VILLAGE OF VOLENTE

ORDINANCE NO. 2011-O-123

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS REPEALING THE STORMWATER DETENTION WAIVER ELIGIBILITY PROVISIONS IN SUBSECTION 33.344 B. 7. OF THE VILLAGE'S SITE DEVELOPMENT ORDINANCE (ORDINANCE NO. 2004-0-36); PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE, SEVERABILITY, AND COMPLIANCE WITH PUBLIC NOTICE AND OPEN MEETINGS REQUIREMENTS.

WHEREAS, the Council finds that the Stormwater Detention Waiver Eligibility provisions located in current Subsection 33.344 B. 7. of the Village's Site Development Ordinance (Ordinance No. 2004-0-36) may potentially be inconsistent with general principles of Texas law regarding the property rights of neighboring landowners and surface water drainage; and

WHEREAS, the Council finds that such waivers of the Village's Stormwater Detention requirements can negatively impact and harm properties downstream from property developments that obtain such waivers; and

WHEREAS, the Planning and Zoning Commission has recommended by unanimous vote that the Village Council repeal the Stormwater Detention waiver provisions in light of their potential inconsistency with certain general principles of Texas law and the detrimental impacts that such waivers may have on downstream properties;

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

Section 1. <u>Adoption of Findings of Fact</u>.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and made a part hereof for all purposes as findings of fact.

Section 2. <u>Repeal of Subsection 33.344 B. 7. of the Site Development Ordinance</u>

Subsection 33.344 B. 7. of the Village's Site Development Ordinance (Ordinance No. 2004-0-36) is hereby repealed in its entirety.

Section 3. <u>Effective Date</u>.

This Ordinance shall be effective immediately upon adoption.

Section 4. **Severability.**

If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

Section 5. **Public Notice and Open Meetings Requirements.**

It is hereby officially found and determined that the meeting at which this ordinance 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, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this, the 21st day of June, 2011, by a vote of the Volente Village Council of 5 in favor, to 0 opposed, and with 0 abstentions.

VILLAGE OF VILLAGE, TEXAS

Justine Blackmore-Hlista, Mayor

ATTEST:

Jenifer Zufelt, Village Secretary