

# Consider Approval of an Ordinance Amending the Zoning Code Accessory buildings in Side Yard

City Council Meeting

Planning & Zoning Director Mindy Teague

September 5, 2023

# Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 15 Zoning, Division 6, Section 15.02.306 R-1 Single-Family Dwelling District, (d) Other, (1)
- To remove a Code conflict regarding accessory buildings within a side yard

# Background

- Staff received a request from a citizen (in R-1 Single Family district), to construct a swimming pool in a side yard
- Pools are considered accessory structures for plan review & inspection, unless stated otherwise in the code
- After review of the Code, it was determined that the request would be denied, but that the Code contained a conflict in this regard

# Current Code Language

- Chapter 15 Zoning, Division 6 - Districts, Boundaries, and Use Regulations, Section, 15.02.306 “R-1” Single Family Dwelling, (d) *Other* states:
  - (1) *Accessory buildings*. Shall be allowed but shall be located no closer than five feet from any property line **and must be located in the rear yard**. In no case shall an accessory building occupy more than 30 percent of the total open space in the rear yard; with the following exceptions:
    - It then states:
      - a. No setback shall be required for accessory buildings located **within a side** or rear yard which abuts an alley with a minimum 20 feet of public rights-of-way; or
      - b. No setback shall be required for accessory buildings located **within a side** or rear yard, which were constructed prior July 7, 2021, and are located a minimum of ten feet from the nearest structure on an abutting property.

# Proposed Code Amendment

- Chapter 15 Zoning, Division 6 - Districts, Boundaries, and Use Regulations, Section 15.02.306 “R-1” Single Family Dwelling, (d) Other.
  - (1) *Accessory buildings*. Shall be allowed but shall be located no closer than five feet from any property line and **must be located in the side or rear yard**. In no case shall an accessory building occupy more than 30 percent of the total open space in the rear yard nor be located in the front yard.

# Recommendation

- At their September 22, 2023 meeting, the Planning and Zoning Commission recommended approval of this amendment

# S.E.E. Leon Valley

- Social – Revising the code gives all citizens more flexibility with design options on their lots
- Economic – Assuring quality development maintains housing property values
- Environmental – Any new or remodeled swimming pool areas would be required to conform to the 2021 International Energy and Building codes