

ORDINANCE NO: 1237-09-20

AN ORDINANCE OF THE CITY OF HONDO AMENDING CHAPTER 5 AND CHAPTER 7 OF THE UNIFIED DEVELOPMENT CODE TO AMEND AND CLARIFY THE SETBACK REQUIREMENTS FOR ACCESSORY BUILDINGS; INCORPORATING RECITALS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hondo (“City”) is authorized to regulate the zoning of property pursuant to Texas Local Government Code Chapter 211; and

WHEREAS, the City is authorized to regulate the subdivision of property pursuant to Texas Local Government Code Chapter 212; and

WHEREAS, pursuant to such statutory authority, the City of Hondo City Council (“City Council”) adopted the Unified Development Code on January 8, 2018, by Ordinance No. 1148-01-18 (“UDC”); and

WHEREAS, there is an apparent conflict in the garage setback requirements in UDC Chapter 5 and Chapter 7 and language which requires clarification in Chapter 7 regarding accessory building setback requirements; and

WHEREAS, city staff now proposes to amend the UDC to resolve the conflicting garage setback requirement provisions and clarify the accessory building setback regulations in UDC Chapter 5 and Chapter 7; and

WHEREAS, on the 21st day of September, 2020, after conducting a properly advertised public meeting, the Planning & Zoning Commission reviewed City Staff’s proposed revisions to the UDC and made recommendations regarding those changes; and

WHEREAS, on the 28th day of September, 2020, the City Council conducted a properly advertised public meeting regarding the proposed UDC revisions, and received and reviewed City Staff’s and Planning and Zoning Commission’s recommendations regarding the same.

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

1. **Incorporation of Recitals.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

2. **Amendments.**

A. UDC Chapter 5, Section 5.1, Residential Zoning Districts – the Side Yard Setbacks in the Area Regulation Tables for each residential zoning district are hereby amended to read as follows:

(continued on next page)

RESIDENTIAL SIDE YARD SETBACK REQUIREMENT AMENDMENTS	
RE	A minimum setback of ten (10) feet from a side property line and fifteen (15) feet from a side street shall be required. If the garage faces the side street, a distance of twenty (20) feet from the property line will be required.
R1	Minimum setback of fifteen (15) feet from the property line that is located adjacent to a side street. If the garage faces the side street, a distance of twenty (20) feet from the property line will be required. Minimum setback of ten (10) feet from a side property line that represents a common side property line with an adjoining property other than a dedicated street or other right-of-way.
R2	Minimum setback of ten (10) feet from the property line that is located adjacent to a side street. If the garage faces the side street, a distance of twenty (20) feet from the property line will be required if garage is less than sixty (60) feet from front property line. Minimum setback of five (5) feet from a side property line that represents a common side property line with an adjoining property other than a dedicated street or other right-of-way.
R3	Minimum setback of ten (10) feet from the property line that is located adjacent to a side street. If the garage faces the side street, a distance of twenty (20) feet from the property line will be required if the garage is less than sixty (60) feet from front property line. Minimum setback of five (5) feet from a side property line that represents a common side property line with an adjoining property other than a dedicated street or other right-of-way.
PH	Minimum setback of ten (10) feet from the property line that is located adjacent to a side street. If the garage faces the side street, a distance of twenty (20) feet from the property line will be required if the garage is less than sixty (60) feet from front property line. Minimum setback of five (5) feet from a side property line that represents a common side property line with adjoining property other than a dedicated street or other right-of-way. The five (5) feet yard setback on each side may be replaced with a zero setback on one side and a ten-foot setback on the opposite side as long as this pattern is repeated on the entire block of lots.

- B. UDC Chapter 7, Section 7.5.1 Residential Districts – the first paragraph of this section is hereby amended to read as follows:

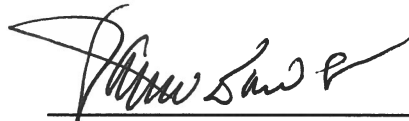
Accessory buildings including garages, tool sheds and other utility structures shall be permitted behind the front setback line, except that carports may be located at a minimum of five (5) feet from the front property line or street-side property line as applicable, and there is no spacing requirement between detached carport and any other structure on the property. An accessory building or carport attached to a primary structure (whether original or subsequently added to the primary structure) is considered part of the primary structure and must comply with the setback requirement of the primary structure. Accessory buildings shall not be used for commercial purposes. No accessory structure or carport shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection in accordance with the twenty-five (25) foot clear vision triangle requirements of UDC Chapter 7, Section 7.6(a)(iv-v). The following restrictions shall apply to Accessory Buildings.

- C. UDC Chapter 7, Section 7.5.1 Residential Districts – the setback regulation table in this section pertaining to the Residential Zoning Districts is hereby deleted in its entirety and replaced with the following:

RESIDENTIAL ACCESSORY BUILDING REQUIREMENTS							
	RE	R1	R2	R3	PH	MF	MMH
Front Setback Minimum	Twenty-five (25) feet from front property line. Carports may be located at a minimum of five (5) feet from the front property line.				Accessory setbacks shall match main structure setbacks. Carports may be located at a minimum of five (5) feet from the front property line or street-side property line as applicable.	Accessory setbacks shall match main structure setbacks. Carports may be located at a minimum of five (5) feet from the front property line or street-side property line as applicable.	Accessory setbacks shall match main structure setbacks. Carports may be located at a minimum of five (5) feet from the front property line or street-side property line as applicable.
Side Yard Setback Minimum	Five (5) feet from an interior side property line. Ten (10) feet from a property line adjacent to a side street. Twenty (20) feet from a property line adjacent to a side street if an accessory building is being used as a garage and the garage faces the side street. Carports may be located at a minimum of five (5) feet from the street-side property line.						
Rear Yard Setback Minimum	Five (5) feet from a rear property line.						
Height Maximum	Maximum of one (1) story.				Maximum of one (1) story.	Max of one (1) story or 15ft. If used for mechanical or maintenance equipment, 10ft max	Maximum of one (1) story
Minimum Separation	Minimum of ten (10) feet from other structures on lot. There is no spacing requirement between detached carport and any other structure on the property.						


3. **Repealing Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
4. **Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.
5. **Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.
6. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance

PASSED AND APPROVED this 28th day of September, 2020.



James Danner
Mayor

ATTEST:



Miguel Cantu
City Secretary

