

REVISED SUBDIVISION REGULATIONS

ORDINANCE NO. 1136

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 ARTICLE 974a OF VERNON'S 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 hearings, it is the opinion of the City Council 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 REGULATIONSARTICLE IINTERPRETATION 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 and for such other areas as may be authorized by Article 974a of Vernon's 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 Comprehensive 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 of the people.

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, and not discretionary.

ALLEY: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

BUILDING SETBACK LINE: The line which defines the minimum horizontal distance between a building and the adjacent street line.

CITY ENGINEER: The City Engineer of the City of Mesquite or his authorized representative.

CITY MANAGER: The City Manager of the City of Mesquite or his authorized representative.

CITY PLANNER: The City Planner of the City of Mesquite or his authorized representative.

COMMISSION: The Planning and Zoning Commission of the City of Mesquite.

COUNCIL: The City Council of the City of Mesquite.

DEVELOPMENT REVIEW COMMITTEE: A committee comprised of employed personnel of the City of Mesquite assigned the responsibility for the review of plats, site plans, and building plans submitted for approval prior to construction or development. This Committee can make certain recommendations to the Commission and the Council.

DEVELOPER: The term developer shall include any person, partnership, firm, association, or corporation who acts to subdivide or develop land by platting; place or cause to have utilities placed in or on the ground; and/or construct or cause to have permanent structures constructed.

DIRECTOR OF COMMUNITY DEVELOPMENT: The Director of Community Development of the City of Mesquite or his authorized representative.

EASEMENT: A right granted for the purpose of limited public or semi-public use across, over, or under private land.

ENGINEER: A professional engineer registered in the State of Texas and experienced in Civil Engineering.

FLOOD PLAIN: The relatively flat low lands adjoining the channel of a river, stream, or watercourse, which has been or may be covered by flood water. Any land covered by the water of a one hundred (100) year frequency storm is considered in the flood plain and must comply with the engineering criteria found in the City of Mesquite Comprehensive Drainage Ordinance and subsequent revisions.

GREEN BELT: A piece of land, normally relatively narrow in comparison to its length, reserved to provide for both passive and active recreation, to function as a corridor connecting park areas, to serve as a buffer between various land uses, or to provide for open space. It frequently utilizes flood plains along creeks and is often left in its natural state.

LOT: Land occupied or to be occupied by a building and accessory building and including such open spaces as are required by ordinances of the City and having its principal frontage on a public street or officially approved place.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded with the County Clerk, Dallas County, or a parcel of land, the deed for which was recorded with the County Clerk, Dallas County.

OPEN SPACE: That part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or structures other than a community building. Flood plains, or any standing surface water other than swimming pools, may be considered open space if specifically approved by the City Council.

PLAT: A complete and exact subdivision plan submitted to the Commission for approval and if approved, shall be filed with the County Clerk, Dallas County.

STANDARDS: The official maps, plans, ordinances, and resolutions of the City of Mesquite.

STREETS: The term "street" is a way for vehicular traffic, whether designated street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise designated.

ARTERIAL STREETS provide routes to move large volumes of traffic of a local nature to the freeway or expressway systems. Interchange of traffic from freeway systems to the local streets occur via the arterial street.

COLLECTOR STREETS pass through neighborhoods collecting traffic from local streets and distributing the traffic to arterial streets. These streets also serve neighborhood facilities.

RESIDENTIAL STREETS provide the basic function of serving private property with access to other streets.

CUL-DE-SAC is a short minor street having but one (1) vehicular access to another street and terminated by a vehicular turn-around.

DEAD-END STREET is a street, other than a cul-de-sac, with only one (1) outlet.

SUBDIVISION: A division of any tract of land situated within the corporate limits, or within three and one-half (3½) miles of such limits, in two (2) or more parts for the purpose of laying out any tract of land or any addition, or for laying out suburban lots or building lots, or any lots, and streets, alleys, or other portions intended for public uses, the use of the purchasers, or owners of lots fronting thereon or adjacent thereto. Subdivision includes resubdividing, but does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more, and not involving any new street, alley, or easement of access.

SUBDIVIDER: Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owners, or authorized agent of such owner or equitable owner of land sought to be subdivided.

SURVEYOR: A Registered State Land Surveyor or a Registered Public Surveyor, as authorized by the state statutes to practice the profession of surveying.

UTILITY EASEMENT: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over, or under private land, together with the right to enter thereon with machinery, vehicles, and people necessary for the maintenance of said utilities.

ARTICLE III

PLATTING PROCEDURE

A. PRE-APPLICATION

The subdivider shall avail himself of the advice and assistance of the City Staff before preparing the preliminary plat and formal application for approval.

B. PROCEDURE FOR APPROVAL OF PRELIMINARY PLAT

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

(2) Twelve (12) copies of the preliminary plat and supplementary materials specified and printed on good grade ozalid process paper or direct black and white paper shall be submitted by the developer, his engineer, or some other authorized representative of the developer to the City of Mesquite with the filing fee as provided herein and written application for approval at least twelve (12) days prior to the Commission meeting at which the plat is to be considered.

Copies or prints of the proposed subdivision drawn on sheets a maximum size of twenty-four (24) inches by thirty-six (36) inches and drawn to scale of one hundred (100) feet or fifty (50) feet to the inch (one inch equals one hundred feet or one inch equals fifty feet) shall be submitted in the number specified hereinabove. In cases of large developments which exceed the dimensions of the sheet of one hundred (100) foot scale, preliminary plats may be two hundred (200) feet to the inch (one inch equals two hundred feet). The twelve (12) 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. Name and location of all adjoining subdivisions or large tracts shall be drawn to the same scale and shown in dashed lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, lots, and all other features that may influence the layout of the development of the proposed subdivision. Adjacent unplatted land shall show property lines, owners of record, and all existing conditions and features, such as drainage channels, which may influence or have bearing on the development of the proposed subdivision.

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

d. Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data are referred.

e. The location of all existing property lines, buildings, storm drainage facilities, water and sanitary sewer mains, gas mains, electrical power lines, telephone lines, cable television, survey abstract lines, municipal corporation lines, or any other existing features within the area proposed for the subdivision.

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f. Proposed subdivision of property, including lot and block numbers.

g. The proposed building lines shown in conformance with the Zoning Ordinance or provisions herein.

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

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

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

k.. Each subdivision shall be prepared on a topographical base map showing contours at intervals not greater than five (5) feet. Any subdivision which in the opinion of the City Planner 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.

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

m. Vicinity map showing the location and the relationship of the property to be subdivided with other developments in the area.

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

(4) The Development Review Committee shall make a study of the plat and the City Planner shall present a written report to the Commission before final action on the plat.

(5) Following review of the preliminary plat and other material submitted for conformity thereof to these regulations, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, 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 approval and state the conditions of such approval or if disapproved, shall express disapproval and reasons.

(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 Planner. One (1) copy shall be returned to the subdivider and the other retained in the files of the City of Mesquite.

(7) Approval of a preliminary plat by the Commission shall serve as a guide to the installation of streets, water, sewer, and other required improvements and utilities and in the preparation of the final plat.

(8) Approval of a preliminary plat shall expire after one (1) year from date of approval unless a final plat has been filed and accepted by the Commission. If no development or change in development requirements has occurred within that one (1) year period which would affect the proposed plat, the Commission may extend its approval for another year. 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 incorporating all changes, directions, and additions imposed by the Commission. The final plat may be withheld from filing until detailed engineering plans for construction 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 develop, provided, however, that such portion conforms to all the requirements of these regulations.

(3) Engineering plans showing details of streets, sidewalks, alleys, culverts, bridges, storm sewers, drainage channels, water mains, sanitary sewers, fire hydrants and fire lanes in compliance with the General Basic Schedule of the State Board of Insurance, and other engineering data of the proposed subdivision shall be submitted to the City Engineer. Such plans shall be prepared by a professional engineer registered in the State of Texas and experienced in Civil Engineering and shall conform to the design standards established by the City of Mesquite.

The final plat may not be released for filing until detailed engineering plans have been approved by the City Engineer.

(4) Upon receipt of the final plat, accompanied by a final filing fee as prescribed herein, the City Planner shall check the plat to ascertain 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 fourteen (14) copies of the final plat to the City Planner. The City Planner shall stamp on each of the fourteen (14) copies the certificate of approval of the Commission attested by the Chairman.

At the time the developer files the final plat with the City Planner, the City Tax Assessor shall sign a certificate showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property.

The developer or his authorized agent shall take the final plats to the County Clerk, Dallas County, for filing within thirty (30) days of the date of the final approval, otherwise the approval of the Commission becomes invalid. Twelve (12) copies of the recorded final plat shall be returned immediately to the City Planner.

(5) All final plats shall be submitted on sheets twenty-four (24) inches by thirty-six (36) inches and to a scale of not less than one hundred (100) feet to the inch or longer. When 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.

(6) The exterior boundary of the subdivision shall be indicated by a distinctive dashed line and corner markers by individual symbols.

(7) The length and bearing of all straight lines, radii, arc lengths, tangent lengths, 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

<u>Curve</u> <u>Number</u>	<u>Description</u>	<u>Elements</u>	<u>Outer Property</u> <u>Line</u>	<u>Center</u> <u>Line</u>	<u>Inner Property</u> <u>Line</u>
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(8) 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 if no existing legally platted subdivision is adjacent to the subject property.

(9) 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 unless a platted subdivision exists adjacent to the property under consideration.

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

(11) 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-fourths (3/4) inch 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 specification as lot corners. All lot corners shall be installed prior to filing of the final plat.

(12) The final plat shall show a title including the name 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.

(13) A certificate of ownership giving a metes and bounds description of the property, dedication of all streets, alleys, easements, parkways, and parks where dedicated 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 sheet of the plats where two (2) or more sheets are required.

(14) The certificate of the Registered Professional Engineer or Registered Public Land Surveyor who surveyed, mapped, and monumented the land, which certificates shall be attested before a Notary Public, shall be placed on the face on the plat or 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 certificates 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.

D. PROCEDURE FOR SHORT FORM SUBDIVISION

(1) Any subdivision or replat thereof which may be determined to fall within the following criteria may be termed a "Short Form Subdivision" and may be approved following the abbreviated procedures set forth herein.

a. The land in question shall be bounded by legally dedicated streets, railroads, and alleys or by legally subdivided land and shall not exceed five (5) acres.

b. The subdivision or use of the land subdivided shall not necessitate any appreciable alteration of utility installations, streets, alleys, or building setback lines.

c. The tracts so subdivided shall conform in size and shape to the lots in the vicinity.

(2) All design, engineering, improvements, and drawing information standards provided in these regulations applicable to all subdivisions shall be applicable to the Short Form Subdivisions.

(3) If the City Engineer finds that the final plat meets all engineering standards, he shall certify that fact to the City Planner.

(4) The City Planner after finding that all the provisions of these regulations have been complied with, shall present fourteen (14) copies of the final plat to the Chairman of the Commission for proper signatures.

(5) The final short form plat shall be filed with the City Planner accompanied with a fee of ten dollars (\$10) plus one dollar (\$1) per lot subdivided. After all requirements have been met and signatures obtained, the plat and all other necessary instruments shall be filed for record with the Dallas County Clerk within thirty (30) days of the date of approval of the plat by the Chairman of the Commission, otherwise the approval becomes invalid.

E. IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF SUBDIVISION BY THE CITY

(1) Survey Monuments:

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

(2) Street and Alley Improvements:

a. The developer shall prepare or have prepared and submit two (2) copies of the complete engineering plans of streets, alleys, curbs and gutters, storm sewers and drainage structures, water and sanitary sewer improvements for the area covered by the final plat. The developer shall have these plans prepared by a Professional Engineer, registered in the State of Texas, and experienced in Civil Engineering, subject to approval by the City of Mesquite. The City Engineer shall review the plans and specifications and if approved, shall request three (3) additional sets of plans for stamping approval. Two (2) sets of plans will be returned to the developer. If not approved, one (1) set shall be marked with the objections noted and returned to the developer for correction.

After approval of the plat, plans, and specifications, the developer shall cause his contractor to install the facilities in accordance with the approved plans and specifications. 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 Engineer shall inspect the installation of the improvements.

Acceptance of the completed improvements by the City will be after receipt of a one (1) year maintenance bond from each separate contractor in the amount of ten (10) percent of the contract price, three (3) sets of "AS BUILT" plans for each project, and a letter stating the contractor's compliance with these regulations.

b. Residential streets shall be paved twenty-seven (27) feet wide from back-of-curb to back-of-curb. Collector streets shall be paved thirty-seven (37) feet wide from back-of-curb to back-of-curb.

c. Residential alleys shall be paved twelve (12) feet wide within eighteen (18) feet right-of-way for front or rear entry.

(3) Storm Drainage:

a. An adequate storm sewer system shall be installed in accordance with the Comprehensive Drainage Ordinance 858, and all subsequent revisions. Areas subject to flood conditions as established by the City of Mesquite 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 Comprehensive Plan adopted by Resolution 40-71, and the "Water and Sewer Specifications" adopted by Resolution 2-62 and subsequent revisions. In the corporate limits of the City of Mesquite, all subdivisions shall be connected with the City of Mesquite water supply distribution system, unless otherwise approved by the City of Mesquite.

(5) Sewer Improvements:

a. All subdivisions shall be provided with an approved sewage disposal system designed and constructed in accordance with the Comprehensive Plan adopted by Resolution 40-71, and the "Water and Sewer Specifications" adopted by Resolution 2-62 and subsequent revisions. In the corporate limits of the City of Mesquite, all subdivisions shall be connected with the City of Mesquite sanitary sewer system, unless otherwise approved by the City of Mesquite.

b. 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 that in no case shall septic tanks be installed without the express approval and inspection of the City of Mesquite.

(6) As Built Plans:

a. The developer or his engineer shall present the City with 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.

F. WITHHOLDING IMPROVEMENTS UNTIL APPROVED

(1) The City of Mesquite 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, water service, fire hydrants, and fire lanes from all additions, the platting of which has not been approved by the Commission.

(2) The Director of Community Development may withhold the issuing of a street number or building permit for the erection of any building in the City of Mesquite until all requirements of these subdivision regulations have been complied with, including installation of and acceptance by the City of all waterworks, 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 filing of such plat with the County Clerk of Dallas County, unless expressly authorized by the Director of Community Development.

ARTICLE IV

FILING FEES

The following schedules of fees and charges shall be collected by the City when any preliminary plat is tendered to the 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.

Single Family and Townhouse Developments

- Preliminary Plat - \$10.00 per plat, plus
\$ 1.00 per lot

- Final Plat - \$20.00 per plat, plus
\$.50 per lot

Short Form Subdivision

\$10.00 per plat, plus \$1.00 per lot

Apartment, Office, Retail, Commercial, Industrial Areas
(Not subdivided into lots)

- Preliminary Plat - \$ 5.00 per acre per plat

- Final Plat - \$ 5.00 per acre per plat

These fees shall be charged on all plats, regardless of the action taken by the Commission, whether the plat is approved or denied. The money collected shall help defray the costs of administrative, clerical, and inspection services necessary to properly investigate the plats, replats, and subdivisions.

ARTICLE VGENERAL REQUIREMENTS AND DESIGN STANDARDSA. STREETS

(1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the City of Mesquite Thoroughfare Plan, a part of the Comprehensive Plan, adopted by Resolution 40-71, and shall be considered in relation to existing and planned streets, to topographical conditions, to public safety and in appropriate relation to the proposed uses of the land to be served by such streets.

(2) When such street is not on the 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) Streets constructed within the City of Mesquite shall be classified as follows:

a. Residential - twenty-seven (27) feet pavement within fifty (50) feet right-of-way

b. Collector - thirty-seven (37) feet pavement within sixty (60) feet right-of-way

c. Arterial
Single section - forty-eight (48) feet pavement within eighty (80) feet right-of-way

Four lane boulevard - Two (2) twenty-four (24) feet paved sections with fourteen (14) feet median within minimum eighty (80) feet right-of-way

Six lane boulevard - Two (2) thirty-four (34) feet paved sections with fourteen (14) feet median within minimum one hundred (100) feet right-of-way

(4) Residential streets shall be so laid out that use for through traffic will be discouraged.

(5) Arterial streets shall intersect at ninety (90) degree angles unless otherwise approved by the City. Other street intersections shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect another street at less than sixty (60) degrees.

(6) Half-streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with other requirements of these regulations, and where the Council finds it will be practical to require the dedication of the other one-half ($\frac{1}{2}$) 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 twenty-five (25) feet; where the ultimate planned width is sixty (60) feet, the first dedication will be thirty (30) feet.

(7) Strips of privately owned property reserved for the obvious purpose of controlling access to streets shall be prohibited except where control is definitely placed in the City under conditions approved by the Commission.

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

(9) 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.

(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, having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. Medians or islands in cul-de-sacs shall be prohibited, unless expressly approved by the City.

(11) New streets shall not dead-end. Some means of traffic circulation must be provided. Properly designed cul-de-sacs are acceptable.

(12) All new streets within a subdivision shall be constructed in accordance with the Paving and Drainage Specifications adopted by Resolution 11-62.

(13) At the intersection of a new subdivision street with an existing boulevard arterial, the developer of the subdivision shall construct a median opening in the boulevard street to allow direct access to the subdivision from the boulevard, unless otherwise directed by the City. The developer may also be required to construct a left-turn lane in the boulevard to insure adequate traffic control and safety at that intersection.

(14) Street Signs - 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 the current standard charges per street sign for the cost of materials and installation of each street sign.

B. ALLEYS

(1) Alleys shall be required in all new developments and replatting of existing subdivisions unless expressly waived because of drainage, topographical features, or other existing conditions which may preclude the use of an alley in a particular location.

(2) The requirement for the construction of alleys may be waived when other definite and assured provision is made for service access to the property, including a provision for public utilities, sanitation services, off-street loading, unloading, and parking required for the property use proposed.

(3) Alleys in residential districts (including multi-family districts) shall be provided parallel, or approximately parallel, to the property frontage on the street. Alley right-of-way dedications in residential districts shall be a minimum of eighteen (18) feet in width for both front and rear property access, and pavement shall be constructed a minimum of twelve (12) feet in width.

(4) Alleys in non-residential districts shall be a minimum of twenty-five (25) feet in right-of-way width, with a minimum paved width of fifteen (15) feet.

(5) Where the deflection of alley alignment exceeds thirty (30) degrees, 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 or rear lot access to residential property shall be allowed from any arterial street as defined herein.

(8) Alley drive approaches shall have a radius of ten (10) feet to assist ingress and egress to the lot and provide motorists passing one another with additional paved area.

C. SIDEWALKS

(1) Sidewalks shall be constructed in each new subdivision or development in accordance with the Paving and Drainage Specifications adopted by Resolution 11-62.

(2) Pedestrian sidewalks not less than four (4) feet wide shall be provided around the perimeter of all blocks adjacent to the property line or may be permitted not less than five (5) feet wide adjacent to the curb.

D. 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 width as may be reasonably necessary for the intended purpose.

(2) Storm drainage easements shall be granted by the developer as required by the Comprehensive Drainage Ordinance 858 and all subsequent revisions.

(3) The land area of any easement on any lot shall be included or excluded in computation of the lot according to the usability of the land within the easement area.

(4) No building or structure may be erected on an easement except as provided in the Comprehensive Drainage Ordinance 858 and all subsequent revisions.

E. BLOCKS

(1) The length, width, and shape of blocks shall be determined with due regard to:

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

(2) In general, intersecting streets, determining 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, block lengths shall not exceed one thousand six hundred (1,600) feet and shall generally be one thousand (1,000) feet to one thousand two hundred (1,200) feet in length.

Where no existing subdivision controls, blocks shall not be less than five hundred (500) feet in length.

In cases where physical barriers or property ownership create conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic, existing and proposed topographic conditions, and public safety.

(3) Where blocks in the vicinity of 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 end of the block. The walkway shall not be less than four (4) feet nor 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, 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).

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 (2) tiers of lots back to back to an alley.

- (4) Pedestrian sidewalks not less than four (4) feet wide shall be provided around the perimeter of all blocks adjacent to the property line or may be permitted not less than five (5) feet wide adjacent to the curb.

F. LOTS

- (1) Lots shall conform to the minimum requirements of the zoning classification district in which the subdivision is located.

- (2) Every lot shall abut a dedicated public street or a private street.

- (3) Where corner lots are key lots, that is where the lots face the frontage street and other lots face the side street, the corner lot shall have a building setback line on both streets as required by the Zoning Ordinance and subsequent revisions.

- (4) Key lots or irregular shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning classification district in which they are located. The rear width shall be sufficient to provide access for all utilities including sanitation services, 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 sufficient 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, that there is no remaining portion of a lot or lots smaller than the original lot and provided that the final plat is submitted in accordance with the requirements of a final plat as contained hereinabove.

(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 State of Texas, pertaining to septic tank operation. When the sewer line is within one hundred (100) feet of the lot, the property owner is required to connect to same.

(10) No lot shall be replatted to reduce the size of lots originally platted by a common dedicator, unless written consent of all property owners in the same addition has been obtained. Such required consent may be implied where another lot or lots in the addition has 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 non-residential or planned residential development zoning classifications.

(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, which 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.

G. BUILDING LINES

Building lines shall be shown on the final plat on all lots intended for business or residential use and shall provide the minimum setback as required by the Zoning Ordinance and subsequent revisions.

H. DRIVEWAYS FOR INGRESS AND EGRESS

(1) The current standards set forth in Regulations for Access Driveways to the State Highways, adopted by Ordinance 522, shall be the standards used for access driveways to apartment, retail, commercial, church, and industrial sites.

(2) Wherever possible, major driveway entrances into apartment, retail, commercial, church and industrial sites shall be aligned with similar drives on opposite sides of the street.

I. MEDIAN DESIGNS AFFECTING DRIVEWAY ENTRANCES

(1) The developer may be required to construct median openings and left-turn lanes in boulevard streets at major access driveways to insure adequate traffic control and safety at that intersection.

(2) Access driveways requiring the construction of left-turn lanes from the boulevard street shall be located a minimum distance of three hundred (300) feet from any major street intersection.

(3) The minimum distance between median openings in boulevard arterials shall be two hundred twenty (220) feet, unless otherwise approved by the City Engineer.

J. PARKING AREAS

(1) Parking areas for apartment, retail, commercial, industrial, or similar developments shall be located on the property being developed and have a minimum surface grade of four-tenths (.4) percent. The surfacing materials on parking areas shall have a minimum of five (5) inches compacted gravel and two (2) inches hot asphaltic concrete. Comparable alternatives to this method of parking area construction may be authorized by the Director of Community Development.

(2) The standards for design and layout of all off-street parking facilities shall conform to the Parking Layout and Design Standards adopted by Ordinance 522 and subsequent revisions.

K. STORM DRAINAGE

The construction or improvement of storm drainage facilities in any development shall be in accordance with the Comprehensive Drainage Ordinance 858 and all subsequent revisions and the Paving and Drainage Specifications, adopted by Resolution 11-62.

L. SITE PLANS

(1) Prior to any construction or change in use of a tract, a site plan shall be submitted, reviewed by the Development Review Committee, and approved by the Commission. Development shall conform to the approved site plan. The approved site plan may be revised or amended if the revision or amendment is approved.

(2) All on-site improvements shall be specified on the site plan.

(3) All adjacent property uses shall be shown on the site plan.

(4) All means of ingress and egress shall be shown.

(5) All inside and outside storage facilities shall be shown.

(6) Off-street parking facilities shall be provided as indicated on the approved site plan and shall not be less than the requirement of the Zoning Ordinance for each use and occupancy.

ARTICLE VIPUBLIC SITES AND OPEN SPACES

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 and reflect the Comprehensive Plan. Any provision for schools, parks, etc. shall be indicated on the preliminary plat.

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 submitting engineering plans for approval by the City Engineer. Such plans shall be prepared by a Professional Engineer, registered in the State of Texas, and experienced in Civil Engineering.

In cases where a subdivision abuts a school or park site, the subdivider, or developer, shall dedicate one-half ($\frac{1}{2}$) of the right-of-way required for construction of the perimeter street and shall bear the cost of street construction to the extent of one-half ($\frac{1}{2}$) the cost of a collector street, or ninety (90) percent of one-half ($\frac{1}{2}$) the cost of an arterial street, in accordance with the City's Street Improvement Policy. The owner, or owners, of the public site abutting the subdivision street shall provide one-half ($\frac{1}{2}$) of the right-of-way required, and shall participate with the developer in the cost of street construction in accordance with the Street Improvement Policy. Street construction costs shall include the cost of storm drainage and engineering services, as well as the cost of actual street construction.

In cases where a subdivision abuts a school or park site, the developer shall be responsible for the installation of water and sanitary sewer utilities adjacent to the public site, and the owner, or owners, of the public site, shall reimburse the developer a portion of the cost on a pro rata basis in accordance with the City's Water and Sanitary Sewer Extension Ordinance, if connection is made to the utility for service.

ARTICLE VII

UTILITIES

A. WATER SYSTEM

(1) The water system in any development shall conform to the requirements of the Water and Sewer Specifications adopted by Resolution 2-62, unless otherwise approved by the City Engineer.

(2) The water system shall be designed and constructed to meet the fire protection requirements pertaining to fire hydrant locations, water main sizes, and fire flows set forth in the Key Rate Schedule for Standard Cities, General Basic Schedule, and the National Fire Protection Association.

(3) Generally, the water distribution lines should be located within the public street right-of-way, but outside the limits of the street pavement to the extent possible.

(4) In accordance with the Water and Sewer Main Extension Ordinance, the City shall reimburse the developer the oversize cost of any water main larger than eight (8) inches in diameter, unless such larger water main is necessary to serve the property in question.

B. SANITARY SEWER

(1) The sanitary sewer system in any development shall be designed and constructed to meet the requirements of the Water and Sewer Specifications adopted by Resolution 2-62, unless otherwise approved by the City Engineer.

(2) The sanitary sewer system shall be designed to handle the anticipated sewage flow from the total drainage area contributing to flow in that system, as if the drainage area is fully developed.

(3) Generally, the sanitary sewer collection lines should be located within public alley right-of-way or public utility easements.

(4) In accordance with the Water and Sewer Main Extension Ordinance, the City shall reimburse the developer the oversize cost of any main larger than eight (8) inches in diameter, unless such larger main is necessary to serve the property in question.

In addition, the City may reimburse the developer for extra depth cuts made in the installation of sanitary sewers deeper than required to serve the property in question.

C. FIRE PROTECTION

(1) Water mains shall be not less than six (6) inches in diameter, looped, in residential sections and not less than eight (8) inches in diameter in mercantile districts.

(2) Fire hydrants are to be located so there will be a fire hydrant every three hundred (300) feet in the mercantile and industrial areas, and every six hundred (600) feet in residential areas. Hydrants are to be located so that no structure shall be more than 500 feet in hose laying distance from a fire hydrant. Hose laying distances shall be computed as that distance the fire apparatus must travel for the purpose of laying a fire hose on public street or private drive or shall be the equivalent of an approved fire lane including the required turning radius and shall include any distance between the structure and said street or drive.

(3) Where cul-de-sacs are proposed, a fire hydrant shall be placed near the opening of the cul-de-sac allowing a maximum distance of five hundred (500) feet as the fire hose is laid from the fire hydrant to the most distance residence.

(4) Fire department access routes shall be provided by the developer as required by city ordinances and shall be approved by the Fire Department.

ARTICLE VIII

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 City Planner is hereby authorized to institute any action which may be necessary to restrain or abate such violations.

ARTICLE IX

VARIANCES

The Commission may authorize a variance from these regulations when in the opinion of the Commission, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that are deemed 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:

(1) 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.

(2) 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.

(3) 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 findings of the Commission together with 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.

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

ARTICLE X

CONFLICTS

All ordinances or parts of ordinances, with the exception of the Building Code and the Comprehensive Zoning Ordinance for 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 the Comprehensive 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 XI

RESPONSIBILITIES

The developer shall be responsible for the conformance of all parties as encompassed in the improvements undertaken to the ordinances, rules, and regulations of the City of Mesquite.

ARTICLE XII

EXCEPTIONS

Plats of subdivisions which have received preliminary approval of the Commission within one (1) 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 unenforcible.

SECTION 3. EFFECTIVE DATE: All changes from the existing ordinance required by this ordinance shall become effective on October 1, 1973.

SECTION 4. 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 fourth day of September, 1973.

Bob Beard
Bob Beard - Mayor

ATTEST:
Norma McGaughy
Norma McGaughy
City Secretary

APPROVED AS TO FORM:
Elland Archer
Elland Archer - City Attorney

APPENDIX

REFERENCE ORDINANCES

<u>Subject</u>	<u>Ordinance or Resolution</u>	<u>Date Adopted</u>
Access Driveways	Ordinance 522	February 3, 1964
Comprehensive Plan	Resolution 40-71	December 6, 1971
Comprehensive Zoning Ordinance	Ordinance 1135	September 4, 1973
Drainage	Ordinance 858 Ordinance 1053	May 4, 1970 August 7, 1972
Fire Lanes	Ordinance 1093 Ordinance 1137, 1138	January 22, 1973 September 4, 1973
Parking Layout and Design	Ordinance 522	February 3, 1964
Paving and Drainage Specifications	Resolution 11-62	April 16, 1962
Street Improvement	Resolution 22-72	August 21, 1972
Water and Sewer Main Extension	Ordinance 719	January 15, 1968
Water and Sewer Specifications	Resolution 2-62	January 15, 1962