

VILLAGE OF WEBBERVILLE

TEMPORARY MORATORIUM ON PERMITS FOR NON-RESIDENTIAL AND MULTI-FAMILY USES

ORDINANCE No. 2012-06

AN ORDINANCE OF THE VILLAGE OF WEBBERVILLE, TEXAS, (“VILLAGE”) IMPLEMENTING A TEMPORARY MORATORIUM ON THE VILLAGE’S ACCEPTANCE, REVIEW AND APPROVAL OF ALL PERMIT APPLICATIONS (E.G., BUILDING PERMITS, DEMOLITION PERMITS, SPECIAL USE PERMITS, SITE PLANS, VARIANCES, REZONING REQUESTS, AND PLATS), REQUIRED BY THE VILLAGE FOR CONSTRUCTION, REMODELING, OPERATION, OR OCCUPANCY OF ANY LOT UTILIZED FOR USES OTHER THAN SINGLE-FAMILY RESIDENTIAL PURPOSES, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; PURPOSE; SCOPE; TEMPORARY SUSPENSION OF CERTAIN APPROVALS; DURATION; EFFECTIVE DATE; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, pursuant to Chapters 211, 212, 213, 214, 216, and 217 of the Texas Local Government Code, the Village has the authority to comprehensively plan the uses of land in the Village, provide for compatibility and peaceful transitions, regulate land development and construction, and prevent nuisances; and

WHEREAS, the Village Commission of the Village of Webberville (“Commission”) seeks to maintain the value of the Village’s scenic beauty and rural charm, which are the keystones of the Village's quality of life, through a comprehensive regulatory program that includes zoning regulations; and

WHEREAS, the Commission finds that it is necessary and proper for the good government, peace or order of the Village to implement a short-term freeze on non-residential and multi-family land use and development in order to maintain the *status quo* so the Village can evaluate the past, current and potential future uses of land in non-residential and multi-family districts; and

WHEREAS, the Commission finds that certain non-residential and multi-family uses constitute aesthetic harm by cluttering the rural landscape, and adversely affecting the naturally scenic views and native environment of the Village area; and

WHEREAS, the Commission finds that certain non-residential and multi-family uses may be a nuisance affecting nearby properties; and

WHEREAS, the Commission finds it to be in the best interest of the public safety, health and general welfare to regulate non-residential and multi-family uses so to preserve the quality of life for Village residents, visitors and property owners, prevent threats to public safety, prevent fire hazards, restrict non-residential and multi-family uses that unduly interfere with scenic views and constitute a public nuisance, and deter non-residential and multi-family uses that are detrimental to property values; and

WHEREAS, the purpose of this Temporary Moratorium is to provide the Village with the time necessary to conduct research, confer with experts, and solicit public input from residents, business owners, property owners, realtors and developers; and

WHEREAS, the objectives sought to be achieved during this Temporary Moratorium include the: (1) assessment of existing development requirements; (2) evaluation of neighboring jurisdictions development standards; (3) assessment of possible gentrification effects associated with property value increases; and (4) assess the compatibility and consistency of possible non-residential and multi-family uses adjacent to areas limited to single-family residential purposes.

NOW, THEREFORE, BE IT ORDAINED by the Village Commission of the Village of Webberville:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

A. Purpose

The purpose of this Temporary Moratorium is to provide the Village with the time necessary to conduct research, confer with experts, and solicit public input from residents, business owners, property owners, realtors and developers.

B. Scope

This Temporary Moratorium applies to non-single family residential uses (Multi-Family, Office, Business, Government-Utility-Institutional, or Mixed-Use) proposed to be conducted upon all lots except Single-Family Residential in the city limits of the Village of Webberville, Texas.

3. TEMPORARY SUSPENSION

A. Moratorium

A temporary moratorium is hereby effectuated on all permits required by the Village, directly or indirectly, for the use of any lot for purposes other than single-family residential (as defined in the Village of Webberville Zoning Ordinance):

(1) Building Permits: The City's acceptance, review and approval of all building permits is hereby temporarily suspended and prohibited.

(2) Demolition Permits: The City's acceptance, review and approval of all demolition permits is hereby temporarily suspended and prohibited.

(3) Subdivisions: The City's acceptance, review and approval of all applications for plats, replats, or plat amendments, is hereby temporarily suspended and prohibited.

(4) Site Plans: The City's acceptance, review and approval of all site plan approval applications and site plans, is hereby temporarily suspended and prohibited.

(5) Site Clearance: The City's acceptance, review and approval of permits for site clearance, excavation grading or filling, including variance applications, is hereby temporarily suspended and prohibited.

(6) Variances: The City's acceptance, review and approval of applications for variances is hereby temporarily suspended and prohibited.

(7) Rezoning Requests: The City's acceptance, review and approval of requests for rezoning is hereby temporarily suspended and prohibited.

(8) Special Use Permits (*Generally*): The City's acceptance, review and approval of requests for special use permits is hereby temporarily suspended and prohibited.

B. Duration

The Temporary Moratorium effectuated by this Ordinance shall be in effect for an initial period of ninety (90) days. The terms, conditions and effect of this Ordinance, including the duration of the Temporary Moratorium, may be shortened or extended by simple majority vote of the Village Commission.

C. Special Exceptions

Special exceptions may be granted for the following reasons:

(1) Undue Hardship

Exceptions may be granted for an undue hardship following a public hearing when the Commission determines in writing that one or more of the conditions listed below are satisfied:

(a) The applicant shall otherwise suffer undue hardship, that being something beyond or in addition to financial hardship;

(b) The current regulations are adequate to address the particular use or construction proposed by the applicant;

(c) It is in the public interest to allow a limited exception to the Temporary Moratorium in the particular instance; and

(d) Authorizing the special exception will not adversely impact neighboring properties.

(2) Development Agreement

The tract is subject to a valid, written development agreement between the property owner and the Village pursuant to which all land use and development matters are addressed.

(3) Pending Projects

Complete applications for the permits for the proposed project were on file with the Village, and all other appropriate regulatory agencies, and all related permit fees were remitted to the Village *in-full* on or before the Effective Date of this Temporary Moratorium.

4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

5. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

6. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

7. 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.

PASSED & APPROVED this, the 13th day of November 2012, by a vote of 2 (*ayes*) to 0 (*nays*) to 1 (*abstentions*) of the Commission of Webberville, Texas.

VILLAGE OF WEBBERVILLE:

by: Original signed
Mayor Hector Gonzales

ATTEST:

Original signed
Carissa Cannaday, Village Clerk