

ORDINANCE NO. 759

AN ORDINANCE OF THE CITY OF HOWE, TEXAS REGULATING CARPORTS; PROVIDING FOR PROHIBITIONS; PROVIDING THAT CARPORTS PERMANENTLY AFFIXED TO THE GROUND ON THE EFFECTIVE DATE OF THIS ORDINANCE SHALL CONSTITUTE VALID NON-CONFORMING USES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A CRIMINAL PENALTY CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is vested with the ability to regulate buildings and accessory buildings and structures; and,

WHEREAS, the City of Howe, Texas is experiencing and is expected to continue to experience growth in residential sales and construction; and,

WHEREAS, the City Council desires to promote the construction of safe, sturdy and aesthetic structures which are in the best interest of public health, safety and welfare; and,

WHEREAS, the City Council desires to restrict the number of visual obstructions and reduce traffic hazards and prevent safety concerns caused by the placement or erection of temporary, inadequately secured or shoddy carports; and,

WHEREAS, the City Council previously passed Ordinance 643 regulating carports and finds it appropriate to incorporate updated building standards into the existing ordinance through the passage of this updated ordinance.

WHEREAS, the City Council does hereby find that the regulations adopted herein are in the best interest of the health, safety and welfare of the citizens.

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

SECTION 1 – INCORPORATION OF PREMISES

All of the above premises are hereby found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2 – DEFINITION

Carport: Any roofed or covered, open sided storage place. This definition includes, but is not limited to, any structure where sides of the structure are covered or screened, but does not meet the definition of a building.

Temporary Carport: A structure or unit designed as a temporary storage space with one or more open sides. This definition includes but is not limited to movable structures, portable metal carports, tents, awnings or similar structures.

2015 IRPC: 2015 International Residential Property Code (IRPC). A residential code addressing the design and construction of one and two-family dwellings and townhouses.

SECTION 3 – REGULATION OF CARPORTS

1. Temporary carports are prohibited within the City of Howe, Texas.
2. Except as specifically allowed below, carports are prohibited within the City of Howe, Texas.
3. By permit, one carport per residence or building, with a maximum of one carport per property, may be constructed and/or maintained if it complies with all the following.
 - a. The carport roof is supported and secured by at least four (4) permanent and integral support poles or beams (supports) placed into the ground a minimum of three (3) feet and reinforced with concrete.
 - b. The design and roof is to conform to 2015 IRPC standards, including but not limited to Chapter 8, Roof and Ceiling Constructions, R801.1. In addition, the roof shall be secured and fastened to the permanent supports in a manner designed to prevent the roof from lifting or separating from the supports in high winds and storm conditions.
 - c. The carport roof and all supports observe all of the following minimum setbacks:
 1. Ten (10) feet from any public sidewalk;
 2. Twenty (20) feet from the edge of any public street or roadway, to be measured from the outside edge of any paved surface or driving surface;
 3. Ten (10) feet from any street right-of-way;
 4. Twenty-five (25) feet from the front property line;
 5. Eight (8) feet from any other property line;
 - d. No carport may exceed more that 500 square feet in roofed area;
 - e. For any carport in a front or side yard, the height of the lowest eave line of the carport shall not exceed ten (10) feet or be higher than the lowest eave line of the residence, whichever is lower, provided that the carport eve shall not be lower than seven (7) feet;
 - f. The carport shall be used solely for parking of vehicles and not for any other purpose, including storage of any type;

g. The entire area beneath the roof shall be covered and protected by concrete, paving, gravel, or masonry product, and a vegetative barrier, if necessary, depending on the surface utilized, to prevent the growth of weed and noxious vegetation and to prevent erosion. In addition, the driveway leading from the carport to any street shall be paved with asphalt, concrete or rock, to match, at a minimum, the surface it connects to;

h. The carport must not intrude or overhang into any type of public utility or public drainage easement;

i. Only one (1) carport may be allowed on any one (1) lot or tract, unless said lot or tract is larger than two (2) acres, one (1) additional carport will be allowed;

j. No carport may be erected where it or its contents or any associated items creates a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent to the carport. Careful consideration should be given to corner lots where placement may interfere with line of sight. The City Engineer will have final determination of required sight lines regarding any such placement;

k. Any carport constructed with a metal roof shall be constructed of a minimum of twenty-six (26) gauge, 0.0185, metal with proper protective coating to prevent corrosion and oxidation. Metal roofing will be attached with appropriate screws consistent with manufacturer's recommendations. Conventional roofs shall meet applicable building codes, with composition shingles applied over approved decking. Corrugated metal and all fiberglass panels are expressly prohibited;

l. While screening with bushes, hedges or latticework will be permitted, not more than three (3) sides may be screened.

4. The appropriate city official shall have the authority to cause the removal of any temporary carport or carport which is not permanently affixed to the ground on the effective date of this Ordinance.

SECTION 4 – NON-CONFORMING USES

1. Any existing carport that does not conform to the regulations stated herein and existed prior to the passage of Ordinance 643 shall be deemed a non-conforming carport and shall be subject to the provisions of Subsection (3). It is the declared purpose of this Section that non-conforming carports eventually discontinue. Only carports permanently affixed to the ground may be granted prior non-conforming use.

2. A carport which has been permitted to remain in place as a non-conforming use shall be removed when the carport, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any reason, or becomes dilapidated. For purposes of this Ordinance, a carport or a substantial part of it is considered to have been destroyed only if the cost of repairing the carport is more than sixty percent (60%) of the cost of erecting a new carport at the same location.

3. The appropriate city official, after ten (10) days' written notice to the owner of the premises on which the carport is located, shall have the authority to remove any

non-conforming carport which either (1) was not permanently affixed to the ground on the effective date of this Ordinance, or (2) was erected in violation of the City Ordinance in effect at the time of its erection.

SECTION 5 – APPEALS

The City Council shall hear appeals with respect to the appropriate city official's interpretation and enforcement of this Ordinance. Any such appeal shall be brought by written application filed by an interested party to the City Council within ten (10) days after the action of the city official which is the subject of the appeal. Enforcement of this Ordinance shall be stayed pending such appeal. In hearing such appeals, the City Council shall review the determination of the appropriate city official and, in so doing, may consider if the regulations and standards of this Ordinance will, because of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship. The City Council shall act on the subject of the appeal. A decision of the City Council shall be final.

SECTION 6 – SEVERABILITY

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate a new revised provision in compliance with the authority's decision or enactment.

SECTION 7 – SAVINGS CLAUSE

All rights and remedies of the City of Howe, Texas are expressly saved as to all violations of the provisions of any other ordinance which was secured 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 court.

SECTION 8 – CUMULATIVE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Howe, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 9 – CRIMINAL PENALTY

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Five Hundred Dollars (\$500.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 10 – PUBLICATION

The City Secretary of the City of Howe is hereby directed to publish in the Official newspaper of the City of Howe, the Caption, as provided by Section 52.011 of the Texas Local Government Code.

SECTION 11 – EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HOWE, GRAYSON COUNTY, TEXAS, THIS ____ day of _____, 2019.

Mayor, City of Howe

ATTEST:

City Secretary