

ORDINANCE NO. 4990
Zoning Text Amendment No. 2022-04

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTIONS CONTAINED IN PART 2, SECTION 2-200 “USE REGULATIONS” AND SECTION 2-600 “ACCESSORY STRUCTURES” PERTAINING TO REVISING AND ESTABLISHING NEW REGULATIONS FOR GARAGE CONVERSIONS, ACCESSORY DWELLING UNITS, AND SOLAR PANELS ON RESIDENTIAL-ZONED PROPERTIES AND REVISING PART 6, SECTION 6-102 “DEFINITIONS”, WITHIN THE MESQUITE ZONING ORDINANCE; REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING 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 September 12, 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 amendments to the Mesquite Zoning Ordinance as was first presented to the Mesquite City Council on October 3, 2022; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed Mesquite Zoning Ordinance text amendments on October 3, 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.

Zoning / ZTA No. 2022-04 / Part 2, Sections 2-200 and 2-600 / Part 6, Section 6-102

October 3, 2022

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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 2-200 “Use Regulations” and Section 2-600 “Accessory Structures” pertaining to revising and establishing new regulations for garage conversions, accessory dwelling units, and solar panels on residential-zoned properties and revising Part 6, Section 6-102 “Definitions” 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 five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of October 2022.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

DocuSigned by:

David L. Paschall

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David L. Paschall
City Attorney

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

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PART 2. – RESIDENTIAL DISTRICTS

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2-200 – Use 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~~.]

2-202 – General conditions.

E. Garage conversions.

1. In general. Garages may be eliminated and converted into additional habitable space located within the primary dwelling unit in accordance with this subsection.

2. Requirements.

a. Building permit(s). Building permits are required for garage conversions.

b. Relocation of converted parking spaces ~~required~~.

(1) General rule. Garage conversions shall require relocation of the ~~converted garage~~ parking space(s), ~~that once existed behind the building line on the lot,~~ such that the total off-street parking spaces on the lot is not reduced from what existed prior to the garage conversion.

(2) Exception to general rule for lots platted BEFORE October 1, 1984. A Special Exception may be granted by the Board of Adjustment to authorize a garage conversion, with no requirement to relocate the converted garage parking spaces, on lots platted BEFORE October 1, 1984 (i.e. lots *not* required to have a garage). See below Section 2-202.E.4. (Special Exception).

~~2. — Building permit(s). Building permits are required for garage conversions.~~

EXHIBIT A TO ORDINANCE NO. 4990; ZTA NO. 2022-04.
Mesquite Zoning Ordinance, Part 2, 2-200 & 2-600; and Part 6, 6-100.
P&Z Meeting Date: September 12, 2022 | City Council Meeting Date: October 3, 2022

3. Garage conversions completed BEFORE November 2, 2020, and on lots platted BEFORE October 1, 1984.

a. Applicability.

- (1) This subsection 2-202.E.3. applies only to garage conversions completed BEFORE November 2, 2020.
- (2) This subsection 2-202.E.3. applies only to lots platted BEFORE October 1, 1984.

b. In general. All garage conversions meeting the criteria in sub-section 3.a. above – even those having been completed without a building permit – shall now be eligible for a building permit for a garage conversion.

c. Requirements. To obtain a building permit, without having to comply with the requirement of relocating the converted garage parking spaces (as required by Section 2-202.E.2.b.(1)), the following conditions shall be met:

- (1) the property has two (2) City staff approved off-street non-tandem parking spaces (i.e. parking spaces may not be configured one in front of or behind the other); and
- (2) the property is in compliance with the Mesquite Zoning Ordinance, and meets all Building Code requirements.

d. Exception. If it is unclear, unknown, or disputed when exactly the garage conversion was completed in the past, a determination shall be made by the Director of Planning and Development Services (Director), or his/her designee, whether the property shall be required to relocate the converted garage parking spaces. See Section 2-202.E.2.b.(1) (General rule).

~~34. Special Exception: Garage Conversion - Relocation of Converted Parking Not Required. The Board of Adjustment may approve a Special Exception, in accordance with the approval standards in Section 5-206 (L), to authorize a garage conversion with no requirement to relocate the converted parking spaces, as required above in Subsection 2-202(E)(1), so long as two (2) approved off-street parking spaces remain on the lot.~~

a. In general. The Board of Adjustment may approve a Special Exception to authorize a garage conversion with no requirement to relocate the converted garage parking spaces, on lots platted BEFORE October 1, 1984 (i.e. lots not required to have a garage), in accordance with this subsection.

b. Process.

- (1) An application for Special Exception shall be filed with the Planning and Development Office in accordance with Part 5, 5-200, Section 5-206.
- (2) The Director is authorized to reject any application for a Special Exception when:
 - (a) at least two (2) City staff approved off-street non-tandem parking spaces will not remain on the lot; or
 - (b) when a lot is platted ON or AFTER October 1, 1984 (i.e. lots required to have a garage).

EXHIBIT A TO ORDINANCE NO. 4990; ZTA NO. 2022-04.
Mesquite Zoning Ordinance, Part 2, 2-200 & 2-600; and Part 6, 6-100.
P&Z Meeting Date: September 12, 2022 | City Council Meeting Date: October 3, 2022

b. Approval standards. The Board of Adjustment may grant a Special Exception for a garage conversion with no requirement to relocate the converted garage parking spaces 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) The lot was platted BEFORE October 1, 1984 (i.e. the lot was *not* required to have a garage); and

(b) At least two (2) City staff approved off-street non-tandem parking spaces remain on the lot (i.e. parking spaces may not be configured one in front of or behind the other); and

(c) It is *not* feasible to replace the converted garage parking spaces elsewhere within the lot.

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2-203 – Schedule of permitted uses.

	AG	R	D	TNMR	A	SPECIAL CONDITIONS
C. ACCESSORY USES						
3. ACCESSORY DWELLING UNIT	<u>SC</u>	<u>SC</u>				Requires minimum property area of 21,780 square feet. See Section 2-603.N and definitions. Ord. 4627, 12-03-2018.

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2-600 - ACCESSORY STRUCTURE REGULATIONS

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2-603 – Permitted modifications – Specific structures.

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N. *Accessory dwelling units.* Accessory dwelling units may be approved by ~~Special Exception~~ Conditional Use Permit, in accordance with Section ~~5-206~~300, and shall comply with all of the following criteria, unless modified:

1. Minimum lot size shall be twenty-one thousand seven hundred eighty (21,780) square feet (one-half (1/2) acre).
2. The accessory dwelling unit must share utility meter/connections with the primary structure.
3. The property must have a minimum of four (4) off-street parking spaces that are located behind the front and exterior side building lines. All four (4) spaces must be arranged such that four (4) parked vehicles can exit the property without having to move another parked vehicle.
4. The property owner must live on the property.
5. The accessory dwelling unit shall not be rented or sold separately.
6. The accessory dwelling unit must meet the same setback requirements as the primary structure, provided that the rear setback requirement shall be a minimum of ten (10) feet.
7. The accessory dwelling unit shall not exceed the height of the primary structure or fifteen (15) feet, whichever is less.
8. Maximum area of the accessory dwelling unit shall be five hundred (500) square feet, provided that on lots exceeding one (1) acre and zoned Agriculture, the maximum area shall be one thousand (1,000) square feet.
9. The accessory dwelling unit must be located in the rear yard and behind the rear façade of the primary structure.
10. No property shall have more than one accessory dwelling unit.

O. Small Solar Energy System.

1. In general. Small Solar Energy System devices, as defined in section 6-102, are permissible in accordance with this subsection.

2. Requirements.

a. Electrical permits are required, and building permits may be required for Small Solar Energy System devices depending upon the type of mounting system utilized.

b. Small Solar Energy System devices must be designed and located to avoid glare or reflection onto neighboring properties, inclusive of properties across an alley, easement, or street, and adjacent roadways.

b. The Small Solar Energy System devices shall not interfere with traffic, or create a safety hazard.

c. The Small Solar Energy System devices shall also meet the following additional requirements depending on the type of mount:

(1) Ground-mounted.

(a) Ground-mounted Small Solar Energy Systems are considered accessory structures, must meet applicable setbacks for the zoning district, and shall be located in the rear yard.

(b) The solar panel collector and supporting framework of the Small Solar Energy System cannot extend more than fifteen (15) feet above the existing grade.

(2) Roof-mounted.

(a) Roof-mounted Small Solar Energy Systems may be installed on the roof of any primary structure, or permitted accessory structure (such as a patio cover or storage building), subject to verification by the Building Official of structural load requirements.

(b) Roof-mounted Small Solar Energy Systems shall be mounted parallel with the existing slope of the roof system, and shall not extend more than twelve (12) inches above the point of attachment.

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PART 6. - DEFINITIONS

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6-100 - DEFINITIONS AND INTERPRETATION OF TERMS

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6-102 - Definitions.

[Editor's note: Please insert the following new definition in alphabetical order.]

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Non-tandem parking spaces: Parking spaces that are not configured one in front of or behind the other.

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Small Solar Energy System: A small-scale solar energy conversion system consisting of ground-mounted or roof-mounted solar panels, solar arrays, or other solar energy fixtures, along with the associated equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage, and distribution of solar energy. Small Solar Energy System devices do *not* include individually powered outdoor solar devices, including but not limited to, security cameras, outdoor lights such as garden lights, accent lights, security lights, or flood lights.

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