

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** September 19, 2023  
**TO:** Mayor and Council  
**FROM:** Mindy Teague, Planning and Zoning Director  
**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Possible Action to Consider an Ordinance Revising Chapter 15 Zoning, Division 6, Section 15.02.306 (R-1 Single-Family Dwelling District) to Allow Accessory Buildings in the Side Yard.

**SPONSOR(S):** N/A

### PURPOSE

The purpose of this item is to consider approval of an Ordinance correcting a conflict by amending Chapter 15 Zoning, Division 6, Section 15.02.306 "R-1 Single Family-Dwelling" district to allow accessory buildings in the side yard with the setback requirement of not less than 5 feet from side property line to main structure.

Staff received a request from a property owner to construct a swimming pool within the side yard. Swimming pools are considered to be accessory buildings. After reviewing the Code, it was determined that the pool would not be allowed in a side yard.

Sec. 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:"

However, the Code then clearly conflicts as it goes on to state:

"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."

The new language would revise the portion of the sentence in (1) that states "and must be located in the rear yard". This action will remove the conflict.

The proposed language would add "and must be located in the side or rear yard"

**SEE LEON VALLEY**

Social – Revising the zoning code would allow Leon Valley property owners more design options.

Economic - Assuring quality development maintains housing property values.

Environmental – Any new structures would be required to conform to the 2021 International Energy and Building codes.

**FISCAL IMPACT**

N/A

**STRATEGIC GOALS**

Goal # 1 - Economic Development · Objective F – Promote Leon Valley

**RECOMMENDATION**

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

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary