

**VILLAGE OF VOLENTE**

**ORDINANCE NO. 2023-O- 222**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL USE ON CERTAIN PROPERTY DESCRIBED AS 4.623 ACRES OF LAND, MORE FULLY DESCRIBED AS LOT 3A, THE RESUBDIVISION OF LOTS 3&4, LAKE TRAVIS SUBDIVISION NO. 7, AND APPROXIMATELY 3.227 ACRES OF LAND OUT OF THE BENJAMIN LEVITT SURVEY NO. 32, ABSTRACT NO. 497, AND THE RUSK TRANSPORTATION SURVEY NO. 81, ABSTRACT NO. 681, TRAVIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 8416 LIME CREEK ROAD; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; PENALTY; EFFECTIVE DATE; OPEN MEETINGS ACT COMPLIANCE.**

**WHEREAS,** the Village of Volente (the “Village”) is a General Law Type B municipality located in Travis County, Texas, created in accordance with the provisions of Chapter 7 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS,** the Village Council of Village of Volente (“Village Council”) seeks to promote orderly land use and development within the Village; and

**WHEREAS,** a conditional use permit has been requested by the owner of a tract of land totaling approximately 4.623 acres, commonly known as 8416 Lime Creek Road and described more fully in *Exhibit “A,”* for a Short-Term Rental use; and

**WHEREAS,** after notice and hearing required by law, a public hearing was held before the Village Planning and Zoning Commission on April 11, 2023, and before the Village Council on August 15, 2023, to consider the proposed Conditional Use Permit; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS,** the Village Council finds the proposed Conditional Use Permit appropriate and consistent with the general plan of the Village of Volente.

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

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

**2. CONDITIONAL USE PERMIT**

Article 9.02, Zoning Regulations, of Chapter 9, Planning and Development Regulations, of the Code of Ordinances, Village of Volente, Texas, is hereby amended on the hereinafter described property and area as shown below:

4.623 acres of land, described as LOT 3A, THE RESUBDIVISION OF LOTS 3&4, LAKE TRAVIS SUBDIVISION NO. 7, AND APPROXIMATELY 3.227 ACRES OF LAND OUT OF THE BENJAMIN LEVITT SURVEY NO. 32, ABSTRACT NO. 497, AND THE RUSK TRANSPORTATION SURVEY NO. 81, ABSTRACT NO. 681, TRAVIS COUNTY, TEXAS, more commonly known as 8416 Lime Creek Road, Volente, Texas, as more fully described on the attached Exhibit "A," and zoned Single Family Residential Historical – District "SR1."

The property shall remain in the Single Family Residential Historical – District "SR1" and a conditional use permit is hereby approved for a short-term rental use, subject to the terms and conditions provided herein and on Exhibit B attached hereto and incorporated herein. The use of the Property described herein shall remain subject to all the applicable regulations contained in the Village Code of Ordinances, including Article 9.06, "Short-Term Rental Application Process, Standards and Limitations," and all other applicable and pertinent ordinances of the Village.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. PUBLICATION**

The Village Secretary of the Village of Volente is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

## 6. PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

## 7. EFFECTIVE DATE

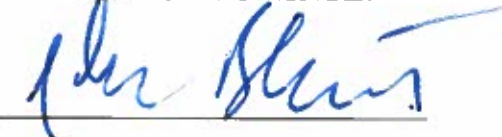
This Ordinance shall be effective immediately upon passage and publication in accordance with the requirements of the laws of the State of Texas.

## 8. OPEN MEETINGS ACT COMPLIANCE

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

**PASSED & APPROVED** this, the 15th day of August, 2023, by a vote of 3 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the Village Council of the Village of Volente, Texas.

**VILLAGE OF VOLENTE:**

By:   
Thomas Blauvelt, Mayor

**ATTEST:**

  
Lacie Hale, City Secretary

**EXHIBIT A – APPLICATION**

## **EXHIBIT B - SPECIAL TERMS AND CONDITIONS**

### **Conditions of Conditional Use Permit:**

- Maximum of 10 occupants.
- Application is 4 bedroom per LCRA.
- Consistency with house rules, advertising, and agreements.
- Outdoor activities end from 9:30 pm to 8:00 am in the morning.
- Dock must be inspected.