

ORDINANCE NO. 7476

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A TATTOOING/BODY PIERCING ESTABLISHMENT USE ON A PROPERTY ZONED DOWNTOWN (DT) DISTRICT & DOWNTOWN SQUARE (DS) SUB-DISTRICT LOCATED AT 532 MAIN STREET, SUITE B; 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 25th day of September 2023, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision for a Tattooing/Body Piercing Establishment by **Momentum Tattoo LLC**; 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 Tattooing/Body Piercing Establishment 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 adoption and approval.

FILE NO. Z 23-30

PASSED AND APPROVED this the 7th day of November, 2023.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-30

BEING situated in the Joel Crumpacker Survey, Abstract No. 328, Dallas County, Texas, and being part of Lots 4 and 5, Block 9, of the Original Town of Embree (now Garland), according to the map thereof recorded in Volume 77, Page 441, of the Official Public Records of Dallas County, Texas, and being commonly known as 532 Main Street, and being more particularly described as follows:

BEGINNING at the northeast corner of said Lot 4 in the south right-of-way line of Main Street (60' R.O.W.);

THENCE SOUTH with the East line of said Lot 4 a distance of 80 feet to point for corner;

THENCE WEST, at 18 feet cross the west line of Lot 4, same being the east line of said Lot 5, and continuing for a total distance of 27 feet to point for corner;

THENCE NORTH parallel to and 9 feet west of said east line of Lot 5 a distance of 80 feet to point for corner in the north line of said Lot 5, same being in said south line of Main Street (60' R.O.W.);

THENCE EAST with said North line of Lot 5 and south line of Main Street (60' R.O.W.), passing the northwest corner of

EXHIBIT A

said Lot 4 at 9 feet, and continuing for a total distance of 27 feet to the PLACE OF BEGINNING and containing a calculated area of 2,160 square feet, more or less.

EXHIBIT A

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 23-30

532 Main Street, Suite B

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Tattooing/Body Piercing Establishment.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Downtown (DT) District, Downtown Historic Sub-District and Site Development Standards as set forth in Chapter 2 and 4 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- Site Layout: The site shall be in general conformance with the approved Site Plan, Landscape Plan, and Elevations labeled Exhibit C. In the event of conflict between the conditions and the site plan, the written conditions listed below are to apply.
- V. 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 PD, 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.

VI. Specific Regulations:

- A. Time Period: The Specific Use Provision shall have a ten (10) year time period.
- B. Site Plan: The Tattooing/Body Piercing Establishment shall conform to the site layout as shown in Exhibit C.
- C. Signage: All signage shall comply with the standards in the Garland Development Code.

Site Plan

Momentum Tattoo

Case Number 200611-2
532 Main st, Unit A

Building SQFT	2,300
Parking Calculation	1/250gfa= 9.2
Total Building coverage	7,260sqft
Total impervious Surface	7,260sqft
Legal description	BLK 9 18ft Lot 4 & 5
Zoning	Historical

EXHIBIT C

