

ORDINANCE NO. 02-19

AN ORDINANCE OF THE CITY OF SNOOK, TEXAS ENACTING A TEMPORARY MORATORIUM STAYING THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT PERMITS IN THE CITY LIMITS, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND WAIVERS, DETERMINATION AND APPEALS, REPEALER, SEVERABILITY, ENFORCEMENT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Snook, Texas ("City") is a General Law municipality incorporated and operating under the laws of the State of Texas; and

WHEREAS, the City Council of the City of Snook, Texas ("City Council"), as a duly-elected legislative body, finds that it is facing new land use challenges that existing regulations and essential public facilities were not designed to address; and

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, Texas Local Government Code Chapters 211, 212, 213, 214 and 217 grant the City certain regulatory authority concerning construction, land use, nuisances, structures and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally-sustainable and environmentally responsible manner; and

WHEREAS, the City Council finds that an essential public facility, the City's wastewater treatment plant, is near capacity and incapable of processing wastewater from new developments; and

WHEREAS, the remaining capacity at the City's wastewater treatment plant is committed to the Grand Lakes Subdivision; and

WHEREAS, the City has retained an engineering firm, Strand Associates, Inc., to evaluate the City's future wastewater capacity needs and to design upgrades to the City's wastewater treatment plant creating additional capacity; and

WHEREAS, the City seeks to preserve the health, safety and general welfare of the community by evaluating and potentially adopting comprehensive development, subdivision and zoning and land use regulations that provide for orderly growth and development; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and the provision of essential public facilities, the City wishes to maintain the status quo by implementing a temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the City finds that a temporary moratorium is necessary and prudent in order to protect the status quo so the City Council may study and adopt appropriate rules and regulations governing development within the City; and

WHEREAS, the City recognizes the importance of subdivision applications, development permits and/or approvals to the community, and desires to implement this moratorium for a stated and fixed time period, and to include a waiver provision for cases of necessity and undue hardship;

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

SECTION 2. DEFINITIONS: As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's ordinances, or if not defined by the City then the common meanings in accordance with ordinary usage.

1. Commercial property: means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

2. Essential public facilities: means water, sewer, or storm drainage facilities or street improvements provided by a municipality or private utility.

3. Permit: means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain for property development or to perform an action or initiate, continue, or complete a project for which the permit is sought.

4. Project: means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

5. Property development: means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

6. Residential property: means property zoned for or otherwise authorized for single-family or multi-family use.

SECTION 3. APPLICABILITY: The City of Snook hereby enacts this Ordinance in order to implement a temporary moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all area within the city limits of the City of Snook (“City Limits”).

Unless a project falls within an exception (as provided below), this temporary moratorium applies to all applications for property development permits, including, but not limited to subdivision plats.

SECTION 4. PURPOSE: This temporary moratorium is being enacted to maintain the status quo, and to:

1. assess the short-term and long-term needs at the City’s wastewater treatment plant;
2. evaluate regulations for platting and site development;
3. review the City’s policies on the acceptance of applications for municipal permits for construction or development;
4. evaluate potential zoning regulations;
5. evaluate adoption of newer versions of International Codes and local amendments thereto; and
5. obtain and review public input and expert guidance.

SECTION 5. ENACTMENT: The City of Snook hereby enacts this Ordinance implementing a temporary moratorium on the City’s acceptance, review, approval, and issuance of permits in the City Limits.

SECTION 6. DURATION: The initial duration of this temporary moratorium shall be for a period of one hundred twenty (120) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

SECTION 7. EXTENSION: If the City determines that the initial period is insufficient for the City to fully complete its study, planning, and essential public facility upgrades, this Ordinance may be renewed or extended by a majority vote of the City Council for an additional period of time, necessary to complete the study and implement the upgrades to the City’s wastewater treatment plant and the recommended changes to City codes, policies, and processes in accordance with the time limits as provided by law.

SECTION 8. EXCEPTIONS AND WAIVERS:

A. Exceptions.

1. Ongoing Projects. The temporary moratorium implemented by this Ordinance does not apply to any projects that are actively in progress for which valid City permits have been issued and have not expired as of the date of this temporary moratorium.

2. Grandfathered Projects. The temporary moratorium implemented by this Ordinance shall not apply to projects that are grandfathered as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit a written notice claiming an exception to this temporary moratorium to the City for review.

B. Waivers. Any property owner within the City may request a waiver from the requirements of this Ordinance if:

1. there are special circumstances or conditions imposing an undue hardship on the property owner; or
2. there is a previously existing legal right to proceed; or
3. the proposed development is necessitated by concerns for public safety and will serve to protect the public health, safety, and welfare.

A written request setting forth the basis for the requested waiver must be submitted to the City Secretary. A waiver may be granted if the City finds that special circumstances or conditions justify the waiver. Any request for a waiver must be submitted at least ten (10) days prior to the date of the City Council meeting at which the request is going to be considered.

SECTION 9. DETERMINATIONS & APPEALS:

A. Determinations. The City Secretary or her designee shall make all initial determinations regarding the status of all projects seeking to apply for permits during this temporary moratorium and recognition of all Exceptions.

B. Appeals. Property Owners seeking to challenge a determination made by the City Secretary may appeal that initial determination to the City Council, whose decision shall be final.

C. Waivers. The decision to approve a Waiver shall rest solely with the City Council.

SECTION 10. REPEALER: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 11. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 12. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any

provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance. Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective upon passage and publication as required by law.

SECTION 14. PROPER NOTICE & MEETING: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.


PASSED AND APPROVED ON ITS FIRST READING THIS THE 9th DAY OF FEBRUARY, 2019.

PASSED AND APPROVED ON ITS SECOND READING THIS THE 14th DAY OF FEBRUARY, 2019.



**HON. JOHN SEE, III, MAYOR
CITY OF SNOOK, TEXAS**

ATTEST:



**TAMMI BRYAN, CITY SECRETARY
CITY OF SNOOK, TEXAS**