

FILE NUMBER: DCA212-005(LL)

DATE FILED: Spring 2022

LOCATION: Citywide

COUNCIL DISTRICT: All

MAPSCO: All

SIZE OF REQUEST: Citywide

CENSUS TRACT: All

REQUEST: Consideration of amending the definitions of bedroom, kitchen and bathroom in the Dallas Development Code.

SUMMARY: The proposed code amendments will align the Dallas Development Code Chapter 51 and 51A, Definitions of Article II Interpretations and Definitions to support the Comprehensive Environmental & Climate Action Plan (CECAP) goal of reducing storm water runoff and reducing the heat island effect.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

ZONING ORDINANCE ADVISORY COMMITTEE WEBPAGE:

[Planning & Urban Design Code Amendments \(dallascityhall.com\)](https://dallascityhall.com/planning-urban-design/code-amendments)

CODE AMENDMENT PROJECT WEBPAGE:

[Planning & Urban Design Code Amendments \(dallascityhall.com\)](https://dallascityhall.com/planning-urban-design/code-amendments)

BACKGROUND INFORMATION AND PROCESS:

- On May 19, 2022, staff presented recommendations for amendments to the definitions of bedroom, kitchen and bathroom to the Zoning Ordinance Advisory Committee (ZOAC).
- On June 2, 2022, staff provided feedback regarding direction from ZOAC for staff to consider: (1) The implications with respect to Zoning, Building Code and Real Estate of adding “closet” to the proposed definition of bedroom, and (2) the implications of applying each of the proposed definitions of bedroom, kitchen and bathroom with respect to lot size, parking and storm water runoff on the zoning regulations, building code and the real estate industry.

UPDATES FROM 5/19/2022 ZONING ORDINANCE ADVISORY COMMITTEE (ZOAC) BRIEFING AND PUBLIC HEARING

The following information is intended to provide clarity and additional information in response to direction from ZOAC at the 5/19/2022 Briefing and Public Hearing:

1. Consider and explore the implications with respect to Zoning, Building Code and Real Estate of adding “closet” to the proposed definition of bedroom.

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
BEDROOM – means any room or area in a dwelling unit designed for sleeping other than kitchens, dining rooms, living rooms, bathrooms, closets, game rooms, sun rooms, and other similar rooms.	There are no zoning implications for adding, “closet” to the definition of bedroom.	The implications of adding, “closet” to the proposed definition of bedroom could complicate how a closet is interpreted. For example, studio units or dorm rooms that only have shelves and rods for hanging clothes and no formal closet are still designed for sleeping as bedrooms. Currently, the International Residential Building Code (IRC) does not require a closet in determining a bedroom. The IRC does control size, access, light and ventilation for bedrooms.	N/A – We cannot address real estate implications in our zoning evaluation directly. However, adding “closet” to the proposed definition of bedroom will not impact real estate because we are applying the definition only to our Building Code and Zoning regulations.

2. Consider and explore the implications of applying each of the **proposed** definitions of bedroom, kitchen and bathroom with respect to lot size, parking and storm water runoff on the zoning regulations, building code and the real estate industry.

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
<p>BEDROOM – means any room or area in a dwelling unit designed for sleeping other than kitchens, dining rooms, living rooms, bathrooms, closets, game rooms, sun rooms, and other similar rooms.</p> <p><u>Current (Zoning) Definition</u></p> <p>DWELLING UNIT - means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.</p>	Lot Size:		
	<p><u>SEC. 51A-4.116 MULTIFAMILY DISTRICTS.</u></p> <p>Each of the multifamily districts MF-1(A) and MF-1(SAH), MF-2(A) and MF-2(SAH), MF-3(A) and MF-4(A) have stated purposes for regulating area in the code to protect the character of that district with respect to the land uses comprised in that district, prevention of overcrowding of the land and to preserve and protect the density of that multifamily district's uniformity. Additionally, the MF-2 (SAH) district is created to encourage the provision of affordable housing. There are implications on the density of</p>	<p>The implications for the proposed zoning definition of bedroom in applying the building code is that bonus rooms, spare rooms and rooms used for home offices that are not “designed for sleeping” will no longer have to be counted as bedrooms. Since only actual bedrooms will now be considered bedrooms, the number of parking spaces will be properly based on the number of bedrooms for multifamily and college, fraternity, dormitory and sorority houses. Additionally, only actual bedrooms will be required to provide two-way access, ingress and egress for fire</p>	<p>N/A – We cannot address real estate implications in our zoning evaluation directly. However, lot sizes do impact the value and cost of real estate. The impact of applying the proposed definition of bedroom will keep the costs of the medium density, multifamily districts more affordable since only rooms that are “designed for sleeping” or actual bedrooms will be used for the parking ratio of 1 space per bedroom. This will keep the number of bedrooms down to the actual bedrooms and conversely will prevent overparking or surplus parking</p>

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	<p>dwelling units for the proposed definition of bedroom since dwelling unit density is directly related to the allowable number of dwelling units per acre for the multifamily districts and the minimum lot area per dwelling unit is directly based on the number of bedrooms.</p> <p><u>Example:</u> <u>MF-3(A)</u> <u>DISTRICT.</u> <u>Dwelling unit density.</u> Maximum dwelling unit density is 90 dwelling units per net acre. <u>Lot size.</u> No separate bedroom requires a min. lot area per dwelling unit of 450 sf. One bedroom requires a min. lot area per dwelling unit of 500 sf. Two bedrooms requires a min. lot area per dwelling unit of 550 sf. More than two</p>	<p>safety as required for bedrooms per the International Residential Code (IRC). Regarding concerns about only kitchens or bedrooms being built in a structure or counting a garage as a bedroom, since the definition of a dwelling unit requires that the single housekeeping unit contain a kitchen, bathroom and bedroom, the Code would not allow only kitchens or only bedrooms to be built and still be considered dwelling units. Furthermore, the IRC limits the number of bedrooms for single family development and the presence of more than the allowable number of bedrooms would render the structure a commercial</p>	<p>for rooms that are not bedrooms. Additionally, only two-way access, ingress and egress will be required for actual bedrooms for fire safety and prevent an unnecessary increase in development costs.</p>

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	<p>bedrooms (Add this amount for each bedroom over two) requires a min. lot area per dwelling unit of 50 sf. (Please see the highlighted sections of the attached Sec. 51A-4.116 Multifamily Districts in the Appendix)</p>	<p>structure and not a single family or residential dwelling and would then be subject to the International Building Code (IBC) which regulates commercial development. The IRC also requires garages to provide doors to separate bedrooms to prevent fumes and other toxins from entering a bedroom. A plans examiner would not consider a garage a bedroom if the function of the garage is to store a vehicle. Another way to control the number of bedrooms is by including notes on the construction plans that prohibit doors and areas to be open.</p>	
	Parking:		
	The parking space requirement in zoning (Ch. 51A) is impacted by	If rooms other than bedrooms or rooms “designed for sleeping” are no	N/A – We cannot address real estate implications in our zoning

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	<p>the number of rooms considered bedrooms because the ratio for the number of parking spaces required for multifamily districts, as well as college dormitory, fraternity or sorority house are based on the number of bedrooms. Per Sec. 51A-4.209 Residential Uses, the parking ratio for multifamily and college dormitory, fraternity or sorority house is 1 parking space per bedroom. The impact of the proposed definition for bedroom whereby only rooms “designed for sleeping” are considered bedrooms means that the required number of parking spaces are no longer being artificially inflated; and thus these multifamily uses are not being overparked</p>	<p>longer required to be considered bedrooms per the zoning definition of bedroom, building inspection staff will no longer have to apply the parking ratio of 1 parking space per bedroom for a room or additional rooms, such as home offices or bonus rooms that are not actual bedrooms. The impact will be less surplus parking spaces citywide that are being exacerbated by application of the zoning code. It will also reduce the number of applications for applicants seeking a variance from the Board of Adjustment for (artificially inflated) parking requirements, and helping to reduce already overburdened dockets for Board of Adjustment and reducing staff</p>	<p>evaluation directly. However, the proposed definition will impact the number of parking spaces and will in turn have an impact on real estate development costs. By no longer counting rooms that are not actually bedrooms will have an economic impact because more bedrooms requires more parking spaces per our parking regulations in our zoning code and parking spaces are costly.</p>

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	due to the zoning code.	time in issuing permits. The reduced time for the applicant and staff will lower the costs of development because time equals money and the reduced staff time contributes further to less delays in permitting projects.	
Storm Water Runoff:			
	The impacts of the proposed definition of bedroom per the zoning code to no longer include rooms that are not actual bedrooms directly contributes to less surplus or overparking of parking spaces citywide. The impact of overparking completely undermines the goals of CECAP because surface parking spaces account for approximately 80% of storm water runoff, and contribute to the heat island	The implications for building inspection staff applying the proposed zoning definition of bedroom is that the staff will no longer count rooms that are not “designed for sleeping” as bedrooms, and as such no longer has to include parking space requirements for these rooms that are not bedrooms. This will reduce the artificially inflated parking or surplus parking; thereby, reducing storm water runoff and the	N/A – We cannot address real estate implications in our zoning evaluation directly. However, there could be development cost savings if an increase in storm water runoff is no longer generated due to adding more unnecessary surface parking to a site, as storm water runoff mitigation is required by our drainage requirements. Storm water facilities may be required to handle storm

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	<p>effect. Furthermore, the impacts of no longer applying the definition to include rooms that are not actual bedrooms will help in no longer undermining the goals of affordable housing, a stated purpose of the MF-1(SAH) and MF-2 (SAH) multifamily districts by no longer increasing the cost of development due to the high cost of providing parking spaces that are not necessary. The increased cost of development for surplus or overparking due to the zoning definition will no longer have to be passed onto the renter in higher rent costs.³</p>	heat island effect.	water runoff. Therefore, sites that are not artificially overparked due to the zoning code will reduce development costs associated with storm water runoff and heat island effect of surface parking.
KITCHEN – means any room or area used for cooking or preparing food	Lot Size:		
	There are no impacts from the proposed definition of	The impact of removing microwaves and hot plates in the	N/A – We cannot address real estate implications in

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
<p>and containing one or more ovens, or stoves or cooktops; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.</p>	<p>kitchen on lot size or in the zoning code. Removing microwave or hot plate from the definition has no bearing on the zoning code.</p>	<p>proposed definition of kitchen means that building inspection staff do not have to require them on a set of construction plans because microwaves and hot plates are not typically shown on construction plans. Stoves and ovens will typically be shown because these appliances need special electrical plugs (220V) or sometimes gas connections. The 3-part requirement of a presence of ovens or stoves, a sink and a refrigerator has no implications on lot size. The implications for applying the proposed 3-part definition means building inspection staff no longer have to count wet bars and laundry rooms that may contain a microwave, sink and refrigerator as a kitchen.</p>	<p>our zoning evaluation directly. However, the proposed definition of kitchen will not impact real estate because we are applying the definition only to our Building Code and Zoning regulations.</p>

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	Parking:		
	There are no zoning implications for the proposed definition of kitchen regarding parking since parking ratios are not based on kitchens.	There are no building code implication for the proposed definition of kitchen regarding parking since parking ratios are not based on kitchens.	N/A – We cannot address real estate implications in our zoning evaluation directly. However, the proposed definition of kitchen will not impact real estate because we are applying the definition only to our Building Code and Zoning regulations.
	Storm Water Runoff:		
	There are no zoning implications for the proposed definition of kitchen regarding storm water runoff since parking ratios are not based on kitchens and surface parking contributes to storm water runoff.	There are no building code implications for the proposed definition of kitchen regarding storm water runoff since parking ratios are not based on kitchens and surface parking contributes to storm water runoff.	N/A – We cannot address real estate implications in our zoning evaluation directly. However, the proposed definition of kitchen will not impact real estate because we are applying the definition only to our Building Code and Zoning regulations and kitchens do not impact the parking counts.
BATHROOM –	Lot Size:		

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
<p>means any room used for personal hygiene containing a shower or bathtub, a toilet and sink.</p>	<p>There are no zoning implications for the proposed bathroom definition. The addition of any room used for personal hygiene containing a shower or bathtub would be consistent with hygiene by way of bathing facilities. “Bathroom” is only used two other times in Ch. 51A: one in determining if something is a potentially incompatible industrial use when the industrial use manufactures “bathroom products”. The other one is in the definition for a <u>Residential Hotel Use</u> which means “six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to</p>	<p>The implications of the proposed definition for bathroom is that in order for a dwelling unit to be considered a dwelling unit, the dwelling unit must now contain a bathroom that contains bathing facilities for personal hygiene by requiring a shower or a tub in addition to a toilet and sink. The addition of requiring all 3 – shower or tub, a toilet and sink tightens up the definition of bathroom so that a dwelling unit must have the bathing facilities for personal hygiene in order to be considered a dwelling.</p>	<p>N/A – We cannot address real estate implications in our zoning evaluation directly. However, the proposed definition of bathroom will not impact real estate because we are applying the definition only to our Building Code and Zoning regulations.</p>

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.”		
	Parking:		
	There are no zoning implications for the proposed definition of bathroom regarding parking since parking ratios are not based on bathrooms.	There are no building code implications for the proposed definition of bathroom regarding parking since parking ratios are not based on bathrooms.	N/A – We cannot address real estate implications in our zoning evaluation directly. However, the proposed definition of bathroom will not impact real estate because we are applying the definition only to our Building Code and Zoning regulations and bathrooms do not impact the parking counts.
	Storm Water Runoff:		
	There are no zoning implications for the proposed definition of bathroom regarding parking since parking ratios are not based on bathrooms and surface parking	There are no building code implications for the proposed definition of bathroom regarding parking since parking ratios are not based on bathrooms and surface parking	N/A – We cannot address real estate implications in our zoning evaluation directly. However, the proposed definition of bathroom will not impact real

Proposed (Zoning) Definition	Zoning	Building Code	Real Estate
	contributes to storm water runoff.	contributes to storm water runoff.	estate because we are applying the definition only to our Building Code and Zoning regulations and bathrooms do not impact the parking counts.

¹ LOT AREA means the total square feet contained within lot lines.

² FAMILY means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

³How Much Does One Parking Spot Cost

(<https://www.reinventingparking.org/2015/06/how-much-does-one-parking-spot-add-to.html>)

GENERAL INFORMATION ON THE DEFINITIONS OF BEDROOM, KITCHEN AND BATHROOM:

Staff initiated the code amendment to revise the definitions of bedroom, kitchen and bathroom in support of the Comprehensive Environmental Climate Action Plan (CECAP) goals of reducing storm water runoff and reducing the heat island effect. Further, the proposed code amendment directly correlates to the Economic Development Policy (EDP) goals of streamlining the permitting process to approve 90% of building permits within two weeks, and to undergo regulatory review to remove barriers to affordable development.

The zoning definitions of bedroom, kitchen and bathroom in Chapter 51 and 51A determine how these rooms are classified and have direct implications for how the Code is applied and interpreted with respect to building permitting of structures in the City. Additionally, the application of the definition of bedroom has a direct effect on the number of parking spaces that are required since the parking ratio for residential uses, such as multifamily is based on the number of bedrooms. Per Section 51A-4.209 Residential Uses, the parking regulations for multifamily and college dormitory, fraternity or sorority house requires 1 parking space per bedroom so it is important that only actual bedrooms are included in the definition.

It is important that only actual bedrooms are counted as such and the parking ratio is not unnecessarily or artificially inflated since surface parking spaces contribute approximately 80% of the storm water runoff in the City and also contribute to the urban heat island effect. Additionally, the cost of surface parking increases the cost of development that undermines the city's goals of affordable housing.

Per Section 51A-2.102, Definitions of Article II Interpretations and Definitions, the current zoning definition of *bedroom* “means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms, and living rooms and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”

The current zoning definition of bedroom is creating challenges in application because as the definition is currently written, almost any spare room or bonus type room in a dwelling is considered a bedroom which means that those additional rooms impact the parking count because the parking ratio or number of parking spaces for some residential uses, such as multi-family, is based on the number of bedrooms in a dwelling unit.

Per Section 51A-2.102, Definitions of Article II Interpretations and Definitions, the current zoning definition of *kitchen* “means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

The current zoning definition of kitchen is creating challenges in application because it does not fit current conditions of modern dwellings that have laundry rooms and wet bars that may have refrigerators, sinks and microwave ovens. As the definition is currently written, other rooms such as laundry rooms or wet bars that contain a microwave, sink and a refrigerator must be considered a kitchen.

Per Section 51A-2.102, Definitions of Article II Interpretations and Definitions, the current

zoning definition of *bathroom* “means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.” As the definition is currently written, a bathroom does not need to contain a way in which to bathe because in order to be considered a bathroom, only either a shower or a bathtub or a toilet and a sink must be present. This zoning definition is problematic in application because under the building code, in order for a dwelling to be considered a dwelling, there must be a bathroom. In this application, a bathroom with only a toilet and a sink could qualify or be considered a dwelling with no facilities in which to bathe.

The proposed amendments to the definitions are expected to contribute less surplus or overparking of surface parking spaces citywide due to application of the zoning code, remove barriers to affordable housing due to application of the Code and also provide clarification and close loopholes in the existing Code.

Overview of Current Div. 51A-2.102 Definitions of Article II Interpretations and Definitions

Div. 51A-2.102 regulates the definition or meaning of specific words listed in this section of the Code. The following definitions for bathroom, bedroom and kitchen are listed below:

- ❖ BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.
- ❖ BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.
- ❖ KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.

Overview of Current Div. 51A-4.209 Residential Uses

Div. 51A-4.209 regulates the land uses for the residential zoning districts and other regulations for these land uses. This division regulates and includes the following:

- ❖ General provisions of the residential land use categories.
- ❖ Specific land use categories permitted as residential land uses.
- ❖ Definitions for each specific land use category.
- ❖ Uses permitted by-right, by Specific Use Permit (SUP) or by right as a restricted component of a building in the GO(A) district for each specific land use category in each residential zoning district.
- ❖ Required off-street parking and loading in each specific land use category for each residential land use.
- ❖ Additional provisions for each specific land use category, if any applicable.
- ❖ Accessory structures for each specific land use category, if any permitted.

Overview of Current Div. 51A-4.116 Multifamily Districts

Div. 51A-4.116 regulates the land uses for the multifamily zoning districts and other regulations for these land uses. This division regulates and includes the following:

- ❖ Purpose of the multifamily zoning districts.
- ❖ Main uses permitted in each multifamily zoning district.

- ❖ Uses permitted by-right, by Specific Use Permit (SUP), by special authorization of the Building Official, and other requirements, such as Residential Adjacency Review (RAR), or Development Impact Review (DIR) in each multifamily district.
- ❖ Accessory uses allowed in each multifamily zoning district.
- ❖ Yard, lot and space regulations in each multifamily district.
- ❖ Off-street parking and loading in each multifamily district.
- ❖ Environmental performance standards. See Article VI.
- ❖ Landscape regulations. See Article X.
- ❖ Additional provisions.

PROPOSED AMENDMENTS TO CHAPTER 51A

The proposed amendments to the sections below in Chapter 51A are intended to address overparking and surplus surface parking for multifamily and college, fraternity, dormitory and sorority houses due to application of the current zoning definition of bedroom; to further clarify the definition of kitchen and tighten the definition of bathroom to close a loophole in the current definition of bathroom.

In order to address the shortcomings in the current definitions of bedroom, kitchen and bathroom, staff is recommending the following for CPC consideration and approval:

1. Alignment of CECAP goals of reducing storm water runoff and the heat island effect, and alignment of the EDP goal to undergo regulatory review to remove barriers to affordable development by:
 - a) Amending the definition of bedroom to consider only rooms that are designed for sleeping as bedrooms.
2. Alignment of the EDP goal of streamlining the permitting process to approve 90% of building permits by:
 - a) Amending the definition of kitchen to consider only rooms that have appliances and facilities necessary and customary for kitchens.
 - b) Amending the definition of bathroom to prevent the unintended consequence of a loophole in application of the requirement of bathroom for a dwelling unit without bathing facilities.

Proposed Amendments

Note: Red [additions] and ~~striketroughs~~ [words being removed] represent changes from the current ordinance. These changes have been modified to reflect the stipulations from ZOAC in the June 2, 2022 meeting as noted below.

Note: Stipulations [additions] by ZOAC are noted in blue and [word changes] by ZOAC are noted in green.

On June 2, 2022, ZOAC stipulated that the staff addition of “used for sleeping” for the proposed definition of bedroom be replaced with “designed for sleeping,” and also stipulated the addition of “or cooktops” in the proposed definition of kitchen.

ARTICLE II. INTERPRETATIONS AND DEFINITIONS.

SEC. 51A-2.102. DEFINITIONS.

In this chapter, unless the context requires otherwise:

...

(8.1) BATHROOM means any room used for personal hygiene and containing a shower or bathtub, ~~or containing~~ a toilet and sink.

(9) BEDROOM means any room ~~or area~~ in a dwelling unit ~~designed for sleeping~~ other than a ~~kitchens, dining rooms, living rooms, bathrooms, or closets. Additional dining rooms, and living rooms and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.~~

...

(57.1) KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, ~~or stoves, hot plates, or microwave ovens~~ ~~or cooktops~~; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.

Appendix

SEC. 51A—2.102. DEFINITIONS, ARTICLE II INTERPRETATIONS
AND DEFINITIONS. [SEC. 51A-4.209. RESIDENTIAL USES.](#)
[\(amlegal.com\)](#)

SEC. 51A-4.209. RESIDENTIAL USES.
[SEC. 51A-4.209. RESIDENTIAL USES. \(amlegal.com\)](#)

SEC. 51A-4.116. MULTIFAMILY DISTRICTS.
[SEC. 51A-4.116. MULTIFAMILY DISTRICTS. \(amlegal.com\)](#)

SINGLE FAMILY ACCESSORY STRUCTURES.
(See Attached)

SEC. 51A-2.102. DEFINITIONS.

In this chapter, unless the context requires otherwise:

- (1) "A" DISTRICT means the agricultural district established under Chapter 51.
- (2) "A(A)" DISTRICT means the agricultural district established under this chapter.
 - (2.1) ACCESSORY STRUCTURE means a structure located on the same lot as the main building that is subordinate in floor area, location, and purpose to the main building and used for a permitted accessory use.
- (3) ACCESSORY USES means those uses defined in Section 51A-4.217.
- (4) AGRICULTURAL DISTRICT means the A(A) district established under this chapter.
- (5) AGRICULTURAL USES means those uses defined in Section 51A-4.201.
- (6) AIRPORT HAZARD means any structure, tree, sign, vehicle or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to the landing or taking off of aircraft.
- (7) ALLEY means a right-of-way which provides secondary access to adjacent property.
 - (7.1) ARTERIAL means a street designated as either a principal or minor arterial in the city's thoroughfare plan.
- (8) BASEMENT means any level of a building where more than one half of the vertical distance between floor and ceiling is below grade.
- (8.1) BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.
- (9) BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.
- (9.1) BICYCLE PARKING means Class I bicycle parking and Class II bicycle parking.
- (10) BLOCK means an area bounded by streets on all sides.
 - (10.1) BLOCKFACE means:
 - (A) the distance along one side of a street between the two nearest intersecting streets;
 - (B) where a street deadends, the distance along one side of a street between the nearest intersecting street and the end of the deadend street; or
 - (C) where a street centerline contains a change of direction 90 degrees or more, the distance along one side of a street between either the nearest intersecting street or the deadend and the point determining the angle of the change of direction.
- (11) BOARD means the board of adjustment.
- (11.1) BREEZEWAY means an unenclosed passage connecting two buildings or portions of a building.
- (12) BUILDING means a structure for the support or shelter of any use or occupancy.

- (13) BUILDING LINE means a line marking the minimum distance a building may be
- (14) BUILDING OFFICIAL means the person designated by the city manager as the building official of the city, or the building official's authorized representative.
- (15) BUILDING SITE means property that meets the requirements of Section 51A-4.601.
- (16) "CA-1" DISTRICT means the CA-1 district established under Chapter 51.
- (17) "CA-1(A)" DISTRICT means the CA-1(A) district established under this chapter.
- (18) "CA-2" DISTRICT means the CA-2 district established under Chapter 51.
- (19) "CA-2(A)" DISTRICT means the CA-2(A) district established under this chapter.
- (20) CENTER LINE means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the center line shall be determined by the director of public works.
- (21) CENTRAL AREA DISTRICTS means the CA-1(A) and CA-2(A) districts established under this chapter.
- (22) CENTRAL BUSINESS DISTRICT means the area of the city within Woodall Rodgers Freeway, Central Expressway (elevated bypass), R. L. Thornton Freeway, and Stemmons Freeway.
- (23) CITY COUNCIL means the governing body of the city.
- (23.1) CLASS I BICYCLE PARKING means unenclosed parking spaces intended for bicycles where one or both wheels and the frame of a bicycle can be secured to a rack with a user-supplied lock.
- (23.2) CLASS II BICYCLE PARKING means enclosed parking spaces intended for bicycles within a building or structure designed for increased security from theft and vandalism, such as locked bicycle storage rooms, bicycle check-in systems, and bicycle lockers.
- (23.3) COLLECTOR means a street designated as either a community or residential collector in the city's thoroughfare plan.
- (24) COMMERCIAL AND BUSINESS SERVICE USES means those uses defined in Section 51A-4.202.
- (25) COMMISSION or CITY PLAN COMMISSION means the city plan and zoning commission.
- (26) COVERAGE means the percentage of lot area covered by a roof, floor, or other structure, except that roof eaves up to 24 inches and other ordinary building projections up to 12 inches are excluded.
- (27) DENSITY means the ratio of dwelling units to lot area.
- (28) DEPARTMENT means the department of development services. The department of development services was formerly named the department of sustainable development and construction, the department of planning and development, the department of urban design, and the city plan department. Any reference to these departments is a reference to the department of development services.
- (29) "D" DISTRICT means the duplex district established under Chapter 51.
- (30) "D(A)" DISTRICT means the duplex district established under this chapter.

(31) DIR means “development impact review” (See Division 51A-4.800).

(32) DIRECTOR means the director of the department of sustainable development and construction or the director's representative.

(33) DUPLEX DISTRICT means the D(A) district established under this chapter.

(34) DWELLING UNIT means one or more rooms designed to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

(35) EAVES means the lowest border of a roof, including any overhang. (35.1)

EXACTION means, for purposes of Section 51A-1.109 and Texas Local Government Code Section 212.904, dedications, fees, or construction costs for municipal infrastructure additions or improvements that the city requires a developer to bear a portion of as a condition for approval of a property development project.

(36) FAMILY means individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

(37) FENCE means a structure that provides a physical barrier.

(38) FLOOR AREA means the total square feet of floor space in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area, excluding the following:

(A) Area used solely for off-street parking.

(B) Area between an omitted wall line and the structural wall when the area is used solely for foot or vehicular traffic or landscaping.

(C) Area of a private balcony that is not accessible to the public and does not provide a means of ingress or egress.

(D) Area of a breezeway or an unenclosed stairway located within the first three stories, excluding any basement, of a residential use.

(39) FLOOR AREA RATIO means the ratio of floor area to lot area. (Note: A 1:1 FAR is stated as “1.0,” 2:1 is stated as “2.0,” 2.5:1 is stated as “2.5,” etc.)

(39.1) FORM DISTRICTS means the RTN, WMU- 3, WMU-5, WMU-8, WMU-12, WMU-20, WMU-40, WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts and the planned form districts established under Article XIII of this chapter.

(40) FRONTAGE means the length of property along one side of a street between property or lease boundary lines.

(41) FRONT YARD means that portion of a lot which abuts a street and extends across the width of the lot between the street and the setback line.

(41.1) GARBAGE means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food. This includes such waste materials from markets and storage facilities where handling or sale of produce and other food products is conducted.

(42) “GO” DISTRICTS means the general office matrix districts established under Chapter 51.

(43) “GO(A)” DISTRICT means the general office district established under this chapter.

(44) “GR” DISTRICT means the general retail district established under Chapter 51.

(45) GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or the ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include:

- (A) fill material not necessary to make the site developable;
- (B) berms; or
- (C) landscape features.

(45.1) HAZARDOUS WASTE means solid waste identified or listed as hazardous waste by the administrator of the United States Environmental Protection Agency under the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.).

(46) “HC” DISTRICT means the heavy commercial district established under Chapter 51.

(47) HEIGHT means the vertical distance measured from grade to:

- (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure;
- (B) for a structure with a dome roof, the midpoint of the vertical dimension of the dome; and
- (C) for any other structure, the highest point of the structure.

(47.1) Reserved.(Repealed by Ord. 20478).

(48) Reserved. (Repealed by Ord. 24163).

(48.1) HUD-CODE MANUFACTURED HOME means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(49) “I-1” DISTRICT means the I-1 district established under Chapter 51.

(50) “I-2” DISTRICT means the I-2 district established under Chapter 51.

(51) “I-3” DISTRICT means the I-3 district established under Chapter 51.

(52) INDUSTRIAL DISTRICTS means LI, IR, and IM districts.

(52.1) INDUSTRIAL SOLID WASTE means solid waste generated by manufacturing or industrial processes, excluding mining or oil and gas, that is not hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act of 1976. Such waste may include, but is not limited to, waste resulting from:

- (A) Electric power generation.
 - (B) Foundries or the manufacturing of nonferrous metals.
 - (C) Water treatment.
 - (D) The manufacturing of textiles; transportation equipment; plastics; resins; rubber; miscellaneous plastic products; concrete products; iron; steel; clay; glass; stone; organic chemicals; inorganic chemicals; leather; leather products; fertilizers and agricultural chemicals; pulp and paper; food; and food-related products and by-products.
- (53) INDUSTRIAL USES means those uses defined in Section 51A-4.203.
- (54) INNER COURT means an open space bounded on all sides by the walls of a building.
- (55) INSTITUTIONAL USES means the post office; community service center; foster home; child-care facility; halfway house; church; convent or monastery; cemetery or mausoleum; overnight general purpose shelter; public or private school; business school; technical school; college, university, or seminary; college dormitory, fraternity, or sorority house; library, art gallery, or museum; hospital; and convalescent and nursing homes, hospice care, and related institutions uses.
- (56) INSTITUTIONAL AND COMMUNITY SERVICE USES means those uses defined in Section 51A-4.204.
- (57) INTERIOR LOT LINE means a lot line not adjacent to a street or alley.
- (57.1) KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.
- (57.2) KNOWINGLY means a person acts knowingly, or with knowledge, with respect to the nature of their conduct or to circumstances surrounding their conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of their conduct when the person is aware that the conduct is reasonably certain to cause the result.
- (58) LANDING AREA means the area of an airport used for the landing, take off or taxiing of aircraft.
- (59) LANDSCAPE AUTHORITY means:
- (A) a landscape architect licensed or registered by the state; or
 - (B) a professional horticulturist or nurseryman.
- (60) "LC" DISTRICT means the light commercial district established under Chapter 51.
- (61) LEGAL HEIGHT means the maximum building height allowed under Federal Aviation Administration regulations or any other ordinance or regulation in effect, whichever is most restrictive.
- (61.1) "LI" DISTRICT means the light industrial district established under this chapter.
- (61.2) LIGHT SOURCE means a flame or a bulb, mantle, or other device that produces light. The term "light source" does not include a device or fixture that serves to cover, direct or control the distribution of light.
- (61.3) LIMITED ACCESSORY USE means an accessory use that is subject to the

restrictions in Section 51A-4.218 governing limited uses.

(62) LIMITED USE means a use restricted under Section 51A-4.218.

(63) “LO” DISTRICTS means the limited office matrix districts established under Chapter

51.

(64) “LO-1” DISTRICT means the LO-1 district established under this chapter.

(65) “LO-2” DISTRICT means the LO-2 district established under this chapter. (65.1) “LO-3” DISTRICT means the LO-3 district established under this chapter.

(65.2) LO(A) DISTRICTS means the LO-1, LO-2, and LO-3 districts established under this chapter.

(66) LODGING USES means those uses defined in Section 51A-4.205.

(67) LOT means a building site that fronts on a public or private street, except that in the case of a planned development district, the building site may front on an access easement, and in the case of a shared access development, the building site may front on a shared access area.

(68) LOT AREA means the total square feet contained within lot lines.

(69) LOT DEPTH means the average distance between the front and rear lot lines.

(70) LOT LINE means a property line bounding a lot, excluding any street or alley dedicated in fee simple.

(71) LOT WIDTH means the distance between side lot lines measured along the front setback line.

(72) MAIN BUILDING means a building on a lot intended for occupancy by the main use.

(73) MAIN USE means those uses defined in Sections 51A-4.201 through 51A-4.216. (73.1) MANUFACTURED HOME means a structure transportable in one or more

sections, which is built on a permanent chassis and which is designed for use with or without a permanent foundation when connected to the required utilities. In this chapter, the term “manufactured home” includes, but is not limited to, HUD-code manufactured homes and mobile homes.

(73.2) MANUFACTURED HOME DISTRICT means the MH(A) district established under this chapter.

(73.3) “MC” DISTRICTS means the MC-1, MC-2, MC-3, and MC-4 districts established under this chapter (also called “multiple commercial districts”).

(74) “MF” DISTRICTS means the MF-1, MF-2, MF-3, and MF-4 districts established under Chapter 51.

(75) “MF(A)” DISTRICTS means the MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), and MF-4(A) districts established under this chapter (also called “multifamily districts”).

(76) “MH” DISTRICT means the manufactured home district established under Chapter 51.

(77) “MH(A)” DISTRICT means the manufactured home district established under this chapter.

(77.1) MINOR ARTERIAL means a street designated as a minor arterial in the city’s thoroughfare plan.

(77.2) MINOR STREET means a street not designated in the city’s thoroughfare plan.

(78) MISCELLANEOUS USES means those uses defined in Section 51A-4.206.

(79) MIXED USE DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called “MU” districts).

(80) “MO” DISTRICTS means the mid-range office matrix districts established under Chapter 51.

(81) “MO-1” DISTRICT means the MO-1 district established under this chapter.

(82) “MO-2” DISTRICT means the MO-2 district established under this chapter.

(82.1) MO(A) DISTRICTS means the MO-1 and MO-2 districts established under this chapter.

(83) MOBILE HOME means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(83.1) MOBILITY AND STREET SERVICES means public works or transportation. Any reference to mobility and street services is a reference to public works or transportation.

(84) “MU” DISTRICTS means the MU-1, MU-1(SAH), MU-2, MU-2(SAH), MU-3, and MU-3(SAH) districts established under this chapter (also called “mixed use districts”).

(85) MULTIFAMILY DISTRICTS means the MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), and MF-4(A) districts established under this chapter [also called “MF(A)” districts].

(85.1) MULTIPLE COMMERCIAL DISTRICTS means the MC-1, MC-2, MC-3, and MC-4 districts established under this chapter (also called “MC” districts).

(86) NET ACRE means an acre of land that does not include public rights-of-way.

(87) “NO” DISTRICTS means the neighborhood office matrix districts established under Chapter 51.

(88) “NO(A)” DISTRICT mean the neighborhood office district established under this chapter.

(89) NONCONFORMING STRUCTURE means a structure which does not conform to the regulations (other than the use regulations) of this chapter, but which was lawfully constructed under the regulations in force at the time of construction.

(90) NONCONFORMING USE means a use that does not conform to the use

(91) regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

(92) NONRESIDENTIAL DISTRICTS means the office, retail, CS, industrial, central area, mixed use, multiple commercial, P(A), urban corridor, walkable urban mixed use, and walkable urban residential districts.

(93) NONRESIDENTIAL USE means any main use that is not listed in Section 51A-4.209.

(94) "NS" DISTRICT means the neighborhood service district established under Chapter

51.

(95) "NS(A)" DISTRICT means the neighborhood service district established under this chapter.

(96) "O-1" DISTRICT means the O-1 district established under Chapter 51.

(97) "O-2" DISTRICT means the O-2 district established under Chapter 51.

(98) OCCUPANCY means the purpose for which a building or land is used.

(99) OFFICE DISTRICTS means the NO(A), LO-1, LO-2, LO-3, MO-1, MO-2, and GO(A) districts established under this chapter.

(100) OFFICE USES means those uses defined in Section 51A-4.207.

(99.1) OFF-STREET PARKING means parking spaces provided for a motor vehicle that are not located on a public right-of-way or private street.

Off-street parking does not include bicycle parking spaces.

(101) OMITTED WALL LINE means a line on the ground determined by a vertical plane from:

(A) the overhang or outermost projection of a structure; or

(B) the outer edge of the roof of a structure without walls; or

(C) two feet inside the eave line of a structure with roof eaves.

(102) OPEN SPACE means an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves.

(103) OPENINGS FOR LIGHT OR AIR means any windows, window walls, or glass panels in an exterior wall of a building, excluding doors used for access.

(104) OUTER COURT means an open space bounded on all sides except one by the walls of a building, and opening upon a street, alley or a permanent open space.

(105) OUTSIDE DISPLAY means the placement of a commodity outside for a period of time less than 24 hours.

(106) "P" DISTRICT means the parking district established under Chapter 51.

(107) "P(A)" DISTRICT means the parking district established under this chapter.

(108) PARKING means the standing of a vehicle, whether occupied or not. Parking does not include the temporary standing of a vehicle when commodities or passengers are being loaded or unloaded.

(109) PARKING DISTRICT means the "P(A)" district established under this chapter.

(110) PARKING BAY WIDTH means the width of one or two rows of parking stalls

(111) and the access aisle between them.

(112) PARTY WALL means a wall built on an interior lot line used as a common support for buildings on both lots.

(113) PERSON means any individual, firm, partnership, corporation, association, or political subdivision.

(111.1) PRINCIPAL ARTERIAL means a street designated as a principal arterial in the city's thoroughfare plan.

(114) PRIVATE STREET means a street or an alley built to the same specifications as a street or alley dedicated to the public use, whose ownership has been retained privately.

(115) QUASI-PUBLIC AGENCY means an institution obtaining more than 51 percent of its funds from tax revenue.

(116) RAR means "residential adjacency review" (See Division 51A-4.800).

(117) "R" DISTRICTS means the R-1ac, R-1/2ac, R-16, R-13, R-10, R-7.5, and R-5 districts established under Chapter 51.

(116) "R(A)" DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called "single family districts").

(117) REAR YARD means that portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.

(118) RECREATION USES means those uses defined in Section 51A-4.208. (118.1) REFUSE means waste principally composed of trash and rubbish and containing no more than 50 percent by weight garbage or 50 percent by weight moisture, and no more than seven percent by weight noncombustible solids.

(119) RESIDENTIAL DISTRICTS means the A(A), R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), R-5(A), D(A), TH-1(A), TH-2(A), TH-3(A), CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), MH(A), and RTN districts established under this chapter.

(120) RESIDENTIAL PROXIMITY SLOPE means "residential proximity slope" as defined in Section 51A-4.412.

(121) RESIDENTIAL USES means those uses defined in Section 51A-4.209.

(121.1) RESIDENTIAL TRANSITION DISTRICT means the RTN district established under Article XIII of this chapter.

(122) RETAIL AND PERSONAL SERVICE USES means those uses defined in Section 51A-4.210.

(122.1) RETAIL DISTRICTS means the NS(A), CR, and RR districts established under this chapter.

(123) RIDGE means the line of intersection at the top between the opposite slopes or sides of a roof.

(124) RIGHT-OF-WAY means an area dedicated to public use for pedestrian and vehicular movement.

(125) RIGHT-OF-WAY LINE means the dividing line between a right-of-way and an adjacent lot.

(125.1) RTN DISTRICT means the residential transition district established under Article XIII of this chapter.

(125.2) RUBBISH means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible materials. Combustible rubbish includes, but is not limited to, paper, rags, cartons, wood, excelsior, rubber, plastics, non-metal furniture, leaves, and yard trimmings. Noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and similar items or materials which will not burn at ordinary incinerator temperatures. For purposes of this paragraph, temperatures from 1600 to 1800 degrees Fahrenheit are considered ordinary incinerator temperatures.

(126) "SC" DISTRICT means the shopping center district established under Chapter 51.

(127) SCREENING means a structure that provides a visual barrier.

(128) SETBACK LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line (also called the "building line").

(128.1) SHARED ACCESS DEVELOPMENT means a development that meets all of the requirements of Section 51A-4.411.

(129) SIDE YARD means:

(A) that portion of a lot extending from the front setback line to the rear setback line between the side setback line and the side lot line; or

(B) that portion of a lot which is between a lot line and a setback line but is not a front or rear yard.

(130) SINGLE FAMILY DISTRICTS means the R-1ac(A), R-1/2ac(A), R-16(A), R-13(A), R-10(A), R-7.5(A), and R-5(A) districts established under this chapter (also called "R(A)" districts).

(131) SITE AREA means that portion of a building site occupied by a use and not covered by a building or structure. For purposes of determining required off-street parking, site area does not include that area occupied by off-street parking, landscaped areas, and open space not used for storage or sales.

(131.1) SOLID WASTE means garbage; refuse; sludge from waste treatment plants, water supply treatment plants, and air pollution control facilities; and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities. Solid waste does not include:

(i) Solid or dissolved material in domestic sewage, solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued pursuant to Chapter 26, Water Code.

(ii) Soil, dirt, rock, sand, and other natural or manmade inert solid materials used to fill land to make it suitable for the construction of surface improvements.

(iii) Waste materials resulting from activities associated with the exploration,

development, or production of oil or gas which are subject to control by the Texas Railroad Commission.

(131.2) SPECIAL WASTE means solid waste from health-care-related activities which if improperly treated or handled may serve to transmit infectious disease, and which is comprised of the following: animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps.

(132) STACKING SPACE means a space for one motor vehicle to line up in while waiting to enter or use a parking lot, garage, drive-in, or drive-through facility.

(133) STORY means that portion of a building between any two successive floors or between the top floor and the ceiling above it.

(133.1) STREET LEVEL means, in a multi-level building, the level having the floor closest in elevation to the adjacent street; if the floors of two levels are equally close in elevation to the adjacent street, the level with the higher elevation is the street level.

(134) STREET means a right-of-way which provides primary access to adjacent property.

(134.1) STREET SERVICES means public works. Any reference to street services is a reference to public works.

(135) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(136) SUP means "specific use permit" (See Section 51A-4.219).

(137) "TH" DISTRICTS means the TH-1, TH-2, TH-3, and TH-4 districts established under Chapter 51.

(138) "TH(A)" DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter (also called townhouse districts).

(138.1) THOROUGHFARE means a street designated in the city's thoroughfare plan.

(139) TOWNHOUSE DISTRICTS means the TH-1(A), TH-2(A), and TH-3(A) districts established under this chapter [also called "TH(A)" districts].

(139.1) TRAFFIC ENGINEER means the person designated by the city manager as the traffic engineer of the city, or the traffic engineer's authorized representative.

(140) TRANSIENT STAND means a site for the placing and use of a manufactured home, recreational vehicle, or tent.

(140.1) TRANSPARENCY means the total area of window opening, door opening, or other opening, expressed as a percentage of the total facade area by story.

(141) TRANSPORTATION USES means those uses defined in Section 51A-4.211.

(141.1) "UC" DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "urban corridor districts").

(141.2) URBAN CORRIDOR DISTRICTS means the UC-1, UC-2, and UC-3 districts established under this chapter (also called "UC" districts). [Note: Section 1 of Ordinance No. 24718 adds 51A-2.102 (141.2), providing a definition for the term "street level." Section 4 of Ordinance No. 24718 adds 51A-2.102(141.2), providing a definition for the term "urban corridor districts."]

(142) UTILITY AND PUBLIC SERVICE USES means those uses defined in

Section 51A- 4.212.

(142.1) WALKABLE URBAN MIXED USE DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter.

(142.2) WALKABLE URBAN RESIDENTIAL DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter.

(143) WHOLESALE, DISTRIBUTION, AND STORAGE USES means those uses defined in Section 51A-4.213.

(143.1) WMU DISTRICTS means the WMU-3, WMU-5, WMU-8, WMU-12, WMU-20, and WMU-40 districts established under Article XIII of this chapter (also called “walkable urban mixed use districts”).

(143.2) WR DISTRICTS means the WR-3, WR-5, WR-8, WR-12, WR-20, and WR-40 districts established under Article XIII of this chapter (also called “walkable urban residential districts”).

(144) ZONING DISTRICT means a classification assigned to a particular area of the city within which zoning regulations are uniform.

(145) ZONING DISTRICT MAP means the official map upon which the zoning districts of the city are delineated. (Ord. Nos. 19455; 19786; 19806; 20272; 20360; 20361; 20383; 20411; 20478; 20673; 20902; 20920; 21002; 21186; 21663; 22018; 24163; 24718; 24731; 24843; 25047; 25977; 26286; 26530; 27334; 27495; 27572; 28072; 28073; 28424; 29128; [30239](#); [30654](#); [30932](#); [31607](#); [32002](#)

SEC. 51A-4.209. RESIDENTIAL USES.

SEC. 51A-4.209. RESIDENTIAL USES.

(a) General provisions. Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with

enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) Specific uses.

(1) College dormitory, fraternity, or sorority house.

(A) Definition: A college resident hall or a facility for housing a social or service organization of college students.

(B) Districts permitted: By right in A(A), multifamily, MH(A), LO(A), MO(A), GO(A), CR, RR, CS, central area, mixed use, and multiple commercial districts. By SUP only in NO(A), NS(A), and urban corridor districts.

(C) Required off-street parking: One space for each sleeping room.

(D) Required off-street loading: One space.

(2) Duplex.

(A) Definition: Two dwelling units located on a lot.

(B) Districts permitted: By right in duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF- 2(A), MF-2(SAH), central area, and mixed use districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: Two spaces per dwelling unit.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Only one main building may be placed on a building site under this use.

(ii) In a duplex district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than two electrical meters on a lot for a duplex use in a duplex district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interest;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(iii) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the “value” of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. “Compatible” as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation. (ff)

Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(3) Group residential facility.

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a “family” as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

- (i) facilities that negotiate sleeping arrangements on a daily basis;
- (ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or
- (iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term “licensed” means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. [See

Section 51A- 1.102(b)(2).]) By SUP only in urban corridor districts.

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS* PER NET ACRE
ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE	MAXIMUM NO. OF BEDS* PER NET ACRE
TH-1(A) and RTN		
	35	
	70	
TH-2(A) and TH-3(A)	40	
	80	
CH		
	45	
	90	
MF-1(A) and MF-1(SAH)		
	50	
	100	
MF-2(A) and MF-2(SAH)		
	60	
	120	
MF-3(A)		
	90	
	180	
MF-4(A)		

160

320

*For purposes of this subparagraph, the term “suite” means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term “bed” means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

(3.1) Handicapped group dwelling unit.

(A) Definitions:

(i) DOMICILE means the legal, established, fixed, and permanent place of residence of a person, as distinguished from a temporary and transient, though actual, place of residence.

(ii) HANDICAPPED GROUP DWELLING UNIT means a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a “family” as that term is defined in this chapter, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including supervisory personnel, does not exceed eight.

(iii) HANDICAPPED PERSON means a handicapped person as defined in the federal Fair Housing Amendments Act of 1988, as amended.

(iv) LICENSED means licensed by the Texas Department of Human Services, or its successor.

(B) Districts permitted: When located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units (as defined in this chapter), by right in the following districts: agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), GO(A), central area, MU-1, and MU- 1(SAH) districts; otherwise, by SUP only in the same districts. In the GO(A) district, the total floor area of this use in combination with all single family, duplex, and multifamily uses may not exceed five percent of the total floor area of the building in which the use is located. For purposes of this provision, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non- family status of the groups.) By SUP only in urban corridor districts.

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby

streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No certificate of occupancy is required for this use.

(ii) This use liberalizes current restrictions on the number of unrelated persons who may reside together in a dwelling unit in the city for the exclusive benefit of handicapped persons seeking to permanently reside together as a single housekeeping unit. Its purpose is to comply with the substance and spirit of the federal Fair Housing Amendments Act of 1988, as amended, which requires that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps equal opportunity to use and enjoy a dwelling. [See Section 51A-1.102(b)(2).]

(iii) This use is exempt from payment of SUP application fees.

(iv) Any owner of property on which this use is located or proposed to be located may request a letter from the director confirming that no SUP is required for the use. No fee is required to apply for such a letter. Application must be on a form furnished by the director. The director shall issue the requested letter unless, within 30 days after submission of a complete application, the director gives written notice to the applicant that the use or proposed use will require an SUP. For purposes of this paragraph, notice is given to the applicant by depositing the same properly addressed and postage paid in the United States mail. The proper address for purposes of this notice requirement is the address provided by the applicant on the application. No SUP shall be required for uses that operate in justifiable reliance upon a valid confirmation letter issued by the director.

(v) Any aggrieved person may appeal a decision of the director that an SUP is required for this use. Such appeals shall be heard and decided by the board of adjustment. An appeal to the board must be made within 15 days after the director gives written notice that the SUP is required. Appeal is made by filing a written notice of appeal on a form approved by the board. [See Section 51A-4.703.] No fee is required to appeal the decision of the director to the board.

(vi) If two or more facilities are within 1,000 feet of each other and otherwise in permissible locations, the first one lawfully established and continually operating thereafter is the conforming use. For purposes of this subparagraph, "continually operating" means that the use has not been discontinued for six months or more.

(4) Manufactured home park, manufactured home subdivision, or campground.

(A) Definition:

(i) A manufactured home park is a unified development of transient stands arranged on a lot under single ownership.

(ii) A manufactured home subdivision is a plat designed specifically for manufactured home development.

(iii) A campground is a lot used to accommodate recreation vehicles, tents, or manufactured homes on a rental basis for temporary camping purposes.

(B) Districts permitted: By right in the MH(A) district.

(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The owner of a manufactured home park must have a site plan approved by the commission before the building official may issue a building permit for the manufactured home park. The site plan must include the dimensions, bearings, and street frontage of the property; the location of buildings, structures, lots, stands, and uses; the method of ingress and egress; off-street parking and loading arrangements; screening, lighting, and landscaping, if appropriate; and any other information the director determines necessary for a complete review of the proposed development.

(ii) The owner of a manufactured home subdivision must have a plat approved by the commission and filed in the county records before the building official may issue a building permit for the manufactured home subdivision.

(iii) One caretaker's dwelling unit and one office is permitted under this use.

(iv) Uses that are customarily incidental to this use, including an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(v) The owner under this use must provide and maintain a permanent steel chain link fence or its equivalent. The fence must be at least five feet in height and must completely surround the rear and all sides of this use that are not exposed to a dedicated street.

(vi) Open playground space must be provided under this use at a ratio of 500 square feet of open space for each of the first 20 lots or transient stands provided, and at a ratio of 250 square feet for all additional lots or transient stands.

(vii) This use must comply with the requirements of Chapter 47 of this code.

(5) Multifamily.

(A) Definitions: Three or more dwelling units located on a lot.

(B) Districts permitted: By right in CH, multifamily, central area, mixed use, and urban corridor districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Off-street parking.

(i) Required off-street parking: One space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

(ii) The number of off-street parking spaces required under this subparagraph may be reduced to provide adequate area for the placement of recycling containers in accordance with Section 18-5.1(e) according to the following table:

No. of Dwelling Units	No. of Required Parking Spaces Reduced
8-100	3
101 - 400	3% or 6, whichever is less
401 +	9

This parking reduction only applies to structures built before August 12, 2020.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Uses that are customarily incidental to the multifamily use and that include an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(ii) The minimum space between exterior walls of a multifamily dwelling must be 10 feet between the walls if only one wall has an opening for light and air and 20 feet if both walls have an opening for light and air. This provision applies to multifamily buildings with a common roof and free standing multifamily buildings. This provision does not apply to walls located entirely within a dwelling unit.

(iii) This use does not include a hotel or motel. (5.1) Residential hotel.

(A) Definition: A facility that receives more than 50 percent of its rental income from occupancies of 30 consecutive days or more and contains:

(i) six or more guest rooms with living and sleeping accommodations, but no kitchen or kitchenette;

(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located at least one mile, measured from property line to property line, from all other residential hotel uses.

(C) Required off-street parking: 0.5 spaces per guest room.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in Article VII of Chapter 27 of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to Chapter 27 on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

(5.2) Retirement housing.

(A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a “convalescent and nursing homes, hospice care, and related institutions” use, which is defined as a separate main use in Section 51A-4.204(8).

(B) Districts permitted: By right in CH, multifamily, central area, and mixed use districts. By SUP only in townhouse and urban corridor districts.

(C) Required off-street parking: One space per dwelling unit or suite.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 100,000	1
100,000 to 300,000	2
Each additional 200,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In these regulations:

(aa) ELDERLY RESIDENT means a resident that is 55 years of age or older. (bb)

SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE
ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE
TH-1(A) and RTN	25
TH-2(A) and TH-3(A)	35

CH	40
MF-1(A) and MF-1(SAH)	45
MF-2(A) and MF-2(SAH)	55
MF-3(A)	90
MF-4(A)	160

(iii) Except as otherwise provided in Subparagraphs (iv) and (v), each occupied dwelling unit or suite must have at least one elderly resident. Failure to comply with this provision shall result in the facility being reclassified as another residential or lodging use.

(iv) One dwelling unit or suite may be designated as a caretaker unit whose occupants are not subject to the age restriction in Subparagraph (iii).

(v) Those persons legally re-siding with an elderly resident at the facility may continue to reside at the facility for a period not to exceed one year if the elderly resident dies or moves out for medical reasons. The board may grant a special exception to authorize an extension of the length of time a person may continue to reside at the facility if the board finds, after a public hearing, that literal enforcement of this provision would result in an unnecessary personal hardship. In determining whether an unnecessary personal hardship would result, the board shall consider the following factors:

- (aa) The physical limitations of the resident, if any.
- (bb) Any economic constraints which would make it difficult for the resident to relocate.
- (cc) Whether the resident is dependent on support services or special amenities provided by the retirement housing project.
- (dd) Whether there are any alternative housing or market constraints which would impair the ability to relocate.

(vi) No use with exterior advertising or signs may be considered accessory to this use.

(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

- (aa) be used as rental accommodations; or
- (bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require

the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

(iii) Accessory dwelling unit.

(aa) The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting a special exception under this subparagraph, the board shall require the applicant to:

(I) deed restrict the subject property to require owner-occupancy on the premises; and

(II) annually register the rental property with the city's single family non-owner occupied rental program.

(iv) Dwelling units in general.

(aa) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(bb) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) Utility meters. In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(vi) Industrialized housing. In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation. (ff)

Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(vii) Accessory structures. Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) Except as provided in this section, no person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) Except for accessory dwelling units, no person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have a roof-pitch and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. "Compatible"

as used in this provision means similar in application, color, pattern, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner's burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less. (Ord. Nos.

19455; 19786; 19912; 20360; 20493; 20953; 21044; 21663; 22139; 22390; 23897; 24585; 24718; 24857; 25133; 25486; 25977; 27495; 28803; 29208; [30184](#)

SEC. 51A-4.116. MULTIFAMILY DISTRICTS.

SEC. 51A-4.116. MULTIFAMILY DISTRICTS.

(a) MF-1(A) and MF-1(SAH) districts.

(1) Purpose. The MF-1(A) and MF-1(SAH) districts are composed mainly of areas containing mixtures of single family, duplex, and multifamily dwellings and certain uniformly developed multifamily dwelling sections. These districts are medium density districts and are located in certain areas close into the center of the city and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage. All commercial and office uses are prohibited. It is anticipated that additional areas may be designated in the MF-1(A) or MF-1(SAH) district from time to time in the future where the change is appropriate and access and utility services can reasonably accommodate these medium density dwellings. Additionally, the MF-1(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

(A) Agricultural uses.

- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

- Gas drilling and production. [SUP]

- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

- Adult day care facility. [SUP]

- Cemetery or mausoleum. [SUP]

- Child-care facility. [SUP]

- Church.

- College, university or seminary. [SUP]

- Community service center. [SUP]

- Convalescent and nursing homes, hospice care, and related institutions. [RAR]

- Convent or monastery.

- Foster home.

- Hospital. [SUP]

- Library, art gallery, or museum. [SUP]

- Public or private school. [SUP]

(E) Lodging uses.

None permitted.

(F) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]

- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [RAR]

- Private recreation center, club, or area. [SUP]

-- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Duplex.
- Group residential facility. [See Section 51A-4.209(3).]
- Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
- Multifamily.
- Retirement housing.
- Single family.

(J) Retail and personal service uses.

None permitted.

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/ infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400 . In the event of a conflict between this subsection and Division 51A-4.400 , Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

- (i) No minimum side and rear yard for single family structures.
- (ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-1(A) district. No maximum dwelling unit density.

(ii) MF-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY

(dwelling units per net acre)

Percentage of SAH Units Provided

Dwelling Units Permitted

0%

15

5%

16

10%

17

15%

20

20%

30

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412 .) Exception: Except for chimneys, structures listed in Section 51A-4.408 (a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE

MINIMUM LOT AREA PER
DWELLING UNIT

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	3,000 sq. ft.
Duplex	3,000 sq. ft.
Multifamily:	
No separate bedroom	1,000 sq. ft.
One bedroom	1,400 sq. ft.
Two bedrooms	1,800 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	200 sq. ft.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-1(A) district, lot coverage, lot size, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Height	Maximum Lot coverage (residential)
	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3;	51 ft.	80%
	5% at Income band 3; and 5% at Income band 2	66 ft.	80%
	5% at Income band 3; 5% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories D, E, F	5% at Income band 2;	51 ft.	80%
	10% at Income band 2	66 ft.	80%
	10% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories G, H, I	5% at Income band 1	85 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102 , maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209 (b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(b) MF-2(A) and MF-2(SAH) districts.

(1) Purpose. The MF-2(A) and MF-2(SAH) districts are composed mainly of areas containing mixtures of single family, duplex, and multifamily dwellings and certain uniformly developed multifamily dwelling sections. These districts are medium density districts and are located in certain areas close into the center of the city and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land by providing minimum standards for building spacing, yards, off-street parking, and coverage. All commercial and office uses are prohibited. It is anticipated that additional areas may be designated in the MF-2(A) or MF-2(SAH) district from time to time in the future where the change is appropriate and access and utility services can reasonably accommodate these medium density dwellings. Additionally, the MF-2(SAH) district is created to encourage the provision of affordable housing.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

- Adult day care facility. [SUP]
- Cemetery or mausoleum. [SUP]
- Child-care facility. [SUP]
- Church.
- College, university or seminary. [SUP]
- Community service center. [SUP]
- Convalescent and nursing homes, hospice care, and related institutions. [RAR]
- Convent or monastery.
- Foster home.
- Hospital. [SUP]
- Library, art gallery, or museum. [SUP]
- Public or private school. [SUP]
- (E) Lodging uses.
 - Lodging or boarding house.
- (F) Miscellaneous uses.
 - Carnival or circus (temporary). [By special authorization of the building official.]
 - Temporary construction or sales office.
- (G) Office uses.
 - None permitted.
- (H) Recreation uses.
 - Country club with private membership. [RAR]
 - Private recreation center, club, or area. [SUP]
 - Public park, playground, or golf course.
- (I) Residential uses.
 - College dormitory, fraternity, or sorority house.
 - Duplex.
 - Group residential facility. [See Section 51A-4.209(3).]
 - Handicapped group dwelling unit. [See Section 51A-4.209(3.1).]
 - Multifamily.
 - Residential hotel.
 - Retirement housing.
 - Single family.
- (J) Retail and personal service uses.
 - None permitted.
- (K) Transportation uses.
 - Transit passenger shelter.
 - Transit passenger station or transfer center. [SUP]
- (L) Utility and public service uses.
 - Electrical substation. [SUP]
 - Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [SUP]
 - Radio, television, or microwave tower. [SUP]
 - Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
 - Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container. [See Section 51A-4.213 (11.2).]

-- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

-- Accessory outside display of merchandise.

-- Accessory outside sales.

-- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

-- Accessory helistop.

(C) In this district, an SUP may be required for the following accessory uses:

-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400 . In the event of a conflict between this subsection and Division 51A-4.400 , Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-2(A) district. No maximum dwelling unit density.

(ii) MF-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY

(dwelling units per net acre)

Percentage of SAH

Units Provided

Dwelling Units

Permitted

0%

20

5%

22

10%
24
15%
30
20%
40

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412 .) Exception: Except for chimneys, structures listed in Section 51A-4.408 (a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 50 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(F) **Lot size. Minimum lot area per dwelling unit is as follows:**

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	1,000 sq. ft.
Duplex	3,000 sq. ft.

Multifamily:

No separate bedroom	800 sq. ft.
One bedroom	1,000 sq. ft.
Two bedrooms	1,200 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	150 sq. ft.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-2(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Height	Maximum Lot coverage (residential)
	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3	51 ft.	80%
	5% at Income band 3; and 5% at Income band 2	66 ft.	80%
	5% at Income band 3; and 5% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories D, E, F	5% at Income band 2	51 ft.	80%
	10% at Income band 2	66 ft.	80%
	10% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories G, H, I	5% at Income band 1	85 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments,

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(v) Urban form setback. An additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height.

(vi) Retirement housing. The density limits in Section 51A-4.209 (b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions.

(A) Single family structure spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(c) MF-3(A) district.

(1) Purpose. To provide for the development and protection of midrise, medium density multifamily residential dwellings built on one lot. This district is not intended to be located in areas of low density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L] [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [L] [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]

-- Convent or monastery.

-- Foster home.

-- Hospital. [SUP]

-- Library, art gallery, or museum. [SUP]

-- Public or private school. [SUP]

(E) Lodging uses.

-- Lodging or boarding house.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]

-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

- Country club with private membership. [RAR]
- Private recreation center, club, or area. [SUP]
- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Group residential facility. [See Section 51A-4.209(3).]
- Multifamily.
- Residential hotel.
- Retirement housing.

(J) Retail and personal service uses.

- Dry cleaning or laundry store. [L]
- General merchandise or food store 3,500 square feet or less. [L]
- Motor vehicle fueling station. [SUP]
- Personal service uses. [L]

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [SUP]
- Post office. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

- Accessory helistop.
- Amateur communication tower.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in

Division 51A-4.400 . In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 90 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 2.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412 .) Exception: Except for chimneys, structures listed in Section 51A-4.408 (a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.

(F) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size for residential use is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Multifamily:	
No separate bedroom	450 sq. ft.
One bedroom	500 sq. ft.
Two bedrooms	550 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-3(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

- (i) Height and lot coverage. Except as provided in this paragraph, the following increased height and lot coverage requirements apply:

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Unit Density per Acre	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3	100	90 ft.	80%
	5% at Income band 3 and 5% at Income band 2	120	105 ft.	80%
	5% at Income band 3 and 5% at Income band 2 and 5% at Income band 1	150	120 ft.	85%
MVA Categories D, E, F	5% at Income band 2	100	90 ft.	80%
	10% at Income band 2	120	105 ft.	80%
	10% at Income band 2 and 5% at Income band 1	150	120 ft.	85%
MVA Categories G, H, I	5% at Income band 1	150	120 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408 (a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

- (aa) railings;
- (bb) parapet walls;
- (cc) trellises; and
- (dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Floor area ratio. Maximum floor area ratio includes non-residential uses only.

(v) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent.

(vii) Retirement housing. The density limits in Section 51A-4.209 (b)(5.2)(E)(ii) do not apply.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None.

(d) MF-4(A) district.

(1) Purpose. To provide for the development and protection of highrise, high density multifamily residential dwellings built on one lot. This district is not intended to be located in areas of low and medium density residential development.

(2) Main uses permitted.

(A) Agricultural uses.

-- Crop production.

(B) Commercial and business service uses.

None permitted.

(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(D) Institutional and community service uses.

-- Adult day care facility. [L] [SUP]

-- Cemetery or mausoleum. [SUP]

-- Child-care facility. [L] [SUP]

-- Church.

-- College, university or seminary. [SUP]

-- Community service center. [SUP]

-- Convalescent and nursing homes, hospice care, and related institutions. [RAR]

-- Convent or monastery.

-- Foster home.

-- Hospital. [SUP]

-- Library, art gallery, or museum. [SUP]

-- Public or private school. [SUP]

(E) Lodging uses.

-- Lodging or boarding house.

(F) Miscellaneous uses.

-- Carnival or circus (temporary). [By special authorization of the building official.]

-- Temporary construction or sales office.

(G) Office uses.

None permitted.

(H) Recreation uses.

-- Country club with private membership. [RAR]

-- Private recreation center, club, or area. [SUP]

- Public park, playground, or golf course.

(I) Residential uses.

- College dormitory, fraternity, or sorority house.
- Group residential facility. [See Section 51A-4.209(3).]
- Multifamily.
- Residential hotel.
- Retirement housing.

(J) Retail and personal service uses.

- Alcoholic beverage establishments. [See Section 51A-4.210 (b)(4).]
- Dry cleaning or laundry store. [L]
- General merchandise or food store 3,500 square feet or less. [L]
- Motor vehicle fueling station. [SUP]
- Personal service uses. [L]
- Restaurant without drive-in or drive-through service. [L] [RAR]
- Theater. [SUP]

(K) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(L) Utility and public service uses.

- Electrical substation. [SUP]
- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
- Police or fire station. [SUP]
- Post office. [SUP]
- Radio, television, or microwave tower. [SUP]
- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1).]
- Utility or government installation other than listed. [SUP]

(M) Wholesale, distribution, and storage uses.

- Recycling drop-off container. [See Section 51A-4.213 (11.2).]
- Recycling drop-off for special occasion collection. [See Section 51A-4.213 (11.3).]

(3) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(A) The following accessory uses are not permitted in this district:

- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

(B) In this district, the following accessory uses are permitted by SUP only:

- Accessory helistop.
- Amateur communication tower.

(C) In this district, an SUP may be required for the following accessory uses:

- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(3.1).]

(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in

Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

(A) Front yard.

(i) Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF-2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 160 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 4.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 240 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size is 6,000 square feet.

(ii) **Minimum lot area per dwelling unit is as follows:**

TYPE OF STRUCTURE

MINIMUM LOT AREA PER DWELLING UNIT

Multifamily:

No separate bedroom	225 sq. ft.
One bedroom	275 sq. ft.
Two bedrooms	325 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(5) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(6) Environmental performance standards. See Article VI.

(7) Landscape regulations. See Article X.

(8) Additional provisions. None. (Ord. Nos. 19455; 19786; 19808; 19912; 19913; 20384; 20441; 20625; 20920; 20950; 21002; 21044; 31314; 21663; 21735; 22139; 22531; 22782; 24543; 26920; [31152](#))

SINGLE FAMILY ACCESSORY STRUCTURES.

JUNE 16, 2022 – CITY PLAN COMMISSION MINUTES

DCA212-005

Planner: Lori Levy

Motion: It was moved to recommend **approval** of amending the definitions of bedroom, kitchen and bathroom in the Dallas Development Code, subject to staff and Zoning Ordinance Advisory Committee proposed amendments (Page 17).

Maker: Hampton

Second: Blair

Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid, Carpenter, Blair,
Housewright, Gibson, Haqq, Kingston, Rubin

Against: 0

Absent: 3 - Vann, Jung, Stanard

Vacancy: 1 - District 3

Speakers: None