

ORDINANCE NO. 4207  
Zoning Text Amendment No. 2012-02

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 PERTAINING TO PORCH AND PATIO COVERS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR 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, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding the proposed amendments to the regulations governing and has recommended amendments to the Mesquite Zoning Ordinance; and

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

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 2-603.B.* Amend by deleting Section 2-603.B in its entirety and adding a new Section 2-603.B to read as follows:

**B. FRONT PORCH COVERS**

A front porch cover shall be any roofed structure, not permanently enclosed on the sides, including patio covers, porch covers, and walkway covers, but excluding carports, located between the principal structure and the front or side lot lines. The front porch cover shall be attached to the principal structure and shall meet the setback requirements of the principal structure. No separation from other structures shall be required. The front porch cover 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 or the primary color of the principal structure or stained. The roof shall be shingled to match the roof materials of the principal structure with a minimum 2:12 pitch. A rolled roof shall be prohibited. The eave height of the porch cover shall not exceed the eave height of the house provided that, if the porch abuts a two-story wall of the house, the eave height of the porch cover shall not exceed half of the height of the abutting wall.

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

C. REAR PATIO COVERS

A rear patio cover shall be any roofed structure, not permanently enclosed on the sides, including patio covers and porch covers, but excluding carports, located behind the rear façade of the principal structure. No separation from other structures shall be required. The cover shall be excluded from the masonry requirement when attached to the principal structure. The patio cover shall meet the setback, maximum size and lot coverage, and height for an accessory structure. If the patio cover connects a principal and a detached accessory structure, it shall be considered a part of the accessory structure.

- (3) *Section 2-604.B.1.* Amend by deleting Section 2-604.B.1 in its entirety and adding a new Section 2-604.B.1 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.E. In determining whether the requested front carport would be compatible with the neighborhood, the Board shall consider, among other things, the following characteristics:

There are no revisions to Sections 2-604.B.1.a through 2-604.B.1.d.

- (4) *Section 2-604.C.* Amend by adding a new Section 2-604.C to read as follows:

C. FRONT OR EXTERIOR PORCH COVERS

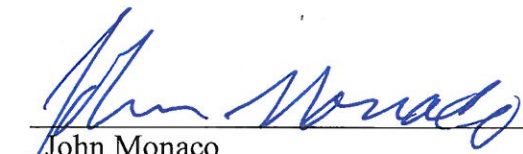
1. A porch cover encroaching into the front or exterior side yard setback may be approved as a Special Exception if the Board determines that the porch cover would be compatible with the neighborhood. Porch covers exceeding 1/3 of the façade width and/or having a depth of more than eight feet are generally considered to be incompatible in the absence of other beneficial characteristics. A porch cover approved by a Special Exception shall comply with the design standards prescribed in Section 2-603.B.
2. The Board may approve a porch cover with a flat roof and a metal exterior if the Board determines that a flat roof and a metal exterior would be compatible with the neighborhood. When making its determination, the Board shall consider, among other things, the same characteristics enumerated in subsection B.2 of this Section. If approved, the porch cover shall comply with the design standards prescribed in subsection B.3 of this Section.

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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

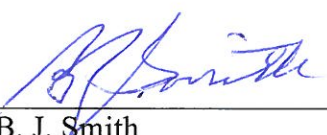
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of March, 2012.

  
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John Monaco  
Mayor

ATTEST:

  
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Sonja Land  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney