

**Village of Point Venture
COUNCIL REGULAR MEETING
Thursday, January 16 at 6:30 PM
555 VENTURE BLVD S
POINT VENTURE, TEXAS 78645**

*"Partnership with the community. Foster community pride.
Preserve and enhance the natural beauty of our environment"*

Agenda

A. Items Opening Meeting

1. Call to order
2. Pledge
3. Invocation – Pastor Denny Henderson
4. Roll Call
5. Consent Agenda
Approval of minutes for December 18, 2019 council meeting.

B. Citizen's Participation

C. Mayor's Report

ILA with Lago Vista for municipal court, municipal court judge and code enforcement officer

D. Travis County Sheriff's Report

E. Items to Consider

1. Discuss and take action to repeal and replace Ordinance 2019-08-02 with third reading of proposed ordinance 2020-01-01 adopting regulations for the construction and placement of outbuildings within the Village.
2. Discussion of possible action to appoint Haynie Consulting to manage request for bid process, consulting and project management for drainage improvement regarding Peckham/Lakefront drainage issues for an estimated total of \$8,500.
3. Discussion of possible action to commission a full drainage study of section of the Village bordered by Venture Drive/Summit Ridge Drive/Valley Hill Drive.
4. Discuss and take action to approve Travis County Transportation to complete crack sealing on Village streets for a cost not to exceed \$3,500.
5. Discuss and take action to approve ordinance 2020-01-16 appointing Vickie Knight as municipal court clerk for a 2 year term.

F. Council Reports

1. Treasurer's Report
Village December YTD financial update
Capital Metro update on allotted grant funds available to PV
2. Building Department
December building services report
Resolution 2019-11-20 regarding ACC and Village building ordinances
Discuss preparation of ordinance to align lot clearing ordinance with Village new construction guidelines.
3. Code Enforcement
4. Animal Control
5. Village Services

6. Public Works

Consideration of locations for road repairs/improvements

Discussion of property owner responsibility to maintain trees and shrubs that cross over to Village right of way.

7. Emergency Services

G. Announcements

H. Adjourn



Eric Love, Mayor

Notes to the Agenda:

- 1. Consent Agenda items are considered to be non-controversial and will be voted on in one motion unless a council member asks for separate discussion.*
- 2. The Council may vote and/or act upon each of the items listed in this Agenda.*
- 3. The Council reserves the right to retire into closed executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.*

****This facility is wheelchair accessible and accessible parking spaces are available. Reasonable modifications and equal access to communications will be provided upon request.***

**Village of Point Venture
COUNCIL REGULAR MEETING
Wednesday, December 18, 2019 at 6:30 PM
555 VENTURE BLVD S
POINT VENTURE, TEXAS 78645**

*"Partnership with the community. Foster community pride.
Preserve and enhance the natural beauty of our environment"*

MINUTES

A. Items Opening Meeting

1. **Call to order** Mayor Love called the meeting to order at 6:30 PM.
2. **Pledge** Mayor Love led the Pledge of Allegiance
3. **Invocation** Mayor Eric Love
4. **Roll Call** Vickie Knight called roll. Present were Mayor ProTem Lance Clinton, Mayor Eric Love, Councilmember Dan Olson, Councilmember Shelly Molina. Absent were: Councilmember Don Conyer and Councilmember Stephen Perschler. A quorum was present.
5. **Consent Agenda**
 - A. Approval of minutes for November 20, 2019 council meeting.
 - B. Approval of Village Council 2020 Regular called meeting dates calendar, for the third Wednesday each month.

Mayor ProTem Clinton made a motion to approve consent agenda. Councilmember Olson seconded the motion. All present approved. Motion carried.

B. Citizen's Participation

Resident input and concern regarding the clearing of lots upon entrance in Point Venture. Resident request that the Village Council seriously revisit and discuss determination on the land use of these lots as future building site for a convenience store and the Council will research and address health and safety issues regarding use of these lots upon entrance in Point Venture. Two residents requested report from Council regarding drainage situation at Staghorn and Valley Hill. An engineering report was approved in May and submitted in August. Citizens affected have not received any further communication. Residents request the Council please respond with report at the January council meeting.

C. Mayor's Report

- *Mayor Love introduced celebration of Point Venture volunteers who tirelessly give of their time and energies and provide information for guidance to the community. The Village would like to recognize one of these volunteers every six months. **The first Spirit of Point Venture award was presented to Roy Ables.**
- *Councilmember Molina will be attending Newly Elected Official training in San Antonio on January 10.
- *Point Venture 50-year anniversary is May 2020. Need a team to begin preparations, including all Point Venture entities, for our 50-year anniversary celebration.
- *Village newsletter needs a team of volunteer contributing editors to help provide a more frequent and informative Village newsletter.
- *Point Venture entrance area immediately to right after passing guard house needs beautification ideas and efforts.
- *Short term rentals and how we will respond as a Village community needs team to research and provide options to Village council for consideration.

D. Travis County Sheriff's Report

Detective Pasak was in attendance. Detective Pasak reported there was a recent report of incident with a gun in Point Venture. There have been more incidents reported in Trivisso and Lago Vista regarding persons checking car doors parked in driveways. A speed trailer should be delivered for Point Venture very soon. Mayor Love requested Sheriffs be directed to enforce traffic laws in Point Venture and to issue tickets to violators. Contract with Travis County Sheriff Office and Village of Point Venture for contract hours coverage by Travis County Sheriff has been signed for 2020. Detective Pasak reported that the sheriffs on duty for the Village and for the POA coordinate their respective schedules to minimize any overlap of sheriff coverage in Point Venture.

E. Items to Consider

1. Discussion of repeal and replace Ordinance 2019-08-02 with second reading of proposed ordinance adopting regulations for the construction and placement of outbuildings within the Village. Mayor ProTem led discussion on second reading of proposed ordinance. Mayor ProTem Clinton wanted to most notably point out changes to ordinance as presented November 20 first reading. Ordinance now reads that a permit is not required for a small prefabricated storage shed less than 25 sq ft and "shall not be visible" from golf course, street or right of way. Councilmember Molina concerned that the stipulation "not be visible" from golf course, street or right of way would disallow many residents this option for a small storage shed. There was discussion that "not visible" has numerous options other than a privacy fence which is prohibited on the golf course. The latitude to have options to meet expectation of "not visible" was considered a workable compromise. Mayor ProTem requested this ordinance have a third reading at the January council meeting.
2. Approve purchase Windows workstation, records management storage drive and one-year system support service/maintenance agreement with local IT firm, not to exceed \$3,000.
Councilmember Olson moved to approve purchase of Windows workstation, storage drive and systems support annual maintenance agreement not to exceed \$3,000.
Councilmember Molina seconded the motion. All present approved. Motion carried.

F. Council Reports

1. Treasurer's Report
Councilmember reported that Village owned 2006 Ford Van had sold at Lago Vista auto auction for \$3,900. The Village will receive payment less 10% fee of \$3,510.
Councilmember Olson gave an overview of Village current year to date budget to actual and monies in bank.
2. Building Department
Mayor Love designated Tommy Low as Assistant Building Official. Councilmember Molina and Tommy Low will work together to monitor an enforce building ordinance procedures and guidelines. Tommy Low will attend PVACC meeting when his schedule will allow.
Councilmember Molina will work with PVACC to produce agreement to satisfy PVACC guidelines and Village building services procedures.
3. Code Enforcement
ILA with City of Lago Vista for code enforcement officer and municipal court will be prepared and ready for council and city attorney review soon. Tommy Low will be attending code enforcement officer training January 6-10.
4. Animal Control
Tommy Low, Animal Control Officer, has spoken with Travis County/City of Austin Animal Services for back up animal control issues. This memorandum of understanding has not been completely defined yet. The Village still needs to address backup procedure/personnel for animal control situations/issues on weekends, holidays and vacation time periods
5. Village Services
Nothing additional to report.
6. Public Works
Brush and tree trimming over Village right of way and public streets begins January 20.

7. Emergency Services
Nothing additional to report.

G. Announcements

2019 final Monday with Mayor on Monday, December 23
Village offices will be closed for holiday season December 24 till January 2.

H. Adjourn

Councilmember Molina moved to adjourn meeting. Councilmember Olson seconded the motion. All present approved. Motion carried. **Mayor Love adjourned the meeting at 7:58 PM.**

Eric Love, Mayor

Attest: Vickie Knight, Village Secretary

**This facility is wheelchair accessible and accessible parking spaces are available. Reasonable modifications and equal access to communications will be provided upon request.*

December 2019

Point Venture Law Enforcement Activity Reports

Deputy: Greg Pasak

Date: 12/13/19 **Day:** Friday **Beginning:** 8:00 pm **End:** 12:00 am **Hours:** **4**

8:00 PM – On duty.

8:20 PM – Suspicious vehicle, 500 S. Venture Dr.

8:45 PM – Walk through at the Caddy Shack.

9:25 PM – Walk through at the Gnarly Gar.

10:15 PM – Citizen contact, 200 S. Venture Dr. Citizen with questions about hours TCSO works in the community off duty and how to increase patrol hours worked.

11:30 PM – Traffic stop, Venture Dr., vehicle with defective equipment.

12:00 AM – Off Duty.

Deputy: Greg Pasak

Date: 12/14/19 **Day:** Saturday **Beginning:** 7:30 pm **End:** 1:30 am **Hours:** **6**

7:00 PM – On duty.

7:00 PM – Monitored traffic in subdivision and checked vehicle speeds by radar.

7:40 PM – Met with security. No current issues reported by security.

8:15 PM – Walk through of the Caddy Shack

8:50 PM – Community Contact, Whispering Hollow Dr.

10:50 PM – 911 Call – 911 hang up. Staghorn Dr. Made contact with residents.

Elderly couple and one was having issues with dementia and becoming aggressive. EMS responded.

11:30 PM – 911 Call - Disturbance with a gun involving multiple subjects, Staghorn Dr/Valley Hill. I was able to respond quickly and secure the scene. One subject was detained and released to patrol. I assisted patrol for some time interviewing and providing scene security.

12:30-1:30 – Report writing.

1:30 AM – Off duty.

Deputy: Greg Pasak

Date: 12/15/19 **Day:** Sunday **Beginning:** 1:30 pm **End:** 5:30 pm **Hours:** **4**

1:30 PM – On duty

1:30 PM – Met with district unit and discussed a prior call in subdivision that district unit took on this date, Champion Circle.

2:30 PM – Flagged down by a resident on Buckhorn Dr. in reference to a suspicious person going door to door and identifying himself as a private investigator. Located

the subject on Summit Ridge Dr. and made contact with him. He was identified as a private investigator and was currently investigating for an attorney. Subject was identified and released. He did leave the property at the request of the homeowner.
3:15 PM – Follow up investigation – Staghorn Dr. Made contact with elderly residents from previous call on 12/14/19 to check their welfare. Both were in good spirits and stated they required no further assistance.
4:00 PM – Follow up investigation – Staghorn Dr. Made contact with a different resident on Staghorn Dr. in reference to the subject on earlier call identified as a PI.
4:25 PM – Met with security.
5:05 PM – Walk through of the Caddy Shack.
5:30 PM – Off Duty

Deputy: Greg Pasak

Date: 12/18/19 **Day:** Wednesday **Beginning:** 6:30 pm **End:** 8:30 pm **Hours:** **2**

**** No vehicle hours**

6:30 PM – On duty.
6:30 PM – 8:20 PM Attended City Council Meeting.
8:25 PM – Met with resident on Peckham Dr. and obtained video of an attempted burglary of his vehicle. Subject was checking door handles of vehicles.
8:30 PM – Off Duty

Deputy: Greg Pasak

Date: 12/20/19 **Day:** Friday **Beginning:** 7:00 pm **End:** 1:00 am **Hours:** **6**

7:00 PM – On duty
7:20 PM – Met with security, no current issues reported by security.
7:45 PM – Check welfare, Lakepoint CV. Checked on subjects sitting in a vehicle parked on the side of the roadway. No violations. Subjects were identified and released.
8:30 PM – Walk through of the Gnarly Gar.
9:15 PM – Walk through of the Caddy Shack.
10:30 PM – 1:00 AM Set up in the area of Peckham Dr., Kelly Dr., and Deckhouse Dr. Observed the area for some time. Two separate recent reports of a subject in a hoodie checking door handles of vehicles. No suspicious activity seen.
1:00 AM – Off duty

Deputy: Greg Pasak

Date: 12/21/19 **Day:** Saturday **Beginning:** 7:30 pm **End:** 1:30 am **Hours:** **6**

7:30 PM – On duty

7:30 PM – Monitored traffic in subdivision and checked vehicle speeds by radar.

8:00 PM – Theft – S. Venture Dr. Contractor stole tools from the complainant. Assisted patrol deputies with identification of suspect and gathering report information.

8:30 PM – Met with security, no current issues reported by security.

8:45 PM – Walk through of the Gnarly Gar.

9:30 PM – Walk through of the Caddy Shack.

10:15 PM – Traffic stop, S. Venture Dr., Speeding. Warning issued

11:45 PM – Check welfare, Lakeshore Dr. Complainant from out of town was calling in a check welfare on her family. Family checked ok. Police in the complainant's jurisdiction were sent to do a check welfare on her since she was not making sense.

1:30 AM – Off duty.

Deputy: Greg Pasak

Date: 12/22/19 **Day:** Sunday **Beginning:** 2:00 pm **End:** 4:00 pm **Hours:** **2**

2:00 PM – On duty

2:15 PM – Met with security, no current issues reported by security.

3:00 PM – Follow up investigation, Lakeshore Dr. related to last night's call.

3:25 PM – Follow up investigation, Peckham Dr., related to attempted burglary of vehicles.

4:00 PM – Off Duty

Village of Point Venture

ORDINANCE NO. 2020-01-01

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, ADOPTING REGULATIONS FOR THE CONSTRUCTION AND PLACEMENT OF OUTBUILDINGS WITHIN THE VILLAGE; PROVIDING FOR PERMITS, ENFORCEMENT, APPEALS, AND PENALTIES; PROVIDING A REPEALER; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS the Village Council of the Village of Point Venture seeks to provide for the proper construction and expansion of buildings and structures within the Village in a manner that will protect and maintain the welfare, aesthetic appearance, and value of property within the community; and

WHEREAS, the Village Council is authorized to enact land use regulations through its police power authority for the protection of the health, safety, and welfare of the public, and is further authorized pursuant to Texas Local Government Code Chapters 211, 212, and 214, to adopt certain codes, ordinances, and land use regulations and to enact local amendments and establish procedures for the administration and enforcement of such codes, ordinances and regulations; and

WHEREAS the Village Council finds it to be in the best interest of the public safety, health and welfare to establish regulations for the construction and placement of outbuildings in the Village;

NOW THEREFORE, be it ordained by the Village Council of the Village of Point Venture, County of Travis, State of Texas, that:

Repealed and Replaced. Ordinance No. 2019-08-02 of the Village of Point Venture, dated August 21, 2019, is hereby repealed and replaced in its entirety with the following.

Definition. For the purposes of this Ordinance an “Outbuilding” shall mean a structure other than a primary residence or garage that is detached from the primary residence and is constructed or placed on a lot in the Village, including but not limited to a storage shed, greenhouse, or a similar structure.

Permit required

Before a person may construct or place an outbuilding on a lot containing a primary residence within the Village, he or she must submit an application provided by the Village and must receive a permit authorizing construction of the outbuilding

The application will describe or depict the proposed outbuilding sufficiently to allow the Village to determine if it will comply with the standards contained in this Ordinance. Detailed construction drawings, exterior elevation drawings and specifications for color and materials must accompany

the completed application. The drawings must indicate how the proposed improvement will relate architecturally to the existing residence. Inspections and a refundable compliance deposit may also be required.

Permit not required. A permit is not required by the Village for one (1) prefabricated small vertical heavy-duty plastic resin storage shed (I.e. heavy-duty plastic resin vertical sheds made by Rubbermaid, US Leisure, Suncoast, Lifetime, Duramax, etc.). These structures are not allowed in the front yard, shall be smaller than twenty-five (25) square feet, and shall not be visible from any public street, right-of-way or golf course. To the extent possible, the color and roofing material of storage sheds shall match that of the principal building on the lot.

Village may contract. The Village may contract with the Point Venture Architectural Control Committee or another qualified entity to process applications for and to issue permits for the construction of outbuildings in a manner consistent with the requirements of this Ordinance.

Outbuilding standards. Outbuildings other than greenhouses shall be constructed to conform to the general appearance, coloration, and construction material of the primary residence located on the lot or lots where the outbuilding will be located. Exterior walls should be constructed of the same material or materials used in the construction of the exterior of the primary residence or should be painted or stained to assume the same appearance as the primary residence. The detailed standards for the outbuilding are as follows:

Detailed Outbuilding (non-greenhouse) Standards.

1. Outbuildings shall be constructed of materials similar in appearance and color (the outbuilding standards section includes a reference to coloration) to the main dwelling. Corrugated sheet metal siding and roofing are expressly prohibited.
2. The floor area of an Outbuilding shall not exceed the lesser of 200 sq. feet -or-10% of the main structure area.
3. All construction of Outbuildings require the issuance of a building permit from the Village of Point Venture. All construction shall meet the building code requirements of the Village of Point Venture.
4. Outbuildings shall be located according to the most restrictive of the following:
 - a. In a rear portion of the lot, behind the rear building line of the main dwelling.
 - b. If on a corner, no closer to a street than the main dwelling.
 - c. In compliance with the setbacks requirement required by the deed restrictions of the lot.
5. Maximum Height:
 - a. The maximum height of the Outbuilding is measured from the peak of the roof of the Outbuilding to grade level.

- b. The maximum height shall be 10 feet, or 50 percent of the height of the peak of the roof of the main dwelling, whichever is lower.
 - c. The maximum height of the sidewall of an Outbuilding shall not exceed 8 feet.
6. Additional Requirements:
- a. The building area of an Outbuilding shall not exceed the lesser of 200 square feet or 10% of the main structure area.
 - b. The applicant shall submit a fully dimensioned site plan, showing the location and the dimensions of the Outbuilding. The property lines, easements and all structures within 100 feet of the property line. The sketch shall include a depiction of the size and location of all doors in the Outbuilding.
 - c. The eaves shall overhang the exterior walls by no less than 1 foot and no more than 3 feet.
7. Usage and Occupancy: Outbuildings shall not be used for accessory dwellings; they should be for personal storage purposes only.

Appeals. A person whose application for an outbuilding permit is denied by the entity with which the Village contracts to process applications and issue permits under this Ordinance may appeal the denial to the Village Council by asking that the appeal be placed upon the agenda for a regular Village Council meeting occurring within thirty (30) days of the date the PVACC denied the application. The ruling of the Village Council on denial or issuance of the permit shall be final.

Enforcement. The Village shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

Criminal Prosecution. Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C misdemeanor.

Civil Remedies. Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) other available relief.

Repealer. All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

Severability. It is hereby declared to be the intention of the Village Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

Effective date. This ordinance shall become effective upon its adoption. The penalty provisions shall become effective upon publication of the Ordinance or a caption thereof as required by law.

PASSED AND APPROVED this 15th day of January 2020, by a vote of _____ ayes to _____ nays to _____ abstentions of the Village Council of the Village of Point Venture.

VILLAGE OF POINT VENTURE

Mayor - Eric Love

ATTEST:

Village Secretary — Vickie Knight

VILLAGE OF POINT VENTURE, TEXAS

ORDINANCE NO. 2020-01-16

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, APPOINTING A MUNICIPAL COURT CLERK FOR A TERM OF TWO YEARS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETING.

WHEREAS, pursuant to Texas Government Code subsection 29.004(b), the Village Council of the Village of Point Venture adopted Ordinance No. 2002-01-01 providing for the appointment of a municipal court clerk; and

WHEREAS, Texas Government Code section 29.005 provides, *inter alia*, that the clerk of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution;

NOW THEREFORE, be it ordained by the Village Council of the Village of Point Venture, Texas:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village Council of Point Venture, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. APPOINTMENT OF MUNICIPAL COURT CLERK

Pursuant to Texas Government Code sections 29.004 and 29.005, the Village Council hereby appoints Vickie Knight to serve as Court Clerk of the Municipal Court of the Village of Point Venture, for a term of two (2) years hereafter.

III. REPEALER

All provisions of the ordinances and resolutions of the Village of Point Venture in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the Village of Point Venture not in conflict with the provisions of this ordinance shall remain in full force and effect.

IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not

affect the validity of any remaining provision of the Code of Ordinances or the Code of Ordinances as a whole.

V. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage.

SECTION VI. OPEN MEETING

The Village Council hereby finds and determines that the meeting at which this Ordinance was adopted was open to the public 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.

DULY PASSED AND ADOPTED by the Village Council of the Village of Point Venture, Texas, on the 16th day of January, 2020.

VILLAGE OF POINT VENTURE:

Eric Love, Mayor – Village of Point Venture

ATTEST:

Lance Clinton, Mayor ProTem – Village of Point Venture

**Village of Point Venture
Building Department – December 2019**

In the month of December, there was one residential building permit issued and two certificates of occupancy issued for new single family homes.

NEW HOMES ISSUED PERMITS

2009	10
2010	8
2011	8
2012	6
2013	12
2014	23
2015	18
2016	36
2017	53
2018	30
2019	32
2020	

CERTIFICATE OF OCCUPANCIES ISSUED

2009	15
2010	11
2011	6
2012	4
2013	5
2014	15
2015	18
2016	38
2017	33
2018	58
2019	26
2020	

ARTICLE 9.02 LOT CLEARING

Sec. 9.02.001 Title

This article shall be commonly known and cited as the lot clearing ordinance. (Ordinance 2009-06-01, sec. 1, adopted 6/1/09)

Sec. 9.02.002 Purpose

This article is adopted so that the village council may promote the public health, safety, and general welfare within the village through the establishment of standards of practice for the preservation of trees and native landscaping in development areas in order to better control soil erosion and the transport of sediment, preserve the environmental quality of surface and ground waters, screen noise, and protect and enhance scenic vistas and wildlife habitat. By and through this article, the village council seeks to allow construction while minimizing the impact to woodland areas and encouraging reforestation within the corporate boundaries of the village. (Ordinance 2009-06-01, sec. 2, adopted 6/1/09)

Sec. 9.02.003 Scope

This article shall only apply to vacant lots within the village limits. (Ordinance 2009-06-01, sec. 3, adopted 6/1/09)

Sec. 9.02.004 Definitions

(a) General provisions. Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases that are not defined in this article but are defined in other ordinances of the village shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this article.

(b) Specific definitions.

Applicant means the person seeking approval from the village. The applicant may be the property owner, or an authorized agent/representative of the property owners.

Building official means the person appointed by the village council to advise the village council and administer the village's construction codes and building regulations, including but not limited to lot clearing, tree trimming, landscaping, and drainage regulations. The building official serves as the administrative enforcer of this article.

Clear means to make a material change in the character of the land, including but not limited to the mechanical extraction of vegetation, removal of brush, cutting of protected trees, or modification of the natural grade or slope of the land.

Emergency means situations in which the grade of the land or conditions of the trees pose an imminent threat to public health, safety or welfare; are an immediate hindrance to vehicular or pedestrian traffic; block public access to roadways or driveways; or endanger public utility facilities.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the administrator, where the boundaries of the flood, and mudslide (i.e., mudflow) related erosion areas having special hazards have been designated.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Floodplain means the areas of special flood hazard identified by the Federal Emergency Management Agency in the flood insurance rate map (FIRM) or flood hazard boundary map (FHBM).

Person means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

Protected tree means a tree that warrants special consideration due to its environmental and aesthetic significance to the Lake Travis region. Specifically, the term includes any tree with a trunk having a diameter greater than four (4) inches measured one (1) foot above the base (ground elevation) of the tree. All trees of the species *Juniperus ashei*, also known as the "Ashe Juniper" or "Mountain Cedar," are not deemed to be protected trees regardless of size.

Silt fence means a temporary sediment barrier made of woven, synthetic filtration fabric supported by wood or steel posts.

Vacant lot means land that is undeveloped and unused. The term includes any area with significant amounts of land not covered by impervious surfaces, which is suitable for development or infill.

Village means the Village of Point Venture and its agents and employees.

Village limits means the incorporated municipal boundary of the village.

(Ordinance 2009-06-01, sec. 4, adopted 6/1/09)

Sec. 9.02.005 Enforcement; penalties

- (a) Civil, criminal and administrative penalties. The village shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to a suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.
- (b) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.
- (c) Civil remedies. Nothing in this article shall be construed as a waiver of the village's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:
- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article, including but not limited to remediation and/or mitigation;
 - (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
 - (3) Other available relief.
- (d) Administrative actions.
- (1) Stop work orders. If the building official determines that there has been noncompliance with any material term, condition, requirement or agreement under this article, the building official may order the person violating this article to cease and desist from further development or construction material to the alleged noncompliance until corrected by compliance.
 - (2) Withholding of other authorizations. The village may refuse to grant development, construction, or occupancy approvals for improvements for a property that does not fully and completely comply with all terms and conditions of this article.
 - (3) Administrative penalty. The building official may assess, and a person alleged to have violated this article may pay, an administrative penalty in lieu of the village initiating formal court action to recover the civil or criminal fines provided for herein.
- (e) Restoration of site.
- (1) Persons who clear a lot in violation of this article shall restore the site after submitting a

restoration plan to the building official and receiving approval.

- (2) Remedial measures may include (but are not necessarily limited to) grading, replenishing soil, planting vegetation and replacing trees, as determined necessary by the building official.
- (3) The village may assess an administrative fee upon the person performing the restoration, in an amount set by ordinance and reasonably adequate to cover the costs of overseeing the restoration.
- (4) Any restoration activities imposed by the village pursuant to this subsection shall be in addition to the criminal and civil remedies provided for in this article.

(Ordinance 2009-06-01, sec. 7, adopted 6/1/09; Ordinance adopting Code)

Sec. 9.02.006 Permit

(a) Required.

- (1) It shall be unlawful for any person to clear any vacant lot without first securing a lot clearing permit issued by the building official.
- (2) It shall be unlawful for any person to burn, cut, poison, or otherwise remove protected trees on any lot without first securing a lot clearing permit issued by the building official.
- (3) Regarding property located upon a floodplain, it shall be unlawful for any person to remove trees, perform landscaping, or otherwise move or place dirt for the purpose of landscaping or grading without first securing a lot clearing permit issued by the building official. The exemptions listed in subsection (b) of this section do not apply to this subsection.

(b) Exemptions.

- (1) Nothing in this article shall be construed as to prohibit owners of vacant lots from making their lot(s) more attractive for aesthetic purposes or for preparation for the showing and sale. However, vacant lots cannot be totally cleared of all vegetation.
- (2) Nothing in this article shall be construed as to prohibit owners of vacant lots from maintaining their lot(s) for fire safety purposes of the lot.
- (3) For the limited purposes of the exemptions recognized by this subsection, the following activities are allowed without a permit:
 - (A) Pruning live and dead tree limbs;
 - (B) Removing dead brush;
 - (C) Removing excessive rocks or trash; and/or
 - (D) Removal of anything deemed hazardous by the building official/assistant building official or his/her designee.
- (4) The limited exceptions provided by this subsection do not constitute permission to clean a lot up by use of a dozer or other heavy equipment.
- (5) A lot clearing permit is not required for routine trimming of trees or tree branches.

(6) A lot clearing permit is not required in emergency situations. Emergency actions conducted without a permit must be reported to the village within seven (7) calendar days.

(b) Application. Lot clearing permit applications must be submitted to the building official. Each application for a lot clearing permit shall include a landscape and grading plan that at a minimum shall include:

(1) A graphic and textual description of all vegetation and trees, regardless of size, currently located within the legal boundaries of the property, noting all drip lines.

(2) Designation of which protected trees are proposed for removal due to construction activities.

(3) A topographical description of the lot indicating the natural drainage patterns and waterways.

(4) A graphic and textual description of the proposed final elevations and slopes of the property and the location of all vegetation and trees to be replaced under this article and areas proposed for landscaping.

(5) The layout of proposed buffer areas (if any).

(6) Documentation demonstrating that the applicant has the financial means to execute the construction plans.

(7) Other relevant information as may be required by other village regulations.

(c) Standards for approval. Approval or denial of a lot clearing permit by the building official will be based on all of the provisions of this article and the following relevant factors:

(1) The danger to life and property due to the potential flooding or erosion damage reasonably expected to be caused by the proposed landscape and grading plan;

(2) The need for physical separation between buildings and cedar trees for fire protection purposes;

(3) The compatibility of the proposed landscape and grading plan with existing and anticipated land development;

(4) The anticipated impact of the proposed landscape and grading plan on the maintenance and repair of streets, drainage facilities, and public utilities such as sewer, gas, electrical water, and wastewater systems;

(5) Whether the landscape and grading plan will materially comply with the comprehensive plan, landscaping scheme and aesthetic theme of the village;

(6) Whether the landscape and grading plan will materially interfere with natural drainage patterns or the migratory patterns of native wildlife;

(7) Whether the proposed landscape and grading plan will divert water across the property of the village or another person in a manner or place or greater velocity than the ordinary and natural flow of such water;

- (8) Whether the landscape and grading plan would negatively impact any protected trees;
- (9) The availability of reasonable alternatives to the proposed landscape and grading plan;
- (10) The need to remove damaged or diseased trees; and
- (11) The applicability of other village, county, state and federal regulations.

(d) Duration.

(1) The building official may only issue a lot clearing permit 30 days prior to the commencement of construction of a residential structure on the site.

(2) A lot clearing permit is valid for 30 days.

(e) Fees. The village council may by ordinance establish reasonable permit fees to cover the costs of administration of this article.

(Ordinance 2009-06-01, sec. 4, adopted 6/1/09; Ordinance adopting Code)

Sec. 9.02.007 Variances

(a) Authorized.

(1) The building official may grant variances to the specific terms of this article by issuing a permit pursuant to this section. Variances may only be granted in instances where the building official makes written findings regarding the following:

(A) The variance is not contrary to the public interest;

(B) Due to special conditions, a literal enforcement of the regulation would result in an unnecessary hardship; and

(C) The spirit of this article is observed and substantial justice is done.

(2) Financial hardship alone does not necessarily qualify as undue hardship for purposes of granting a variance.

(b) Remediation or mitigation plan. As a specific condition of receiving a variance, the applicant must submit for approval a remediation or mitigation plan for addressing any damage to the native vegetation or trees impacted by the variance. The plan is to be submitted to the building official.

(Ordinance 2009-06-01, sec. 6, adopted 6/1/09)

Sec. 9.02.008 Protection during construction and grading

(a) Protection of vegetation. During construction and grading, reasonable steps should be taken to protect all vegetation and trees.

(b) Silt fences. Any construction or other work done in a floodplain may only be performed after sufficient silt fences have been erected so as to prevent erosion from occurring due to such activities. The building official is empowered to rescind or otherwise cancel a permit issued under this article if silt fences are not properly placed on the work site. The building official shall use his discretion to determine what amount of silt fencing is sufficient for each permit, based upon the topographic features of the

land, and the work to be performed.

(Ordinance 2009-06-01, sec. 5, adopted 6/1/09; Ordinance adopting Code)

Village of Point Venture

Resolution No. 2019-11-20

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE SUSPENDING STRICT ENFORCEMENT OF CERTAIN VILLAGE ORDINANCES RELATED TO THE POINT VENTURE ARCHITECTURAL CONTROL COMMITTEE DUE TO THE RESIGNATION OF THE MEMBERS OF THAT COMMITTEE; DECLARING AN INTENT TO TAKE SUCH ACTION, MAKE SUCH AMENDMENTS, OR EXECUTE SUCH AGREEMENTS AS MAY BE NECESSARY TO MINIMIZE CONSTRUCTION AND LAND USE ISSUES AFFECTING CITIZENS OF THE VILLAGE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the Village of Point Venture (“the Village”) is a Master Planned Community initiated as a subdivision near Lake Travis in 1969 and subsequently incorporated as a General Law Municipality in 2000; and

WHEREAS, the land, lots, and parcels in the Village are, with few exceptions, subject to deed restrictions and restrictive covenants (“Restrictions”) that address requirements for construction of buildings and use of land in the Village; and

WHEREAS, the Village has not adopted zoning ordinances pursuant to Ch. 211, Local Government Code nor elected to enforce Restrictions pursuant to Subch. F of Ch. 212, Local Government Code, and has, instead, worked cooperatively with the Point Venture Property Owners Association (“PVPOA”) to ensure that construction and land use in the Village is consistent with the Restrictions and such other ordinances and regulations that have been adopted by the Village for orderly development in the Village; and

WHEREAS, as part of such cooperative relationship with the PVPOA, the Village Council has adopted ordinances that utilize the services and expertise of the Point Venture Architectural Control Committee (PVACC) in regard to land use and development in the Village, including ordinance provisions that require PVACC review and approval of particular applications and plans, including such approval prior to issuance of a Certificate of Occupancy under certain circumstances; and

WHEREAS, due to the recent resignation of all members of the PVACC Board and the delay that will accompany the filling of the resulting vacancies by election, as required by the Restrictions, it is neither feasible nor advisable for the purposes of effective governance, nor is it in the best interests of the citizens of the Village to delay issuance of permits, certificates of occupancy, or other approvals heretofore dependent on approval of the PVACC; and

WHEREAS, it is the desire of the Village Council to suspend the requirement for PVACC action or approval contained in any ordinance or regulation of the Village with regard to land use and construction issues until such time that a new PVACC Board is elected or until other appropriate action is taken by the Village Council to ensure the continued approval and issuance of qualifying permits, certificates of occupancy or other applications, to stay in compliance with state law regarding such matters, and to minimize problems, delays, and expense for citizens of the Village;

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, that:

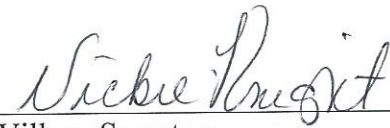
1. The foregoing recitals are adopted and incorporated into this resolution for all purposes.
2. Any and all requirements currently contained in any valid ordinance or regulation of the Village that requires action by the PVACC are hereby suspended until such time that a new PVACC Board is elected or other action is taken by the Village Council to amend ordinances, enter into agreements, or otherwise address and ensure orderly construction, land use and development in the Village.
3. During the time from the effective date of this resolution until it is modified, repealed, or replaced, or until new or amended ordinances or regulations are adopted or valid agreements are entered into with appropriate parties ("the Interim Period"), the role of the PVACC contained in the Village's current ordinances and regulations will be filled by the appointment, hiring, or engagement of qualified persons or entities by the Village Council for such purposes.
4. The Mayor is directed to identify appropriate persons or entities capable of providing the services identified by the Village Council in connection with this resolution during the Interim Period and to present the same to the Village Council for action.

Approved and adopted, effective on this, the 20 day of NOVEMBER, 2019.

VILLAGE OF POINT VENTURE


Eric Love, Mayor

ATTEST:


Village Secretary