

ORDINANCE NO. 7138

AN ORDINANCE AMENDING IN PART CHAPTER 2, ARTICLE 5, SECTION 2.52, "SPECIAL STANDARDS FOR CERTAIN USES," OF THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; AMENDING IN PART CHAPTER 2, ARTICLE 5, THE LAND USE MATRIX; AMENDING IN PART CHAPTER 7, ARTICLE 2, THE DOWNTOWN LAND USE MATRIX; PROVIDING 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 Section 2.52(A)(4) of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"(4) Residential Buildings – Use or Conversion of Existing Building, Dwelling, Industrialized Housing Units. To protect the residential character of neighborhoods, no building or portion of a building that is designed, constructed, or used as a residence may be converted to a nonresidential use of any type unless it meets the following standards and conditions:

(a) In a Residential Zoning District. The proposed use, the residential building being converted to a nonresidential use, and the lot on which the building is located shall conform to all applicable provisions of this GDC, including but not limited to the following:

(i) Offsite Parking. To provide for safe and efficient circulation of pedestrian and vehicular traffic in residential neighborhoods, the proposed nonresidential use may have no off-site parking on public streets for employees, volunteers, or guests or patrons attending small gatherings, assemblies, or meetings on the premises. Offsite parking pursuant to a lease or license agreement with the owner of private property located in a nonresidential zoning district and within 150 feet of the premises is permitted. The distance shall be measured from the property line of the premises, along the property lines of street fronts, and diagonally across intersections to the property line of the tract on which off-site parking is being provided.

(ii) Parking Ratio. A nonresidential use in a residential building being converted to a nonresidential use must provide off-street parking at a parking load factor of 100 (one parking space for every 100 square feet

of habitable living space in the converted residential building). The off-site minimum parking requirements must be met pursuant to a lease or license agreement as authorized above.

(iii) Occupancy Load. A nonresidential use in a residential building shall have an occupancy load factor of 100 (one person for every 100 square feet of habitable living space).

(iv) Hours of Operation. A non-residential use in a residential building may only operate between the hours of 7:00 a.m. and 9:00 p.m.

(v) Signs. A nonresidential use in a residential building may not erect or maintain a free-standing sign unless the lot or tract of land on which it is located has a minimum of 200 linear feet of frontage along the street to which the front door of the building is facing.

(vi) Residency. No person shall reside, whether on a temporary or permanent basis, or stay overnight within any portion of a building that has been converted to a nonresidential use.

(vii) Residential Character of Building. There may be no substantial modifications to the building such that would unduly impair any future re-conversion of the building to a residential use.

(viii) Minimum Distance from other Residential Buildings. A nonresidential use in a residential building (or upon the lot or tract of land) located within a residential zoning district shall be no less than 50 feet from any other structure used for residential purposes that are located upon adjoining lots or tracts of land.

(ix) Approval Letter. The Building Official may approve the conversion after determining the application is in compliance with this Section 2.52 and all other applicable codes and state law. The Building Official shall issue a letter approving the conversion, approving the conversion with conditions, or denying the conversion.

(x) Expiration of Approval Letter. Once the Building Official issues a letter approving the conversion, or approving the conversion with conditions, the applicant shall have 365 calendar days from the date the Building Official sends the approval letter to the applicant to apply for all required site or building permits and commence site or building improvements. The approval letter shall also expire 365 calendar days following the date of the most recent inspection if there has not been substantive progress on the site or building improvements.

(b) In a Nonresidential Zoning District. Once the Building Official determines that the proposed conversion is in compliance with all provisions of this GDC and all other applicable codes and state law, the Building Official shall have the authority to issue a Certificate of Occupancy for a nonresidential use in a residential building located within a nonresidential zone.”

(c) In the event the Building Official approves an application for conversion and the applicant completes all work necessary to be in compliance with the approval letter, this GDC, and all other applicable codes and state law, including the payment of all fees, the Building Official shall issue a Certificate of Occupancy, with any reasonable conditions the Building Official determines necessary to carry out the intent of this Section 2.52, for the nonresidential use of a residential building located within a residential zone.

(d) Appeal to the Board of Adjustment. In the event the Building Official denies an application for conversion or approves it with conditions, the applicant shall have 30 calendar days to appeal the decision of the Building Official by submitting a written request for appeal to the Building Inspection Department before the close of the 30th calendar day following the date of the approval letter.”

Section 2

That the Land Use Matrix of Chapter 2, Article 5 of the Garland Development Code of the City of Garland, Texas, is hereby amended in part, specifically “Institutional and Educational Uses,” so that the parking requirements for churches or places of worship are as follows:

“1/4 seats for buildings designed or constructed to accommodate assemblies of 100 persons or greater; 1/100 sq. feet for buildings designed or constructed to accommodate small assemblies under 100 persons.”

Section 3

That the Downtown Land Use Matrix of Chapter 7, Article 2 of the Garland Development Code of the City of Garland, Texas, is hereby amended in part, specifically “Institutional and Educational Uses,” so that the parking requirements for churches or places of worship are as follows:

“1/4 seats for buildings designed or constructed to accommodate assemblies of 100 persons or greater; 1/100 sq. feet for buildings designed or constructed to accommodate small assemblies under 100 persons.”

Section 4

That Chapter 7 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

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 6

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

PASSED AND APPROVED this the 7th day April, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary