

ORDINANCE NO. 2331

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING THE SUBDIVISION ORDINANCE BY ADOPTING SECTIONS M AND N; BY PROVIDING AN EFFECTIVE DATE FOR PRELIMINARY PLATS FILED; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Subdivision Ordinance Article V, of the City of Mesquite is hereby amended by adopting Subsections M and N as follows, in all other respects to remain in full force and effect; this ordinance will effect preliminary plats filed after September 15, 1986.

M. RESIDENTIAL DEVELOPMENT ABUTTING ARTERIAL STREETS.

1. Rear of Lots Adjacent to Arterial Street

Where a subdivision is platted so that rear yards of residential lots are adjacent to an arterial street as defined herein and shown on the Mesquite Thoroughfare Plan, or are separated from such an arterial by an alley, the developer shall provide at his sole expense, screening according to the following alternatives and standards. All forms of screening shall be reviewed and approved by the Development Review Committee to assure adequate traffic visibility, structural design, utility clearance, landscape design and ease of maintenance.

Option #1: A solid masonry wall, 6 to 8 feet in height, constructed of 1) clay fired brick of natural colors, either double wall brick or thin wall brick, or 2) a reinforced concrete, simulated brick type wall or other appropriate texture, in earhtone color, excluding gray, achieved through color additives and of uniform color and texture on any side of an arterial between two intersecting arterials. Walls shall be placed on the street right of way line with a 4 foot wide sidewalk adjacent to the wall on the arterial side. Turf grass and street trees at 25 feet on center shall be placed between the sidewalk and the curb line, provided that no wall or tree shall be placed so as to obstruct traffic visibility.

Option #2: A living screen (hedge) composed of Japanese Ligustrum or Chinese Photinia plants, or other plants approved by the Director of Parks, a minimum of 6 feet in height planted 4 feet on center,

provided that no plant shall be placed so as to obstruct traffic visibility. The required right of way for the thoroughfare shall be increased a minimum of 8 feet on the side of the arterial where the hedge is to be placed, and the living screen shall be planted 4 feet inside the original right of way line. A 4 foot wide sidewalk shall be placed against the original right of way line and turf grass shall be placed between the sidewalk and the curb line. Irrigation is required for the hedge and turf grass areas.

Option #3: A combination masonry and tubing (aluminum or steel) wall, 6 to 8 feet in height, provided that no wall shall be placed so as to obstruct traffic visibility. Masonry shall meet the criteria set out in Option #1; tubing or pickets shall be a maximum of 1" x 1", spaced a maximum of 5" on center. The wall shall consist of sixty percent (60%) masonry and forty percent (40%) tubing, provided that no single section of masonry shall be constructed to a length greater than sixty (60) feet or less than forty (40) feet and no single section of tubing shall be constructed in length greater than forty (40) feet or less than twenty-five (25) feet. The wall shall be placed on the street right of way line and a 5 foot wide sidewalk shall be placed adjacent to the curb. In the area between the wall and the curb, turf grass shall be placed in front of masonry wall sections and a planting bed shall be placed in front of tubing or sections. The bed shall be a minimum 3 feet in width and shall include shrubs which are a minimum of 3 feet in height when installed and planted 3 feet on center. A 12-inch mowing strip of reinforced concrete shall be provided along the base of all masonry wall sections and around all planting beds including the area between the bed and the sidewalk. Irrigation is required for all shrub and turf grass areas.

Option #4: A 12 foot wide landscape strip in lieu of alley right of way, provided the strip shall be dedicated as additional right of way and a uniform 6 foot cedar fence of #2 grade or better with galvanized steel poles shall be installed on the rear property line of the residential lots with the finish side toward the arterial. No fence or plants shall be placed so as to obstruct traffic visibility. Under this option, adjacent residential lots shall be of a sufficient width (a minimum of 65 feet wide) to accommodate and shall have a front driveway which extends past the house to a garage door positioned behind the rear line of the house. A landscape plan shall be prepared by a registered landscape architect and shall include 1) a 4 foot wide serpentine sidewalk, 2) a permanent automatic irrigation system designed by a licensed irrigation

designer, and 3) minimum plant material as specified on a typical design provided by the Parks Dept., and 4) mowing strips and other elements to simplify maintenance.

2. Side of Lots Adjacent to Arterial Street

Where a subdivision is platted so that side yards of residential lots are adjacent to an arterial street as defined herein and shown on the Mesquite Thoroughfare Plan, the lots shall be so platted as to provide a 25 foot building line along the arterial for main structures and the developer shall provide at his sole expense, street trees planted at 25 feet on center on the residential lot adjacent to the right of way line, provided that no tree shall be placed so as to obstruct traffic visibility.

3. Front of Lots Adjacent to Arterial Street

No lot shall be platted so that the front yards of residential lots abut an arterial street as defined herein and shown on the Mesquite Thoroughfare Plan, unless such development is a multifamily or townhouse project with adequate off-street parking for residents and visitors, or unless the lots meet one of the following criteria:

- a) A service street with 50 foot right of way is provided adjacent and parallel to the arterial so that no lot has direct access onto the arterial and so that visitor parking is not accommodated on the arterial. The service street must extend between two perpendicular streets intersecting the arterial to provide outlots at both ends.
- b) A minimum lot width of 100 feet with a front building line of 50 feet and a circular driveway with a minimum of six (6) off-street, paved visitor parking spaces is provided.

4. General Requirements for Landscape and Screening

All landscape and screening required above shall meet the following conditions, as applicable:

- a) All walls must be structurally designed with sealed plans and specifications submitted to and approved by Building Inspection.
- b) All landscape plans must be approved by the Parks Department.
- c) Trees shall be selected from the following approved plant list and planted with a minimum 3 inches in caliber. Street trees shall be planted at 25 feet on center unless

otherwise approved. The use of other species must be specifically approved by the Parks Department.

Bald Cypress, *Taxodium distichum*
Burr Oak, *Quercus Macrocarpa*
Cedar Elm, *Ulmus Crassifolia*
Crape Myrtle, *Lagerstroemia indica*
Live Oak, *Quercus virginiana*
Pecan, *Carya illinoensis*
Red Oak, *Quercus Shumardii*
Sweet Gum, *Liquidambar styraciflua*

- d) Shrubs shall be selected from the following approved plant list and planted with a minimum 3 feet in height and 3 feet on center unless otherwise specified. The use of other species must be specifically approved by the Parks Department.

Abelia, *Abelia grandiflora*
Burford Holly, *Ilex cornuta 'Burfordi'*
Cleyera, *Cleyera japonica*
Crape Myrtle, *Lagerstroemia indica*
Japanese ligustrum, *Ligustrum lucidum*
Nellie 'R' Stevens Holly, *Ilex Nellie 'R' Stevens*
Red Tip Photinia, *Photinia Frazeri*
Sandankura Viburnum, *Viburnum suspensum*
Viburnum, *Viburnum oederatissimum*
Willowleaf Holly, *Ilex cornuta 'Willowleaf'*

- e) When irrigation is required, a permanent automatic irrigation system, approved by the Parks Department, shall be installed by the developer. As built drawings must be submitted to the Parks Dept. prior to acceptance of the improvements.
- f) Mow strips of reinforced concrete, 12 inches wide shall be installed adjacent to any planting bed or wall with abutting turf grass.
- g) All forms of screening shall be so placed as to not obstruct traffic visibility as determined by the City Traffic Engineer.
- h) The Developer shall provide total maintenance for all landscaping for a minimum of two years or until the completion of active construction in the subdivision, whichever is longer. At the end of the developer maintenance period, all plants shall be in a sound, healthy, vigorous growing condition and irrigation systems shall be in good operating condition.
- i) The Developer shall assure perpetual maintenance of the screening by one of the following methods:

- 1) Creation of a "viable" homeowner's association. A viable association is one which shall also maintain a substantial amount of additional open space, recreation facilities, or other common-use land or facilities. Association documents must be approved by the City Attorney and shall empower the City to assess a maintenance fee in the event the association fails to accomplish its maintenance responsibility. Documents shall be filed prior to issuance of building permits.
- 2) Minimum payment, as specified below, into a Landscape Maintenance Fund to be paid prior to the issuance of building permits, and the City will assume long term maintenance responsibility for landscape areas.

Minimum based on prototype landscape developed by Parks Dept.; provided that plans with additional plant materials or layouts necessitating more intensive maintenance than typical design may be required to provide a larger payment into the maintenance fund.

- Option #1 - \$0.33 per square foot, non-irrigated
- Option #2 - \$0.49 per square foot, irrigated
- Option #3 - \$0.43 per square foot, irrigated
- Option #4 - \$0.38 per linear foot, irrigated

- j) The screening wall and/or landscaping shall be installed prior to issuance of building permits, except model home permits may be issued prior to completion. If due to seasonal considerations, a developer cannot immediately establish permanent turf, he shall stabilize the soil in the easement and right of way to prevent erosion as directed by the Engineering Division.
- k) In the event the developer cannot complete any provisions of this section due to current thoroughfare construction, proposed improvements listed in capital improvements program, bond programs, or the adopted thoroughfare plan, funds are required to be escrowed for the cost of future construction of screening walls, fences, plant materials, irrigation systems, sidewalk, mow strips, or any other improvements as outlined in this section. The form of such escrow shall be sufficient and provided in any of the following forms:

- 1) Cash or its equivalent.
- 2) A promissory note in the amount specified by the Director of Community Development, or his designated representative, for a term of five (5) years and bearing interest at the highest rate that the City receives on its funds deposited with the City's Depository Bank, plus one percent (1%). Said note shall be secured by a Deed of Trust in a form approved by the City Attorney on land that has an equity equal to at least one and three-fourths (1 3/4) times the principal amount of the Promissory Note.

N. LANDSCAPING ON PUBLIC RIGHTS OF WAY.

Landscaping may be placed within public rights of way under the following situations, subject to approval of the landscape plan by the Parks Department and approval of the Traffic Engineer to assure adequate visibility.

- 1) Landscaping is an extension of the landscape on a private property and maintenance is the direct responsibility of the abutting owner as required by the Mesquite City Code. No payment into a Maintenance Fund is required in this situation.
- 2) Landscaping is part of the screening required for residential areas and complies with the requirements of Article M above.
- 3) Landscaping proposed is not described in (1) or (2) above. In this case, generally median landscaping or subdivision entryways, landscaping shall meet the General Requirements as set out in Article M. 4 above, as applicable; provided, however that the amount to be paid into a Landscape Maintenance Fund if required, shall be calculated for each request based on the nature, layout and size of the landscape area proposed. Signs associated with subdivision entryways must be approved and permitted by the Building Inspection Division.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

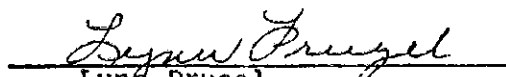
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 15th day of September A.D., 1986.



Mrs. Brunhilde Wystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

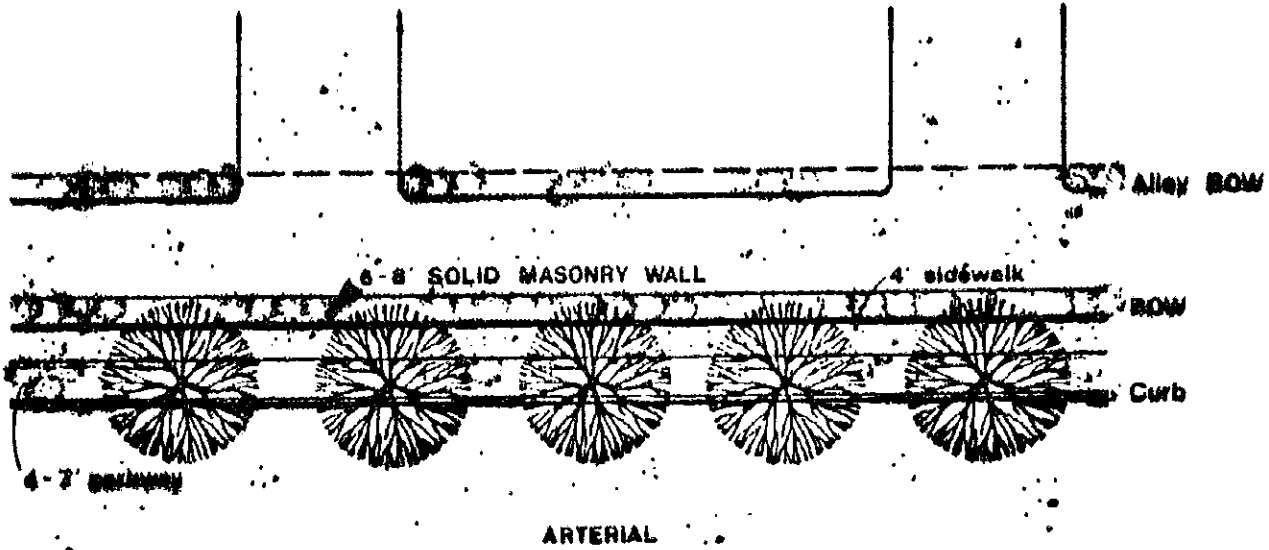


Lynn Prugel
City Secretary

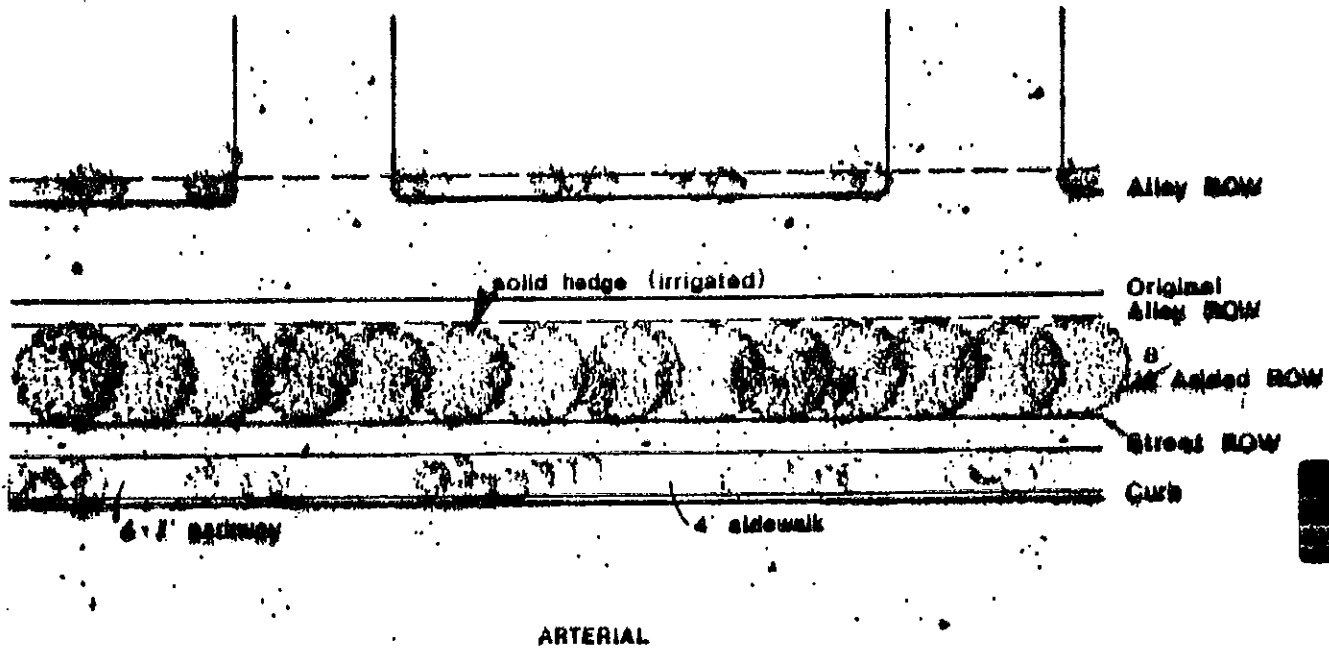
Elland Archer
City Attorney

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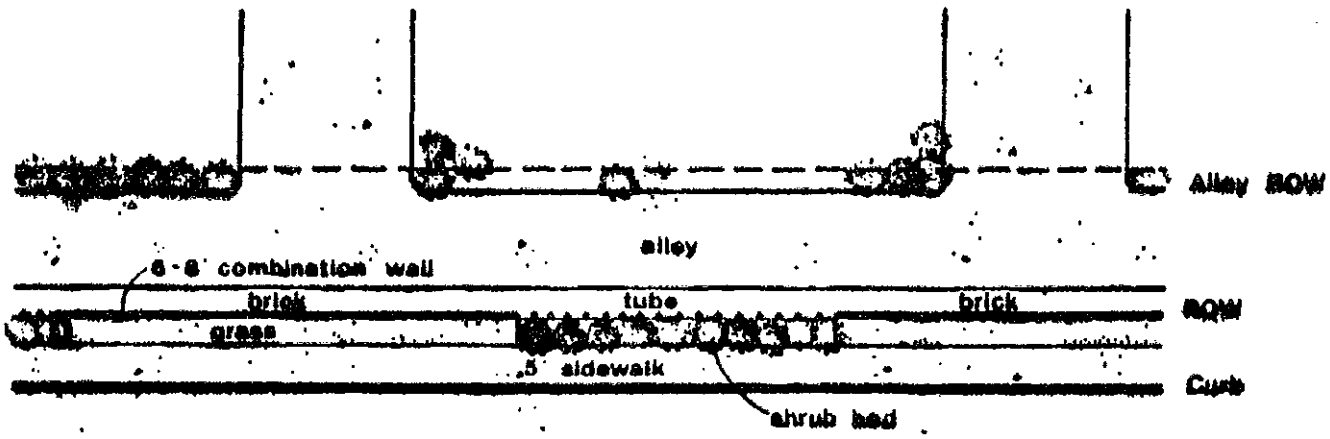
1.
6-8' Solid Masonry Wall



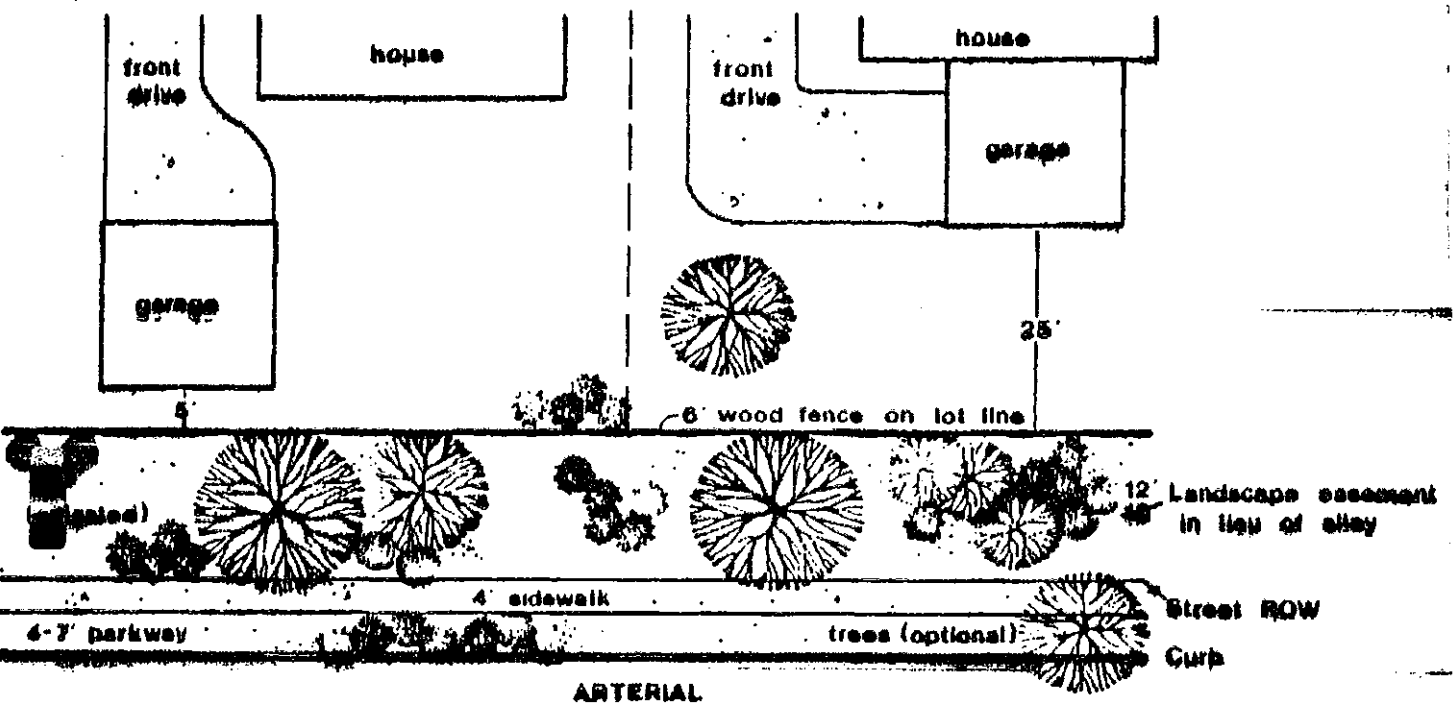
2.
Landscape Hedge



3. Brick/Tube Combination Wall with Landscaping



4. Landscape Easement (in lieu of alley)



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