

ORDINANCE NO. 7261

AN ORDINANCE AMENDING 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 Article 2, Section 7.05, "General", of Chapter 7, "Downtown (DT) District," of the Garland Development Code of the City of Garland, Texas, is hereby amended in part by addition to read as follows:

"Section 7.05 Limitation on Authority

. . .

(B) Sub-Districts Created. The following sub-districts are created in the Downtown district:

. . .

(5) The Downtown Square (DS) Sub-district, the boundaries of which being more particularly depicted on the Downtown Framework Plan in Appendix A of this Chapter 7, consists primarily of retail and other pedestrian-generating uses surrounding the Downtown Square. It may have a wide range of building types and has a tight network of streets, with wide sidewalks, dense street tree plantings, and buildings set close to the sidewalks."

Section 2

That Article 2, Section 7.06, "Land and Building Use," of Chapter 7, "Downtown (DT) District", of the Garland Development Code of the City of Garland, Texas, is hereby amended *in part* by adding a new subsection (I) to read as follows:

"Section 7.06 Land and Building Use

. . .

(I) Assembly Halls Located within the Downtown Square (DS) Sub-district. Due to limited public parking on and around the historic downtown square, Assembly halls, which generally create a demand for intensive parking, are only allowed within the Downtown Square (DS) Sub-district with transferable land use credits. For the purposes of the Downtown Square (DS) Sub-district, the following provisions and definitions shall apply:

(1) "Assembly hall" is a tract of land or structure designed or primarily used for a group of persons to gather together, usually at designated meeting times for a particular purpose or mission, whether political, cultural, educational, or religious. The term includes, but is not limited to, social services, civic clubs, reception facilities, meeting halls, religious services, fraternal lodges, etc.

(2) The real property owner of a tract of land on which an Assembly hall exists in the Downtown Square Sub-district as of October 12, 2021 ("Land Use Credit Effective Date") shall be allocated a transferable land use credit for each square foot of property used as an Assembly hall, exclusive of administrative offices, lobbies, bathrooms, storage areas, closets, or smaller meeting spaces.

(3) An Assembly hall established after the Land Use Credit Effective Date may not operate, and an existing Assembly hall use may not expand, unless the proposed Assembly hall use obtains transferable land use credits from another Assembly hall use within the Downtown Square Sub-district for each square foot of area to be used in the operation or expansion.

(4) An Assembly hall that makes a transfer of land use credits may not transfer less than all of its credits, and may only transfer those credits to a single transferee. The transferee may use less than all of the credits transferred, but any unused credits are thereafter void and may not be further transferred. Credits may be transferred and aggregated to create a new

site for an Assembly hall use, or may be added to an existing site of an Assembly hall use for expansion.

(5) The transferable land use credits created by this Section (I) may only be transferred within the Downtown Square Sub-district. No transferable land use credit from any other zoning district may be transferred into the Downtown Square Sub-district.

(6) An Assembly hall that discontinues operating may transfer its land use credits during the period ending sixty calendar days after the cessation of business of the Assembly hall use, but the credits expire 180 calendar days after the Assembly hall use ceases doing business. The termination of utility services to the Assembly use is prima facie evidence of the cessation of business. Transferable land use credits may be transferred only by the owner of the land to which the credits apply.

(7) Upon the Land Use Credit Effective Date, the following locations within the Downtown Square Sub-district were operating as Assembly halls and are hereby issued transferable land use credits in accordance with this Subsection (I):

- (a) 521 W. State Street;
- (b) 115 N. Sixth Street; and
- (c) The City of Garland downtown square."

Section 3

That the Downtown District Land Use Matrix located within Article 2, Section 7.06, "Land and Building Use," of Chapter 7, "Downtown (DT) District", of the Garland Development Code of the City of Garland, Texas, is hereby amended *in its entirety* (including the legend) to include a new column for the "Downtown Square" sub-district, being more particularly described and depicted in Exhibit "A," which is attached hereto and incorporated herein by reference for all purposes.

Section 4

That Article 7, Section 7.07, "Block Face," of Chapter 7, "Downtown (DT) District," of the Garland Development Code of the City of Garland, Texas, is hereby amended *in part* to read as follows:

“Section 7.07 Block Face

(A) Intent. In the Downtown Historic (DH), Downtown Square (DS), and Uptown (U) sub-districts, it is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to an attractive and active pedestrian environment, with allowance for some variation and opportunities for outside dining, plazas, pocket parks, and special building entry features. Buildings should also be constructed close to the street to provide a sense of enclosure.

...”

Section 5

That Table 7-2, “Street and Build-To Zone Standards,” of Article 7, Section 7.08, “Streets,” 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:

Table 7-2: Street and Build-To Zone Standards

Sub-District Building Type	Clear Sidewalk	Build-To Zone ^{1, 2, 4}	Streets
Downtown Historic (DH)			
Townhouse, Mixed Residential	9 ft.	9 - 15 ft. ³	All
Live/Work, Mixed-Use, Commercial	9	9 - 15 ³	All
Downtown Square (DS)			
Mixed Residential	9	9 - 15 ³	All
Live/Work, Mixed-Use, Commercial	9	9 - 15 ³	All
Uptown (U)			
Townhouse, Mixed Residential	8	26 - 36	Ave B & D
	6	26 - 36	All Others
Live/Work, Mixed-	10	26 - 36	Ave B & D

Use, Commercial	8	26 - 36	All Others
InTown Residential (IR)			
Single-Family	Per GDC		
Suburban Corridor (SC)			
All Building Types	6	26 - 36	Parking on Side
	6	80 - 88	Parking Bay in Front

Section 6

That Table 7-3, "Sub-District Building Height Standards," of Article 7, Section 7.11(A), "Building Standards," 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:

Table 7-3: Sub-District Building Height Standards

Sub-District Standard	Downtown Historic and Downtown Square	Uptown	InTown Residential	Suburban Corridor
Building Height ¹	Min. 1 story, constructed to accommodate a second story, Max. 4 stories ²	Min. 1 story, constructed to accommodate a second story, Max. 8 stories ²	Min. 1 story, constructed to accommodate a second story, Max. 4 stories ²	Min. 1 story Max. 2 - 5 stories ¹

Section 7

That Table 7-4, "Sub-District Building Types," of Article 7, Section 7.11(B), "Building Standards," 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:

Table 7-4: Sub-District Building Types

Building Types	Downtown Historic	Sub-District			
		Downtown Square	Uptown	InTown Residential	Suburban Corridor
Single-Family			X	X	
Townhouse	X		X		X
Mixed Residential	X	X	X		
Loft	X	X	X		X
Live/Work	X	X	X		X
Liner Building	X	X	X		
Mixed-Use	X	X	X		X
Commercial	X	X	X		X

Section 8

That Section 7.17(B), "Street Tree Wells in the Public Sidewalk," of Chapter 7, "Downtown (DT) District", of the Garland Development Code of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Section 7.17 Streetscaping

. . . .

(B) Street Tree Wells in the Public Sidewalk.

(1) Trees shall generally be planted within six-foot by eight-foot tree wells, constructed in accordance with City specifications. The tree well opening shall be covered with grasses, groundcover or low plant material, or with a tree grate. However:

(a) In the DH and DS sub-districts trees may be planted in minimum six-foot by ten-foot tree wells with tree grates; however, where a structural sidewalk system is used, the tree well area may be reduced; and

. . ."

Section 9

That the Downtown Framework Plan located within Appendix A, of Chapter 7, "Downtown (DT) District", of the Garland Development Code of the City of Garland, Texas, is hereby amended *in its entirety* to include the boundaries of the "Downtown Square" sub-district, being more particularly described and depicted in Exhibit "B," which is attached hereto and incorporated herein by reference for all purposes.

Section 10

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 11

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 12

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 13

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

PASSED AND APPROVED this the 12th day of October, 2021.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

Table 7-1: Downtown District Land Use Matrix

Legend:

P = Permitted by right
 S = May be permitted by SUP
 N/A – Not applicable (i.e., no parking requirement)
 * = See Chapter 2, Section 2.52 for special standards
 ** = Permitted by right in InTown Residential (North)
 *** = See Chapter 7, Section 7.06 for special standards
 gfa – Gross floor area
 NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

	Downtown Historic	Downtown Square	Uptown	InTown Residential	Suburban Corridor	Parking Requirement (Does not apply to Downtown Historic (DH) and Downtown Square (DS) sub-districts)	Cross-Reference Special Standards
Residential Uses							
Accessory Dwellings:							
Dwelling, Accessory – Guest House	P		P	P	P	1 / dwelling unit	Sec. 2.58
Dwelling, Accessory – Rental Unit	P		P	P	P	Efficiency and 1 bedroom: 1 space 2+ bedrooms: 2 spaces	Sec. 2.58
Dwelling, Accessory – Guard/Manager/Caretaker	P		P	P	P	2 / dwelling unit	Sec. 2.58
Elder Care Facilities:							
Elder Care – Independent Living	P		P			1 / dwelling unit	Sec. 2.52(A)12
Elder Care – Assisted Living			P			1 / 3 dwelling units	Sec. 2.52(A)12
Elder Care – Nursing/Convalescent Care			P			.5 / bed	Sec. 2.52(A)12
Elder Care – Continuing Care (combination)			P			as determined by components, and best/current practices	Sec. 2.52(A)12
Household Living Units:							
Dwelling, Two-Family (duplex)			P		P	2 enclosed / dwelling unit	Sec. 2.38
Dwelling, Multi-Family	P	S or P (if on upper floors only)	P			Efficiency: 1 space 1 bedrooms: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)	Sec. 2.39
Dwelling, Live-Work unit (in a live-work building)	P	P	P	P	P	2 spaces, plus nonresidential requirement	-
Dwelling, Single-Family Detached			P	P	P	2 enclosed / dwelling unit	Sec. 2.36
Dwelling, Single-Family Attached (Townhouse)	P		P		P	2.25 enclosed / dwelling unit	Sec. 2.37
Dwelling, Apartment	P	P (on upper floors only)	P	P	P	Efficiency: 1 space 1 bedroom: 1.5 spaces 2+ bedrooms: 2 spaces (at least 50% to be covered)	
Accessory & Temporary Uses							
Accessory Structure, Residential	P		P	P	P	N/A	Sec. 2.58
Convenience Facilities:							
Drive-In Service					S	1 / order station + 1 space per employee at maximum shift	
Drive-Through Service			S		S	N/A	Sec. 4.20
Walk-Up Service	P	P	P		P	1 / walk-up window or order station + 1 space per employee at maximum shift	-

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 gfa – Gross floor area

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Fuel Pumps, Retail					S	N/A	Sec. 2.52(A)3
Kiosks, Self-Service:							
Automated Teller Machine (ATM) – Drive-Up			S		S	1 / ATM station (at the ATM)	Sec. 2.52(A)7, Sec. 4.20
Automated Teller Machine (ATM) – Walk-Up	P	P	P		P	1 / walk-up ATM	Sec. 2.52(A)7
Outside Display, New Materials	P	P	P		P	N/A	Sec. 2.52(A)14
Outside Display, Used Materials	S	S	S		S	N/A	Sec. 2.52(A)14
Outside Storage, New Materials			P		P	N/A	Sec. 2.52(A)14
Outside Storage, Used Materials			S		S	N/A	Sec. 2.52(A)14
Seasonal Sales					S	N/A	Art.VIII, Ch. 30, City Code
Temporary Building/Office (field office, construction office, subdivision sales office, etc.)	*		*	*	*	1 / 1,000sf site area	Sec. 2.52(A)19
Institutional and Educational							
College or University,	P		P		P	.5 / student (site-specific study required)	-
Convention Facility	P		P			1 / 100 gfa	-
Day Care Facilities:						-	-
Day Care Center, Adult	P		P	S	P	1 / 3 clients + 1 per employee at maximum shift	Sec. 2.52(A)13
Day Care, Youth – Licensed Child-Care Center	P		P	S	P	1 / 10 children + 1 per employee at maximum shift	Sec. 2.52(A)2
Day Care, Youth – Registered Child-Care Home	P		P	S	P	NA	Sec. 2.61
Church or Place of Worship	P	***	P	P	P	1 / 4 seats	-
Learning Center, Specialized	P		P		P	1 / 10 students	-
School, Business	P		P		P	1 / 3 students	-
School, Retail/Personal Services Training	P		P		P	1 / 3 students	-
School, Trade			S			1 / 3 students	-
School, Public	P		P	P	P	Elementary: 1 / 17 students Middle: 1 / 17 students High: 1 / 3 students –	-
School, Private, Religious or Charter	S		S	S	S	Elementary: 1 / 17 students Middle: 1 / 17 students High: 1 / 3 students	-
Government & Human Services							
Charitable Boarding	S		S	S	S	.5 / bed	-
Garden, Charitable	S		S	S	S	2 spaces	-
Garden, Civic	P		P	P	P	2 spaces	-
Post Office			P		P	1 / 300 gfa	-
Social Service Facility/Agency	P	***	P		P	1 / 300 gfa	-

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Medical & Health Services							
Hospital			P			1.5 / bed	-
Medical and Dental Office/Clinic	P		P		P	1 / 250 gfa	-
Mortuary/Funeral Home	P		P		P	1 / 200 gfa, or 1 / 4 seats in sanctuary and chapel(s) (whichever is greater)	-
Recreational, Social, & Entertainment Uses							
Athletic Events Facility, Indoor			S			1 / 125 gfa or 1 / 3 bleacher and spectator seats (whichever is greater)	-
Civic Club/Fraternal Lodge	P	***	P		P	1 / 200 gfa	-
Commercial Amusement, Indoor	P	P	P		P	1 / 150 gfa	-
Commercial Amusement, Outdoor			S		S	1 / 1,000 sf of amusement area and accessory uses	-
Public Amusement, Temporary	S		S		S	N/A	Art. VIII, Ch. 30, City Code
Cultural Facility	P	P	P		P	1 / 300 gfa	-
Health & Fitness Gym (indoor)	P	S	P		P	1 / 150 gfa	-
Reception Facility	S	***	S		S	1 / 100 gfa or 1 space for each 3 occupants (whichever is greater)	Sec. 2.52(A)20
Theater, Small Scale	P	***	P		P	1 / 3 seats	-
Theater, Large Scale			P			1 / 3 seats	-
Office, Retail, & Service							
Antique Shop (indoors only)	P	P	P		P	1 / 250 gfa	-
Bakery, Retail	P	P	P		P	1 / 250 gfa	-
Bed and Breakfast	S	S	P	S		1 / guest room + residential use requirement (according to that use)	Sec. 2.52(A)11
Business & Media Service	P		P		P	1 / 300 gfa	-
Call Center			S		P	1 / 150 gfa	-
Convenience Store (1,000-5,000sf)	P	S	P		P	1 / 250 gfa	Sec. 2.52(A)1
Financial Institution	P	P	P		P	1 / 300 gfa	Sec. 4.20
Flea Market, Indoor	S		S		S	1 / 200 gfa	-
Flea Market, Outdoor	S		S		S	1 / 500 sf site area	-
Furniture, Household Furnishings and Appliance Sales/Rental	P	S	P		P	1 / 400 gfa	-
Grocery/Supermarket (>5,000sf)	P		P		P	1 / 250 gfa	-
Home Improvement Center (>50,000sf)			S		P	1 / 250 gfa	-
Hotel/Motel, Extended Stay	P		P		P	1.25 / room + 1 / 200sf restaurant, retail, conference and office area	Sec. 2.52(A)11

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Hotel/Motel, Full Service	P	S	P		P	1 / room + 1 / 200sf restaurant, retail, conference and office area	Sec. 2.52(A)11
Hotel/Motel, Limited Service	P	S	P		P	1/ room + 1 / 200sf restaurant, retail, conference and office area	Sec. 2.52(A)11
Indoor Shopping Mall	S		S		S	0-400,000 gfa: 1 / 250 gfa 401,000+ gfa: 1 / 300 gfa	-
Kiosk, Trailer or Mini-Structure (attended):	-		-		-	-	-
Retail/Service	S		P		P	1 / employee	Sec. 2.52(A)7, Sec. 4.20
Landscape Nursery (retail)					P	1 / 250 gfa + 1 / 2,000sf outdoor area	-
Laundry, Self-Serve (Laundromat)	P		P		P	1 / 250 gfa	-
Laundry, Drop-Off (with drive-through or window)	S		S		P	1 / 250 gfa	Sec. 4.20
Laundry, Drop-Off (without drive-through or window)	P		P		P	1 / 250 gfa	-
Office, General	P	S for first- floor P for upper floors	P		P	1 / 300 gfa	-
Personal Services	P	S for first- floor P for upper floors	P		P	1 / 250 gfa	-
Pet Store (indoors only)	S	S	P		P	1 / 250 gfa	-
Pharmacy (with drive-through or window)	S		S		P	1 / 250 gfa	Sec. 4.20
Pharmacy (without drive-through or window)	P	S	P		P	1 / 250 gfa	-
Produce Stand/Outdoor Farmers Market	S	S	S		S	4 + 1 / 600sf of site area	-
Restaurant	P	P	P		P	1 / 100 gfa	*
Restaurant, Drive-Through					S	1 / 100 gfa	Sec. 4.20
Retail Store	P	P	P		P	1 / 333 gfa	-
Studio, Arts/Crafts	P	P	P		P	1 / 250 gfa	-
Studio, Fitness or Performing Arts	P	S for first- floor P for upper floors	P		P	1 / 150 gfa	-
Used Goods, Retail Sales (Indoors)	P	P	P		P	1 / 250 gfa	-
Tattooing/Body Piercing Establishment	S	S	S		S	1 / 250 gfa	Sec. 2.52(A)6
Commercial							

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- ** = Permitted by right in InTown Residential (North)
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- gfa – Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Bakery, Commercial			P		P	1 / 1,000 gfa	-
Building/Garden Materials Sales & Storage (wholesale)			S			1 / 400 gfa + 1 / 1,000 gfa storage area	Sec. 2.52(A)23
Bulk Material Sales & Storage (retail or wholesale)			S			1 / 1,000 gfa or 1 / 1,000 outdoor area (whichever is greater)	Sec. 2.52(A)18
Contractor's Office/Warehouse (indoors only)			S			1 / 500 gfa for office + 1 / 1,000sf for warehouse	-
Equipment Leasing/Rental, Indoor			P			1 / 250 gfa	-
Furniture and Appliance Cleaning/Repair			S			1 / 1,000 gfa	-
Pet Care/Play Facility (indoor)			S		S	1 / 300 gfa	Sec. 2.52(A)9
Printing/Publishing House			S		P	1 / 300 office gfa + 1 / 1,000 remainder gfa	-
Recording Studio/Media Production			P		P	1 / 300 gfa	-
Small Engine/Lawn Equipment Rental & Repair (indoors)			P		P	1 / 300 gfa	-
Veterinary Clinic, Small Animal (indoors only)			P		P	1 / 300 gfa	*
Motor Vehicles & Related Uses							
Parking Lot or Garage, Commercial	P		P		P	1 / 300 office gfa	-
Transportation							
Bus Stop	P	P	P	P	P	NA	-
Helipad			S			5 / helipad	-
Transit Station, Public (multi-modal, public agency only)	P	S	P		P	Determined by operating agency	-
Transportation Depot, Passenger (commercial)			S		S	Determined by SUP	Sec. 2.52(A)10
Industrial							
Batching Plant, Temporary	P		P	P	P	1 / 1,000 gfa + 1 / employee at maximum shift	-
Breweries/Wineries/Distilleries	S	S	S		S	1/1,000 gfa + 1/employee at maximum shift 1/100 gfa for dining/tasting areas	Sec. 2.52(A)(35)
Laboratory, Analytical or Research (indoor)			S			1 / 1,000 gfa + 1 / employee at maximum shift	-
Warehouse, Office/Showroom (indoors only)			S			1 / 300 office gfa + 1 / 1,000 remainder gfa	-
Utility & Service							
Antenna, Commercial	*		*	*	*	N/A	Div. 5, Art. 5, Ch. 2
Antenna, Private	P		P	P	P	N/A	Div. 5, Div. 6, Art. 5, Ch.2
Electric Substation			S		S	1 / employee at maximum shift	-
Gas Regulating Station	S		S	S	S	1 / employee at maximum shift	-

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Legend:

P = Permitted by right

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N/A – Not applicable (i.e., no parking requirement)

* = See Chapter 2, Section 2.52 for special standards

** = Permitted by right in InTown Residential (North)

*** = See Chapter 7, Section 7.06 for special standards

gfa – Gross floor area

NOTE: Land uses not listed in this matrix but included in Section 2.51 have been purposefully omitted and are not permitted by the Downtown Form-Based Code.

Telecommunication Switching Station	S		S	S	S	1 / employee at maximum shift	-
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