

ORDINANCE NO. 2021-05

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

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

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

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

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

SECTION 2.

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

Sec. 14.02.124 Principal and accessory structures and uses

...

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

...

SECTION 2.

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of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

AND IT IS SO ORDAINED.

Passed on this 17th day of June, 2021.

CITY OF DALWORTHINGTON GARDENS

By: Laurie Bianco
Laurie Bianco, Mayor

ATTEST:
[Signature]
Lola Hazel, City Secretary