

ORDINANCE NO. 5152  
Zoning Text Amendment No. 2024 – 03

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT, ZTA NO. 2024-03, THEREBY REVISING APPENDIX C – ZONING ORDINANCE, PART 2 (RESIDENTIAL DISTRICTS), 2-200 (USE REGULATIONS), SECTION 2-203 “RESIDENTIAL DISTRICTS: SCHEDULE OF PERMITTED USES;” PART 3 (NONRESIDENTIAL DISTRICTS), 3-200 (USE REGULATIONS), SECTION 3-203 “NONRESIDENTIAL DISTRICTS: SCHEDULE OF PERMITTED USES;” 3-700 (ACCESSORY STRUCTURE REGULATIONS), AND PART 6 (DEFINITIONS), 6-100 (DEFINITIONS AND INTERPRETATION OF TERMS), SECTION 6-102 “DEFINITIONS” FOR THE PURPOSE OF ESTABLISHING REGULATIONS FOR ACCESSORY ELECTRIC VEHICLE CHARGING STATIONS; AND AMENDING THE CITY CODE, CHAPTER 13 (SIGNS) FOR THE PURPOSE OF ADDING A NEW FUELING STATION SIGN TYPE; PROVIDING CONFLICTS RESOLUTION, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS,** provisions in the Mesquite Zoning Ordinance are in need of revisions thereby establishing regulations for electric vehicle charging stations as an accessory use; and

**WHEREAS,** provisions in the Mesquite City Code are in need of revisions thereby establishing a new Fueling Station Sign Type; 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

Planning & Development Services |  
Electric Vehicle Charging Stations as an Accessory Use; and New Fueling Station Sign Type  
January 21, 2025  
Page 2 of 4

**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

**WHEREAS,** the City derives its municipal zoning authority for zoning regulations and districts from Texas Local Government Code, Title 7, Subtitle A, [Chapter 211](#), (Municipal Zoning Authority); and

**WHEREAS,** on **July 22, 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

**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 Parts 2, 3, and 6.**

The Mesquite Zoning Ordinance is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, and said Exhibit is 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.

Planning & Development Services |  
Electric Vehicle Charging Stations as an Accessory Use; and New Fueling Station Sign Type  
January 21, 2025  
Page 3 of 4

**SECTION 3. Mesquite City Code Text Amendment.**

**Amending Chapter 13 - Signs.**

The Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT B**, and said Exhibit is attached hereto and made a part hereof, and in all other respects said Code, and its parts, and sections shall remain in full force and effect

**SECTION 4. 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 5. 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.

**SECTION 6. 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 7. Penalty Clause.**

**7.01.** 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 City Code, Chapter 1, [Section 1-6](#), as amended.

**7.02.** 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 8. Publication.**

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

Planning & Development Services |  
Electric Vehicle Charging Stations as an Accessory Use; and New Fueling Station Sign Type  
January 21, 2025  
Page 4 of 4

**SECTION 9.**

**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 21st DAY OF JANUARY 2025.**

Signed by:

*Daniel Aleman*

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**Daniel Alemán, Jr.**  
**Mayor**

**ATTEST:**

DocuSigned by:

*Sonja Land*

C2518095973F46A...

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**Sonja Land**  
**City Secretary**

**APPROVED AS TO LEGAL FORM:**

Signed by:

*David L. Paschall*

666E18891208434...

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**David L. Paschall**  
**City Attorney**

MESQUITE CITY CODE  
\* \* \*

APPENDIX C – MESQUITE ZONING ORDINANCE

\* \* \*  
PART 2. – RESIDENTIAL DISTRICTS  
\* \* \*

2-200 – Residential Districts: Use Regulations  
\* \* \*

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

2-203 – Residential Districts: Schedule of permitted uses.

	AG	R	D	TNMR	A	SPECIAL CONDITIONS
* * *						
C. <u>Accessory uses.</u>						
* * *						
<u>17. Accessory Electric Vehicle Charging Station</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See definitions in 6-102; and Requires compliance with Section 3-702.G.</u>
* * *						

\* \* \*  
PART 3. – NONRESIDENTIAL DISTRICTS  
\* \* \*

3-200 – Nonresidential Districts: Use Regulations  
\* \* \*

3-203 – Nonresidential Districts: Schedule of permitted uses – Contents to SIC codes.  
\* \* \*

3-203 Nonresidential Districts: Schedule of Permitted Uses													
SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
* * *													
L. <u>ACCESSORY USES AND STRUCTURES</u>													
* * *													
<u>11. Accessory Electric Vehicle Charging Station</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>See definitions in 6-102; and Requires compliance with Section 3-702.G.</u>
* * *													

## 3-700 – ACCESSORY STRUCTURE REGULATIONS

\* \* \*

### 3-702 Permitted modifications – Specific structures.

\* \* \*

#### G. Accessory Electric Vehicle Charging Station (“EVCS”)

The following regulations apply to both the Electric Vehicle Charging Station as an accessory use, and to the individual Electric Vehicle Charging Station(s) (“EVCS”):

1. Definitions. See Section 6-102 for definitions.
2. Permits required. Electrical permits and building permits are required for Electric Vehicle Charging Stations.
3. Parking - Accessible Parking Spaces. A portion of Electric Vehicle Charging Stations being installed shall comply, as may be required, with the Texas Accessibility Standards (TAS). Electricity is considered an “alternative fuel” under the federal Energy Policy Act of 1992. (See Title 42 U.S.C. Ch. 134, §13211 (Definitions), as amended or successor.) For purposes of compliance with the Texas Accessibility Standards, an EVCS is considered a “fuel dispenser.”
4. Anti-glare and reflection. Electric Vehicle Charging Stations 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.
5. Safety hazards prohibited. Electric Vehicle Charging Stations shall not interfere with traffic or create a safety hazard.
6. Setback. An Electric Vehicle Charging Station may be placed in the required setbacks except when adjacent to a property occupied by a single-family home or when the station includes an Electric Vehicle Charging Station sign.
7. Charging cords. A charging cord may not cross over a sidewalk or pedestrian walkway.
8. EVCS orientation to parking stall. An Electric Vehicle Charging Station shall be located at the head or side of each parking stall. The charging station shall not encroach into the required parking stall dimensions.
9. Landscaping. If an Electric Vehicle Charging Station is located within a landscaped area, any required landscaping shall be replaced.
10. Operational working condition required. Electric Vehicle Charging Stations shall be in operational working condition at all times and, at a minimum, available for use during regular business hours. When an Electric Vehicle Charging Station is not operational for fourteen (14) consecutive days, it shall be considered to have been removed from service. If removed from service, the charging station shall be removed from the site and the parking spaces shall be returned to their original condition within thirty (30) days.
11. Public Right-of-Way. Electric vehicle charging station equipment may not block the public right-of-way and may not result in charging a vehicle in the public right-of-way.

EXHIBIT A TO ORDINANCE NO. 5152 ; ZTA NO. 2024-03.  
**Mesquite Zoning Ordinance, Part 2, Part 3, and Part 6 – Electric Vehicle Charging Stations**  
P&Z Meeting Date: July 22, 2024 | City Council Meeting Dates: August 5, 2024; and January 21, 2025

## **PART 6 – DEFINITIONS**

\* \* \*

### **6-100 – DEFINITIONS AND INTERPRETATIONS OF TERMS**

\* \* \*

#### **6-102 – Definitions.**

\* \* \*

*Electric Vehicle Charging Station (EVCS): A facility that provides electrical charging for vehicles.*

*Electric Vehicle Charging Station – Accessory Use; or Accessory Electric Vehicle Charging Station: A facility that provides electrical charging for vehicles as an accessory use of the property.*

\* \* \*

## MESQUITE CITY CODE

\* \* \*

### Chapter 13 - Signs

#### Article I. – IN GENERAL

\* \* \*

##### Sec. 13-1. – Definitions.

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

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

\* \* \*

Fueling Station Sign means a sign attached to an electric vehicle charging station or fueling pump. Fueling Station Signs may include an electronic message center or video screen.

\* \* \*

##### Sec. 13-73. Specifications by type of sign.

*[[Editor's Note: Insert "Fueling Station Sign" as new letter (i) and re-letter the remaining subsections accordingly. Make the following revisions with additions identified in green font and underlined.]*

###### (i) Fueling Station Sign.

- (1) Fueling Station Signs shall have a maximum of two sides and each side shall have a maximum of 10 square feet of signage.
- (2) The maximum height of a Fueling Station Sign is nine feet..
- (3) Fueling Station Signs shall not be located within 25 feet of a public right-of-way line.
- (4) Fueling Station Signs may advertise any business regardless of individual lot lines, without being considered off-premises signage.
- (5) Fueling Station Signs may use electronic video screens provided the signage or video display is not readily visible from a public right of way.