

ORDINANCE NO. 3733

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 10-14 IN ITS ENTIRETY AND ADDING A NEW SECTION 10-14 THEREBY PROHIBITING PARKING ON UNIMPROVED SURFACES AND PROVIDING CERTAIN EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 10 of the Code of the City of Mesquite is hereby amended by deleting Section 10-14 in its entirety and adding a new Section 10-14 to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

Sec. 10-14. Parking on unimproved surfaces prohibited.

- (a) *Prohibited.* It shall be unlawful and an offense for any person, within any zoning district other than Industrial, to cause, suffer or permit the parking, standing or storing of a vehicle or equipment:
- (1) Upon any surface other than an improved surface; or
 - (2) Within an interior side yard of any lot of less than one acre and used for residential single-family or duplex purposes regardless of the existence of an improved surface; or
 - (3) On any property without a residence or business establishment unless off-site parking has been approved pursuant to Section 3-403 of the Zoning Ordinance.
- (b) For purposes of this section:
- (1) *Vehicle or equipment* shall include house trailers, mobile homes, motor vehicles, trucks, passenger motor vehicles, motor homes, camper cabins, motorcycles, trailers, boats, farm machinery or similar equipment.
 - (2) *Improved surface* shall mean:
 - a. In the case of a business establishment, a surface paved according to city specifications for parking lots; or
 - b. In the case of a residence, a standard driveway or an approved parking space consisting of reinforced concrete having a minimum

depth of four inches. Provided that within that portion of the rear yard between the side yards an improved surface shall also include:

- i. Compacted gravel or crushed rock contained within a distinct border and having a minimum depth of four inches;
- ii. Asphalt having a minimum depth of four inches over a four inch stabilized base consisting of compacted crushed stone, cement treated base or soil cement base; or
- iii. Interlocking concrete paving stones at least two inches thick on a base consisting of a layer of bedding sand over a minimum four inches of compacted crushed stone, cement treated base or soil cement base.

c. Runners, as defined herein, are not an improved surface.

d. Specifications for driveways and approaches, including requirements and limitations on the placement, size and number thereof, shall conform to Sections 15-147 and 15-150 of this Code. In the event of a conflict between the terms of this subsection and any other provision of this Code or any ordinance of the City of Mesquite, the more restrictive provision shall apply.

e. In the case of a residence, the gross area of all improved surfaces shall not cover more than 50 percent of a front, rear or exterior side yard, provided that front yard coverage shall not exceed 65 percent where a circular driveway is allowed.

(3) *Runners* shall mean a parking surface consisting of the materials specified in Subsection 10-14(b)(2)(b) installed only under the wheels of a vehicle or equipment with an unimproved area under the body of the vehicle or equipment.

(c) *Limitation on parking in rear yard.* In the case of a residence, no more than two vehicles or equipment may be parked within that portion of the rear yard between the side yards.

(d) *Temporary parking on unimproved surfaces.* A temporary permit for a variance from this section, for a period of time not to exceed two weeks, may be obtained from the Building Official upon presentation of evidence of necessity satisfactory to the Building Official.

(e) *Affirmative defense.* It shall be an affirmative defense that the improved surface used for parking was in existence on October 17, 1983, or has been added thereafter with materials of like kind, such as concrete and concrete; gravel and gravel; asphalt and asphalt; and the surface used for parking in existence on that date was and is materials of like kind and provided further that sod or scrap materials shall not be considered improved surface and provided further that any

surface added after October 17, 1983, shall not exceed the area limitations of this section.

(f) *Exceptions.*

- (1) The provisions of this section shall not apply to city-owned or school district-owned maintenance vehicles or equipment or to other vehicles or equipment during such time as they are actively engaged in authorized construction, repair, maintenance or mowing work on any property, or to vehicles or equipment parked while property is being viewed and/or inspected by the owner or person acting on behalf of the owner thereof, including prospective purchasers, with the owner's consent.
- (2) The provisions of this section shall not apply to special event parking at park sites as authorized by Section 10.5-44 of this Code.

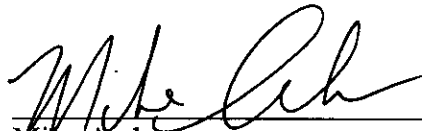
SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. 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 upon conviction in the Municipal Court shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

SECTION 5. That this ordinance shall take effect on October 1, 2005.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of June, 2005.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney