

ORDINANCE NO. 2005-7

AN ORDINANCE ESTABLISHING A ONE HUNDRED AND TWENTY (120) DAY MORATORIUM ON RESIDENTIAL PROPERTY DEVELOPMENT WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE TOWN OF SAN FELIPE, TEXAS; PROVIDING THAT THE NECESSARY NOTICE AND TWO PUBLIC HEARINGS WERE CONDUCTED IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 212.134; PROVIDING FOR TWO (2) READINGS OF THIS ORDINANCE SEPARATED BY AT LEAST FOUR (4) DAYS; ACKNOWLEDGING THE CONTINUATION OF THE TEMPORARY MORATORIUM ON RESIDENTIAL PROPERTY DEVELOPMENT THAT WAS ESTABLISHED ON JUNE 14, 2005; PROVIDING JUSTIFICATION FOR THE ONE HUNDRED AND TWENTY (120) DAY MORATORIUM BY WRITTEN FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of San Felipe, Texas acknowledges that a temporary moratorium on residential property development will take effect or has taken effect on the fifth (5th) business day after the date that the notice of the date, time, and place of the first public hearing on a permanent moratorium on residential property development was published; and

WHEREAS, the Town Council of the Town of San Felipe, Texas has determined that it is in the public's best interest to establish a moratorium on residential property development within the City limits and extraterritorial jurisdiction of the Town of San Felipe, Texas for four (4) months, pending the review and adoption of subdivision regulations and other development ordinances for the Town of San Felipe, Texas; and

WHEREAS, the Town Council of the Town of San Felipe, Texas has determined that there is a shortage of essential public facilities, including water, sewer, storm drainage, and street improvements, such that future development within the City limits and extraterritorial jurisdiction of the Town of San Felipe, Texas would impact these limited essential public facilities; and

WHEREAS, the Town of San Felipe, Texas does not currently provide water or sewer services and must review the impact residential development will have on the well-water supply of the Town of San Felipe, Texas and the impact new septic systems will have on well-water quality within the Town of San Felipe, Texas; and

WHEREAS, the Town of San Felipe, Texas must also consider the impact new development and construction will have on current road conditions in light of the recent issuance of bonds by the Town of San Felipe, Texas for the improvement and expansion of roads within the Town of San Felipe, Texas; and

WHEREAS, the Town Council of the Town of San Felipe, Texas must address the future construction and expansion of streets and roads, determine whether a publicly-owned water and sewer system is necessary and feasible, and review the necessity of adopting subdivision and zoning regulations; and

WHEREAS, the Town Council of the Town of San Felipe, Texas has determined that a four (4) month moratorium on residential property development is necessary in

order to allow the Town Council of the Town of San Felipe, Texas time to investigate, report, and discuss the issues regarding the future of the Town of San Felipe, Texas and development in and around the Town of San Felipe, Texas; and

WHEREAS, during the moratorium, the Town of San Felipe, Texas will not accept permits, authorizations, or approvals, for the subdivision of, site planning of, or construction on, any real property within the City limits or extraterritorial jurisdiction of the Town of San Felipe, Texas; and

WHEREAS, the Town Council of the Town of San Felipe, Texas, prior to the time that the Town Council of the Town of San Felipe, Texas may impose this permanent moratorium on residential property development, is conducting two public hearings separated by at least four (4) days; the first, on Tuesday, June 21, 2005 and the second, on Tuesday, June 28, 2005, that provides residents of the Town of San Felipe, Texas, and other affected parties, an opportunity to be heard on this moratorium, pursuant to Texas Local Government Code sections 212.134(a) and 212.134(e); and

WHEREAS, pursuant to Texas Local Government Code section 212.134(f), this Ordinance will receive two (2) readings separated by at least four (4) days by the Town Council of the Town of San Felipe, Texas.

NOW, THEREFORE:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, TEXAS:

Section 1. The Town Council of the Town of San Felipe, Texas hereby establishes an official moratorium on residential property development within the City limits and extraterritorial jurisdiction of the Town of San Felipe, Texas, beginning with the date of the passage of this ordinance for one hundred and twenty (120) days or until such time as the Town Council of the Town of San Felipe, Texas adopts a subdivision ordinance, adopts any other associated development ordinances, and makes a determination regarding water, sewer, and road improvement issues.

Section 2. Written Findings. Pursuant to Texas Local Government Code section 212.134, the following findings constitute the written findings of the Town of San Felipe, Texas, authorizing the Town of San Felipe, Texas to establish the moratorium described in Section 1 of this Ordinance.

1. The Town of San Felipe, Texas has a population of approximately 868 persons.
2. The Town of San Felipe, Texas does not provide water or sewer services. Individuals use private water wells and septic systems.
3. The Town of San Felipe, Texas has received complaints that have been investigated by the Texas Commission on Environmental Quality regarding failed septic systems that have contaminated the water table of the Town of San Felipe, Texas.

4. New development will impact the street system of the Town of San Felipe, Texas. The Town of San Felipe, Texas has not performed a traffic study to determine what arterial streets are necessary to address future growth and traffic.
5. The Town of San Felipe, Texas has never fully evaluated the necessity and cost of establishing a City-owned and operated water system or sewer system to address new development and a growing population. The Town Council of the Town of San Felipe, Texas must study the fiscal impact of such endeavors.
6. The Town of San Felipe, Texas suffers from serious drainage issues and does not maintain a formally-established drainage system. New development will require a more comprehensive review regarding the impact of development on flooding and drainage.
7. The Town of San Felipe, Texas has not established an impact fee for new development and must review the necessity of establishing such a fee for future development.
8. This moratorium is limited to residential development due to the shortage of the essential public facilities listed above and the inefficiencies of those facilities. The Town of San Felipe, Texas is lacking in sufficient police and fire facilities and personnel such that future development will put a strain on these few public servants. Increased development within the Town of San Felipe, Texas will have a detrimental effect on the health, safety, and welfare of the residents of the Town of San Felipe, Texas due to the inability of the Town of San Felipe, Texas to address several of the essential public facilities that are necessary for future development.
9. The Town of San Felipe, Texas does not have subdivision or zoning regulations that would allow for the ordered and measured growth and development inside the City limits and extraterritorial jurisdiction of the Town of San Felipe, Texas. The lack of subdivision and zoning regulations could severely impact the municipal infrastructure of the Town of San Felipe, Texas and be detrimental to the public health, safety, and welfare of the Town of San Felipe, Texas and its extraterritorial jurisdiction. There are no alternative methods of establishing subdivision and zoning ordinances and regulations, other than a review of ordinance provisions that would be applicable to a community that is the size of the Town of San Felipe, Texas and a determination of which regulations are in the best interests of the residents of the Town of San Felipe, Texas. It is the decision of the Town Council of the Town of San Felipe, Texas to review sample subdivision and zoning regulations provided by the City Attorney of the Town of San Felipe, Texas and to adopt those that are most useful and applicable, considering the population and anticipated growth of the Town of San Felipe, Texas. These ordinances will reflect the desire of the citizens of the Town of San Felipe, Texas to reasonably regulate development within our historical community and preserve the country atmosphere and way of life of the Town of San Felipe, Texas.
10. The Town Council of the Town of San Felipe, Texas anticipates that it will conduct a review of the sample ordinances and regulations within the first forty-

five (45) days of the official moratorium. The Town Council of the Town of San Felipe, Texas will utilize the remaining time period of the official moratorium to conform such ordinances and regulations to the historical particularities of the Town of San Felipe, Texas. The Town Council of the Town of San Felipe, Texas will also utilize the remaining time period of the official moratorium to evaluate and adopt any final ordinances and regulations.

Section 3. This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, TEXAS, this, the 28th day of June, 2005.

Bobby Byars, Mayor

ATTEST:

Sue Foley, Town Secretary

APPROVED AS TO FORM:

Susan C. Rocha, City Attorney