

2-100 DISTRICTS ESTABLISHED

2-101 AG - AGRICULTURAL

Ord. 2669/4-16-90

The AG district is established primarily to accommodate and protect residential estate development at a semi-rural density; and secondarily to provide for agricultural uses which are to be retained. This district also accommodates parks, schools, churches and other public and semi-public facilities to serve and complement the residential development. The district shall be used as the classification for newly annexed territory. This district will generally be applied in areas of existing estate homes and in areas to be reserved for estate home development; in areas where agricultural uses are to be retained; and in newly annexed territory.

2-102 R - SINGLE FAMILY RESIDENTIAL

Ord. 2669/4-16-90

The R - districts are established to accommodate and protect single family detached residential development, providing a variety of housing densities and sizes throughout the City. These districts also accommodate parks, schools, churches, and other public and semi-public facilities to serve and complement the residential development.

A. R-1, R-1A AND R-2 SINGLE FAMILY

To establish and maintain areas at a lower than average density under full service conditions, thereby providing greater privacy and areas for larger homes. These districts will generally be applied throughout the City in areas of existing large lot/large home development, in areas adjacent to existing large lot/large home development, and in areas to be reserved for large lot/large home development.

B. R-2A AND R-3 SINGLE FAMILY

To establish and maintain areas at an average density for average size homes. These districts will be applied throughout the City in areas of existing conventional development and in larger areas appropriate for conventional residential development.

2-103 D - DUPLEX RESIDENTIAL

Ord. 2669/4-16-90

The D - district is established to accommodate housing at a higher than average density, thereby providing small lot single family attached/duplex housing opportunities. The district also accommodates parks, schools, churches, and other public and semi-public facilities to serve and complement the residential development. This district will generally be applied throughout the City on small, infill tracts adjacent to conventional neighborhoods where conventional development is impractical due to the size, shape, or location of the tract. This district will generally not be applied as the classification for larger residential areas.

2-104 A - MULTIFAMILY RESIDENTIAL

Ord. 2669/4-16-90; Ord. 4098/6-7-2010; Ord. 4676/5-20-19

The A-districts are established to accommodate multifamily housing, thereby providing for apartment and condominium housing opportunities. The districts also accommodate parks, schools, churches, and other public and semi-public facilities to serve and complement the residential development. The Traditional Neighborhood Mixed Residential (TNMR) zoning district is established to create new regulations for infill multifamily development and is expressly intended on land designated in the Mesquite Comprehensive Plan as appropriate for Urban Multifamily Residential.

- A. *A-1 Multifamily*. To accommodate multifamily developments which are low in density.
- B. *A-3 Multifamily*. To accommodate multifamily development at average to higher densities.
- C. *Traditional Neighborhood Mixed Residential (TNMR)*. To accommodate new multifamily and mixed residential uses at a variety of densities and dwelling types in a traditional neighborhood setting. The district is intended for urban residential development at medium to large infill locations, including an assemblage of tracts, and provides housing choices and urban design characteristics that complement adjoining residential neighborhoods and support commercial uses within a pedestrian shed. See Section 4-1500 for TNMR district regulations.

2-200 USE REGULATIONS

2-201 GENERAL USE REGULATIONS **Ord. 2669/4-16-90; Ord. 4098/6-7-2010**

No land shall hereafter be used and no structure shall hereafter be erected, altered, or converted in a residential district which is arranged, designed or used for any use other than a use specified in 2-203 as permitted in the district in which it is located, except as otherwise permitted herein or as specified in Section 4-1500.

A. P - PERMITTED USES

Principal or accessory uses indicated as "P" (Permitted Use) in 2-203 are permitted in the districts specified, subject to compliance with all conditions and requirements of this ordinance and other applicable provisions of the City Code.

B. C - CONDITIONAL USES

Principal or accessory uses indicated as "C" (Conditional Use) in 2-203 may be permitted in the districts specified if expressly authorized by the City Council in accordance with the procedures set out in 5-300.

C. S - SPECIAL EXCEPTIONS

Principal or accessory uses indicated as "S" (Special Exception) in 2-203 may be permitted in the districts specified if expressly authorized by the Board of Adjustment in accordance with the procedures set out in 5-200.

D. PROHIBITED USES

Principal or accessory uses which are not designated in a district as "P", "C" or "S" in 2-203 shall be prohibited in that district. Refer to 3-203 for uses permitted in the non-residential districts.

E. SPECIAL CONDITIONS

Special requirements for specific uses are noted in 2-203 under "Special Conditions". The designated use is permitted only when in compliance with the special conditions listed. When a use is authorized as a Conditional Use or as a Special Exception, the authorizing body may approve modification of the special conditions by specifying the allowed modification in its approval, provided that proposed modifications must be identified in the required notices as part of the requested approval. Such modification may be approved if it is determined that the use can be accommodated under modified conditions without creating adverse impact on adjacent properties and that it will be compatible with the neighborhood.

F. SIC CLASSIFIED USES

Nonresidential uses listed in 2-203 include a SIC code number which references the use's classification as contained in the Standard Industrial Classification Manual (1987). The SIC Manual shall be incorporated herein as a reference for the description and definition of those uses referenced by a SIC code number, except as otherwise modified herein.

G. PLANNED DEVELOPMENT DISTRICT USES

The PD district is not included on the Schedule of Permitted Uses. Uses are permitted in a PD district if the specific PD ordinance references a standard district in which the use is permitted or if the ordinance specifically lists the use as permitted in the PD district. If a use is listed as "C" or "S" in a district referenced by a PD ordinance, it shall be permitted in the PD district only when specifically authorized in accordance with 2-201B or 2-201C, unless such use is specifically listed as permitted in the PD ordinance.

H. ADDITIONS AND REVISIONS

The addition or removal of uses; the change of a "P", "C" or "S" designation; the revision of Special Conditions; or any other revisions of the Schedule of Permitted Uses (2-203) are ordinance amendments requiring compliance with the procedures set out in 5-300.

2-202 GENERAL CONDITIONS

Ord. 2669/4-16-90

A. SITE PLAN

A site plan, showing the proposed development including all easements, property lines, physical features, fire lanes and hydrants, buildings, utilities, parking and drives, adjacent streets with medians and drives, and locations of refuse collection, and landscaping shall be required for all uses and construction except single family residences, duplexes, and accessory buildings related thereto.

1. ***AG District - Permitted Nonresidential Uses*** A site plan for permitted nonresidential uses in the AG district shall be processed in the same manner as specified for a development site plan in a PD district, requiring courtesy notice to adjacent property owners, review and recommendation by the Planning and Zoning Commission and approval by the City Council. (See 4-202)
2. ***R and D Districts - Permitted Nonresidential Uses*** A site plan for permitted nonresidential uses in R and D districts shall be processed in the same manner as a site plan in a nonresidential district, requiring approval of the Development Review Committee. (See 3-202A)
3. ***A District*** A site plan for multifamily or permitted nonresidential uses in the A district shall be processed in accordance with 2-501A.

B. FAMILIES PER UNIT

No more than one family shall occupy a dwelling unit. (See definitions)

C. DWELLINGS PER LOT

No more than one dwelling unit shall occupy a lot in an AG or R district. No building shall be converted to create additional units unless located in a district which allows multiple units and unless the structure complies with all requirements for new structures in such district.

D. MOBILE HOMES

No person shall place or occupy a mobile home outside an approved mobile home park, unless such mobile home complies with all required development standards for the district in which it is located.

E. GARAGE CONVERSIONS (Ord. 2680/7-2-90)

The requirements of this ordinance regarding covered parking, parking behind the building line, and minimum masonry exterior shall not be interpreted to prevent the conversion of an attached garage to living area, provided that 2 approved, off-street parking spaces remain available on the lot. Building permits are required for garage conversions.

2-203 SCHEDULE OF PERMITTED USES Ord. 4676/05-20-2019; Ord. 4627/12-03-2018; Ord. 3837/10-16-06; Ord. 2669/4-16-90

	AG	R	D	TNMR	A	SPECIAL CONDITIONS	
A. RESIDENTIAL USES							
1. SINGLE-FAMILY DETACHED DWELLINGS							
a. Conventional Dwellings	P	P	P		P		
b. Zero Lot Line Dwellings						Requires PD district; See 2-504.	
c. Patio Homes (Ord. 3837/10-16-06)						Requires PD district; See 2-502.	
2. SINGLE-FAMILY ATTACHED DWELLINGS							
a. Duplex Two-family Dwellings			P		P		
b. Townhouse Dwellings						Requires PD district; See 2-502.	
c. Other Attached Dwellings (3-plex, 4-plex)						Requires PD district.	
3. MULTIFAMILY DWELLINGS					P	Requires PD district if greater than 25 dwelling units; Requires compliance with 2-501. Ord. 4676 5-20-2019	
4. MOBILE HOME PARKS						Requires PD district; See 2-503.	
B. NONRESIDENTIAL USES							
1. CROP PRODUCTION	P	S				SIC 01. Requires minimum 2 acre tract; Permits no retail or wholesale activity; Regulate barns and agricultural structures as accessory structures	
2. LIVESTOCK PRODUCTION	C					SIC 02. Requires minimum 5 acre tract; Specify maximum number and type of animals permitted on Conditional Use permit approval; Regulate barns and agricultural structures as accessory structures. All keeping of horse or livestock may be classified as an accessory use if conducted in accordance with the conditions set out in 2-203C.9 and 2-203C.10.	
3. AGRICULTURAL SERVICES (except)	C					SIC 07. Permit only in conjunction with approved crop or livestock production uses; Prohibit all other 07 uses in the residential districts.	
a. Boarding, Breeding, or Training Facilities	C						
4. FORESTRY	C					SIC 08.	
5. FISHING, HUNTING, TRAPPING	C					SIC 09.	
6. MINING - EXTRACTION OF MINERALS	C					SIC - Division B. See 1-500.	
7. UTILITY FACILITIES (except)	P	P	P		P	See definitions; SIC 48 and 49; Permits service and distribution facilities only, not including business offices, warehouses, service centers, storage yards, or generation/ manufacturing plants. See 3-203.	
a. Neighborhood Facilities							
b. Community/Regional Facilities (except)	C	C	C		C		
(1) Wastewater Treatment	C						SIC 4952.
2) Sanitary Landfill	C						SIC 4953.
3) Telecommunications, Towers and Antennas (Ord. 3153/5-5-97)						Requires compliance with 1-700.	
8. CEMETERY DEVELOPMENT AND OPERATION	C	C	C		C	SIC 6553.	
9. LODGING SERVICES							
a. Rooming/Boarding House (4 or less persons)					S	SIC 702; Permit use of existing house only if home and lot provide adequate space for persons and parking and if	
b. Rooming/Boarding House (5 or more persons)					C	no exterior alteration or additional entrances will be necessary.	
c. Lodging Houses on Membership Basis					C	SIC 704; Requires no Conditional Use permit in	

2-203 SCHEDULE OF PERMITTED USES Ord. 4676/05-20-2019; Ord. 4627/12-03-2018; Ord. 3837/10-16-06; Ord. 2669/4-16-90

	AG	R	D	TNMR	A	SPECIAL CONDITIONS
						conjunction with an approved college or university.
10. RECREATIONAL FACILITIES						
a. Public Golf Courses, Playgrounds and Parks	P	P	P		P	SIC 7992 AND 7999; Prohibits nonpublic and/or commercial facilities; Requires principal building or any swimming pool to be located at least 100 feet from any other lot in any residential district.
b. Membership Sports and Recreation Clubs	C	C	C		C	SIC 7997. Requires minimum 5 acre tract; Requires principal building or any swimming pool to be located at least 100 feet from any other lot in any residential district.
11. HEALTH CARE FACILITIES						
a. Nursing and Personal Care Facilities					P	SIC 805.
b. Hospitals					C	SIC 806; Prohibits buildings housing psychiatric patients within 250 feet of any other tract in a residential district.
12. EDUCATIONAL FACILITIES						
a. Elementary and Secondary Schools	C	C	C		C	SIC 821. Requires compliance with 3-509; Ord. 4562/5-7-18;
b. Colleges, Universities	C	C	C		C	SIC 822; Requires minimum 5 acre tract.
c. Libraries	P	P	P		P	SIC 823.
13. DAY CARE CENTERS						
					C	SIC 835; Requires State licensing; See permitted accessory uses for Home Day Care; Includes centers for children, elderly or handicapped.
14. RESIDENTIAL CARE FACILITIES						
a. Personal Care Home	P	P	P	P	P	See generally, Section 2-800 #14: Ord.4210/4-16-2012
b. Community Home (6 or fewer persons)	P	P	P	P	P	SIC 836; Requires State licensing; Permits only homes complying with the Community Homes for Disabled Persons Location Act; Classify all others as Group Homes.
c. Group Home (7 to 15 persons)	C	C	C	P	P	SIC 836; Requires State licensing; Classify facilities for delinquents and offenders as SIC 9223; See 3-203.
d. Residential Care Institution (16 or more persons)					P	SIC 836
15. CULTURAL FACILITIES						
a. Museums, Art Galleries (Public)	P	P	P		P	SIC 841.
b. Arboreta, Botanical Gardens (Public)	P	P	P		P	SIC 842; Requires minimum 5 acre tract.
c. Zoological Gardens (Public)	C					SIC 842. Requires minimum 10 acre tract.
16. CHURCHES	P	P	P		P	SIC 866. Permits churches and other places of worship, parsonages, and associated educational buildings, including day care use within such buildings, but not religious offices or activities not associated with a place of worship.
17. PUBLIC ADMINISTRATION						
a. Public Safety	P	P	P		P	SIC - Division J. Permits fire stations and police substations.
b. Other Governmental Facilities	C	C	C		C	Permit only when service and/or operating characteristics necessitate location in a residential district; Prohibits warehouses, storage yards, or similar facilities.
C. ACCESSORY USES						
1. ACCESSORY STRUCTURES (PRIVATE) (Buildings, garages, patio covers, decks, carports, fences, signs, swimming pools, spas, antenna, satellite dishes, game courts, flagpoles)	P	P	P		P	Requires compliance with 2-600.

2-203 SCHEDULE OF PERMITTED USES Ord. 4676/05-20-2019; Ord. 4627/12-03-2018; Ord. 3837/10-16-06; Ord. 2669/4-16-90

	AG	R	D	TNMR	A	SPECIAL CONDITIONS
2. PARKING (PRIVATE)	P	P	P		P	Requires compliance with 2-400; See City Code for recreational vehicle parking requirements; Prohibits parking of heavy load vehicles.
3. ACCESSORY DWELLING UNIT	S	S				Requires minimum property area of 21,780 square feet. See Section 2-603.N and definitions. Ord. 4627, 12-03-2018.
4. GARDENING (PRIVATE)	P	P	P		P	
5. HOME OCCUPATIONS	P	P	P		P	Requires compliance with 2-700.
6. HOME DAY CARE a. Registered Family Home	P	P	P		P	Requires facility to be registered/licensed by the State and conducted in accordance with State regulations; Prohibits play apparatus in the front yard; Prohibits signs.
b. Adult Day Care	P	P	P		P	Requires facility to be registered/licensed by the State and conducted in accordance with State regulations; Prohibits signs; Maximum 6 persons permitted; See also 3-203L.832.
7. YARD/GARAGE SALES	P	P	P		P	Permits maximum of 2 sales at a location during a calendar year with a maximum of 3 days per sale; Permits the sale of miscellaneous used household items and home crafts by the occupants of a residence.
8. KEEPING OF PETS (PRIVATE)	P	P	P		P	Permits only household pets kept in accordance with the Animal Control Ordinance; Prohibits keeping of animals for commercial and/or breeding purposes.
9. KEEPING OF HORSES AND PONIES (PRIVATE)	S	S	S		S	Requires no Special Exception approval if the following conditions are met: a. Minimum lot size of one acre. b. Maximum of 2 horses on first acre; one horse per acre on additional acreage. c. Fencing to retain grazing animals is required. d. No barns, corrals, or similar enclosures within 100 feet of any property line. Not required in the AG district.
10. KEEPING OF LIVESTOCK (PRIVATE) Includes Poultry/Fowl	S					Requires no Special Exception approval if the following conditions are met: a. Minimum lot size of 2 acres. b. Maximum of one animal per acres. c. Fencing to retain grazing animals is required.
11. LEASING OFFICE					P	
12. COIN-OPERATED LAUNDRY (PRIVATE)					P	
13. COMMUNITY/RECREATION ROOM (PRIVATE)					P	
14. REFUSE CONTAINERS	P	P	P		P	Permits containers in conjunction with multifamily and permitted nonresidential uses which are allowed in the residential districts; Requires compliance with the Special Conditions set out for refuse containers in 3-203L.6.
15. LANDSCAPE IRRIGATION SYSTEMS	P	P	P		P	
16. PONDS (Over 1 1/2 feet deep)	S	S	S		S	

2-300 DEVELOPMENT STANDARDS

The development standards set out in 2-300 shall apply to all uses in the AG, R, and D districts. Standards for uses in the A districts are set out in 2-501. Additional standards for multifamily, townhouse, mobile home park, small lot single family, and zero lot line residential development are set out in the applicable part of 2-500.

2-301 GENERAL REQUIREMENTS

Ord. 2669/4-16-90

A. SINGLE FAMILY DWELLINGS

Single family dwellings constructed in a D or A district shall comply with all requirements of the R-3 district.

B. DUPLEX DWELLINGS

Duplex dwellings constructed in an A district shall comply with all requirements of the D district.

C. PLATTED BUILDING LINES

Whenever a lot has previously been platted with a greater front building line than required in 2-302, structures shall comply with the platted building line.

D. KEY LOT SETBACKS

Key lots are those corner lots where the rear of the lot abuts, or is across an alley from, the side lot line of a lot fronting the side street which the corner lot adjoins. The exterior side yard on a key lot shall be the same depth as the required front yard on the adjoining side street.

E. ADJACENT DISTRICTS (Ord. 2740/5-6-91)

If 2-302 imposes a requirement for a use when it is adjacent to a specified type of lot or district, adjacent shall mean that the building site of the use abuts or is across an alley from the specified type of lot or district.

F. LANDSCAPING (Ord. 2740/5-6-91)

All uses in the residential district, except single family residences and agricultural uses, shall provide landscaping in accordance with the requirements set out in 3-304, unless otherwise noted below.

I. Duplexes

- a. Permanent turf grass and/or ground cover shall be established in all yards
- b. A minimum of one large shade tree (a minimum 3-inch caliper at installation) or 3 small ornamental trees (a minimum 6 feet in height at installation) shall be required in the front yard of each dwelling unit.
- c. One gallon shrubs, planted 3 feet on center, shall be installed along the front of the structure
- d. All landscape areas shall be irrigated. Irrigation shall be an automatic or manual underground irrigation system, or a hose attachment shall be available within 50 feet of all landscape areas.

2-302 LOT, SETBACK, HEIGHT, AND UNIT SIZE REQUIREMENTS

Ord. 3634/2-16-04; Ord. 2740/5-06-91; Ord. 2669/4-16-90

	<i>AG</i>	<i>R-1</i>	<i>R-1A</i>	<i>R-2</i>	<i>R-2A</i>	<i>R-3</i>	<i>D</i>
A. PERMITTED RESIDENTIAL USES							
1. Minimum Lot Dimensions							
a. Lot Size (Sq. Ft.)	43,560	11,000	8,250	8,250	7,200	7,200	12,500
b. Lot Width (Feet)	150	85	70	70	60	60	75
c. Lot Depth (Feet)	150	120	110	110	110	110	110
2. Minimum Yard Dimensions							
a. Front Yard (Feet)	50	30	25	25	25	25	25
b. Exterior Side Yard (Feet)	Same setback as the front yard setback required on the adjoining side street.						
(1) On Key Lot							
(2) Not on Key Lot	15	10	10	10	10	10	10
c. Interior Side Yard (Feet)	15	5	5	5	5	5	5
d. Rear Yard (Feet)	50	25	25	25	25	25	25
3. Maximum Height (Whichever is less)							
a. Feet	35	35	35	35	35	35	35
b. Stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5
4. Minimum Living Area (Sq. Ft.)							
a. Single Family Residence (Ord. 3634/2-16-04; Ord. 3040/6-19-95)	2,500	2,000	2,000	1,700	1,700	1,500	
b. Duplex Residence							
(1) Total: 2 Units							2,200
(2) Smallest Unit							1,000
B. PERMITTED NONRESIDENTIAL USES							
1. Minimum Lot Dimensions							
a. Lot Size (Sq. Ft.)	87,120	43,560	43,560	43,560	43,560	43,560	43,560
b. Lot Width (Feet)	200	200	200	200	200	200	200
c. Lot Depth (Feet)	150	120	110	110	110	110	100
2. Minimum Yard Dimensions							
a. Front and Exterior Side Yard (Feet)	50	30	30	25	25	25	25
b. Interior Side and Rear Yard (Feet)	25 feet or two times the height of the building above grade at the nearest AG, R, or D Boundary, whichever is greater.						
(1) Adjacent to AG, R, or D District							
(2) Adjacent to A or Nonresidential District	20	20	20	20	20	20	20
3. Maximum Height (Whichever is Less):							
a. Feet	35	35	35	35	35	35	35
b. Stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5

2-303 EXTERIOR FIRE RESISTANT CONSTRUCTION REQUIREMENTS

Ord. 4372/7-20-2015; Ord. 3656/6-7-04; Ord. 2669/4-16-90; Ord. 3141/3-3-97

All main buildings in the AG, R and D districts shall be of fire resistant construction having at least 90% of the total exterior walls, excluding doors and windows, constructed of masonry for all dwellings on lots in subdivisions for which a final plat was approved on or after July 1, 2004. For all dwellings on lots in subdivisions for which a final plat was approved before July 1, 2004, the minimum ratio of required masonry material for the total exterior walls, excluding windows and doors, shall fall within range.

The non-masonry areas of the main building shall be cementitious fiberboard, natural wood or vinyl siding.

2-304 PERMITTED MODIFICATIONS OF STANDARDS

Ord. 2669/4-16-90

A. LOT DIMENSIONS

The Planning and Zoning Commission, in reviewing a subdivision plat, may authorize the following modifications from the required lot minimums:

1. ***Reduction of Minimum Lot Width or Depth*** The required minimum lot width or depth of 10% of the total lots in a single family subdivision may be reduced, provided that the required minimum lot size is provided on any lot with a reduced width or depth.
2. ***Reduction of Minimum Lot Size*** The required minimum lot size of 10% of the total lots in a single family subdivision may be reduced, provided that the required minimum lot width and depth are provided on any lot with a reduced size. This reduction shall not be permitted in the AG district.
3. ***Lot Width on Curved Streets*** The required minimum lot width may be reduced when a lot fronts on a curvilinear street and cul-de-sac, provided that the average width of the lot is equal to or greater than the required minimum lot width and that a functional lot is provided.

B. LOTS OF RECORD

In districts where allowed, a single family dwelling may be permitted on any lot of official record at the effective date of this ordinance, irrespective of area or width.

C. DUPLEX - INDIVIDUAL LOTS

Duplex development may be platted so that 2 units are placed on one lot in accordance with the requirements of 2-302 or so that the units are placed on pairs of lots with the lot line through the common wall between the units. If lots are platted so that each unit is on an individual lot, the plat shall indicate which lots are paired. Paired lots shall each provide 1/2 the required minimum size and width, but may together meet other requirements of 2-302.

D. PROJECTIONS OF ARCHITECTURAL FEATURES

Architectural features may project into a required yard as set out below.

1. ***All yards*** Cornices and eaves may project a maximum of 30 inches into any required yard.
2. ***All Yards, Except Interior Side Yards*** Chimneys, bay windows, balconies, canopies and fire escapes may project 3 feet into any yard, except an interior side yard, provided that such feature does not occupy more than 1/3 of the length of the building wall on which it is located.
3. ***Interior Side Yards*** The architectural features listed above may project into an interior side yard, provided the projection is no more than 1/5 the width of the required yard.

E. MAXIMUM HEIGHT (Ord. 3264/10-19-98)

1. ***Architectural Features*** Steeples, spires, cupolas, domes, turrets and similar architectural features may exceed the maximum permitted height by 10 feet, provided they are an integral part of the design of the permitted structure and they are limited in size to no more than 10% of the area of the structure.
2. ***Churches*** The maximum height of a church may exceed 35 feet, provided that the following conditions are satisfied: 1) The setback of the structure from the nearest property line in an AG, D, or R district is increased to at least three feet for each foot in height above grade at that property line; 2) The height is measured to the peak of the roof or spire/steeple; and 3) The structure, excluding the spire/steeple, does not exceed three stories in height.

F. ACCESSORY STRUCTURES

Accessory structures shall be regulated in accordance with the requirements set out in 2-600.

2-305 SPECIAL EXCEPTIONS

Ord. 2669/4-16-90

The Board of Adjustment may authorize the following Special Exceptions where it determines that the exception will allow greater use and enjoyment of property without creating adverse impacts on adjacent properties and that it will be compatible with the neighborhood.

A. MINIMUM UNIT SIZE

To allow construction of a single family residence which does not comply with the required minimum unit size. This Special Exception may be considered in neighborhoods where existing residences were predominantly constructed smaller than the currently required minimum size.

B. EXTERIOR MASONRY PERCENTAGE (Deleted: Ord. 3286/3-15-99)

2-400 OFF-STREET PARKING

2-401 PARKING - SINGLE FAMILY USES

Ord. 2669/4-16-90

A. NUMBER AND LOCATION OF SPACES

Two off-street parking spaces shall be provided on the lot behind the front building line for each dwelling unit and shall be served by either a double driveway or a single driveway with a flared approach which allows each vehicle to be maneuvered without moving the other. No accessory structure or other obstruction shall be located so as to eliminate a required parking space or access to such space.

B. PAVING

All parking areas and drives for single family residences shall be accessed from a paved street or a paved alley and shall be paved with concrete according to City of Mesquite paving specifications. In the AG district, on tracts of two acres or more, drives may be constructed of an all-weather base and surface adequate to support emergency equipment.

C. GARAGES

Covered parking shall be provided for two automobiles within an enclosed garage (minimum 18 feet by 20 feet) for all dwellings on lots in subdivisions for which a final plat was approved on or after October 1, 1984.

2-402 PARKING - DUPLEX USES

Ord. 2669/4-16-90

A. NUMBER AND LOCATION OF SPACES

Four off-street parking spaces shall be provided on the lot behind the front building line (2 for each dwelling unit). Each pair of spaces shall be served by either a double driveway or a single driveway with a flared approach which allows each vehicle to be maneuvered without moving the other. No accessory structure or other obstruction shall be located so as to eliminate a required parking space or access to such space.

B. PAVING

All parking areas and drives for duplex uses shall be accessed from a paved street or a paved alley and shall be paved with concrete according to the City of Mesquite paving specifications.

C. GARAGES, CARPORTS (Ord. 2740/5-6-91)

Covered parking shall be provided either for two automobiles within an enclosed garage (minimum 18 feet by 20 feet) or for two automobiles plus an enclosed storage area within a carport (minimum 18 feet by 20 feet plus an enclosed storage area of not less than 120 cubic feet with a minimum base of three feet by five feet) for all dwellings on lots in a subdivision for which a final plat was approved on or after October 1, 1984.

2-403 PARKING - MULTIFAMILY USES

Ord. 4676/5-20-2019; Ord. 2669/4-16-90

A. NUMBER AND LOCATION OF SPACES (Ord. 4676/5-20-2019)

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.

2-404 PARKING - PERMITTED NONRESIDENTIAL USES

Ord. 2669/4-16-90

A. NUMBER OF SPACES

Parking spaces shall be provided for permitted nonresidential uses in accordance with the parking group standards set out for the specific use in 3-203 and 3-405.

B. DESIGN, LAYOUT AND CONSTRUCTION

All parking areas for permitted nonresidential uses shall comply with the requirements for nonresidential parking lots as set out in 3-400.

C. PARKING SCREENS

Where a parking lot for a permitted nonresidential use abuts or is across an alley or easement and is within 100 feet of any single family or duplex lot, existing or future, a 3 foot high solid screen shall be provided along the perimeter of the parking area within 100 feet of such lots to screen the view of the parking and to shield the lots from headlight glare. No such parking screen is required where a 6 foot masonry screening wall is provided on the property line abutting such residential lots. A solid screen shall mean a solid masonry wall, landscape hedgerow, berm, or other alternative approved by the Development Review Committee. Wood and metal fences shall not be used to satisfy this requirement.

2-500 SUPPLEMENTARY DEVELOPMENT STANDARDS

2-501 MULTIFAMILY RESIDENTIAL DEVELOPMENT STANDARDS **Ord. 4676/5-20-2019; Ord. 3438/8-20-01; Ord. 2669/4-16-90**

The standards set out below shall be required for multifamily uses in all districts and shall serve as guidelines for review of multifamily developments in PD districts. Multifamily developments or redevelopments that include more than 25 dwelling units require Planned Development district zoning.

A. SITE PLAN

Submittal and approval of a site plan is required. The site plan shall show the proposed development including all items on the Site Plan Review Checklist kept on file in the Planning Office and all items required by this section.

B. LOT AND SETBACK REQUIREMENTS

All multifamily and permitted non-residential uses in the A districts shall comply with the following lot and setback requirements.

1. Minimum lot size. Ten thousand (10,000) square feet.
2. Minimum lot width. Eighty (80) feet.
3. Minimum front and exterior side yards. Twenty-five (25) feet.
4. Minimum interior and rear yards. Adjacent shall mean that the building site in the A district abuts or is across an alley from a lot or tract in the specified district.
 - a. Adjacent to AG, R or D district: Twenty-five (25) feet (Also see height regulations below for setbacks required for structures taller than one story).
 - b. Adjacent to A or nonresidential district: Fifteen (15) feet.

C. MAXIMUM STORIES

The maximum number of stories in an A district shall be:

1. Two-stories if less than 200 feet from a single-family residential zoning district.
2. Three-stories if 200-300 feet from a single-family residential zoning district.
3. Five-stories if more than 300 feet from a single-family residential zoning district.

D. EXTERIOR FIRE RESISTANT CONSTRUCTION REQUIREMENTS

All main structures shall be of fire resistant construction having at least 75 percent of the total exterior walls, excluding doors and windows, constructed of brick or stone.

E. DWELLING UNIT REQUIREMENTS

1. *Minimum dwelling size.* Seven hundred twenty-five (725) square feet, provided that efficiency units may be five hundred (500) square feet.
2. *Maximum number of efficiency units.* Five (5) percent of total number of dwelling units in the development.
3. *Minimum number of one-bedroom units.* Fifty (50) percent of total number of dwelling units in the development.
4. Maximum number of units with three or more bedrooms. Five percent of the total number of dwelling units.

5. *Basic facilities.*

- a. Each dwelling unit will include the following:
 - Washer and dryer hookups
 - Security devices in accordance with the requirements of the Texas Property Code § 92.153, as amended.
 - The entry to all dwelling units shall be from an interior hallway of the building, provided that private patios and balconies shall have access to the unit.
- b. Bathrooms shall be required as follows:
 - One-bedroom and efficiency units shall have a minimum of one full bathroom.
 - Two-bedroom units shall have a minimum of one full and one-half bathrooms.
 - Three and four-bedroom units shall have a minimum of two full bathrooms.
 - Five or more bedroom units shall have a minimum of two full and one-half bathrooms.

F. DENSITY

In the district specified, multifamily development shall not exceed the density specified below, provided that a planned development district may be granted to allow densities exceeding the maximums specified below.

<u>District</u>	<u>Maximum Density (Units/Acre)</u>
A-1	12*
A-3	25*

* The maximum density computation indicated is based on gross site acreage. In no case shall density be permitted to exceed 25 units per acre on the net buildable area regardless of the gross acreage density computation unless approved as part of a planned development district. Net buildable area is the acreage of the portion of a tract which is not in a 100-year flood plain or will not be in the 100-year flood plain after reclamation.

G. SCREENING AND SECURITY

- 1. *Screening* Screening and buffering requirements for multifamily uses are set out in 1A-304.
- 2. *Security fencing* Multifamily developments shall be required to provide security fencing and gates adequate to regulate and control access to the complex. In order to assure emergency access, all gate installations shall be in accordance with established rules and regulations of the Mesquite Fire Department. Fencing erected pursuant to this requirement shall be six to eight feet in height and shall be constructed of wrought iron with a maximum picket spacing of six inches, or a long-span precast concrete decorative screening wall, brick, stone or vinyl. Only fencing of a non-solid construction is permitted within the front and exterior side yard setbacks, provided that all gates must be set back from the street right-of-way a minimum of 25 feet.
- 3. *Site security* All parking areas, common hallways and entrances shall be illuminated and have operational video surveillance.

H. OPEN SPACE AND OUTDOOR AMENITIES

Open space and outdoor amenities shall be provided as follows for the use and enjoyment of the residents.

- 1. *Open Space requirement* Any multifamily site containing more than 12 dwelling units shall be required to provide a minimum of 400 square feet of open space per dwelling unit. Open spaces shall not include any area with drainage structures, floodplain or within any required front or exterior side setback. Open spaces that count toward this requirement shall have a minimum dimension of 25 feet and a minimum area of 800 square feet.

2. Number of Amenities

Any multifamily site with 12 to 49 dwelling units shall provide a minimum of one outdoor amenity from the list of Outdoor Amenities Group A and one from Outdoor Amenities Group B. Multifamily sites with 50 or more dwelling units shall provide a minimum of two outdoor amenities from the list of Outdoor Amenities Group A and two from Outdoor Amenities Group B below. For each additional 75 dwelling units on a property, one additional outdoor amenity from Group A and Group B shall be provided. All amenities shall be of quality and construction similar to the type normally used in public parks.

Outdoor Amenities – Group A

Swimming pool
Splash pad
Sports courts – regulation sized (such as basketball, volleyball, tennis)
Playgrounds with a minimum of five pieces of equipment and 1000 square feet of area.
Other amenities may be allowed as approved by the Director of Planning and Development Services.

Outdoor Amenities – Group B

Fire pit
Outdoor cooking facilities
Picnic areas to include dining tables and permanent shade structures
Hot tub/spa
Other amenities may be allowed as approved by the Director of Planning and Development Services.

I. INDOOR AMENITIES

Any multifamily site with 50 or more dwelling units shall provide a minimum of two indoor amenities from the list of Indoor Amenities below. For each additional 50 dwelling units on a property, one additional indoor amenity shall be provided.

Indoor Amenities

Fitness room to include cardio and weight training equipment with a minimum area of three square feet per dwelling unit
Indoor pool
Indoor hot tub/spa
Business center to include at least two computer stations, a printer, scanner, and photocopying device
Media room with permanent television/movie viewing equipment and seating for a minimum of 20 individuals
Club room with a minimum of 10 square feet for each dwelling unit, but in no case less than 1500 square feet.
Club room shall include a sink, coffee bar, seating and tables
Recreation room with equipment such as pool tables, ping pong, foosball, shuffle board or similar game equipment
Other amenities may be allowed as approved by the Director of Planning and Development Services

J. LANDSCAPE REQUIREMENTS

Landscaping shall be provided for all multifamily and all permitted nonresidential uses in the A district in accordance with the requirements set out in 1A-200, Landscape Requirements; provided however, that the minimum area required to be landscaped in multifamily developments shall be all open space areas with the exception of areas where outdoor amenities are located.

K. OFF-STREET PARKING REQUIREMENTS

1. A total of two off-street parking spaces shall be provided on the lot for each dwelling unit. A minimum of three parking spaces shall be provided for each unit with three or more bedrooms. A minimum of 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 4 to 12 with the peak being located above the center of the structure.

L. PROJECTIONS OF ARCHITECTURAL FEATURES

Cornices, eaves, chimneys, bay windows, balconies, canopies and fire escapes may project three feet into any required yard, provided that such feature does not occupy more than 1/3 of the length of the building wall on which it is located.

M. ACCESSORY STRUCTURES

Accessory structures shall be regulated in accordance with the requirements set out in 2-600.

N. REFUSE CONTAINERS

Refuse containers, compactors and similar facilities shall be located a minimum of 100 feet from any property line abutting an AG, R or D district. All refuse containers shall be enclosed as required in the City of Mesquite Engineering Design Manual.

O. TRAFFIC IMPACT ANALYSIS

The proposed construction of 50 or more multifamily dwelling units, whether a new development or expansion of an existing development, shall require a traffic impact analysis. The traffic impact analysis shall include an analysis of pedestrian facilities serving the site.

P. SCHOOL IMPACT ANALYSIS

All requests for rezoning for any development that includes 25 or more multifamily dwelling units, whether a new development or expansion of an existing development, shall require an analysis of the expected impact on the public school system. The school impact analysis shall be submitted to the Director of Planning and Development Services and the applicable school district no less than seven days prior to consideration of the zoning request by the Planning and Zoning Commission.

2-502 TOWNHOUSES AND PATIO HOMES

Ord. 3837/10-16-06

The standards set out below shall serve as guidelines for review of townhouse and patio home developments in a PD district. Modification of these guidelines may be approved with the concept plan required under the PD district in order to provide design flexibility which allows innovative and creative development concepts.

A. LOT, SETBACK AND BUILDING STANDARDS

	TOWNHOUSES	Patio Homes
1. <i>Minimum Lot Area</i>	3,000 square feet	5,000 square feet
2. <i>Minimum Lot Depth</i>	100 feet	90 feet
3. <i>Minimum Lot Width</i>	25 feet	50 feet
4. <i>Minimum Front Yard</i>	20 feet – front entry 15 feet – rear entry	
5. <i>Minimum Exterior Side Yard</i> (from any public or private street, drive or alley)	10 feet	
6. <i>Minimum Interior Side Yard</i>	Per Fire Code	0 feet on one side 15 feet on other side
7. <i>Minimum Rear Yard</i>	10 feet – front entry 20 feet – rear entry	
8. <i>Maximum Density</i>	8 units per acre	6 units per acre
9. <i>Minimum Living Area</i>	1,500 square feet	
10. <i>Maximum Height</i>	2 stories, but up to 35 feet on interior lots	

11. Minimum Exterior Fire Resistant Construction (Masonry)	90 percent of the total exterior wall 100 percent of the façade facing a public street		
12. Minimum Separation Between Buildings	26 feet	15 feet	
13. Maximum Number of Units per Building	4 units	NA	
14. Minimum Open Space	40 percent		
15. Parking:	<i>Resident parking</i>	2 covered off-street spaces per unit	
	<i>Visitor parking, off-street in a common area</i>	1 space for every 2 units	1 space for every 4 units

B. RECREATIONAL FACILITIES

Recreational and community facilities, including community buildings, swimming pools and playground areas, shall be considered in the review of the development plan.

C. SCREENING (Ord. 4398/11-2-15)

A long-span precast concrete decorative screening wall, eight (8) feet in height, shall be erected and maintained at the perimeter of the district. Provided, however, that such wall shall not be required to extend into a required front or exterior side yard and shall not be erected so as to obstruct traffic visibility at alley, street or drive intersections.

D. PARKING AND STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT

The Planned Development district shall stipulate that no recreation vehicle, motorhome, watercraft or other equipment greater than six feet in height when mounted on its transporting trailer shall be parked or stored on any lot with a dwelling unit. Regardless of height, no such equipment shall be parked or stored on any street for longer than 24 hours.

E. LANDSCAPING AND OPEN SPACE

1. *Submission* The concept plan submitted with the Planned Development application shall evidence compliance with the open space requirements of this Section. A landscape plan conforming with the requirements of 1A-201 and this Section shall be submitted with the development site plan.
2. *Open Space* Not less than 40 percent of the area in the district, excluding the lots with dwelling units, shall be improved and maintained as pervious open space. The district shall include a plaza or other common space with a minimum of 10,000 square feet not within public right-of-way that is connected to the district’s system of sidewalks and which is designed for walking and other passive recreation.
3. *Landscaping* All lots with dwelling units, and each 500 square feet of open space, including rights-of-way, shall be landscaped with turf grass, irrigated and planted with trees in accordance with 1A-203(A). Not less than 20 percent of the required open space and pervious area of each lot with a dwelling unit shall be improved with landscape beds.

F. HOMEOWNERS’ ASSOCIATION

Before issuance of building permits for a project containing any common areas or community facilities, it shall be necessary to assure the City that provisions have been made for adequate upkeep and maintenance of such area and facilities through the creation of a homeowners or maintenance association established to maintain and manage all such common areas and community facilities. Documents creating such association shall grant the City the right to collect maintenance fees and provide maintenance in the event that the association fails to do so.

2-503 MOBILE HOME PARK

Ord. 2669/4-16-90

The standards set out below shall serve as guidelines for review of mobile home parks in a PD district. Modification of these guidelines may be approved with the development plan required under the PD district, in order to provide flexibility in design which allows the use of innovative and creative development concepts.

A. LOT AND SETBACK REQUIREMENTS

1.	<i>Minimum Tract Size</i>	10 acres
2.	<i>Minimum Lot Size</i>	4000 square feet
3.	<i>Minimum Lot Width</i>	40 feet
4.	<i>Minimum Lot Depth</i>	100 feet
5.	<i>Minimum Front Yard</i>	20 feet
6.	<i>Minimum Rear Yard</i>	10 feet
7.	<i>Minimum Exterior Side Yard</i>	10 feet
8.	<i>Minimum Interior Side Yard</i>	5 feet; if less than 10 feet the site plan must indicate unit placement to assure the required 20 foot separation between units.
9.	<i>Minimum Separation Between Structures</i>	20 feet

B. BUILDING REQUIREMENTS

1. **Concrete Slabs** Each mobile home site shall be equipped with a concrete slab which is as large or larger than the exterior dimensions of the units and its supports. The slab shall include anchors for tie down.
2. **Permanent Mounting** Each mobile home shall be permanently installed, including tie-downs, skirting, and removal of the tongues and wheels.

C. OPEN SPACE REQUIREMENTS

A recreational site or sites, having a minimum area of at least 30% of the total land area of the mobile home park, shall be provided. All areas not used for access, parking, circulation, buildings, and service shall be permanently landscaped and maintained in good condition, including a landscaped strip 20 feet in width along the exterior boundaries of the park, except where other screening may be required.

D. SCREENING (Ord. 4398/11-2-15)

In the event that a mobile home park backs or sides upon any other residential district, a long-span precast concrete decorative screening wall not less than six (6) feet in height shall be erected and maintained along the property line abutting such district. Provided however, that such wall shall not be required to extend into a required front or exterior side yard and shall not be erected so as to obstruct traffic visibility at alley, street, or drive intersections.

E. PARKING REQUIREMENTS

1. **Automobiles** Two off-street parking spaces shall be provided on each lot behind the front building line. In addition, one parking space for each 3 lots shall be provided in groups throughout the development to accommodate visitor parking. See 2-400.
2. **Recreational Vehicles and Boats** (Ord. 4398/11-2-15) A storage area must be provided for the parking and storage of recreational vehicles and equipment. This storage area shall have a minimum area of 100 square feet for each mobile home lot and shall be screened with a long-span precast concrete decorative screening wall at least six (6) feet in height.

F. SUBDIVISION STANDARDS

Water and sewer service, fire hydrant requirements, street and paving standards, and other requirements for residential subdivisions shall apply to mobile home parks, regardless of whether lots are individually platted or not.

2-504 ZERO LOT LINE RESIDENTIAL

Ord. 2669/4-16-90

Previous 2-504 ACCESSORY STRUCTURE REGULATIONS/Deleted by Ord. 2592/4-3-89

The standards set out below shall be required for zero lot line residential development. The zero lot line concept may be applied in any single family detached residential subdivision which is zoned PD, provided that the use of the concept is specifically noted in the PD ordinance or the development plan approval.

A. DEFINITIONS

Zero lot line construction shall mean residential construction where the main building is located less than 5 feet from a side property line.

B. PLATTING REQUIREMENTS

The following platting requirements shall apply to zero lot line construction.

1. ***Zero Line Designation*** The plat shall designate which side yard will be the zero lot line. The zero lot line shall not be an exterior side yard adjacent to a public street or alley.
2. ***Easement*** The plat shall dedicate, on the lot adjacent to the zero lot line, a 3 foot wide Ingress, Egress, Overhang and Drainage Easement for the purpose of maintenance, repair, and/or replacement of the wall, overhang, roof, and/or eaves, and drainage onto the adjacent property. If no such easement is dedicated, the structure must be set back at least 3 feet from the side lot line.

C. BUILDING REQUIREMENTS

The following building requirements shall apply to zero lot line construction.

1. ***Building Separation*** A minimum 10 foot separation between all principal structures in the zero lot line subdivision shall be required.
2. ***Exterior Wall*** Any exterior wall built less than 5 feet from the property line shall be of solid masonry exterior construction for its full height.
3. ***Wall Openings/Insets*** All exterior walls which are less than 5 feet from a property line shall be continuous and without openings or insets for the full length of the structure.

D. DRAINAGE

A detailed lot grading/drainage plan shall be required to be submitted prior to the issuance of any permits in any zero lot line subdivision without alleys to assure that run-off can be handled without adverse impacts across adjoining lots

2-600 ACCESSORY STRUCTURE REGULATIONS

2-601 GENERAL PROVISIONS

Ord. 2592/4-3-89

Accessory structures, used only for permitted accessory uses, shall be permitted in the residential districts in compliance with the following requirements.

A. MAIN BUILDING REQUIRED

No accessory structure, except fences, shall be permitted on any tract where no principal building has been established.

B. ATTACHED STRUCTURES

Any structure which is attached to the principal building shall be considered a part thereof and shall comply with all requirements for a principal structure, unless otherwise provided herein.

C. DETACHED STRUCTURES (Ord. 3979 / 8-04-08)

Detached structures shall comply with the requirements set out below. Those structures which require no separation from other structures on the lot and those structures which are connected to the principal building by breezeways or patio covers shall be considered to be "detached" for the purpose of identifying applicable regulations.

D. EXTERIOR SIDE YARD REQUIREMENTS - FENCED YARDS

Whenever an exterior side yard is legally fenced with a solid fence at least 6 feet in height, the setbacks required shall be the same as those required for an interior side yard.

E. MULTIFAMILY ACCESSORY BUILDINGS (Ord. 4676, 5-20-2019)

Accessory buildings permitted in conjunction with multifamily uses shall be limited to storage buildings with a maximum size of 120 square feet and a maximum height of eight feet. All other structures shall comply with the requirements for a principal structure.

F. EASEMENTS

No accessory structure shall be constructed in any easement, unless approved in writing by the holder of the easement.

2-602 REQUIREMENTS - ALL STRUCTURES

Ord. 2592/4-3-89

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 500 square feet; provided however, that in no case, shall the total of all accessory structures occupy more than 35% of the yard area in which the structures are located. The maximum permitted size for an accessory structure in the AG district shall be 1000 square feet.

B. MAXIMUM HEIGHT

The maximum permitted height for an accessory structure, except as otherwise permitted herein, shall be 15 feet, one story, or the height of the principal structure, whichever is less.

C. SETBACKS (Ord. 3979 / 8-04-08)

Detached accessory structures shall require the following minimum setbacks from property lines and other structures; provided, that within a residential district other than AG, an oversize accessory structure exceeding 500 square feet shall be placed behind the rear façade line of the principal structure.

1. Front Yard Setbacks	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	5 feet.

4. Rear Yard Setback	3 feet.
5. Garage Door Setback	20 feet from any street or alley right-of-way line where the garage door is at an angle of less than 90 degrees to the right-of-way line. (Ord. 4384 / 9-21-2015)
6. Building Separation	6 feet from any other structure on the lot.

D. EXTERIOR MATERIALS (Ord. 3979 / 8-04-08)

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 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

Ord. 2592/4-3-89

A. MINOR BUILDINGS

Minor buildings shall be those structures which are 120 square feet in area and 8 feet in height, or less. Minor buildings shall be permitted with a 3 foot interior side yard setback and shall require no separation from other structures.

In the R and D districts, minor buildings located within a yard which is legally fenced with a solid fence at least 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 line on the rear 20% of the lot, provided that the structure is constructed so that drainage is directed onto the subject lot and not onto an adjacent lot. The rear 20% of the lot shall be determined by locating the 20% point on each side lot line and connecting the two points with a line.

B. FRONT PORCH COVERS (Ord. 4207 / 3-5-2012)

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 shall meet the setback requirements of the principal structure. 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 (Ord. 4207 / 3-5-2012)

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. No separation from other structures shall be required. The cover shall be excluded from the masonry requirement when attached to the principal structure. The patio cover shall meet the setback, maximum size and lot coverage, and height for an accessory structure. 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 (Ord. 4084 / 4-5-2010)

In the R districts, a rear carport with a maximum size of 22 feet by 24 feet shall be permitted with a three-foot setback from the rear property line, provided that no garage doors or gates obstructing access into the carport shall be permitted. No separation from other structures shall be required, provided that, when attached, the carport shall comply with the requirements of the structure to which it is attached, except that the carport shall be excluded from the masonry requirement when attached to the principal structure.

E. FRONT CARPORTS (Ord. 4084 / 4-5-2010)

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 400 square feet and cannot extend 20 feet beyond the front or exterior building line proper. The width of a front carport shall not exceed 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.

F. FENCES, SIGNS, SWIMMING POOLS

Fences, signs, and swimming pools shall comply with the respective requirements and regulations set out in the City Code.

G. ANTENNA, AERIALS (Ord. 3153 / 5-5-97)

Antennae, aerials, and associated masts shall comply with the requirements of 1-700.

H. SATELLITE DISHES

Satellite dishes shall comply with all requirements of 2-602, except as otherwise provided herein, provided however that no separation from other structures shall be required. When mounted on a roof, the height shall not exceed the height of the highest point of the roof.

I. PARKING PADS AND DRIVES

Parking pads and drives shall comply with the requirements and regulations set out in the City Code.

J. GAME COURTS

Game courts with permanently installed nets, poles, other apparatus, or paving shall not be permitted in the required front yard, provided however that basketball hoops installed over an existing driveway shall be permitted. Lighted game courts shall require approval as a Special Exception.

K. DECKS

A deck shall be an improvement with no side enclosure, no upper structure, and no roof, including uncovered decks, porches, and patios. Decks shall require no separation from other structures and shall be permitted in any rear or interior side yard. In the R and D districts, decks shall be permitted in the required front and exterior side yards, provided that the maximum coverage permitted shall be 10% of the yard area.

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 flagpole, solely for the purpose of displaying the U.S. or Texas State flag, with a maximum height of 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 50 feet.

M. DONATION COLLECTION FACILITIES (Ord. 4054 / 6-15-2009)

A donation collection facility, whether conducted as a primary or accessory use, shall not be permitted on any property, public or private, within the City.

N. ACCESSORY DWELLING UNITS (Ord. 4627 / 12-03-2019)

Accessory dwelling units may be approved by Special Exception and shall comply with all of the following:

1. Minimum lot size shall be 21,780-square feet (one-half acre).
2. The accessory dwelling unit must share utility meter/connections with the primary structure.
3. The property must have a minimum of four off-street parking spaces that are located behind the front and exterior side building lines. All four spaces must be arranged such that four 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 10 feet.
7. The accessory dwelling unit shall not exceed the height of primary structure or 15 feet, whichever is less.
8. Maximum area of the accessory dwelling unit shall be 500-square feet, provided that on lots exceeding one acre and zoned Agriculture, the maximum area shall be 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.

2-604 SPECIAL EXCEPTIONS

Ord. 2593/4-3-89

The Board of Adjustment may authorize the following Special Exceptions where it determines that the exception will allow greater use and enjoyment of property without creating adverse impacts on adjacent properties and that it will be compatible with the neighborhood.

A. OVERSIZE ACCESSORY STRUCTURE

To allow an oversize accessory structure, which shall be any detached structure which exceeds the height, size, or coverage limits set out in 2-602. An existing accessory building shall not become an oversize structure due to the attachment of a minor building with separate entrances. Buildings exceeding 10% of the lot area are generally considered to be incompatible.

B. FRONT CARPORTS (Ord. 4084 / 4-5-2010)

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 either 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:
 - c. 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.
 - d. A carport shall have trim fascia on all exterior sides of the carport and shall have an internal gutter system.
 - e. The support columns for the carport shall be at least four inches by four 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 2 ½ / 12 or less. If a request for a flat roof is approved, the roof materials, structural design or strength of materials shall be subject to approval of the Building Official. A rolled roof shall be prohibited.

C. FRONT OR EXTERIOR PORCH COVERS (Ord. 4207 / 3-5-2012)

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 would be compatible with the neighborhood. Porch covers exceeding 1/3 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 neighborhood. When making its determination, the Board shall consider, among other things, the same characteristics enumerated in subsection B.2 of this Section. If approved, the porch cover shall comply with the design standards prescribed in subsection B.3 of this Section.

D. LIGHTED GAME COURTS

To allow a game court which is equipped with lighting for night use.

2-700 HOME OCCUPATION REGULATIONS

2-701 GENERAL PROVISIONS

Ord. 2678/6-18-90

A. DEFINITION AND INTENT

A home occupation is a gainful activity, resulting in a product or service, which is conducted in whole or in part on a property zoned or occupied as residential.

The intent of this section is to allow low-intensity home occupations that are clearly incidental and secondary to the primary residential use of the property and that are conducted in a limited manner which creates little exterior indication of the activity and which does not create a nuisance or otherwise adversely impact adjacent properties or the residential character of the neighborhood.

B. EXEMPTIONS

Yard/garage sales and home day care are specifically permitted by the use schedule and shall not be classified as home occupations when operating in compliance with all ordinances and regulations in connection with such use. (See 2-203)

C. APPLICATION/INSPECTION

A request for registration or for approval of a Conditional Use permit for a home occupation shall constitute the applicant's agreement to allow, upon reasonable request, the inspection of the premises to the extent necessary to determine compliance and compatibility with these regulations. City inspectors may inspect a premises suspected of violations for the purpose of determining compliance with these regulations. The refusal to allow inspection upon reasonable request shall be an indication of a failure to comply with the terms of this section. A presumption shall therefore exist that there are violations and appropriate enforcement action to terminate the activity may be taken.

D. REGISTRATION REQUIRED

All home occupations shall be required to register upon forms prepared by the City Planner for the purpose and shall include a description of the nature and extent of the activity. The applicant shall sign the form verifying that the activity will be conducted in compliance with the standards of operation set out below.

E. LIMITED APPROVAL/REVIEW

Approval of a home occupation, whether by registration or by Conditional Use permit, shall be limited to one year, provided that such approval shall automatically be extended in one year increments, based on the anniversary date of the approval, unless a request for review is received prior to the anniversary date. A written request for review may be submitted by any person affected by the home occupation; by the City Planner, Health Official, or Building Official; or by the City Council or Planning and Zoning Commission. If a request for review is received, a new application for approval as a Conditional Use permit shall be required.

2-702 STANDARDS OF OPERATION

Ord. 2678/6-18-90

All home occupations shall comply with the following performance standards and limitations, except as specifically modified herein.

A. EMPLOYEES

No person other than an occupant of the residence shall be engaged in the home occupation at the residence or shall visit the residence on a regular basis. No more than 3 occupants at a residence shall be engaged in home occupations.

B. SPACE AND LOCATION

The maximum area used for the home occupation shall not be greater than 25% of the living area of the residence; than 500 square feet, including storage areas; or than 2 rooms. No accessory building shall be used in the conduct of a home occupation.

C. STORAGE

The total area used exclusively for storage shall be no larger than 150 cubic feet. Outside storage in conjunction with a home occupation shall be prohibited.

D. ALTERATIONS

No alterations of the residential appearance of the property for business purposes, such as the creation of a separate entrance, shall be permitted.

E. EQUIPMENT

The installation, storage, or use of any equipment or machinery not normally found in a household or general office shall be prohibited.

F. SALES AND DISPLAY

Direct, on site sales, retail or wholesale, and the display of goods or products on the premises shall be prohibited.

G. NUISANCES

The creation of noise, odors, vibrations, glare, fumes, or electrical interference which is detectable to normal sensory perception outside the structure shall be prohibited.

H. DELIVERIES

No deliveries related to the conduct of the home occupation shall be permitted by vehicles of more than 2 axles. No more than three total deliveries per week shall be permitted.

I. TRAFFIC

Home occupations shall not involve the regular visits of clients, other employees, or any other persons to the residence due to the conduct of the home occupation.

J. ADVERTISING/SIGNS

On-site signs and displays shall be prohibited, including interior signs or displays which are visible from the exterior of the structure. No advertising shall be placed in any media which contains the address of the property or otherwise encourages clients to visit the residence.

2-703 PERMITTED HOME OCCUPATIONS

Ord. 2678/6-18-90

A. USES PERMITTED

The following uses shall require registration, but shall not require approval as a Conditional Use permit, provided that full compliance with all standards of operation stated above is required, except as modified herein.

1. Home Office

An office for the clerical and administrative purposes of receiving mail and telephone calls, maintaining records, and similar functions is permitted.

a. Off-site Sales Offices: Home offices may include offices for direct sales distribution (Amway, Avon, Tupperware, etc.), for manufacturer's representatives, and other similar activities provided that all sales are conducted off-site and that storage and deliveries do not exceed the limitations stated above.

b. Off-site Services Offices: Home offices may include offices for services provided off-site, including but not limited to such activities as house cleaning service, yard/garden service, locksmiths, appliance repair, contractors, and similar activities, provided that all services are provided off-site, that storage does not exceed the limitations stated above, that no other employees regularly visit the premises, and that no more than one commercial vehicle is parked at the residence on a regular basis.

c. Professional Services: Home offices may include offices/studios for engineers, draftsmen, and similar services provided that client consultation is conducted off-site.

2. Home Instruction

Individual tutoring or lessons in art, dance, music, swimming, or similar activities are

permitted, provided that a maximum of 6 students per day shall be permitted at the premises.

3. **Home Arts/Crafts** The preparation of small arts/crafts items for off-site display and sale, including ceramics with a maximum kiln size of 6 cubic feet and including dressmaking/sewing with a maximum of one machine, shall be permitted, provided that all ordering, fittings, and delivery are conducted off-site. The preparation or creation of larger items requiring frequent delivery of materials, movement by vehicles other than passenger vehicles, larger or noisy equipment, or storage exceeding the limits stated above shall not be allowed.

B. REFERRAL

Whenever there are questions or there is uncertainty regarding conformance with the intent and/or requirements of all regulations regarding home occupations, the City Planner may forward the home occupation to the Planning and Zoning Commission and City Council for review under the requirements regarding Conditional Use permits.

2-704 CONDITIONAL USE PERMITS FOR HOME OCCUPATION Ord. 2678/6-18-90

Home Occupations not in compliance with 2-703 may be approved as a Conditional Use permit in accordance with the procedures set out in 5-300 under the following conditions.

A. USE GUIDELINES

A Conditional Use permit for a home occupation may be approved only if it is determined that the activity will be incidental and subordinate to the residential purpose of the property, will comply with the spirit and intent of these regulations, will not create adverse impacts on adjacent properties, and will be compatible with the residential character of the area.

The following types of uses will not be approved as home occupations unless unusual or special circumstances exist:

1. Uses involving regular client visits, such as photographic studios, small appliance repair shops, barber/beauty shops, medical offices, etc.;
2. Uses involving large goods or materials, such as upholstery or furniture repair, arts/crafts other than small items, etc.;
3. Uses involving nuisances (noise, dust, etc.) or which cannot be conducted within a totally enclosed structure, such as automobile, lawn mower, or other engine repair, welding or machine shops, etc.;
4. Uses where other employees visit the site, such as operating/dispatch offices for contractors, offices for businesses having employees who are not occupants, etc.;
5. Uses involving handling and/or storage of quantities of goods or materials, such as retail/wholesale operations or manufacturing/assembly;
6. Uses involving the grooming, breeding, or boarding of animals.

B. MODIFICATIONS OF STANDARDS

The standards of operation set out in 2-702 shall apply to all home occupations; provided however, that the approval of a Conditional Use permit may authorize minor modifications, alternative limitations, and/or special conditions where it is determined that the home occupation can be accommodated in accordance with the spirit and intent of this section.

2-800 RESIDENTIAL CARE FACILITIES

2-801 CERTIFICATE OF OCCUPANCY

Ord. 4210/4-16-2012

A. REQUIRED

All *assisted living facilities* shall apply for and receive an approved certificate-of-occupancy from the Building Official prior to the commencement of operations. All State licensed facilities operating within the City without an approved certificate of occupancy as of April 16, 2012, shall apply for a certificate within thirty days after said date and shall meet the requirements for an approved certificate no later than July 1, 2012.

B. CONTROLLING CODES

To receive a certificate-of-occupancy, the proposed *assisted living facility*, including the premises, shall meet the requirements of this Section, the International Residential Code or International Building Code, whichever is applicable for the size of the facility, the International Property Maintenance Code, and such other codes and ordinances that may govern the operation of the facility. The Building Official may approve a provisional certificate-of-occupancy for a *community home* or *group home* pending the applicant's receipt of a State license for the facility.

C. REASONABLE ACCOMMODATION

The Director of Community Development is authorized to provide a reasonable accommodation to standards, rules, policies or practices of the City related to the use or occupancy of a dwelling when the accommodation may be necessary to afford disabled persons an equal opportunity to use and enjoy the dwelling.

2-802 PERSONAL CARE HOMES

A. LOCATION

A *personal care home* shall be permitted-by-right in any residential district.

B. REGISTRATION

Not less than ten days prior to commencing operations, the proprietor of a *personal care home* shall:

1. If owner-occupied, apply for and register the facility as a home occupation with the Office of Planning and Zoning. For purposes of such application, the conducting of the *personal care home* shall be considered incidental to the primary residential use of the dwelling, and any employees of the facility shall be considered occupants of the dwelling; or;
2. If not owner-occupied, apply for and register the facility as a rental dwelling unit with the Building Official under Section 5-468 of the City Code.

2-803 COMMUNITY HOMES

A. LOCATION

A *community home* shall be permitted-by-right in any residential district. However, a *community home* shall not be established within one-half mile of an existing *community home*.

B. TYPE OF FACILITY

A *community home* shall be operated by:

1. The Texas Department of Mental Health and Mental Retardation;
2. A community center organized under Subchapter A, Chapter 534, Texas Health and Safety Code, that provides services to persons with disabilities;

3. An entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes);
4. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
5. An assisted living facility licensed under Chapter 247, Texas Health and Safety Code.

2-804 GROUP HOMES

A. LOCATION

1. The establishment of a *group home* in the AG, R or D residential districts shall be subject to approval of a conditional use permit by the City Council. The operator or proprietor of the proposed *group home* shall file a complete application for the conditional use permit prior to obtaining a State license for the proposed facility. The application shall be processed according to the procedures of Section 5-300. A *group home* shall be permitted-by-right within the A or TNMR districts.
2. A *group home* within the AG, R or D residential districts shall not be established within one thousand feet (1,000 ft.) of an existing *community home*.

2-805 CONTEXT AND PREMISES

A. NEIGHBORHOOD APPEARANCE

A *personal care home*, *community home* or *group home* established within an AG, R or D residential district shall retain, or be constructed to match, an exterior appearance compatible with the surrounding residential dwellings. Within the A or TNMR districts, a *personal care home*, *community home* or *group home* shall either maintain the form of the existing building it occupies, or if built new, shall be constructed to the residential standards of the district.

B. MULTIPLE USES PROHIBITED

No other use, including a *home occupation*, shall be conducted on the premises of a *community home* or *group home*, except for such activities clearly incidental to the administration of the facility, the provision of services in connection with the facility's State license, and the conducting of religious services for residents and their families.

C. PARKING

1. Within the AG, R or D residential districts, a *personal care home*, *community home* or *group home* shall provide one off-street parking space for each on-duty or resident supervisor. The number of motor vehicles kept by and for the use of residents of the facility shall not exceed the number of bedrooms in the facility. Except for emergency vehicles, the facility operator shall schedule caregiver visits so that no more than two caregiver vehicles are parked on the public street at the same time.
2. In all other districts, the parking requirements for *assisted living facilities* shall meet Parking Standard 24 in Section 3-405, and the disposition and configuration of parking shall meet the applicable requirements of Sections 3-400 or 4-1500.

2-806 LICENSURE AND NOTIFICATION

A. LICENSE TO BE POSTED

Each *assisted living facility* shall post its current State license in a conspicuous place near the front door on the interior of the facility for inspection by authorized personnel of the City.

B. NOTIFICATION OF CHANGED CONDITIONS

The operator or proprietor of any *residential care facility* shall give immediate written notice to the Office of Planning and Zoning of any of the following:

1. The revocation or non-renewal of its State license;
2. An approved, proposed or pending amendment to its State license, which authorizes, or would authorize, the facility to increase the number of residents, or which would require the operator or proprietor to reduce the number of residents; or
3. The construction or conversion of living space as an addition to or within a *personal care home, community home or group home*, including a garage conversion, that the operator or proprietor intends to use for additional bedrooms, or the filing of a building permit application to do any of the same.