

ORDINANCE NO. 012605-C

**AN ORDINANCE PROVIDING FOR THE REPEAL OF A MORATORIUM ON THE APPLICATION FOR, RECEIPT, PROCESSING, CONSIDERATION, APPROVAL, AND/OR ISSUANCE OF SUBDIVISION PLATS, AND ANY VARIANCES THERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Niederwald is a Type A general-law municipality; and

**WHEREAS**, a moratorium, and an extension of the moratorium, was previously imposed by the City Council on the application for, receipt, processing, consideration, approval, and/or issuance of subdivision plats, zoning change requests, and any variances thereto in order to allow the City Council to temporarily maintain the status quo of the City while it contemplated changes to the City's development regulations to address concerns over its future welfare; and

**WHEREAS**, the City Council of the City of Niederwald, Texas desires to adopt this Ordinance in order to repeal the moratorium on the application for, receipt, processing, consideration, approval, and/or issuance of subdivision plats, and any variances thereto; and

**WHEREAS**, the City of Niederwald, Texas, has prepared an ordinance amending the City's Subdivision Ordinance; and

**WHEREAS**, the City Council desires that the repeal of the moratorium on the application for, receipt, processing, consideration, approval, and/or issuance of subdivision plats, and any variances thereto, shall be effective only when the amendments to the Subdivision Ordinance become effective;

**WHEREAS**, the City Council desires to retain the moratorium on zoning change requests, as previously extended until April 14, 2005, therefore this Ordinance does not affect the current moratorium on zoning change requests; and

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NIEDERWALD, TEXAS, THAT:**

**I.**

The moratorium enacted by and described in Ordinance No. 0811604 imposing a one hundred and twenty (120) day moratorium on the application for, receipt, processing, consideration, approval, or issuance of subdivision plats (including conceptual plans and preliminary plats), and further extended by Ordinance No. 121404-A, is hereby repealed. This Ordinance shall not alter or affect the existing moratorium on the application for,

receipt, processing, consideration, approval, or issuance of zoning change requests, requests for variances, special exceptions, and conditional uses allowed by the provisions of the City of Niederwald's Zoning Ordinance, said moratorium to be effective until April 14, 2005, subject to further action of the City Council.

## II.

The repeal of the moratorium on the application for, receipt, processing, consideration, approval, or issuance of subdivision plats (including conceptual plans and preliminary plats), and any variances thereto, shall take effect at the same time that the amendments to the City of Niederwald Subdivision Ordinance, contained in Ordinance No. ~~012605-A~~ adopted on January 26, 2005, become effective. Every officer, employee, or agent of the City of Niederwald is hereby prohibited from receiving, processing, considering, approving, and/or issuing subdivision plats (including conceptual plans and preliminary plats), or requests for variances related thereto, until the repeal of the moratorium takes effect pursuant to the provisions contained herein.

## III.

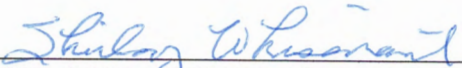
A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.


## IV.

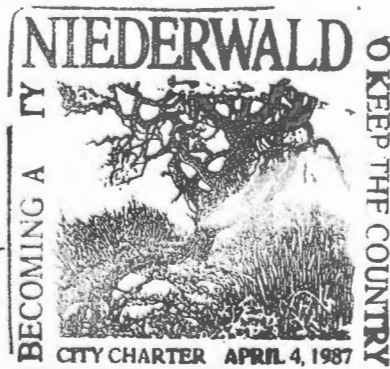
This Ordinance shall take effect shall take effect at the same time that Ordinance No. ~~012605-A~~ (adopting amendments to the City of Niederwald Subdivision Ordinance on January 26, 2005) becomes effective.

**READ, APPROVED and ADOPTED** on this the 26th day of January, 2005.

  
HON. SHIRLEY WHISENANT, MAYOR  
CITY OF NIEDERWALD, TEXAS

ATTEST:

  
ANGIE SCHULZE, CITY SECRETARY  
CITY OF NIEDERWALD, TEXAS



13851 Camino Real  
Niederwald, Texas 78640-4807

City of  
Niederwald

Tel. 512-398-6338  
FAX: 512-376-9966



STATE OF TEXAS}

COUNTY OF HAYS}

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true and correct copy of Ordinance No. 012605-C as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of the City of Niederwald, Hays County, Texas, and is kept in said office.

I further certify that I am the City Secretary of the City of Niederwald, Texas, that I have legal custody of said record, and that I am a lawful possessor and keeper and have legal custody of the records in said office.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 27<sup>th</sup> day of January, 2005.

Angie Schulze  
City Secretary  
City of Niederwald  
Hays County, Texas

