

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, BY AMENDING ARTICLE 4 "SPECIFIC USE STANDARDS," SECTION 402 "ACCESSORY USES AND STRUCTURES", PART 1. "SETBACKS", REDESIGNATING SUBPARTS "c-e" AS SUBPARTS "d-f," AND ADDING A NEW SUBPART "c" "ACCESSORY BUILDINGS AND STRUCTURES IN THE ZERO LOT LINE, TWINHOME AND TOWNHOME (RS-3) RESIDENTIAL DISTRICT;" PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12, Exhibit "A" "Zoning Ordinance," Article 4 "Specific Use Standards," Section 402 "Accessory Uses and Structures", Part 1 "Setbacks," re-designating subparts "c-e" as subparts "d-f," and adding a new subpart "c" "Accessory Buildings and Structures in the Zero Lot Line, Twinhome and Townhome (RS-3) Residential District" to read as follows:

C. Accessory Buildings and Structures in the Zero Lot Line, Twinhome and Townhome (RS-3) Residential District

1. Setbacks.

a. Side yards:

1) One Side:

a. 0-1 foot maximum for all buildings and structures.

2) Other Side:

a. 10 foot minimum setback, unless all of the following criteria are met, in which case the minimum setback may be reduced to a minimum of 5 feet.

i. Constructed with materials that are wholly noncombustible or with limited combustibility including fire retardant wood construction, as determined by the Fire Marshal, unless there

is a minimum of 2 feet of separation from the principal building.

- ii. The structure is **unenclosed** and is not encumbered by any structure, walls, screening, glasswork, or ornamental components of any kind, with the exception of necessary vertical supports which shall be no greater than 12 inches in width or diameter.
- iii. The roof is substantially open with a roof ratio of greater than or equal to 1 open portion to 1 solid portion or is a retractable roof or awning constructed entirely of noncombustible material.

Comment [d1]: If attached to the townhouse on one side, the structure is enclosed on that side. Is enclosure on one side to be permitted? OS zone that permits carports enclosed on 2 sides does not apply in R-3, but some of its language may be helpful. Otherwise the requirement is for a separation between townhouse and support structure on all sides. Nevertheless, this is not the case for awnings or retractable roofs. Do we need to clarify?

- 2. **Size.** Not more than 30 percent of minimum side or rear yard area otherwise required on the lot shall be covered by the total of all structures allowed by this section.
- 3. **Location.** Accessory buildings and structures shall be located to the side or rear of the principal **building**.
- 4. **Permitting.** A permit shall be obtained from the Permits and Inspections Division for the structure.

Comment [d2]: Is there an issue with corner lots in which two sides might simultaneously be considered front yards?

SECTION 2 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 3: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **12th day of December, 2017**, and finally PASSED, APPROVED AND ADOPTED on this the **9th day of January, 2018**.

THE CITY OF SAN ANGELO

Brenda Gunter, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney