

ORDINANCE NO. 2355

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING ORDINANCE NO. 1136, THE MESQUITE SUBDIVISION REGULATIONS; BY DELETING CERTAIN PRESENT LANGUAGE AND ADDING CERTAIN NEW LANGUAGE; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) 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 Ordinance No. 1136 is hereby amended read as follows, in all other respects to remain in full force and effect:

A. Replace entire Article III D. as follows:

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.

B. Replace last paragraph in Article VI with the following wording:

"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 the 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".

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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

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

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

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

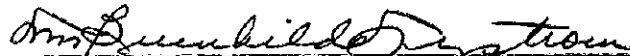
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unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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

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

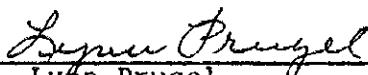
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 3rd day of November A.D., 1986.



Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

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