



**Notice of a Meeting
Dalworthington Gardens Planning and Zoning Commission**

July 15, 2019 at 6:00 P.M.

**City Hall Council Chambers
2600 Roosevelt Dr., Dalworthington Gardens, Texas**

1. Call to Order
2. Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding accessory dwellings.
 - a. Public Hearing
 - b. Discussion and possible action
3. Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding sign standards.
 - a. Public Hearing
 - b. Discussion and possible action
4. Adjourn

CERTIFICATION

This is to certify that a copy of the **July 15, 2019** Planning and Zoning Commission Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofdwg.net, in compliance with Chapter 551, Texas Government Code.

POSTED BY: _____

DATE: _____ **TIME:** _____

REMOVED BY: _____

DATE: _____ **TIME:** _____

Public Hearing for Zoning Ordinance Amendments

Notice is hereby given that the Dalworthington Gardens Planning and Zoning Commission will hold a public hearing on July 15, 2019 at 6:00 p.m. and the Dalworthington Gardens City Council will hold a public hearing on July 18, 2019 at 7:00 p.m., both meetings to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas 76016 to consider the following: Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding sign standards and rules for accessory buildings and dwellings.

AGENDA INFORMATION SHEET

TO: Planning & Zoning Commission

FROM: Lola Hazel, City Secretary

AGENDA DATE: July 15, 2019

Agenda Caption: Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding accessory dwellings.

Background: The ordinance being presented does the following:

Section 14.02.092

1. Adds definition for “accessory dwelling”
2. Changes references from “building” to “structure”
3. Adds definition for “accessory storage structure” which clarifies what is already in ordinance section A3.002 (f)(4). A3.002 (f)(4) will be altered with the fee schedule amendments.
4. Adds definition for “cargo container”

Section 14.02.124

1. Changes references from “building” to “structure”
2. Adds regulations for “accessory dwellings”
3. Takes 14.02.171(1) – (3) and adds to this section for simplicity.
 - a. Previously, staff had to look in two separate sections for accessory building regulations. Staff is working to consolidate regulations where possible.
4. Provides, again, clarification on structures 300 square feet or less, which also do not require electricity or plumbing, not needing a permit.
5. Provides regulations to prevent the use of cargo containers for storage.

Section 14.02.171(b)

1. Removing (1) through (3) and moving them to 14.02.124 for easier staff review.
2. Staff will need to work to find a new home for number (4). That change can come back with the final ordinance.

Commission Options:

Recommend approval of suggested changes.

Recommend denial of suggested changes.

Attachments: Redlined ordinance
Clean Ordinance

CHANGE I: ADD/ALTER DEFINITIONS

Sec. 14.02.092 Defined terms

For the purposes of this article, certain terms, words, and phrases shall have the meanings assigned thereto in this division.

Access. A means of passage to and from a place.

Accessory dwelling. An Accessory structure intended for habitation. Accessory dwellings shall not be permitted without a primary structure in existence and are subject to applicable zoning district regulations.

Accessory ~~building or use~~structure. A subordinate use or building incident to and located on the lot occupied by the main use or ~~building~~structure. When a substantial part of the wall of an accessory building is a part of the wall of the principal building in a substantial manner, as by a roof, such accessory ~~building-structure~~ shall be deemed a part of the principal ~~building~~structure.

Accessory storage structure. An accessory storage structure is an Accessory Structure that is less than 300 square feet, has no electricity, water or plumbing and no permanent foundation. An accessory storage structure may not be used for habitation.

Adjoining or adjacent lot. Any lot, parcel or piece of land that shares with the lot under consideration a common lot line, alley or any point of tangency.

Alley. A public way less in size than a street, designed for the special accommodation of abutting property, and not intended for general travel or primary access.

Amusement, commercial. An establishment offering entertainment or games of skill to the general public for a fee or charge.

Apartment. A dwelling unit in an apartment house.

Apartment house. A building or portion thereof arranged, designed or occupied as two or more dwelling units not for transient use.

Auto wrecking. The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles or their parts.

Block. A tract of land bounded by streets or by a combination of streets, and public parks, cemeteries, or corporate boundaries of the city.

Board. The board of adjustment of the city.

Buffer area. An area of land, together with specified planting and/or structures thereon, which may be required between land uses of different intensities to eliminate or minimize conflicts between such uses.

Build. To erect, convert, enlarge, reconstruct, restore or alter a building or structure.

Building. Any structure which is built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind.

Building line. A line established, in general parallel to the front curblin, between which and the front curblin in which no part of a building shall project, except as otherwise provided in this article.

Business park. An office and warehouse complex that meets the standards of [section 14.02.224\(a\)\(12\)](#) of this article.

Cargo container. Generally, an all steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car; truck trailer or loaded on a ship.

Child care facility. A facility used for any type of group child care program, including without limitation nurseries for children of working parents, nursery schools for children under the minimum age for education in public schools, privately conducted kindergartens not a part of a public or parochial school, and programs for after-school care of more than six (6) children exclusive of children in the immediate family of the operator of the facility.

City. The City of Dalworthington Gardens.

Clinic. A building in which a group of physicians, dentists, or physicians and dentists and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured outpatients. A clinic may include a dental or medical laboratory or dispensing apothecary.

Commercial parking. A place for the storage or parking of motor, man-powered or unpowered vehicles for a fee.

Commission. The planning and zoning commission of the city.

Council. The city council of the city.

Court. An open, unoccupied space bounded on more than one side by the walls of a building or buildings and used as a primary means of access to all or any part of said buildings. For the purpose hereof, an alcove or entranceway less than twenty (20) feet in depth shall not be considered a court.

CHANGE II: ADD ACCESSORY DWELLING REGULATIONS

Sec. 14.02.124 Principal and accessory ~~buildings-structures~~ and uses

- (a) All residential uses and ~~buildings-structures~~ are principal uses and ~~buildings-structures~~.
- (b) No accessory ~~building-structure~~ or accessory storage structure shall be used for dwelling purposes.
- (c) Accessory dwellings shall only be used for dwelling purposes if approved as an accessory dwelling in accordance with the following regulations:
1. Accessory dwellings are not permitted without a primary dwelling. The first dwelling built on a property shall be considered the primary dwelling and meet all requirements for single-family residential construction.
 2. The accessory dwelling unit shall not be attached to the main structure.
 3. The accessory dwelling unit shall use the same exterior material/s as the main dwelling and meet the minimum exterior construction and design standards for single-family residential outlined in Section 9.5.
 4. Setback requirements shall be the same as for the primary structure.
 5. The accessory dwelling unit shall be served by the same utility meter(s) as the primary structure. Utilities shall be underground.
 6. The accessory dwelling unit shall be a minimum of 10 feet from the main structure.
 7. Accessory dwellings shall be clearly incidental to the primary structure and shall not exceed 100% of the area of the primary structure.
 1. A maximum of three accessory dwellings are permitted per primary dwelling.
 2. The combined area of the primary structure and all accessory dwellings and structures shall not exceed the impervious coverage requirement.
 3. Additional structures or size requires approval of a SUP.
 8. Cargo containers shall not be used as accessory dwellings.
- ~~(de)~~ Neither a HUD-code manufactured home nor a mobile home may be used as an accessory ~~building-structure~~.
- ~~(ed)~~ In addition to those uses listed as accessory uses in the district regulations, the following are also accessory uses to appropriate principal uses:
- (1) Storage of goods used or produced by manufacturing activities on the premises occupied by such activities, when such storage is permitted by the district regulations.
 - (2) The production, processing, cleaning, servicing, altering, testing, repairing or storing of merchandise normally incidental to a retail service or business, when conducted by the person engaged in the principal use, when such activity is permitted by the district regulations.
 - (3) Off-street motor vehicle parking areas and loading facilities for the exclusive use of the owners, customers, clients and employees of the principal use.
 - (4) Swimming pools and tennis courts as part of single-family residences, when used by residents and their guests only.
 - (5) In multifamily residential developments: club rooms, clothes washing and drying facilities, swimming pools, sauna baths and other indoor and outdoor recreation facilities common to such developments, when such uses exist for the use and benefit of residents and their guests but not for the general public.
- (Ordinance 2018-05, sec. 2, adopted 3/27/18)
- (f) All permits required by the City for an Accessory structure shall be obtained prior to construction.
- (g) All Accessory structures shall be subordinate to and support the primary structure.
- *** h-j was formerly 14.02.171(b):**
- (h) Accessory structures may include a private garage and similar uses; provided, that they may not be used for commercial purposes, and may be used for hobbies only insofar as such activities are not offensive by reason of odor, noise or manner of operation.
- (i) An accessory structure shall not occupy any portion of a required front or side yard.
- (j) An accessory structure shall not occupy any portion of a required rear yard, except as provided in section 14.02.123(d)(4) hereof; and further, in the "MF" district, shall not occupy more than 50% of the minimum rear yard of a one-story principal

structure, nor more than 40% of the minimum rear yard of a multi-story principal structure.

(k) Accessory structures shall be maintained and kept in good repair and sound structural condition.

(l) Accessory structures shall not exceed 15 feet in height.

(m) Except as otherwise provided herein, an accessory structure that is less than or equal to 300 square feet in size and has no electricity or plumbing shall not be required to obtain a building permit, but shall meet all requirements of this article. An accessory structure that is greater than 300 square feet in size or any size accessory structure that is in any way attached to the primary structure shall be required to have a building permit, be inspected by the city, and meet the requirements of this article.

(n) Prohibited storage. Cargo containers, cargo storage, and/or trailer storage shall not be permitted. Notwithstanding the above, temporary storage pods may be placed within a private driveway (but not blocking any portion of the right-of-way or sidewalk) for a period not to exceed seven (7) days for the purposes of loading or unloading furnishings or other goods.

CHANGE III: DELETE 14.02.171(B) (1) – (3) AND ADD IT TO ABOVE SECTION 14.02.124

14.02.171

(b) Accessory uses.

- (1) Accessory buildings may include a private garage and similar uses; provided, that they may not be used for commercial purposes, and may be used for hobbies only insofar as such activities are not offensive by reason of odor, noise or manner of operation.
- (2) An accessory building shall not occupy any portion of a required front or side yard.
- (3) An accessory building shall not occupy any portion of a required rear yard, except as provided in section 14.02.123(d)(4) hereof; and further, in the “MF” district, shall not occupy more than 50% of the minimum rear yard of a one-story principal building, nor more than 40% of the minimum rear yard of a multi-story principal building.

CHANGE IV: FIND A NEW HOME FOR #4 IN 14.02.171 (STAFF WILL WORK ON THIS)

14.02.171

(4) Refuse containers at nonresidential uses shall be screened so that they shall not be visible from adjacent public streets.

Sec. 14.02.092 Defined terms

Accessory structure. A subordinate use or structure incident to and located on the lot occupied by the main use or structure. When a substantial part of the wall of an accessory structure is attached to a part of the wall of the principal structure in a substantial manner, as by a roof, such accessory structure shall be deemed a part of the principal structure.

Accessory storage structure. An accessory storage structure is an Accessory Structure that is less than 300 square feet, has no electricity, water or plumbing and no permanent foundation. An accessory storage structure may not be used for habitation.

Accessory dwelling. An Accessory structure intended for habitation. Accessory dwellings shall not be permitted without a primary structure in existence and are subject to applicable zoning district regulations.

Cargo container. Generally, an all steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car; truck trailer or loaded on a ship.

Sec. 14.02.124 Principal and accessory structures and uses

- (a) All residential uses and structures are principal uses and structures.
- (b) No accessory structure or accessory storage structure shall be used for dwelling purposes.
- (c) Accessory dwelling shall only be used for dwelling purposes if approved as an accessory dwelling in accordance with the following regulations:
 - 1. Accessory dwellings are not permitted without a primary dwelling. The first dwelling built on a property shall be considered the primary dwelling and meet all requirements for single-family residential construction.
 - 2. The accessory dwelling unit shall not be attached to the main structure.
 - 3. The accessory dwelling unit shall use the same exterior material/s as the main dwelling and meet the minimum exterior construction and design standards for single-family residential outlined in [Section 9.5](#).
 - 4. Setback requirements shall be the same as for the primary structure.
 - 5. The accessory dwelling unit shall be served by the same utility meter(s) as the primary structure. Utilities shall be underground.
 - 6. The accessory dwelling unit shall be a minimum of 10 feet from the main structure.
 - 7. Accessory dwellings shall be clearly incidental to the primary structure and shall not exceed 100% of the area of the primary structure.
 - 1. A maximum of three accessory dwellings are permitted per primary dwelling.
 - 2. The combined area of the primary structure and all accessory dwellings and structures shall not exceed the impervious coverage requirement.
 - 3. Additional structures or size requires approval of a SUP.
 - 8. Cargo containers shall not be used as accessory dwellings.
- (d) Neither a HUD-code manufactured home nor a mobile home may be used as an accessory structure.
- (e) In addition to those uses listed as accessory uses in the district regulations, the following are also accessory uses to appropriate principal uses:
 - (1) Storage of goods used or produced by manufacturing activities on the premises occupied by such activities, when such storage is permitted by the district regulations.
 - (2) The production, processing, cleaning, servicing, altering, testing, repairing or storing of merchandise normally incidental to a retail service or business, when conducted by the person engaged in the principal use, when such activity is permitted by the district regulations.

(3) Off-street motor vehicle parking areas and loading facilities for the exclusive use of the owners, customers, clients and employees of the principal use.

(4) Swimming pools and tennis courts as part of single-family residences, when used by residents and their guests only.

(5) In multifamily residential developments: club rooms, clothes washing and drying facilities, swimming pools, sauna baths and other indoor and outdoor recreation facilities common to such developments, when such uses exist for the use and benefit of residents and their guests but not for the general public.

(f) All permits required by the City for an Accessory structure shall be obtained prior to construction.

(g) All Accessory structures shall be subordinate to and support the primary structure.

(h) Accessory structures may include a private garage and similar uses; provided, that they may not be used for commercial purposes, and may be used for hobbies only insofar as such activities are not offensive by reason of odor, noise or manner of operation.

(i) An accessory structure shall not occupy any portion of a required front or side yard.

(j) An accessory structure shall not occupy any portion of a required rear yard, except as provided in [section 14.02.123\(d\)\(4\)](#) hereof; and further, in the "MF" district, shall not occupy more than 50% of the minimum rear yard of a one-story principal structure, nor more than 40% of the minimum rear yard of a multi-story principal structure.

(k) Accessory structures shall be maintained and kept in good repair and sound structural condition.

(l) Accessory structures shall not exceed 15 feet in height.

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(n) Prohibited storage. Cargo containers, cargo storage, and/or trailer storage shall not be permitted. Notwithstanding the above, temporary storage pods may be placed within a private driveway (but not blocking any portion of the right-of-way or sidewalk) for a period not to exceed seven (7) days for the purposes of loading or unloading furnishings or other goods.

AGENDA INFORMATION SHEET

TO: Planning & Zoning Commission

FROM: Lola Hazel, City Secretary

AGENDA DATE: July 15, 2019

Agenda Caption: Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding accessory dwellings.

Background: While the sign regulations needed to be updated to allow the specific sign requested by the sign company wanting to put a sign at Arkansas/Bowen, the entire ordinance needed to be updated and staff the opportunity to do so. The ordinance has been completely modified and thus is not quite ready. Staff is hoping to present a version for review at the August meeting.

With that said, staff did advertise for public hearings as is required by state law when making zoning amendments (part of the sign regulations are in the zoning ordinance). In order to avoid another publication and the additional cost, both the Planning and Zoning Commission and City Council are allowed to officially table the agenda item to a specific date and time. The motion needs to include the specific date and time at which the Council would discuss the item.

Commission Options:

Officially table the ordinance to the next regular meeting

Attachments: Redlined ordinance
Clean Ordinance