

ROCKWALL CITY COUNCIL SPECIAL MEETING
Friday, November 8, 2019 - 3:00 PM
City Hall Council Chambers - 385 S. Goliad St., Rockwall, TX 75087

- I. CALL PUBLIC MEETING TO ORDER**
- II. HOLD A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE IMPOSING A MORATORIUM ON ACCEPTING AND REVIEWING SUBDIVISION PLATS FOR COMMERCIAL AND RESIDENTIAL PROPERTY SITUATED WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ), AND TAKE ANY ACTION NECESSARY. (2ND READING)**
- III. ADJOURNMENT**

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.074 (Personnel Matters) and § 551.087 (Economic Development)

I, Kristy Cole, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 5th day of November, 2019 at 2:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Cole, City Secretary
or Margaret Delaney, Asst. to the City Sect.

Date Removed

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 19-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENACTING A TEMPORARY MORATORIUM STAYING THE ACCEPTANCE AND PROCESSING OF SUBDIVISION PLAT APPLICATIONS IN THE CITY OF ROCKWALL'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, DETERMINATION, AND APPEALS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REMEDIES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in conformance with Chapter 242, *Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction*, of the Texas Local Government Code the City of Rockwall has entered into an agreement (the *Interlocal Agreement*) with Rockwall County for the processing and review of subdivision plats in the City of Rockwall's Extraterritorial Jurisdiction (ETJ); and

WHEREAS, *Exhibit 'A', Unified Regulations for Review of Plats in ETJ of City of Rockwall*, of the *Interlocal Agreement* provides the review criteria for subdivision plats in the Extraterritorial Jurisdiction (ETJ); and

WHEREAS, in accordance with the *Terms of Agreement* of the *Interlocal Agreement*, Rockwall County notified the City of Rockwall in writing on October 23, 2019 requesting to make changes to *Exhibit 'A'* of the *Interlocal Agreement* for the purpose of addressing changes in the *Subdivision Regulations* of Rockwall County; and

WHEREAS, the City of Rockwall finds that subdivision plats are a necessary mechanism to ensure that proper public facilities, infrastructure, drainage, and fire protection can be provided to support future development within the City's Extraterritorial Jurisdiction (ETJ), and to protect the health, safety, natural environment, quality of life, and general welfare of Rockwall County residents; and

WHEREAS, the City of Rockwall finds that the issues identified by Rockwall County contained in the *Interlocal Agreement* leave the City without sufficient review criteria to effectively review subdivision plats for property in the City's Extraterritorial Jurisdiction (ETJ), and that the agreement no longer adequately addresses the subdivision of land and the provision of adequate public facilities needed by citizens of Rockwall County; and

WHEREAS, in order for the City of Rockwall and Rockwall County to have adequate and reasonable time to review, evaluate, and revise and approve the *Interlocal Agreement*, and to consider the impact of the review criteria for subdivision plats -- *contained in Exhibit 'A' of the agreement* -- on the provision of adequate public facilities, infrastructure, drainage, and fire protection for future developments within the City's Extraterritorial Jurisdiction (ETJ), the City intends on imposing a temporary moratorium lasting for a period of 90-days for commercial property and 120-days for residential property, during which no applications for subdivision plats in the City of Rockwall's Extraterritorial Jurisdiction (ETJ) will be accepted; and

WHEREAS, the purpose of prohibiting subdivision plat applications for commercial and residential property in the City's Extraterritorial Jurisdiction (ETJ) during this temporary moratorium is to preserve the *status quo*, facilitate thoughtful and consistent planning, avoid exploitation of the delays inherent in the municipal legislative process, and prevent applications from undermining the effectiveness of the revised review criteria by submitting a subdivision plat to avoid the application of new -- *and possibly more restrictive* -- *Interlocal Agreement*.

WHEREAS, in recognition of the importance of subdivision plats in the City of Rockwall's Extraterritorial Jurisdiction (ETJ) to property owners in this area, the City desires to implement this moratorium for a stated and fixed time period, and to include an exception and exemption clause -- *in accordance with Subchapter E of Chapter 212 of the Texas Local Government Code* -- to facilitate subdivision plat approval in cases of necessity and undue hardship; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the City Council of the City of Rockwall, in compliance with the laws of the State of Texas have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all persons interested in and situated in the affected area and in the vicinity thereof, the City Council in the exercise of its legislative discretion has concluded that a moratorium on residential and commercial development for property in the City's Extraterritorial Jurisdiction (ETJ) is necessary and in the interest of good governance, and ultimately in the best interest of the City of Rockwall;

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

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, the following terms are defined. Any term appearing in this ordinance that is not specifically defined below shall have the meanings provided in the Municipal Code of Ordinances for the City of Rockwall, or if not defined in this document then the common meaning of the word shall apply.

- (1) Commercial Property. Commercial property is defined as any property that is being platted for the purpose of authorizing any land use other than single-family or agricultural land uses (e.g. *multi-family, industrial, commercial, etc.*).
- (2) Proper Public Facilities. Unless otherwise indicated in this ordinance, proper public facilities shall be defined as meaning water, wastewater or sewer, drainage facilities, street improvements, and fire and police protection.
- (3) Residential Property. Residential property is defined as any property that is being platted for the purpose of authorizing single-family and agricultural land uses.

SECTION 3. Applicability. The City of Rockwall hereby enacts this ordinance in order to impose a temporary moratorium on the acceptance and processing of subdivision plats in the City of Rockwall's Extraterritorial Jurisdiction (ETJ).

SECTION 4. Purpose. This temporary moratorium is being enacted to allow the City of Rockwall and Rockwall County to evaluate the *Interlocal Agreement* and to update the review criteria for subdivision plats contained in *Exhibit 'A'* of the agreement.

SECTION 5. Enactment. The City of Rockwall hereby enacts this ordinance implementing a temporary moratorium on the City of Rockwall acceptance, review, and approval of subdivision plats in the City of Rockwall's Extraterritorial Jurisdiction (ETJ).

SECTION 6. Duration. The initial duration of this temporary moratorium shall be for a period not to exceed 90-days for commercial properties and not to exceed 120-days for residential properties after the approval and adoption of this ordinance, or the repeal of this ordinance by the City Council of the City of Rockwall, whichever occurs first.

SECTION 7. Exceptions and Exemptions. The following projects shall be considered for exceptions and exemptions from the moratorium:

- (1) Exceptions.

- (A) No Impact Projects. The temporary moratorium implemented by this ordinance does not apply to subdivision plat applications proposing to assemble or subdivide residential property into two (2) or less lots where each lot is a minimum of 1½-acres gross area and has a minimum of 150-feet of frontage on a public right-of-way.
 - (B) Ongoing Projects. The temporary moratorium implemented by this ordinance does not apply to any commercial or residential property that has an active subdivision plat application with the City of Rockwall or Rockwall County that has not expired in accordance with the rules and requirements of Rockwall County, the City of Rockwall, or the Texas Local Government Code.
 - (C) Vested Projects. The temporary moratorium implemented by this ordinance does not apply to any commercial or residential property that are vested under Chapter 245, *Issuance of Local Permits*, of the Texas Local Government Code. Property owners asserting vested rights shall submit an application claiming an exception to this temporary moratorium to the Planning and Zoning Department of the City of Rockwall for review in accordance with the requirements of the current *Interlocal Agreement*.
- (2) Exemptions. Any property owner who does not assert rights under Chapter 245, *Issuance of Local Permits*, of the Texas Local Government Code, but who seeks authorization to proceed with a subdivision plat outside of the exceptions listed in this ordinance and during the temporary moratorium can request the following alternative forms of approval:
- (A) 212 Development Agreement. Property owners with a negotiated approval granted by the City Council that provides for construction standards, platting and development rules pursuant to Subchapter G, *Agreement Governing Certain Land in a Municipality's Extraterritorial Jurisdiction*, Chapter 212, *Regulations of Subdivisions*, of the Texas Local Government Code may apply for an exemption from the temporary moratorium.

SECTION 8. *Determination and Appeals.*

- (1) Determinations. The Director of Planning and Zoning or his/her designee shall make all initial determinations regarding the status of all projects seeking to submit a subdivision plat application during this temporary moratorium concerning the status of a project as provided for above in the *Exceptions and Exemptions* section of this ordinance.
- (2) Appeals. Property owners seeking to challenge a determination made by the Director of Planning and Zoning may appeal that initial determination to the City Manager. Secondary determinations of the City Manager may be appealed to the City Council. The City Council's decision shall be final.
- (3) Exemptions. The decision to approve an *Exemption* as provided for above in the *Exceptions and Exemptions* section of this ordinance shall rest solely with the City Council.

SECTION 9. *Ordinances Cumulative.* All ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby superseded to the extent of that conflict.

SECTION 10. *Severability.* If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Subdivision Regulations of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

SECTION 11. *Effective Date.* This ordinance shall take effect immediately.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 8TH DAY OF NOVEMBER, 2019.**

Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: November 4, 2019

2nd Reading: November 8, 2019