

2/27/03

Village of Webberville

SUBDIVISION MORATORIUM

ORDINANCE NO. 2003-01

AN ORDINANCE OF THE VILLAGE OF WEBBERVILLE, TEXAS, REQUIRING PLATS FOR THE SUBDIVISION OF LAND; ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW AND APPROVING OF SUBDIVISION PLATS AND PERMITS; AND PROVIDING FOR THE FOLLOWING: POPULAR NAME; FINDINGS OF FACT; A PURPOSE; COMPLIANCE REQUIRED; SCOPE OF JURISDICTION; APPLICABILITYP EFFECTIVE DATE; DURATION; PLATS REQUIRED; TEMPORARY SUSPENSION OF PLAT APPROVAL; ENFORCEMENT, INCLUDING CRIMINAL FINES NOT TO EXCEED \$500 AND CIVIL PENALTIES NOT TO EXCEED \$1,000 PER VIOLATION; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS the Village of Webberville is a newly-created governmental entity that was incorporated pursuant to the laws of the State of Texas as a Type C General-Law Municipality following an election held on February 1, 2003; and

WHEREAS pursuant to the laws of the State of Texas, the Mayor and Village Commission were duly elected following an election held February 1, 2003; and

WHEREAS the Village Commission of the Village of Webberville seeks to provide for the orderly and safe development of land and use of property within its Village Limits (i.e., incorporated municipal boundary) and extraterritorial jurisdiction (ETJ); and

WHEREAS the Village Commission finds that the improper platting, construction, development or expansion of subdivisions can be detrimental to the cultural and aesthetic character of the Village, impose an unreasonable burden on public infrastructure, disturb and devalue adjoining properties, threaten the public health, safety and welfare, and constitute a public nuisance; and

WHEREAS the Village Commission seeks to promote a positive Village image reflecting order, harmony, and pride, thereby strengthening the economic stability of the Village's commercial, cultural, historical, residential and scenic areas; and

WHEREAS the Village Commission seeks to preserve the health, safety and general welfare of the community by enacting comprehensive subdivision regulations that provide for orderly growth; and

WHEREAS the Village Commission has the general authority to regulate land use and development and nuisances pursuant to the Texas Constitution, the Village's police power and by the Texas Local Government Code, Chapters 51, 54, 212 and 217; and

WHEREAS the Village Commission is in the process of diligently researching and preparing to adopt comprehensive subdivision, zoning ordinances, and building codes, and

WHEREAS the Village Commission has provided ample public notice and conducted at least one public hearing at which citizen input was solicited on this Ordinance; and

WHEREAS the Village Commission finds that a temporary moratorium is necessary and prudent in order to protect the *status quo* so that the Village Commission may adopt the appropriate administrative and regulatory rules and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF WEBBERVILLE, TEXAS:

1. ENACTMENT CLAUSES

A. Popular Name

This Ordinance may commonly be referred to as the Village of Webberville's "Subdivision Moratorium."

B. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village Commission of Webberville, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

C. Purpose

This Ordinance is adopted so that the Village Commission may promote the public health, safety, morals and general welfare within the Village through the regulation of the subdivision of land and laying out of neighborhoods and commercial, industrial or residential developments. The purpose of this Ordinance is to preserve the *status quo* in order to allow the Village Commission to conduct research, receive public input, establish reasonable policies, and prepare comprehensive subdivision and zoning ordinances. This Ordinance provides temporary regulations while the Village Commission enacts the appropriate administrative and regulatory rules and procedures.

D. Compliance Required

It shall be unlawful for any person to divide a tract into two or more parts to lay out a subdivision of the tract, including to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts in a manner not in compliance with this Ordinance.

E. Scope of Jurisdiction

The provisions of this Ordinance shall apply within the Village Limits (i.e., incorporated municipal boundary) and the extraterritorial jurisdiction (ETJ) of the Village.

F. Applicability

This Ordinance applies to property used or intended for use for commercial, industrial, and/or residential purposes. This Ordinance shall not apply to properties upon which construction commenced prior to February 27, 2003; nor shall this Ordinance apply to properties that have received a site development permit from Travis County, Texas, prior to February 27, 2003.

G. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

H. Duration

This Ordinance is enacted for a limited duration and shall be in effect for an initial term of one hundred and twenty (120) days from the effective date, or until expressly repealed by the Village Commission. The Village Commission may vote to extend the duration of this Ordinance as reasonable and necessary.

3. PLAT REQUIRED

- A. The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared and approved by the Village of Webberville.

A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

- B. For purposes of this Ordinance, dividing lots for the purposes of renting, leasing or selling lots for the installation of mobile homes or HUD-Code Manufactured Homes is considered a division of land necessitating plat approval by the Village.
- C. In order to be recorded, a plat must:
- (1) describe the subdivision by metes and bounds;
 - (2) locate the subdivision with respect to an original corner of the original survey of which it is a part; and
 - (3) state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
- D. It shall be unlawful for any person, firm, or corporation to divide land as described above without first making application to the Village for plat approval, and receiving such plat approval from the Village.

4. TEMPORARY SUSPENSION

The Village's acceptance, review and approval of all plats within the Village Limits (i.e., incorporated municipal boundary) and Extraterritorial Jurisdiction (ETJ) is hereby temporarily suspended and prohibited.

5. ENFORCEMENT

A. Civil and Criminal Penalties

The Village 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 Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

6. REPEALER

All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

7. SEVERABILITY

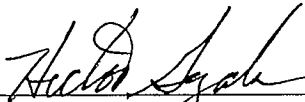
It is hereby declared to be the intention of the Village Commission that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

8. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this the 27th day of February, 2003, by a vote of 3
(ayes) to 0 (nays) to 0 (abstentions) of the Village Commission of the Village of
Webberville, Texas.

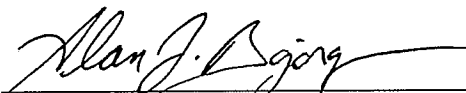
VILLAGE OF WEBBERVILLE

by: 
Hector Gonzalez, Mayor

ATTEST:


Carol Goodrich, Village Clerk

APPROVED AS TO FORM:


Alan J. Bojorquez, Village Attorney

Attachments Upon Passage:

- meeting agenda
- meeting minutes
- publisher's affidavit & newspaper notice, or
copy of notice posted in 3 public places