VILLAGE OF VOLENTE

ORDINANCE NO. 2014-O-08

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE VILLAGE'S ZONING ORDINANCE (ORDINANCE NO. 2004-O-32), CODIFIED AS ARTICLE 30, SECTION 30.105 AND ORDINANCE NUMBER 2007-O-78 OF THE VILLAGE'S ZONING REGULATIONS, SO AS TO ADD THE DEFINITION OF PUMPING PLANT, PUMPING STATION, AND PUBLIC WATER SYSTEM AND TO ADD PUMPING STATION AS A PERMITED USE IN INDUSTRIAL ZONING; AND PROVIDING PURPOSE; REQUIREMENTS AND PROHIBITIONS; AND, PROVIDING FOR LEGISLATIVE FINDINGS, SEVERABILITY, EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village Council of the Village of Volente ("Village") finds that certain provisions of its existing Zoning Ordinance are outdated with current federal and state statutes and definitions concerning Pumping Plants, Pumping Stations, Public Water Systems; and

WHEREAS, the Planning and Zoning Commission of the Village of Volente after notice and a public hearing, has recommended to the Village Council the definitions and regulations on the location of pumping plants, pumping stations

WHEREAS, the Village Council believes that the existing definition of "Pumping Plant", "Pumping "Station, and "Public Water System" should be clarified to ensure that it is fairly applied and enforced; and

WHEREAS, the Village Council seeks to provide for the orderly and harmonious development of land and use of property within its corporate limits; and

WHEREAS, the Village Council seeks to protect the Village's economic strength and quality of life through a comprehensive regulatory system imposing land use and development regulations through zoning ordinance provisions, which will ensure an ordered and quality development of property; and

WHEREAS, the Village Council finds that the unrestricted use and placement of Pumping Plants, Pumping Stations on single-family residential improved lots, commercial lots, and industrial lots can cause aesthetic harm, devalue adjacent properties, result in undesirable overcrowding, and constitute a public nuisance; and

WHEREAS, the Village Council finds that reasonable restrictions on the number and placement of Pumping Plants, and Pumping Stations that may be built and operated on single-family residential improved lots, Commercial lots and Industrial Lots with

reasonable limits on the zoning categories for such facilities and to, protect and enhance property values, create a pleasing environment for residents and the entire community, preserve the quality of life for the Village's residents, and are in the best interest of the public's general welfare;

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

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. Purpose.

The provisions of this Ordinance are intended to protect the welfare, convenience and overall enjoyment and quality of life of the citizens of Volente.

Section 3. Amendments to Existing Definitions.

The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.105 of the Village's Zoning Regulations are hereby amended so as to define in their entirety the following definitional terms (***in bold italics***):

Pumping Plant means a privately owned pumping facility used to pump water from a single well, lake or reservoir to more than two (2), but no more than fourteen (14), residential households or service connections within the Village's city limits.

Pumping Station means a pumping facility, other than a Pumping Plant, use to pump water from a single well, lake, or reservoir to more than fourteen (14) service connections or used for a Public Water System, as that term is defined in Section 290.38(66) of Chapter 290, Subchapter D of the Texas Administrative Code.

Public Water System means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least fifteen (15) service connections or serve at least twenty five (25) individuals at least sixty (60) days out of the year. This term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two (2) or more systems with each having a potential to serve less than fifteen (15) connections or less than twenty five (25) individuals but owned by the same person, firm or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are fifteen (15) or greater or if the total number of individuals

served by the combined systems total twenty five (25) or greater at least sixty (60) days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. As defined by Section 290.38(66) of TAC Chapter 290, Subchapter D (the Regulations of the Texas Commission on Environmental Quality).

Section 4. Amendment Placing Pumping Stations in the Proper Zoning Category

The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.123 (a) Permitted Uses of the Village's Zoning Regulations are hereby amended so as to add the following:

23. Pumping Stations

Section 5. 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 6. Effective Date.

This Ordinance shall take effect immediately from and after its passage, in conformance with law.

Section 7. Compliance with Public Notice and Meeting 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.

PASSED AND APPROVED this, the 19th day of August, 2014, by a vote of the Volente Village Council of 4 in favor, to 0 opposed, and with 0 abstentions.

VILLAGE OF VOLENTE

Frederick Graber, Mayor

ATTEST:

Joan Jackson, Village Secretary