

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX B OF THE MESQUITE CITY CODE, THE MESQUITE SUBDIVISION ORDINANCE, AS AMENDED, BY RELOCATING CERTAIN PROVISIONS TO THE CITY OF MESQUITE ENGINEERING DESIGN MANUAL AND CROSS-REFERENCING THOSE RELOCATED PROVISIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, engineering requirements are located in several chapters of the Mesquite City Code and other documents; and

WHEREAS, the creation of the Engineering Design Manual facilitates and streamlines the permit review process for staff and applicants by relocating all applicable requirements to this Manual; and

WHEREAS, in order to relocate certain regulations from the Mesquite Subdivision Ordinance to the Engineering Design Manual and to accurately cross reference applicable provisions, it is necessary to amend the Mesquite Subdivision Ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendment.

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

SECTION 1. That Appendix B of the Mesquite City Code, the Mesquite Subdivision Ordinance, as amended, is hereby amended by making certain additions and deletions throughout the ordinance. Such revisions are attached hereto as Exhibit "A," incorporated herein by reference and made a part thereof. A copy of the Mesquite Subdivision Ordinance shall be kept on file in the office of the City Secretary.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is

greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of May 2019.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



David L. Paschall
City Attorney

1. *Article I, Section A.* Amend Appendix B, Article I by deleting Section A in its entirety and adding a new Section A to read as follows:

A. Interpretation.

In the interpretation, application and enforcement of these regulations, including the requirements set out herein and those incorporated by reference in the City of Mesquite Engineering Design Manual, 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 its extraterritorial jurisdiction, and where the requirements of other ordinances of the City are more restrictive than these requirements, such other more restrictive requirements shall control.

2. *Article I, Section C.* Amend Appendix B, Article I by deleting Section C in its entirety and adding a new Section C to read as follows:

C. Jurisdiction.

These regulations, including but not limited to the City of Mesquite Engineering Design Manual and other ordinances and regulations with requirements applied by reference in this Appendix, shall apply to all subdivision of land located within the corporate limits of the City of Mesquite and within the City's extraterritorial jurisdiction, as provided by law, and to all subsequent additions of land to the corporate limits or the extraterritorial jurisdiction of the City.

3. *Article III, Section C(3).* Amend Appendix B, Article III by deleting Section C(3) in its entirety and adding a new Section C(3) to read as follows:

- (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 comply with the City of Mesquite Engineering Design Manual.

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

4. *Article III, Section E.* Amend Appendix B, Article III by deleting Sections E(1) through E(6) in their entirety and adding new Sections E(1) through E(6) to read as follows:

E. Improvements required prior to acceptance of subdivision by the City.

- (1) *Survey monuments.* 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 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 in accordance with the City of Mesquite Engineering Design Manual.

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-year maintenance bond from each separate contractor in the amount of 10 percent of the contract price, "AS BUILT" plans for each project in accordance with the City of Mesquite Engineering Design Manual, and a letter stating the contractor's compliance with these regulations.

- (b) Streets and alleys shall be paved in compliance with the City of Mesquite Engineering Design Manual and City of Mesquite Thoroughfare Plan.
- (3) *Storm drainage.* An adequate storm sewer system shall be installed in accordance with the City of Mesquite Engineering Design Manual 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.* All subdivisions shall be provided with an approved water system designed and constructed in accordance with the City's Water Distribution Plan and City of Mesquite Engineering Design Manual 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 City's Sewer Plan and City of Mesquite Engineering Design Manual 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.* The developer or his engineer shall present the City with as built plans for all paving, drainage structures, water mains and sewer mains in accordance with the City of Mesquite Engineering Design Manual.
5. *Article V, Section A.* Amend Appendix B, Article V by deleting Section A in its entirety and adding a new Section A to read as follows:
- A. Streets.**
- (1) The arrangement, character, extent, width, grade and location of all streets shall comply with the City of Mesquite Thoroughfare Plan and City of Mesquite Engineering Design Manual 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 City of Mesquite 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) Residential streets shall be so laid out that use for through traffic will be discouraged.

- (4) 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 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 50 feet, the first dedication will be 25 feet; where the ultimate planned width is 60 feet, the first dedication will be 30 feet.
- (5) 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.
- (6) 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.

6. *Article V, Section B.* Amend Appendix B, Article V by deleting Section B in its entirety and adding a new Section B to read as follows:

B. Alleys.

- (1) Alleys, if provided, in residential districts (including multi-family districts) shall be parallel, or approximately parallel, to the property frontage on the street. Alleys shall be designed and constructed in accordance with the City of Mesquite Engineering Design Manual.
- (2) Access to residential property for required off-street parking shall be from the alley wherever paved alley access is available. 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.

7. *Article V, Section C.* Amend Appendix B, Article V by deleting Section C in its entirety and adding a new Section C to read as follows:

C. Sidewalks.

- (1) Sidewalks shall be constructed in each new subdivision or development in accordance with the City of Mesquite Engineering Design Manual.
- (2) When a lot is platted and developed adjacent to a drainage, utility or other right-of-way or easement, the extension of the sidewalk across such right-

of-way or easement shall be required to provide a continuous sidewalk connection. If not connecting sidewalk exists on the opposite side of the easement or right-of-way, extension of the sidewalk to the midpoint of the easement or right-of-way shall be required.

8. *Article V, Section D.* Amend Appendix B, Article V by deleting Section D in its entirety and adding a new Section D to read as follows:

D. Easements.

- (1) Easements shall be provided for utilities and drainage in accordance with the City of Mesquite Engineering Design Manual.
- (2) 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.
- (3) No building or structure may be erected on an easement except as provided in the City of Mesquite Engineering Design Manual and all subsequent revisions.

9. *Article V, Section E(3).* Amend Appendix B, Article V by deleting Section E(3) in its entirety and adding a new Section E(3) to read as follows:

- (3) Where blocks in the vicinity of a school, park or shopping center are platted 1,000 feet or longer, the City Engineer 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 five feet wide through the block from:
 - a. sidewalk to sidewalk; or
 - b. if no street, from sidewalk to the rear property line.

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 to one and in no case more than four to one.

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

10. *Article V, Section H(1).* Amend Appendix B, Article V by deleting Section H(1) in its entirety and adding a new Section H(1) to read as follows:

- (1) Access driveways to multifamily and nonresidential uses shall comply with the City of Mesquite Engineering Design Manual.

- 11. *Article V, Section I.* Amend Appendix B, Article V by deleting Section I in its entirety and adding a new Section I to read as follows:

I. Median designs affecting driveway entrances.

The developer may be required to construct median openings and turn lanes in boulevard streets at major access driveways to insure adequate traffic control and safety at that intersection. The median openings and driveways shall be provided in accordance with the City of Mesquite Engineering Design Manual.

- 12. *Article V, Section J(1).* Amend Appendix B, Article V by deleting Section J(1) in its entirety and adding a new Section J(1) to read as follows:

- (1) Off-street parking shall be provided in accordance with the requirements of the Mesquite Zoning Ordinance and shall be paved in accordance with the City of Mesquite Engineering Design Manual.

- 13. *Article V, Section K.* Amend Appendix B, Article V by deleting Section K in its entirety and adding a new Section K to read as follows:

K. Storm drainage.

The construction or improvement of storm drainage facilities in any development shall be in accordance with the City of Mesquite Engineering Design Manual and all subsequent revisions and the paving and drainage specifications.

- 14. *Article V, Section M.* Amend Appendix B, Article V by deleting Section M in its entirety and adding a new Section M to read as follows:

M. Residential development adjacent to arterial streets.

Where a subdivision is platted so that the rear yards of residential lots are separated by an alley from an arterial street or adjacent to an arterial street, as shown on the City of Mesquite Thoroughfare Plan, a long-span precast concrete decorative screening wall, six to eight feet in height, in earth-tone color, shall be erected on the street right-of-way line with a five foot wide sidewalk adjacent to the wall on the arterial side. Such wall shall be designed and constructed in accordance with the City of Mesquite Engineering Design Manual. No wall shall be placed so as to obstruct traffic visibility. As an alternative, where properties are zoned Agriculture or lots have a minimum area of one-half acre or more, a wrought iron fence, six to eight feet in height with evergreen trees selected from Table 1A-500-1 of the Mesquite Zoning Ordinance shall be installed at intervals to effectively create a visual screen. At the time of planting, the trees must, at minimum, be the height of the wrought iron fence. The City Council may modify or waive this requirement or approve alternate screening methods based on

site and/or design considerations. Installation of the screening wall or approved alternative is required prior to issuance of permits on any adjacent lots.

15. *Article VII, Section A.* Amend Appendix B, Article VII by deleting Section A in its entirety and adding a new Section A to read as follows:

A. Water system.

- (1) The water system in any development shall conform to the requirements of the City of Mesquite Engineering Design Manual 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 Insurance Service Office Fire Suppression Rating Schedule, General Basic Schedule and the National Fire Protection Association.
- (3) In accordance with the water and sewer main extension ordinance, the City shall reimburse the developer the oversize cost of any water main that is 12 inches or larger in diameter, unless such larger water main is necessary to serve the property in question.

16. *Article VII, Section B.* Amend Appendix B, Article VII by deleting Section B in its entirety and adding a new Section B to read as follows:

B. Sanitary sewer.

- (1) The sanitary sewer system in any development shall conform to the requirements of the City of Mesquite Engineering Design Manual 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) 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 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.

17. *Article XII.* Amend Appendix B by deleting Article XII in its entirety and adding a new Article XII to read as follows:

ARTICLE XII. EXCEPTIONS

Plats of subdivisions which have received preliminary approval of 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 180 days after the effective date of this ordinance or within one year after the approval date of the preliminary plat, whichever is greater.