

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

**October 19, 2021 at 6:00 P.M.**

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

1. Call to Order
2. Consider approval of an application from Lynn Remsing for a replat of Lots 1, 2, and 3, Block 1, Strawberry Fields Addition, being a replat of a portion of Lot 6, Block 4 Dalworthington Gardens Addition to the City of Dalworthington Gardens, Tarrant County, Texas, and commonly known as 3007, 3011, and 3015 Roosevelt Drive.
  - i. Public hearing
  - ii. Discussion and possible action
3. Discussion and possible action regarding an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding regulations for accessory structures.
4. Discussion and possible action to set a meeting date for a replat application.
5. Adjourn

**CERTIFICATION**

This is to certify that a copy of the **October 19, 2021** 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.cityofdwtg.net](http://www.cityofdwtg.net), in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: \_\_\_\_\_ TIME OF POSTING: \_\_\_\_\_ TAKEN DOWN: \_\_\_\_\_

\_\_\_\_\_  
Lola Hazel, City Administrator

**Agenda Subject:** Consider approval of an application from Lynn Remsing for a replat of Lots 1, 2, and 3, Block 1, Strawberry Fields Addition, being a replat of a portion of Lot 6, Block 4 Dalworthington Gardens Addition to the City of Dalworthington Gardens, Tarrant County, Texas, and commonly known as 3007, 3011, and 3015 Roosevelt Drive.

**Background Information:** Section 10.02.004 of the City’s Code of Ordinance states, “No building permit shall be issued for the construction of improvements on any property not platted...” Mr. Remsing has submitted a replat application to divide properties located at 3007, 3011, and 3015 Roosevelt.

In accordance with Section 10.02.031, the city determined the plat application to be complete on July 26, 2021. In accordance with Section 10.02.094, the plat application was then forwarded to the city engineer for review. On September 13, 2021, the city engineer conducted his fourth and final review of the plat, determined the plat conforms with the City’s subdivision ordinance, and recommends approval of the plat.

The city has notified all property owners within 200’ and included information on how to provide public comments at both the planning and zoning meeting and city council meeting.

Local Government Code, Chapter 212, states plats that satisfy all applicable regulations must be approved. The proposed plat satisfies all requirements of city ordinances. As such, staff recommends approval of this plat.

**Recommended Action/Motion:** Motion to approve the replat application from Lynn Remsing for lots commonly known as 3007, 3011, and 3015 Roosevelt Drive.

- Attachments:** **Engineering Letter**  
**Plat Application**  
**Plat**  
**Site Plan**  
**Legal Notice**  
**200’ Notice Address List**

September 13, 2021

Lola Hazel  
City Administrator  
City of Dalworthington Gardens  
2600 Roosevelt Drive  
Dalworthington Gardens, Texas 76016

RE: Lots 1-3, Strawberry Fields – Replat Review **Fourth Review with Site Plan**

Lola,

We have reviewed the above referenced Replat and Site Plan and have the following comments:

*Replat*

1. According to Sec. 10.02.156 a Site Plan must be submitted along with any Replat. **(Completed. See Site Plan Review Comments below.)**
2. The owner's certificate, surveyor's certificate, statement acknowledging visibility triangles and deed restriction statement need to be included in a form that matches those provided in the appendices of the Subdivision Ordinance. **(Deed Restriction and Surveyor's certificate completed. City Approval Statement needs to be revised from "City Council" to "City Secretary" and "Mayor" to "City Secretary". Visibility Triangles statement needs to match Appendix E. Replace Owner's Certificate with Appendix H.) {Not Completed} [Completed]**
3. Please provide a written scale. **(Completed)**
4. The adjoiner at the northwest corner – Lot 5B1, should be Alexander Maldonado – please verify. **(Completed)**
5. In the legal description, 3<sup>rd</sup> paragraph, please reference the right-of-way for Texas Drive and the southeast corner of Lot 5A, Block 4 Dalworthington Gardens Addition. Please correct "Road" to "Rod" on the label. **(Completed)**
6. In the legal description, 4<sup>th</sup> paragraph, the records reference should be DRTCT – please verify. **(Completed)**
7. Lot 1, Block 1 does not meet the minimum width of 25' based on the requirement of Section 10.02.183 (3) (C). This might require a dedication of an access easement if access is desired from Roosevelt. **(Completed)**
8. The basis of bearings statement needs to reference the zone and datum used. **(Completed)**
9. The Flood Statement needs to include the Zone the property is in, per the referenced Panel. **(Completed)**
10. The centerline for Roosevelt needs to be shown with a distance from the centerline to the property line. **(Completed)**
11. Show ownership arrows for Timothy Riddle for clarification. **(Completed)**
12. Distances for the Right-of-Way instruments along Bowen Road need to be shown along with distances to the centerline of Bowen. **(Completed)**
13. Revise Description of Replat to: Being a replat of a portion of ..... Page 105 of the Plat deed Records... **(Completed)**
14. See attached markups. **(Completed)**

*Site Plan*

1. Per 10.02.156 1(e) note date of preparation. **{Completed}**
2. Per 10.02.156 2(a) show recording information of Roosevelt Drive right-of-way. **(Completed)**
3. Per 10.02.156 2(c) show dimensions to existing structures. **(Completed)**
4. Per 10.02.156 2(f) note source and datum of contours. **(Completed)**
5. Per 10.02.156 3(d) create a table or note for this item. **(Completed)**
6. Per 10.02.156 3(e) show existing and proposed zoning. **(Completed)**
7. Per 10.02.156 3(f) show setback lines. **(Completed)**
8. Per 10.02.156 3(g) show proposed water & sewer service lines. **(Completed)**
9. In the title, change "Exhibit Map" to "Site Plan". **(Completed)**
10. In the title, include the proposed subdivision name. **(Completed)**

All of the review comments have been satisfied, and this replat complies with the City's Subdivision Ordinances. I recommend approval of this plat.

If there are any questions don't hesitate to contact me.  
Thank You,



S. Erik Dumas, RPLS  
Director of Civil Surveying  
Topographic Land Surveyors  
TBPLS Firm Reg. No. 10042504

**From:** [Carla Newbell](#)  
**To:** [Lola Hazel](#)  
**Subject:** FW: [EXTERNAL] Strawberry Fields Addition  
**Date:** Monday, July 26, 2021 4:03:05 PM  
**Attachments:** [signed plat application.PDF](#)  
[REPLAT LOTS 1, 2, and 3, BLOCK 1 STRAWBERRY FIELDS ADDITION-Model.pdf](#)  
[exhibit with aerial.pdf](#)

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Application and receipt in your box.

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**From:** Chris L. Blevins, R.P.L.S. <clb@brittain-crawford.com>  
**Sent:** Wednesday, July 14, 2021 1:52 PM  
**To:** permits <permits@cityofdwg.net>  
**Cc:** sales@gnismer.com  
**Subject:** [EXTERNAL] Strawberry Fields Addition

Attached you will find a pdf of a plat that we would like to submit for review.  
I spoke with someone on the phone and they instructed me to make the submittal electronically to this e-mail address.  
I have a check for the application fee in the amount of \$825.00 that I can mail or drop by the City when it is required.  
Please let me know if you have any questions.  
I have also copied the property owner (Lynn Remsing) on this e-mail if you have any questions for him.

Thanks

**Chris L. Blevins, R.P.L.S.**  
**Brittain & Crawford, LLC**  
3908 South Freeway | Fort Worth | Texas | 76110  
Phone (817) 926-0211 | Fax (817) 926-9347  
Email: [clb@brittain-crawford.com](mailto:clb@brittain-crawford.com)  
Firm Certification #10019000

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**Please consider the environment before you print.**



**PLAT Application**

**CITY OF DALWORTHINGTON GARDENS**

2600 Roosevelt  
TEL. 817-274-7368 FAX 817-265-4401  
[www.cityofdwg.net](http://www.cityofdwg.net)

Replat     Amending Plat     Preliminary Plat     Final Plat

Applicant's Name: Lynn E. Remsing

Address: P.O. Box 310, Riesel, TX 76682-0310

Applicant Contact Number: 817-832-8329

Applicant Email: sales@gnismer.com

Surveyor: Chris L. Blevins    Brittain & Crawford, LLC

Address: 3908 S. Freeway, Fort Worth, TX 76110    817-926-0211    clb@brittain-crawford.com

I have purchased or have access to the City of Dalworthington Gardens Subdivision Ordinance which specifies requirements for plat submissions.

Yes     No

The attached submission complies with all applicable requirements of the City Subdivision Ordinance.

Yes     No

*Lynn E. Remsing*  
Signature

7-8-21  
Date

**For Office Use Only**

Fee: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

P & Z Scheduled \_\_\_\_\_ Public Hearing Published: \_\_\_\_\_

Council Scheduled: \_\_\_\_\_ Public Hearing Published: \_\_\_\_\_

Pro-Rata Paid: \$ \_\_\_\_\_ Date: \_\_\_\_\_

SHELAH N MABEUS  
2916 ROOSEVELT DR  
ARLINGTON, TX 76016

MARY LOU STONE  
3102 AVON DR  
ARLINGTON, TX 76015-2001

LEIRANA INVESTMENTS LLC  
2702 PARK PLACE CT  
ARLINGTON, TX 76016-5868

TIMOTHY W RIDDLE  
3115 ROOSEVELT DR  
ARLINGTON, TX 76016-5920

CAROL J BANKS  
2918 TEXAS DR  
ARLINGTON, TX 76015

BOBBY J MILLER  
3112 ROOSEVELT DR  
ARLINGTON, TX 76016-5919

ALEXANDER AND S. MALDONADO SR  
2919 ROOSEVELT DR  
ARLINGTON, TX 76016-5916

WOODARD C D & A L WOODARD REVOCABLE  
LIVING TRUST  
3100 ROOSEVELT DR  
ARLINGTON, TX 76016

ALEXANDER B AND ANGE JOHNSON  
2915 TEXAS DR  
ARLINGTON, TX 76015-1928

MARK AND TERESA SHAW  
2704 SUNSET LN  
ARLINGTON, TX 76016-5925

WILLIAM L THOMPSON  
2908 MONTIES LN  
ARLINGTON, TX 76015-2010

RONALD E AND JOANN JOHNSON  
2701 SUNSET LN  
ARLINGTON, TX 76016-5926

ALLEN T AND CELINA PREJEAN  
3000 MONTIES LN  
ARLINGTON, TX 76015-2012

F PHILIP AND DARLA M SZUREK  
2801 SUNSET LN  
ARLINGTON, TX 76016-5928

SPARKLE EDWINA MITCHELL  
3004 MONTIES LN  
ARLINGTON, TX 76015-2012

BOBBY JOE AND PAMELA MILLER  
3112 ROOSEVELT DR  
ARLINGTON, TX 76016-5919

KATHLEEN KAWAMOTO  
3008 MONTIES LN  
ARLINGTON, TX 76015-2012

LYNN E AND CYNTHIA K REMSING  
PO BOX 310  
RIESEL, TX 76682-0310

GORDON H AND WYLENA RAYMOND  
3100 AVON DR  
ARLINGTON, TX 76015-2001

**NOTICE OF PUBLIC HEARINGS**  
**CITY OF DALWORTHINGTON GARDENS, TEXAS**

**Re: Replat for Lynn Remsing, 3007, 3011, and 3015 Roosevelt Drive**

This is not a summons to appear at the hearing, but if you care to provide comments, you will be given an opportunity to be heard using the below call in details for each meeting.

Notice is hereby given that the following public hearings will be held at **City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas 76016** to consider an application from Lynn Remsing for a replat of Lots 1, 2, and 3, Block 1, Strawberry Fields Addition, being a replat of a portion of Lot 6, Block 4 Dalworthington Gardens Addition to the City of Dalworthington Gardens, Tarrant County, Texas, and commonly known as 3007, 3011, and 3015 Roosevelt Drive.

The action of the Planning & Zoning Commission is not final, but is a recommendation to the City Council and is reviewed by the Council at the below date and time.

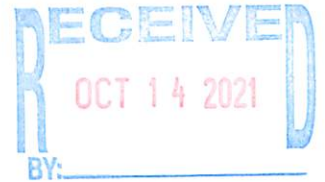
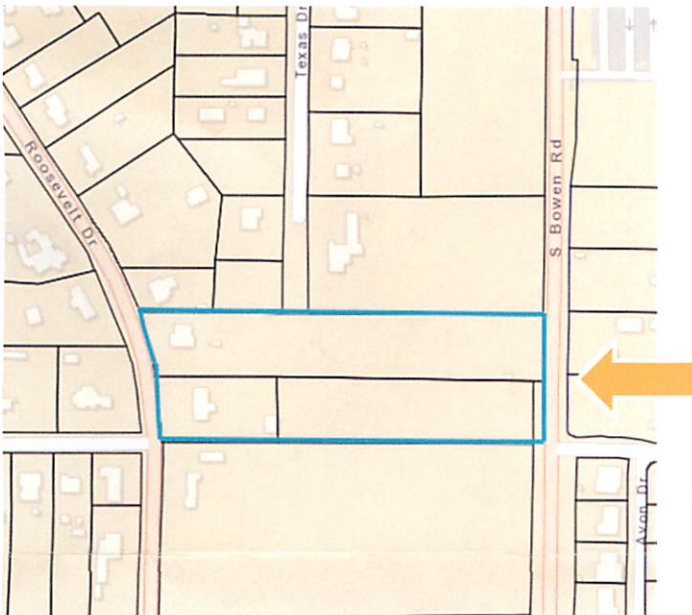
**P&Z HEARING DATE: October 19, 2021**

**HEARING TIME: 6:00 p.m.**

**CITY COUNCIL HEARING DATE: October 21, 2021**

**HEARING TIME: 7:00 p.m.**

**Map of location: 3007, 3011, and 3015 Roosevelt Drive**



A written statement may also be filed with the City Administrator by October 13, 2021, which will be presented at the Planning & Zoning Commission meeting. If additional information is desired, please contact the City Administrator at 682-330-7418 (closed weekends and holidays). Comments received after October 13 will be recorded and filed.

COMMENTS: \_\_\_\_\_

I AM IN FAVOR: \_\_\_\_\_ I HAVE NO OBJECTIONS:  I HAVE OBJECTIONS: \_\_\_\_\_

MARK Shaw  
(PRINTED NAME)

LMRSC  
(SIGNATURE)

2704 SUNSET LN  
(ADDRESS)

DWG 76016  
(CITY, STATE, ZIP)

MAIL TO: CITY OF DWG  
CITY ADMINISTRATOR  
2600 ROOSEVELT DRIVE  
DWG, TX 76016  
For questions: Tel. 682-330-7418  
10.19.2021 P&Z Packet Pg. 7 of 24



**Agenda Subject:** Discussion and possible action regarding an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding regulations for accessory structures.

**Background Information:** City Council has requested for Planning and Zoning to review the accessory structure ordinance as it pertains to the allowed height requirements.

Staff is providing the basic history of the accessory structure ordinance changes and copies of ordinances are in your packet.

1. The ordinance was first discussed in 2018 and regulations for HUD-code manufactured homes were addressed along with preventing any accessory buildings to be used as dwellings (Ord. 2018-05). This was as a result of a 2017 approved permit which allowed a manufactured home as a “guest quarters” per previous ordinance terms and regulations.
2. Following initial 2018 Comp Plan review, Planning and Zoning came up with a list of items to include in the ordinance that could better regulate accessory structures and dwellings. These items were eventually reviewed and finalized in a 2019/2020 ordinance amendment (Ord. 2020-02).
3. Council recently discussed changing height requirements accessory structures which are outlined in Ordinance 2021-05.

**Recommended Action/Motion:** Motion to recommend suggested changes to the accessory structure ordinance as it pertains to height requirements.

**Attachments:** Ordinance No. 2018-05  
Ordinance No. 2020-02  
Ordinance No. 2021-05

**ORDINANCE NO. 2018-05**

**AN ORDINANCE AMENDING SECTION 14.02.92 “DEFINED TERMS” OF DIVISION 3 “DEFINITIONS” OF CHAPTER 14 “ZONING,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO DEFINE HUD-CODE MANUFACTURED HOME AND MOBILE HOME; AMENDING SECTION 14.02.124 “PRINCIPAL AND ACCESSORY BUILDINGS AND USES” OF DIVISION 4 “GENERAL STANDARDS” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO RESTRICT CERTAIN ACCESSORY BUILDING USES; AMENDING SECTION 14.02.171 “GENERAL PROVISIONS” OF DIVISION 5 “RESIDENTIAL DISTRICT REGULATIONS” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO RESTRICT CERTAIN ACCESSORY BUILDING USES AND AMEND ASSOCIATED PARKING PROVISIONS; AMENDING SECTION 14.02.321 “SPECIAL EXCEPTIONS” OF DIVISION 8 “SPECIAL EXCEPTIONS AND OTHER PERMITS” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS TO ADD SPECIAL EXCEPTIONS FOR HUD-CODE MANUFACTURED HOMES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council previously established regulations regarding accessory buildings; and

**WHEREAS**, the City Council desires to amend the zoning ordinance to amend the regulations regarding accessory buildings to prohibit the use of a HUD-Code manufactured home or a Mobile home as accessory buildings; and

**WHEREAS**, the City Council further desires to permit the use of HUD-Code manufactured homes in certain zoning districts only by special exception.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS THAT:**

## SECTION 1.

Section 14.02.92 “Defined Terms” of Division 3 “Definitions” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to revise the definition of “Mobile home” and add the definition of “HUD-code manufactured home” to read as follows:

### Sec. 14.02.092 Defined Terms

\*\*\*

HUD-code manufactured home: Means:

(A) A structure

- (i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- (ii) built on a permanent chassis;
- (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (iv) transportable in one or more sections; and
- (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

(B) Includes the plumbing, heating, air conditioning, and electrical systems of the home;  
and

(C) Does not include a recreational vehicle.

\*\*\*

Mobile home. Means:

(A) A structure:

- (i) constructed before June 15, 1976;
- (ii) built on a permanent chassis;
- (iii) designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities;
- (iv) transportable in one or more sections, and in the travelling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home.

\*\*\*

## **SECTION 2.**

Section 14.02.124 “Principal and accessory buildings and uses” of Division 4 “General Standards” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to read as follows:

### **Sec. 14.02.124 Principal and accessory buildings and uses**

- (a) All residential uses and buildings are principal uses and buildings.
- (b) No accessory building shall be used for dwelling purposes.
- (c) Neither a HUD-code manufactured home nor a mobile home may be used as an accessory building.
- (d) 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.

## **SECTION 3.**

Section 14.02.124 “General provisions” of Division 5 “Residential District Regulations” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to amend subsections (b) and (c) to read as follows:

**Sec. 14.02.171 General provisions**

\*\*\*

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

**(c) Parking.**

- (1) On any lot used for single-family residential purposes, there shall be provided two (2) covered vehicle parking spaces of not less than 180 square feet each, per dwelling unit.
- (2) On any lot used for multifamily residential purposes, there shall be provided 2.25 covered vehicle parking spaces per dwelling unit, complying with the standards prescribed in division 9 of this article.
- (3) On any lot used for nonresidential purposes, parking and loading areas shall be provided complying with the standards of division 9 of this article.
- (4) All nonresidential parking and loading areas shall be screened from adjacent residential property. Parking or loading in a required yard is prohibited.

\*\*\*

**SECTION 4.**

Section 14.02.321 “Special exceptions” of Division 8 “Special Exceptions and Other Permits” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens is hereby amended to add subsections (c)(23) and (24) to read as follows.

**Sec. 14.02.321 Special exceptions**

\*\*\*

Special Exception

District Requiring Board Approval

(23) HUD-code manufactured home as primary dwelling

MF

**SECTION 5.**

This ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Dalworthington Gardens, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 6.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

**SECTION 8.**

All rights and remedies of the City of Dalworthington Gardens, Texas are expressly saved as to any and all violations of the City's Zoning Ordinance, as amended, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 9.**

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish at least twice in the official newspaper of the City of Dalworthington Gardens, the caption and the penalty clause of this ordinance in accordance with Section 52.011 of the Local Government Code.

**SECTION 10.**


This ordinance shall be in full force and effect from and after its passage and publication as required by law,

**AND IT IS SO ORDAINED.**

Passed on this 27<sup>th</sup> day of March, 2018.

CITY OF DALWORTHINGTON GARDENS

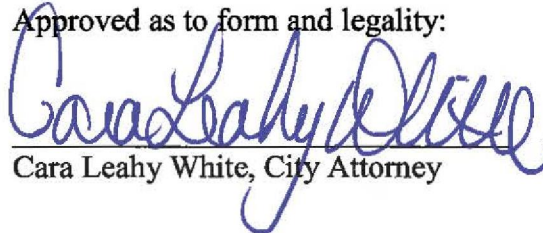
By:

  
\_\_\_\_\_  
Kimberly Fitzpatrick, Mayor

ATTEST:

  
\_\_\_\_\_  
Lola Hazel, City Secretary

Approved as to form and legality:

  
\_\_\_\_\_  
Cara Leahy White, City Attorney



**ORDINANCE NO. 2020-02**

**AN ORDINANCE AMENDING SECTION 14.02.92 “DEFINED TERMS” OF DIVISION 3 “DEFINITIONS” OF CHAPTER 14 “ZONING,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO AMEND AND ADD SEVERAL DEFINITIONS; AMENDING SECTION 14.02.124 “PRINCIPAL AND ACCESSORY BUILDINGS AND USES” OF DIVISION 4 “GENERAL STANDARDS” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO AMEND THE REGULATIONS FOR ACCESSORY USES; AMENDING SECTION 14.02.171 “GENERAL PROVISIONS” OF DIVISION 5 “RESIDENTIAL DISTRICT REGULATIONS” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO REMOVE ACCESSORY BUILDING USES AND REFUSE CONTAINER REQUIREMENTS; AMENDING SECTION 14.02.123 “YARD REQUIREMENTS” OF DIVISION 4 “GENERAL STANDARDS” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS TO AMEND REAR YARD REQUIREMENTS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council previously established regulations regarding accessory buildings; and

**WHEREAS**, the City Council desires to amend the accessory building regulations to create regulations for accessory dwellings and to provide clarity for all accessory structures; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS THAT:**

**SECTION 1.**

Section 14.02.92 “Defined Terms” of Division 3 “Definitions” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to delete the definition of “Accessory building or uses” and add the following definitions:

**Sec. 14.02.092            Defined Terms**



\*\*\*

Accessory dwelling. An accessory structure intended for habitation that contains at least one bathroom and a kitchen. Accessory dwellings shall not be permitted without a principal structure in existence.

Accessory structure. A subordinate use or building 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 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 structures are subject to applicable zoning district regulations.

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

\*\*\*

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.

\*\*\*

Principal structure. The primary or predominant building on a lot. The principal structure must meet the minimum requirements for structures in the zoning district in which the structure is located.

## SECTION 2.

Section 14.02.124 “Principal and accessory buildings and uses” of Division 4 “General Standards” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to read as follows:

### **Sec. 14.02.124 Principal and accessory structures and uses**

- (a) No accessory structure or accessory storage structure may be used for dwelling purposes unless all or part of the structure also meets the requirements for an accessory dwelling.
- (b) An accessory dwelling may be used for storage.
- (c) Accessory dwellings shall comply with the following requirements:
  - (1) Accessory dwellings are permitted only in residential zoning districts.
  - (2) Accessory dwellings shall conform with the character of the principle structure as well as the city’s design standards.

- (3) Accessory dwellings shall comply with the same setback requirements as required for the principal structure.
  - (4) Accessory dwellings shall not be located in front of the principal structure unless there is more than 100 feet between the principal structure and the front lot line.
  - (5) Accessory dwellings shall be constructed on a permanent foundation.
  - (6) Accessory dwellings shall be constructed a minimum of 10 feet from the principal structure, and 10 feet from any other structure.
  - (7) Accessory dwellings shall not exceed the larger of 700 square feet of livable space or 25% of the total livable floor area of the principal structure.
  - (8) Replatting is not required prior to construction of an accessory dwelling.
  - (9) Cargo containers, in any form, shall not be used as accessory dwellings.
  - (10) Accessory dwellings must have a kitchen and at least one bathroom.
  - (11) A maximum of one accessory dwelling is permitted per principal dwelling.
- (d) The combined area of the principal structure, any accessory structure, and any other impervious surface shall not exceed the impervious coverage requirement as outlined in Section 14.02.171.
  - (e) Utilities for an accessory structure shall be underground.
  - (f) All accessory structures situated between ten (10) feet of the property line of adjacent residential property and the required yard for a principal dwelling shall not exceed 15 feet in height. All accessory structures situated within the required yard for a principal structure shall not exceed the maximum allowed height of the principal structure.
  - (g) Neither a HUD-code manufactured home nor a mobile home may be used as an accessory structure.
  - (h) 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.
- (i) All permits required by the City for an accessory structure shall be obtained prior to construction.
  - (j) All Accessory structures shall be subordinate to and support the principal structure.
  - (k) 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.
  - (l) An accessory structure shall not occupy any portion of a required front or required side yard.
  - (m) An accessory structure may occupy any portion of a required rear yard in a residential district other than the “MF” district, except as provided in [section 14.02.123\(d\)\(4\)](#) hereof. In the “MF” district, an accessory structure 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.
  - (n) Accessory structures shall be maintained and kept in good repair and sound structural condition.
  - (o) 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.
  - (p) Limitations on storage.

- (1) Residential Zoning Districts:
  - (A) Cargo containers, cargo storage, and/or tractor trailer storage shall not be permitted in residential zoning districts.
  - (B) This does not include residential trailers.
- (2) Commercial Zoning Districts:
  - (A) Cargo containers and/or cargo storage shall be permitted in commercial zoning districts provided any one business does not exceed three (3) cargo containers or cargo storage containers combined. Cargo containers and cargo storage containers shall be screened from public view.
  - (B) Non-registered travel and/or tractor trailers shall not be permitted in commercial zoning districts.
- (3) Notwithstanding the above, temporary storage pods may be placed on any lot in residential zoning districts (but not blocking any portion of the right-of-way or sidewalk) for the purposes of loading or unloading furnishings or other goods for not more than sixty (60) days. In commercial districts, temporary storage pods are required to be removed once a Certificate of Occupancy has been issued.

### SECTION 3.

Section 14.02.171 “General provisions” of Division 5 “Residential District Regulations” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to amend to delete subsection (b) and re-letter subsections (c) and (d) as subsections (b) and (c) as follows:

**Sec. 14.02.171            General provisions**

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(b) Parking.

- (1) On any lot used for single-family residential purposes, there shall be provided two (2) covered vehicle parking spaces of not less than 180 square feet each, per dwelling unit.
- (2) On any lot used for multifamily residential purposes, there shall be provided 2.25 covered vehicle parking spaces per dwelling unit, complying with the standards prescribed in division 9 of this article.

- (3) On any lot used for nonresidential purposes, parking and loading areas shall be provided complying with the standards of division 9 of this article.
  - (4) All nonresidential parking and loading areas shall be screened from adjacent residential property. Parking or loading in a required yard is prohibited.
- (c) Special standards. Panhandle lots shall conform to the following minimum requirements:
- (1) In calculating the lot area for the purpose of determining compliance with this section, including maximum building coverage and maximum impervious surface coverage, the area of the panhandle shall not be deemed a part of the lot.
  - (2) All minimum yards shall be thirty (30) feet.
  - (3) Maximum building coverage shall be 20%.
  - (4) Maximum impervious surface shall be 30%.
  - (5) No building, either primary or accessory, shall be located in either the panhandle or any required yard.

#### **SECTION 4.**

Section 14.02.123 “Yard requirements” of Division 4 “General Requirements” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens is hereby amended to amend subsection (d)(4) as follows:

**Sec. 14.02.123          Yard requirements**

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- (d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.
  - (4) In rear yards: In residential districts, none of the following shall be considered an obstruction in a rear yard:
    - (A) Provided that it is situated within the required yard of a principal structure and does not exceed the maximum allowed height of a principal structure: accessory structures; breezeways and open, unroofed porches.
    - (B) Provided that it is situated between ten (10) feet of the property line of the adjacent residential property and the required yard of a principal structure

and does not exceed a height of fifteen (15) feet: accessory structures; breezeways and open, unroofed porches.

- (C) Provided that they are not situated within twenty (20) feet of the property line of adjacent residential property: balconies, bay windows and overhanging eaves or gutters.
- (D) Open off-street parking spaces shall be permitted in required yards unless elsewhere herein prohibited.

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### **SECTION 5.**

This ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Dalworthington Gardens, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 6.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 7.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

### **SECTION 8.**

All rights and remedies of the City of Dalworthington Gardens, Texas are expressly saved as to any and all violations of the City's Zoning Ordinance, as amended, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 9.**



**ORDINANCE NO. 2021-05**

**AN ORDINANCE AMENDING SECTION 14.02.124 “PRINCIPAL AND ACCESSORY BUILDINGS AND USES” OF DIVISION 4 “GENERAL STANDARDS” OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO AMEND THE HEIGHT LIMITATIONS ON CERTAIN ACCESSORY USES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council previously established regulations regarding accessory buildings; and

**WHEREAS**, the City Council desires to amend the accessory building regulations to amend the height limitations on certain accessory uses; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS THAT:**

**SECTION 2.**

Subsection (f) of Section 14.02.124 “Principal and accessory buildings and uses” of Division 4 “General Standards” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to read as follows:

**Sec. 14.02.124 Principal and accessory structures and uses**

...

- (f) The height limitations for accessory structures and accessory dwellings are as follows:
  - (1) All accessory structures situated between within ten (10) feet of the property line of the adjacent residential property and the required rear yard for a principal dwelling shall abide by the following height requirements:
    - (A) Accessory dwellings shall not exceed 15 feet in height.
    - (B) Accessory structures, excluding accessory dwellings, shall not exceed 20 feet in height.
  - (2) All accessory structures situated within the required yard for a principal structure shall not exceed the maximum allowed height of the principal structure.

...

**SECTION 2.**

This ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Dalworthington Gardens, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.



**SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

**SECTION 5.**

All rights and remedies of the City of Dalworthington Gardens, Texas are expressly saved as to any and all violations of the City’s Zoning Ordinance, as amended, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.**

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish at least twice in the official newspaper of the City of Dalworthington Gardens, the caption and the penalty clause of this ordinance in accordance with Section 52.011 of the Local Government Code.

**SECTION 7.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law,

**AND IT IS SO ORDAINED.**

Passed on this 17<sup>th</sup> day of June, 2021.

CITY OF DALWORTHINGTON GARDENS

By: Laurie Bianco  
Laurie Bianco, Mayor

ATTEST:  
[Signature]  
Lola Hazel, City Secretary