

ORDINANCE 581-V-2020

AN ORDINANCE AMENDING A CERTAIN SECTION OF ORDINANCE 581, CHAPTER 4-5 ZONING RELATED TO LOT DESIGN STANDARDS, PROVIDING SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

**WHEREAS**, the City of Universal City is a home rule City acting under its home rule Charter and the law of the State of Texas; and,

**WHEREAS**, Tex. Loc. Gov't Code Chapter 211 authorizes the City of Universal City to adopt rules and regulations regarding land use within the City limits of the City of Universal City for the purpose of promoting the safe, orderly, and healthful development of the City; and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing on August 3, 2020 and voted for its approval with a vote of 7 to 1; and

**WHEREAS**, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; and

**WHEREAS**, the City Council finds it necessary to establish the provisions of this ordinance regarding the regulation of accessory structure standards; and,

**WHEREAS**, the City Council finds that it would be advantageous and beneficial to the citizens of the City of Universal City, Texas, to adopt this ordinance regulating the requirements for accessory structure standards within the City of Universal City; and,

**WHEREAS**, the City Council of the City of Universal City, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City that the Zoning Code regulations relative to accessory structure standards be established as hereinafter stated.

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

Section 1. Amendments. That Chapter 4-5 – Zoning, Section 4-5-63 – Accessory Structure Standards Requirements of the Universal City Code of Ordinances be replaced in its entirety to read:

I. Sec. 4-5-63. – Accessory Structure Standards.

An accessory structure refers to a subordinate structure located on the same lot as the principal structure, the use of which is incidental to that of the principal structure. An accessory structure can only be located on a lot if there is an existing principal structure on the same lot. The size, bulk, and location of accessory structures are limited according to the following table (Table 3). In every case, the maximum lot coverage and maximum impervious cover specified for each district under Table 2 shall apply.

**Table 3: Accessory Structures**

District Code	Zoning District	Maximum Area (sf) per Accessory Structure	Maximum Height (ft)	Permitted in Front Yard	Side Setback <sup>2</sup>	Rear Setback <sup>2</sup>
R1	Large Lot Res	100 <sup>1</sup>	12	No	10	10
R2	Low Density Res	100 <sup>1</sup>	12	No	5	10
R3	Med Density Res	100 <sup>1</sup>	10	No	5	5
R4	High Density Res	100 <sup>1</sup>	10	No	5	5
R-OT	"Old Town" Res	100 <sup>1</sup>	10	No	5	5
R5	Multifamily Res	100 <sup>1</sup>	15	Yes	15	20
MH1	Manufact Housing	100 <sup>1</sup>	10	No	5	5
MH2	Mobile Home Park	-	-	-	-	-

Notes:

General note: The maximum lot coverage found in Table 2 applies in all cases.

<sup>1</sup> As listed or ten (10) percent of the rear yard, not to exceed two hundred fifty (250) square feet. Note swimming pools are exempt from this requirement as long as the property complies with the maximum lot cover requirement.

<sup>2</sup> As listed or the depths of the setbacks of existing lots on the same side of the street.

3. Off-street parking (i.e., driveways), utility service, sidewalks, walkways, uncovered pool decking, and park use are always allowable and do not count towards the requirements of this table, except these items cannot be placed in any easement. Above-ground pool decking cannot encroach the accessory structures setbacks identified in Table 3. These items do count towards the Maximum Lot Cover Percentages requirements, as applicable. Determination of an accessory structure lies at the discretion of the Zoning Administrator.

4. No permanent accessory structures or items identified in Note 3 above shall be placed in any easement.

5 Only one shed is allowed per residential lot, which shall not exceed 250 square feet. A shed shall not be used for human occupancy. If an accessory structure is intended for human occupancy, then the homeowner, tenant or contractor shall contact the Development Services Department.

6. In accordance with the Texas Accessibility Standards and the International Building Code, the clear width of a walking surface adjacent to an in-ground swimming pool or spa shall be 36 inches minimum – measurement is from edge of the water. Note this is not a zoning requirement.

7. Structure separation: the International Building Code, International Residential Code and International Fire Code determine the required separation between accessory structures and principle structures. Typically, the separation is ten feet (10'), but exceptions may apply.

8. In-ground and above-ground swimming pools shall be considered accessory structures and count towards the Maximum Lot Cover Percentages requirements identified in Section 4- 5-62.

Section 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. Conflict with City Ordinances. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. Unamended. That the remainder of Chapter 4-5 – Zoning of the Universal City Code of Ordinances not amended hereby remain in full force and effect.

Section 5. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Universal City under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

Section 6. Severability. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

Section 7. Open Meeting. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This ordinance shall take effect immediately from and after its second reading, passage and publication as may be required by governing law.

Section 9. Effective Date: This ordinance shall become effective on 02 September 2020 upon its second reading, passage and publication as may be required by governing law.

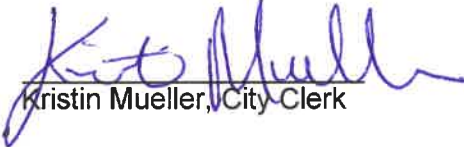
PASSED on first reading on the 18<sup>th</sup> day of August 2020.

PASSED AND ADOPTED on this the 1<sup>st</sup> day of September 2020.



  
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John Williams, Mayor

Attest:

  
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Kristin Mueller, City Clerk

Approved for legal sufficiency:

  
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Matthew J. Longoria, City Attorney