

Comprehensive Zoning Ordinance No. 4647

Updated: April 3, 2009



Ordinance No. 4647

Adopted March 30, 1993

Effective April 1, 1993

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COMPREHENSIVE ZONING ORDINANCE ORDINANCE 4647

SECTION 1

ENACTING CLAUSE

1-100 That the Comprehensive Zoning Ordinance attached hereto is hereby adopted as the Comprehensive Zoning Ordinance of the City of Garland, Texas, together with a Map delineating 21 zoning districts as Chapter 34 of the Code of Ordinances of the City of Garland, Texas:

SECTION 2

REPEAL OF ORDINANCE NO. 3237

2-100 That Ordinance No. 3237 duly enacted by the City Council of the City of Garland on the 21st day of October 1980, as amended, is hereby repealed except as provided in Paragraph 33-300 and Paragraph 32-610 of this Ordinance.

SECTION 3

PURPOSE AND SCOPE

3-100 It is hereby declared to be the purpose and intent of the City Council by enacting this Ordinance that the Zoning Regulations and Districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, open spaces, and to protect and enhance historical, cultural, and environmental qualities and other public requirements. They have been made with reasonable consideration, among other things; for the right to use the land subject to reasonable regulations; for the character of the district and its peculiar suitability for the particular uses specified; and with a view of conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City consistent with the comprehensive plan as required by law.

3-200 The provisions of this Zoning Ordinance constitute minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare of the City of Garland, Texas. Wherever higher or more restrictive standards are established by provisions of any other applicable statute, ordinance or regulations established by the provisions of this Ordinance, the provisions of such other statute, ordinance, or regulations shall govern.

SECTION 4

COMPLIANCE REQUIRED

4-100 All land, buildings, structures, or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered, converted, or maintained shall be used, placed, and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

SECTION 5

PRESERVING RIGHTS

5-100 Nonconforming Uses or Structures

Any use or structure which existed as a nonconforming or previously conforming use or structure under Ordinance 3237 prior to adoption of this ordinance shall be permitted to continue as a nonconforming use or structure subject to the provisions of Section 35 unless such use or structure is made a conforming use or structure.

5-200 Exemptions to Nonconforming Regulations

Any use that does not conform to the provisions of this ordinance that require the use to have a Specific Use Permit, but which legally existed as a conforming use without a Specific Use Permit under Ordinance 3237 prior to the adoption of this ordinance, shall be permitted to continue as a legal nonconforming use and shall not be subject to the provisions of Section 35 of this ordinance, except that Section 35-412.1 shall be applicable. In the event such a use is replaced by or changed to a use conforming with the provisions of this ordinance, the nonconforming use shall be considered void and only uses conforming to this ordinance will be permitted thereafter. The burden of proof that the exemption provided by this section exists shall rest on the property owner.

The provisions of this section shall also apply to vacant property on which the last Certificate of Occupancy was for a use which would not conform to the provisions of this ordinance that require the use to have a Specific Use Permit, but legally existed as a conforming use without a Specific Use Permit under Ordinance 3237 prior to the adoption of this ordinance. Such a use shall be permitted to be reestablished as a legal nonconforming use and shall not be subject to the provisions of Section 35 of this ordinance, except that Section 35-412.1 shall be applicable. In the event such a use is replaced by or changed to a use conforming with the provisions of this ordinance, the nonconforming use shall be considered void and only uses conforming to this ordinance will be permitted thereafter. The burden of proof that the exemption provided by this section exists shall rest on the property owner.

5-300 Illegal Uses or Structures

By adoption of this ordinance, no presently illegal use or structure shall be deemed to have been legalized unless such use or structure falls within a district where the actual use and structure conform to the provisions of this ordinance.

5-400 Legal Action

It is further the intent and the declared purpose of this ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the previous zoning ordinance was repealed and this ordinance adopted, shall be discharged or affected by such repeals; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted for causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 6

ZONING DISTRICTS ESTABLISHED

6-100 The City of Garland, Texas, is hereby divided into Zoning Districts. The regulations as set out herein are uniform within each district. The Plan Commission shall not recommend and the City Council shall not approve any of these districts with other or different regulations than those set forth herein. This does not preclude the establishment of other districts or revision of regulations of the districts in accordance with the procedures set forth in Section 34. The districts herein established shall be known and cited as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
AG	Agriculture
SF-16	Single Family Dwelling District; (16,000 Square Feet)
SF-10	Single Family Dwelling District; (10,000 Square Feet)
SF-7	Single Family Dwelling District; (7,000 Square Feet)
TH	Townhouse District
D	Duplex District
MF-12	Multifamily District (12 units per acre)
MF-18	Multifamily District (18 units per acre)
O-1	Office 1 District
O-2	Office 2 District
HS	Health Services District
NS	Neighborhood Service District
SC	Shopping Center District
GB	General Business District
C-1	Commercial 1 District
C-2	Commercial 2 District
CA-1	Central Area 1 District
CA-2	Central Area 2 District
I-1	Industrial 1 District
I-2	Industrial 2 District
FW	Freeway District
PD	Planned Development District

SECTION 7

ZONING DISTRICT MAP

7-100 The boundaries of Zoning Districts set out herein are delineated upon a set of sectional Zoning District Maps of the City of Garland, Texas. Said set of maps is adopted as part of this ordinance as fully as if the same were set forth herein in detail.

7-200 One original set of Zoning District Maps shall be filed in the office of the City Secretary. This copy shall be the Official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

7-300 Additional copies of the original set of Zoning District Maps shall be placed in the offices of the City Secretary, the Building Official, and the Director of Planning. These copies shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments.

7-400 The Zoning District Maps shall indicate as clearly and accurately as possible the physical location of the boundaries of all Zoning Districts. The district boundaries shall be placed on or over the City base map, and the base map shall be used as reference information only and not an actual part of the Zoning Maps. The base map may be changed without requiring zoning amendment; however, the zoning district boundary lines shall be changed only to define the boundaries as set forth by the Zoning Ordinance as may be amended.

SECTION 8

ZONING DISTRICT BOUNDARIES

8-100 The district boundary lines shown on the Zoning District Maps are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

8-101 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

8-102 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

8-103 Boundaries indicated as approximately following city limits shall be construed as following city limits.

8-104 Boundaries indicated as following railroad lines shall be construed to be the established centerline of the right-of-way or if no centerline is established; the boundary shall be interpreted to be mid way between the right-of-way lines.

8-105 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of any change in the shore lines such change shall be construed as moving the zoning line.

8-106 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines, and in the event of natural change in the centerline, shall be construed as moving with the centerline. The centerline shall be interpreted as being mid way between the shore lines.

8-107 Boundaries indicated as approximately following the "take line" along Lake Ray Hubbard shall be construed as following the actual "take line".

8-108 Boundaries indicated as parallel to or extensions of features indicated in 8-101 through 8-107 above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.

8-109 Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or public way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

8-110 Boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the Zoning District Map. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.

SECTION 8A

CONSISTENCY WITH COMPREHENSIVE PLAN

As the Comprehensive Zoning Ordinance is one implementation tool for the City's Comprehensive Plan, the zoning ordinance shall be kept current and consistent with the goals and objectives of the comprehensive plan. Consequently, it shall be the policy of the City Council that during the review of each sector plan the appropriate implementation committee shall review the zoning on all undeveloped parcels of land to determine if the zoning in effect at the time is appropriate. If there are undeveloped parcels with zoning which has been in effect for at least ten years and if, in the Committee's opinion, zoning is inconsistent with the comprehensive plan and no longer appropriate, a recommendation shall be made that a public hearing be called to review said zoning. Proceedings may then be initiated to amend the Ordinance as specified in Section 34-200.

SECTION 9

NEWLY ANNEXED AREAS

9-100 All territory hereafter annexed to the City of Garland shall be temporarily classified in the Agriculture (AG) District until permanent zoning classifications are given the area by the City Council of the City of Garland.

9-200 The procedure for establishing appropriate zoning on any annexed territory shall be the same as set forth in Section 34 for the amendment of the Zoning Ordinance.

9-300 Upon annexation of territory, the City Council shall instruct the Plan Commission to study the newly annexed area and hold necessary public hearings to determine the proper zoning of such land at that time.

SECTION 10

USE OF LAND AND BUILDINGS

10-100 Uses Permitted By District

10-110 Land and buildings in each of the zoning districts may be used for any of the indicated uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to the Schedule of Uses (10-200) and in accordance with Section 4 and the provisions of the following sections of this ordinance.

10-120 Legend for Following Schedule of Uses

X Use permitted in district indicated.

Use prohibited in district indicated.

S Use may be approved as Specific Use Permit; see Section 33.

L Use permitted under specific limitations and conditions; limited uses are secondary to the main use and shall be contained entirely within the building or complex. They shall not have an exterior access facing a public street and shall not have exterior on site advertising or signs.

* Allowed when so specified in Granting Ordinance.

10-200 Schedule of Uses

The Schedule of Uses appears on the following charts.

(Schedule of Use Charts were amended by the following ordinances: 5452, 5511, 5516, 5560, 5856 5873, 5894 5899 and 6008.)

RESIDENTIAL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement	
	Accessory Building	X	X	X	X	X	X	X	X									X	X				*	*	*	*	none
Assisted Living Facility (10-5-99, Ord. 5410)							S	S			X						X	X			S				*	1 / 3 units + 1 / day staff + 1 / 20 units for guests	
Custodial Quarters											S		S	S	S	S	S	S	S	S	S				*	2 / dwelling unit	
Duplex						X	X	X									X	X					*	*	*	*	2 / dwelling unit
Farm, Ranch, Orchard	X																					*	*	*	*	as determined by components	
Guest House	S	S																				*	*	*	*	as determined by components	
Independent Senior Living Facility (10-5-99, Ord. 5410)							X	X			S						X	X			S				*	1 / unit + 1 / day staff + 1 / 20 units for guests	
Mobile Home	S																								*	2 / dwelling unit	
Multifamily							X	X									X	X				*	*	*	*	2 / dwelling unit	
Single Family Attached (Ord. 6008)					X																	*	*	*	*	2.25 / dwelling unit (Ord. 6008)	
Single Family Detached	X	X	X	X		X											X	X				*	*	*	*	2 / dwelling unit	
Wind Energy System (11-18-08, Ord. 6284)		X	X	X		X												X									

INSTITUTIONAL AND EDUCATIONAL																					Parking Requirement						
	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2		Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	
Boarding School						S	S										S	S				*	*	*	*	1 / 10 students	
Care of Alcoholic, Drug Dependent or Psychiatric Patients																											
In Home	S		S	S		S	S	S										S				*			*	2 / dwelling unit + 1 / 1000 gfa	
Institutionalized											S	S	S	S	S	S		S			S				*	1 / 4 beds	
Residential							S	S			S							S				*			*	2 / dwelling unit + 1 / 1000 gfa	
Charitable Boarding, Temporary							S	S	S	S	S		S	S	S	S	X	X				*			*	1 / 1000 gfa	
Charter School (12-5-00, Ord. 5516)	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Elementary																									*	1 / 20 students	
Middle																									*	1 / 15 students	
High																									*	1 / 3 students	
Special																									*	1 / 10 students	
Church	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	1 / 4 seats
College or University									S	S			S	S	X	X	X	X			S	*	*	*	*	1 / 2 students	
Commercial School									X	X	S	S	X	X	X	X	S	S	X	X	X	*	*	*	*	1 / 2 students	
Convent or Monastery						S	S															*	*	*	*	1 / 4 residents	

INSTITUTIONAL AND EDUCATIONAL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement
	Convention Facility									S	S	S		X	X	X	X	X	X			X	*	*	*	*
Day Camp	X																					*	*	*	*	1 / 20 campers
Detention Center							S	S																	*	as specified in SUP or PD
Foster Home	S	S	S	S	S	S	S	S									S	S							*	as specified in SUP or PD
Halfway House							S	S																	*	as specified in SUP or PD
Kindergarten, Preschool or Child Care Center	S		S	S	S	S	S	S	S	S	S	X	X	X	X	X	S	S	S	S	S	*	*	*	*	1 / 10 students
Library		S	S	S	S	S	S	S	X	X	X	X	X	X	X	X	X	X			X	*	*	*	*	1 / 300 gfa
Museum or Art Gallery									X	X	X	X	X	X	X	X	X	X			X	*	*	*	*	1 / 300 gfa
Neighborhood Assistance Center		S	S	S		S	S	S	X	X	X	X	X	X	X	X	X	X	X		X	*		*	*	1 / 300 gfa
Orphanage																									*	1 / 10 residents
School, Public and Private	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	*	*	*	*	
Elementary																									*	1 / 20 students
Middle																									*	1 / 15 students
High																									*	1 / 3 students
Special																									*	1 / 10 students

RECREATIONAL, SOCIAL AND ENTERTAINMENT	Zoning Districts																Planned Development	Parking Requirement								
	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2			Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District
Arcade (3-21-00, Ord. 5452)												S	S	S	S	L	L	S			S				*	1 / 100 gfa
Athletic Club/Instruction, Indoor Facilities	S					S	S	S	X	X	S	X	X	X	X	X	X	X	S	X	*	*	*	*	1 / 100 gfa	
Athletic Club/Instruction, Outdoor Facilities	S					S	S	S	S	S	S	S	X	X	X	S	S	X	S	X	*	*	*	*	1 / 100 gfa	
Bingo Hall												S	S	S	S			S						*	1 / 200 gfa	
Civic Club/Fraternal Lodge									X	X		X	X	X	X	X	X			X	*	*	*	*	1 / 200 gfa	
Commercial Amusement, Indoor												X	X	X	X	X	X	X	X	X	*	*	*	*	1 / 100 gfa	
Commercial Amusement, Outdoor												S	S	X	X		S	S	S	S	*	*	*	*	as determined by Planning Director	
Country Club																								*	as specified by PD	
Golf Course																								*	5 / green	
Marina																								*	as specified by PD	
Motor Vehicle Race Track																								*	as specified by PD	
Movie Theater/Theater												X	X	X	X	X	X			X	*	*	*	*	1 / 4 seats	
Reception Facility (1-18-05, Ord. 5873)												S	S	S	S	S	S	S	S	S	*	*	*	*	1 / 100 gfa or 1 space for each 3 occupants (whichever is greater)	
Recreational Vehicle Park																								*	as specified by PD	
Riding Academy/Stables	X																							*	1 / 2 stalls	

RECREATIONAL, SOCIAL AND ENTERTAINMENT																			Parking Requirement								
	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2		Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	
Rodeo																									*	as specified by PD	
Shooting Range, Indoor												S	S	S	S				S		S		*			*	1 / 500 gfa
Shooting Range, Outdoor	S																									*	as specified by SUP or PD
Stadium, Arena, Athletic Field	S	S	S	S		S	S	S	S	S	S	S	S	S	S			S	S	S	S					*	1 / 4 seats
Zoo																										*	as specified by PD

MEDICAL AND RELATED USES																		Parking Requirement								
	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1		Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development
Ambulance Service										X			X	X	X	X	X	X	X		X	*	*	*	*	1 / 300 gfa
Hospital										X				X	X		X				X	*	*	*	*	1.5 / bed
Massage Therapy								X	X	X	S	X	X	X	X	X	X	X	S		X	*	*	*	*	1 / 200 gfa
Medical Laboratory								X	X	X	S	X	X	X	X	X	X	X	S		X	*	*	*	*	1 / 300 gfa
Medical Office/Clinic								X	X	X	S	X	X	X	X	X	X	X	S		X	*	*	*	*	1 / 200 gfa
Mortuary/Funeral Home														X	X	X					X				*	1 / 200 gfa
Nursing Home/Convalescent Center (10-5-99, Ord. 5410)						S	S			X							X	S			S	*	*	*	*	1 / 4 beds

OFFICE AND RETAIL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement
	Alternative Financial Establishment (2-3-09, Ord. 6294)															S							*	*	*	
Bait Sales, Live																					S		*	*	*	1 / 200 gfa
Bank or Financial Institution									X	X	L	X	X	X	X	X	X	X	X	X	X	*	*	*	*	1 / 300 gfa
Bed and Breakfast (10-6-98, Ord. 5213)	S																X	S						*	1 / room	
Convenience Store (5-17-05, Ord. 5899)										S		X	X	X	X	X	X	X	S		X	*	*	*	*	1 / 200 gfa
Drug Store/Pharmacy									L	L	X	X	X	X	X	X	X	X	L		X	*	*	*	*	1 / 200 gfa
Dry Cleaner										L	L	X	X	X	X	X	X	X	S		X	*	*	*	*	1 / 200 gfa
Flea Market, Indoor														S	S	S	S				S				*	1 / 200 gfa
Flea Market, Outdoor															S	S									*	1 / 200 gfa + 1 / 200 site area
Furniture and Appliance Sales													X	X	X	X	X	X	X		X	*	*	*	*	1 / 400 gfa
Grocery/Supermarket												X	X	X	X	X	S	S			X	*	*	*	*	1 / 200 gfa
Home Improvement Center													X	X	X	X		X	X		X	*	*	*	*	1 / 200 gfa
Hotel/Motel, Full Service (10-6-98, Ord. 5213)										X							X	S	X		X	*	*	*	*	1.25 / room + per components
Hotel/Motel, Limited Service (10-6-98, Ord. 5213)									S										S		S	*	*	*	*	1.25 / room + per components
Landscape Nursery	S												X	X	X	X		X			S		*		*	1 / 200 gfa + 1 / 1000 outdoor area
Laundromat										L	L	X	X	X	X	X			S		X	*	*	*	*	1 / 200 gfa
Medical and Surgical Appliances									L	L	X		X	X	X	X	X	X	L		X	*	*	*	*	1 / 200 gfa

OFFICE AND RETAIL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement
	Office, General									X	X	X	X	X	X	X	X	X	X	X	X	X	*	*	*	
Optical Dispensary									L	L	X	S	X	X	X	X	X	X	L		X	*	*	*	*	1 / 200 gfa
Pawnshop																X									*	1 / 75 gfa
Pet Sales and Grooming												S	X	X	X	X	X	X			X	*	*	*	*	1 / 200 gfa
Printer, Small Scale									L	X	L	X	X	X	X	X	X	X	X		X	*	*	*	*	1 / 200 gfa
Produce Stand, Outdoor	S													X	X	X		S			S				*	4 + 1 / 600 of site area
Restaurant (10-19-04, Ord. 5856)										X	X		X	X	X	X	X	X	X	X	X	*	*	*	*	1 / 75 gfa
Restaurant, Drive-Through (10-19-04, Ord. 5856)										S	S		S	S	S	S	S	S	S	S	S	*	*	*	*	8 + 1 / 50 of seating area
Retail Sales/Personal Service									S	L	X	X	X	X	X	X	X	X	S		X	*	*	*	*	1 / 200 gfa
Retail Sales with Gas Pumps (5-1-01, Ord. 5560)													S	S	S	S			S		S	*	*	*	*	1 / 200 gfa
Retail Sales with Outdoor Display															S	S	S	S				*	*	*	*	1 / 200 gfa
Sexually Oriented Business (5-4-04, Ord. 5821)																			X	X					*	1 / 200 gfa
Tattooing/Body Piercing Establishment (11-7-00, Ord. 5511)													S	S	S	S			S		S				*	1 / 200 gfa

COMMERCIAL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement	
	Air Conditioning Service															X	X		X	X	X	S				*	1 / 300 of office + 1 / 1000 of storage area
Aircraft Repairing																				S	X					*	1 / 1000 gfa
Animal Clinic												S	X	X	X	X	X	X			X	X	*	*	*	*	1 / 200 gfa
Animal Hospital	S														S	S		S	S		S					*	1 / 300 gfa
Animal Kennel or Pound	S																									*	1 / 400 gfa
Bakery, Commercial															S	S			X	X	S	*				*	1 / 1000 gfa
Battery Repairing and Rebuilding																			X	X						*	1 / 1000 gfa
Bottling Plant																			X	X	S	*				*	1 / 1000 gfa
Building Materials															S	S			X	X	S					*	1 / 1000 gfa
Carpet/Rug Cleaning and Repair															X	X		X	X	X	S					*	1 / 1000 gfa
Commercial and Industrial Equipment Repair and Service																				X	X	S	*			*	1 / 1000 gfa
Commercial Laundry/Cleaners															X	X			X	X	S	*				*	1 / 300 of office + 1 / 1000 of remainder
Contractor Equipment and Storage															S	S			X	X						*	1 / 500 gfa
Custom Furniture Manufacturing															S	S	S	S	X	X	S	*				*	1 / 1000 gfa
Equipment Leasing, Indoor												X	X	X	X	X	X	X	X	X	X	*	*	*	*	*	1 / 200 gfa

COMMERCIAL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement
Equipment Leasing, Outdoor																			X	X		*	*	*	*	1 / 600 gfa
Firewood Bulk Sales	S												S	S	S	S			S	S					*	1 / 1000 of site area
Furniture and Upholstery Cleaning and Repair/Reupholstering														S	X	X		X	X	X	S			*	*	1 / 1000 gfa
Grain Elevator																				X					*	1 / 2000 of site area
Greenhouse, Commercial	S														S	S			S						*	1 / 1000 gfa
Guard and Patrol Service															X	X			X	X	X				*	1 / 300 gfa
Janitorial Service															X	X	X	X	X	X	X				*	1 / 300 gfa
Livestock Auction, Permanent	S																								*	as specified by SUP or PD
Meat and Game Processing															S	X			X	X					*	1 / 500 gfa
Office Equipment Sales, Repair and Maintenance									S	S			S	S	X	X	X	X	X	X	X	*	*	*	*	1 / 500 gfa
Pest Control															X	X			X	X					*	1 / 300 of office + 1 / 1000 of storage area
Petroleum Products, Wholesale																			X	X					*	1 / 300 of office + 1 / 1000 of storage area
Portable Building Sales/Leasing															S	X			X						*	1 / 300 of office + 1 / 1000 of storage area
Printer, Large Scale															X	X		S	X	X	S	*	*	*	*	1 / 300 gfa
Radio, Television Recording Studio									S	X				X	X	X	X	X	X		X	*	*	*	*	1 / 300 gfa

COMMERCIAL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement	
Recycling Center														S	S	S				S	S	S	*		*	*	1 / 300 of office + 1 / 1000 of site area
Repair and Service Shop												S	X	X	X	X				X	X	S	*	*	*	*	1 / 300 gfa
Self Storage Units															X	X				X			*	*	*	*	4 / complex
Septic Tank Service																				X	X				*	*	1 / 300 of office + 1 / 1000 of storage area
Taxidermist															X	X				X	X				*	*	1 / 400 gfa
Uniform Supply Service															X	X				X	X	S	*		*	*	1 / 300 of office + 1 / 1000 of site area
Used Goods or Products Collection Point, Temporary													S	S	S	S	S			S	S	S	*		*	*	See Section 10-305.6.
Warehousing, General															X	X				X	X	S	*		*	*	1 / 1000 gfa
Wholesaling, General															X	X				X	X	S	*		*	*	1 / 1000 gfa
Vehicle Pound																				S	S				*	*	as specified by SUP or PD

MOTOR VEHICLE AND RELATED USES	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement
Automobile and Motorcycle Sales, Leasing, Service and Repair (new)															S	X			S		S	*	*		*	1 / 300 of office + 2 / bay + 1 / 500 of service area
Automobile & Motorcycle Sales, Leasing, Service and Repair (used)															S	X			S		S				*	1 / 300 of office + 2 / bay + 1 / 500 of service area
Automobile Repair, Major															S	X			X		S				*	1 / 300 of office + 1 / 500 gfa
Automobile Repair, Minor													X	X	X	X			X		X	*	*	*	*	1 / bay + 1 / 500 gfa
Automobile Wrecking Yard																									*	as specified by PD
Car Wash													X	X	X	X			X		X	*	*	*	*	1 / 200 gfa for automated minimum 1 for self service
Parking Garage or Lot, Commercial									X	X			X	X	X	X	S	S	X	X	X	*	*	*	*	none
Tire Dealer, No Outside Storage													X	X	X	X			X		X	*	*	*	*	1 / bay + 1 / 400 gfa
Tire Dealer, Outside Storage																S			X						*	2 / bay + 1 / 400 gfa
Truck or Bus Storage, Commercial																			X	X					*	1 / 300 of office
Truck or Bus Washing															S	X			X	X	S				*	1 / 200 gfa for automated minimum 1 for self service
Truck Stop																			X		S				*	as determined by components
Vehicle Sales, Leasing, Service and Repair (other than auto/motorcycle)															S	X			X		S				*	1 / 300 of office + 2 / bay + 1 / 500 of service area
Wrecker Service																S			X						*	1 / 300 of office + 1 / wrecker
Wrecker Service (one)													X	X	X	X			X		X	*			*	1 / wrecker + required for main use

TRANSPORTATION															Parking Requirement												
	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business		Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	
Airport/Heliport																									*	as specified by PD	
Helipad									S	S					S	S	S	S	S	S	S	S	*	*	*	*	as determined by components
Motor Freight Terminal																			X	X			*			*	1 / 1000 gfa
Railroad Freight Terminal																			X	X			*			*	1 / 1000 gfa
Railroad Yard																				X						*	as determined by components
Transit Station													X	X	X	X	X	X	X		X		*	*	*	*	1 / 300 gfa

INDUSTRIAL	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2	Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development	Parking Requirement
	Analytical Laboratory									S	S					X	X	X	X	X	X	S	*	*	*	*
Batching Plant																				S					*	1 / 2000 of site area
Batching Plant, Temporary	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X			X	X	X	*	*	*	*	none
Heavy Industrial																				X				*	1 / 1000 of industrial uses + components	
High Risk																			S	S				*	as determined by components	
Light Industrial															S				X	X	S	*	*	*	*	1 / 1000 of industrial uses + components
Mining	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S			S	S	S			*	as specified by SUP or PD	
Salvage Yard																				S				*	1 / 2000 site area	
Slaughterhouse/Feed Yard	S																			S				*	1 / 2000 site area	

UTILITY AND SERVICE																	Parking Requirements									
	Agriculture	Single Family-16	Single Family-10	Single Family-7	Townhouse (Ord. 6008)	Duplex	Multifamily-12	Multifamily-18	Office-1	Office-2	Health Services	Neighborhood Service	Shopping Center	General Business	Commercial-1	Commercial-2		Central Area-1	Central Area-2	Industrial-1	Industrial-2	Freeway	IH 635 Overlay District	IH 30 Overlay District	SH 190 Overlay District	Planned Development
Antenna, Commercial Type 1	S	S	S	S		S	S	S	S	S	S	S	X	X	X	X			X	X	X	*	*	*	*	as determined by components
Antenna, Commercial Type 2 (See section 10-306.4)										S		S	S	S	S				X	X	S	*	*	*	*	as determined by components
Antenna, Private	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	*	*	*	*	as determined by components
Electric Generating Plant	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S			S	X	S				*	as determined by components
Electric Substation	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S			X	X	S	*	*	*	*	as determined by components
Sanitary Landfill	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S			S	S	S				*	as determined by components
Sewage Treatment Plant	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S			S	S	S				*	as determined by components
Water Reservoir or Well	X	S	S	S		S	S	S	S	S	S	S	S	S	S	S			S	S	S	*	*	*	*	as determined by components
Water Treatment Plant	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S			S	X	S	*	*	*	*	as determined by components
Wind Generator	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S				*	as determined by components

10-300 Regulations of Specified Uses

The uses specified in 10-301 through 10-306 are subject to the regulations of any district in which they may be placed and are subject to the respective additional regulations in this section.

10-301 Single Family Dwellings in Nonresidential Districts

Unless residential uses are indicated as a permitted use on the Schedule of Uses (Section 10-200), no new residential dwellings may be erected; however, any single family residential dwelling existing at the time of the passage of this Ordinance, and uses and buildings erected as an accessory to a single family dwelling may be repaired, altered, or added to, including new accessory buildings, the same as could be done if said dwelling were erected in a SF/7/G/3 residential district.

10-302 Use or Conversion of Existing Residential Building (7-8-03, Ord. 5741)

No building or portion of a building that is designed, constructed or used as a residence for human dwelling shall be converted to a non-residential use of any type unless:

- (A) if the building to be converted to a non-residential use is located within a non-residential zoning district, the proposed use, the building, and the lot on which the building is located conform with all applicable ordinances including, without limitation, this zoning ordinance and the provisions of the Code of Ordinances relating to screening and landscaping, building, plumbing, structural, electrical, and signage regulation and the Building Official issues a Certificate of Occupancy, or
- (B) if the building to be converted to a non-residential use is located in a residential zoning district, the City Council approves the conversion after receiving a recommendation thereon from the Plan Commission. (7-8-03, Ord. 5741)

10-303 Garage Sales

Garage sales, the offering for sale of personal and/or household property at a non-business location for a temporary period of time, shall also include "yard sale," "patio sale," "plant sale," "sample sale," or other similar terms. Garage sales are permitted for a sale period not to exceed more than three (3) consecutive days, excluding holidays, and not more than three garage sales shall be permitted for the same location in any calendar year.

10-304 Kindergarten, Pre-School, or Day Nursery (Private)

Private kindergarten, pre-schools, or day nurseries when developed as a permitted use shall comply with the development standards of the district and the following regulations and standards:

10-304.1 State License

Any day nursery shall have a valid State license for a day nursery at all times, if such license is required by the State.

10-304.2 Screening of Recreation Area

The outdoor recreational area shall be enclosed at all times with a fence which shall be built and maintained with a minimum height of four (4) feet. A six (6) foot high solid fence shall be built and maintained along play areas that are adjacent to residentially zoned property.

10-304.3 Play Area

No play activity shall be permitted in the front yard.

10-304.4 Maintenance

The entire premises shall be maintained in a state of good repair and tidy appearance.

10-304.5 Parking and Loading

Paved off-street parking shall be provided at the ratio of one space for each ten (10) children in attendance.

(A) Off-Street Loading Area

A paved area shall be provided for the loading and unloading of children on a through "circular" drive or unloading area except when otherwise provided for when a Specific Use Permit has been granted.

(B) Paving

All driveways, entrances and parking areas shall conform to City standard specifications.

10-305 Used Goods or Products Collection Point (Temporary)

A Used Goods or Products Collection Point (Temporary) shall comply with all regulations for the district in which it is located and with the following provisions. The Council shall stipulate the duration of any approval in the resolution granting such approval.

10-305.1 When used goods or products collection points are located on a parking lot, they may not occupy required off-street parking spaces and shall be located so as not to impede free traffic flow.

10-305.2 Used goods or products collection points located on a parking lot shall be supervised while open for business.

10-305.3 No processing of the goods or products, including flattening of aluminum cans, may be performed on the site.

10-305.4 A vehicle in which a used goods or products collection point is operated must be kept in proper repair and the exterior must have a neat and clean appearance.

10-305.5 Litter in the immediate vicinity of a collection center must be collected and properly disposed of and no goods or products shall be stored outside the vehicle or container.

10-305.6 No parking or loading space shall be required for used goods or products collection points operated in a vehicle. Collection centers in a building shall provide paved off-street parking at the ratio of one (1) space for each 200 square feet of gross floor area. Loading shall be provided in compliance with Section 12-300.

10-305.7 Any used goods or products collection point shall meet all setback requirements as established for the district in which the property is located.

10-306 Antenna Masts and Towers
(See Section 10-313 for Licensed Amateur Communications)

A Specific Use Permit shall be required for any antenna mast or tower which does not comply with the district development standards and the following regulations:

10-306.1 Limitation in Residential Districts

The maximum number of antenna towers in a single family or residential district shall not exceed one per lot of record.

10-306.2 Height

Antenna masts and towers shall comply with district height requirements, except that an antenna tower or a mast not mounted on a tower shall be permitted additional height at the ratio of one (1) added foot in height for each additional foot of setback beyond the minimum setback required of a main building in the district regulations; however, an antenna mast mounted on an antenna tower shall be permitted provided it does not extend more than eight (8) feet above the height of the tower; in addition, one whip antenna conforming to 10-306.3(a) exception with no other elements shall be permitted to a maximum height of seven (7) feet above the mast. Regardless of the above, the maximum height for an antenna tower or an antenna mast not mounted on an antenna tower permitted without a Specific Use Permit in any district shall be fifty (50) feet, except for an antenna mast which does not extend more than eight (8) feet above a building on which it is mounted.

Specific Exception: For height of antenna mast or tower, See Section 36-619.1.

10-306.3 Antenna Standards

(A) Number and Volume

A mast or tower shall be limited to a maximum of two (2) antennas which shall be completely enclosed in imaginary rectangular prisms, neither of which shall exceed 900 cubic feet and which combined shall not exceed 1,400 cubic feet. The maximum vertical dimension of the combined prisms shall be eight (8) feet and for calculation each shall have a minimum vertical dimension of one

(1) foot. The maximum dimension of a horizontal element or boom shall be thirty-two (32) feet.

Exception: One vertical whip antenna capable of operation only above 144 MHz and not exceeding seven (7) feet in length shall be permitted in addition to the two (2) antennas above and shall not be included in the cubic footage calculations; the purpose of this exception is to encourage antennas especially suitable for emergency services such as Civil Defense.

(B) Setbacks

Front

Antennas, masts, towers and guy wires shall not be permitted in front yards.

Side and Rear

Guy wires are permitted in required side and rear yards; minimum setback for antenna masts and towers shall be the same as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces under single family district regulations shall be permitted.

Separation: There shall be no minimum or maximum separation requirements for masts or towers from other structures on the same lot of record.

(C) Lights

Lights mounted on antenna masts or towers shall comply with all requirements of the Glare and Lighting Standards.

(D) Construction Standards

Towers must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas when deemed necessary by the Building Official.

(E) Maintenance

Antennas, masts or towers, obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within 90 days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare.

10-306.4 Wireless Telecommunications Facilities (7-16-96, Ord. 4994)

Facilities, including antennas, used in conjunction with wireless telecommunication facilities, shall be governed by the applicable provisions of this ordinance in compliance with the following standards. For the purposes of this section, the term "antenna" means one or more wireless telecommunication antennas mounted on a monopole tower.

(A) Existing Structures

Roof-mounted wireless telecommunication antennas are allowed on nonresidential buildings in all zoning districts by right provided the antenna does not exceed the height of the building by more than ten (10) feet. Associated equipment shall be placed either within the same building or in a separate building which matches the existing building in character and building materials. Wireless telecommunications antennas are allowed by right on existing utility structures exceeding seventy-five (75) feet in height (including power or telephone poles, water storage facilities, and similar buildings and structures) operated by the City or public utility companies provided that the antenna does not exceed the height of the structure by more than ten (10) feet.

(B) Freestanding Towers

Wireless telecommunication antennas are allowed by right in Industrial 1 (I-1) and Industrial 2 (I-2) Districts. A SUP, as otherwise provided by this ordinance, for wireless telecommunication antennas is required for Commercial (C-1), General Business (GB), Shopping Center (SC), Health Service (HS) and Freeway (FW) Districts (unless otherwise allowed by right under an incentive provided below). Freestanding wireless telecommunication antennas must be a minimum of three to one (3:1) height to distance ratio from single family residential district boundary lines. Freestanding wireless telecommunication antennas must be a minimum distance of 5,000 feet from another wireless telecommunications antenna (unless excepted by reason of an incentive provided below). Equipment buildings must be similar in color and character to the main or adjoining building or structure and screened by a chain link fence, a wrought iron fence with evergreen hedge, or masonry wall.

(C) Incentives

Wireless telecommunication antennas located on existing buildings or utility structures are not subject to the 5,000 foot separation requirement. A wireless telecommunication antenna may be located less than 5,000 feet but not less than 3,000 feet from another wireless telecommunication antenna provided that (i) the antenna will be used for two or more wireless communications providers; or (ii) the antenna is designed and built so as to

be capable of use by two or more wireless communications providers and the owner of the antenna certifies to the City that the antenna is available for use by another wireless communications provider on a reasonable and non-discriminatory basis and at a cost not exceeding the actual prorated share of the design, construction and maintenance costs of the facilities.

10-307 Deleted

10-308 Satellite Television Antennas

10-308.1 Application

This section shall govern the erection or construction of all satellite television antennas.

10-308.2 Purpose and Intent

The purpose of this regulation is to further the health, safety and welfare of the citizens of the city. More specifically, the City Council finds that the uncontrolled proliferation of certain receive-only antennas is likely and this will adversely affect the health, safety, and general welfare of the city. Among other things, reasonable controls contribute to the good appearance of the city, stabilize and even increase property values, assure the safety of the owner and others, and, in general, contribute to the preservation of a pleasant community in which to work and live. This ordinance is intended to comply fully with the Report and Order of the Federal Communications Commission released January 14, 1986 (FCC 86-28) to the extent that Report and Order validly preempts local zoning regulations deemed unduly restrictive with respect to satellite television receiving antennas. The city hereby determines that the bulk and visual impact of such antennas create aesthetic problems making it appropriate to have some special limitations as to size and placement thereof. However, this ordinance shall be construed and administered so as not unduly to hamper reasonably satisfactory reception of satellite television signals.

10-308.3 Location

(A) No conventional or satellite television or radio antenna may be placed in the front yard of any lot in the city.

(B) A satellite television antenna may be placed on a lot only in the rear yard, provided however, that on a convincing showing that a reasonably satisfactory television signal cannot be obtained from a rear yard location, the Building Official shall permit the antenna to be located in the side yard, and if such a signal cannot be obtained in either yard, the Building Official shall permit the antenna to be located on the roof of any main or accessory building on the lot.

(C) All ground-mounted satellite television antennas shall be located no less than three feet from any lot line.

(D) No ground-mounted receiving antenna or satellite television antenna may be erected on a public utility easement.

10-308.4 Antenna Size and Number

(A) No ground-freestanding mounted satellite television antenna may exceed fifteen feet in height, as measured from the ground to the highest point of the antenna.

(B) No roof-mounted satellite television antenna may extend above the roofline more than six feet, unless it is to be installed on multi-story buildings of four or more stories, in which case the antenna may not exceed ten feet in height above the level of the roof upon which it is placed.

(C) The diameter of satellite television antennas shall not exceed twelve feet.

(D) No lot in any residential district shall have, at any one time, more than one satellite television antenna. No lot in any other district shall have more than three satellite television antennas.

10-308.5 Conflict With Other Codes

Whenever the height or other restrictions of this section conflict with other restrictions of the City Code as applied to a particular antenna, the restrictions set out in this section shall control as to the particular antenna.

10-309 Discontinued or Abandoned Motor Vehicle Fueling Stations (4-4-00, Ord. 5455)

(A) As used in this section, a motor vehicle fueling station means and includes a service station, a retail sales establishment with gas pumps, a truck stop, and any similar land use that sells or offers for sale fuel for motor vehicles. A motor vehicle fueling station shall comply with the requirements of this section in addition to the requirements of this ordinance, the Code of Ordinances, the terms and conditions of a controlling planned development ordinance, and the terms and conditions of a controlling Specific Use Permit.

(B) The owner or operator of a motor vehicle fueling station that has not continuously and consistently sold motor vehicle fuel or any other retail goods from the premises of the motor vehicle fueling station for a period of two (2) or more years shall remove all buildings, equipment, and other improvements from the premises of the motor vehicle fueling station. The owner or operator of a motor vehicle fueling station shall remove all underground storage tanks within the time and in the manner provided by controlling Federal, State and local law.

(C) As a condition of zoning approval, the owner or operator of a motor vehicle fueling station shall provide a surety bond or similar security acceptable to the City in the amount of \$40,000 payable to the City and conditioned on the removal of all buildings, equipment, above-ground and underground storage tanks and other improvements in the event the owner or operator ceases or discontinues continually and consistently selling motor vehicle fuel or any other retail goods from the premises for a period of two or more years. If the City receives proceeds from the bond then, prior to the removal of the buildings, equipment, above-ground and

underground storage tanks and other improvements from the affected premises, the City shall provide notice by certified mail, return receipt requested, to each holder of a record lien against the affected property, as shown by the records of the office of the County Clerk of the county in which the affected property is located, if the address of the lien holder can be ascertained from the instrument establishing the lien on file in the office of the County Clerk.

10-310 Tattooing/Body Piercing Establishments (11-7-00, Ord. 5511)

Tattooing/body piercing establishments when developed as a permitted use shall comply with the development standards of the district and the following regulations and standards:

10-310.1 Location

Tattooing/body piercing establishments shall not be located within 500 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.

10-310.2 State

Any tattooing/body piercing establishment shall have a valid State license at all times, if such license is required by the State.

10-311 Metal Buildings (3-6-01, Ord. 5539)

(A) The use of metal (including, but not limited to, metal sheeting, corrugated metal, galvanized steel, aluminum, and tin, whether painted or otherwise treated or decorated) as a building façade material is prohibited except in the Commercial (C-1 and C-2), Industrial 1 (I-1), Industrial 2 (I-2), and Agriculture (AG) zoning districts provided that the use of metal as a building facade material is prohibited:

1. in all districts on buildings located with frontage on, or within 100 feet of a type A-A, A, B, C or D thoroughfare. If only a portion of a building is located within 100 feet of a Type A-A, A, B, C, or D thoroughfare, only the front façade and those portions of any other façade within 100 feet of the thoroughfare shall be of a non-metal material; when the use of metal is permitted by the provisions of this ordinance, it shall be pre-painted and of a color to be compatible with and blend with other, non-metal materials used on the building.

2. on any building facade that faces a public street or a residential zoning district.

(B) The use of metal as a building material is allowed provided that a non-metal facade material is applied to the building in accordance with the provisions of this ordinance.

(C) This section does not apply to residential accessory buildings.

(D) The Plan Commission shall hear and decide appeals which allege error in any order, requirement, decision, or determination made by the Director of Planning or the Building Official in the interpretation and enforcement of these standards. When the Plan Commission denies an appeal, a hearing before the City Council shall be set only when an appeal is filed by the applicant with the City Manager within fifteen (15) days of the date of denial.

10-312 Drive-Through Sales of Pre-Packaged Beverages, Convenience Stores, Retail Sales with Gasoline (5-17-05, Ord. 5899)

(A) An establishment 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 may not contain less than 1000 square feet of retail space.

(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:

(1) who must physically leave their vehicles and enter a building in order to make a purchase; or

(2) as part of a drive-through restaurant in connection with the sale or service of food to the customer.

(D) An establishment engaging in retail sales with gasoline shall additionally comply with the following:

(1) each facade of the building containing the primary use shall consist of a minimum of eighty percent (80%) face brick or stone, exclusive of doors and windows. All canopy columns shall be constructed with the same masonry material as is used on the building facades.

(2) No sign shall be placed on any fuel pump dispenser or on canopy columns.

(3) All exterior lighting shall be designed, installed, and maintained so as to contain, to the fullest extent possible, the light emitted within the boundaries of the premises containing the convenience store or establishment. (5-17-05, Ord. 5899)

10-313 Licensed Amateur Communications (8-17-04, Ord. 5841)

The provisions of this section apply only to antennas and antenna support structures used in licensed amateur communications. The provisions of this section shall control in the event of a conflict with Section 10-306. If the communication facilities do not comply with the applicable district development standards and the following regulations, then a Specific Use Permit shall be required.

10-313.1 Definitions

For the purposes of this section and notwithstanding any conflicting definition contained in Section 38:

“Antenna” means “private antenna” for purposes of determining allowed uses under the Schedule of Uses in Section 10-200.

“Antenna Support Structure” means a structure, such as a mast, tower or pole, that is placed, erected, or constructed to support one or more antennas for the purpose of engaging in licensed amateur communications. Buildings and associated roof mounted equipment shall not be considered as antenna support structures.

“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

“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.

10-313.2 Maximum Number of Antennas and Antenna Support Structures in Residential Districts

No more than two (2) antenna support structures for licensed amateur communications shall be allowed per lot of record in a residential district. Upon a showing of a compelling communications need, the Director of Planning may administratively approve additional antenna support structures.

10-313.3 Height

The maximum height for an antenna support structure in any district shall be eight (80) feet. Upon a showing of a compelling communications need, the Director of Planning may administratively approve a maximum height of one hundred (100) feet. An antenna support structure that exceeds 100 feet in height shall be allowed only with the approval of a Specific use Permit.

10-313.4 Antenna and Antenna Support Structure Standards

10-313.4.1 Number and Size

The number and size of antennas placed upon an antenna support structure used for licensed amateur communications shall be 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.

10-313.4.2 Setbacks

Front Yards: Antenna support structures (including guy wires, foundations, anchors, and other components of the structure) shall not be permitted in required front yards. The Director of Planning 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.

Side and Rear Yards: Guy wires shall be permitted in required side and rear yards. Minimum setbacks for antenna support structures shall be 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 shall be permitted.

Separation: There shall be no minimum or maximum separation requirements for antenna support structures from other structures on the same lot of record.

10-313.4.3 Lights

Lights mounted on antenna support structures shall comply with all requirements of the Glare and Lighting Standards.

10-313.4.4 Construction Standards

Antenna support structures shall be installed and may be modified in accordance with the manufacturer's specifications or under the seal of a registered professional engineer of the State of Texas.

10-313.4.5 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 shall be removed or brought into repair within 90 days following notice given by the Building Official; provided that the Building Official may order immediate action to prevent an imminent threat to public safety or property.

10-313.4.6 License Requirements

Only licensed amateur radio operators shall be permitted to install, or have installed, and operate licensed amateur communications facilities under the provisions of this section. Proof of license shall be required at the time application is made for a building permit to install and operate licensed amateur communication facilities under the provisions of this section.

10-313.4.7 Discontinuance

Within 180 days of the date of discontinuance, the owner of property on which an antenna structure is located shall 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.

10-314 Carports (April 18, 2006. Ord. 5993)

- (A) All residential carports shall be constructed of either:
 - (1) pre-engineered metal-based carport systems; or
 - (2) conventional building materials of similar type, size, shape, texture, and colors of the building materials of the main residence.
- (B) No carport of metal construction shall be located in front of a single-family residence or within a side yard adjacent to a street unless approved by the Board of Adjustment.
- (C) A carport of metal construction may be located at the rear of a single-family residence so long as access to the carport is from a paved alley at the rear of the property.
- (D) A carport that is located in front of a single-family residence or within a side yard adjacent to a street shall be restricted to eight (8) feet in height unless otherwise approved by the Board of Adjustment.
- (E) A carport that is located in the rear yard of a one-story single-family residence shall be restricted to a height not to exceed the height of the peak of the roof of the residence or fifteen (15) feet, whichever is greater. A carport that is located in the rear yard of a two (or greater)-story single-family residence shall be restricted to a height of fifteen (15) feet.
- (D) A carport that is located in front of a single-family residence or within a side yard adjacent to a street shall be restricted to eight (8) feet in height unless otherwise approved by the Board of Adjustment.

- (E) A carport that is located in the rear yard of a one-story single-family residence shall be restricted to a height not to exceed the height of the peak of the roof of the residence or fifteen (15) feet, whichever is greater. A carport that is located in the rear yard of a two (or greater)-story single-family residence shall be restricted to a height of fifteen (15) feet.
- (F) All construction plans submitted for permit approval shall meet applicable load span specifications required by the Building Code or bear the stamp of an engineer licensed in the State of Texas.
- (G) These requirements shall apply only to carports constructed after the effective date of this ordinance.

10-315 Wind Energy Systems (November 18, 2008. Ord. 6284)

- (A) Definition. In this section, *Wind Energy System* or *System* means a wind-driven energy conversion system that converts wind energy into electricity through the use of wind energy that drives a wind turbine, that has a rated capacity of not more than 10kw output at any given time, and that is intended for on-site production and consumption of electricity.
- (B) General Regulations. The following general regulations apply to all Wind Energy Systems located within any approved district. A Wind Energy System lawfully in existence at the time of the enactment of this section shall not be required to meet the requirements established herein. Nothing contained in this section 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 building permit, the application for a building permit for a Wind Energy System must be accompanied by:
 - (a) A site plan of the proposed Wind Energy System, which shall include:
 - (i) A survey or a scaled drawing of the site on which the proposed Wind Energy System will be constructed;
 - (ii) A plan view layout of the proposed Wind Energy System clearly showing:
 - The location of the System in respect to the property on which the System will be built;
 - All components of the System; the distance of the System to property lines; required setbacks; existing structures on the site; and natural features such as watercourses and trees;
 - (iii) Elevation drawings that include:

- The design and height of the proposed Wind Energy System;
 - Detailed drawings of all System components;
 - 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 shall 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 (B)(10) below.
- (2) *Construction Standards.* A Wind Energy System shall be installed according to the manufacturer's recommendations or under the seal of a professional engineer registered by the State of Texas.
- (3) *Maximum Height.* Subject to the height limitations imposed by the setback requirements proscribed in Section (B)(4), below, for other than a roof-mounted installation, the maximum height of the System shall not exceed 40 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 shall be made by measuring to the center of the turbine shaft and then adding the length of a blade. Additionally, no System when installed shall exceed the height recommended by the manufacturer or the distributor of the System.
- (4) *Location and Setback.* A tower-mounted Wind Energy System shall 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 the height of the System, inclusive of turbine blades. No part of a Wind Energy System, including blades or guy wire anchors, may protrude across the property line.
- (5) *Primary Structure Required.* A Wind Energy System may exist only as a secondary use. A Wind Energy System may

not be erected on a lot until a primary structure has been constructed.

- (6) *Second Pressure Levels.* Sound pressure levels produced by the operation of a Wind Energy System shall not exceed the limitations set forth in Sec. 22.69 of the Code of Ordinances.
- (7) *Lighting.* All lighting not required by Federal Aviation Administration (“FAA”) regulation is prohibited not including, however, operational lighting installed by the manufacturer of the system as original equipment. When obstruction lighting is required by FAA regulations, such lighting shall not exceed the minimum requirements of those regulations. If so required, a Wind Energy 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 20 flashes per minute. Upward lighting, flood lights or other lighting not strictly required by the FAA is prohibited.
- (8) *Signs.* No advertising or other signs shall be placed on a Wind Energy System.
- (9) *Prohibited in Easements.* No portion of a Wind Energy System shall 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 System shall 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 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 shall 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 System shall 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 Systems. If such standards and regulations are changed, and if the controlling State or Federal agency mandates compliance, then the owner of the Wind Energy System shall bring such Wind Energy System into compliance with those revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency.

- (12) *Public hearing.* Prior to the installation of a System, other than a roof-mounted installation, an application of a Wind Energy System must be approved by the Plan Commission after a public hearing. At the hearing, the applicant may request a variance from the provisions of Section (B)(3) or (B)(4), subject to the restrictions of this Section. If the application or the variance is denied by the Plan Commission, an appeal may be made to the City Council after application to the Director of Planning within fifteen days of the date of denial. An application for approval of a Wind Energy System shall be made to the Director of Planning and shall be accompanied by payment of an application fee in the amount of \$300.00. Prior to the hearing, the Director shall mail written notice of the hearing to all owners of the property located within 400 feet of the site of the proposed Wind Energy System by using the last known address as listed on the City's tax rolls. If the applicant requests a variance, the applicant must establish at the hearing(s) a hardship relating specifically to the proposed location of the System. A hardship may not be based upon the personal or financial needs of the applicant, but must be based upon conditions unique to that location including elevation, topography, slope, lot size, and the presence of trees, buildings or other obstacles to the movement of wind at the proposed location of the System.
- (13) *Roof Mounted Systems.* Any system designed to be mounted on the roof of a structure that does not extend more than sixty (60) inches above the roof line shall not be required to comply with the provisions of Section (B)(1)(a)(i), (B)(1)(a)(ii), (B)(3) and (B)(4) of this ordinance.

(C) Maintenance and Abandonment:

- (1) A Wind Energy System shall be maintained at all times according to the manufacture's specifications.
- (2) A Wind Energy System that has become unstable, leans significantly out-of-plumb, or that poses a danger of collapse shall be removed or brought into repair within 60 days following notice by the Building Official to the owner of the lot upon which the System is located. The Building Official may order immediate repairs in the event of imminent collapse. Failure to make the required repairs within the time provided is an offense.
- (3) If the owner of a Wind Energy System plans to abandon or discontinue, or is required to discontinue, the operation of the System, the owner shall notify the Building Official by certified U. S. mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than 30 days prior to abandonment or discontinuation.
- (a) In the event that an owner fails to give such notice, the Wind Energy System shall be considered

abandoned if the Wind Energy System is not operated for a continuous period of six (6) months.

- (b) Upon abandonment or discontinuation of use, the property owner shall physically remove the Wind Energy System within 90 days from the date of abandonment or discontinuance of work. “Physically remove” includes, without limitation, the actual, complete removal of the tower, turbine and all other components of the Wind Energy System for the site of the original installation.

10-316 Alternative Financial Establishments (February 3, 2009, Ord. 6294)

- (1) A check cashing business, payday advance or loan business, or a car title loan business. The term does not include a bank or financial institution.
- (2) Alternative Financial Establishment is allowed by Specific Use Permit in the Commercial-1 Districts. (Refer to office and Retail Section of Schedule of uses.)
- (3) When developed as a permitted use, an alternative financial establishment shall comply with the development standards of the district in which it is located.

10-400 Classification of New or Unlisted Uses

10-410 In the event that land, buildings, or structures are proposed to be occupied by uses which are new or were not included on the Schedule of Uses (10-200), the City Manager shall determine if a listed use is similar to the proposed use. If such similar use is found, the proposed use shall be permitted in the same Zoning District(s). If no such similar use is found, an amendment to the Zoning Ordinance may be requested as set forth in Section 34.

10-420 The nature of the proposed use and its compatibility with the uses permitted in the various districts shall be considered in determining the zoning district or districts within which such use shall be permitted.

SECTION 11

GENERAL DEVELOPMENT REQUIREMENTS

11-100 Any use hereafter placed on land and any building or structure hereafter erected, altered, or converted in the City of Garland, Texas, shall comply with the general development requirements set forth in this section and with the standards set forth in the zoning district in which it is located.

11-200 Lot Requirements

11-210 Lot Required

Every building or property use (excluding temporary amusements or similar uses) hereafter erected, altered, expanded, placed, or otherwise located shall be on a lot or lots of record, except when situated on a farm or ranch.

11-220 Multiple Structures on Lot

In any district, more than one structure for permitted principal uses other than a single family dwelling, may be erected on a lot of record, provided that the provisions of this ordinance shall be met.

11-230 Substandard Lots

Where a lot of record has less area, width, or depth than herein required at the time of the passage of these regulations, said lot shall be deemed as a conforming lot.

11-240 Frontage on Street

Every building hereafter erected shall be on a lot abutting a public street or have access to an improved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

11-300 Yard Provisions

11-310 Yards Adjacent to Streets

11-311 Yard Depth:

Depth of required yards adjacent to streets shall be measured as indicated in Figure 38-2.

11-320 Through Lots

Required front yard setbacks shall be provided on both frontages of through lots unless one of the required yards is greater than the existing yards on either side of the subject property in which case the Board of Adjustment may grant a variance.

11-330 Other Yard Provisions

11-331 Platted Building Lines

Where a building line has been established by a subdivision plat, filed for record, and such building line requires a greater yard setback than is prescribed by this ordinance for the district in which the property is located, the required yard shall comply with the building line established by the plat.

11-332 Building Line Established by Ordinance

Where a building line has been established by a special ordinance adopted prior to the passage of this ordinance, and such building line requires a greater or lesser yard setback than is prescribed by this ordinance for the district in which the property is located, the required yard shall comply with the building line established by that ordinance.

11-400 Frontage on a Street

11-410 Every main use, building, or structure shall be on property which has been platted and filed for record in accordance with the procedures of the subdivision ordinance, as amended. All lots in a subdivision shall have a frontage on a public or improved private street or place. Said public street or place shall have a minimum right-of-way as set forth on the approved current thoroughfare plan.

11-420 All single family and duplex dwelling units shall front on a public thoroughfare other than an alley. Where a lot is used for other than single family or duplex dwelling uses or for a combination of other such uses, more than one (1) main building may be located upon the lot but only when such buildings conform to all the yard, parking, density requirements applicable to the uses and districts and when all such main buildings face upon a public thoroughfare other than an alley. Whenever two or more buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the Plan Commission.

11-500 Existing Residential Uses

All residential uses in existence at the effective date of this ordinance in which minimum square footage requirements were in compliance with Ordinance 3237, as amended, or requirements of an applicable Planned Development (PD) Ordinance shall be deemed conforming to square footage requirements.

11-600 Outside Storage and Display

11-610 The outside storage, display, or sale of goods, products, or equipment is permitted only in the Commercial (C-2 and C-2), Central Area 1 (CA-1), Central Area 2 (CA-2), Industrial 1 (I-1), Industrial 1 (I-2) and Freeway (FW) Districts except as set forth in 11-620 and 11-630 and when indicated as permitted on the Schedule of Uses 10-200 except that the outside storage, display, or sale of new goods, products, or merchandise shall be permitted in any nonresidential zoning district on the sidewalk adjacent to the building, provided such goods, products, or merchandise shall not extend

more than five (5) feet from the wall of the building and shall not be more than five (5) feet in height, and provided further, that there shall be at least five (5) feet in width of unobstructed sidewalk remaining.

11-620 The restrictions in 11-610 shall not be construed to prohibit the following, providing the sidewalk clearances are met:

11-621 The above height limitation shall not apply to storage and display of Christmas trees for a period not to exceed forty (40) days prior to Christmas Day each year.

11-622 The above prohibition shall not be construed to apply to merchandise dispensing units placed adjacent to a building limited to not more than three (3) for any one business establishment when such merchandise dispensing units are operated in connection with the operation of a convenience food store, service station, or combination thereof.

11-623 The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline pump islands, when placed on such islands.

11-624 The above prohibition shall not be construed to prohibit storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.

11-625 The prohibition provided above shall not prohibit temporary outdoor sales of merchandise for periods not exceeding five (5) consecutive days once a month operated by a building tenant holding the current certificate of occupancy. Temporary outdoor sales are limited to merchandise which is ordinarily sold on the premises by the building tenant holding the certificate of occupancy. Temporary sales activities shall be set back a minimum of twenty (20) feet from all property lines and shall be no more than eight (8) feet in height. A permit from the Building Official shall be obtained for each temporary outdoor sales event not more than ninety (90) days prior to each event. A charitable, religious, educational or public service organization exempted by Section 151.310 of the Texas Tax Code is exempt from the requirements of this section provided that such organizations may conduct temporary outdoor sales for periods not exceeding five (5) consecutive days once a month.

11-626 This section does not apply to temporary outdoor services such as mobile blood banks, mammography screening and veterinary care.

11-630 The restrictions in Sections 11-610 and 11-620 shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted on the Schedule of Uses, 10-200.

11-700 Mechanical Equipment

11-710 Air conditioning and similar mechanical equipment shall be so placed as to not direct motor and fan exhaust toward the nearest property line.

SECTION 12

OFF-STREET PARKING AND LOADING REQUIREMENTS

12-100 Special Off-Street Parking Provisions - Residential Districts

12-110 Required off-street parking shall be provided on the same site as the use it is to serve or as granted by approval of the City Council designating an off-site location, within a radius of 600 feet of the use it is to serve. When required off-street parking is provided off-site, such site shall continue to be so used for parking only as long as the requirement exists or until another approved parking site is provided.

12-120 No required parking shall be allowed except on a paved parking space and shall not be in conflict with any other ordinance of the City of Garland.

12-130 All residential uses in existence at the effective date of this ordinance which had paved parking spaces which were in compliance with the requirements of Ordinance 3237 or requirements of Specific Use Permits or Planned Development ordinances and compliance with Ordinance 2742, as amended, shall be deemed in compliance with the parking requirements of this ordinance and shall not be subject to restrictions of nonconforming uses.

12-200 Special Off-Street Parking Provisions - Nonresidential Districts

12-210 Required off-street parking shall be provided on the same site as the use it is to serve or on an off-site location as approved by the City Council, except that in the Central Area 2 (CA-2) District, required off-street parking shall be provided within a radius of 600 feet of the use it is to serve. When required off-street parking is provided off-site, the parking site shall continue to be so used so long as the requirement exists or until another approved site is provided.

12-220 No parking shall be allowed except on a paved parking space and shall not be in conflict with any other ordinance of the City of Garland.

12-300 Off-Street Loading Space - All Districts

12-310 All retail, commercial, and industrial structures having 5,000 square feet or more of gross floor area shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for the first 25,000 square feet of gross floor area and one (1) space for each additional 20,000 square feet of gross floor area or fraction thereof for a building larger than 5,000 square feet. A loading space shall consist of an area of a minimum of ten (10) feet by twenty-five (25) feet. All drives and approaches shall provide adequate space and clearances to allow maneuvering trucks off-street.

12-320 Uses not listed on Schedule 10-200 shall provide required off-street parking according to the most similar use listed on the Schedule, as determined by the City Manager.

12-400 Parking Access From A Public Street - All Districts

12-410 Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas.

12-500 Off-Street Parking Requirements - All Districts

12-510 All parking, loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent any parked vehicle from overhanging a public right-of-way line, or public sidewalk. An over-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three (3) foot minimum sidewalk width. This requirement shall apply only where spaces are adjacent to the walks, right-of-way, and landscaping. Parking shall not be permitted to overhang public right-of-way in any case.

12-520 Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be maintained so as to comply with all public health and sanitary regulations. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.

12-530 All uses of land and buildings in the City of Garland, except for nonresidential uses in the Central Area 1 (CA-1) District, shall provide off-street parking at the ratios set forth in Section 10-200. When more than one use occurs on a site, the required off-street parking shall be prorated according to the requirements of each use. In computing the total required parking, a fraction in the final figure shall be rounded to the next highest whole number.

12-600 Off-Street Parking Requirement - Central Area 2 (CA-2) District

Off-street parking shall be provided at a minimum of one-half ($\frac{1}{2}$) of the requirements set forth in Section 10-200 of this ordinance.

12-700 Paving Standards - All Districts

12-710 Nonresidential Uses

All required off-street parking, loading, drives, vehicle sales, and display areas for all nonresidential uses in all districts shall be paved to a minimum standard equivalent to five (5) inches of concrete paving reinforced with a minimum of six (6) inch by six (6) inch six (6) gauge welded wire mesh over: a) a lime stabilized base of scarified soil with six (6) percent hydrated lime a minimum of six (6) inches deep; or b) prepared sub-base of on-site, undisturbed soil (with organics removed), and/or low Proctor Index soil all of which has been scarified a minimum of six (6) inches deep, recompact to a minimum of ninety-five (95) percent standard Proctor Index, and water added to optimum moisture content within twenty-four (24) hours of concrete placement.

12-720 Apartment Uses

All required off-street parking and drives for apartment uses shall be the same as for nonresidential except paving may be reduced to four (4) inches of concrete when lime stabilization is used.

12-730 Single Family, Duplex and Quadraplex Uses

All required off-street parking for single family, duplex and/or quadraplex uses shall be paved to a minimum standard of four (4) inches concrete reinforced with six (6) inch by six (6) six (6) gauge welded wire mesh.

12-740 Large Setbacks

Single family, duplex, or quadraplex uses, having garages or carports with a minimum of fifty (50) foot setback from the alley or street from which they have vehicular access may have all-weather surface driveways.

12-750 Refuse Containers

Concrete pads for commercial refuse containers shall be provided for all container locations. Each pad shall be constructed of a minimum of six (6) inch concrete reinforced with a minimum of #3 bars at twenty-four (24) inch on center each way and shall be a minimum of ten (10) feet in width and sixteen (16) feet in depth. Each pad shall be located as may be determined by the City Manager.

12-760 Fire Lanes

Designated fire lanes in all districts shall be paved in the same manner as nonresidential uses except the paving shall be increased to six (6) inch minimum.

12-770 Concrete Strength

All concrete referred to herein shall be a minimum of 3,000 psi design mix. All reinforcing in concrete shall be suspended in the center of the paving.

SECTION 13

RESIDENTIAL ACCESSORY BUILDING REQUIREMENTS

13-100 The following regulations shall be observed for all accessory uses and buildings located in residential districts. Accessory building is defined in Section 38.

13-200 Accessory buildings shall adhere to the same front and side yards adjacent to a street as the main building.

13-300 An accessory building in a side yard shall provide the same side yard setback as required for the main structure.

13-400 When an accessory building is located in the rear yard, a minimum side and rear yard of three (3) feet shall be provided for the accessory building.

13-500 No accessory building shall be used as a place of habitation.

13-600 The total floor area of the accessory building on one lot shall not exceed thirty (30) percent of the floor area of the main building on the lot, except that this requirement shall not limit the floor area of an accessory building to less than 600 square feet. Accessory buildings shall not occupy more than thirty-five (35) percent of the rear yard. This section does not apply to farm or agricultural buildings.

13-700 An accessory building that exceeds 200 square feet in floor area and which is an enclosed structure shall except as otherwise authorized by the Board of Adjustment, have the exterior walls constructed of building materials other than metal, including the roof of the accessory building. If the main building on the lot has siding or a metal roof, the accessory building may also have siding or a metal roof of similar type. The height of an accessory building having more than 200 square feet in floor area shall not exceed fifteen (15) feet with a maximum wall height of ten and one half (10 ½) feet measured from the finished floor to the top plate.

An accessory building that exceeds 500 square feet in floor area and which is an enclosed structure shall, except as otherwise authorized by the Board of Adjustment, have the exterior walls constructed of building materials that are similar in type and proportion to the building materials of the main building, including roofing materials. The height of an accessory building having more than 500 square feet in floor area shall not exceed twenty-five (25) feet or the height of the main structure, whichever is less, with a maximum wall height of twelve and one half (12 ½) feet measured from the finished floor to the top plate.

This section does not apply to farm or agricultural buildings.

SECTION 14

AGRICULTURE DISTRICT (AG)

14-100 Purpose of District

The Agriculture District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, and land which has been newly annexed into the City of Garland. This district functions as a temporary "holding zone" for land until development patterns warrant more intensive urban use. At that time, it is anticipated that Agriculture Districts will be changed to an appropriate permanent zoning classification.

14-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

14-300 Lot Requirements

No requirements for minimum lot area, width and depth are set forth for nonresidential uses. Lots used for residential purposes shall conform to the following:

14-310 Minimum Lot Area: Two (2) acres for each dwelling unit.

14-320 Minimum Lot Width: 150 feet

14-330 Minimum Lot Depth: 150 feet

14-400 Yard (Setback) Requirements

All portions of all main buildings or structures shall be set back from all property lines to provide the following minimum yards (setbacks). Every part of a required yard shall be open and unobstructed as set forth in Sections 11 and 13 except that:

1. Ordinary projections of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other similar architectural features may not project more than four (4) feet into required front and rear yards and roof overhangs may not project more than four (4) feet into a required side yard.

2. Fireplaces, bay windows and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one-third ($\frac{1}{3}$) the length of the exterior wall, excluding garages adjacent to that yard.

14-410 Yards Adjacent to Streets

Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. Minimum yards shall be provided as follows:

14-411 Minimum Front Yards Adjacent to Streets: Thirty (30) feet

14-412 Minimum Side Yards Adjacent to Streets: Thirty (30) feet

14-413 Minimum Rear Yards Adjacent to Streets: Thirty (30) feet

14-420 Yards Not Adjacent to Streets

14-421 Minimum Side Yards: Twenty-five (25) feet

14-422 Minimum Rear Yards: Thirty (30) feet

14-500 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than thirty (30) percent of the lot.

14-510 Floor Area Ratio

No floor area ratio is set forth.

14-600 Height Limits

Buildings or structures shall not exceed thirty-five (35) feet in height. See Section 38, Definitions "Grade, Average".

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms, (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

14-700 Minimum Dwelling Unit Area

The City Council shall at the time of establishing, changing, or amending any Agriculture District designate one minimum dwelling unit area from the Schedule of Minimum Dwelling Unit Area, Section 17-510, indicated as permitted for the Agriculture District.

14-800 Accessory Building Standards

14-810 Residential accessory buildings shall comply with provisions of Section 13, except farm buildings shall be treated as main buildings for purpose of setbacks.

SECTION 15

SINGLE FAMILY DISTRICTS (SF)

15-100 Purpose of Districts

The Single Family Districts provide for a variety of single family housing in safe and comfortable neighborhood environments. Alternative minimum requirements for lot size, dwelling unit size, and general development standards have been established to encourage housing variety and to protect neighborhood character. The district regulations are designed to further protect the character of residential neighborhoods by excluding incompatible activities and avoiding overcrowding of land. The Single Family Districts also permit the establishment of appropriate institutions and community facilities necessary to create an integral residential environment.

15-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

15-300 Minimum Lot Area

No main building or structure for any permitted use shall be placed, erected, altered or maintained on a lot containing less area than the minimum lot areas set forth in Section 15-310. No minimum lot area is required for permitted uses not having a building or structure.

15-310 Schedule of Minimum Lot Area for Single Family Districts

District	Minimum Lot Area
SF-16	16,000 square feet
SF-10	10,000 square feet
SF-7	7,000 square feet

15-320 The minimum lot area of a lot may be reduced by ten (10) percent in the SF-16 District and by five (5) percent in the SF-10 and SF-7 Districts provided that the average lot area for the entire subdivision shall meet the minimum lot areas set forth in Section 15-310. In no case shall the number of lots being reduced be more than ten (10) percent of the total number of lots in the subdivision.

15-400 Minimum Dwelling Unit Area

The City Council shall at the time of establishing, changing, or amending any Single Family District designate one minimum dwelling unit area from the Schedule of Minimum Dwelling Unit Area, Section 17-510, indicated as permitted for the district being considered.

15-500 Development Requirements

The City Council shall at the time of establishing, changing, or amending any single family district designate one of the sets of requirements on the Schedule of Development Requirement Sets (Section 18-041) indicated as permitted for the district being considered. The designated set shall establish the maximum and minimum requirements for lot depth and width, yards, Height, lot coverage, parking and access.

15-600 Storage Room Requirements

Each dwelling unit shall have a storage room designed to accommodate lawn and garden maintenance equipment, household objects, and other such things. The storage room shall be on the same site as the dwelling unit and shall contain not less than fifty (50) square feet of floor area and not less than 350 cubic feet of volume and be directly accessible from the outside of the dwelling unit. If a garage is provided on the site, such garage shall satisfy this requirement.

SECTION 15A

TOWNHOUSE DISTRICT (TH) (June 6, 2006. Ord. 6088)

15A-100 Purpose of District; Approval of Development Plans.

(A) The Townhouse District is intended to provide for the development of attached single-family residential dwelling units (also referred to as “townhouses”) in a manner that will make for the efficient, economical, and aesthetically appealing use of land, with fundamental and lasting value to residents and the city as a whole. As used herein, the term “townhouse” applies to a single townhouse unit, the term “townhouse structure” applies to a building comprised of three or more townhouses, and the term “townhouse development” means the collective group of townhouses and townhouse structures that comprise a unitized townhouse project.

(B) Prior to the issuance of a building or other development permit for the construction of a townhouse, a townhouse structure, or a townhouse development, a concept plan and a detail plan must first be approved in accordance with the provisions of Section 34. The Plan Commission may recommend, and the City Council may approve, variances to the provisions of this Section as may be requested in the application for a concept plan or detail plan.

15A-200 Lot and Density Requirements.

Lots used for Single Family Attached purposes shall conform to the following lot and density requirements:

(A) Density

A maximum of twelve (12) dwelling units are permitted for each acre of gross site area in the Townhouse District.

(B) Minimum Lot Area

The minimum lot area is 2,000 square feet.

(C) Minimum Lot Width

The minimum lot width is 20 feet for internal lots and 30 feet for end lots.

(D) Minimum Lot Depth

The minimum lot depth is 90 feet.

(E) Lot Orientation

All lots within the Townhouse District shall front on a public street or a dedicated common area lot. A lot may have either front, side, or rear vehicular access.

15A-300 Setback Requirements.

(A) General. All portions of all main buildings or structures shall be set back from all property lines to provide the following setbacks and minimum yards. Every part of a required yard shall be open and unobstructed as provided except that (i) ordinary projections of window sills, belt courses, and similar architectural features may project more not more than one (1) foot into required yards and; (ii) ordinary projections of cornices, roof overhangs, unsupported canopies, unsupported balconies, and other architectural features may project not more than three (3) feet into required yards, unless otherwise noted below. An uncovered wood deck of 30 inches or less in height may project into a required side or rear yard.

(B) Front Setback. Residential structures shall be set back a minimum of 10 feet from a front property line. Non-residential structures shall be set back a minimum of 20 feet from the property line. Features, including but not limited to, unenclosed porches, canopies, porticos, bay windows (with no interior floor space) , and other similar architectural features, may encroach the front setback by a maximum of 5 feet.

(C) Side Setbacks.

(1) *Internal Unit Setbacks.* No setback is required for attached residential units along the common (shared) wall.

(2) *End Unit Setbacks.* When adjacent to a street, an alley, or a common area, buildings shall be set back a minimum of 10 feet from the property line. When not adjacent to a street, an alley, or a common area, buildings shall be set back a minimum of 5 feet from the property line.

(3) *Non-residential Setbacks.* Non-residential structures shall be set back a minimum of 20 feet from the property line.

(D) Rear Setbacks.

(1) *Residential Setbacks.* Residential structures shall be set back a minimum of 5 feet from the property line.

(2) *Non-residential Setbacks.* Non-residential structures shall be set back a minimum of 20 feet from the property line.

15A-400 Building Spacing.

The minimum distance between front facades of residential structures (face-to-face distance) shall be 50 feet. The minimum distance between rear facades of residential structures shall be 30 feet.

15A-500 Maximum Lot Coverage.

The maximum structural coverage on a residential lot shall be 75 percent of the lot.

15A-600 Height Limits.

The maximum residential structure height shall be 40 feet.

15A-700 Minimum Dwelling Unit Area.

The minimum residential dwelling size shall be 1,400 square feet, except that a maximum of 10 percent of the dwelling units comprising a townhouse development may be between 1,200 and 1,399 square feet in area.

15A-800 General Requirements.

(A) General Requirements. The provisions of Section 11 (General Development Requirements), Section 13 (Accessory Buildings), and Section 37 (Site Plan Approval) shall apply.

(B) Common (Shared) Walls. A minimum of 75 percent of the length of a side façade of attached units must be a common (shared) wall.

(C) Attached Units and Building Length. Each townhouse structure shall have no fewer than three (3) and no more than six (6) attached units. The maximum length for any townhouse structure is 180 feet.

15A-900 Parking.

(A) General. Off-street parking and loading shall be provided in accordance with provisions of Section 12 of this ordinance. Parking shall be permitted within required yards.

(B) Resident Parking. A minimum of two (2) off-street parking spaces shall within an enclosed private garage be provided for each residential unit. Enclosed parking spaces shall not be eliminated, remodeled or converted to a use other than parking.

(C) Guest Parking. A minimum of one (1) off-street parking space shall be provided for every four (4) townhouse units, or fraction thereof. The maximum distance from the required guest parking space to the unit(s) is 400 feet, measured along a street right-of-way.

(D) Driveway Depth. A driveway, if provided, may not be less than twenty (20) feet in length. If a garage immediately fronts a street or alley without providing the minimum driveway length, the apron to the garage shall not exceed five (5) feet.

15A-1000 Building Architecture.

(A) Statement of Intent. Townhouse structures are often larger than single-family

homes, containing as many as six attached units up to 180 feet long. Because of the scale of these buildings, careful design considerations are necessary to ensure the creation of a livable neighborhood. Use of quality materials and enhancing visual variety will give the development lasting appeal and vitality. In order to provide a level of architectural variety and avoid visual monotony and repetition within the subdivision, structures and individual units shall 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:

- Attention to building mass, shape, and scale;
- Appropriate selection of architectural styles;
- Variation on and amongst building facades through articulation, fenestration, and entry treatments;
- Use of roof forms and details to articulate structures and accent features; and,
- Use of exterior materials, patterns, colors, and textures to create community theme, enhance visual variety, and add fine details to structures.

A cohesive or complementary design style, including materials, architecture, details, and layout, amongst both units within a single structure and structures throughout the development, should be utilized to create a unified theme to the townhouse development, while avoiding the repetitiveness and duplication that may detract from the development's visual appeal.

(B) Facade Modulation. Unarticulated, monolithic, or broad-flat walls shall not exceed 30 feet in length. Techniques for achieving facade modulation include, but are not limited to, the following or a combination of the following:

- (1) Recessing or protruding a portion of the façade vertically or horizontally with at least two (2) feet for each offset;
- (2) Articulating offsets with architectural elements like a porch, balcony, bay window, covered entry, or other feature; and
- (3) Articulating the roof line by use of primary, secondary, and minor roof forms, stepping the roof, and by emphasizing dormers, chimneys, and other details.

(C) Exterior Materials. Exterior walls shall be composed of a minimum of 80 percent primary masonry product (brick, stone or tile, hand-laid, unit-by-unit, or veneer simulations of such materials having the appearance of hand-laid units), a maximum of 20 percent secondary masonry product (exterior insulation and finish systems of natural aggregates and synthetic binders having a minimum applied 3/4 inch thickness, exposed aggregate, glass block and decorative concrete masonry units other than flat, gray block) ; and no more than 20 percent other non masonry materials, excluding doors, windows or window walls. The percentage of masonry shall be measured for each expanse of exterior wall between corners of 15 degrees or more. The Director of Planning may approve a masonry alternate when such alternate material has a true unit masonry appearance, the material is safe and suited for the proposed use, and the material is demonstrated to be as durable as exterior unit masonry.

15A-1100 Screening.

All townhouse developments shall comply with the Garland Screening and Landscape Standards and the provisions of any applicable zoning overlay districts.

15A-1200 Landscaping.

A minimum of one (1) tree shall be provided for each townhouse unit and shall be placed either on that lot or within 50 feet of that unit. For each townhouse structure, fifty (50) percent of the required trees shall be a minimum of 3" caliper upon planting and shall be selected from the approved tree list contained in Section 5.7.1 of the Screening and Landscape Standards. The remainder of the required trees must be selected from the approved tree lists for large trees (Section 5.7.1) , also a minimum of 3" caliper upon planting, or smaller/ornamental trees, a minimum of 8 feet in height upon planting (Section 5.7.2) . Trees required in this section are separate from and in addition to the required common area landscaping.

15A-1300 Common Areas.

(A) 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 community amenities become even more important to the quality of life within such neighborhoods. The purpose of the common area standards is two-fold. Common areas, including amenities, should be accessible and useable by all community residents. Secondly, common areas should be aesthetically appealing, visible, and contribute to the overall visual quality of the development.

(B) Minimum Aggregate Common Area. A minimum of 10 percent of the gross platted area of each townhouse development shall be devoted to 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 (6) units or less, inclusive of all phases of the proposed development, shall be exempt from providing required common area.

(C) Accessibility. Ten percent (10%) of the perimeter of each dedicated common area lot must be adjacent to a street. A perimeter adjacent to a dedicated alley shall not fulfill this requirement. No townhouse unit shall be more than 1,000 feet from a dedicated common area lot.

(D) Lot Requirements. Common area lots shall conform to the following lot requirements:

- (1) *Lot Area.* The minimum area for a dedicated common area lot is 5,000 square feet. A townhouse development may contain tracts less than this minimum area, however such tracts shall not be counted toward the aggregate common area requirement described above.
- (2) *Lot Dimensions.* The minimum lot width and depth for a dedicated common area lot is 40 feet.

(E) Landscaping. One (1) tree shall be provided for every 2,500 square feet of each common area lot. Fifty (50) percent of the required trees shall be a minimum of 3"

caliper upon planting and shall be selected from the approved tree list contained in Section 5.7.1 of the Screening and Landscape Standards. The remainder of the required trees must be selected from the approved tree lists for large trees (Section 5.7.1), also a minimum of 3" caliper upon planting, or smaller/ornamental trees, a minimum of 8 feet in height upon planting (Section 5.7.2)

15A-1400 Amenities.

(A) 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 shall contain recreational, entertainment or social amenities available for use by all residents of the development. These enhancements can foster a sense of community, provide recreational and social activities and facilities, and add value to the quality of life of the residents of the development.

(B) Minimum Required. At least one (1) of the amenities described below shall be provided for every 100 residential units, or fraction thereof, within a townhouse development. Developments of 24 units or less, inclusive of all phases of the proposed development, are exempt from this requirement.

(C) Location. Amenities may be placed within designated common areas.

(D) Types of and Standards for Amenities.

- (1) *Clubhouse.* A clubhouse shall be a minimum of 2,500 square feet in floor area. The clubhouse may contain a fitness center, meeting or activity room, or other appropriate facilities to serve residents of the development.
- (2) *Swimming pool.* A swimming pool shall have a minimum of 800 square feet of surface water. Pool equipment areas shall be screened from residential lots.
- (3) *Play areas.* A play area shall be available to all residents of the development and shall have a minimum of two (2) pieces of play equipment. The two pieces of play equipment may be placed at separate locations within the development.
- (4) *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 shall include at least one (1) tree for every 1,250 square feet, and shall contain a minimum lot area of 20,000 square feet. Fifty (50) percent of the required trees shall be a minimum of 3" caliper upon planting and shall be selected from the approved tree list contained in Section 5.7.1 of the Screening and Landscape Standards. The remainder of the required trees must be selected from the approved tree lists for large trees (Section 5.7.1), also a minimum of 3" caliper upon planting, or smaller/ornamental trees, a minimum of 8 feet in height upon planting (Section 5.7.2)
- (5) *Athletic courts.* Athletic courts, which may include tennis, basketball, racquetball, or other facilities, shall be fully playable for the activity intended. Athletic courts shall contain a minimum of two (2) playing courts. The two courts do not have to be for the same activity and may be placed at separate locations within the development.

- (6) *Equal or Better Substitutes.* A townhouse development may provide other community facilities equal or better levels of recreational, entertainment, or social amenities and value to the development, as may be approved on the final detail plan of the development.

(June 6, 2006. Ord. 6088)

SECTION 16

DUPLEX DISTRICT (D)

16-100 Purpose of District

The Duplex District is designed to provide for two-family residential development. The Duplex District allows for construction of two-family dwelling units on one lot or on two individually platted lots.

16-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

16-300 Minimum Lot Area

No main building or structure for a permitted use shall be placed, erected, altered or maintained on a lot containing less than 8,000 square feet of land. No minimum lot area is required for permitted uses not requiring a building or structure.

16-400 Minimum Dwelling Unit Area

The City Council shall, at the time of establishing, changing, or amending any Duplex District, designate one minimum dwelling unit area from those on the Schedule of Minimum Dwelling Unit Area, Section 17-510, indicated as permitted for the Duplex District. The minimum floor area of a unit in a duplex may be 100 square feet less than the designated minimum dwelling unit area. However, a duplex structure (both units) shall not be less than twice the designated minimum dwelling unit area.

16-500 Development Requirements

The City Council shall, at the time of establishing, changing, or amending any Duplex District, designate one of the sets of requirements indicated as permitted for the Duplex District on the Schedule of Development Requirement Sets (Section 18-041). The designated set shall establish the maximum and minimum requirements for lot depth and width, exterior and interior yards, Height, lot coverage, parking, access, and accessory buildings.

16-600 Single Family Development

In the event single family development occurs under this district, SF/7/E/3 regulations shall apply.

16-700 Storage Room Requirements

Each dwelling unit shall have a storage room designed to accommodate lawn and garden maintenance equipment, household objects, and other related items. The storage room shall be on the same site as the dwelling unit and shall contain not less than fifty (50) square feet of floor area and not less than 350 cubic feet of volume and be directly accessible from the outside of the dwelling unit. If a garage is provided on the site, such garage shall satisfy this requirement.

SECTION 17

MINIMUM DWELLING UNIT AREA STANDARDS

17-100 Purpose of Standards

This section provides that the zoning designation of each location of all Agriculture, Single Family and Duplex Districts shall indicate the minimum dwelling unit areas for that location. Establishment of minimum dwelling unit areas will insure that there is consistency and reasonable compatibility within a residential neighborhood which will assist in maintaining property values and neighborhood stability.

17-200 Compliance

All single family or duplex dwelling units hereinafter constructed, reconstructed, altered, or placed on a lot in the City of Garland shall have a minimum gross floor area as designated in each zoning district in which it is located, except as may be allowed by Section 5.

17-300 Procedures

At the time of establishing, changing or amending any Agricultural, Single Family, or Duplex District the City Council shall designate a minimum dwelling unit area for each district. The procedures set forth in Section 34 shall be followed to modify the established minimum dwelling unit area.

17-400 Existing Units

All single family or duplex dwelling units in existence at the time of establishment of a minimum dwelling unit area for that location and having less gross floor area than required shall be deemed to be in compliance with this Section, and any modification or reconstruction of such structure shall only be allowed if such modification or reconstruction does not reduce the dwelling unit area.

17-500 Minimum Dwelling Unit Areas

The only minimum dwelling unit areas which may be designated for a zoning district are those so indicated for that district in Section 17-510.

17-510 SCHEDULE OF MINIMUM DWELLING UNIT AREA

Minimum Dwelling Unit Area (Square Feet)	AG	SF-16	SF-10	SF-7	D
A (2300)	X	X	X		
B (2100)	X	X	X		
C (1900)	X	X	X		
D (1700)	X		X	X	X(1)
E (1500)	X			X	X(1)
F (1300)	X			X	X(1)
G (1100)	X			X	X(1)
H (900)				X	X(1)

X - Indicates where permitted

(1) ½ Total Floor Area of a Duplex Structure (See 16-400)

SECTION 18

SINGLE FAMILY AND DUPLEX DEVELOPMENT REQUIREMENTS

18-010 Purpose of Section

The establishment of a single family or duplex district determines the maximum dwelling unit density. This partly determines the character and image of a neighborhood; however, lot dimensions, setbacks, height, lot coverage, parking and access are also major factors in determining the neighborhood character and image. Therefore, various sets of requirements are set forth which may be designated to further govern the development under a specific single family or duplex district. Because of the wide range of requirements from set to set, a schedule indicating which set of requirements may be applied to each district is set forth in Section 18-041.

18-020 Compliance

All single family and duplex dwelling units hereinafter constructed, reconstructed, altered, or placed on a lot in the City of Garland shall comply with the development requirements specified for the location except as may be allowed in Section 5.

18-030 Procedures

At the time of establishing, changing, or amending of any single family or duplex district the City Council shall designate a set of development requirements to govern the district being established. The procedures set forth in Section 34 shall be followed in determining the set of requirements and in changing from one set of requirements to another. However, only sets of restrictions indicated as permitted on Schedule 18-041 shall be approved by the City Council. These are the only sets of development requirements which may be designated. These sets may be altered, modified, or amended and new sets added only in accordance with procedures for such changes to the text of the Ordinance as set forth in Section 34.

18-040 Schedule of Development Requirement Sets

The only sets of development requirements which may be designated for a zoning district are those so indicated in Section 18-041.

18-041 SCHEDULE OF DEVELOPMENT REQUIREMENT SETS

Development Sets	SF-16	SF-10	SF-7	D
Set 1	X			
Set 2	X	X		
Set 3			X	
Set 4		X		X

X - Indicates where permitted

18-050 Existing Units

All single family or duplex dwelling units in existence on the effective date of this ordinance and not conforming to the applicable development requirements shall be deemed to be conforming with the applicable development requirements. Modification or reconstruction of such units shall be permitted so long as the modification or reconstruction does not increase the degree of nonconformity.

SECTION 18-100
DEVELOPMENT REQUIREMENTS
SET 1

18-110 Lot Requirements

All lots shall conform to the following:

18-111 Minimum Lot Width: 100 feet

18-112 Minimum Lot Depth: 125 feet

18-120 Yard (Setback) Requirements

All portions of all main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Sections 11 and 13 except that:

1. Ordinary projections of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other similar architectural features may not project more than three (3) feet into required front and rear yards and roof overhangs may not project more than three (3) feet into a required side yard.

2. Fireplaces, bay windows and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one-third ($\frac{1}{3}$) the length of the exterior wall, excluding garages adjacent to that yard.

3. An uncovered wood deck thirty (30) inches or less in height may project into a required side or rear yard.

18-121 Yards Adjacent to Streets

Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. Minimum yards shall be provided as follows:

18-121.1 Minimum Front Yard: Thirty-five (35) feet

18-121.2 Minimum Side Yard: Twenty-five (25) feet

18-121.3 Minimum Rear Yard: Thirty-five (35) feet

18-122 Yards Not Adjacent to Streets

18-122.1 Minimum Side Yard: Ten (10) feet on each side of each lot.

18-122.2 Minimum Rear Yard: Ten (10) feet

18-130 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty (40) percent of the lot.

18-131 Floor Area Ratio

No floor area ratio is set forth.

18-140 Height Limits

Buildings or structures shall not exceed thirty (30) feet in height. See Section 38, Definitions "Height" and "Grade, Average".

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

18-150 Automotive Parking Space in Residential Uses

Required residential automotive parking spaces located in a main or accessory building shall have a minimum driveway length of twenty (20) feet measured along the shortest side to the right-of-way of the abutting roadway or alley. This section does not apply to required residential parking spaces located in an unenclosed carport.

SECTION 18-200
DEVELOPMENT REQUIREMENTS
SET 2

18-210 Lot Requirements

All lots shall conform to the following:

18-211 Minimum Lot Width: Seventy-five (75) feet

18-212 Minimum Lot Depth: 100 feet

18-220 Yard (Setback) Requirements

All portions of all main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Sections 11 and 13 except that:

1. Ordinary projections of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other similar architectural features may not project more than three (3) feet into required front and rear yards and roof overhangs may not project more than three (3) feet into a required side yard.

2. Fireplaces, bay windows and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one-third ($\frac{1}{3}$) the length of the exterior wall, excluding garages adjacent to that yard.

3. An uncovered wood deck thirty (30) inches or less in height may project into a required side or rear yard.

18-221 Yards Adjacent to Streets

Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. Minimum yards shall be provided as follows:

18-221.1 Minimum Front Yard: Thirty (30) feet

18-221.2 Minimum Side Yard: Twenty (20) feet

18-221.3 Minimum Rear Yard: Thirty (30) feet

18-222 Yards Not Adjacent to Streets

18-222.1 Minimum Side Yard: Seven and one-half (7 $\frac{1}{2}$) feet on each side of the lot.

18-222.2 Minimum Rear Yard: Ten (10) feet

18-230 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty (40) percent of the lot.

18-231 Floor Area Ratio

No floor area ratio is set forth.

18-240 Height Limits

Buildings or structures shall not exceed thirty (30) feet in height. See Section 38, Definitions "Height" and "Grade, Average".

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

18-250 Automotive Parking Space in Residential Uses

Required residential automotive parking spaces located in a main or accessory building shall have a minimum driveway length of twenty (20) feet measured along the shortest side to the right-of-way of the appropriate roadway or alley. This section does not apply to required residential parking spaces located in an unenclosed carport.

SECTION 18-300
DEVELOPMENT REQUIREMENTS
SET 3

18-310 Lot Requirements

All lots shall conform to the following:

18-311 Minimum Lot Width: Sixty (60) feet

18-312 Minimum Lot Depth: 100 feet

18-320 Yard (Setback) Requirements

All portions of all main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Sections 11 and 13 except that:

1. Ordinary projections of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other similar architectural features may not project more than three (3) feet into required front and rear yards and roof overhangs may not project more than two (2) feet into a required side yard.
2. Fireplaces, bay windows and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one-third ($\frac{1}{3}$) the length of the exterior wall, excluding garages adjacent to that yard.
3. An uncovered wood deck thirty (30) inches or less in height may project into a required side or rear yard.

18-321 Yards Adjacent to Streets

Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. Minimum yards shall be provided as follows:

18-321.1 Minimum Front Yard: Twenty (20) feet

18-321.2 Minimum Side Yard: Twenty (20) feet

18-321.3 Minimum Rear Yard: Twenty-five (25) feet

18-322 Yards Not Adjacent to Streets

18-322.1 Minimum Side Yard: Six (6) feet on each side of each lot.

18-322.2 Minimum Rear Yard: Ten (10) feet

18-330 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty-five (45) percent of the lot.

18-331 Floor Area Ratio

No floor area ratio is set forth.

18-340 Height Limits

Buildings or structures shall not exceed thirty (30) feet in height. See Section 38, Definitions "Height" and "Grade, Average".

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

18-350 Automotive Parking Space in Residential Uses

Required residential automotive parking spaces located in a main or accessory building shall have a minimum driveway length of twenty (20) feet measured along the shortest side to the right-of-way of the appropriate roadway or alley. This section does not apply to required residential parking spaces located in an unenclosed carport.

SECTION 18-400
DEVELOPMENT REQUIREMENTS

SET 4

18-410 Lot Requirements

All lots shall conform to the following:

18-411 Minimum Lot Width: Seventy-five (75) feet

18-412 Minimum Lot Depth: 100 feet

18-420 Yard (Setback) Requirements

All portions of all main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Sections 11 and 13 except that:

1. Ordinary projections of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other similar architectural features may not project more than three (3) feet into required front and rear yards and roof overhangs may not project more than three (3) feet into a required side yard.
2. Fireplaces, bay windows and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one-third ($\frac{1}{3}$) the length of the exterior wall, excluding garages adjacent to that yard.
3. An uncovered wood deck thirty (30) inches or less in height may project into a required side or rear yard.

18-421 Yards Adjacent to Streets

Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. Minimum yards shall be provided as follows:

18-421.1 Minimum Front Yard: Twenty-five (25) feet

18-421.2 Minimum Side Yard: Twenty (20) feet

18-421.3 Minimum Rear Yard: Twenty-five (25) feet

18-422 Yards Not Adjacent to Streets

18-422.1 Minimum Side Yard: Seven and one-half ($7\frac{1}{2}$) feet on each side of the lot.

18-422.2 Minimum Rear Yard: Ten (10) feet

18-430 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty (40) percent of the lot.

18-431 Floor Area Ratio

No floor area ratio is set forth.

18-440 Height Limits

Buildings or structures shall not exceed thirty (30) feet in height. See Section 38, Definitions "Height" and "Grade, Average".

General Exceptions: The height regulations contained in the District regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

18-450 Automotive Parking Space in Residential Uses

Required residential automotive parking spaces located in a main or accessory building shall have a minimum driveway length of twenty (20) feet measured along the shortest side to the right-of-way of the appropriate roadway or alley. This section does not apply to required residential parking spaces located in an unenclosed carport.

SECTION 19

MULTIFAMILY DISTRICTS (MF-12 AND MF-18)**

19-100 Purpose of District

The Multifamily Districts provide for low and medium density Multifamily development at densities no greater than twelve (12) units per acre for MF-12 and no greater than eighteen (18) units per acre for MF-18. These districts accommodate a variety of housing types including single family dwellings, duplexes, triplexes, quadraplexes, apartments and condominiums.

19-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

19-210 All duplex uses shall comply with the regulations of the D/G/4 District.

19-300 Lot and Density Requirements

No requirements for minimum lot area, width and depth are set forth for nonresidential uses. Lots used for Multifamily purposes shall conform to the following:

19-310 Minimum Lot Area

No main apartment building shall be placed, erected, altered, or maintained on a lot containing less than 8,000 square feet. No minimum lot area is required for other permitted uses. Section 19-210 shall apply to all duplex uses.

19-320 Minimum Lot Width: Seventy-five (75) feet

19-330 Minimum Lot Depth: 100 feet

19-340 Density

19-340.1 A maximum of twelve (12) dwelling units shall be permitted for each acre of site area for property in the Multifamily 12 District.

19-340.2 A maximum of eighteen (18) dwelling units shall be permitted for each acre of site area for property in the Multifamily 18 District.

19-340.3 In computing densities, floodways shall not be considered in determining the density of units per acre permitted on the development.

19-400 Yard (Setback) Requirements

All portions of all main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Sections 11 and 13 except that:

1. Ordinary projections of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies, unsupported balconies, and other architectural features may not project more

than four (4) feet into required yards. Open corridors shall not project into a required yard.

2. Fireplaces, bay windows, and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one-third ($\frac{1}{3}$) the length of the exterior wall, excluding garages adjacent to that yard.

19-410 Yards Adjacent to Streets

19-411 Minimum Front, Side, and Rear Yard: Twenty (20) feet

19-412 Where circular or similar entrance drives are used, the minimum yard adjacent to a street shall be thirty (30) feet and no parking or vehicle storage space shall be located closer to the property line adjacent to a street than twenty (20) feet.

19-420 Yards Not Adjacent to Streets

19-421 Minimum Side and Rear Yards

Twelve (12) feet except that all apartment buildings shall be set back from Single Family Districts or a Planned Development District for Single Family development boundaries a minimum of fifty (50) feet, however, Multifamily buildings not more than one (1) story in height and seventy-five (75) feet or less in projected length shall be permitted with a twenty (20) foot setback from a Single Family district boundary lines. A one (1) story building exceeding seventy-five (75) feet in projected length shall be permitted with a thirty (30) foot setback from single family district boundary lines.

Projected length is an orthographic projection of the building viewed from the single family district boundary line.

19-500 Building Spacing

19-510 In no case shall buildings be less than twenty (20) feet apart.

19-600 Maximum Lot Coverage

Buildings or structures shall not be erected, altered, or otherwise placed so as to cover more than sixty (60) percent of the lot area.

19-610 Floor Area Ratio

The maximum floor area of main buildings or structures shall not exceed eight-tenths square foot of floor area for each one (1) square foot of site area (0.8:1).

19-700 Height Limits

19-710 Buildings or structures shall not exceed a maximum of thirty (30) feet in height measured from the average grade of the building to the highest point of the highest ceiling of the area to be occupied as living space, see Section 38, Definitions.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

19-800 Minimum Dwelling Unit Area

The minimum floor area of a dwelling unit shall be as follows:

19-810 Efficiency Unit - 500 square feet

19-820 1 Bedroom Unit - 650 square feet

19-830 2 Bedroom Unit - 800 square feet

19-840 For each additional bedroom in excess of two (2) bedrooms, 150 square feet shall be added to each dwelling unit area.

19-850 The minimum average dwelling unit area shall be 725 square feet.

19-860 The maximum number of efficiency units shall not exceed ten (10) percent of the total number of units in the same project. Any fractional number of units should be rounded up to the next whole number of units.

19-900 General Requirements

The provisions of Section 11 (General Development Requirements), Section 13 (Accessory Buildings), and Section 37 (Site Plan Approval) shall apply.

19-1000 Parking

Off-street parking and loading shall be provided in accordance with provisions of Section 12 of this ordinance. Provisions of Section 19-412 also apply. Parking shall be permitted within required yards adjacent to streets.

19-1100 Masonry Construction

All exterior walls of all buildings shall have a minimum masonry exterior of seventy-five (75) percent on all outside wall surfaces, except for windows and doors.

Masonry Exterior: A term designating an exterior facade material consisting of one or more of the following materials in any combination, which complies with the building code and other construction codes of the City of Garland:

1. Masonry defined as brick, stone, rock, marble and built-up panels of these materials designed for exterior use.
2. Concrete defined as poured-in-place reinforced concrete or tilt-up concrete panels.

3. Stucco to consist of Portland cement plaster for exterior use as defined in the Uniform Building Code as currently adopted by the City of Garland or as it may be subsequently amended.

**** See Article III, Chapter 34, Sections 34.40-34.42 of the City of Garland Code of Ordinances (Ordinance No. 5129) for additional Multifamily Development Standards.**

SECTION 20

OFFICE 1 DISTRICT (O-1)

20-100 Purpose of District

The Office 1 (O-1) District provides for low-rise office and professional service development. This District is appropriately located adjacent to residential districts and may be used as a transition or buffer between residential uses and more intensive nonresidential activity. District regulations are designed to ensure compatibility with residential development by establishing maximum height, lot coverage and setback requirements.

20-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

20-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

20-400 Yard (Setback) Requirements

20-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

20-420 Yards Adjacent to Streets

20-421 Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback.

20-422 Minimum Front Yards: Twenty-five (25) feet

20-423 Minimum Side Yards: Twenty (20) feet

20-424 Minimum Rear Yards: Twenty-five (25) feet

20-430 Yards Not Adjacent to Streets

20-431 Minimum Side and Rear Yards: No side or rear yard is required except where a permitted use abuts a residential district boundary line, in which event a minimum twenty (20) feet side or rear yard shall be provided on the side or rear adjacent to such residential district.

20-500 Maximum Lot Coverage

No maximum lot coverage is set forth.

20-510 Floor Area Ratio

No floor area ratio is set forth.

20-600 Height Limits

Buildings or structures or parts thereof shall not be erected, altered or placed so as to exceed a maximum height of thirty (30) feet.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

SECTION 21

OFFICE 2 DISTRICT (O-2)

21-100 Purpose of District

The Office 2 (O-2) District provides for general office and professional service uses. This district also accommodates limited support services for office activities such as restaurants, personal services and specialized retail. The Office 2 (O-2) District allows low-, mid-, and high-rise office development and is generally not appropriate adjacent to residential districts.

21-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

21-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

21-400 Yard (Setback) Requirements

21-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

21-420 Yards Adjacent to Streets

21-421 Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback.

21-422 Minimum Front and Rear Yards For the Lower Two (2) Stories: Twenty-five (25) feet.

21-423 Minimum Side Yards For the Lower Two (2) Stories: Twenty (20) feet.

21-424 Minimum Setbacks Adjacent to Streets for Portions of Buildings Above Two Stories: For the portions of any building above two (2) stories, the horizontal distance from any point on the building above two (2) stories to any residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) the height of the highest point on the building above grade from the nearest property line, whichever is greater. No front setback shall be

required to be more than 100 feet and no side or rear setback in excess of seventy-five (75) feet shall be required.

21-430 Yards Not Adjacent to Streets

21-431 Minimum Side and Rear Yards:

No side or rear yard is required for the lower two (2) stories except where a permitted use abuts a residential district boundary line, in which event a minimum of twenty (20) feet side or rear yard shall be provided on the side or rear adjacent to such residential district. For the portions of any building above two (2) stories, the horizontal distance from any point on the building above two (2) stories to any residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) of the height of the highest point on the building above grade from the nearest property line, whichever is greater. No setback shall be required in excess of one hundred (100) feet.

21-500 **Maximum Lot Coverage**

No maximum lot coverage is set forth.

21-510 Floor Area Ratio

No floor area ratio is set forth.

21-600 **Height Limits**

Buildings or structures may be erected to any legal height, subject to provisions of Sections 21-424 and 21-431.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

SECTION 22

HEALTH SERVICES DISTRICT (HS)

22-100 Purpose of District

The Health Service (HS) District provides for establishment of a broad range of medical and health facilities and related support services (e.g. florists, gift shops, restaurants, pharmacies and medical supply stores). District regulations are intended to ensure compatibility among the various uses permitted in the Health Services District as well as between health service activities and adjacent land uses.

22-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

22-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

22-400 Yard (Setback) Requirements

22-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

22-420 Yards Adjacent to Streets

22-421 Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback.

22-422 Minimum Front and Rear Yards for Lower Thirty-six (36) Feet of Building: Twenty-five (25) feet

22-423 Minimum Side Yards for Lower Thirty-six (36) Feet of Building: Twenty (20) feet

22-424 Minimum Setbacks Adjacent to Streets for Portions of Buildings Above Thirty-Six (36) Feet: For the portions of any building above thirty-six (36) feet in height the horizontal distance from any point on the building above thirty-six (36) feet to any residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) of the height of the highest point on the building above grade from the nearest property line, whichever is greater. No front setback shall be required to be more than 100 feet and no side or rear setback in excess of seventy-five (75) feet shall be required.

22-430 Yards Not Adjacent to Streets

22-431 Minimum Side and Rear Yard

No side or rear yard setbacks are required for the lower thirty-six (36) feet except where a permitted use abuts a residential district boundary line, in which event a minimum of twenty (20) feet side or rear yard shall be provided on the side or rear adjacent to such residential district. For the portions of any building above thirty-six (36) feet, the horizontal distance from any point on the building above thirty-six (36) feet to any residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) the height of the highest point on the building above grade from the nearest property line, whichever is greater. No setbacks shall be required in excess of 100 feet.

22-500 **Maximum Lot Coverage**

No maximum coverage is set forth.

22-510 Floor Area Ratio

No floor area ratio is set forth.

22-600 **Height Limits**

22-610 Buildings and structures may be any legal height. Provisions of Sections 22-424 and 22-431 shall apply. See Section 38 Definitions, "Height" and "Grade, Average".

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms, (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

SECTION 23

NEIGHBORHOOD SERVICE DISTRICT (NS)

23-100 Purpose of District

The Neighborhood Service (NS) District accommodates a limited range of small-scale retail and personal service activities which are 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. Neighborhood Service Districts should be no greater than three acres in size.

23-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

23-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

23-400 Yard (Setback) Requirements

23-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

23-420 Yards Adjacent to Streets

23-421 Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback.

23-422 Minimum Front and Rear Yards: Twenty-five (25) feet

23-423 Minimum Side Yards: Twenty (20) feet

23-430 Yards Not Adjacent to Streets

23-431 Minimum Side and Rear Yards: No side or rear yard is required except where a permitted use abuts a residential district boundary line, in which event a minimum twenty (20) feet side or rear yard shall be provided on the side or rear adjacent to such residential district.

23-500 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty (40) percent of the lot.

23-510 Floor Area Ratio

The maximum floor area of all structures above ground shall not exceed four-tenths square foot of floor area for each one (1) square foot of site area (0.4:1).

23-600 Height Limits

No building or structure shall be more than one (1) story in height and shall not exceed sixteen (16) feet, except that pitched roofs may be twenty (20) feet in height.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

SECTION 24

SHOPPING CENTER DISTRICT (SC)

24-100 Purpose of District

The Shopping Center (SC) District provides for the establishment of convenient retail and personal service activities by grouping compatible uses in a single center which is designed in an integrated manner according to an overall site plan. The Shopping Center District accommodates shopping center development having a neighborhood or community service area. Planned Development (PD) zoning is recommended for shopping centers or malls requiring a site of twenty acres or more.

24-200 Permitted Uses

Any uses indicated as permitted in this district on the Schedule of Uses, Section 10-200.

24-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

24-400 Yard (Setback) Requirements

24-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

24-420 Gasoline pump islands and canopies may not be located within twenty (20) feet of a lot line adjacent to a street, measured to the nearest point of the island or canopy.

24-430 Yards Adjacent to Streets

24-431 Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. A minimum right-of-way of sixty (60) feet shall be used to compute the yard setback adjacent to a street.

24-432 Minimum Front, Side, and Rear Yards: Sixty (60) feet

24-440 Yards Not Adjacent to Streets

24-441 Minimum Side and Rear Yards:

No side or rear yard is required except where a permitted use abuts a residential district boundary line in which event a minimum twenty (20) feet side or rear yard shall be provided adjacent to such residential district.

24-500 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty (40) percent of the lot.

24-510 Floor Area Ratio

The maximum floor area of all structures above ground shall not exceed eight-tenths square feet of floor area for each one square foot of site area (0.8:1).

24-600 Height Limits

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to exceed a maximum height of thirty (30) feet.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

24-700 General Requirements

The provisions of Section 11 (General Development Requirements), Section 12 (Parking), and Section 37 (Site Plan Approval) shall apply.

24-710 Truck Parking and Loading

No truck shall be parked closer than twenty (20) feet to any Agricultural or residential district boundary. Loading docks shall be not less than fifty (50) feet from any lot line not adjacent to a street. If such lot line is adjacent to an agricultural or residential district boundary the setback shall be increased to seventy-five (75) feet.

SECTION 25

GENERAL BUSINESS DISTRICT (GB)

25-100 Purpose of District

The General Business (GB) District accommodates a variety of retail, service and business establishments which are not designed in a shopping center configuration but are generally located on individual, unrelated sites. General Business districts are not appropriate adjacent to Single Family districts.

It is intended that the uses allowed and/or the development regulations for this district shall be utilized for previously adopted ordinances which made reference to the GB/MF-2 or GB-B Districts under Ordinance No. 3237, or the Retail District under Ordinance No. 1011.

25-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

25-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

25-400 Yard (Setback) Requirements

25-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required front yards.

25-420 Gasoline pump islands and canopies may not be located within twenty (20) feet of a lot line adjacent to a street measured to the nearest point of the island or canopy.

25-430 Yards Adjacent to Streets

25-431 Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. A minimum right-of-way of sixty (60) feet shall be used to compute the yard setback adjacent to streets.

25-432 Minimum Front and Rear Yards: Thirty (30) feet

25-433 Minimum Side Yards: Twenty (20) feet

25-440 Yards Not Adjacent to Streets

25-441 Minimum Side and Rear Yards

No side or rear yard is required except where a permitted use abuts a residential district boundary line, in which event a minimum twenty (20) foot side or rear yard shall be provided on the side or rear adjacent to such residential district.

25-500 **Maximum Lot Coverage**

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than forty (40) percent of the lot.

25-510 Floor Area Ratio

No floor area ratio is set forth.

25-600 **Height Limits**

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to exceed a maximum height of thirty (30) feet.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

SECTION 26

COMMERCIAL DISTRICT (C-1 and C-2)

26-100 Purpose of District

The Commercial (C-1 and C-2) Districts allow a broad range of commercial sales, service and repair activities, many of which are not appropriate in a retail or office environment. The Commercial Districts accommodate intensive and potentially incompatible activities and should not be located adjacent to residential neighborhoods.

26-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

26-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

26-400 Yard (Setback) Requirements

26-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

26-420 Gasoline pump islands and canopies may not be located within twenty (20) feet of a lot line adjacent to a street measured to the nearest point of the island or canopy.

26-430 Yards Adjacent to Streets

26-431 Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. A minimum right-of-way of sixty (60) feet shall be used to compute the yard setback adjacent to streets.

26-432 Minimum Front Yards: Thirty (30) feet

26-433 Minimum Side and Rear Yards: Twenty (20) feet

26-440 Yards Not Adjacent to Streets

26-441 Side and Rear Yards: No side or rear yard is required except where a permitted use abuts a residential district boundary line, in which event a minimum twenty (20) foot side or rear yard shall be provided adjacent to such residential district.

26-500 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than fifty (50) percent of the lot.

26-510 Floor Area Ratio

No floor area ratio is set forth.

26-600 Height Limits

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to exceed a maximum height of thirty-six (36) feet.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

SECTION 27

CENTRAL AREA 1 DISTRICT (CA-1)

27-100 Purpose of District

The Central Area 1 (CA-1) District encompasses the core of the downtown business area. Expansion of the district is not anticipated. The Central Area 1 (CA-1) District allows a broad range of office, retail, commercial, residential and institutional activities. District regulations are designed to accommodate a diversity of land uses located in a more densely developed environment. Special provisions are made for off-street parking, lot coverage and setback requirements since this district is largely comprised of older structures which predate contemporary development concepts and standards.

27-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

27-300 Lot Requirements

No requirements for minimum lot area, width, or depth are set forth for nonresidential uses.

27-400 Yard (Setback) Requirements

27-410 Buildings in existence at the time of passage of this ordinance shall not be required to provide any yards greater than those which existed at the time of passage of this ordinance.

27-420 All portions of main buildings or structure shall be set back from all property lines to provide the following minimum yards. Every part of every yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, and other similar architectural features and unsupported balconies, unsupported open corridors may extend into the required yards not to exceed five (5) feet.

27-430 Gasoline pump islands and canopies may not be located within twenty (20) feet of a lot line adjacent to a street measured to the nearest point of the island or canopy.

27-440 Yards Adjacent to Streets

27-441 Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. A minimum right-of-way of sixty (60) feet shall be used to compute the yard setback adjacent to streets.

27-442 Minimum Front, Side and Rear Yards: No yards adjacent to streets are required except any totally new construction will require the street floor to be set back a minimum of ten (10) feet exclusive of columns or similar support.

27-443 Truck parking areas shall not be permitted in any yard adjacent to a street.

27-450 Yards Not Adjacent to Streets

27-451 No yards are required for structures thirty-six (36) feet or less in height.

27-452 Minimum Side and Rear Yards: A setback shall be provided for portions of structures more than thirty-six (36) feet in height at the ratio of one foot of setback for each four (4) feet of height above thirty-six (36) feet. No setback in excess of twenty-five (25) feet shall be required.

27-500 Maximum Lot Coverage

There is no maximum lot coverage established for lots within this district.

27-510 Floor Area Ratio

No floor area ratio is set forth.

27-600 Height Limits

Buildings or structures may be erected to a maximum height of eighty-five (85) feet.

General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, television antennas, water tanks, ventilators, chimneys, solar screens or collectors, skylights, elevator towers, cooling towers, mechanical equipment rooms (not exceeding fifty (50) percent of a typical floor area) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as noted in various districts.

SECTION 28

CENTRAL AREA 2 DISTRICT (CA-2)

28-100 Purpose of District

The Central Area 2 (CA-2) District encompasses a mixture of old and new development in the downtown area, generally surrounding the Central Area 1 District. The Central Area 2 (CA-2) District is provided to accommodate future development and expansion of the central city area. Permitted uses include a broad range of office, retail, commercial and institutional activities. The Central Area 2 (CA-2) District also provides for residential development. District regulations are designed to accommodate a diversity of land uses located in a more densely developed environment.

28-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

28-300 Lot and Density Requirements

No requirements for minimum lot area, width, or depth are set forth for nonresidential uses.

28-310 Residential Uses

All single family uses shall comply with SF/7/G/3 requirements, and all duplex uses shall comply with D/H/4 requirements.

28-400 Yard (Setback) Requirements

28-410 Buildings in existence at the time of passage of this ordinance shall not be required to provide any yards greater than those which existed at the time of passage of this ordinance.

28-420 All portions of main buildings or structure shall be set back from all property lines to provide the following minimum yards. Every part of every yard shall be open and unobstructed as set forth in Sections 11 and 13 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, and other similar architectural features and unsupported balconies, unsupported open corridors may extend into the required yards not to exceed five (5) feet.

28-430 Where the Central Area 2 (CA-2) District adjoins or is across a street or alley from a Central Area 1 (CA-1) District, the yard requirements from property lines adjoining or across a street or an alley from the Central Area 1 (CA-1) District shall be the same as in the Central Area 1 (CA-1) District. Where the Central Area 2 (CA-2) District does not adjoin or is not across a street or alley from a Central Area 1 (CA-1) District, yards shall be provided as set forth in Sections 28-420 through 28-462.

28-440 Gasoline pump islands and canopies may not be located within twenty (20) feet of a lot line adjacent to a street, measured to the nearest point of the island or canopy.

28-450 Yards and Setbacks Adjacent to Streets

28-451 Yards adjacent to streets shall be measured from the existing right-of-way line of adjacent streets or the proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever requires the greater setback. A minimum right-of-way of sixty (60) feet shall be used to compute the yard setback.

28-452 Minimum Front, Side, and Rear Yards for the Lower Thirty (30) Feet of Buildings: Minimum front, side, and rear yards of ten (10) feet shall be provided for the lower thirty (30) feet of the building.

28-453 Minimum Front, Side, and Rear Setbacks for Portions of Building Above Thirty (30) Feet: For portions of any building above thirty (30) feet in height, the horizontal distance from any point on the building above thirty (30) feet to any residential district line shall be not less than the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) the height of the highest point on the building above grade from the nearest property line, whichever is greater. No setback shall be required in excess of 100 feet and no setback shall be less than ten (10) feet.

28-460 Yards Not Adjacent to Streets

28-461 Minimum Side and Rear Yards

No side or rear yard or setbacks is required for the lower thirty (30) feet of Height except where a permitted use abuts a residential district boundary line, in which event a minimum of twenty (20) feet side or rear yard shall be provided on the side or rear adjacent to such residential district.

28-462 For the portions of any building above thirty (30) feet in height, the horizontal distance from any point on the building above thirty (30) feet to any residential district line shall be not less than the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) the height of the highest point on the building above grade from the nearest property line, whichever is greater. No setback shall be required in excess of 100 feet and no setback shall be less than twenty (20) feet.

28-500 Maximum Lot Coverage

There is no maximum lot coverage specified for this district.

28-510 Floor Area Ratio

No floor area ratio is set forth.

28-600 Height Limits

Buildings or structures may be erected to any legal height.

SECTION 29

INDUSTRIAL 1 DISTRICT (I-1)

29-100 Purpose of District

The Industrial 1 (I-1) District provides for a wide range of industrial uses which generate few objectionable conditions. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial 1 (I-1) District also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities. The Industrial 1 (I-1) District regulations are designed to ensure compatibility among the various uses allowed in the Industrial 1 (I-1) District and to protect adjacent non-industrial development from potentially incompatible uses and conditions.

29-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

29-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

29-400 Yard (Setback) Requirements

29-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

29-420 Gasoline pump islands and canopies may not be located within twenty (20) feet of a lot line adjacent to a street, measured to the nearest point of the island or canopy.

29-430 Yards Adjacent to Streets

29-431 Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever require the greater setback. A minimum right-of-way of sixty (60) feet shall be used to compute the setback.

29-432 Minimum Front and Rear Yard for Lower Two Stories: Thirty (30) feet

29-433 Minimum Side Yard for Lower Two Stories: Twenty (20) feet

29-434 Setbacks Adjacent to Streets for Portions of Buildings Above Two Stories: Thirty (30) feet

For the portions of any building above thirty (30) feet, the horizontal setback from any point on the building above thirty (30) feet to any

residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) of the height of the highest point on the building above grade from the nearest property line, whichever is greater. No front setback shall be required to be more than 100 feet and no side or rear setback in excess of seventy-five (75) feet shall be required.

29-440 Yards Not Adjacent to Streets

29-441 Minimum Side and Rear Yards: No side or rear yard is required for the lower thirty (30) feet except where a permitted use abuts a residential district boundary line, in which event a minimum of twenty (20) feet side or rear yard shall be provided on the side or rear adjacent to such residential district. For the portions of any building above thirty (30) feet, the horizontal setback from any point on the building above thirty (30) feet to any residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) the height of the highest point on the building above grade from the nearest property line, whichever is greater. No setback shall be required in excess of 100 feet.

29-500 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than sixty (60) percent of the lot.

29-510 Floor Area Ratio

The maximum floor area of all structures above ground shall not exceed two square feet of floor area for each one square foot of site area (2:1).

29-600 Height Limits

Buildings or structures may be erected to any legal height.

SECTION 30

INDUSTRIAL 2 DISTRICT (I-2)

30-100 Purpose of District

The Industrial 2 (I-2) District provides for a wide range of industrial activities, some of which may generate objectionable or hazardous conditions and therefore are not compatible with non-industrial land uses. Permitted uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial 2 (I-2) District also accommodates office and commercial support services for industrial activity.

30-200 Permitted Uses

Any use indicated as permitted in this district on the Schedule of Uses, Section 10-200.

30-300 Lot Requirements

No requirements for minimum lot area, depth, or width are set forth.

30-400 Yard (Setback) Requirements

30-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards. Every part of a required yard shall be open and unobstructed as set forth in Section 11 except that an ordinary projection of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than five (5) feet into required yards.

30-420 Gasoline pump islands and canopies may not be located within twenty (20) feet of a lot line adjacent to a street, measured to the nearest point of the island or canopy.

30-430 Yards Adjacent to Streets

30-431 Yards adjacent to streets shall be measured from the existing or proposed right-of-way line of adjacent streets as provided for on the approved current thoroughfare plan, whichever require the greater setback. A minimum right-of-way of sixty (60) feet shall be used to compute the setback.

30-432 Minimum Front and Rear Yard for Lower Two Stories: Thirty (30) feet

30-433 Minimum Side Yards for Lower Two Stories: Twenty (20) feet

30-434 Setbacks Adjacent to Streets for Portions of Buildings Above Two Stories: Thirty (30) feet

For the portions of any building above thirty (30) feet, the horizontal setback from any point on the building above thirty (30) feet to any residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$)

the height of the highest point on the building above grade from the nearest property line, whichever is greater. No front setback shall be required to be more than 100 feet and no side or rear setback in excess of seventy-five (75) feet shall be required.

30-440 Yards Not Adjacent to Streets

30-441 Minimum Side and Rear Yards: No side or rear yard is required for the lower thirty (30) feet except where a permitted use abuts a residential district boundary line, in which event a minimum of twenty (20) feet side or rear yard shall be provided on the side or rear adjacent to such residential district. For the portions of any building above thirty (30) feet, the horizontal setback from any point on the building above thirty (30) feet to any residential district line shall be not less than twice the height of the highest point on the building above grade, or shall be not less than one-half ($\frac{1}{2}$) the height of the highest point on the building above grade from the nearest property line, whichever is greater. No setback shall be required in excess of 100 feet.

30-500 **Maximum Lot Coverage**

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than sixty (60) percent of the lot.

30-510 Floor Area Ratio

The maximum floor area of all structures above ground shall not exceed two square feet of floor area for each one square foot of site area (2:1).

30-600 **Height Limits**

Buildings or structures may be erected to any legal height.

SECTION 31

FREEWAY DISTRICT (FW)

31-100 Purpose of District

The Freeway (FW) District accommodates a broad range of nonresidential land uses including office, retail, personal service, commercial, industrial and institutional activities. FW District regulations are designed to achieve compatibility between diverse uses through greater setbacks and other appropriate development controls.

31-200 Permitted Uses

Any use indicated as permitted in this district on the Use Schedule 10-200.

31-300 Lot Requirements

No requirements for minimum lot area, width, or depth are set forth for nonresidential uses.

31-400 Yard (Setback) Requirements

31-410 All portions of main buildings or structures shall be set back from all property lines to provide the following minimum yards (setbacks). Every part of a required yard shall be open and unobstructed as set forth in Section 11 and 13, except that:

1. Ordinary projections of window sills, belt courses and other similar architectural features may not project more than one (1) foot into required yards. Ordinary projections of cornices, roof overhangs, unsupported canopies and other architectural features may not project more than ten (10) feet into required front and rear yards and roof overhangs may not project more than five (5) feet into a required side yard.

2. Fireplaces, bay windows and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one-third ($\frac{1}{3}$) the length of the exterior wall, excluding garages adjacent to that yard.

31-420 Yards Adjacent to Streets and Freeways

Yards adjacent to streets for all uses shall be provided according to the requirements contained herein.

31-421 Truck parking lots and loading areas shall not be allowed in any required yards adjacent to a street.

31-422 **Delete**

31-423 Minimum Front, Side, and Rear Yards Adjacent to a Freeway

31-423.1 Any yard adjacent to a freeway shall be defined for purposes of this section as a front yard.

31-423.2 A minimum front yard adjacent to a freeway of forty (40) feet shall be provided, however, the front yard shall be a minimum of ninety (90) feet when parking is placed between the building and the freeway. Drives may be placed within the forty (40) foot front yard if no parking is placed between the building and the freeway.

31-423.3 No parking area shall be closer than twenty-five (25) feet to the front property line.

31-424 Front, Side, and Rear Yards Adjacent to Street Other Than Freeways: Forty (40) feet

31-430 Yards Not Adjacent to Streets

Yards not adjacent to streets for all uses shall be provided according to the requirements contained herein.

31-431 Truck Parking and Loading

Loading docks or truck loading doors shall be fifty (50) feet or more from any lot line not adjacent to a street. However, if the lot line is adjacent to a residential district boundary the setback shall be increased to seventy-five (75) feet except when the loading dock and accompanying truck parking space is contained within a building of masonry construction, the fifty (50) foot setback shall prevail. Loading spaces shall be as set forth in Section 12-310.

31-432 Minimum Side and Rear Yard Setbacks: A minimum side or rear yard for the lower two (2) floors of all main buildings shall be fifteen (15) feet. A minimum setback shall be provided from any residential district boundary line of fifty (50) feet to all portions of the lower two (2) floors of all main buildings. For the portions of any building above two (2) stories the horizontal distance from any point on the building above two (2) stories to any residential district line shall be not less than the height of the highest point on the building, or shall be not less than one-half ($\frac{1}{2}$) the height of the highest point on the building from the nearest property line, whichever is greater. The setbacks required in this paragraph shall apply in all cases even if other ownerships and/or buildings exist between the residential district and the building upon which the setback is imposed.

31-500 Maximum Lot Coverage

Buildings or structures or parts thereof shall not be erected, altered, or placed so as to cover more than sixty (60) percent of the lot.

31-510 Floor Area Ratio

No floor area ratio is set forth.

31-600 Height Limits

Buildings or structures may be constructed to any legal height.

SECTION 32

PLANNED DEVELOPMENT DISTRICT (PD)

32-100 Purpose of District

The Planned Development (PD) District allows for greater flexibility in the type, design and layout of land uses than do the standard zoning districts. Its purpose is to promote more efficient use of land and public services, encourage creative and innovative site design, and provide an increased level of amenities and aesthetic enhancement. These districts are individually designed for a specific site in order to more appropriately address the unique physical and locational features associated with the property. Permitted uses and development standards are established by the Planned Development ordinance and may include just one or a broad range of activities. Each Planned Development (PD) District is designed according to a detailed site plan which must be approved as part of the Planned Development ordinance.

32-200 Permitted Uses

Any use shall be permitted if such use is specified in the Ordinance granting a Planned Development (PD) District. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this Ordinance.

32-300 Development Requirements

32-310 Development requirements for each separate Planned Development (PD) District shall be set forth in the Ordinance granting the Planned Development (PD) District and MAY include, but may not be limited to; uses, density, lot area, lot width, lot depth, yard depths and widths, Height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the Council may deem appropriate.

32-320 The Ordinance granting a Planned Development (PD) District shall include a statement as to the purpose and intent of the Planned Development granted therein.

32-330 A Planned Development (PD) District shall conform to the requirements provided for in Sections 11, 12, 13, and 37 of this ordinance unless different requirements are set forth in the granting ordinance. Applications shall state all requested variances from the standard requirements set forth throughout this ordinance.

32-340 In addition to the requirements of Section 34, an application for a Planned Development (PD) District shall include a complete list of development conditions and uses which may be incorporated into the ordinance, if approved, as set forth in Section 32-310. A development plan may be included with the application. If no development plan is submitted and the Plan Commission or City Council finds one necessary, the matter shall be tabled until a development plan is submitted by the applicant. Such development plan shall not be approved or recommended for approval until it has been reviewed and a report submitted as set out in 32-500.

32-400 Development Program and Plans

The Council may require development in conformance with a development plan as further specified herein.

32-410 Development Plans

The Council may require submission and approval of development plans showing the nature and character of the planned development, which may include location of uses, buffering and screening devices, traffic circulation, schematic area drainage map, curb cuts, utilities, refuse storage and collection, and other features necessary to depict the development. These development plans may consist of a Land Use Plan, a Concept Plan, and/or a Detail Plan. When a development plan is required, the approval of a Land Use Plan or a Concept Plan shall be deemed as incomplete for development and no development shall begin until a Detail Plan is approved for that portion for which a building permit is sought. Land Use Plans, Concept Plans, and Detail Plans shall be as set forth herein. These provisions shall apply only when development plans are required.

32-411 General Requirements

Land Use, Concept, and Detail Plans shall be accurately drawn to an appropriate legible scale and shall include title, north arrow, scale, date drawn, and necessary references to accurately locate the property. Copies in sufficient quantity and at an appropriate size for review purposes shall be submitted by the owner, applicant, or their representative.

32-412 Land Use Plan

A Land Use Plan may be approved only on large Planned Development areas, generally 100 acres or more, where development is not expected to take place within three (3) years on at least eighty (80) percent of the Planned Development area. A Land Use Plan shall be accurately drawn indicating boundary lines of the Planned Development area covered, proposed use areas, topography, wooded areas, streams, lakes, ponds, existing roadways, existing utility lines and easements, general location of future roadways and utilities shown on the current approved thoroughfare and utility plans, general location of future parks and open space, schools, and other public facilities.

The Land Use Plan, or development conditions, shall indicate the approximate size of each separate use area, proposed uses, approximate density of residential uses, approximate gross floor area of nonresidential uses, parking ratios, general Heights and other information required to describe the proposed development. Photographs, sketches, or drawings may accompany a Land Use Plan to illustrate the type and nature of the proposed development. When a Land Use Plan is approved, a Concept Plan shall be approved on all or a portion of the Planned Development area prior to or in conjunction with the approval of a Detail Plan.

32-413 Concept Plan

A Concept Plan may be required for any Planned Development (PD) District when determined necessary by the Council. A Concept Plan includes all of the area of a Planned Development (PD) District, except that a Concept Plan may cover only a part of the Planned Development (PD) District if a Land Use Plan

has been approved or is being approved in connection with the Concept Plan. All of the features required in a Land Use Plan shall be included in a Concept Plan and in addition thereto the Concept Plan shall indicate all proposed streets, alleys, drives, buildings, parking areas, landscaped areas, screening, uses of buildings and land, Heights, topography, and other features of the proposed development. A Concept Plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed. No building permits shall be issued based on an approved Concept Plan. Prior to issuance of any building permit, a Detail Plan shall be approved on that portion of the area of the Concept Plan for which a building permit is sought. A Concept Plan shall be in conformance with a Land Use Plan if one has been approved for the Planned Development (PD) District.

32-414 Detail Plan

When a development plan is required, a Detail Plan shall be approved prior to development, and development shall be in general accordance therewith. A Detail Plan shall show the features which the Council deems need regulation. Features which the Council deems need no regulation may be shown for informational purposes but shall be presented in a manner to distinguish them from those being regulated.

32-500 Procedures

The procedures for granting, modifying, amending, or revising a Planned Development (PD) District or any of the development conditions, development plans, or permitted uses shall be the same as for any zoning district as set forth in Section 34, except as set forth herein. The application shall include: a description of the property, a drawing showing the various use areas within the proposed Planned Development area if more than one use area is expected; proposed regulations, a list of any requested variances from standard requirements of the Zoning Ordinance; and any proposed development plans. When a development plan is being considered, a written report from the City Manager discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, fire, and traffic; and written comments from the applicable public school district; and from private utilities shall be submitted to the Plan Commission prior to the Commission making any recommendations to the Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may at its discretion make a recommendation to the Council.

32-510 An application for a Planned Development (PD) District may be submitted only for the following use groups and on the specified minimum acreage unless said acreage is specifically waived by the Plan Commission or City Council.

- A. Residential on 35 acres.
- B. Office or health services on 5 acres.
- C. Retail or commercial sales and service on 10 acres.
- D. Industrial or salvage yards on 100 acres.
- E. Shopping center on 20 acres.
- F. Public use on any acreage.
- G. Parking on any acreage.
- H. Mobile home park on 35 acres.
- I. Historical district on any acreage.
- J. **Deleted**
- K. Governmental facility on any acreage.
- L. Business park on 10 acres.

M. Any combination of A-M above when meeting the respective minimum acreage requirements.

32-600 Continuation of Existing Planned Development (PD) District Ordinances

32-610 Prior to adoption of this ordinance, the City Council established various Planned Development (PD) Districts, some of which are to be continued in full force and effect. The conditions, restrictions, regulations and requirements which apply to the respective Planned Development (PD) Districts shown on the Zoning Map at the date of adoption of this ordinance are carried forth in full force and effect.

SECTION 33

SPECIFIC USE PERMITS

When a use is indicated on the Schedule of Uses, Section 10-200 as permitted in a district only by a Specific Use Permit, it is considered that the use is sufficiently unusual in character as to not properly conform to the respective zoning districts and may need special regulation. The City Council may in accordance with provisions of Section 34 approve a Specific Use Permit for the uses so indicated on the Schedule of Uses, Section 10-200, and as provided in Section, 33-100. A Specific Use Permit shall not alter a zoning district classification except by adding a particular use or uses for a designated period of time, subject to conditions and regulations in addition to those of the base zoning district as the Council may deem necessary, including, as applicable, those set forth in Section 33-500.

33-100 In the course of considering any zoning application, the City Council shall not grant any Specific Use Permit until the Plan Commission has made a recommendation on the advisability of said permit, and has had an opportunity to propose necessary regulations to accompany said permit (see Section 33-500).

33-200 The City Council and Plan Commission in considering any request for a Specific Use Permit shall only approve such request after they have determined that the use or uses allowed will not be detrimental to the neighborhood around the area of request or to the City as a whole. The City Council and Plan Commission may require from the applicant any plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or building. The City Council when establishing a Specific Use Permit, and the Plan Commission when making a recommendation concerning a Specific Use Permit, shall establish conditions and regulations, in addition to those of the base zoning district, necessary to protect the health, safety, morals, and general welfare of the neighborhood and/or the City.

33-300 Prior to the passage of this Ordinance, the City Council established various Specific Use Permits which are to be continued in full force and effect until such time of expiration as may be set forth in each such Ordinance granting the Specific Use Permit. The Specific Use Permits and the conditions and regulations which apply to the respective Specific Use Permits indicated on the Zoning Map at the date of passage of this Ordinance are carried forth in full force and effect.

33-400 Failure to comply with regulations, restrictions, and conditions of a Specific Use Permit or with any provisions of this Ordinance or with County, State, and Federal laws shall constitute adequate reason for revocation of a Specific Use Permit at the sole discretion of the City Council, after public hearing and recommendation of the Plan Commission.

33-500 The various guidelines approved by the City Council, which are not part of this ordinance, shall serve as the guidelines when establishing regulations for Specific Use Permits for the respective uses. The Plan Commission may recommend and the City Council may modify, alter, change, add to, and delete from the guidelines as they find necessary to fit the needs at the location. The conditions and regulations of the base zoning district shall apply in addition to any special conditions or regulations that the Council may impose.

SECTION 33A
ALCOHOLIC BEVERAGES
(5-17-05, Ord. 5899)

33A-100 Regulation of Private Clubs and the Sale and Service of Alcoholic Beverages

The purpose of this section is to provide for the fullest extent of regulation of alcoholic beverages allowed to the voters under the Texas Constitution under the provisions of Sections 109.32, 109.33 and 109.57 or similar provisions of 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 Comprehensive Zoning Ordinance does not include zoning for “bars”, “nightclubs”, “taverns”, or similar establishments. Section 32.03(f) 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.

33A-200 Restaurants Selling or Serving Alcoholic Beverages

An establishment shall not constitute a restaurant under the provisions of the Comprehensive Zoning Ordinance (whether operating as a general restaurant or a drive-through restaurant) unless the establishment derives at least sixty-five (65) 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 section 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 waitperson at tables;

(C) that, if located in a freestanding building, has no less than 3,000 square feet of gross floor area.

33A-300 Sales or Service of Alcoholic Beverages (Other Than Restaurants)

(A) Within the Comprehensive Zoning Ordinance, no zoning category or use is provided, nor shall any such use be implied, for bars, nightclubs, taverns, or similar establishments.

(B) Other than as provided by this section, an establishment may not be located or operate within the City without first obtaining a Specific Use Permit issued by the City Council — even if the Use is otherwise classified as an allowed use - if the establishment derives more than seventy-five percent of its gross revenue from the on-premises sale or service of alcoholic beverages.

(C) A fraternal or veterans organization, as defined by Section 32.11 of the Texas Alcoholic Beverage Code, may operate as provided by the Texas Alcoholic Beverage Code and in accordance with the rules and regulations of the Texas Alcoholic Beverage Commission.

33A-400 Regulation of Distances

(A) An establishment that sells or serves alcoholic beverages may not be located nearer than:

- (1) 300 feet to a church, public school or public hospital;
- (2) 1000 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) 1000 feet from a private school if the City Council receives a request from the governing body of the private school.

§ 38.007 of the Texas Education Code states that, "the board, if a majority of the area of a district is located in a municipality with a population of 900,000 or more, may petition the governing board of an incorporated city or town in which the district is located to adopt a 1,000-foot zone under Section 109.33, Alcoholic Beverage Code."

(B) 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 multistory 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.

(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 (A) (2) and (3) do not apply to the holder of:

- (1) a retail on-premises consumption permit or license if less than 50 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 50 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.

33A-500 Fees

Pursuant to Sec. 11.38 and Sec. 61.36, TEX. ALCOHOLIC BEV. CODE, a fee is hereby 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. (5-17-05, Ord. 5899)

SECTION 34

CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

34-100 Declaration of Policy

The City Council declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- (A) To correct any error in the regulations or map, or
- (B) To recognize changed or changing conditions or circumstances in a particular locality, or
- (C) To recognize changes in technology, the style of living, or manner of doing business.

34-200 Authority to Amend Ordinance

The City Council may from time to time, after receiving a final report hereon by the Plan Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance may be ordered for consideration by the City Council, be initiated by the Plan Commission, or be requested by any owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Plan Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership.

34-300 Procedure

34-310 Public Hearing and Notice

34-311 General Hearings

Prior to making its report to the City Council, the Plan Commission shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within 400 feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication

not less than fifteen (15) days prior thereto in the official newspaper of the City.

34-312 Hearings on Planned Developments or Specific Use Permits

Prior to holding a hearing to grant, change, revise, or modify any Planned Development (PD) District or Specific Use Permit, notice of the hearing shall be sent to all owners of property, or persons rendering the same for taxes, within such Planned Development (PD) District or Specific Use Permit and to the owners within 400 feet of the Planned Development (PD) District or Specific Use Permit in the manner set forth in Section 34-311.

34-313 Failure To Appear

Failure of the applicant or his representative to appear before the Plan Commission for more than one hearing without an approved delay shall constitute sufficient grounds for the Plan Commission to terminate the application.

34-320 Plan Commission Consideration and Report

34-321 The Plan Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Plan Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Plan Commission shall consider the following factors:

34-321.1 whether the uses permitted 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.

34-321.2 whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.

34-321.3 the amount of vacant 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.

34-321.4 the recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

34-321.5 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.

34-321.6 Any other factors which will substantially affect the health, safety, morals, or general welfare.

34-330 City Council Consideration

34-331 Proposal Recommended for Approval

Every proposal which is recommended favorably by the Plan Commission shall be forwarded to the City Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

34-332 Proposal Recommended for Denial

When the Plan Commission determines that a proposal should be denied, it shall so report and recommend to the City Council and notify the applicant. A hearing before the City Council shall be set on an application recommended for denial only when an appeal is filed by the applicant with the City Manager within fifteen (15) days of the date of the recommendation for denial.

34-340 City Council Hearing and Notice

Notice of City Council hearing shall be given by publication one time in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.

34-350 Three-Fourths ($\frac{3}{4}$) Vote

34-351 A favorable vote of three-fourths of all members of the City Council shall be required to approve any change in zoning when written objections are received which comply with the provisions of the state laws commonly referred to as the "twenty (20) percent rule."

34-400 Administrative Standards

Whenever, in the course of administration and enforcement of this ordinance, it is necessary or desirable to make any administrative decision, then unless other standards are in this ordinance provided, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood.

34-500 Fees

All persons, firms, or corporations requesting changes in the Zoning Ordinance through appeal to the City Council and the Plan Commission, necessitating the publication of a notice or an ordinance in a newspaper, shall be required to pay the necessary fees as set forth in other ordinances.

SECTION 35

NONCONFORMING USES AND STRUCTURES

35-100 Purpose

35-110 It is the declared purpose of this ordinance that nonconforming uses and structures be eventually discontinued and the use of and structures on premises be required to conform to the regulations prescribed in this ordinance, having due regard for the amortization of the value of such nonconforming use or structure.

35-120 Any nonconforming use of land or structure shall not be enlarged, changed, altered, or repaired except in conformity with the following regulations.

35-200 Types of Nonconformity

35-210 Any lawful use of land or buildings which does not conform to the use regulations prescribed in this ordinance shall be deemed a nonconforming use, except as provided in Section 5-100.

35-220 Any building or structure on a lot which does not conform to the lot area, or lot dimensions, front yard, side yard, rear yard, coverage, height, floor area ratio, parking, loading, building spacing or other regulations as prescribed in this ordinance shall be deemed a nonconforming building or structure, except as provided in Section 5-100.

35-300 Nonconforming Status

35-310 Nonconforming status under the provisions of this ordinance shall only exist (see Section 5):

35-311 When 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;

35-312 when 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;

35-313 when the use or structure was in conformity with the zoning ordinance then in effect and has continuously existed.

35-400 Nonconforming Uses

35-410 Termination of Nonconforming Uses

35-411 A nonconforming use may be occupied, used, and maintained in good repair, but it shall not be remodeled or enlarged except as provided in Section 36-616.

35-412 The right to operate a nonconforming use shall cease and such use shall be terminated under any of the following circumstances:

35-412.1 Whenever an existing nonconforming use is abandoned all nonconforming rights shall cease and the premises shall be used in conformance with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming use and the actual act of discontinuance of any nonconforming use. Discontinuance for a period of six (6) months shall be deemed abandonment.

35-412.2 Whenever there occurs a violation of any of the provisions of this ordinance or violation of any ordinance of the City of Garland with respect to a nonconforming use, the right to operate such nonconforming use shall terminate immediately upon such violation.

35-412.3 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.

35-412.4 Whenever a nonconforming use is changed to a conforming use under the provisions of this ordinance, those nonconforming rights are terminated.

35-412.5 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 (60) percent or more of the value of the structure, the right to operate such nonconforming use shall terminate, except as may be approved by the Board of Adjustment. (See Section 35-511).

35-412.6 The right to maintain or operate a nonconforming use is terminated by the Board of Adjustment in accordance with the provisions of Section 36 of this ordinance.

35-420 Changing Nonconforming Uses

35-421 Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

35-422 The Board of Adjustment may approve changes as set forth in Sections 36-616 and 36-617.

35-430 Limitations on Changing Nonconforming Uses

35-431 Any nonconforming use shall not be changed to another nonconforming use which requires more off-street parking spaces or off-street loading space than the original nonconforming use unless additional off-street parking and loading space is provided so as to comply with the requirements of Section 12.

35-432 The number of dwelling units in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units existing on the effective date of this ordinance.

35-433 Any nonconforming use shall not be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance, except to provide off-street loading or off-street parking space upon approval of the Board of Adjustment.

35-434 All nonconforming uses being expanded under the provisions of this ordinance shall comply with the other applicable provisions of this ordinance.

35-500 Nonconforming Structures, Zoning

35-510 Termination of Nonconforming Structures

35-511 In the event of damage or destruction of a nonconforming structure to the extent of sixty (60) or more percent of the structure, the nonconforming structure may be rebuilt only after a hearing and favorable action by the Board of Adjustment as provided by Section 36. As to multifamily structures, sixty (60) percent or more of the structure shall mean sixty (60) percent or more of the dwelling units contained within the multifamily complex.

35-520 Limitations in Modifying Nonconforming Structures

35-521 Nonconforming structures shall not be enlarged, remodeled or extended so as to increase the nonconformity with any of the provisions of this ordinance.

35-530 Use of Nonconforming Structures

35-531 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 from the City Manager.

35-532 Where a nonconforming use is located in a structure which is nonconforming, the use may be changed in accordance with the provisions of Section 35-421.

35-600 Nonconformity Due to Changes in Streets

35-601 A structure or use shall not be deemed nonconforming when the cause of the nonconformity is due to the acquisition of right-of-way for a street or alley whether through eminent domain or by a dedication adopted by the City.

SECTION 36

BOARD OF ADJUSTMENT

36-100 There is hereby created a Board of Adjustment which shall be organized, appointed, and shall function as follows:

36-200 Organization of Board of Adjustment

36-210 The Board of Adjustment (Board) shall consist of eight (8) regular members and one (1) alternate member, all of whom shall be appointed by the City Council. Each member shall be a citizen and taxpayer of the City. Each member shall serve for a term of two (2) 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. A newly appointed member shall have such seniority as the time and sequence of the member's appointment provides and the composition of the Board at the time of appointment allows provided that, in general, the most recent appointment to the Board shall be considered the alternate member. The alternate member shall serve in the absence of a regular member or at the direction of the chairperson of the Board. All cases considered by the Board shall be heard by at least six (6) members.

36-300 Operational Procedure

36-310 The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance or State 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 Open Meeting Law. The Chairman, or in the Chair's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

36-320 The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep record of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

36-330 Appeals to the Board can be taken by any person aggrieved, or by an officer, department, or board of the municipality affected by any decision of the Building Official. Such appeal shall be taken within fifteen (15) days time 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 shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken.

36-340 An appeal shall stay 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 shall not be stayed otherwise 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 shall not be stayed.

36-350 No appeal to the Board for the same or a related variance on the same piece of property shall be allowed prior to the expiration of six (6) months from a previous ruling by the Board on any appeal to such body unless other property in the immediate vicinity has within the said six (6) months period been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based, as determined by the Board. Such change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of a six (6) month period, but such conditions shall not have any force in law to compel the Board, after a hearing, to grant a subsequent appeal; such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

36-360 At a public hearing relative to an appeal, any interested party may appear before the Board in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any matter. Any action granting a variance authorizing the issuance of a building permit or Certificate of Occupancy shall be valid only for 180 days unless said building permit or Certificate of Occupancy is secured in the 180 day period, in which event the action shall be permanent. The Board shall have the authority to grant a longer period. If said building permit or Certificate of Occupancy is not secured in the 180 days, or an extended period granted by the Board, the action of the Board shall become void without prejudice to a subsequent appeal and such appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

36-400 Action of the Board of Adjustment

36-410 In exercising its powers, the Board may, in conformity with the provisions of the Statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and make order, requirement, decision or determination in the Board's opinion, as ought to be made and shall have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to insure compliance and protect adjacent property.

36-420 The concurring vote of six (6) members of the Board shall be 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 ordinance or to authorize a variance from the terms of this ordinance. 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 any order, requirement, decision or determination of any administrative official, to decide in favor for an applicant on any matter on which the Board is required to pass under this ordinance, or to authorize a variance from the terms of this ordinance.

36-430 Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

36-500 Notice of Hearing Before Board of Adjustment Required

36-510 The Board shall hold a public hearing on all appeals made to it and written notice of such public hearing shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. Such notice shall be given not less than ten (10) days before the date set for the hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last City tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the City of Garland at least ten (10) days prior to the date set for the hearing, which notice shall state the time and place of such hearing.

36-600 Jurisdiction of Board of Adjustment

36-610 When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use, as follows:

36-611 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 this ordinance.

36-612 To interpret the intent of the Zoning District Map where uncertainty exists because the physical features on the ground vary from those on the Zoning District Map and none of the rules set forth in Section 8 apply.

36-613 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 Section 36-614.

36-614 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 ordinance.

36-615 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 Section 36-614.

36-616 To authorize the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the provisions of Section 35-511.

36-617 To authorize a change of use from one nonconforming use to another nonconforming use provided such change is to a use allowed in the most restrictive zoning district where the original nonconforming use would first be allowed (as a conforming use) or provided that such change is to a use allowed in a district deemed more restrictive by the Board. However, such change of use and occupancy shall not tend to prolong the life of a nonconformity. Provisions of Section 35-430 shall be complied with. The Board may establish a specific period of time for the return of the occupancy to a conforming use.

36-618 To authorize such 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 ordinance would result in an unnecessary hardship, and where such 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 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 ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. No variance may be granted if the granting of said variance will create an unnecessary hardship as herein defined on another parcel of property.

36-618.1 Hardship

In order to make a finding of hardship and to grant a variance, the Board shall find:

1. that the requested variance does not violate the intent of this ordinance or its amendments;
2. that the hardship results from the application of the ordinance to the applicant's property;
3. that the hardship is suffered by the applicant's property directly and not merely by others;
4. that the hardship is not in any way the result of the applicant's own actions; and
5. that the hardship is peculiar to the property of the applicant and not due to general conditions in the neighborhood.

Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

36-619 To authorize special exceptions for antenna masts or towers in accord with the following regulations:

36-619.1 Special Exception

An increase in antenna mast or tower height to a maximum of fifty (50) feet may be approved by the Board of Adjustment provided in the judgment of the Board the mast or tower:

1. is aesthetically compatible with the neighborhood,
2. has no adverse effect on the value of surrounding property, and
3. does not interfere with enjoyment of the surrounding property.

36-619.2 Limitation on Appeals to Board of Adjustment

No variances or special exceptions, affecting antenna masts or towers, other than increasing allowed height to a maximum of fifty (50) feet or reducing setbacks shall be granted by the Board of Adjustment.

36-620 Variances in Lot Area

The Board may grant variances in lot area and development standards in the event a lot is changed by reason of acquisition of land for public purpose by the City or other governmental agency.

36-700 Fees

All persons, firms, or corporations requesting a hearing before the Board, necessitating the publication of a notice or an ordinance in a newspaper, shall be required to pay the necessary fees as set forth in other ordinances.

SECTION 37

SITE PLAN APPROVAL

37-100 Purpose

37-110 Intent

The coordination of improvements to property will improve the traffic safety, maintain property values, and reduce health and safety hazards. Such coordination can best be achieved by the review and approval of site plans. Single family, duplex, and farm and ranch type agricultural uses are deemed not to require site plan approval as set forth in this section.

37-120 Review and Processing

In order to minimize delays and related costs, discussion of a site plan in the developmental stage with the City staff is encouraged and preliminary site plans may be officially submitted for review and approval. A site plan will be submitted for review and presented to a Technical Plan Review Committee (staff personnel) for compliance with this ordinance. Approval of a preliminary plan will constitute approval of a final plan unless the final plan is changed.

37-200 Final Site Plan Approval Required

Prior to the issuance of a building permit, for uses other than single family, duplex, or farm and ranch uses, a final site plan shall be approved by the Technical Plan Review Committee.

37-300 Elements of a Site Plan

A site plan shall be accurately and legibly drawn to scale with dimensions and shall show: point of reference to accurately locate the site; the boundary of the existing property; existing and/or proposed buildings; proposed occupancy; parking layout and drives; means of ingress and egress; loading areas; fire lanes; areas to be landscaped; screening; public and private sidewalks; refuse facilities; lighting facilities; adjoining streets and alleys, including curbs, medians, and storm drains; drainage and utility easements; zoning; size of buildings; computations of building area for each occupancy, site area and parking ratio; and other such information as considered essential by the Technical Plan Review Committee.

37-400 Procedure

In the approval or disapproval of the site plan, the Technical Plan Review Committee shall not be authorized to waive or vary conditions and requirements contained in the Zoning Ordinance, or amendments thereto, or other valid ordinances of the City of Garland.

If a site plan is disapproved, the Technical Plan Review Committee shall give reasons for such action.

37-500 Technical Plan Review Committee

The Technical Plan Review Committee shall be composed of appropriate City staff members as appointed by the City Manager. Representatives from private utilities and the various school districts shall be permitted to participate in the review process.

SECTION 38 DEFINITIONS

INTERPRETATION OF LANGUAGE

All words used in the present tense shall include the future tense; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "structure" includes the word "building," and "dwelling" includes "residence" and "place of habitation;" the word "person" includes "corporation," "co-partnership," "association," and "individual," the word "shall" is mandatory and not discretionary. Terms not herein defined shall have the meaning assigned to them in the Building Code or the Flood Damage Prevention Ordinance of the City of Garland. Terms not defined herein or in the Building Code shall have the meaning customarily assigned to them.

1. Accessory Building

A subordinate building containing more than twenty (20) square feet of area and more than four (4) feet in height which is detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or service not normally found in conjunction with the residential use and not rented as a dwelling unit.

2. Adjacent

Touching, adjoining, contiguous, or abutting.

3. Air Conditioning Service

A facility providing supplies, repair and installation of air conditioning and heating equipment.

4. Aircraft Repairing

A facility for the temporary storage and repair of fixed or rotary wing aircraft.

5. Airport/Heliport

A facility for the landing, taking off, storage and servicing of fixed or rotary wing aircraft.

6. Alley

Any public right-of-way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

7. Alterations

Any change, addition, or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

8. Alternative Financial Establishment (2-3-09, Ord. 6294)

A check cashing business, payday advance or loan business, or a car title loan business. The term does not include a bank or financial institution.

(A) Car Title Loan Business

An establishment that makes small, short term consumer loans that 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 from the customer.

(B) 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.

With respect to a check cashing business, the term does not include: a pawnshop or a grocery store; or a convenience store or similar retail business that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service incidental to its main purpose of business provided the check cashing service does not constitute 50% or more of the trade of that business.

(C) Payday Advance or Loan Business

An establishment that makes small consumer loans, usually 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.

9. Ambulance Service

A privately owned business which provides ambulance service to the public. Any site for such business may contain facilities for the storage of ambulances, office space, and sleeping quarters for those employees who are on call.

10. Analytical Laboratory

A facility for testing and analyzing scientific problems to include but not limited to soil testing, concrete compression testing and similar uses.

11. Animal Clinic

A facility operated by a veterinarian for the purpose of examining and treating household pets permitted by the Health Code to be kept within the City. The keeping of animals overnight is permitted when kept inside the clinic building.

12. Animal Hospital

Facilities operated by a veterinarian for examining and treating animals permitted by the Health Code to be kept within the City including outdoor facilities for caring for the animals while being treated.

13. Animal Kennel or Pound

A facility including outside runs for the short term boarding or keeping of animals permitted by the Health Code to be kept within the City.

14. Antenna

See Antenna, Private.

15. Antenna, Commercial Type 1

An antenna and associated mast or tower or a facility for transmission or reception of voice or data by radio or television of local business communications within a business.

16. Antenna, Commercial Type 2

An antenna and associated mast or tower or a facility for transmission or reception of voice or data by radio or television for all communications other than those defined under Antenna, Commercial Type 1, or Antenna, Private.

17. Antenna Mast

A one element pole with a maximum outside diameter or cross-sectional dimension of three (3) inches; when attached to an antenna tower it shall extend a maximum height of eight (8) feet higher than the antenna tower.

18. Antenna, Private

An antenna or facility for transmission or reception of voice or data of (a) noncommercial communications by radio or television within the noncommercial band of the electromagnetic spectrum or (b) private reception of commercial broadcasting.

19. Antenna Support Structure

A structure, such as a mast, tower or pole, that is placed, erected, or constructed to support one or more antennas for the purpose of engaging in licensed amateur communications. Buildings and associated roof mounted equipment shall not be considered as antenna support structures.

20. Antenna Tower

A structure, other than an antenna mast placed, erected or constructed to support one antenna mast and/or one or more antennas for the purpose of transmitting and/or receiving any portion of the electromagnetic spectrum.

21. Arcade (3-21-00, Ord. 5452)

An establishment in which there are located four or more skill or pleasure machines that may be operated by giving or paying any form of currency, credit or debit cards, or tokens for which a fee has been or will be paid.

22. Assisted Living Facility:

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 that provides personal care services as defined by Chapter 247 of the Texas Administrative Code. Personal care services include assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication; or the general supervision or oversight of a person's physical and mental well-being.

23. Athletic Club/Instruction, Indoor

An area providing exercise or recreational facilities such as game courts, swimming pools or exercise equipment and whose facilities are entirely contained indoors.

24. Athletic Club/Instruction, Outdoor

An area providing exercise or recreational facilities such as game courts, swimming pools, exercise equipment or areas and playing fields, some of which may be located outdoors.

25. Automobile and Motorcycle Sales, Leasing, Service and Repair

A facility for the display, service and retail sale or rental of new or used automobiles or motorcycles. Vehicles that require repair or which can not be legally operated shall not be stored on site for more than fourteen (14) days.

26. Automobile Repair, Major

Major repair, rebuilding, replacement or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under "Automobile Repair, Minor" and other similar uses. All repair work shall be performed inside a structure. Vehicles shall not be stored on site for longer than ninety (90) days.

27. Automobile Repair, Minor

Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts, mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air-conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use. All repair work must be performed inside a structure. Vehicles shall not be stored on site for longer than fourteen (14) days.

28. Automobile Wrecking Yard

A place used for the dismantling, disassembling, crushing or compacting of motor vehicles or trailers, or the storage, sales or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

29. Bait Sales, Live

The storage and sale of bait such as minnows and worms.

30. Bakery, Commercial

A manufacturing facility for the production and distribution of baked goods and confectioneries.

31. Bank or Financial Institution

Bank or Financial Institution means 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.

32. Basement

See Building Code.

33. Batching Plant

An asphalt or concrete batching plant which has fixed features with foundations for the plants, conveyor belts (usually), office buildings of permanent nature, fixed storage, as well as other amenities; permanent plants generally sell the products on contract or by the truck load.

34. Batching Plant, Temporary

A concrete or asphalt batching plant constructed for the purpose of providing concrete or asphalt for a single construction project and intended to be removed following the completion of that project.

35. Battery Repairing and Rebuilding

A facility for the service, repair or rebuilding of batteries.

36. Bingo Hall

A facility that is primarily used for commercial bingo operations as defined under Texas law. This does not include facilities primarily used fifty (50) percent or more) by nonprofit organizations for fund raising or other charitable purposes.

37. Board

The Board of Adjustment.

38. Boarding/Rooming House

A residence structure other than a hotel where lodging and/or meals for four (4) or more persons is provided for compensation or other consideration.

39. Boarding School

An educational institution that has a curriculum for elementary or secondary education and that contains facilities for lodging and meals for students.

40. Bottling Plant

A facility for the mixing, bottling, storing and distribution of soft drinks, mineral water or similar products.

41. Building

Any structure having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind.

42. Building Line

The line parallel or approximately parallel to a lot line, marking the required minimum setback from a lot line at which a building may be erected.

43. Building Materials

The indoor or outdoor storing and retailing or wholesaling of various types of building materials, such as lumber, bricks, paint, roofing, electrical, plumbing, concrete, doors, windows, siding, and other such materials used in the building construction industry.

44. Building Official

The officer or other designated authority charged with the administration and enforcement of this Ordinance.

45. Bus Terminal Building

Any premises for the transient storage or parking of motor driven buses and the loading or unloading of passengers.

46. Care of Alcoholics, Drug Dependents, or Psychiatric, Patients, In-Home

Permanent care and supervision of patients in a single family residential setting. Not more than six (6) such patients shall reside on the premises at any one time. Facilities for a family caring for the patients may be provided.

47. Care of Alcoholics, Drug Dependents, or Psychiatric, Patients, Institutionalized

An institutionalized-type facility for the care of the listed patients.

48. Care of Alcoholics, Drug Dependents, or Psychiatric, Patients, Residential

A facility to provide residential lodging and food service to the listed types of patients while in transition from an institution to a normal life style or for those patients who need temporary assistance.

49. Carpet or Rug Cleaning and Repair

A facility for the commercial cleaning or repairing of household or commercial grade carpets or rugs.

50. Carport

An unenclosed structure open on two or more sides for one (1) or more vehicles.

51. Car Title Loan Business

See "Alternative Financial Establishment."

52. Car Wash

A structure used to wash motorcycles, automobiles and other light load vehicles.

53. Centerline, Street or Alley

A line midway between the bounding right-of-way lines of a street or alley.

54. Charitable Boarding (Temporary)

Facilities for providing overnight sleeping accommodations and/or food facilities for poor and indigent people such as provided by Salvation Army missions.

55. Charter School (12-5-00, Ord 5516)

A school that is operated under a charter granted under Subchapter D of Chapter 12 of the Texas Education Code.

56. Check Cashing Business (2-3-09, Ord. 6294)

See "Alternative Financial Establishment."

57. Child/Children

A person or persons under the age of 21 and living with a parent or guardian.

58. Church

An institution that people regularly attend to participate in or hold religious services.

59. City

The City of Garland.

60. City Manager

The chief executive officer and administrative head of the City government. The City Manager may designate persons who are under direction to act in his behalf as he deems appropriate.

61. Civic Club/Fraternal Lodge

A regular meeting place accommodating ten (10) or more members of a non profit membership organization engaged in civic, social and fraternal activities.

62. College or University

An institution established for educational purposes offering courses for study beyond the secondary education level, but excluding trade and commercial schools.

63. Commercial Amusement, Indoor

A facility that offers entertainment or games of skill to the general public for a fee and that is wholly enclosed within a building.

64. Commercial Amusement, Outdoor

A facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside. This definition shall also include a skateboard ramp and related activities.

65. Commercial and Industrial Equipment

A facility for the repair and service of heavy equipment used in commercial or industrial operations.

66. Commercial School

A private business offering, on a regular basis, instruction or training, in a trade, craft, skill, activity, and/or profession, exclusive of other listed schools examples of commercial schools include: auto and truck repairing, welding, building construction and repairing, truck driving, bartending, secretarial training, electronics assembling and repairing, computer programming and maintenance, medical training, legal training, artistic and design training, personal grooming, modeling and private schools specializing in such things as speech, hearing, sight or reading therapy; teaching or training of retarded, handicapped or blind persons.

A commercial school shall be considered as a permitted use in any district in which that same trade, craft, skill, activity, and/or profession is permitted as a business or other non-school use.

67. Compelling Communications Need

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.

68. Contractor Equipment and Storage

A building, part of a building or land area for the storage of materials, tools, products and vehicles used in the conduct of a construction business and plumbing, electrical, welding, etc.

69. Convenience Store

An establishment designed, intended, adapted or used primarily to provide for consumer shopping of a brief duration, characterized by a limited product mix (generally emphasizing prepared and snack foods, beverages, tobacco products or gasoline/motor vehicle fuel), close-in parking, and limited retail space of under 5,000 square feet.

70. Convention Facility

A building or complex of buildings that house cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a government agency.

71. Convent or Monastery

The living quarters for a religious order or for the congregation of persons under religious vows.

72. 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 all covered porches, patios, garages, accessory buildings, etc. Unsupported roof overhangs and other allowed architectural projections shall be excluded from coverage computation.

73. Country Club

Land area and buildings which may include a golf course, club house, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

74. Custodial Quarters

Living quarters provided for the on site dwelling of a security guard within a retail, commercial or industrial facility.

75. Custom Furniture Manufacturing

A facility for the manufacture or repair of furniture on a single item basis.

76. Day Camp

A land area which may include buildings or outside areas for activities such as arts, crafts, games, exercise or sports.

77. Density

The ratio of the number of dwelling units per net acre of platted area being developed. Net acre shall be defined as the acreage of a site less any existing or proposed rights-of-way, or flood plain that is not either reclaimed or substantially improved as open space and incorporated into the project.

78. Detention Center

Living facilities for juveniles being detained or held under governmental jurisdiction.

79. District

See "Zoning District."

80. Drive-In Movie Theater

An area containing a movie screen, concession stand and vehicle parking spaces for the purpose of viewing motion pictures from parked vehicles.

81. Drug Store/Pharmacy

A facility for the preparing, preserving, compounding and the retail sale of drugs, medicines and related items.

82. Dry Cleaner

A facility for laundering or dry cleaning garments and similar items not on a bulk basis.

83. Duplex

A structure containing two dwelling units.

84. Dwelling Unit

A building, or a portion thereof, designed or used for occupancy by one family for residential purposes and having not more than one cooking facility, but not including hotels and motels, travel trailers, tents, and other such temporary residences.

85. Electric Generating Plant

A facility that generates electricity from mechanical power produced by gas, coal or steam.

86. Electric Substation

A facility for transforming electricity for distribution to individual customers.

87. Equipment Leasing, Indoor

A facility for renting tools and equipment with no outside storage or display.

88. Equipment Leasing, Outdoor

A facility for renting tools and equipment with outside storage and display permitted.

89. Erected

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction.

90. Exterior Corridor

A hallway or other pedestrian access way for a building, which is not fully enclosed and is open to the elements.

91. Family

Any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage, or adoption.

92. Farms, Ranches and Orchards

An area of two (2) acres or more which is used for growing of farm products such as vegetables, fruits, trees and grain and for the raising thereon of the farm animals such as horses, poultry, cattle and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals.

93. Firewood Bulk Sales

Any site which contains one cord or more of firewood which is offered for sale in any quantity.

94. Flea Market, Indoor

A site where space inside a building is rented to vendors for the sale of merchandise such as new and used household goods, personal effects, tools, art work and similar items in small quantities. Individual vendors shall not be required to obtain a Certificate of Occupancy for the space they are renting.

95. Flea Market, Outdoor

A site where space outside a building is rented to vendors for the sale of merchandise such as new and used household goods, personal effects, tools, art work and similar items in small quantities.

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96. Flood Plain

See the Flood Damage Prevention Ordinance.

97. Floodway

See the Flood Damage Prevention Ordinance.

98. Floodway Fringe

See the Flood Damage Prevention Ordinance.

99. Floor Area

Total gross area on all floors as measured to the outside surfaces of exterior walls or to the centerline of common walls separating two buildings, excluding crawl spaces, breezeways, attics without floors, and open porches, balconies, and terraces. In computing floor area in residential districts, garages and carports shall be excluded.

100. Floor Area Ratio

An indicated ratio between the number of square feet of total floor area of building(s) on a lot and the total square footage of land in the lot.

101. Florist

An establishment for the display and retail sale of flowers, small plants and accessories.

102. Foster Home

Temporary care of more than four (4) children who are unrelated to the foster parent.

103. Fraternal Lodge and Civic Club

Regular meeting place accommodating ten (10) or more members of a non- profit membership organization engaged in civic, social, and fraternal activities.

104. Frontage

All the property, measured along the property line abutting on one side of the street upon which such property is addressed.

105. Furniture and Appliance Sales

Retail stores selling goods used for furnishing the home including, but not limited to furniture, floor coverings and household electrical or gas appliances.

106. Furniture and Upholstery Cleaning and Repair/ Reupholstering

An establishment with facilities for the commercial cleaning or repair of furniture, including reupholstering, and including the storage of materials and supplies necessary for the conduct of said business.

107. Garage, Private

An accessory building or a portion of a main building for storage of motor vehicles or parking as may be required in connection with the permitted use of the main building.

108. Go Cart Track

A facility for the driving of motorized vehicles less than ten (10) feet in length (except motorcycles), including closed course, straightaway or acceleration runs.

109. Golf Course

An area of twenty (20) or more acres improved with trees, greens, fairways, hazards and which may include a clubhouse or pro shop.

110. Grade, Average

A ground elevation established for the purpose of regulating height and number of stories, determined by averaging ground elevations at corners, ends, or turning points of the structure in question. Average grade for a building shall be determined by averaging the elevation of the ground at each corner of the building. Other average grade determinations shall be made by the Building Official.

111. Grain Elevator

A facility for the temporary storage of large quantities of agricultural grain.

112. Greenhouse, Commercial

A facility for the growing and distribution of plant materials.

113. Grocery/Supermarket

An establishment for the display, preparation and retail sale of foods and associated items.

114. Gross Floor Area

See Floor Area.

115. Guard and Patrol Service

Facilities for storing and maintaining equipment used by private security, guard, or patrol services including motor vehicles and firearms as well as office and dispatching facilities for said service.

116. Guest House

A secondary structure on a lot which contains dwelling accommodations for the temporary occupancy by guests, relatives, servants, or caretakers and is not for rent.

117. Halfway House

A residential facility providing shelter, supervision and residential rehabilitative services for persons who have been inmates of any county, state or federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society.

118. Heavy Industrial Use

Heavy industrial manufacturing, processing, assembling, researching, and developing, packaging, shipping, storing, servicing, or other such activities which are not prohibited by law and do not meet standards set forth in the definition of Light Industrial uses and high risk uses.

119. Height

See Building Code.

120. Helipad

A landing pad for the occasional and infrequent use by rotary wing aircraft.

121. High Risk Uses

Any use which is determined to be of special health or safety hazard due to excessive and/or toxic fumes, smoke, gas, or dust; odors; noise; vibration; or danger from fire, explosion or radiation and involves materials meeting the "degree of hazard--4" criteria of the Uniform Fire Code in quantities deemed to be hazardous by the City Manager.

122. Home Improvement Center

The indoor retail sale and storage of building materials for home improvements, repairs, or maintenance. Plants materials shall not be required to be indoors.

123. Home Instruction

The teaching in the home of such activities as piano, voice, swimming, hobbies, and crafts and paintings when such uses are secondary to the use of the structure. Such activities should not involve the use of equipment not normally found in the home and shall not be advertised by a sign on the property. There shall not be more than four (4) individuals receiving instruction at one time.

124. Home Occupation

An occupation customarily carried on in the home by a member of the occupant's family without the employment of additional persons, without the use of a sign to advertise the occupation, without offering a commodity for sale on the premises, without the use of materials and equipment not usually found in a home and does not create obnoxious conditions to abutting or neighboring property such as noise, odor, increased traffic, light, or smoke.

(A) This includes parking, stopping to load or unload anything, and stopping to pick up or drop off passengers. Not more than one vehicle shall be parked at the premises at any one time.

(B) There is no outside storage of anything connected with the business, except one vehicle used in connection with the business. Such vehicle may be no larger than a passenger van or pickup truck.

(C) The business is conducted indoors.

(D) The business is operated by a person residing in the home.

125. Hospital

An institution licensed by the state as a hospital where patients are given medical treatment.

126. Hotel/Motel (10-6-98, Ord. 5213)

A building for the overnight or temporary lodging of travelers for compensation. A hotel/motel may be either a full-service hotel/motel, a limited service hotel/motel, or a bed and breakfast accommodation, each as more particularly described in Article IV of Chapter 34, "Zoning," of the Code of Ordinances.

127. Independent Senior Living Facility

A facility containing dwelling units, accessory uses and support services specifically designed for occupancy by persons sixty (60) years of age or older. Such facilities may include accommodations for persons who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for persons who require only limited or intermittent medical or personal assistance.

128. Janitorial Service

A facility providing the storage of equipment or supplies used for janitorial work and the administrative offices for the offering of such services.

129. Junk

Manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; and all other used products subject to being dismantled or recycled.

130. Kindergarten, Pre-School, or Child Care Center (Private)

A facility which provides care or training during the day for compensation for five (5) or more children.

131. Landscape Nursery

An establishment for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

132. Laundromat

A facility for self-service laundering of garments and similar items not on a bulk basis.

133. Laundry or Cleaners, Commercial

A facility for laundering or dry cleaning garments or similar items on a bulk basis and received from businesses or laundry and cleaners as well as individuals.

134. Library

An establishment for the loan or display of books, or objects of art.

135. Licensed Amateur Communications

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.

136. Light Industrial Use

An establishment engaged in limited and light assembly or manufacturing of finished products or parts, predominately from previously prepared materials including the fabrication, manufacture, assembly, storing and packaging of such products or parts. A light industrial use does not include basic industrial processing from raw materials. A use may not be classified as light industrial if the use emits dust, odor, smoke, gas, fumes or vibrations beyond the property boundary of the use or if the use produces noise above the ambient noise level of the surrounding area or in violation of other law or ordinance.

137. Livestock Auction

Barns, pens and sheds for the temporary holding and sale of livestock.

138. Loading Space

An off-street space on the same lot or on a contiguous lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

139. Lot

See Lot of Record.

140. Lot Area

The net area of a lot exclusive of any portion of streets, alleys, or right-of-way.

141. Lot, Corner

A lot abutting upon two (2) or more streets at their intersection.

142. Lot Coverage

The percent of a lot or tract covered by the largest floor of a building or structure, including all covered porches, patios, garages, accessory buildings, etc. Unsupported roof overhangs and other allowed architectural projections shall be excluded from coverage computation.

143. Lot Depth

The average horizontal distance between the front and rear lot lines.

144. Lot, Double Frontage

A residential lot other than a corner lot abutting more than one (1) street and having access to more than one (1) street.

145. Lot, Interior

Any lot other than a corner lot.

146. Lot Lines

The lines bounding a lot as defined herein:

147. Front Lot Line

That lot line adjacent to street right-of-way. In the case of a corner lot, only one lot line shall be designated as the front lot line.

148. Rear Lot Line

That lot line opposite the front lot line of said lot not intersecting with the front lot line.

149. Side Lot Line

Any lot line which intersects a front lot line of said lot.

150. Lot of Record

A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Clerk of the encompassing county.

151. Lot Width

The straight-line distance between the side lot lines, measured at the two (2) points where the front building line intersects the side lot lines.

152. Main Building

A building or buildings in which the primary use of the lot upon which it is situated is conducted.

153. Marina

A facility for the docking, wet storage, refueling and servicing of boats and other uses as may be specified in the ordinance granting the Planned Development under which a marina is permitted.

154. Massage Therapy/Physical Therapy

An establishment that provides massage or other physical therapy regulated and licensed by State law.

155. Meat and Game Processing

The skinning, preparation and packaging of livestock and game animals for non commercial use.

156. Medical and Surgical Appliances

The retail sales or leasing of medical related apparatus such as wheelchairs, beds, artificial limbs and similar items.

157. Medical 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.

158. Medical Office/Clinic

Offices for examining, consulting, and limited treatment of people with physical or mental ailments, including necessary accessory facilities, but excluding patient stays for a period in excess of 24 hours.

159. Mining

The process by which metallic ores, coal, precious stones, salt or other minerals are extracted from the earth.

160. Mobile Home

A structure designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached for movement upon a highway.

161. Mortuary/Funeral Home

A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

162. Motor Freight Terminal

Any premises where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. This definition shall also include facilities for the temporary storage of loads and cargo prior to shipment.

163. Motor Vehicle

Any vehicle which is propelled by mechanical power such as automobiles, trucks, motorcycles, or buses designed to carry one or more persons.

164. Motor Vehicle Race Track

A facility for the racing of motorized vehicles of any size including close course, straightaway and acceleration runs.

165. Movie Theater/Theater

A building or part of a building devoted to the showing of motion pictures or for dramatic, musical or live performance.

166. Multifamily

A structure containing three (3) or more dwelling units which are not located on individually platted lots.

167. Museum or Art Gallery

An institution for the collection, display and distribution of objects or art or science whose facilities are open to the general public.

168. Neighborhood Assistance Center

A group of offices designed to serve a neighborhood by offering facilities whereby residents can obtain information relating to various social and civic organizations which may provide services to them. Such services could include a referral service, transportation for the elderly, and coordination of other such services for low-income, handicapped, and elderly families.

169. Nursing Home/Convalescent Center

A facility that provides lodging and skilled nursing care for the elderly, disabled, chronically ill or convalescent patients.

170. Occupancy

The purpose for which a building, or part thereof, is used or intended to be used.

171. Office Equipment Sale, Repair and Maintenance

A facility for the sale, repair or maintenance of common office equipment such as typewriters, calculators, etc.

172. Office, General

A room or group of rooms used for the provision of professional, executive, management or administrative services.

173. Optical Dispensary

A facility for the production display, and sale of personal optical devices such as eyeglasses, contact lenses and related items.

174. Orphanage

An institution for the lodging and boarding of orphans.

175. Parking Garage or Lot, Commercial

An area or structure designed specifically for the temporary storage or parking of motor vehicles for a fee.

176. Parking Space

An area of definite length and width as specified in the City's Traffic Management Standards and Engineering Paving Specifications; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

177. Pawnshop

An establishment where money is loaned on the security of personal property and the sale of unclaimed items.

178. Payday Advance or Loan Business (2-3-09, Ord. 6294)

See "Alternative Financial Establishment."

179. Pest Control

A facility for the storage of equipment and supplies necessary for an exterminating service and including the administrative offices for the operation of said business.

180. Pet Sales and Grooming

A retail establishment offering small animals for sale where all such creatures are housed within the building, including the grooming of small animals and the sale of associated supplies.

181. Petroleum Products Wholesale

An establishment for the wholesale distribution of petroleum products.

182. Plat

A plan illustrating a subdivision of land creating building lots or tracts showing all dimensions and other information essential to comply with the subdivision standards of the City of Garland, which has been filed in the plat records of the encompassing county and is therefore a Plat of Record.

183. Portable Building Sales or Leasing

An establishment which displays and sells or rents structures which can be carried or transported to another location, not including mobile homes.

184. Premises

Land together with any buildings or structures occupying it.

185. Printer, Large Scale

An establishment which reproduces in printed form orders from a business, profession, service, industry or government organization and containing more than 2,500 square feet.

186. Printer, Small Scale

An establishment which reproduces in printed form individual orders from a business, profession, service industry or government organization and containing 2,500 square feet or less.

187. Private Beverage Club

An establishment providing alcoholic beverage service to an association of persons and falling within the definition of that portion of the Alcoholic Beverage Code of the State of Texas as it pertains to the operation of private clubs.

188. Produce Stand, Outdoor

A facility for the outside display and sale of farm products such as fruits and vegetables.

189. Property Line

Same as "Lot Line."

190. Public Water Reservoir or Well

An area of impounded surface water or a facility for the drawing of subterranean water to the surface.

191. Railroad Freight Terminal

An establishment or facility which is designed for the storage and handling of goods and cargo which are transported by railroad. The outside storage of railroad cars, engines, or other railroad equipment shall be prohibited.

192. Railroad Yard

Any place or premises for the loading and unloading of materials on trains, including freight terminals, freight docks, freight depots and railroad equipment storage yards.

193. Radio, Television Recording Studio

A facility for the production and transmission of commercial programming by radio or television within the commercial band of the electromagnetic spectrum or containing the facilities and equipment necessary for the production of records, audio tapes, video tapes or video cassette tapes.

194. Reception Facility (1-18-05, Ord. 5873)

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.

195. Recreational Vehicle Park

An area designed for the overnight or temporary parking of vehicular, portable structures built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses.

196. Recycling Center

A facility that is not a salvage yard and in which recoverable resources such as newspapers, glassware and metal products are collected, stored, flattened, crushed or bundled.

197. Repair and Service Shop

An establishment which provides the repair or service of household appliances or equipment.

198. Residential Districts

Includes the following districts: Single Family (SF-16), Single Family (SF-10), Single Family (SF-7), Duplex (D), Multifamily (MF-12), Multifamily (MF-18), and portions of any Planned Development (PD) which permits residential occupancy.

199. Restaurant (10-19-04, Ord. 5856)

An establishment at which food and beverages are prepared primarily for service on the premises. A take-out window is permitted for the restaurants with call-ahead ordering service.

200. Restaurant, Drive-Through (10-19-04, Ord. 5856)

An establishment at which food and beverages are prepared for service directly to persons in vehicles, but may include curbside service and indoor seating areas.

201. Retail Sales with Gas Pumps (5-17-05, Ord. 5899)

An establishment engaged in the retail sale of gasoline/motor vehicle fuel as a secondary use to another, primary retail use including a grocery store, a convenience store, a restaurant, and a drive through restaurant.

202. Retail Sales and Personal Service

An establishment engaged in the selling of merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods or these businesses which provide services customized for individuals such as a tailor, barber or beauty shop or photographic studio.

203. Riding Academy or Stables, Commercial

A facility for horses which are let, hired, used or boarded on a commercial basis and for compensation.

204. Rodeo

A facility for public performances of rodeo events including but not limited to bronco riding, calf roping, steer wrestling and bull riding.

205. Salvage Yard

A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled or offered for sale in the open as whole units, as salvaged parts or as processed metal.

206. Sanitary Landfill

A facility for the collection, handling, storage and disposal of solid waste in accordance with Texas Department of Health regulations.

207. Schools, Public and Private

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools and high schools.

208. Secondary Use

A use subordinate to the main use on a lot, but not necessarily incidental or related to the main use.

209. Self Storage Units

An enclosed structure divided into individual or spaces intended for storage of goods, products or equipment. Custodial quarters are permitted as a secondary use within a self-storage unit development.

210. Septic Tank Service

A facility for the storage of equipment and supplies necessary for a business providing for repair and cleaning of private septic tanks or portable facilities and the administrative offices for said business.

211. Setback

The required minimum distance between any structure and any property line of the lot on which it is located. Setbacks shall be measured perpendicular to lot lines. The terms "setback" and "required yard" shall mean the same and can be interchanged.

212. Sewage Treatment Plant

A facility for receiving and treating sewage from the public sanitary sewer system.

213. Sexually Oriented Business (5-4-04, Ord. 5821)

Any use contained within the meaning of "sexually oriented business" as provided by Sec. 226.91 of the Code of Ordinances of the City of Garland , Texas.

214. Shooting Range, Indoor

A building housing facilities for practicing the discharge of firearms.

215. Shooting Range, Outdoor

A facility for practicing the discharge of firearms including outdoor facilities.

216. Shore Line

The normal edge of the body of water under average conditions of rainfall.

217. Single Family, Attached

A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling attached by a common wall in which each dwelling is located on a separate platted lot.

218. Single Family, Detached

A structure containing one dwelling unit to be occupied by not more than one family.

219. Site

That area of land, upon which a structure is placed, utilized in meeting requirements of this Ordinance. No portion of land, when once used as a site area for a structure, may be used as a site for another structure.

220. Slaughterhouse/Feed Yard

A facility for the storage and butchering of animals or poultry.

221. Stadium, Arena, Athletic Field

An athletic field or stadium owned and operated by a public agency for the general public.

222. Storage, Indoor

Storage of items which are completely enclosed in a building.

223. Storage, Outdoor

Storage of items which are not completely enclosed in a building and not moved indoors on a daily basis.

224. Story

See Building Code.

225. Street

A public or private thoroughfare right-of-way which affords the principle means of access to abutting property. The term "street" shall include avenue, drive, circle, road, boulevard, highway or any other similar term.

226. Street, Private

A street which has no publicly dedicated right-of-way.

227. Structure

See Building Code.

228. Take Line

The property line or easement line around a body of water which delineates the boundary of land acquired by a public entity, as recorded in the records of the County Clerk.

229. Tattooing/Body Piercing Establishment (11-7-00, Ord. 5511)

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. Body piercing is the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

230. Taxidermist

A facility for preparing, stuffing, and mounting the skins of animals, birds and fish.

231. Tire Dealer, No Outside Storage

A facility for the display and sale of automobile or truck tires including facilities for the mounting, balancing and repair of tires but with no outdoor storage of parts, equipment or inventory.

232. Tire Dealer, Outside Storage

A facility for the display and sale of automobile or truck tires including facilities for the mounting, balancing and repair of tires and including outdoor storage.

233. Toxic and Noxious Matter

Any solid, liquid, or gaseous material which is capable of endangering the health, safety, comfort or economic well-being of persons in the vicinity or which may cause injury or damage to property as defined by the Uniform Fire Code and/or the Environmental Protection Agency.

234. Transit Station

Passenger terminal or loading facilities for a privately or publicly owned transit system.

235. Truck or Bus Storage, Commercial

An area for the temporary parking of vehicles having a Manufacturer's Recommended Gross Vehicle Weight of greater than 11,000 pounds.

236. Truck or Bus Washing

A facility for the washing of vehicles having a Manufacturer's Recommended Gross Vehicle Weight of greater than 11,000 pounds.

237. Truck Stop

An establishment designed, equipped, intended, adapted or used primarily for the parking, storage, fueling or repair of other than passenger motor vehicles. The use may include the retail sale of convenience food items, a fast food/take out restaurant, truck weighing scales, truck washes, showers, laundry facilities and personal services such as barber shops.

238. Two family

A structure containing two dwelling units.

239. Uniform Supply Service

An establishment which provides for the pick-up, delivery, sale or leasing of uniforms to individuals or businesses.

240. Use

The purpose for which land or a building is or may be occupied.

241. Used Goods or Products Collection Point, Temporary

Temporary storage of used goods or products such as aluminum cans, newspapers, or a Goodwill or Salvation Army type collection box. See Section 10-305 for special regulations.

242. Variance

A modification of the literal provisions of the Zoning Ordinance granted by the Board of Adjustment when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

243. Vehicle Pound

An area for the temporary storage and parking of wrecked or impounded vehicles.

244. Vehicle Sales, Leasing and Repair

A facility for the display, service and retail sale or rental of new or used vehicles other than automobiles or motorcycles.

245. Veterinary Hospital

Facilities for examining and treating any animals including outdoor facilities for caring for the animals and allowing the keeping of animals overnight.

246. Warehousing, General

The storage in an enclosed building of materials and goods including all office, distribution and sales space. This definition does not include motor freight terminals or railroad freight terminals.

247. Water Treatment Plant

A facility for storing, purifying, supplying and distributing city water which may include a system of reservoirs, channels, mains and purifying equipment.

248. Wholesaling, General

The sale of commodities for the purpose of resale, as to retailers rather than directly to consumers.

249. Wind Generator

A device which generates electrical power through converting wind action into energy.

250. Wrecker Service (one)

Operating one wrecker designed to transport automobiles and other vehicles only when said operation is secondary to main use of motor vehicle service, repair and/or sales.

251. Wrecker Service

A primary use operating a wrecker or wreckers designed to transport all types of vehicles.

252. Yard, Required

See "Setback."

253. Yard, Required Front

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

254. Yard, Required Rear

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building.

255. Yard, Required Side

An open space extending from the required front yard to the required rear yard, the width of which is the minimum horizontal distance between the side lot line and the side building line.

256. Zoning District

A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

257. Zoning Map

The Official Zoning Map of the City of Garland together with all amendments thereto.

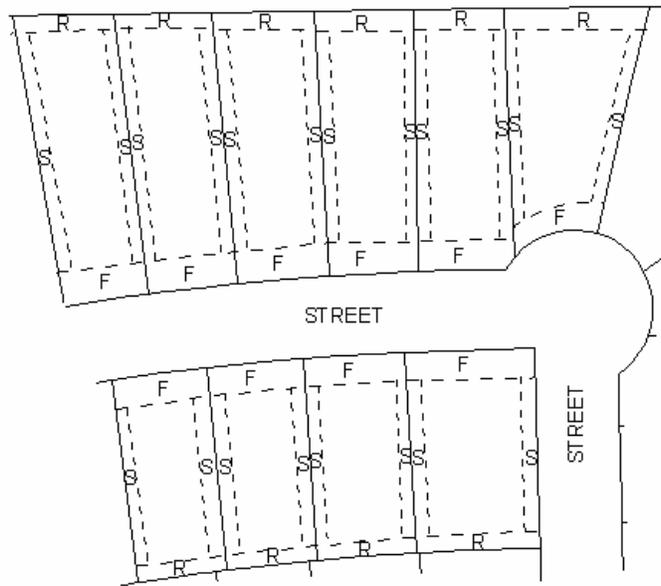
258. Zoo

A facility consisting of a zoological garden or a collection of animals for display to the public.

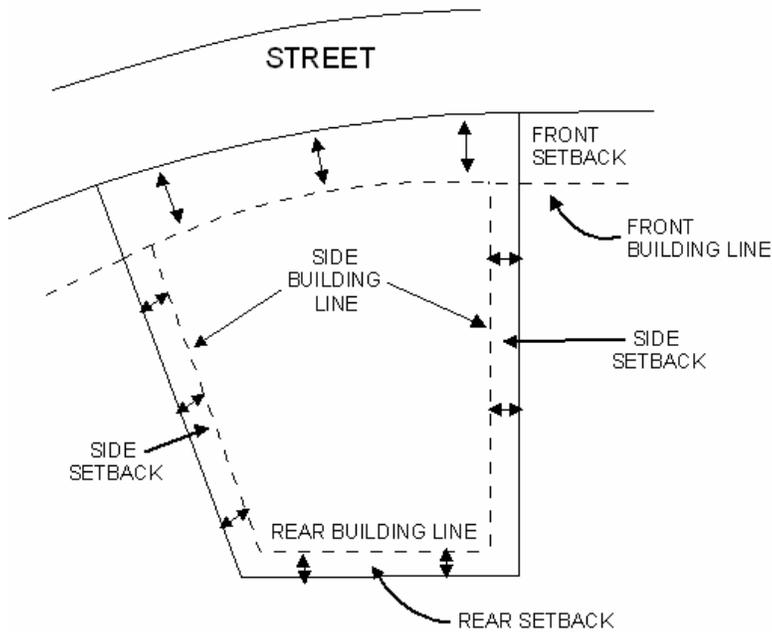
FIGURE 38-1

ILLUSTRATION OF REQUIRED YARDS (SETBACKS)

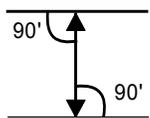
A



F- front yard
S- side yard
R- rear yard
----- building lines



B



**Direction of
Measurement**

FIGURE 38-2
ILLUSTRATIONS OF MEASURING LOT DEPTH

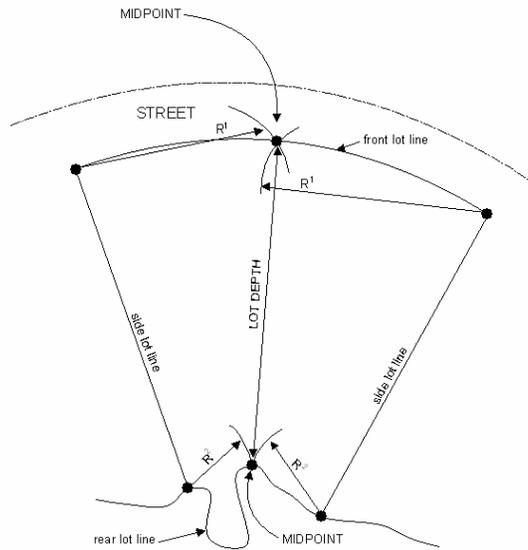
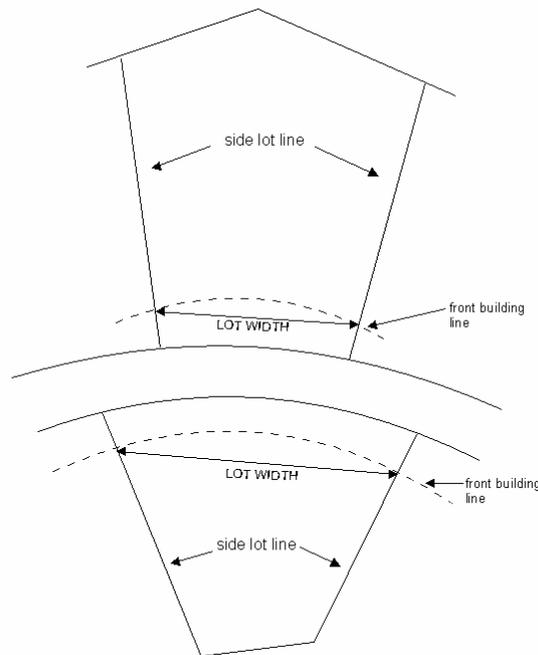


FIGURE 38-3
ILLUSTRATIONS OF MEASURING LOT WIDTH



SECTION 39

CERTIFICATE OF OCCUPANCY

39-100 No building or portion thereof except those used for single family or duplex residences hereafter erected, converted, maintained or altered shall be used, occupied, maintained or changed in use and no land may be used or changed in use until a Certificate of Occupancy shall have been issued by the Building Official stating that the building or portion thereof or the proposed use of land or building complies with the provisions of this ordinance and other building laws of the City. Failure to comply with the provisions of this ordinance and other building laws shall constitute a basis to deny or disconnect City utilities or to require private utility companies to do likewise.

39-200 A record of all Certificates of Occupancy shall be maintained on file in City Hall and copies shall be furnished for a fee on written request to any person having a proprietary or tenancy interest in the building or land affected.

SECTION 40

COMPLETION OF CONSTRUCTION

40-100 Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction within the City of Garland on the effective date of this ordinance provided that the entire building shall be completed within one (1) year from the effective date of this ordinance or the building shall be under continuous construction even though not completed within one (1) year. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued while such permit is valid and provided the building shall have been started within six (6) months of the date of issuance of the permit such that the entire building shall be completed within one (1) year from the effective date of this ordinance or the building shall be under continuous construction even though not completed within one (1) year.

SECTION 41

PENALTY FOR VIOLATION

41-100 Any person, association or corporation who shall violate any provision of this Chapter, or who shall fail to comply with any provision hereof, including the owner or manager of any property which violates or fails to comply with this Chapter, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided in Section 10.05 of this Code, and each day that such violation continues shall constitute a separate offense and shall be punished accordingly.

SECTION 42

VALIDITY

42-100 If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provisions thereof other than the part so decided to be invalid or unconstitutional.

SECTION 43

INTERPRETATIONS AND CONFLICTS

43-100 This Zoning Ordinance shall be construed liberally to effect the purposes thereof and the rules of this section shall be observed except when the context clearly requires otherwise:

1. Words used or defined in one tense or form shall include other tenses or derivative forms.
2. Words in the singular shall include the plural and words in the plural shall include the singular.
3. The masculine gender shall include the feminine and the feminine shall include the masculine.
4. The words "shall" or "will" are mandatory.
5. The word "may" is permissive.
6. In the event of a conflict between the text of this Zoning Ordinance and any caption, illustration, table, or map, the text shall control.

SECTION 45

EFFECTIVE DATE

45-100 This Ordinance shall become effective on April 1, 1993 subject to the following:

(A) Pending applications for change or amendments of any zoning district made under the prior ordinance shall be processed, and if the City Council is of the opinion that a zoning change is justified and should be made, then such change or amendment shall be classified and placed into the proper district where such use and occupancy is permitted as contained in this Ordinance.

(B) In the event that an application for a certificate of occupancy or an application for a building permit accompanied by construction drawings is properly submitted prior to April 1, 1993, said application shall be processed under either this ordinance or under Ordinance No. 3237 as amended at the applicant's discretion.

SECTION 46

ORDINANCE NO. 5228

SH 190 OVERLAY DISTRICT

A ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 4647, AS AMENDED RELATING TO THE ESTABLISHMENT OF AN OVERLAY DISTRICT FOR THE SH 190 CORRIDOR; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas, as amended, is hereby amended by adding a new section, Section 46, which shall read as follows:

SECTION 46

SH 190 OVERLAY DISTRICT

46-100 Overlay District Within the SH 190 overlay district, as designated on the official zoning map of the City and as described in Exhibit A, the following additional or supplemental regulations shall apply. Except as specifically provided in this section, the inclusion of an area within an overlay district governed by the provisions of this section shall 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. A planned development ordinance may further limit the uses allowed within the planned development district, but it may not add additional uses to those allowed by this section. If the base district of a planned development district located within the overlay district is not specified by the planned development ordinance, the Planning Director shall determine the base zoning for that planned development district based upon the straight zoning district most like the planned development district under consideration.

46-200 Rezoning within the Overlay District A property within the overlay district may be rezoned without affecting the overlay district provided that the overlay district shall continue to govern the allowable land uses for every property in the overlay district. If a use is desired that is not otherwise permitted under this section, then the use may be allowed by including a new zoning district land use chart to this section, or by adding that use to one of the existing zoning district land use charts set forth below.

46-300 Amendments to the Overlay District The overlay district established by this section may be amended to modify the existing land uses within a zoning district, or to include additional zoning districts not otherwise provided on the land use chart set forth below.

(A) **Amending a Land Use Chart** If a land use chart for a zoning district is being amended, then all properties within the zoning district for which the land use chart is being amended (or a planned development district for which that zoning district is the base district) shall be notified as provided by Section 34.

(B) **Including Additional Zoning Districts** If the overlay district is to be amended by adding a zoning district for which no land use chart is provided below, then all properties within the overlay district shall be notified as provided by Section 34.

46-400 Allowed Uses Within the following zoning districts (and planned development districts for which one of the following zoning districts is the base district) only the following uses shall be permitted:

AG (Agriculture) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Church
Day Camp*
Electric Substation*
Farm, Ranch, Orchard
Firewood Bulk Sales*
Greenhouse, Commercial*
Guest House*
Kindergarten, Preschool, or Child Care Center*
Riding Academy/Stables*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public
Water Treatment Plant*

SF/16 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Electric Substation*
Guest House*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

SF/10 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary

Church
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

SF/7 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

Townhouse (TH) District (June 6, 2006, Ord. 6008)

Accessory Building
Antenna, Private
Foster Home*
Kindergarten, Preschool or Child Care Center*
Library*
Schools, Public and Private
Single Family Attached
Wind Generator*

D (Duplex Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Duplex
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

MF-18 (Multifamily 18) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Boarding School*
Church
Convent or Monastery*
Duplex
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
Multifamily
Neighborhood Assistance Center*
Nursing Home/Convalescent Center*
School, Public and Private
Water Reservoir or Well, Public*

O-1 (Office 1) District

Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Club/Fraternal Lodge*
Convention Facility*
Drug Store/Pharmacy**
Electric Substation*
Kindergarten, Preschool or Child Care Center*
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances**
Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Neighborhood Assistance Center
Office, General
Optical Dispensary**
Printer, Small Scale**
Schools, Public and Private
Water Reservoir or Well, Public*

O-2 (Office 2) District

Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Club/Fraternal Lodge*
Commercial School* (not within 500 feet of a residential district)
College or University
Convention Facility*
Drug Store/Pharmacy**
Electric Substation*
Hotel/Motel, Full Service
Hotel/Motel, Limited Service*
Kindergarten, Preschool or Child Care Center*
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances**
Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Neighborhood Assistance Center
Office, General
Optical Dispensary**
Parking Garage (accessory use)
Printer, Small Scale**
Radio/TV, Recording Studios*
Restaurant (10-19-04, Ord. 5856)
Retail Sales/Personal Service*
Schools, Public and Private
Water Reservoir or Well, Public*

NS (Neighborhood Service) District

Animal Clinic*
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Grocery/Supermarket
Kindergarten, Preschool or Child Care Center*
Laundromat
Library
Massage Therapy/Physical Therapy*

Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Office, General
Optical Dispensary*
Pet Sales and Grooming*
Printer, Small Scale
Repair and Service Shop*
Retail Sales/Personal Service
School, Public and Private
Water Reservoir or Well, Public*

SC (Shopping Center) District

Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Automobile Repair, Minor*
Bank or Financial Institution
Batching Plant, Temporary
Car Wash* (attended only)
Church
College or University
Commercial Amusement, Indoor
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Home Improvement Center
Kindergarten, Preschool or Child Care Center*
Laundromat
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater*
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary
Pet Sales and Grooming
Printer, Small Scale
Repair and Service Shop
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
School, Public and Private

Tire Dealer, No Outside Storage*
Water Reservoir or Well, Public*

GB (General Business) District

Ambulance Service*
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities
Automobile Repair, Minor*
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Club/Fraternal Lodge
College or University
Commercial Amusement, Indoor
Commercial Amusement, Outdoor*
Commercial School* (not within 500 feet of a residential district)
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Home Improvement Center
Kindergarten, Preschool or Child Care Center*
Laundromat
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater*
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary
Pet Sales and Grooming
Printer, Small Scale
Radio, TV, Recording Studio*
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
School, Public and Private
Tire Dealer, No Outside Storage*
Water Reservoir or Well, Public*

C-1 (Commercial) District

Alternative Financial Establishments*
Animal Clinic (SUP if overnight keeping of animals within 500 feet of a residential district)
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities (SUP if adjacent to residential district)
Automobile Repair, Minor*
Bank or Financial Institution
Batching Plant, Temporary
Car Wash* (attended only)
Church
Civic Club/Fraternal Lodge*
College or University*
Commercial Amusement, Indoor*
Commercial Amusement, Outdoor*
Commercial School* (not within 500 feet of a residential district)
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Helipad*
Home Improvement Center
Hospital*
Kindergarten, Preschool or Child Care Center*
Laundromat
Library
Massage Therapy/Physical Therapy
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater* (not within 500 feet of residential district)
Museum or Art Gallery
Office Equipment Sales, Repair & Maintenance*
Office, General
Optical Dispensary
Parking Garage or Lot, Commercial (ancillary only)
Pet Sales and Grooming
Printer, Small Scale
Radio, TV, Recording Studio*
Restaurant (10-19-04, Ord. 5856)
Restaurant-Drive Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
Retail Sales with Outside Display*
Schools, Public and Private (SUP for a private school located within 500 feet of a residential district)
Tire Dealer, No Outside Storage*
Transit Station

Warehousing, General*

FW (Freeway) District

Animal Clinic (SUP if overnight keeping of animals within 500 feet of residential district)
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities (SUP if adjacent to residential district)
Automobile Repair, Minor*
Bank or Financial Institution
Batching Plant, Temporary
Car Wash* (attended only)
Church
Civic Club/Fraternal Lodge*
College or University*
Commercial Amusement, Indoor*
Commercial Amusement, Outdoor*
Commercial School* (not within 500 feet of residential district)
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Helipad*
Home Improvement Center
Hospital*
Hotel/Motel, Full Service
Hotel/Motel, Limited*
Kindergarten, Preschool or Child Care Center*
Laundromat
Library
Light Industrial*
Massage Therapy/Physical Therapy
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater* (not within 500 feet of residential district)
Museum or Art Gallery
Office Equipment Sales, Repair & Maintenance*
Office, General
Optical Dispensary
Parking Garage or Lot, Commercial (ancillary use only)
Pet Sales and Grooming
Printer, Small Scale*
Radio, TV, Recording Studios*
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
Schools, Public and Private (SUP for private school within 500 feet of a residential district)

Tire Dealer, No Outside Storage*
Transit Station
Warehousing, General*

I-1 (Industrial -1) District

Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities
Automobile Repair, Minor*
Bank or Financial Institution
Batching Plant, Temporary
Car Wash* (attended only)
Church
Commercial Amusement, Indoor
Commercial Amusement, Outdoor*
Commercial School* (not within 500 feet of residential district)
Custodial Quarters*
Drug Store/Pharmacy**
Dry Cleaner*
Electric Substation
Equipment Leasing, Indoor*
Furniture and Upholstery Cleaning and Repair/Reupholstering*
Helipad*
Hotel/Motel, Full Service
Hotel/Motel, Limited Service*
Kindergarten, Pre-School or Child Care Center*
Laundromat*
Library
Light Industrial*
Massage Therapy/Physical Therapy*
Medical and Surgical Appliances**
Medical Laboratory*
Medical Office/Clinic
Office, General
Optical Dispensary**
Printer, Large Scale
Printer, Small Scale
Radio, TV, Recording Studio
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
School, Public and Private
Warehousing, General
Water Reservoir or Well, Public*
Wholesaling, General

* Denotes use is allowed by Specific Use Permit only

** Allowed as secondary use only

LEGAL DESCRIPTION

SH 190 Corridor

Beginning 500 feet south of the intersection of West Campbell Road and North Jupiter Road and continuing east parallel to Campbell Road and then Big Springs Road to Callejo Road. North on Callejo Road to the north boundary of Shiloh Springs Addition No. II. From said property line east to Spring Creek. Continuing along Spring Creek east and south to Holford Road. Along Holford Road southwest to Arapaho Road then south to North Garland Avenue. Continue along North Garland Avenue northeast to Spring Creek and southeast along Spring Creek to Naaman School Road. Then 500 feet southwest of and parallel to Naaman School Road to 500 feet east of and parallel to Lavon Drive ending at a point 500 feet from the intersection of Lavon Drive and Crist Road. Along Crist Road to a point 500 feet southwest of Naaman School Road and continuing 500 feet southwest of and parallel to Naaman School Road to Pleasant Valley Road. East along Pleasant Valley Road to the northwest boundary of Country Brook South II subdivision. Follow said subdivision boundary south to the southwest boundary of the subdivision Springfield Estates No. 1. Continue east, south, and east along this subdivision boundary to East Centerville Road. Continue south along East Centerville Road to Castle Drive. From Castle Drive continue east across Rowlett Creek to Castle Drive and northeast along Castle Drive to Miles Road. Follow Miles Road northwest to Pleasant Valley Road, east along Pleasant Valley Road to Miles Road then north and east along Miles Road to the intersection of Miles Road and Bunker Hill Road. Continue northwest along Bunker Hill Road from this intersection to Lavon Drive then west along Lavon Drive to Murphy Road. Northwest then north along Murphy Road to the city limit line. Northwest then east along the city limit line to Murphy Road. Follow Murphy Road north to the city limit line. Continue west along the city limit line to Lookout Drive. Continue west along Lookout Drive to North Jupiter Road then south along North Jupiter Road to the place of beginning.

SECTION 47

ORDINANCE NO. 5229

IH 635 OVERLAY DISTRICT

A ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 4647, AS AMENDED RELATING TO THE ESTABLISHMENT OF AN OVERLAY DISTRICT FOR THE IH 635 CORRIDOR; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas, as amended, is hereby amended by adding a new section, Section 47, which shall read as follows:

SECTION 47

IH 635 OVERLAY DISTRICT

47-100 Overlay District Within the IH 635 overlay district, as designated on the official zoning map of the City and as described in Exhibit A, the following additional or supplemental regulations shall apply. Except as specifically provided in this section, the inclusion of an area within an overlay district governed by the provisions of this section shall 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. A planned development ordinance may further limit the uses allowed within the planned development district, but it may not add additional uses to those allowed by this section. If the base district of a planned development district located within the overlay district is not specified by the planned development ordinance, the Planning Director shall determine the base zoning for that planned development district based upon the straight zoning district most like the planned development district under consideration.

47-200 Rezoning within the Overlay District A property within the overlay district may be rezoned without affecting the overlay district provided that the overlay district shall continue to govern the allowable land uses for every property in the overlay district. If a use is desired that is not otherwise permitted under this section, then the use may be allowed by including a new zoning district land use chart to this section, or by adding that use to one of the existing zoning district land use charts set forth below.

47-300 Amendments to the Overlay District The overlay district established by this section may be amended to modify the existing land uses within a zoning district, or to include additional zoning districts not otherwise provided on the land use chart set forth below.

(A) Amending a Land Use Chart If a land use chart for a zoning district is being amended, then all properties within the zoning district for which the land use chart is being amended (or a planned development district for which that zoning district is the base district) shall be notified as provided by Section 34.

(B) **Including Additional Zoning Districts** If the overlay district is to be amended by adding a zoning district for which no land use chart is provided below, then all properties within the overlay district shall be notified as provided by Section 34.

47-400 Allowed Uses Within the following zoning districts (and planned development districts for which one of the following zoning districts is the base district) only the following uses shall be permitted:

AG (Agriculture) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Care of Alcoholic, Drug Dependent or Psychiatric Patients, In Home*
Church
Day Camp*
Farm, Ranch, Orchard
Greenhouse, Commercial*
Guest House*
Kindergarten, Preschool, or Child Care Center*
Riding Academy/Stables*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public
Water Treatment Plant*

SF/16 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Electric Substation*
Guest House*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

SF/10 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary

Church
Electric Substation*
Kindergarten, Preschool or Child Care Center*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

SF/7 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Electric Substation*
Kindergarten, Preschool or Child Care Center*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

Townhouse (TH) District (June 6, 2006, Ord. 6008)

Accessory Building
Antenna, Private
Foster Home*
Kindergarten, Preschool or Child Care Center*
Library*
Schools, Public and Private
Single Family Attached
Wind Generator*

D (Duplex Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Duplex
Electric Substation*
Kindergarten, Preschool or Child Care Center*
Library*
Neighborhood Assistance Center*
School, Public and Private
Single Family Detached
Water Reservoir or Well, Public*

MF-18 (Multifamily 18) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Boarding School*
Care of Alcoholic, Drug Dependent or Psychiatric Patients, In Home*
Care of Alcoholic, Drug Dependent or Psychiatric Patients, Residential*
Charitable Boarding, Temporary*
Church
Convent or Monastery*
Duplex
Electric Substation*
Kindergarten, Preschool or Child Care Center*
Library*
Multifamily
Neighborhood Assistance Center*
Nursing Home/Convalescent Center*
School, Public and Private
Water Reservoir or Well, Public*

O-1 (Office 1) District

Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Clubs/Fraternal Lodges*
College or University*
Commercial School*
Convention Facility*
Drug Store/Pharmacy**
Electric Substation*
Kindergarten, Preschool or Child Care Center*
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances**
Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Neighborhood Assistance Center
Office, General
Optical Dispensary**
Printer, Small Scale**
School, Public and Private
Water Reservoir or Well, Public*

O-2 (Office 2) District

Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Club/Fraternal Lodge*
Commercial School
College or University
Convention Facility*
Drug Store/Pharmacy**
Electric Substation*
Hotel/Motel, Full Service
Hotel/Motel, Limited Service*
Kindergarten, Preschool or Child Care Center*
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances**
Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Neighborhood Assistance Center
Office, General
Optical Dispensary**
Parking Garage (ancillary only)
Printer, Small Scale**
Radio/TV, Recording Studio*
Restaurant (10-19-04, Ord. 5856)
Retail Sales/Personal Service*
School, Public and Private
Water Reservoir or Well, Public*

NS (Neighborhood Service) District

Animal Clinic*
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Commercial School*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Grocery/Supermarket
Kindergarten, Preschool or Child Care Center

Laundromat
Library
Massage Therapy/Physical Therapy*
Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Office, General
Optical Dispensary*
Pet Sales and Grooming*
Printer, Small Scale
Repair and Service Shop*
Retail Sales/Personal Service
School, Public and Private
Water Reservoir or Well, Public*

SC (Shopping Center) District

Animal Clinic
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities*
Automobile Repair, Minor*
Bank or Financial Institution
Batching Plant, Temporary
Car Wash*
Church
College or University
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Equipment Leasing, Indoor
Furniture and Appliance Sales
Grocery/Supermarket
Home Improvement Center
Kindergarten, Preschool or Child Care Center*
Laundromat
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater*
Museum or Art Gallery
Neighborhood Assistance Center
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary
Pet Sales and Grooming
Printer, Small Scale

Repair and Service Shop
Restaurant (10-19-04, Ord. 5856)
Restaurant-Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps*
Retail Sales/Personal Service
School, Public and Private
Tire Dealer, No Outside Storage*
Used Goods or Products Collection Point, Temporary*
Water Reservoir or Well, Public*
Wrecker Service (one)

GB (General Business) District

Ambulance Service
Animal Clinic
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities
Automobile Repair, Minor* (not within 500 feet of residential district)
Bank or Financial Institution
Batching Plant, Temporary
Car Wash (attended only)
Church
College or University
Commercial Amusement, Indoor*
Commercial Amusement, Outdoor*
Commercial School*
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Home Improvement Center
Kindergarten, Preschool or Child Care Center*
Laundromat
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater*
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary
Pet Sales and Grooming
Printer, Small Scale
Radio, TV, Recording Studio
Repair and Service Shop

Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
Schools, Public and Private
Tire Dealer, No Outside Storage*
Transit Station
Wrecker Service (one)

C-1 (Commercial) District

Alternative Financial Establishments*
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities (SUP if adjacent to residential district)
Automobile and Motorcycle Sales, Leasing and Repair (new)*
Automobile Repair, Minor*
Bank or Financial Institution
Batching Plant, Temporary
Church
College or University*
Commercial Amusements, Indoor*
Commercial Amusements, Outdoor*
Commercial School*
Convenience Store* (5-17-05, Ord. 5899)
Custodial Quarters*
Custom Made Furniture Manufacturing*
Drug Store/Pharmacy
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Helipad*
Home Improvement Center
Hospital
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater*
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance
Office, General
Optical Dispensary
Parking Garage or Lot, Commercial (ancillary only)
Pet Sales and Grooming
Printer, Small Scale
Radio, TV, Recording Studio
Restaurant (10-19-04, Ord. 5856)
Restaurant-Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service

Retail Sales with Outside Display*
Schools, Public and Private (SUP for private school if located within 500 feet of residential district)
Tire Dealer, No Outside Storage
Transit Station
Water Reservoir or Well, Public*
Wrecker Service (One)

C-2 (Commercial 2) District

Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities (SUP if adjacent to residential district)
Automobile and Motorcycle Sales, Leasing and Repair (new)* (not within 500 feet of residential district)
Automobile Repair, Minor* (not within 500 feet of residential district)
Bank or Financial Institution
Batching Plant, Temporary
Church
College or University*
Commercial Amusement, Indoor*
Commercial Amusement, Outdoor*
Commercial School*
Convenience Store* (5-17-05, Ord. 5899)
Custodial Quarters*
Custom Made Furniture Manufacturing*
Drug Store/Pharmacy
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Helipad*
Home Improvement Center
Hospital
Library
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater* (not within 500 feet of residential district)
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance
Office, General
Optical Dispensary
Parking Garage or Lot, Commercial (ancillary use only)
Pet Sales and Grooming
Printer, Small Scale
Radio, TV, Recording Studio
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
Retail Sales with Outside Display*

Schools, Public and Private (SUP for a private school if located within 500 feet of residential district)
Tire Dealer, No Outside Storage* (not within 500 feet of residential)
Transit Station
Water Reservoir or Well, Public*
Wrecker Service (one)

FW (Freeway) District

Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities (SUP if adjacent to residential district)
Automobile and Motorcycle Sales, Leasing and Repair (new)*
Automobile Repair, Minor* (not within 500 feet of residential district)
Bank or Financial Institution
Batching Plant, Temporary
Church
College or University*
Commercial Amusement, Indoor*
Commercial Amusement, Outdoor*
Commercial School*
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility
Custodial Quarters*
Custom Made Furniture Manufacturing*
Drug Store/Pharmacy
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Helipad*
Home Improvement Center
Hospital
Hotel/Motel, Full Service
Hotel/Motel, Limited*
Library
Light Industrial*
Massage Therapy/Physical Therapy
Medical Laboratory
Medical Office/Clinic
Medical and Surgical Appliances
Movie Theater/Theater* (not within 500 feet of residential district)
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance
Office, General
Optical Dispensary
Parking Garage or Lot, Commercial (ancillary only)
Pet Sales and Grooming
Printer, Small Scale
Radio, TV, Recording Studio
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)

Retail Sales/Personal Service
Schools, Public and Private (SUP for private school if within 500 feet of residential district)
Tire Dealer, No Outside Storage* (not within 500 feet of residential district)
Transit Station
Water Reservoir or Well, Public*
Wrecker Service (one)

I-1 (Industrial-1) District

Analytical Laboratory
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Bakery, Commercial
Batching Plant, Temporary
Bottling Plant
Church
Commercial Amusement, Indoor*
Commercial and Industrial Equipment Repair and Service
Commercial Laundry/Cleaners
Commercial School
Convenience Store* (5-17-05, Ord. 5899)
Custodial Quarters*
Custom Made Furniture Manufacturing
Electric Substation
Equipment Leasing, Indoor
Helipad*
Home Improvement Center
Hotel/Motel, Full Service
Hotel/Motel, Limited Service*
Kindergarten, Preschool or Child Care Center*
Light Industrial
Medical Laboratory*
Motor Freight Terminal
Office, General
Printer, Large Scale
Radio, TV, Recording Studio
Railroad Freight Terminal
Recycling Center*
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
School, Public
Self Storage Units*
Transit Station
Uniform Supply Service
Warehousing, General
Water Reservoir or Well, Public*
Wholesaling, General
Wrecker Service (one)

* Denotes use is allowed by Specific Use Permit only.

** Allowed as secondary use only.

LEGAL DESCRIPTION

IH 635

Beginning at the intersection of LBJ Freeway and West Kingsley Road and continuing east along West Kingsley Road to the Kansas City Southern Railroad tracks. Continue southeast along the tracks to the Kansas City Southern Railroad spur then east along the spur to the west property line of Tract 3 in the McCree Industrial District subdivision. From said property line south to the Union Pacific railroad spur and east then north along said spur to Oakland Street, following Oakland Street east to South Shiloh Road. Continue north of South Shiloh Road to West Kingsley Road then east on West Kingsley Road to Denton Drive. Follow Denton Drive south to the northwest property line of the subdivision Kingsley Road Pecan Acres Replat. From said point continue south then east to the northwest corner of the Southgate Manor No. 5 subdivision. Follow this boundary line south then east to the northwest corner of Southgate Manor No. 2 subdivision then south along this subdivision line to the northeast corner of the Towngate Addition subdivision. From said point continue west to the northwest boundary of the Towngate Addition subdivision and follow the west boundary of said subdivision south to Millay Boulevard. Continue east of Millay Boulevard to Town Court and east on Town Court to a line crossing Buddy Graham Park to the southwest corner of the alley south of Clear Point Drive which is also the south boundary of the Southgate Acres No. 2 subdivision. Continue east along said boundary then north to the south boundary of the Southgate Acres No. 1 subdivision then east to Saturn Road. Continue south along Saturn Road to Northwest Highway following Northwest Highway east, then southeast to the northeast corner of the Montclair No. 1 subdivision. From said point, continue southwest to Broadmoor Drive then southeast along Broadmoor Drive to La Prada Drive. From the Broadmoor Drive/La Prada Drive intersection continue southwest to LBJ Freeway then northwest along LBJ Freeway to point of beginning.

SECTION 48

ORDINANCE NO. 5232

IH 30 OVERLAY DISTRICT

A ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 4647, AS AMENDED RELATING TO THE ESTABLISHMENT OF AN OVERLAY DISTRICT FOR THE IH 30 CORRIDOR; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas, as amended, is hereby amended by adding a new section, Section 48, which shall read as follows:

SECTION 48

IH 30 OVERLAY DISTRICT

48-100 Overlay District Within the IH 30 overlay district, as designated on the official zoning map of the City and as described in Exhibit A, the following additional or supplemental regulations shall apply. Except as specifically provided in this section, the inclusion of an area within an overlay district governed by the provisions of this section shall 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. A planned development ordinance may further limit the uses allowed within the planned development district, but it may not add additional uses to those allowed by this section. If the base district of a planned development district located within the overlay district is not specified by the planned development ordinance, the Planning Director shall determine the base zoning for that planned development district based upon the straight zoning district most like the planned development district under consideration.

48-200 Rezoning within the Overlay District A property within the overlay district may be rezoned without affecting the overlay district provided that the overlay district shall continue to govern the allowable land uses for every property in the overlay district. If a use is desired that is not otherwise permitted under this section, then the use may be allowed by including a new zoning district land use chart to this section, or by adding that use to one of the existing zoning district land use charts set forth below.

48-300 Amendments to the Overlay District The overlay district established by this section may be amended to modify the existing land uses within a zoning district, or to include additional zoning districts not otherwise provided on the land use chart set forth below.

(A) Amending a Land Use Chart If a land use chart for a zoning district is being amended, then all properties within the zoning district for which the land use chart is being amended (or a planned development district for which that zoning district is the base district) shall be notified as provided by Section 34.

(B) **Including Additional Zoning Districts** If the overlay district is to be amended by adding a zoning district for which no land use chart is provided below, then all properties within the overlay district shall be notified as provided by Section 34.

48-400 Allowed Uses Within the following zoning districts, either a straight zoning district or a Planned Development with one of the following districts as the base zoning, if found within the IH 30 Corridor, only the following uses shall be permitted:

AG (Agriculture) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Church
Day Camp
Electric Substation*
Family Home, Registered*
Farm, Ranch, Orchard
Firewood Bulk Sales*
Greenhouse, Commercial*
Guest House*
Kindergarten, Preschool, or Child Care Center*
Riding Academy/Stables*
School, Private*
Single Family Detached
Water Reservoir or Well, Public
Water Treatment Plant*

SF/16 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Electric Substation*
Family Home, Registered*
Guest House*
Library*
School, Private*
Single Family Detached
Water Reservoir or Well, Public*

SF/10 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*

Antenna, Private
Batching Plant, Temporary
Church
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
School, Private*
Single Family Detached
Water Reservoir or Well, Public*

SF/7 (Single Family Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
School, Private*
Single Family Detached
Water Reservoir or Well, Public*

Townhouse (TH) District (June 6, 2006, Ord. 6008)

Accessory Building
Antenna, Private
Foster Home*
Kindergarten, Preschool or Child Care Center*
Library*
Schools, Public and Private
Single Family Attached
Wind Generator*

D (Duplex Dwelling) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Batching Plant, Temporary
Church
Duplex
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
School, Private*
Single Family Detached
Water Reservoir or Well, Public*

MF-18 (Multifamily 18) District

Accessory Building
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Boarding School*
Church
Convent or Monastery*
Duplex
Electric Substation*
Family Home, Registered*
Kindergarten, Preschool or Child Care Center*
Library*
Multifamily
Nursing Home/Convalescent Center*
School, Private*
Water Reservoir or Well, Public*

O-1 (Office 1) District

Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Club/Fraternal Lodge*
Commercial School* (indoor only)
Convention Facility*
Drug Store/Pharmacy**
Electric Substation*
Kindergarten, Preschool or Child Care Center*
Library*
Massage Therapy/Physical Therapy
Medical and Surgical Appliances**
Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Office, General
Optical Dispensary**
Printer, Small Scale**
School, Private*
Water Reservoir or Well, Public*

O-2 (Office 2) District

Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Club/Fraternal Lodge*
College or University*
Commercial School* (indoor only)
Convention Facility*
Drug Store/Pharmacy**
Electric Substation*
Hotel/Motel, Full Service
Hotel/Motel, Limited Service*
Kindergarten, Preschool or Child Care Center*
Library*
Massage Therapy/Physical Therapy
Medical and Surgical Appliances**
Medical Laboratory*
Medical Office/Clinic
Museum or Art Gallery
Office, General
Optical Dispensary**
Parking Garage**
Printer, Small Scale**
Radio, TV, Recording Studio*
Restaurant (10-19-04, Ord. 5856)
Retail Sales/Personal Service*
School, Private*
Water Reservoir or Well, Public*

NS (Neighborhood Service) District

Animal Clinic*
Antenna, Commercial Type 1*
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Church
Commercial School* (indoor only)
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Grocery/Supermarket
Kindergarten, Preschool or Child Care Center
Laundromat
Library*

Massage Therapy/Physical Therapy*
Medical Laboratory*
Medical Office/Clinic*
Museum or Art Gallery
Office, General
Optical Dispensary*
Pet Sales and Grooming*
Printer, Small Scale
Repair and Service Shop*
Retail Sales/Personal Service
School, Private*
Water Reservoir or Well, Public*

SC (Shopping Center) District

Animal Clinic
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities*
Bank or Financial Institution
Batching Plant, Temporary
Car Wash*
Church
College or University*
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility*
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Equipment Leasing, Indoor
Furniture and Appliance Sales
Grocery/Supermarket
Home Improvement Center
Kindergarten, Preschool or Child Care Center
Landscape Nursery
Laundromat
Library*
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater*
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary
Pet Sales and Grooming
Printer, Small Scale
Repair and Service Shop
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through*(10-19-04, Ord. 5856)

Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
School, Private*
Shooting Range, Indoor*
Tire Dealer, No Outside Storage*
Water Reservoir or Well, Public*

GB (General Business) District

Ambulance Service
Animal Clinic
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities
Automobile Repair, Minor* (not allowed within 500 feet of a residential district)
Bank or Financial Institution
Batching Plant, Temporary
Car Wash (attended only)
Church
Civic Clubs/Fraternal Lodges*
College or University
Commercial Amusements, Indoor
Commercial Amusements, Outdoor*
Commercial Schools (indoor only)
Convenience Store* (5-17-05, Ord. 5899)
Convention Facilities*
Custodial Quarters* (only if in a separate structure)
Drug Store/Pharmacy
Dry Cleaner
Electric Substation*
Furniture and Appliance Sales
Grocery/Supermarket
Home Improvement Center
Kindergarten, Preschool or Child Care Center
Landscape Nursery
Laundromat
Library*
Massage Therapy/Physical Therapy
Medical and Surgical Appliances
Medical Laboratory
Medical Office/Clinic
Movie Theater/Theater*
Museum or Art Gallery
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary
Pet Sales and Grooming
Printer, Small Scale
Radio, TV, Recording Studio*
Repair and Service Shop
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)

Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service
School, Private*
Tire Dealer, No Outside Storage*
Transit Station*

FW (Freeway) District

Analytical Laboratory
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities (SUP if less than 15,000 square feet)
Athletic Club/Instruction, Outdoor Facilities (SUP if adjacent to residential district)
Automobile and Motorcycle Sales, Leasing and Repair (New)* (5 acre minimum; not allowed within 500 feet of residential district)
Automobile Repair, Minor* (not within 500 feet of residential district)
Bait Sales, Live* (indoor only)**
Bank or Financial Institution
Batching Plant, Temporary
Church
Civic Club/Fraternal Lodge*
College or University*
Commercial Amusements, Indoor*
Commercial Amusements, Outdoor*
Commercial Schools* (indoor only)
Convenience Store* (5-17-05, Ord. 5899)
Convention Facility*
Custodial Quarters*
Drug Store/Pharmacy***
Dry Cleaner (SUP if more than 10% of platted lot)
Electric Substation*
Furniture and Appliance Sales (SUP required if less than 50,000 square feet of building)
Grocery/Supermarket (SUP required if less than 50,000 square feet of building)
Helipad*
Home Improvement Center (SUP required if less than 50,000 square feet of building)
Hospital
Hotel/Motel, Full Service
Hotel/Motel, Limited Service*
Kindergarten, Preschool or Child Care Center* (ancillary to another primary use only)
Library*
Light Industrial (SUP required if less than 5 acres)
Massage Therapy/Physical Therapy
Medical Laboratory*
Medical Office/Clinic
Medical and Surgical Appliances (ancillary only)
Movie Theater/Theater*(not within 500 feet of residential district)
Museum or Art Gallery
Nursing Home/Convalescent Center*
Office Equipment Sales, Repair and Maintenance****
Office, General
Optical Dispensary***
Pet Sales and Grooming***
Printer, Small Scale****

Radio, TV, Recording Studios****
Repair and Service Shop*
Restaurant (10-19-04, Ord. 5856)
Restaurant, Drive-Through* (10-19-04, Ord. 5856)
Retail Sales with Gas Pumps* (5-1-01, Ord. 5560)
Retail Sales/Personal Service***
School, Private*
Self-Storage Units*
Transit Station*

* Allowed by Specific Use Permit only.

** Allowed as secondary use only.

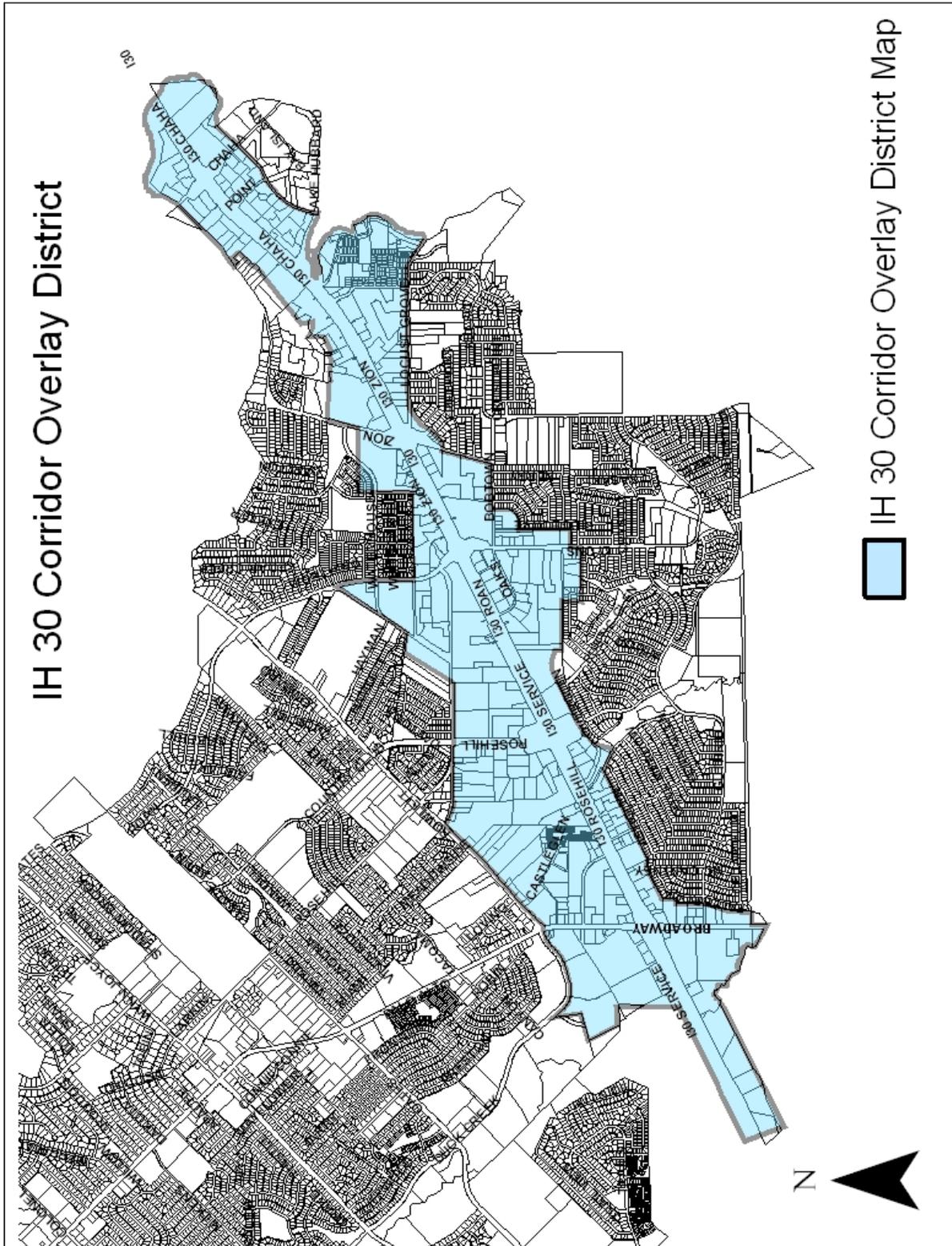
*** Requires a Specific Use Permit if the use consists of more than 20% of a platted lot.

**** Requires a Specific Use Permit if the use consists of more than 25% of a platted lot.

LEGAL DESCRIPTION

IH 30 Corridor

Beginning at the city limit line and Locust Grove Road and continuing west along Locust Grove Road to Zion Road. Proceed south on Zion Road to Bobtown Road then east along Bobtown Road to the northwest corner of the Lake Crest Park subdivision. Following said boundary south then west to Lyons Road. Continue south on Lyons Road approximately 210 feet. From this point follow property line in Abstract No. 1036 west approximately 1140 feet then north to the south boundary of the Robert Finch Addition subdivision. Continue west along the south boundary of the Robert Finch Addition and connecting property boundary approximately 1005 feet. Proceed north approximately 150 feet to the southeast corner of The Oaks Condominiums subdivision. Follow the south boundary of the Oaks Condominium subdivision west to the northeast corner of The Oaks No. 3 subdivision. Continue west along the boundary of the Oaks No. 3 subdivision to the southeast corner of The Brook subdivision. Proceed west, south and west along The Brook subdivision boundary to The Oaks No. 1 subdivision. Continue west from this point then south across Guthrie Road to the city limit line. Continue west then south then west along the city limit line turning north then east along the north IH 30 service road approximately 3165 feet. Continue north from this point approximately 1270 feet west approximately 400 feet to the southwest corner of the Trisource No. 1 Replat subdivision. Continue along the west boundary of said subdivision to Duck Creek Drive. Continue east along Duck Creek Drive and Rowlett Road to Bobtown Road. Continue east on Bobtown Road to a point approximately 535 feet west of Waterhouse Boulevard. Follow property boundary northeast approximately 1200 feet then east to Waterhouse Boulevard then northeast along Waterhouse Boulevard to Hayman Drive. From said point continue northeast approximately 1325 feet to Roan Road. Go south along Roan Road to the southwest corner of the Windsor Park No. 2 subdivision then east along said subdivision south boundary then north along east boundary of said subdivision to Waterhouse Boulevard. From Waterhouse Boulevard continue north approximately 340 feet then east to Zion Road. Continue north on Zion Road approximately 670 feet then east to the southwest corner of Planned Development 82-33 and continuing east along south boundary of said Planned Development to the southeast corner of Planned Development 82-33. From southeast corner of said Planned Development continue northeast to the northwest corner of The Terrace subdivision following the north boundary of said subdivision east to the west boundary of the Lakebluff Estates No. 2 subdivision then north along said west boundary to the southwest corner of the Lakebluff Estates subdivision. Continue northeast along the south boundary of said subdivision to the east boundary of said subdivision then northwest along boundary. Follow boundary west and north to Zion Road. Continue northeast along Zion Road to city limit line then city limit line east, south, west, and south to the point of beginning.



SECTION 50

ORDINANCE NO. 5894

DOWNTOWN AUTOMOTIVE USES OVERLAY DISTRICT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 4647, AS AMENDED, BY AMENDING THE SCHEDULE OF USES RELATING TO THE CENTRAL AREA-1 AND CENTRAL AREA-2 ZONING DISTRICTS; AMENDING THE OFFICIAL ZONING MAP; ESTABLISHMENT OF AN OVERLAY DISTRICT FOR THE DOWNTOWN AREA; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas, as amended, is hereby amended by adding a new section, Section 50, which shall read as follows:

SECTION 50

DOWNTOWN AUTOMOTIVE USES OVERLAY DISTRICT

50-100 Overlay District.

Within the Downtown Automotive Uses Overlay District, as designated on the official zoning map of the City and as described below, the following additional or supplemental regulations shall apply. Except as specifically provided in this section, the inclusion of an area within an overlay district governed by the provisions of this section shall 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. A planned development ordinance may further limit or regulate the uses allowed within the planned development district.

50-200 Description of the Downtown Automotive Use: Overlay District.

The Downtown Automotive Uses Overlay District consists of all that area located within the boundaries as described below:

Area 1

All of that area located south of West Avenue B, west of South Garland Avenue, north of Forest Lane, and east of Duck Creek.

Area 2

Beginning at the intersection of South First Street and Avenue C, then proceeding west along Avenue C to its intersection with the east boundary line of the Kansas City Southern Railroad right-of-way;

Thence, northeast along the Kansas City Southern Railroad right-of-way boundary to its intersection with State Street;

Thence, east along State Street to its intersection with North First Street;

Thence, north along North First Street to a point, that point being the northwest corner of the Partners Addition to the City of Garland;

Thence, east along the north boundary line of the Partners Addition; continuing east along the north boundary line of Garvon Addition No. 1 and across SH 78 to a point, that point being the intersection of the north boundary of Garvon No. 2 Addition and the alley separating Garvon No. 2 Addition and Garvon No. 3 Addition;

Thence, preceding in a southwesterly direction along that alley to its intersection with Bankhead Street;

Thence, south along the east boundary line of the 5 Point Commercial Addition of the City of Garland to Avenue A;

Thence, preceding south along Barger Street to Avenue B;

Thence, west along Avenue B to South First Street;

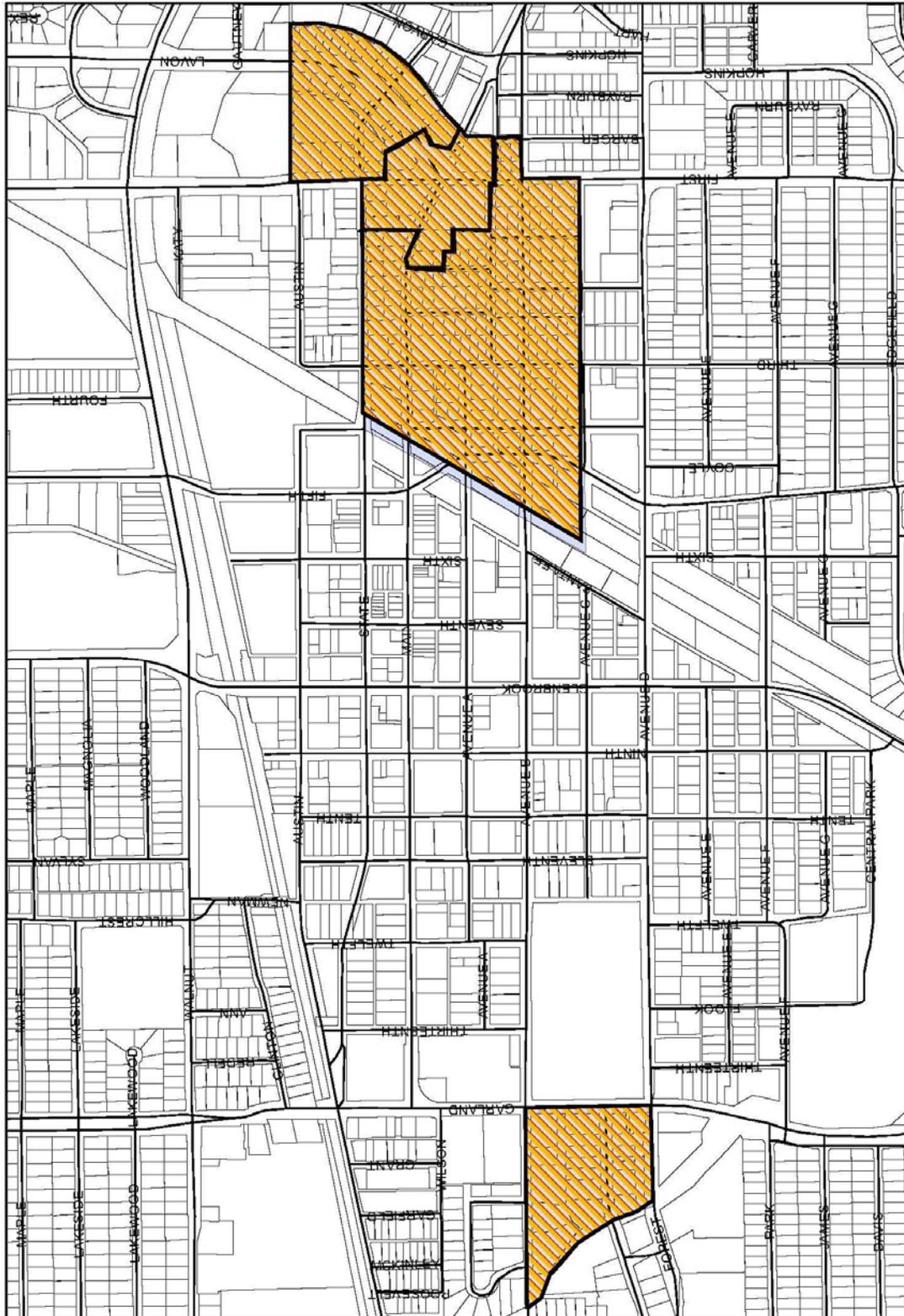
Thence, south along South First Street to the point of Beginning.

50-300 Restrictions on automotive uses within the Downtown Automotive Uses Overlay District

(A) For the purposes of the Downtown Automotive Uses 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:

- Automobile or motorcycle sales, leasing, rental, service and repair (new)
- Automobile or motorcycle sales, leasing, rental, service and repair (used)
- Automobile repair, major
- Automobile repair, minor
- Automobile wrecking yard
- Car wash
- Commercial vehicle storage
- Vehicle upholstery and interior repair
- Vehicle cleaning, waxing, detailing, finishing or polishing
- Tire dealer, no outside storage
- Tire dealer, outside storage
- Truck or bus storage, commercial
- Truck or bus washing
- Truck stop
- Vehicle sales, leasing, rental, service and repair (other than automobile/motorcycle)
- Trailer sales, leasing, rental, and repair
- Wrecker service
- Wrecker service (one)

- (B) An automotive use that was operating under a valid and existing certificate of occupancy as of April 19, 2005 shall 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, alleys, sidewalks or other public property.
- (C) 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 Uses 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 10,000 square feet in area. The transferable land use credits created by this section may only be transferred within the Downtown Automotive Uses Overlay District or to another Automotive Uses Overlay City. No transferable land use credit from any other Automotive Uses Overlay District may be transferred into the Downtown Automotive Uses Overlay District.
- (D) An automotive use that discontinues operating may transfer its transferable land use credits during the period ending sixty (60) days after the cessation of business of the automotive use, but the credits expire sixty (60) 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.
- (E) Notwithstanding the provisions of subsection (D), 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:
 - (1) Such reconstruction complies with all applicable ordinance, regulations, and standards then in effect; and
 - (2) Application for building, development, and other necessary permits is made within six months following the event that caused the damage or destruction.



Downtown Automotive Overlay District