

ORDINANCE NO. 2009-O-106

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE WATER QUALITY (NPS POLLUTION CONTROL) ORDINANCE (ORDINANCE NO. 2004-O-33) BY ADDING LANGUAGE AT SECTION 32.109(C) EXCLUDING PORTIONS OF PROPERTY LOCATED BELOW THE NORMAL POOL LEVEL OF LAKE TRAVIS (681 FEET ABOVE MEAN SEA LEVEL) FROM THE GROSS SITE AREA FOR PURPOSES OF IMPERVIOUS COVER LIMITS, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND PUBLIC NOTICE AND OPEN MEETINGS REQUIREMENTS.

WHEREAS, the Village of Volente has adopted water quality regulations under Ordinance No. 2004-O-33, the Water Quality (NPS Pollution Control) Ordinance, pursuant to the provisions of the Texas Local Government Code, the Texas Water Code and the Texas Health & Safety Code to promote the public health, safety, and general welfare of the citizens of the Village of Volente; and

WHEREAS, the existing impervious cover restrictions of the Water Quality (NPS Pollution Control) Ordinance do not address portions of property that lie below the normal pool level of Lake Travis (681 feet above Mean Sea Level); and

WHEREAS, the Village Council has concluded that portions of property that lie below the normal pool level of Lake Travis (681 feet above Mean Sea Level) should be excluded from the gross site area for purposes of calculating and applying the Ordinance's impervious cover limits;

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

Section 1. Amendment. Section 32.109(c) of Ordinance No. 2004-O-33 is hereby amended to read in its entirety:

(c) Impervious Cover:

(1) Impervious cover limits in this section are expressed as percentage of the gross site area. Portions of a property that lie below the normal pool level of Lake Travis (681 feet above Mean Sea Level) shall be excluded from the gross site area.

(2) Impervious cover shall not exceed the following:

(A) Single-family residential use: 20%

(B) Multi-family residential use and non-residential use: 35%

Section 2. Severability: If any provision of this Ordinance or the application of any provision of this Ordinance to any person or circumstance is held unlawful or invalid, then the unlawfulness or invalidity shall not affect other provisions or applications of this Ordinance or the Ordinance it is amending, which can be given effect without the unlawful or invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 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*.

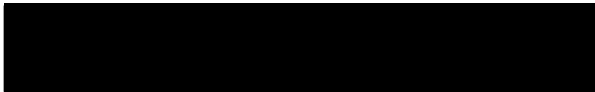
Section 4. Open Meetings: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

PASSED AND APPROVED on the 15th day of September, 2009, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the Village Council of the Village of Volente, Texas.



JAN YENA WINE, MAYOR OF THE
VILLAGE OF VOLENTE

ATTEST:



JENNIFER ZUFELT, CITY SECRETARY