

ORDINANCE NO. 2025

AN ORDINANCE OF THE CITY OF DUNCANVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF DUNCANVILLE, TEXAS, BY AMENDING ARTICLE XXIII (“DEFINITIONS”) TO AMEND THE DEFINITION OF “ACCESSORY BUILDING – TYPE A OR B – ATTACHED”; TO AMEND SUBPART (7) OF SECTION 1 OF ARTICLE XIV-I (“ACCESSORY BUILDINGS–RESIDENTIAL”); TO AMEND SECTION 3 OF ARTICLE XIV-I (“ACCESSORY BUILDINGS–RESIDENTIAL”) TO RENUMBER SUBPART (3) TO SUBPART (4) AND ADD A NEW SUBPART (3); AND TO AMEND SUBPART (4) OF SECTION 3 OF ARTICLE XIV-K (“EXTERIOR WALL COVERING REQUIREMENTS”); PROVIDING REGULATIONS AND STANDARDS FOR CARPORTS AND TYPE B ACCESSORY STRUCTURES ON RESIDENTIAL LOTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and City Council of the City of Duncanville, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the City Council is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended as provided herein; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCANVILLE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Duncanville, Texas, Appendix A of the Code of Ordinances, as heretofore amended, be and the same is hereby amended by amending Article XXIII (“Definitions”) to amend the definition of “Accessory Building – Type A or B – Attached,” without amendment, repeal or change to any other definition, part or provision of Article XXIII, such that the definition of “Accessory Building – Type A or B – Attached” shall read in its entirety as follows:

“APPENDIX A--ZONING

...

ARTICLE XXIII. DEFINITIONS

...

Accessory Building – Type A or B – Attached: A building that is directly attached to the main building or structure.

Carports that are attached to the main structure may be considered as an accessory building if the maximum number of accessory buildings allowed per lot is not exceeded. If a carport attached to the main structure would exceed the maximum number of accessory buildings allowed on that lot, given the number of preexisting accessory buildings, the carport shall be considered as a part of the main structure, and shall not be considered as an accessory building.

Garages that are attached to the main structure, regardless of access, shall be considered part of the main structure, and shall not be considered as an accessory building.

...”

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Duncanville, Texas, Appendix A of the Code of Ordinances, as heretofore amended, be and the same is hereby amended by amending Article XIV-I (“Accessory Buildings – Residential”) to amend subpart (7) of Section 1 (“Regulations”), to replace subpart (7), without amendment, repeal or change to any other subpart, part or provision of Section 1, such that subpart (7) of Section 1 shall read in its entirety as follows:

“APPENDIX A--ZONING

...

ARTICLE XIV-I. ACCESSORY BUILDINGS–RESIDENTIAL

Section 1. Regulations.

...

(7) Garages that are attached to the main structure, regardless of common access to the main structure, shall be considered as part of the main structure, and

shall not be considered as an accessory building. Carports that are attached to the side or rear of the main structure, regardless of common access to the main structure, may be considered as an accessory building if the maximum number of accessory buildings allowed per lot is not exceeded. If a carport attached to the main structure would exceed the maximum number of accessory buildings allowed on that lot, given the number of preexisting accessory buildings, the carport shall be considered as a part of the main structure, and shall not be considered as an accessory building. Carports are not permitted in front of the main structure, whether attached or detached. A carport attached to another accessory building shall not be considered as a separate accessory building; the accessory building and carport shall be considered to be one accessory building. A porte-cochere shall be considered as part of the main structure, and shall not be considered as an accessory building.

...

SECTION 3. That the Comprehensive Zoning Ordinance of the City of Duncanville, Texas, Appendix A of the Code of Ordinances, as heretofore amended, be and the same is hereby amended by amending Article XIV-I (“Accessory Buildings – Residential”) to amend subpart (3) of Section 3 (“Special Requirements”), to renumber subpart (3) to subpart (4) without amendment, repeal or change to any part or provision of subpart (3) other than its renumbering to subpart (4), and to add a new subpart (3) to read in its entirety as follows:

“APPENDIX A--ZONING

...

ARTICLE XIV-I. ACCESSORY BUILDINGS--RESIDENTIAL

...

Section 3. Regulations.

...

(3) Type B accessory buildings, including carports, four hundred (400) square feet or less shall be built with materials that are durable and resistant to deterioration. Profiled panels, deep ridge panels, and concealed fastener systems are permitted. All vertical and horizontal structural members of carports shall be of 14-gauge steel or aluminum. Vertical supporting members shall be a minimum

of three inches (3") in diameter for circular posts or three inches by three inches (3" x 3") for tubular posts. Low or single pitch carport roofs shall be of maintenance free materials (minimum 26-gauge steel or aluminum). Exterior finish for metal materials shall be baked enamel finish or painted to the manufacturer's specifications; unpainted metal finish is prohibited. The use of corrugated metal, plastic, or fiberglass panels is prohibited.

(4) . . ."

SECTION 4. That the Comprehensive Zoning Ordinance of the City of Duncanville, Texas, Appendix A of the Code of Ordinances, as heretofore amended, be and the same is hereby amended by amending Section 3 ("Miscellaneous Standards") of Article XIV-K ("Exterior Wall Covering Requirements") to replace subpart (4) of Section 3 with a new subpart (4), without amendment, repeal or change to any part or provision of Section 3, such that subpart (4) shall read in its entirety as follows:

"APPENDIX A--ZONING

. . .

ARTICLE XIV-K. EXTERIOR WALL COVERING REQUIREMENTS

. . .

Section 3. Miscellaneous standards.

. . .

(4) Type B accessory buildings, including carports, four hundred (400) square feet or less shall be built with materials that are durable and resistant to deterioration. Profiled panels, deep ridge panels, and concealed fastener systems are permitted. All vertical and horizontal structural members of carports shall be of 14-gauge steel or aluminum. Vertical supporting members shall be a minimum of three inches (3") in diameter for circular posts or three inches by three inches (3" x 3") for tubular posts. Low or single pitch carport roofs shall be of maintenance free materials (minimum 26-gauge steel or aluminum). Exterior finish for metal materials shall be baked enamel finish or painted to the manufacturer's specifications; unpainted metal finish is prohibited. The use of corrugated metal, plastic, or fiberglass panels is prohibited.

...”

SECTION 5. That all provisions of the ordinances of the City of Duncanville in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

SECTION 6. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Duncanville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Duncanville, Texas, on the 15th day of May, 2007.

APPROVED:

David L. Green
MAYOR

ATTEST:

Dara Crabtree
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY