

ORDINANCE NO. 4967
Zoning Text Amendment No. 2022-02

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN PART 2, SECTION 2-600 “ACCESSORY STRUCTURE REGULATIONS” PERTAINING TO REVISING AND ESTABLISHING NEW REGULATIONS FOR ACCESSORY STRUCTURES INCLUDING FRONT CARPORTS ON RESIDENTIAL ZONED 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, on July 11, 2022, 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 August 1, 2022; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed Mesquite Zoning Ordinance text amendment on August 1, 2022; 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 making certain additions and deletions to sections contained in Part 2, Section 2-600 “Accessory Structure Regulations,” to read as stated in Exhibit A, attached hereto and made a part thereof, said Ordinance in all other respects to remain in full force and effect.

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; otherwise, they shall remain in full force and effect.

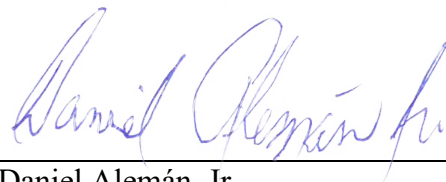
SECTION 4. Should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 5. Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 6. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 7. This Ordinance shall take effect and be in force from and after September 1, 2022.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of August 2022.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 4967

ZTA 2022 – 02

Mesquite City Code
APPENDIX C – MESQUITE ZONING ORDINANCE
Amending Certain Sections in Part 2, 2-600 – Accessory Structure Regulations

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

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PART 2. – RESIDENTIAL DISTRICTS

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2-600 – Accessory Structure Regulations

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[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

2-602 – Requirements – All structures.

The requirements set out below shall apply to all accessory structures in the residential districts, unless otherwise modified herein.

- A. *Maximum size and lot coverage.* The maximum permitted size for an accessory structure in the R and D districts shall be five hundred (500) square feet; provided, however, that in no case, shall the total of all accessory structures occupy more than thirty-five (35) percent of the yard area in which the structures are located. The maximum permitted size for an accessory structure in the AG district shall be one thousand (1,000) square feet.
- B. *Maximum height.* The maximum permitted height for an accessory structure, except as otherwise provided herein, shall be fifteen (15) feet, one (1) story, or the height of the principal structure, whichever is less.
- C. *Setbacks.*
 1. *Front yard setback:* Same as setback required for the principal structure, and shall not be located in-front of 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:*

a. *Rear carports.* Eight feet from the edge of (alley) right-of-way pavement, and in no case less than five feet from the rear property line.

b. *Front carports.* Garage door and gates are not permitted on front carports.

D. ~~6.~~ *Building separation.* Six feet from any other structure on the lot.

~~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 five hundred (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.~~

2-603 – Permitted modifications – Specific structures.

A. *Minor buildings.* Minor buildings shall be those structures which are one hundred twenty (120) square feet in area and ~~eight (8)~~ nine (9) feet in height, or less in wall height. Minor buildings shall be permitted with a three-foot interior side yard setback and shall require no separation from other structures. In the R and D districts, minor buildings located with a yard which is legally fenced with a solid fence at least six (6) feet in height shall be permitted with no setback required from the rear lot line, from an exterior side lot line adjacent to a street or alley right-of-way, or from the interior side lot on the rear twenty (20) percent of the lot shall be determined by locating the twenty (20) percent point on each side lot line and connecting the two (2) points with a line.

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 having a depth of no more than eight (8) feet. The front porch cover shall meet the setback requirements of applicable to the principal structure; provided that it may encroach into the front setback. 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.

C. *Rear patio covers.*

1. 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.
2. No separation from other structures shall be required. ~~The cover shall be excluded from the masonry requirement when attached to the principal structure.~~
3. Maximum size.
 - a. The rear patio cover shall meet the setback, maximum size and lot coverage, and height for an accessory structure.
 - b. If the rear patio cover connects a principal and a detached accessory structure, the rear patio cover shall be considered a part of the accessory structure.
 - c. If the rear patio cover is attached to a principal structure and meets all required setbacks for a primary structure, the rear patio cover shall have no maximum size. ~~If the patio cover connects a principal and a detached accessory structure, it shall be considered a part of the accessory structure.~~

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.

E. *Front carports.* ~~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 four hundred (400) square feet and cannot extend twenty (20) feet beyond the front or exterior building line proper. The width of a front carport shall not exceed forty (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).~~

1. *In general.* Front carports are prohibited in all residential zoning districts between the principal structure and the front or side lot lines except as otherwise provided in this Subsection E.
2. *Front carports permitted by Special Exception.* Pursuant to Section 2-604.B, a front carport may be permitted by Special Exception if:
 - a. granted by the Board of Adjustment in accordance with Part 5, 5-200, Section 5-206 (Special Exception), and
 - b. the front carport meets the design standards in Subsection E (4).

3. Front carports permitted by right. A front carport is permitted by right on a lot if:
- a. the lot is located in one of the pre-approved subdivisions listed in Section 2-605, Table 2-605.01 (see also the City's GIS map on-line); and
 - b. the front carport meets the design standards in Subsection E (4).
4. Design Standards for Front Carports.
- a. The front carport shall be attached to the roof of the principal structure provided that, if the carport abuts a wall of the home above one-story, the carport shall be attached to the abutting wall.
 - b. The front carport shall be no greater than four hundred (400) square feet and cannot extend twenty (20) feet beyond the front or exterior building line proper. The width of a front carport shall not exceed forty (40) percent of the length of the front façade of the principal structure.
 - c. The roof height of the front carport shall not exceed the height of the roof of the principal structure. Additionally, the eave height of the front carport shall not exceed the eave height of the house provided that, if the carport abuts a wall of the home above one-story, 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.
 - d. The front carport shall cover an approved driveway surface.
 - e. Front carports with a flat roof shall have an internal gutter system.
 - f. Generally, the Board of Adjustment is not authorized to grant a Special Exception for an oversized front carport. However, in some circumstances, an oversized front carport may be approved. See Special exceptions for persons with disabilities (Section 5-205), and Variances (Section 5-207).

* * *

- L. *Flagpoles.* Flagpoles shall comply with the requirements of 2-600, provided however, that flagpoles shall be permitted in front and exterior side yards.
- 1. *Single family lots:* One (1) flagpole, ~~solely for the purpose of displaying the U.S. or Texas State flag for non-commercial message~~, with a maximum height of thirty-five (35) feet shall be permitted per single family or duplex lot.
 - 2. *Multifamily and other permitted uses:* The maximum height for flagpoles on tracts occupied by multifamily or other permitted uses shall be fifty (50) feet.

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2-604 – Special exceptions.

The Board of Adjustment may authorize the following Special Exceptions in accordance with the approval standards identified in Section [5-206](#) (L), and any additional criteria set forth in this section for any specific Special Exception.

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B. Front carports.

1. *In general.* When a lot is not located in one of the pre-approved subdivisions for front carports, a front carport may be approved as a Special Exception. (See Section 2-605, Table 2-605.01 for a listing of the pre-approved subdivisions for front carports.)
2. *Design standards.* A front carport approved by Special Exception shall comply with the design standards in [Section 2-603 E.4](#).
3. *Approval standards and additional factors to consider.*
 - a. *Approval standards.* The Board of Adjustment may grant a Special Exception for a front carport when:
 - (1) the Board finds that the Special Exception meets the approval standards in Part 5, 5-200, [Section 5-206](#) (L); and
 - (2) the Board finds that the Special Exception meets the following additional approval criteria:
 - (a) A carport would afford the only opportunity to provide covered parking on the lot; and
 - (b) The lot does not currently have paved alley access such that rear parking is not available as an alternative to a front carport; and
 - (c) Parking behind the building line was not required when the home was constructed; and
 - (d) The home was originally built with either no garage, or a one-car garage.
 - b. *Additional factors to consider.* The Board of Adjustment, in making its decision, may consider among other things the following additional factors. These additional factors may be considered by the Board in making its decision, but these additional factors are not requirements for approval:
 - (1) Whether or not there are similar carports in the immediate vicinity of the request.
 - (2) Reserved.

- ~~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:
 - ~~(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 (4) inches by four (4) 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 2½/12 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.~~

~~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 meets the approval standards contained in Section 5-206 (L). Porch covers exceeding ½ 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 surrounding neighborhood. When making its determination, the Board shall consider, among other things, the same characteristics enumerated in subsection 2-604(B)(2). If approved, the porch cover shall comply with the design standards prescribed in subsection 2-604(B)(3).~~

C.D. Lighted game courts. To allow a game court which is equipped with lighting for night use.

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2-605 – Pre-Approved Subdivisions for Front Carports

The following Table identifies the pre-approved subdivisions for front carports permitted by right in accordance with Section 2-603 (Permitted modifications – Specific structures), Subsection E (Front Carports).

Table 2-605.01 Pre-Approved Subdivisions for Front Carports	
	<u>SUBDIVISION</u>
<u>A</u>	
<u>B</u>	<u>Big Town Estates No 1</u> <u>Big Town Estates No 3</u> <u>Big Town Estates No 4</u> <u>Byrd Estates No 1</u> <u>Byrd Estates No 2</u> <u>Byrd Estates No 3 1st Inst</u> <u>Byrd Estates No 3 2nd Inst</u>
<u>C</u>	<u>C A Reed</u> <u>Casa Ridge Heights No 1</u> <u>Casa Ridge Heights No 2</u> <u>Casa Ridge Heights No 3</u> <u>Casa Terrace 2nd Sec Rev</u> <u>Casa Terrace No 1</u> <u>Casa Terrace No 3</u> <u>Casa View Heights 15</u> <u>Casa View Heights No 15</u> <u>Casa View Heights No 16 1st Sec</u> <u>Casa View Heights No 16 2nd Sec</u> <u>Casa View Heights No 16 3rd Sec</u> <u>Casa View Heights No 16 4th Sec</u> <u>Casa View Heights No 16 5th Sec</u> <u>Casa View Heights No 16 6th Sec</u> <u>Casa View Heights No 17</u> <u>Casa View Heights No 18 1st Inst</u> <u>Casa View Heights No 18 2nd Inst</u> <u>Casa View Heights No 20</u> <u>Casa View Heights No 21</u> <u>Country Club Estates 1st Inst</u> <u>Country Club Estates 2nd Inst</u> <u>Crestwood</u> <u>Crestwood No 2</u>
<u>D</u>	

<u>E</u>	<u>Eastern Heights No 1</u> <u>Eastern Heights No 2</u> <u>Eastern Heights No 3</u> <u>Eastern Heights No 4</u> <u>Eastridge Park No 1</u> <u>Eastridge Park No 1 2nd Sec</u> <u>Eastridge Park No 2</u> <u>Edgemont Park</u> <u>Edgemont Park No 2</u> <u>Edgemont Park No 3</u> <u>Edgemont Park No 4</u> <u>Edgemont Park No 5</u> <u>Edgemont Park No 6</u> <u>Edgemont Park No 7</u> <u>El Rosa</u> <u>El Rosa No 6</u> <u>El Rosa No 7</u> <u>El Tierra Estates No 1</u>
<u>F</u>	
<u>G</u>	<u>Greenbriar Heights</u> <u>Greenbriar Heights No 2</u> <u>Greenbriar Heights No 2 Ph 2</u>
<u>H</u>	<u>Highland Hills</u> <u>Highland Hills 2nd Sec</u> <u>Highland Terrace</u> <u>Hillview</u> <u>Holman Estates</u>
<u>I</u>	
<u>J</u>	
<u>K</u>	<u>Kimbell</u>
<u>L</u>	<u>Lakeside</u> <u>Lakeside No 2</u> <u>Lum Snyder No 2</u>

<u>M</u>	<u>Melton No 1 Unrec</u> <u>Melton No 2 Unrec</u> <u>Melton No 3 Unrec</u> <u>Melton No 4</u> <u>Melton No 5</u> <u>Mesquite Highlands</u> <u>Mesquite Park</u> <u>Mesquite Park No 2</u> <u>Mesquite Park No 3</u> <u>Mesquite Park No 4</u> <u>Miles Smith</u>
<u>N</u>	<u>Newsom Estates No 1</u> <u>Newsom Estates No 2</u> <u>Northridge Estates No 1</u> <u>Northridge Estates No 2</u> <u>Northridge Estates No 3</u> <u>Northridge Estates No 4</u> <u>Northridge Estates No 5</u> <u>Northridge Estates No 6</u>
<u>O</u>	<u>Oak Ridge Estates</u> <u>Oakhaven</u> <u>Oriole Acres</u>
<u>P</u>	<u>Paddy Heights No 1</u> <u>Paddy Heights No 2</u> <u>Pasadena Gardens No 1</u> <u>Pasadena Gardens No 2</u> <u>Pasadena Gardens No 3</u> <u>Pasadena Gardens No 4</u>
<u>Q</u>	
<u>R</u>	<u>Rollingwood Hills</u> <u>Roy Rupards</u> <u>Rutherford Park Estates No 1</u> <u>Rutherford Park Estates No 2 Sec 1</u> <u>Rutherford Park Estates No 3</u> <u>Rutherford Park Estates No 4</u>
<u>S</u>	<u>Skyline No 1</u> <u>Skyline No 1 2nd Sec</u> <u>Skyline No 2 1st Sec</u> <u>Skyline No 4</u> <u>South Wildwood</u> <u>Syble White</u>

<u>I</u>	<u>Town East Estates</u> <u>Town East Estates No 2</u> <u>Town East Estates No 8 1st Inst</u> <u>Town East Estates No 8 2nd Inst</u> <u>Town East Estates No 10</u> <u>Truman Heights</u>
<u>U</u>	
<u>V</u>	<u>Valley View Heights</u>
<u>W</u>	<u>Whitson Gardens No 1</u> <u>Whitson Gardens No 2</u> <u>Whitson Gardens No 3</u> <u>Whitson Gardens No 4</u> <u>Whitson Gardens No 5</u> <u>Whitson Gardens No 6</u> <u>Whitson Gardens No 7</u> <u>Wildwood</u> <u>Wildwood No 2</u> <u>Wildwood Revised</u> <u>Woodfield Casteel Abst</u>
<u>X</u>	
<u>Y</u>	
<u>Z</u>	
<u>NOTE:</u>	<u>In the event of a conflict between this Table and the City's GIS Map, this Table shall control.</u>