

ORDINANCE NO. 2024-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE ODESSA CITY CODE CHAPTER 14 "ZONING" BY ADDING ARTICLE 14-21 "CARPORT OVERLAY ZONE"; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS NOTICED AND WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Odessa to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, convenience, and general welfare be promoted; and

WHEREAS, in November 2023, City Council directed the planning staff to consider more flexible zoning to allow carports to be placed within the front or sides of homes; and

WHEREAS, the planning staff conducted considerable research and has prepared a proposed Carport Overlay Zone to be included in the City Code of Ordinances; and

WHEREAS, the Planning and Zoning Commission after considerable study recommended denial of the proposed Carport Overlay Zone; and

WHEREAS, the planning staff conducted follow-up research after the Commission meeting to address each of the concerns and staff is confident that the issues have or will be addressed, and that the proposed Carport Overlay Zone should be approved; and

WHEREAS, all public hearings were held in accordance with Section 211.007, Local Government Code, and notice was published in a paper of general circulation in the City of Odessa in accordance with Section 211.006, Local Government Code.

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

Section 1. That the Odessa City Code Chapter 14 “Zoning” is hereby amended by adding a new Article 14-21 “Carport Overlay Zone” as follows:

**CHAPTER 14
ZONING**

**ARTICLE 14-21
CARPORT OVERLAY ZONE**

Sec. 14-21-1 Purpose and Intent

The purpose of the Carport Overlay Zone is to allow carports to be built closer to front and side property lines than normally allowed by zoning in established residential neighborhoods. The Overlay Zone will allow Odessa residents to provide covered parking, shade, and protection from the elements for their vehicles in situations where there is insufficient space to meet required city zoning setbacks. Carports will now be allowed within those zoning setbacks and in front of a home provided certain standards are met.

Sec. 14-21-2 Overlay Area

The Carport Overlay Zone shall be the area shown on the attached **Exhibit “A”**. Properties within this area may erect carports subject to the applicable allowances and restrictions below. Any regulations within this overlay zone will override those in the base zoning district. Where the overlay is silent, the base zoning district standards shall rule.

Sec. 14-21-3 Applicability

Carports for single-family dwellings not prohibited by deed restriction may be located within required front and side yard setbacks if located within the Carport Overlay Zone as shown on **Exhibit “A”**, subject to obtaining a building permit, and located within the following zoning districts:

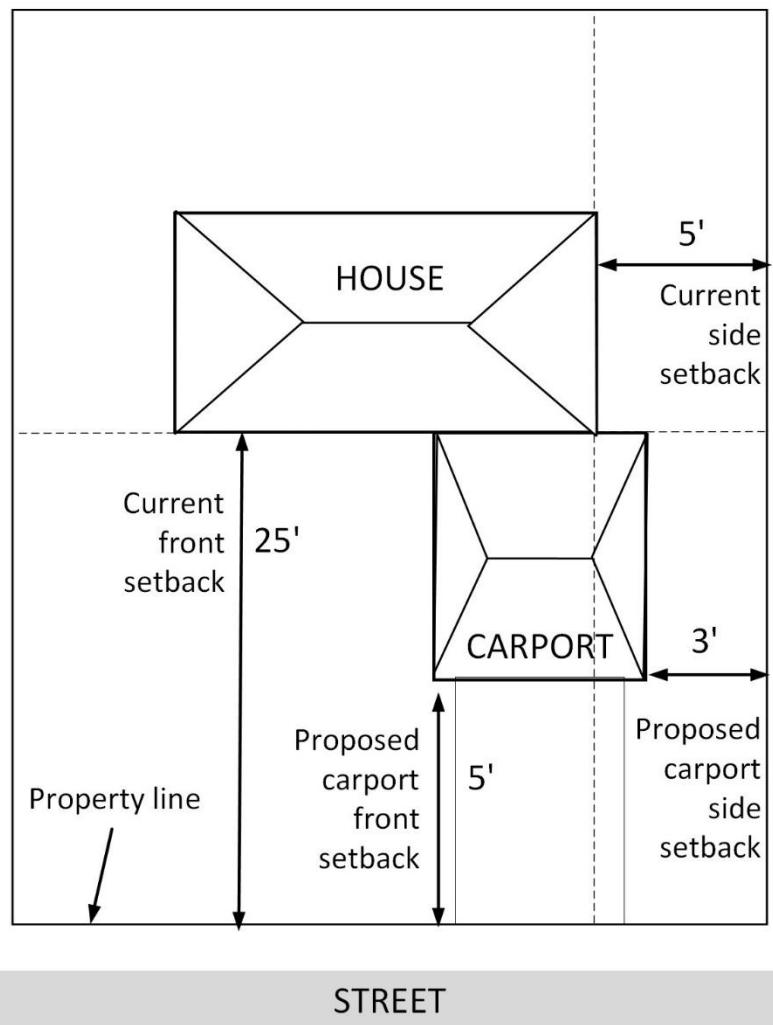
- (1) SF-2, Single-Family Residence District-2;
- (2) SF-3, Single-Family Residence District-3; and,
- (3) SF-4, Single-Family Residence District-4.

Sec. 14-21-4 Regulations

- (a) Carports located within a required front or side yard setback must be either attached to or abutting the principal dwelling, or if detached, they shall be at least 6 feet from the principal dwelling or any other structure.
- (b) No portion of the carport including eave or roof extensions may be erected closer than five (5) feet of the front property line, and 10 feet from back of curb or street edge in the absence of a curb, as shown on **Exhibit “1”**.

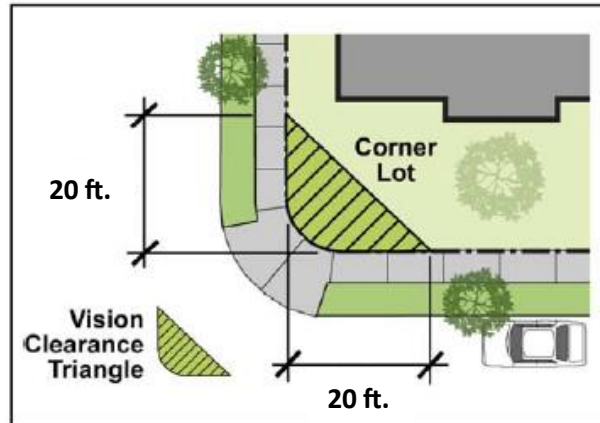
- (c) No portion of the carport including eave or roof extensions may be erected closer than three (3) feet of the interior side property line, as shown on **Exhibit “1”**.
- (d) The allowed setbacks in (3) and (4) above shall rule over any setback line shown on a plat of record, unless there are associated deed restrictions requiring the platted setback, then the deed restrictions shall prevail.
- (e) Any other applicable setbacks as outlined in the Zoning Ordinance, *International Building Code (IBC)*, or *International Fire Code (IFC)* shall be complied with.
- (f) Carports may not be located within a required front yard or side yard facing a street if located on an arterial or collector street.
- (g) On a lot with two (2) street frontages, no portion of the carport including eave or roof extensions may be erected closer than five (5) feet to the property line facing the side street, and 10 feet from back or curb or street edge in absence of a curb.

Exhibit “1”



- (h) The carport shall be designed with a gutter system that diverts rainwater away from the structure but within the same property.
- (i) No portion of the carport shall be located within an easement, or on a corner lot within a 20-foot by 20-foot sight triangle beginning where the two (2) property lines intersect, or where there is a curve, where the two (2) property lines would meet if extended past the curve as shown on **Exhibit “2”**.

Exhibit “2”

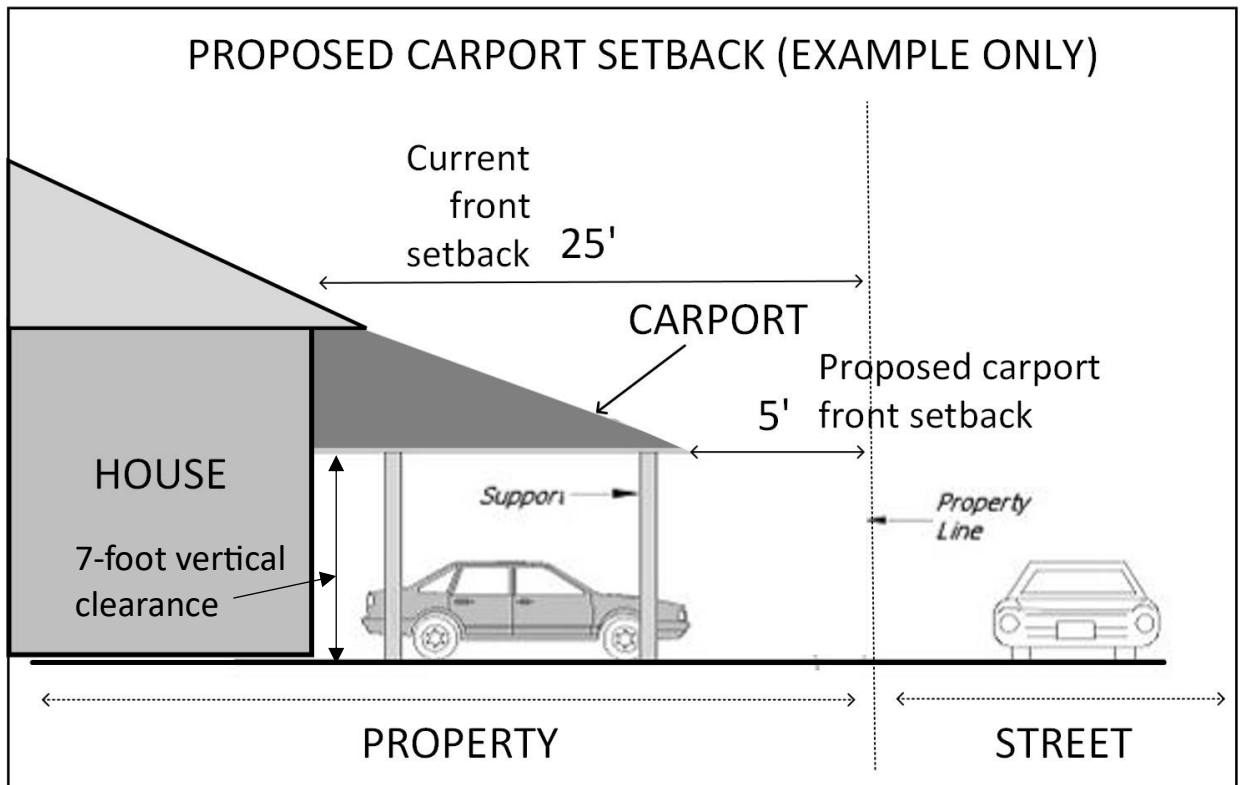


- (j) Carports shall count towards the maximum lot coverage allowed in the respective zoning district.
- (k) A maximum of one (1) carport is allowed within the required front and side yard setbacks, with a maximum area of 500 square feet.
- (l) The roof height of the carport shall not exceed the height of the roof of the principal dwelling. Additionally, the eave height of the carport shall not exceed the eave height of the principal dwelling. On a property with a principal dwelling greater than one-story in height, the eave height of the carport shall not exceed half of the height of the abutting wall. Eave height shall be measured from the adjacent grade to the underside surface of the eave.
- (m) Parking underneath the carport shall be exclusively for residential vehicles such as cars, light trucks, and motorcycles for the occupants of the property and their guests. Commercial vehicles as defined in the Zoning Ordinance and Odessa City Code, and non-vehicle storage is prohibited.
- (n) Parking underneath the carport shall be on a paved surface of concrete or asphalt with a paved connection of the same material extending to the street edge.
- (o) All parking spaces shall meet the minimum dimensional requirements under the Zoning Ordinance.

Sec. 14-21-5 Design Standards

- (a) A minimum seven (7) vertical feet from finished grade to under the roof shall be free and unencumbered by any walls, screening, or ornamentation, except for vertical support posts a maximum of 24 inches in width and any portion attached to the principal dwelling as shown on **Exhibit “3”**. Support posts not required for structural safety shall not be allowed.

Exhibit “3”

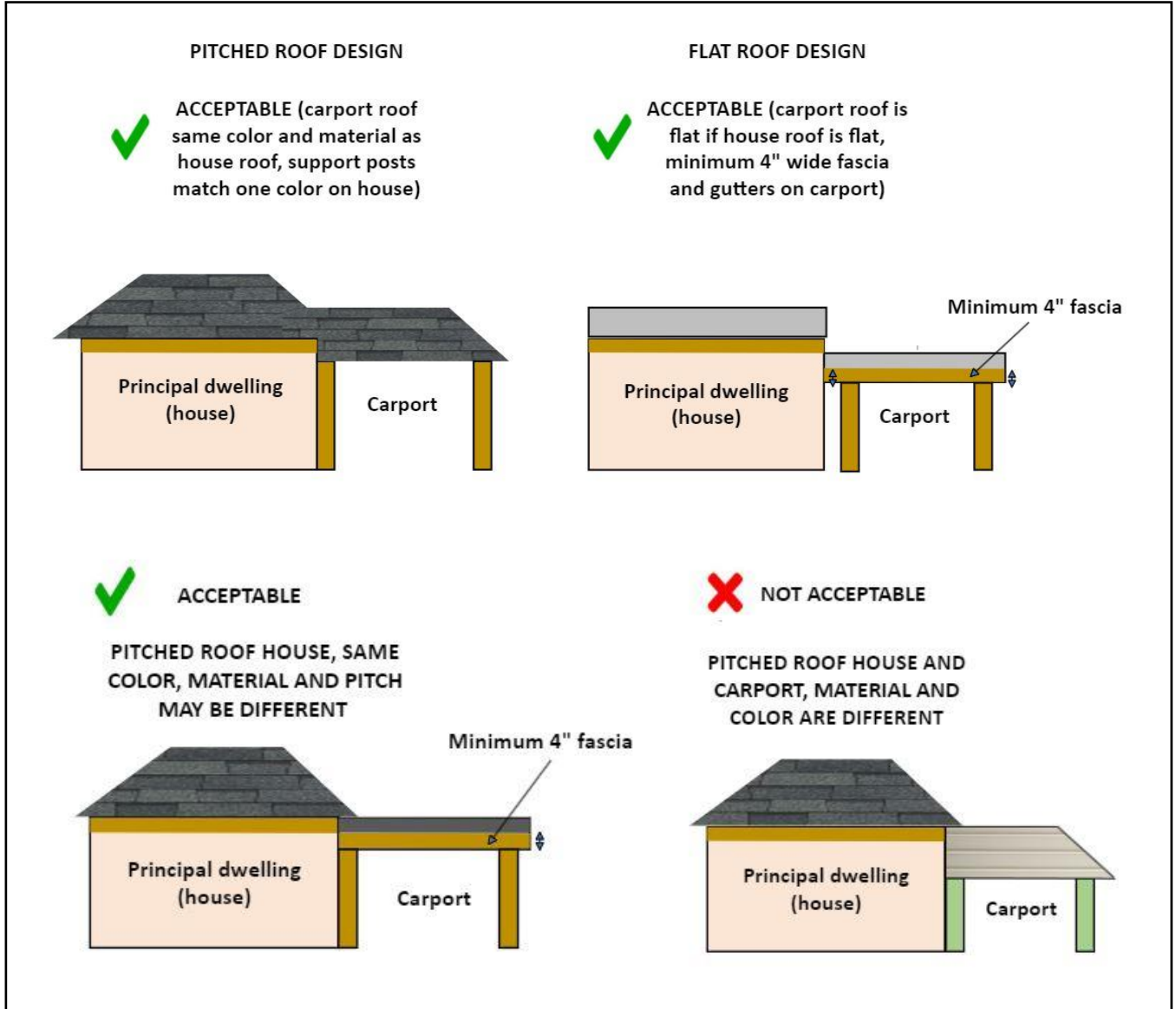


- (b) The following design standards shall apply in the Carport Overlay Zone:

- (1) The color of the carport roof shall be the same as the color of the principal dwelling roof, and the carport posts must be painted the same as one of the colors on the principal dwelling (see **Exhibit “4”**).
- (2) The material of the carport roof shall be the same as the material of the principal dwelling roof unless the carport roof is flat in which case there shall be fascia (trim), and any gutters, at least four (4) inches wide with the fascia painted one of the same colors as the principal dwelling (see **Exhibit “4”**).
- (3) Where the principal dwelling roof is flat, the carport roof shall also be flat with fascia (trim), and any gutters, at least four (4) inches wide, and the fascia painted one of the same colors as the principal dwelling (see **Exhibit “4”**).
- (4) The carport shall be structurally integrated with the principal dwelling if attached.

- (5) Any lighting on the carport shall be shielded or directed so as not to project directly onto surrounding residential property, and an electrical permit shall be obtained from the Building Inspection Division.
- (6) Carports must be permanent structures, constructed of hard surface materials with support posts set in concrete. Cloth, fabric, or other tent-like structures shall not be allowed as carport roofing materials.

Exhibit “4” (illustration only)



Sec. 14-21-6 Application Submittal

- (a) The applicant shall submit as part of the required building permit to the Building Inspection Division:
 - (1) A site plan, showing the location and setbacks of the carport to property lines, and all existing structures on the property, drawn to scale.

- (2) Construction elevations, showing the front and side view of the proposed carport, including the proposed materials, colors, and roof pitch, drawn to scale.
- (b) Drawings shall be reviewed by the Planning Manager or his or her designee for compliance with this section of the Zoning Ordinance. The Planning Manager or his or her designee shall approve, approve with conditions, or disapprove the drawings within 30 days upon permit submission and provide a decision letter to the applicant.
- (c) The applicant may appeal the decision to the Zoning Board of Adjustment (ZBA) by submitting a letter to the Planning Manager which must be received by mail or in person within 15 calendar days from date of the decision letter.

Sec. 14-21-7 Legal Non-Conforming Structures

- (a) Carports legally existing prior to the original Odessa Zoning Ordinance of September 26, 1950, that do not comply with one or more of these requirements but located on private property are considered legal non-conforming and shall be allowed to continue so long as the carport is not enlarged, expanded, or extended. Any enlargement, expansion, or extension shall comply with all applicable provisions of the current ordinance.
- (b) Carports built on or after September 26, 1950, and before January 1, 2008, that do not comply with Sections 14-21-4 or 14-21-5 shall be allowed to continue so long as no portion of the structure is in violation of another city ordinance such as fire or building codes. Any enlargement, expansion, or extension shall comply with all applicable provisions of the current ordinance.
- (c) Any portion of a carport located within a public right-of-way shall be removed.

Sec. 14-21-8 Enforcement

The City may proceed with enforcement for any violations of this ordinance as outlined in Section 1-1-9 "General Penalty" of the City Code of Ordinances.

Sec. 14-21-9 Definitions

Notwithstanding the definition of a carport under Section 14-19-1 of the Zoning Ordinance, carports in the Carport Overlay Zone shall be open on all sides not attached to a building.

- (1) Abutting. Immediately next to another structure.
- (2) Detached. At least 6 feet from another structure.
- (3) Flat Roof. A roof slope of under 2/12.

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity

of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That any person violating the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and shall be punished by a fine not to exceed two thousand dollars (\$2,000) as provided in Odessa City Code Section 1-1-9 “General Penalty”.

Section 4. That the caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the city of Odessa as provided by City Charter Section 65.

Section 5. That this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter Sections 61 and 65.

The foregoing ordinance was first approved on the 26th day of March, A.D., 2024, by the following vote:

| | |
|--------------------|-----|
| Mark Matta | AYE |
| Steven P. Thompson | NAY |
| Gilbert Vasquez | AYE |
| Greg Connell | AYE |
| Chris Hanie | AYE |
| Denise Swanner | AYE |
| Javier Joven | AYE |

The foregoing ordinance was adopted on second and final approval on the 9th day of April, A.D., 2024, by the following vote:

| | |
|--------------------|--------|
| Mark Matta | ABSENT |
| Steven P. Thompson | AYE |
| Gilbert Vasquez | AYE |
| Greg Connell | AYE |
| Chris Hanie | AYE |
| Denise Swanner | AYE |
| Javier Joven | AYE |

Approved this the 9th of April, A.D., 2024.

Javier Joven, Mayor

ATTEST:

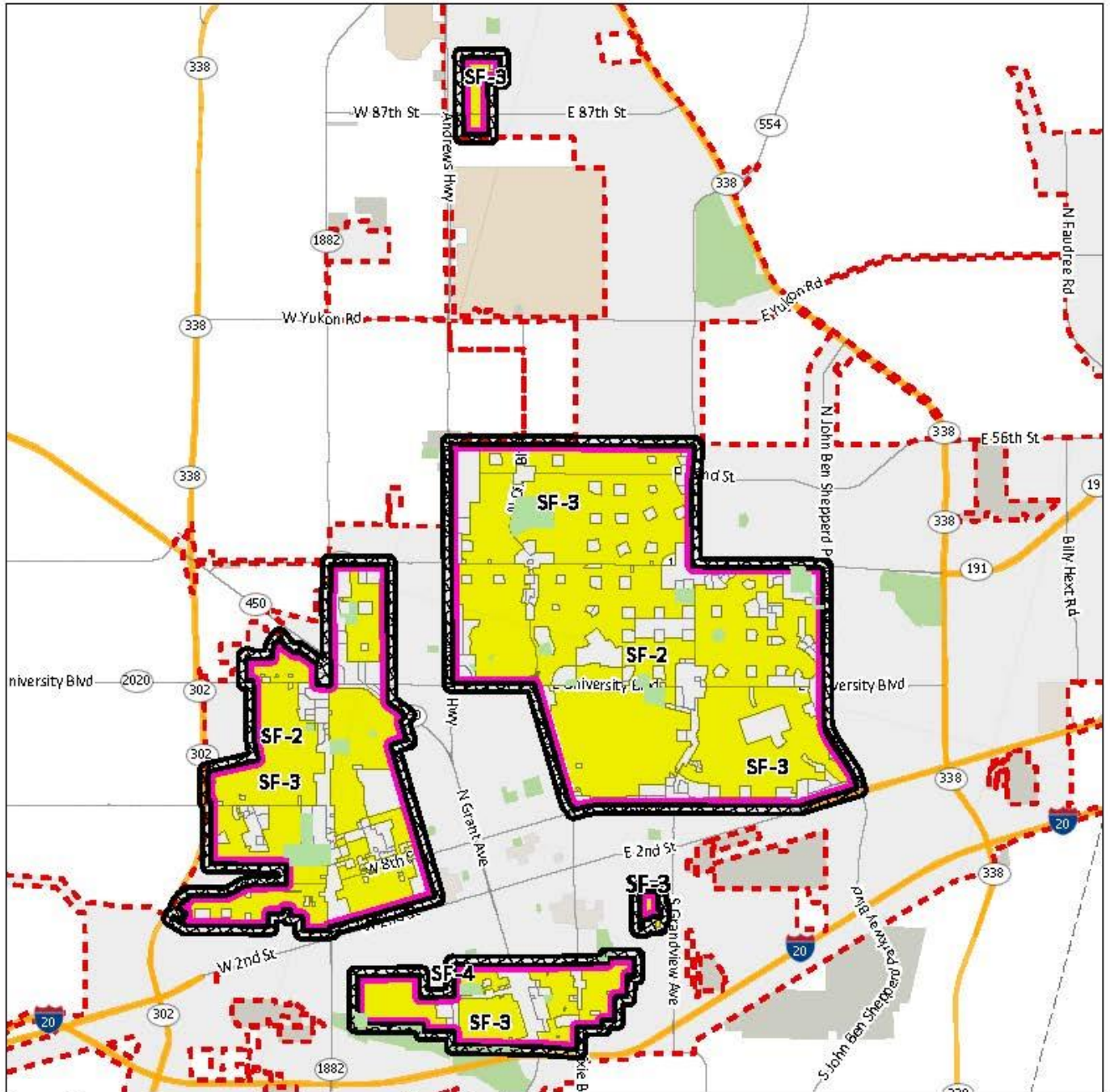
Norma Aguilar, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney

**ORDINANCE NO. 2024-___
EXHIBIT "A" – CARPORT OVERLAY ZONE**

**Location Map / Mapa de Ubicación
Carport Overlay Zone / Zona de Sobreposición para Cochera**



Case File No. 2024-01-Z **1 inch = 1 mile**

Consider a request by the City of Odessa to establish a Carport Overlay Zone to allow a carport to be located within the front and side yard setbacks within the SF-2, SF-3, and SF-4 Districts subject to complying with certain standards.

Considerar una solicitud de la Ciudad de Odessa para establecer una Zona de Sobreposición para Cochera que permita la ubicación de una cochera dentro de los márgenes de retroceso delantero y lateral dentro de los Distritos SF-2, SF-3 y SF-4, sujeto al cumplimiento de ciertos estándares

Legend

- Proposed Carport Overlay Zone
- SF-2, SF-3, SF-4
- 200 ft Buffer
- Other Zoning
- City Park
- City Limits

