

ORDINANCE NO. 4040
Subdivision Text Amendment No. 2009-1

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE SUBDIVISION ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, BY MAKING CERTAIN ADDITIONS AND DELETIONS TO ARTICLES II AND III; THEREBY APPROVING PRELIMINARY, FINAL AND SHORT FORM PLATS WITHIN AREAS DESIGNATED AS FORM-BASED DISTRICTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; 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 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 making certain additions and deletions to Articles II and III to read as follows, said Ordinance and Articles in all other respects to remain in full force and effect:

1. *Article II.* Amend by adding new definitions to Article II to read as follows:

Form-based district: A mixed-use district that stands separate and apart from all other zoning districts in the City. The basis for regulation in a form-based district is a form-based code.

Regulating plan: A zoning map for a form-based district that shows the transect zones, civic zones, thoroughfares, special districts, if any, and special requirements, if any, of areas subject to, or potentially subject to, regulation by a form-based code.

2. *Article III, Sections (B)(9) and (B)(10).* Amend by adding new Sections (B)(9) and (B)(10) to Article III to read as follows:

(9) A preliminary plat shall be in conformance with the comprehensive plan.

(10) Within a designated form-based district, a preliminary plat shall be in conformance with an adopted regulating plan. A preliminary plat shall not be approved without an adopted regulating plan.

3. *Article III, Sections (C)(8) through (C)(14).* Amend by renumbering Sections (C)(8) through (C)(14) to Sections (C)(10) through (C)(16), respectively.

4. *Article III, Sections (C)(8) and (C)(9).* Amend by adding new Sections (C)(8) and (C)(9) to Article III to read as follows:

(8) A final plat shall be in conformance with the comprehensive plan.

(9) Within a designated form-based district, a final plat shall be in conformance with an adopted regulating plan. A final plat shall not be approved without an adopted regulating plan.

5. *Article III, Sections (D)(6) and (D)(7).* Amend by adding new Sections (D)(6) and (D)(7) to Article III to read as follows:

(6) A short form plat shall be in conformance with the comprehensive plan.

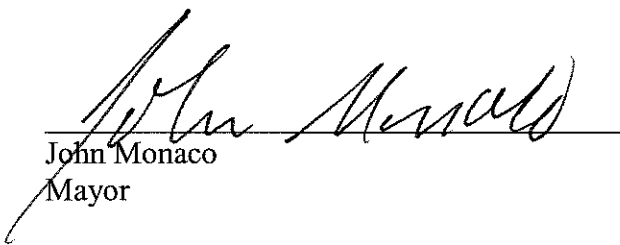
(7) Within a designated form-based district, a short form plat shall be in conformance with an adopted regulating plan. A short form plat shall not be approved without an adopted regulating plan.

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.

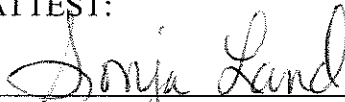
SECTION 4. That to insure the intended purposes of the Subdivision Ordinance are best served, it has been determined necessary to amend certain language of said ordinance, creating an urgency and an emergency for the preservation of the public health, safety and welfare, and requiring that this ordinance 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 16th day of March, 2009.



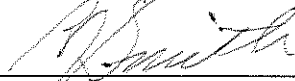
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney