

ORDINANCE NO. 2018-04

AN ORDINANCE OF THE CITY OF BROCK, TEXAS EXTENDING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF ANY NEW DEVELOPMENT APPLICATIONS, PERMITS, BUILDING PERMITS, SUBDIVISION PLATS AND SITE DEVELOPMENT PLANS FOR LAND WITHIN THE CITY OF BROCK AND ITS EXTRATERRITORIAL JURISDICTION (ETJ); PROVIDING FOR WAIVER PROCESS, PROVIDING FOR SEVERABILITY PROVIDING FOR ENFORCEMENT INCLUDING CIVIL PENALTIES PER OFFENSE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Brock, Texas (“City”) is a Type C, General-Law Municipality;
and

WHEREAS, on May 5, 2018, the Commission adopted Ordinance 2018-2 placing a ninety (90) day moratorium on the development of properties in its incorporated limits and its ETJ ; and

WHEREAS, the City is in the process of developing, revising and/or adopting various land use and development plans for the City; including but not limited, to the City’s Comprehensive Plan, Zoning Ordinance, Site Plan Process, Building Permitting Process, Water Process and Fire Process; and,

WHEREAS, the development process is more extensive than expected and extending the temporary moratorium on property development is justified because existing regulations are inadequate to prevent possible new development from being detrimental to the public health, safety or welfare of the residents of Brock; and,

WHEREAS, the City finds that it is necessary and proper for the good government, peace or order of the City to continue the short-term freeze on development for properties within the corporate boundary and the ETJ, subject to the waiver provisions contained in Ordinance 2018-02 so the City can continue to properly evaluate the past, current and potential future uses of land, and design standards in the area; and,

WHEREAS, the City is actively working through its Planning and Zoning Committee and other local officials regarding the process and in order for the City to have adequate and reasonable time to review, evaluate, and adopt he City’s development ordinances and to consider the impact of ordinances on future growth, public health and safety, development, and natural environment, the City wishes to continue the moratorium period for an additional ninety (90) days; and,

WHEREAS, the City Commission deems it in the public’s interest to extend the moratorium on property development and temporary suspension of the acceptance of any new development applications, including but not limited to: development permits, plat applications, site plans, demolition permits, and building permits while the City Commission seeks to provide for the orderly and safe development of land and use of property within its city limits and

extraterritorial jurisdiction (“ETJ”), and to avoid development that may constitute a public nuisance, impose an unreasonable burden on public infrastructure, or unreasonably disturb and devalue adjoining properties for an additional period of ninety (90) days or until the adoption and implementation of regulations for new development in the subject area, whichever is earlier; and

WHEREAS, all required notices have been provided; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BROCK, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Commission and made a part hereof for all purposes.

SECTION 2. The City Commission of the City of Brock hereby extends the moratorium placed on property development and the temporary suspension of the acceptance of any new development applications, including but not limited to: development permits, plat applications, site plans, demolition permits, and building permits, for properties located in its incorporated city limits and its ETJ, for a period of ninety (90) days or until the adoption and implementation of regulations for new development in the subject area, whichever is earlier. The Written Findings for extending the moratorium are hereby adopted and attached hereto as Exhibit A.

SECTION 3. The temporary moratorium shall not affect or in any way suspend or prohibit the acceptance and filing of applications for building permits for general maintenance, or interior improvements to existing structures in the affected areas.

SECTION 4. Ordinance 2018-2, adopted May 5, 2018 by the Commission shall remain applicable for any questions regarding, but not limited to, definitions, area applicability, or waiver process; and

SECTION 5. ENFORCEMENT

A. Civil Penalties. 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 ordinance is subject to suit for injunctive relief. Any violation of this ordinance is hereby declared to be a nuisance.

B. Civil Remedies. 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, including, but not limited to the following:

(1) Injunctive relief, including but not limited to temporary restraining order without the necessity of a prior hearing, 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 five hundred dollars (\$500.00) a day when it is shown that

(2) A civil penalty up to five hundred dollars (\$500.00) 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.

SECTION 6. REPEALER AND SEVERABILITY

A. 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.

B. 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.

SECTION 7. This Ordinance shall be effective immediately upon final passage and the extension of the temporary moratorium shall take effect as of the expiration of the initial moratorium of August 5, 2018 and shall apply to any and all of the incorporated city limits and ETJ of Brock as consolidated.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Weatherford Democrat, a daily newspaper of general circulation in the City, said publication being on the 14th day of July, 2018.

PASSED ON FIRST AND FINAL READING the 30th day of July, 2018.

ATTEST:


KERRI PRENTICE, TOWN CLERK


TROY SNOW, MAYOR