



ORDINANCE 729

AN ORDINANCE OF THE CITY OF THE VILLAGE, OKLAHOMA ENACTING A TEMPORARY MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR, PROCESSING OF, AND ISSUANCE OF BUILDING PERMITS, SIGN PERMITS, AND REZONING REQUESTS WITHIN AN AREA BEING STUDIED IN “THE VILLAGE VISION”; PROVIDING AN APPEAL PROCESS; PROVIDING EFFECTIVE AND REPEAL DATES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, to promote the health, safety, and welfare of the community, the City is engaged in the process of studying its primary commercial corridors and the project area of The Village Economic Development and Community Revitalization Project Plan, which areas are specifically delineated on the attached map, through a public engagement and planning effort known as “The Village Vision”; and

WHEREAS, The Village Vision is intended to result in revised development regulations in accordance with the study, including potential revisions to the City’s zoning, sign, landscaping, and architectural design regulations; and

WHEREAS, development and redevelopment pressures threaten to frustrate the goals of The Village Vision by allowing development to occur that may contradict the regulations to result from The Village Vision process; and

WHEREAS, generally, when municipalities undertake such planning efforts as The Village Vision, a “race of diligence” ensues between landowners seeking to establish vested rights under existing law and the municipal governing body seeking to enact or amend a plan or ordinance before such vested rights are established, thereby creating additional safety and welfare problems; and

WHEREAS, this “race of diligence” is counterproductive to both individual landowners and the City as a whole, because landowners rush to submit applications that may not have received adequate consideration and to gain approval of such applications, and the City rushes to finish its planning effort and adopt a plan, strategies, or ordinances that may not have received thorough analysis or been subject to full public debate with respect to the issues, goals, and policies of the proposed new regulations, and therefore may not be as responsive to either the City’s nor the applicant’s goals and needs or received the degree of community input and debate as would otherwise be possible and appropriate; and

WHEREAS, the City Council recognizes that a temporary moratorium is an extraordinary remedy that should be used judiciously and only after serious evaluation and analysis; and



ORDINANCE 729

WHEREAS, to ensure that the City successfully, fairly, and rationally implements this moratorium and preserves the due process rights of those affected by it, the City Council has determined that it is appropriate and necessary to provide an expeditious appeal process to individuals or entities affected by the moratorium and that the moratorium last for the shortest amount of time; and

WHEREAS, in order that the purposes of The Village Vision and anticipated development regulations to result from it not be frustrated, and to allow the City the necessary time to complete that public process and adopt resulting regulations, it is necessary and advisable to adopt a temporary moratorium on the acceptance of applications for, processing of, and issuance of building permits, sign permits, and rezoning requests within an area being studied in The Village Vision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE:

Section 1. There is hereby declared a temporary Moratorium on the acceptance of applications for, processing of, and issuance of building permits, sign permits, and rezoning requests within an area being studied in The Village Vision, as shown in the attached maps ("Subject Area"), except as provided by Section 2 below.

Section 2. Applicability. During the term of this Moratorium, the following permit applications may still be accepted, processed, and permits issued:

- (a) All residential applications;
- (b) Nonresidential applications where the work proposed will not result in any new building being constructed and will not alter the external appearance of any existing building;
- (c) Sign permit applications where the proposed sign will merely replace the name of occupants or tenants and where the size and construction of the proposed sign will not change from the prior occupant's sign;
- (d) Any application for any improvement within an area governed by a Planned Unit Development that has been adopted prior to the date this Ordinance takes effect; and
- (e) Any building permit or sign permit application where the work proposes only seeks to rebuild structures existing as of the date this Ordinance takes effect that subsequently have been damaged or destroyed by casualty.

Section 3. Appeals. During the term of this Moratorium, the Planning Commission shall hear any appeal from an affected owner of property within the Subject Area, and shall



ORDINANCE 729

recommend to the City Council whether or not to grant an exemption from the provisions of this Moratorium. The City Council, for good cause shown, may grant an exemption from the provisions of this Moratorium

Section 4. Effective Dates. This Moratorium shall become effective immediately and shall remain in full force and effect through October 31, 2017, after which date it shall automatically be null, void and repealed, provided that the repeal date of the Moratorium may be modified by the enactment of a subsequent resolution or ordinance of the City of The Village..

Section 4. Severability Clause. If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance

Section 5. Emergency Clause. WHEREAS, it being necessary for the preservation of the public health, peace, and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this Ordinance shall take full force from and after its adoption.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 17th day of July, 2017, after compliance with the notice requirements of the Open Meeting Law (25 O.S. § 301, *et seq.*).



DAVID BENNETT, MAYOR

ATTEST:



Bruce K. Stone, City Clerk

APPROVED AS TO FORM AND LEGALITY this 17th day of July, 2017.

Leslie V. Batchelor, City Attorney



ORDINANCE 729

MAP OF AREA SUBJECT TO MORATORIUM

