

ORDINANCE O-32-19

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, AMENDING SUBSECTIONS 14.2(A), 14.3(A), 14.4(B), 14.5(D), 15.3(A), 15.4(B), 15.5(D), 16.3(A), 16.4(B), 16.5(D), 17.3(A), 17.4(B), 17.5(D), 18.3(A), 18.4(B), 18.5(D), 19.3(A), 19.4(B), 19.5(F), 19A.5(F), 19A.5(I), 20.3(A), 20.4(C), 20.5(E), 21.3(A), 21.4(B), 21.5(E), 22.3(A), 23.3(A), 24.3(A), 24.3(E), 25.3(A), 26.3(A), 27.3(C), 28.3(A), 29.3(A) OF THE COMPREHENSIVE ZONING ORDINANCE REGARDING ACCESSORY BUILDING REQUIREMENTS; REPEALING SECTION 35 ENTITLED ACCESSORY BUILDING AND USE REGULATIONS IN ITS ENTIRETY AND REPLACING WITH NEW TEXT; AND AMENDING DEFINITIONS OF “ACCESSORY BUILDING (RESIDENTIAL)” AND “ACCESSORY BUILDING (COMMERCIAL)” OF SECTION A-3.

WHEREAS, following notice and hearing as required by law, the Planning and Zoning Commission recommends amending the comprehensive zoning ordinance as outlined in this Ordinance; and

WHEREAS, following notice and hearing as required by law, the City Council concurs with the Planning and Zoning Commission’s recommendation;

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

That the Comprehensive Zoning Ordinance of the City of Athens, Texas is amended to reflect the changes made by this ordinance as shown below. For clarity, existing text to be deleted is stricken through and new text is shown in italics. All amended text is highlighted.

14.2 **PERMITTED USES:**

A. 1. Those uses specified in Section 32 (Use Charts).

~~2. Single family detached dwelling.~~

~~3. Accessory Dwelling Units.~~

~~4. Farms, barns, nurseries, greenhouses or gardens on parcels five (5) acres or larger.~~

~~5. Municipally owned facilities and uses (including parks and open space), and public schools owned and/or operated by the School District(s).~~

~~6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein.~~

- a. The term accessory use shall include customary home occupations as herein defined.
 - b. Accessory buildings, including a private garage, shall not occupy more than 50 percent of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 35 for additional accessory use requirements.
 - c. A detached private garage used in conjunction with the main building.
 - d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 37.6.
 - e. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be allowed only by SUP, and are required to be on a lot one acre or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within the A district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.
 - f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
6. Swimming Pool (private).
7. 2. Such uses as may be allowed by Specific Use Provisions, Section 31.

14.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half stories, or 35 feet for the main building/house.
2. Forty five feet for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than 100 feet from any residential structure on the premises, and they are set back at least 100 feet or three times their height (whichever is greater) from any residential structure on adjacent property.
3. Twenty five feet for other accessory buildings, including detached garage/accessory dwelling units.
4. 2. Other (see Section 37.5).

14.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - One acre (i.e., 43,560 square feet)
2. **Minimum Lot Width** - 150 feet.
3. **Minimum Lot Depth** - 200 feet.

B. Size of Yards:

1. **Minimum Front Yard** - 35 feet.
2. **Minimum Side Yard** - Ten percent of the lot width, but need not exceed 30 feet; 50 percent of the front yard setback (i.e., 12.5 feet) from a street right-of-way for a corner lot.
3. **Minimum Rear Yard** - 25 feet for the main building and any accessory building(s); ten feet from a main building to an accessory building.

C. Minimum Floor Area per Dwelling Unit - 800 square feet.

D. Maximum lot coverage for main and accessory buildings - 20 percent.

14.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
 - B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.
 - C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
 - D. Single-family homes with *attached*, side entry garages *or carports* where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
 - E. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the A district.
 - F. **Other Regulations.** As established in the Development Standards, Sections 33 through 41.
-

15.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half stories, or 35 feet for the main building/house.
 2. One story for accessory buildings.
 - 3- 2. Other (see Section 37.5).
-

15.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - 15,000 square feet.
2. **Minimum Lot Width** - 100 feet.
3. **Minimum Lot Depth** - 125 feet.

B. Size of Yards:

1. **Minimum Front Yard** - 35 feet.

2. **Minimum Side Yard** - Ten percent of the lot width, but need not exceed 25 feet; 50 percent of the front yard setback (i.e., 12.5 feet) from a street right-of-way for a corner lot.
 3. **Minimum Rear Yard** - 25 feet for the main building ~~and any accessory building(s); ten feet from a main building to an accessory building.~~
- C. **Minimum Floor Area per Dwelling Unit** - 800 square feet.
- D. **Maximum lot coverage for main and accessory buildings** - 60 percent.
-

15.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
 - B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.
 - C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
 - D. Single-family homes with *attached*, side entry garages *or carports* where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
 - E. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-15 district.
 - F. **Other Regulations:** As established in the Development Standards, Sections 33 through 41.
-

16.3 HEIGHT REGULATIONS:

A. **Maximum Height:**

1. Two and one-half stories, or 35 feet for the main building/house.
 - ~~2. One story for accessory buildings.~~
 3. 2. Other (see Section 37.5).
-

16.4 AREA REGULATIONS:

A. **Size of Lots:**

1. **Minimum Lot Area** - 10,000 square feet.
2. **Minimum Lot Width** - 70 feet.
3. **Minimum Lot Depth** - 110 feet.

B. **Size of Yards:**

1. **Minimum Front Yard** - 30 feet.
2. **Minimum Side Yard** - Ten percent of the lot width, but need not exceed 20 feet; 50 percent of the front yard setback (i.e., 12.5 feet) from a street right-of-way for a corner lot.
3. **Minimum Rear Yard** - 25 feet for the main building ~~and any accessory building(s); ten feet from a main building to an accessory building.~~

C. **Minimum Floor Area per Dwelling Unit** - 800 square feet.

D. **Maximum lot coverage for main and accessory buildings** - 60 percent.

16.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with **attached**, side entry garages **or carports** where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- E. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-10 district.
- F. **Other Regulations:** As established in the Development Standards, Sections 33 through 41.

17.3 HEIGHT REGULATIONS:

A. Maximum Height:

- 1. Two and one-half stories, or 35 feet for the main building/house.
- ~~2. One story for accessory buildings.~~
- ~~3.~~ 2. Other (see Section 37.5).

17.4 AREA REGULATIONS:

A. Size of Lots:

- 1. **Minimum Lot Area** - 7,000 square feet.
- 2. **Minimum Lot Width** - 60 feet.
- 3. **Minimum Lot Depth** - 110 feet.

B. Size of Yards:

- 1. **Minimum Front Yard** - 25 feet.
- 2. **Minimum Side Yard** - Ten percent of the lot width, but need not exceed 15 feet; 50 percent of the front yard setback (i.e., 12.5 feet) from a street right-of-way for a corner lot.
- 3. **Minimum Rear Yard** - 25 feet for the main building **and any accessory building(s); ten feet from a main building to an accessory building.**

C. Minimum Floor Area per Dwelling Unit - 800 square feet.

D. Maximum lot coverage for main and accessory buildings - 60 percent.

17.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
 - D. Single-family homes with **attached**, side entry garages **or carports** where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
 - E. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-7 district.
 - F. A Manufactured home, not more than five years old shall be permitted providing the following conditions are met:
 - 1. All other requirements of this district are met;
 - 2. The unit is underpinned to a permanent foundation and the transportation wheels are removed;
 - 3. Seventy-five percent of all property owners within 200 feet of the site submit written approval of the proposed location of the manufactured home(s); and
 - 4. The towing mechanism (i.e., tongue) is removed.
 - G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.
-

18.3 HEIGHT REGULATIONS:

A. **Maximum Height:**

- 1. Two and one-half stories, or 35 feet for the main building/house.
 - ~~2. One story for accessory buildings.~~
 - ~~3.~~ 2. Other (see Section 37.5).
-

18.4 AREA REGULATIONS:

A. **Size of Lots:**

- 1. **Minimum Lot Area** - 5,000 square feet.
- 2. **Minimum Lot Width** - 50 feet.
- 3. **Minimum Lot Depth** - 100 feet.

B. **Size of Yards:**

- 1. **Minimum Front Yard** - 25 feet.
- 2. **Minimum Side Yard** - Ten percent of the lot width, but need not exceed 15 feet; 50 percent of the front yard setback (i.e., 12.5 feet) from a street right-of-way for a corner lot.
- 3. **Minimum Rear Yard** - 25 feet for the main building **and any accessory building(s); ten feet from a main building to an accessory building.**

C. **Minimum Floor Area per Dwelling Unit** - 800 square feet.

D. **Maximum lot coverage for main and accessory buildings** - 60 percent.

18.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.
 - C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
 - D. Single-family homes with **attached**, side entry garages **or carports** where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
 - E. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-7 district.
 - F. A Manufactured home, not more than five years old shall be permitted providing the following conditions are met:
 - 5. All other requirements of this district are met;
 - 6. The unit is underpinned to a permanent foundation and the transportation wheels are removed;
 - 7. Seventy-five percent of all property owners within 200 feet of the site submit written approval of the proposed location of the manufactured home(s); and
 - 8. The towing mechanism (i.e., tongue) is removed.
 - G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.
-

19.3 HEIGHT REGULATIONS:

A. **Maximum Height:**

- 1. Two and one-half stories, or 35 feet for the main building/house.
 - ~~2. One story for accessory buildings.~~
 - ~~3. 2. Other (see Section 37.5).~~
-

19.4 AREA REGULATIONS:

A. **Size of Lots:**

- 1. **Minimum Lot Area** - 5,000 square feet.
- 2. **Minimum Lot Width** - 50 feet.
- 3. **Minimum Lot Depth** - 100 feet.

B. **Size of Yards:**

- 1. **Minimum Front Yard** - 25 feet.
- 2. **Minimum Side Yard** - Ten percent of the lot width, but need not exceed 15 feet; 50 percent of the front yard setback (i.e., 12.5 feet) from a street right-of-way for a corner lot.
- 3. **Minimum Rear Yard** - 25 feet for the main building ~~and any accessory building(s); ten feet from a main building to an accessory building.~~

C. **Minimum Floor Area per Dwelling Unit** - 800 square feet.

D. **Maximum lot coverage for main and accessory buildings** - 60 percent.

19.5 SPECIAL REQUIREMENTS:

- A. Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet; 15 feet for a corner lot on the street side. A minimum six-foot wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of 24 inches.
- B. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land and/or facilities.
- C. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- E. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- F. Single-family homes with **attached**, side entry garages **or carports** where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- G. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-7 district.
- H. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

19A.5 SPECIAL REQUIREMENTS:

- A. The total square footage of a cottage dwelling unit may not be increased. A caveat/restrictive covenant shall be placed on the title to the property to notify future property owners that an increase in the total square footage of a cottage is prohibited for the life of the cottage.
- B. Floor area or cottage area that is not included in the calculation of total floor area:
 - 1. Unheated storage space located under the main floor of the cottage.
 - 2. Architectural projections, such as bay windows, fireplaces or utility closets no greater than 18 inches in depth or six feet in width.
 - 3. Attached roof porches.
 - 4. Garages, carports or storage lockers.
- C. Site Coverage - The maximum site coverage permitted for all buildings shall not exceed 50 percent of lot area. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- D. Porches:
 - 1. Dwelling units shall be oriented around, and have the covered-porches of the main entry facing towards the common open space.
 - 2. Dwelling units shall have a covered porch or entry at least 60 square feet in size with a minimum dimension of six feet on any one side.
- E. Open space may include side porches:

1. A minimum of 200 square feet of open space shall be provided per dwelling unit. Open space with a dimension of less than 20 feet shall not be included in this calculation.
 2. Each dwelling unit shall have a private use open space of 200 square feet with no dimension of less than eight feet on one side. Private use open space should be adjacent to each dwelling unit for the exclusive use of the residents, and oriented toward the central common open space.
- F. Required Yard Setbacks, excluding steps or ramps:
1. Eaves may extend up to two feet into the minimum requirements noted in Section 19A.4.B.
 2. ~~Garages and carports shall be set back a minimum of 20 feet from a road and five feet from a lane.~~
- G. Fences:
1. Fences on the interior of a cottage dwelling development (e.g. adjacent to the common open space) shall have a maximum height of three feet.
 2. Chain link fence is prohibited.
- H. Parking:
1. A minimum of two parking stalls shall be provided for each dwelling unit. For the purposes of this District, one parking stall may include a parking space inside of a garage or carport.
 2. Parking shall be separated from the central common area by landscaping and/or architectural screen.
 3. Each parking stall shall have a minimum surface area of 192 square feet, and shall be constructed of a hard surfaced parking pad consisting of concrete, asphalt or grass paved system and measuring at least 192 square feet.
- I. Other Development Regulations:
1. ~~Garages and/or carports may be attached or detached in all cases.~~
 2. ~~Garages and/or carports shall conform to the main building with respect to color, style and materials.~~
 3. 1. A dwelling unit in a Cottage Housing Building must not be located above any portion of another dwelling unit.
 4. 2. HUD-Code homes are prohibited.

20.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half stories, or 35 feet for the main building/house.
2. ~~One story for accessory buildings.~~
3. 2. Other (see Section 37.5).

20.4 AREA REGULATIONS:

A. Size of Lots for Two-Family Duplex Homes:

1. **Minimum Lot Area** - 6,000 square feet per duplex lot (i.e., 3,000 square feet of lot area per dwelling unit).

2. **Minimum Lot Width** – 60 feet for each duplex lot (i.e., 30 feet of lot width per dwelling unit).
 3. **Minimum Lot Depth** - 100 feet.
- B. Size of Lots for Single-Family Detached Homes:**
1. **Minimum Lot Area** – 6,000 square feet.
 2. **Minimum Lot Width** – 60 feet.
 3. **Minimum Lot Depth** – 100 feet.
- C. Size of Yards:**
1. **Minimum Front Yard** - 25 feet.
 2. **Minimum Side Yard** - Ten percent of the lot width, but need not exceed 15 feet; 50 percent of the front yard setback (i.e., 12.5 feet) from a street right-of-way for a corner lot.
 3. **Minimum Rear Yard** - 25 feet for the main building; ~~ten feet from a main building to an accessory building.~~
- D. Minimum Floor Area per Dwelling Unit:**
1. **Two-Family/Duplex Homes or Single-Family Detached Homes** – 800 square feet.

20.5 SPECIAL REQUIREMENTS:

- A. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-7 zoning district (except as provided in Section 20.4.B above).
- B. Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
- C. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.
- D. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- E. Single-family and two-family homes with **attached**, side entry garages **or carports** where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- F. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-2 district.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

21.3 HEIGHT REGULATIONS:

- A. Maximum Height:**
1. Two and one-half stories, or 35 feet for the main building/house.
 - ~~2. One story for accessory buildings.~~
 - ~~3.~~ 2. Other (see Section 37.5).
-

21.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - 3,000 square feet.
2. **Minimum Lot Width** - 30 feet.
3. **Minimum Lot Depth** - 100 feet.

B. Size of Yards:

1. **Minimum Front Yard** - 25 feet.
2. **Minimum Side Yard:**
 - a. Single-family attached dwellings need not have a side yard, except that a minimum 15-foot side yard is required adjacent to a street. The ends of any two adjacent building complexes or rows of buildings shall be at least 15 feet apart. The required side yards shall be designated upon a plat approved by the City Council.
 - b. A complex of attached single-family dwellings shall have a minimum length of three dwelling units, and shall not exceed 200 feet in length or the width of six attached units, whichever is less.
3. **Minimum Rear Yard** - 25 feet for the main building ~~and any accessory building(s); ten feet from a main building to an accessory building.~~

21.5 SPECIAL REQUIREMENTS:

- A. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- B. Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
- C. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one or more acres.
- D. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- E. Single-family and two-family homes with **attached**, side entry garages **or carports** where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- F. Site plan approval (see Section 12) shall be required for any nonresidential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-2 district.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

22.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half stories, or 35 feet for the main building/house.
2. ~~One story for accessory buildings.~~
3. 2. Other (see Section 37.5).

23.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half stories, or 35 feet for the main building/house.
- ~~2. One story for accessory buildings.~~
- ~~3.~~ 2. Other (see Section 37.5).

24.3 AREA REGULATIONS:

A. Size of Yards (for each space within manufactured/mobile park or subdivision):

1. **Minimum Front Yard** – 25 feet from a dedicated street; 15 feet from any private street or drive.
2. **Minimum Side Yard** – Ten feet; 20 feet between units; 25 feet from any zoning district boundary line.
3. **Minimum Rear Yard** – Ten feet; 25 feet from any zoning district boundary line.
- ~~4. If a garage is provided, the entry (i.e., door) side of the garage shall have a 25-foot setback.~~
- ~~5. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak or porch which has a floor area exceeding 25 square feet, and which has an opaque top or roof, shall for purposes of all separation requirements be considered to be part of the manufactured/mobile home unit.~~

B. Size of Lot:

1. **Minimum Lot Area** – 5,000 square feet per unit.
2. **Minimum Lot Width** – 50 feet.
3. **Minimum Lot Depth** – 100 feet.

C. Minimum Floor Area per Dwelling Unit: 800 square feet.

D. Area for Manufactured Home Park – Minimum, three acres; maximum, 35 acres. The total area shall equal at least 5,000 square feet for each unit within the park.

E. Maximum Height Limit:

1. Two and one-half stories, or 35 feet for the main building/house.
- ~~2. One story for accessory buildings.~~
- ~~3.~~ 2. Other (see Section 37.5).

25.3 HEIGHT REGULATIONS:

A. Maximum Height (see also Subsection 26.4.B.5 below):

1. Two and one-half stories, or 35 feet for the main building/house.
- ~~2. One story for accessory buildings.~~
- ~~3.~~ 2. Other (see Section 37.5).

26.3 HEIGHT REGULATIONS:

A. Maximum Height (see also Subsection 26.4.B.5 below):

1. Two and one-half stories, or 35 feet for the main building/house.
- ~~2. One story for accessory buildings.~~
- ~~3.~~ 2. Other (see Section 37.5).

27.3 AREA REGULATIONS:

A. Size of Yards:

1. **Minimum Front Yard** – none specified.
2. **Minimum Side Yard** – none specified.
3. **Minimum Rear Yard** – none specified.

B. Size of Lot:

1. **Minimum Lot Area** – none specified.
2. **Minimum Lot Width** – none specified.
3. **Minimum Lot Depth** – none specified.

C. Height Regulations:

Maximum Height:

1. Two and one-half stories, or 35 feet for the main building/house.
2. ~~One story for accessory buildings.~~
3. ~~2.~~ Other (see Section 37.5).

D. Maximum Lot Coverage – none specified.

E. Parking Regulations – none specified.

28.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half stories, or 35 feet for the main building/house.
 2. ~~One story for accessory buildings.~~
 3. ~~2.~~ Other (see Section 37.5).
-

29.3 AREA REGULATIONS:

A. Maximum Height:

1. **Occupied structures/buildings** - Three stories or 45 feet, but limited to a maximum height of 35 feet on any portion of the site that is within 200 feet of any residentially zoned property (i.e., A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 or MH), and a maximum height of one story within 60 feet of residential.
 2. **Unoccupied structures** (e.g., private grain silos, private water towers/utility structures, communications antennae, etc.) - 60 feet; Where any structure over 35 feet in height is to be constructed on a site that is adjacent (or in close proximity) to a residential zoning district (A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 or MH), additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one additional foot for each foot that such structures exceed 35 feet. (Also see Section 37.6 for communications antennae and support structures/towers.)
 3. ~~One story for accessory buildings.~~
 4. ~~3.~~ Other (See Section 37.5)
-

SECTION 35 - ACCESSORY BUILDING AND USE REGULATIONS.

35.1 — In a single family or multi family district, an accessory building is a subordinate or incidental building, detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property. Accessory buildings shall not be permitted without a main building or primary use being in existence. The combined total square footage of all accessory buildings shall be no more than one half the square footage of the main structure, except for in Agriculture and Single Family — 15 zoning districts.

35.2 — In specified single family districts, an accessory dwelling unit is a subordinate or incidental building, detached from the main building, that is at least 400 square feet and no more than 1,000 square feet unless approved by a specific use permit, and under no circumstances more than half the size of the main structure, not used for commercial purposes. Accessory buildings shall be located toward the rear portion of the property. Accessory dwelling units shall not be permitted without a main building or primary use being in existence.

35.3 — In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property.

35.4 — AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:

A. — Accessory buildings shall not exceed one story in height, unless approved by a specific use permit.

35.5 — AREA REGULATIONS FOR ACCESSORY DWELLING UNITS IN RESIDENTIAL DISTRICTS:

A. — Size of Yards:

1. — **Front Yard:** Detached accessory dwelling units shall be prohibited in front of the main building. They shall be separated from the main dwelling unit by a minimum of ten feet.

2. — **Side Yard:** There shall be a side yard not less than ten feet from any side lot line, or alley line for any accessory dwelling.

3. — **Rear Yard:** There shall be a rear yard not less than ten feet from any lot line or alley line, or alley easement line, except that no more than 50 percent of the rear yard may be covered by an accessory dwelling unit.

35.1 ACCESSORY BUILDINGS

A. Residential Accessory Buildings

1. *In a residential district, an accessory building is a subordinate or incidental building, detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall not be permitted without a main building or primary use being in existence.*

2. **Maximum Height:**

a. **Agriculture Districts:**

1. Forty-five feet for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than 100 feet from any residential structure on the premises, and they are set back at least 100 feet or three times their height (whichever is greater) from any residential structure on adjacent property.

2. Twenty-five feet for other accessory buildings.

b. Single-Family and Multi-Family Districts – one story, unless approved by a specific use permit.

3. Size of Yards:

a. Front Yard – Carports and garages are allowed in front of the main building provided they meet the front yard setback requirements for the main building. Other detached accessory buildings shall be prohibited in front of the main building and shall be located toward the rear of the property.

b. Side Yard – There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). Garages or carports located and arranged to be entered from the side yard shall have a minimum distance of twenty-five feet (25') from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25') whichever is greater. Other setback requirements apply to certain agricultural structures as outlined above.

c. Rear Yard – There shall be a rear yard not less than three feet (3') from any rear lot line, except that;

1. Garages or carports that are arranged as to be entered by a motor vehicle from an alley or access easement shall be set back from the rear property line or access easement line a minimum distance of twenty-five feet (25').

2. Where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line;

3. Setbacks for carports shall be measured from the outermost limits of the roof nearest to the property line or access easement. (See Illustration 4).

4. **Area Regulations** – The combined square footage of all accessory buildings shall be no more than one half the square footage of the main structure, except for in Agriculture and Single-Family – 15 zoning districts.

5. **Separation Requirements** – The minimum separation distance from the main building to an accessory building shall be ten feet.

6. **Single-Family Residential Cottage Housing 55+ District** – Garages and/or carports shall conform to the main building with respect to color, style and materials.

B. Business or Industry Accessory Buildings

1. *In a commercial district, an accessory building is a subordinate building to the main building, and that is used for purposes accessory and incidental to the main use. Accessory buildings should be located to the rear portion of the property.*
2. **Maximum Height** – *one story, except for certain unoccupied structures located in Industrial districts. (See Section 29.3).*
3. **Size of Yards** – *same as for main structures in corresponding zoning districts.*
4. **Area Regulations** – *The area shall not exceed 50 percent of the floor area of the main building.*

35.2 ACCESSORY DWELLING UNITS

- A. *An accessory dwelling unit is a detached, subordinate or incidental dwelling unit located on a single-family residential property. Accessory dwelling units shall be located toward the rear portion of the property. Accessory dwelling units shall not be used for commercial purposes. Accessory dwelling units shall not be permitted without a main building or primary use being in existence.*
- B. **Maximum Height** – *one story, unless approved by a specific use permit.*
- C. **Size of Yards:**
 1. **Front Yard** – *Accessory dwelling units shall be prohibited in front of the main building. Accessory dwelling units shall be separated from the main structure by a minimum of ten feet.*
 2. **Side Yard** – *There shall be a side yard not less than ten feet from any side lot line or access easement. Accessory dwelling units with attached garages or carports located and arranged to be entered from the side yard shall have a minimum distance of twenty-five feet (25') from the side lot line. Accessory dwelling units with attached carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25') whichever is greater.*
 3. **Rear Yard** – *There shall be a rear yard not less than ten feet from any lot line or access easement, except that no more than 50 percent of the rear yard may be covered by an accessory dwelling unit. Accessory dwelling units with attached garages or carports that are arranged as to be entered by a motor vehicle from an alley or access easement shall be set back from the rear property line or access easement line a minimum distance of twenty-five feet (25').*
- D. **Area Regulations** – *The area of an accessory dwelling unit shall be a minimum of four hundred (400) square feet in area and shall be a maximum of one thousand (1,000) square feet in area, unless approved by a specific use permit. The area of the accessory dwelling unit shall not exceed fifty percent (50%) of the area of the main structure.*

A-3 DEFINITIONS

ACCESSORY BUILDING (RESIDENTIAL) - *In a residential district, a subordinate building that is ~~attached or~~ detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure).* Examples may include, but are not limited to, the following a

private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.

ACCESSORY BUILDING (BUSINESS OR INDUSTRY) - In the nonresidential districts, a *detached*, subordinate building to the main building ~~that does not exceed the height of the main building and does not exceed 50 percent of the floor area of the main building, and~~ that is used for purposes accessory and incidental to the main use (see "Accessory Use").

First reading this the 11th day of March 2019.

PASSED, APPROVED and ADOPTED this the **25th** day of **March, 2019** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Councilmember/Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Toni Clay, Councilmember	Aye
Robert Gross, Councilmember	Aye

5 voted in favor of the motion and
0 voted against the motion.

Motion carried 5-0

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary