

City of Lake Dallas, Texas
ORDINANCE NO. 2017-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING THE CITY OF LAKE DALLAS ZONING MAP RELATING TO THE USE AND DEVELOPMENT OF LOTS 7 AND 8, GOTCHER ADDITION FROM R-1-6000 SINGLE FAMILY DWELLING DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR ALL USES PERMITTED IN THE R-1-6000 SINGLE FAMILY DWELLING DISTRICT WITH THE INCLUSION OF A SINGLE-FAMILY DWELLING DISTRICT FOR MINIATURE, TRANSPORTABLE HOUSING (TINY HOUSE PARK) ADOPTING DEVELOPMENT REGULATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Lake Dallas, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Lake Dallas, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the Zoning Map of the City of Lake Dallas, Texas, as previously amended, should be further amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. CHANGE OF ZONING CLASSIFICATION

The Zoning Map of the City of Lake Dallas, Texas, as previously amended, be further amended relating to the use and development of Lots 7 and 8, Gotcher Addition (commonly known as 206 Gotcher) with boundaries depicted on **Exhibit "A"** attached hereto and incorporated herein by reference ("the Property") from R-1-6000 Single Family Dwelling District to a Planned Development (PD) District with base zoning of R-1-6000 Single Family Dwelling District including a use for Single-Family Dwelling District for Miniature, Transportable Housing (Tiny House Park) subject to the development and use regulations set forth in Section 2 of this ordinance.

SECTION 2. LAND USE AND DEVELOPMENT STANDARDS. The Property shall be developed and used in accordance with the applicable provisions of the R-1-6000 Single Family Dwelling District as set forth in Code of Ordinances, Chapter 122, as amended, ("Zoning Regulations") except to the extent modified as follows:

- A. "Tiny House Park":** For purposes of this Ordinance, the phrase "Tiny House Park" means a unified development located on the Property configured as a single, undivided lot but on which individual lease pads designated on the Development Plan (hereafter "Pads"),

along with common areas and open spaces area established, on which Pads privately owned Tiny Houses may be placed

- B. Development Plan:** The arrangement of Pads and Tiny Houses on the Property shall be substantially as shown on the Development Plan in **Exhibit "B,"** attached hereto and incorporated herein by reference ("Development Plan"). In no case shall the number of Pads located on the Property exceed thirteen (13).
- C. "Tiny House" Defined; Size and Construction Standards:** For purposes of this Ordinance, a "Tiny House" is defined as a principal residential dwelling that has a square footage of no less than one hundred (100) square feet and no greater than four hundred (400) square feet, with said dwelling being structurally attached to a transportable chassis, with or without a permanent foundation, capable of being connected to available utilities including plumbing (water and sewer service), mechanical, natural gas, communications, and electrical systems. Tiny Houses constructed or otherwise located on the Property shall be subject to the following:
1. **Minimum Unit Size:** Each Tiny House shall have a minimum gross floor area of not less than one hundred (100) square feet.
 2. **Minimum Sleeping Room Size:** In every Tiny House of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least thirty-five (35) square feet of floor space.
 3. **Width:** Each Tiny House must measure not less than seven feet (7.0') and not greater than eight and one-half feet (8.5') in width.
 4. **Depth:** Each Tiny House must measure not less than twelve feet (12') and not greater than forty feet (40') in length.
 5. **Construction Standards:** In addition to the regulations set forth in this Ordinance, every Tiny House located on the Property, whether constructed on the Property on a permanent foundation or constructed off-site and transported to the Property, shall, at the time of application for a building permit or, if not building permit is required, certificate of occupancy, be constructed in accordance with:
 - a. all construction codes relating to residential dwelling units enacted by the City of Lake Dallas that are deemed to be applicable to the structural stability and life safety requirements for a Tiny House as determined by the Building Official or designee; and
 - b. Appendix V, Tiny Houses to the International Residential Code, as approved by the International Code Council (ICC) in response to Public Comment File RB168-16, as may be amended from time to time, a copy of

which is attached hereto as **Exhibit "C"** and incorporated herein by reference.

6. Foundation Platforms: Tiny Houses located on the Property shall be constructed with one of the following foundation platforms:

- a. Mobile, or wheeled, platforms shall be permitted in the form of a trailer vehicle that is registered with the Texas Department of Motor Vehicles (TxDMV). Such dwellings may be towed in-place by means of bumper hitch, frame-towing hitch, fifth-wheel connection, gooseneck type, or other approved towing method.

(1) All Tiny Houses with mobile or wheeled platforms shall be:

- (a) tied down to the ground or pad with an auger/ground anchors when located on a Pad; and
- (b) constructed with fire-resistant skirting, with the necessary vents, screens, and/or openings that is installed within thirty (30) days after placement of the Tiny House on the Pad.

- b. Conventional foundation platforms, such concrete slab on-grade, pier and beam, perimeter grade beam, and similar permanent foundation types shall be permitted, with such foundations being certified by a registered professional structural engineer as a condition of securing building permit approval.
- c. Recreational vehicles, manufactured homes and mobile homes, as defined in the Zoning Regulations shall be prohibited as dwelling units within the Tiny House Park.

7. Pad Requirements:

- a. **Area:** Each Pad shall have an area of not be less than eight hundred (800) square feet and not greater than one thousand (1,000) square feet.
- b. **Coverage:** Maximum coverage of a Tiny House located on a Pad shall not exceed forty-five percent (45%) of the Pad area. Porches and other additions to the Tiny House shall not exceed twenty percent (20%) of the Pad area.
- c. **Width:** Each Pad shall not be less than twenty feet (20') wide and not greater than thirty feet (30') wide.

- d. **Depth:** Each Pad shall be not less than thirty-seven feet (37') in depth and not greater than one hundred feet (100') in depth.

8. Setbacks:

- a. **Common parking areas and adjoining property lines:** When located on a Pad, a Tiny House shall be setback not less than five feet (5.0') from any common area designated and used for parking and the property line of the Property; provided, however, porches, awnings and other additions attached to the Tiny House may project a distance of not greater than an additional three feet (3.0') beyond the foregoing setback.
- b. **Common areas and adjoining Pads:** When located on a Pad, a Tiny House shall be setback not less than ten feet (10.0') from the common line between said Pad and an adjacent Pad.

D. Amenities for Tiny House Park: The Tiny House Park shall contain the following common area amenities and facilities, all of which shall be completed and made operational prior to the issuance of the initial Certificate of Occupancy (CO) for the first Tiny House to be located on the Property:

- 1. A centralized common open space area shall be provided substantially as shown on the Development Plan and shall include a public lawn, communal vegetable garden, patios, plazas, picnic areas and related furniture and equipment, and scenic viewing areas.
- 2. Common open space area shall be provided at a ratio of not less than two hundred (200) square feet of open space per each Pad developed on the Property.
- 3. All Tiny Houses shall be adjoining the perimeter boundary of the designated common open space area.
- 4. The common open space area shall not be located inside a storm water detention/retention area, wetland, stream, floodway, or required landscaped buffer area.
- 5. A self-service laundry facility (washateria) shall be provided within the Property for the exclusive use of the residents of the Tiny House Park.
- 6. Small storage buildings, with the maximum size of eight feet (8.0') in depth, six feet (6.0') in width (8.0' X 6.0'), and seven feet (7.0') in height, shall be permitted at the location shown in **Exhibit "B."**

- a. No more than one such storage building shall be permitted per dwelling.
- b. The storage building shall be constructed of similar exterior building materials as used on the Tiny House.
- c. A building permit shall be required for each storage building constructed.
- d. Each individual storage building shall be painted and finished in a similar color and wall texture to collectively present a unified visual appearance.
- e. A three foot (3.0') wide landscaped buffer shall be provided adjacent to the storage building areas at the located shown in **Exhibit "B."** The landscaped buffer shall be planted with similar shrubs and vegetation as required in Section 2.F.1. of this Ordinance.
- f. A six foot (6.0') high wood or vinyl fence, painted and finished in a similar color and surface texture to collectively present a unified visual appearance, shall be permitted within the landscaped buffer.

E. Access and Parking:

- 1. Parking spaces shall be provided at a ratio of not less than two (2) spaces for each Pad developed on the Property.
- 2. All designated parking areas shall be paved with a decomposed gravel or coarse gravel surface with a minimum depth of six-inches (6") spread across a compacted and stabilized sub base as approved by the City Engineer, or designee, with such approval to be secured in writing prior to the issuance of a building permit or certificate of occupancy for the first Tiny House located on the Property.
- 3. All designated fire lanes shall be paved in either concrete, asphalt, or with a cellular paving grid system with a grass sod cover (grass-crete type) engineered to accommodate the weight of a 65,000-pound fire truck and associated apparatus. Said paving grid system shall be installed upon a compacted and stabilized sub base as approved by the City Engineer, or designee, with such approval to be secured in writing prior to the issuance of a building permit or certificate of occupancy for the first Tiny House located on the Property.

F. Screening and Fencing: Prior to issuance of the first certificate of occupancy for any building constructed on the Property (whether a Tiny House or other building), a hedgerow of evergreen shrubs, of a variety that will normally grow to a height of six feet (6.0') or greater, shall be planted along all property lines of the Property, save-and-except for driveways and access openings subject to the following:

1. All plants shall have a minimum height at the time of planting of one-half of the required screening height, and shall be irrigated by means of a sprinkler system, or other water system adequate to sustain the health of said evergreen shrubs as determined by the Director of Community Development or designee.
 2. Screening requirement. Tree protection requirements shall be enforced during the construction period in accordance with Article XXII, Division 3, of the Lake Dallas Code of Ordinances, as amended.
- G. **Tree Preservation:** No building permit for any building to be constructed on the Property (or any certificate of occupancy, if no building permit is required) shall be issued until a Tree Preservation Permit is obtained by making application in accordance with the requirements established in Article XXII, Division 3, of the Lake Dallas Code of Ordinances, as amended.
- H. **Property Maintenance Required.** A centralized property management entity shall be created to enforce the restrictions contained in this ordinance and to maintain required centralized common open space areas, screening walls and buffers, parking areas, sidewalks, landscaping, signage, common irrigation and other common areas within the Property.
- I. **Tiny House Maintenance.** All Tiny Houses and the Pads shall be maintained in accordance with all applicable property maintenance regulations adopted by the City. Skirting, porches, awnings and other additions, when installed on a Tiny House, shall be maintained in good repair.
- J. **Certificate of Occupancy Required.** No Tiny House constructed or placed on the Property may be occupied as a dwelling unit or for any other purpose until a certificate of occupancy has been granted by the City authorizing commencement of the Tiny House for such use. The foregoing sentence shall apply whether or not a building permit is required to be issued with respect to construction of the Tiny House.

SECTION 3. CONFLICTS. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Lake Dallas governing the use and development of the Property which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. In the event there is an irreconcilable conflict within the text of this Ordinance, including any exhibits attached hereto, relating to the applicable standard to be enforced with respect to development of the Property, the strictest standard shall be controlling unless the City Council determines by approval of a motion or resolution that the less stringent standard is to apply.

SECTION 4. SEVERABILITY CLAUSE. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Lake Dallas Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the


remaining portions of said ordinance or the Lake Dallas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. SAVINGS CLAUSE. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Lake Dallas Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. PENALTY. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective from and after the date of its passage and final publication in accordance with the Charter of the City of Lake Dallas and/or applicable state law and it is accordingly so ordained.

PASSED AND APPROVED this the 26th day of October, 2017.


Michael Barnhart, Mayor

ATTEST:


Codi Delcambre, City Secretary

APPROVED AS TO FORM:


Kevin B. Laughlin, City Attorney
(kbl:10/19/17:91775)



Exhibit "A"
The Property

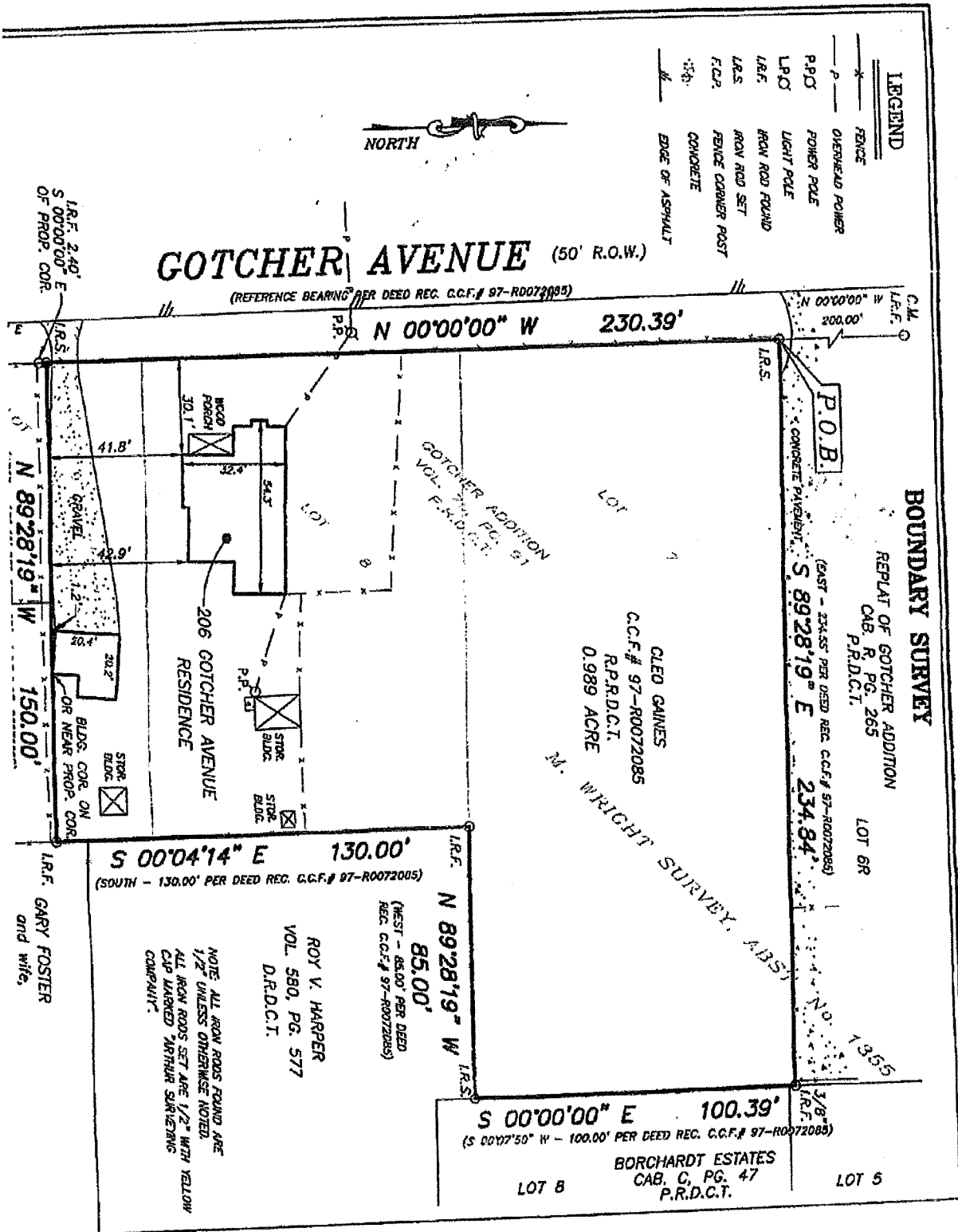


Exhibit "B"

Development Plan

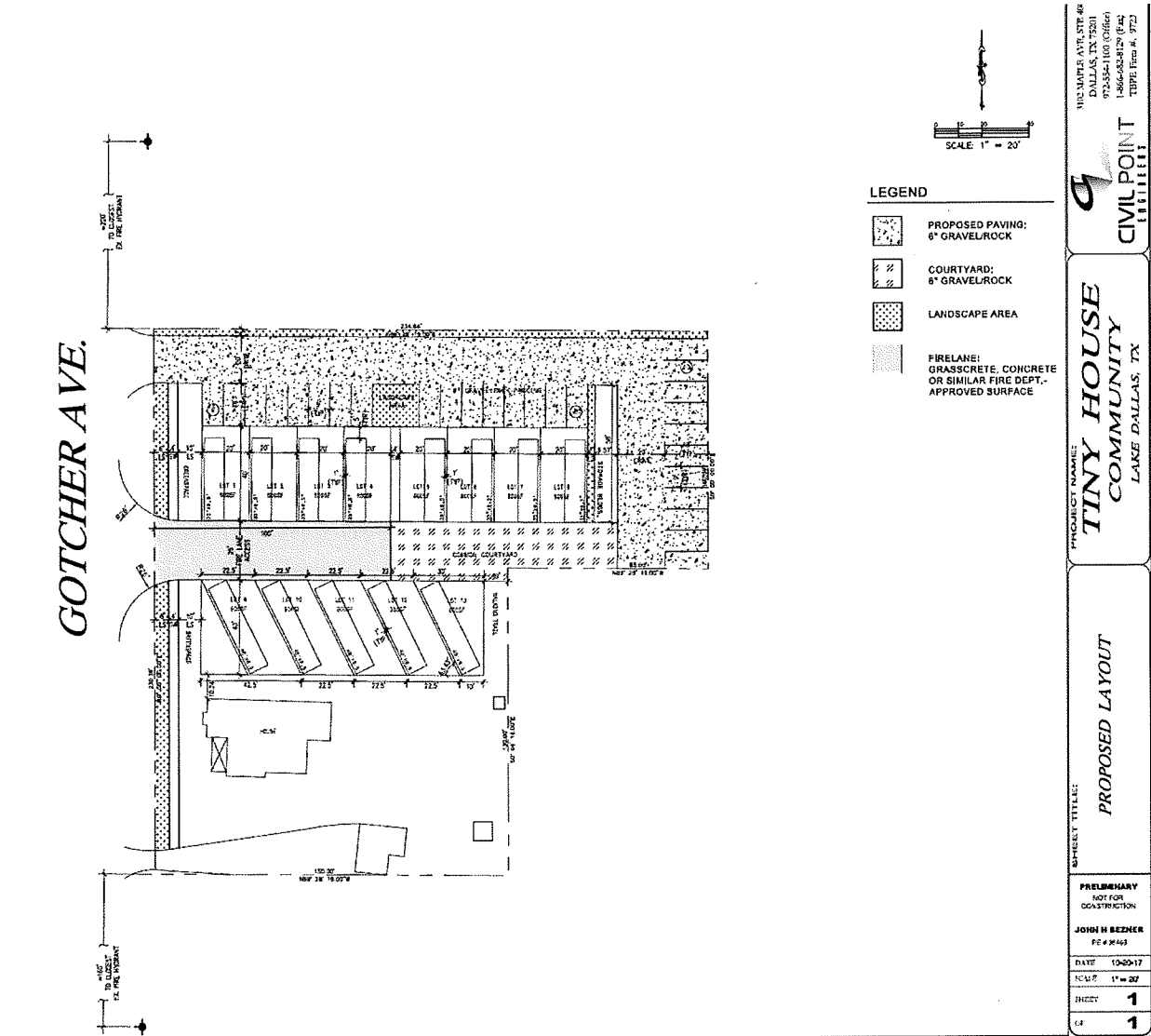


Exhibit "C"

Appendix V, Tiny Houses to the International Residential Code, as approved by the International Code Council (ICC)

APPENDIX V TINY HOUSES

SECTION AV101 GENERAL

AV101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with the *International Residential Code* except as otherwise stated in this appendix.

SECTION AV102 DEFINITIONS

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the *International Residential Code* for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the *emergency escape and rescue opening* requirements in Section R310.2.

LANDING PLATFORM. A landing measuring two treads deep and two risers tall, provided as the top step of a stairway accessing a *loft*.

LOFT. Any floor level located above the main floor and open to it on at least one side, with a *ceiling height* less than 6 feet 8 inches (2032 mm), complying with the area, access, and guard requirements of Section AV104, and used as a living or sleeping space.

TINY HOUSE. A *dwelling* which is 400 or less square feet (37 m²) in floor area excluding *lofts*.

SECTION AV103 CEILING HEIGHT

AV103.1 Minimum ceiling height. *Habitable space* and hallways in *tiny houses* shall have a *ceiling height* not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a *ceiling height* not less than 6 feet 4 inches (1930 mm). No obstructions shall extend below these minimum ceiling heights including beams, girders, ducts, lighting, or other obstructions.

Exception: *Ceiling heights* in *lofts* are permitted to be less than 6 foot 8 inches (2032 mm).

SECTION AV104 LOFTS

AV104.1 Minimum loft areas. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²)

AV104.1.2 Minimum dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a *loft* with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a *loft* with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from *lofts* shall be of any type described in Sections AV104.2.1 through AV104.2.4

AV104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5

AV104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at all points at or above the permitted handrail height. The minimum width below the handrail shall not be less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm) measured vertically from the sloped line connecting the tread nosings in the middle of the tread width.

Exception: The headroom for *landing platforms* shall not be less than 4 feet 6 inches (1372 mm).

AV.104.2.1.3 Treads and Risers. Risers for stairs accessing a *loft* shall be a minimum of 7 inches (178 mm) and a maximum of 12 inches (305 mm). Tread depth and riser height shall be calculated with the following formulas:

Tread depth = 20 inches (508 mm) minus $\frac{4}{3}$ riser height
OR

Riser height = 15 inches (381 mm) minus $\frac{3}{4}$ tread depth

Exception: *Landing platforms* shall measure two treads deep and two risers tall.

AV104.2.1.4 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.5 Stairway guards. *Guards* at open sides of stairways shall comply with Section R312.1.

AV104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AV104.2.2.1 and AV104.2.2.2

AV104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have 12 inches (305 mm) minimum rung width and 10 inches (254 mm) to 14 inch (356 mm) spacing between rungs.

Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

AV104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AV104.2.3 Alternating tread devices. *Alternating tread devices* accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.2.4 Ships ladders. *Ships ladders* accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AV104.3 Loft guards. *Loft guards* shall be located along the open side(s) of *lofts* located more than 30 inches (762 mm) above the main floor. *Loft guards* shall be not less than 36 inches (914 mm) in height or one-half the clear height to the ceiling, whichever is less.

SECTION AV105 EMERGENCY ESCAPE AND RESCUE OPENINGS

AV105.1 General. *Tiny houses* shall meet the requirements of Section R310 for *emergency escape and rescue openings*.

Exception: *Egress roof access windows in lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed with the bottom of their opening no more than 44 inches (1118 mm) above the loft floor.