

VILLAGE OF VOLENTE

ORDINANCE NO. 2014-O-08

1
2
3
4
5 AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING
6 THE VILLAGE'S ZONING ORDINANCE (ORDINANCE NO. 2004-O-32),
7 CODIFIED AS ARTICLE 30, SECTION 30.105 AND ORDINANCE
8 NUMBER 2007-O-78 OF THE VILLAGE'S ZONING REGULATIONS, SO
9 AS TO ADD THE DEFINITION OF PUMPING PLANT, PUMPING
10 STATION, AND PUBLIC WATER SYSTEM AND TO ADD PUMPING
11 STATION AS A PERMITTED USE IN INDUSTRIAL ZONING; AND
12 PROVIDING PURPOSE; REQUIREMENTS AND PROHIBITIONS; AND,
13 PROVIDING FOR LEGISLATIVE FINDINGS, SEVERABILITY,
14 EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING
15 REQUIREMENTS.
16

17
18 **WHEREAS,** the Village Council of the Village of Volente ("Village") finds that certain
19 provisions of its existing Zoning Ordinance are outdated with current federal and state
20 statutes and definitions concerning Pumping Plants, Pumping Stations, Public Water
21 Systems; and
22

23 **WHEREAS,** the Planning and Zoning Commission of the Village of Volente after notice and a
24 public hearing, has recommended to the Village Council the definitions and
25 regulations on the location of pumping plants, pumping stations
26

27 **WHEREAS,** the Village Council believes that the existing definition of "Pumping Plant", "Pumping
28 "Station, and "Public Water System" should be clarified to ensure that it is fairly
29 applied and enforced; and
30

31 **WHEREAS,** the Village Council seeks to provide for the orderly and harmonious development
32 of land and use of property within its corporate limits; and
33

34 **WHEREAS,** the Village Council seeks to protect the Village's economic strength and quality of
35 life through a comprehensive regulatory system imposing land use and
36 development regulations through zoning ordinance provisions, which will ensure
37 an ordered and quality development of property; and
38

39 **WHEREAS,** the Village Council finds that the unrestricted use and placement of Pumping Plants,
40 Pumping Stations on single-family residential improved lots, commercial lots, and
41 industrial lots can cause aesthetic harm, devalue adjacent properties, result in
42 undesirable overcrowding, and constitute a public nuisance; and
43

44 **WHEREAS,** the Village Council finds that reasonable restrictions on the number and placement
45 of Pumping Plants, and Pumping Stations that may be built and operated on single-
46 family residential improved lots, Commercial lots and Industrial Lots with

47 reasonable limits on the zoning categories for such facilities and to, protect and
48 enhance property values, create a pleasing environment for residents and the entire
49 community, preserve the quality of life for the Village's residents, and are in the
50 best interest of the public's general welfare;
51

52 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE**
53 **VILLAGE OF VOLENTE, TEXAS, THAT:**
54

55 **Section 1. Legislative Findings.**
56

57 The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative
58 Findings of the Village Council, and are hereby incorporated within this Ordinance.
59

60 **Section 2. Purpose.**
61

62 The provisions of this Ordinance are intended to protect the welfare, convenience and overall
63 enjoyment and quality of life of the citizens of Volente.
64

65 **Section 3. Amendments to Existing Definitions.**
66

67 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section
68 30.105 of the Village's Zoning Regulations are hereby amended so as to define in their entirety
69 the following definitional terms (*in bold italics*):
70

71 ***Pumping Plant*** means a privately owned pumping facility used to pump water from
72 a single well, lake or reservoir to more than two (2), but no more than fourteen (14),
73 residential households or service connections within the Village's city limits.
74

75 ***Pumping Station*** means a pumping facility, other than a Pumping Plant, use to pump
76 water from a single well, lake, or reservoir to more than fourteen (14) service
77 connections or used for a Public Water System, as that term is defined in Section
78 290.38(66) of Chapter 290, Subchapter D of the Texas Administrative Code.
79

80 ***Public Water System*** means a system for the provision to the public of water for
81 human consumption through pipes or other constructed conveyances, which includes
82 all uses described under the definition for drinking water. Such a system must have
83 at least fifteen (15) service connections or serve at least twenty five (25) individuals
84 at least sixty (60) days out of the year. This term includes: any collection, treatment,
85 storage, and distribution facilities under the control of the operator of such system
86 and used primarily in connection with such system, and any collection or
87 pretreatment storage facilities not under such control which are used primarily in
88 connection with such system. Two (2) or more systems with each having a potential
89 to serve less than fifteen (15) connections or less than twenty five (25) individuals
90 but owned by the same person, firm or corporation and located on adjacent land will
91 be considered a public water system when the total potential service connections in
92 the combined systems are fifteen (15) or greater or if the total number of individuals

93 served by the combined systems total twenty five (25) or greater at least sixty (60)
94 days out of the year. Without excluding other meanings of the terms "individual" or
95 "served," an individual shall be deemed to be served by a water system if he lives in,
96 uses as his place of employment, or works in a place to which drinking water is
97 supplied from the system. As defined by Section 290.38(66) of TAC Chapter 290,
98 Subchapter D (the Regulations of the Texas Commission on Environmental Quality).
99

100 **Section 4. Amendment Placing Pumping Stations in the Proper Zoning Category**

101
102 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section
103 30.123 (a) Permitted Uses of the Village's Zoning Regulations are hereby amended so as to add
104 the following:

105
106 23. Pumping Stations

107
108 **Section 5. Severability.**

109
110 If any provision of this Ordinance or the application of any provision to any person or circumstance
111 is held invalid, the invalidity shall not affect other provisions or applications of the ordinance
112 which can be given effect without the invalid provision or application, and to this end the
113 provisions of this Ordinance are declared to be severable.

114
115 **Section 6. Effective Date.**

116
117 This Ordinance shall take effect immediately from and after its passage, in conformance with law.
118

119 **Section 7. Compliance with Public Notice and Meeting Requirements.**

120
121 It is hereby officially found and determined that the meeting at which this Ordinance is passed was
122 open to the public as required and that public notice of the time, place, and purpose of said meeting
123 was given as required by the Open Meetings Act.

124
125 **PASSED AND APPROVED** this, the 19th day of August, 2014, by a vote of the Volente
126 Village Council of 4 in favor, to 0 opposed, and with 0 abstentions.

127
128 **VILLAGE OF VOLENTE**

129
130
131
132
133
134
135
136
137
138
139
140

Frederick Graber, Mayor

136 **ATTEST:**

137
138
139
140

Joan Jackson, Village Secretary