ORDINANCE NO. 3791

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 15-150 IN ITS ENTIRETY AND ADDING A NEW SECTION 15-150 REFERRING TO ACCESS MANAGEMENT AND DRIVEWAY STANDARDS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED ($500.00) DOLLARS 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 Chapter 15 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Section 15-150 in its entirety and adding a new Section 15-150 to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

Chapter 15

STREETS AND SIDEWALKS

Sec. 15-150. Access management and driveway standards.

Vehicular access to lots, tracts and parcels of land shall be designed, constructed, provided or repaired in accordance with the following standards and requirements:

(1) *Single-family detached and duplex residential driveways.*

a. *Number.*

1. A single-family detached residential dwelling unit with a rear entry garage or carport is limited to two alley connections per lot, tract or parcel, except as provided by the approval of circular driveway access.

2. A single-family detached residential dwelling unit with a front or side entry garage or carport may have one street connection and two alley approaches per lot, tract or parcel, except as provided by the approval of circular driveway access.

3. A duplex residential dwelling unit with a rear entry garage or carport is limited to two alley approaches per lot.

4. A duplex residential dwelling unit with a front or side entry garage or carport is limited to one street connection per lot.

b. *Location.*

1. Driveways connecting to public streets shall be a minimum of 25 feet from the intersection of the street with a second public street. The distance shall be measured from the corner made by the intersecting street right-of-way lines to the nearest edge of driveway pavement at the street right-of-way line exclusive of curb return radii or fillets.

2. Driveways connecting to alleys shall be a minimum of 20 feet from the intersection of the alley and a collector or arterial street. The distance shall be measured from the corner made by the intersecting street and alley right-of-way lines to the nearest edge of driveway pavement at the alley right-of-way line exclusive of curb return radii or fillets.

c. *Spacing*. The minimum spacing between driveways shall be 10 feet except when adjacent property owners have made written request to the building official for a shared driveway connection. The distance shall be measured between the nearest edges of driveway pavements at the street or alley right-of-way line exclusive of curb return radii or fillets.

d. *Curb return radius termination*. The termination of a driveway curb return radius or fillet shall not extend beyond the projection of the property line between two adjacent lots, tracts or parcels of land to the street or alley from its intersection with the right-of-way line. The termination point of a driveway radius or fillet shall be a minimum of 10 feet from a storm sewer inlet and five feet from a fire hydrant.

e. *Shared driveway connection*. Adjacent property owners may make a written request to the building official for a shared driveway connection. A shared driveway connection is created when the driveways of adjacent properties both abut the shared property line. The total width of the shared driveway may not exceed 30 feet in width at the street or alley right-of-way line exclusive of curb return radii or fillets. The minimum length of the shared driveway shall be 15 feet from the street or alley right-of-way line.

f. *Width*. A driveway serving a single-family detached or duplex residential lot, tract or parcel shall not be less than 10 feet nor more than 30 feet in width at the street or alley right-of-way line exclusive of curb return radii or fillets.

g. *Curb return*.

1. Driveway connections to alleys shall be constructed with fillets in lieu of curb returns. Driveway fillets shall have minimum dimensions of five feet along the edge of the alley pavement and five feet along the edge of the driveway pavement.

2. Driveway connections to public streets shall be constructed with curb returns. The curb returns shall have a minimum radius of five feet, except for driveway connections to streets listed on the adopted thoroughfare plan as arterial and secondary arterial streets.

3. The curb return radii for driveway connections to arterial and secondary arterial streets shall be determined by the manager of traffic engineering.

4. All curb returns shall have a rolled face disappearing at the sidewalk.

5. Where driveway connections are made to public streets with curbs and gutters; such curb and gutter shall be removed to the nearest construction joint, the steel exposed and tied into the new steel.

h. *Driveway connection angle.* A driveway connection to an alley or public street shall be at a 90-degree angle unless otherwise approved by the manager of traffic engineering whose approval shall be conditioned upon traffic safety and visibility.

i. *Maximum grade.* The maximum driveway approach grade shall be 12 percent for single-family detached or duplex residential driveways connecting to public streets and alleys.

j. *Sidewalk intersections.* Where a driveway is designed to cross an existing sidewalk, the sidewalk included between the edges of the driveway pavement shall be removed and reconstructed integral to the driveway. Sidewalk cross-slope within driveways shall not exceed TAS and ADAAG maximums.

k. *Special conditions for circular driveways.* All requests for circular driveways for single-family detached residential land uses shall be approved by the manager of traffic engineering. Circular driveways for single-family detached residential land uses may be approved subject to the following conditions:

1. A corner lot at the intersection of two local residential streets or at the intersection of a local residential street and a collector street may have one circular driveway connection on each street subject to the corner and property line clearance requirements of this section.

2. A corner lot at the intersection of two streets where one street or both streets are classified as an arterial or secondary arterial on the adopted thoroughfare plan shall only have circular driveway connections to the lowest thoroughfare plan classified street.

3. A lot with only single street frontage on a local residential or

collector street may have a maximum of two circular driveway connections in the front yard subject to the corner and property line clearance requirements of this section.

4. A lot with only single street frontage on a street classified as an arterial or secondary arterial on the adopted thoroughfare plan may have a maximum of two circular driveway connections in the front yard subject to the corner and property line clearance requirements of this section and the requirements of zoning ordinance section 1A-305(B).

5. A circular driveway shall provide access to required parking if such parking is not accessible from an alley driveway connection.

6. The deflection angle of a circular driveway connection to the public street may vary from 45 degrees to 90 degrees.

7. The curb return radius of the obtuse entry or exit angle of each circular driveway connection shall be a minimum of 20 feet.

Circular driveways shall not be approved for duplex residential land uses.

l. *Nonconforming single-family detached and duplex residential driveways.*

1. Single-family detached and duplex residential driveways not conforming to the requirements of this section may remain in service until such time as they are reconstructed, except reconstruction shall be required where the manager of traffic engineering, based upon an engineering study, determines the nonconforming driveway constitutes a traffic safety hazard.

2. If a nonconforming single-family detached or duplex residential driveway cannot be reconstructed to conform to this section, the owner of the property may seek a variance from the planning and zoning commission as provided in this section.

(2) *Multifamily land use and all nonresidential land uses.*

a. *Driveway types.*

1. *Partial access driveways.*

(a) *Entry only.* A driveway designed in such a manner as to prohibit the flow of traffic from a lot, parcel or tract of land into a street.

(b) *Exit only.* A driveway designed in such a manner as to prohibit the flow of traffic from a street into a lot, parcel or tract of land.

(c) *Right turn in/right turn out.* A driveway designed in such a manner that only right turn traffic movements into and out of the driveway are allowed.

2. *Full access driveways.*

(a) *Full access, undivided.* A driveway permitting two-way undivided traffic flow where all turning movements into and out of the driveway are permitted without restriction.

(b) *Full access, divided.* A driveway permitting two-way traffic flow where all turning movements into and out of the driveway are permitted without restriction and where the entering and exiting traffic flows are separated by a median island.

3. *Utility service driveways.*

(a) A utility service driveway permits utility service vehicles to access utility facilities, such as electric substations, cellular and other communications towers, water pump stations, sewage lift stations, etc., on an infrequent basis.

b. *Number of driveways.*

1. Each platted lot shall be permitted one driveway contained wholly within the property frontage or as part of a joint access easement with an adjacent platted lot, tract or parcel of land.

2. Where the platted lot is at the intersection of two streets, the permitted driveway shall connect to the lower adopted thoroughfare plan classification of street except that no access shall be permitted to a local residential street without the prior approval of the manager of traffic engineering.

3. Additional driveways may be permitted provided the minimum driveway spacing and location requirements are met as follows:

(a) Additional driveways based on adjacent, continuous, lot frontage to a public street:

200 feet of frontage or less	No additional driveways
201 feet to 400 feet of frontage	1 additional driveway
201 feet to 600 feet of frontage	2 additional driveways
201 feet to 800 feet of frontage	3 additional driveways

or

Additional driveways based on actual or projected peak hour exiting trips from the lot, parcel or tract of land:

100 exiting trips or less	No additional driveways
101 – 200 exiting trips	1 additional driveway
201 – 600 exiting trips	2 additional driveways

(b) Additional driveways to a lot, parcel or tract of land may be permitted by the manager of traffic engineering when necessary for fire department access.

(c) One additional driveway may be permitted by the manager of traffic engineering for access to and from a corner lot unless there are already two driveways serving the corner lot.

For computation of additional driveways, entry only and exit only partial access driveways shall be considered to be one-half of a right turn in/right turn out partial access driveway or full access driveway.

4. Minimum number of driveway lanes per driveway:

Thoroughfare Plan Classification	Driveway Type	Entering Lanes	Exiting Lanes
Arterial, Secondary Arterial or Collector	Full Access	1	2
Arterial, Secondary Arterial or Collector	Right Turn In – Right Turn Out	1	1
Arterial, Secondary Arterial, Collector or Local	Entry Only	1	0
Arterial, Secondary Arterial, Collector or Local	Exit Only	0	1
Collector and Local	Full Access or Right In/Right Out	1	1

c. *Driveway spacing.*

1. The following table indicates minimum driveway spacing for each adopted thoroughfare plan classification for full access driveways and right turn in/right turn out partial access driveways. The distance shall be measured between the nearest edges of driveway pavements at the street right-of-way line exclusive of curb return radii.

Driveway Spacing

Thoroughfare Plan Classification	Minimum Spacing
Arterial	150
Secondary Arterial	150
Collector	100
Local	40

2. The full access driveway spacing distances may be reduced by up to one-half for an entry only partial access driveway followed consecutively by a downstream exit only partial access driveway.

3. The full access driveway spacing distances may be reduced by up to one-half for utility service driveways.

d. *Location of driveways.*

1. A driveway serving a multifamily or nonresidential land use shall not connect to or access a public alley serving single-family detached or duplex residential land uses unless such connection or access has been approved by the city council.

2. A driveway serving a multifamily or nonresidential land use shall not be located at established pedestrian crossings of public streets.

3. A driveway serving a multifamily or nonresidential land use shall not be constructed in existing angle parking areas except when the curb is restored to its normal location along the roadway in front of the premises.

4. A driveway serving a multifamily or nonresidential land use shall not be designed or constructed for use for the standing or parking of vehicles or for use as angle parking.

5. *Street intersection corner clearance.*

(a) Driveways connecting to public streets near the intersection of two or more streets shall be located no closer to the intersection than indicated in the following table except when the total adjacent street frontage of the lot, tract or parcel of land is within the minimum corner clearance distance.

Intersection Corner Clearance of Driveways

Thoroughfare Plan Classification	Intersecting With	Clearance (ft)
Arterial	Arterial	150
Arterial	Secondary Arterial	125
Arterial	Collector	100
Arterial	Local or Alley	50
Secondary Arterial	Arterial	100
Secondary Arterial	Secondary Arterial	100
Secondary Arterial	Collector	50
Secondary Arterial	Local or Alley	50
Collector	All	50
Local	All	50

(b) The distance shall be measured from the projected back of curb or edge of pavement at the street intersection to the nearest edge of driveway pavement at the street right-of-way line and shall be exclusive of curb return radii.

(c) When the adjacent street frontage is within the minimum corner clearance distance:

i. If the lot, tract or parcel is in the process of being subdivided and replatted from a larger tract of land with sufficient frontage to meet the minimum corner clearance distance, a joint access easement by plat shall be required of the subdivider so that the minimum corner clearance requirement is met.

ii. If the lot, tract or parcel cannot obtain a joint access easement to meet the minimum corner clearance requirements, a single driveway connection may be made at the point along the public street frontage that provides the maximum clearance distance.

6. *Special cases for arterial and secondary arterial streets.*

(a) Driveways connecting to arterial streets or secondary arterial streets with medians shall align with existing or planned median openings, or be located as indicated in the following table:

Median Opening Offset of Driveways

Median Length	Minimum Driveway Offset
Less than 220 feet	As approved by the Manager of Traffic Engineering
220 feet to 280 feet	(Median Length ÷ 2) - 15 feet
Greater than 280 feet	125 feet

(b) The distance shall be measured from the projected face of curb at the median nose to the nearest edge of driveway pavement at the street right-of-way line and shall be exclusive of curb return radii.

(c) Cross median access may be achieved by means of access rights obtained by mutual agreement with an adjacent property owner with a driveway connection meeting these requirements.

e. *Curb return radius termination.* The termination of a driveway curb return radius shall not extend beyond the projection of the property line between two adjacent lots, tracts or parcels of land to the street from its intersection with the right-of-way line except when a joint access easement straddles the property line or a letter of permission from the adjacent property owner is submitted to the manager of traffic engineering. The termination point of a driveway radius shall be a minimum of 10 feet from a storm sewer inlet and five feet from a fire hydrant.

f. *Limitation on the percentage of property frontage used for motor vehicle access.*

1. The sum of the widths of all driveways connecting to a roadway from a lot, parcel or tract shall not exceed 70 percent of the total lot, parcel or tract frontage abutting the right-of-way line separating the lot, parcel or tract from the roadway. Driveway width shall be measured between the terminations of the curb radii at a point of tangency perpendicular to the street.

2. An exception to this limitation may be granted by the manager of traffic engineering when a lot, parcel or tract is set back from the public roadway and its only connection to the public roadway is by an extension of the property or a joint access easement no wider than the combined width of the driveway and the curb return radii. If the termination of the driveway curb return radii extends beyond the projections of the property lines or easement lines, a letter of permission from the adjacent property owner(s) shall be required for the manager of traffic engineering to approve an exception.

g. *Design vehicle.* The design vehicle for all non-residential land uses is assumed to be the truck tractor with a 40-foot semitrailer, and the turning

template to be used is the AASHTO WB-50, unless specifically exempted by the manager of traffic engineering. At least one driveway shall accommodate turning movements for ingress to and egress from a property by the largest anticipated vehicle without backing onto public right-of-way. Land uses likely to be served by truck tractors with 40-foot semitrailers include, but are not limited to, all retail establishments, grocery stores, convenience stores, industrial and manufacturing facilities, hotels and motels with approved tractor trailer parking, service stations, restaurants, hospitals, and automobile dealerships. Churches, schools, real estate offices, banks, hotels and motels without approved tractor trailer parking, medical offices, office buildings, and other land uses unlikely to be served by truck tractors with 40-foot semitrailers will accommodate the 30-foot single unit truck using the AASHTO SU-30 turning template without requiring the vehicle to back onto public right-of-way.

h. *Width of driveway.*

Minimum and Maximum Driveway Widths

Thoroughfare Plan Classification	Driveway Type	Minimum (feet)	Maximum (feet)
Arterial or Secondary Arterial	Full Access or Right In/Right Out	30	40
Arterial, Secondary Arterial, or Collector	Entry Only or Exit Only	15	24
Collector	Full Access or Right In/Right Out	24	36
Local (except Industrial)	All Types	12	24
All	Utility service driveway	12	15

1. A driveway serving truck docks within a building and connecting to a local street, as classified by the adopted thoroughfare plan, within an industrially zoned area of the city may have a maximum driveway width of 60 feet.

2. Driveway width shall be measured between the terminations of the curb radii at a point of tangency perpendicular to the street.

i. *Curb return.*

Minimum Curb Return Radii

Thoroughfare Plan Classification	Driveway Type	Minimum Curb Return Radius (feet)
Arterial or Secondary Arterial	All Types, except utility service driveways	20
Arterial or Secondary Arterial	Utility service driveways	15
Collector	All Types	15
Local	All Types	15

1. The curb return radius for driveways designed for regular use by commercial vehicles, including long wheel base vehicles or combinations of vehicles, shall accommodate the swept path of the largest design vehicle accessing or expected to access the lot, tract or parcel of land without encroaching on the opposing driveway lane or lanes. If the curb return radius exceeds 40 feet, a turning roadway shall be used.

2. *Turning roadway widths.* The width of turning roadways, when used, for all full access or right turn in/right turn out partial access driveways, shall accommodate the swept path of the largest design vehicle accessing or expected to access the lot, tract or parcel of land.

3. *Minimum island size.*

   (a) Channelization and median islands for full access and right turn in/right turn out partial access driveways shall be a minimum 100 square feet in size.

   (b) Median islands shall be a minimum three feet wide measured from back of curb to back of curb or four feet wide measured from edge of pavement to edge of pavement.

4. Where driveway connections are made to public streets with curbs and gutters, such curb and gutter shall be removed to the nearest construction joint, the steel exposed and tied into the new steel.

j. *Driveway/public street intersection angle.*

1. The deflection angle of all full access or right turn in/right turn out partial access driveway connections to public streets may vary from 80 degrees to 100 degrees. The driveway shall be tangent and without curve from the right-of-way line to a point 25 feet within the lot, parcel or tract of land the driveway is accessing.

2. The deflection angle of all entry only or exit only partial access

driveway connections to public streets may vary from 45 degrees to 90 degrees. The driveway shall be tangent until it has fully entered private property.

k. *Maximum grade*. The maximum driveway approach grade shall be seven percent for commercial driveways connecting to public streets and 11 percent for commercial driveways connecting to alleys.

l. *Sidewalk intersections*. Where a driveway is designed to cross an existing sidewalk, the sidewalk included between the edges of the driveway pavement shall be removed and reconstructed integral to the driveway. Sidewalk cross-slope within driveways shall not exceed TAS and ADAAG maximums.

m. *Driveway sight distance*. Sight distance for motorists exiting driveways into public roadways shall conform to Chapter 9, Article X of the City Code.

n. *Driveway stacking space requirements for exiting vehicles*. The stacking space required for the queuing of vehicles exiting driveways onto public roadways shall be determined as follows:

1. *Under 50 parking spaces*. From the right-of-way line of the roadway, 25 feet into the lot, parcel or tract of land per exit lane per driveway.

2. *Over 50 parking spaces*. Internal queue storage shall be determined using the latest edition of the *Highway Capacity Manual,* Transportation Research Board Special Report 209.

3. *Access controlled exits*. When the exiting maneuver from a driveway is controlled by means of a gate or parking attendant booth, the minimum stacking space required between the gate or booth and the right-of-way line of the roadway shall be 25 feet per exit lane per driveway.

o. *Driveway stacking space requirements for entering vehicles*. The stacking space required for the queuing of vehicles entering driveways from public roadways shall be determined as follows:

1. *Uncontrolled entry*. When the entry maneuver to a driveway is uncontrolled, the minimum stacking space required between the right-of-way line of the street and the first intersecting cross access circulation aisle shall be determined by the owner through a queuing analysis. The queuing analysis shall consider the average peak hour inbound trip generation estimate for the land use and the probability of congestion at or near the first parking spaces encountered or the first cross access circulation aisle.

2. *Access controlled entry.* When the entry maneuver to a driveway is controlled by means of a gate or parking attendant booth, the minimum stacking space required between the gate or booth and the right-of-way line of the roadway shall be determined by the owner through a queuing analysis. The queuing analysis shall consider the average peak hour inbound trip generation estimate for the land use, the cycle time of the gate or transaction, and the length of the design vehicle for the land use.

3. The average peak hour inbound trip generation estimate shall be calculated using the latest edition of the Institute of Transportation Engineers' Informational Report *Trip Generation* for the land use served by the driveway.

p. *Exclusive right turn lane required.*

1. An exclusive right turn lane serving a driveway shall be provided on streets classified on the adopted thoroughfare plan as arterials and secondary arterials if the average peak hour of the generator inbound right turn volume of the driveway exceeds 100 vehicles per hour. The average peak hour inbound trip generation estimate shall be calculated using the latest edition of the Institute of Transportation Engineers' Informational Report *Trip Generation* for the land use served by the driveway.

2. *Right turn lane length.*

(a) For right turn in/right turn out and entry only driveways, the minimum length of an exclusive right turn lane shall be the distance required to decelerate from the posted speed limit of the public street to the design speed of the right turn into the driveway as provided in the latest edition of the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets.*

(b) For full access driveways with a single entry lane, the minimum length of an exclusive right turn lane shall be the distance required to decelerate from the posted speed limit of the public street to a stop at the driveway as provided in the latest edition of the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets.*

(c) For full access driveways with two or more entry lanes, one of which is dedicated to right turns entering the driveway, the minimum length of an exclusive right turn lane shall be the distance required to decelerate from the posted speed limit of the public street to the design speed of the right

turn into the driveway as provided in the latest edition of the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets.*

(d) For full access driveways with two or more entry lanes and where the right turn entering the driveway does so using a turning roadway, the minimum length of an exclusive right turn lane shall be the distance required to decelerate from the posted speed limit of the public street to the design speed of the right turn into the driveway as provided in the latest edition of the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets.*

(e) Where several successive driveways require exclusive right turn lanes, and the driveway spacing is not adequate to avoid encroachment of the right turn lane on another driveway, a continuous right-turn lane shall be used.

(f) Right turn lane length shall be measured from the end of the right turn transition taper to the point of curvature of the curb return radius into the driveway.

q. *Cross median access.*

1. There shall be three classifications of cross median access, described as follows:

(a) *Full median opening.* An opening in the median of a roadway permitting all traffic movements into and out of a properly aligned driveway.

(b) *Left turn entry only.* An opening in the median of a roadway that permits left turns into a properly aligned driveway but prevents all other cross median traffic movements.

(c) *Left turn exit only.* An opening in the median of a roadway that permits left turns from a properly aligned driveway but prevents all other cross median traffic movements.

2. Cross median access to or from a driveway may be allowed if:

(a) The median is of sufficient length to be subdivided into multiple medians, each of which meets or exceeds the minimum median length described in this section.

(b) The median is of sufficient width to permit the construction

of an exclusive left turn lane.

(c) An engineering study justifies the access after consideration of the impact on traffic operations, levels of service and safety.

(d) Such access does not adversely impact the provision for cross median access to a lot, parcel or tract of land on the opposite side of the street.

3. *Minimum length of median islands.*

Minimum Median Island Length

Thoroughfare Plan Classification	Minimum Median Length (ft)
Arterial	450
Secondary Arterial	300

The length of the median island shall be measured from the face of the curb of the median nose at one end of the island to the face of the curb of the median nose at the other end of the island. The development review committee may grant variances on minimum median lengths.

4. *Median opening length.*

(a) The minimum length of a full median opening shall accommodate all of the turning maneuvers of the maximum length design vehicle for which the driveway is designed.

(b) The minimum length of a full median opening shall be of sufficient length so that concurrent turning maneuvers from exclusive left turn lanes serving the driveways on each side of the roadway do not conflict with each other.

(c) The maximum length of a full median opening shall be limited so that the median opening serves only a single driveway on each side of the roadway.

5. *Relocation of existing median openings.* A property owner may request permission from the manager of traffic engineering to close an existing median opening and relocate it to a different point along the roadway upon submission of a letter of request to the manager of traffic engineering and supporting letters from all property owners whose cross median access is affected by such relocation.

r. *Exclusive left turn lane required.*

1. Construction of exclusive left turn lanes shall be required at all full median openings providing cross median access to driveways on each side of a roadway.

2. If a full median opening provides cross median access to a driveway on only one side of a roadway, construction of an exclusive left turn lane shall only be required to serve that driveway.

3. The development review committee may waive the required left turn lane for a full median opening that provides cross median access to a driveway on only one side of a roadway if:

   (a) An engineering study shows that the actual or projected combined left turn and U-turn volume using the median opening is less than 30 vehicles per hour; and

   (b) The median width is sufficient to accommodate the largest turning vehicles.

   Construction of an exclusive left turn lane shall be required at all entry only median openings.

4. *Minimum left turn lane length.*

Minimum Length of Left Turn Lanes

Roadway Speed Limit (mph)	Minimum Left Turn Lane Length (ft)
30	90
35	120
40	155
45	195

   (a) The minimum length of exclusive left turn lanes shown in the above table assumes 50 feet of storage for two passenger cars. The minimum length of all exclusive left turn lanes serving driveways shall be adjusted for vehicle mix and actual or projected combined left turn and U-turn volume.

   (b) If the projected left turn volume into a driveway exceeds 300 vehicles per hour, dual exclusive left turn lanes or two exclusive left turn lanes shall be required.

5. *Minimum turn lane transition lengths.*

   (a) Left turn lane transition tapers shall be designed using

either symmetrical reverse curves of at least 250 feet minimum radius or asymmetrical reverse curves where the leading reverse curve is twice the radius of the following reverse curve and the leading reverse curve has a minimum radius of at least 300 feet.

(b) Lane transitions for right turn lanes shall either be designed as described for left turn lanes or shall use a drop transition at the nearest driveway 100 feet or more upstream from the start of the required right turn lane length.

s. *Nonconforming multifamily and nonresidential land use driveways.*

1. Nonconforming multifamily and nonresidential land use driveways not conforming to this section serving a lot, parcel or tract of land may remain in service until the occurrence of one or more of the following events:

(a) A change in the land use that requires, pursuant to the zoning ordinance, five or more additional parking spaces.

(b) The addition or expansion of required stacking spaces due to a change in the land use.

(c) Any modifications that change the original design of the existing driveway.

(d) The construction of a median opening on the public street by private interests. All driveways that are served by the new median opening shall comply with the provisions of this section. It shall be the responsibility of the private entity requesting the median opening to obtain the necessary permission for driveway modifications that may be required to driveways on other properties.

(e) A finding by the manager of traffic engineering that one or more driveways serving the land use are a traffic hazard due to deficiencies that may be corrected by compliance with this section.

2. Upon the occurrence of any of the events described, the nonconforming status shall cease and the site shall be required to meet the requirements of this section.

3. When any single nonconforming driveway is reconstructed, that driveway shall conform to this section in all respects.

(3) *Reserved.*

(4) *Appeals and variances.*

a. Decisions of the manager of traffic engineering implementing the provisions contained in this section may be appealed to the planning and zoning commission within 10 days of the date of the decision. The decision of the planning and zoning commission shall be final.

b. The planning and zoning commission may not vary any of the provisions of this section except where physical impossibility prevents compliance. Financial hardship shall not constitute physical impossibility. The variance granted shall be the minimum necessary to accommodate the hardship and meet the intent of the provisions of this chapter. In no event shall the planning and zoning commission have the ability to grant additional development rights not related to physical impossibility.

(5) *Penalties.* Any person or corporation violating any term or provision of this section, including the owner or owners of any premises, or part thereof, where a violation occurs or exists, or any architect, builder or contractor who participates in or permits construction in violation of the terms and provisions of this section, shall each be deemed guilty of a misdemeanor and punished in accordance with section 1-6 of this Code. Each day in which a violation continues shall constitute a separate offense.

SECTION 2. That all ordinances or portions thereof 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 are not in conflict herewith, the same 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 validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. 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 upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred ($500.00) Dollars for each offense.

SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for proper access management, 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 21st day of March, 2006.

Mike Anderson
Mayor

ATTEST:

Judy Womack
City Secretary

APPROVED:

B. J. Smith
City Attorney