AGENDA
CITY COUNCIL - SPECIAL MEETING
WEDNESDAY, MARCH 4, 2020
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
6:30 PM

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

3. RULES OF DECORUM

4. CITIZEN COMMENTS

5. ITEMS TO CONSIDER

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<td>3 - 12</td>
<td>5.1. Public Hearing to consider public comment for or against enacting a temporary moratorium on residential and commercial development in the City of McLendon-Chisholm's Extraterritorial Jurisdiction (Requested by Palomba)</td>
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5.1. Public Hearing to consider public comment for or against enacting a temporary moratorium on residential and commercial development in the City of McLendon-Chisholm's Extraterritorial Jurisdiction (Requested by Palomba)
Staff Report - Building Moratorium in ETJ Moratorium Statute

5.2. Discussion and consideration of an Ordinance enacting a temporary moratorium on residential and commercial development in the City of McLendon-Chisholm's Extraterritorial Jurisdiction (Requested by Palomba)
Proposed Ordinance

6. ADJOURN
As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session in order to seek confidential legal advice from the City Attorney on any agenda item herein.

I, Lisa Palomba, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 5:00 p.m., February 28, 2020 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.
City of McLendon-Chisholm

Staff Report

Public hearing to consider comments for or against enacting a temporary moratorium on residential and commercial development in the City of McLendon-Chisholm's Extraterritorial Jurisdiction (ETJ).

DATE:
March 4, 2020

BACKGROUND OF ISSUE:

Rockwall County Commissioner Dennis Bailey presented information to Council on January 28th explaining the county hired a planning firm to rewrite the County Subdivision Regulations. Bailey further explain that the current regulations are outdated and not compliant with state law. The Interlocal Agreement between McLendon-Chisholm and the County regarding subdivision regulations in the ETJ is also outdated and will need to be updated once the County regulations have been approved in late spring or early summer. Bailey expressed concern regarding building in the ETJ during the interim period. He also informed Council that the City of Rockwall intends to implement a building moratorium in their ETJ.

On February 11th, Council considered the moratorium and directed staff to move forward in scheduling the required public hearings. A public hearing was held on February 27, 2020 during the Planning & Zoning Commission Meeting. The Commission voted 5,0 in favor of recommending that Council approve the moratorium Ordinance.

Tonight, the second public hearing will be held to receive comments for or against enacting a temporary moratorium on residential and commercial development in the City of McLendon-Chisholm's Extraterritorial Jurisdiction (ETJ).

CONSIDERATIONS:

Implementing a building moratorium in the ETJ will not affect development projects previously approved. Other exceptions include small subdivisions where no infrastructure is required and developments for which there are already existing Development Agreements in place.

There are several steps involved to create an approved building site. The first step is typically zoning but the City does not have zoning authority in the ETJ so a developer may move straight to the platting process for a project. The purpose of platting is to ensure that proper public facilities, infrastructure, drainage and fire protection can be provided to a development and to protect the health, safety and general welfare of residents who will reside in the new development as well as surrounding property owners.
Plat approval is not discretionary, and plats must be approved if they meet all technical requirements and now the state requires that cities consider plats within 30 days. A moratorium would prevent a developer from applying for a plat in the ETJ and possibly getting around any newly proposed County Subdivision Regulations which may be more stringent than current regulations.

The procedure for adopting a moratorium is attached. Public hearings were properly noticed.

RECOMMENDATION:

Hold the public hearing and receive comments. Following the hearing, Council may move to approve the Ordinance and read the caption into the record. A final vote and reading of the caption are required on March 10, 2020 to enact the moratorium.

Lisa Palomba, City Administrator
SUBCHAPTER E. MORATORIUM ON PROPERTY DEVELOPMENT IN CERTAIN CIRCUMSTANCES

Sec. 212.131. DEFINITIONS. In this subchapter:

(1) "Essential public facilities" means water, sewer, or storm drainage facilities or street improvements provided by a municipality or private utility.

(2) "Residential property" means property zoned for or otherwise authorized for single-family or multi-family use.

(3) "Property development" means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

(4) "Commercial property" means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 1, eff. September 1, 2005.

Sec. 212.132. APPLICABILITY. This subchapter applies only to a moratorium imposed on property development affecting only residential property, commercial property, or both residential and commercial property.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.
Sec. 212.133. PROCEDURE FOR ADOPTING MORATORIUM. A municipality may not adopt a moratorium on property development unless the municipality:

1. complies with the notice and hearing procedures prescribed by Section 212.134; and
2. makes written findings as provided by Section 212.135, 212.1351, or 212.1352, as applicable.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.134. NOTICE AND PUBLIC HEARING REQUIREMENTS. (a) Before a moratorium on property development may be imposed, a municipality must conduct public hearings as provided by this section.

(b) A public hearing must provide municipal residents and affected parties an opportunity to be heard. The municipality must publish notice of the time and place of a hearing in a newspaper of general circulation in the municipality on the fourth day before the date of the hearing.

(c) Beginning on the fifth business day after the date a notice is published under Subsection (b), a temporary moratorium takes effect. During the period of the temporary moratorium, a municipality may stop accepting permits, authorizations, and approvals necessary for the subdivision of, site planning of, or construction on real property.

(d) One public hearing must be held before the governing body of the municipality. Another public hearing must be held before the municipal zoning commission, if the municipality has a zoning commission.

(e) If a general-law municipality does not have a zoning commission, two public hearings separated by at least four days must be held before the governing body of the municipality.
Within 12 days after the date of the first public hearing, the municipality shall make a final determination on the imposition of a moratorium. Before an ordinance adopting a moratorium may be imposed, the ordinance must be given at least two readings by the governing body of the municipality. The readings must be separated by at least four days. If the municipality fails to adopt an ordinance imposing a moratorium within the period prescribed by this subsection, an ordinance imposing a moratorium may not be adopted, and the temporary moratorium imposed under Subsection (c) expires.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Sec. 212.135. JUSTIFICATION FOR MORATORIUM: SHORTAGE OF ESSENTIAL PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a) If a municipality adopts a moratorium on property development, the moratorium is justified by demonstrating a need to prevent a shortage of essential public facilities. The municipality must issue written findings based on reasonably available information.

(b) The written findings must include a summary of:
(1) evidence demonstrating the extent of need beyond the estimated capacity of existing essential public facilities that is expected to result from new property development, including identifying:
   (A) any essential public facilities currently operating near, at, or beyond capacity;
   (B) the portion of that capacity committed to the development subject to the moratorium; and
   (C) the impact fee revenue allocated to address the facility need; and
(2) evidence demonstrating that the moratorium is reasonably limited to:
   (A) areas of the municipality where a shortage of essential public facilities would otherwise occur; and
Sec. 212.1351. JUSTIFICATION FOR MORATORIUM: SIGNIFICANT
NEED FOR PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a)
Except as provided by Section 212.1352, a moratorium that is not
based on a shortage of essential public facilities is justified
only by demonstrating a significant need for other public
facilities, including police and fire facilities. For purposes
of this subsection, a significant need for public facilities is
established if the failure to provide those public facilities
would result in an overcapacity of public facilities or would be
detrimental to the health, safety, and welfare of the residents
of the municipality. The municipality must issue written
findings based on reasonably available information.

(b) The written findings must include a summary of:
(1) evidence demonstrating that applying existing
development ordinances or regulations and other applicable laws
is inadequate to prevent the new development from causing the
overcapacity of municipal infrastructure or being detrimental to
the public health, safety, and welfare in an affected
geographical area;
(2) evidence demonstrating that alternative methods
of achieving the objectives of the moratorium are
unsatisfactory; and
(3) evidence demonstrating that the municipality has
approved a working plan and time schedule for achieving the
objectives of the moratorium.
Sec. 212.1352. JUSTIFICATION FOR COMMERCIAL MORATORIUM IN CERTAIN CIRCUMSTANCES; WRITTEN FINDINGS REQUIRED. (a) If a municipality adopts a moratorium on commercial property development that is not based on a demonstrated shortage of essential public facilities, the municipality must issue written findings based on reasonably available information that the moratorium is justified by demonstrating that applying existing commercial development ordinances or regulations and other applicable laws is inadequate to prevent the new development from being detrimental to the public health, safety, or welfare of the residents of the municipality.

(b) The written findings must include a summary of:

   (1) evidence demonstrating the need to adopt new ordinances or regulations or to amend existing ordinances, including identification of the harm to the public health, safety, or welfare that will occur if a moratorium is not adopted;

   (2) the geographical boundaries in which the moratorium will apply;

   (3) the specific types of commercial property to which the moratorium will apply; and

   (4) the objectives or goals to be achieved by adopting new ordinances or regulations or amending existing ordinances or regulations during the period the moratorium is in effect.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.136. EXPIRATION OF MORATORIUM; EXTENSION. A moratorium adopted under Section 212.135 or 212.1351 expires on
the 120th day after the date the moratorium is adopted unless the municipality extends the moratorium by:
(1) holding a public hearing on the proposed extension of the moratorium; and
(2) adopting written findings that:
   (A) identify the problem requiring the need for extending the moratorium;
   (B) describe the reasonable progress made to alleviate the problem; and
   (C) specify a definite duration for the renewal period of the moratorium.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1361. NOTICE FOR EXTENSION REQUIRED. A municipality proposing an extension of a moratorium under this subchapter must publish notice in a newspaper of general circulation in the municipality not later than the 15th day before the date of the hearing required by this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1362. EXPIRATION OF MORATORIUM ON COMMERCIAL PROPERTY IN CERTAIN CIRCUMSTANCES; EXTENSION. (a) A moratorium on commercial property adopted under Section 212.1352 expires on the 90th day after the date the moratorium is adopted unless the municipality extends the moratorium by:
(1) holding a public hearing on the proposed extension of the moratorium; and
(2) adopting written findings that:
(A) identify the problem requiring the need for extending the moratorium;
(B) describe the reasonable progress made to alleviate the problem;
(C) specify a definite duration for the renewal period of the moratorium; and
(D) include a summary of evidence demonstrating that the problem will be resolved within the extended duration of the moratorium.

(b) A municipality may not adopt a moratorium on commercial property under Section 212.1352 that exceeds an aggregate of 180 days. A municipality may not adopt a moratorium on commercial property under Section 212.1352 before the second anniversary of the expiration date of a previous moratorium if the subsequent moratorium addresses the same harm, affects the same type of commercial property, or affects the same geographical area identified by the previous moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.137. WAIVER PROCEDURES REQUIRED. (a) A moratorium adopted under this subchapter must allow a permit applicant to apply for a waiver from the moratorium relating to the property subject to the permit by:

(1) claiming a right obtained under a development agreement; or
(2) providing the public facilities that are the subject of the moratorium at the landowner's cost.

(b) The permit applicant must submit the reasons for the request to the governing body of the municipality in writing. The governing body of the municipality must vote on whether to grant the waiver request within 10 days after the date of receiving the written request.
Sec. 212.138. EFFECT ON OTHER LAW. A moratorium adopted under this subchapter does not affect the rights acquired under Chapter 245 or common law.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:
    Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.139. LIMITATION ON MORATORIUM. (a) A moratorium adopted under this subchapter does not affect an application for a project in progress under Chapter 245.

(b) A municipality may not adopt a moratorium under this subchapter that:
    (1) prohibits a person from filing or processing an application for a project in progress under Chapter 245; or
    (2) prohibits or delays the processing of an application for zoning filed before the effective date of the moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF MCLENDON-CHISHOLM, TEXAS, ADOPTING AND ENACTING A TEMPORARY MORATORIUM TO SUSPEND THE ACCEPTANCE OF PERMITS, SUBDIVISION PLAT APPLICATIONS, AUTHORIZATIONS AND APPROVALS NECESSARY FOR THE SUBDIVISION, DEVELOPMENT OF OR CONSTRUCTION OF REAL PROPERTY WITHIN THE CITY’S EXTRATERRITORIAL JURISDICTION; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING A WAIVER PROCEDURE; PROVIDING A TERMINATION DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of McLendon-Chisholm (the “City”) seeks to provide for the health, safety, and welfare of its residents; and

WHEREAS, the City of McLendon-Chisholm 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 McLendon-Chisholm residents; and

WHEREAS, in conformance with Chapter 242, of the Texas Local Government Code the City of McLendon-Chisholm is required to enter into an interlocal agreement with Rockwall County regarding the processing and review of subdivision plats in the City of McLendon-Chisholm’s Extraterritorial Jurisdiction (ETJ); and

WHEREAS, in order for the City of McLendon-Chisholm and Rockwall County to have adequate and reasonable time to review, evaluate, and revise and approve an interlocal agreement and to consider the impact of the review criteria for subdivision plats 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 ___ days for commercial property and ___ days for residential property, during which no applications for subdivision plats in the City of McLendon-Chisholm’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 forthcoming review criteria by submitting a subdivision plat to avoid the application of a new interlocal agreement; and

WHEREAS, the Planning and Zoning Commission of the City of McLendon-Chisholm and the City Council of the City of McLendon-Chisholm, 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 McLendon-Chisholm.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

SECTION 2. ENACTMENT

PURPOSE AND DEFINITIONS

A. Purpose. This temporary moratorium prohibiting applications for subdivision, building permits or development permits is adopted so that the Council may promote the public health, safety and general welfare within the City through the regulation of the subdivision of land and laying out of neighborhoods and commercial, industrial or residential developments. The purpose of this ordinance includes, but is not limited to, preserving the status quo in order to allow the Council reasonable time to review, conduct research, receive public input, evaluate and establish reasonable policies, and prepare comprehensive subdivision and building ordinances, as well as enter into an interlocal agreement with the County in compliance with State law. This ordinance provides temporary regulations while the Council enacts the appropriate administrative and regulatory rules and procedures.

B. Applicability. The provisions of this ordinance shall apply within the ETJ, including but not limited to, properties used for the following purposes: Agricultural; Conservation; Single-Family Residential; Multi-Family Residential; Office; Business;
Religious/Charitable/Fraternal; Government/Utility/Institutional; Industrial; Parks and Recreational; and Utilities.

C. Definitions. The following words, terms, and phrases shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning. A word or term not defined herein shall be read in accordance with its common or standard definition. Headings and captions are for reference purposes only.

**Build**: to form by ordering and uniting materials by gradual means into a composite whole. The term includes the acts of developing or expanding upon buildings or structures. The term also includes the installation or placement upon land of a pre-fabricated building. The term also includes the paving of the surface with gravel or impervious cover.

**Clear**: to make a material change in the character of the land, including but not limited to the extraction of vegetation, removal of brush, cutting of trees, or modification of the natural grade or slope of the land.

**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.).

**Cut**: to excavate dirt, stone or other material in order to modify land or alter drainage patterns.

**Fill**: to deposit or stockpile dirt, stone, construction debris or other material in order to modify land or alter current drainage patterns.

**Ordinary Maintenance**: activities relating to a property that would be considered ordinary or common for maintaining the property, including but not limited to repairs, or the replacement of materials with identical or in-kind materials. The term expressly omits activities involving the
expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures. The term also omits the cutting away of walls or partitions, cutting or removal of a structural beam or load bearing support; removal or change of means of egress.

**Person:** any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

**Residential Property.** Residential property is defined as any property that is being platted for the purpose of authorizing single-family and agricultural land uses.

**REQUIRED PERMITS**

A. **Site Plans Required.** It is an offense for a person to build or install any streets, alleys, sidewalks, drainage ways, waterlines, or sewer lines ETJ without first applying for and receiving a permit from the City.

B. **Site Clearance Required.** It is an offense for a person to grade a tract of land, perform a cut of a tract of land deeper than one-foot above natural ground level, or fill a tract of land above one-foot below natural ground level, in the City Limits without first applying for and receiving a permit from the City. This requirement does not apply to ordinary maintenance, or routine farming or agricultural activities.

C. **Subdivisions Required.** It is an offense for a person to divide a tract of land into two or more parts to lay out a subdivision of the tract, 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 the purchasers or owners of lots fronting or adjacent to the streets, alleys, squares parks or other parts, in the ETJ, without first submitted a plat to the City and receiving plat approval from the City.
TEMPORARY MORATORIUM

A. Permit Suspension. The City will neither accept nor process applications for these permits:

(1) Site Plans: The City’s acceptance, review and approval of all site plans in the ETJ is hereby temporarily suspended and prohibited.

(2) Site Clearance: The City’s acceptance, review and approval of permits for site clearance, excavation grading or filling for projects in the ETJ is hereby temporarily suspended and prohibited.

(3) Subdivisions: The City’s acceptance, review and approval of plat applications for projects in the ETJ is hereby temporarily suspended and prohibited.

B. Duration. This temporary moratorium shall be in effect as of the date of passage for a period of _____ (__) days and may be extended by a simple majority vote of the Council.

WAIVER

A. Requirements. An owner of property may request a waiver from the requirements of this ordinance if one or more of the following three (3) requirements are satisfied:

(1) Special circumstances or conditions imposing an undue hardship on the property owner because of a unique situation upon the land that is different from other tracts of land.

(2) The owner can demonstrate in writing a legal right to proceed under regulations that predated incorporation of the City.

(3) The proposed construction is necessitated by concerns for public safety and will serve to protect the public health, safety and welfare. Specifically, the waiver request must establish that the proposed construction will further one or more of the legitimate public concerns:
(a) vehicular traffic safety; or
(b) pedestrian traffic safety; or
(c) fire prevention and protection; or
(d) emergency medical services; or
(e) flood damage prevention and protection; or
(f) water quality pollution prevention; or
(g) sanitary urgency.

B. Process for Application.

(1) Applicants for a waiver must submit a completed form with attachments to the City Administrator. The application, accompanying documentation, and administrative fees must be rendered to the City at least two (2) weeks prior to the public hearing.

(2) The Applicant must provide written notice to all property owners within two hundred (200) feet of the footprint of the property line for which a waiver is sought. The notice shall contain a description of the waiver and the time, date, and place of the public hearing on the application. Notice must be provided at least ten (10) days prior to the hearing.

(3) Applications for a waiver shall be reviewed by the City Administrator and Planner prior to submission to the Council for consideration.

(4) A waiver may be granted by the Council after a public hearing and upon issuance of written findings that special circumstances or conditions affecting the property in question justify the waiver, and that the granting of the waiver will not have an adverse effect on neighboring properties, or hinder the accomplishment of the goals of the moratorium established by this ordinance.

(5) An applicant for a waiver may voluntarily request that the application be postponed or withdrawn prior to final action by the Council. In the event of voluntary postponement, no additional administrative fees are due. In the event of re-submission following
voluntary withdrawal or denial, the file shall be processed as a new application and additional fees may be collected.

EXCEPTIONS AND EXEMPTIONS:

A. Exceptions.

1. **No Impact Projects.** The temporary moratorium implemented by this Ordinance does not apply to a project that does not:
   
   (a) increase density,
   
   (b) increase or impact impervious cover,
   
   (c) expand the footprint of an existing structure, or
   
   (d) alter the current drainage pattern on the property.

2. **Ongoing Projects.** The temporary moratorium implemented by this Ordinance does not apply to any projects that are currently, actively in progress for which valid City permits have been issued and have not expired (as of the date of this temporary moratorium).

3. **Grandfathered Projects.** The temporary moratorium implemented by this Ordinance shall not apply to projects that are grandfathered under as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy.

B. Exemptions. Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request the following alternative forms of approval:
1. Planned Development District: Property owners with an approval granted by the City Council including enactment of customized zoning regulations through negotiations of specialized rules applicable solely to the proposed project may apply for waiver in accordance with City policy.

2. Alternate Design Standards: Property owners with a negotiated approval granted by the City Council for the construction of drainage infrastructure that exceeds the current standards in the code of ordinances may apply for waiver in accordance with City policy.

3. ETJ Development Agreement: Property owners with a negotiated approval granted by the City Council providing for construction standards, platting and development rules pursuant to Local Government Code Chapter 212, Subchapter G may apply for waiver in accordance with City policy.

SECTION 3. ENFORCEMENT

A. Civil Action. 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.

SECTION 4. REPEALER AND SEVERABILITY

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.

SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and
independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication in the city’s official newspaper.
SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

DULY PASSED and approved by the City Council of the City of McLendon-Chisholm, Texas on this the _______ day of _____________________, 2020.

APPROVED:

____________________________________
Keith Short, Mayor

ATTEST:

____________________________________
Lisa Palomba, City Secretary/City Administrator