

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

**VILLAGE OF VOLENTE**

**AMENDING ORDINANCE NO. 2015-O-06**

**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 OF THE VILLAGE'S ZONING REGULATIONS, SO AS TO AMEND THE DEFINITION OF HEIGHT AND TO ADD THE DEFENITIONS OF WATER TANKS AND FOUNDATIONS; PROVIDING PURPOSE, REQUIREMENTS AND PROHIBITIONS; AND SEVERABILITY, EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING REQUIREMENTS.**

---

**WHEREAS**, the Village Council of the Village of Volente ("Village") finds that certain definitions in its existing Zoning Ordinance are unclear and may cause an unanticipated hardship on the residents of the Village of Volente; 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 amendment of the definition of height and the addition of definitions for water tanks and foundations; and

**WHEREAS**, the Village Council believes that the existing definition of "Height" and the lack of definitions for "Water Tanks" and "Foundation" could be clarified to ensure that they are accurately interpreted and fairly applied and enforced; 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 orderly and quality development of property; and

**WHEREAS**, the Village Council finds that reasonable restrictions as to the placement of water tanks, within the incorporated Village of Volente, on lots zoned both residential and commercial, should be in place; and

**WHEREAS**, the Village Council finds that no restrictions are necessary at this time on the size, color, height and capacity of water tanks placed within the Village of Volente, on lots zoned both residential and commercial; and

40 **WHEREAS**, the Village Council remains dedicated to protecting the quality of life for future  
41 and present generations and strives to maintain minimal government as prescribed  
42 by the Vision Statement.  
43

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

46  
47 **Section 1. Findings.**

48 The above and foregoing recitals are hereby found to be true and correct and are incorporated  
49 herein as findings of fact.  
50

51 **Section 2. Purpose.**

52  
53 The provisions of this Ordinance are intended to enhance and protect the welfare, convenience  
54 and overall enjoyment and quality of life of the citizens of Volente.  
55

56 **Section 3. Amendments to Existing Definitions.**

57  
58 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
59 30.105 of the Village's Zoning Regulations are hereby amended so as to redefine in its entirety  
60 the following definitional terms (*in bold italics*).

61  
62 *Height* means the vertical height of a structure as measured from the finished  
63 grade at halfway between the front building foundation and the rear building  
64 foundation.  
65

66 **Section 4. Amendment to Add Definitions.**

67  
68 The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section  
69 30.105 of the Village's Zoning Regulations are hereby amended so as to define in their entirety  
70 the following definitional terms (*in bold italics*).

71  
72 *Foundation* means the load bearing portion of a residence or building, as it meets  
73 the ground, under the heated and cooled living space of the structure.  
74

75 *Water Storage Tank* means an installed tank used as a water supply to buildings,  
76 filled by a water truck, well, or rainwater harvesting system, allowed to be  
77 installed in the rear and side setbacks with the property owner assuming full  
78 liability if a water storage tank installed in the Public Utility Easement (PUE)  
79 must be moved by request of a utility company.

80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119

**Section 5. Amendment of Conflicting Ordinances.**

Section 30.105 of the Village of Volente Zoning Ordinance (Ordinance No. 2004-O-32) is hereby amended as provided within this Ordinance. All ordinances and parts of ordinances in conflict with this Ordinance are amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the Village, the terms and provisions of this Ordinance shall govern.

**Section 4. Savings Clause.**

All rights and remedies of Village of Volente are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**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 accordance with the provisions of Chapter 52 of the Texas Local Government Code.

**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, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED THIS** 21<sup>st</sup> **DAY OF** July, 2012 **by a vote of the**  
**Village Council of** 5 **in favor,** 0 **against and** 0 **abstaining.**

120 **Signed:**



121

122 **Ken Beck, Mayor of Volente**

123

124 **Attest:**



125

126 **Julia Vicars, City Secretary**

127

128