

ORDINANCE NO. 3978

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN PERTAINING TO THE EXTERRITORIAL JURISDICTION AND THOSE PORTIONS OF THE CITY LOCATED IN KAUFMAN COUNTY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mesquite ("City") has a long history of comprehensive planning, beginning with the adoption of the 1960 Comprehensive Plan; and

WHEREAS, the last update to the Mesquite Comprehensive Plan was adopted by the City Council with the passage of Ordinance No. 3973, on July 21, 2008, in accordance with Chapter 213 of the Texas Local Government Code; and

WHEREAS, the Mesquite Comprehensive Plan does not address the 2.2 square miles of territory annexed into the city limits on August 21, 2006, nor does it address growth issues pertaining to the approximately 19 square miles of the City's extraterritorial jurisdiction; and

WHEREAS, on July 28, 2008, following a public hearing, the Planning and Zoning Commission voted to adopt the Mesquite Comprehensive Plan Element for the Extraterritorial Jurisdiction; and

WHEREAS, it is necessary and proper for the City Council to amend the Mesquite Comprehensive Plan to include an element for the extraterritorial jurisdiction including those portions of the city located in Kaufman County.

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

SECTION 1. That in the interest of promoting sound development and the public health, safety and welfare of the City of Mesquite ("City"), the Mesquite Comprehensive Plan, the official compilation of the City's land use and development policies, is hereby amended to include the Mesquite Comprehensive Plan Element for the Extraterritorial Jurisdiction ("ETJ Plan").

SECTION 2. That pursuant to Section 213.002 of the Texas Local Government Code, all ordinances, codes, regulating plans and interim measures adopted for the purpose of implementing the ETJ Plan shall be consistent with the strategic policies contained in Section 4.2 thereof; and

SECTION 3. That until such implementing ordinances, codes, regulating plans and interim measures are adopted, the Director of Community Development shall administer the Zoning Ordinance and other extant development regulations of the City in a manner generally consistent with the strategic policies of the ETJ Plan and shall initiate concurrent amendments to the Plan and Zoning Ordinance as conditions warrant.

SECTION 4. That the spatial assignment of SmartCode® Growth Sectors and Community Types shown in the ETJ Plan shall form the basis for the land use assumptions that are required to determine any impact fees that may be imposed upon development in new service areas of the City of Mesquite or the extraterritorial jurisdiction.

SECTION 5. That pursuant to the authority provided in the Charter and Ordinances of the City, the Planning and Zoning Commission shall periodically review the land use assumptions, changing growth patterns and planning principles that provide the foundation for the strategic policies contained in the ETJ Plan and shall recommend such amendments as it deems appropriate for the purpose of keeping the ETJ Plan relevant and useful as a guide for the growth and development of the City of Mesquite in Kaufman County and the extraterritorial jurisdiction.

SECTION 6. That a copy of the Mesquite Comprehensive Plan Element for the Extraterritorial Jurisdiction shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

SECTION 7. 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 8. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 9. That the present ordinances of the City of Mesquite are inadequate to provide for the proper protection of the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and 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.

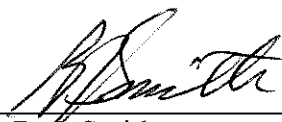
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of August, 2008.

  
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John Monaco  
Mayor

ATTEST:

APPROVED:

  
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Judy Womack  
City Secretary

  
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B.J. Smith  
City Attorney