

ORDINANCE NO. 7489

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A CONTRACTOR'S OFFICE/WAREHOUSE (INDOORS ONLY) USE ON A 1.409-ACRE TRACT OF LAND LOCATED AT 601 NORTH FIRST STREET AND ZONED DOWNTOWN (DT) DISTRICT, UPTOWN SUB-DISTRICT; 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 November 2023, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision for a Contractor's Office/Warehouse (indoors only) Use on a property zoned Downtown (DT) District, Uptown Sub-District by **MC Office, 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 Contractor's Office/Warehouse (indoors only) Use on a property zoned Downtown (DT) District, Uptown Sub-District 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.

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PASSED AND APPROVED this 12th day of December, 2023.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 23-32

All that certain lot, tract or parcel of land situated in the State of Texas, County of Dallas and being all that certain 1.61 acre tract out of the Jesse Atterberry Survey, Abstract No 52 and situated in the City of Garland as described in the deed to Lone Star Gas Company by the City of Garland dated February 19, 1948, and recorded in Volume 5008, Page 5, Deed Records of Dallas County, Texas, less that certain 9,251-square foot tract as described in the right-of-way deed from Enserch Corporation, Formerly Lone Star Gas Company, to County of Dallas, dated August 14, 1955, and recorded in Volume 85178, Page 2447, Deed Records of Dallas County, Texas, the tract herein being more particularly described as follows:

Beginning at the iron rod found at the Southwest corner of said 4,251-square foot tract and being in the South One of said 1.62-acre tract, said iron rod also being in the West one of 100-foot middle Belt Line Road (North First Street), said iron rod also being the Southeast corner of this tract, THENCE South 88' 15' 20' West along this South line of said 1.62-acre tract a distance of 275.0 feet to an iron rod found at the Southwest corner of said 1.62-acre tract and being in this Southeast right-of-way of the G C & S F Railroad Company 100-foot wide right-of-way, said iron rod being the Southwest corner of this tract,

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Thence North 80' 55' East along the Southeast right-of-way of said G C & S F Railroad Company and the Northwest line of said 1.62-acre tract a distance of 584.24 feet to a railroad spike set at the intersection of said Southeast railroad right-of-way line with the West line of said 100-foot side North First Street and being the Northwesterly corner of said 9.251-square foot tract, also being the North corner of this tract,

Thence South 00' 12' 24' West along the West line of said 100-foot side North First Street also the West line of said 9.251 square foot tract a distance of 450.04 feet to the place of beginning and containing 61,595 square feet of land more or less or 1.409 acres of land.

SPECIFIC USE PROVISION CONDITIONS

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601 North First Street

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Contractor's Office/Warehouse (indoors only) Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Downtown (DT) District, Uptown 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. 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.

V. Specific Regulations:

- A. Time Period: The Specific Use Provision shall have a time period of twenty-five (25) years.
- B. Site Plan: The site layout, building placement, parking shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. Indoor Materials Storage: The storage of materials shall be indoors only.

