

ORDINANCE NO. 12-2020

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE LAND DEVELOPMENT CODE OF THE ABILENE CITY CODE OF ORDINANCES, BY REPLACING THE ENTIRE TEXT OF CHAPTER 2, ZONING REGULATIONS, ARTICLE 4, USE REGULATIONS, DIVISION 4 ACCESSORY USES AND STRUCTURES, SECTION 2.4.4.2, CARPORTS AND PATIO COVERS; AMENDING CHAPTER 5, DEFINITIONS, ARTICLE 1, DEFINITIONS, DIVISION 1 DEFINITIONS, SECTION 5.1.1.4, GENERAL DEFINITIONS, (34) CARPORT AND PATIO COVERS (RESIDENTIAL AND NONRESIDENTIAL); AND DELETING CHAPTER 1, GENERAL PROVISIONS, ARTICLE 4, ZONING PROCEDURES, DIVISION 4 BOARD OF ADJUSTMENT, SECTION 1.4.4.1, SPECIAL EXCEPTIONS, CALLING A PUBLIC HEARING; PROVIDING A CRIMINAL PENALTY; AND A PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the Planning and Zoning Commission recommends the amendment of the Land Development Code with regard to carport and patio covers; and

WHEREAS, carport and patio covers will be allowed if they meet a standard of architectural compatibility in relation to the main structure of a property and also meet required setback, height, size and construction requirements; and

WHEREAS, carport and patio covers will no longer be subject to a special exception; and

WHEREAS, and some requirements of carport and patio covers may be waived by obtaining a variance.

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

PART 1: That Chapter 2, Article 4, Division 4, section 2.4.4.2, Carport and Patio Covers, of the Land Development Code of the City of Abilene Code of Ordinances is hereby deleted in its entirety and replaced with Section 2.4.4.2 Carport and Patio Covers, as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That Chapter 5, Article 1, Division 1, Section 5.1.1.4 (34) Carport and Patio Covers Residential and Nonresidential, of the Land Development Code of the City of Abilene Code of Ordinances is hereby amended as set out in Exhibit B, attached hereto and made a part of this ordinance for all purposes.

PART 3: That Chapter 1, Article 4, Division 4, Section 1.4.4.1(d) Special Exceptions, of the Land Development Code of the City of Abilene code of ordinances, is hereby amended by removing Paragraph (12) and, renumbering subsequent Paragraphs (13) and (14) accordingly. Paragraph (12) presently reads as follows:

(12) To allow a carport in a zoning district wherein a carport would otherwise be prohibited and/or to allow a carport on a lot upon which required front, side or rear setbacks would otherwise be violated.

PART 4: That any person, firm or corporation violating any of the provisions of these chapters shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 5: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PART 6: That if any provision or any section of this Ordinance shall be held to be illegal, invalid, void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING this 27th day of February, 2020.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 26th day of November, 2019, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 12th day of March, 2020 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 12th day of March, 2019.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



ORDINANCE NO. 12-2020

EXHIBIT "A"

AMEND: Remove existing Section 2.4.4.2 concerning Carports and Patio Covers, replacing it with the following new Section 2.4.4.2:

Section 2.4.4.2 Carports and Patio Covers

- (a) **General.** Carports and patio covers that are not attached to or abutting the principal building, or by breezeway, as defined in Chapter 5, shall not be considered part of the principal building and shall instead be considered an accessory structure. It is the continuing obligation of the owner or occupant to ensure the area underneath that structure continues to comply with the described standards for openness. Use of the structure for storage of non-motor vehicles is prohibited. Neither the roof nor any vertical support (posts, columns or piers) on a carport or patio cover shall encroach into any right-of-way or easement reserved for any purpose.
- (b) **Permits.** Construction or installation of any carport or patio cover shall require a building permit.
- (c) **Methods and materials of construction.** Construction or installation of carports and patio covers shall be in compliance with City of Abilene Code of Ordinances Chapter 8, Construction Regulations.
- (d) **Size.** Carports and patio covers shall count in the maximum square footage allowed for accessory buildings in residential zoning districts, where detached from a principal residence. Carports and patio covers attached to or abutting a principal residence shall not count toward allowable accessory building square footage.
- (e) **Measurement.** When measuring setbacks of carports and patio covers, measurement shall be from the leading edge or face of the roof.
- (f) **Setbacks.** Carports and patio covers shall adhere to all minimum building setbacks ordinarily required in the applicable zoning district, except as follows:
 - (1) **Street building setback.** For carports and patio covers as described below, the leading edge or face of the roof may extend no closer than five feet (5') from any lot boundary adjacent to a public or private street, provided that all the following conditions are met.
 - a. The leading edge or face of the roof shall be separated at least 15 feet from the back of street curb or, if a curb does not exist there, from the edge of any street surface.
 - b. Carports or patio covers extending in front of the minimum building setback otherwise required (from a lot boundary on a public or private street) shall be open-sided. A minimum 7 vertical feet from the finished floor level of any carport or patio cover shall be open and unencumbered by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Portions of a carport or patio cover situated behind the minimum required setback of the principal building may be partially enclosed.
 - c. On a lot or tract of land occupied exclusively (save and except for accessory buildings) by dwellings categorized as either single-family detached, duplex, patio home, townhome, mobile or manufactured home, a carport or patio cover extending in front of the minimum setback required for the principal residence must be attached to or abutting the principal residence. In no circumstance shall such open carport or patio cover project more than 22 feet from the structure to which it is attached or abuts. Such carports and patio covers must furthermore be architecturally compatible with the principal residential building on that same lot or tract of land. Compliance with at least two of the following three architectural standards is required:

- (i) pitch or slope of the roofline must be physically integrated or otherwise visually consistent with the appearance of the roofline on the principal residence (including attached garage) to which the carport or patio cover is attached or abuts;
 - (ii) roof covering on the carport or patio cover must be similar in color and material composition to roof covering on the principal residential building; and/or
 - (iii) beams or rafters supporting the roof covering must be made of wood or, if made of metal, covered from exterior view by wood (or cementitious fiber) fascia board.
- d. For the purpose of enforcing above-stated standards for architectural compatibility, an applicant for permit to build a carport or patio cover shall submit one or more elevation drawings which show exterior side and front views as well as materials planned to be used in constructing the proposed carport or patio cover. Drawings must illustrate how the proposed improvement will relate architecturally with the residential building to which that carport or patio cover is attached or abuts. Drawings and specifications shall be submitted to the Building Official or his/her designee, in addition to whatever information is ordinarily required with application for permit to build a carport or patio cover.

(2) **Interior side building setback.** The following minimum building setbacks from interior side lot boundaries (not adjacent to a street) shall apply to carports and patio covers:

- a. In all nonresidential, Residential Townhome (TH), and Residential Single-Family Patio Home (PH) zoning districts, carports and patio covers attached to or abutting an enclosed structure may extend as close to an interior side lot boundary as allowed for the principal building from that same side lot boundary. Within these same zoning districts, carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 3 feet from an interior side lot boundary. In the absence of a solid wall, this measurement shall be made from the leading edge or face of the roof on that carport or patio cover.
- b. In all other residential zoning districts, carports and patio covers which extend closer to an interior side lot boundary than the minimum setback otherwise required of the principal building shall be open-sided on at least 2½ of 3 sides projecting therein. A minimum 7 vertical feet from the finished floor level of any such carport, patio cover or portion thereof shall be open and unobstructed by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Such open-sided carports and patio covers which extend closer to an interior side lot boundary than the minimum setback (otherwise required of the principal building) shall extend no closer than 3 feet from that interior side lot boundary unless said boundary is adjacent to an alley, in which case only a minimum 1-foot setback is required. In the absence of a solid wall, these measurements shall be made from the leading edge or face of the roof on that carport or patio cover.

(3) **Rear building setback.** The following minimum building setbacks from rear lot boundaries shall apply to carports and patio covers:

- a. In all nonresidential zoning districts, carports and patio covers attached to or abutting an enclosed building may extend as close to the rear lot boundary as allowed by the minimum rear setback required (in that zoning district) for the enclosed building to which that carport or patio cover is attached or abutting. Carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 5 feet from a rear lot boundary, as measured from the leading edge or face of the roof.
- b. In all residential zoning districts, carports and patio covers attached to or abutting the principal building and which extend closer to a rear lot boundary than the minimum rear setback otherwise required of the principal building shall be open-sided on at least 2½ of 3 sides. A minimum 7 vertical

feet from the finished floor (platform) level of any such carport, patio cover or portion thereof shall be open and unobstructed by any structure, walls, screening or ornamental components of any kind except for posts, columns or piers supporting the roof and which are no greater than 24 inches in width or diameter. Open-sided carports and patio covers that are detached by more than six inches from an enclosed building shall extend no closer than 3 feet from a rear lot boundary unless said rear boundary adjoins an alley, in which case only a minimum 1-foot building setback is required. In the absence of a solid wall, these measurements shall be made from the leading edge or face of the roof on that carport or patio cover.

f) **Maximum height.** In all residential, Office, Neighborhood Office, Neighborhood Retail and Mixed Use Districts, the total height of a carport or patio cover (open on at least 2½ sides) shall not exceed 12 feet, with the following architectural exceptions allowed in all zoning districts where this 12-foot height limit is otherwise applicable:

- (1) where built into the roofline of the principal building and with the same roofing materials thereof, in which case the height shall not exceed the height of that principal building; or
- (2) where detached from the principal building and built with a pitched roof utilizing similar materials and colors to that of the roof covering the principal building, and the lowest horizontal feature (beam) of the roof structure does not exceed 12 feet in height above the finished floor (platform) level.

EXHIBIT "B"

AMEND: Remove existing definition of carport from Chapter 5 (Definitions) of Land Development Code of the Abilene City Code, replacing it with the following simplified definition:

CARPORT: A roof-covered structure designed and used for storing motor vehicles.

AMEND: Add the following definitions to Chapter 5 (Definitions) of Land Development Code of Abilene's City Code:

PATIO COVER: A roof-covered and often open-sided platform usually attached to or part of and with direct access to the principal building on a lot or tract of land.

ATTACHED CARPORT or PATIO COVER: A carport or patio cover fastened or affixed to the principal building.

ABUTTING CARPORT or PATIO COVER: A carport or patio cover situated within six inches measured edge to edge of respective roof coverings.

OPEN-SIDED: having a side or sides open.

-END-