

5.17. - Carports

(Ord. No. 3131, § 2, 10-26-10)

5.17.1. Carport Requirements. Carports are permitted to be added to residential structures and are subject to the following conditions and regulations:

- (A) Building permit. Any person erecting or constructing a carport, in whole or in part, shall obtain a building permit.
- (B) Number of carports allowed. No more than one (1) carport shall be permitted for each dwelling unit.
- (C) Carport condition and maintenance. All carports shall be kept in an attractive state, in good repair, and in a safe and sanitary condition.
- (D) Side setbacks and exceptions. No portion of a carport shall violate a required side setback as prescribed within this Ordinance with the exception that open eaves may extend two (2) feet into the side setback as prescribed in 5.6.2. Projections into Required Setbacks (Page 110) and with the exception that carports may be located abutting or less than five (5) feet from the side property line under the following conditions:
 - (1) The abutting owner(s) of the property immediately adjacent to the proposed construction must sign an agreement stating his/her name, and address, and that they give permission for the carport to be located abutting or less than five (5) feet from the side property line;
 - (2) The eave of the carport shall in no instance overhang the adjacent property;
 - (3) Guttering shall be installed and maintained in a manner to prohibit any increase of water runoff onto the adjacent property;
 - (4) If the proposed carport is to be located over a utility easement paralleling the side property line, the following provision must be agreed to by the applicant for the building permit and the property owner, if different from the applicant:
 - a. In the event access is required to the dedicated easement by the city or any franchised public utility, the property owner shall be responsible for relocating the carport structure in a manner to allow such access.
 - b. The property owner shall be notified of the need to relocate said carport and from that point in time have seventy-two (72) hours to do so. If the property owner cannot or refuses to relocate said carport, the city or franchised public utility may have said carport relocated at the owner's expense.
 - c. The property owner shall not hold the city or franchised public utility responsible for any damages to said carport or property due to the required relocation.
- (E) Front setbacks and exceptions.
 - (1) All carports shall comply with front setback requirements of this Ordinance, provided carports used in conjunction with single-family dwellings or two-family dwellings shall be permitted to extend into the required front setback area.
 - (2) However, no portion of a carport shall be permitted closer than five (5) feet from the right-of-way line of a public street except as provided in 5.17.1.(F) Corner lots and extensions into the right-of-way (below) of this section.
- (F) Corner lots and extensions into the right-of-way.
 - (1) For corner lots only, a carport may extend into the right-of-way of only a local street if the garage is so situated because of the building setback line that a carport cannot be constructed without extending into the right-of-way.

- (2) In this situation a carport may extend into the right-of-way; however, no carport shall be permitted closer than six (6) feet to the curb line and shall not be more than twenty (20) feet in length measured from the structure to which it is attached.
 - (3) The carport must be constructed in such a manner as not to obstruct sight distance at the intersection. Damage to any public utility associated with the carport shall be the responsibility of the property owner.
 - (4) In the event that the city shall determine that street widening is necessary or the installation, repair, replacement, or maintenance of existing or future public utilities is necessary, the city or any public utility shall have the right to remove said carport.
 - (5) Cost of removal and reinstallation, if allowed, shall be at the owner's expense.
 - (6) If the owner refuses to remove the carport, the city or public utility may have the carport removed and reinstalled at the owner's expense with the cost being included on the ad valorem tax rolls as a lien. Other provisions of the Midwest City Code which would prohibit structures within the right-of-way shall not apply to this exception.
- (G) Paved hard-surfaced drive.
- (1) All carports shall be located only over a paved hard-surfaced drive. Provided, however, a gravel driveway may be used to satisfy the requirement if the property owner can demonstrate through dated photographs, or dated negatives, that the gravel driveway existed prior to January 1, 1985.
 - (2) Dated photographs/negatives shall mean those photos or negatives dated on the front or back through a development process. Handwritten, typed, or other means of dating photographs/negatives other than those dated through the development process shall not be accepted as proof.
 - (3) Those properties currently approved with a residential building permit, whether for a new home, addition, remodel, or house move-in that have been required to install a paved driveway as part of their permit approval, or any other regulations pertinent to the approved building permit shall not be exempt from the requirement to install paved driveways.
- (H) Carport width.
- (1) Except upon application to the community development department, no carport shall exceed twenty-four (24) feet in width.
 - (2) The Community Development Director may approve an application for a width greater than twenty-four (24) feet if the carport will be architecturally integrated with the residence and no protest is received after notice by the community development department to all property owners whose property abuts the sides or front of the property of the applicant.
 - a. If a protest is received or if the Community Development Director determines that the carport in excess of twenty-four (24) feet in width is not architecturally integrated with the home, the application may be appealed to the City Council for final determination.
 - (3) An example of architectural integrity would be where a property owner wishes to match his carport with the existing house eaves and the total width exceeds twenty-four (24) feet.
- (I) Standards for constructing carports.
- (1) Metal carports shall be constructed of 26 gauge steel or 0.25 aluminum decking with a baked-on enamel finish to be compatible with the exterior finish of the structure.
 - (2) Poles supporting the carport shall be wrought iron or of a metal material compatible with the exterior finish of the structure.
 - (3) Exposed eaves shall have rain guttering directing water flow to the street and away from adjacent properties.

- (4) Wooden construction of carports shall be permitted with the following provisions:
 - a. Roof slopes shall exceed two (2) inches in twelve (12) inch pitch;
 - b. All eaves shall be enclosed and have rain guttering installed to divert water to the street and/or away from adjacent properties unless the pitch of the roof diverts the flow of rainwater to the street;
 - c. Finishes shall be compatible with the exterior of the primary structure;
 - d. The underside of the carport shall be enclosed with an approved material.
- (J) Carport design: open sides and latticework required.
 - (1) All carports, observing the required front setback, shall be permanently open on two (2) sides from grade surface to eaves line.
 - (2) All carports that extend into the required front setback shall be permanently open on three (3) sides from grade surface to eaves line, except that such carports extending beyond the front setback may install latticework along one side of the carport.
 - a. Such latticework, when installed, shall be a framework of ornamental design made of strips of wood, plastic, nylon or other material as approved by the chief building official. Such latticework shall be of a design so as not to impair the vision of the operator of the vehicle exiting the carport from any vehicular/pedestrian traffic along the abutting sidewalk and/or roadway.
 - b. Also, such lattice work shall be of a design to permit the continued circulation of air and light within the carport.
- (K) Fees.
 - (1) Refer to the adopted Zoning Ordinance Fee Schedule for fees.
 - (2) If a protest is received or if the applicant desires to appeal the decision of the Community Development Director before the application shall be placed on the agenda for the City Council, a further fee per the adopted Zoning Ordinance Fee Schedule shall be paid to the Community Development Department for the processing of the application.
 - (3) The city shall notify the applicant and abutting property owners of the application at least five (5) days prior to the Board of Adjustment's consideration of the appeal.

5.17.2. Documentation.

- (A) Proof of building permit. It shall be unlawful for any person being the current owner of property which has a carport to fail to have proof of a building permit issued by Midwest City for the carport.
- (B) Location of proof. The proof can be the permit in his possession or in the address files of the community development department.
- (C) Application required when lack of proof. If the property owner fails to provide proof of such permit, or if no permit was previously requested on the carport, the property owner shall make application as required within 5.17.1. Carport Requirements (Page 141)
- (D) Carport removal required. If after application and inspection it is found that the subject carport is not in compliance, no permit shall be issued and the owner/applicant shall cause the nonconforming carport to be removed. If the owner/applicant fails to make the corrections or have the nonconforming structure removed, the city may proceed as required by law.

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