

Village of Volente

ORDINANCE NO. 2014-O-12

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING ORDINANCE NO. 2004-O-24 SO AS TO MAKE CHANGES TO THE PLANNING AND ZONING COMMISSION AND RULES GOVERNING THEIR PROCEDURES AND MEETINGS AND PROVIDING FOR THE FOLLOWING: ADDITIONS TO PURPOSE; MEMBERSHIP AND APPOINTMENT; APPOINTMENT OF CHAIR AND VICE-CHAIR; RULES OF PROCEDURE; DUTIES AND POWERS; CONFLICTING PROVISIONS; SEVERABILITY; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES

WHEREAS, the Village of Volente (“Volente”) is a governmental entity that was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

WHEREAS, the City Council of Volente (“Council”) has actively been studying and evaluating the impact of development; and considering regulations that seek to provide for the orderly and safe development of land and use of property within its Village limits (i.e. incorporated municipal boundary) and to avoid development that may constitute a public nuisance, impose an unreasonable burden on public infrastructure, or unreasonably disturb and devalue adjoining properties; and

WHEREAS, the Council seeks to preserve the health, safety and general welfare of the community by enacting comprehensive development, subdivision and zoning regulations that provide for orderly growth, insure that the impact of development has an acceptable impact on the distinctive character of the community and preserve the cultural and aesthetic character of the Village; and

WHEREAS, the Council seeks to promote a positive Village image reflecting order, harmony and pride, thereby strengthening the economic stability of the Village’s commercial, cultural, environmental, historical, residential and scenic areas; and

WHEREAS, the Council has found it to be in the best interest of the public safety, health and general welfare of the Village to regulate the use and development of land so to preserve the quality of life for Village residents, prohibit overcrowding, reduce strain on infrastructure, and prevent the loss of historical and ecological resources; and

WHEREAS, the Village Council is expressly authorized by the Texas Standard Zoning Enabling Act, Texas Local Government Code, Chapter 212, to adopt zoning regulations and appoint a Planning and Zoning Commission.

~~4~~ **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF**
~~4~~ **VOLENTE, TEXAS: THAT THE FOLLOWING RULES SHALL BE ADDED TO**
~~4~~ **REGULATE AND GOVERN THE PLANNING AND ZONING COMMISSION FOR THE**
~~4~~ **VILLAGE OF VOLENTE, TEXAS.**

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51 **SECTION 22.301. Purpose.**

52 *Additions to the Planning and Zoning Commission to accomplish the following purposes:*

53

54 (K). To consider and make recommendations to the Village Council for a variance from the Site
55 Development, Water Quality, and/or Subdivision requirements. A variance is defined as
56 permission to depart from the specific provisions in the Site Development, Water Quality and/or
57 Subdivision Ordinances by virtue of a unique hardship on a person's property. If a variance is
58 recommend by the Planning and Zoning Commission, it acts as a recommendation to the Village
59 Council to allow a variance from specific provisions in the Site Development, Water Quality,
60 and Subdivision Ordinances, and may provide for alternative regulatory provisions to alleviate
61 the unique hardship which would occur from compliance with the provisions of the applicable
62 ordinance. The recommendation for granting a variance does not amend the Site Development,
63 Water Quality and Subdivision ordinances, but it is a recommendation to the Village Council to
64 grant a specific property where there are special circumstances and/or hardships justifying
65 deviations from the standard provisions of the Site Development, Water Quality and Subdivision
66 Ordinances.

67

68 (L). To consider and make recommendations to the Village Council, upon a request for a special
69 exception from the Site Development, Water Quality and/or Subdivision requirements. A
70 special exception may only be recommended to the Village Council for those regulations
71 identified by the Village Council to be subject to special exceptions, and only upon a showing of
72 the parameters established by the Village Council for granting the special exception.

73

74 (M). To consider and make recommendations to the Village Council upon an appeal of the
75 determination or order of an administrative official on an issue that affects the Site Development,
76 Water Quality and/or Subdivision rights of a person. Upon the filing of an appeal, all
77 proceedings in the furtherance of the action being appealed are stayed. If facts show that the stay
78 would cause imminent peril to life or property, the action may be stayed only if a restraining
79 order is granted by a district court.

80

81 (N). To consider and make recommendations to the Village Council regarding non-conforming
82 uses, including establishing an amortization period for the termination of those uses. In
83 establishing amortization periods for a non-conforming use, the Commission may consider the
84 amount the owner has invested in the property, the amount of recoupment of the investment
85 during the amortization period, the availability and location of other sites, and the extent to
86 which the non-conforming use adversely affects the neighboring property.

87

88 (O) In furtherance of their recommendations to the Village Council on amendment and repeal of
89 various provisions in the Village Master or Comprehensive Plan the Planning and Zoning
90 Commission with approval of the Village Council will conduct Community Surveys of the
91 Village's residents. The Commission will make recommendations on the content of the

92 Community Survey to the Village Council and gain their approval prior to conducting a
93 Community Survey.

94
95 **SECTION 2. Renumbered to 22.302**

96
97 **SECTION 3. Appointment of Chair and Vice-Chair. Renumbered to 22.303. Changed as**
98 **follows: Change Title to Appointment of Chair**

99
100 The Village Council shall appoint the Chair.

101
102 **SECTION 4. Renumbered to 22.304**

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104 **SECTION 5. Renumbered to 22.305**

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106 **SECTION 6. Renumbered to 22.306**

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108 **SECTION 7. Renumbered to 22.307**

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110 **SECTION 8. Rules of Procedure. Renumbered to 22.308**

111 *Changes as follows: Section 8 (A) Officers*

112
113 (A) Organization and officers.

114
115 (1) Officers.

116
117 (a) From among its members the Commission shall elect the Vice Chair. The
118 Chair, or in his/her absence, the Vice Chairperson shall preside at all
119 meetings, and shall decide all points or order or procedure.

120 (b) Section 8 (A) (1) (a) now becomes Section 8 (A) (1) (b)

121 (c) Section 8 (A) (1) (b) now becomes Section 8 (A) (1) (c)

122
123 (B) Meetings
124 Addition of (3) (a)

125
126 (3) (a) Regular Meetings. The Commission shall conduct regular meetings once a
127 month on the second Tuesday of every month at 7:00 PM. The initial meeting
128 of the Commission shall be called by the Village Council.

129
130
131 **SECTION 9. Duties and Powers. Renumbered to Section 22.309**

132
133 The Planning and Zoning Commission is charged with the duty and invested with the authority

134 to: *Addition of (H)*

135
136 (H) Hear evidence and determine the matters set forth in Section 23.301 of this Ordinance.

137

138 **SECTION 10. Conflicting Provisions. Renumbered to 22.310**

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140 In the case of any conflict between the other provisions of this Ordinance and any existing
141 ordinance of the Village, the provisions of this Ordinance will control.

142
143 **SECTION 11. Severability. Renumbered to 22.311**

144 If any part of this ordinance, or the application of the same to any person, or set of circumstances
145 is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the
146 remaining portions of this ordinance shall not be affected thereby, this being the intent of the
147 City Council in adopting this ordinance and all provisions of this ordinance are declared
148 severable for that purpose.

149
150 **SECTION 12. Effective Date. Renumbered to 22.312**

151 This Ordinance shall become effective upon approval of the City Council.

152
153 **PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF**
154 **VOLENTE, TEXAS on this ___ day of August 2014.**

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158 _____
159 Frederick Graber, Mayor
160 Village of Volente

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164 Attest:

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167 _____
168 Joan Jackson, City Secretary

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172 Approved to Form:

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175 _____
176 Tom Buckle, City Attorney