

ORDINANCE NO. 7524

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1, "GENERAL PROVISIONS," CHAPTER 2, "ZONING REGULATIONS," CHAPTER 3, "SUBDIVISION REGULATIONS," CHAPTER 4, "SITE DEVELOPMENT," CHAPTER 5, "RELIEF PROCEDURES & ENFORCEMENT," AND CHAPTER 7, "DOWNTOWN (DT) DISTRICT" OF THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

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

Section 1

That Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"
...

Section 1.12 Procedures of the Development Review Committee.

(A) Types of Applications Reviewed. The DRC shall review the following types of applications:

- (1) An application for a Concept Plan for a Planned Development District, along with any related application requirements.

...

Section 1.14 Initiation of Application.

...

(D) Application Appointments. Zoning, development plan, redevelopment, concept plan, or land subdivision applications may be filed, by appointment only, with the Planning Director, upon the date and time identified in the Development Application Schedule, as provided in Section 1.18 of this GDC. The Planning Director may limit the number of applications filed on a particular day if the Planning Director determines that it is not administratively feasible to process any additional applications within 30 days.

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Section 1.15 Deleted.

...

Section 1.21 Technical Review Meeting.

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(C) Applications Requiring Technical Review Meeting. Pre-filing documents and working files that require a technical review meeting (unless otherwise determined as unnecessary by the City) include documents related to a proposed application for the following:

- (1) Specific Use Provision;
- (2) Concept Plan (submitted as part of a Planned Development application;

...

Section 1.100 Fees.

The following fees shall apply to all filings, except where otherwise noted:

- (A) Zoning change, specific use provision, or plat applications.

Type of Application	Fee
Planned development (PD) zoning (new or revised concept plan)	\$4,600.00 + \$50.00 per acre
Planned development - amendment of conditions	\$2,000.00
Specific use provision - new construction or expansion	\$2,000.00 + \$50.00 per acre
Specific use provision - use change	\$2,000.00
Specific use provision - residential less than one (1) acre	\$500.00 (o - 1 acre)

Type of Application	Fee
Zoning change request	\$2,000.00
Preliminary, final, or replats	\$1,000.00 + \$50.00 acre or portion thereof
Residential replats/final plat involving residentially zoned platted property	\$1,000.00 + \$50.00 acre or portion thereof
Amending plats	\$500.00 + \$50.00 acre or portion thereof
Minor plats	\$500.00 + \$50.00 acre or portion thereof
Plat vacation	\$500.00 + \$50.00 acre or portion thereof
Conveyance plats	\$500.00 + \$50.00 acre or portion thereof
Downtown development plan - less than 1 acre	\$1,000.00
Downtown development plan - 1 acre or above	\$6,000.00

(B) Variance, appeal, waiver, and miscellaneous applications.

Type of Application	Fee
Alcohol distance	\$500.00
Alley waiver	\$300.00
Building line modification	\$150.00
Building line modification, if board of adjustment appeal is also required	None

Type of Application	Fee
Development standards variance (screening and landscaping, signage)	\$350.00
Alternative compliance	\$200.00
Fence variance	\$250.00
House conversion	\$800.00
Downtown development plan/regulating plan (new construction - includes major waiver)	\$1,000.00
Downtown minor waiver	\$250.00
Reasonable accommodations	\$0.00
Vested rights petition	\$0.00
Sidewalk waiver	\$200.00
Sign variance	\$250.00
Tree removal permit (application fee only; tree mitigation fees required as applicable)	\$150.00
Tree preservation variance	\$300.00
Municipal setting designation	\$5,000.00

(C) Zoning verification letters.

Type	Fee
Zoning verification letter	\$200.00 (per DCAD Parcel ID)

Section 1.101 Refund Policy for Planning & Zoning Fees.

..."

Section 2

That Chapter 2, "Zoning Regulations" of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

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...

Section 2.04 General Provisions.

...

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

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

...

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

...

(F) Plan Commission - Public Hearing & Recommendation.

...

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

...

(5) Recommendation on a Plan. The Plan Commission shall recommend approval, approval with conditions, or disapproval of a plan.

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

within the 30 day period.

(7) Deleted.

(8) Deleted.

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

...

(G) City Council - Public Hearing & Decision.

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(4) Deleted.

...

(6) Decision on a Plan. The City Council shall approve, approve with conditions, or disapprove a plan.

(7) Deleted.

...

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

postponement is to a date certain. An applicant may request multiple 30-day postponements, but each must be approved by the City Council.

...

Section 2.07 Purpose, Applicability, Nature and Size of District.

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

...

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

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Section 2.08 Authorized Uses; Consistency with Concept or Detail Plan.

...

- (C) Location and Arrangement of Buildings. The location and arrangement of all buildings in the PD district must be generally consistent with the Detail or Concept Plan, if any, approved with the district.
- (D) Consistency Required. All development applications within a PD district must be generally consistent with the Detail or Concept Plan that is part of the PD. Failure of a subsequent development application to

generally conform to the approved Detail or Concept Plan will result in denial of the application, unless the PD district regulations are amended through incorporation of a revised Concept or Detail Plan with which the development application is consistent.

...

Section 2.11 Concept Plan

- (A) Requirement for Concept Plan. The Planning Director shall determine whether a Concept Plan is required as part of an application for a PD or SUP. If a Concept Plan is determined to be required, such Plan must be included with the PD or SUP change of zoning application and is, if the application is approved, incorporated as part of the PD or SUP ordinance.
- (B) Purpose of Concept Plan. The purpose of a Concept Plan is to provide a general layout of the proposed development. The City's approval of a Concept Plan will allow the applicant to determine whether the City is generally in agreement with the land usage and development proposed, and will provide the City with an overall impression of the development proposed. 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.
- (C) Contents of Concept Plan. Requirements for the format and contents of a Concept Plan must be in accordance with requirements in the *Development Application Packet*, as may be amended from time to time.
- (D) Planning Director Review. The planning director is authorized to require the applicant to make additions and corrections to Concept Plans before moving the application forward to the public hearing stage.

Section 2.12 Amending a Planned Development (PD)

- (A) Existing PD containing requirement for Detail Plan. When amending an existing PD that contains a requirement for a Detail Plan, a Concept Plan may be used in place of the Detail Plan.

Section 2.13 Approval of a Planned Development District.

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

...

- (5) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses; and

...

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

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

Section 2.14 Adopting Ordinance.

Items Specific to the Ordinance. The ordinance establishing a PD district shall incorporate an approved Concept Plan as part of the district regulations and shall set forth the following:

...

Section 2.15 Subsequent Development Applications.

- (A) Minor Deviations from Approved Planned Development (PD). In determining whether development applications are consistent with the approved PD, minor deviations from the PD may be approved by the Planning Director. Unless otherwise specified in the PD adopting ordinance, the Planning Director has the discretion to determine whether deviations from the PD are minor

deviations, upon a determination that the deviations meet the intent of the PD conditions, and meet or exceed the requirements of the PD.

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

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Section 2.17 Purpose, Applicability, and Effect.

...

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

...

Section 2.19 Application Requirements.

...

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

...

Section 2.52 Special Standards for Certain Uses.

- (A) Specific Requirements. The City has established the

following standards for certain land uses that apply to the uses regardless of the zoning district in which they are located, unless otherwise stated within other sections of this GDC. The definitions for each land use listed below are contained within Chapter 6 of this GDC.

...

(34) Recreational Vehicle (RV) Park. A Recreational Vehicle Park must comply with the following provisions of this Subsection (36):

(a) Planned Development (PD) District Required. An RV Park is allowed only within a PD district. The approval of a Concept Plan is required.

..."

Section 3

That Chapter 3, "Subdivision Regulations" of the Garland Development Code of the City of Garland, Texas, is hereby amended in part to read as follows:

"

...

Section 3.05 Relationship Between Platting & Zoning.

(A) Zoning. Inside the corporate limits of the City, the following shall apply:

...

(3) Planned Development (PD) District and Specific Use Provision (SUP) Zoning. In a Planned Development (PD) district (refer to Chapter 2, Article 2, Division 2) or for Specific Use Provision (SUP) zoning (refer to Chapter 2, Article 2, Division 3), a plat application must conform with all PD/SUP and other applicable zoning regulations, and with the approved PD/SUP zoning exhibit, Concept Plan, Detail Plan, Site Plan, or other layout plan approved as part of the PD/SUP ordinance.

...

Section 3.46 Timing & Relief.

(A) Timing of Dedication & Construction.

(1) Initial Provision for Dedication or Construction.

The developer shall submit for approval Schematic Engineering Drawings that demonstrate a proposed development will be adequately served by public facilities and services at the time for approval of a site permit application for a development, including: a petition for an annexation agreement or an annexation development agreement (if applicable).

As a condition of approval of the development application, the City may require the dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

...

Section 3.62 Schematic Drainage Plan Review.

A Schematic Stormwater Plan (SSP) shall be submitted to the City for review prior to submission of a site permit that involves construction pursuant to Subsection 3.61(B) above (whichever occurs first). Schematic Drainage Plan requirements are in the Technical Standards, and basic information regarding the site shall be provided including, but not limited to, the following:

..."

Section 4

That Chapter 4, "Site Development" of the Garland Development Code of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

"

...

Section 4.55 Definitions for Tree Preservation.

The following terms and phrases, as used in this Article 4, have the following meanings (other related definitions are contained within Article 3 of this Chapter 4, and also within Chapter 6, of this GDC):

...

- (O) "Tree Removal Authorization" means an approval issued by the Planning Director based on a Tree Management Plan that has been approved by the Planning Director during Site Plan, PD Concept or Detail Plan, Site Permit, or Building Inspection review and approval (as applicable, and whichever occurs first).

..."

Section 5

That Chapter 5, "Relief Procedures & Enforcement" of the Garland Development Code of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

"

...

Section 5.21 Dormant Projects.

- (A) Definitions. For purposes of this section only:

- (1) Initial Permit means any of the following types of applications or approvals granted under the Garland Comprehensive Zoning Ordinance or subdivision regulations (including Chapter 31 of the City Code), as amended, or any predecessor zoning, subdivision or development-related ordinance that was in effect prior to the effective date of this GDC: any Site Plan, Concept Plan, Detail Plan, Specific Use Permit/Provision, any type of plat, or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation, or design of land uses, lots, or improvements on a site intended for development.

..."

Section 6

That Chapter 7, "Downtown (DT) District" of the Garland Development Code of the City of Garland, Texas, as amended,

shall be and remain in full force and effect save and except as amended by this Ordinance.

"
...

Section 7.28 Downtown Development Plan.

(A) Prior to obtaining a Site or Building Permit, an approved Downtown Development Plan must be obtained from the Planning Director (or from the City Council, if the Director's decision is appealed) demonstrating that the proposal meets the goals, intent, and general standards contained in these district regulations.

(B) A Downtown Development Plan application shall include the following information and documents that demonstrate compliance with the Downtown district:

...
(10) Minor or Major Waivers being requested or previously approved
...

Section 7.30 Waivers of Design Standards.

(A) Types of Waivers. For the purposes of this district, there shall be two types of Waivers of design standards - Minor and Major. A Waiver may be made in conjunction with an application for a Downtown Development Plan, or prior to and independent of the application. Any Waiver must be specifically requested by the Applicant. No Waivers to standards will be considered approved if not specifically identified in the request for approval of a Development Plan.

...

(C) Major Waivers are material and substantial changes to the design standards in the Downtown district, or changes which may initially appear to be in conflict with the goals and intent of this district. Major Waivers may only be approved by the City Council, following a recommendation by the Planning Director and the Plan Commission. In order to approve a Major Waiver, the City Council shall find that the Waiver:

...”

Section 7

That Chapters 1,2,3,4,5, and 7 of the Garland Development Code shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 8

That the terms and provisions of this Ordinance are severable and are governed by Sec. 1.07 of the Garland Development Code of the City of Garland, Texas.

Section 9

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

PASSED AND APPROVED this 16th day of April 2024.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

Deputy City Secretary