

ORDINANCE NO. 2592

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, DULY PASSED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO REVISE ACCESSORY STRUCTURE REGULATIONS WITH CERTAIN AMENDMENTS AND DELETIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the Mesquite Board of Adjustment and Mesquite Planning and Zoning Commission have reviewed the regulations regarding residential accessory structures; and

WHEREAS, the Planning and Zoning Commission has considered and determined that certain revisions regarding accessory structures will permit greater use and enjoyment of property without substantial adverse impact on adjacent properties; and

WHEREAS, the Planning and Zoning Commission has considered and determined that certain additional regulations and revisions regarding accessory structures are desirable to clarify requirements and/or to properly protect health, safety, and welfare; and

WHEREAS, the Planning and Zoning Commission has held a public hearing and has recommended that the Zoning Ordinance be amended in this regard, and

WHEREAS, the City Council has held public hearings regarding the proposed amendments;

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed on the 4th day of September 1973, and recodified on the 21st day of November 1988, by the City Council of the City of Mesquite, Texas, be and the same is hereby amended as follows, in all other respects to remain in full force and effect:

- A. Section 2-504, Accessory Structures - Supplementary Regulations, is hereby repealed; and
- B. Section 2-600, Accessory Structure Regulations, is hereby adopted to read as set out in Exhibit "A" attached hereto.

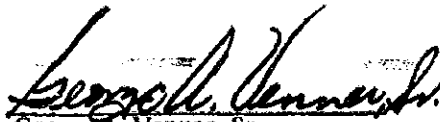
SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2000.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


00280

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of April, 1989.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B.I. Smith
City Attorney

60281

PART 2: RESIDENTIAL DISTRICTS

2-600 ACCESSORY STRUCTURE REGULATIONS

2-601 GENERAL PROVISIONS

Accessory structures, used only for permitted accessory uses, shall be permitted in the residential districts in compliance with the following requirements.

A. MAIN BUILDING REQUIRED

No accessory structure, except fences, shall be permitted on any tract where no principal building has been established.

B. ATTACHED STRUCTURES

Any structure which is attached to the principal building shall be considered a part thereof and shall comply with all requirements for a principal structure, unless otherwise provided herein.

C. DETACHED STRUCTURES

Detached structures shall comply with the requirements set out below. Detached structures shall not require masonry exteriors. Those structures which require no separation from other structures on the lot and those structures which are connected to the principal building by breezeways or patio covers shall be considered to be "detached" for the purpose of identifying applicable regulations.

D. EXTERIOR SIDE YARD REQUIREMENTS - FENCED YARDS

Whenever an exterior side yard is legally fenced with a solid fence at least 6 feet in height, the setbacks required shall be the same as those required for an interior side yard.

E. MULTIFAMILY ACCESSORY BUILDINGS

Accessory buildings permitted in conjunction with multifamily uses shall be limited to storage buildings with a maximum size of 120 square feet and a maximum height of 8 feet. All other structures shall comply with the requirements for a principal structure, except that carports shall be excluded from the masonry requirement.

F. EASEMENTS

No accessory structure shall be constructed in any easement, unless approved in writing by the holder of the easement.

2-602 REQUIREMENTS - ALL STRUCTURES

The requirements set out below shall apply to all accessory structures in the residential districts, unless otherwise modified herein.

A. MAXIMUM SIZE AND LOT COVERAGE

The maximum permitted size for an

accessory structure in the R and D districts shall be 500 square feet; provided however, that in no case,

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shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located.

The maximum permitted size for an accessory structure in the AG district shall be 1000 square feet.

B. MAXIMUM HEIGHT

The maximum permitted height for an accessory structure, except as otherwise permitted herein, shall be 15 feet, one story, or the height of the principal structure, whichever is less.

C. SETBACKS

Detached accessory structures shall require the following minimum setbacks

from property lines and other structures.

1. Front Yard Setbacks: Same as setback required for the principal structure.

2. Exterior Side Yard Setback: Same as setback required for the principal structure.

3. Interior Side Yard Setback: 5 feet.

4. Rear Yard Setback: 3 feet.

5. Garage Door Setback: 20 feet from any street or alley right-of-way line.

6. Building Separation: 6 feet from any other structure on the lot.

2-603 PERMITTED MODIFICATIONS - SPECIFIC STRUCTURES**A. MINOR BUILDINGS**

Minor buildings shall be those structures which are 120 square feet in area and 8 feet in height, or less. Minor buildings shall be permitted with a 3 foot interior side yard setback and shall require no separation from other structures.

In the R and D districts, minor buildings located within a yard which is legally fenced with a solid fence at least 6 feet in height shall be permitted with no setback required from the rear lot line, from an exterior side lot line adjacent to a street or alley right-of-way, or from the interior side lot line on the rear 20% of the lot, provided that the structure is constructed so that drainage is directed onto the subject lot and not onto an adjacent lot. The rear 20% of the lot shall be

determined by locating the 20% point on each side lot line and connecting the two points with a line.

B. PATIO COVERS

A patio cover shall be any roofed structure, not permanently enclosed on the side, including patio and porch covers, but excluding carports. No separation from other structures shall be required, provided that, when attached, a patio cover shall comply with the requirements of the structure to which it is attached, except that the cover shall be excluded from the masonry requirement when attached to the principal structure. If the patio cover connects a principal and a detached accessory structure, it shall be considered a part of the accessory structure.

PART 2: RESIDENTIAL DISTRICTS**C. CARPORTS**

A carport shall be a roofed structure used for vehicular storage only, which is not permanently enclosed on the sides and is constructed over a parking space located perpendicular to the street or alley. "Carport" shall not include the covered portion of a circular drive, a porte cochere, or similar covers, which shall comply with the requirements for a principal building. No separation from other structures shall be required, provided that, when attached, the carport shall comply with the requirements of the structure to which it is attached, except that the carport shall be excluded from the masonry requirement when attached to the principal structure. In the R districts, a carport with a maximum size of 22 feet by 24 feet which is accessed from a paved alley at the rear of a lot shall be permitted with a 3 foot setback from the rear property line, provided that no garage doors or gates obstructing access into the carport shall be permitted.

D. FENCES, SIGNS, SWIMMING POOLS

Fences, signs, and swimming pools shall comply with the respective requirements and regulations set out in the City Code.

E. ANTENNA, AERIALS

Antennae, aerials, and associated masts shall comply with all requirements of 2-602, except as otherwise provided herein, provided however, that a total maximum height of 75 feet shall be permitted. When the antenna is attached to the main structure, an encroachment, which is adequate to allow attachment to the roof eave, shall be permitted into any side or rear yard. When an antenna is

taller than 30 feet, the required setbacks from side and rear property lines shall be increased by one foot for each foot in height over 30 feet. No portion of any structure or support (guys, anchor points, etc.) shall extend into any required front or exterior side yard.

Antennae or aerials over 75 feet in height shall require approval as a Special Exception.

F. SATELLITE DISHES

Satellite dishes shall comply with all requirements of 2-602, except as otherwise provided herein, provided however that no separation from other structures shall be required. When mounted on a roof, the height shall not exceed the height of the highest point of the roof.

G. PARKING PADS AND DRIVES

Parking pads and drives shall comply with the requirements and regulations set out in the City Code.

H. GAME COURTS

Game courts with permanently installed nets, poles, other apparatus, or paving shall not be permitted in the required front yard, provided however that basketball hoops installed over an existing driveway shall be permitted. Lighted game courts shall require approval as a Special Exception.

I. DECKS

A deck shall be an improvement with no side enclosure, no upper structure, and no roof, including uncovered decks, porches, and patios. Decks shall require no separation from other structures and shall be

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permitted in any rear or interior side yard. In the R and D districts, decks shall be permitted in the required front and exterior side yards, provided that the maximum coverage permitted shall be 10% of the yard area.

J. FLAGPOLES

Flagpoles shall comply with the requirements of 2-600, provided however, that flagpoles shall be permitted in front and exterior side yards.

1. Single Family Lots: One flagpole, solely for the purpose of displaying the U.S. or Texas State flag, with a maximum height of 36 feet shall be permitted per single family or duplex lot.

2. Multifamily and Other Permitted Uses: The maximum height for flagpoles on tracts occupied by multifamily or other permitted uses shall be 50 feet.

2-604 SPECIAL EXCEPTIONS

The Board of Adjustment may authorize the following special exceptions where it determines that the exception will allow greater use and enjoyment of property without creating adverse impacts on adjacent properties and that it will be compatible with the neighborhood.

A. OVERSIZE ACCESSORY BUILDINGS

To allow an oversize accessory building, which shall be any detached structure which exceeds the height, size, or coverage limits set out in 2-602. An existing accessory building shall not become an oversize structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10% of the lot area are generally considered to be incompatible.

B. FRONT CARPORTS

To allow a carport accessed from a street and located in a required front or exterior side yard setback. An encroaching front carport may be approved as a Special Exception in the R districts only. Front carports may be considered to be compatible in

areas included, but not necessarily limited to, the following characteristics: front driveways afford the only opportunity to provide covered parking, no paved alley access is available, parking behind the building line was not required at the time of construction, homes were originally built with either a one car garage or no garage, and side yard widths are inadequate to accommodate a carport behind the building line.

C. OVERSIZE ANTENNA

To allow an antenna or aerial which exceeds 75 feet in height.

D. LIGHTED GAME COURTS

To allow a game court which is equipped with lighting for night use.