

VILLAGE OF VOLENTE

ORIGINAL

ORDINANCE NO. 2007-O-81

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING THE SUBDIVISION REGULATIONS PROMULGATED AT ARTICLE 31.100 OF THE VOLENTE CODE OF ORDINANCES; REQUIRING THE POSTING OF FISCAL PRIOR TO BEGINNING OF SITE DEVELOPMENT OR PROPOSED IMPROVEMENTS; AND PROVIDING FOR EFFECTIVE DATE; SEVERABILITY; AND PUBLIC NOTICE AND MEETING.

WHEREAS, the Village of Volente adopted the subdivision regulations in October of 2004; and,

WHEREAS, the Village Council desires to require the posting of fiscal to ensure proper completion of all subdivision developments and improvements; and,

WHEREAS, the original subdivision regulations had to be adopted before the end of a moratorium the Village Council had imposed on development within its corporate boundaries after the Village was incorporated; and,

WHEREAS, the Village Council, upon recommendation of its Planning and Zoning Commission and attorneys, has concluded that the subdivision regulations need to be amended to require the postings of such fiscal prior to the beginning of development work;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF VOLENTE, TEXAS, THAT THE SUBDIVISION REGULATIONS IN ARTICLE 31.116 OF THE VILLAGE OF VOLENTE CODE OF ORDINANCES ARE AMENDED AS FOLLOWS:

Section 1. Legislative Findings

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

Section 2. Amendment of Section 31.116(f)

Section 31.116(f) is hereby amended to read as follows:

Section 31.116 (f) No site development work shall begin on the proposed improvements in the proposed subdivision prior to approval of the preliminary plat and site plan by the council, nor prior to issuance of all appropriate site development permits by the Village and the posting of appropriate fiscal security to provide for the timely completion of the development work. The applicant shall provide copies of letters from applicable local utility companies stating that each utility company has reviewed the preliminary plat and stating any requirements, including easements, they may have. This requirement may be deferred until the final plat is submitted if such deferral request is submitted to the Village in writing and approved by the Village prior to the commission meeting at which the preliminary plat will be considered. No excavation, grading, tree removal or site clearing activities shall occur prior to approval of the preliminary plat and the engineering plans.

Section 3. 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 Ordinance are declared to be severable.

Section 4. Effective Date

This Ordinance shall take effect upon adoption or if required by state law, after any required posting and publication of this Ordinance.

Section 5. Public Notice and Meeting

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.

PASSED AND APPROVED on this the 2nd day of August 2007, by a vote of five yeas, no nays, and no abstentions of the Volente Village Council.



Jan Y enawine, Mayor


Jennifer Zufelt, City Secretary