

ORDINANCE NO. 5020
Subdivision Text Amendment No. 2023- 01

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING MESQUITE CITY CODE, APPENDIX B – SUBDIVISIONS, ARTICLE VI (CONVEYANCE OF LAND FOR PARKS) MAKING CERTAIN ADDITIONS AND DELETIONS TO SUBSECTION D (GENERAL REQUIREMENTS) FOR THE PURPOSE OF PROVIDING AN EXCEPTION TO THE GENERAL RULE REGARDING A CONVEYANCE OF LAND FOR PARK PURPOSES AND SAID EXCEPTION WOULD APPLY WHEN A PLAT OR REPLAT RESULTS IN THE CREATION OF FOUR (4) OR FEWER NEW SINGLE-FAMILY OR DUPLEX LOTS WHEREBY A FEE, IN LIEU OF A LAND CONVEYANCE, SHALL BE REQUIRED; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”) to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas, (“**City**”) is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, [Section 2](#); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Subchapter A, [§ 54.004](#), as amended; and

WHEREAS, pursuant to Mesquite City Charter, Article III, [Section 28](#), the City Council shall have the power to provide for the enforcement of all ordinances enacted by the City by a fine not to exceed the maximum amount authorized by State law; provided, that no ordinance shall prescribe a greater or less penalty than is prescribed for a like offense by the laws of this State; and

WHEREAS, the City’s health and safety ordinances are subject to quasi-judicial enforcement pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Subchapter C, [§ 54.032](#); and

WHEREAS, the City’s subdivisions shall be regulated in accordance with Texas Local Government Code, Title 7, Subtitle A, [Chapter 212](#) Municipal Regulation of Subdivisions and Property Development; and

WHEREAS, after having given proper public notice and holding a public hearing in accordance with Texas Local Government Code, Chapter 212, [§ 212.002](#) (Rules), the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT:

Amending Appendix B – Subdivisions.

The Mesquite City Code, Appendix B – Subdivisions, Article VI (Conveyance of Land for Parks) is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, and said Exhibit is attached hereto and made a part hereof, and in all other respects said Subdivision Ordinance, and its parts, and sections shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

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SECTION 5. Savings Clause.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Penalty Clause.

Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

SECTION 7. Publication.

This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. Effective Date.

This Ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 17th DAY OF APRIL, 2023.

DocuSigned by:
Daniel Aleman Jr.
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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:
David Paschall
666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5020

STA 2023 – 01

MESQUITE CITY CODE

APPENDIX B – SUBDIVISIONS

Article VI. Conveyance of Land For Parks
Subsection D (General Requirements)

MESQUITE CITY CODE

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APPENDIX B – SUBDIVISIONS

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ARTICLE VI. CONVEYANCE OF LAND FOR PARKS

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough.~~]

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D. General requirements.

- (1) *Conveyance or payment of money required.* The owner of any property to which this article applies, shall convey land for park purposes or make a payment of money in lieu of land, or a combination of both, to the City at the time of subdivision for single family and duplex residential development or at time of issuance of a building permit for multi-family or hotel development, in accordance with the provisions of this chapter.
- (2) *Proposed number of dwelling units to be submitted.* All plats, replats, site plans or proposed improvements of land for new residential development required to be submitted to the City shall indicate the number of proposed dwelling units to be constructed or placed within the development on such plat, replat or site plan. All site plans for hotels shall indicate the number of guest rooms on the site plan.
- (3) *Determination of requirements.*
 - (a) General rule. In reviewing any plat or site plan for a new residential development or hotel, dedication of land for park purposes as provided herein shall be required, provided that an applicant for the development may request payment of fee in lieu of all or a portion of the dedication. If such request for payment of fee is made, the City Council, upon recommendation of the City Manager, shall make a determination of whether:
 1. a conveyance of land for park purposes; or
 2. payment of ~~money~~ fee in lieu of ~~a land conveyance;~~ or
 3. a combination of both shall be made to meet the requirements of this article.
 - (b) Exception. Where a plat or a replat results in the creation of four (4) or fewer new single-family or duplex residential lots, the developer shall pay the fee in lieu of a land conveyance and said payment shall be made in accordance with Part F, Fee in Lieu of Land.

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