

ORDINANCE NO. 04-15

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF DEVINE TO ALLOW OPEN CARPORTS, WHETHER ATTACHED OR DETACHED, TO BE BUILT IN RESIDENTIAL DISTRICTS NO CLOSER THAN 15 FEET TO THE FRONT PROPERTY LINE; AND, PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS: The CITY OF DEVINE is a duly incorporated city under the general laws of the State of Texas; and,

WHEREAS: The legislative body of a duly incorporated city under the general laws of the State of Texas is authorized, for the purpose of promoting health, safety, morals, and for the protection and preservation of places and areas of historical, cultural, or architectural importance and significance, or the general welfare of the community, to regulate and restrict the height, number of stories, and size of buildings, and other structures, the percentage of lot that may be occupied, the size of the yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic, cultural, or architectural importance and significance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures by Texas Local Government Code Section 211.001 et seq.; and,

WHEREAS: The legislative body of a duly incorporated city under the general laws of the State of Texas is authorized from time to time to amend, supplement, change, modify, or repeal zoning ordinances by Texas Local Government Code Section 211.002; and,

WHEREAS: The CITY OF DEVINE has followed the procedure prescribed by statute to amend its zoning ordinance; and,

WHEREAS: The City Council of the CITY OF DEVINE has found that changed circumstances made the zoning changes reflected in this ordinance reasonable and necessary; and,

WHEREAS: The amendments to the CITY OF DEVINE's zoning ordinance made herein would serve to promote the health, safety, morals and general welfare of the citizens of the CITY OF DEVINE; and,

WHEREAS: It has been brought to the attention of the City Council of the City of Devine by numerous citizens that open carports, either attached or detached, protect vehicles from the sun and weather; and,

WHEREAS: The City Council has previously granted several variances allowing carports to be built that would have otherwise violated the area restrictions contained in the City of Devine's zoning ordinance;

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

Section 1. Amendment. Article 13 of the zoning ordinance of the CITY OF DEVINE is hereby amended to add the following:

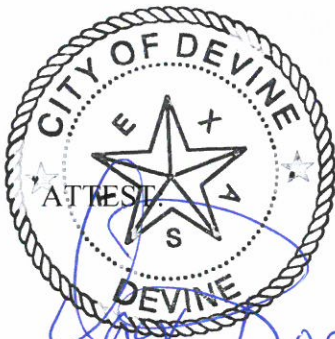
Section 7. Open carports. Notwithstanding any other area requirement, set back requirement or other contrary provision of this zoning ordinance, an open carport, either attached or detached, may be built in any residential district not less than 15 feet from the front property line to the front of the carport. For purposes of this zoning ordinance, the term "open carport" shall not be included in the definition of the term "building."

Section 2. Code of Ordinances. It is the intention of the City Council of the CITY OF DEVINE that this ordinance shall become a part of the Code of Ordinances of the CITY OF DEVINE and may be renumbered and codified therein accordingly.

Section 3. Effective Date. This ordinance shall take effect immediately upon its passage and approval.

Section 4. Severability. If any section, provision, subdivision, clause or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part or provision contained herein.

PASSED, APPROVED AND ADOPTED at the regular called meeting held on the 21st day of April, 2015.



Dora V. Rodriguez
DORA V. RODRIGUEZ, CITY SECRETARY

William L. Herring
WILLIAM L. HERRING, MAYOR