

ORDINANCE NO. 7176

AN ORDINANCE AMENDING IN PART CHAPTER 2, CHAPTER 6, AND CHAPTER 7 OF THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

**Section 1**

That Section 2.39, "MF, Multifamily District", of Chapter 2, "Zoning Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

**"Section 2.39 MF, Multifamily District**

(A) Purpose. The Multifamily district is an attached residential district intended to promote stable, quality, attached-occupancy residential development in livable, sustainable, and compact residential communities at a maximum density of eighteen dwelling units per acre. The principal allowed land uses include low-rise to mid-rise multiple-family dwelling structures that are renter-occupied or owner-occupied (as in condominiums). Recreational, religious, health, and educational uses normally located to serve residential areas are also allowed in this district. This district should be located adjacent to an arterial or collector street, and can serve as a buffer between nonresidential development or heavy automobile traffic and medium-density or low-density residential development. This district accommodates a variety of housing types including triplexes, quadplexes, apartments, and condominiums.

(B) Allowed Uses. All allowed land uses (whether by right or by SUP) in the MF district are indicated within the [Land Use Matrix](#), Article 5 of this Chapter 2.

(C) Lot and Density Requirements. Lots used for multifamily purposes must conform to the minimum lot area, width and depth requirements, and to the maximum density requirements, as described in [Table 2-4](#).

(D) Minimum Dwelling Unit Area. The minimum floor area requirements, exclusive of garage square footage, for each residential dwelling unit in the MF district are described in [Table 2-4](#).

(E) Efficiency Dwelling Units. The maximum number of efficiency dwelling units may

not exceed ten percent of the total number of units in the same development. Any fractional number of units must be rounded up to the next whole number of units.

(F) Yard Setback Requirements.

(1) General. The yard setback requirements for all structures in a MF district are provided in [Table 2-4](#) and in [Section 2.34](#) of this Chapter 2, unless otherwise expressly provided below.

(2) Special Side and Rear Setbacks. Where an MF district is located adjacent to a single-family zoning district or a single-family Planned Development district, the side and rear setbacks must be 1.25 times the maximum height of each building or a maximum of fifty feet.

(G) Building Placement.

(1) Building Placement. Where there are multiple MF structures located within a development, a minimum of fifty percent of the structures that are located within one hundred feet of, or visible from, any public right-of-way must be positioned where the structures' facades are at an angle of at least thirty degrees to the street right-of-way line. The intent of this provision is to avoid the external appearance of long and monotonous building alignments. The Planning Director may approve a building placement plan that does not conform to this Subsection pursuant to the alternative compliance process set forth in [Article 1, Division 2 of Chapter 4](#), if the alternative placement plan is consistent with the intent of this provision.

(2) Building Separation. All portions of a multifamily dwelling structure must be a minimum of twenty feet from other multifamily dwelling structures, or any portions thereof.

(H) Exterior Construction.

(1) Construction Materials. Exterior design and construction materials of all MF structures must comply with provisions in [Article 6 of Chapter 4](#) of this GDC.

(2) Roofscapes.

(a) Roofing Materials. Roofing materials on a MF Structure must comply with the provisions of [Article 6 of Chapter 4](#) of this GDC.

(b) Rooftop Equipment. Rooftop-mounted air-conditioning and other mechanical equipment on a MF structure must be screened in

compliance with [Section 4.46](#) in Article 3, Chapter 4 of this GDC.

(I) Other Requirements.

(1) Clubhouse. A clubhouse must be constructed on-site and made available to all residents of a MF development, with the following minimum interior (that is, air-conditioned space) square footage requirements:

(a) An MF development with two hundred dwelling units or less must have a clubhouse that is a minimum 2,500 square feet in size.

(b) An MF development with two hundred and one dwelling units to three hundred and fifty dwelling units must have a clubhouse that is a minimum 3,500 square feet in size.

(c) An MF development with over three hundred and fifty dwelling units must have a clubhouse that is a minimum 4,000 square feet in size. Alternatively, a MF development may have two clubhouses, each a minimum of 2,000 square feet in size.

(2) Swimming Pool(s). One swimming pool having a minimum of eight hundred square feet of surface water must be provided for each MF development. A second swimming pool having a minimum of eight hundred square feet of surface water must be provided for any MF development that has more than two hundred and fifty dwelling units.

(3) Leisure Areas. One leisure area having a minimum area of one thousand square feet, containing at least two pieces of play equipment, or other outdoor amenities (such as, picnic areas with tables, barbeque pits, arbors, or gazebos) must be provided for each MF development. A second leisure area (having the same requirements for amenities as the first leisure area) must be provided for any MF development that has more than two hundred and fifty dwelling units.

(J) Residential Types Other Than Multifamily. Within the MF district, residential types other than apartments or condominiums must comply with the following development standards:

(1) Single-family detached homes must comply with the SF-5 district standards.

(2) Zero-lot-line homes must comply with the SF-5 district standards.

(3) Two-family (duplex) homes must comply with the 2F district standards.

(4) Single-family attached (townhouses) must comply with the SFA district standards.

(K) Approval Process. Prior to the issuance of a building or other development permit for the construction of a multifamily structure, a Preliminary Development Plan must first be approved administratively in accordance with the provisions of [Article 1, Division 1 in Chapter 4](#) of this GDC.”

## Section 2

That Section 2.52, “Special Standards for Certain Uses”, of Chapter 2, “Zoning Procedures”, of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

### “Section 2.52 Special Standards for Certain Uses.

(A) Specific Requirements.

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(12) Elder Care Living Facilities.

...

(e) Site design.

...

(ii) Building Design.

a. Maximum Height. The maximum height of an Elder Care living facility is governed by the regulations of the zoning district in which the facility is located.

b. Exterior Construction. The exterior construction of all Elder Care facilities must be in compliance with all applicable standards provided in [Chapter 4, Article 6](#) of this GDC.

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### Section 3

That Section 6.03 "Definitions", of Chapter 6, "Definitions", of the Garland Development Code of the City of Garland, Texas, is hereby amended in pertinent part to read as follows:

#### **"Section 6.03 Definitions**

...

**RESPONSIBLE OFFICIAL:** The City staff person who has been designated to accept submission of a type of development application, to review and make recommendations concerning such applications, and where authorized, to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of this GDC with respect to such development applications. Also includes any designee of the designated City staff person.

**RESTAURANT:** An establishment at which food and beverages are prepared for service and consumption on the premises, or for carry-out (that is, for off-site consumption). The term includes carry-out service provided patrons leave their vehicles and enter the building to pick up and pay for the carry-out items, or provided an employee of the establishment carries items to patrons waiting in their vehicles ("curbside service"). A Restaurant may include a drive-through lane for a pick-up window so long as ordering at the window is not allowed and a menu/order board is not provided."

**"RESTAURANT, DRIVE-THROUGH:** An establishment at which food and beverages are prepared primarily for service to persons in vehicles, and may include consumption on the premises or curbside service. The term may include a take-out window, walk-up window, drive-through, or drive-in service bays as part of the operation. A Restaurant that includes a drive-through lane for a pick-up window but does not allow ordering at the window and does not include a menu/order board is not considered a Restaurant, Drive-Through.

**RETAIL:** The sale of commodities in relatively small quantities directly to consumers.

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### Section 4

That Section 7.06 "Drive-In/Drive-Through Facilities", of Chapter 7, "Downtown (DT) District", of the Garland Development Code of the City of Garland, Texas, is hereby

amended in its entirety to read as follows:

**“Section 7.06 Land and Building Use**

(A) Intent. It is intended that the uses allowed within the Downtown district will encourage pedestrian-oriented developments that integrate retail, residential, employment and recreation uses, and are accessible to transit.

(B) Uses. Retail, residential, institutional, and office uses shall be allowed throughout the Downtown district in accordance with the schedule set forth for each sub-district in [Table 7-1](#), Downtown (DT) District Land Use Matrix. Uses that are not specifically authorized are prohibited.

(C) Required Flex Space At-Grade. Where required “Flex Space” is designated on the Downtown Framework Plan, the ground floor adjacent to the street shall be constructed to retail building standards, including a minimum floor-to-ceiling height of sixteen feet. The minimum height may be reduced to twelve feet by Minor Waiver. These ground floor areas may be occupied by any allowed use, but shall be constructed to accommodate retail and restaurant uses in response to market demand.

(D) Drive-In/Drive-Through Facilities. No drive-in or drive-through facilities shall be allowed without approval of a Major Waiver, except where allowed by Specific Use Provision (SUP) as indicated by the Downtown (DT) District Land Use Matrix ([Table 7-1](#)), and except where the facility is a Restaurant or Restaurant, Drive-Through, as defined in this Garland Development Code.

(E) Access Drives. All access drives from a public street shall require a Minor Waiver in order to minimize the number of curb cuts along a block face. Where there is alley access, no additional access drives from a public street should be allowed.

(F) Required Recreation and Open Space for Apartments and Condominiums. Each apartment or condominium development which includes five residential units or more shall provide indoor or outdoor recreational or playground area to meet the requirements of the residents in such complex, including facilities for children, adolescents, and adults as appropriate, such as fitness facilities, roof garden, children's play area or other facility.

(G) Publicly Accessible Open Space.

(1) Squares, plazas, and pocket parks are encouraged in association with retail and restaurant uses to provide for community gathering spaces that will support socialization in the neighborhood.

(2) Public open space shall be configured in such a manner as to ensure the safety and welfare of residents and other users.

(H) Downtown Automotive Overlay (DAO) District. The DAO district shall overlay portions of the Downtown district as shown on the Downtown Framework Plan. All requirements of this Chapter 7 shall apply except that those automotive uses listed in the DAO district shall be permitted as reflected in the Light Commercial (LC) district within the [Land Use Matrix](#) in Section 2.51, Article 5, Chapter 2 of this GDC, and governed by the DAO district regulations set forth within [Section 2.48](#) of Article 4, Chapter 2 of this GDC. All other uses (except automotive uses) shall be regulated as set forth in the underlying sub-district designated by the Downtown Framework Plan, and as set forth in the Downtown (DT) District Land Use Matrix ([Table 7-1](#)).”

#### **Section 5**

That Garland Development Code for 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 6**

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

#### **Section 7**

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 8**

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

**PASSED AND APPROVED** this 15th day of September, 2020.

**CITY OF GARLAND, TEXAS**

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Mayor

**ATTEST:**

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City Secretary

**PUBLISHED:**