

ORDINANCE NO. 792-2023-12

AN ORDINANCE OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS AMENDING CHAPTER 34 "ZONING ORDINANCE" OF THE CITY OF VENUS, ARTICLE III, SUPPLEMENTAL DISTRICT REGULATIONS," BY ADDING SECTION 34-90 ENTITLED "CARPORT, RESIDENTIAL", INCLUDING REGULATIONS GOVERNING THE PLACEMENT OF CARPORTS WITHIN THE CITY; PROVIDING A DEFINITION OF CARPORT; PROVIDING FOR STANDARDS GOVERNING INSTALLATION AND DESIGN; 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 has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the public and has adopted zoning regulations to further this interest; and

WHEREAS, the City Council deems in the best interest of the public health, safety, morals, and general welfare of the City to adopt regulation governing the location, installation and design of carports within the city; and

WHEREAS, a public hearing was 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 VENUS, TEXAS, AS FOLLOWS:

SECTION 1.

That Chapter 34 "Zoning" Article III "Supplementary District Regulations" is hereby amended to read and include Section 34-90 "Carport, Residential." and which shall read as follows:

"...

Section 34-90 Carport, Residential

34-90 (a) "*Carport* shall mean. 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 not an integral portion of the primary structure, constructed for the purpose of providing covering for the off-street parking of private vehicles."

34-90 (b). All carports constructed prior to the enactment of the ordinance, 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 inside the Original Town of

Venus, Venus Land & Improvement Addition, and Truelove Addition Johnson, County overlay district shall comply with the regulations set forth in this section, 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 the City Council.
 - b. No carport may exceed more than 600 square feet in a roofed area.
 - c. No carport may exceed more than ten (10) feet in clear opening height for any open sided area.
 - d. Carports shall maintain the required side yard back from the property lines according to the applicable zoning district.
 - e. The front setback for carports shall be a minimum of five (5) feet from the back of 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. The Chief Building Official (CBO) may modify construction design and material requirements when reviewing a carport permit application, site plan and may impose different conditions for construction design and materials in approving any carport permit.
 - g. Properties with existing attached or detached garages within the overlay district are not permissible.
 - h. The maximum depth of a carport shall be twenty (20) feet.
 - i. The maximum width of the carport shall not exceed the maximum width of the primary building on the property.
 - j. No carport shall extend or overhang into any public right-of-way (ROW) or easement.
 - k. Any application permit for a carport under this section must also be approved by the city's fire department.
2. Fees. All permits and fees relating to development shall be subject to the requirements as established by the city.

34-90 (c). Use chart.

Accessory Uses				Land Use Designation	Article III. Supplementary District Regulations
R-1	R-1S	R-2	R-3		
S	S	S	S	Carport, Residential	Special Conditions

SECTION 2.

This Ordinance shall be cumulative of all other ordinances of the City of Venus 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 3.

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 4.

All rights or remedies of the City of Venus, Texas, are expressly saved as to any and all violations of the City of Venus 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 5.

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 (\$2,000.00) for each violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Venus, Texas is hereby directed to publish at least once in the official newspaper of the City of Venus, the caption, and the penalty clause of this ordinance in accordance with Section 52.011(a) of the Local Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
VENUS, TEXAS ON THIS THE 11th DAY OF DECEMBER 2023.



CITY OF VENUS, TEXAS

ALEJANDRO GALAVIZ, Mayor

ATTEST:

CALLIE GREEN, City Secretary

APPROVED AS TO FORM:

MICHAEL HALLA, City Attorney