

ORDINANCE NO. _____

An ordinance amending Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code by amending Sections R301.1.8, R313, and R326.1; amending Appendix Q; providing requirements for unity agreements, providing amended requirements for automatic sprinkler systems in townhomes, requiring that swimming pools and spas must comply with the Dallas Swimming Pool and Spa Code, and construction requirements for tiny houses; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph R301.1.8, “Unity Agreements,” of Subsection R301.1, “Application,” of Section R301, “Design Criteria,” of Subchapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

“R301.1.8 Unity agreements. ~~The use of a unity agreement is allowed [dissolution of common boundary lines for purposes of this code may be executed]~~ in accordance with Chapter 42 of the *Dallas Building Code*.”

SECTION 2. That Section R313, “Automatic Fire Sprinkler Systems,” of Subchapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

**“SECTION R313
AUTOMATIC FIRE SPRINKLER SYSTEMS**

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in *townhouses*.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required where *alterations* are made to existing *townhouses* [~~or townhomes~~] that do not have an automatic residential fire sprinkler system installed.
2. The floor area of an existing unsprinklered *townhouse* [~~or townhome~~] greater than 7,500 square feet (696.77 m²) and not housing a Group H occupancy may be increased by not more than 25 percent of the existing floor area (92.90 m²). Only one increase in floor area is permitted under this exception.
3. New *townhouses* [~~or townhomes~~] that are separated into fire areas no greater than 7,500 square feet (696.77 m²) by the use of 2-hour-rated fire walls. Horizontal assemblies may not be used to satisfy this requirement.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for multiple building *townhouses* shall be designed and installed in accordance with Section P2904 or NFPA 13D. Automatic residential fire sprinkler systems for single building townhouses shall be designed and installed in accordance with NFPA 13R.

R313.2 One- and two-family dwellings and townhomes automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family *dwellings*.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required for *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.
2. The floor area of an existing unsprinklered dwelling greater than 7,500 square feet (696.77 m²) and not housing a Group H occupancy may be increased by not more than 25 percent of existing floor area (92.90 m²). Only one increase in the floor area is permitted under this exception.
3. New *dwellings* that are separated into fire areas no greater than 7,500 square feet (696.77 m²) by the use of 2-hour rated fire walls. Horizontal assemblies may not be used to satisfy this requirement.

R312.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.”

SECTION 3. That Subsection R326.1, “General,” Section R326, “Swimming Pools, Spas and Hot Tubs,” of Subchapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

“**R326.1 General.** The design and construction of pools and spas shall comply with the Dallas Swimming Pool and Spa Code [~~Appendix Q, Swimming Pools, Spas and Hot Tubs~~].”

SECTION 4. That Appendix Q, “Swimming Pools, Spas and Hot Tubs,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended to read as follows:

**“APPENDIX Q
TINY HOUSES**

**SECTION Q101
GENERAL**

Q101.1 Scope. This appendix shall be applicable to *tiny houses* used as single *dwelling units*. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

**SECTION Q102
DEFINITIONS**

Q102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to [Chapter 2](#) of this 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 of [Section R310.2](#).

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a *loft*.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

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

**SECTION Q103
CEILING HEIGHT**

Q103.1 Minimum ceiling height. *Habitable space* and *hallways* in *tiny houses* shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

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

SECTION Q104
LOFTS

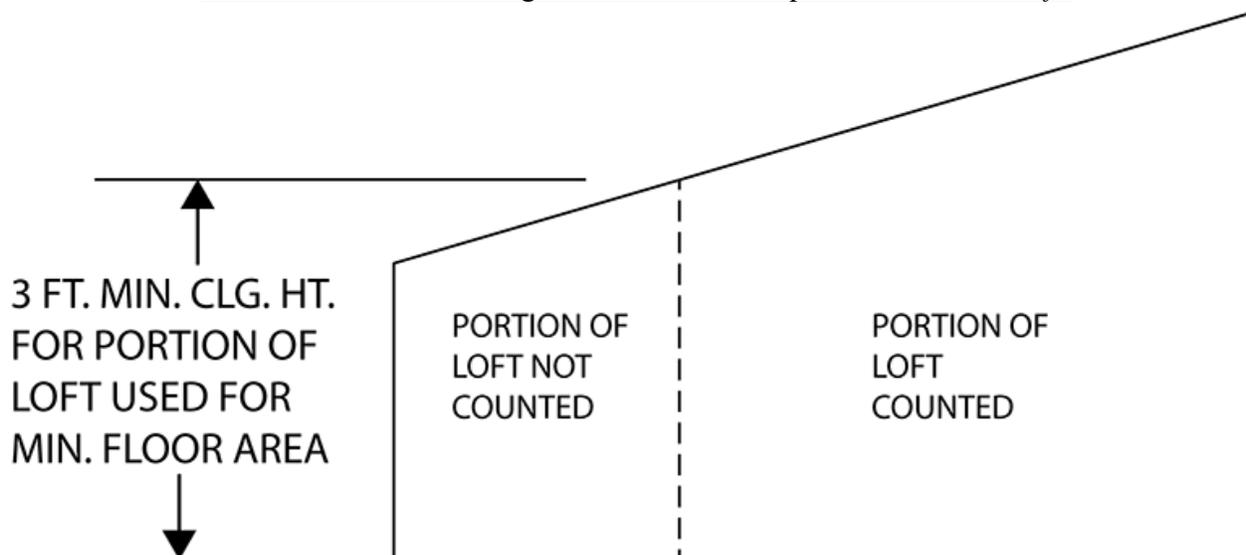
Q104.1 Minimum loft area and dimensions. *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of [Sections AQ104.1.1 through AQ104.1.3.](#)

Q104.1.1 Minimum area. *Lofts* shall have a floor area of not less than 35 square feet (3.25 m²).

Q104.1.2 Minimum horizontal dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

Q104.1.3 Height effect on loft area. Portions of a *loft* with a sloped 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. See Figure AQ104.1.3.

Exception: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a *loft* with a sloped 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*.



For SI: 1 foot = 304.8 mm.

FIGURE AQ104.1.3
HEIGHT EFFECT ON LOFT AREA

Q104.2 Loft access and egress. The access to and primary egress from *lofts* shall be of any type described in Sections AQ104.2.1 through AQ104.2.5. The *loft* access and egress element along its required minimum width shall meet the *loft* where its ceiling height is not less than 3 feet (914 mm).

Q104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.7.

Q104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at or above the *handrail*. The width below the *handrail* shall be not less than 20 inches (508 mm).

Q104.2.1.2 Headroom. The headroom above stairways accessing a *loft* shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread, landing or landing platform *nosings* in the center of their width and vertically from the landing platform along the center of its width.

Q104.2.1.3 Treads and risers. *Risers* for stairs accessing a *loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

Q104.2.1.4 Landings. Intermediate landings and landings at the bottom of stairways shall comply with Section R311.7.6, except that the depth in the direction of travel shall be not less than 24 inches (610 mm).

Q104.2.1.5 Landing platforms. The top tread and *riser* of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be not less than 20 inches (508 mm) in width and in depth measured horizontally from and perpendicular to the *nosings* of the landing platform. The landing platform riser height to the loft floor shall be not less than 16 inches (406 mm) and not greater than 18 inches (457 mm).

Q104.2.1.6 Handrails. *Handrails* shall comply with Section R311.7.8.

Q104.2.1.7 Stairway guards. Guards at open sides of stairways, landings and landing platforms shall comply with Section R312.1.

Q104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AQ104.2.1 and AQ104.2.2.2.

Q104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300-pound (136 kg) load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ inch (9.5 mm).

Q104.2.2.2 Incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

Q104.2.3 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).

Q104.2.4 Ship's ladders. Ship's ladders accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below *handrails* shall be not less than 20 inches (508 mm).

Q104.2.5 Loft guards. *Loft* guards shall be located along the open sides of *lofts*. *Loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. *Loft* guards shall comply with Section R312.1.3 and Table R301.5 for their components.

SECTION AQ105 **EMERGENCY ESCAPE AND RESCUE OPENINGS**

Q105.1 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 such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

SECTION AQ106 **ENERGY CONSERVATION**

Q106.1 Air leakage testing. The air leakage rate for *tiny houses* shall not exceed 0.30 cubic feet per minute at 50 Pascals of pressure per square foot of the *dwelling unit* enclosure area. The air leakage testing shall be in accordance with the testing methods required in Section N1102.4.1.2. The *dwelling unit* enclosure area shall be the sum of the areas of ceilings, floors and walls that separate the conditioned space of a *dwelling unit* from the exterior, its adjacent unconditioned spaces and adjacent *dwelling units*.

Q106.1.1 Whole-house mechanical ventilation. Where the air leakage rate is in accordance with Section AQ106.1, the *tiny house* shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.

Q106.2 Alternative compliance. *Tiny houses* shall be deemed to be in compliance with Chapter 11 of this code and Chapter R4 of the *Dallas Energy Conservation Code*, provided that the following conditions are met:

1. The insulation and fenestration meet the requirements of Table N1102.1.2.

2. The thermal envelope meets the requirements of Section N1102.4.1.1 and Table N1102.4.1.1.
3. Solar, wind or other renewable energy source supplies not less than 90 percent of the energy use for the structure.
4. Solar, wind or other renewable energy source supplies not less than 90 percent of the energy for service water heating.
5. Permanently installed lighting is in accordance with Section N1104.
6. Mechanical ventilation is provided in accordance with Section M1507 and operable fenestration is not used to meet ventilation requirements.

[SWIMMING POOLS, SPAS AND HOT TUBS

SECTION AQ 101 GENERAL

AQ101.1 General. ~~The provisions of this appendix and the provisions of Chapter 43A, “Swimming Pools,” of the *Dallas City Code* shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- or two-family dwelling. To the extent of any conflict between Chapter 57, “*Dallas One-And-Two-Family Dwelling Code*,” of the *Dallas City Code*, hereafter referred to as “this code”; and other city ordinances, this code shall prevail.~~

AQ101.1.1 Location of pool adjacent to structural footings. ~~The provisions of Section R403.1.7 shall control the location of pools adjacent to building and other structural footings.~~

AQ 101.2 Pools in flood hazard areas. ~~Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Section AV101.2.1 or AV101.2.2.~~

Exception: ~~Pools located in riverine flood hazard areas which are outside of designated floodways.~~

AQ 101.2.1 Pools located in designated floodways. ~~Where pools are located in designated floodways, documentation shall be submitted to the *building official* which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.~~

Exception: ~~Projects complying with Section 51A-5.104 of the *Dallas Development Code* are deemed compliant with this section.~~

~~**AQ101.2.2 Pools located where floodways have not been designated.** Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.~~

~~**Exception:** Projects complying with Section 51A-5.104 of the *Dallas Development Code* are deemed compliant with this section.~~

SECTION AQ102 DEFINITIONS

~~**AQ102.1 General.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2 and Chapter 52, “Administrative Procedures for the Construction Codes,” of the Dallas City Code.~~

~~**ABOVE-GROUND/ON-GROUND POOL.** See “Swimming pool.”~~

~~**BARRIER.** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.~~

~~**HOT TUB.** See “Swimming pool.”~~

~~**IN-GROUND POOL.** See “Swimming pool.”~~

~~**RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.~~

~~**SPA, NONPORTABLE.** See “Swimming pool.”~~

~~**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the product.~~

~~**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.~~

~~**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.~~

~~**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.~~

**SECTION AQ103
SWIMMING POOLS**

~~**AQ103.1 In-ground pools.** In-ground pools shall be designed and constructed in compliance with ANSI/NSPI 5.~~

~~**AQ103.2 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI 4.~~

~~**AQ103.3 Pools in flood hazard areas.** In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.~~

**SECTION AQ104
SPAS AND HOT TUBS**

~~**AQ104.1 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI 3.~~

~~**AQ104.2 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI 6.~~

**SECTION AQ105
BARRIER REQUIREMENTS**

~~**AQ105.1 Application.** The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.~~

~~**AQ105.1.1 All other pool yard enclosures.** Swimming pools existing before June 1, 1988, may continue to be enclosed by fences, walls or barriers not less than 3 feet (1066.8 mm) in height, provided the fence, wall or barrier is kept in repair and otherwise maintained in compliance with all other provisions of this code.~~

~~**AQ105.1.2 Additional provisions.** All gates and doors into swimming pool enclosures that lawfully existed before June 1, 1988 must fully comply with the self-closing and self-latching provisions of this section.~~

~~**AQ105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:~~

- ~~1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).~~
- ~~2. Openings in the barrier shall not allow the passage of a 4-inch diameter (102 mm) sphere.~~
- ~~3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.~~
- ~~4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width.~~
- ~~5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width.~~
- ~~6. Maximum mesh size for chain link fences shall be a 2 1/4 inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1 3/4 inches (44 mm).~~
- ~~7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1 3/4 inches (44 mm).~~
- ~~8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - ~~8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and~~~~

- ~~8.2. The gate and barrier shall have no opening larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.~~
- ~~9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:~~
- ~~9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;~~
- ~~9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or~~
- ~~9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.~~
- ~~10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:~~
- ~~10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or~~
- ~~10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.~~

~~**AQ105.3 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AQ105.2.~~

~~**AQ105.4 Prohibited locations.** Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.~~

~~**AQ105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.~~

~~SECTION AQ106~~

~~ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS~~

~~**AQ106.1 General.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.~~

**SECTION AQ107
ABBREVIATIONS**

AQ107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036

APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700
ASTM—ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

**SECTION AQ108
REFERENCED STANDARDS**

AQ108.1 General.

ANSI/NSP

ANSI/NSPI 3—99	Standard for Permanently Installed Residential Spas.....	AQ104.1
ANSI/NSPI 4—99	Standard for Above ground/On ground Residential Swimming Pools.....	AQ103.2
ANSI/NSPI 5—03	Standard for Residential In ground Swimming Pools.....	AQ103.1
ANSI/NSPI 6—99	Standard for Residential Portable Spas.....	AQ104.2

ANSI/APSP

ANSI/APSP 7—06	Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins.....	AQ106.1
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ASCE

ASCE/SEI 24—05	Flood resistant Design and Construction.....	AQ103.3
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ASTM

~~ASTM F 1346—91 (2003)~~

~~Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs.....AQ105.2, AQ105.5~~

~~UL~~

~~UL 2017—2000~~

~~Standard for General Purpose Signaling Devices and Systems with revisions through June 2004.....AQ105.2]”~~

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

SECTION 6. That Chapter 57 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect on May 16, 2022, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____