

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING APPENDIX A - ZONING OF THE SAGINAW CITY CODE, TO AMEND REGULATIONS GOVERNING THE PLACEMENT OF CARPORTS WITHIN THE CITY; PROVIDING A DEFINITION OF CARPORT; PROVIDING FOR STANDARDS GOVERNING INSTALLATION AND DESIGN; PROVIDING FOR ADDITIONAL REGULATIONS GOVERNING CARPORTS LOCATED WITHIN LI AND HI ZONING DISTRICTS; REPEALING THE CARPORT OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, convenience and enjoyment of the general public and has adopted zoning regulations to further this interest; and

WHEREAS, the City Council has previously adopted regulations governing the location, installation and design of carports within the City; and

WHEREAS, the City Council now deems it in the best interest of the public health, safety, morals and general welfare of the City to amend said regulations; and

WHEREAS, public hearings were held in accordance with the requirements of the Local Government Code after proper notice of these hearings was given in accordance with said Code.

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

SECTION 1.

Section 5-1. “Permitted use table” of Article 5 “Permitted Uses” of Appendix A-Zoning of the Saginaw City Code is hereby amended by amending the Accessory Use “Carport, Residential,” to read as follows:

ACCESSORY USES											Land Use Designation	Nonresidential						Supplemental Conditions
A G	S F 1	S F 2	S F 3	S F 4	S F A	D X	Z L L	M H	M F 1	M F 2		O P	N C	C C	C F	L I	H I	
S	S	S	S	S	S	S	S	S	P	P	Carport, Residential				P	P	P	21

SECTION 2.

Section 5-2. “Special conditions for listed uses.” of Article 5 “Permitted Uses” of Appendix A “Zoning” of the Saginaw City Code is hereby amended, by amending Special Condition “21” to read as follows:

“21. Must comply with regulations provided in Section 8-6.D., Carport.”

SECTION 3.

Section 12-2. “Definitions” of Article 12 “Definitions” of Appendix A “Zoning” of the Saginaw City Code is hereby amended by adding a definition for carports, inserted alphabetically to read as follows:

“*Carport*. A structure which is allowed between the property line and the required front build line, is unenclosed by any coverings on at least three sides, and is an integral portion of the primary structure, constructed for the purpose of providing covering for the off-street parking of private vehicles.”

SECTION 4.

Section 8-6. “Miscellaneous requirements.” of Article 8 “Supplemental District Regulations” of Appendix A “Zoning” of the Saginaw City Code is hereby amended by adding subsection D. to read as follows:

“D. *Carports*. All carports constructed prior to the repeal of the carport overlay district, and which comply with other applicable provisions of the city code, are considered lawfully existing uses. All carports constructed on or after the effective date of this Ordinance shall comply with the regulations set forth in this subsection, other regulations contained in appendix A of this Code, and other applicable provisions of the city code.

1. Installation and design. The installation and design of carports shall meet the

following standards:

- a. No more than one carport shall be permitted per residential lot, unless otherwise approved by city council.
 - b. No carport may exceed more than 600 square feet in roofed area.
 - c. No carport may exceed more than ten feet in clear opening height for any open sided area.
 - d. Carports shall maintain the required side yard setback from the property lines according to the applicable zoning district or approved development agreement.
 - e. The front setback for carports shall be a minimum of ten feet from the back of the curb, but in no case shall any portion of the carport project beyond the property line.
 - f. Construction must be compatible in both design and materials with the primary structure and shall meet the requirements of the city building code as adopted by the city. However, the city council may modify construction design and material requirements when reviewing a specific use permit application and may impose different conditions for construction design and materials in approving any specific use permit.
2. Carports within property zoned LI or HI. All carports located within property zoned LI or HI shall be subject to the additional following regulations:
- a. No carports may be constructed over the building line on property abutting any one of the following roadways: Saginaw Boulevard (Business 287/81), Blue Mound Road (FM 156), McLeroy Boulevard, and Bailey Boswell Road.
 - b. The maximum depth of a carport shall be 20 feet.
 - c. The maximum width of carport shall not exceed maximum width of the primary building on the property.
 - d. No carport shall extend or overhang into any public right-of-way or easement.
 - e. All carports shall be engineered by a professional engineer who is licensed by the State of Texas.
 - f. No wood construction, corrugated barn tin, corrugated fiberglass or similar construction is permitted.

- g. Shade structures are permitted, provided they are designed in accordance with subsections e and f, above.
 - h. Any application permit for a carport under this section must also be approved by the city's fire department.
3. Fees. All permits and fees relating to development shall be subject to the requirements as established by the city."

SECTION 3.

Section 7-2. "Carport overlay district" of Article 7 "Special Districts" of Appendix A-"Zoning" of the Saginaw City Code, is hereby deleted in its entirety.

SECTION 4.

This ordinance shall be cumulative of all other ordinances of the City of Saginaw and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

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, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

All rights or remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the Saginaw City Code or any amendments thereto regarding carports or the industrial carport overlay district that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 9.

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the ____ day of _____, 2022.

Todd Flippo, Mayor

ATTEST:

Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, City Attorney