



**VILLAGE OF POINT VENTURE  
SPECIAL CALLED COUNCIL MEETING  
Monday, January 20, 2020 6:30 PM  
555 VENTURE BLVD S  
POINT VENTURE, TEXAS 78645**

*"Partnership with the community. Foster community pride.  
Preserve and enhance the natural beauty of our environment"*

**AGENDA**

**A. Items Opening Meeting**

1. Call to order
2. Pledge
3. Roll Call

**B. Council will enter Closed Executive Session**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the Village Council will recess into a closed Executive Session to discuss the following:

§551.071: Consultation with City's Attorney on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding zoning, land use, and moratoriums.

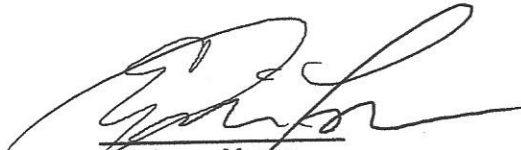
**C. Reconvene to open meeting**

The Village Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D Texas Government Code, to take action on any Executive Session Items.

**D. Hold a public hearing and consider the adoption of Ordinance No. 2020-01-20**

Enacting a temporary moratorium to suspend the acceptance of permits, authorizations, and approvals necessary for the subdivision of, site planning of, property development, or construction on real property within the corporate limits of the Village of Point Venture.

**E. Adjourn**



Eric Love, Mayor

***\*This facility is wheelchair accessible and accessible parking spaces are available. Reasonable modifications and equal access to communications will be provided upon request.***

**ORDINANCE NO. 2020-01-20**

**AN ORDINANCE ADOPTING AND ENACTING A MORATORIUM TO SUSPEND THE ACCEPTANCE OF PERMITS, AUTHORIZATIONS, AND APPROVALS NECESSARY FOR THE SUBDIVISION OF, SITE PLANNING OF, DEVELOPMENT, OR CONSTRUCTION ON REAL PROPERTY WITHIN A DEFINED GEOGRAPHIC BOUNDARY; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Point Venture, Texas, finds that it is in the best interest of the Village of Point Venture (“Village”) and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance of permits, authorization, and approvals necessary for the subdivision, site planning, development, zoning, or construction on real property within the corporate limits of the Village, as further depicted in Exhibit “A” attached hereto and incorporated herein for all purposes (the “Affected Area”); and

**WHEREAS**, the Village desires to protect its ability to regulate development within its jurisdiction and use of land within the Village by the adoption of a proposed Comprehensive Zoning Ordinance; and

**WHEREAS**, the Village has started the process of reviewing the land uses authorized in the Affected Area and developing for adoption a proposed Comprehensive Zoning Ordinance that will implement the objectives of the Village’s Comprehensive Plan and policies; and

**WHEREAS**, the Village Council seeks to promote a positive image of the Village reflecting order, harmony and compatible land uses, thereby strengthening the Village’s commercial area; and

**WHEREAS**, in order for the Village to have adequate and reasonable time to review, evaluate, adopt, and/or revise the Village’s development ordinances and their potential impact on the development and/or redevelopment of this area, the Village wishes to implement a moratorium period of 90 days; and

**WHEREAS**, redevelopment and significant growth in and around the Affected Area requires a determination of the best method to protect the property in and around the Affected Area; and

**WHEREAS**, the study and update of Village’s development ordinances and procedures is needed in order to clarify and improve planning policies, strengthen the connection between the Village’s ordinances and the goals and needs of the citizens, and to protect the health, safety, environment, quality of life, and general welfare; and

**WHEREAS**, a temporary moratorium is needed to address significant and compelling land use concerns associated with redevelopment and development activities occurring in and around the Affected Area, including residences, retail, commercial, recreational, and other uses; and

**WHEREAS**, the Village is reviewing its municipal ordinances and regulations to provide for an equitable system of regulations relating to development in the Affected Area in order to protect the interests of existing residential property and commercial property while providing for opportunities for development of property along significant corridors; and

**WHEREAS**, the Village wants to ensure that that development in the Affected Area has an acceptable impact on the distinctive character of the community, which is different from that of adjoining areas and municipalities; and

**WHEREAS**, the application of the Village's existing ordinances and regulations is inadequate to prevent new development and redevelopment from being detrimental to the public health, safety, or welfare of the residents of the Affected Area; and

**WHEREAS**, the Village Council seeks a better understanding of the effects of development and redevelopment within the Affected Area and needs a reasonable amount of time to study land use management and planning methods for the purpose of devising a responsible land use plan for the Affected Area; and

**WHEREAS**, the Village Council seeks public input and professional assistance in order to preserve the character of the Affected Area while also allowing for compatible land uses, enabling free enterprise, and protecting private property rights; and

**WHEREAS**, in order for the Village to have adequate and reasonable time to review, evaluate, and revise the Village's land use and development ordinances pertinent to the Affected Area, and to consider the impact of the ordinances upon land use, future growth, public health and safety, development, and natural environment, the Village wishes to implement a moratorium period of 90 days, during which no application for permit, subdivision plats, zoning changes, site planning, development or construction on real property in the Affected Area will be accepted; and

**WHEREAS**, the purposes of the temporary moratorium include preserving the *status quo* during the planning process, eliminating incentives for inadequate applications, facilitating consistent planning, avoiding exploitation of any delays inherent in the legislative process, and preventing applicants from undermining the effectiveness of the revised ordinances by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development ordinances; and

**WHEREAS**, the Village desires to implement this temporary moratorium for a stated and fixed time period, and to include a waiver provision; and

**WHEREAS**, the Village Council plans to gather and disseminate to the public vital information relating to land use and development in the Affected Area; and

**WHEREAS**, the Village Council seeks to promote a positive image of the Village reflecting order, harmony, and compatible land uses, thereby strengthening the Village's commercial, cultural, historical, residential, recreational, and scenic areas; and

**WHEREAS**, a comprehensive strategy to future development of the Affected Area will preserve the health, safety and general welfare of the Village by providing for orderly growth and coordinated development; and

**WHEREAS**, all notices and hearings, including a hearing by the Village Council, have been published and held in accordance with applicable statutes, laws, and regulations; and

**WHEREAS**, the Village Council finds that a moratorium is necessary and prudent in order to protect the status quo in the Affected Area so that the Village Council may adopt the appropriate zoning and development standards to regulate land use and development in the Affected Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS, AS FOLLOWS:**

**Section 1.** The recitations contained in the preamble to this ordinance are found to be true and correct legislative and factual findings of the Village Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The Village hereby approves and enacts this ordinance in order to implement a temporary moratorium on the submission and acceptance of permits, authorizations, applications and approvals necessary for the subdivision and development of land, including plats, site development plans, and development and construction permits for properties within the Affected Area, an area designated on the map attached as Exhibit “A”, which is included in this ordinance for all purposes, until (a) 90 days after enactment of this ordinance, or (b) termination of this ordinance by the Village, whichever is sooner. This temporary moratorium is enacted to preserve the *status quo* and (1) assess the existing and future land use for the Affected Area; (2) evaluate and study methods to allow development and redevelopment while maintaining the character of the Affected Area; (3) consider the impact of development and redevelopment on surrounding properties in the Affected Area; (4) adopt ordinances and regulations that allow for compatible development and redevelopment within the Affected Area. Except as otherwise provided herein, and extending for the duration of this ordinance, no Village employee, officer, agent, department, board, or commission of the Village shall accept for filing any applications for permits, authorizations, applications or approvals of subdivision plats, site development plans, development and construction permits for any property located in the Affected Area. Applications, together with any documents or fees accompanying the applications, which are submitted during the duration of this temporary moratorium, shall be returned to the applicant as unfiled.

**Section 3.** If the Village determines that this 90-day period is insufficient for the Village to fully complete the process of developing and adopting ordinances to implement its purposes within the Affected Area, this ordinance may be renewed for an additional period of time, not to exceed 90 days, upon a majority vote of the Village Council.

**Section 4.** This ordinance shall not apply to completed applications that were lawfully submitted prior to January 16, 2020. An owner of property within the Affected Area may request a waiver of the application of this temporary moratorium to a particular project by submitting a written application to the Village with the reasons for the waiver request along with supporting documentation. The waiver request must be submitted at least five (5) business days before, but not more than ten (10) days before, a regularly scheduled Village Council meeting. The Village Council may approve a waiver application, in which case the applicant may submit an application for processing, if one or more of the following conditions are satisfied:

1. **Undue Hardship.** The applicant shall suffer undue hardship if the moratorium is not waived, that being something beyond or in addition to financial hardship; current regulations are adequate to address the proposed type of development and construction; it is in the public interest to allow a limited exception to the moratorium; and authorizing the waiver will not adversely impact the development and character of the Affected Area.
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 in a manner that protects the character and development of the Affected Area.
3. **Pending Projects.** Complete applications for one or more building permits for the proposed project were on file with the Village on or before the temporary moratorium became effective.

**Section 5.** In the case of any conflict between the other provisions of this ordinance and any existing ordinance of the Village, the provisions of this ordinance control and 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.

**Section 6.** This ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision shall not affect the validity of any other portion of this ordinance.

**Section 7.** This ordinance shall take effect immediately from and after its adoption, as the law in such cases provide, except that beginning on the fifth (5) business day after the date of notice of public hearings is published in conformity with Texas Local Government Code §212.134(b), a temporary moratorium shall take effect on January 16, 2020, during which time the Village is authorized to and shall stop accepting permits, authorizations and approvals necessary for the construction, reconstruction, development, redevelopment or other alteration or improvement of property located within the Affected Area.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at the first reading of the Ordinance.

**PASSED, APPROVED, AND ADOPTED** on the second and final reading by an affirmative vote of the Village Council of the Village of Point Venture, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor Eric Love

**ATTEST:**

\_\_\_\_\_  
Vickie Knight, Village Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Monte Akers, Village Attorney

# EXHIBIT A

Map depicting area of Affected Area

