ORDINANCE NO. 2008-O-94

AN ORDINANCE OF THE VILLAGE OF VOLENTE AMENDING THE VILLAGE'S SITE DEVELOPMENT REGULATIONS, ORDINANCE NO. 2004-O-36, SECTIONS 33.335 AND 33.340, TO REQUIRE RESIDENTIAL JOINT-USE DRIVEWAYS TO COMPLY WITH THE SAME STANDARDS CURRENTLY IMPOSED BY CITY OF AUSTIN; REQUIRING ROADWAY AND DRIVEWAY SLOPES STEEPER THAN 15 PERCENT TO BE APPROVED BY BOTH THE VILLAGE COUNCIL AND THE VOLENTE VOLUNTEER FIRE DEPARTMENT, OR ITS SUCCESSOR; TO REPEAL CERTAIN SLOPE MAP REQUIREMENTS; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS AND PUBLIC NOTICE REQUIREMENTS

WHEREAS, the Village of Volente finds that Section 33.335 ("Driveways in Public Right-of-Way"), Subsection (E) ("Residential Driveways") (6) ("Joint-use Drives") of the Village's Site Development Ordinance, which was passed and approved by the Village Council on October 26, 2004, should be amended to require residential joint-use driveways to comply with the same standards currently imposed by the City of Austin; and

WHEREAS, the Village of Volente finds that subsection (B) of Section 33.340 ("Slope Limits"), which was passed and approved by the Village Council on October 26, 2004, should be amended to require approval of roadway and driveway slopes steeper than fifteen percent by both the Village Council and the Volente Volunteer Fire Department, or its successor; and

WHEREAS, the Village of Volente finds that subsection (B) of Section 33.340 ("Slope Limits"), which was passed and approved by the Village Council on October 26, 2004, should be repealed to eliminate certain slope map requirements;

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

1. ENACTMENT PROVISIONS

A. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Volente and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

B. Purpose

This Ordinance is adopted so that the Village Council may protect the public health, safety, and general welfare through the imposition of minimum

development standards for the location, design, class and type of roadways and driveways within the Village.

C. Jurisdiction

This Ordinance shall apply within and throughout the incorporated municipal boundary (*i.e.,* Village limits) of the Village of Volente.

D. Effective Date

This Ordinance shall be in effect immediately upon passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code.

2. AMENDMENTS

A. Section 33.335(E)(6) of Ordinance No. 2004-O-36 is amended to read as follows:

6. Residential Driveways:

   a. Joint-use driveways are encouraged and may be approved provided a permanent access easement has been granted to each property owner to use portion of driveway on the adjacent lot.

   b. Joint-use driveways shall have a minimum driveway pavement width of twenty-four feet (24') with a maximum of thirty feet (30').

   c. Joint-use drives serving three (3) or more residences shall provide a turnaround for fire apparatus acceptable to the Village and the Volente Volunteer Fire Department, or its successor.

B. Section 33.340(B) of Ordinance No. 2004-O-36 is amended to read as follows:

B. No roadways or driveways shall be constructed on natural grades with slopes steeper than fifteen percent (15%) unless approved by both the Village Council and the Volente Volunteer Fire Department, or its successor.

C. **Section 33.340(E) of Ordinance No. 2004-O-36 is repealed and stricken in its entirety.**

3. SEVERABILITY

In the event that any provision of this Ordinance shall be found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed, and all remaining provisions shall remain in full force and effect as though such void or unenforceable provisions had never formed a part of this Ordinance.

4. OPEN MEETINGS AND NOTICE REQUIREMENTS

It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on the ___17th___ day of ___June___, 2008, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the Village Council of the Village of Volente, Texas.

VILLAGE OF VOLENTE

by: _____

JAN YENAWINE, MAYOR

ATTEST:

_____

JENNIFER ZUFELT, VILLAGE SECRETARY