

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY OF MESQUITE PROVIDING SUBDIVISION REGULATIONS FOR THE PLATTING AND DEVELOPING OF SUBDIVISIONS WITHIN THE LIMITS OF THE CITY OF MESQUITE AND FOR SUCH OTHER AREAS AS MAY BE AUTHORIZED BY ART. 974a OF TEXAS REVISED CIVIL STATUTES; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING THE EFFECTIVE DATE.

WHEREAS, the present rules and regulations of the City of Mesquite regulating the platting and developing of subdivisions are inadequate to protect the public interest; and,

WHEREAS, after holding public hearing, it is the opinion of the Governing Body of the City of Mesquite that the following rules and regulations should be adopted; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

SECTION 1. That the following rules and regulations be, and the same are, hereby adopted as the subdivision regulations for the City of Mesquite;

MESQUITE SUBDIVISION REGULATIONS

ARTICLE I - INTERPRETATION AND PURPOSE

In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Mesquite and, where other ordinances of the City are more restrictive in their requirements, such other ordinances shall control.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits of the City of Mesquite, Texas,

and for such other areas as may be authorized by Art. 974a of Texas Revised

Civil Statutes are intended to:

1. Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the master plan of the City of Mesquite.
2. Guide and assist the developers in the correct procedures to be followed and to inform them of the standards which shall be required.
3. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required.
4. Protect and promote the health, safety and general welfare.

ARTICLE II - DEFINITIONS

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.

A. "SUBDIVISION" - The term "Subdivision" means the division of a parcel of land into three or more lots or tracts for the purpose of transfer of ownership, dedication of streets, alleys or easements, or for use for building development; provided that a division of land for agricultural purposes into lots or tracts of five acres or more and not involving a new street or alley

shall not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation and/or any officer, agent, employee, servant and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope and purview of this ordinance.

B. (1) "LOT" - Land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required by ordinances of the City and having its principal frontage upon a public street or officially approved place.

(2) "LOT OF RECORD" - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas County, or parcel of land, the deed for which was recorded in the office of the County Clerk of Dallas County prior to January 1, 1951.

C. "STREETS AND ALLEYS" - The term "Street" means a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

(1) Arterial Streets and highways are those which are used primarily for fast or heavy traffic and which are designated in the master plan as a primary street, expressway or freeway.

(2) Collector Streets are those which carry traffic from minor streets to major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development and which are designated in the master plan as secondary streets.

(3) Minor Streets are those which are used primarily for access to abutting properties.

(4) Marginal Access Streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

(5) Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

(6) Cul-de-sac is a short minor street having but one vehicular access to another street and terminated by a vehicular turn-around.

(7) Dead End Street is a street, other than a cul-de-sac, with only one outlet.

D. "EASEMENT" is a right granted for the purpose of limited public or semi-public use across, over or under private land.

E. "COUNCIL" is the City Council of the City of Mesquite, Texas.

F. "COMMISSION" is the Planning Commission of the City of Mesquite, Texas.

G. "CITY MANAGER" is the City Manager of the City of Mesquite, Texas, or his authorized representative.

H. (1) "PLAT" is a complete and exact subdivision plan submitted to the Commission for final approval and which, if approved, will be submitted to the County Clerk of Dallas County, Texas, for recording.

(2) "APPROVED PLAT" is a plat of a subdivision which has been approved in accordance with the requirements of these regulations and which has been filed for record with the County Clerk of Dallas County, Texas.

I. "STANDARDS" shall mean the official maps, master plans, ordinances and specifications of the City of Mesquite, Texas.

ARTICLE III - PROCEDURE

A. "PRE-APPLICATION" - The subdivider shall avail himself of the advice and assistance of the City officials and consult early and informally with the City Manager or other persons designated by the City Manager before preparing the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of his opportunities.

B. "PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT"

(1) On reaching conclusions, informally as recommended above, regarding his general program and objectives, the subdivider shall prepare a preliminary plat, together with improvement plans and other supplementary material as applicable in other sections of these regulations.

(2) Ten (10) copies of the preliminary plat and supplementary materials specified shall be submitted to the City of Mesquite with the filing fee as provided herein and written application for conditional approval at least ten (10) days prior to the Commission meeting at which it is to be considered. Copies or prints of the proposed subdivision drawn on sheets a maximum size of 24 inches by 36 inches and drawn to a scale of 100 feet or 50 feet to the inch (1 inch equals 100 feet or 1 inch equals 50 feet) shall be submitted in the number specified hereinabove. In cases of large developments which would exceed the dimensions of the sheet of 100 foot scale, preliminary plats may be 200 feet to the inch (1 inch equals 200 feet). The ten (10) copies or prints of the proposed subdivision shall show the following:

a. Boundary lines, bearings and distances sufficient to locate the exact area proposed for the subdivision.

b. The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing

street and alleys and other features that may influence the layout of development of the proposed subdivision. Adjacent unplatted land shall show property lines and owners of record.

c. The location and widths of all streets, alleys and ways existing or proposed within the subdivision limits. In the case of easements, a written statement as to the easement use shall be included with the plat.

d. The location of all existing property lines, buildings, sewer or water mains, gas mains or other underground structures, easements of record or other existing features within the area proposed for subdivision.

e. Proposed arrangement of lots and proposed use of same, however approval of a preliminary plat or final plat with uses so indicated does not constitute approval of such uses.

f. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the Licensed Land Surveyor or Registered Professional Engineer platting the tract.

g. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

h. Scale, north arrow, date and other pertinent data.

i. Contours with intervals of five feet or less shall be shown for the area. All elevations on the contour map shall be referenced to the latest U.S.C. and G.S. data.

j. All physical features of the property to be subdivided, including location and size of all water courses, ravines, bridges, culverts, existing structures, drainage area in acres or areas draining into subdivisions, and other features pertinent to subdivision. The outline of wooded areas or the location of important individual trees may be required.

(3) The following notice shall be placed on the face of each preliminary plat by the developer: "Preliminary Plat - For Inspection Purposes Only."

(4) The City Manager, or other person designated by the City Manager, shall make a study of the plat and give a written report to the Commission before its final action on the preliminary plat.

(5) Following (a) Review of the preliminary plat and other material submitted for conformity thereof to these regulations, and (b) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Commission shall, within thirty (30) days after the filing of such preliminary plat, act thereon as submitted, or modified, and if approved, the Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

(6) The action of the Commission shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions required by the Commission. Action of the Commission shall be certified by the City Manager. One (1) copy shall be returned to the subdivider and the other retained in the files of the City of Mesquite.

(7) Conditional approval of a preliminary plat by the Commission shall be deemed an expression of approval to the layouts submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted as provided in Paragraph (5) of this Section have been met.

(8) Conditional approval of a preliminary plat shall be effective for one (1) year unless reviewed by the Commission in the light of new or

significant information which would necessitate the revision of the preliminary plat. If no development or change in requirements has occurred which would effect the proposed plat at the end of the year of an effective approval, the Commission may extend its approval another year without the submission of a new preliminary plat by reapproving the original preliminary plat. No filing fee is required for such reapproval.

C. "PROCEDURE FOR APPROVAL OF FINAL PLAT"

(1) The final plat shall conform to the preliminary plat as approved and, incorporating all changes, directions and additions imposed by the Commission. The final plat shall not be released for filing until detailed engineering plans have been approved by the City of Mesquite.

(2) If so desired by the developer, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and then develop, provided, however, that such portion conforms to all the requirements of these regulations.

(3) Upon receipt of the final plat, accompanied by a final filing fee as prescribed herein, the City Manager shall check the plat to ascertain its compliance with these regulations and the action of the Commission. When the copy of the final plat has been checked and found to meet all general requirements and design standards, the developer or his engineers shall submit twelve (12) copies of the final plat to the City Manager. The City Manager shall stamp on each of the twelve (12) copies the certificate of approval of the Planning Commission attested by the Chairman or Vice-Chairman of the Planning Commission when such final plat has been approved. The developer or his authorized agent will secure the required number of plats and record them with the County Clerk, Dallas County, Texas, within thirty (30) days of the date of the final approval, otherwise the approval of the Commission becomes invalid. Six (6) copies of the recorded final plat shall be returned immediately to the City Manager.

(4) Engineering plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision shall be submitted to the City Manager along with the final plat of the subdivision. Such plans shall be prepared by a registered professional engineer and shall conform to the design standards established by the City of Mesquite. The final plat will not be released for filing until detailed engineering plans have been approved by the City Manager.

ARTICLE IV - GENERAL REQUIREMENTS AND DESIGN STANDARDS

A. "STREETS" -

(1) The arrangement, character, extent, width, grade and location of all streets shall conform to the City of Mesquite master thoroughfare plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

(2) When such street is not on the master thoroughfare plan, the arrangement of streets in a subdivision shall either:

a. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

b. Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.

(3) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(4) Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage, deep lots with rear service alleys, or such treatment as may be

necessary for adequate protection to residential properties and to afford separation of through and local traffic.

(5) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Commission.

(6) Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

(7) Arterial street intersections shall be at 90° angles. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect at less than 60°.

(8) Street right-of-way widths shall be as shown on the master thoroughfare plan and where not shown therein shall be not less than as follows:

a. Major thoroughfares: Minimum 80 feet; maximum 140 feet, depending upon the location and the city street plan with which the major thoroughfare is to be connected.

b. Secondary thoroughfare - 60 feet.

c. Minor residential street - 50 feet.

d. Access or service road - 40 feet.

e. Minor street in apartment, commercial or industrial areas - 60 feet.

(9) Half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations, and where the Commission finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. Whenever a partial street exists along a common property line, the other portion of the street shall be dedicated. Where part of a street is being dedicated along a common property line and the ultimate

planned width is fifty (50) feet, the first dedication will be thirty (30) feet; where the ultimate planned width is sixty (60) feet, the first dedication will be thirty-five (35) feet.

(10) A cul-de-sac shall not be longer than six hundred (600) feet and at the closed end shall have a turn-around provided for, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.

(11) New streets of like alignment shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission.

(12) All new streets dedicated within a subdivision shall be improved in accordance with specifications of the City of Mesquite.

B. "ALLEYS" -

(1) Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed. Service alleys in commercial and industrial districts shall be a minimum twenty-five (25) feet in width.

(2) In residential districts, alleys shall be provided parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts shall be a minimum of fifteen (15) feet in width.

(3) Alleys shall be required in all new developments and replanting of old additions unless expressly waived by the Commission because of drainage or topographical features or existing conditions which may preclude

the use of an alley in a particular location.

(4) Alleys shall be paved in accordance with City of Mesquite specifications.

(5) Where the deflection of alley alignment exceeds 30°, a cutback of a minimum fifteen (15) feet or of such greater distance to provide safe vehicular movement shall be established on the inside property line and the paving of the alley shall be cut back in the same manner.

(6) Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as determined by the Commission.

(7) Access to residential property shall be permitted from the alley. Access from the alley shall not exclude another means of access from the front or side. No side lot access to residential property shall be allowed from any arterial street.

C. "EASEMENTS" -

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same.

(2) Where a subdivision is traversed by a water course, drainage way, channel or street, there shall be provided a storm easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the City Manager, that will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with this.

(3) The lot area shall be computed exclusive of all easements, except anchor easements for public utilities, alleys and streets.

D. "BLOCKS" -

(1) The length, width and shapes of blocks shall be determined

with due regard to:

- a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- b. Zoning requirements as to lot sizes and dimensions.
- c. Needs for convenient access, circulation, control and safety of street traffic.

(2) In general, intersecting streets, determining the blocks, lengths and widths shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets or customary subdivision practices. Where no existing subdivision controls, the block lengths shall not exceed one thousand six hundred (1,600) feet and shall generally be one thousand (1,000) to one thousand two hundred (1,200) feet in length. Where no existing subdivision controls, the blocks shall not be less than five hundred (500) feet in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

(3) Where blocks in the vicinity of a school, park or shopping center are platted one thousand (1,000) feet or longer, the Commission may require a walkway near the middle of the block or at a street that terminates between the streets at the ends of the block. The walkway shall not be less than four (4) feet or more than eight (8) feet in width, shall have a four (4) foot concrete walk through the block from sidewalk to sidewalk, or to rear property line if no street. Where no existing subdivision controls, the block width or depth shall be platted to give lots with a depth to width ratio of generally not more than two and one-half ($2\frac{1}{2}$) to one (1) and in no case more than four (4) to one (1), and the platting shall be such that the block width

or depth generally shall not exceed three hundred fifty (350) feet nor be less than two hundred fifteen (215) feet. When possible, the block width and length shall be such to allow two tiers of lots back to back to an alley.

(4) Pedestrian walks not less than four (4) feet wide shall be provided around the perimeter of all blocks.

E. "LOTS" -

(1) Lots shall conform to the minimum requirements of the established zoning district.

(2) Each lot shall face on a public street.

(3) Where corner lots are key lots, that is where lots face the frontage street and also other lots face the side street, the corner lot shall have a front building line on both streets.

(4) Key lots or irregular shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all utilities including garbage collection, but not less than ten (10) feet.

(5) No lot shall be platted less than one hundred (100) feet in depth except in cases where an irregular shaped tract is platted into lots and a remnant piece of property is of sufficient area to plat one or more lots, the Commission may waive the depth requirement to prevent a hardship on the developer.

(6) Side lot lines shall be substantially at right angles or radial to street lines.

(7) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantage of topography and orientation. Where lots have double frontage, a front building line shall be

established for each street.

(8) It shall be lawful to increase the size of lots from that originally platted, provided, however, that there is no remaining portion of a lot or lots smaller than the original lot and provided further that final plat is submitted in accordance with the requirements of a final plat as contained hereinabove; provided that Art. 974a of Texas Revised Civil Statutes is complied with.

(9) In areas where city sewer is not immediately available, a lot shall be platted of such area as to meet the minimum requirements of the City of Mesquite pertaining to septic tank operation.

(10) No lot shall be replatted to reduce the size of the lots originally platted by a common dedicator, unless the consent of all the property owners in the same addition has been obtained. Such required consent may be implied where another lot or lots in the addition as recorded have already been subdivided and built upon in the manner prescribed above. No lot will be reduced in width below a sixty (60) foot frontage with an area of seven thousand two hundred (7,200) square feet, except for property having a local retail, commercial or manufacturing zoning classification and not for residential use.

(11) When an applicant exhibits a duly executed and recorded deed covering a lot having dimensions of fifty (50) feet by one hundred twenty (120) feet or more has been sold by metes and bounds prior to May 15, 1953, and such lot is being assessed for city taxes and conforms to the established lot pattern and zoning classification in the block where located, then a building permit may be issued provided the requested use of such property conforms to the permanent zoning of the property covered by the application.

(12) Subdivision plats for housing projects, apartment areas, shopping centers and industrial districts will not be required except in cases where dedications for streets, street widening, alleys or easements are required.

Site plans shall be filed with the City of Mesquite for approval by the Commission as required by the Zoning Ordinance.

F. "BUILDING LINES" -

Building lines shall be shown on the final plat on all lots intended for business and residential use and shall provide the minimum set-back as required by the Zoning Ordinance.

ARTICLE V - PUBLIC SITES AND OPEN SPACES

1. The subdivider shall give consideration to suitable sites for schools, parks, playgrounds and other areas for public use so as to conform with the recommendations of the Commission. Any provision for schools, parks, etc. shall be indicated on the preliminary plat.

2. No individual, partnership, firm or corporation shall deepen, widen, fill, re-route or change the course or location of any existing ditch, channel, stream or drainage way, without first obtaining written permission of the City of Mesquite or other agency having jurisdiction.

3. In cases where a subdivision contains or abuts a school, park or playground, the subdivider shall dedicate one-half ($\frac{1}{2}$) a normal residential street, twenty-five (25) feet, and provide for one-half ($\frac{1}{2}$) the cost of paving and the full cost of all the utilities necessary. The interested agency shall provide the necessary right-of-way to make the street sixty (60) feet in width (which is thirty-five (35) feet), and provide one-half ($\frac{1}{2}$) the cost of the paving.

ARTICLE VI - UTILITIES

The sanitary sewers, storm sewers, water mains, street improvements, with all appurtenances pertaining to the above and facilities of other agencies

as may be required, shall be constructed and installed in each new subdivision in accordance with current official standards of the City of Mesquite.

ARTICLE VII - PLATS AND DATA

A. "PRELIMINARY PLATS" -

(1) The preliminary plats shall be prepared on sheets a maximum size of 24 inches by 36 inches, regardless of the size of the subdivision.

(2) The scale should be one hundred (100) feet or fifty (50) feet to the inch (one inch equals one hundred feet or one inch equals fifty feet) but may be two hundred (200) feet to the inch (one inch equals two hundred feet) in cases of large developments which would exceed the dimensions of a sheet at one hundred (100) foot scale.

(3) Each subdivision consisting of three (3) acres or more shall be prepared on a topographic base map showing contours at intervals not greater than five (5) feet. Any subdivision smaller than three acres which, in the opinion of the City Manager, would be affected by the topographical features of the terrain shall also show contours at two (2) foot intervals. All topographical maps shall be based on sea level data.

(4) The following data will be shown on the preliminary plat:

a. Record lot lines, survey abstract lines, corporation lines and the location of existing utility easements, streets, highways, expressways and freeways traversing, abutting or within a reasonable distance.

b. The proposed locations, widths and names of streets and proposed locations and widths of alleys, easements, walkways, open channels and lots.

c. The title of subdivision or addition, name of subdividers and engineer, surveyor or planner, platting the tract.

d. The names and areas of large tracts and/or lot dimensions and addition names of all property abutting or adjoining the subdivision and across the street.

e. The North point, scale and data.

f. Lot or tract numbers and/or city block numbers, addition names, dates recorded.

(5) All preliminary and final plats shall be printed on good grade processed paper blue line or direct black and white.

(6) All plats shall be drawn with north direction to the top or left side of the map.

(7) The proposed building lines shall be shown in conformance with the zoning ordinance or provisions herein.

B. "FINAL PLATS" -

(1) All final plats shall be submitted on sheets 24 inches by 36 inches and to a scale of not less than one hundred (100) feet to the inch or larger. Where more than one sheet is required to encompass the subdivision an index sheet, 24 inches by 36 inches, shall be filed showing the entire subdivision together with the complete dedication, attests, dates, titles and seals, on one (1) sheet.

(2) The exterior boundary of the subdivision shall be indicated by the distinct dash line and corner markers by individual symbols.

(3) The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves shall be indicated along the boundary line of the subdivision and each block. All dimensions along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in the following manner:

CURVE TABLE

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<u>CURVE NUMBER</u>	<u>DESCRIPTION</u>	<u>ELEMENTS</u>	<u>OUTER PROPERTY LINE</u>	<u>CENTER LINE</u>	<u>INNER PROPERTY LINE</u>
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(4) The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least two (2) recognized land corners shall be shown.

(5) The names and accurate location of all streets adjoining, abutting or within not more than five hundred (500) feet of the subdivision shall be shown.

(6) The location and dimension of any utility easement adjoining or abutting the subdivision or proposed within the subdivision shall be shown.

(7) The description and location of all survey monuments placed in the addition or subdivision shall be shown. In all subdivisions and additions corners shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than three-quarter (3/4) inches in diameter and twenty-four (24) inches deep flush with the top of the sidewalk. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half (1/2) inch and eighteen (18) inches deep set flush with the top of the sidewalk. In addition, curve point markers shall be established of the same specifications as lot corners. All lot corners shall be installed prior to filing of the final plat.

(8) The final plat shall show a title including the names of the addition or subdivision, the name of the owner and engineer or surveyor, scale and location of subdivision with reference to original land grant or survey and abstract number and a north point with true or magnetic north.

(9) A certificate of ownership giving a metes and bounds description of the property, dedication of all streets, alleys, parkways and parks where donated to the City and dedication or reservation of all easements and drainage ways to the public use, signed and acknowledged before a Notary Public by the owner of the land, shall appear on the face of the plat or index

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sheet of the plats where two or more sheets are required.

(10) The certificate of the licensed professional engineer or licensed public surveyor who surveyed, mapped and monumented the land, which certificates shall be attested before a Notary Public, shall be placed on the face of the plat on index sheets of the plats together with the seals of the engineer or surveyor and Notary Public. Printed seals and signatures are prohibited except for extra prints that the owner or developer may need certified for other purposes. The certificate of the engineer or surveyor to be placed on the plat shall be as follows:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Mesquite, Texas.

(11) At the time the developer files the final plat with the City Manager, he shall, when required to do so, also file a certificate showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property.

C. "IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF THE SUBDIVISION BY THE CITY" -

(1) Monuments.

a. Monuments as prescribed hereinabove shall be placed at all corners as required hereinabove.

(2) Street and alley improvements.

a. Before approval and acceptance of any final plat, the developer shall prepare, or have prepared, and submit three (3) copies of the complete engineering plans of streets, alleys, curb and gutters, storm sewers

and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. The developer shall have these plans prepared by his own engineers subject to approval of the plans by the City of Mesquite. The City Manager shall review the plans and specifications and, if approved, shall mark them approved and return one (1) set to the developer. If not approved, two (2) sets shall be marked with the objections noted and returned to the developer for correction. After approval of the plat and of the plans and specifications, the developer shall cause his contractor to install the facilities in accordance with the approved plans and specifications and these regulations. The developer shall cause his engineer to design, stake and supervise the construction of such improvements and shall cause his contractor to construct the said improvements in accordance with these regulations. The City will inspect the installation of the improvements. When found to be installed in accordance with the plans and specifications, and after the improvements have been completed and upon receipt by the City of Mesquite of a one (1) year maintenance bond from each separate contractor in the amount of ten (10) percent of the contract price, along with three (3) sets of "AS BUILT" plans and one (1) set of "AS BUILT" sepias, the plans and sepias to be "AS BUILT" and upon receipt of a letter of the contractor's compliance with these regulations, then the City Manager shall receive and approve for the City of Mesquite the title, use and maintenance of the improvements.

b. Minor residential streets shall be paved twenty-seven (27) feet wide from back of curb to back of curb. Minor apartment streets and secondary collector streets shall be paved thirty-seven (37) feet wide from back of curb to back of curb.

(3) Storm Drainage.

An adequate storm sewer system consisting of inlets, pipes

and other underground drainage structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions as established by the City will not be considered for development until adequate drainage has been provided.

(4) Water.

a. All subdivisions shall be provided with an approved water system designed and constructed in accordance with the master plan and standard specifications of the City of Mesquite. In the corporate limits of the City of Mesquite all subdivisions shall be connected with the City of Mesquite water supply distribution system.

(5) Sewer Improvements.

a. All subdivisions shall be provided with an approved sewage disposal system and where the subdivision is inside the city limits of the City of Mesquite shall be connected to the City of Mesquite sanitary sewer system.

b. The developer shall furnish and install the complete sewage system, including the mains, manholes, cleanouts, Y-branches and service laterals for all lots, lift stations and appurtenances. The sewage system shall be designed and constructed in accordance with the master plan and standard specifications of the City of Mesquite.

c. In locations where sanitary sewers are not available and where there is no immediate prospect for installation of sanitary sewers, then septic tanks of approved type may be installed in conformity with the rules, regulations and ordinances of the City of Mesquite pertaining to public health, provided however that in no case shall septic tanks be installed without the express approval and inspection of the City of Mesquite.

(6) All public or privately owned underground utilities shall stub out all services from mains in all directions to the property lines in streets; and in alleys the services shall be stubbed out eighteen (18") inches inside the rear property line of platted lots and to the property line of unplatted property prior to commencing paving operations.

(7) As Built Plans.

The developer or his engineer shall present the City with a reproducible (sepia) complete "AS BUILT" set of plans and three (3) sets of blue line or black line prints on paper of as built plans for all paving, drainage structures, water mains and sewer mains within sixty (60) days after completion of each contract.

D. "WITHHOLDING IMPROVEMENTS UNTIL APPROVED" -

(1) The City hereby defines its policy to be that the City will withhold ALL CITY IMPROVEMENTS of whatsoever nature, including the maintenance of streets and the furnishing of sewage facilities and water service from all additions, the platting of which has not been approved by the Commission.

(2) The City of Mesquite may withhold the issuing of a street number or building permit for the erection of any building in the City of Mesquite on a newly subdivided parcel of land until all the requirements of these subdivision regulations have been complied with, including installation of and acceptance by the City of all water works, sewage and paving improvements for the area designated.

(3) No construction work shall begin on the proposed improvements in any proposed subdivision prior to approval of the final plat by the City of Mesquite and the filing of such plat with the County Clerk of Dallas County.

ARTICLE VIII - FILING FEES

The following schedule of fees and charges shall be collected by the City of Mesquite when any preliminary map or plat is tendered to the City Planning Commission, and each of the fees and charges provided for herein shall be paid in advance, and no action of the Commission or any other board or agency shall be valid until the fee shall have been paid the City of Mesquite.

- (1) Preliminary plats - \$10.00 per plat, plus \$1.00 per lot.
- (2) Final plats - \$20.00 per plat, plus \$.50 per lot.
- (3) For approval of multiple dwelling areas not subdivided into lots, both the preliminary and final plat shall carry a fee of \$5.00 per acre per plat.

(4) These fees shall be charged on all plats, regardless of the action taken by the City Planning Commission whether the plat is approved or denied.

The money collected shall defray the cost of administrative, clerical and inspection services necessary to properly investigate the plats, replats and subdivisions.

ARTICLE IX - ENFORCEMENT

Any subdivision of land being developed in violation of the terms and provisions of these regulations is hereby declared to be a public nuisance and the appropriate officers of the City are hereby authorized to institute any action which may be necessary to restrain or abate such violations.

ARTICLE X - OTHER REQUIREMENTSA. "STREET SIGNS" -

Within the corporate limits of the City of Mesquite, street signs will be furnished and installed by the City at the expense of the subdivider

at each intersection and the subdivider shall pay to the City of Mesquite the current standard charges per street sign for the cost of materials and installation of each street sign. In subdivisions lying beyond the corporate limits of the said city, street name signs shall be placed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the City of Mesquite, shall be installed in accordance with the standards of the City of Mesquite. The developer shall pay such sum as computed by the City Manager for street signs as set out herein at the time at which he submits his final plat for approval, and this sum shall be in addition to the filing fee set forth hereinabove.

ARTICLE XI - VARIANCES

The Commission may authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary or desirable to the public interest and making the findings hereinbelow required. The Commission shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance will be granted unless the Commission finds:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b. That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, that the granting

of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

c. That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance. Such finding of the Commission together with the specific facts on which such findings are based shall be incorporated under the official minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

d. The Commission may not authorize a variance that would constitute a violation of any other valid ordinance of the City of Mesquite.

ARTICLE XII - CONFLICTS

All ordinances or parts of ordinances, with the exception of the Building Code and Comprehensive Zoning Ordinance of the City of Mesquite, which are inconsistent or in conflict with any of the provisions of this ordinance be, and the same are, hereby repealed. Where the Building Code of the City of Mesquite or Zoning Ordinance of the City of Mesquite contain regulations which are more restrictive than the regulations contained herein, the ordinance which is more restrictive shall control.

ARTICLE XIII - EXCEPTIONS

Plats of subdivisions which have received preliminary approval by the Commission within one year prior to the effective date of this ordinance shall be excepted from the requirements of this ordinance, provided that the

final plat of such subdivision is approved and filed for record within one hundred eighty (180) days after the effective date of this ordinance or within one (1) year after the approval date of the preliminary plat, whichever is greater.

SECTION 2. That should any word, phrase, sentence, paragraph or section of this ordinance be held to be void and unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect the same as if no portion of this ordinance had been held to be void and unenforceable.

SECTION 3. The fact that the present regulations of the City of Mesquite are inadequate to properly protect the public health, safety and welfare creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite on the 7th day of May, 1962.

APPROVED:

B. W. Cuneo
MAYOR

DULY ENROLLED:

Thomas G. McLaughly
CITY SECRETARY

APPROVED AS TO FORM:

H. Louis Nichols
ATTORNEY