

CITY OF ROYSE CITY, TEXAS

ORDINANCE NO. 23-10-1608

AN ORDINANCE OF THE CITY OF ROYSE CITY, TEXAS, AMENDING CHAPTER 14, ARTICLE 6, SECTION 6-3 ACCESSORY BUILDING REGULATIONS OF THE CITY OF ROYSE CITY CODE OF ORDINANCES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Royse City, Texas, is a home rule municipality acting under its home rule charter and authority vested by state law;

WHEREAS, the City Council deems it necessary to amend the Accessory Buildings Regulations of the City of Royse City Code of Ordinances;

WHEREAS, the Planning & Zoning Commission recommended approval of this amendment on September 7, 2023; and

WHEREAS, the City Council has given published notice and held public hearings with respect to the adoption of this Zoning Ordinance, as required by law.

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

SECTION 1

That the findings set forth above are incorporated into the body of this Ordinance as is fully set forth herein.

SECTION 2

That *Section 6-3 Accessory Building Regulations* of Chapter 14, Article 6, of the City of Royse City Zoning Ordinance, is hereby amended to read as follows:

Section 6-3 Accessory Building Regulations

A. ACCESSORY STRUCTURE DEFINITIONS

The following definitions shall apply:

Accessory Building. Any building customarily incidental to the principal building, including among other things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial purposes.

~~Portable Building.~~

~~Any building, which is constructed to be moved on its structure without lifting and minimal damage to the building and anchored to prevent overturning.~~

Accessory Structure. Any building customarily incidental to the principle building, including among other things, a gazebo, pergola, arbor, patio cover, carport and similar open-air structures not used for any commercial or dwelling purposes.

Gazebo. An accessory structure consisting of a detached, covered, freestanding, open-air structure with a pitched roof design.

Pergola/Arbor. An accessory structure that may be freestanding or attached to a home or building. It consists of an open lattice grid of cross beams and rafters supported by columns and does not have any walls.

Patio Cover. A single-story shade structure covering a patio or deck area consisting of a solid or open roof and structural supports, attached to or detached from the primary dwelling, which is used only for recreational, outdoor purposes and which is not used as a carport, garage, storage room, or habitable living space.

Main Building or structure. Main (Principal) Building.

The building or buildings on a lot which are occupied by the primary use

Structure. The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the City Building Code as adopted by the City of Royse City.

Carport. An accessory structure that is open on a minimum of two sides and designed or used to shelter vehicles.

B. AREA REGULATIONS IN SINGLE FAMILY AND MULTIFAMILY DISTRICTS

Area regulations for accessory buildings located in the SF-1, SF-2, MH, MF1, MF2, A districts and all residential portions of adopted Planned Developments shall comply with the following regulations:

1. Front or Street Yard: ~~Attached accessory buildings, including garages, shall have a street yard not less than the main building, or as specified in the particular district. Detached~~ Accessory buildings and accessory structures shall not be located in the area defined as the front or street yard.
2. Rear Yard: There shall be a rear yard setback not less than five (5) feet from any lot line, or alley line ~~easement line. Garages or other~~ Accessory buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than ~~fifteen (15)~~ five (5) feet to the main building nor nearer than five (5) feet to any side lot line.

3. Side Yard: ~~No detached residential garage or carport shall be erected or placed within eight (8) feet from any side lot line. No other accessory buildings shall be erected or placed within five (5) feet of any side lot line or easement.~~

Accessory buildings shall not be erected or placed within five (5) feet of any side lot line. Street side yard setbacks for carports shall be the same as the main structure. No accessory building or accessory structure shall be located within any dedicated easement.

4. ~~No accessory building shall be erected within ten (10) feet of any other building, except detached residential garages may be located within five (5) feet of the main dwelling.~~ Accessory buildings over 120 square feet shall not be erected within five (5) feet of any other building.

5. A detached or attached arbor, gazebo, pergola, or patio cover shall be located no closer than five (5) feet from the side/rear lot line. Separation is not required from the main building or accessory buildings.

C. GASOLINE FACILITIES

Gasoline filling station pumps and pump islands may be located or project into a required yard provided they are not less than 15 feet distant from any street, highway or alley right-of-way line, and not less than 50 feet distant from any residential property line.

D. AREA/SIZE ALLOWED

~~The maximum allowable area for any accessory building or accumulative total floor area is identified in the chart below. There shall be no more than two buildings per lot, the total of buildings being not larger than 25% of the required rear yard of the lot. Except that, the maximum allowable area or accumulative total floor area for any accessory building, located in an "A" Agricultural District, may be greater than one thousand eighty square feet (1,080 sq. ft.) provided that the area of the accessory building is not greater than the primary structure on the lot.~~

Greater Than (acre)	Maximum Lot Area (acre)	Maximum Square Feet of Accessory Building
0.20-acre	0.25-acre	220-sq-ft
0.26-acre	0.50-acre	320-sq-ft
0.51-acre	0.75-acre	440-sq-ft
0.76-acre	1.00-acre	540-sq-ft
1.01-acre	1.25-acre	660-sq-ft
1.26-acre	1.50-acre	760-sq-ft
1.51-acre	1.75-acre	880-sq-ft
1.76-acre	2.00-acre	960-sq-ft

Greater Than (acre)	Maximum Lot Area (acre)	Maximum Square Feet of Accessory Building
2.01-acre	+	1,080-sq-ft

Size Limitations – The combined floor area of all accessory buildings and structures shall not exceed five (5%) percent of the lot/tract area or fifty (50%) percent of the livable area of the primary structure, whichever is greater.

In no case shall the combined area of the primary structure and the accessory building(s) exceed the maximum percentage of lot coverage allowed for the zoning district on which the structures are placed.

The maximum allowable area or accumulative total floor area for any accessory building, dedicated primarily to agricultural uses, located in an “A” - Agricultural District, shall not exceed five (5%) percent of the lot/tract area

E. HEIGHT

The maximum height allowed is eighteen feet (18'), measured from grade to the tallest portion of the building.

F. PERMIT REQUIRED

~~Building permits are required for any buildings over the first one hundred and twenty square feet on any lot. The maximum number of detached storage buildings on the lot is two.~~

Building permits are required for any buildings over fifty square feet on any lot.

G. BUILT ON-SITE

All accessory structures shall be constructed ~~on-site with new~~ materials approved by the City's adopted construction codes.

H. Number of accessory buildings.

No more than two accessory buildings shall be on any residential (or agricultural) lot/tract, except that residential lots 20,000 square feet or larger in size may have up to four accessory buildings.

SECTION 3

That all provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Royse City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROYSE CITY, TEXAS on this 10th day of October, 2023.



Clay Ellis, Mayor

ATTEST:



Deborah Sorensen, TRMC, MMC
City Secretary



APPROVED AS TO FORM:



Jason Day, City Attorney

Dates of Publication: 1st 10/19/23 2nd 10/26/23 *Royse City Herald Banner*