

ORDINANCE NO. 2015-14

**AN ORDINANCE OF THE CITY OF UVALDE, TEXAS
APPROVING, ADOPTING AND AMENDING CHAPTER
17 OF THE UVALDE MUNICIPAL CODE FOR ZONING
CHAPTERS 17.36.010 PERMITTED ACCESSORY USES**

WHEREAS, the City Council of the City of Uvalde finds that affordable housing and neighborhood stability are important public objectives and in the best interest of the general welfare of the City of Uvalde;

WHEREAS, the City Council of the City of Uvalde finds that accessory dwellings, commonly called “carriage houses,” “guest houses,” or “granny flats” have been in existence and occupied within the City and it is in the City of Uvalde’s interest to offer a means by which these dwellings can achieve lawful status;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS THAT:

Section 1. Adoption of Findings of Fact. The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Chapter 17 Zoning:

17.040.050 Definitions:

2. Accessory Dwelling Unit: An Accessory Dwelling Unit is a self-contained housing unit including provisions for living, sleeping, eating, cooking and sanitation within an accessory structure that is clearly subordinate to the main residential structure.

17.20.010 Uses by District:

Existing Accessory Dwelling Units are allowed within properties zoned R after obtaining a specific use permit. New Accessory Dwelling Units will be allowed by special permit in R1 only.

17.20.020 (B) Certain uses to be located by special permit:

Special Conditions:

Accessory Dwelling Units

1. Real property containing a dwelling unit which was in existence on a lot of record within the City of Uvalde as of October 27, 2015. No fee will be charged for existing dwelling units. New accessory dwellings in R1 zoning.
2. Owner occupied property.
3. Water and sewer utilities are not metered separately from main residence.

4. Dwelling is not less than 300 square feet or more than 800 square feet.
5. Not more than 2 occupants.
6. All parking and setback requirements are met for that zoning district.

17.36.010 Permitted accessory uses:

Delete: E. Accessory buildings may not be used for dwelling purposes.

Section 3. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. 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.

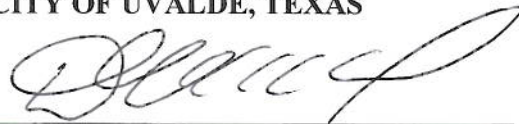
PASSED AND APPROVED on the 27 day of October, 2015.

ATTEST:



Susan M. Stewart, City Secretary

CITY OF UVALDE, TEXAS



Don McLaughlin, Mayor