

## ORDINANCE NO. 1334

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE SUBDIVISION REGULATION OF THE CITY OF MESQUITE BY PROVIDING CRITERIA FOR STAFF REVIEW OF ALLEY AND SIDEWALK WAIVER; BY PROVIDING FOR RIGHT OF APPEAL TO THE PLANNING AND ZONING COMMISSION; BY PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

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

SECTION 1. Article III, Subsection D of the City of Mesquite Subdivision Regulations, Procedure for Short Form Subdivision, is hereby amended as follows, in all other requests to remain in full force and effect:

Paragraph (1), Subparagraph "a" is amended to read as follows:

- 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.

Where sidewalks or alleys are otherwise required and the applicant seeks waiver of either or both the following procedure and criteria is established.

Applicant shall indicate the extent of waiver sought and such request shall be acted upon by the staff member designated by the Director of Community Development.

If the applicant is dissatisfied with the staff determination, he may appeal such decision to the Planning and Zoning Commission, which body shall decide the matter as in other cases.

Staff review shall be upon the following criteria:

- a) Sidewalk or alley is required unless a connection need (either planned or existing) is clearly shown not to exist.
- b) If alley is not required definite and assured, provisions must be made for service access to the property, including a provision for public utilities, sanitation services, off-street loading, unloading and parking required for the lots proposed.

SECTION 2. That should any word, phrase, sentence, paragraph, or section of this ordinance be held to be void and unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect the same as if no portion of this ordinance had been held to be void and unenforcible.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

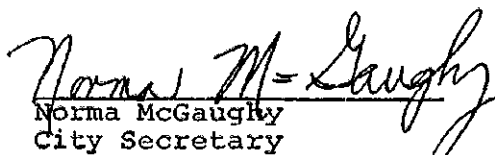
SECTION 4. The fact that the present regulations of the City of Mesquite are inadequate to properly protect the public health, safety, and welfare creates an urgency and an emergency and requires that this ordinance shall take effect immediate from and after its passage as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite on the 4th day of October, 1976.

  
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Bob Beard - Mayor

ATTEST:

APPROVED AS TO FORM:

  
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Norma McGaughey  
City Secretary

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Elland Archer  
City Attorney