

ORDINANCE NO. 2005-O-56

AN ORDINANCE AMENDING ORDINANCE NO. 2004-O-32 SEC. 30.109 TO PROVIDE SET BACKS FOR EXISTING LOTS OVER ONE ACRE IN SIZE BUT LESS THAN 125 FEET IN WIDTH; PROVIDING SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES

WHEREAS, the Village of Volente finds that several existing lots do not qualify for IR zoning as set forth in Article 30 Zoning regulations due to being larger than one acre but those lots do not conform to R-1 Zoning rules because they are narrower than 125' or otherwise irregularly shaped; and

WHEREAS, the Village of Volente finds that application of the R-1 side set-back rule to an existing lot such as the lots described above would severely restrict development options;

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

1. The Village of Volente Ordinance No. 2004-O-32, Article 30.100 Zoning Regulations, Section 30.109 General Requirements and Limitations, (i) Height and Placement Requirements is amended to read as follows:

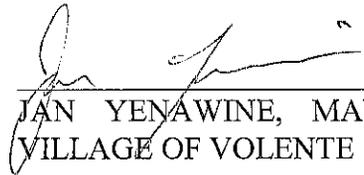
(A) Except as otherwise specifically provided in this article, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in the following Chart 1. However where there is an existing platted lot that conforms to the restrictions of R-1 zoning, does not conform to IR Infill Redevelopment Overlay, but has less than a 125' lot width measured from the front building line, the Minimum Side Yard Setback for other than a corner lot shall be no less than seven and one half feet (7.5') or fifteen percent (15%) of the lot measured at the front building line or the actual building line, whichever is greater, but need not exceed twenty-five feet (25').

2. 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.

3. EFFECTIVE DATE: This Ordinance shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code*.

4. OPEN MEETINGS: 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 18th day of October, 2005.


JAN YENAWINE, MAYOR OF THE
VILLAGE OF VOLENTE

ATTEST:


JENNIFER ZUFELT, CITY SECRETARY

Motion to Amend Village Zoning Ordinance Division 2. Zoning Districts and Regulations, Sec. 30.109 General Requirements and Limitations, (i) Height and Placement Requirements to read:

Except as otherwise specifically provided in this article, no building shall be erected or maintained within the required building setbacks set forth herein, or which exceeds the height limits specified in the following Chart 1. *However where there is an existing platted lot that conforms to the restrictions of R-1 zoning, does not conform to IR Infill Redevelopment Overlay, but has less than a 125' lot width measured from the front building line, the **Minimum Side Yard Setback for other than a corner lot shall be not less than seven and one half feet (7.5') or fifteen percent (15%) of the lot width measured at the front building line or the actual building line, whichever is greater, but need not exceed twenty-five feet (25')**.*

For Example:

Zoning	Width	15%	Current	New Side Setback Per This Amendment
R1R	200	30	25	No change
R1	125	18.75	25	No change
R1 (Existing)	100	15.0	25	15.0
R1 (Existing)	90	13.5	25	13.5
R1 (Existing)	80	12.0	25	12.0
R1C	90	13.5	15	No change
R2	90	13.5	15	No change
IR	60	9	7.5	No change

The purpose of this amendment is to address the number of existing lots that do not qualify for IR zoning because they are larger than one acre, but do not conform with the definition of R1, because they are narrower than 125' or irregularly shaped. Application of the R1 side set back to an existing narrow lot adversely restricts development options. For example; an eighty foot wide lot with the current 25' side set back requirement would only allow for a 28' wide house (a bit wider than a standard 24' wide two car garage) - with one foot roof over hangs. The language also addresses pie shaped lots where the house is built in a place wider than the minimum building set back line. Adoption of this amendment should also alleviate the most common Board of Adjustment appeal and provide the BOA guidance for future variance requests. (Note: This is modeled after a similar Village of Bee Caves existing ordinance, but they used 10%).

***Amended to zoning ordinance October 18, 2005.**