

APPENDIX B OF THE MESQUITE CITY CODE

MESQUITE SUBDIVISION ORDINANCE

ADOPTED BY

Ordinance 1136, September 4, 1973

AMENDED BY

Ord. 1250	6-16-75
Ord. 1334	10-04-76
Ord. 2283	3-03-86
Ord. 2331	9-15-86
Ord. 2351	10-20-86
Ord. 2355	11-03-86
Ord. 2443	7-06-87
Ord. 2721	1-21-91
Ord. 3323	9-20-99
Ord. 3392	9-19-00
Ord. 3426	4-16-01
Ord. 3523	9-16-02
Ord. 3540	11-4-02
Ord. 3573	4-21-03
Ord. 3974	7-21-08
Ord. 3980	8-04-08
Ord. 4040	3-16-09
Ord. 4399	11-2-15
Ord. 4552	4-16-18
Ord. 4675	5-20-19

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MESQUITE SUBDIVISION REGULATIONS

ARTICLE I

INTERPRETATION AND PURPOSE
(Ord. 3323, 9-20-99, Ord. 4675, 5-20-2019)

A. INTERPRETATION (Ord. 4675, 5-20-2019)

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 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.

B. PURPOSE

The procedures and standards for the development, layout and design of subdivisions of land are intended to: (Ord. 2721, 1-21-91)

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.

C. JURISDICTION (Ord. 4675, 5-20-2019)

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.

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.

FORM-BASED DISTRICT: A mixed-use district that stands separate and apart from all other zoning districts in the City. The basis for regulation in a form-based district is a form-based code. (Ord. 4040; 3-16-09)

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 or Kaufman County, as applicable., Dallas County, or a parcel of land, the deed for which was recorded with the County Clerk, Dallas or Kaufman County, as applicable., 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 drives or approaches to and from parking areas. Flood plains, or 50% of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot and is maintained and utilized in the same manner and to the same degree as all other open space areas as designated on the site plan as filed with the building permit application. (Ord. 1250, 6-16-75)

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

REGULATING PLAN: A zoning map for a form-based district that shows the transect zones, civic zones, thoroughfares, special districts, if any, and special requirements, if any, of areas subject to, or potentially subject to, regulation by a form-based code. (Ord. 4040; 3-16-09)

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: The division of a parcel of land into two or more lots or tracts, or the creation from said parcel of one or more lots or record, for the purpose of transfer of ownership; for dedication of streets, alleys, or easements; for use for building development; or for the assimilation of separate, contiguous tracts into one or more tracts under common ownership. This definition includes resubdivision, and shall relate to either the process of subdividing or to the land subdivided, as appropriate to the context. (Ord. 3323, 9-20-99)

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 PROCEDURES

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) Sixteen (16) 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 sixteen (16) 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. All drainage structures, public and private, must be placed in a drainage easement. (Ord. 3426, 4-16-01)

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.

The plat must show two property corners with grid coordinates. Grid coordinates must be referenced from a GPS point. Grid coordinates must be in North American Datum (NAD) 83, Texas State Plane, North Central FIPS Zone 4202. The plat must hold grid bearings. Bearings may not be from an assumed North. Distances on the plat will be surface distances.

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.

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.

The ultimate and FEMA 100-year floodplain and FEMA floodway boundaries must be shown. Also, finished floor elevations for any structure, including garages (2 feet above the ultimate 100-year water surface elevation) must be shown for all lots within or adjacent to the 100-year floodplain. (Ord. 3426, 4-16-03)

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.

(9) A preliminary plat shall be in conformance with the comprehensive plan. (Ord. 4040; 3-16-09)

(10) Within a designated form-based district, a preliminary plat shall be in conformance with an adopted regulating plan. A preliminary plat shall not be approved without an adopted regulating plan. (Ord. 4040; 3-16-09)

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 comply with the City of Mesquite Engineering Design Manual. (Ord. 4675, 5-20-2019)

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 sixteen (16) copies of the final plat to the City Planner. The City Planner shall stamp on each of the sixteen (16) 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 or Kaufman County, as applicable., Dallas County, for filing within thirty (30) days of the date of the final approval, otherwise the approval of the Commission becomes invalid. Fourteen (14) 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.

An electronic version of the final plat is required at the time the recorded plat is returned to the Planning and Zoning division office. The electronic file will be a ".dwg" file composed in Auto Cad, and version. The electronic version must be submitted on CD-ROM. If any revisions are made to the final plat, an updated electronic copy of the final plat must be forwarded. (Ord. 3426, 4-16-03)

(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

Curve Number	Description	Elements	Outer Property Line	Center Line	Inner Property Line
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(8) A final plat shall be in conformance with the comprehensive plan. (Ord. 4040; 3-16-09)

(9) Within a designated form-based district, a final plat shall be in conformance with an adopted regulating plan. A final plat shall not be approved without an adopted regulating plan.

(10) 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.

(11) 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.

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

(13) 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.

(14) 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.

(15) 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, the Maintenance Agreement for Drainage Facilities, shall appear on the face of the plat or index sheet of the plats where two (2) or more sheets are required.

(16) 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 of 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:

KNOWN 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 PLAT

(1) A preliminary plat may be designated a "Short Form Plat" and may follow the abbreviated preliminary approval procedures if it falls within the following criteria:

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 shall not necessitate any appreciable alteration of utilities installation, streets, alleys or building setback lines.

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

d. The plat shall not involve resubdivision or replatting in a single family or duplex subdivision in which some or all of the lots have been sold.

(2) The DRC shall be authorized to review and grant preliminary plat approval and to state conditions for such approval for any designated "Short Form Plat". Such "Short Form Plat" shall be reviewed by the Planning and Zoning Commission only if the applicant is dissatisfied with the DRC determinations and appeals the staff decision to the Commission.

(3) The DRC shall also be authorized to review requests for waiver of required sidewalks and/or alleys on "Short Form Plats" in accordance with the following criteria:

a. A sidewalk or alley shall be required unless a connection need (either planned or existing) is clearly shown not to exist.

b. If alley is not required, provisions must be made for service access to the property, including a provision for public utilities, sanitation services, and off-street loading, unloading and parking for the lots proposed.

c. If the applicant is dissatisfied with the Staff determination, he may appeal the decision to the Planning and Zoning Commission.

(4) A "Short Form Plat" shall comply with all standards, regulations and requirements as set out herein for preliminary plats, except that the plat may be approved by the DRC as stated.

(5) Final plat procedures for a "Short Form Plat" shall be the same as set out herein for any final plat. (Ord. 2355, 11-3-86)

(6) A short form plat shall be in conformance with the comprehensive plan.

(7) Within a designated form-based district, a short form plat shall be in conformance with an adopted regulating plan. A short form plat shall not be approved without an adopted regulating plan.

E. IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF SUBDIVISION BY THE CITY (Ord. 4675, 5-20-2019)

(1) *Survey Monuments.* Survey monuments as prescribed hereinabove shall be placed at all comers as required hereinabove. (Ord. 4675, 5-20-2019)

(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. (Ord. 4675, 5-20-2019)

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. (Ord. 4675, 5-20-2019)

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 ten (10) percent of the contract price, "AS BUILT" plans for each project in accordance with City of Mesquite Engineering Design Manual, and a letter stating the contractor's compliance with these regulations. (Ord. 4675, 5-20-2019)

b. Streets and alleys shall be paved in compliance with the City of Mesquite Engineering Design Manual and City of Mesquite Thoroughfare Plan. (Ord. 4675, 5-20-2019)

(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. (Ord. 4675, 5-20-2019)

(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. (Ord. 2351, 10-20-86) (Ord. 4675, 5-20-2019)

(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. (Ord. 2351, 10-20-86) (Ord. 4675, 5-20-2019)

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. (Ord. 4675, 5-20-2019)

(6) *As Built Plans.* The developer or his engineer shall present the City as built plans for all paving, drainage structures, water mains, and sewer mains in accordance with the City of Mesquite Engineering Design Manual. (Ord. 4675, 5-20-2019)

(7) *Engineering plan review fees.* In order to defray the administrative costs of review, the developer shall submit plan review fees with the initial and subsequent engineering plan submissions at the time of submission in the amount shown in the current fee schedule as adopted by the city council. (Ord. 3974, 7-21-08)

(8) *Engineering inspection fee.* In order to defray the administrative costs of inspection, the developer shall submit an engineering inspection fee prior to the release of engineering plans in the amount shown in the current fee schedule as adopted by the city council. The engineering inspection fee shall cover site improvements including but not limited to streets, alleys, median improvements, water lines, fittings, valves, fire hydrants, RPZs, sanitary sewer lines, lift stations, manholes, storm sewer lines, drainage structures, bridges, culverts, screening walls and retaining walls, but excludes work within the building footprint, concrete and asphalt parking lots, sidewalks, barrier-free ramps, private landscaping and irrigation. (Ord. 3974, 7-21-08, Ord. 3980, 8-4-08)

(9) *Expiration of engineering plans.* The acceptance of an administratively complete engineering plan submittal application is considered a permit under Local Government Code, Chapter 245. Said permit shall expire two (2) years after acceptance of administratively complete application unless progress is being made toward completion of the project. If the permit expires, a new engineering plan submittal application will be required under current design standards and ordinances, which shall include submission of additional fees. (Ord. 3974, 7-21-08)

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, Dallas or Kaufman County, as applicable. of Dallas County, unless expressly authorized by the Director.

ARTICLE IV

FILING FEES

The applicant shall submit with the application a fee in the amount set by the City Council for the purpose of defraying the administrative costs of processing the subdivision/plat. The fee shall be charged on all plats, regardless of the action taken by the Commission, whether the plat is approved or denied.

PLATTING FEES (Ord. 3523):

SHORT FORM PLAT.....	\$500 Combined Preliminary/Final Fee (Due at Preliminary Submission)
SUBDIVISION PLAT	
Preliminary.....	\$500 + \$25 per acre
Final.....	\$500 + (All Acreages)

ARTICLE V

GENERAL REQUIREMENTS AND DESIGN STANDARDS

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. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)
- (2) When such street is not on the City of Mesquite Thoroughfare Plan, the arrangement of streets in a subdivision shall either: (Ord. 4675, 5-20-19)
 - 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. (Ord. 4675, 5-20-19)
- (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 fifty feet, the first dedication will be 25 feet; where the ultimate planned width is 60 feet, the first dedication will be 30 feet. (Ord. 4675, 5-20-19)
- (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. (Ord. 4675, 5-20-19)
- (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. (Ord. 4675, 5-20-19)

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. (Ord. 4675, 5-20-19)
- (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. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)

C. SIDEWALKS

- (1) Sidewalks shall be constructed in each new subdivision or development in accordance with the City of Mesquite Engineering Design Manual. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)

- (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 no 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. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)

D. EASEMENTS

- (1) Easements shall be provided for utilities and drainage in accordance with the City of Mesquite Engineering Design Manual. (Ord. 4675, 5-20-19)
- (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. (Ord. 4675, 5-20-19)
- (3) No building or structure may be erected on an easement except as provided in the City of Mesquite Design Manual and all subsequent revisions. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)

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 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;
 - 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. (Ord. 4675, 5-20-19)

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. (Ord. 4675, 5-20-19)

F. LOTS

- (1) The area of each platted lot must comply with the minimum regulations for the zoning district in which the lot is located. In residential districts, lots must conform in width, depth and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development and taking into consideration the natural topography of the ground, drainage, wastewater facilities and the proposed layout of streets. (Ord. 4552, 4-16-2018)
- (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 unless specifically approved in the applicable zoning, except that the Commission may waive the depth requirement to prevent a hardship to the developer 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. (Ord. 2351, 10-20-86)
- (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 without public hearings and procedures as set out in State Law. No lot may be reduced below the minimum size and width **required** in its zoning classification. (Ord. 2351, 10-20-86)
- (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) Access driveways to multifamily and nonresidential uses shall comply with the City of Mesquite Engineering Design Manual. (Ord. 3573, 4-21-03; Ord. 4675, 5-20-19)
- (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. (Ord. 3573, 4-21-03)

I. MEDIAN DESIGNS AFFECTING DRIVEWAY ENTRANCES

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. The median openings and driveways should be provided in accordance with the City of Mesquite Engineering Design Manual (Ord. 3573, 4-21-03; Ord. 4675, 5-20-19)

J. PARKING AREAS

- (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. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)
- (2) The design and layout of all off-street parking facilities shall conform with the parking layout and design standards set forth by the City of Mesquite. (Ord. 2351, 10-20-86)
- (3) Premises used as motor vehicle service stations or parking lots shall have six-inch raised curbs or other approved traffic barriers along the entire street frontage except at the driveway approaches and access walks. The curbs shall be placed so that automobile bumpers shall not extend over the sidewalk or public property. (Ord. 3573, 4-21-03)

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. (Ord. 2351, 10-20-86;(Ord. 4675, 5-20-19)

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.
- (7) Underground Utilities Required.

a. Site Plans and final plats approved after March 3, 1986 shall require all electrical, telephone and cable TV utilities (lateral and/or service distribution) lines and wires to be placed underground in new residential (Single Family-Detached, Single Family-Attached, Multifamily) subdivisions.

b. In case of special or unique circumstances, the City Planning and Zoning Commission may recommend to the City Manager's Office and Utility Company deviation from the ordinance but still adhere to the intent of the ordinance.

c. Where electrical service is to be placed underground, street lighting shall also be placed underground.

d. All electrical and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pad mounted or placed underground.

e. The utility companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground utilities.

f. Any utility location that deviates from the City's Standard Specifications shall be approved by the City of Mesquite.

g. The electrical utility company can, at its discretion, plan overhead feeds and/or feeder laterals on perimeters of subdivisions or property. Feeders is defined as those high voltage supply lines, that originate from sub-stations, used to distribute power throughout an area.

a. "Laterals" shall mean those electric lines that emanate from feeder line and used to distribute power to smaller areas of electric consumers. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse or disconnect switch. (Ord. 2283, 3-3-86)

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, as defined herein and shown on the City of Mesquite Thoroughfare Plan, a long-span precast concrete decorative screening wall, six to eight feet in height, in earthtone 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 a 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. (Ord. 2331, 9-15-86; Ord. 2443, 7-6-87; Ord. 4399, 11-2-2015; Ord. 4675, 5-20-19).

N. LANDSCAPING ON PUBLIC RIGHTS OF WAY

(Ord. 2331, 9-15-86; Deleted by Ord. 2443, 7-6-87)

ARTICLE VI

PUBLIC 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 (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 (1/2) the cost of a collector street, or ninety (90) percent of one-half (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 (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 to owner, or owners of the public site shall reimburse to the developer one-half (1/2) of the installation cost upon acceptance of such utility work. (Ord. 2355, 11-3-86)

ARTICLE VII

UTILITIES

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. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)
- (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. (Ord. 4675, 5-20-19)
- (3) 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 12 inches in diameter, unless such larger water main is necessary to serve the property in question. (Ord. 4675, 5-20-19)

B. SANITARY SEWER

- (1) The sanitary sewer system in any development shall be designed and constructed to meet the requirements of the City of Mesquite Engineering Design Manual, unless otherwise approved by the City Engineer. (Ord. 2351, 10-20-86; Ord. 4675, 5-20-19)
- (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. (Ord. 4675, 5-20-19)
- (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. (Ord. 4675, 5-20-19)

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. (Ord. 4675, 5-20-19)

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 five hundred (500) feet in residential areas. In any case, a fire hydrant shall be placed no more than one hundred (100) feet from the curb line at the intersection of two arterial streets as defined herein. 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. (Ord. 2351, 10-20-86)
- (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.

D. UTILITY AVAILABILITY LETTER

In order to defray the administrative costs of processing requests for letters of availability of city utilities for proposed developments, requests shall be accompanied with a fee in the amount shown in the current fee schedule as adopted by the city council. A utility availability letter does not constitute a permit as defined in Local Government, Section 245.001(1). (Ord. 3974, 7-21-08)

ARTICLE VIII

ENFORCEMENT

Every building hereafter erected, altered, expanded, or otherwise located shall be on a platted lot of record, which creates a building site, except when situated on a bona fide farm or ranch. No building permit shall be issued until such platted building site is created. (Ord. 2351, 10-20-86)

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.
- (5) In order to defray the administrative costs of processing requests for variances to the provisions in these regulations, requests shall be accompanied with a fee in the amount shown in the current fee schedule as adopted by the City Council. (Ord. 3974, 7-21-08)

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 year prior to the effective date of this ordinance shall be excepted from the requirements 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. (Ord. 4675, 5-20-19)