

ORDINANCE NO. 4084  
Zoning Text Amendment No. 2010-1

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 SECTIONS 2-600 AND 6-100 THEREBY MODIFYING OR CREATING NEW REGULATIONS GOVERNING CARPORTS; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

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 Sections 2-600 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

(a) *Section 2-603(C).* Amend by deleting the section in its entirety and adding a new Section 2-603(C) to read as follows:

C. *Rear carports.* In the R districts, a rear carport with a maximum size of 22 feet by 24 feet shall be permitted with a three-foot setback from the rear property line, provided that no garage doors or gates obstructing access into the carport shall be permitted. 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.

(b) *Sections 2-603(D) through 2-603(J).* Amend by renumbering Sections 2-603(D) through 2-603(K) to Sections 2-603(E) through 2-603(L) and adding a new Section 2-603(D) to read as follows:

D. *Front carports: design standards.* Carports are prohibited in all residential zoning districts between the principal structure and the front or side lot lines except as provided in Section 2-604. A front carport

approved pursuant to Section 2-604 shall be subject to the following design requirements.

1. The color and materials of supports for the carport shall match or replicate the principal structure. Metal shall not be an acceptable exterior material.
2. The carport shall have a pitched roof that is either a closed or opened gable or hip design that matches the existing pitch and is structurally integrated into the roof of the principal structure provided that, if the carport abuts a two-story wall of the home, the carport shall be attached to the abutting wall. Additionally, the carport shall use roofing materials that substantially match the color of the roofing materials used on the principal structure.
3. The front carport shall be no greater than 400 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 40 percent of the length of the front façade of the principal structure.
4. The roof height of the carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the carport shall not exceed the eave height of the house provided that, if the carport abuts a two-story wall of the home, the eave height of the carport shall not exceed half of the height of the abutting wall. Eave height shall be measured from the adjacent grade to the underside surface of the eave.
5. The carport shall cover an approved driveway surface.

The Board of Adjustment is not authorized to grant relief from the provisions of this subsection except as provided in Section 2-604(B).

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

B. *Front carports.*

1. A front carport may be approved as a Special Exception on a lot zoned R-3 if the Board determines that the front carport would be compatible with the neighborhood. A front carport approved by Special Exception shall comply with the design standards of Section 2-603(D). In determining whether the requested front carport would be compatible with the neighborhood, the Board shall consider, among other things, the following characteristics:
  - (a) Whether the front carport would afford the only opportunity to provide covered parking on the lot;

- (b) Whether the lot has paved alley access such that rear parking is available as an alternative to a front carport;
  - (c) Whether parking behind the building line was not required at the time of construction; and
  - (d) Whether the dwelling was originally built with a one-car garage or no garage.
2. In approving a Special Exception, the Board is authorized, but not required, to approve an applicant's request for a carport with a flat roof and/or metal exterior if the Board determines that a flat roof and/or metal exterior would be compatible with the neighborhood. The Board shall consider, among other things, the following characteristics:
- (a) The request is located on a lot platted before December 21, 1964, provided, however, a metal carport shall not be approved on a lot platted after said date; and
  - (b) The existence, location and similar design of other carports in the immediate vicinity of the request.
3. If a request for a metal exterior is approved, the following design conditions shall be required:
- (a) A carport shall be constructed with aluminum or metal with baked enamel finish. The color of the carport shall match or replicate the trim of the principal structure.
  - (b) A carport shall have trim fascia on all exterior sides of the carport and shall have an internal gutter system.
  - (c) The support columns for the carport shall be at least four inches by four inches or have at least a four-inch diameter.
4. For purposes of this subsection, a "flat roof" means a roof with a pitch of 2 ½ / 12 or less. If a request for a flat roof is approved, the roof materials, structural design and strength of materials shall be subject to approval of the Building Official. A rolled roof shall be prohibited.
- (d) *Section 6-102.* Amend by adding a definition for *carport*.

*Carport:* A structure designed or used to shelter vehicles, which is open on at least two sides. 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.


*Front carport:* A carport constructed between the principal structure and the front or side lot lines over an approved driveway surface.

*Rear carport:* A carport constructed over an approved parking space located behind the rear façade of the principal structure.

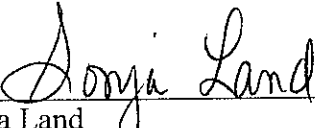
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and 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.

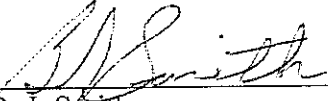
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th of April, 2010.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney