

ORDINANCE NO. 3323

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE SUBDIVISION ORDINANCE, ADOPTED ON SEPTEMBER 4, 1973, BY ADOPTING CERTAIN AMENDMENTS AND DELETIONS THERETO; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, in order that the intended purposes of the Subdivision Ordinance are best served it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the City Council did give public notice and did hold public hearings regarding the proposed amendments.

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

SECTION 1. That the Mesquite Subdivision Ordinance, adopted on September 4, 1973, be and the same is hereby amended as follows, said ordinance in all other respects to remain in full force and effect:

1. Amend Article I by **deleting** the article in its entirety and **adopting** a new Article I to read as follows:

ARTICLE I. GENERAL PROVISIONS

A. Interpretation.

In the interpretation and application of the provisions of these regulations, 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 where other ordinances of the City are more restrictive in requirements, such other ordinances shall control.

B. Purpose.

The procedures and standards for the development, layout, and design of subdivisions of land are intended to:

- (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; and
- (4) Protect and promote the health, safety, and general welfare of the people.

C. Jurisdiction.

These regulations 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.

2. Amend Article II by **deleting** the definition of *Subdivision* and **adding** a new definition of *Subdivision* to read as follows:

Subdivision: The division of a parcel of land into two (2) 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.

3. Amend Article III C(5) regarding the submission of final plats by **adding** a second paragraph to read as follows:

In addition, submission of a digital file of the final plat shall be required at the time the recorded plat is returned to the City Planner. The digital file shall be a drawing or .dwg composed in AutoCAD version 13.

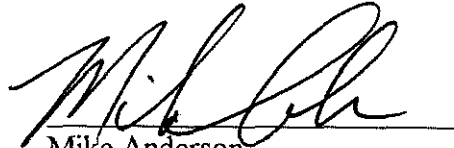
4. **Delete** all references to County Clerk, Dallas County, and **replace** such references with County Clerk Dallas or Kaufman County, as applicable.

SECTION 2. That should any word, sentence, clause, paragraph, phrase, or section of this ordinance be 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 unconstitutional and shall not affect the validity of the Mesquite Subdivision Ordinance as a whole.

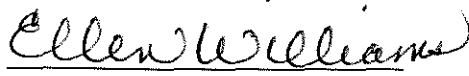
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Subdivision Ordinance as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 4. That the need to regulate proper development of the City of Mesquite, and the need to protect the public interest, comfort, and general welfare of the citizens of the City of Mesquite creates an urgency and emergency for the preservation of the public health, safety, and welfare, 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 20th day of September, 1999.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B.J. Smith
City Attorney