Downtown Automotive Uses Overlay District

50-100 Overlay District: Within the Downtown Automotive Uses Overlay District, as designated on the official zoning map of the City and as described below, the following additional or supplemental regulations shall apply. Except as specifically provided in this section, the inclusion of an area within an overlay district governed by the provisions of this section shall not affect the underlying zoning of such areas or any provision of a planned development or other ordinance pertaining to any property within the City. A planned development ordinance may further limit or regulate the uses allowed within the planned development district.

50-200 Description: The Downtown Automotive Uses Overlay District consists of all that area located within the boundaries as described below:

Area 1 - All of that area located south of West Avenue B, west of South Garland Avenue, north of Forest Lane, and east of Duck Creek.

Area 2 - Beginning at the intersection of South First Street and Avenue C, then preceding west along Avenue C to its intersection with the east boundary line of the Kansas City Southern Railroad right-of-way; Thence, northeast along the Kansas City Southern Railroad right-of-way boundary to its intersection with State Street; Thence, east along State Street to its intersection with North First Street; Thence, north along North First Street to a point, that point being the northwest corner of the Partners Addition to the City of Garland; Thence, east along the north boundary line of the Partners Addition; continuing east along the north boundary line of Garvon Addition No. 1 and across SH 78 to a point, that point being the intersection of the north boundary of Garvon No. 2 Addition and the alley separating Garvon No. 2 Addition and Garvon No. 3 Addition; Thence, preceding in a southwesterly direction along that alley to its intersection with Bankhead Street; Thence, south along the east boundary line of the 5 Point Commercial Addition of the City of Garland to Avenue A; Thence, preceding south along Barger Street to Avenue B; Thence, west along Avenue B to South First Street; Thence, south along South First Street to the point of Beginning.

50-300 Restrictions on automotive uses within the Downtown Automotive Uses Overlay District:

(A) For the purposes of the Downtown Automotive Uses Overlay District, an "automotive use" includes any business or use of property that, as a whole or any component part, consists of any of the following:
Automobile or motorcycle sales, leasing, rental, service and repair (new)
Automobile or motorcycle sales, leasing, rental, service and repair (used)
Automobile repair, major
Automobile repair, minor
Automobile wrecking yard
Car wash
Commercial vehicle storage

Vehicle upholstery and interior repair
Vehicle cleaning, waxing, detailing, finishing or polishing
Tire dealer, no outside storage
Tire dealer, outside storage
Truck or bus storage, commercial
Truck or bus washing
Truck stop
Vehicle sales, leasing, rental, service and repair (other than automobile/motorcycle)
Trailer sales, leasing, rental, and repair
Wrecker service
Wrecker service (one)

(B) An automotive use that was operating under a valid and existing certificate of occupancy as of April 19, 2005 shall be allocated a transferable land use credit for each square foot of property occupied or used for the automotive use, inclusive of parking areas but exclusive of any adjoining streets, alleys, sidewalks or other public property.

(C) A new automotive use may not operate, and an existing automotive use may not expand, unless the proposed or existing automotive use obtains transferable land use credits from another automotive use within the Downtown Automotive Uses Overlay District for each square foot of area to be used in the operation or expansion. An automotive use that makes the transfer may not transfer less than all of its transferable land use credits and may only transfer those credits to a single transferee. The transferee may use less than all of the credits so 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 automotive use, or may be added to an existing site of an automotive use for expansion, but no site so created or expanded may exceed 10,000 square feet in area. The transferable land use credits created by this section may only be transferred within the Downtown Automotive Uses Overlay District or to another Automotive Uses Overlay City. No transferable land use credit from any other Automotive Uses Overlay District may be transferred into the Downtown Automotive Uses Overlay District.

(D) An automotive use that discontinues operating may transfer its transferable land use credits during the period ending sixty (60) days after the cessation of business of the automotive use, but the credits expire sixty (60) days after the automotive use ceases doing business. The termination of utility services to the automotive 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.

(E) Notwithstanding the provisions of subsection (D), above, in the event the building from which an automotive use operates is damaged or destroyed by fire, weather, calamity or other cause beyond the control of the owner or operator of the automotive use, the owner may reconstruct the building damaged or destroyed, provided that:

(1) Such reconstruction complies with all applicable ordinance, regulations, and standards then in effect; and

(2) Application for building, development, and other necessary permits is made within six months following the event that caused the damage or destruction.