

**ORDINANCE NO. 7419**

**AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A GUEST HOUSE ON A 0.26-ACRE TRACT OF LAND ZONED SINGLE-FAMILY-10 (SF-10) DISTRICT AND LOCATED AT 2701 LARRY DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** at its regular meeting held on the 13th day of March, 2023, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision for a Guest House on a property zoned Single-Family-10 (SF-10) by **Joseph and Beverly Darnell**; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, THAT:**

**Section 1**

The Garland Development Code is hereby amended by approving a Specific Use Provision for a Guest House on a property zoned Single-Family-10 (SF-10) and located at 2701 Larry Drive, and being more particularly described in Exhibit "A," attached hereto and made a part hereof.

**Section 2**

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

**Section 3**

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

#### **Section 4**

**NOTICE OF CONDITIONS OF COMPLIANCE:** Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit "A". All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

#### **Section 5**

That the Garland Development Code, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

#### **Section 6**

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

#### **Section 7**

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

**PASSED AND APPROVED** this day 18th of April, 2023.

**THE CITY OF GARLAND, TEXAS**

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Mayor

**ATTEST:**

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City Secretary

**Published:**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File Z 22-82**

BEING a 0.26-acre tract of land commonly known as 2701 Larry Drive, located in the W. Keen Survey, Abstract 734, City of Garland, Dallas County, Texas, being Lot 1, Block None, of Holcomb Addition, an addition to the City of Garland, Texas, according to the plat thereof, recorded in Volume 40, Page 217 of the Official Public Records of Dallas County, Texas.

**SPECIFIC USE PROVISION CONDITIONS**

**ZONING FILE Z 22-82**

**2701 Larry Drive**

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Guest House.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulations found in the Garland Development Code, Ordinance No. 6773, as amended prior to the adoption of this ordinance, except as specifically provided herein.
- III. Abandonment:** In the event the land use for which this Specific Use Provision was granted ("Land Use") is abandoned, the SUP and all rights to the Land Use are automatically terminated, and the premises must be used in conformance with the GDC, federal, and state law.

For the purposes of this Specific Use Provision, Abandonment is any of the following acts:

- A. A failure to apply for a site or building permit on the premises, where applicable, within 180 days of the effective date of this SUP;
- B. A failure to obtain a certificate of occupancy for the Land use within 730 days of the effective date of this SUP;
- C. A failure to commence operating the Land Use on the premises within 90 days of receiving a final certificate of occupancy for the Land Use;
- D. Discontinuance of the Land Use for a period of 180 days;
- E. Applying for, and receiving, a new Certificate of Occupancy for a use other than the Land Use; or
- F. Operating a use on the premises, whether as a primary or secondary use, that is not allowed within the PD District, by the GDC, or by state or federal law.

The termination of utilities on the premises for a period of 180 calendar days is prima facie evidence of abandonment and the owner shall have the burden to prove that the Land Use has not been abandoned.

**EXHIBIT B**

**IV. General Regulations:** All regulations of the Single-Family-10 (SF-10) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

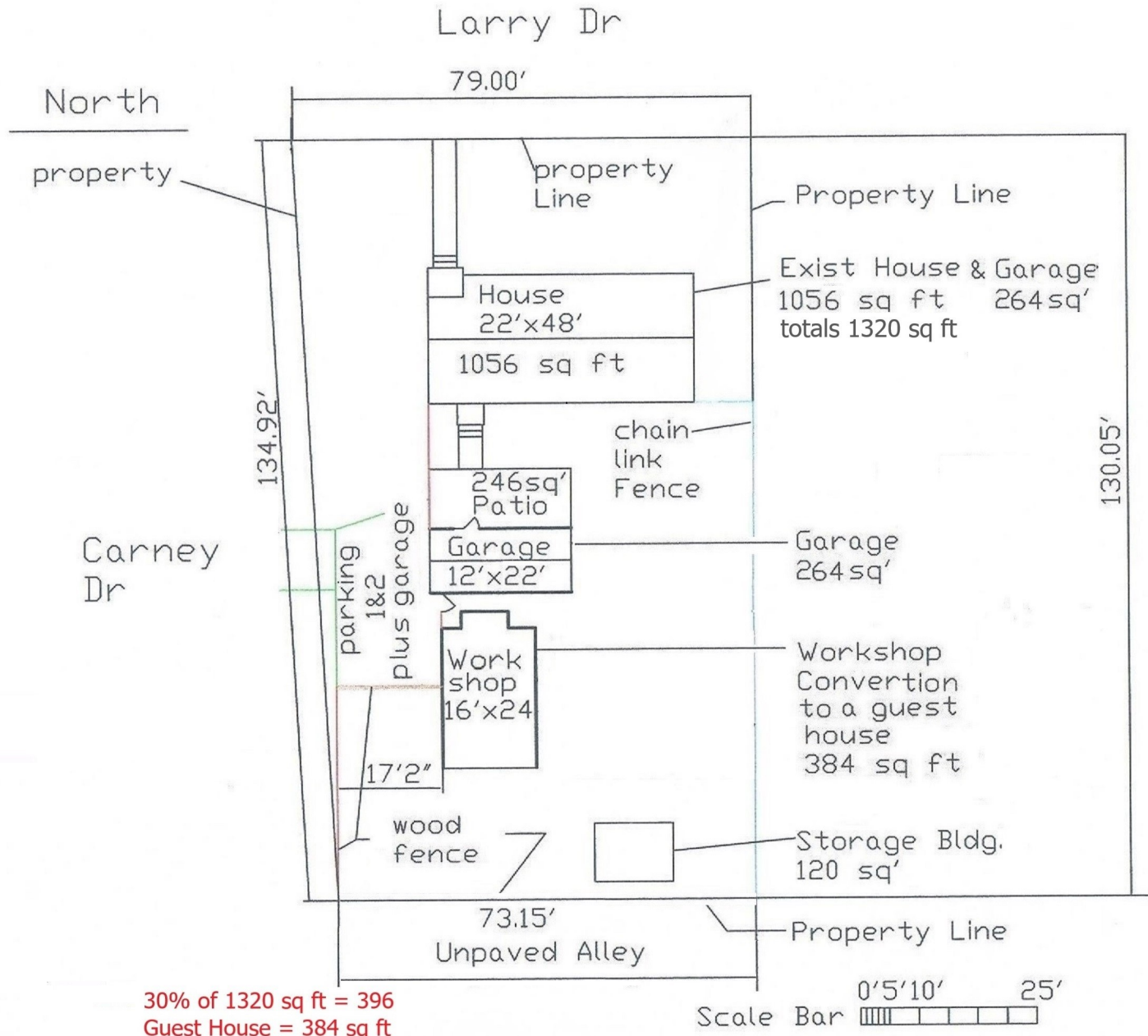
**V. Development Plans:**

Site Layout: The site shall be in general conformance with the approved Site Plan labeled Exhibit C. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.

**VI. Specific Use Provision:**

A. SUP Time Period: The Specific Use Provision for a Guest House shall be in effect for fifteen (15) years.

EXHIBIT C



Site Plan  
Case No. 221108-1