



# City Council Agenda Item Summary Report

**Meeting Date:** August 30, 2021

**Submitted by:** Jon Thatcher, City Attorney

**Consent**

**Public Hearing** X

**Action Item** X

**Item Title:** Conduct a public hearing and consider, on first reading, an ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezoning, site plans and new or revised certificates of occupancy for single-family and multi-family residential development within the corporate city limits of Forney, adopting written findings justifying the moratorium, providing for waivers and limited exceptions to the moratorium, and establishing an expiration date.

**How this item ties-in with the City's Mission, Vision and Values:**

**Summary Statement**

City Staff has been directed to schedule and initiate the proceedings under Chapter 212, Subchapter E of the Texas Local Government Code, for the City Council to consider imposing a moratorium.

Recent applications for new residential development have demonstrated that current regulations may be inadequate to control the impacts of such growth and development on the surrounding street network, water and wastewater facilities and other public facilities. During the period that the Council is considering imposing a moratorium on residential development, a temporary moratorium is necessary to maintain the status quo and suspend further residential development during a period that the City receives public input on whether a continuing moratorium should be imposed. If the City Council enacts a continuing moratorium, the City will have additional time to research and promulgate updates to its Comprehensive Master Plan, including its Land Use Plan, as well as plan for updated needs of the public facilities for the City of Forney.

The temporary moratorium is effective on the 5<sup>th</sup> business day after public notice of the requisite public hearings is published. The notice was published on Thursday, August 26, 2021 making the temporary moratorium effective on Thursday, September 2, 2021. The temporary moratorium will run until the City Council imposes a continuing moratorium or September 12, 2021, whichever comes first.

State law requires that the City consider a waiver procedure for the Council to consider applications for development during the period of the moratorium. Also, the moratorium can be for a period not to exceed 120 days unless otherwise extended by the City Council. It must be supported by specific findings demonstrating that the moratorium is necessary to prevent a shortage of specific public facilities.

The imposition of a moratorium requires two separate readings of an ordinance setting forth the findings, imposing the moratorium, providing a system for the consideration of waivers, and outlining the exceptions.

Proposed schedule:

August 30, 2021 – City Council public hearing; First reading of the Ordinance

September 2, 2021 – Planning and Zoning Commission public hearing

September 7, 2021 – City Council second reading of the Ordinance