VILLAGE OF VOLENTE

AGENDA

Planning & Zoning Commission Regular Meeting
6:30 P.M., Tuesday, April 25, 2017
16100 Wharf Cove, Volente, Texas.

I. ITEMS OPENING THE MEETING

A. Call to Order
B. Call Roll
C. Approval of March 14, 2017 meeting minutes

II. CITIZEN COMMENTS

III. GENERAL BUSINESS AND ACTION ITEMS

A. Discussion and possible action on Code of Ethics Oath and Non-Conflict of Interest/Nepotism Oath by Commissioners.

B. Discussion and possible action on election of P&Z Vice-Chair.

C. Presentation by Comprehensive Plan RFP Consultants.

D. Discussion and possible action on status of RFP for consultant work on the update amendment to the Comprehensive Plan and update to the "Living in Volente" brochure.

E. Discussion and possible action on the cleanup amendment to the Zoning Ordinance as requested by Council.

1. Clarifications from City Attorney.
2. Commissioners Belote's and Mitchell's clarification of "Restoration of Nonconforming Structure" language.
3. Clarification of Council's intent regarding Manufactured HUD homes on Chart 5 "Zoning Use Summary Table".
4. Marinas - Possible Village oversight of the assembly by Marina(s) of slips on the shore and waters of the Village.
5. Clarification of Definitions and Village Oversight of Short-Term Rentals (STR's) and Bed and Breakfasts (B&B's)

F. Discussion of future agenda items.

IV. ADJOURNMENT

I, Nicole Vicuña, City Secretary, hereby certify that a copy of the above agenda was posted at the Village office in the window and online, places convenient and readily accessible to the general public at all times, and said agenda was posted on or before 6:30 p.m. on the 18th day of April, 2017.

_____

Nicole Vicuña, City Secretary

A quorum of the City Council or Board of Adjustment may be in attendance at this meeting; however, no official action by the City Council or Board of Adjustment shall be taken.

VILLAGE OF VOLENTE

MINUTES

Planning & Zoning Commission Regular Meeting
6:30 P.M., Tuesday, March 14, 2017
16100 Wharf Cove, Volente, Texas.

I. ITEMS OPENING THE MEETING

A. Call to Order – Chair Allison Thrash called the meeting to order at 6:30 p.m.

B. Call Roll

Present: Commissioners Barrick, Carufel, Mitchell, Thrash, Belote (arrived at 6:48)

Absent: None

Also in attendance: Cynthia Mallow (Alternate), Council member Hopkins, City Secretary Vicuña

C. Approval of meeting minutes

1. February 14, 2017
2. February 21, 2017

Commissioner Carufel motioned to approve the minutes with corrections, seconded by Commissioner Barrick. Motion passed unanimously.

II. CITIZEN COMMENTS None

III. GENERAL BUSINESS AND ACTION ITEMS

Commissioner Mitchell motioned to move item III.D. to the end of the agenda with possible postponement, seconded by Commissioner Barrick. Motion carried unanimously.

A. Statement of recognition and thanks to Richard Roucloux for serving the Village of Volente.

Council member Hopkins presented a certificate of recognition to Commissioner Carufel on Former Chair Richard Roucloux's behalf.

B. Discussion and possible action on the scope of work for RFP for Consultant work to be done on the Comprehensive Plan.

Commissioners discussed and agreed upon a final scope of work.

Commissioner Mitchell proposed to send out an RFP for a comprehensive plan update to the companies listed on the contact list, to include the scope of the project with the agreed upon edits, a deadline of April 13th, and a request that they attend the April 20th meeting, seconded by Commissioner Barrick. Motion carried unanimously.

Commissioners agreed to review and possibly update the "Living in Volente" brochure.

The Commission took a brief recess at 7:40 and resumed at 7:45.

C. Discussion and possible action on the amendment to the Zoning Ordinance as requested by Council.

Continued review of the Zoning Ordinance.

- Commissioners Belote and Mitchell agree to work on clarifying "Restoration of Nonconforming Structure" language.
- Work on Chart 5 "Zoning Use Summary Table" to clarify Council's intent regarding Manufactured HUD homes.

D. Discussion and possible action regarding Conditional Overlay and Infill Redevelopment as directed by Council.

No action taken.

E. Discussion of Village email addresses for Commissioners.

Commissioners agreed that they each need an email for village business and raised questions as to the Village providing email addresses.

City Secretary informed the Commission that Council would discuss on the next agenda.

F. Discussion of future agenda items.

1. 2017 Planning and Zoning Commissioner Training.
2. Possible suggestions

a) Commission suggested adding an agenda item for Vice Chair

IV. ADJOURNMENT

Next meeting scheduled for Thursday, April 20, 2017.

Meeting adjourned at 9:34 p.m.

Approved this 20th day of April, 2017.

Signed: _____ Allison Thrash, Chairman

Attest: _____ Nicole Vicuña, City Secretary

Village of Volente
Planning and Zoning Commission

Personal Code of Conduct

The residents and businesses of the Village of Volente are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials, including Council advisory body members:

* Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
* Be independent, impartial, and fair in their judgment and actions.
* Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, Council advisory body members are asked to adhere to this Personal Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

Council advisory body members shall sign this Personal Code of Conduct at the first meeting of the board, commission, or committee upon assuming office and, if applicable, upon reappointment to the board, commission, or committee as a symbol of each Council advisory body member's commitment to abide by the principles of this code during his or her term.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council advisory body members shall work for the common good of the people of the Village of Volente and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

Council advisory body members shall comply with the laws of the nation, the State of Texas, and the Village in the performance of their public duties. These laws include, but are not limited to: the United States and Texas Constitutions; the Village of Volente City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and Village ordinances and policies.

3. Conduct of Council Advisory Body Members

Council advisory body members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of Council members; other members of the Council advisory body; other boards, commissions, or committees; staff; or the public.

4. Respect for Process
Council advisory body member duties shall be performed in accordance with the processes and rules of order established by the Village Council.

5. Conduct of Public Meetings
Council advisory body members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit
Council advisory body members shall base their decisions upon the merits and substance of the matter at hand.

7. Communication
It is the responsibility of Council advisory body members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council advisory body members.

8. Coordination with City Staff
Appropriate City staff should be involved when Council advisory body members meet with officials from other agencies and jurisdictions to ensure proper staff support, as needed, and to keep staff informed.

9. Disclosure of Corruption
All City officials shall, upon assuming office, strive to uphold the Constitution and laws of the City, the State, and the Federal government. Officials shall commit to disclosing to the appropriate authorities and/or to the Village Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest
In order to assure their independence and impartiality on behalf of the public good, Council advisory body members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law. In accordance with the law, members shall file written disclosure of their economic interest and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors
Council advisory body members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information
Council advisory body members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Village. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources
Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council advisory body members for private gain or personal purposes.

14. Representation of Private Interests
In keeping with their role as stewards of the public trust, Council advisory body members shall not appear on behalf of the private interests of a third party before the Village Council or any board, commission, or committee, or proceeding of the Village.

15. Advocacy
To the best of their ability, Council advisory body members shall represent the official policies and positions of the Village of Volente. When presenting their personal opinions or positions members shall explicitly state that they represent neither the Council advisory body nor the Village.

16. Improper Influence
Council advisory body members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Positive Work Environment
Council advisory body members shall support the maintenance of a positive and constructive environment for residents, businesses, and Village employees.

18. Implementation
Ethics standards shall be included in the regular orientations for Council advisory body members. Upon entering office and upon reappointment, Council advisory body members shall sign a statement affirming they read and understood the Village of Volente Planning and Zoning Personal Code of Conduct.

19. Compliance and Enforcement
Council advisory body members themselves have the responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of City government.

I affirm that I have read and understand the Village of Volente Planning and Zoning Commission Code of Conduct.

_____ _____

Signature Printed Full Name

_____

Date

Proposal to:

Village of Volente
Comprehensive Plan Update

Submitted by:

Chris Holtkamp, AICP
Principal

8402A Tallwood Dr
Austin, TX 78759
512-217-0173
www.HoltkampPlanning.com

April 9, 2017

Village of Volente
Nicole Vicuña
City Secretary

Dear Ms. Vicuña,

I am pleased to submit this proposal in response to the Volente Comprehensive Plan Update. I am well-versed in community and economic development, community facilities and infrastructure, housing, and other fields to develop a plan that provides Volente with a powerful tool for creating its desired future. I have spent my career working in small, rural communities throughout Central Texas and understand the unique challenges and opportunities they face. I am also a PhD student in Geography, with research focusing on rural communities. With over 16 years of professional experience, and my academic background, I am very well qualified to serve Volente in developing its Comprehensive Plan Update.

The planning process will be based on extensive and meaningful public engagement to clearly identify the concerns of Volente. Based on this input, the plan will provide a set of goals in the short, mid, and long term. Each goal will include specific action items, estimates of cost, and responsible parties. Elected officials and staff will have clear direction and the knowledge that there is community support for the goals identified. This will ensure the Plan has a meaningful impact on Volente and serves the Village in addressing the challenges and opportunities it faces.

The proposal details the process to develop the Comprehensive Plan Update. I will take the necessary time to develop a thorough understanding of Volente and tailor the plan based on this assessment and the input from residents. Best practices from similar studies will be incorporated; however, I will be flexible to ensure solutions reflect the unique character of this project. I have deep technological resources and knowledge to provide the necessary analysis and will use this insight throughout the process.

I have the experience, the talent, and the capacity to ensure the Volente Comprehensive Plan Update is successful and provides a clear framework for decision making to protect and improve the quality of life in Volente and ensure continued vitality in the future.

Sincerely,

Chris Holtkamp, AICP
Holtkamp Planning
8402A Tallwood Dr
Austin, TX 78759
512-217-0173
choltkamp@austin.rr.com

Introduction

Volente is a community that recognizes its unique location and character as a bedroom and second home community, catering to activities on Lake Travis. Its location makes it an attractive location for those escaping the big city, but also creates a challenge for attracting businesses and services because of its relative lack of through traffic and easy access. This presents a challenge for economic diversification, but protects Volente from development that may detract from the rural character and quality of life. This plan will be an effort to balance the desire to preserve the identity of Volente while also promoting economic vitality and opportunity.

This work will build on the foundation of existing plans, ensuring continuity between them and avoiding unnecessary overlap. We will develop a Comprehensive Plan Update that incorporates the existing plans and provides clear direction for decision making. This will not be a plan that sits on a shelf, rather it will be a tool that Village leaders and residents can utilize to address key challenges and embrace opportunities to strengthen the economic and community character of Volente as it becomes the Village it aspires to be.

Project Management and Philosophy

My project management approach is very hands on; I work very closely with elected and appointed officials and residents. This will not be a plan developed behind closed doors; rather it will be a collaborative effort between the team and the community. My planning philosophy is that a successful plan must be community driven. Village leaders must be confident that residents support the plan recommendations before they will commit resources to identified projects. Also, plans I develop are not just guides for Village government, rather they incorporate a holistic approach that looks to Travis County, LCRA, other entities, and citizens to embrace the plan and be active participants in implementation. This broad-based approach has proven successful in many communities because it maximizes community resources rather than focusing on the often limited resources of local government.

Technology and Resources

I have embraced technology to expand its capacity both to drive citizen input and provide analysis and mapping capabilities to its plans. I have extensive experience using Geographic Information Systems to develop maps and analyze data as part of the planning process. This includes creating current and future land use maps as well as analyzing land-use patterns and growth modeling. A picture is worth a thousand words and maps can convey information in the plan that can be more easily understood by all residents. All GIS data and analyses developed during the planning process will be provided to the Village in a compatible format with the Village's GIS if applicable.

Project Tasks

Existing Information Review
Volente has a collection of plans addressing a variety of issues that will provide critical information to the planning process. I will collect and thoroughly review all of the existing plans from Volente and other entities to ensure I am familiar with them, the identified goals, and how to incorporate them into the Update.
In addition, I will review existing ordinances, histories, and other relevant data to develop my familiarity with the community. This will help me develop a plan that accurately reflects the community and the unique heritage and character of Volente. I will also work with Volente staff and community leaders to ensure I have a thorough understanding of any existing and on-going projects that will impact planning efforts.

Citizen Participation and Education
Public participation and education will be a hand-in-glove activity. Any public input session will begin with an educational component so residents understand what role they have in the planning process, what the existing conditions of the community are, and what the purpose of the input is. We will provide participants with an overview of demographic and economic conditions, as well as an update to progress on the existing plans the Town has developed. This education is important because it ensure residents are engaged in the process and helps them make better, more informed decisions about priorities.

Our first public meeting will be a Community Workshop. We will discuss the accomplishments from the existing Comprehensive Plan and other plans, as well as review the remaining projects from that plan. This will allow participants to determine what is still relevant, what should become priorities for action, and what projects may no longer be appropriate to pursue. We will then identify new challenges and opportunities that need to be addressed in the update. The meeting will be interactive, allowing for discussion and input from participants to ensure their concerns are heard and incorporated.

Along with the Workshop, we will conduct interviews and focus groups targeting key interest groups in Volente. Focus groups will allow us to gather much more detailed information about specific topics and issues with the organizations and individuals most invested in those issues. I will work closely with Village Staff and residents to identify those individuals and groups that need to be met with. This will likely include major property owners, developers, full time and second home residents, environmental groups, and others. These meetings will also help build community support and leadership to take ownership of specific projects and activities within the plan to help ensure implementation.

Throughout the process, information and updates will be made available to residents through the internet. Updates will be provided to Village staff to incorporate into the Village's website, along with information about upcoming meetings and other relevant information. The goal is to ensure residents know how the plan is progressing and how they can engage with it.

Citizen participation will continue throughout the planning process including regular updates to the City Council and Planning and Zoning Commission. Citizens will have additional opportunities to comment on drafts of the plan components as they are developed before they are finalized and presented for adoption. It is critical for citizens to have ownership in the plan, because their support is what will ensure the plan is implemented. Elected officials will know they have community support as they put resources into plan recommendations.

Demographic and Economic Analysis
A plan cannot be successful if it is based on faulty data. It is critical to have accurate information on existing conditions as well as responsible projections to have an understanding of what the community may look like in the future. A thorough demographic and economic analysis will be a fundamental part of the plan and will include existing conditions, as well as projections for population, etc. These projections will be discussed and their impact on the community analyzed as part of the planning process. The goal will be to develop scenarios to manage growth in a way that reflects community values and protects the quality of life in Bayfield.

The data analysis will also include a comprehensive community assessment. This will include identifying key community assets, such as major employers, educational facilities, medical facilities, historic buildings and properties, etc. These resources will help identify gaps and potential targets for economic development.

Vision Statement, Community Values, and Project Goals
The Vision Statement and Community Values will be based on the community engagement and serve as the common themes that will unify the plan goals and recommendations. These values will reflect what Bayfield residents see as vital to maintaining and enhancing their quality of life and sense of place. These values will be used to organize plan recommendations.

Project goals are the meat of the plan, the means to implement the Vision and values identified. These goals will be specific and detailed, providing clear direction for implementation. Each
goal will be tied to a value to ensure residents can connect the dots between the plan and projects being undertaken.

Land Use
Volente has limited property available for development, so it will be important to develop a thoughtful Future Land Use plan that provides clear direction to accommodate future growth, while ensuring efficient and cost effective infrastructure development to support that growth. The Future Land Use Plan will be developed through a Land Use Workshop. This workshop will include participation by the City Council, Planning and Zoning Commission, Village staff, business and property owners, and others. This workshop will allow participants to identify appropriate areas for new growth, along with transportation and utility improvements and expansion. The result will be a roadmap for future development that incorporates community values and aligns with the goals of the plan. The information will also be used to make recommendations regarding Village ordinances and regulations to implement the land use goals.

Economic Development
Volente is dependent on summer recreation at the local marinas to drive the local economy. It is important to ensure support for this activity, while also mitigating potential negative impacts on quality of life for residents. There may also be opportunities to diversify the local economy to provide additional economic growth that is not seasonal and dependent on fluctuating lake levels. We will work closely with residents and community leaders to identify meaningful and achievable economic diversification.

A gap analysis will be conducted to identify what businesses and services are most needed in Volente. The gap analysis will identify new businesses that may be recruited or developed locally to serve existing needs. This may include entrepreneurial development and small business creation that is suitable for Volente. Business retention and expansion will be a key element as well, ensuring the needs of existing businesses are being met and their success is supported by the community.

Transportation and Parking Analysis
The land use survey will include an inventory of existing thoroughfares and a determination of their functionality. This will be utilized to develop a thoroughfare plan that will have recommendations to improve the transportation network. The recommendations will focus on how to best coordinate expected growth with needed transportation improvements. It will also include a discussion on how to make thoroughfares more accommodating for alternative transportation, such as biking or walking. Community destinations and potential connections for alternative modes will be identified to encourage walking and cycling as safe and efficient alternatives to cars. Recommendations will fit local needs and provide efficient transportation for all residents. These recommendations will coordinate with the Future Land Use plan to ensure Volente develops in a way that maximizes quality of life and economic opportunity for residents.
Parking is another challenge facing Volente, with increased demand at local marinas impacting adjoining neighborhoods. This Update will identify opportunities to address

parking in a way that ensures adequate parking while protecting quality of life. This will include siting of parking facilities, wayfinding and connectivity to allow people to park and walk to destinations, and landscaping and screening to preserve community appearance. These recommendations will balance the need for parking while mitigating the negatives of parking facilities and unregulated parking.

Environment and Natural Resources

Volente is a community that is dependent on its environment. Recreation on Lake Travis is a significant driver of the local economy, and the rural character is important to residents. There is a need to ensure future development does not negatively impact the existing environmental character. This will be addressed through the Future Land Use Plan that will identify the most appropriate areas for new development, along with recommendations related to stormwater management, landscaping, and tree protections to preserve the natural environment.

There may also be an opportunity for additional recommendations related to environmental protection such as recycling, green energy, and other goals that can help Volente continue its green practices. These goals will reflect community values and priorities and provide an opportunity to ensure continued growth and economic vitality that does not degrade the beautiful landscape of Volente.

Other Goals and Objectives

In addition to the sections discussed above, the plan will identify other community priorities and develop strategies to address them. The priorities identified, and the goals developed, in this plan will ultimately be guided by the citizens of Volente. This plan will not be driven by a particular agenda or with a specific purpose other than reflecting the values and concerns of the community.

Implementation

The implementation guide for this plan will include a detailed list of goals, objectives and specific action steps to accomplish plan goals. These actions steps will include timelines, estimated funding, stakeholders to consider, and responsible parties. This will ensure that anyone who picks up the plan can quickly gain an understanding of what needs to happen to make the plan a reality. It will build on the momentum the Village has developed through its successful work on the existing Comprehensive Plan to ensure continued success in building community vitality and economic growth in the future.

Project Schedule

Month 1
Existing Data Review
Community Workshop
Focus Groups / Interviews

Month 2
Land Use Workshop
Draft Goal Development

Month 3
Draft Goal Presentation
Goal Revision and Prioritization

Month 4
Plan Development
Draft Presentation

Month 5
Final Revisions
Plan Adoption

Project Budget

Project Fee: **$24,500**

Expenses:

Office and Mailing	$250
Printing	$750

Total (not to exceed) **$25,500 (Proposal binding for 60 days past April 13, 2017)**

Additional work will be billed at $100 / hour with prior agreement between consultant and Village

Project Deliverables

1 Unbound, 5 Bound Copies of Comprehensive Plan
Includes all elements identified in Project Inquiry
Digital Copy of Plan in PDF and Word formats
All GIS and related data developed as part of the planning process

Experience and Projects

City of Horseshoe Bay Comprehensive Plan
Horseshoe Bay is a resort community located on Lake LBJ in the Texas Hill Country. Residents were concerned with ensuring economic diversity as well as protecting the high quality of life and unique character of their community. Our team developed a plan that reflected these priorities, focusing on ensuring Horseshoe Bay provided desired services and amenities, while preserving character.

Because Horseshoe Bay is a resort community, the approach to the project had to be unique. Our team coordinated with the City to ensure meaningful public engagement that was tailored to the unique population and the plan identified goals that were appropriate for the character of Horseshoe Bay.

Contact: Stan Farmer, City Manager
City of Horseshoe Bay
1 Community Drive
Horseshoe Bay, TX 78657
sfarmer@horseshoe-bay-tx.gov

City of Dripping Springs, TX Comprehensive Plan Update
(*http://www.cityofdrippingsprings.com/users/CompPlan.pdf*)
Dripping Springs is a small community on the western edge of the rapidly growing Austin metropolitan area. This growth is beginning to have an impact on the community and residents are concerned with protecting the quality of life and rural character of their community. Mr. Holtkamp led the development of the City's 2010 Comprehensive Plan. Notable achievements from this plan include the revitalization of historic Mercer Street into a regional destination with a mix of businesses and preserved historic buildings. Another notable achievement was the development of Dripping Springs Ranch Park into a center of activity, with an array of events nearly every weekend bringing people in from across Texas.

Give the rapid growth of the region, the City decided to review and update the plan in 2016. Mr. Holtkamp again led the process, relying on extensive public engagement to determine new goals that reflect community values and the issues that rapid growth are creating for Dripping Springs.

Contact: Ginger Faught, Assistant City Administrator
511 Mercer ST
Dripping Springs, TX 78620
(512) 858-4725
gfaught@cityofdrippingsprings.com

Historic Windsor Mill Feasibility Study

Windsor is located approximately 50 miles north of Denver, in the rapidly growing northern Colorado region. The town has a population of approximately 20,000 with a healthy and diverse economy and a thriving downtown.

The town has had success in revitalizing its historic downtown and recovering from a severe tornado that had caused extensive damage in 2008. One significant project remains, the revitalization of an historic Mill located on the eastern edge of the downtown. The Mill is on the eastern edge of downtown and represents a tremendous opportunity to create a unique destination for Windsor and the region.

We partnered with Jay Corder, Architect, Root Architecture, both out of Austin, and KL&A Engineering from Loveland, CO to develop a revitalization strategy for the Mill. Our first step was a community assessment and analysis of the property. This initial assessment provided the starting point for us to determine appropriate uses and potential challenges for redevelopment.

Following this assessment, we developed several scenarios outlining different uses for the property. We presented these at a Town Hall meeting to get public input to develop our final recommendations. Based on the public input, and further input from City leadership, we developed a concept plan that included an outdoor entertainment venue, brewery, distillery, restaurant and commercial kitchen, art gallery, and live / work space. The idea was to provide a flexibility in uses to accommodate the ultimate redevelopment.

In addition to the design, we provided a community and market analysis that could be used to market the property for developers. We also developed a marketing strategy to help build interest in the property, along with an inventory of potential funding sources. There has already been interest in the property based on our feasibility study, which will hopefully lead to the needed investment to make the vision a reality.

Contact: Patti Garcia, Town Clerk
301 Walnut St
Windsor, CO 80550
(970) 674-2404
pgarcia@windsorgov.com

Vision Bay City 2040 City of Bay City, TX
(http://visionbaycity2040.com/)

Bay City is a town of approximately 18,000 located in Wharton County, near Matagorda Bay. Bay City has experienced population decline over the last 20 years; however, there has been significant new economic investment in the region and is expected that this will lead to renewed growth in the community.

Bay City needed to develop a vision for the community to provide a framework for decision making and spur action. The City is combating negative perceptions and lack of engagement from many citizens and needed to regain citizen support and participation.

Working with Opportunity Strategies and Sarah T. Page Consulting, we developed a proactive approach that included significant public outreach and multiple avenues of engagement. Our process included interviews, focus groups, Town Hall meetings, as well as a community survey that received approximately 1,000 responses. In addition, we utilized social media to provide an additional avenue of input for residents.

Our process resulted in a plan that reflects the priorities of Bay City residents. The goals are based on the information we gathered from residents, not a boiler plate plan that doesn't fit local needs.

We developed a detailed Implementation Guide that identifies each Goal, specific action steps, timelines, responsible parties, as well as estimated costs and funding sources. The Implementation Guide is designed to provide all the information needed for the community to take action.

Even before the Plan was adopted, the City had begun taking action to address issues that were being identified. This includes issuing $4 million in certificates of obligation to address road maintenance issues, and beginning an in depth review of the City's development process to ensure the process is efficient and fair.

Too often, cities think developing the plan is the hard part, without realizing that the work really begins once the plan is adopted. Bay City embraced this reality and upon adoption of the plan set a special workshop specifically to begin the implementation process.

Contact: William Cornman, City Council Member, City of Bay City
1901 Fifth Street
Bay City, TX 77414
979-323-1626
wgcornman@sbcglobal.net

City of Fredericksburg Comprehensive Plan Update
Fredericksburg, TX is the county seat of Gillespie County, located in the Texas Hill Country. With a population of approximately 10,500, Fredericksburg has seen significant growth as it has become a significant tourist destination. This transition has impacted the community character and economy of Fredericksburg.

In partnership with Design Workshop and River City Engineering, we undertook an update to their 2006 Comprehensive Plan, focusing on identifying Gateways for the development of design standards, and expanding the Hike and Bike trail system throughout the downtown area.

To develop the Gateway design standards, we conducted a windshield survey of major transportation corridors to inventory existing land uses, what, if any design patterns existed, and opportunities to develop entry markers and new projects. For the trail system, we identified existing networks and opportunities to make connections to community destinations.

There was also extensive public engagement to build citizen support and interest in the project. The result was a plan that identified new design standards for the Gateways that complemented existing development, and a plan for additional hike and bike facilities to connect destinations across Fredericksburg allowing residents and visitors more efficient access.

Contact: Claire Hempel, Principal, Design Workshop
800 Brazos Street
Suite 490
Austin, TX 78701
chempel@designworkshop.com

Resume

Chris Holtkamp, AICP

SIGNIFICANT PROJECTS •

Horseshoe Bay Comprehensive Plan (Horseshoe Bay, TX)
Windsor Mill Redevelopment Feasibility Study (Windsor, CO)
Bay City Comprehensive Plan (Bay City, TX)
Fredericksburg Comprehensive Plan Update (Fredericksburg, TX)
Dripping Springs Comprehensive Plan and Update (Dripping Springs, TX)
Port Lavaca Demographic and Economic Profile and Future Land Use Plan (Port Lavaca, TX)
Housing Assessment for Venango County (Venango County, PA)
Burnet County Strategic Plan
Envision Brenham Comprehensive Plan (City of Brenham, TX)
Development Regulations Update (City of Bastrop, TX)
Tourism Assessment and Strategic Plan (Burnet County, TX)
Zoning Ordinance (City of Palacios, TX)

EXPERIENCE

Mr. Holtkamp began his career working with Geographic Information Systems (GIS) at the City of Loveland, Colorado. In 1999 he returned to Austin as a GIS Analyst with LCRA, then transferred to the Community and Economic Development department and began work in community planning.

Since 2001 Mr. Holtkamp has led the development of comprehensive plans for cities throughout Central Texas. These plans address land use, economic development, housing, downtown revitalization, historic preservation, and community development. The plans are based on a thorough community input process to ensure they reflect the priorities and concerns of the citizens.

Since leaving LCRA, his practice has expanded outside of Texas. He has participated in housing analyses for communities in Virginia, New York, and Pennsylvania. He recently completed a project in Windsor, Colorado planning the redevelopment of an historic mill that will serve as a mixed use destination for the town.

In addition to his planning experience, Mr. Holtkamp has been involved with many economic development projects including Target Industry Analyses, business recruitment training, tourism assessments, and strategic planning. These projects provide communities with the information they need to develop sustainable local economies.

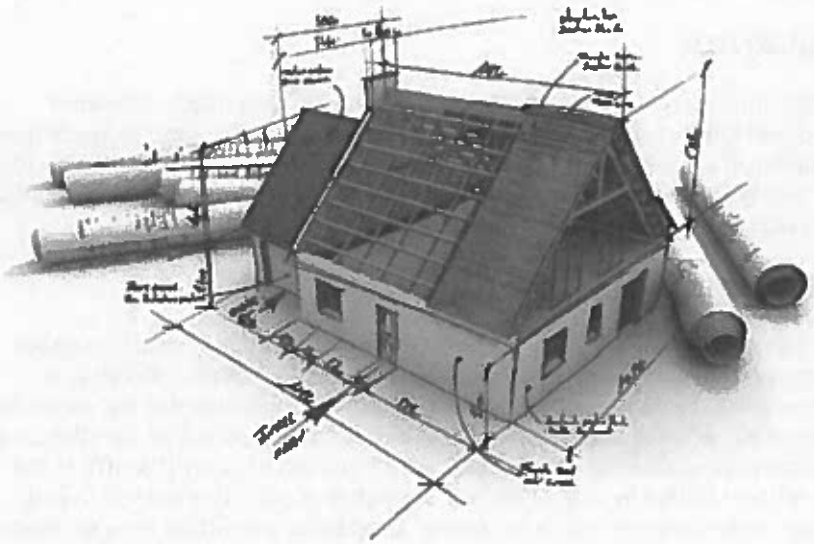
EDUCATION

Master of Arts in Geography, University of Denver, 1997
Bachelor of Arts, Geography, University of Texas at Austin, 1995

AFFILIATIONS

American Institute of Certified Planners (AICP Member)
Texas Chapter of the American Planning Association (Immediate Past Director)

LIVING IN THE VILLAGE OF VOLENTE



Prepared by the

VILLAGE OF
VOLENTE

Adopted on January 2011

MAYOR
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WELCOME

The Village of Volente has prepared this booklet for new, existing and prospective residents. Our hope is that it will serve as a user-friendly reference guide and answer many of the questions you have about life in our quaint village. We also want to share important information about the Village of Volente Comprehensive Plan, a document prepared for and by the citizens of Volente in 2003 to guide the future our community.

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GETTING TO KNOW
Volente

LOCATION & SIZE

The Village of Volente is a small, lakeside community located in the Texas Hill Country, 18 miles northwest of downtown Austin. The village is approximately two square miles in size and bordered by the spectacular Lake Travis on one side and the lush Balcones Canyonlands Preserve on the other.

POPULATION

As of July 2010, there were approximately 500 homes in the village. A Planned Development District (PDD) was approved in 2009 that could eventually result in the construction of approximately 300 new homes. As of July 2010, there were also 100 unbuilt lots within village (but outside the PPD). As such, the village could eventually grow to as many as 900-1000 homes, but no more.

GOVERNMENT

The Village of Volente is a Type B General Law municipality, governed by a mayor and five city council members elected to two-year staggered terms. The style of government is known as "weak mayor – strong council," meaning that the mayor does not vote unless to break a tie. The mayor is the chief administrator of the village and is ultimately responsible for the administrative functions of the village office. The village office is staffed by a small number of employees providing support in policy planning, implementation and enforcement. In addition, the village hires professional consultants as needed for expertise in specific areas. The Village Council holds a regular meeting once a month, and may hold special called meetings, joint meetings and work sessions as necessary.

The Village Council appoints the seven members of the Planning and Zoning Commission (P&Z), which is responsible for researching and developing plans and ordinances for land use and infrastructure. The P&Z reviews the Village of Volente Comprehensive Plan and ensures that village ordinances support the goals of the plan. The P&Z also reviews subdivision and site development plans to ensure they meet the goals of the comprehensive plan and the requirements of the ordinances. The P&Z advises and makes recommendations to the Village Council in these areas, but does not have authority to take action on their own. The P&Z holds a regular meeting once a month, and may hold special called meetings and work sessions as necessary.

The Village Council also appoints the seven members of the Board of Adjustments (BOA), which is responsible for considering and acting on requests for variances from the zoning ordinance. A "variance" is essentially permission to deviate from established zoning rules in order to make effective use of a property. A request for a variance must meet strict requirements to be approved by the Board of Adjustments. The Board of Adjustments meets as-needed.

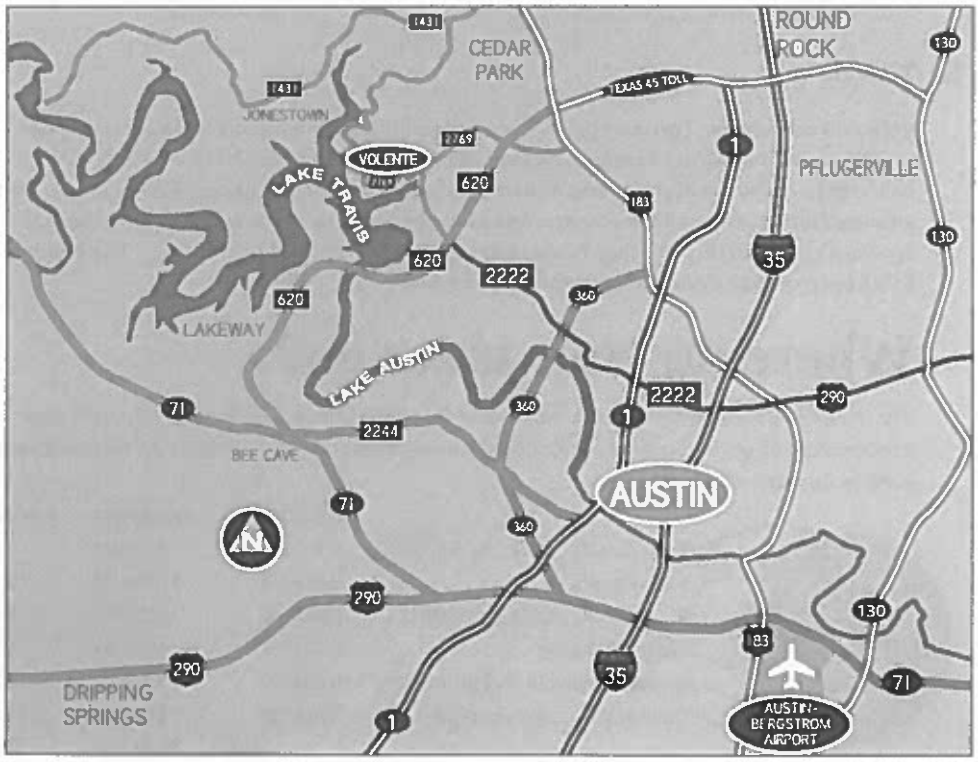
PHOTO BY FREDERICK GRABER

VILLAGE HISTORY

Although the Village of Volente did not exist as a municipal entity until its incorporation in February 2003, the area is rich in history. In the earliest days, the region's population was concentrated in nearby Cypress Creek, the site of a grist mill and cotton gin built by Thomas and Lucy Anderson. By 1876, the population began to shift toward Volente and the settlement grew large enough to warrant its own post office.

Local tradition offers several possible explanations for the origin of the name "Volente." According to one story, Lucy Anderson suggested it from a book she was reading. Another story is that the name was an Indian word meaning "God Willing." What we do know for certain is that the word "volente" comes from the Latin word "to be willing."

The completion of the Mansfield Dam and the subsequent formation of Lake Travis in the 1930's and 1940's, forever changed the area landscape. During this time, local real estate developer, Monty Dodd, was such a major player that the community was called "Dodd City" for many years before it switched back to Volente. By 1959, Volente had a church, a marina and a population estimated at about 250 residents. In 1961, the Volente Volunteer Fire Department was chartered. By 1989, the Volente population stood at about 400 residents.



MAP BY FREDERICK GRABER

VOLENTE VISION STATEMENT

The Village of Volente has invested a great deal of time and resources planning for its future. The village adopted its first comprehensive plan on October 19, 2004. The citizen-driven plan was based on extensive public input gathered through a community-wide survey, meetings, forums and hearings.

In 2003, a committee composed of dozens of local Volente citizens, developed the following vision statement for the community:

"We the citizens of the Village of Volente believe in:

- *Civic Pride*
- *Environmental Awareness*
- *Minimal Government*
- *Diversity and Friendship*
- *Privacy and Individuality*

We are dedicated to remaining united and working together as friends, neighbors and citizens for the protection and preservation of the natural beauty and uniqueness of our country village and family way of life.

We will endeavor to protect the quality of life for future generations and ourselves. We envision a cohesive lakeside village that promotes harmony and diversity of community, inclusive of all socio-economic strata and age groups. We will protect our environment and ensure responsible and appropriate land use. We will keep our village safe from injury, crime and pollution. We will preserve our right to remain private in our daily lives, but at the same time promote civic pride and sense of community.

We believe in minimal government regulation and taxation. As empowered citizens we will constructively participate in, question and oversee our elected government. We understand the community will face challenges and a sufficient level of government will be provided to protect this vision and our core values."

VOTING IN VOLENTE

Volente residents have several opportunities each year to vote.

The State of Texas allows residents to vote in the days and weeks before an election to make the voting process more convenient and accessible. This is called "Early Voting" and it usually takes place the 17 days before each election and ends 4 days before each election.

During Early Voting, it is possible to vote at multiple locations throughout Travis County, including supermarkets and shopping malls. However, on election day, Volente citizens that want to vote must do so at the Volente Fire Station.

For more information about voting in Texas, including how to register to vote or vote by mail, visit the Secretary of State's website at www.votetexas.org.

PHOTO BY MARK SCOTT

FIRE PROTECTION & EMERGENCY SERVICES

The Village of Volente Fire Department (VVFD) provides fire protection for the citizens of Volente and is located at 15406 FM 2769. The VVFD is governed by a nine-member Board of Directors, elected by voters within the Travis County Emergency Services District #14 (ESD).

Village of Volente residents also are served by Travis County ESD #14, which is governed by a five-member commission whose members are appointed by the Travis County Commissioner's Court.

MUNICIPAL COURT

The role of the municipal court is to hear cases in which the village has otherwise been unable to achieve compliance with provisions of the code of ordinances. The judge's ruling may result in fines on residents or developers who fail to comply with ordinances.

SCHOOLS

The Village of Volente is located in the award-winning Leander Independent School District. Children are zoned to attend Grandview Hills Elementary School, Four Points Middle School and Vandergrift High School.

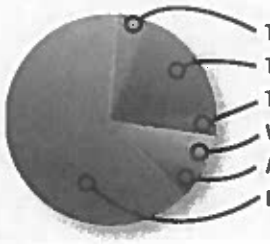
In addition to the excellent public schools, the village is located close to several private schools, both religious and secular. Austin Community College's Cypress Creek Campus is only minutes away as is Concordia College, a private four-year college.

TAXES

Volente's ad valorem (property) tax is one of the lowest among lakeside communities at .1286 cents per $100 of property value. The Village Council strives to keep ad valorem taxes at a minimum and annually adopts a balanced budget that includes office administration, code enforcement, road and right-of-way maintenance, professional services and a variety of other items that support policy implementation. The budget balances expenditures against expected revenues.

Where do your taxes go?

For the 2010/2011 year, Volente's tax rate is 0.1286. Here is an example of where your property taxes go if you own a $300,000 home in Volente. The largest amount of taxes is paid to Leander ISD.



	2009 TAX RATE	TAXES PAID	PERCENTAGE
Travis County ESD No. 14 (Emergency Services District)	0.100000	$300.00	4.5%
Travis County	0.412500	$1,238.00	18.5%
Travis County Healthcare District	0.067400	$202.00	3.0%
Village of Volente	0.128600	$386.00	5.8%
Austin Community College District	0.094600	$284.00	4.3%
Leander ISD (Independent School District)	1.422340	$4,267.00	63.9%
TOTAL		$6,677.00	100%

Comprehensive Plan

OVERVIEW

Volente citizens voted to incorporate in 2003. Shortly thereafter, local citizens joined together to develop a "master plan" for the village, known hereafter as the "comprehensive plan." The comprehensive planning process started with a detailed citizen survey developed by local residents. After the survey results were tallied, committees were formed to focus on different sections of the plan and dozens of public forums and community meetings were organized to gather input from village residents, businesses, developers and other stakeholders.

The overall goal of the Village of Volente Comprehensive Plan is to present a cohesive strategy for responsibly managing the village's growth. Four of the most important components of the plan include:

PROTECTING VOLENTE'S QUALITY OF LIFE

The Village of Volente is a quiet lakeside community with a superb quality of life. The 2003 citizen survey sent a clear message that our residents are committed to preserving the natural, rural and residential environment that makes living here so unique.

PROTECTING THE ENVIRONMENT

The 2003 citizen survey also made it clear that protecting the environment is a high priority among Volente residents. As such, many of the ordinances and regulations derived from the comprehensive plan are aimed at protecting watersheds and other sensitive environmental features. The village regularly performs outreach to citizens, communities and other agencies in support of protecting our natural environment.

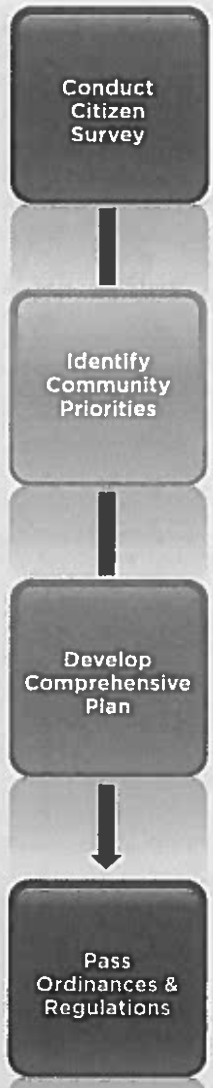
PROMOTING RESPONSIBLE LAND USE

Located in the heart of Central Texas, the Village of Volente is in one of the fastest growing regions in the country. However, because the village is landlocked between Lake Travis and the Balcones Canyon Preserve, the village will never grow beyond 900-1000 homes.

ENSURING ADEQUATE ROADS & PUBLIC INFRASTRUCTURE

Results from the 2003 citizen survey made it clear that Volente residents favor minimal taxation and services. One of the top priorities for the community is to make sure that our roads are safe, efficient and properly maintained. Locally elected officials periodically evaluate the village's road and public infrastructure needs to ensure maintenance, improvement and expansion plans are developed that protect and benefit the local residents.

THE PROCESS OF DEVELOPING ORDINANCES AND REGULATIONS



Comprehensive Plan

FOCUS AREAS

As described earlier, the Village of Volente developed a comprehensive plan shortly after incorporating in 2003. The following pages provide a *high-level summary* of the comprehensive plan. The full plan, which is more than 300 pages in length, can be downloaded from the Village of Volente website at **www.villageofvolente-tx.gov.**

Focus Area 1 — THOROUGHFARES AND TRANSPORTATION

GOAL: *Provide an acceptable level of mobility and accessibility for the residents of the Village of Volente that is safe, with the least detrimental effects.*

Volente must plan thoroughfares and transportation systems to handle anticipated growth in a way that maximizes safety and minimizes congestion, environmental impact and community impact. Also, Volente must maintain its existing roads and rights-of-way to ensure safe and continued function. Planning and maintenance of thoroughfares must be accomplished in a way that exercises fiscal responsibility, such that the burden on resources is minimized wherever possible without risking safety or increasing impacts.

The Village's transportation plan must address regional access *through* Volente and local mobility *within* Volente. Regional access through Volente is provided primarily by two, two-lane thoroughfares (FM 2769 and Lime Creek Road). The capacity and configuration of these roads is unlikely to change due to the surrounding topography and growth patterns. The Texas Department of Transportation (TXDoT) is responsible for FM 2769 and Volente is responsible for the portion of Lime Creek Road within the city limits. Travis County is responsible for the remainder of Lime Creek Road. These roads may require upgrades to improve controlled turning, sight distances and flow. Volente works closely with TxDOT and Travis County to ensure proper maintenance of these thoroughfares and their rights-of-way and to plan upgrades as needed. Local mobility must be planned such that residential capacity and flow are adequate, while scenic vistas and environmental features are preserved and community impact is minimized. Streets within Volente are mostly considered "collector" streets, which collect traffic from neighborhoods as residents travel to and from activity centers and thoroughfares. Existing streets within Volente are maintained as necessary to preserve safety and function. New subdivisions are required to perform a Traffic Impact Analysis to ensure adequate integration with the existing system of roads. In addition, new roads must be designed to meet guidelines for safety, drainage and storm run-off.

Monies for thoroughfare and transportation infrastructure and maintenance are scarce, so the proper administration of the transportation plan requires coordination of capital improvements with TxDOT and Travis County. In addition, new subdivision developments must participate in the plan by dedicating rights-of-way, performing traffic impact analyses and contributing road impact fees. Zoning and land use controls will also help minimize the financial burden on the village related to roadway maintenance.

Focus Area 2 — ENVIRONMENTAL QUALITY

GOAL: *Provide an environment of clean air, clean water and clean land for the citizens of Volente and provide a safe, sustainable habitat for wildlife, while attempting to maintain the Volente vision of minimal government, regulation and spending.*

Promoting clean air and clean water are priorities for the village. The comprehensive plan identifies specific activities aimed at attaining and maintaining health-based air quality standards and reducing the risk from toxic air pollutants. In addition, the comprehensive plan describes activities and regulations to protect drinking water, support economic and recreational activities in our lakes and rivers and provide healthy habitats for fish, plants and other wildlife. The village has enacted a water quality ordinance that has strict

Comprehensive Plan

FOCUS AREAS

pollutant removal standards for development in watersheds. In addition, the water quality ordinance provides impervious cover requirements to help protect water quality. The ordinance also has strict erosion control requirements to prevent run-off into waterways during and after construction.

Volente expects developers and businesses to use best management practices to prevent both air and water pollution. The village regularly works with professional consultants to help define pollution prevention standards. Volente also works with other communities, agencies and groups to promote awareness of potential environmental impacts of various development activities.

Focus Area 3

COMMUNITY IMAGE

GOAL #1: *Determine and regulate by master planning, ordinances and zoning how and where development occurs in the village.*

GOAL #2: *Improve and protect the quality of life for the citizens of Volente.*

The citizen survey found that most Volente residents feel strongly about maintaining the unique atmosphere of the village. The community strongly believes in policies that maximize Volente's natural beauty and unique character and minimize any negative impact of future development. Promoting the existing visual aesthetic and quiet, peaceful environment is fundamentally important to Volente.

The citizen survey and community forums found that local residents support large residential lots, with substantial setbacks and green buffers between homes. Residents also support protecting trees and promoting native landscapes. In addition, the community supports reasonable restrictions on construction on steep slopes to prevent damage from erosion, drainage and run-off.

The "Community Image" element of the comprehensive plan provides a foundation for the creative application of good land planning design principles and practices in the Village of Volente. It integrates land planning design considerations into the growth and development processes of the village such that the unique feel of the village is maintained and a sense of community is reinforced among the people who live here.

The "Community Image" element identifies guidelines for ordinances and zoning that control how and where development occurs and that improve and protect the quality of life for the citizens. Guidelines include:

- Maintain a discreet sense of identity for Volente,
- Support a diverse and livable community,
- Establish non-residential property uses that complement and sustain the community,
- Encourage building, building façade and architectural treatments which compliment the visual aesthetics of the existing community,
- Encourage landscaping standards which complement the visual aesthetics of the existing community and which contribute to the environmental quality of the community,
- Establish sign and advertisement standards that protect the visual aesthetics of the community,
- Establish sign maintenance, repair and removal guidelines to ensure community safety,
- Establish outdoor lighting regulations to preserve the integrity of nighttime darkness and provide for public safety,
- Regulate the siting of wireless communication facilities to minimize their aesthetic impact on the existing community, while meeting the needs of its citizens to enjoy the benefits of a wireless communications services community,
- Restrict public nuisances and dangers so that they do not detract from the quality of life of the existing community, as well as the natural beauty and wildlife of the village,
- Regulate non-residential parking and loading to secure safety and to lessen congestion on public streets, and
- Regulate home occupations and home-based businesses to minimize annoyance and inconvenience to neighboring property owners within the residential area and to allow reasonable and comfortable enjoyment of adjacent and nearby properties by their owners and occupants.

Comprehensive Plan

FOCUS AREAS

Focus Area 4 PARKS AND OPEN SPACES

GOAL: *Preserve in an unimpaired state the natural and cultural resources and values of the open spaces, green spaces, greenbelts, buffer zones and significant cultural sites of the village for the enjoyment, education and inspiration of the citizens of Volente, and to further a sense of community.*

An important component of any community is the space devoted to satisfying active and passive recreational needs. Parks and open space have been described as the "lungs of the city." Volente is committed to developing parks and open spaces that will support active and passive recreation. In addition, the village is committed to promoting the conservation and protection of open, green spaces, natural settings, sensitive environmental features and native habitats. Currently, there are no active public parks within the village, except for a small (< 0.5 acre) Travis County park. There are several restricted-use open spaces created by land developers along the shoreline of Lake Travis, which are maintained by homeowners' associations and two county parks outside of but nearby Volente. Volente is bordered on one side by several hundred acres of Balcones Canyonlands Preserve land, which is a green conservation area as opposed to a public park.

Volente's Parks and Open Spaces plan *(see map on page 16)* calls for a community park, neighborhood view parks and neighborhood linkages through trails and pathways. Volente has enacted ordinances that require the dedication of open spaces or contribution to parkland funds whenever land is developed. The dedicated parkland fund will be used to research and create community parks and trails within Volente in support of the plan.

The Village has also passed ordinances establishing building standards designed specifically to protect ridgetops, ridgelines, creeks, cliffs and other sensitive environmental features from damage. Volente works with other agencies such as the Balcones Canyonlands Preserve to promote and protect green spaces and wildlife habitats and encourage community involvement with conservation.

Focus Area 5 PUBLIC SERVICES AND FACILITIES

GOAL: *Provide public services to the extent necessary to protect the citizens' vision for the Village of Volente, bearing in mind that the community desires minimal taxes and minimal services.*

Volente residents made it clear throughout the planning process that they favored minimal taxes and services. In response, the village runs a minimal office that is responsible for the administration, communication and coordination of governmental functions. The village relies on Travis County for police protection, on Emergency Services District 14 for emergency services, the Lower Colorado River Authority (LCRA) for inspection and permitting of septic systems and on interlocal agreements with several other entities for services not provided by the village. Rather than hiring dedicated in-house personnel or expertise, the Village generally hires professional consultants for specialized services as necessary. The village currently maintains no public facilities, but rather rents space from the Volente Fire Department (which is part of ESD 14). A community center may be beneficial to the residents and could be constructed on donated parkland as funding allows.

As the village grows to an estimated 900-1000 homes over the coming years, the needs and desires of the citizens for services may change. Periodically, the village will re-survey residents to solicit their views on the levels of public services that are desired and their willingness to fund such services.

Comprehensive Plan

FOCUS AREAS

Focus Area 6 PUBLIC WATER UTILITIES

GOAL: *Ensure that the citizens of Volente have an uninterrupted supply of safe drinking water and have a reliable environmentally-safe means to treat and dispose of wastes.*

Existing homes in the village have private residential water wells or lake pumps and onsite sewage facilities (septic systems). The consensus from the planning process was that the village should refrain from providing public water utility services, unless it is practical and necessary. The primary concern is the cost involved in retro-fitting infrastructure into existing homes to provide water and wastewater services, which would likely result in significantly higher taxation for residents.

Citizens also expressed the desire for ordinances that protect sources of drinking water from contamination and water wells from damage, and ensure that the design, construction and operation all septic system comply with LCRA standards.

While Volente is not involved with providing water or wastewater services, the village stays aware of conditions that could impact water availability or water quality for residents and communicates with citizens and other agencies as appropriate.

Focus Area 7 FUTURE LAND USE

GOAL: *Through land use and zoning controls, protect the vision that the citizens of Volente have for their community.*

Volente residents made it known during the planning process that they support ordinances and land use regulations that promote low-density, environmentally friendly residential development and limited commercial/retail development. Volente residents expressed the desire that retail uses be small-scale, serving nearby neighborhoods. In addition, residents wanted regulations that would protect the integrity of residential neighborhoods by requiring "step down" buffering between residential and non-residential areas.

It should be noted that the Future Land Use Plan *(see map on page 17)* is not the official zoning map of the village. The Future Land Use map is designed to guide future land use decisions such that development is compatible with and complements existing and planned uses, open spaces, green spaces, parks and thoroughfares. In essence, the Future Land Use Plan is intended to provide an overall framework for guiding the actions of the different entities responsible for determining the Village of Volente's future. The plan must be kept updated and current with respect to changing conditions and trends, in order for the village to enjoy the benefits of coordinated development over a long period of time.

In accordance with the Future Land Use Plan, the village has adopted a zoning map that reflects the desire to protect existing residential neighborhoods while allowing for non-residential uses within particular zones. Categories for residential, commercial light use, commercial medium use, commercial heavy use and industrial use have been defined. However, the village currently only has zones for residential use and light/medium/heavy commercial uses within the city limits. Residential areas are protected by "step down" buffers between commercial and residential lots. Requests for changes to zoning designations must be considered in the context of the Future Land Use Plan, since changes in zoning may have negative impacts on surrounding uses. Requests for changes in zoning must go through a rigorous public hearing process to determine the suitability of the change.

LAKE TRAVIS: THE JEWEL OF THE HILL COUNTRY

Lake Travis is a reservoir on the Colorado River and is considered one of the cleanest lakes in Texas. The reservoir was formed in 1942 by the Lower Colorado River Authority (LCRA). Lake Travis has the largest storage capacity of the seven reservoirs known as the Highland Lakes, and stretches 65 miles (105 km) upriver from western Travis County in a highly serpentine course into southern Burnet County to Max Starcke Dam, southwest of the town of Marble Falls.

Because of its volume, the lake serves as the primary flood control reservoir of the Highland Lake chain. The level of the lake can therefore vary dramatically, depending on the amount of rainfall in the Colorado River basin upstream. Despite this, the lake furnishes one of the most desired locations in the region for outdoor recreation, including fishing, boating, swimming, scuba diving, picnicking and camping.

Lake Travis has been stocked with several species of fish intended to improve the utility of the reservoir for recreational fishing. Fish present in Lake Travis include Largemouth Bass, Guadalupe Bass, White Bass, Striped Bass, Catfish and Sunfish.

Environmental Protection

The natural beauty of the Village of Volente is one of the main features that draw people to the area. The 2003 citizen survey found that village residents are committed stewards of the local environment and cherish the stunning vistas, ridgetops and native landscaping that define the area. Village residents also place a strong value on the dark skies and have supported restrictions on both light and noise pollution.

WATERSHEDS

Watersheds are environmentally fragile areas that, in addition to serving as the source of drinking water, provide recreational opportunities and biological diversity. The United States Environmental Protection Agency defines a watershed as "the area of land where all of the water that is under it or drains off of it goes into the same place." The Volente area alone is home to more than nine streams that flow out of the hills above the Village and feed into our major watershed, Lake Travis. Village of Volente ordinances have provisions for protecting water quality within the Lake Travis watershed, including strict regulations for impervious cover, nonpoint source pollution controls and limitations on construction on steep slopes.

IMPERVIOUS COVER

One of the best known ways to protect watersheds is limiting the amount of impervious cover. The term "impervious cover" refers to non-porous surfaces such as roads, parking lots, roofs, driveways, sidewalks and other areas that prevent rainfall from directly infiltrating into the ground.

Setting reasonable limits on impervious cover can reduce storm water run-off and other sources of pollutants into Lake Travis. To protect local water quality, Volente has enacted regulations limiting impervious cover for new residential and commercial developments. Current impervious cover limits are set at 20 percent for residential and 35 percent for commercial developments. Concrete patios, paving stones and interlocking pavers are also considered impervious cover, as are swimming pool water surface areas if the backwash system discharge has chlorine concentration greater than 0.1 milligrams per liter. Uncovered deck surfaces that have drainage spaces between the boards and are located over pervious or natural ground count as 50 percent of impervious cover. All other decks count as 100 percent impervious cover.

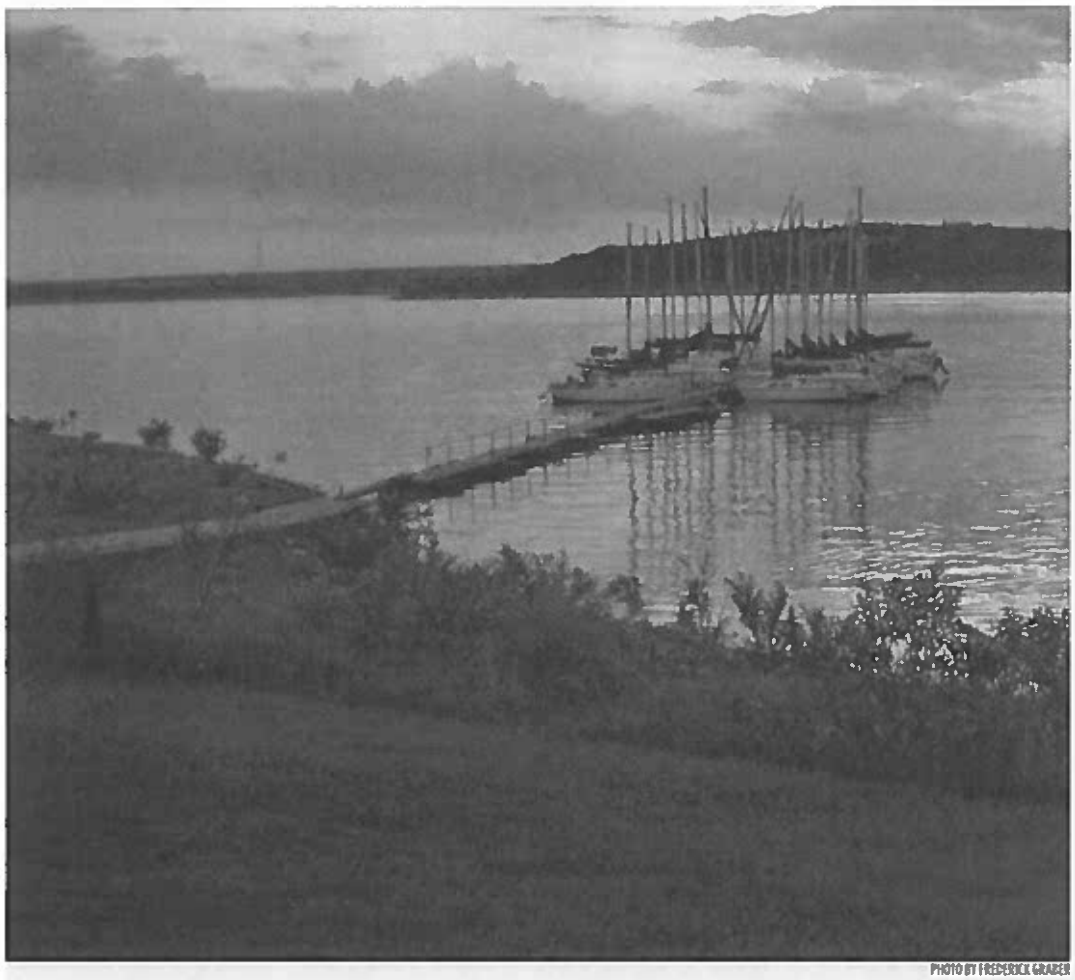


PHOTO BY FREDERICK GRAEBER

NON POINT SOURCE POLLUTION CONTROL

Volente has Non Point Source (NPS) Pollution Control regulations designed to ensure that storm water run-off does not contribute extensive pollution to lakes and streams. The NPS regulations specify requirements for impervious cover, vegetative filters and pollutant removal for development within the watershed. In addition, the NPS ordinance requires best management practices for construction site maintenance to control erosion and run-off that can foul waterways. Volente's standards incorporate recommendations from the LCRA, the Texas Commission on Environmental Quality and the City of Austin.

PROTECTING STEEP SLOPES

Development on slopes carries a significant risk of damage to sensitive environmental features. All construction and all land disturbing activities are prohibited in areas with pre-development natural grades of greater than twenty-five percent (25%). Driveway slopes are limited to 15 percent grade. Cuts into natural grade and fills over natural grade are limited to five feet (5'). Disturbed slopes must be stabilized by techniques approved by the village. Any construction and stabilization must conform with best management practices for erosion control, terracing and water quality as defined in the LCRA Technical Manual at http://www.lcra.org/water/quality/watershed/index.html.

PROTECTING LAKE TRAVIS

The Lower Colorado River Authority (LCRA) is a Texas conservation and reclamation district operating with no taxing authority. Its mission is to "provide reliable, low-cost utility and public services in partnership with our customers and communities and to use our leadership and environmental authority to ensure the protection and constructive use of the area's natural resources.

The LCRA is responsible for enforcing the Lake Travis Nonpoint Source Pollution Control Ordinance. LCRA staff routinely monitors water quality of the Colorado River and Lake Travis. Two sites near the Volente shoreline that are monitored on a regular basis are Big Sandy Cove and LCRA's Travis County Park.

To report problems, contact the LCRA at 1-800-776-5272, extension 6843.

Construction

SOME KEY REQUIREMENTS FOR HOME BUILDING ARE:

LOT SIZE
Minimum one acre

IMPERVIOUS COVER
Maximum 20 percent

SET-BACKS
Front, side, rear setbacks apply

BUILDING HEIGHT
Height is set at a maximum 35 feet

LIGHT POLLUTION
All outdoor lighting must be designed to adhere to the village's Dark Skies ordinance.

FLOODING
Building within the floodzone is strictly regulated. Make sure you are fully informed about any construction in the flood zone as you design you new home or renovate an existing structure.

SLOPES
Construction is prohibited on slopes with grades greater than 25%.

WATER QUALITY CONTROL
When building or renovating your home, plan for a surprisingly high volume of water on even the slightest of slopes. Serious erosion and sedimentation can occur with a single heavy rain. The village has regulations that require control of erosion and run-off during construction.

As you begin the process of building or renovating your home in Volente, we encourage you and your builder to review the detailed information on ordinances and residential permit applications posted on our village website at www.villageofvolente-tx.gov. In addition to a residential permit application, home builders must submit engineered site plans and site development plans for approval to the Planning & Zoning Commission. Ensuring the proper maintenance of construction sites (e.g. erosion controls, silt fences) is a high priority for the village building inspectors.

BUILDING A HOME IN VOLENTE

The process for developing and building a single family residence is described in the Single Family Residential Permit Packet available on the village website. The following is a high-level overview only. For complete details and specific instructions on the application and building process, please consult the village website.

To build a home in Volente, both a site development and a building permit are required. For the site development permit, you will need a site development drawing sealed by a licensed engineer that complies with the applicable village ordinances. Some of the regulations that affect the design and construction of you home include: height restrictions, front/back/side yard setbacks, impervious cover, slope restrictions and cut and fill limitations. You will also need structural foundation plans sealed by a licensed engineer. If your home is on a septic system, you will also need to supply proof that you've applied for an Onsite Septic System Facility (OSSF) permit from the LCRA (which is the permitting authority within the Volente area).

The site plans will be reviewed by village building inspectors for compliance with village ordinances. If the site plan is approved, then the builder must schedule a pre-construction meeting with the village. The pre-construction meeting will cover rules for trash, portable restrooms, erosion and sedimentation controls, construction entrance and other construction regulations. Construction site maintenance, particularly erosion and sedimentation controls, is a high priority within the village.

Once a building permit is issued, construction can begin. Construction sites will be routinely inspected for compliance with ordinances and regular building inspections will occur at scheduled points during construction. For more information regarding the building inspection process, please consult the Single Family Residential Permit Packet on the village website.

PHOTO BY MARK SCOTT

THE VILLAGE OF VOLENTE HAS SEVERAL ORDINANCES RELATED TO RESIDENTIAL HOME CONSTRUCTION:

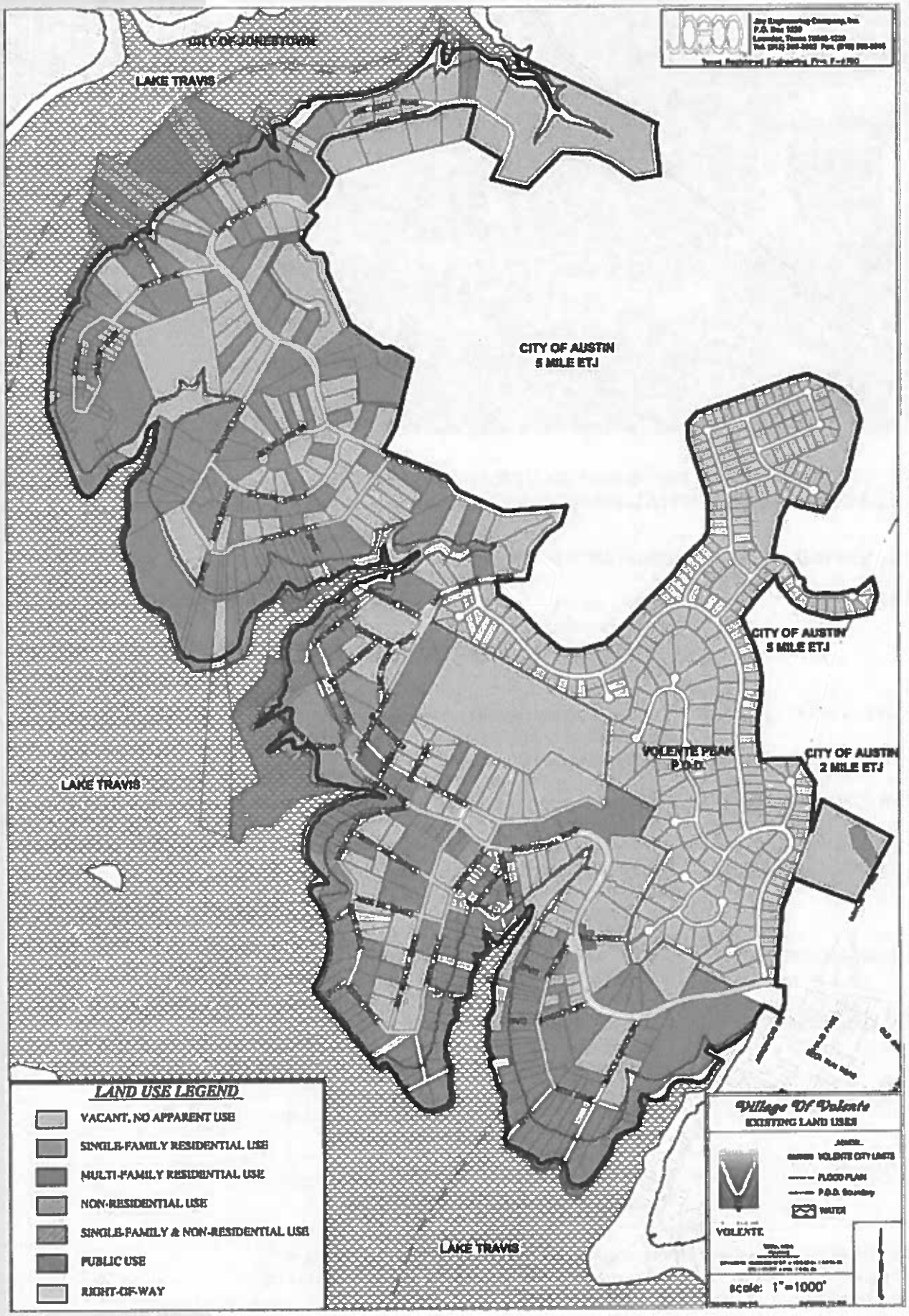
ORDINANCE	PRIMARY PURPOSE
ZONING ORDINANCE	Promote the public health, safety and welfare of current and future Village of Volente residents by establishing a framework for the responsible development and use of land within the village.
SITE DEVELOPMENT ORDINANCE	Establish standards related to drainage, erosion and sedimentation control, water quality, landscaping, slope, tree protection and cut and fill.
WATER QUALITY ORDINANCE	Protect watershed and water quality of Lake Travis and local streams.
SUBDIVISION ORDINANCE	Provide standards for the platting, development and use of land within subdivisions in the Village of Volente and its Extra Territorial Jurisdiction (ETJ).
DRIVEWAY ORDINANCE	Establish standards related to the design and construction of residential driveways.
DARK SKIES ORDINANCE	Protect and preserve beautiful night views of stars. Reduce glare and other light pollution that detracts from villager's quality of life.
NOISE ORDINANCE	Manage construction noise from heavy machinery and equipment and residential noise/nuisances.
TREE ORDINANCE	Protect and encourage the planting of native species to promote the natural beauty and of the area.

Note: This table is designed as a high-level summary only. For a comprehensive listing of all Volente ordinances, visit the village website at www.villageofvolente-tx.gov and click on "Ordinances."

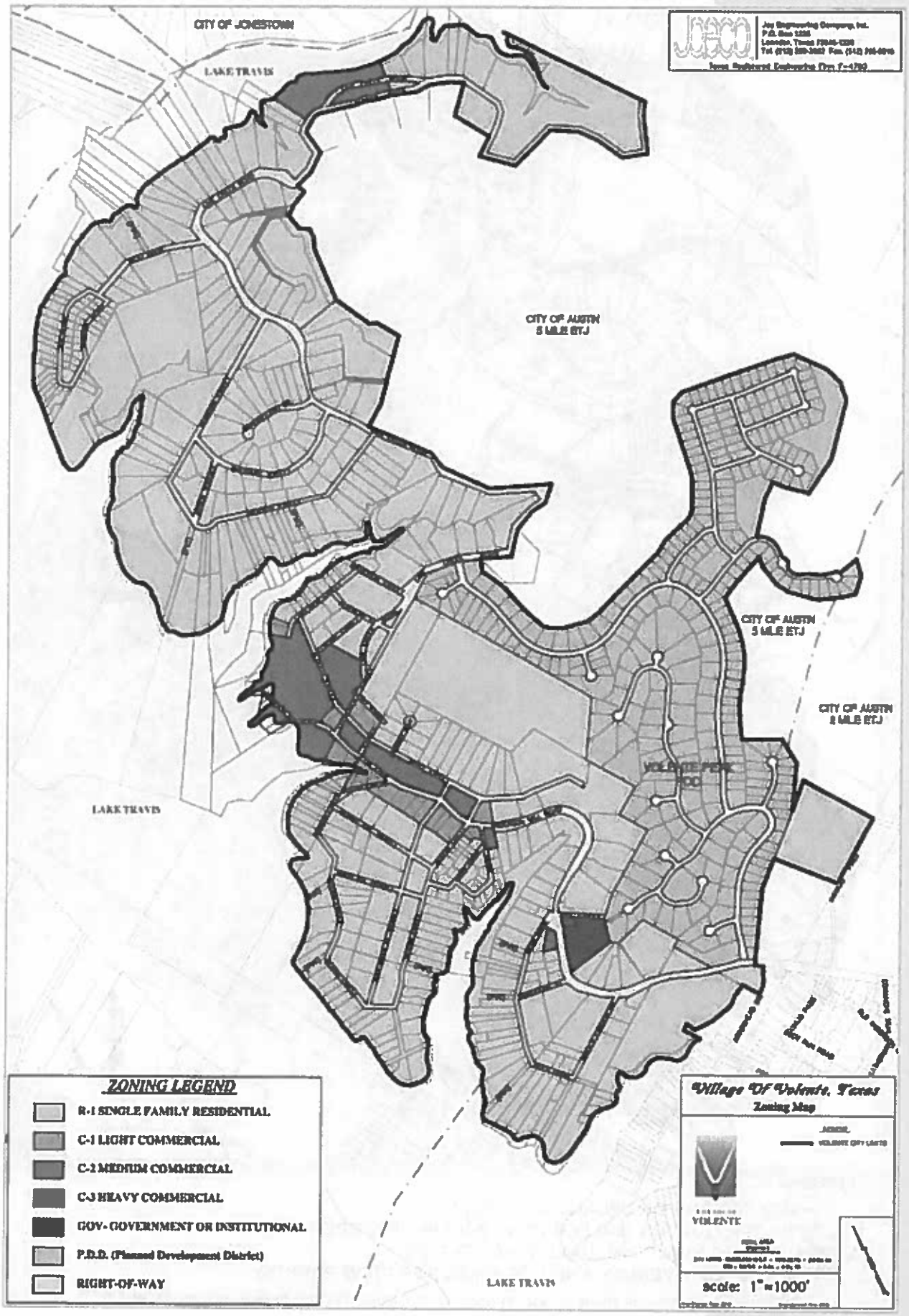
COMMERCIAL DEVELOPMENT

The Village of Volente Comprehensive Plan established specific zoned areas where the village would like to direct any future commercial business development. These areas tend to be at or near historic centers of the village or located on or near Lake Travis. In keeping with the desires articulated by local residents during the comprehensive planning process, the Village of Volente welcomes small businesses that deliver services or meet the needs of a quiet, residential, lakeside community. Commercial development is carefully supported by village ordinances. Should you be interested in commercial development, please contact the village office for detailed guidelines and a checklist for commercial development.

Land Uses Map



Zoning Map


CITY OF JONESTOWN
LAKE TRAVIS
CITY OF AUSTIN
5 MILE ETJ
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CITY OF AUSTIN
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LAKE TRAVIS
LAKE TRAVIS
ZONING LEGEND
R-1 SINGLE FAMILY RESIDENTIAL
C-1 LIGHT COMMERCIAL
C-2 MEDIUM COMMERCIAL
C-3 HEAVY COMMERCIAL
GOV- GOVERNMENT OR INSTITUTIONAL
P.D.D. (Planned Development District)
RIGHT-OF-WAY
Village Of Volente, Texas
Zoning Map
VOLENTE
scale: 1"=1000'

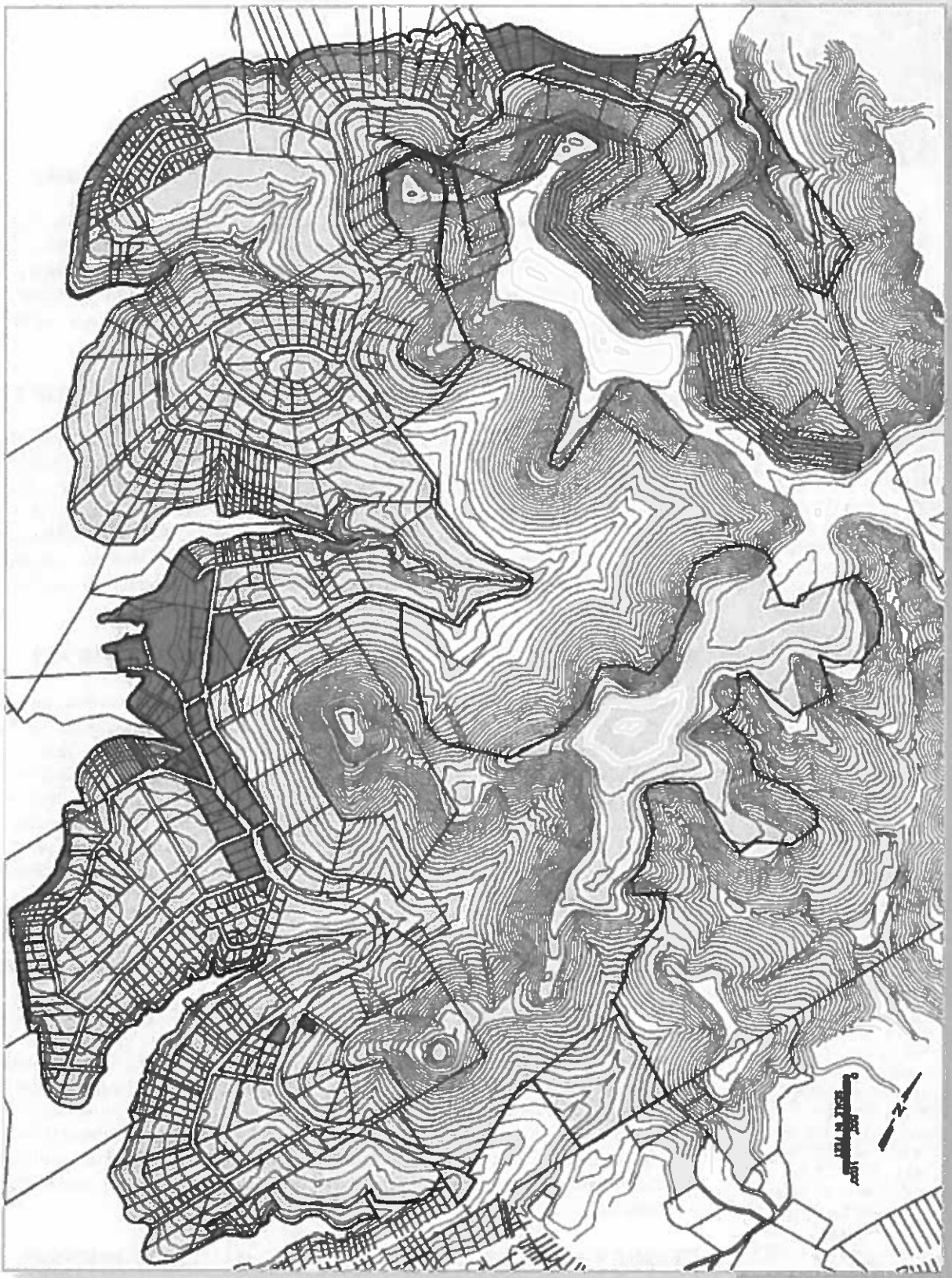
Parks and Open Spaces Map

LEGEND

- CENTERLINE OF UPLAND WATERWAY
- WATER QUALITY BUFFER ZONE AND PUBLIC OPEN SPACE
- VILLAGE MUNICIPAL HALL/FIRE STATION
- RIDGETOP OVERLAY AND LOCATION FOR VIEW PARK(S)

NOTES: UP TO 20% OF UNDEVELOPED ARE TO BE DEDICATED AS PARKS AND OPEN SPACE

Future Land Use Map



LEGEND

- RESIDENTIAL USE
- COMMERCIAL AND NON RESIDENTIAL USE
- GOVERNMENTAL USE
- STREET AND THOROUGHFARE

A SAMPLE OF VOLENTE WILDLIFE

White-tailed Deer
Their characteristic tails are held erect when fleeing to display the white underside; the rest of their body is reddish-brown in summer and grayish-brown in winter. Fawns less than six months of age have bright white spots scattered on their coats.

Tarantula
The spiders can grow to 4 inches in length and are very hairy with a dark brown coloring. Females may live for 25 years while males rarely live over two or three months after maturity. Tarantulas use burrows, natural cavities under logs or stones, spaces under loose bark of tree trunks and even old rodent burrows as shelters. Bites from Texas tarantulas are generally not serious to humans.

Bluebonnet
The Bluebonnet flower is the state flower of Texas and a spectacular feature of the Volente landscape, especially during the springtime. Bluebonnets are a striking, blue wildflower that usually start blooming in mid-March and peak the second week of April. Throughout the wildflower season, you will find families taking photographs of their children knee deep in these gorgeous flowers. A sight to be enjoyed by all!

PHOTO BY MARK SCOTT

Indian Blanket
This is another wildflower native to Volente and the Texas Hill Country. Along with Bluebonnets, the Indian Blanket is the most commonly viewed wildflower along Texas highways. These pink and red flowers are part of the sunflower family and usually boast a bold yellow border. The Indian Blanket blooms in late April through May and is thought to signal the beginning of the long, Texas summer.

FAQs

WHAT SCHOOLS SERVE THE VILLAGE OF VOLENTE?

ANSWER: The Village of Volente is located in the Leander Independent School District. School-age children are zoned to attend Grandview Hills Elementary School, Four Points Middle School and Vandergrift High School. School bus service is provided. For families interested in private school, both religious and secular, the area offers a wide range of choices. For very young children, the village is close to several licensed child care facilities and pre-schools.

IS THE VILLAGE OF VOLENTE LOCATED IN A FLOOD ZONE?

ANSWER: Only lakeside property in the village is located in the 100-year flood zone. For many years, the floodplain elevation for the 100-year flood on Lake Travis was 716 feet above mean sea level (msl). However, a 2005 study by the U.S. Army Corps of Engineers found that the actual flood plain elevation of Lake Travis was 722, instead of 716 feet. In response to and to participate in the Federal Flood Insurance Program, the Village of Volente recently amended its site development ordinance to restrict construction in the flood zone unless the finished floor elevation of a proposed building IS 722 feet above msl.

WHAT IS THE BALCONES CANYONLAND PRESERVE?

ANSWER: Residents of the Village of Volente are fortunate to live so close to one of the most stunning and biologically diverse nature preserves in Texas. The Balcones Canyonland Preserve (BCP) is a system of federally protected reserves that was established to protect several endangered species and a host of other wildlife. The BCP currently encompasses more than 27,000 acres and when complete will include 30,000 acres in total. For information about hiking opportunities and educational tours offered at the BCP, contact (512) 854-9437 to speak with the Travis County Environmental Specialist and/or BCCP Coordinator. Visit their website: www.co.travis.tx.us/tnr/bccp/bc_preserve.asp.

WHAT TYPE OF WILDLIFE LIVE IN THE VOLENTE AREA?

ANSWER: The Village of Volente is home to a wide variety of wildlife, including protected species such as the endangered Golden-cheeked Warbler and Black-capped Vireo. Deer are prevalent so residents should be vigilant when driving, especially at night. It is also advised to plant deer-resistant plants when landscaping. The village is home to grey foxes, raccoons, snakes, bats and other native wildlife. Coyotes also inhabit the area and can be a danger to small children and pets. Volente is also home to a variety of insects, including scorpions, centipedes, spiders and tarantulas. Well-sealed structures will help prevent these potentially dangerous critters from entering your home.

DOES THE VILLAGE OF VOLENTE HAVE A MUNICIPAL UTILITY DISTRICT?

ANSWER: The Village of Volente does not have a Municipality Utility District (MUD). Existing Volente homes are served by well water and septic tanks. However, the village has approved a Planned Development District of approximately 300 new homes called Volente Peak which will be served by a MUD.

PHOTO BY MARK SCOTT

WHAT TYPE OF GREEN SPACES ARE IN VOLENTE?

ANSWER: Look around our village and you will see lush green forest, pristine ridge tops and spectacular lake views. This is no accident. In fact, one of the priorities outlined in the village's comprehensive plan are large lot sizes for residential development with ample green space and buffers. What's more, most of the village's subdivisions were deeded so that all homeowners collectively own open lots that were set aside to provide lake access to all subdivision residents. In addition to the natural green, undeveloped space, the village has a small park located across the street from the fire hall with picnic tables and other facilities for public gatherings. A two-acre community park has been proposed in a location that will be determined at a later date.

WHAT TYPE OF RECREATION ACTIVITIES ARE AVAILABLE?

ANSWER: Volente offers its residents a wide range of recreational opportunities, including sailing, swimming, water skiing, fishing, biking, jogging, scuba diving and camping. In addition, community events are held throughout the year, including pancake breakfasts, dances, fish frys, farmers markets and seasonal festivals.

WHAT COMMERCIAL MARINAS ARE THERE IN VOLENTE?

ANSWER: There are four marinas currently serving Volente - Sandy Creek Marina, Dodd Street Marina, Highland Lakes Marina and VIP Marina.

WHERE IS THE CLOSEST COMMERCIAL AVIATION AIRPORT?

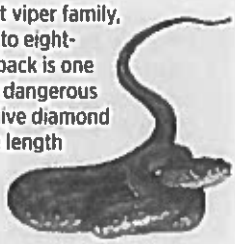
ANSWER: The closest airport to Volente is Austin-Bergstrom International Airport (ABIA), which is just east of I-35 and a few short miles from downtown Austin. For more information about ABIA, visit: www.ci.austin.tx.us/austinairport/.

WHAT LAW ENFORCEMENT AGENCIES SERVE VOLENTE?

ANSWER: The Village of Volente is served by the Travis County Sheriff's Office. Code enforcement is provided by Village employees. Volente does not have a municipal police department. Please be aware that all residential and business alarms must be registered with the Travis County Sheriff's Office. Failure to register an alarm is a Class C Misdemeanor, punishable by a fine of up to $500. For more information contact the Alarm Unit at (512) 854.4768 or visit www.co.travis.tx.us/sheriff. The waters of Lake Travis are protected by the LCRA.

A SAMPLE OF VOLENTE WILDLIFE

Nine-banded Armadillo
The Nine-banded Armadillo is a cat-sized, armored, insect-eating mammal. Similar in form to an anteater, the bony, scaled shell of the armadillo protects it from attacks by predators. Unfortunately, armadillos often fall victim to automobiles and are frequently found dead on roadsides.



Western Diamondback Rattlesnake
A member of the pit viper family, the venomous, six- to eight-foot-long diamondback is one of the world's most dangerous snakes. The distinctive diamond pattern running the length of the snake's body serves as camouflage. A nocturnal species, diamondbacks often spend their days coiled quietly in the shade where they can easily move in and out of the sun to regulate their body temperature.

PHOTO BY MICHAEL MALE

Black-capped Vireo
The Black-capped Vireo is a migratory songbird that builds its nest in very specialized habitat, just a few feet off the ground. Central Texas provides habitat for the last viable populations of this species.

PHOTO BY STEVE MASLOWSKI, USFWS

Golden-cheeked Warbler
The Golden-cheeked Warbler nests nowhere else in the world except in the oak-juniper woodlands of Central Texas. This migratory songbird builds nests of bark strips from mature Ashe juniper (locally called "cedar") which it binds with spider webs that it collects in its beak. These colorful native Texans can be found from early March through July and August.

VILLAGE OF VOLENTE OFFICE
Hours: Mon & Wed 9am-Noon/1:30 - 5pm
Tues & Thurs 8am-Noon
Friday Closed
15403 Yenawine Way, Volente, TX 78641
(512) 250-2075
volente@villageofvolente-tx.gov
www.villageofvolente-tx.gov

VOLENTE NEIGHBORHOOD ASSOCIATION (VNA)
The VNA represents all properties located along FM 2769, Bullick Hollow Road, Lime Creek Road and properties located along all roadways that originate either directly, or as tributary from these roads.
www.volente.org

ANDERSON MILL GARDENERS
Long-standing local club dedicated to preserving local history and educating Volente residents and the public about gardening in the village's challenging conditions.
(512) 258-2613

LOWER COLORADO RIVER AUTHORITY (LCRA)
Quasi-governmental entity with jurisdiction over Lake Travis and its waters; sets standards for nonpoint-source pollution control and septic systems.
(512) 473-3200
(800) 776-5272, Ext. 6843 (to report water pollution, oil spills, etc)

PROTECT LAKE TRAVIS ASSOCIATION
Local group committed to protecting Lake Travis and its watershed from any events and conditions that could affect the health and safety of area residents, recreational users of the lake, and wildlife and to protect the aesthetic natural beauty and recreational quality of the area.
(512) 258-0892
www.protectlaketravis.org

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
General supervision and oversight of public water and sewer districts and utilities.
www.tceq.state.tx.us
(512) 239-1000
Environmental Complaints Hot Line:
(888) 777-3186

FIRE
VOLENTE FIRE DEPARTMENT
Call 9-1-1 (emergencies)
(512) 258-1114 (non-emergencies)
www.vvfd.net

EMERGENCIES
TRAVIS COUNTY EMERGENCY SERVICES DISTRICT #13
9-1-1
Medical, non-medical, fire, police

TRAVIS COUNTY SHERIFF'S OFFICE: WEST COMMAND
(512) 854-9728

PERMITS FOR CONTROLLED OUTDOOR BURNING
Volente Fire Department
(512) 258-1114

WATER
No public system.
Homes in Volente rely on wells or water pumped from Lake Travis.

SEWER/WASTE-WATER
No public system.
Homes in Volente rely on septic tanks. LCRA approves all septic tank systems.

ELECTRICITY
Pedernales Electric Cooperative
(888) 554-4732
www.pec.coop

NATURAL GAS
No public providers
Volente residents rely on private propane and commercial enterprises.

PHONE/CABLE/DATA
AT&T
(800) 559-7928
Time Warner Cable
(512) 531-7815

WASTE DISPOSAL & RECYCLING
TX Disposal System
(512) 421-1340
(800) 375-8375

BULKY ITEMS PICK-UP
Volente regularly notifies residents of scheduled pick-ups.
Contact Village office at
(512) 250-2075
www.villageofvolente-tx.gov

RECYCLING BATTERY & HAZARDOUS ITEM DISPOSAL
(512) 974-4343
www.ci.austin.tx.us/sws/residential_hazardous_waste.htm

ANIMAL CONTROL
Austin/Travis County Health and Human Services Department's Animal Protection program
3-1-1

MAIL
Closest Post Office
801 S Highway 183
Leander, Texas
(800) ASK-USPS

LIBRARY
Cedar Park location closest to Volente
(512) 401-5600

HOSPITALS
Seton Northwest Hospital
11113 Research Boulevard, Austin
(512) 324-6000
University Medical Center Brackenridge
601 East 15th Street, Austin
(512) 324-7000
STARflight
(800) 531-STAR (7827)
Helicopter service is available to transport critically injured or ill patients to the Level I Trauma Center in Austin (University Medical Center Brackenridge) when ambulance service is not fast enough.

NEWSPAPERS
Austin American-Statesman
(512) 445-4040
Hill Country News/Four Point News
(512) 259-4449
North Lake Travis Log
(512) 267-4449
Community Impact
(512) 989-6808

TRANSPORTATION
Public transportation
Capital Metro
(512) 474-1200
www.capmetro.org
Airport
Austin-Bergstrom International Airport (ABIA)
www.ci.austin.tx.us/austinairport

EDUCATION
Leander Independent School District
www.leanderisd.org
Grandview Hills Elementary (grades K-5)
(512) 570-6800
Four Points Middle School (grades 6-8)
(512) 570-3700
Vandergrift High School (grades 9-12)
(512) 570-2300

City Secretary

From: Tom Buckle <tbuckle@sbylaw.com>
Sent: Wednesday, April 19, 2017 3:09 PM
To: Allison Thrash
Cc: City Secretary
Subject: RE: This was the Agenda's "Tom Question"...

A city cannot zone land under the water so while other ordinances apply to waterways and lakebeds, zoning does not. Therefore, I do not think you need to expand the definition in the zoning ordinance.

From: Allison Thrash [mailto:allisonthrash@gmail.com]
Sent: Wednesday, April 19, 2017 2:55 PM
To: Tom Buckle <tbuckle@sbylaw.com>
Cc: Nicole Vicuna <city.secretary@volentetexas.gov>
Subject: Fwd: This was the Agenda's "Tom Question"...

Tom! I'm standing here now with Nicole at the Village Office and her computer won't send this question to you for your opinion on the language!

Could you please look at the referenced VOV Zoning Ordinance section and respond asap? We are trying to get our meeting back up packets out this afternoon!

Thank you so much,
Alli

Allison Thrash
512-825-1314
www.allisonthrash.com
Labrador Hill Music

Begin forwarded message:

> **From:** Allison Thrash <allisonthrash@gmail.com>
> **Date:** April 19, 2017 at 2:45:08 PM CDT
> **To:** Nicole Vicuna <city.secretary@volentetexas.gov>
> **Subject: This was the Agenda's "Tom Question"...**
>
> Re Zoning Ordinance language in Section 30.105 Application (this is a one-sentence section), do we need to add any additional language that references "annexed surface waters" or "navigable streams or waterways"?
>
> Allison Thrash
> 512-825-1314
> www.allisonthrash.com
> Labrador Hill Music

Submitted for review @ 2/27/17 meeting: notes from meeting included within doc.

3/14/17 meeting notes included.

ORDINANCE NO. 2016-O-173 4/20/17

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, REPEALING AND REPLACING ORDINANCE 2004-O-32, PROVIDING ZONING DISTRICTS, ZONING REGULATIONS, AND STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE CITY; ESTABLISHING A BOARD OF ADJUSTMENT AND PROVIDING RULES AND REGULATIONS FOR THE BOARD; PROVIDING REGULATIONS FOR CONDITIONAL USE PERMITS AND NON-CONFORMING USES AND STRUCTURES; PROVIDING DEFINITIONS, SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Village of Volente desires to adopt Zoning regulations pursuant to the provisions of Chapter 211 of the Texas Local Government Code to promote the public health, safety, morals and general welfare of the citizens of the Village of Volente and to protect and preserve places and areas of historical, cultural and architectural importance and significance Within the Village of Volente;

WHEREAS, the provisions of this ordinance are consistent with the provisions of the Comprehensive Plan for the Village of Volente and are designed to achieve the purposes set forth in Sections 211.003 and 211.004 of the Texas Local Government Code;

WHEREAS, the Village of Volente has complied with the notice and public hearing requirements of Section 211.006 of the Texas Local Government Code;

WHEREAS, the Village of Volente has established a Planning and Zoning Commission ("Commission") pursuant to Section 211.007 of the Texas Local Government Code and has received the preliminary report and a recommended Zoning ordinance from the Commission;

WHEREAS, the Village of Volente desires to adopt the following Districts, Zoning regulations and standards for the Development and use of the land Within the Village of Volente

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

Accept all page # revisions 2/27/17

TABLE OF CONTENTS

ARTICLE 30 ZONING REGULATIONS

DIVISION 1. GENERAL PROVISIONS

Sec. 30.100 Authority: This article is pursuant to the police powers of the Village of Volente and under the authority of the Constitution and general laws of the State of Texas, including particularly *Chapter 211 of the Texas Local Government Code.*

Sec. 30.101 Title: This article shall be known, and may be cited, as the Zoning ordinance of the Village.

Changes to 30.102 accepted 2/27/17

Sec. 30.102 General Purpose and Intent: The primary purposes of this article are to promote the public health, safety and the general welfare of the Village and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the public health, safety and general welfare of the present and future citizens of the Village; and to establish a framework of Zoning guidelines and criteria which will provide for and support the Development of a quality living and work Environment by incorporating provisions requiring all future Development and redevelopment to provide a compatible plan for residential, ~~commercial~~and commercial ~~and industrial~~ uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations. This article should be administered and applied to result in Development superior to that otherwise achievable and to promote the following purposes:

A. Assist the safe, orderly, healthful and coordinated Development of the Village;
B. Conserve existing and future neighborhoods;
C. Protect and conserve the value of real property throughout the community;
D. Conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;
E. Protect and preserve places and areas of historical and cultural importance and significance to the community;
F. Prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality Development and innovative design;
G. Lessen congestion in the streets and provide convenient, safe and efficient circulation of vehicular and pedestrian traffic;

H. Facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, emergency and recreational facilities, and other public requirements;
I. Promote compatible residential~~,~~ and commercial ~~and industrial~~ uses to harmoniously relate future Development and redevelopment to the existing community and facilitate the Development of adjoining properties;
J. Standardize the procedure and requirements for Zoning to provide administrative efficiency and property owner rights; and
K. Provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the Village.

Sec.30.103 Jurisdiction and Intent: The requirements of this article shall apply to all property within the Village; provide for the implementation of Zoning regulations; provide a voluntary guide for uses within the Extraterritorial Jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the Village comprehensive plan. This article has been made with reasonable consideration among other things, for the character of the District and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village consistent with the Village comprehensive plan. Nothing herein shall be construed to grant a "permanent" zoning. The intent of this article is to supplement the minimum standards for the Development of land Within the Village as contained in the Village's Subdivision Ordinance and Site Development Ordinance, and applicable construction codes. If only the minimum standards are followed, as expressed by the various ordinances regulating land Development, a standardization of Development will occur. Such will produce a monotonous urban setting and is not encouraged.

Sec. 30.104 Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this article. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or Building shall be construed to include the words intended, arranged, or designed to be used or occupied. Any definition not expressly prescribed herein shall, until defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

Access means a way of approaching or entering a property.

Accessory Use means a use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof. See: Accessory Structure.

Accessory Structure means a subordinate Building detached and used for a purpose customarily incidental to the main Structure such as a private garage for automobile storage, tool house, bath house or greenhouse as a hobby, home workshop, children's playhouse, storage house, garden shelter, garage apartment or guest house but not involving occupancy by paying tenants.

Adjacent means abutting and directly connected to or bordering.

Adult is defined as a person over the age of eighteen (18) years old.

Alcoholic Beverages-Off-Premises means Convenience Store or similar facility which sells beer, wine or liquor for off-premises consumption.

Alcoholic Beverages-On-Premises means an establishment or facility which sells beer, wine or mixed drinks, which contain alcoholic beverages for on-premises consumption.

Alcoholic Beverage(s) means the alcohol, or any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Amortization means a method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period.

Amusement (Indoor) means an amusement enterprise wholly enclosed in a Building which is treated acoustically so that noise generated by the enterprise is not audible at the lot line.

Amusement (Outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.

Annexation means the incorporation of land area into the Village with a resulting change in the boundaries of the Village.

Animal(s) means any animate being that is not a human.

Apartment see Dwelling Unit

Applicant means a person applying for Zoning Approval under this article.

Approval means the final Approval in a series of required actions.

Average Grade Plane means the average of the lowest point of Natural Grade at the Foundation and the highest point of a Natural Grade at the foundation.

Bar means any business establishment required to have a state license for the sale of Alcoholic Beverages-On-Premises consumption.

Bed and Breakfast means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight transient guests on a paying basis. See Short Term Rental (STR) Ordinance.

Block means an area enclosed by streets, normally to be divided into lots to be occupied by or intended for buildings; or if the same word is used as a term of measurement, it shall mean the distance along one side of a Street between the nearest two streets which intersect said Street on said side.

Board means the Board of Adjustment of the Village of Volente, Texas.

Board of Adjustment means a committee appointed by the Council to consider Variances from the regulations of the Zoning ordinance pursuant to *§ 211.008 of the Texas Local Government Code* and that is given the authority set forth in this article and in *§ 211.009 of the Texas Local Government Code.*

Boat Dock means a noncommercial dock associated with a single family residence for which no compensation is or will be received by the owner(s) of the dock for its use. This definition also includes swim platforms and piers. A floating dock located on Lake Travis that occupies more than 1,500 square feet of water surface area, excluding the square footage occupied by the gangway, shall be considered a Marina Facility. Any dock structure exceeding 1,500 square feet may be subject to *LCRA's Highland Lakes Marina Ordinance,* as amended.

Buffering means an area within a property or site, generally Adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to Adjacent properties and vice versa. See also Screening.

Building means any structure, either temporary or permanent, having a roof or other covering designed or used for the shelter or enclosure of any person, Animal, or property of any kind.

Building Line means the line or lines within a lot created by the intersection of the vertical planes of a building and the ground. change accepted 2/27/17

Building Footprint means the foundation, base or support of a building or structure.

Building Ordinance or Construction Code means the construction codes and related ordinances of the Village providing standards, requirements and regulations for site Development and the construction and erection of buildings and structures within the Village, including, but not limited to, the electrical code, plumbing code, building code and minimum housing code, adopted by the Council from time to time.

Building Permit means a permit issued by the Village which is required prior to commencing construction or reconstruction of any structure.

Building Plot means the land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

Building Setback means a line or lines designating the interior limit of the area of a lot within which the Building Footprint of structures may be erected. ~~The building lines generally provide the boundaries of the buildable area of any given lot and no Structure or building may be erected between a building and the corresponding lot line.~~change accepted 2/27/17

Carport means an Accessory Structure with one or more sides, covered with a roof and constructed specifically for the storage of one or more motor vehicles (including watercraft), being not more than 1000 square feet. A Carport is not an Accessory Structure if built as an integral part of the original primary Structure having an indistinguishable, continuous roof structure.

Church means a place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

City means the Village of Volente, Texas.
Clinic means a public or private establishment for the examination and treatment of patients on an outpatient basis by an individual or group of doctors, opticians, veterinarians, or other similar medical professionals.

Commission means the Planning and Zoning Commission of the Village.

~~**Common Area** means privately owned land and Improvements within a Development including buildings, common open space, central services and utilities, streets, walks, parking areas, fencing and Screening walls, landscaping, and any other elements and facilities under common ownership and available for the use of all owners or tenants.~~ 3/14/17

Common Open Space means that portion of the c~~C~~ommon a~~A~~rea which is designated for outdoor recreation area, Private Park, play lot, plaza, athletic court, swimming pool, fountain, stream or pond, ornamental landscaping or natural vegetation offering visual amenity, and which is open to general view and conveniently accessible to pedestrians within the project. See also Open Space. 3/14/17

Communication or Telecommunication; *see* ~~the~~ Village's ~~Telecommunications~~ Wireless Communications Ordinance change accepted 2/27/17

Community Center (Public) means a Building and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served.

Community Center (Private) means a recreational facility, including both indoor and outdoor facilities, for use by residents and guests of a particular residential community development, Subdivision or membership group.

Comprehensive Plan or Master Plan means the comprehensive plan of the Village and adjoining areas adopted by the council, including all its revisions as defined by *Chapter 219 of the Texas Local Government Code*. The plan may indicate the general locations recommended for various land uses, transportation routes, public and private buildings, streets, Parks, and other public and private developments and Improvements, to include detailed plans for water and sewer facilities. Such plan is the overall Development plan for the Village adopted to provide long-range Development policies and may include all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services. The Comprehensive Plan or Master Plan does not constitute Zoning regulations or establish District boundaries.

Conceptual Site Plan means a scaled drawing representing an area of land to be improved/developed and indicating the legal boundary, Setbacks, Impervious Cover, Easements and Flood Plain of said property and the nature and extent of all existing and proposed improvements to said project. See also Site Development Plan. 3/14/17

Conditional Use means a use which may be permitted in a District, subject to meeting certain conditions or procedures established by the council. No conditional use shall be permitted in any location where it will be inconsistent with the existing adjacent and nearby uses.

Convenience Store means a retail establishment selling a variety of consumables, notions and/or similar items, usually serving as a convenient outlet to a neighborhood.

Council means the governing body of the Village of Volente.

County means Travis County, Texas.

Developer means the legal owner of land to be improved and/or Subdivided or his/her authorized representative.

Development means the construction or placement of any buildings, utilities, Access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and Yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and Street repair, and any construction maintenance and installation which does not require land disturbance or result in additional Impervious Cover, shall also not constitute development.

District means a zoned section or sections of the Village for which regulations governing the use of buildings and premises, the Height of buildings, the size of yards, and the intensity of use are uniform.

Drive Approach means a paved surface connecting the Street to a Lot Line.

Driveway means the surface connecting a Drive Approach with a parking space, Parking Lot, loading dock or garage.

Dwelling (Multi-family) means a single Structure designed to accommodate two (2) or more households.

Dwelling (Single-family) means a detached Building having accommodations for not more than one family.

Dwelling (Two-family) or Duplex means a detached Building designed and constructed with two (2) separate Dwelling~~living~~ units under a single roof by two families. 3/14/17

Dwelling Unit means a Building or portion of a Building arranged, occupied or intended to be occupied as residential unit designed to accommodate one (1) household for living, sleeping, eating, cooking and sanitation.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Extraterritorial Jurisdiction (ETJ) means that geographic area outside the corporate boundaries of the Village as established pursuant to *§§42.021 and 42.022 of the Texas Local Government Code.*

Facility for the Care of Substance Dependent Persons means a facility offering resident or outpatient treatment to alcoholic or narcotic patients.

Filing Date means, with respect to Zoning applications, the date at which the Village deems an application administratively complete.

Flood Plain means a body of land susceptible to flooding from any source. Floodplain elevation for land adjoining Lake Travis or the 100 year floodplain, as established by FEMA, is 722 mean sea level (msl) as of the adoption of this ordinance. The 100-year floodplain is used by FEMA to administer the federal flood insurance program.

Floor Area means the total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, Carports or garages.

Foundation means lowest load bearing portion of a residence or Building as it meets the ground.

Front Yard means a space extending the full width of the lot between ~~any~~ the principal Building ~~Setback line~~ and the front lot line, and measured perpendicular to the Building at the closest point to the front lot line. changes accepted 2/27

Governing Body means the Village council.

Grading means any act by which soil, rock, or mineral matter is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and includes the removal of vegetative cover, excavation, and land leveling.

HOA Neighborhood Park means a privately owned parcel of land, within a subdivision, dedicated solely for recreational use by persons in such Subdivision and their guests, and maintained by the residents of said subdivision.

Height means the vertical distance from the highest point of a Building to the Average Grade Plane, excepting any chimney, spire or ventilator on a building.

Home Based Occupation means a commercial use customarily carried on in the home by members of the occupant family.

Home Owners Association (HOA), means an incorporated, non-profit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a Subdivision is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.

Hotel means a Building in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a café, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a lodging house, or an apartment. To be classified as a hotel an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use

and upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, or nursing home as defined in *§156.001, Tex. Tax. Code.*

Impervious Cover means impervious surfaces that reduce the amount of infiltration of water into the soil (ex. asphalt, pavement, sidewalk, roof tops).

Improvement(s) *means a* valuable addition made to property (usually real estate) amounting to more than mere repairs and maintenance, costing labor or capitol, and intended to enhance its value, beauty, or utility or to adapt it for new or further purposes. Generally, buildings, but may also include a permanent Structure or other Development, such as a street, sidewalks, sewers, utilities, etc.

Loading Space means an Off-Street space for the parking of a vehicle while loading or unloading merchandise or materials from commercial or industrial vehicles.

Lot means a subdivision of a parcel intended as a unit for the transfer of ownership, or for the development, or for occupancy and/or use. accepted 2/27

Lot Lines means the lines bounding a lot.

Lot Width means the distance between the lot sides at the ~~Front~~ front Setback line of a lot. For angular lots, the Lot Width is average of the width of a Lot as measured at the front Setback line, the rear Setback line, front Building Line and rear Building Line. accepted 2/27

Manufactured (HUD) Home means a Manufactured Home or mobile home as defined by the Tex. *Occupants Code* 1201.003(18), meaning a Structure constructed *on or after* June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), built on a permanent chassis, designed for use as a Dwelling with or without permanent Foundation when the Structure is connected to the required utilities, transportable in one or more sections, and in the travelling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

Marina means any commercial or public Structure or combination of structures for mooring or servicing of watercraft, with more than three mooring slips, and including all structures (slips, breakwaters, etc.) and associated anchoring facilities (e.g., fuel facilities, Restaurants, etc.) which abut the water-based entity.

Minimum Building Square Feet means the square footage computed from the outside dimensions of the Dwelling or structure including each floor level, but excluding attached garages, attics, basements, open or screened porches. accepted 2/27

Mobile Home means manufactured home or Mobile Home as defined by the Tex. *Occupants Code* 1201.003(20), meaning a Structure constructed before June 15, 1976. built on a permanent chassis, designed for use as a Dwelling with or without permanent Foundation when the Structure is connected to the required utilities, transportable in one or more sections, and in the travelling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

Motel means a Building or group of detached, semi-detached or attached buildings containing guest rooms with automobile storage space provided in connection therewith, which Building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts~~, motels~~ and similar designations. 3/14/17

Natural Grade means the grade, or ground elevation, existing before construction, excavation, or grading.

Nonconforming Structure means a Structure or Building which was lawful prior to the adoption, revision or amendment of the Zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the District.

Nonconforming Use means a use which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the District.

Off-Street Parking means an off-street parking lot located Adjacent or contiguous to a retail, commercial or office district.

Open Space means an area included in any Side, Rear or Front Yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material. See also Common Open Space. 3/14/17

Park or Playground means an open recreation facility or park owned and operated by a public agency such as the Village or the school District and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

Parking Lot means an improved parking area to accommodate the vehicles which utilize any multiple family, retail, commercial, office~~,~~ or business ~~or industrial~~ property. accepted 2/27

Permitted Use means a use specifically allowed in the applicable Districts without the necessity of obtaining a Conditional Use Permit.

Personal Care Facility means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single family Districts. This definition includes a community-based residential home operated by (i) The Texas Department of Mental Health and Mental Retardation, (ii) a community center operated under *Section 3.01, Texas Mental Health and Mental Retardation Act (Article 5547-203 VATCS),* which provides services to disabled persons; (iii) a nonprofit corporation, or (iv) any entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program. This definition includes homes for the handicapped as defined in *42 U.S.C. Sec. 3602(h).*

Platted Lot means a lot ~~parcel of land~~ which ~~has been~~is part of ~~Subdivided with~~ a Subdivision ~~plat~~ approved by the governmental ~~agency~~ entity which has, or entities which have, subdivision approval as enabled by the State of Texas, and recorded in the official county plat records. The Travis County subdivision regulations were first enacted on 9-1-1983. Village of Volente subdivision regulations were first enacted on 2/1/2003. ~~within whose jurisdiction the Subdivision falls or which existed prior to~~

~~a requirement it be platted or which, because of its size, is not legally required to be platted.~~ accepted 2/27

Portable Storage Structure means a portable building or a water storage tank of 100 square feet or less, that is not permanently attached to the ground and designed to be transportable.

Privacy Fence means a well-constructed opaque fence or screen of wood, masonry or a combination thereof at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so those gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch.

Private Club means an establishment required to have a state issued alcoholic beverage permit for the sale, storage or vending of Alcoholic Beverages-On-Premises to its members.

Professional Office means a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions licensed by the state.

Public Building means a facility such as office buildings, and shops required by branches of local, state or federal government for service to an area such as highway department or a Village, County or service center.

~~**Public Improvement** (would like to consider adding this definition 2/27)~~ rejected 3/14: def on pg 47

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.

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, used 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.*

Rear Yard means a space extending across the full width of the lot between the principal Building and the rear lot line, and measured perpendicular to the Building to the closest point of the rear lot line.

Recreational Vehicle (RV) means any self-propelled or towable vehicle designed for and constructed primarily to provide temporary living quarters for recreational, camping, or travel use; primarily intended for recreational, purposes, including but not limited to a campervan, truck camper, pop-up camper, travel trailer, teardrop trailer, fifth-wheel trailer, toterhome or toy hauler.

~~**Required Yard** means the Open Space between a lot line and the buildable area within which no Structure shall be located except as provided for herein.~~ 3/14/17

Restaurant means a commercial establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption.

Right-of-Way means a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "Right-of-Way" for land platting purposes shall mean that every Right-of-Way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

Safety Services means a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

Screening see Buffering

Setback means a line that marks the Setback distance from the ~~property~~ lot line, and establishes the minimum required front, side, road side or Rear Yard of a Building Plot. accepted 2/27

Short Term Rental (STR) See Village's Short Term Rental Ordinance.

Side Yard means a an area between ~~any required~~the principal building side ~~setback and the side~~ Llot line extending the full length of the Lot.~~space extending from the Front Yard to the Rear Yard between the Setback line and the side lot line measured perpendicular from the side lot line to the closest point of the Setback line.~~accepted 2/27

Sign See the Village's Sign Ordinance.

Site Development Plan means the maps, drawings, plans and specifications indicating the proposed location and design of Improvements to be installed as part of a Development and sealed by a Licensed Professional Engineer or Architect certified in the State of Texas. See also Conceptual Site Plan. 3/14/17

Stable means an Accessory Building for quartering horses.

Street means any public or private Right-of-Way that affords the primary means of vehicular *Access* to abutting property.

Street Line means that line limiting the Right-of-Way of the Street and being identical with the property line of persons owning property fronting on the streets.

Structurally Altered means any change in the supporting members of a Building, such as load bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Structure ~~means any construction, or a production or piece of work artificially built up or composed of parts honed together in some definite manner. That which is built or constructed: an edifice or Building of any kind. A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.~~

-means any building or anything constructed or erected on, above or below the ground or which is attached to ~~something~~ a permanent fixture located on the ground. Structures include, but are not limited to, buildings, telecommunication towers, sheds, covered parking, retaining walls four (4) feet or higher (measured from the bottom of the footing to the top of the wall), swimming pool, permanent signs ~~and other~~and other similar improvements. accepted 2/27 with clarification of "something" Addressed 3/14/17.

Subdivide or the Act of Subdivision means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of development or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity. accepted 2/27

~~***Traffic Impact Analysis*** means a study of the impacts of a development on the City's transportation system conducted by a registered professional engineer. (need more info & discussion 2/27)~~ Addressed 3/14/17

Variance means ~~an exception to the specific requirements of this article.~~ a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. accept 2/27

Village means the Village of Volente, Texas.

Village Council or Council means the Governing Body of the Village.

Village Engineer means the Engineer for the Village or his or her designated representative, as appointed by the council.

Village Limits or Within the Village means the, or within the, incorporated boundaries of the Village.

Village Official means the officer of the Village assigned and designated by the Council from time to time to fulfill administrative duties as provided in the Local Government Code.

~~**Warehouse** means an establishment engaged in the storage of merchandise or commodities in an enclosed structure.~~ accept 2/27

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

Yard means an Open Space at Natural grade between the principal and Accessory Buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a Structure from the ground upward, except as otherwise provided herein.

Zoning means the division of the Village into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement,

spacing and size of land and buildings in order to achieve that compatibility as defined in *Chapter 211 of the Texas Local Government Code* and this ordinance.

Zoning Map means the official map showing the division of the Village into districts, and is hereby incorporated and made part of this article.

ANY DEFINITION NOT EXPRESSLY PRESCRIBED HEREIN SHALL, UNTIL SUCH TIME AS DEFINED BY ORDINANCE, BE CONSTRUED IN ACCORDANCE WITH CUSTOMARY USAGE IN MUNICIPAL PLANNING AND ENGINEERING PRACTICES.

Sec. 30.105 Application: The provisions of this article shall, except as specifically provided otherwise in this article, apply to all land within the jurisdiction of the Village.

Sec. 30.106 Exemptions: The provisions of this article shall not:

A. Prohibit the continuation of plans, construction or designed use of a Building for which a Building Permit was lawfully issued and which (i) is completed in its entirety within one (1) year from the effective date of this article; and (ii) for which construction shall have been started within ninety (90) days after the effective date of this article; provided that any such building, construction or use that is not in compliance with this article shall be a nonconforming use; or
B. Apply to permits or commitments given by the Village with reference to construction of public utility buildings prior to the passage of this article.

Sec. 30.107 Reserved for future Use:

DIVISION 2. ZONING DISTRICTS AND REGULATIONS

Sec. 30.108 General Requirements and Limitations:

A. Conformity to Zoning District Requirements: No Building shall be erected and no existing Buildings shall be moved, Structurally Altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the District in which the Building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered. Furthermore, no Open Space surrounding any Building shall be encroached upon by a Structure or reduced in any manner, unless the same shall conform to the regulations hereinafter designated for the District in which such Building or Open Space is located.
B. Signs and Billboards: No Sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this article and all applicable Village ordinances governing the placement, location, permitting, construction and maintenance of Signs. Except as otherwise expressly authorized by ordinance, all off-premises Signs and billboards are expressly prohibited.
C. Structures and Buildings: No Building, Structure or Accessory Structure shall be erected, converted or enlarged, nor shall any such existing Building or Structure be Structurally Altered or rebuilt, nor shall any Open Space surrounding any building be encroached upon or

reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable Village codes and ordinances, and such work and Structure shall:

1. Conform to the Setback, Impervious Cover, Building site area, Building location and land use regulations hereinafter designated for the District in which such Building or Open Space is located as specified in the following Chart 1.
2. Not exceed the Height limit herein established for the District in which such Building is located, except as specifically authorized as follows:
   i. The Height limits prescribed herein shall not apply to television and radio towers, Church spires, and fire water towers, chimneys, necessary public or private utilities. The Height limits and other applicable regulations for television, radio and communications towers and antennas ~~may be~~are established by the ~~separate~~ Wireless Communications ~~ordinance~~Ordinance ~~2016-O-169A~~. accept 2/27
   ii. Public or semi-public service buildings, hospitals, institutions or schools, churches and other places of worship where permitted, may be erected to a Height not exceeding thirty five feet (35').

D. Accessory Structures and Uses: Accessory structures designed, constructed and located for a use permitted in the District, in compliance with this article and all other applicable Village ordinances, are permitted in each District.

E. Portable Storage Structure: may be located in the Side and Rear Setbacks. See Portable Storage Structures definition.

F. Conformity to Site Development Plan Requirements: No Structure or Building shall be erected, converted, enlarged, reconstructed or Structurally Altered unless a Site Development Plan meets the requirements of the applicable Village ordinances and have been approved by the Village.

G. Conformity to Parking and Loading Space Requirements: No Structure or Building shall be erected, converted, enlarged, reconstructed or Structurally Altered unless it conforms to the Off-Street Parking and loading requirements of this article and all other applicable Village ordinances.

~~H. Conformity to Building Setback Requirements: No Yard or other Open Space provided around any Structure or Building shall be considered as providing a Yard or Open Space for a Building on any other lot.~~ [not needed see C above] accept 2/27 along w/all relabelings in section

~~I.~~H. Outdoor Lighting: All outdoor lighting shall be installed and maintained in compliance with the Site Development Ordinance and all applicable Village ordinances. Such lighting shall be located and maintained in a manner as to not be directed onto any public Street or Adjacent property; provided that such Street lighting may be directed directly down upon a public street.

~~J.~~I. Height and Placement Requirements: Except as otherwise specifically provided in this article, no Building Structure shall be erected or maintained within the required Building Setbacks set forth herein, or which exceeds the Height limits specified in Chart 1.

~~K.~~J. Impervious Coverage: The maximum percentage of Impervious Cover shall not exceed that percentage specified in Chart 1.

~~L.~~K. Parking: Automotive vehicles or trailers bearing current license plates and state motor vehicle inspection stickers, excluding racing cars, antique cars, and cars belonging to members of armed forces who are on active duty, shall be parked in accordance with this section and any applicable Village ordinances.

1. Parking Regulations: Where any Structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this article, designated on-street

and Off-Street parking spaces shall be provided in a number not less than as provided in Chart 2 set forth hereinafter.

2. Off-Street Parking Space is an area of privately owned land not less than nine (9) feet by eighteen and one-half (18½) feet not on a public Street with an all-weather surface. A public Street shall not be classified as such, nor shall head-in parking Adjacent to a public Street and dependent upon such Street for maneuvering space.
3. Parking Space is an area that is not a Street or public Right-of-Way that is used or designed to be used for motor vehicle parking, that is not less than nine (9) feet by eighteen and one-half (18 1/2) feet, exclusive of the Driveways connecting said space with a Street. Said parking space and connecting Driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.
4. Accessible Parking: ADA compliance guidelines will apply. The location and design of accessible parking spaces shall be as required by the Texas Accessibility Standards (TAS).
5. Van Accessible Parking: Aisle access requirements shall be as required by the Texas Accessibility Standards (TAS).
6. Reduction of Parking: The total number of required motor vehicle parking spaces for a non-residential use may be reduced by five percent (5%) for each of the activities listed below provided by the owners or operators up to a maximum ten percent (10%) reduction in the total number of motor vehicle spaces.
    i. Participates in an area wide carpool/vanpool ride matching program for employees; designating at least ten percent (10%) of the employee motor vehicle parking spaces as carpool/vanpool parking and place such spaces closer to the Building than other employee parking.
    ii. Provides showers and lockers for employees who commute by bicycle.
    iii. Provides covered, secure bicycle parking racks or facilities.
    iv. Provides a transit facility that is approved by the local transit authority, and related amenities. Related amenities include but are not limited to: a public plaza, pedestrian sitting areas, and additional landscaping)
7. Development and Maintenance Standards for Parking Lots: Every parcel of land hereafter used as a public or private Parking Lots, including commercial parking lots, shall be developed as follows:
    i. Off-Street Parking Lots for more than five (5) vehicles and loading areas shall be effectively screened by a Privacy Fence, hedge, or planting on each side which adjoins a residential use or property situated in a residential area.
    ii. Except for parking to serve residential uses, parking and loading areas Adjacent to or within residential zoning Districts or Adjacent to residential uses shall be designed to minimize disturbance of residents.
    iii. Adjacent to or within residential Districts or Adjacent to residential uses shall be designed to minimize disturbance of residents.
    iv. Access isle shall be of sufficient width for vehicular turning and maneuvering.
8. Council Determination: Off-Street parking and On-Street parking for all uses not within the categories above shall be adequate to meet the anticipated needs and shall be determined by the Council using standards outlined for special exceptions with a view towards providing adequate parking and carrying out the general scheme of the parking requirements set out herein.
9. Special Exception: The Council may grant a special exception to allow two more uses to share parking spaces upon showing that the particular uses in question will require

parking at different times. Any spaces the Council allows to be shared count towards the number of spaces each use must provide.

~~M.~~L. Uses are Noncumulative: Uses within each District are restricted solely to those uses expressly permitted in each District and are not cumulative unless so stated.

~~N.~~M. Mandated Exceptions: To the extent required by state or federal law, a Personal Care Facility is an additional Permitted Use in any District, provided that:

1. Homes and residential units not designated and constructed in compliance with ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes shall meet the following requirements:
    i. The Structure shall comply with the provisions of the Village's construction codes that are applicable to nursing homes;
    ii. There shall be a minimum of two (2) parking spaces. For each three (3) beds, one additional space is required;
    iii. There shall be not less than fifty square feet (50 sf) of each living space within a sleeping room for each occupant assigned to such room;
    iv. There shall be not less than one hundred seventy five (175) square feet of living area in the Structure for each occupant/resident of the Structure and attendant on duty; and
    v. The Structure and operations shall comply with the standards established by the Texas Department of Human Services as licensing standards for personal care facilities for a Type B facility.
2. The Home must meet all applicable State licensing requirements
3. A Personal Care Facility must have at least one (1) paid staff member on duty twenty four (24) hours per day and one supervisor for each six (6) residents during
4. A Personal Care Facility may not have more than fifteen (15) residents.

~~O.~~N. Manufactured Home HUD Code: In addition to conforming to all other regulations herein, Manufactured Home must be connected to permanent utilities and skirted.

~~P.~~O. Recreational Vehicles: Storage of a property owner's RV or a tenant's RV is allowed. An RV may not be stored in any Easement or Setback area, except in a Driveway in a Side Setback. RV parking and use by visitors, by property owners during home construction/major remodeling, for emergency purposes, or by a governmental public utility or law enforcement agency while engaged in their official duties, is temporarily allowed for a maximum length of 30 continuous days, with an annual maximum time limit of 3 months total. There must be a minimum of 14 days between stays. To exceed the time provisions or the use restrictions in this ordinance, a permit must be issued by the Village. No RV may be permitted to remain on any lot as a permanent residence, either by property owners or tenants. Permanent residence is defined as the vehicle being attached directly to a power and/or water source and/or sewage facility, or used for more than 30 days at a time or more than 3 months during a calendar year.

~~Q.~~P. Home Based Occupation: means a commercial use customarily carried on in the home

1. By members of the occupant family,
2. Without structural alterations in the principal Building or any of its rooms,
3. Without the installation of machinery or additional equipment other than that customary to normal household operations,
4. With no more than 1 employee other than immediate family, and
5. Which does not cause the generation of other than normal noise, pedestrian and vehicular traffic.
6. It is incidental to a residential use and subject to the following limitations:

i. The home occupation shall be conducted entirely within a Dwelling Unit which is the bona fide residence of the practitioner(s);
ii. The residential character of the lot and Dwelling shall be maintained; the exterior of the Dwelling shall not be Structurally Altered; and no additional buildings shall be added on the property to accommodate the home occupation;
iii. The occupation shall not produce external noise, vibration, smoke, odor, fumes, electrical interference, involve the storage of weapons or dangerous materials, or waste run-off outside the Dwelling Unit or on the property surrounding the Dwelling Unit; and
iv. No vehicle used in connection with the home occupation which requires a commercial driver's license to operate shall be parked on any Street Adjacent to the property.

Sec. 30.109 Establishment of Zoning Districts and Categories

A. The Village is hereby divided into thirteen (13) Districts. The use, Height and area regulations as set out herein shall be uniform in each District where applicable or as provided elsewhere in this ordinance. The Districts are as established in Chart 3.
B. Zoning Map: The location and boundaries of the Districts herein established are shown upon the Zoning Map, which is hereby incorporated and made a part of this article; provided that such uses as listed but not shown on the Zoning map are provided for future growth and use upon amendment of the comprehensive plan. The City Secretary maintains the Zoning Map together with all notations, references, and other information shown thereon and all amendments thereto.
C. District Boundaries: Where uncertainty exists with respect to the boundaries of the established districts as shown on the Zoning Map, the following rules shall apply:
   1. Where District boundaries are indicated as approximately following the centerlines of streets or highways, Street lines or highway Right-of-Way lines shall be construed to be said boundaries.
   2. Where District boundaries are so indicated that they approximately follow the lot lines, such Lot Lines shall be construed to be said boundaries.
   3. Where District boundaries are so indicated that they are approximately parallel to the center lines or Street lines of streets, or the center lines of Right-of-Way lines of highways such District boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said map.
   4. In Subdivided property, the District boundary lines on the Zoning Map shall be determined by the use of the scale appearing on the map.
   5. If a District boundary line divides a property into two (2) parts, the District boundary lines shall be construed to be the property line nearest the District line as shown.
   6. Whenever any Street or other public way is vacated by the council, the District shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the Districts as extended.
   7. Where streets on the ground differ from streets shown on the Zoning Map, those on the ground shall control.

Sec. 30.110 Zoning of Annexed Areas:

A. Interim Zoning District. All territory hereafter annexed to the Village shall be automatically classified on a temporary basis as Single Family Residential District "SR", pending subsequent action by the Commission and Council for permanent zoning; provided that upon application, by either the Village or the property owner of the land being annexed, for Zoning other than Agricultural, notice may be given and hearings held in compliance with Chapter 211 of the Texas Local Government Code and, upon annexation, such property may be permanently zoned as determined by the Council after considering the commission's recommendation.

B. Permits in Interim Zoned Areas: In an area temporarily classified as Single Family Residential District "SR", no permits for the construction of a Building or use of land other than uses allowed in said District under this article shall be issued by the Village.

Sec. 30.111 Residential General Provisions (SR, SR1, SRR, SRC, MFR)

A. Purpose and Permitted Uses – Applicable to all Residential Districts See specific residential districts.

B. General Permitted Uses – Applicable to all Residential Districts:

1. Parks, playgrounds, greenbelts, community buildings and other public recreational facilities.
2. Public Buildings, including libraries, museums, safety services, police and fire stations.
3. Real estate sales offices during the Development of a residential Subdivision of 20 lots or more, and not to exceed two (2) years. Display dwellings with sales offices, provided that if said display dwellings are not moved or converted to a Permitted Use within a period of one (1) year, specific permission must be obtained from the Council for said display houses to remain.
4. Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
5. Water Storage Tanks and Pumping Plants
6. Home based occupation - see Section 30.108(Q)
7. Boat Docks.

C. Conditions and Limitations - Applicable to all Residential Districts:

1. See Chart 1.
2. See Chart 2.
3. See Chart 5.
4. Privacy Fences, if installed, that face public streets, roadways or Right-of-Way must have the finished side facing the public street, roadways or Right-of-Way.

D. Additional Conditional Uses Permitted Upon Authorization of Council: accept section 2/27

~~4.~~1. Telecommunications Facilities; ~~See~~see Village's Wireless Communications Ordinance ~~Village's Telecommunications Ordinance~~

~~5.~~2. Bed and Breakfast

3. Manufactured (HUD) Home

~~6.~~4. Short-term Rental - See Village's Short Term Rental Ordinance~~.~~

Sec. 30.112 Single Family Residential - District "SR":

Purpose and Permitted Uses. Permits a detached Dwelling (Single-Family) with a minimum of 1,000 square feet of living area, and related Accessory Structures, on a minimum lot size of one acre.

Sec. 30.113 Single Family Residential Historical - District "SR1":

Purpose and Permitted Uses. Lots, legally platted or deeded with Travis County prior to February 1, 2003 or , ~~which~~ that are less than one acre in size or do not conform to the minimum Lot Width provisions for SR. All undeveloped parcels consisting of partial lots must be legally platted prior to development of any kind, Permits a detached Dwelling (Single-family) with a minimum of 1000 square feet of living area and related Accessory Structures, or 500 square feet of living area and related Accessory Structures for lots under ½ acre. accept 2/27

Sec. 30.114 Single Family Residential Ridgetop - District "SRR":

A. Applicability: District SRR is applicable to all land areas as defined by the ridgetop Zoning District as shown on the Official Zoning Map and/or Ridgetop Plan (Plate 10-2, Comprehensive plan, October 2004.
B. Purpose and Permitted Uses: Permits a detached Dwelling (Single-family) with a minimum of one thousand (1,000) square feet of living area, and related Accessory Structures, on a minimum lot size of one acre.

Sec. 30.115 Single Family Residential Cluster - District "SRC":

Purpose and Permitted Uses: Permits detached Dwellings (Single-family) with a minimum of one thousand (1,000) square feet of living area, and related Accessory Structures, on a minimum lot size that does not cause the Development to exceed one (1) home per one acre in a subdivision.

Sec. 30.116 Multi-Family Residential - District "MFR":

Purpose and Permitted Uses: Permits detached duplexes, and three and four unit residences with a minimum of one thousand (1000) square feet of living area per unit and related Accessory Structures on at least one quarter (1/4) acre per unit with a total lot size no smaller than one (1) acre.

Sec. 30.117 Open Space – District "OS":

A. Purpose: An Open Space District is a tract of land provided as a general benefit for the Village or a Subdivision hereof. Common Open Space must be usable for recreational purposes or must provide visual aesthetic and environmental amenities. The uses authorized for the Common Open Space should be appropriate to the scale and character of the surrounding development; considering its size, density, expected population, topography, and the number and type of dwellings to be provided. As a minimum, the total Open Space shall not be less than required for Park land by the Subdivision regulations of the Village. Common Open Space should be improved for its intended use, but Open Space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and Improvements to be located in the Common Open Space must be

appropriate to the uses which are intended therefore and must conserve and enhance the common open space.

B. Existing Open Space Properties within the Village: The following properties, located within the corporate limits of the Village of Volente, are Open Space properties:
   1. Mollberg Park (restricted by Balcones Canyonlands Preserve regulations)
   2. Friendship Park

C. Permitted Uses:
   1. Conservation area;
   2. Outdoor recreational and athletic facilities;
   3. Outdoor swimming pools;
   4. HOA Neighborhood Parks, common open spaces, common open area, playgrounds, and play fields;
   5. Wildlife sanctuaries.

D. Conditions and Limitations:

E. See Chart 1.

F. See Chart 2.

Sec. 30.118 Private Way for General Use – District "PWGU":

A. Purpose: A Private Way for General Use property is a tract of land provided, at the time of subdividing, as a general benefit for the property owners within the subdivision. The Zoning Map of the Village of Volente identifies properties zoned PWGU.

B. Permitted Uses: Permitted uses for this District are as described in the original plat or deed restrictions.

C. Construction or Improvement: Construction or Improvement within this District shall be permitted in accordance with the Site Development Ordinance and any other applicable ordinances provided the Applicant can demonstrate compliance with any deed restrictions and the authority to develop.

D. See Chart 4 for listing.

Sec. 30.119 Government or Institutional District – District "GOV":

A. Purpose: This District is intended to establish appropriate areas for uses that provide important community services often requiring large amounts of land.

B. Permitted Uses: Facilities owned and operated by the federal government, the state or political subdivisions thereof. Examples include:
   1. Parks, playgrounds, greenbelts, community buildings and other public recreational facilities.
   2. Public Buildings, including libraries, museums, safety services, police and fire stations
   3. Public grounds
   4. Uses required by public transportation services;
   5. Public athletic fields, sports facilities, Community Centers, and swimming pools;
   6. Accessory Uses customarily incidental to any of the foregoing permitted uses.
   7. Water Storage Tank, Pumping Plants and water towers.

C. Conditions and Limitations:
   1. See Chart 1.
   2. See Chart 2.
   3. Only land abutting a major street.
   4. Adequate space for required Off-Street Parking and buffering is required.

Sec. 30.120 Commercial General Provisions, Uses and Limitations (C1, C2, C3):

A. Purpose and Permitted Uses – Applicable to all Commercial Districts:
   1. See specific Commercial Districts.
   2. The Zoning Map will reflect the following Commercial zones generally. If a use falls under the permitted or conditional uses for a District, the property must be in accordance with the conditions and limitations of Chart 1 of said district. Should the property not conform to those standards, then the use will be disallowed.
   3. Such commercial uses shall when established be compatible with adjacent and neighboring residential areas and not create unreasonable traffic or land use conflicts.

B. Screening of Non-Residential Uses from Residential Districts or Uses - Applicable to all Commercial Districts: All lots, or parts of lots, which are improved with a predominantly non-residential use and whose side or rear lines are adjacent to a residential District or use, not separated by a public Street or roadway, shall be screened from such residential District or use in accordance with the Village's Nonpoint Source Pollution Control, Subdivision, Site Development and Construction Ordinances.

C. Compliance with Additional Village Regulations and Ordinances - Applicable to all Commercial Districts: All commercial ~~and industrial~~ uses must comply with the noise, nuisance, and sign standards of the Village. accept 2/27

D. General Permitted Uses – Applicable to all Commercial Districts:
   1. Professional Offices;
   2. Bed and Breakfast;
   3. Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work;
   4. Water Storage Tank and Pumping Plants.

E. General Conditions and Limitations– Applicable to all Commercial Districts:
   1. See Chart 1.
   2. See Chart 2.
   3. See Chart 5.
   4. Privacy Fences, if installed, that face public streets, roadways or rights of way must have the finished side facing the public street, roadways or Right-of-Way.
   5. That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisances and that such odors, smoke, dust, noise, or vibration does not exceed the permitted levels established by Village regulations when measured at the property line.
   6. Sidewalks, Driveways and Parking Lots must be surfaced in a non-dusting, non-erodible and pedestrian friendly material (excluding any portion of the property used for parking and within the floodplain); Parking in a Flood Plain is per LCRA guidelines.
   7. Required yards and outdoor areas shall not be used for display, sale of vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas;
   8. Buffering and Screening of loading and storage facilities shall comply with the Village's Site Development Ordinance.
   9. All parking and loading must be Off-Street Parking. See Sec. 30.108(L)
   10. Drive-in or fast food Restaurant not permitted
   11. Telecommunications Facilities; see Village's Wireless Communications Ordinance ~~– See Village's Telecommunications Ordinance~~ accept 2/27

Sec. 30.121 Commercial Retail – District "C1":

A. Purpose: This District permits a mix of light commercial uses, generally retail trade, service industries, and stores that distribute goods and materials dependent upon raw materials refined elsewhere. Floor space less than ~~6~~4,000 S.F. per single structure. rejected 2/27
B. Additional Permitted Uses
   1. Light retail for day-to-day needs and convenience shopping;
C. Additional Conditions and Limitations:
   1. Uses within the C1 District must be conducted wholly within an enclosed building, except for delivery or sales conducted within an outdoor area that is suitably landscaped, screened or fenced;
D. Additional Conditional Uses Permitted Upon Authorization of Council:
   1. Facility for the Care of Substance Dependent Persons
   ~~1.~~2. Parking Lots accepted 2/27

Sec. 30.122 Commercial Retail with Restaurant – District "C2":

A. Purpose: This District allows a mix of light commercial uses, generally retail trade, service industries, and stores that distribute goods and materials dependent upon raw materials refined elsewhere as well as Restaurants and dining establishments. Floor space less than ~~8~~6,000 S.F. per single structure. rejected 2/27
B. Additional Permitted Uses:
   1. Restaurants with or without alcohol
   2. Light retail for day-to-day needs and convenience shopping;
C. Additional Conditional Uses Permitted Upon Authorization of Council:
   1. Facility for the Care of Substance Dependent Persons
   ~~1.~~2. Parking Lots accepted 2/27

Sec. 30.123 Commercial Marina – District "C3":

A. Purpose: This District permits any commercial Structure or combination of structures used for docking, mooring and storage with more than three mooring slips including structures and associated anchoring facilities which abut the establishment. Floor space less than ~~12~~8,000 S.F. per single structure. rejected 2/27
B. Additional Permitted Uses:
   1. Boat Slips;
   2. Mooring slips;
   3. Parking Lots;
   4. Administrative offices related to the permitted uses of this district;
   5. Boat and trailer storage;
C. Additional Conditions and Limitations:
   1. All Marinas shall comply with provisions of the Lower Colorado River Authority's rules governing Marinas and be permitted by LCRA.
D. Additional Conditional Uses Permitted Upon Authorization of Council:
   1. Bar, nightclub, Private Club, dance hall, and social club.
   2. Dry stacks.
   3. Fueling stations.
   4. Light retail for convenience shopping (includes ship store);

5. Restaurant with or without alcohol;
6. Boat, water craft and other rental activity.
7. Commercial Amusement (Indoor) and Commercial Amusement (Outdoor).
8. Boat services, repair and towing

Section 30.124 Utility District – District "UD":

A. Purpose. This District is intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land. The site for a Permitted Use of the UD District should also contain adequate space for required Off-Street parking and for Buffering from residential districts.
B. Permitted Uses: Electrical and telephone substations for local use. Permitted uses Adjacent to residential properties must receive prior authorization and Approval by the Planning and Zoning Commission and Council before beginning any Development project including site development, tree removal, construction of facilities, and operations:
C. Conditional Uses Permitted Upon Authorization of Council:
   1. Telecommunications Facilities~~—~~; ~~See~~ see Village's ~~Telecommunications~~ Wireless Communications Ordinance.accepted 2/27
   1. Water intake facilities and Pumping Stations.
   2. Facilities required by public or private utility providers.
   3. Public or private utility substations and distributing centers, regulation centers, and underground stations.
   4. Water Storage Tank and water towers.
   5. Public Water Systems. 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:
      i. 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.
      ii. 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 Systems 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.
      iii. 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).
   6. Accessory Uses incidental to any of the foregoing conditional uses.
D. Conditions and Limitations:
   1. See Chart 1.
   2. See Chart 2.
   3. Buffering and Screening of loading and storage facilities shall comply with the Village's Site Development Ordinance.

4. That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisances and that such odors, smoke, dust, noise, or vibration does not exceed the permitted levels established by Village regulations when measured at the property line.
5. Sidewalks, Driveways, and Parking Lots must be surfaced in a non-dusting, non-erodible and pedestrian friendly material (excluding the portion of the property used for parking that is within the floodplain).

Sec. 30.125 Planned Development District – PDD:

A. Permitted Uses: A PDD may be comprised of a combination of residential, multifamily, and commercial uses. Each designated PDD District will have unique standards and requirements that are described in the adopting ordinance for that district. A PDD can also include utilities, but only those directly related to the proposed development.
B. Description of a PDD: The outer boundary of each PDD Zoning District shall be shown on a map. Each PDD must be wholly contained within the incorporated Village City limits and cannot extend either into the future Village's Extraterritorial Jurisdiction or into another Village's Extraterritorial Jurisdiction. The Village, however, may conditionally approve a Preliminary Site Development Plan (defined below) contingent on the areas outside of the Village's City limits being annexed into the Village prior to Approval of the Final Site Development Plan. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other District, and percentage of the total area of such PDD which will comprise each such separate use, and all notations, references, and other information shown thereon, shall be adopted by ordinance.
C. Flexible Planning: When considering a PDD, the unique nature of each proposal for a PDD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, Setbacks for public utilities, signage requirements, curbs, gutters, sidewalks and Street lights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, and/or single use districts.
D. Application Processing: The process for the filing of an application, requirements for notice and advertisement of public meetings, procedures for protest of the establishment of PDD designation and other related actions shall be the same as those provided for in the rezoning process as described in this article. In addition to the PDD process being a re-zoning process, the Approval of the Final Site Development Plan for a PDD will substitute for the Approval of the Site Development Plan and the Site Development Permits required by the Village's Site Development Plan Ordinance. However, the owner of land zoned as a PDD must comply with the provisions of the Village's Subdivision ordinance, except for those provisions modified by this Ordinance, and must apply for and receive the necessary Building Permits prior to construction of Improvements in a PDD.
E. Preliminary Site Development Plan: The request for rezoning to a PDD must be accompanied by a proposed Preliminary Site Development Plan. The Preliminary Site Development Plan is to enable the Commission and Council to understand the proposed PDD in sufficient detail to make an informed decision prior to rezoning the property. Its purpose is also to provide sufficient detail that the Council can comply with the standard established by this ordinance that the Commission will recommend and the Council will approve the Final Site Development Plan if it substantially conforms to the Preliminary Site Development Plan. A Preliminary Site Development Plan for the entire property within the

PDD shall be considered by the Commission and Council prior to any recommendation to, or consideration by, the Village Council to re-zone the property as a PDD. Approval of the Preliminary Site Development Plan is an integral part of the PDD Approval process and the property will not be re-zoned as a PDD unless the Council at the same time approves the Preliminary Site Development Plan. An acceptable Preliminary Site Development Plan will contain the following information in enough detail that the Commission and Council are able to determine that the PDD complies with the standards established by this ordinance prior to rezoning the property.

1. The name, address, and telephone number of the Landowner and the Developer;
2. The name of the proposed project;
3. The location of the proposed project;
4. The names and addresses of adjoining property owners within 500 feet of the proposed site;
5. A location map;
6. All existing streets, Driveways, buildings, watercourses, flood plains, and significant environmental features;
7. The proposed location, type/use and size of the following:
   i. Buildings and structures, except for single family residential lots which need only show the location of such lots;
   ii. Streets, drives, and curbs, except that the exact locations need not be established in the Preliminary PDD Plan;
   iii. Off-Street Parking Lots, except that the exact location need not be established in the Preliminary PDD Plan;
   iv. Sidewalks, landscaping, common/green space, other amenities, except that the exact locations need not be established in the Preliminary PDD Plan; and
   v. How lighting to achieve "Dark Skies" standards will be handled conceptually.
8. Existing and proposed utilities;
9. Estimated percentage of Impervious Cover for the entire PDD, not to exceed 25%;
10. Proposed location of water quality facilities;
11. Average density of residential structures per one acre of residential land in the PDD, not to exceed an average of one Structure per acre;
12. A PDD must include parkland and useable Open Space at a minimum rate of .02 acres per residential unit projected for the fully developed PDD.
13. Proposed Building Front Yard Setback lines, proposed Side Yard Setback lines, proposed Side Yard Setback lines, and proposed Rear Yard Setback lines.
14. Minimum lot sizes and any landscape buffers.
15. Any other proposed departures or deviations from the Village's Zoning and Site Development Ordinances. Applicants are advised that under the Non-Point Source Pollution Control Ordinance, there is limited flexibility to modify Development standards because the Village is subject to the terms of an interlocal agreement with the LCRA concerning the enforcement of water quality standards.

F. Final Site Development Plan. The Final Site Development Plan will conform to the approved Preliminary Site Development Plan in all major aspects. Unless the PDD is to be developed in sections, the Final Site Development Plan will include the specific detail and information required by the Village's Site Development Ordinance. If the PDD is to be developed in sections, the Final Site Development Plan must include the specific detail and information required by the Village's Site Development Ordinance for the first section to be developed and must be amended for each additional section to be developed to include the

specific detail and information required by the Village's Site Development Ordinance prior to the Development of that section. A Final Site Development Plan or an Amended Final Site Development Plan must be approved by the Village Council prior to construction in a section being commenced.

G. Size and Rules applicable to a PDD. The Village Council, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may zone any tract of land equal to or greater than fifty (50) acres as a PDD. Under a PDD, the following rules apply:

1. The Approval of any proposed PDD or combination of uses proposed therein shall be subject to the discretion of the Village Council, and no such Approval will be inferred or implied.
2. Permitted uses are those listed under the applicable District(s) for the land use for that tract of land in the PDD. In approving a PDD, additional uses may be permitted other than those listed and specific listed uses may be prohibited that are in the applicable District.
3. Conditional uses are those uses listed as conditional uses under the applicable Districts. Those land uses in a PDD require the same Conditional Use permit required under other Districts and is in addition to the grant of Approval for the PDD.
4. In approving a Planned Development District, no standards required for a land use by the Districts for the uses proposed may be modified unless the provisions of the PDD expressly permits such modifications, and in no case may standards be modified more than the maximum deviations authorized by this PDD District ordinance.
5. In approving a PDD, the Village Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, Adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, Setbacks, lighting, landscaping, management associations, open space, and Screening.
6. The Commission and Village Council, in approving modifications to standards and regulations, shall be guided by the purposes for the Zoning provisions established for the land uses being proposed in the PDD and the general intent of this Article.
7. All written and oral representations made in connection with the Preliminary Site Development Plan or Final Site Development Plan become conditions upon which the PDD is approved.
8. All regulatory standards contained in the Village's Zoning and Development Ordinances for which a deviation or departure has not been approved in a Preliminary or Final Site Development Plan are the regulatory standards applicable in the PDD.

H. Amendments. Consideration of amendments to a Planned Development District will take into consideration the effect of the proposed Development on the remainder of the property, Adjacent properties and the neighboring communities. Amendments to the final site plan or any planned Development conditions that are substantive shall require public hearings in the manner required for any other Zoning change.

I. Expiration. If development equal to at least twenty-five (25%) percent of the cost of installing streets, utilities and drainage in the PDD, or, if the PDD is approved to be developed in sections or phases, if Development equal to at least fifty (50%) percent of the cost of installing streets, utilities and drainage in the first section or phase of the PDD has not occurred on a Planned Development tract or lot within five (5) years after the date of

Approval, such Approval shall expire; and may only be renewed after application is made therefore, notice is given and public hearings are held by the Commission and Village Council to evaluate the appropriateness of the previously authorized Planned Development Approval. Any such application for renewal or extension shall be considered in the same manner, and under the same rules, regulations and ordinances then in effect, as a new application for zoning.

J. Ordinance Amendment. Every PDD approved under the provisions of this Article is considered an amendment of this Article as to the property involved, and to the Comprehensive plan. All PDDs will be referenced on the Zoning District Map, and a list of such Planned Development districts shall be maintained as an appendix to this Article.

DIVISION 3: BOARD OF ADJUSTMENT ESTABLISHMENT

Sec.30.126 General Provisions:

A. Creation: In accordance with Chapter 211.008 of the Texas Local Government Code, there is hereby created a Board of Adjustment (hereafter referred to as the "board") for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this article that are consistent with the general purpose and intent of this article.

B. Board Membership: The Board shall be composed of five (5) Board members and two alternate members who:
   1. Are residents of the Village of Volente; and
   2. Have demonstrated their civic interest, general knowledge of the Village, independent judgement, interest in Zoning and Zoning issues, and ability to attend meetings; and
   3. By reason of their occupations and the areas of the Village in which they reside are broadly representative of the Village.

C. Appointment of Board Membership: The Council shall appoint the five (5) Board members and the two alternate members. The alternate member(s) shall attend meetings and vote on matters before the Board of Adjustment if one or more of the Board members are unable to attend.

D. Terms of Office; Filling of Vacancies: The terms of two (2) of the members shall expire on January 1st of each odd-numbered years, and the terms of three (3) of the members shall expire on January 1st of each even-numbered years. The term of one of the alternate members shall expire on January 1st of each odd-numbered year and the term of the other alternate member shall expire on January 1st of each even-numbered year. Place numbers one through five shall identify the members of the Board. Board members may be appointed to successive terms. A member of the Board shall serve until his or her successor is appointed and installed. The Council shall fill vacancies for the uncompleted term of any vacant position. Newly appointed members shall be installed at the first regular Board meeting after their appointment.

E. Removal of Board Members: The Council may by majority vote remove a Board member or an alternate member for cause, including lack of confidence, incompetence, corruption, misconduct, or malfeasance, on a written charge after a public hearing. Any Board member who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the Board. This subsection shall not apply to a Board member who applied for and received an excused absence from the Board chairperson prior to the meeting(s) at

issue. Any Board member who no longer resides within the corporate boundaries is deemed to have automatically vacated his/her position on the Board.

F. Motions at Board Meeting:
   1. A motion may be made by any Board member other than the presiding officer. The presiding officer may second a motion and may vote on all matters considered by the Board.
   2. A motion before the Board shall require a majority vote of the Board members present and voting, except as provided in Section 30.127 of this article.

G. Disqualifications from Voting: A Board member shall disqualify himself/herself from voting whenever the Board member has a personal or monetary interest in a matter before the Board that is substantially different from the interest of the other citizens of the Village, or if the value of the Board member's property or interest in property will be affected in a substantially different manner than other citizen's properties or interest in properties within the Village.

Sec.30.127 Rules of Procedures:

A. Organization and Officers:
   1. Officers:
      i. The Village Council shall choose the Chair and Vice Chair.
      ii. In the absence of both the Chairperson and Vice-Chairperson, the Board shall elect an Acting Chair.
      iii. The City Secretary shall attend to the correspondence of the Board and shall cause to be given such notices as are required and in the manner prescribed by law.
   2. Rules of Order: Roberts Rules of Order, as amended, shall be the Board's final authority on all questions of procedure and parliamentary law not covered by this section.
   3. Adoption of Rules of Procedures: The Board by majority vote shall adopt rules of precedes that conform to this section.

B. Meetings:
   1. Quorum: A quorum for a Board meeting shall be three (3) Board members, except action on cases during a Board meeting in accordance with Section 30.128 of this article shall require at least four (4) Board members present and voting.
   2. Agenda: The City Secretary shall prepare an agenda for each meeting of the Board, and shall attach to each agenda a report of matters pending further action by the Board. The City Secretary shall post a copy of the agenda in City Hall as required by law.
   3. Special Meetings: Special meetings for any purpose may be held: on the call of the Chairperson, or on request of two (2) or more Board members and by giving written notice to all Board members deposited in the mail at least 72 hours before the Board meeting, or as may be scheduled by a majority of the Board at any previous meeting. The convening authority shall determine the time and place of the special meeting.
   4. Public Meetings: All meetings of the Board shall be open to the public. Any party in interest may appear in his/her own behalf or be represented by legal counsel_ or agent.

C. Official Records:

1. Official Records: The official records shall be the minutes of the Board, together with all findings, decisions and other official records of the Board.
2. Recording of Vote: The minutes of the Board's proceedings shall show the vote of each member, or indicate a member's absence or failure to vote.
3. Records Retention: All matters coming before the Board shall be filed in the Village's records. Original papers of all requests and proposals shall be retained as part of the permanent record.
4. Public Records: The official records and citizen requests filed for Board action in special meetings shall be on file with the Village and shall be open to public inspection during customary work hours.

Sec.30.128 Authority of Board:

A. The Board shall have the authority granted in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
   1. Hear and decide on Appeals to administrative decisions made by the Village per its ordinances;
   2. Hear and decide on Special Exceptions to this ordinance via terms established in this ordinance granting authority over Expansion of Non-Conforming Structures, Section 30.137 E.1.ii.
   3. Authorize, in specific cases, a Variance from the terms of this article if the Variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done; and
   4. Hear and decide other matters as may be authorized by an ordinance adopted under this article.

B. In exercising its authority under subsection (a) (1) above, the Board may reverse or affirm, in whole or in part, or modify the Village Official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the Village Official.

C. The concurring vote of at least seventy-five percent (75%) of the full Board membership is necessary to:
   1. Reverse an order, requirement, decision, or determination of an Village Official;
   2. Decide in favor of an Applicant on a matter on which the Board is required to review under this article.
   3. Authorize a Variance from the terms of this article.

Sec.30.129 Limitations on Authority of Board:

A. The Board may not grant a Variance authorizing a use other than those permitted in the District for which the Variance is sought.
B. The Board shall have no power to grant or modify Conditional Use Permits authorized under the Zoning regulations of the Village.
C. The Board shall have no power to grant a Zoning amendment. In the event that a written request for a Zoning amendment is pending before the committee or the council, the Board shall neither hear nor grant any Variances with respect to the subject property until final disposition of the Zoning amendment.

D. The Board shall not grant a Variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Commission or where applicable, by the council. All administrative and procedural remedies available to the Applicant shall have been exhausted prior to hearing by the Board.

E. The Board shall have no power to grant Variances regarding water quality, including Impervious Cover.

Sec.30.130 Variances:

A. The Board may authorize a Variance from the terms of this article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a Variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such Variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the Village.

B. Conditions Required for Variance: No Variance shall be granted without first having given public notice and having held a public hearing on the written Variance request in accordance with this article and unless the Board finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the Applicant of the reasonable use of the land; and
2. That the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area; and
4. That the granting of the Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article.

C. Such findings of the board, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and that substantial justice may be done.

D. Findings of Undue Hardship: In order to grant a Variance, the Board must make written findings that an undue hardship exists, using the following criteria:

1. That literal enforcement of the Zoning controls will create an unnecessary hardship or practical difficulty in the Development of the affected property; and
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same District; and
3. That the relief sought will not injure the Permitted Use of Adjacent conforming property; and
4. That the granting of a Variance will be in harmony with the spirit and purpose of this article.

E. A Variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this article on other parcels of land in the particular District. No Variance may be granted which results in undue hardship upon another parcel of land.

F. The Applicant bears the burden of proof in establishing the facts that may justify a Variance.

G. Special Exceptions for Nonconforming Uses: Upon written request of the property owner the Board may grant special exceptions to the provisions of Sec.30.136 of this article, limited to the following, and in accordance with the following standards:

1. Expansion of a Nonconforming Use within an existing structure; provided that, in the case of a nonconforming residential use, such expansion does not increase the number of Dwelling Units to more than the number existing when the use first became nonconforming.
2. Change from one Nonconforming Use to another, re-construction of a Nonconforming Structure that has been totally destroyed, or resumption of a Nonconforming Use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
3. In granting special exceptions of Sec.30.130 if this article the Board may impose such conditions as are necessary to protect Adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the Nonconforming Use may continue to operate or exist before being conformed to the standards of this article.

Sec.30.131 Procedures:

A. Application and Fee: An application to the Board shall be made in writing using forms prescribed by the Village, and shall be accompanied by an application fee, a site plan and such additional information as may be requested in writing in order to properly review the application. Such information may include, but is not limited to, plat plans, site Building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.

B. Review and Report by the Village: The Village shall visit the site where the requested Board action will apply and the surrounding area, and shall report its findings to the Board.

C. Notice and Public Hearing: The Board shall hold a public hearing for consideration of the application no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.

D. Action by the Board: The Board shall not grant an appeal or a Variance unless it finds, based upon evidence, that each of the conditions in Sec.30.130 of this article have been met. The Board may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any Variance or appeal. Violation of any such condition, limitation or safeguard shall constitute a violation of this article.

Sec.30.132 Appeals to the Board:

A. The appellant must file with the Board and the Village Official from whom the appeal is taken a written notice to appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the Village Official's decision has been rendered. Upon receiving the notice, the Village administrative official from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record of Village action that is appealed.

B. An appeal stays all Village proceedings in furtherance of the Village action that is appealed unless the Village Official from whom the appeal is taken certifies in writing to the Board facts

supporting the Village Official's opinion that a stay would cause imminent peril to life or property. In that case, the Village proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the Village Official, if due cause is shown.

C. The appellant may appear at the appeal hearing in person or by agent or attorney.

D. The Board shall decide the appeal within four (4) weeks after the notice of appeal is filed with the Village, after which time the appeal shall be deemed automatically approved if no formal action is taken.

E. The Board may reverse or affirm, in whole or in part, or modify the Village Official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

Sec.30.133 Finality of Decisions; Judicial Review:

All decisions of the Board are final and binding. However, any person aggrieved by a decision of the Board may present a verified petition to a court of record which states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the Board's decision is filed in the Village subject to the provisions of *Chapter 211.011 of the Texas Local Government Code*, only a court of record may reverse, affirm or modify a decision of the Board.

DIVISION 4: SPECIAL PROVISIONS

Sec.30.134 Conditional Use Permit:

A. Purpose and Intent:

2. Nature of Conditional use: A Conditional Use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given District only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This section sets forth the standards used to evaluate proposed Conditional Uses and the procedures for approving Conditional Use permit applications.

3. Permit Required: No Conditional Use shall be established and no Building permit shall be issued for any use designated as a Conditional Use within a District until a Conditional Use permit is issued in accordance with the provisions of this section. An application for a Conditional Use permit shall be accompanied by a Conceptual Site Plan prepared in the manner described in the Village's Site Development Ordinance. The Conceptual Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the Approval standards set forth in subsection.

B. Status of Conditionally Permitted Use: The following general rules apply to all Conditional Uses:

1. The designation of a use in a District as a Conditional Use does not constitute an authorization or assurance that such use will be approved.

2. Approval of a Conditional Use permit shall authorize only the particular use for which the Conditional Use permit is issued.

3. No use authorized by a Conditional Use permit shall be enlarged, extended or relocated, nor may the number of Dwelling Units be increased, unless an application is made for Approval of a new Conditional Use permit in accordance with the procedures set forth in this section.
4. Development of the use shall not be carried out until the applicant has secured all the permits and Approvals required by the Village's code of ordinances, or any permits required by regional, State and Federal agencies.
5. Conditional Use permits are transferrable with the sale of the property, provided that notification and a transfer request have been approved by the Council (excluding Short Term Rentals – see Village's Short Term Rental Ordinance) accept 2/27

C. Conditional uses. The following listed conditional uses may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the council. See Chart 5 Zoning Use Summary Table. accept all C. 2/27
1. Municipal service facilities and buildings.
2. Amusement (Indoor) and Amusement (Outdoor) park, but not within five hundred feet (500') of any residential district.
3. Commercial, recreational, or amusement Development for temporary or seasonal periods.
4. Clinic.
5. Horse and riding Stables for private use of the resident when the Stable Building is Setback from all Adjacent property lines at least fifty (50') feet, is at least one hundred (100') feet from any Adjacent residence and when the site contains minimum area of one (1) acre.
6. Schools, public and denominational.
7. Telecommunications Facilities~~—~~; s~~S~~ee Village's ~~Telecommunications~~ Wireless Communication Ordinance.
8. Churches, rectories, and places of worship.
~~8.~~9. Bed and Breakfast.
~~9.~~10. Short Term Rentals - See Village's Short Term Rental Ordinance

D. Procedure. Before authorization of any conditional use, public notice shall be given and public hearings shall be held as provided in *Chap. 211, Tex. Loc. Gov't. Code*; provided that a Conditional Use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in subsection (c)(3) of this section above after a public hearing is held by the Council after having received a report and recommendation from the Planning and Zoning Commission concerning the effect of the proposed use on the Adjacent and neighboring properties and neighborhoods.
1. Permit Required: No Conditional Use shall be established, operated or maintained except as authorized by a Conditional Use permit issued in accordance with the requirements of this section.
2. Application for Conditional Use Permit:
   i. Application Requirements: An application for a Conditional Use permit may be submitted by the property owner or by the property owner's designated representative to the Village. The application shall be accompanied by a Conceptual Site Plan prepared in accordance with the requirements of the Village's Site Development Ordinance. If a Zoning amendment is required or requested in writing, such application shall accompany the application for a Conditional Use permit.

ii. Subdivision Approval: If the proposed Conditional Use requires a division of land, an application for Subdivision Approval shall be submitted in conjunction with the application for a Conditional Use permit. Approval of the Conditional Use permit shall not become effective until final Approval of the Subdivision application; provided that if the land is to be divided in phases, the Approval of the Conditional Use permit shall take effect upon final Approval of the phase of the Subdivision containing the property on which the Conditional Use is to be located.

3. Procedures for Conditional Use Permit:
   i. Commission Recommendations: Upon receipt of the recommendation from the Village Council, the Planning and Zoning Commission shall conduct a public hearing in order to formulate its recommendations to the Council on the Conditional Use permit application (except for Short Term Rentals – See Short Term Rental Ordinance). Following the Public hearing, the Planning and Zoning Commission shall recommend Approval, Approval subject to modification, or denial of the proposal to the Village Council. If the appropriateness of the use cannot be assured at the location, the Planning and Zoning Commission shall recommended denial of the application as being incompatible with existing uses or with other uses permitted by right in the District.
   ii. Council Action: The Village Council shall be the final decision-maker on applications for Conditional Use permits. Following a public hearing and in consideration of the commission's recommendations, the Council shall approve, modify or deny the proposal for a Conditional Use permit. If the appropriateness of the use cannot be assured at the location, the application for Conditional Use permit shall be denied as being incompatible with existing uses or with other uses permitted by right in the District.
4. Factors for Consideration: When considering applications for a Conditional Use permit, the Planning and Zoning Commission in making its recommendation and the Village Council in rendering its decision on the application shall, on the basis of the Conceptual Site Plan and other information submitted, evaluate the impact of the Conditional Use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the Village Council shall specifically consider the extent to which:
   i. The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan
   ii. The proposed use is consistent with the general purpose and intent of the applicable District regulations;
   iii. The proposed use meets all supplemental standards specifically applicable to the use as established in the applicable Village code of ordinances;
   iv. The proposed use is compatible with and preserves the character and integrity of Adjacent Development and neighborhoods and, as required by the particular circumstances, includes Improvements or modifications either on-site or within the public rights-of-way to mitigate Development related adverse impacts, including but not limited to:
      a) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and Access in case of fire.

b) Off-Street Parking areas, loading areas, and pavement type;
c) Refuse and service areas;
d) Utilities with reference to location, availability, and compatibility;
e) Screening and Buffering, features to minimize visual impacts, and/or Setbacks from Adjacent uses;
f) Control of Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
g) Required yards and open space;
h) Height and bulk of structures;
i) Hours of operation;
j) Exterior construction material, Building design, and Building façade treatment;
k) Roadway adjustments, traffic control devices or mechanisms, and Access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;
l) Provision for pedestrian Access, amenities and areas; and
    1) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
    2) The proposed use does not adversely impact natural resources, water quality or wildlife habitat.

E. Conditions: In approving the Conditional Use permit application, the Planning and Zoning Commission and/or the Village Official may recommend and the Village Council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article. Any conditions imposed shall be set forth in the ordinance approving the conditional use, and shall be incorporated into or noted on the Conceptual Site Plan for final Approval. The Village shall verify that the Conceptual Site Plan incorporates all conditions set forth in the ordinance authorizing the conditional use. The Village shall maintain a record of such approved conditional uses and the Conceptual Site Plan and conditions attached thereto.

F. Prohibition on Waivers and Variances: The foregoing standards of Development shall not be subject to Variances that otherwise could be granted by the Board of Adjustment, nor may conditions imposed by the Council subsequently be waived or varied by the Board of Adjustment. In conformity with the authority of the Council to authorize conditional uses, the Council may waive or modify specific standards otherwise made applicable to the use by this article, to secure the general objectives of this article; provided, however, that the Council shall not waive or modify any Approval factor set forth in subsection (4) above

G. Expiration and Extension: Termination of Approval of a Conditional Use for failure to commence Development and extension of the time for performance for a Conditional Use permit shall be governed by the Village's Site Development Ordinance.

H. Amendment: No proposed or existing building, premise or land use authorized as a Conditional Use may be established, enlarged, modified, Structurally Altered, or otherwise changed from that approved in the Conditional Use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the Conditional Use permit and approved site plan are amended accordingly.

I. Other Regulations: The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Conditional Use permit.

Sec. 30.135 Changes and Amendments to Zoning Ordinances and Districts, and Administrative Procedures:

A. Declaration of Policy and Review Criteria:
   1. The Village declares the enactment of this article governing the use and Development of land, buildings, and structures as a measure necessary to the orderly Development of the community. Therefore, no change shall be made in this article or in the boundaries of the Districts except:
      i. To correct any error in the regulations or map;
      ii. To recognize changed or changing conditions or circumstances in a particular locality;
      iii. To recognize changes in technology, the style of living, or manner of conducting business;
      iv. To change the property to uses in accordance with the approved comprehensive plan; or
      v. To make changes in order to implement policies within the comprehensive plan.
   2. In making a determination regarding a written requested Zoning change, the Commission and the Council shall consider the following factors:
      i. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the Village as a whole;
      ii. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
      iii. The amount of vacant land currently classified for similar Development in the vicinity and elsewhere in the Village, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
      iv. The recent rate at which land is being developed in the same Zoning classification as the written request, particularly in the vicinity of the proposed change;
      v. How other areas designated for similar Development will be, or are unlikely to be, affected if the proposed amendment is approved; and
      vi. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

B. Authority to Amend Ordinance:
   1. The Council may from time to time, after receiving a final report and recommendation thereon by the Commission and after public hearings required by law, amend, supplement, or change this article or the boundaries of the Districts specified on the District map. Any article amendment or District boundary amendment may be requested by the council, the commission, or, in writing by the owner of real property. Upon such request, the item(s) shall be posted on the next Commission agenda after proper application and notification has been made.

2. Consideration for a change in any District boundary line or special Zoning regulation may be initiated only by the property owner or his or her authorized agent or by the Commission or by the Council on its own motion when it finds that public benefit will be derived from consideration of such matter. Proof of authorization by the property owner must be submitted with the Zoning application. In the event the ownership stated on an application and that shown in Village records are different, the Applicant shall submit proof of ownership or verification that he or she is acting as an authorized agent for the property owner.
3. No person who owes delinquent taxes, fees, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the Village or County or to a state, or federal entity and which are directly attributable to a piece of property requested for Zoning shall be allowed to submit a Zoning request or amendment until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement in form satisfactory to the Village has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

C. Application: Applications for Zoning or for change to the existing provisions of this article shall conform to all applicable provisions of the Village's Code of Ordinances.

Sec. 30.136 Nonconforming Uses:

A. Intent of Provisions:
1. Within the districts established by this article or amendments thereto, there may exist lots and tracts where the use of the land was lawfully in existence and operating before this article was enacted, amended or otherwise made applicable to such lots and tracts but which do not now conform to the Zoning regulations of the District in which they are located. It is the intent of this article to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of this article are met.
2. It is further the intent of this article that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other uses prohibited elsewhere in the same District.
3. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the Districts involved.
4. A Nonconforming Use shall terminate upon any sale or conveyance of the property or the abandonment of such use (see (c) below).

B. Nonconforming Status: accepted all B. 2/27
1. Any use of a Platted Lot or ~~an unplatted~~ tract of land which does not conform with the regulations of this article on the effective date hereof or any amendment hereto, shall be deemed a lawful, non-conforming use of the lot or tract provided that:
   i. Such use of a Platted Lot or tract was lawful and was in existence and was a conforming use, lot, tract structure under the provisions of the City of Austin, Texas, Travis County, Texas and Lower Colorado River Authority applicable ordinances in effect immediately prior to the incorporation of the Village; or
   ii. Such use of a Platted Lot or tract was lawful and was in existence and was a non-conforming use, lot, tract or structure under the provisions of the City of Austin, Texas, Travis County, Texas and Lower Colorado River Authority

applicable ordinances in effect immediately prior to the incorporation of the Village; or

iii. Such use of a Platted Lot or tract was in existence at the time of incorporation of the Village, was a legal use of the land at such time, and has been in regular and continuous use since such time.

2. Any other use of the Platted Lot or tract which does not conform with the regulations of the District in which it is located on the effective date of this article or any amendment thereto shall be deemed to be in violation of this article, and the Village shall be entitled to enforce fully the terms of this article with respect to such use of the Platted Lot or ~~unplatted~~ tract.

C. Abandonment of Nonconforming Uses:

1. If a Nonconforming Use is abandoned, any future use of the premises shall conform to the provisions of this article, as amended.
2. A Nonconforming Use shall be deemed abandoned in the following circumstances:
   i. The use ceases to operate for a continuous period of ninety (90) days; or
   ii. Where the use occupies a structure, the structure remains vacant for a continuous period of ninety (90) days; or
   iii. In the case of a temporary use; the use is moved from the premises.

D. Changing Nonconforming Uses:

1. A Nonconforming Use shall not be changed to another Nonconforming Use.
2. A Nonconforming Use may be changed to a conforming use; provided that, once such change is made, the use shall not be changed back to a Nonconforming Use.
3. A conforming use located in a Nonconforming Structure may not be changed to a Nonconforming Use.

E. Expansion of Nonconforming Uses within an existing structure:

1. A Nonconforming Use may be extended within the Building Footprint of an existing structure provided that:
   i. The Building was approved for expansion of such Nonconforming Use prior to the adoption or amendment of this article; and
   ii. No alteration shall be made to the structure occupied by the Nonconforming Use, except those required by law to preserve the integrity of the structure; and
   iii. The number of Dwelling Units occupying the structure shall not exceed the number of Dwelling Units existing at the time the use became nonconforming.
2. A Nonconforming Use occupying a structure shall not be extended to occupy land outside the structure.
3. A Nonconforming Use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use became nonconforming, except to provide additional Off-Street Parking or loading areas required by this article and by the applicable Village code of ordinances.

F. Right to Proceed Preserved: Nothing contained in this section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to *Texas Local Government Code, Section 43.002,* or *Sections 245.001 through 245.006.*

Sec. 30.137 Nonconforming Structures:

A. Intent of Provisions:

1. Within the districts established by this article or amendments thereto, there may exist structures which were lawfully in existence and operating before this article was enacted, amended or otherwise made applicable to such structures, but which do not now conform to the Zoning regulations of the District in which they are located. It is the intent of this article to permit such nonconforming structures to continue, as long as the conditions within this section and other applicable sections of this article are met.
2. It is further the intent of this article that nonconforming structures may only be enlarged upon, expanded or extended beyond the existing Building Footprint as long as the encroachment is not increased and all other Village regulations are met, and shall not be used as a basis for adding other structures prohibited elsewhere in the same District.

B. Nonconforming Status:
   1. Any structure which does not conform with the regulations of this article on the effective date hereof or any amendment hereto shall be deemed a lawful, Nonconforming Structure provided that:
      i. Such structure was lawful and was in existence as a conforming structure under the provisions of the City of Austin, Texas, Travis County, Texas and Lower Colorado River Authority applicable ordinances in effect immediately prior to the incorporation of the Village; or
      ii. Such structure was lawful and was in existence as a Nonconforming Structure under the provisions of the City of Austin, Texas, Travis County, Texas and Lower Colorado River Authority applicable ordinances in effect immediately prior to the incorporation of the Village; or
      iii. Such structure was in existence at the time of incorporation of the Village, was a legal structure at such time, and has been in regular and continuous use since such time.

C. Continuing Lawful Nonconforming Structures
   1. A Nonconforming Structure may continue to be used, operated or occupied in accordance with the terms of the City of Austin, Texas, Travis County, Texas or Lower Colorado River Authority regulations by which it was established.
   2. A Nonconforming Structure loses its status as a Nonconforming Structure following abandonment of the Nonconforming Structure.

D. Abandonment of Nonconforming Structures:
   1. If a Nonconforming Structure is abandoned, any future use of the premises shall be in conformity with the provisions of this article, as amended~~, prior to the time the structure was abandoned~~. accepted 2/27
   2. A Nonconforming Structure shall be deemed abandoned when the structure ceases to be occupied for a continuous period of ninety (90) days

E. Expansion of Nonconforming Structures:
   1. A Nonconforming Structure may be expanded beyond the Building Footprint of an existing structure provided that:
      i. The expansion is into the approved buildable area of the lot and does not increase any encroachment.
      ii. Any alteration to increase the Height of the Dwelling Unit within a setback can only be done as a Special Exception to this ordinance to be granted by the Board of Adjustment. The conditions for qualifying for this Special Exception are as follows:

a) Only applies to an SFR Dwelling Unit whose non-conformance results from construction prior to the 2004 adoption of setback regulations and that currently is located in a required setback.
b) Vertical expansion can only go up in the setback to a maximum height of twenty five feet (25').
c) Structure must meet all other Village regulations, must be inspected by the Village Engineer, must follow the building permit process of the Village, and no other variance related to setbacks is required.
d) Notice of the BOA hearing and the proposed improvements must be given in writing to surrounding property owners. Notices are to be sent to all property owners within 200' of the affected property and must be sent prior to the 10th day before the hearing date.
e) BOA should also consider:
    1) Applicant demonstrated it is a hardship to locate any proposed improvement to the Dwelling Unit in a part of the structure outside the setback and in the buildable area.
    2) Effect on surrounding properties including consistency of height and similarity in size and shape.
    3) Effect on orderly development of the area such as proximity of other buildings, impact on sight lines, etc.
    4) Possible effect on public health and safety, i.e. No impediments to access by emergency personnel.
    5) Property rights of those seeking an exception to the requirements for non-conforming structures should be balanced equally with the property rights of adjacent property owners.
f) All applicable fees are paid.
g) Special Exceptions will run with the property.

iii. The number of Dwelling Units occupying the structure shall not exceed the number of Dwelling Units existing at the time the structure became nonconforming.

2. A non-conforming structure can only be extended to occupy land outside of the Building Footprint of the Nonconforming Structure if that land is in the buildable area of the lot consistent with current regulations.

F. Restoration of Nonconforming Structure: 3/14/17 decided to revisit this section
1. If more than sixty percent (60%) of the total appraised value of a nonconforming structure, as determined from the records of the Travis County Central Appraisal District, has been destroyed, it may be rebuilt only in conformity with the ~~then~~ current standards of the Village's ordinances. accepted 2/27
2. If less than sixty percent (60%) of the total appraised value of a Nonconforming Structure is destroyed, it may be reconstructed to its original dimensions.
3. All restoration of non-conforming structures shall comply with the Village's construction codes.

G. Right to Proceed Preserved: Nothing contained in this section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to *Texas Local Government Code, Section 43.002,* or *Sections 245.001 through 245.006.*

DIVISION 5: ADMINISTRATION

Section 30.138 Planning and Zoning Commission

A. Purpose: Planning and Zoning Commission is created to accomplish the following purposes:

1. To identify community needs and advise the Council of their short-range and long-range implications for the total Development of the Village;
2. To recommend achievable community goals as a basis for long-range planning and Development programs;
3. To recommend plans, programs, and policies that will aid the entire community in achieving its defined goals;
4. To recommend to the Village Council the adoption, amendment and repeal of various provisions in the Village Comprehensive Plan;
5. To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies;
6. To recommend to the Village Council the adoption, modification and repeal of provisions in the Village's Zoning ordinances;
7. To recommend to the Village Council the initial and changes to the Zoning of the various parcels of land in the Village;
8. To recommend to the Village Council the adoption, modification and repeal of provisions in the Village's Subdivision ordinances;
9. To recommend to the Village Council the Approval, Approval with modification or rejection of various applications for Subdivision and re-subdivision of land within the Village;
10. To recommend to the Village Council the provisions for such other ordinances as from time to time may be requested by the Village Council;
11. The Commission shall recommend boundaries for the initial Districts and appropriate Zoning regulations for each district;
12. To consider and make recommendations to the Village Council for a Variance from the Site Development, Water Quality, and/or Subdivision Ordinance 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 recommended 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;
13. 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 Ordinances. 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;

14. To consider and make recommendations to the Village Council upon an appeal of the determination or order of a Village Official on an issue that affects the Site Development, Water Quality and/or Subdivision Ordinance 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;
15. 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;
16. 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.

B. Membership and Appointment: The Planning and Zoning Commission shall be composed of five (5) permanent and two alternate members. All the members shall reside in the Village. The Village Council will consider for appointment to the Commission those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to attend meetings. The Village Council shall strive to appoint members who, by reason of their occupations and the areas of the Village in which they reside, will be broadly representative of the community.

C. Appointment of Chair: The Village Council shall appoint the Chair of the Planning and Zoning Commission.

D. Terms of Office; Filling of Vacancies: The terms of two of the permanent and one of the alternate members shall expire on January 1st of each odd-numbered year and the terms of three of the permanent and one of the alternate members shall expire on January 1st of even-numbered years. Place numbers one through five shall identify the permanent members of the Commission. The alternate members shall not have place numbers but can substitute for any of the permanent members if he or she is unavailable to attend a Commission meeting. Commission members may be appointed to successive terms. A member of the Commission shall serve until his or her successor is appointed and installed. The Village Council shall fill vacancies for the uncompleted term of any vacant position. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

E. Removal of Commissioners: The Village Council may by majority vote remove a permanent or alternate Commissioner for lack of confidence, incompetence, corruption, misconduct, or malfeasance. Any permanent Commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the Commission. This section shall not apply to a Commissioner who applied for and received an excused absence from

the Commission chairperson prior to the meeting(s) at issue. Any Commissioner who no longer resides within the corporate boundaries is deemed to have automatically vacated his/her position on the Commission.

F. Motions at Meetings:
   1. A motion may be made by any member other than the presiding officer. The presiding officer may second a motion and may vote on all matters considered by the Commission.
   2. A motion to approve any matter before the Commission or to recommend Approval of any request requiring Village Council action shall require a majority vote of the members present and voting.

G. Disqualification from Voting: A member shall disqualify himself/herself from voting whenever the member has personal or monetary interest in a matter before the Commission that is substantially different from the interest of the other citizens of the Village, or if the value of the member's property will be affected in a substantially different manner than other properties within the Village.

H. Rules of Procedure:
   1. Organization and Officers:
      i. 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.
      ii. In the absence of both the Chair and Vice-Chair, the Commission shall elect an Acting Chair.
      iii. The City Secretary shall be custodian of the minutes and other official records, shall attend to the correspondence of the Commission and shall cause to be given such notices as are required and in the manner prescribed by law.
   2. Rules of Order: Roberts Rules of Order, as amended, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by these Rules of Procedure.

I. Meetings:
   1. Quorum: A quorum shall consist of three members.
   2. Agenda: The City Secretary shall prepare an agenda for each meeting of the Commission, and shall attach to each agenda a report of matters pending further action by the Commission. The City Secretary shall post a copy of the agenda in the City Hall and to the Village website as required by law for a period of three full calendar days, not counting the day of posting, but which may count the day of the meeting.
   3. Regular Meetings: The Commission shall conduct regular meetings once a month on the second Tuesday of every month at a regularly scheduled time. The initial meeting of the Commission shall be called by the Village Council.
   4. Special Meetings: Special meetings for any purpose may be held on the call of the Chair, or on request of two or more members and by giving notice to all members at least 72 hours before the meeting, or as may be scheduled by a majority of the Commission at any previous meeting. The convening authority shall determine the time and place of the special meeting.
   5. Public Meetings: Any party in interest may appear in his/her own behalf or be represented by counsel or agent.

J. Official Records

1. Official Records: The official records shall be the minutes of the Commission, together with all findings, decisions and other official records of the Commission.
2. Recording of Vote: The minutes of the Commission's proceedings shall show the vote of each member, or indicate a member's absence or failure to vote.
3. Records Retention: All matters coming before the Commission shall be filed in the Village's records. Original papers of all requests and proposals shall be retained as a part of the permanent record.
4. Public Record: The official records and citizen requests filed for Commission action in regular or special meetings shall be on file in the City Hall and shall be open to public inspection during customary work hours.

K. Application Procedures

1. Written Request Required: Every proposal submitted for Commission action shall be made in writing. Where appropriate, the Village shall provide application forms. The proposal shall be accompanied by all prescribed fees and shall be complete in all respects before the Village shall accept it for filing.
2. Schedules and Instructions: Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with this section.
3. Submission and Supporting Information: Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted through the City Secretary in writing or to the Commission in public meeting.
4. Withdrawal of Proposal: When any Applicant desires to withdraw his or her proposal, he or she may do so by filing a written request with the City Secretary. Such request shall be effective upon the date of its official receipt, provided, however, that no such request shall be valid after notices have been mailed, except on action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the Village, and the case file shall be closed.
5. Duties and Powers: The Planning and Zoning Commission is charged with the duty and invested with the authority to inspect property and premises at reasonable hours when required to discharge its responsibilities under the laws of the State and of the Village.
6. Formulate and recommend to the Village Council for its adoption a Comprehensive Plan for the orderly growth and Development of the Village and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the Village.
7. Formulate a Zoning plan as may be deemed best to carry out the goals of the Comprehensive Plan ; hold public hearings and make recommendations to the Village Council relating to the creation, amendment, and implementation of Zoning regulations and districts as provided in the Texas Local Government Code, as amended.
8. Exercise all the powers of a Commission as to the Approval or disapproval of plans, plats, or replats and vacations of plans, plats or replats as provided in the Texas Local Government Code.
9. Study and make recommendations on the location, extension, planning, vacating, and closing of public rights-of-way, Parks and other public places.

10. Formulate and recommend to the Village Council policies and regulations consistent with the adopted Comprehensive Plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the Village.
11. Review and make recommendations concerning Annexation of land into the Village.
12. Hear evidence and determine the matters set forth in Sec. 30.128 of this article.

Sec.30.139 Administrative Procedures for Changes and Amendments to Zoning Regulations and Districts:

A. Application: accept all A. 2/27
   1. Each application for zoning, re-zoning, Conditional Use permit, or for an amendment or change to the existing provisions of this article shall be made in writing on an application form available at the Village, filed with the Village, and shall be accompanied by payment of the appropriate fee. The application shall also be accompanied by additional information materials, such as plans, maps, exhibits, legal description of property, architectural elevations, information about proposed uses, as deemed necessary by the Village, in order to ensure that the written request is understood. A Conceptual Site Plan shall be submitted as prescribed in the Village's Site Development Ordinance, along with any application for a zoning, re-zoning or Conditional Use permit.
   2. All Zoning applications shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of a land owner's agent to file the change request.
   3. If it requires public improvement, all applications for Zoning changes and amendments shall comply ~~be accompanied by a traffic Traffic limpact analysisAnalysis, which scope and content shall comply~~ with the Village's Site Development Ordinance. 3/14/17
   4. Official Submission Date and Completeness of Application:
      i. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application, that contains all elements and information required by this article, is first submitted to the Village. No application shall be deemed officially submitted until the Village determines that the application is complete and a fee receipt is issued by the Village. Failure by the Village to make a determination of completeness within ten (10) calendar days following the date on which the application was first received by the Village, shall result in the application being deemed complete, and the "official submission date" shall become the tenth (10th) calendar day following initial receipt of the application by the Village.
      ii. Zoning related applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the Village, and shall not be scheduled on a Commission agenda until the proper information is provided to the Village.

B. Public Hearing and Notice:
   1. For Zoning or re-zoning requests involving real property, or for Conditional Use permits, the Commission shall hold at least one (1) public hearing on each application. For proposed changes to District boundaries including re-zoning requests, notice of the Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing before the fifteenth (15th) day of the before the public hearing. Written notice of the public hearing to occur before the

Commission shall also be sent to all owners of property, as indicated by the most recently approved Village tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the tenth (10th) day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States Mail.

2. For requests involving proposed changes to the text of this article, notice of the Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing before the fifteenth (15th) day before the date of the public hearing. Changes in the text of this article which do not change District boundaries, or which do not involve specific real property, do not require written notification to individual property owners.
3. The Village may, at its option, establish additional rules and procedures for public notification of proposed Zoning changes or Development proposals such as site plans, plats and Developer agreements, which may include, but not be limited to, the posting of a Sign(s) on any property that is proposed for a Zoning change or Development by the Applicant or its agent(s). Adherence to such rules and procedures, if so established by the Village, shall be the responsibility of the Applicant and shall be required as part of a Zoning change.
4. Parliamentary procedures shall be established by the council.

C. Failure to Appear: Failure of the Applicant or representative to appear before the Commission or the Council for more than one (1) hearing without an approved delay by the council, shall constitute sufficient grounds for the Commission or the Council to table or deny the application unless the Village is notified in writing by the Applicant that the Applicant will be unable to appear, at least seventy-two (72) hours prior to the hearing.

D. Commission Consideration and Recommendation:

1. The Commission shall function in accordance with the applicable provisions in the Village's code of ordinances.
2. The Commission shall hold a public hearing on a Zoning or re-zoning request, or application for Conditional Use permit, or a proposed text amendment to this article. After all public input has been received and the public hearing closed, the Commission shall make its recommendations on the proposed Zoning request application, and Conceptual Site Plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the Village's Comprehensive Plan . The Commission may, on its own motion or at the applicant's written request, defer its recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda.
3. When the Commission is ready to act upon the Zoning request, it may recommend Approval of the request as it was submitted by the applicant, Approval of the request subject to certain conditions, or disapproval of the request. The Commission's recommendation will be automatically forwarded to the Council for a second (2nd) public hearing thereon.
4. If the Commission recommends denial of the Zoning change request, it shall provide written reasons to the Applicant for the denial, if requested by the applicant. The Commission chairperson shall inform the Applicant of the right to request reasons for the denial.

E. Council Consideration and Approval:

1. Applications Forwarded From the Commission to Council: Every application or proposal shall be automatically forwarded, along with the Commission's recommendation to the Council for setting and holding of public hearing thereon following appropriate public hearing notification as prescribed in subsection B~~(2)~~ above.
2. Council Action on Zoning, Rezoning, Conditional Use Permits and Text Amendment Requests: After a public hearing is held before the council regarding the Zoning application, the Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, specifically citing the Council meeting to which it was tabled, or it may refer the application back to the Commission for further study
   i. Council Approval of a Zoning application forwarded with a Commission recommendation of Approval or Approval subject to certain conditions shall be by affirmative vote of the majority of the Council members present and voting.
   ii. Council Approval of a Zoning application forwarded with a Commission recommendation of denial shall be by affirmative vote Council of at least seventy-five percent (75%) of the entire Council membership.
   iii. If the Council approves the amendment request, then subsection E(4) below will apply.
   iv. If the Council denies the request, then no other Zoning application may be filed for all or part of the subject tract of land, or for that portion of this article, or in the case of a text amendment request submitted by a property owner or citizen, for a waiting period of six (6) months following the denial. In the instance that the request was initiated by the Council and involved a proposed amendment to the text of this article, then there is no waiting period before the request can be reconsidered.
   v. The Council may, at its option, waive the six (6) month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
3. Protests: For Zoning requests involving real property, an affirmative vote of at least seventy-five percent (75%) of all members of the Council shall be required to approve any change in Zoning when written objections are received from land owners of twenty percent (20%) or more of the land area covered by the proposed change, or of the land area within two hundred feet (200') of the subject property, in compliance with the provisions of Section 211.006 of the Texas Local Government Code. If a protest against such proposed amendment, supplement or change has been filed with the Village, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those immediately Adjacent to the area thereof extending two hundred feet (200') therefrom, such amendments shall not become effective except by an affirmative vote of at least seventy-five percent (75%) of all members of the council.
4. Final Approval and Ordinance Adoption: Upon Approval of the Zoning Amendment request by the council, the Applicant shall submit all related material with revisions, if necessary, to the Village for the preparation of the amending ordinance. The Zoning request shall be deemed approved at the time the Council makes a decision to

approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted until a correct description and all required exhibits have been submitted to the Village.

Sec.30.140 Ordinance Interpretation. In the interpretation and application of the terms and provisions of this article, the following regulations shall govern:

A. Liberally Construed: In the Village's interpretation and application, the provisions of this article shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, and welfare. This Village shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
B. Highest Standards Govern: Whenever a provision of this article and any other provision of this article, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are most restrictive or impose higher standards or requirements shall govern.
C. Resolution of Conflicting Interpretations: Where there arises a question concerning the meaning or intent of a provision of this article, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event any interested party takes exception to such a decision the matter may be appealed to the Board of adjustment.
D. Written Decisions Binding: Any final written decision made as provided in subsection (c) above shall be archived and shall govern interpretation of this article until such time as an amendment of this article shall nullify such decision, or the decision is over-ruled or rescinded by the council.
E. State Law: The terms, provisions and conditions of this article shall be interpreted and applied in a manner consistent with state law and Chapter 211 of the Texas Local Government Code
F. Comprehensive Plan: All Zoning applications shall conform to the Comprehensive Plan for the Village and be consistent with all of the elements thereof.
    1. Where the proposed Zoning application is inconsistent with one (1) or more of the elements of the Comprehensive Plan, the Applicant may petition the Village for amendment to the particular element or elements of the Comprehensive Plan either prior to, or concurrent with, submitting a Zoning request. Inconsistency with the provisions of the Comprehensive Plan shall be grounds for disapproval of the Zoning application by the Village.
    2. Where the proposed Zoning is for a District or category provided for in this article but that is not included on the Comprehensive Plan existing on the date of this article, or not existing on the date of such application, the Applicant shall propose an amendment to the Comprehensive Plan and provide information and documentation in support of such amendment.
G. Consistency with Village Ordinances: All Development projects within the corporate limits of the Village shall be in conformance with the Village's code of ordinances. Where the proposed Development requires a Zoning classification or Approval other than that currently applying to the property to be developed, the Developer shall make appropriate application to secure the necessary Zoning classification or Approval required for the proposed Development would comply with this article.

Sec.30.141 Fees: To defray the costs of administering this article, the Applicant seeking Zoning Approvals shall pay to the Village, at the time of submittal, the prescribed fees as set forth in the Village's current Fee Ordinance approved by the council.

Sec.30.142 Amendments: The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this article. This article may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

Sec.30.143 Violations: Except as otherwise provided for in this article, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or Block of land within the Village's territorial jurisdiction, unless such lot, parcel, tract or Block of land conforms with this article.

Sec.30.144 Enforcement:

A. Administrative Action: The Village shall enforce this article by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this article and good engineering practices, and the issuance of stop work orders.
B. Stop-Work Order: The City Building Official or other duly authorized Village Official may order all work, including site clearing or other site preparation, stopped on any site where a violation of this chapter is found. Any person, including a workman on the site, who fails to comply with a stop work order shall be found guilty of a misdemeanor punishable as provided in the penalty section hereof.
C. Penalties: Any person, firm or corporation who violates any provisions of this chapter is subject to a civil penalty of not less than one hundred dollars ($100.00) but not more than $2,000.00, unless otherwise stated in this chapter for a particular violation permitted by law for each act of violation and for each day of violation. The owner or tenant of any building, structure or premises and any architect, builder, agent, or other person, who knowingly commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided herein.
D. Court Proceedings: Upon the request of the council, the Village Attorney shall file an action in the District courts to enjoin the violation or threatened violation of this article, or to obtain declaratory judgment relief, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the Village to undertake any construction or other activity necessary to bring about compliance with the provisions of this article.

DIVISION 6: GENERAL PROVISIONS

Sec.30.145 Construction: The terms and provisions of this article shall not be construed in a manner to conflict with *Chapter 211 of the Texas Local Government Code* and if any term or provision of this article shall appear to conflict with any term, provision or condition of *Chapter 211*, such article term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this article.

Sec.30.146 Application of Conflicting Ordinance: All ordinances or parts thereof conflicting or inconsistent with the provisions of this article as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this article and any other code or ordinance of the Village, the terms and provisions of this article shall govern.

Sec.30.147 Severability: If any provision of this article 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 article are declared to be severable.

Sec.30.148 Effective Date: This article shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code.*

Sec.30.149 Open Meetings: It is hereby officially found and determined that the meeting at which the enacting ordinance of this article 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.*

Sec.30.150 Penalty: Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, Within the Village limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars ($2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

PASSED AND APPROVED on the 15h day of November, 2016.

_____

Ken Beck,
MAYOR OF THE VILLAGE OF VOLENTE

ATTEST:

_____

Nicole Vicuña,
ACTING CITY SECRETARY

Chart 1
(Includes New or Remodel)

District & Category	SR	SRR	SRC	SR1	MFR	C1	C2	C3	GOV OS	UD	PDD
Minimum Lot Size	1 acre	1 acre	1 acre (2)	N/A	1 acre (6)	N/A	N/A	N/A	N/A	N/A	For regulations regarding the PDD see Section 30.125
Front Setback, feet	50	50	30	15	30	25	25	35	25	100	
Side Setback, feet (1)	20	40	20	5-20 (3)	25	15 (4)	15 (4)	20 (4)	15	25ft (50ft if abutting residential)	
Road Side Setback, feet (1)	20	20	20	15	25	15	15	20	25	50	
Rear Setback, feet	20	20	20	15	25	15 (4)	15 (4)	20 (4)	15	15ft (30ft if abutting residential)	
Height, feet	35	35	35	35	35	35	35	35	35	25	
Minimum Dwelling Unit Square Feet	1,000	1,000	1,000	1000 (500 if under ½ acre)	1,000	N/A	N/A	N/A	N/A	N/A	
Maximum Floor Space Square Feet	NA	NA	NA	NA	NA	~~6000~~4000 (9)	~~8000~~6000 (9)	~~12000~~8000 (9)	NA	NA	
Minimum Lot Width, feet	125	200	125	N/A	125	N/A	N/A	N/A	60	N/A	
Impervious Cover %	25 (7)	25 (7)	25 (7)	25-45 (5)	25 (7)	35-45 (8)	35-45 (8)	35-45 (8)	35	25 (7)	

1. Measured at the foremost part of the foundation or front Setback ~~Line~~line, whichever is greater
2. Maximum density of one (1) home per acre in subdivision
3. Value is graduated based upon ~~lot~~ Lot ~~width~~Width ~~at the front Setback~~. Formula: Side Setback = 500/ (150 - Lot Width), minimum value = 5, maximum value = 20.
4. 35 feet when abutting Residential to include vegetative or constructed buffer/shield
5. Value is graduated based upon lot size. Formula: Impervious Cover = -(0.0005 x Lot Size, SF) + 45 Maximum impervious cover value range is from 25-45%*
6. Maximum density of four (4) units within one (1) building per acre.
7. Impervious cover shall not exceed 25% except for mitigation using rain water collection which can add up to 5% per the LCRA Technical Manual (Sec. 1 Chapter 4, Sect. 4.3, Subsection 4.3.1, page 59)
8. Value is graduated based upon lot size. Formula: Impervious Cover = -(0.0005 x Lot Size, SF) + 56, Maximum impervious cover value range is from 35-45%*
9. Per single structure

*Lots over 1 acre are defaulted to the minimum value in the range, despite calculations resulting in a percentage lower than the minimum value

Changes within chart rejected 2/27, changes in notes 1, 2, 3 accepted

Chart 2
(Parking Requirements)
See Also – Section 30.108(L)

Use *	Number of Parking Spaces
Residential dwellings, single to multi-family	Two spaces minimum for each dwelling ~~living~~ unit. 3/14/17
Warehouse, Convenience Store, Offices, Retail Shop and similar uses	One space per 250 Sq. Ft. of floor area.
Restaurants, Cafés, Bars and similar uses	One space per ~~150~~ 100 Sq. Ft. of floor area.(includes any outdoor seating ~~and waiting areas~~)3/14/17
Marinas and similar uses	One space for every two wet slips One space for every three dry slips
Hotels, Motels, Hospitals, Institutions, Commercial Amusement (indoors and outdoors), and similar uses	One and a fourth (1¼) spaces per room, plus a space per 200 S.F. of gross floor area for restaurant space and/or banquet hall facilities.
Utility Districts	One space per 250 Sq. Ft. of floor area.

*~~*Any use not listed above requires Planning & Zoning and/or Administrative Approval as a conditional use. Additionally, any use providing a drive-thru to customers must provide a ninety-foot (90') concrete or asphalt driveway.~~*
Multiple use parking lots containing more than one use shall provide parking and loading in an amount equal to the requirements for all uses. accepted 2/27

~~As per lakeway, lago and jonestown needs more discussion 2/27~~
3/14/17

Chart 3
(Zoning Districts)

Designation	Zoning District Name
SR	Single Family Residential
SR1	Single Family Residential Historical
SRR	Single Family Residential Ridgetop
SRC	Single Family Residential Cluster
MFR	Multi-Family Residential
OS	Open Space
PWGU	Private Way for General Use
GOV	Governmental ~~or Institutional~~
C1	Commercial Retail
C2	Commercial Retail with Restaurant
C3	Commercial Marina/~~Entertainment~~
UD	Utility District
PDD	Planned Development District

Chart 4
Private Way for General Use (PWGU) within the Village

LAKE TRAVIS SUBDIVISION # 4 & NICHOLSON SUBDIVISION # 1, REED DRIVE

- LOT 19: PRIVATE WAY FOR GENERAL USE
- LOT 9: PRIVATE WAY FOR GENERAL USE
- LOT 3: PRIVATE WAY FOR GENERAL USE
- LOT 30: PRIVATE WAY FOR GENERAL USE accepted 2/27

LAKE TRAVIS SUBDIVISION # 3, BOOTH CIRCLE

- LOT 68: TRACT 68 DEDICATED TO THE USE OF AND BENEFIT OF ANY OWNER OF ANY OTHER TRACT IN LAKE TRAVIS SUBDIVISION. # 3. NOT FOR CAMPING OR FOR RESIDENTIAL USE.
- LOT BETWEEN, LOT 28 & LOT 85: PRIVATE WAY FOR GENERAL USE:
- LOT BETWEEN LOT 77 & LOT 78: PRIVATE WAY FOR GENERAL USE
- LOT BETWEEN LOT 62 & LOT 63: EASEMENT (NOT DEDICATED TO THE PUBLIC
- LOT BETWEEN LOT 59 & LOT 60: FOR BENEFIT OF TRACTS 56-67 ONLY
- PRIVATE ROAD EASEMENT (NOT DEDICATED TO THE PUBLIC): FOR THE BENEFIT OF TRACTS 56-67
- LOT BETWEEN LOT 51 & LOT 52: PRIVATE WAY FOR GENERAL USE

~~LAKE TRAVIS SUBDIVISION # 3~~JOHNSON'S TRAVIS VIEW 3/14/17

- LOT BETWEEN LOT 54 & LOT 55: PARK AREA – 7603 DEBBIE & 7613 DEBBIE
- LOT BETWEEN LOT 59 & LOT 14: LOT GOES BEHIND LOTS 55 – 59

LAKE TRAVIS SUBDIVISION # 6, WEST DR.

- LOT BETWEEN LOT 13 & LOT 14: PRIVATE WAY FOR USE OF OWNERS OF LOT IN LAKE TRAVIS SUBDIVISION # 6

LAKE TRAVIS SUBDIVISION # 2, JACKSON STREET

- TRACT BETWEEN LOT 10 & LOT 11: PRIVATE WAY FOR USE OF OWNERS OF TRACTS IN LAKE TRAVIS SUBDIVISION # 2
- TRACT BETWEEN LOT 6 & LOT 7: PRIVATE WAY FOR USE OF OWNERS OF TRACTS IN LAKE TRAVIS SUBDIVISION # 2

SUBDIVISION SANDY SHORES, JOY RD

- PARK LOT # 9 HOMEOWNERS PARK

LAKE TRAVIS SUBDIVISION # 1, DODD STREET & LAKEVIEW

- TRACT BETWEEN LOT 19 AND LOT 20

Chart 5
Zoning Use Summary Table

P=permitted, C=conditional use, Blank=not permitted

Section	112	113	114	115	116	117	118	119	121	122	123	124
	SR	**SR1**	**SRR**	**SRC**	**MFR**	**OS**	**PWGU**	**GOV**	**C1**	**C2**	**C3**	**UD**
RESIDENTIAL USES												
Single Family ~~Small Lot~~Historical A		P										
Single Family Residential A	P		P	P	P							
Multifamily Residential					P							
Public Parks, Playgrounds, Community Buildings	P	P	P	P	P			P				
Public Recreational Facilities	P	P	P	P	P			P				
Public Buildings, Libraries, Museums, Safety, Fire, Police	P	P	P	P	P			P				
Temporary Real Estate Office	P	P	P	P	P							
Temporary Construction Buildings	P	P	P	P	P				P	P	P	
Water Storage Tanks, Pumping Plants	P	P	P	P	P							
Boat Docks	P	P	P	P	P							
Manufactured (HUD) AHome why only in SR1? On 2/21/17 Council left the changes to this line for PZ review		~~C~~ A			P R				P R	P R	P R	
Home Based Occupation	P	P	P	P	P							
NON-RESIDENTIAL USES												
Conservation Area						P						
Outdoor Recreational and Athletic Facilities						P						
Outdoor Swimming Pools						P						
HOA Neighborhood Parks, Common Open Spaces						P						
Playgrounds, Play fields						P						
Wildlife Sanctuaries						P						
Described in original Plat or Deed Restrictions							P					
Facilities Owned and Operated by Government								P				
Public grounds								P				
Public Transportation Services								P				
Public Athletic Field, Sports Facility, Community Ctr, Pool								P				
Light Retail, Convenience Shopping									P	P		
Professional Offices									P	P	P	
Bed and Breakfast	C	C	C	C	C				P	P	P	
Pumping Plants								P	P	P	P	
Water Storage Tanks								P	P	P	P	C
Water Towers								P				C
Facility for the Care of Substance Dependent Persons									C	C		
Restaurant With or Without Alcohol										P	C	
Boat Slips											P	
Mooring Slips											P	

Parking Lots									C	C	P	
Administrative Offices related to permitted uses in this district											P	
Boat and Trailer Storage											P	
Section	112	113	114	115	116	117	118	119	121	122	123	124
	SR	SR1	SRR	SRC	MFR	OS	PWGU	GOV	C1	C2	C3	UD
Bar, nightclub, Private Club, dance hall, and social club											C	
Dry Stacks											C	
Fueling Stations											C	
Light Retail for Convenience Shopping (includes ship store)											C	
Boat, Watercraft and other Rental Activity											C	
Commercial Amusement (Indoor and Outdoor)											C	
Boat Services, Repair, Towing											C	
Electrical and Telephone Substations for local use												P
Telecommunications Facilities (see Wireless Communications ~~subject to~~ Ordinance ~~2016-O-169A~~ ~~A all in this line~~ Reject al changes 3/14/17	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	C	C	C	C	C
Water Intake Facilities and Pumping Stations												C
Facilities Required by Public or Private Utility Providers												C
Public or Private Utility Substations, Distributing Centers, Regulation Centers, and Underground Stations												C
Public Water Systems												C
~~Warehouse A all in this line~~ 3/14/17									~~C~~	~~C~~	~~C~~	
CONDITIONAL USES												
Municipal Service Facilities and Buildings	C	C	C	C	C	C	C	C	C	C	C	C
Amusement (Indoor and Outdoor) 500ft from Residential A	C	C	C	C	C	C	C	C	C	C	C	C
Commercial, Recreational, or Amusement for temporary periods 500ft from Residential A in this line	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	C	C	C	C	~~C~~
Clinic	C	C	C	C	C	C	C	C	C	C	C	C
Horse Riding Stables for private use of resident	C	C	C	C	C	C	C	C	C	C	C	C
Schools, Public and Denominational	C	C	C	C	C	C	C	C	C	C	C	C
Communications Or Telecommunications Facility	C	C	C	C	C	C	C	C	C	C	C	C
Churches, Rectories, Places of Worship	C	C	C	C	C	C	C	C	C	C	C	C
Short Term Rentals	C	C	C	C	C	~~C~~	~~C~~	~~C~~	C	C	C	~~C~~
NOT PERMITTED USES												
Bail Bond Services												
Funeral Services												
Pawns ~~Shop~~; LGC can not prohibit; licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code (move to Non-Residential Uses as P under C3) A 2/27									P	P	P	
Scrap and Salvage												
Detention Facilities												
Smoke Shops												
~~Rehab Centers,~~ Halfway Houses and group homes (move to Contional Uses) A 2/27	C	C		C	C							
Sexually Oriented Business												
Heliports												
Tattoo Parlors												
Quarry, Mining, Rock Crushing												

Mobile Homes, Mobile Home or Recreational Vehicle Parks
A

Off Road Motorized Vehicle Tracks or Parks

NOTES:
This list is not exhaustive and is intended to be used solely as brief summary. The Volente Zoning Ordinance takes precedent.
All uses permitted by State or Federal law are permitted.

From: Allison Thrash <allisonthrash@gmail.com>
Sent: Thursday, April 6, 2017 3:44 PM
To: City Secretary
Cc: Council Member 2; Allison Thrash
Subject: Fwd: Zoning issues

Heya,

Given Kit's request, please revise the Draft Agenda Item III. D., by adding a "4. Marinas - Possible Village oversight of the assembly by Marina(s) of slips on the shore and waters of the Village" and "5. Clarification of Definitions and Village Oversight of Short-Term Rentals (STR's) and Bed and Breakfasts (B&B's)".

And please include a copy of this email in the 04/20 P&Z Backup Packet.

And please forward Kit's email to the City Attorney with the request for his feedback, including recommendations, to P&Z in time to be included in the 04/20 P&Z Meeting Backup Packet? Important!

Thanks a lot,
Allison

(512) 825-1314
http://www.allisonthrash.com
Allison Thrash
Labrador Hill Music
Head On Records
Sent from my iPad

Begin forwarded message:

> **From:** <council.member2@volentetexas.gov>
> **Date:** April 6, 2017 at 10:44:53 AM CDT
> **To:** "'Allison Thrash'" <allisonthrash@gmail.com>
> **Cc:** "Nicole" <city.secretary@volentetexas.gov>
> **Subject: Zoning Issues**
>
> Allison,
>
> I would like your committee to discuss the following issues raised by residences
>
> 1. Marinas – assembling slips on the shore and water of Volente without any regulation or oversight by the Village in any way. Including for marinas not in the Village. Should they be regulated by the Village and if so, how? Noise complaints, water quality concerns, increase large truck traffic and road blockages. What door does this open for BCRUA and their building/assembling? Maybe a conditional use permit required for this activity.
> 2. STR and Bed & Breakfast – definition for B&B should be changed to differentiate them from STR's with the breakfast aspect. Should they be regulated the same. What are other jurisdictions doing with the increase in STR activity?
>
> Kit Hopkins
> Council Member 2
> Cell phone (713)569-1027
> Village of Volente (512) 250-2075
> 16100 Wharf Cove, Volente, TX 78641
> Council.member2@volentetexas.gov
>
> **Please note that any correspondence, such as e-mail or letters, sent to Village/Board staff or Officials may become a public record and made available for Public/media review.**

Re: Zoning issues

Tom Buckle <tbuckle@sbylaw.com>

Tue 4/18/2017 9:26 AM

To: City Secretary <City.Secretary@volentetexas.gov>;

Answers below

Sent from my iPad

On Apr 18, 2017, at 9:16 AM, City Secretary <City.Secretary@volentetexas.gov> wrote:

Requesting your feedback, including recommendations regarding:

1. Marinas – assembling slips on the shore and water of Volente without any regulation or oversight by the Village in any way. Including for marinas not in the Village. Should they be regulated by the Village and if so, how? Noise complaints, water quality concerns, increase large truck traffic and road blockages. What door does this open for BCRUA and their building/assembling? Maybe a conditional use permit required for this activity.

Conditional use permit makes the most sense or licensing permits. Need to coordinate with LCRA. Do not see how this relates to BCRUA

2. STR and Bed & Breakfast – definition for B&B should be changed to differentiate them from STR's with the breakfast aspect. Should they be regulated the same. What are other jurisdictions doing with the increase in STR activity?

A bed and breakfast is renting out rooms like a motel or hotel with common areas. A STR is renting out a living unit

Nicole Vicuña
City Secretary
Village of Volente
512.250.2075
http://www.villageofvolente-tx.gov/

Please note that any correspondence, such as e-mail or letters, sent to Village officials, staff, board, or commission may become a public record and made available for public/media review.

-

ATTENTION PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

From: Tom Buckle <tbuckle@sbylaw.com>
Sent: Monday, April 17, 2017 5:18:48 PM
To: City Secretary
Subject: RE: Zoning issues

I am not following this.

From: City Secretary [mailto:City.Secretary@volentetexas.gov]
Sent: Monday, April 17, 2017 5:01 PM
To: Tom Buckle <tbuckle@sbylaw.com>
Subject: Fw: Zoning issues

Tom, please review below and advise. Please note that on item 1 a single council member is making the request without council direction.

Thank you,

Nicole Vicuña
City Secretary
Village of Volente
512.250.2075
http://www.villageofvolente-tx.gov/

Please note that any correspondence, such as e-mail or letters, sent to Village officials, staff, board, or commission may become a public record and made available for public/media review.

ORDINANCE NO. 2016-O-174

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, PROVIDING REGULATIONS ON SHORT TERM RENTALS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, PENALTIES, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES;

WHEREAS, the City Council of Volente ("Council") has evaluated the impact of development and considered regulations that provide for the orderly and safe development of land and use of property within its Village limits (i.e. the 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 USE OF A DEWLLING UNIT AS A SHORT TERM RENTAL FOR THE VILLAGE OF VOLENTE, TEXAS.

I. Purpose: ***Short Term Rental***

means the rental of a residence for less than thirty (30) days. Where permitted in a district, a property owner who desires to rent a partial and/or entire Dwelling Unit for a period of less than thirty (30) days, whether leased directly or subleased through another party, shall comply with the following special criteria and conditions:

a. All Dwelling Units used for Short Term Rentals shall comply with all applicable regulations and Ordinances of the Village of Volente;

b. All Dwelling Units used for Short Term Rentals shall comply with LCRA and OSSF septic tank regulations and have the septic tank capacity to adequately dispose of the volumes of wastewater generated from the short term rental of the structure;

c. The Application for a Short Term Rental Conditional Use Permit shall include the following:

1. A written verification from the owner of the real property verifying the property will be used for Short Term Rentals;

2. A sworn affidavit by the owner of the property to be used for Short Term Rentals that the applicant has sent written notification by regular first class mail via the United States Postal Service or email to all owners of real property within five hundred (500) feet of the property to be used for Short Term Rentals that the owner has applied for a permit for Short Term Rental use. Written notification shall include:

(a) The name of the authorized agent and owner of the unit, and telephone numbers at which those parties may be reached on a twenty-four (24) hour basis;

(b) The enforcement telephone number at which members of the public may report violations of the vacation rental program regulations or conditions of approval attached to a specific vacation rental permit;

(c) The maximum number of occupants permitted to stay in the rental unit.

3. The maximum number of persons permitted at the Short Term Rental to stay overnight are two persons over the age of 18 per bedroom, with a maximum of three additional overnight guests.

4. The maximum number of persons permitted at the Short Term Rental in addition to the number of occupants for overnight occupancy shall not exceed ten (10) persons or the maximum number of persons permitted at the Short Term Rental under the provisions of the Uniform Fire Code.

5. The permit fee is one hundred and fifty dollars ($150.00) for the original application with a fifty dollar ($50.00) fee for each renewal permit application, if renewed prior to expiration.

6. Once the Village Official determines that the application is administratively complete, he/she is authorized to issue the Owner of a Short Term Rental a permit for an initial period of one year. If the Village Official determines that the application is not administratively complete and the Applicant disagrees, the Planning and Zoning Commission shall determine whether the application is administratively complete.

7. If the Village Official refuses to issue the Owner a permit, the Owner can appeal the Village Official's decision to the Village Council.

d. Parking by renters or their guests shall be limited to one-side of the right-of-way directly contiguous to the Short Term Rental (provided the pavement is a minimum of twenty (20) feet from the side of the vehicle to the other side of the roadway), to the garage and to the driveway on the Short Term rental property. The parking shall not prevent or obstruct ingress and egress to the neighboring properties or to emergency and/or fire vehicles;

e. There shall be no signage or advertisement of the Short Term Rental Use displayed on the premises of the Short Term Rental property that is visible from the exterior of the house.

f. Holders of a Short Term Rental Use permit shall comply with and ensure that their tenants comply with all applicable Village Ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public.

g. The address of a Short Term Rental, the phone numbers of the Owner, Agent, Fire Department and Village Office shall be prominently displayed on the inside of the front door of the Short Term Rental Unit.

h. Tenants of a property used for Short Term Rental use shall not create a nuisance by way of noise, damage, odors, inconsiderate or offensive behavior, late night parties, illegal drug or alcohol use, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a private or public nuisance. Nuisance is defined as an activity that disturbs neighboring persons of ordinary sensibilities or that unreasonably interferes with the normal use and enjoyment of properties beyond the boundaries of the Short Term Rental property.

i. Permits authorizing the use of a Dwelling Unit as Short Term Rentals will be for a term of one year with the ability to renew and unexpired permit unless the Owner of the Short Term Rental shall have been convicted of three or more violations of this ordinance by proceedings in the Village's Municipal Court or in the Travis County Courts at Law or District Courts.

j. Any current permit will automatically terminate upon the third conviction of a violation of the provisions of this Ordinance by proceedings in either the Village of Volente Municipal Court or in the Travis County Courts at Law or District Courts. The Owner cannot apply for a new permit under this Ordinance for a period of one year following termination of a permit for three violations of the provisions of this Ordinance.

k. A permit under this Ordinance is not transferable upon sale of the Short Term Rental Property.

l. Before authorization of any short term rental for a Dwelling Unit, public notice shall be given and public hearings shall be held as provided in Chapter 211, Texas Local Government Code; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in subsection (c) (3) or (c) (4) above after a public hearing is

held by the council after having received a report and recommendation from Planning and Zoning Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

m. An application for a short term rental permit may be submitted by the property owner or by the property owner's designated representative to the Village. The application shall be accompanied by a concept plan prepared in accordance with the requirements of the Village's site development ordinance.

n. Upon receipt of the recommendation of the Village Official, the Planning and Zoning Commission shall conduct a public hearing in order to formulate its recommendations to the council on the permit application. Following the public hearing, the Planning and Zoning Commission shall recommend approval, approval subject to modification, or denial of the proposed permit to the council. If the appropriateness of the use cannot be assured at the location, the Planning and Zoning Commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the zoning district.

o. When considering applications for a short term rental permit, the Planning and Zoning Commission in making its recommendation and the council in rendering its decision on the application shall, on the basis of the concept plan and other information submitted, evaluate the impact of the short term use on and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location.

p. In approving the conditional use permit application, the Planning and Zoning Commission, and/or the Village Administrator may recommend and the council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article. Any conditions imposed shall be set forth in the ordinance approving the conditional use short term rental, and shall be incorporated into or noted on the concept plan for final approval. The Village shall verify that concept plan incorporates all conditions set forth in the ordinance authorizing the short term use. The Village shall maintain a record of such approved uses and the concept plans and conditions attached thereto.

II. Conflicting Provisions.

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.

III. Severability. 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.

IV. Penalty. Any individual, business, entity, or person who violates this Ordinance or fails to comply with the conditions of a permit required by this Ordinance commits a Class C

misdemeanor. A violation of this Ordinance is punishable by a fine of up to $500.00 per violation. Each day of violation is a separate violation.

V. Effective Date: This Ordinance shall become effective upon approval of the City Council OR if required by State law, after any required posting and publication of this Ordinance.

VI. Public Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was 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 Meeting Act.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS on this 21st day of November 2016, by a vote of 5 ayes, 0 nays, and 0 abstentions.

_____

Ken Beck, Mayor

Attest:

_____

Nicole Vicuña, Acting City Secretary