

6-18-18

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ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.201 and 51A-4.209; providing a special exception for an accessory dwelling unit; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subparagraph (E) of Paragraph (1), "Single-Family," of Subsection (b), "Specific Residential Uses," of Section 51-4.201, "Residential Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(E) Additional provisions:

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

- (aa) be used as rental accommodations; or
- (bb) adversely affect neighboring properties.

(cc[~~ii~~]) In granting a special exception under this s[S]ubparagraph [(~~+~~)], the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(ii) Accessory dwelling unit.

(aa) The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting a special exception under this subparagraph, the board shall require the applicant to:

(I) deed restrict the subject property to require owner-occupancy on the premises; and

(II) annually register the rental property with the city's single family non-owner occupied rental program.

(iii) Physically separable. A dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit.

(iv) Utility services. Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) Party wall. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(vi) Electrical service. In a single-family, duplex, or townhouse district, a lot for a single-family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single-family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interest;

(bb) not adversely affect neighboring properties; and

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(cc) not be used to conduct a use not permitted in the district where the building site is located.

(vii) Industrialized housing. In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, “industrialized housing” means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the “value” of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof-pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. “Compatible” as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single-family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(viii) Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) Except as provided in this section, n[~~N~~]o person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) Except for accessory dwelling units, n[~~N~~]o person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have exterior siding, roofing, roof-pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less."

SECTION 2. That Subparagraph (E) of Paragraph (6), "Single Family," of Subsection (b), "Specific Uses," of Section 51A-4.209, "Residential Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(E) Additional provisions:

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(iii) Accessory dwelling unit.

(aa) The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting a special exception under this subparagraph, the board shall require the applicant to:

(I) deed restrict the subject property to require owner-occupancy on the premises; and

(II) annually register the rental property with the city's single family non-owner occupied rental program.

(iv) Dwelling units in general.

(aa) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(bb[iv]) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) Utility meters. In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located. contiguous dwelling units in the event of removal of a dwelling unit.

(vi) Industrialized housing. In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(vii) Accessory structures. Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) Except as provided in this section, n[N]o person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) Except for accessory dwelling units, n[N]o person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

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SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

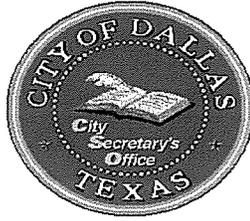
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed JUN 27 2018



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 27 2018

ORDINANCE NUMBER 30930

DATE PUBLISHED JUN 30 2018

ATTESTED BY: