AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 19-033-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO MODIFY ALLEY REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Section 14.02.001, Article 14.02, Chapter 14, Leander Code of Ordinances (the "Composite Zoning Ordinance"), and forwarded its recommendation on the amendments to the City Council; and

WHEREAS, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

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

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Article III, Section 6 (a) (5). Article III, Section 6 (a) (5) of the Composite Zoning Ordinance is hereby amended to update item (5) to read as follows:

(5) Lots may provide access to garages from a rear alley.

SECTION 3. Amendment of Article III, Section 7 (a) (5). Article III, Section 7 (a) (5) of the Composite Zoning Ordinance is hereby amended to update item (5) to read as follows:

(5) Lots may provide access to garages from a rear alley.

SECTION 4. Amendment of Article V, Section 1 (b) (6). Article V, Section 1 (b) (6) of the Composite Zoning Ordinance is hereby amended to this section to read as follows:

(5) Residential Development in the SFT and SFL districts
- (i) Alley access to garages may be provided for all lots in blocks where lots average less than fifty feet wide.
- (ii) Where alleys are provided, it is encouraged that visually permeable fencing (e.g. picket or tubular metal fencing) is provided adjacent to such alleys and that the height of such fencing is not greater than four feet.

SECTION 5. Amendment of Article VIII, Section 5 (j) (1). Article VIII, Section 5 (j) (1) of the Composite Zoning Ordinance is hereby amended to this section to read as follows:

(1) Residential dwellings in the CH, SFL and SFT districts and on any lot or building envelope less than fifty (50) feet wide may provide access to garages from a rear alley.

SECTION 6. Conflicting Ordinances. Exhibit "A", Section 14.02.001, Article 14.02, Leander Code of Ordinances and of Ordinance No. 05-018-00 is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 7. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 9. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 10. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the 20th day of June of 2019.
FINALLY PASSED AND APPROVED on this the 9th day of July, 2019.

THE CITY OF LEANDER, TEXAS

Troy Hill, Mayor

ATTEST:

Dara Crabtree, City Secretary