

6-25-18

ORDINANCE NO. 30931

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 Section 51A-1.105; adding new Sections 51-4.409 and 51A-4.410; providing for an accessory dwelling unit overlay; 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 Division 51-4.500, "Overlay and Conservation District Regulations" of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Section 51-4.509, Accessory Dwelling Unit Overlay," to read as follows:

**"SEC. 51-4.509. ACCESSORY DWELLING UNIT OVERLAY.**

This section incorporates by reference the language of Section 51A-4.510 of Chapter 51A of the Dallas Development Code, as amended."

SECTION 2. That Paragraph (4) of Subsection (a), "Fees for Zoning and SUP Amendments and Renewals," of Section 51A-1.105, "Fees," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Amendment to planned development district or institutional overlay district site plan and/or conditions only	\$2,610.00 + \$1,000.00 per regulation type being amended	500 feet
All other applications relating to planned development districts, including the creation of subdistricts, or institutional overlay districts:		
0-5 acres	\$5,820.00 + \$1,000.00 per regulation type	500 feet
over 5 acres	\$5,820.00 + \$250.00 per each acre over 5 and \$1,000.00 per regulation type	500 feet
Maximum fee	\$50,000.00	
Applications for straight form districts, planned form districts, and parking management overlay districts:		
0-1 acre	\$1,050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$5,820.00 + \$113.00 per each acre over 15	400 feet
over 25 acres	\$6,950.00 + \$113.00 per each acre over 25	500 feet
Maximum fee	\$30,000.00	
Applications for height map overlay districts and shopfront overlay districts	\$1,170.00	200 feet
All applications relating to neighborhood		

stabilization overlay districts and accessory dwelling unit overlays:

0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet

All applications relating to conservation districts

0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	200 feet
over 5 acres to 25 acres	\$2,400.00	200 feet
over 25 acres	\$2,400.00	200 feet

Application for original SUP:

0-1 acre	\$1,170.00	200 feet
over 1 acre to 5 acres	\$1,170.00	300 feet
over 5 acres to 25 acres	\$1,170.00	400 feet
over 25 acres	\$1,170.00	500 feet
pedestrian skybridge	\$10,000.00	See 51A-4.217(b)(12)
gas drilling and production	\$2,000.00	1,000 feet

Application for SUP amendment or renewal:

0-1 acre	\$825.00*	200 feet
over 1 acre to 5 acres	\$825.00*	300 feet
over 5 acres to 25 acres	\$825.00*	400 feet
over 25 acres	\$825.00*	500 feet

\*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.

Straight zoning and all other zoning applications:

0-1 acre	\$1,050.00	200 feet
over 1 acre to 5 acres	\$2,610.00	300 feet
over 5 acres to 15 acres	\$5,820.00	400 feet
over 15 acres to 25 acres	\$9,315.00	400 feet

over 25 acres	\$9,315.00 + \$113.00 per each acre over 25	500 feet
Maximum fee	\$37,500.00	

"

SECTION 3. That Division 51A-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Section 51A-4.510, "Accessory Dwelling Unit Overlay," to read as follows:

**"SEC. 51A-4.510. ACCESSORY DWELLING UNIT OVERLAY.**

(a) Definitions. In this section:

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

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

(b) 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) An overlay 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) As soon as possible after the department provides the neighborhood committee with a petition form or city council authorizes a hearing, the department shall conduct a neighborhood meeting. The department shall give notice of the neighborhood meeting to all property owners within the proposed overlay as evidenced by the last approved city tax roll at least 10 days before the neighborhood meeting.

(5) 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 overlay. The boundaries of the proposed overlay must comply with the requirements of this section.

(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 overlay, a list of the proposed regulations (including a proposed off-street parking reduction), the name and address of all property owners within the proposed overlay, and a statement that by signing the petition the signers are indicating their support of the overlay.

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

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

(i) For a proposed overlay 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 overlay 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 overlay, the application fee must be paid.

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

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

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

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

(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 overlay is initiated by petition, the notice of authorization contained in Section 51A-4.701(a)(1) is not required.

(9) Along with any other required notice, at least 10 days before 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) For an accessory dwelling unit, the prohibition on advertisements in Section 51A-4.209(b)(6)(E)(vii)(bb) do not apply.

(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. If there is a conflict between this section and Division 51A-4.400, this section controls.

(E) If there is a conflict between this section and the single-family use regulations in Section 51A-4.209, this section 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.

(iii) Structures 15 feet or more in height containing accessory dwelling units must comply with the side and rear yard setbacks of the base zoning.

(C) Floor area.

(i) Detached accessory dwelling unit.

(aa) Minimum floor area is 200 square feet.

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

(ii) Attached accessory dwelling unit. Maximum floor area is the greater of 700 square feet or 25 percent of the main use.

(D) Height.

(i) General. Except as provided in this subparagraph, the maximum height of the structure containing the accessory dwelling unit cannot exceed the height of the main dwelling unit.

(ii) Accessory dwelling units located above detached garages. For accessory dwelling units located over detached garages, maximum height is the maximum height allowed in that zoning overlay.

(E) Location.

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

(ii) The board may grant a special exception to authorize the placement of an accessory dwelling unit in front of a structure when, in the opinion of the board, the accessory dwelling unit:

(aa) will not adversely affect neighboring properties;

(bb) will not be contrary to the public interest; and

(cc) denial of the special exception will unduly burden the property.

(F) Off-street parking.

(i) Except as provided in this paragraph, a minimum of one space is required.

(ii) Off-street parking is not required for an accessory dwelling unit located within 1,200 feet of a DART bus or transit stop.

(iii) Off-street parking may be reduced if 75 percent of the property owners within the proposed overlay sign the petition agreeing to the reduction.

(iv) City council may also reduce the off-street parking requirement if a reduction is recommended by the neighbourhood steering committee during the authorized hearing process.

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

(3) Utility meters. A lot with an accessory dwelling unit may be supplied by not more than two electrical utility services, and metered by not more than two electrical meters.

(4) 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 one year with director approval.

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

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. 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 6. 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 7. 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.



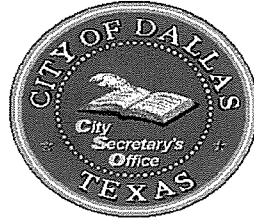
SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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 30931

DATE PUBLISHED JUN 30 2018

ATTESTED BY: