

ORDINANCE #172-2019

AN ORDINANCE OF THE CITY OF LONE OAK, TEXAS (CITY) IMPLEMENTING A TEMPORARY MORATORIUM FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS, UNLESS OTHERWISE EXTENDED, ON THE ACCEPTANCE OF APPLICATIONS FOR PERMITS AND ISSUANCE OF PERMITS FOR MANUFACTURED HOME PLACEMENTS IN THE CITY LIMITS REQUIRED BY THE CITY AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; DURATION; PURPOSE; SCOPE; PROHIBITIONS; SPECIAL EXCEPTIONS; APPEAL PROCESS; ENFORCEMENT; REPEALER; SEVERABILITY; PENALTIES AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Lone Oak, Texas (City) has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and that is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has regulation authority concerning land use, structures, and related activities; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lone Oak to implement a Temporary Moratorium on submissions for manufactured home placement permits and the issuance of manufactured home placement permits for the City Limits; and

WHEREAS, the purpose of this Temporary Moratorium being to: (1) review and evaluate current policies and ordinances on the acceptance and approval of submissions and issuance for manufactured home placement permits; (2) develop and activate standard regulations and processes for future manufactured home placements; (3) revise ordinances in order to provide clarity and regulation; and

WHEREAS, the City finds this evaluation process will require a reasonable amount of time to complete and consider the impact of the ordinances upon future growth, public health and safety, development, and significance within the City Limits.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lone Oak:

SECTION 1. FINDINGS OF FACT.

The foregoing recitals are incorporated into this Ordinance by reference as finding of fact as is expressly set forth herein.

SECTION 2. ENACTMENT

The City of Lone Oak hereby enacts this Ordinance in order to implement a Temporary Moratorium on the submissions for manufactured home placement permits and the issuance of manufactured home placement permits in the city limits.

SECTION 3. DURATION

The initial duration of this Temporary Moratorium shall be for a period of one hundred eighty (180) days after enactment of this Ordinance, or repeal of the Ordinance by the City, whichever is sooner.

SECTION 4. PURPOSE

This Temporary Moratorium is being enacted to: (1) review and evaluate current policies and ordinances on the acceptance and approval of submissions for manufactured home placements within the City Limits; (2) develop and activate standard regulations and processes for future manufactured home placements; (3) revise ordinances in order to provide clarity and regulation.

A. Scope

This Temporary Moratorium applies to all residential and commercial districts in the City.

B. Prohibitions

The activities are temporarily prohibited in the City Limits:

The City will neither accept nor process applications for permits for the placement or installation of manufactured homes. The city's consideration and approval of such applications and permits is hereby temporarily suspended and prohibited.

C. Special Exceptions

Exceptions for relief of hardship caused by this Temporary Moratorium may be made in writing to the City Council. Special exceptions may be granted by the City Council when the City determines in writing that one or more of the conditions listed below are satisfied:

1. Undue Hardship

- a. The applicant shall otherwise suffer undue hardship, that being something beyond or in addition to financial hardship;
- b. The current regulations are adequate to address the particular type of development and construction proposed by the applicant through the proper channels;
- c. It is in the public interest to allow a limited exception to the Temporary Moratorium in the particular instance; and
- d. Authorizing the special exception will not adversely impact neighboring properties.

2. Pending Projects

- a. Complete applications for the required regulatory approvals for the proposed project were on file with the City on or before the Effective Date of this Temporary Moratorium.

D. Appeal Process

An application for an exception must be submitted to include project summary, a letter to the City Council explaining the situation and any respective plats or drawing for placement on the agenda for consideration at the next available City Council meeting.

E. Enforcement

1. Civil and Criminal 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 Temporary

Moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, such violation is hereby declared to be a nuisance.

2. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction be fined a sum not exceeding five hundred dollars (\$500). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this section is a misdemeanor.

3. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver by the City's right to bring civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

SECTION 5. 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: 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 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED by the City Council of the City of Lone Oak, Texas this the 27th day of August 2019, at which a quorum was present.



Douglas E. Williams, Mayor

ATTEST:



Kathy Voss, City Secretary