

**AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AMENDING ARTICLE 6, SECTION 6 "ACCESSORY STRUCTURES" OF THE UNIFIED DEVELOPMENT CODE, ESTABLISHED BY ORDINANCE NUMBER 4779, PASSED ON NOVEMBER 20, 1990; TO AMEND DEVELOPMENT REGULATIONS FOR ACCESSORY STRUCTURE SIZE, HEIGHT AND ALLOWED EXTERIOR MATERIALS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CAUSE; AND TO BECOME EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION**

**WHEREAS**, Section 1.11.3.1 of the Unified Development Code of the City of Grand Prairie, Texas states: "Amendments to the text of the Unified Development Code shall be initiated only by action of the City Council or City Council Development Committee directing the City Manager or designee to initiate such a request on behalf of the City, or by the initiative of the City Manager or designee.", and

**WHEREAS**, the Office of the City Manager directed staff to initiate the preparation of an ordinance amending the Unified Development Code for submittal to the Planning and Zoning Commission of Grand Prairie, Texas for consideration of a recommendation to the City Council; and

**WHEREAS**, Notice was given of a public hearing on said amendments to be held by the Planning and Zoning Commission of Grand Prairie, Texas, in the City Hall Plaza Building at 6:30 P.M. on October 26, 2020, such Notice of the time and place of such hearing having been given at least ten (10) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

**WHEREAS**, after consideration of said amendments, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted to recommend to the City Council of Grand Prairie, Texas, that said amendments should be approved since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

**WHEREAS**, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the City Hall Plaza Building, at 6:30 P.M. on November 17, 2020 to consider the advisability of amending the Code of Ordinances and the Unified Development Code as recommended by the Planning and Zoning Commission, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS THAT:**

**SECTION 1.** Subsection 6.6.3.2 "Garage (Residential)" of Article 6, Section 6 "Accessory Structures" of the Unified Development Code, City of Grand Prairie, Texas, is hereby amended to read as follows, with proposed additions of text being shown in underlined print, and deleted text being shown with a single line strikethrough:

"6.6.3.2. Garage (Residential): An attached or detached accessory structure which is subordinate to the primary structure, is not designed for human habitation, and which is used for the parking and storage of motor vehicles that are owned and operated by the residents of the residence. Such accessory structure shall have a minimum of three or more enclosed side walls and have an operational door large enough to drive a standard sized vehicle through it. Attached and detached residential garages satisfy the off street parking requirements stipulated in Article 10, "Parking and Loading Standards."

<<http://www.gptx.org/Modules/ShowDocument.aspx?documentid=561>> Such buildings shall meet all regulations located within this Article, and will be subject to all standards stipulated in Section 6, "Residential Off-Street/On-Site Parking Requirements," of Article 10, "Parking and

Loading Standards", of the Unified Development Code  
<<http://www.gptx.org/Modules/ShowDocument.aspx?documentid=561>>.

Residential garages are subject to the rules and regulations listed for accessory structures in Section 6 of this Article with the exception of the following provisions:

1. Detached residential garages shall be constructed in a manner and design consistent in materials and color as the primary structure, and are required to be clad in materials defined in **Section 6.15.1**.
2. The maximum square footage for a detached residential garage ~~is 750 square feet as stipulated in Section 6.6.4.D~~ shall follow the requirements of Table 6E of this Article. The Zoning Board of Adjustment and Appeals may grant an exception per Section 6.6.5 of this ordinance.
3. Detached residential garages are required to meet the setbacks stipulated for the primary structure.
4. All garages are required to have a city approved concrete drive and approach."

**SECTION 2.** Subsections 6.6.2, 6.6.3, and 6.6.4 of Article 6, Section 6 "Accessory Structures" of the Unified Development Code, City of Grand Prairie, Texas, are hereby amended to read as follows, with proposed additions of text being shown in underlined print, and deleted text being shown with a single line strikethrough:

"6.6.2 Yard Setbacks for Accessory Structures

- A. For any detached accessory use or structure, not exceeding 10 feet in maximum height in a single family or multi-family residential zoning district, the side and rear yard setback from the property line shall be a minimum of three (3) feet.
- B. If any accessory use or structure exceeds 10 feet in maximum height, the side and rear yard setbacks established for the primary structure shall apply.
- C. Height for accessory uses or structures ~~exceeding 14 ft in maximum height~~ shall follow the requirements of Table 6E of this Article. ~~are prohibited unless~~ The Zoning Board of Adjustment and Appeals may grants an exception per **Section 6.6.5** of this ordinance.
- D. If an easement exists adjacent to a property line and such easement encroaches into the yard by less than three (3) feet; the accessory structure or use shall have a minimum setback of three (3) feet from such property lines. If the easement is greater than three (3) feet, the accessory structure or use may be located directly adjacent to such easement. Under no circumstances shall any structure overhang an easement.
- E. No detached accessory use or structure shall be allowed in the front yard. However, on key lots and double frontage lots which have front yards on two or more street frontages, a swimming pool, spa, hot tub, sauna, playhouse, gazebo or other accessory structure not exceeding eight (8) feet in total height may be placed within three (3) feet of the side and/or rear street property line, as determined by the orientation of the main structure, if the yard in which the accessory structure is placed is encompassed by a minimum six (6) foot tall solid fence.
- F. No detached accessory use or structure shall be allowed in the required rear or side yard setback

- established for the principal structure when such rear or side yard is adjacent to a street. However, a swimming pool, spa, hot tub, sauna, playhouse, gazebo, or other accessory structure not exceeding eight (8) feet in total height may be placed in accordance with paragraphs A., B., and C. above if the yard in which the accessory structure is placed is encompassed by a minimum six (6) foot high solid fence.
- G. Attached accessory uses or structures shall comply with the front, side and rear setbacks and height restrictions established for the primary structure.
  - H. No buildings or other improvements or growths, except fences, vegetation, driveways and sidewalks less than 6 feet in width shall be constructed or placed upon, over or across drainage easements, access easements and easements intended for the mutual use and accommodation of all public utilities.
  - I. No improvements, which may obstruct the flow of water, may be constructed or placed in drainage easements. Vegetation, not considered low-lying vegetation, may only be placed in easements after written approval is obtained from all the utilities using the easements and the City of Grand Prairie Public Works Department. Any public utility shall have the right to remove and keep removed all or parts of the encroachments allowed above which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintenance and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone.
  - J. No structure or other improvements, except fences, vegetation, driveways, and sidewalks less than 6 feet in width shall be constructed or placed upon, over or across, easements intended for the use and accommodation of a single public utility or other entity unless such structures or improvements are specifically authorized by the public utility or other entity to which the easement has been dedicated. Such authorization shall be submitted in written form from the utility or entity that has rights to the easement in a manner determined acceptable by the Building Official. Any construction so authorized shall be subject to all other requirements of this Code. The public utility shall have the right to remove and keep removed all or parts of the encroachments allowed above which in any way endanger or interfere with construction, maintenance or efficiency of its respective system.
  - K. The City of Grand Prairie, shall at all times have the full right of ingress or egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone."

#### 6.6.3 Maximum Square Footage for Accessory Structures on a Residential Lot

- A. The square footage of an accessory structure ~~or building~~ includes all areas under roof, which is established as any portion of the structure that is obstructed to the sky at a point of 30 inches above the ground level of the graded lot. Pergolas are not considered to be under roof and are not calculated in the square footage for an accessory structure.
- B. For a residential lot or tract ~~0.5 acres (one-half acre) or less~~ less than 0.5 acres (one-half acre), the total of the square footage of all accessory structures shall not exceed 50% (fifty percent, one-half) of the footprint of the primary structure. In no case shall the total square footage of the primary

structure and accessory structures exceed the maximum lot coverage for the zoning district.

- C. For a residential lot or tract ~~greater than 0.5 acres~~ 0.5 acres (one-half acre) or greater, the total of the square footage of all accessory structures shall not exceed 10% (ten percent, one-tenth) of the square footage of the total area of the residential lot or tract of land. In no case shall the total square footage of the primary structure and accessory structures exceed the maximum lot coverage for the zoning district.
- D. In any case, the maximum permissible size for ~~an single~~ accessory structure ~~is 450 square feet, with the exception of detached garages which shall not exceed a maximum permissible size of 750 square feet shall follow the requirements of Table 6E of this Article. The Zoning Board of Adjustment and Appeals may grant an exception per~~ **Section 6.6.5** of this ordinance.
- E. Residential properties are permitted to have a maximum of three (3) accessory structures on a single lot. Total square footage for the primary structure and accessory structures shall not exceed the maximum lot coverage for the zoning district.

#### 6.6.4 Building Construction for Accessory Structures ~~and Buildings~~

- 1. For Residential Lots or Tracts 0.5 acre (one-half acre) or less:

Accessory structures that are 200 square feet or less are permitted to be constructed of metal with a baked enamel finish.

~~Accessory structures exceeding 200 square feet must be constructed of masonry, as defined in Section 13, "Minimum Masonry Content for Structures in Residential Zoning Districts," or be of a standard residential siding material consistent with materials used on the primary residential structure if 50% of all developed lots within the block on both sides of the street between two intersecting streets have been constructed with non-masonry materials.~~

- 2. For Residential Lots or Tracts Greater than 0.5 acre (one-half acre):

~~Accessory structures on lots greater than 0.5 acre (one-half acre) shall be allowed to be constructed of metal with a baked enamel finish when the building is setback a minimum of 30 feet from all property lines. Accessory structures larger than 200 sq. ft. may be allowed to be constructed of metal with a baked enamel finish if the structure is located behind the front setback line."~~

**SECTION 3.** Table 6E "Summary of Density and Dimensional Requirements for Residential Accessory Structures" of Article 6 "Density and Dimensional Requirements" of the Unified Development Code, City of Grand Prairie, Texas, is hereby amended to read as set forth in Exhibit 1 attached hereto, with proposed additions of text being shown in underlined print, and deleted text being shown with a single line strikethrough.

**SECTION 4.** Article 6 of the Unified Development Code of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance, and except for necessary modifications to the "Table of Contents" affecting page numbering, and for necessary modifications to related terminology or phrases that have been modified by this amendment that will affect a similar modification to interrelated terminology and phrases cross-referenced in other Articles in the Unified Development Code.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6.** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Grand Prairie, Texas, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved of all personal liability for any damage that might occur to persons or property as a result of any act required or permitted in the discharge of his said duties.

**SECTION 7.** A violation of any provision of this Ordinance is shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, and any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this Ordinance shall be fined in an amount not to exceed two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative or other remedies provided by state law, and the power of injunction as provided in V.T.C.A. Local Government Code Section 54.016 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

**SECTION 8.** This ordinance shall be in full force and effect from and after its passage, approval and publication.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS,  
ON THIS THE 17<sup>TH</sup> DAY OF NOVEMBER 2020.**

**APPROVED:**

  
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**Ron Jensen, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Secretary**

\_\_\_\_\_  
**City Attorney**

**CASE NO. TA201002**