

RESOLUTION NO. 74-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE PROCESS FOR THE CREATION OF A MORATORIUM TO TAKE EFFECT ON APPLICATIONS AND PLANS FOR DEVELOPMENT FOR PERMITS, PLATS, VERIFICATIONS, REZONINGS, SITE PLANS AND NEW OR REVISED CERTIFICATES OF OCCUPANCY FOR MULTIFAMILY USES AND DEVELOPMENT THAT INCLUDES MULTIFAMILY USES AND DEVELOPMENT WITHIN THE CORPORATE CITY LIMITS OF MESQUITE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council and citizens of the City have concerns about the impacts of multifamily uses and developments on essential public facilities, resulting in the creation of shortages, unplanned needs and other inadequacies of public infrastructure and facilities, including but not limited to that related to traffic management, street infrastructure, park and open space, police, fire, code enforcement and data systems as well as other operational and oversight systems; and

WHEREAS, the City Council and citizens of the City have concerns about the impacts of multifamily uses and developments creating a significant need for other public facilities, including but not limited to park and open space, police, fire, code enforcement and data systems as well as other operational and oversight systems and that the failure to provide these public facilities would result in an overcapacity of such public facilities or would be detrimental to the health, safety, and welfare of the residents of the City; and

WHEREAS, many intersections throughout the City are overwhelmed with traffic congestion during afternoons and evenings, and new Multifamily Development would significantly add to this problem unless a Traffic Impact Analysis requirement is implemented to analyze and mitigate the additional traffic added to these roadways by Multifamily Development; and

WHEREAS, the Texas Local Government Code ("LGC"), Subchapter E, "Moratorium on Property Development in Certain Circumstances," of Chapter 212, "Municipal Regulation of Subdivisions and Property Development," authorizes a municipality to adopt a moratorium on property development after proper notice and two public hearings; and

WHEREAS, at the request of the City Council, City staff is currently reviewing and analyzing all multifamily zoned properties, including planned development zoned properties that include multifamily uses or multifamily components (hereinafter referred to collectively as "Multifamily Developments") to determine whether current classifications and standards are in the best interests of the public health, safety and welfare of the City; with focus upon the shortages and need for public infrastructure and facilities created by Multifamily Developments and those issues identified in LGC Sections 212.135(b) and 212.1351(b); and

WHEREAS, before adoption of a moratorium, the City Council shall be provided an initial report, working plan and time schedule for the implementation of regulations to address the shortages and needs of public facilities created by Multifamily Development, including comprehensive plan amendments and zoning or other ordinance changes to effectuate staff's recommendations; and

WHEREAS, three public hearings are expected to be scheduled as follows: City Planning and Zoning Commission on December 10, 2018, and City Council on December 11, 2018, and December 17, 2018; and

WHEREAS, in connection with the public hearings, notice shall be published, in accordance with the law, of the time and place of public hearings to be held for the purpose of determining whether a moratorium should be imposed on Multifamily Development until adequate regulations are enacted to prevent such uses from being detrimental to the public health, safety or welfare of the residents of City; and

WHEREAS, pursuant to the LGC, Section 212.134(c), a temporary moratorium shall take effect by operation of law on the fifth business day after the date a notice is published.

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

SECTION 1. That all of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and they are hereby approved and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. That the City Council hereby instructs City staff to institute the process of creating a moratorium as authorized by Subchapter E of the LGC and to provide at the public hearings an initial report on its study of the impacts of Multifamily Development on public infrastructure and other impacts related to the City's police power.

SECTION 3. That pending the receipt of testimony and other evidence at public hearings to be held on December 10, 2018, December 11, 2018, and December 17, 2018, the City Council will determine whether it is prudent to allow a moratorium to take effect in accordance with, and remain in force for the period prescribed by, Sections 212.134 and 212.136 of the LGC.

SECTION 4. That upon commencement of the temporary moratorium, the Director shall publish on the City of Mesquite website an advisory which announces the temporary moratorium and provides information on its duration and applicability.

SECTION 5. That the acceptance and filing of applications and plans for development for permits, plats verifications, rezonings, site plans and new or revised certificates of occupancy for multifamily uses and developments within the corporate City limits of Mesquite shall be temporarily suspended for a period of time beginning from the effective date

of the temporary moratorium for the period prescribed by Section 212.134 of the LGC. Any application or plan for development so submitted shall be rejected, regardless of completeness, and shall be returned to the person or entity attempting to file the same.

SECTION 6. That this resolution shall take effect immediately from and after its passage.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 3rd day of December 2018.



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Stan Pickett  
Mayor

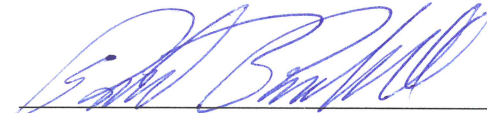
ATTEST:



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Sonja Land  
City Secretary

APPROVED:



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David L. Paschall  
City Attorney