term includes uses such as car racing tracks, drag strips, motorcycle tracks, race courses, and accessory uses such as automotive repair facilities, spectator seating and bleachers, racing gear shops, and concessions.

RADIO, TELEVISION OR MICROWAVE TOWER: See *Antenna or Microwave Reflector*, and *Antenna Support Structure*.

RECEPTION FACILITY: (x) An establishment that is open to the general public or made available for private use, primarily for the provision of facilities for parties, dances, receptions, banquets, or similar social events. The term does not include restaurants, hotels, country clubs, theaters, or commercial amusements that provide for such activities as a secondary use.

RECORD DRAWINGS: See *As-Built/Record Drawings*.

RECORDED PLAT: A plat that has been finally approved by the City and that has been filed with the applicable County after meeting all City requirements under Chapter 3, Article 2, Division 3 of this GDC.

RECORDING STUDIO/MEDIA PRODUCTION: (x) An indoor facility for the production or transmission of commercial programming by radio or television. The term includes a facility having the facilities and equipment necessary for the production of audio or video media.

RECREATIONAL VEHICLE (RV): Any type of trailer or self-propelled motor vehicle that is designed, constructed, and equipped for human habitation as a temporary dwelling place or sleeping place.

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 structures~~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.

RECREATIONAL VEHICLE/TRAILER SALES, LEASING & REPAIR: (x) An establishment offering the sales, leasing, rental, service, or repair of new or used recreational vehicles and trailers (such as cargo, flatbed, and livestock), travel trailers and campers. The term includes sales of camping supplies and parts for RVs and outside display and storage of vehicle and trailer inventory (see [Subsection 2.52\(A\)\(14\)](#) in Chapter 2 of this GDC).

RECYCLABLE MATERIALS: Reusable materials including, but not limited to, metals, plastics, glass, and paper that are intended for reuse, remanufacture, or reconstitution for the purpose of reusing the altered form. This term does not include automotive materials or parts, food refuse, offal, or other consumable materials.

RECYCLING COLLECTION CENTER: (x) An indoor facility that 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. (see [Subsection 2.52\(A\)\(8\)](#) in Chapter 2 of this GDC).

RECYCLING SALVAGE YARD: (x) 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 (see [Subsection 2.52\(A\)\(8\)](#) in Chapter 2 of this GDC). For automotive-related reclamation, see “Salvage Yard, Automotive.”

REFUSE CONTAINER: Any container used for the temporary storage of routinely collected waste that is specifically designed to be emptied by heavy machinery. Also may be referred to as a dumpster or trash receptacle.

REHABILITATION FACILITY: (x) As defined by Chapter 244 of the Texas Local Government Code, a residential facility that is operated by an agency of the state, a political subdivision of the state, or a private vendor operating under a contract with an agency of the state or a political subdivision of the state and that houses persons convicted of misdemeanors or felonies or houses children found to have engaged in delinquent conduct, regardless of whether the persons are housed in the residential facility:

- a. While serving a sentence of confinement following conviction of an offense;
- b. As a condition of probation, parole, or mandatory supervision; or
- c. Under a court order for out-of-home placement under Title 3, Family Code, other than in a foster home operated under contract with the juvenile board of the county in which the foster home is located or under a contract with the Texas Youth Commission.

Such facility and the persons that reside therein must meet all the specifications and requirements of Chapter 244 of the Texas Local Government Code to be considered a Rehabilitation Facility under this GDC. In the event of a conflict between this definition and the definition provided by Chapter 244 of the Texas Local Government Code, state law shall control.

RELEVANT MODEL CODE: A Model Code published within the last three code cycles and which applies to construction, renovation, maintenance, or other alteration of a Building.

REMAINDER TRACT: Land that is part of a larger parcel that is not subject to a subdivision plat affecting the parcel.

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

RESIDENTIALLY ZONED PROPERTY or LAND: Property that is zoned as a single-family detached, single-family attached (townhouse), two-family or multifamily zoning district. The term includes property that is zoned as a Planned Development (PD) district where the base zoning within the PD is one of the foregoing districts.

RESIDENTIAL USE: A dwelling unit or group of dwelling units. The term includes dwelling units (such as loft apartments) within the upper story(s) of a building wherein other parts of the building are used for nonresidential purposes, such as retail establishments or offices.

RESPONSIBLE OFFICIAL: The City staff person who has been designated to accept submission of a type of development application, to review and make recommendations concerning such applications, and where authorized, to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of this GDC with respect to such development applications. Also includes any designee of the designated City staff person.

RESTAURANT: (x) An establishment at which food and beverages are prepared for service and consumption on the premises, or for carry-out (that is, for off-site consumption). The term includes carry-out service provided patrons leave their vehicles and enter the building to pick up and pay for the carry-out items, or provided an employee of the establishment carries items to patrons waiting in their vehicles ("curbside service").

RESTAURANT, DRIVE-THROUGH: (x) An establishment at which food and beverages are prepared primarily for service to persons in vehicles, and may include consumption on the premises or curbside service. The term may include a take-out window, walk-up window, drive-through, or drive-in service bays as part of the operation.

RETAIL: The sale of commodities in relatively small quantities directly to consumers.

RETAIL-READY: Leasable space that has the necessary ceiling height and fire separation to accommodate retail and restaurant uses.

RETAIL STORE: (x) The sale of commodities to consumers that is not otherwise herein regulated or defined, including but not limited to the sale of items such as, clothing and apparel accessories, household items (does not include furniture, appliances and large furnishings), a discount store, a department or variety store, an indoors-only automotive parts sales, or a specialty grocer (maximum five thousand square feet).

RETENTION FACILITY: A facility that provides a permanent pool of a pre-determined volume of stormwater and that is designed to provide additional capacity for the temporary storage of stormwater that may be required for detention

purposes.

RIDING ACADEMY/STABLES: See *Stable, Commercial*.

ROOFLINE: The ridge line or highest part of a roof.

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~~[1]~~.

SCHOOL, BUSINESS: (x) A private educational establishment offering, on a regular basis, vocational instruction or training in professional, artistic and design oriented fields, such as: clerical or administrative training, data processing, computer programming and maintenance, medical training, financial or legal training, artistic and design training, music, dancing, acting, and modeling. The term does not include any establishment providing practical or applied training in an activity that is not otherwise allowed in the zoning district.

SCHOOL, PRIVATE, RELIGIOUS OR CHARTER: (x) A learning facility for enrolled students that is under the sponsorship of a private agency, corporation, religious agency, or registered charter (as provided for by Chapter 12 of the Texas Education Code), other than a public school district, which offers a curriculum that is generally equivalent to public schools for the applicable grade level(s).

SCHOOL, PUBLIC: (x) A learning facility for enrolled students that is owned and operated by a public school district which offers kindergarten, elementary, secondary, and high school curriculum for the purpose of educating students generally between the ages of five and eighteen.

SCHOOL, RETAIL/PERSONAL SERVICES TRAINING: (x) A private educational establishment offering, on a regular basis, vocational instruction or training in retail or personal service oriented fields, such as: bartending, cosmetology or personal grooming, and food service or culinary instruction. The term does not include any establishment providing practical or applied training in an activity that is not otherwise allowed in the zoning district.

SCHOOL, TRADE: (x) A private educational establishment offering, on a regular basis, vocational instruction or training in a trade, craft, skill, activity, or profession, exclusive of other listed schools herein. Examples include (but are not limited to): auto and truck repairing, welding and metal-crafting, brick-laying, building construction and contractor trades, truck and bus driving, or electronics assembling and repairing. The term does not include establishments providing practical or applied training in an activity that is not otherwise allowed in the zoning district, unless such training only involves equipment or processes typical of uses permitted in the district.

SCREENING: Fencing, walls, planted berms, or densely planted vegetation that acts as a buffer or that reduce visibility.

SEASONAL SALES: (x) The periodic (that is, not continuous throughout the calendar year) sales of seasonal items (such as Christmas trees, pumpkins, holiday florals, summer play equipment, or other similar seasonal outside display items) that are conducted by the same entity that owns the property, or by a state-registered and regulated business entity that holds a lease term on the property. The term does not include private, illicit sales of goods or services by an individual who is not registered as a bona fide retail or service business entity with the Texas Secretary of State.

SELF-STORAGE FACILITY (MINI-WAREHOUSE): (x) A facility containing small individual storage units of five hundred square feet or less for rent or lease, restricted solely to the storage of items, such as motor vehicles, trailers, boats, household goods, and sundry personal property. This definition shall not include uses such as the conduct of sales, business, living or habitation, band or musical practice or performance, or any other activity other than storage within the individual storage units.

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.

SETBACK: The required distance between any point on private land and the nearest point at the edge of the nearest public street right-of-way. Where a public way crosses a railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way.

SETBACK LINE: A line defining an area on the lot between the property line and the building line, within which no building shall be constructed, encroach or project, except as specifically authorized in an adopted City ordinance or within this GDC.

a. Exterior Side Setback Line: A side setback adjacent to a street right-of-way line.

b. Front Setback Line: A line parallel to the street right-of-way line which the building takes its primary access from and faces.

- c. Interior Side Setback Line: A side setback that is not adjacent to a street right-of-way.
- d. Side Setback Line: A line parallel to an adjacent lot, property line, or street right-of-way on a corner lot, up to which the building sides.
- e. Rear Setback Line: A line parallel to an adjacent lot, alley, or street, for double frontage lots, to which the building backs up and from which it has its rear or secondary access.

SEXUALLY ORIENTED BUSINESS: (x) Any use included within the meaning of “sexually oriented business,” as defined in Article VIII, of Chapter 26 of the City Code.

SHELTER TENT: (x) Any shelter or cover, fabric, or solid material designed to provide shade or protection from weather elements.

SHIPPING CONTAINER: (x) A standardized, reusable shipping or storage vessel used in the transportation of freight or the storage of goods, and that is capable of being mounted and moved on a rail car, a truck, or a ship.

SHOOTING RANGE, INDOOR: (x) A structure specially designed for the safe discharge and use of rifles, shotguns, pistols, archery devices, and other types of firearms for the purpose of sport shooting, target practice, competitions, firearms education, or military or law enforcement training, entirely enclosed within a building. The term may include, as an accessory use, the sales of handguns and other firearms, ammunition, sport shooting, and hunting supplies.

SHOOTING RANGE, OUTDOOR: (x) An area specially designed for the safe discharge and use of rifles, shotguns, pistols, archery devices, and other types of firearms for the purpose of sport shooting, target practice, competitions, firearms education, or military or law enforcement training in which some or all of the operation occurs outside (that is, not entirely enclosed within a building). The term may include, as an accessory use, the sales of handguns and other firearms, ammunition, sport shooting, and hunting supplies.

SIDEWALK: A paved pathway, normally located within public right-of-way or within a pedestrian easement that is typically used by pedestrian traffic, bicycles, and other non-motorized personal conveyances.

SIGNIFICANT ARCHITECTURAL FEATURE: That quality in buildings and structures, or parts thereof, which represents characteristics of a style or period of design and construction and which reflect, through integrity of location, design, materials, and workmanship the community’s heritage, including its historical, architectural, and cultural values.

SITE ENGINEERING DRAWINGS: The drawings and technical specifications that conform to Chapter 3, Article 6, Division 1 of this GDC. Site engineering drawings, including bid documents and contract conditions, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development.

SITE PERMIT: A permit that is issued under [Chapter 4, Article 1, Division 3](#) of this GDC, that authorizes site preparatory activities other than construction or placement of a structure on the land under one or more site plans and that, upon approval, authorizes the property owner to apply for a building permit.

SITE PLAN: A scaled and detailed drawing that conforms to the requirements of this GDC, specifically [Chapter 4, Article 1, Division 1](#), and that shows the roads, parking, footprints of all buildings, existing trees, proposed landscaping, parkland, open space, grading and drainage, and similar features needed to verify compliance with the City’s approved *Comprehensive Plan* and development standards.

SMALL ENGINE/LAWN EQUIPMENT RENTAL & REPAIR: (x) An indoor establishment that cleans, repairs, refurbishes or rents out non-automotive electric or gas-powered equipment with only one-cylinder engines (such as lawn mowers, air compressors, and chainsaws). Includes no outside display or storage, unless such is allowed (by right or by SUP) and approved in the zoning district wherein the business is located. (Also see definitions for the various types of *Outside Display* and *Outside Storage*.)

SMOKE SHOP: (x) A commercial establishment to which the public is admitted or invited which: (i) as its principal business purpose, offers for sale, distribution or exchange, for any form of consideration, any items, instruments, devices, equipment, accessories, or products that are intended, designed or marketed for use in the smoking or inhaling of any substance, including but not limited to tobacco, salts, incense, marijuana, hashish, hashish oil, cocaine or other controlled substances as defined in the Texas Health and Safety Code; and (ii) holds itself out, taking into account its business operations, its general inventory, and its commercial promotions whether on or off-premise, as encouraging or promoting the use of cannabis, illegal or controlled substances, or on which controlled substances are sold, marketed, or displayed even if marked as being sold for “novelty” or not for human consumption purposes. This definition does not include, and categorically excludes, commercial establishments that derive more than seventy-five percent of their revenue from the sale of the following tobacco products contained in the original manufacturer package: cigarettes, cigars, pipe tobacco, snuff, or chewing tobacco.

SOCIAL SERVICE FACILITY/AGENCY: (x) A nonprofit facility operated by an organization that provides services such as training, counseling, health, or the distribution of food or clothing. This term includes but is not limited to a facility offering life skills training, substance abuse counseling, and relocation and housing services. This term does not include any use that provides for any type of permanent or temporary overnight housing or shelter, or any type of retail sales of goods or services.

SOLID WASTE REFUSE CONTAINER: See *Refuse Container*.

SPECIAL EXCEPTION: A modification of zoning standards authorized by the City's Board of Adjustment that is applicable to particular types of development within any zoning district in a manner consistent with the overall intent of the zoning regulations and for which express standards are prescribed in Chapter 2, Article 2, Division 5 of this GDC.

SPECIFIC USE PROVISION (SUP): A zoning action authorizing the establishment of a use that may be suitable only in certain locations in a zoning district, or that is allowed only when subject to standards and conditions that assure compatibility with adjoining uses.

STABILIZED COVER: A uniform perennial vegetative cover established and maintained with a coverage density of seventy percent or greater, or an approved equivalent stabilization measure (such as rip-rap, gabions, or geotextiles) on unpaved areas not covered by a permanent structure.

STABLE, COMMERCIAL: (x) A business establishment with one or more structures or land that is used to keep equine livestock on a commercial basis, for compensation, for one or more of the following purposes: sale, hire, breeding, boarding, or training.

STABLE, PRIVATE: (x) A detached ~~accessory structure~~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).

STOCKYARDS: A facility that provides confined areas where cattle, horses, or other livestock are held for short periods of time, fed filler-type feed, and are generally awaiting transport. ((x) - Shown within the [Land Use Matrix](#) in Chapter 2 under *Stockyards, Livestock Auctions and Livestock Hauling*)

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

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling.

STREET: The entire width between property lines where any part thereof is open to the use of the public, as a matter of right, regardless of the type of property interest held by the City, for the purpose of vehicular traffic. This definition includes public as well as private streets.

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 (such as building facades and elevations, porches, setbacks, fences, and awnings) and the amenities within the public frontages (street trees and plantings, benches, streetlights, bike facilities, or other furnishings).

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, ~~and that is covered by a roof~~. Examples include buildings, towers, fences, carports, canopies, sheds, cabins, mobile homes, and other similar ~~item~~things. Note that all buildings are structures, but not all structures are buildings. Also see *Building*.

STUCCO: A color-intrinsic, exterior plaster material composed primarily of cement and sand applied in a three-stage process, at least three-quarters of an inch (0.75") in thickness, to form a hard covering for exterior walls. (See the definition for *Masonry Construction* in [Article 6 of Chapter 4](#) of this GDC)

STUDIO, ARTS/CRAFTS: (x) A business establishment, not exceeding five thousand square feet in floor area, that provides a fully enclosed space within a building and necessary supplies and equipment to produce individually crafted artworks or craft items. The term includes incidental retail sale of items produced on the premises and of supplies and crafting tools needed to produce same, as well as instruction in their creation.

STUDIO, FITNESS OR PERFORMING ARTS: (x) A business establishment, not exceeding five thousand square feet in floor area, that provides a fully enclosed space within a building for practice and instructional classes in gymnastics, exercise or fitness routines, the martial arts, dance, music, theatre, and other performing arts. (See *Health & Fitness Gym* for facilities that are over five thousand square feet in size.)

SUBDIVIDE: An act by an owner of land who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts. A division of a tract of land under this definition includes a division regardless of whether it is made by using metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executor contract to convey, or by using any other method. A division of land under this definition does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

SUBDIVIDER: Any person or any agent of the person dividing or proposing to divide land so as to constitute a subdivision. In any event, the term “subdivider” is restricted to include only the owner, equitable owner, or authorized agent of the owner or equitable owner of land to be subdivided.

SUBDIVISION: The term may have the following meanings, depending on context: (i) property for which a plat has been recorded; (ii) an area of subdivided lots; or (iii) pertaining to the act of subdividing land (see the definition of *Subdivide*).

SUBSTANTIAL IMPROVEMENT: The total of all repairs, reconstruction, or improvements of a structure that: (i) have occurred less than twelve months prior to application for a permit for a proposed repair, reconstruction, or improvement; (ii) increases the floor area of an existing structure by fifty percent or more; or (iii) the cost of equals fifty percent or more of the market value of an existing structure, either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:

- c. Any project for improvement of a structure to comply with existing or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- d. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURVEYOR: A land surveyor or a registered professional land surveyor, licensed by the state of Texas to practice the profession of surveying.

TATTOOING/BODY PIERCING ESTABLISHMENT: (x) An establishment that offers either tattooing or body piercing. Tattooing is the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels or other related equipment, but does not include tattooing for medical purposes (such as for reconstructive or plastic surgery) or the application of permanent cosmetics (see *Permanent Cosmetics*). Body piercing is the creation of an opening in an individual’s body, other than in an individual’s earlobe, to insert jewelry or other decoration. (Also see [Subsection 2.52\(A\)\(6\)](#) in Chapter 2 of this GDC.)

TAXIDERMIST: (x) The business of preparing, stuffing, and mounting the skins, heads, antlers, or other external parts of animals, or birds, and fish for display.

TCEQ: The Texas Commission on Environmental Quality.

TECHNICAL STANDARDS or TECHNICAL STANDARDS MANUAL: The City’s technical standards, specifications, documents, and regulations that apply to development, together with all tables, drawings, and other attachments. All City standards described or referred to in this GDC are adopted by reference and are a part of this GDC in the same way as if they were set out at length herein, and include (but not be limited to) the following:

- a. The *Standard Specifications for Public Works Construction in North Central Texas* edition adopted per the *Technical Standards Manual*, published by the North Central Texas Council of Governments (NCTCOG), as amended by the City of Garland;
- b. The City’s *Engineering Department Standard Construction Details*, as amended;
- c. The City’s *Geodetic Control Network (GCN)*;
- d. The City’s *Traffic Management Standards*, as amended; and
- e. The City’s *Technical Standards Manual*, as amended.

TELECOMMUNICATIONS SWITCHING STATION: (x) A building used for the transmission and exchange of

communications messages and signals (including those transmitted by wire, fiber-optics, or other non-wireless technology). The term does not include outdoor equipment yards or wireless service towers (see *Antenna, Commercial*).

TELECOMMUNICATIONS TOWER OR STRUCTURE: See *Antenna or Microwave Reflector*, and *Antenna Support Structure*.

TELEWORK CENTER: A satellite office-related work facility incorporating sufficient technology to permit employees to reduce their commute trip or to work closer to home (classified as an *Office, General*).

TEMPORARY BUILDING/OFFICE: (x) A building or structure, of either permanent or temporary construction (including a recreational vehicle or a trailer), used in conjunction with a development or construction project for display purposes, as a field office, or for accommodating temporary supervisory, sales, or security personnel related to the active development or construction project.

TEMPORARY OR MOBILE ANTENNA: An antenna and any associated support structure or equipment (including equipment such as a support pole or a vehicle) that is placed or used on a temporary basis only, usually in conjunction with a special event, news coverage, or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.

THEATER, LARGE-SCALE: (x) A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live theatrical performances with a seating capacity of over seven hundred persons.

THEATER, SMALL-SCALE: (x) A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live theatrical performances with a seating capacity of seven hundred persons or less.

THOROUGHFARE, MAJOR: A roadway that is classified as a Type "D" or above on the City's adopted *Major Thoroughfare Plan*.

TIEDOWN: Any device designed for the purpose of anchoring a mobile home or manufactured home to ground anchors, as required by Texas Occupations Code, Chapter 1201.

TRANSIT STATION, PUBLIC: (x) A premises for the loading and unloading of passengers for a publicly-owned and operated transit system (such as DART). The term includes overnight parking of passengers' vehicles. The term does not include a bus stop.

TRANSPORTATION DEPOT, PASSENGER: (x) A premises for the loading and unloading of passengers from group transportation vehicles (such as buses), that is operated for profit by a commercial passenger transportation business. The term includes a pick-up or drop-off type of operation only. The term does not include overnight parking or long-term storage of transportation vehicles, except for the occasional overnight parking of a vehicle that has become inoperable for a maximum of twenty-four hours, or any type of overnight accommodations.

TRANSPORTATION TERMINAL, PASSENGER: (x) A premises for the loading and unloading of passengers from group transportation vehicles (such as buses), and also including the temporary or short-term parking of such vehicles, that is operated for profit by a commercial passenger transportation business. The term may include limited overnight accommodations and personal hygiene facilities (such as showers) for company employees and drivers only (not for passengers) and overnight parking of transportation vehicles that are either out-of-service (yet operable) or that are awaiting a trip segment for up to seven calendar days.

TRAVEL CENTER (also "TRUCK STOP"): (x) A large-scale motor fuel sales facility of over five thousand square feet that primarily involves fueling and travel services for tractor trucks and the trucking industry.

TRUCK: See *Heavy Load Vehicle*.

TRUCK/BUS REPAIR: (x) An establishment that provides major and minor repairs to trucks, buses, trailers, and other heavy load vehicles for a fee. The term includes no outside storage except the parking of vehicles being repaired, which may remain on-site for no longer than ninety calendar days.

TRUCK/BUS SALES & LEASING/RENTAL: (x) The rental of new or used panel trucks, vans, and other heavy load vehicles that are in operable condition. The term does not include truck or bus repair services.

TRUCK/BUS STORAGE: (x) An area for the temporary parking or long-term storage of operable (that is, no junked, wrecked, or inoperable) trucks, buses, RVs, trailers, boats, and other types of special and heavy load vehicles, owned by others, for a fee.

TRUCK/BUS WASH: (x) A facility for the automated, self-serve or full-service washing and detailing of heavy load vehicles for a fee. The term is limited to uses where the overnight storage of vehicles or trailers are limited to those vehicles or trailers that are being cleaned and no longer than two nights at any given visit.

TXDOT: The Texas Department of Transportation.

UNIFORM SUPPLY SERVICE: An establishment that provides for the pick-up or delivery, laundering, sale, or leasing of uniforms to individuals or businesses. The term may include uses such as on-site laundering of, and alterations and repairs to, uniforms and linens, which are provided to customers by the business. (Classified as *Laundry Plant, Commercial* in the [Land Use Matrix](#) in Chapter 2 of this GDC.)

USED GOODS: Previously owned or used goods including, but not limited to, clothes, shoes, office or household furnishings, linens, draperies, dishes, domestic kitchen appliances, and other similar items. The term does not include the sales of any car, truck, recreational vehicle, boat, trailer, truck, motorcycle, all-terrain vehicle, personal watercraft, or other automotive or motorized vehicle (which are covered as used vehicle sales).

USED GOODS, RETAIL SALES (INDOORS): (x) A single-tenant retail establishment that primarily sells used goods in which all sales, display, and storage occur within a fully enclosed building. The term includes a resale or thrift shop, consignment store, military surplus store, and rummage shop, but does not include a flea market or indoor shopping mall (see *Flea Market* and *Indoor Shopping Mall*).

UTILITY: A business that provides an essential commodity or service, such as electric, gas transmission, and local telephone, and that is generally substantially regulated by the Texas Public Utility Commission, Railroad Commission, or Federal Communications Commission.

VARIANCE: Authorization to deviate from or vary one or more standards applicable to a development application that is reviewed and decided under [Chapter 2, Article 2, Division 5, Section 2.25](#) of this GDC.

VEHICLE DISPATCH & STORAGE: (x) A private, commercial transportation service (not operated by the City of Garland or other public entity such as DART) that specializes in the dispatch and provision of specialty non-heavy-load vehicles such as ambulances, hearses, limousines, taxis, and paratransit vehicles for a fee. The term may include facilities for accessory uses such as the storage and maintenance of such vehicles, office space, and sleeping quarters for employees who are on-call. The term only includes outside storage where allowed in the zoning district wherein the business is located and is limited to vehicles dispatched by the business unless otherwise approved by SUP.

VENDING MACHINE, EXTERIOR: An automated machine that is located outside of the building and that is designed to sell and dispense non-consumable goods for a fee. The term includes machines that distribute visual media, flowers, newspapers or magazines, postage, or mailing supplies.

VESTED RIGHTS PETITION: A request for relief, based upon constitutional standards, from one or more standards of this GDC based on an assertion that the petitioner has acquired a vested right requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this GDC. A vested rights petition is regulated under [Chapter 5, Article 1, Division 5](#) of this GDC.

VETERINARY CLINIC, LARGE ANIMAL: (x) An establishment where a veterinarian maintains treatment facilities for the medical or surgical treatment of diseased or injured animals of all sizes (may include livestock), including boarding facilities. Some or all of the establishment's activities may occur outdoors (including overnight), in outdoor pens, runs, or corrals.

VETERINARY CLINIC, SMALL ANIMAL (INDOORS): (x) An indoor-only establishment where a veterinarian maintains treatment facilities for the medical or surgical treatment of diseased or injured animals, including boarding facilities. The term does not include outdoor activities, except for short breaks, a maximum of sixty minutes, for animals currently being treated. For the purpose of this definition, small animal shall be defined as any animal that is no larger than the largest breed of dogs, including fish, birds, reptiles and mammals (no livestock).

VETERINARY CLINIC, SMALL ANIMAL (OUTDOOR): (x) An establishment where a veterinarian maintains treatment facilities for the medical or surgical treatment of diseased or injured animals, including boarding facilities. The term includes activities that may occur outdoors, generally for an extended period of time (including overnight). For the purpose of this definition, small animal shall be defined as any animal that is no larger than the largest breed of dogs, including fish, birds, reptiles and mammals (no livestock).

WALK-UP SERVICE: (x) A facility that is designed to allow patrons to order, pay for, and obtain goods by walking up to an exterior service window or portal while not physically entering the building.

WAREHOUSE, OFFICE/SHOWROOM (INDOOR): (x) An establishment with at least twenty-five percent of its total floor area devoted to office and showroom space (that is, an establishment where a maximum of seventy-five percent of its total floor area is devoted to storage and warehousing that is not generally accessible to the public). The term includes sales offices, retail or wholesale sales areas, and display areas (showrooms) for products sold and distributed from the warehousing area.

WAREHOUSE or DISTRIBUTION CENTER: See *Distribution Center, Large* and *Distribution Center, Small*.

WIND ENERGY CONVERSION SYSTEM (WEC): (x) A wind-driven energy conversion system that converts wind energy into electricity through the use of a wind turbine/rotor (blades), a tower (freestanding, engineered, monopole structure only upon which the wind turbine/generator is mounted – no lattice-type or guyed tower structures allowed), and associated control or conversion electronics, that has a rated capacity of not more than 10 kw output at any given time, and that is intended for on-site production and consumption of electricity.

WIRELESS COMMUNICATION TOWER OR STRUCTURE: See *Antenna or Microwave Reflector*, and *Antenna Support Structure*.

WRECKER/TOWING SERVICE: (x) An establishment or place of business engaged in towing or transporting all types of vehicles (including automobiles, trucks, buses, and RVs) either behind the towing vehicle or placed on top of a flat-deck transport vehicle. The term includes the temporary storage of vehicles for no longer than fourteen calendar days. The term does not include long-term vehicle storage or salvage operations.

YARD: Open space on the lot or building plot on which a building is situated, between the property line and the setback line, which is open and unobstructed to the sky by any structure except as provided below.

YARD, FRONT: The open, unoccupied, and unobstructed space located in front of the front building line of the principal building(s), calculated as the minimum horizontal distance between the front property line and the front 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.

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.

YARD, SIDE: The open (unoccupied, unobstructed) space located on either side of the principal building(s), calculated as the minimum horizontal distance between the side property line and the side building line of the principal building(s). Any lot line which is not a front or rear lot line is a side lot line. Where a lot has only three lot lines, those lot lines which do not front upon a street shall be deemed side lot lines. Refer to Chapter 2, Article 6, Division 1, Illustration 2-13, for a diagram related to this definition.

YOUTH CARE - FOSTER FAMILY HOME (Independent): As defined by administrative rule of the Department of Family and Protective Services (DFPS), or as amended, a single independent home that is the primary residence of the foster parent(s) and licensed to provide care for six or fewer children up to the age of eighteen years. In the event of a conflict between this definition and DFPS's definition, as amended, the DFPS's definition shall control.

YOUTH CARE - FOSTER GROUP HOME (Independent): As defined by administrative rule of the Department of Family and Protective Services (DFPS), as amended, a single independent home that is the primary residence of the foster parent(s) and licensed to provide care for seven to twelve children up to the age of eighteen years. In the event of a conflict between this definition and DFPS's definition, as amended, the DFPS's definition shall control.

YOUTH CARE - LISTED FAMILY HOME: As defined by administrative rule of the Department of Family and Protective Services (DFPS), as amended, a caregiver at least eighteen years old who provides care in his own home for compensation and has a current and valid Issuance Letter issued by DFPS for three or fewer children unrelated to the caregiver, ages birth through thirteen years. Regular care is provided, which is care provided for at least four hours a day, three or more days per week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, shall not exceed twelve. In the event of a conflict between this definition and DFPS's definition, as amended, the DFPS's definition shall control.

ZONING DISTRICT: A classification within which the development regulations specified are uniform, and which is assigned to a particular area of the City by delineation upon the Zoning District Map, which is a part of this GDC.

ZONING DISTRICT MAP: The officially certified map or maps, on which the boundaries of the various zoning districts are shown, and which is a part of this GDC.

ZONING DISTRICT, NONRESIDENTIAL: Any zoning district designated other than residential zoning by [Chapter 2](#) of this GDC, as amended.

ZONING DISTRICT, RESIDENTIAL: Any zoning district designated as a residential district in [Chapter 2](#) of this GDC, as amended.

ZOO: (x) A facility consisting of a zoological garden or a collection of live animals for display to the public.

(Ordinance 6773 adopted 5/19/15; Ordinance 6944 adopted 11/21/17; Ordinance 6979, sec. 3, adopted 4/17/18; Ordinance 7001, sec. 2, adopted 8/7/18)

CHAPTER 7

DOWNTOWN (DT) DISTRICT

BACKGROUND

The Downtown (DT) form-based code district focuses on creating a series of unique, but compatible, pedestrian-oriented areas within the context of the current Downtown. The district is designed to achieve a more positive outcome for development, to improve the quality of life both within and surrounding the district, to enhance property values, and to improve the overall perception of Downtown. The Downtown district combines minimum and maximum specifications with standards for site layout, building design, and streetscape. It provides for flexibility among compatible uses to allow developers and the City to respond to changing market demands. It also provides for parking ratios that increase land use efficiency and minimize disruption of the public realm.

The regulations build upon accessibility to the Downtown DART rail station as a means of enhancing the attractiveness of the area for young professionals, retirees, and others seeking to reduce their auto dependence.

Another important element of the Downtown district is the procedure for approval of development proposals. It compensates for high standards by providing for administrative review of plans and requests for waivers to certain requirements that would achieve a better development.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 1 - PURPOSE, GOALS AND INTENT

Section 7.01 Purpose

The purpose of the Downtown (DT) district is to establish a pedestrian-oriented district with an infrastructure of streets and buildings that are flexible in terms of use, and that will attract ongoing reinvestment. (Ordinance 6773 adopted 5/19/15)

Section 7.02 Goals

The goals of this district are:

- (A) To make Downtown viable through:
 - (1) Providing for integrated mixed-use;
 - (2) Embodying LEED-ND (Leadership in Energy and Environmental Design - Neighborhood Development) and LEED building principles;
 - (3) Providing focal open space amenities;
 - (4) Assuring pedestrian and bicycle friendliness; and
 - (5) Minimizing the “heat island” effect of large expanses of paving.
- (B) To provide a mixture of residential, retail, entertainment, office and government uses.
- (C) To encourage high-quality development by providing a balance of development standards and expedited administrative approvals for projects which meet the intent of this district.
- (D) To create standards that ensure an appropriate transition between existing neighborhoods and new development.

(Ordinance 6773 adopted 5/19/15)

Section 7.03 Intent

The intent of this district is:

- (A) To provide a comfortable and attractive environment for pedestrians that includes such elements as buildings that frame public space, windows on street walls, street trees, lighting and street furniture.
- (B) To construct a continuous building frontage along block faces, except where it is desirable to provide outdoor public plazas, courtyards or pocket parks.
- (C) To construct buildings close to the sidewalk and street so as to create a comfortable and attractive pedestrian environment, yet reinforce the street character of setbacks that is unique to Garland.

- (D) To provide parking at ratios that will adequately serve the variety of activities within the district, allow for fluctuations in market demand for a variety of uses, and reduce the overall amount of paving within the district.
- (E) To encourage the use of public parks and plazas as focal points for quality residential and mixed-use developments.
- (F) To design and build flexible buildings that can accommodate a range of uses over time.
- (G) To create a multi-modal, mixed-use environment.

(Ordinance 6773 adopted 5/19/15)

Section 7.04 Conflict

The provisions of this Chapter 7 control within the Downtown district. The other chapters of this GDC are applicable to, and supplement this Chapter 7 where this chapter is silent. However, if the provisions of this Chapter 7 are in conflict with other chapters, then the provisions of this Chapter 7 control. (Ordinance 6773 adopted 5/19/15)

ARTICLE 2 - GENERAL STANDARDS

Section 7.05 General

- (A) Application. The standards in this Chapter 7 apply only to the Downtown district. Other standards in this GDC govern when not in direct conflict with the provisions of this Chapter 7.
- (B) Sub-Districts Created. The following sub-districts are created in the Downtown district:
 - (1) The Downtown Historic (DH) sub-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. It has a tight network of streets, with wide sidewalks, dense street tree plantings, and buildings set close to the sidewalks.
 - (2) The Uptown (U) sub-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-sized blocks.
 - (3) The InTown Residential (IR) sub-district consists of lower density residential unit types – single-family and patio home, adjacent to higher density mixed-use zones. Home occupations and outbuildings are allowed. The InTown Residential (North) sub-district as shown in [Appendix A](#) allows certain additional non-residential uses, as shown in [Table 7-1](#). Setbacks are relatively deep. Roads blend with the surrounding grid pattern and are characterized as heavily streetscaped; the sidewalk may be set back from the curb with a minimum of five feet of landscaping which includes street trees.
 - (4) The Suburban Corridor (SC) sub-district consists of low-density commercial development, located between low-density residential and higher density Downtown sub-districts, and may include some mixed-use. Buildings may be built up close to sidewalks with parking located beside or behind the principal building, or may be set back from the roadway by a single bay (up to sixty feet) of parking and an urban sidewalk with street trees.
- (C) Building Types Allowed. The following building types are allowed in the Downtown district within the appropriate sub-district:
 - (1) Townhouses are a dense form of single-family dwellings. They provide an excellent transition from lower-density single-family residential homes to denser, more urbanized forms of housing. Townhouse lots are typically narrow and platted for individual sale.

Townhouses may be two or three stories in height, with entries set above the sidewalk to provide some privacy and to mark the transition between public and private property. Each townhouse will typically have a small front yard and a modest rear yard or courtyard area. The ground floor will be elevated at least eighteen inches above the adjacent grade. Garages may be attached or separated by a courtyard, but shall be accessed from an alley along the rear of the lot.
 - (2) Mixed Residential buildings are single-structure, residential-only buildings divided into multiple apartment or condominium units. They should include a variety of residential types and sizes of units, such as apartment, loft, and studio units. They may be up to five stories in height if located appropriately relative to surrounding uses and conditions. Ground floor units shall have direct access to the street, but will have a privacy separation from the sidewalk by elevating the ground floor at least twenty-four inches above the sidewalk or by enclosing a front yard of at least ten feet in depth with a low fence and gate.

Outdoor private space is generally provided in a courtyard, rear yard or roof-top configuration. Parking may be

located below grade in a structured garage, or in a well-designed surface lot behind the building. Outdoor common space should be provided to serve multiple units.

(3) Loft buildings are the most flexible of building types and can be configured for commercial, residential, and retail uses depending on market demand. They may be up to five stories in height if located appropriately relative to surrounding uses and conditions. Ground floor units shall have direct access to the sidewalk.

There is usually no private outdoor space provided unless it is a balcony or roof garden. Occupants would utilize public open space that is provided for the district. Parking should be provided behind the building in a surface lot or structured parking garage, or it may be provided underground.

(4) Live/Work buildings are the smallest form of vertically-integrated, mixed-use buildings. The live/work combination shall be under single ownership, but live/work units may be part of a larger development. They provide an excellent transition from townhouses to mixed residential, commercial or other mixed-use types of development. Many configurations of live/work buildings exist and they are adaptable to a wide variety of architectural styles.

Live/work buildings may be two to four stories in height with at-grade entries to allow the ground floor commercial access to function properly. A separate entrance, designed to appear more private, shall be provided to permit access to the residential quarters above or behind the commercial use.

Live/work buildings rarely have private yards, instead focusing on bringing the public up to or inside the ground floor space. Live/work buildings may include garages. Because parking for the commercial space is required at a higher rate than for residential space, parking is often provided in a shared lot configuration behind the building. Direct entrances from the rear parking area into a live/work building are allowed and encouraged.

The business owner or a full-time employee shall reside in the residential unit associated with the commercial use. In some instances, the business activity occupying the live/work unit may utilize employees in addition to the residents; however, at least one of the full-time workers of the live/work unit must reside in the unit, and the residential area shall not be rented separately from the working area.

(5) Liner Buildings are specialized structures providing habitable space which masks a parking structure. They may include commercial or residential uses, but their limited depth (typically forty feet) makes them more conducive to residential use. Liner buildings are most appropriate in higher density areas which include structured parking. They often work well with loft or industrial architectural expression.

Liner buildings may be up to five stories in height, but because they are designed to hide the view of a parking structure, they should be as tall as required to serve this purpose. If the building is designed for commercial uses, it shall be constructed with an at-grade entrance. If designed for residential purposes, ground floor units shall have direct access to the street, but will have a privacy separation from the sidewalk by elevating the ground floor at least twenty-four inches above the sidewalk, or by enclosing a front yard of at least ten feet in depth with a low fence and gate. Entrances to upper floors may be in the form of a common lobby at-grade.

Liner buildings may have a small front yard, particularly if used for residential purposes. Parking is provided in the structure that the building masks. Direct access from the parking structure to the individual units is an important amenity for this building type.

(6) Mixed-Use buildings provide space for multiple uses, and usually multiple tenants, in a single structure. The building may be under single- or multi-tenant ownership. Their bulk makes mixed-use buildings appropriate for more urbanized areas that are conducive to commercial activities, but they may also accommodate residential uses. Because they contain an assortment of uses, they lend themselves to a variety of architectural styles.

Most mixed-use buildings are two to five stories in height, but taller structures may be appropriate at key locations. The ground floor space is built with at-grade entryways to allow the commercial space to function properly, but access to the upper floors may be provided via one or more lobbies at-grade. Attention shall be paid to accommodating service entrances, utility equipment, and refuse collection, particularly for larger buildings.

Mixed-use buildings have outside spaces that focus on the public realm at the ground level. These outdoor spaces may be outfitted with tables and chairs for outdoor dining, or with hardscape plazas or other features for passive recreation. Parking is located in a shared lot behind the building, or in a parking structure which is screened from view. Direct entrances from the rear parking area or the garage into a mixed-use building is not only allowed, but encouraged.

(7) Commercial buildings are single structures that may be occupied by one tenant or divided for multiple tenants. They may be designed for office uses, retail uses or a combination of the two, but not for residential occupancy. Buildings that are designed primarily for office uses may also include limited space, usually at the ground level, for support services oriented to the needs of the building occupants, such as restaurants, health clubs, hair salons or a

mailing service. This support space may also be open to patrons outside the building. Commercial buildings that are designed primarily for retail uses often attract office users as well, particularly in multi-tenant environments.

Commercial buildings may be low- to mid-rise (generally two to five stories), or may be taller on larger tracts at high-profile locations. Upper floor uses may be accessed through a common lobby, and at-grade spaces shall have individual entryways to attract patrons from outside the building.

Depending on the size of the building, parking may be provided below-grade in a structured garage, or in a well-designed surface lot located at the rear of the property and screened from the street. Outdoor common space may be provided in a courtyard configuration or in a plaza or green.

(Ordinance 6773 adopted 5/19/15)

Section 7.06 Land and Building Use

- (A) Intent. It is intended that the uses allowed within the Downtown district will encourage pedestrian-oriented developments that integrate retail, residential, employment and recreation uses, and are accessible to transit.
- (B) Uses. Retail, residential, institutional, and office uses shall be allowed throughout the Downtown district in accordance with the schedule set forth for each sub-district in [Table 7-1](#), Downtown (DT) District Land Use Matrix. Uses that are not specifically authorized are prohibited.
- (C) Required Flex Space At-Grade. Where required “Flex Space” is designated on the Downtown Framework Plan, the ground floor adjacent to the street shall be constructed to retail building standards, including a minimum floor-to-ceiling height of sixteen feet. The minimum height may be reduced to twelve feet by Minor Waiver. These ground floor areas may be occupied by any allowed use, but shall be constructed to accommodate retail and restaurant uses in response to market demand.
- (D) Drive-In/Drive-Through Facilities. No drive-in or drive-through facilities shall be allowed without approval of a Major Waiver, except where allowed by Specific Use Provision (SUP) as indicated by the Downtown (DT) District Land Use Matrix ([Table 7-1](#)).
- (E) Access Drives. All access drives from a public street shall require a Minor Waiver in order to minimize the number of curb cuts along a block face. Where there is alley access, no additional access drives from a public street should be allowed.
- (F) Required Recreation and Open Space for Apartments and Condominiums. Each apartment or condominium development which includes five residential units or more shall provide indoor or outdoor recreational or playground area to meet the requirements of the residents in such complex, including facilities for children, adolescents, and adults as appropriate, such as fitness facilities, roof garden, children’s play area or other facility.
- (G) Publicly Accessible Open Space.
 - (1) Squares, plazas, and pocket parks are encouraged in association with retail and restaurant uses to provide for community gathering spaces that will support socialization in the neighborhood.
 - (2) Public open space shall be configured in such a manner as to ensure the safety and welfare of residents and other users.
- (H) Downtown Automotive Overlay (DAO) District. The DAO district shall overlay portions of the Downtown district as shown on the Downtown Framework Plan. All requirements of this Chapter 7 shall apply except that those automotive uses listed in the DAO district shall be permitted as reflected in the Light Commercial (LC) district within the [Land Use Matrix](#) in Section 2.51, Article 5, Chapter 2 of this GDC, and governed by the DAO district regulations set forth within [Section 2.48](#) of Article 4, Chapter 2 of this GDC. All other uses (except automotive uses) shall be regulated as set forth in the underlying sub-district designated by the Downtown Framework Plan, and as set forth in the Downtown (DT) District Land Use Matrix ([Table 7-1](#)).

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) Special Standards for
Residential Uses						
Accessory Dwellings	–	–	–	–	–	
Dwelling, Accessory - Guest House	P	P	P	P	1/dwelling unit	
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 Residential <u>StructureBuilding,</u>	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/walk-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/walk-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 study 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 (wholesale)		S			1/400 gfa + 1/1,000 gfa storage area	
Bulk Material Sales & Storage (retail or 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		S		S	Determined by SUP	

(commercial)						
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/Showroom (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	

(Ordinance 6773 adopted 5/19/15; Ordinance 6925 adopted 7/18/17; Ordinance 6979, sec. 4, adopted 4/17/18)

Section 7.07 Block Face

(A) Intent. In the Downtown Historic (DH) and Uptown (U) sub-districts, it is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to an attractive and active pedestrian environment, with allowance for some variation and opportunities for outside dining, plazas, pocket parks, and special building entry features. Buildings should also be constructed close to the street to provide a sense of enclosure.

In the InTown Residential (IR) and Suburban Corridor (SC) sub-districts, block faces may be discontinuous by providing driveway access and side yards where appropriate. They may also be set back to provide for parking in the SC sub-district, and for front yard landscaping in the IR sub-district.

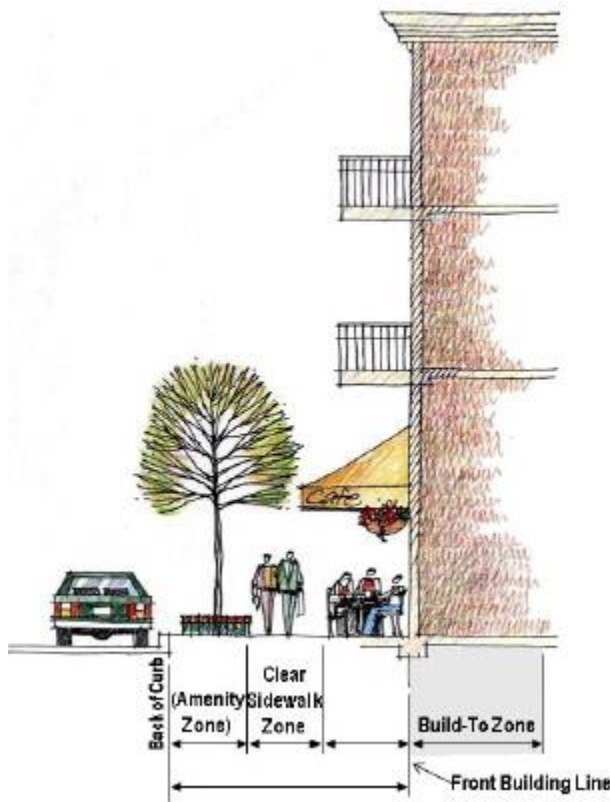
(B) Continuous building frontage, where required, will be considered to be met if seventy-five percent or more of the primary building facade is located within the build-to zone identified in Table 7-2 below; however, with administrative approval of a Minor Waiver, the requirement may be reduced to sixty percent, provided that the reduction is for the purpose of accommodating an attractive outdoor dining area, plaza, building entry feature or other amenity which contributes to the streetscape. A greater reduction shall require approval of a Major Waiver.

Where on-site surface parking is located adjacent to a street, it shall be landscaped with a double row of trees as set out in Section 7.20, Parking Lot Landscaping, and may count as part of the continuous frontage so long as the length of the parking lot adjacency is minimized and approved by Minor Waiver.



(C) Facades shall generally be built parallel to the street frontage, except at street intersections, where a facade containing a primary building entrance may be curved or angled toward an intersection.

(D) Build-To Zone



(1) Build-to zones are established in Table 7-2.

(2) Build-to zones shall be measured from the street back-of-curb as established on the planned street sections for the Downtown area. The entire area between the back-of-curb and the primary nonresidential building facade shall be dedicated as public right-of-way or shall have a public access easement placed upon it. Property owners or a property owners' organization shall maintain the area between the back-of-curb and the building face.

(3) Exterior steps, stoops, chimneys and bay windows may encroach beyond the build-to zone by up to four feet except in the Downtown Historic (DH) sub-district, but shall not encroach upon the public right-of-way or easement.

(4) Awnings may overhang the public sidewalk and right-of-way provided there is at least eight feet of vertical clearance, but may not extend into a vehicular roadway, interfere with the healthy growth of street trees or with above-grade public utilities. The design of awnings encroaching above a sidewalk or right-of-way shall be signed and sealed by a licensed structural engineer.

(5) Balconies may overhang public sidewalk rights-of-way or easements provided they encroach no more than seven feet and have a minimum clearance above the sidewalk of eight feet.

(6) Any approved encroachment into a public right-of-way or easement shall be shown on the Downtown Development Plan (see Section 7.28 of this Chapter 7).

(Ordinance 6773 adopted 5/19/15)

Section 7.08 Streets

It is the intent of these regulations that public and private streets will provide a framework grid that will facilitate the movement of pedestrians, bicycles, and autos in an attractive and comfortable environment, and provide for incremental long-term revitalization and redevelopment of parcels to meet changing market sector needs. All streets and blocks in the Downtown district shall conform to the provisions of this Chapter 7, and shall be designed and maintained to accommodate all intended uses and current and future utility facilities.

Table 7-2: Street and Build-To Zone Standards

Sub-District Building Type	Clear Sidewalk	Build-To Zone ^{1, 2, 4}	Streets
Downtown Historic (DH)			
Townhouse, Residential Mixed	9 ft.	9 - 15 ft. ³	All
Live/Work, Commercial Mixed-Use,	9	9 - 15 ³	All
Uptown (U)			
Townhouse, Residential Mixed	8	26 - 36	Ave B & D
	6	26 - 36	All Others
Live/Work, Commercial Mixed-Use,	10	26 - 36	Ave B & D
	8	26 - 36	All Others
InTown Residential (IR)			
Single-Family	Per GDC		
Suburban Corridor (SC)			
All Building Types	6	26 - 36	Parking on Side
	6	80 - 88	Parking Bay in Front

Notes:

1. Build-to zone is measured from back-of-curb.
2. Build-to zone may be existing Historic building facade line.
3. If street trees are placed in a “triangle” outside of the curb line; otherwise, 15 - 20 feet (See Section 7.17).
4. Sidewalk zone may be increased if determined to be on a street with a high pedestrian traffic.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 3 - BUILDINGS

Section 7.09 Intent

The intent of this Section is to create an attractive and active Downtown district. The size, configuration, function, and design of buildings all play an important role in achieving that goal.

It is also intended that commercial spaces will be designed and constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses. More specifically,

- (1) Buildings should directly contribute to the attractiveness, safety, and function of the street and public areas;
- (2) Buildings that include retail at-grade should feature the retail activity prominently;



Retail should be emphasized over the building architecture

- (3) Buildings should be constructed in a manner and with materials that are highly durable and will continue to endure and be attractive over a long period of time, especially adjacent to public and pedestrian areas; and
- (4) Buildings should have articulated facades to provide visual interest.

(Ordinance 6773 adopted 5/19/15)

Section 7.10 General Building Configuration

- (A) Facades shall be built generally parallel or tangent to the principal property frontage line. For lots having two or more frontages on public streets, all such frontages shall be considered as principal frontage.
- (B) Loading docks and service areas may be allowed on frontages only by Minor Waiver. Such loading and service areas are discouraged except in very special circumstances, such as grocery stores or other uses requiring delivery of large volumes of merchandise. Alley-oriented loading, on-street loading zones, and off-peak delivery times should serve the needs for almost all uses in the Downtown district.

(Ordinance 6773 adopted 5/19/15)

Section 7.11 Building Standards

- (A) Building Height. Building height shall be limited as described herein.
- (1) Building heights shall be as described in Table 7-3, Sub-District Building Height Standards.
- (2) Notwithstanding Subsection (1) above, buildings shall be limited to a maximum of two stories within two hundred feet of any property outside the Downtown district which is zoned for single-family residential.

Table 7-3: Sub-District Building Height Standards

Sub-District Standard	Downtown Historic	Uptown	InTown Residential	Suburban Corridor
Building Height ¹	Min. 1 story, constructed to accommodate a second story, Max.	Min. 1 story, constructed to accommodate a second story,	Min. 1 story, constructed to accommodate a second story, Max.	Min. 1 story Max. 2 - 5 stories ¹

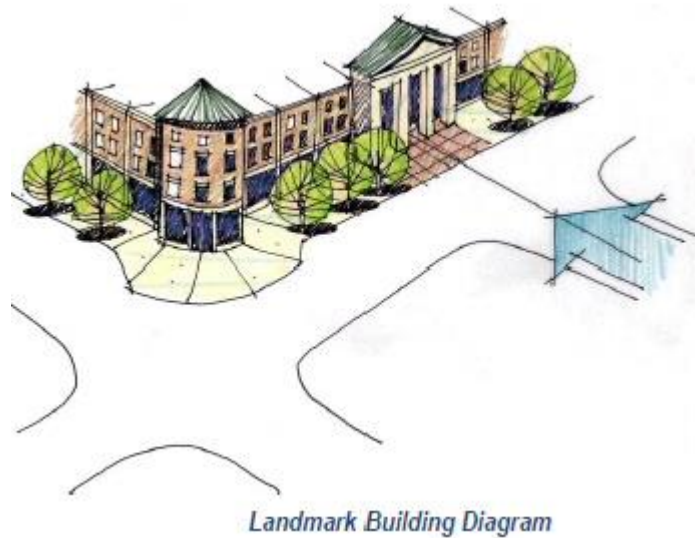
	4 stories ²	Max. 8 stories ²	4 stories ²	
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Notes:

¹ Maximum of 2 stories when the building is within 200 feet of property zoned single-family residential outside the Downtown district; patio home and duplex buildings within the Suburban Corridor may be one story in height.

² Single Story by Major Waiver - Major waiver required to construct a single story building without the ability to accommodate a second story.

(3) A Landmark Building which is located on axis with a terminating street or access drive or at the intersection of streets or access drives shall be designed with landmark features that take advantage of the location, such as an accentuated entry or a unique building articulation that is offset from the front wall planes and extends above the main building eave or parapet line.



(B) Building Types.

(1) Table 7-4 shows the building types that are allowed in each sub-district.

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

(2) Nonresidential At-Grade. Minimum floor-to-ceiling heights for all nonresidential spaces at-grade shall be sixteen feet, or twelve feet by Minor Waiver, excluding necessary furr downs.

(C) Architectural Articulation. Where clearly visible from a public street or open space, buildings shall demonstrate both horizontal and vertical articulation. Building articulation shall be approved as part of the review of building facade plans accompanying a Downtown Development Plan application (examples below).



(1) All buildings shall be designed and constructed in tri-partite architecture, with a distinct base, middle and top. An expression line, setback or other architectural element shall delineate the base and top.

(2) Buildings shall generally maintain a facade rhythm of twenty to thirty feet. This rhythm may be expressed by a change in building plane, stepping portions of facades in and out, utilizing columns or pilasters that are distinctly set out from the facade or changing types or colors of materials in combination with other techniques.

(D) Residential At-Grade.

(1) All buildings that have residential unit floor plates within six feet of grade shall include a primary front door entrance into the unit which is accessed from the sidewalk.

(2) Entries for grade-level units should be located a minimum of two feet above the sidewalk elevation and include a minimum twenty-four square-foot stoop; however, units for handicapped accessibility (or handicapped adaptable) may be located at-grade provided that a fence a minimum of thirty inches and a maximum of four feet in height, and with no more than fifty percent opacity, encloses a small setback and the front door porch area. This standard does not apply for single-family detached homes in the IR sub-district. Any change to this standard shall be considered a Major Waiver.

(3) Buildings with residential at grade shall have a minimum landscaped build-to line of fourteen feet from the back of the sidewalk to the building face. Stoops, stairs, bay windows, chimneys, and patios may encroach up to eight feet beyond the build-to line, but not beyond the right-of-way line.

(4) All units shall also include windows that provide residents a view of the street or public access easement and sidewalk area.

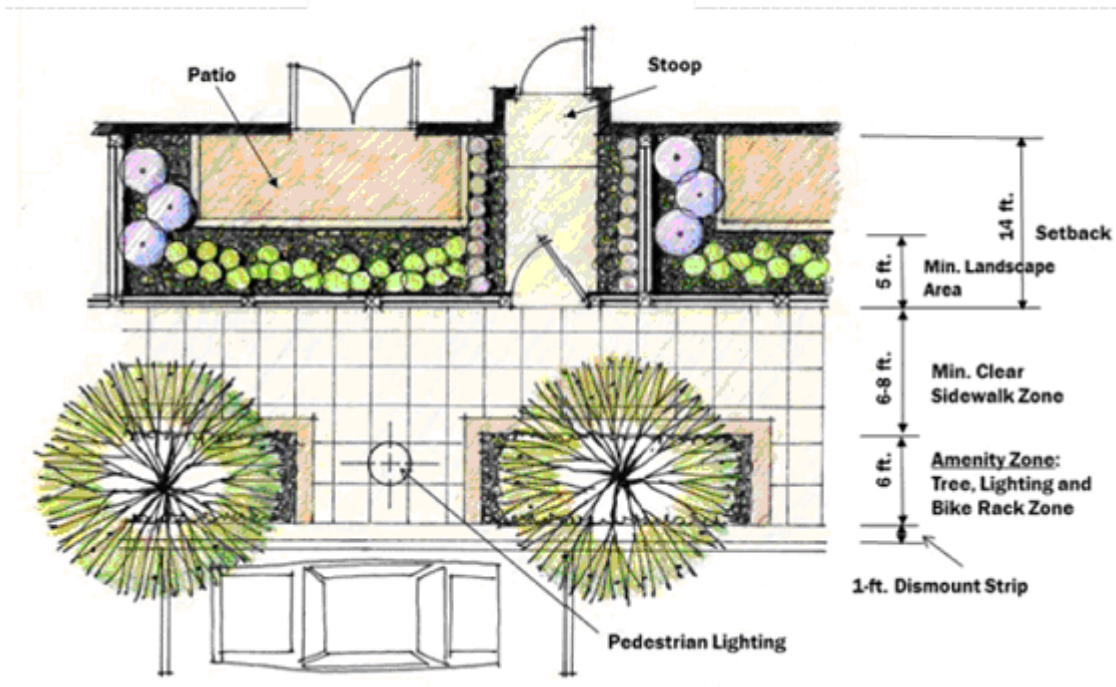
(5) Lobbies to upper stories (residential or nonresidential) may be located at the sidewalk level.

- (6) Masonry columns may be used on patios and fences provided that the columns are used as accents. Wood fences and railings, chain-link fencing, and vinyl fencing materials are prohibited.
- (7) For buildings located within the boundaries of any Historic District recognized by the United States Department of the Interior on or before April 1, 2019, balcony and patio railings and fences shall be largely transparent and constructed of glass, wrought iron or metal or a combination thereof.

RESIDENTIAL AT GRADE



RESIDENTIAL AT GRADE



(E) Residential Above-Grade. At least fifty percent of residential units above-grade shall have balconies that are at least four feet in depth.

(F) Flex Space At-Grade.

(1) The ground floor entry for Flex Space at-grade spaces shall be located at the approximate elevation of the adjacent sidewalk.

(2) Flex Space spaces adjacent to the sidewalk at-grade shall:

(a) Be constructed to meet fire code separation requirements from any other uses constructed on the floors above;

(b) Have a minimum floor-to-ceiling height of sixteen feet, or twelve feet by Minor Waiver, except for furr down areas for ducting or other approved purposes;

(c) Have an awning or canopy along the south, east, and west facing facades, that extends at least six feet from the building over the sidewalk for at least seventy-five percent of the frontage of the building. Such awning or canopy shall maintain a minimum eight-foot clearance over the sidewalk; and

(d) Separate business patrons from the general public on the sidewalk, and when desired, shall be accomplished using planters or wrought iron fencing unless otherwise approved by Minor Waiver.

NONRESIDENTIAL AT GRADE



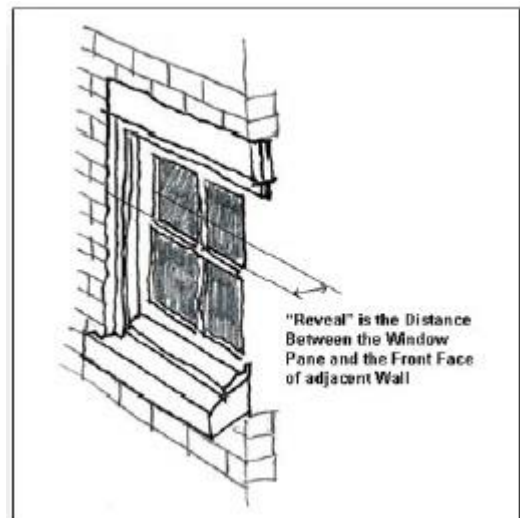
NON-RESIDENTIAL AT GRADE



(G) Nonresidential Windows and Glazing.

- (1) At-grade. Windows shall be highly transparent, and shall comprise a minimum of sixty percent and a maximum of eighty percent of the ground floor facade.
- (2) Above-grade.
 - (a) Windows shall represent a minimum of thirty percent and a maximum of sixty percent of each building elevation above the ground floor; however, because loft units generally contain large amounts of window area, an increase of up to fifteen percent may be approved by Minor Waiver for building elevations containing lofts. Increases greater than fifteen percent shall require a Major Waiver.
 - (b) Windows shall be generally vertical in proportion and generally have at least a three-inch reveal. A series of vertically proportioned windows joined together by a mullion shall be considered as meeting this standard.

*Loft units are characterized
by large window areas*



- (H) Building Entries. Each building and separate lease space at-grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries shall be inset from the front building plane by at least four feet. Functioning entries shall be located no more than sixty feet apart unless other spacing is approved as a Minor Waiver. Corner entries may count as a primary entry for both intersecting street frontages. Entries to lease spaces from a courtyard, plaza or parking area may be flush with the building facade provided there is an awning or other weather protective cover.

Where parking lots are located behind a building, a secondary rear entry is encouraged to provide convenient access from the parking lot into the building.

(I) Roofs.

(1) Flat roofs and green roofs are allowed.

(2) For buildings located within the boundaries of any Historic District recognized by the United States Department of the Interior on or before April 1, 2019, which have with hip, gable or mansard roofs, the allowed materials include slate, concrete or clay roofing tile, copper, factory-finished standing seam metal or laminated asphalt shingles of at least three hundred pounds per square. Wood shingles are expressly prohibited.

(J) Exterior walls.

(1) Exterior walls of buildings and parking structures that are visible from a street, plaza or other public open space (excluding windows, doors, breezeways and other openings) shall be constructed of at least eighty percent masonry materials, as defined in this GDC.

(2) Concrete tilt wall, pre-cast concrete panels, and other similar materials are prohibited.

(3) No more than twenty percent of each facade along a street shall use accent materials such as wood, architectural metal panel or tile.

(4) EIFS shall be allowed only as a material for trim and moldings more than eight feet above the ground floor.

(5) Glass curtain wall may be allowed for lofts and nonresidential uses provided it does not constitute more than seventy-five percent of the facade.

(6) Other exterior walls which are not visible from a street, plaza or other public open space shall be constructed of at least twenty percent masonry material, with the remaining being noncombustible materials, including exterior 3-stage stucco, cementitious fiberboard, or other material approved by Minor Waiver and allowed under the International Building Code.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 4 - PARKING AND ACCESSIBILITY

Section 7.12 Automobile Parking

(A) Intent. The intent of this Section is to:

(1) Provide flexibility for changes in land uses that have different parking requirements, and facilitate the leasing of vacant space;

(2) Manage parking so that it is convenient, efficient and supports an active and vibrant mixed-use retail, office, and residential environment;

(3) Ensure ease of access to parking;

(4) Avoid adverse parking impacts on residential neighborhoods; and

(5) Ensure that parking structures do not dominate the public environment by encouraging the lining of the edges of such structures with residential or commercial uses adjacent to public roads and public open space.

(B) Parking Requirements.

(1) Applicability. The construction of any new building or the expansion of the gross leasable square footage of an existing building requires parking for that additional square footage in accordance with other provisions in this GDC.

(2) Achieving Automobile Parking. Parking requirements may be met on-site, on-street, or by lease from the City or its designated authority. On-street parking and loading may not be reserved for private use.

(3) On-Site At-Grade Parking. All off-street surface parking should be located behind the building; however, when it is necessary to locate parking beside a building and adjacent to the sidewalk, then it shall be located at least eight feet behind the front of the build-to zone on a street or public open space, except in the SC sub-district where it may be at least one foot behind the front building line.

Parking shall be accessed by an alley or a driveway between buildings. Every effort shall be made to minimize the number of driveways along block faces, including the use of shared drives between developments. The setback and surface parking lot shall be landscaped as set out in Subsection 7.20 of this Chapter 7.

(C) Parking Garages.

- (1) Parking garages that are adjacent to a street shall be set back a minimum of thirty feet from the front build-to line, and shall be lined with buildings containing allowed uses other than parking. The entry to the parking garage shall be architecturally integrated into the design of the building it serves.
- (2) Where a parking garage must be located adjacent to a street:
 - (a) Parking garages shall be landscaped as set out in Article 6 of this Chapter 7.
 - (b) The parking structure facades shall be designed to be compatible with the Downtown district's character, including the use of masonry materials. Architectural screens may be used to articulate the facade, hide parked vehicles, and shield lighting.
 - (c) Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting automobiles.
 - (d) Off-street below-grade parking may be built to the lot lines, but shall be designed to allow landscape planting at-grade as defined in Article 6 of this Chapter 7. No below-grade parking beneath a building shall be visible from the sidewalk.
 - (e) For parking structures located within the boundaries of the Garland Downtown Historic District, as recognized by the United States Department of the Interior, the structure must comply with this Chapter's masonry materials requirement.
- (D) Reduction of Total Parking Requirement.
 - (1) On-street parking that is immediately adjacent and directly in front of the development site may be counted toward meeting the parking requirement for the development.
 - (2) Properties that provide at least eighty percent of on-site parking as publicly shared parking may use the reduced requirement for nonresidential uses by twenty-five percent on-site.
 - (3) In mixed-use buildings, the total required parking may be reduced using the shared parking provisions in [Section 4.20](#) of this GDC.



(Ordinance 6773 adopted 5/19/15)

Section 7.13 Bicycle Parking

- (A) Intent. The intent of this Subsection is to encourage the use of bicycles by requiring safe and convenient bicycle parking.
- (B) Required Bicycle Parking. Bicycle parking shall be provided at a rate of at least one space for every ten automobile parking spaces required (or portion thereof) as part of the base parking requirement, unless otherwise approved by Minor Waiver.
- (C) Bicycle Parking Standards.
 - (1) Location.
 - (a) Required bicycle parking shall be located within fifty feet of an entrance to the building. With approval of a Minor Waiver, some bicycle parking may be located in the public right-of-way.
 - (b) Any bicycle parking in the public right-of-way should be located within the amenity zone; however, it shall be placed in a manner that avoids conflicts with pedestrian and vehicular paths.
 - (c) Bicycle parking may also be provided within a building, but the location shall be easily accessible to bicycles.
 - (2) Signs. If bicycle parking is not visible from the building entry area, then a sign shall be posted indicating the

location of the bicycle parking facilities.

(D) Standards for Bicycle Rack Types and Dimensions.

(1) Rack Type. Bicycle rack types and dimensions are subject to the approval of the City.

(2) Parking Space Dimensions.

(a) Bicycle parking spaces shall be at least six feet long and two feet wide. Bicycle racks shall be spaced thirty inches apart. In covered situations, the overhead clearance shall be at least seven feet.

(b) An aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. This aisle shall be at least four feet wide.

(c) Each bicycle parking space shall be accessible without requiring another bicycle to be moved.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 5 - LIGHTING, MECHANICAL AND UTILITIES

Section 7.14 Intent

It is the intent of this Subsection to provide lighting that supports pedestrian activity and promotes safety, but does not impinge on adjacent properties, and to reduce the visual impact of mechanical equipment on the public realm. (Ordinance 6773 adopted 5/19/15)

Section 7.15 Standards

(A) Lighting levels shall comply with City of Garland standards for glare (Article 7 in Chapter 4 of this GDC).

(B) Lighting Elements. Lighting elements shall be LED, incandescent, metal halide or halogen only. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings. Neon and other gaseous fixtures may be allowed as a lighting source only with a Minor Waiver.

(C) Shielded Lighting Source. All lighting shall be focused downward, or narrowly focused on its intended target, such as signs, parking and pedestrian walkways. No permanently affixed lighting source greater than sixty watts shall be visible from public view or from a residential unit.

(D) Screening of Service Areas. Site features such as loading and outdoor storage areas, mechanical and rooftop equipment, refuse storage containers and utility accessories are necessary components of a development; however, additional effort shall be made to reduce the visual impact of these elements by screening these site features from adjoining properties and public rights-of-way, and in a manner that provides adequate access to such equipment and facilities.

(1) Loading and outdoor storage areas shall not be located on the street side of a building, and shall be screened from view of streets and adjacent properties in accordance with Division 5, Article 3 in Chapter 4 of this GDC.

(2) All roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, shall be screened in accordance with Division 5, Article 3 in Chapter 4 of this GDC.

(3) Refuse storage containers shall be screened from public streets and adjacent properties in accordance with Division 5, Article 3 in Chapter 4 of this GDC.

(4) Utility meters and other ground-mounted utility apparatus, including transformers, shall be located to the rear of the structure and screened from the view of public streets and adjoining properties in accordance with Division 5, Article 3 in Chapter 4 of this GDC.

(5) Wall-mounted equipment, including meters (such as banks of electric meters) shall be screened from public streets and adjacent properties in accordance with Division 5, Article 3 in Chapter 4 of this GDC.

(E) Overhead Utility Lines.

(1) All electrical, telecommunication, and street lighting (lateral or service distribution) lines and wires shall be placed underground.

(2) All electrical and telecommunication support equipment (such as transformers, amplifiers, or switching devices) necessary for underground installations shall be pad-mounted or placed underground and screened as required herein, but shall not obstruct the vision of motorists at alley, street or drive intersections.

(Ordinance 6773 adopted 5/19/15)

ARTICLE 6 - LANDSCAPE

Section 7.16 Intent

Landscaping within the Downtown district shall comply with the provisions in this Section, and with Table 7-6. It is the intent of this Section to:

- (A) Support Downtown goals for a pedestrian-oriented, urban-style environment;
- (B) Contribute to pedestrian safety and comfort;
- (C) Buffer on-site surface parking from public areas; and
- (D) Reduce the heat island effect caused by solar heat gain in paved and hard surface areas.

(Ordinance 6773 adopted 5/19/15)

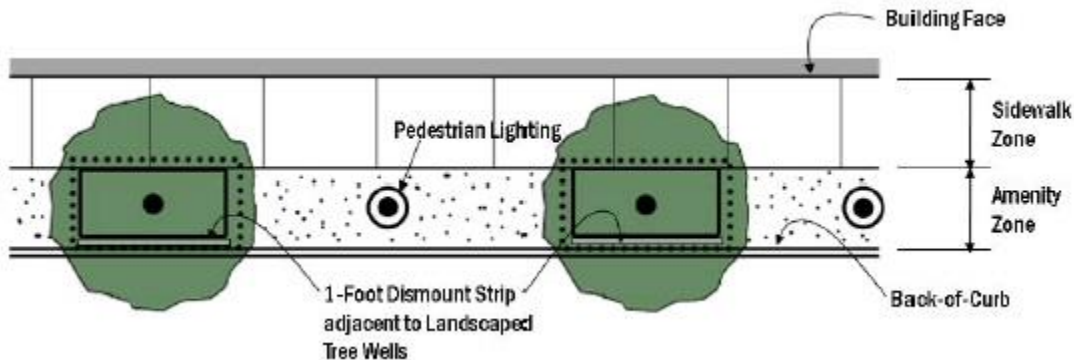
Section 7.17 Streetscaping

(A) Street Trees. Street trees shall constitute the primary landscaping for the Downtown district, and shall be planted in accordance with City details and meet the following requirements:

- (1) Trees shall be selected from the approved Street Tree List contained in Table 7-6; where appropriate, trees other than those in the approved Street Tree List may be used, subject to approval of the Downtown Development Plan, if part of a proposed development.
- (2) Trees shall be:
 - (a) Planted at twenty-five feet on center along each block face;
 - (b) At least three-inch caliper at the time of planting;
 - (c) Single trunk;
 - (d) Limbed up to at least seven feet above-grade, and pruned to leave a minimum eight feet of clearance over pedestrian walkways and on-street parking spaces, and fourteen feet of clearance over vehicular travel lanes; and
 - (e) Planted such that current and future utilities, and their maintenance, are accommodated.

(B) Street Tree Wells in the Public Sidewalk.

- (1) Trees shall generally be planted within six-foot by eight-foot tree wells, constructed in accordance with City specifications. The tree well opening shall be covered with grasses, groundcover or low plant material, or with a tree grate. However:
 - (a) In the DH sub-district trees may be planted in minimum six-foot by ten-foot tree wells with tree grates; however where a structural sidewalk system is used, the tree well area may be reduced; and
 - (b) Along Avenues B and D where there is no on-street parking allowed, trees may be planted in a continuous six-foot landscape strip along the back-of-curb.
- (2) Nonresidential at-grade – tree wells shall be covered with a tree grate in accordance with City specifications, or if landscaped, shall have a one-foot dismount strip along the curb adjacent to the planter.
- (3) Underground bubbler irrigation is required, and shall be installed on a zone separate from other landscape areas. Irrigation shall be designed to deliver the appropriate amount of water to each tree with minimum waste.
- (4) Drainage for the tree well shall be provided in accordance with City details.
- (5) Tree wells may also include electrical outlets for up-lighting and special events.



(C) District-Wide Furnishings. The entire district shall utilize basic fixtures and furnishings, such as street and pedestrian lighting, benches, trash cans, newspaper dispensers and bicycle parking equipment, that are approved by the City for public areas within the Downtown district.

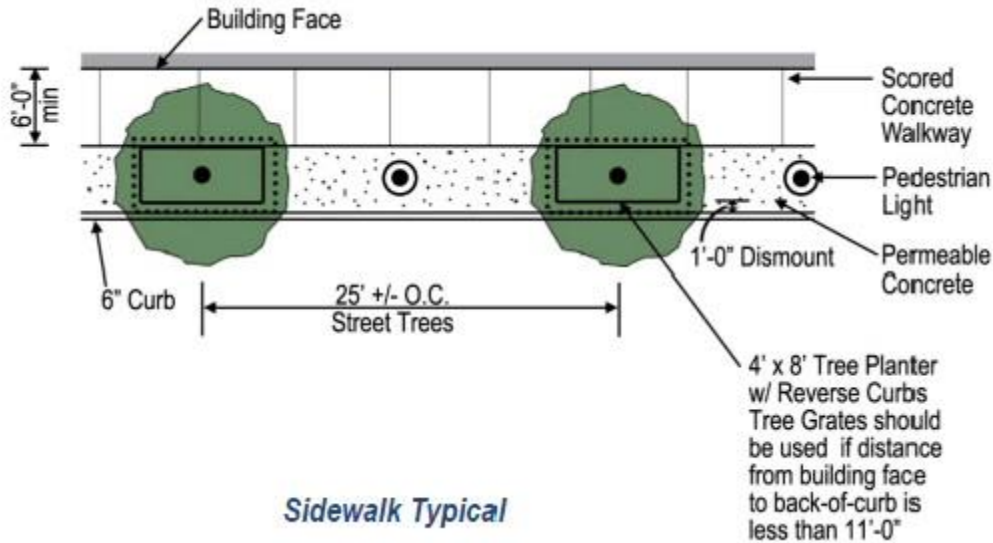
(Ordinance 6773 adopted 5/19/15)

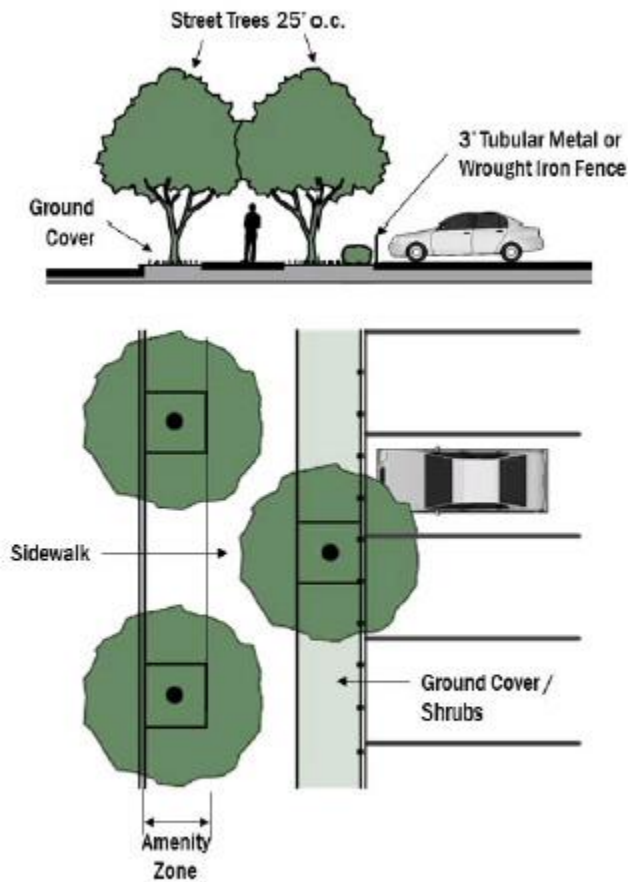
Section 7.18 Plant Material

Plant materials shall consist of street trees, ornamental trees, evergreen shrubs, groundcovers and vines and seasonal-color plants which are native or drought hardy (see Table 7-6). (Ordinance 6773 adopted 5/19/15)

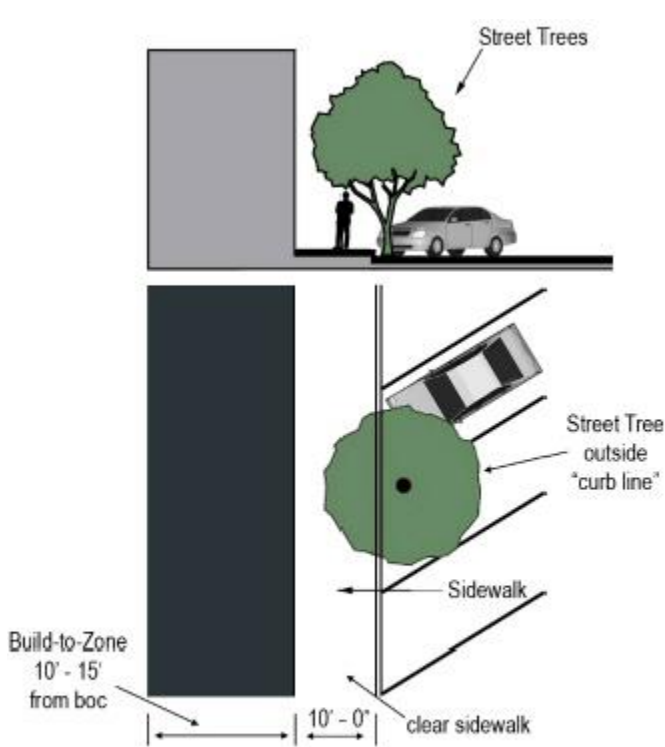
Section 7.19 Paving Material

- (A) Paving material in front setbacks and on sidewalks shall be earth-toned materials such as brick, natural or manufactured stone, and concrete.
- (B) A stamped version of brick, stone or cobbles may be approved in certain locations by Minor Waiver.

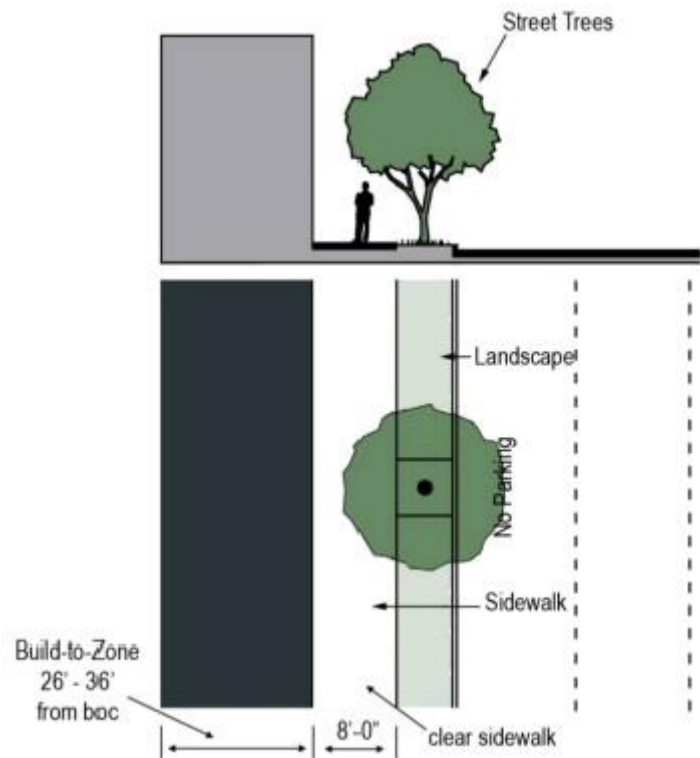




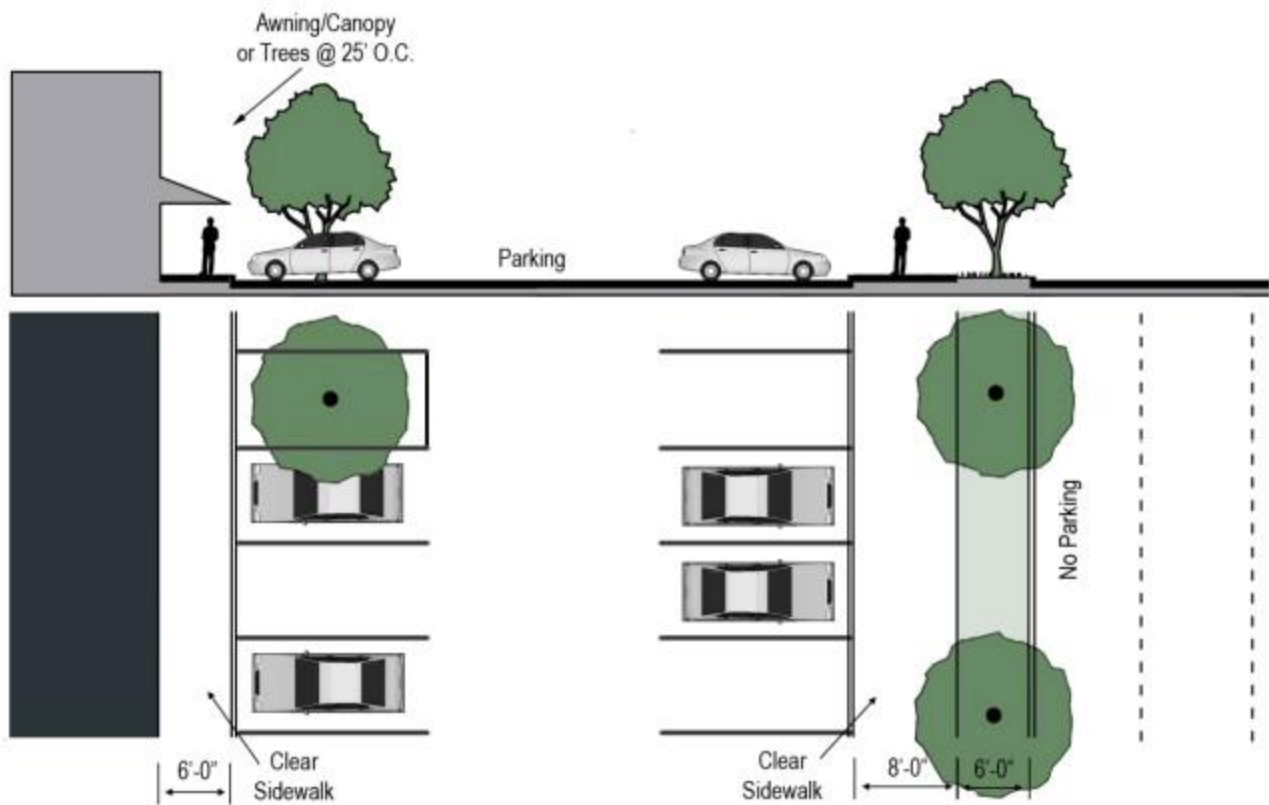
Parking Adjacent to Sidewalk



Downtown Historic Sub-District



Suburban Corridor Sub-District



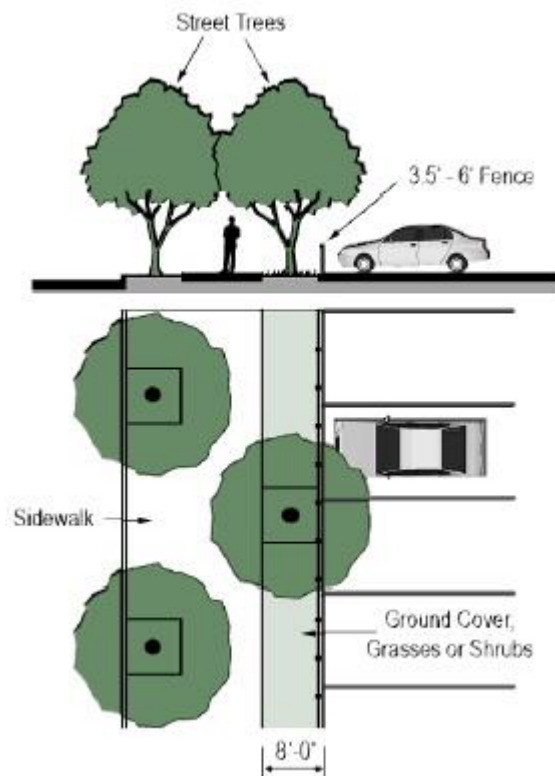
Suburban Corridor Sub-District

(Ordinance 6773 adopted 5/19/15)

Section 7.20 Parking Lot Landscaping

(A) Parking Lots Adjacent to Sidewalks. Where a parking lot is adjacent to the sidewalk, a second row of trees and a fence up to three and one-half feet in height shall be provided in place of a building wall. The fence treatment shall be wrought iron, or a combination of wrought iron and masonry, with shrubs. The appropriateness of the tree planting and fence shall be determined by Minor Waiver.

Openings in the fence and landscaping shall be provided, and a hard surface shall be installed to accommodate pedestrian access to the public sidewalk.



(B) Interior parking lot landscaping shall include the planting of trees from the Street Tree List to reduce heat buildup. Each row of parking shall be configured so that there is a minimum nine-foot wide landscape island with each run of eight parking spaces. Parking lot landscaping shall contain a quantity of trees calculated at a minimum of one large street tree for every six parking spaces.

(Ordinance 6773 adopted 5/19/15)

Section 7.21 General Site Landscaping

(A) Buildings with residential at-grade units shall be required to have a minimum five-foot landscaped setback between the edge of the sidewalk and the entry gate or elevated patio (see Section 7.11(D) in this Chapter 7).

(B) Landscaping may include groundcover, grasses, low shrubs, ornamental trees and street trees (see Table 7-6).





(Ordinance 6773 adopted 5/19/15)

Section 7.22 Open Space Configuration

A. Public and private open space which is adjacent to a street should be configured as indicated in Table 7-5 Open Space (below).

Table 7-5: Open Space

Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by streets, landscaping or building frontages. Its landscape shall primarily consist of lawn and trees. The minimum size is 10,000 s.f., approximately 1/4 acre. *	
Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building frontages or streets. Its landscape consists of paths, lawns and trees, formally organized, and may include a water feature. Squares should be located at the intersection of important Thoroughfares. The minimum size is 10,000 s.f., approximately 1/4 acre or larger. *	
Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building frontages or streets. Its landscape shall consist primarily of paving but include shade in the form of trees or structure. Plazas should be located at the intersection of important streets. The minimum size is 3,000 square feet. *	
Pocket Parks: An Open Space available for Civic purposes and Commercial activities. They shall be spatially defined by building frontages and streets. Its landscape consists primarily of pavement but include shade in the form of trees or structure. The minimum size should be at least 400 square feet. *	

* A Green, Square, Plaza or Pocket Park should be located at the center of the Pedestrian Shed of any neighborhood. It will provide for a central identity and provide opportunity for social interaction and community-building.

Table 7-6: Street Trees and Landscape Material

STREET TREES

(Minimum 8' in height/3" caliper at installation)

Allee Elm, Ulmus parvifolia 'Emer II'

Autumn Blaze Maple, Acer x freemanii ¹

Cedar Elm, Ulmus crassifolia

Chinese Pistache (male), *Pistacia chinensis*
Green Ash, *Fraxinus pennsylvanica*
Homestead Elm, *Ulmus* 'Homestead'
Locust/Shademaster Locust, *Gleditsia triacanthos* ^{1, 3}
October Glory Maple, *Acer rubrum* 'October Glory' ¹
Red Maple, *Acer rubrum* ¹
Shumard Red Oak, *Quercus shumardii* ²
Urbanite Ash, *Fraxinus pennsylvanica* 'Urbanite'

ORNAMENTAL TREES

(Minimum 5' in height/1.5" caliper at installation)
Rough leaf Dogwood, *Cornus drummondii*
Yaupon Holly, *Ilex vomitoria* (female only such as 'Pride of Houston' or 'Will Fleming')
Deciduous Holly, Warren's Red, *Ilex decidua*
Crape Myrtle, *Lagerstromia indica* (see attached)
Mexican Plum, *Prunus mexicana*
Mexican Redbud, *Cersis canadensis* var. *mexicana*
Oklahoma Redbud, *Cersis reniformis* 'Oklahoma'
Texas Redbud, *Cersis canadensis* var. *texensis*
American Smoke Tree, *Cotinus obovatus*
Vitex, *Vitex agnus-castus*
Desert Willow, *Chilopsis linearis*

EVERGREEN SHRUBS

(Minimum 2' in height at installation)
Dwarf Nandina, *Nandina domestica nana*
Dwarf Burford Holly, *Ilex cornuta burfordi nana*
Abelia Grandiflora, *Abelia grandiflora*
Barberry, *Barberry* spp.
Red Yucca, *Hesperaloe parviflora*
Texas Sage, *Leucophyllum frutescens*
Indian Hawthorn, *Raphiolepis indica*
Native Sumac, *Rhus lanceolata*
Dwarf Crape Myrtle, *Lagerstromia indica* 'nana'
Dwarf Yaupon Holly, *Ilex vomitoria* 'nana'
Pampas Grass, *Cortaderia selloana*

GROUNDCOVERS/VINES

(Minimum 1 gal. container at installation except Wisteria minimum 5 gal.)
Asian Jasmine, *Trachelospermum asiaticum coloratus*
Purple Winter Creeper, *Euonymus*
Santolina, *Santolina virens*
Trumpet Vine, *Campsis radicans*
Coral Honeysuckle, *Lonicera sempervirens*
Virginia Creeper, *Parthenocissus quinquefolia*

Lady Banks Rose, *Rosa banksiae lutea*

Wisteria, *Wisteria sinensis*

Vinca (major), *Vinca major*

TURF/GRASS

(Seed or hydromulch)

Common Bermuda, *Cynodon dactylon*

Fescues, *Festuca rubra*

Buffalo Grass, *Buchloe dactyloides*

Notes:

1. Trees suitable for location beneath normal height power lines.
 2. Should provide a limited root barrier to direct spreading roots downward.
 3. Locust trees have a problem with reflected heat when young; trunk should be wrapped during early stages.
- (Ordinance 6773 adopted 5/19/15)

ARTICLE 7 - SIGN STANDARDS FOR DOWNTOWN DISTRICT

Section 7.23 Intent

While the City understands the integral role signs play in identification of a business to both the driver and pedestrian, the intent of this Subsection is to provide a higher aesthetic through the limitation of clutter and regulation of commercial and locational signage. It is also intended to help enliven retail, restaurant and mixed-use areas.

These standards should not be interpreted to prevent district-oriented signs such as seasonal banners and directional signs. Commercial and locational signage within the district shall be limited, regulated and controlled as provided in this Chapter 7. All other signage shall be subject to the requirements of City ordinances, rules and regulations in effect at the time.

More specifically:

- (A) The location, size, color, materials, and design of signs should be in keeping with the character of the Downtown district;
- (B) Signage should be oriented primarily towards the pedestrian in terms of scale and legibility in order to reinforce the pedestrian character of the district;
- (C) The number of signs should be limited to avoid clutter;
- (D) Signs should be integrated into the overall building design in terms of placement, materials, colors, scale, proportions, etc.;
- (E) Signs attached flush to the building should not obscure any significant architectural details;
- (F) Sign materials should be durable and easy to maintain;
- (G) Sign lettering should be simple, legible and appropriately proportioned for clear communication;
- (H) Signs may be lit by external light sources as long as exposed direct lighting sources are not visually intrusive to the pedestrian environment or visible to residential units; and
- (I) Identification signs within a single development should be similar in design to enhance consistency and project identity.

(Ordinance 6773 adopted 5/19/15)

Section 7.24 General Requirements

- (A) Signs in the Downtown district shall conform with this Subsection and the regulations in [Chapter Four, Article 5](#) of this GDC. Where there is a conflict between the two, this Subsection prevails.
- (B) In addition to the Sign Chart, the following standards apply:
 - (1) Address signs are required for all buildings.
 - (2) Mixed-Use, Commercial, and Live/Work Building Types:

- (a) The allowed sign area is limited to the amount established in Section 4.75, Article 5, Chapter 4 of this GDC, or as otherwise defined in this Subsection.
- (b) Monument signs are generally not appropriate for pedestrian oriented districts like the Downtown. Approval of any monument sign requires a Major Waiver in all sub-districts except the SC sub-district. In any case, such signs shall be limited to one per lot frontage, subject to the limits and restrictions herein.

- (c) Directory signs are allowed, subject to the limits and restrictions herein.
- (d) Temporary signs are allowed, subject to the limits and restrictions herein.

(3) Mixed Residential Building Types:

- (a) The maximum combined effective area of all signs requiring a permit may not exceed five percent of the total area of each facade, in the form of wall, blade, awning and window signs.

The total sign area may be divided into any combination of individual signs, including awning, blade, window or wall signs.

Signs may be placed on each exterior facade, subject to the five percent limit per facade.

- (b) Monument signs are generally not appropriate for pedestrian oriented districts like the Downtown. Approval of any monument sign requires a Major Waiver in all sub-districts except the SC sub-district. In any case, such signs shall be limited to one per lot frontage, subject to the limits and restrictions herein.

- (c) Directory signs are allowed, subject to the limits and restrictions herein.
- (d) Temporary signs are allowed, subject to the limits and restrictions herein.

(C) Standards.

- (1) A sign may be externally lit only with a full-spectrum source, unless otherwise approved by Minor Waiver. This includes direct lighting, backlighting, halo lighting, internally lit letters and neon.
- (2) Restaurant and retail areas may have gaseous tubing (such as neon) or specially designed exterior signs, if such are approved through the Downtown Development Plan approval process.

(Ordinance 6773 adopted 5/19/15)

Section 7.25 Prohibited Signs

- (A) The following signs are not allowed:
 - (1) Internally-lit sign boxes
 - (2) Pole signs
- (B) Signs shall not be roof-mounted or project above the roof line.

(Ordinance 6773 adopted 5/19/15)

Section 7.26 Allowed Signs

Signage is allowed for each building type as set out in Table 7-7 below.



Building on the left has individually internally lit letters and are permitted. Building on the right has internally lit sign boxes which are prohibited.

Table 7-7: Allowed Signs

Sign Type/ Bldg. Type	Single-family Detached	Town home	Mixed Res/ Loft	Live/ Work	Mixed Use	Comm.	Standards	Require Permit
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Address Sign	P	P	P	P	P	P	a. Address signs meeting the requirements outlined below do not require a sign permit prior to erection. b. Address sign text shall be no larger than 12 inches in height. c. Address signs, including suite numbers, shall be limited to one per entrance.	No
Sandwich Board/A-Frame Signs				P	P	P	a. Signs shall be limited to one per business, and may not be used to advertise real estate sales or leasing opportunities. Off-premise advertising is prohibited. b. Signs shall not interfere with the required unobstructed sidewalk path. c. Signs shall be within 20 feet of the primary entrance to the business. d. Signs shall not exceed six square feet in area per face and three feet in height. The entire sign structure shall be included in the calculation of the sign area. e. Signs shall be professionally manufactured with the frame of the sign made from wood or finished metal. PVC and corrugated plastic sheets are not allowed as sign materials. f. Signs may include a chalkboard or bulletin board. g. A-frame signs may be used during business hours only and shall not be left outside the building overnight.	No
Awning Signs			P	P	P	P	a. Awning signs are allowed for ground floor uses only. b. Signs on awnings shall be printed, painted or applied directly on the surface of the awning and include only the name, logo, and type of service of the business. Letters shall be a maximum of eight inches high. c. Backlighting of awning signs is prohibited. d. Awnings shall be made of metal or heavyweight canvas or laminated material (minimum 14 oz. woven acrylic, 16 oz. opaque or translucent vinyl, or 20 oz. eradicable vinyl). e. A minimum of eight feet of vertical clearance shall be maintained between the lowest element of the sign and the sidewalk level.	Yes
Blade Signs				P	P	P	a. Blade signs may not encroach into any public right-of-way or public easement, and shall have a minimum clearance of eight feet above any sidewalk/pedestrian travel surface, and fourteen feet above any vehicular parking or circulation surface. b. Blade signs shall be suspended beneath a canopy or awning, or attached to a building's entrance facade.	Yes

							c. Maximum size/area: Four square feet when suspended beneath a ground-level canopy or awning or attached to the facade of the building on the ground-level; eight square feet when attached to the building's second or higher story. d. One blade sign per business customer entrance allowed.	
Building Directory Signs				P	P	P	a. Exterior directory signs are allowed on multi-tenant buildings where there are two or more tenants without direct outside access to a public street. One exterior directory sign per entrance shall be allowed. b. The exterior directory sign may include only building information (name, address or logo) and building tenant information (name and suite). The sign shall not contain other advertising. c. Text size is limited to three inches for building name and logo, and one inch for all other information. All tenant information should utilize a single text font. d. The sign shall project a maximum of four inches from the wall to which it is attached. e. Maximum size shall be 10 square feet.	No
Building Identification Signs			P		P	P	a. Building identification signs shall be limited to one per building face. b. Each sign shall be 12 feet or more above sidewalk level. c. Applied letters shall be constructed of painted cast metal, bronze, brass, or anodized aluminum. Applied plastic letters are prohibited.	Yes
Bulletin Board Sign (note; "Menu Boards" as defined in GDC not applicable with no drive-ins)				P	P	P	a. Bulletin board signs are signs which may include restaurant menus, community notices, real estate offerings and/or other notices. b. They shall have a glass cover and be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces, except as noted herein. c. Combustible materials may be used, providing the sign is attached to a wall with a minimum two-hour fire resistive rating. d. Bulletin board signs placed on heavy wood construction may be of combustible materials, but in no case shall they be internally illuminated. e. A bulletin board sign shall be designed, constructed and attached so as to withstand a wind pressure of not less than 30 pounds per square foot. f. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five feet and may be	Yes

							lighted. g. The total area of the sign shall not exceed ten square feet.	
Marquee Signs					P	P	a. A maximum of one marquee shall be allowed for theaters, auditoriums and other public gathering venues accommodating 100 persons or more subject to the approval of a Minor Waiver. b. The area of the sign shall be limited to 100 sf. and may include changeable copy (electronic and non-electronic). c. A marquee sign shall be attached to the building, and may extend over the sidewalk but shall not intrude on the street tree planting zone and shall maintain a minimum 8-foot clearance between the lowest element of the sign and the sidewalk level.	Yes
Memorial Signs or Tablets	P	P	P	P	P	P	a. Memorial signs may be constructed of bronze or other noncombustible materials attached to the building or may be cut into any masonry surface. b. Memorial signs shall not exceed four square feet in area, with one sign allowed for each building wall facing a street.	No
Menu Signs					P	P	a. A temporary sign used to inform the public of the menu and entertainment available in a restaurant. b. May be located within a display case attached to the building wall, or affixed to a window. c. A menu sign may not exceed a total area of six square feet, and may be lighted.	No
Monument Signs							a. Minor Waiver for properties with large setbacks and existing monument signs to allow for upgraded and improved signs where appropriate.	Yes
Nameplate	P	P	P	P	P	P	a. Nameplate signs shall not exceed one square foot in area, with one sign allowed for each residential unit.	No
Projecting Signs				P	P	P	a. Projecting signs will be a maximum of one per building face. b. Projecting signs will be a maximum area of 60 square feet per building face; and will not exceed 5 feet in width. c. Projecting signs will be a minimum of 12 feet in distance from the ground to the lower edge of the sign. d. Projecting signs will have a maximum height so as not to exceed 2/3 the building face height in linear feet.	Yes

Temporary Signs			P	P	P	P	a. In the Downtown district, temporary signs shall include signs, banners, flags, balloons or pennants promoting a merchandise program, opening of a retail or commercial establishment or center, special program of a public institution or the opening of a single-family subdivision or multifamily development. b. Such sign shall meet the standards established in Chapter Four Article 5 Signs in the GDC.	Yes
Real Estate Signs	P	P	P	P	P	P	a. Such sign shall meet the standards established in Chapter Four Article 5 Signs in the GDC.	No
Temporary Construction Signs	P	P	P	P	P	P	a. Temporary construction signs denoting the architect, engineer, contractor, subcontractor, or financier and temporary signs denoting the future location of a particular business, retail center or institution shall be limited to one construction sign and one future location sign per street adjacent to the construction site or future location site. Each sign shall be limited to 32 square feet in area and shall not extend above 15 feet in height measured from ground level. b. Such signs shall be located on the premises where the construction or the location being advertised is or will be occurring and shall be removed upon issuance of the certificate of occupancy.	No
Wall Signs				P	P	P	a. Maximum size is 30 square feet if located 12 feet or higher above grade; 10 square feet if less than 12 feet above grade. b. In addition, one wall-mounted sign, not exceeding 6 square feet in area, is permitted on any side or rear entrance that is open to the public. Such wall signs may only be lighted during the operating hours of business. c. A wall sign shall not extend above the facade of the structure or building to which it is attached. Such sign shall be designed, constructed and attached so as to withstand a wind pressure of not less than 30 pounds per square foot. d. Wall signs shall be limited to one per occupancy, per street frontage. A Minor Waiver may be approved for a single-occupancy building to allow additional signage. e. A minimum separation of 10 feet shall be provided between Wall Signs (excluding Building Identification Signs or Directory Signs).	Yes
Directional/ Movement Control Signs (On-Site)			P	P	P	P	a. Directional and Movement control signs shall meet city-wide standards.	No*

Window Signs				P	P	P	a. In no event shall signs located on the internal or external window surface in any manner obscure more than 25 percent of the visible window area available in the absence of any signs. Where multiple windows exist fronting on a single street or sidewalk, the 25 percent visibility shall be maintained for each window on such street or sidewalk. Window signs shall include: i. Signs painted on the internal surface of the window of a retail/commercial or office establishment. ii. Signs (except posters, below), banners or displays located on the internal surface of the window of a commercial or retail establishment. iii. Posters, providing such posters are not located on the external surface of the window. iv. Decorations intended to direct attention to public events, providing such signs are painted on the internal surface of the window and no more than 25 percent of the window is obscured by the decorations. v. Signs attached to the internal surface of a window that defines the name, proprietor, telephone number or address of such retail or commercial establishment. vi. Signs that are visible from the outside and located within 5 feet of a window.	Yes
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(Ordinance 6773 adopted 5/19/15)

ARTICLE 8 - ADMINISTRATION

Section 7.27 Intent

It is the intent of this Subsection to offset the high level of detailed standards in this Chapter 7 with an expeditious approval of projects that meet the general goals and intent of this district and to ensure consistency and quality of design. (Ordinance 6773 adopted 5/19/15)

Section 7.28 Downtown Development Plan

(A) Prior to obtaining a Site or Building Permit, an approved Downtown Development Plan must be obtained from the Director (or from the City Council, if appealed or if a Major Waiver is requested) demonstrating that the proposal meets the goals, intent and general standards contained in these district regulations.

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

- (1) Site layout plan ~~(such as a Preliminary Development Plan)~~
- (2) Proposed uses
- (3) Unit mix for residential
- (4) Parking required and provided
- (5) Landscape, screening, fencing and streetscape plans
- (6) Building elevations indicating materials and colors
- (7) Building sections as appropriate, or as may be requested by the Planning Director
- (8) Calculations for each exterior building material, window area

- (9) Signage
- (10) Minor or Major Waivers being requested
- (11) Traffic Impact Analysis, if required
- (12) Schematic Engineering Drawings and, as applicable, utility layout and capacity analysis
- (C) An application for a Downtown Development Plan shall be processed in accordance with the City's procedures set forth in Article 2, Division 1 of Chapter 1 of this GDC.
- (D) The Director, in making an initial decision on a Downtown Development Plan application, shall determine whether the Plan meets the goals, intent, and standards of the Downtown district.
- (E) Denial or conditional approval of a Downtown Development Plan by the Director may be appealed to the City Council using the same process as required for a Major Waiver. The appeal shall be filed in writing with the Director within thirty calendar days following the date of the Director's action on the Downtown Development Plan application.
- (F) If the application includes a request for a Major Waiver, the Director shall schedule the application for hearing before the Plan Commission along with a recommendation on the application. The Plan Commission, following a public hearing, shall forward its recommendation to the City Council for hearing on the application and Major Waiver request. The City Council, following a public hearing, shall approve, approve with conditions or deny the application for a Downtown Development Plan and the Major Waiver request.
- (G) The notice and hearing procedures for approval of a zoning change under the GDC shall be used to process the request for a Major Waiver.

(Ordinance 6773 adopted 5/19/15)

Section 7.29 Regulating Plan

- (A) A Regulating Plan may be required for any multi-phased development in order to ensure continuity of development.
- (B) Regulating Plans will be consistent with the approved Framework Plan.
- (C) Regulating Plans may be prepared by an applicant or by the City.
- (D) Regulating Plans will correlate to adjacent plans and development, and will be incorporated as part of the regulations governing the Downtown district.
- (E) Content. Regulating Plans will include:
 - (1) Street network depicting all major, secondary, collector, local and alley thoroughfares and trail network;
 - (2) Street types;
 - (3) Public open space;
 - (4) Location and capacity of utilities;
 - (5) Mandatory or recommended flex space construction at-grade;
 - (6) Terminated vista and landmark feature locations;
 - (7) Building height, building type or land use overlay(s) (if applicable);
 - (8) A Phasing Plan of open space amenities (if applicable);
 - (9) Any waivers being requested (any variation to this Chapter's standards must be specifically requested); and
 - (10) Any requirements specific to the site, as may be determined by the Planning Director.
- (F) An application for a Regulating Plan shall be processed in accordance with the City's procedures set forth in Article 2, Division 1 of Chapter 1 of this GDC.
- (G) The Director, in making an initial decision on a Regulating Plan application, shall determine whether the Plan meets the goals, intent, and standards of the Downtown district.
- (H) Denial or conditional approval of a Regulating Plan by the Director may be appealed to the City Council using the same process as required for a Major Waiver. The appeal shall be filed in writing with the Director within thirty calendar days following the date of the Director's action on the Downtown Development Plan application.
- (I) If the application includes a request for a Major Waiver, the Director shall schedule the application for hearing before the Plan Commission along with a recommendation on the application. The Plan Commission, following a

public hearing, shall forward its recommendation to the City Council for hearing on the application and Major Waiver request. The City Council, following a public hearing, shall approve, approve with conditions or deny the application for a Regulating Plan and the Major Waiver request.

(J) The notice and hearing procedures for approval of a zoning change under the GDC shall be used to process the request for a Major Waiver.

(Ordinance 6773 adopted 5/19/15)

Section 7.30 Waivers of Design Standards

(A) Types of Waivers. For the purposes of this district, there shall be two types of Waivers of design standards – Minor and Major. A Waiver request may only be made in conjunction with an application for a Downtown Development Plan. Any Waiver must be specifically requested by the Applicant. No Waivers to standards will be considered approved if not specifically identified in the request for approval of a Development Plan.

(B) Minor Waivers are those changes to design standards in the Downtown district that are determined to meet the goals and intent of this district as stated in Article 1 of this Chapter 7 and throughout this Chapter. Minor Waivers may be approved administratively by the Director. A Minor Waiver may only be approved if it:

- (1) Meets the goals and intent of this district;
- (2) Does not materially change the circulation and building location in the area;
- (3) Does not change the relationship between buildings and the street; and
- (4) Does not allow a use not otherwise authorized in this district.

(C) Major Waivers are material and substantial changes to the design standards in the Downtown district, or changes which may initially appear to be in conflict with the goals and intent of this district. Major Waivers may only be approved by the City Council, following a recommendation by the Planning Director and the Plan Commission in conjunction with a decision on an application for approval of a Downtown Development Plan. In order to approve a Major Waiver, the City Council shall find that the Waiver:

- (1) Meets the general intent of this district; and
 - (2) Will result in an improved project which will be an attractive contribution to the Downtown district.
- (D) The City may impose conditions in the granting of any Waiver in order to implement the Downtown Plan, and to mitigate negative impacts to neighboring properties, public streets or open space.

(E) The following Waivers are authorized within the Downtown district, subject to the procedures in this Section:

(1) Minor Waivers include changes to the following standards, or as otherwise identified in these district regulations:

- (a) Reduction in minimum floor-to-ceiling height for Flex Space at-grade space of up to ten percent;
- (b) Vehicular access drive locations;
- (c) Vehicular access from a street where alley access is available;
- (d) Continuous building frontage less than seventy-five percent, but not less than sixty percent;
- (e) Counting parking lot frontage which is planted with a double row of trees and landscaping, as part of the requirement for continuous frontage;
- (f) Separation of business patrons from the general public on a sidewalk, using another method than planters or fencing;
- (g) Use of building materials other than masonry and 3-stage stucco on walls not visible from a street, plaza or other public open space;
- (h) Increase the amount of window area by up to fifteen percent for building facades that contain loft residential units;
- (i) Bicycle parking requirements;
- (j) Use of neon as a lighting source;
- (k) Use of a stamped concrete version of brick, stone or cobbles as a paving surface;
- (l) Approval of a marquee sign; and
- (m) Approval of more than one wall sign for a single-occupancy building.

(2) Major Waivers include changes to the following standards, and as otherwise identified in these district regulations:

- (a) Various land uses in sub-districts as indicated in [Table 7-1](#);
- (b) Exceeding limitations established for a Minor Waiver; and
- (c) Any variation in rules not covered by a Minor Waiver.

(Ordinance 6773 adopted 5/19/15)

Section 7.31 Amendment

An amendment to an approved Downtown Development Plan must be submitted prior to the time for lapse of approval provided in Section 7.32 below. In the event an amended Downtown Development Plan is approved, the approving authority amending the Plan shall specify the time for lapse of such approval, not to exceed two years (that is, 730 calendar days), consistent with Section 7.32. (Ordinance 6773 adopted 5/19/15)

Section 7.32 Lapse of Approval

The approval of any component of a Downtown Development Plan shall lapse in accordance with the provisions of Chapters 2, 3 or 4 of this GDC (as applicable), including requests for extensions. (Ordinance 6773 adopted 5/19/15)

ARTICLE 9 - DEFINITIONS

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 3) adopted as part of this Chapter 7, and used as a guide for the application of these district regulations.

Editor's note—The Framework Plan referred to above is not printed herein.

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.

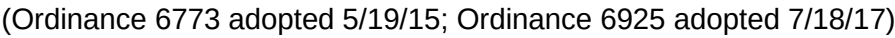
Townhome. An attached dwelling unit, typically with a height of two or more stories, located on a separately platted lot, which shares at least one common wall with another such unit, typically grouped together in a cluster of 3 or more units.

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.

(Ordinance 6773 adopted 5/19/15)

APPENDIX A. DOWNTOWN FRAMEWORK PLAN



Consider various amendments to the Garland Development Code.

**City Council
November 4, 2019**



VARIOUS SECTIONS/REFERENCES

- ✕ Preliminary Development Plans (PDP's)

SECTION 2.39(I)(1)

Multi-Family Internal Storage Requirements

Currently an enclosed storage facility must be constructed on-site for each dwelling unit in a MF structure, with convenient access to its corresponding unit. The minimum size of each storage facility must be twenty-five square feet, and must contain not less than one hundred and seventy-five cubic feet. A garage may not count as a storage facility unless the required storage space is added to the size of the garage.

Developers are struggling to meet this requirement with new multi-family developments, as internal “storage” is typically provided through areas within the unit such as larger walk-in closets, rather than individual storage facilities such as patio closets.

SECTION 2.52(A)(3)(F)&(G)

Automobile Repair Vehicle Parking & Storage

Automobile Repair uses may not conduct any outdoor vehicle or equipment repairs or maintain or store overnight vehicles, parts, equipment, or accessories outdoors.

Vehicles currently being repaired may remain on-site for a maximum of ninety (90) calendar days at Major Automobile Repair facilities. For Minor Automobile Repair facilities, vehicles currently being repaired may remain on-site for a maximum of fourteen (14) calendar days.

For Major Automobile Repair facilities, 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 600 square feet per garage bay. For Minor Automobile Repair facilities, 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.

SECTION 2.52(A)(20)(F)

- ✘ Reception Facility minimum distances from residential, senior living, and other Reception Facilities.

SECTIONS 4.20(K) AND 4.27(B)

Parking Deviations

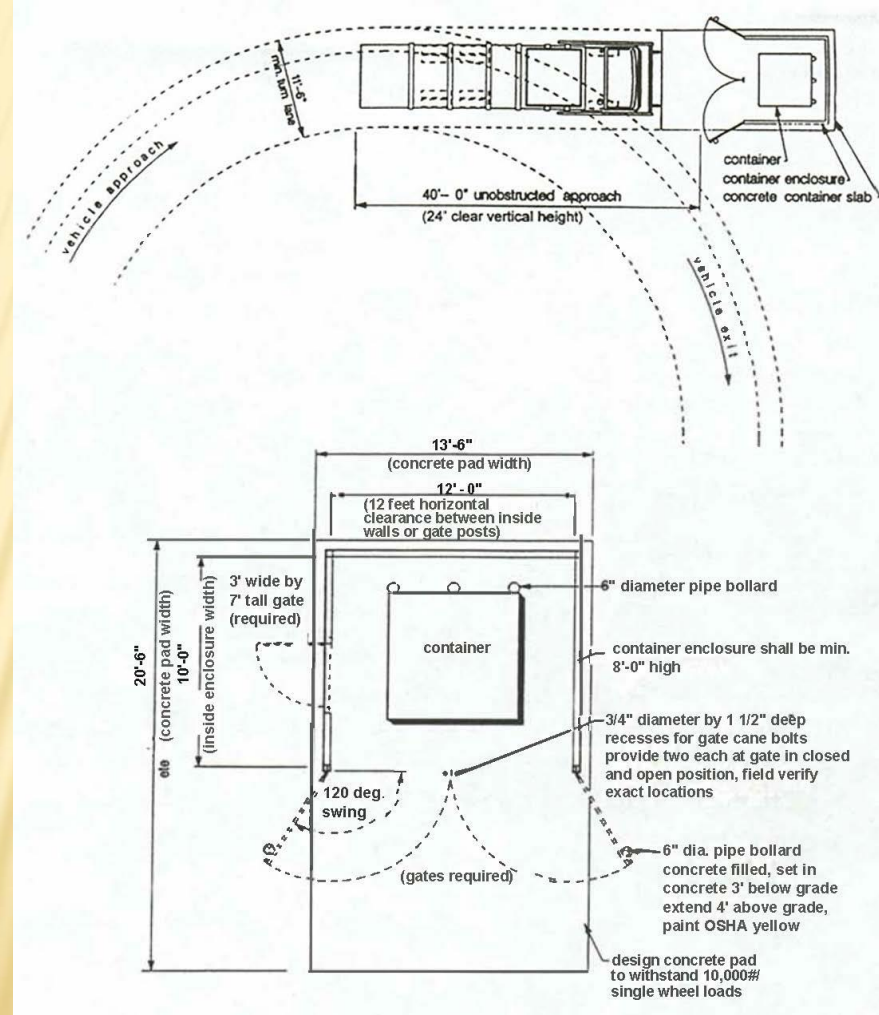
SECTION 4.104

Residential front yard fences may be located within required front yard of residential zoned property.

No more than 3.5 feet in height and made of wood or ornamental metal, or a fence no more than 2.5 feet in height and made of brick or masonry, excluding cinder block.

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

SECTION 4.45 – ILLUSTRATION 4-22



CHAPTER 6 DEFINITIONS

✕ Buildings vs. Structures

CHAPTER 7, TABLE 7-4

Single-Family in Uptown subdistrict
Use & Building Type

CHAPTER 2.52(A)(8)

- ✕ Recycling/Used Goods Collection facilities

ILLUSTRATION 2-6

