

ORDINANCE NO. 3979  
ZONING TEXT AMENDMENT NO. 2008-4

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTION 2-600 THEREBY CREATING NEW REGULATIONS FOR RESIDENTIAL ACCESSORY STRUCTURES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendment.

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

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by providing certain additions and deletions under Section 2-600 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 2-601(C)*. Amend by deleting the section in its entirety and adding a new Section 2-601(C) to read as follows:

C. DETACHED STRUCTURES

Detached structures shall comply with the requirements set out below. 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.

- (2) *Section 2-602(C)*. Amend by deleting the section in its entirety and adding a new Section 2-602(C) to read as follows:

C. SETBACKS

Detached accessory structures shall require the following minimum setbacks from property lines and other structures; provided, that within a residential district other than AG, an oversize accessory structure exceeding 500 square feet shall be placed behind the rear façade line of the principal structure.

1. <i>Front Yard Setback</i>	Same as setback required for the principal structure.
2. <i>Exterior Side Yard Setback</i>	Same as setback required for the principal structure.
3. <i>Interior Side Yard Setback</i>	5 feet.
4. <i>Rear Yard Setback</i>	3 feet.
5. <i>Garage Door Setback</i>	20 feet from any street or alley right-of-way line.
6. <i>Building Separation</i>	6 feet from any other structure on the lot.

- (3) *Section 2-602(D)*. Amend by adding a new Section 2-602(D) to read as follows:

#### D. EXTERIOR MATERIALS

Except as provided herein, all detached accessory structures in a residential district other than AG shall be constructed with exterior materials of wood, cementitious fiberboard or masonry. Wood and cementitious fiberboard shall be painted the same color as the trim of the principal structure. Minor buildings may be constructed of metal siding with a baked enamel finish, or plastic that has been approved by the Building Official for structural integrity and durability. Oversize accessory structures exceeding 500 square feet shall be constructed using only the same exterior materials, and in the same ratio, as the principal structure. All accessory structures except minor buildings shall have a pitched roof with the highest peak directly above the center of the structure. The roof shall be shingled or match the roof materials of the principal structure. The Board of Adjustment is not authorized to grant relief from the provisions of this subsection.

- (4) *Section 2-604(A)*. Amend by deleting the section in its entirety and adding a new Section 2-604(A) to read as follows:

#### A. OVERSIZE ACCESSORY STRUCTURE

To allow an oversize accessory structure, which shall be any detached structure which exceeds the height, size or coverage limits set out in Section 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 percent of the lot area are generally considered to be incompatible.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite 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 not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be 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 Mesquite Zoning Ordinance as a whole.

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 subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.


SECTION 5. That this ordinance shall be effective immediately from and after its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th of August, 2008.

  
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John Monaco  
Mayor

ATTEST:

APPROVED:

  
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Judy Womack  
City Secretary

  
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B. J. Smith  
City Attorney