

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MISSION CODE OF ORDINANCES, APPENDIX A, ZONING, ARTICLE IV, SECTION 1.17, POWERS OF BOARD OF ADJUSTMENT, TO AUTHORIZE THE ZONING BOARD OF ADJUSTMENT TO HEAR AND DECIDE SPECIAL EXCEPTIONS EXPRESSLY AUTHORIZED BY APPENDIX A; AMENDING ARTICLE XIII, EXCEPTIONS AND MODIFICATIONS, SECTION 1.59, GENERAL, BY ADDING A SPECIAL EXCEPTION AUTHORIZING A CARPORT ACCESSORY TO AN EXISTING SINGLE-FAMILY OR TWO-FAMILY RESIDENCE TO ENCROACH INTO THE REQUIRED FRONT SETBACK; ESTABLISHING STANDARDS, PROCEDURES, AND CONDITIONS FOR SUCH SPECIAL EXCEPTIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Mission is a home-rule municipality possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, Pursuant to the laws of the State of Texas, including Section 51.001 of the Texas Local Government Code, the City Council has the authority to adopt an ordinance that, among other things, is for good government, peace, or order of Mission; and

WHEREAS, The amendments are consistent with the purpose of the Mission Comprehensive Plan, which is to provide a growth-friendly economic development environment that also preserves and enhances the character of the area; and

WHEREAS, The amendments are also consistent with Chapter 211, Municipal Zoning Authority, Sections 211.003, 211.008, and 211.009 of the Texas Local Government Code; and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendment and has recommended approval; and

WHEREAS, The City of Mission has complied with all notices and public hearings as required by law; and

WHEREAS, The City Council of the City of Mission finds that it is in the best interests of the citizens of Mission to amend the Code of Ordinances as set forth below;

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

SECTION 1: That the City of Mission Code of Ordinances, Appendix A, Zoning, Article IV, Section 1.17, Powers of board of adjustment, is hereby amended by adding at the end of said section a new provision, with the language underlined (added) to read as follows.

Special exceptions. In addition to the other powers set forth in this section, the board shall have the power to hear and decide special exceptions to the terms of this ordinance when this ordinance expressly authorizes the board to grant the special exception, subject to the standards, conditions, and procedures set forth in this ordinance and in accordance with Section 211.009(a)(2) of the Texas Local Government Code.

SECTION 2: That the City of Mission Code of Ordinances, Appendix A, Zoning, Article XIII, Exceptions and Modifications, Section 1.59, General, is hereby amended by adding a new subsection 8, with the language underlined (added) to read in full as follows.

8. Special exception for carports encroaching into the required front setback.

- (1) Authorization. The Zoning Board of Adjustment may grant a special exception authorizing a carport that is accessory to an existing single-family or two-family residence to encroach into the required front setback of the lot. A special exception under this subsection does not authorize relief from any side or rear setback requirement, does not apply to property in a nonresidential district, and does not authorize any encroachment or construction other than as shown on the site plan approved by the board.
- (2) Required findings; burden of proof. The board shall grant a special exception under this subsection only if it makes an affirmative finding, based on the evidence presented at the public hearing, that each of the following standards is satisfied. The applicant bears the burden of proof on each standard:
 - a. There is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space;
 - b. The carport will not have a detrimental impact on surrounding properties;
 - c. The carport will be located and will remain entirely outside the public right-of-way, all utility and drainage easements, and all applicable sight-visibility triangles;
 - d. The carport will not interfere with sidewalks, drainage, utilities, or safe vehicular access;
 - e. The carport will comply with all building, fire, floodplain, and other applicable codes and regulations of the city; and

f. The carport, including its size, location, and construction materials, is compatible with the character of the neighborhood and will not adversely affect the value of surrounding properties.

- (3) Support or opposition. The existence or absence of support for, or opposition to, an application shall not by itself constitute grounds for granting or denying a special exception under this subsection. The board shall consider evidence of support or opposition only to the extent it relates to the standards set forth in this subsection.
- (4) Procedures; required vote. Each application for a special exception under this subsection shall be filed, processed, noticed, heard, and decided in accordance with the application, fee, site-plan, and public-hearing procedures of Article IV of this ordinance, including written notice of the public hearing to the owners of real property lying within 200 feet of the property on which the special exception is requested, as provided in Section 1.16. The concurring vote of 75 percent of the members of the board (four (4) members of the city's five-member board) is necessary to grant a special exception, as required by Section 211.009(c) of the Texas Local Government Code.
- (5) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (6) Recording. If the Zoning Board of Adjustment grants a special exception under this subsection, the city shall cause a memorandum of the special exception, identifying the property, the approved site plan, and the material conditions of approval, to be recorded in the Official Public Records of Hidalgo County, Texas.
- (7) Term; transfer; expiration. Any special exception granted under this subsection shall run with the land, subject to the approved site plan and all conditions of approval, and may be transferred, sold, inherited, bequeathed, or devised; a new special exception shall not be required upon any change or transfer in ownership of the property. A special exception granted under this subsection shall automatically expire if: (a) a building permit for the carport is not obtained within [180] days after the date the special exception is granted; or (b) the approved carport is removed, destroyed, enclosed, materially altered, or replaced.
- (8) No carport for which a special exception has been granted under this subsection shall exceed 400 square feet in size.
- (9) Private restrictive covenants. If the property is located within an active homeowners' association, the city may provide the association a courtesy notice of the application, consistent with subsection (7)(4) of this section, but approval by the association is not required for the filing, processing, or approval of an application under this subsection. A special exception granted under this subsection does not supersede, modify, or authorize the violation of any private restrictive covenant, and the city does not enforce private restrictive covenants.

SECTION 3: REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and any remaining provision shall continue in effect notwithstanding the invalidity of such section, subsection, clause, phrase or portion.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED THIS _____ day of _____, 2026, at a regular meeting of the City Council of the City of Mission, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF MISSION

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

City Attorney