ORDINANCE NO. 2010-O-116

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING VILLAGE ZONING REGULATIONS BY ADDING DEFINITION OF "CONDITIONAL OVERLAY DISTRICT"; MODIFYING LIST OF ZONING DISTRICTS; REPEALING OVERLAY PROVISIONS OF SECTION 30.124; ADDING NEW SECTION 30.124; ESTABLISHING AN INFILL REDEVELOPMENT DISTRICT; ADDING NEW SECTION 30.124(B) GOVERNING CREATION OF CONDITIONAL OVERLAY DISTRICTS; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES

WHEREAS, the Village of Volente desires to amend its zoning regulations to promote the public health, safety, morals and general welfare of the citizens of the Village of Volente; and

WHEREAS, the Village of Volente desires to establish procedures for the creation of Conditional Overlay Districts to impose additional use restrictions, site development requirements, or other restrictions or requirements to supplement those imposed by already established underlying zoning districts in order to address specific circumstances presented by a particular geographic area or site; and

WHEREAS, Conditional Overlay Districts will, among other things, help ease transitioning from one zoning district to another; promote compatibility between competing, incompatible, or potentially incompatible uses; protect natural resources; and guide development and address land-use concerns in unique circumstances; and

WHEREAS, the Village of Volente has determined that an Infill Redevelopment ("IR") Zoning District should be created to apply restrictions specific to residential platted lots that were less than 43,560 square feet in area at the time the Village of Volente was incorporated;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS THAT THE FOLLOWING AMENDMENTS TO THE VILLAGE'S ZONING REGULATIONS ARE HEREBY ENACTED:

1. <u>Section 30.105 ("Definitions") is amended to add the following term and definition</u>:

Conditional Overlay District means a special zoning district that is placed over a traditional zoning district so as to impose further use restrictions, site development requirements, or other restrictions or requirements in addition to those imposed by the established underlying zoning district in order to address specific circumstances presented by a particular geographic area or site. Lands affected by a Conditional

Overlay District are subject to the regulations of the underlying zoning district, as well as the additional regulations of the Conditional Overlay District. The specific conditional overlay district will be the underlying zoning district followed by "Conditional Overlay District."

2. <u>Subsection (a) of Section 30.110 ("Establishment of Zoning Districts") is amended to read in its entirety</u>:

(a) The Village is hereby divided into twelve (13) zoning districts. The use, height and area regulations as set out herein shall be uniform in each district, except to the extent modified by Conditional Overlay Districts, where applicable. The twelve (13) zoning districts established shall be known as:

Abbreviated Designation	Zoning District Name
C-1	Light Commercial
C-2	Medium Commercial
C-3	Heavy Commercial
GOV	Government/Public Institutional
I-1	Light Industrial
I-2	Heavy Industrial
OS	Open Space
R-1	Single Family Residential
R-1R	Single Family Residential Ridgetop
R-1 C	Single Family Cluster
R-2	Multi Family
IR	Infill Redevelopment
PDD	Planned Development District

3. <u>Section 30.124 ("Overlays") is repealed in its entirety</u>.

4. <u>New Section 30.124 is added, which shall read as follows in its entirety</u>:

Sec. 30.124 Infill Redevelopment – District "IR":

This district applies to a platted lot that was less than 43,560 square feet in area when the Village of Volente was incorporated and would otherwise be subject to the permitted uses, conditions, and restrictions and limitations for Single Family Residential 1 (District "R-1") set forth in Section 30.112. Lots zoned IR are subject to the restrictions set forth in Chart 3, as well as the additional IR restrictions in Chart 1.

5. **<u>New Section 30.124(B) is added, which shall read as follows in its entirety</u>:**

Sec. 30.124(B) Conditional Overlay Districts:

(a) The Village Council may establish Conditional Overlay Districts that impose additional use restrictions, site development requirements, or other restrictions or requirements in addition to those imposed by the established underlying zoning district in order to address specific circumstances presented by a particular geographic area or site. Land within a Conditional Overlay District is subject to the regulations of the underlying zoning district, as well as the additional regulations of the Conditional Overlay District as specified in the ordinance establishing the Conditional Overlay District.

(b) The purposes for which a Conditional Overlay District may be established over a base zoning district include, but are not limited to:

(1) easing transition from one zoning district to another;
(2) promoting compatibility between competing, incompatible, or potentially incompatible uses;
(3) protecting natural resources or addressing other environmental or conservational concerns; and
(4) guiding development and addressing land-use concerns in unique circumstances

(c) A Conditional Overlay District may be established by the Village Council only upon written application by a real property owner, the owner's authorized representative, or upon recommendation by the Planning and Zoning Commission or upon the Village Council's own motion, after public hearings are held as required by law to amend, supplement, or change this article or the boundaries of the zoning districts specified on the zoning district map pursuant to Section 30.134 ("Changes and Amendments to Zoning Ordinances and Districts, and Administrative Procedures") and Section 30.136 ("Administrative Procedures for Changes and Amendments to Zoning Regulations and Districts"). In the event a Conditional Overlay District is proposed upon recommendation by the Planning and Zoning Commission or upon the Village Council's own motion, the Conditional Overlay District may be created only if real property owner agrees to the additional use restrictions, site development requirements, or other restrictions or requirements to be imposed by the Conditional Overlay District.

(d) Prior to formal application for approval of a Conditional Overlay District, a real property owner or the owner's authorized representative shall request and attend a pre-application conference as prescribed in the Village's Site Development Ordinance. A written application by a real property owner or the owner's authorized representative for creation of a Conditional Overlay District, which may be accompanied by a request for change in base zoning district, shall be submitted and considered in conformance with the procedures and terms for changes and

amendments to zoning ordinances and districts established by Sections 30.134 and 30.136 and shall include a proposed Site Plan as prescribed in the Village's Site Development Ordinance along with all proposed use restrictions, site development requirements, and any other proposed restrictions and requirements for the requested Conditional Overlay District. Submittal of a Concept Plan as prescribed in the Village's Site Development Ordinance is recommended prior to formal application for creation of a Conditional Overlay District.

6. **Severability:** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

7. **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.*

8. **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 20th day of April, 2010, by a vote of _5__ (ayes) to _0__ (nays) to __0_ (abstentions) of the Village Council of the Village of Volente, Texas.

JAN YENAWINE, MAYOR OF THE VILLAGE OF VOLENTE

ATTEST:

JENNIFER ZUFELT, CITY SECRETARY