VILLAGE OF VOLENTE

ORDINANCE NO. 2011-O-126

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE VILLAGE'S SITE DEVELOPMENT ORDINANCE TO PROVIDE FOR EXCEPTIONS TO THE REQUIREMENT OF A SITE PLAN CERTIFIED BY A PROFESSIONAL ENGINEER, ARCHITECT, OR SURVEYOR IN CONNECTION WITH SITE DEVELOPMENT PERMIT APPLICATIONS FOR CERTAIN NEW CONSTRUCTION ON SINGLE-FAMILY RESIDENTIAL LOTS WITH SLOPES LESS THAN OR EQUAL TO TEN PERCENT (10%) AND SLOPES OF LESS THAN FIFTEEN PERCENT (15%); PROVIDE FOR THE ABRIDGEMENT AND STREAMLINING OF OTHER SITE PLAN PERMIT APPLICATION REQUIREMENTS FOR CERTAIN NEW CONSTRUCTION ON SINGLE-FAMILY RESIDENTIAL LOTS WITH SLOPES LESS THAN OR EQUAL TO TEN PERCENT (10%) AND SLOPES OF LESS THAN FIFTEEN PERCENT (15%); AMEND THE SITE DEVELOPMENT ORDINANCE TO UPDATE AND CORRECT CERTAIN REFERENCES TO OTHER VILLAGE ORDINANCE PROVISIONS; AND PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE, SEVERABILITY, AND COMPLIANCE WITH PUBLIC NOTICE AND OPEN MEETINGS REQUIREMENTS.

WHEREAS, the Village of Volente's Site Development Ordinance currently requires that, as condition precedent to issuance of a Site Development Permit, a Site Development Permit application for all proposed new construction include a Site Plan certified by a professional engineer, architect, or surveyor; and

WHEREAS, a primary purpose of the requirement for professional certified Site Plans is to ensure that drainage issues are properly addressed on lots within the Village boundaries; and

WHEREAS, the Village Council finds that a professional certified Site Plan, which can sometimes cost several thousands of dollars, is not necessary on relatively flat lots on which certain single family residential construction projects are proposed, as drainage issues can be adequately addressed without the need for professional certified Site Plans; and

WHEREAS, currently there are no provisions within the Site Development Ordinance providing for any exceptions to the a professional certified Site Plan requirement; and

WHEREAS, the Village Council, at the Village's Planning and Zoning Commission's recommendation, finds that it would be in the Village's and property owners' best interests to provide for reasonable exceptions to the professional certified Site Plan requirement for certain new construction on single-family residential lots with slopes less than or equal to ten percent (10%) and single-family residential lots with slopes of less than fifteen percent (15%); and

WHEREAS, the Village Council, at the Village's Planning and Zoning Commission's recommendation, finds that it would be in the Village's and property owners' best interests also to abridge and streamline certain other related site plan submission requirements for certain new construction on single-family residential lots with slopes less than or equal to ten percent (10%) and single-family residential lots with slopes of less than fifteen percent (15%); and

WHEREAS, the Village Council, at the Village's Planning and Zoning Commission's recommendation, finds that the terms of the exceptions to the professional certified Site Plan requirement and the abridgement and streamlining of certain other related site plan submission requirements for certain new construction on single-family residential lots with the specified minimal slopes will adequately protect property owners from undesirable drainage issues and other health and safety risks; and

WHEREAS, the Village Council also finds that certain parenthetical references to ordinance provisions in Section 33.318 of the Village's Site Development Ordinances should be corrected or removed;

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

Section 1. **Adoption of Findings of Fact.**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and made a part hereof for all purposes as findings of fact.

Section 2. **Amendment to Subsection 33.318 E. of the Site Development Ordinance.**

The last sentence of the first paragraph of Subsection E. of Section 33.318 of the Village's Site Development Ordinance is amended to read as flows in its entirety:

"With the exception of applications submitted pursuant to Subsection F.3. below, the following information shall be included in the application for an application to be considered complete:"

Section 3. **Amendments to Subsections 33.318 F.1. and F.2. of the Site Development Ordinance.**

The first sentences of Subsections F.1. and F.2. of Section 33.318 of the Village's Site Development Ordinance are amended to read as follows in their entirety:

1. "Applicant shall submit the required number of sets of all required Permit Application documents, which may include the complete engineering and construction plans for driveway approach, storm water management systems, water and sanitary sewer facilities, screening and retaining walls,

landscaping and irrigation, and any other improvements and site development construction."

2. "With the exception of applications submitted pursuant to Subsection F.3. below, for the purposes of this article, complete sets of engineering and site development permit plans shall include the following information as well as any additional plans or sheets deemed necessary and requested by the Village:

. . ."

Section 4. **Amendment to Subsection 33.318 F.2.e. of the Site Development Ordinance.**

The parenthetical reference at the end of Subsection F.2.e. of Section 33.318 of the Village's Site Development Ordinance, which reads "(See also 33.344 (b) (7))" is stricken so that Subsection F.2.e., as amended, shall read as follows in its entirety:

e. "Drainage Study: Include all calculations, measurements and studies necessary to show that the proposed storm water management program, when implemented and or constructed as designed, shall not cause increased inundation of adjacent property or roadway surface from runoff peak flow rates calculated for the two (2), ten (10), twenty-five (25) and one-hundred (100) year frequency storms."

Section 5. **Amendment to Subsection 33.318 F.2.j. of the Site Development Ordinance.**

The parenthetical reference at the end of Subsection F.2.j. of Section 33.318 of the Village's Site Development Ordinance, which reads "(See also 33.336)", is amended to cite to the correct section, 33.338, so that Subsection F.2.j., as amended, shall read as follows in its entirety:

j. "Landscape Plan: Required for all projects, excluding single family residential of one (1) acre or less. (See also 33.338)."

Section 6. **Addition of Subsections F.3 and F.4 to Section 33.318 of the Site Development Ordinance.**

Section 33.318 of the Village's Site Development Ordinance is amended to add new Subsections F.3. and F.4, which shall read as follows, in their entirety:

"3. **Single Family Residential Project Site Development Permit Application Requirements for Construction of Certain New Homes and Accessory Structures on Slopes of Ten Percent (10%) or Less**. A property owner who desires to construct a new home on a single-

family residential lot or an accessory structure to a home on a single-family residential lot may apply for and obtain a Residential Project Site Development Permit under this Subsection F.3. if the property owner is able to show that the land over which the improvements will be constructed, and any other land that will be permanently altered by the improvements (collectively, "the Construction Disturbance Area") has a slope of less than or equal to ten percent (10%). Upon submission of the application, the Village engineer, or the engineer's designee, will verify the slope of the Construction Disturbance Area utilizing the property owner's Site Plan and a map prepared by the Village engineer showing the 2 foot contour lines of land within the Village, with shading indicating areas within the Village where the slope is more than ten percent (10%). Subject to this verification and fulfillment of the other requirements of this subsection, a property owner may obtain a Residential Project Site Development Permit. To obtain a Residential Project Site Development Permit under this Subsection F.3., the property owner must, in addition to the foregoing provisions, comply with the following requirements:

a. Three (3) copies of the following documents must be submitted, along with the applicable application fee:

   i. **Inspection Authorization**: Written authorization from the property owner authorizing the Village to visit and inspect the property for which the application is being submitted.

   ii. **Tax and Assessment Verification**. Verification that all taxes and assessments on the property have been paid.

   iii. **Property Boundary Survey**: An accurate Property Boundary Survey must be provided showing all property lines, setbacks, and easements. Setbacks and easements on the survey may be drawn in by the applicant.

   iv. **Site Plan**: An accurate Site Plan drawn to scale and/or dimensioned on the Property Boundary Survey. The Site Plan shall show the dimensions and locations of all existing and proposed buildings, patios, walkways, driveways, pools, trees (within the Construction Disturbance Area) and other site improvements. The Site Plan may be prepared by the applicant and does not have to be prepared or certified by an engineer, architect, or surveyor. The Village may require the applicant to show the 722 foot elevation contour line (the extent of the Lake Travis floodplain) on the Site Plan or supplemental drawing to demonstrate that the

proposed improvements will be located outside of the floodplain.

v. **Impervious Coverage Calculation**: A calculation of the percentage of total impervious ground coverage (existing plus proposed) that will result from the improvements, which impervious coverage shall be less than twenty percent (20%) of the total lot area.

vi. **Erosion and Sedimentation Control Plan**: An Erosion and Sedimentation Control Plan indicating the type of all proposed temporary erosion control methods for the project. This plan may be in the form of the model residential Erosion and Sedimentation Control Plan to be promulgated by the Village.

vii. **Tree Protection Control Plan**: A Tree Protection Control Plan for all trees six inches (6") in caliper size and larger within the construction area or that are to be removed. This plan may be in the form of the model Tree Protection Control Plan to be promulgated by the Village.

viii. **Water Quality Control Plan**: A Water Quality Control Plan in compliance with the Village's non-point source pollution control ordinance. This plan may be in the form of the model residential Water Quality Control Plan to be promulgated by the Village.

ix. **Landscape Plan**: A Landscape Plan is required for all projects, excluding single-family residential projects of one (1) acre or less. (*See also* 33.338).

x. **Construction Notes**: As requested.

xi. **Special Notes**: As requested.

b. The property owner must ensure the project's compliance with all other applicable provisions the Site Development Ordinance and other Village ordinances, to the extent they are not expressly modified by this Subsection F.3.

c. The property owner or the property owner's agent must not request or obtain any variances to the Villages Site Development

Ordinance or Zoning Ordinance with respect to the lot on which the construction is to occur.

d. The project shall not include cut and fill of greater than four (4) feet.

e. In R-1R, R-1C and IR Zoning Districts, a proposed structure or building may be placed no closer than fifteen (15) feet from the side lot property line, provided that no fill is placed between the structure or building and the side property line. A structure or building that is placed twenty (20) feet or more from the side property line may have fill placed against the foundation of the structure or building. Subject to the foregoing provisions, the project must comply with all other setback and boundary requirements of the Village's Site Development Ordinance.

f. The provisions of this this Subsection F.3 and Subsection F.4 below do not apply to proposed additions to existing structures.

4. **Single Family Residential Project Site Development Permit Application Requirements for Construction of Certain New Homes and Accessory Structures on Slopes of More than Ten Percent (10%) and Less than Fifteen Percent (15%)**. A property owner who desires to construct a new home on a single-family residential lot or an accessory structure to a home on a single-family residential lot may apply for and obtain a Residential Project Site Development Permit under this Subsection F.4. if the property owner:

a. Submits all of the documentation and complies with all the other requirements and restrictions of subparts a. through f. of Subsection F.3 above;

b. Submits a topographical survey of the lot prepared by a licensed surveyor, with one (1) foot increments, showing that that the Construction Disturbance Area has a slope of less than fifteen percent (15%); and

c. The Village engineer determines that the slope of the Construction Disturbance Area is less than fifteen percent (15%) as represented by the applicant."

Section 7. Effective Date.

This Ordinance shall be effective immediately upon adoption.

Section 8. **Severability.**

If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

Section 9. **Public Notice and Open Meetings Requirements.**

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, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this, the 17th day of October, 2011, by a vote of the Volente Village Council of 5 in favor, to 0 opposed, and with 0 abstentions.

VILLAGE OF VILLAGE, TEXAS

Justine Blackmore-Hlista, Mayor

ATTEST:

Joan Jackson, Village Secretary