

ORDINANCE NO. 5106
Zoning Text Amendment No. 2024 – 02

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT, ZTA NO. 2024-02, THEREBY REVISING APPENDIX C – ZONING ORDINANCE BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN PART 2 (RESIDENTIAL DISTRICTS) REGARDING MULTIFAMILY RESIDENTIAL PARKING STANDARDS FOR THE PURPOSE OF AMENDING SAID STANDARDS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, provisions in the Mesquite City Code and Mesquite Zoning Ordinance are in need of revisions thereby providing updates to the parking requirements for multifamily developments; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”) to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas, (“**City**”) is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; 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 shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, [Section 2](#); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Subchapter A, [§ 54.004](#), as amended; and

Planning & Development Services | Multifamily Parking Requirements.

May 6, 2024

Page 2 of 3

WHEREAS, on **April 8, 2024**, the City of Mesquite **PLANNING & ZONING COMMISSION** considered the herein described text amendments to the *Mesquite Zoning Ordinance* and after having given proper public notice and holding a public hearing for the receipt of public comments, the Planning and Zoning Commission *recommended* by majority vote the City Council adopt the text amendments to the Mesquite Zoning Ordinance, attached as **EXHIBIT A** and shown as new in **EXHIBIT B**; and

WHEREAS, after having given proper public notice and holding a public hearing, 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. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

**SECTION 2. Mesquite Zoning Ordinance Text Amendment.
Amending Part 2 – Residential Districts.**

The Mesquite Zoning Ordinance is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, and shown as new in **EXHIBIT B**, and said Exhibits are attached hereto and made a part hereof, and in all other respects said Zoning Ordinance, and its parts, and sections shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

Planning & Development Services | Multifamily Parking Requirements.

May 6, 2024

Page 3 of 3

SECTION 5. Savings Clause.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Penalty Clause.

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 7. Publication.

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

SECTION 8. Effective Date.

This Ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 6TH DAY OF MAY 2024.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David L. Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5106

City of Mesquite, Texas
Mesquite City Code

**APPENDIX C – MESQUITE ZONING ORDINANCE
PART 2. – RESIDENTIAL DISTRICTS**

MARK-UP TO
Sec. 2-403 and Sec. 2-501 (K)

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

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PART 2. – RESIDENTIAL DISTRICTS.

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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.~~]

2-400. – OFF-STREET PARKING.

* * *

2-403 – Parking—Multifamily uses.

Parking for multifamily uses shall be required as set out in Section 2-501. K.

~~A. Number and location of spaces. Two (2) off-street parking spaces shall be provided on the lot for each dwelling unit. Location of parking lots and number of parking spaces shall comply with the requirements found in Section 2-501.K.~~

~~B. Design, layout and construction. All parking areas for multifamily uses shall comply with the requirements for nonresidential parking lots as set out in 3-400.~~

(Ord. No. 2669, 4-16-90; Ord. No. 4676, § 1(Exh. A(4)), 5-20-19)

* * *

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EXHIBIT A TO ORDINANCE NO. 5106; ZTA NO. 2024-02

PART 2 – Residential Districts. Multifamily Parking Requirements

P&Z Meeting Date: April 8, 2024 | City Council Meeting Dates: April 15, 2024; and May 6, 2024

2-501 – Multifamily residential development standards.

* * *

K. Off-street parking requirements.

1. Calculation for number of spaces.

a. Standard multifamily developments.

(1) The number of parking spaces for standard multifamily developments shall be provided based on the number of bedrooms in each dwelling unit as follows:

(a) Studio/Efficiency: 1 space per unit. Except when:

(i) Studio/Efficiency unit ratio exceeds 10% of the total units: 1.25 spaces per unit.

(ii) Studio/Efficiency unit ratio exceeds 20% of the total units: 1.5 spaces per unit.

(b) One bedroom: 1.5 spaces per unit.

(c) Two bedrooms or more: 2 spaces per unit.

(2) The parking requirement shall be increased by ten (10) percent when both of the following are true:

(a) the multifamily property is within three hundred (300) feet of a collector or local street where single-family homes, a school, or a public park front the collector or local street; and said single-family homes, school, or public park are also within three hundred (300) feet of the multifamily property; and

(b) where such collector or local street and single-family homes, school, or park are not across an arterial street or freeway.

b. Age-restricted multifamily communities. The number of parking spaces for age-restricted multifamily communities shall be 1.25 spaces per unit regardless of bedroom count.

2. Location. In no case shall parking be provided between any building and any public street, nor shall parking be permitted in any front or exterior side setback.

3. Covered parking. A minimum of fifty (50) percent of required parking spaces shall be covered spaces provided either in an enclosed garage, a multilevel garage, or under a carport.

4. Design, layout, and construction. All parking areas for multifamily uses shall comply with the requirements for nonresidential parking lots as set out in 3-400.

~~1. A total of two (2) off-street parking spaces shall be provided on the lot for each dwelling unit. A minimum of three (3) parking spaces shall be provided for each unit with three (3) or more bedrooms. A minimum of fifty (50) percent of required parking spaces shall be covered spaces provided either in an enclosed garage, a multilevel garage or under a carport. Parking structures shall provide the same exterior masonry as set out above for main buildings. Off-street parking shall be provided in accordance with the requirements set out in 2-403 and 2-404. In no case shall parking be provided between any building and any public street, nor shall parking be permitted in any front or exterior side setback.~~

~~2. If carports are provided, the support columns must be encased in brick or stone to match the primary structures. The roof of the carport must have a minimum pitch of four (4) to twelve (12) with the peak being located above the center of the structure.~~

* * *

(Ord. No. 2669, 4-16-90; Ord. No. 2969, § 1, 5-2-94; Ord. No. 3343, § 1(4), 11-15-99; Ord. No. 3438, § 1, 8-20-01; Ord. No. 4398, § 1(9), 11-2-15; Ord. No. 4676, § 1(Exh. A(5)), 5-20-19)

Cross reference(s)—Fire prevention and protection, Ch. 6.

EXHIBIT B

To Ordinance No. 5106

City of Mesquite, Texas
Mesquite City Code

**APPENDIX C – MESQUITE ZONING ORDINANCE
PART 2. – RESIDENTIAL DISTRICTS**

NEW

Sec. 2-403 and Sec. 2-501 (K)

EXHIBIT B TO ORDINANCE NO. 5106; ZTA NO. 2024-02

PART 2 – Residential Districts. Multifamily Parking Requirements

P&Z Meeting Date: April 8, 2024 | City Council Meeting Dates: April 14, 2024; and May 6, 2024

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

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PART 2. – RESIDENTIAL DISTRICTS.

* * *

2-400. – OFF-STREET PARKING.

* * *

2-403 – Parking—Multifamily uses.

Parking for multifamily uses shall be required as set out in Section 2-501. K.

(Ord. No. 2669, 4-16-90; Ord. No. 4676, § 1(Exh. A(4)), 5-20-19)

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2-501 – Multifamily residential development standards.

* * *

K. Off-street parking requirements.

1. *Calculation for number of spaces.*
 - a. *Standard multifamily developments.*
 - (1) The number of parking spaces for standard multifamily developments shall be provided based on the number of bedrooms in each dwelling unit as follows:
 - (a) Studio/Efficiency: 1 space per unit. Except when:
 - (i) Studio/Efficiency unit ratio exceeds 10% of the total units: 1.25 spaces per unit.
 - (ii) Studio/Efficiency unit ratio exceeds 20% of the total units: 1.5 spaces per unit.
 - (b) One bedroom: 1.5 spaces per unit.
 - (c) Two bedrooms or more: 2 spaces per unit.
 - (2) The parking requirement shall be increased by ten (10) percent when both of the following are true:
 - (a) the multifamily property is within three hundred (300) feet of a collector or local street where single-family homes, a school, or a public park front the collector or local street; and said single-family homes, school, or public park are also within three hundred (300) feet of the multifamily property; and
 - (b) where such collector or local street and single-family homes, school, or park are not across an arterial street or freeway.
 - b. *Age-restricted multifamily communities.* The number of parking spaces for age-restricted multifamily communities shall be 1.25 spaces per unit regardless of bedroom count.
2. *Location.* In no case shall parking be provided between any building and any public street, nor shall parking be permitted in any front or exterior side setback.
3. *Covered parking.* A minimum of fifty (50) percent of required parking spaces shall be covered spaces provided either in an enclosed garage, a multilevel garage, or under a carport.
4. *Design, layout, and construction.* All parking areas for multifamily uses shall comply with the requirements for nonresidential parking lots as set out in [3-400](#).

* * *

(Ord. No. 2669, 4-16-90; Ord. No. 2969, § 1, 5-2-94; Ord. No. 3343, § 1(4), 11-15-99; Ord. No. 3438, § 1, 8-20-01; Ord. No. 4398, § 1(9), 11-2-15; Ord. No. 4676, § 1(Exh. A(5)), 5-20-19)

Cross reference(s)—Fire prevention and protection, Ch. 6.