

ORDINANCE NO. 3974

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE SUBDIVISION ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, BY DELETING SECTION E(7) IN ARTICLE III IN ITS ENTIRETY AND ADDING NEW SECTIONS E(7), E(8) AND E(9) TO ARTICLE III; DELETING ARTICLE IV IN ITS ENTIRETY AND ADDING A NEW ARTICLE IV; ADDING A NEW SECTION D TO ARTICLE VII; AND ADDING A NEW PARAGRAPH (5) TO ARTICLE IX; THEREBY ADDING ADMINISTRATIVE FEES; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

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 a public hearing regarding the proposed amendment.

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 by deleting Section E(7) in Article III in its entirety and adding new Sections E(7), E(8) and E(9) to Article III, adding a new Section D to Article VII, and adding a new Paragraph (5) to Article IX to read as follows, said Ordinance and Articles in all other respects to remain in full force and effect:

1. *Article III, Sections E(7), E(8) and E(9).* Amend by deleting Section E (7) in Article III in its entirety and adding new Sections E(7), E(8) and E(9) to Article III to read as follows:
 - (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.
 - (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 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 pavement, sidewalks, barrier-free ramps, landscaping and irrigation.

- (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 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.

2. *Article IV.* Amend by deleting the article in its entirety and adding a new Article IV to read as follows:

ARTICLE IV. PLATTING FEES

In order to defray the administrative costs of processing the subdivision/plat, the applicant shall submit with the application a platting fee in the amount shown in the current fee schedule as adopted by the City Council. The fee shall be charged on all plats, regardless of the action taken by the Commission, whether the plat is approved or denied.

3. *Article VII, Section D.* Amend by adding a new Section D to Article VII to read as follows:

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).

- (4) *Article IX, Paragraph (5).* Amend by adding a new Paragraph (5) to Article IX to read as follows:

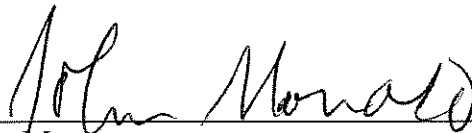
(5) In order to defray the administrative costs of processing requests for variances to the provisions in these regulations, requests shall be accompanied with a fee in the amount shown in the current fee schedule as adopted by the City Council.

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 the ordinance shall go into effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of July, 2008.



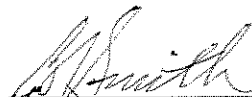
John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B.J. Smith
City Attorney