

ORDINANCE NO. 4867
Zoning Text Amendment No. 2021-03

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY AMENDING VARIOUS PROVISIONS OF SECTION 2-600 “ACCESSORY STRUCTURE REGULATIONS” THEREBY ESTABLISHING NEW REGULATIONS FOR ACCESSORY STRUCTURES IN THE REAR YARD OF RESIDENTIAL PROPERTIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas, (“City”) is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5 and the Texas Local Government Code Chapter 9; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, the City may regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, Section 211.003; and

WHEREAS, Staff recommends amending requirements for rear yard accessory structures, particularly rear carports so that residential accessory structures in the rear yard are treated similarly, whether attached or detached, as it relates to setbacks; and

WHEREAS, on May 10, 2021, the City of Mesquite Planning and Zoning Commission considered text amendments to the Mesquite Zoning Ordinance and after having given proper public notice and holding a public hearing, the Planning and Zoning Commission recommended the City Council adopt the text amendment to the Mesquite Zoning Ordinance as was first presented to the Mesquite City Council on June 7, 2021; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed Mesquite Zoning Ordinance text amendment on June 7, 2021; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

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

SECTION 1. The statements, facts, findings and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. That the Mesquite Zoning Ordinance, as amended, be and the same is hereby amended by amending various provisions of Section 2-600 “Accessory Structure Regulations,” to read as follows, said Ordinance in all other respects to remain in full force and effect:

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

C. *Setbacks.*

1. *Front yard setback:* 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:* Five feet.
4. *Rear yard setback:* Three feet.
5. *Garage door and/or gate setback where a gate is attached to and provides access to a rear carport:* Eight feet from the edge of (alley) right-of-way pavement and in no case less than five feet from the rear property line. Garage door and gates are not permitted on front carports.
6. *Building separation:* Six feet from any other structure on the lot.

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

D. *Rear carports.*

In the R districts, a rear carport with a maximum size of 528 square feet shall be permitted. No separation from other structures shall be required.

SECTION 3. 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 4. 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 5. 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 \$2,000.00 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.

SECTION 6. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of June 2021.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney