

ORDINANCE NO. _____

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” **[and/or]** Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Section ____; providing (description of amendment); 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 ____ of Paragraph ____, “____,” of Subsection ____, “____,” of Section 51-____, “____,” of Division 51-____, “____” of Article ____, “____,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

[Insert text of amendment.]

[or]

“This section incorporates by reference the language of Section 51A-____ of Chapter 51A of the Dallas Development Code, as amended.”

SECTION 2. That Subparagraph _____ of Paragraph _____, “_____,” Subsection _____, “_____,” of Section 51A-_____, “_____,” of Division 51A-_____, “_____” of Article _____, “_____,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

SEC. 51A-4.50 ____ . ACCESSORY DWELLING UNIT OVERLAY.

(a) Definitions. In this section:

(1) **ACCESSORY DWELLING UNIT** or ADU means a rentable additional dwelling unit, subordinate to the main unit, located on building site with a single family use.

(2) **NEIGHBORHOOD COMMITTEE** means the owners of at least 10 properties within a proposed district.

(c) Petition, initiation, and process.

(1) Except as provided in this subsection, the procedures for zoning amendments contained in Section 51A-4.701, Zoning Amendments, apply.

(2) An accessory dwelling unit overlay may only be placed on an area that allows single family uses and does not expressly prohibit accessory dwelling units.

(3) A district must contain at least 50 single family structures in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than 50 single family structures. Boundary lines should be drawn to include blockfaces on both sides of a street, and to the logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided.

(4) The neighborhood committee may request a petition form by submitting a request to the department on a form furnished by the department. The request must include the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section.

(5) As soon as possible after the department provides the neighborhood committee with a petition form, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed district as evidenced by the last approved city tax roll at least 10 days prior to the neighborhood meeting.

(6) The petition must be on a form furnished by the department. The petition form must include a map of the boundaries of the proposed district, a list of the proposed regulations, the name and address of all property owners within the proposed district, and a statement that by signing the petition the signers are indicating their support of the district.

(7) The petition must be submitted with the following:

(A) The dated signatures of property owners within the proposed district in support of the proposed district.

(i) For a proposed district with 50 or fewer single family structures, the signatures on the petition must be dated within three months following the date of the neighborhood meeting.

(ii) For a proposed district with more than 50 single family structures, the signatures on the petition must be dated within six months following the date of the neighborhood meeting.

(B) The application fee, if applicable.

(i) If a petition is signed by more than 50 percent but less than 75 percent of the lots within the proposed district, the application fee must be paid.

(ii) If a petition is signed by 75 percent or more of the lots within the proposed district, the application fee is waived.

(iii) If the proposed district is authorized pursuant to Section 51A-4.701(a)(1), the application fee is waived.

(C) A map showing the boundaries of the proposed district.

(D) A list of any neighborhood associations that represent the interests of property owners within the proposed district.

(E) A list of the names and addresses of the neighborhood committee members.

(F) Any other information the director determines is necessary.

(8) For purposes of Section 51A-4.701, Zoning Amendments, once a complete petition has been submitted to the director, the accessory dwelling unit overlay shall be treated as a city plan commission authorized public hearing. If the district is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

Zoac rec

(9) For purposes of this section, the notice area is 400 feet.

(10) Along with any other required notice, at least 10 days prior to consideration by the city plan commission, the director shall mail a draft of the proposed accessory dwelling unit overlay ordinance and a reply form to all owners of real property within the area of notification. The reply form must allow the recipient to indicate support or opposition to the proposed accessory dwelling unit overlay and give written comments. The director shall report to the city plan commission and the city council the percentage of replies in favor and in opposition, and summarize any comments.

(e) Accessory dwelling unit overlay.

(1) In general.

(A) The provisions of Section 51A-4.704(c), regarding renovation, remodeling, repair, rebuilding, or enlargement of nonconforming structures, remain in effect.

(B) An accessory dwelling unit may not be sold separately from the main building.

(C) An accessory dwelling unit must be compatible with the main building: similar in color, materials, exterior siding, roofing, roof pitch, foundation fascia, and fenestration.

(D) The yard, lot, and space regulations of the accessory dwelling unit overlay must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between the accessory dwelling unit overlay and Division 51A-4.400, the accessory dwelling unit overlay controls.

(2) Yard, lot, and space regulations.

(A) In general. Except as provided in this subsection, the yard, lot, and space regulations of the underlying zoning remain in effect.

(B) Side and rear yard.

(i) If the structure containing the accessory dwelling unit is less than 15 feet in height and is located in the rear 30 percent of the lot, minimum side yard is three feet.

(ii) If the structure containing the accessory dwelling unit is less than 15 feet in height, minimum rear yard is three feet.

(C) Floor area.

(i) Minimum floor area is 200 square feet.

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(ii) Maximum floor area is the greater of 700 square feet or 25 percent of the main structure.

Staff recommendation

(ii) Maximum floor area is 25 percent of the main structure.

Zoac rec

(D) Height. A structure containing an accessory dwelling unit must comply with height regulations in the base zoning district.

Staff Recommendation

(D) Height. Maximum height of the structure containing the accessory dwelling unit cannot exceed the height of the primary dwelling unit.

(E) Location. An accessory dwelling unit may not be located in front of a main structure.

(F) Off-street parking.
(i) Except as provided in this paragraph, a minimum of one space is required.

(ii) Off-street parking may be reduced if 75 percent of the all property owners within the proposed district vote to allow it during the initial process.

(G) Stories. Maximum number stories for an accessory dwelling unit is one.

(7) Owner occupancy.

(A) Except as provided in this paragraph, if one dwelling unit is used as rental accommodations the property owner must reside in the main structure or the accessory dwelling unit during the tenancy.

(B) The owner may be absent for nine months with director approval.

Zoac rec

(8) Utility meter. Separate meters are allowed for the main structure and the accessory dwelling unit.

(9) Single family rental program. The rental unit must be registered in the city single family rental program.

SECTION 3. That adjustments will be made to the section references in this ordinance for codification purposes only. A Dallas Development Code section reference containing the symbol “[A],” for example, “Section 51[A]-_____,” means that the letter “A” will appear in the Chapter 51A version only, and will not appear in the Chapter 51 version.

SECTION 4. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code. *[If the amendment changes a use chart.]*

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapter(s) (51 and) 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. 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.

SECTION 8. 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 9. 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 _____

DRAFT