Village of Volente

ORDINANCE NO. 2014-O-12

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING ORDINANCE NO. 2004-O-24 SO AS TO MAKE CHANGES TO THE PLANNING AND ZONING COMMISSION AND RULES GOVERNING THEIR PROCEDURES AND MEETINGS AND PROVIDING FOR THE FOLLOWING: ADDITIONs TO PURPOSE; MEMBERSHIP AND APPOINTMENT; APPOINTMENT OF CHAIR AND VICE-CHAIR; RULES OF PROCEDURE; DUTIES AND POWERS; CONFLICTING PROVISIONS; SEVERABILITY; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES

WHEREAS, the Village of Volente ("Volente") is a governmental entity that was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

WHEREAS, the City Council of Volente ("Council") has actively been studying and evaluating the impact of development; and considering regulations that seek to provide for the orderly and safe development of land and use of property within its Village limits (i.e. incorporated municipal boundary) and to avoid development that may constitute a public nuisance, impose an unreasonable burden on public infrastructure, or unreasonably disturb and devalue adjoining properties; and

WHEREAS, the Council seeks to preserve the health, safety and general welfare of the community by enacting comprehensive development, subdivision and zoning regulations that provide for orderly growth, insure that the impact of development has an acceptable impact on the distinctive character of the community and preserve the cultural and aesthetic character of the Village; and

WHEREAS, the Council seeks to promote a positive Village image reflecting order, harmony and pride, thereby strengthening the economic stability of the Village's commercial, cultural, environmental, historical, residential and scenic areas; and

WHEREAS, the Council has found it to be in the best interest of the public safety, health and general welfare of the Village to regulate the use and development of land so to preserve the quality of life for Village residents, prohibit overcrowding, reduce strain on infrastructure, and prevent the loss of historical and ecological resources; and

WHEREAS, the Village Council is expressly authorized by the Texas Standard Zoning Enabling Act, Texas Local Government Code, Chapter 212, to adopt zoning regulations and appoint a Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS: THAT THE FOLLOWING RULES SHALL BE ADDED TO REGULATE AND GOVERN THE PLANNING AND ZONING COMMISSION FOR THE VILLAGE OF VOLENTE, TEXAS.

SECTION 22.301. Purpose.

Additions to the Planning and Zoning Commission to accomplish the following purposes:

(K). To consider and make recommendations to the Village Council for a variance from the Site Development, Water Quality, and/or Subdivision requirements. A variance is defined as permission to depart from the specific provisions in the Site Development, Water Quality and/or Subdivision Ordinances by virtue of a unique hardship on a person's property. If a variance is recommend by the Planning and Zoning Commission, it acts as a recommendation to the Village Council to allow a variance from specific provisions in the Site Development, Water Quality, and Subdivision Ordinances, and may provide for alternative regulatory provisions to alleviate the unique hardship which would occur from compliance with the provisions of the applicable ordinance. The recommendation for granting a variance does not amend the Site Development, Water Quality and Subdivision ordinances, but it is a recommendation to the Village Council to grant a specific property where there are special circumstances and/or hardships justifying deviations from the standard provisions of the Site Development, Water Quality and Subdivision Ordinances.

(L). To consider and make recommendations to the Village Council, upon a request for a special exception from the Site Development, Water Quality and/or Subdivision requirements. A special exception may only be recommended to the Village Council for those regulations identified by the Village Council to be subject to special exceptions, and only upon a showing of the parameters established by the Village Council for granting the special exception.

(M). To consider and make recommendations to the Village Council upon an appeal of the determination or order of an administrative official on an issue that affects the Site Development, Water Quality and/or Subdivision rights of a person. Upon the filing of an appeal, all proceedings in the furtherance of the action being appealed are stayed. If facts show that the stay would cause imminent peril to life or property, the action may be stayed only if a restraining order is granted by a district court.

(N). To consider and make recommendations to the Village Council regarding non-conforming uses, including establishing an amortization period for the termination of those uses. In establishing amortization periods for a non-conforming use, the Commission may consider the amount the owner has invested in the property, the amount of recoupment of the investment during the amortization period, the availability and location of other sites, and the extent to which the non-conforming use adversely affects the neighboring property.

(O) In furtherance of their recommendations to the Village Council on amendment and repeal of various provisions in the Village Master or Comprehensive Plan the Planning and Zoning Commission with approval of the Village Council will conduct Community Surveys of the Village's residents. The Commission will make recommendations on the content of the

Community Survey to the Village Council and gain their approval prior to conducting a Community Survey.

SECTION 2. Renumbered to 22.302

SECTION 3. Appointment of Chair and Vice-Chair. Renumbered to 22.303. Changed as follows: Change Title to Appointment of Chair

The Village Council shall appoint the Chair.

SECTION 4. Renumbered to 22.304

SECTION 5. Renumbered to 22.305

SECTION 6. Renumbered to 22.306

SECTION 7. Renumbered to 22.307

SECTION 8. Rules of Procedure. Renumbered to 22.308
Changes as follows: Section 8 (A) Officers

(A) Organization and officers.

(1) Officers.

(a) From among its members the Commission shall elect the Vice Chair. The Chair, or in his/her absence, the Vice Chairperson shall preside at all meetings, and shall decide all points or order or procedure.
(b) Section 8 (A) (1) (a) now becomes Section 8 (A) (1) (b)
(c) Section 8 (A) (1) (b) now becomes Section 8 (A) (1) (c)

(B) Meetings
Addition of (3) (a)

(3) (a) Regular Meetings. The Commission shall conduct regular meetings once a month on the second Tuesday of every month at 7:00 PM. The initial meeting of the Commission shall be called by the Village Council.

SECTION 9. Duties and Powers. Renumbered to Section 22.309

The Planning and Zoning Commission is charged with the duty and invested with the authority to: ***Addition of (H)***

(H) Hear evidence and determine the matters set forth in Section 23.301 of this Ordinance.

SECTION 10. Conflicting Provisions. Renumbered to 22.310

In the case of any conflict between the other provisions of this Ordinance and any existing ordinance of the Village, the provisions of this Ordinance will control.

SECTION 11. Severability. Renumbered to 22.311

If any part of this ordinance, or the application of the same to any person, or set of circumstances is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this ordinance shall not be affected thereby, this being the intent of the City Council in adopting this ordinance and all provisions of this ordinance are declared severable for that purpose.

SECTION 12. Effective Date. Renumbered to 22.312

This Ordinance shall become effective upon approval of the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS on this 19th day of August 2014.

Frederick Graber, Mayor
Village of Volente

Attest:

Joan Jackson, City Secretary

Approved to Form:

Tom Buckle, City Attorney