

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS**

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO UPDATE THE SUBMITTAL OPTIONS ASSOCIATED WITH PLANNED UNIT DEVELOPMENTS (PUD); SITE DEVELOPMENT SUBMITTAL PROCEDURES, APPLICATION REQUIREMENTS, AND REVIEW PROCESSES; MODIFY THE DEFINITIONS; MODIFY SCREENING REQUIREMENTS ASSOCIATED WITH PUBLIC SCHOOL PROPERTIES, AND ADJUST THE PERMITTED FENCE HEIGHT; 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; and

**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 I, Section 6.** Article I, Section 6 of the Composite Zoning Ordinance is amended by adding the following definitions:

***Alternative Review Procedure*** means the procedures set forth in Section 20B that modify the plan or plat application review process as described in Section 20B of the Subdivision Ordinance.

***Buffer Zone*** means a vegetated area adjacent to a creek, river, or natural drainage way that is required to be free of impervious cover and in which Development is restricted as provided in Section 49 of the Subdivision Ordinance.

***City Staff*** means the officers, departments, employees, and agents of the City assigned and designated from time to time by the City Manager and/or Council, including but not limited to the Director of Planning, to review, comment and/or report on zoning applications.

***Dry Utility*** means improvements placed or installed for the purpose of producing, generating, transmitting, selling or furnishing electric, telecommunications, natural gas, or propane service from a utility provider. This definition does not include improvements installed for the purpose of distributing potable or non-potable water, collecting and treating wastewater/sewage, or conveying rainfall runoff.

***Filing Date*** means, with respect to plans governed by this Ordinance, the date that plans are determined to be complete and are accepted for review by the City.

***Submittal Schedule*** means a schedule prepared by the Director of Planning and adopted by the Planning & Zoning Commission. This schedule shall include filing dates and action dates associated with the site development permit applications.

**SECTION 3. Amendment of term “Riparian Corridor”.** The term “Riparian Corridor” wherever it appears in the Composite Zoning Ordinance shall be changed to “Buffer Zone”.

**SECTION 4. Amendment of Article III, Section 19(a).** The first paragraph of Article III, Section 19(a) of the Composite Zoning Ordinance is amended in its entirety to read as follows (with subsections (1) through (8) and the last paragraph of Article III, Section 19(a) remaining unchanged):

**(a) Purpose and Objectives**

The purpose and intent of the Planned Unit Development (PUD) district is to create unified standards for development in order to provide flexible, customized zoning and, where requested by the applicant, subdivision standards to encourage imaginative and innovative designs for the development of property in the City consistent with this ordinance and accepted urban planning principles in accordance with the City of Leander Comprehensive Plan. The PUD rules are designed:

**SECTION 5. Amendment of Article III, Section 19(e).** The first paragraph of Article III, Section 19(e) of the Composite Zoning Ordinance is amended in its entirety to read as follows (and the remaining paragraphs and sections of Article III, Section 19(e) shall remain unchanged):

**(e) Conceptual Site Layout and Land Use Plan**

A Conceptual Site Layout and Land Use Plan of the entire property within the PUD will be considered by the Commission prior to any recommendation to, or consideration by, the City Council of the PUD district ordinance. A Conceptual Site Layout and Land Use Plan may also be considered as a Concept Plan and Preliminary Plat for subdivision purposes if the applicant elects to seek approval of the Concept Plan and Preliminary Plat under the Alternative Review Procedure set forth in Section 20B of the Subdivision Ordinance at the time the PUD application is submitted and if it meets the standards of a Concept Plan and Preliminary Plat as contained in the Subdivision Ordinance or as modified and approved in the Conceptual Site Layout and Land Use Plan.

**SECTION 6. Amendment of Article VI, Section 1(d).** Article VI, Section 1(d) of the Composite Zoning Ordinance is hereby amended in its entirety to read as follows:

**(d) Screening Requirements.**

- (1) In addition to the landscaping requirements of this section, all development shall comply with the following screening requirements:
  - (i) The following shall be screened from the view of at least sixty percent (60%) of adjacent single-family or two-family residences and any street or public right-of-way: off-street parking areas, loading spaces and docks, trash and storage containers, outside storage areas, satellite dishes larger than eighteen (18) inches in diameter, antennas, mechanical equipment, and metal siding.
  - (ii) Above ground utility facilities up to six (6) feet above grade for multi-family and non-residential development are required to be screened from view except for poles, fire hydrants and existing lines.
  - (iii) Detention Facilities including detention ponds and/or water quality ponds shall be screened from view.
  - (iv) Screening by vegetation that could be removed from adjacent undeveloped or partially developed properties when such property is developed is not considered as screening from view.
  - (v) Outside storage areas shall be screened by the use of a privacy fence or wall at least the height of the items to be screened and in conformance with the requirements of this ordinance.
  - (vi) Outside storage areas shall be screened by the use of a privacy fence or wall at least the height of the items to be screened and in conformance with the requirements of this ordinance. If the outdoor storage area is adjacent to an arterial or collector roadway, then the wall is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco (limited to thirty-five (35%) of the exterior surface area of walls), factory tinted (not painted) split face concrete masonry unit, or other similar material approved by the Director of Planning. In addition to the materials listed above, textured pre-cast concrete (e.g. Woodcrete) is also permitted when the wall is adjacent to collectors.
  - (vii) A minimum five-foot (5') landscaped area located on the exterior of the fence shall be provided and landscaped in accordance with paragraph (2) (i) above unless the fence is on a rear boundary line or adjoining a permanent structure on the site.
  - (viii) Fuel pumps are required to be screened from view of any street or public right-of-way to at least the height of the fuel pump.
  - (ix) Lift stations are required to be screened from view of adjacent single-family or two-family residences, or any street or public right-of-way by the use of a wall. The wall is required to be constructed of one or more of the following materials: brick, stone, cast stone, stucco (limited to thirty-five (35%) of the exterior surface area of walls), factory tinted (not painted) split face concrete masonry unit, textured pre-cast concrete (e.g. Woodcrete) or other similar material approved by the Director of Planning.

- (2) Public School Districts shall not be required to screen bus storage facilities with solid walls. These facilities may be secured with black or green vinyl coated fencing.
- (3) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof unless otherwise noted in this section.
- (4) Privacy Fences (See section 14 and 16 of this Article)
- (5) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation, in combination with shade trees not more than fifty feet apart.
- (6) Landscape Berms, in combination with trees, shall fulfill the screening requirements of this section if the berms are at least three (3) feet in height and have maximum side slopes of four (4) feet of horizontal run for every one (1) foot in vertical rise.
- (7) Existing on-site vegetation, demonstrating significant visual screening capabilities and as approved by the Director of Planning, shall fulfill the requirements of this section.

**SECTION 7. Amendment of Article VI, Sections 16(c) and (d).** Article VI, Sections 16(c) and (d) of the Composite Zoning Ordinance are hereby amended in its entirety to read as follows:

- (c) All fences along a common property boundary shall be less than or equal to eight (8) feet in height except as provided below.
- (d) Fences greater than eight (8) feet in height shall be allowed for impeding access to hazardous or secured facilities including, but not limited to, electrical substations and chemical or equipment storage yards. For high security applications, barbed wire or razor wire (or equivalent) may be installed above the eight (8) foot height limit but not to exceed a total of ten (10) feet in height.

**SECTION 8. Amendment of Article IX, Section 1(b).** The first paragraph of Article IX, Section 1(b) is hereby amended in its entirety to read as follows (and the remaining subsections of Article IX, Section 1(b) shall remain unchanged):

**(b) Applicability; Site Development Permit Required**

Any person who develops, or causes to be developed, property located within the corporate limits of the City shall comply with this Chapter and shall obtain a site development permit, dry utility permit, or minor site development permit, as applicable prior to commencing development. Reference to site development permits in this Article shall include dry utility permits and minor site development permits. Within the city corporate limits the use of property shall not be changed, no development shall take place and no building permit shall be issued until a site development permit has been issued in accordance with the code of ordinances of the City. A property must either be final platted or exempt from platting before a site development permit may be issued. Property for which a site development permit has been issued shall be developed in compliance with the approved site plan. The following are exceptions to the applicability of this Chapter:

**SECTION 9. Amendment of Article IX, Section 2(a).** The first paragraph of Article IX, Section 2(a) is hereby amended in its entirety to read as follows (and the remaining subsections of Article IX, Section 2(a) shall remain unchanged):

**(a) Site Plan Processing**

(1) Site plan submission:

- a. The applicant is required to attend a pre-development meeting with city staff to help familiarize the applicant with applicable codes and regulations. The Planning Director may waive this requirement if they deem that the meeting is not necessary.
- b. The Planning Director shall prepare an application Submittal Schedule. The Submittal Schedule shall be reviewed and approved by the Commission annually. The Planning Director is authorized to adjust an approved schedule to accommodate holidays, City Hall closures, and cancelled or special called meetings.
- c. The Planning Director shall prepare site development application forms which shall include a checklist of the required information and documents that are required to be submitted by applicants in order for an application to be accepted as complete for review and processing under this Chapter. The Commission shall review and approve the application forms and amendments prepared by the Planning Director from time to time. The submittal shall also include a list of any requested variances from the ordinances. The Planning Director shall update the application from time to time as required due to amendments to this Ordinance, state law, or applicable technical codes and manuals.
- d. Site plans shall be submitted by appointment and will only be accepted for submittal with the Planning Department on the days authorized by the adopted Submittal Schedule. City staff shall review the application for completeness and either accept the application as complete or reject the application and provide the applicant with written notice of rejection that specifies the reasons for rejection within ten business days of the date the application is submitted. An application will be considered complete if it is submitted in the required form, includes all information and documents required in the application, and is accompanied by the applicable fees. An application that is not complete, does not include the information or documents required in the application, or is not accompanied by the applicable fees shall not be accepted by the City for review and processing. If the application is determined to be incomplete, the Planning Director shall provide written notice of the rejection of the application that includes a description of the application's deficiencies. No further processing of the application will occur until the deficiencies are corrected.
- e. In addition to the items required on the Site Development Permit application and checklist, the following must be reviewed and approved prior to the submittal of the Site Development Permit application in order for the Site Development Permit application to be accepted as complete, unless the City Engineer, Director of Planning, or Director of Parks and Recreation determines

that one of the items is either not needed or may be reviewed concurrently to process the Site Development Permit application:

- i. Lift station report
  - ii. Water and wastewater capacity analysis
  - iii. Drainage study
  - iv. Flood plain permit/ CLOMR
  - v. Traffic impact analysis
  - vi. Preliminary Park Plan
- f. As coordinator of the site development permit process, the Planning Department shall distribute copies of a site plan accepted for review and processing to all reviewing departments. Within 45 calendar days of the filing date, the site development permit shall be disapproved, with reasons provided for such disapproval, or approved. Issuance of comments by city staff identifying items to be addressed by the applicant shall constitute disapproval of such application until the applicant addresses such comments. Failure to disapprove or approve the site development application within 45 days shall constitute approval of the application.
- (2) Expiration of application:
- a. Prior to an application being accepted for review and processing, an application shall expire on the 45<sup>th</sup> day after the date the application is submitted to the City if:
    - (i) the applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the application set forth in this Ordinance;
    - (ii) within ten (10) business days of the date the application is submitted to the City, the City provides the applicant written notice of the failure that specifies the necessary documents or other information that are missing from the application and the date the application will expire if the documents or other information is not provided; and
    - (iii) the applicant fails to provide the specified documents or other information within the time provided in the notice.
  - b. After a site development permit is accepted for review and processing, the site development permit application shall expire within nine (9) months of the date that all initial staff review comments from all reviewing departments have been issued on the application if a site development permit has not been issued due to the applicant's failure to cause the proposed site development application to comply with applicable city regulations. The Planning Department may grant one six (6) month extension if the applicant can show substantial progress in obtaining a site development permit. Substantial progress shall consist of, at a minimum, a resubmission of the site development plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.
- (3) Construction not to begin prior to permit issuance: Site construction shall not begin until all necessary permits have been obtained, all fees paid, approval has been

granted by all reviewing departments and a site development permit is issued by the Planning Department. A stop work order may be issued and an applicant shall be required to pay two (2) times the normal permit fee for any property upon which construction has begun prior to the issuance of a site development permit, unless prior written approval is obtained from the Planning Department. If a stop work order is issued as a result of construction beginning prior to issuance of a site development permit, construction activities shall cease until the required approval is obtained.

**SECTION 10. Addition of Section 2(f) to Article IX.** Article IX is hereby amended by adding Section 2(f) to read as follows:

**(f) Dry Utility Permit**

Projects that consist solely of the installation of utilities and associated facilities are eligible for review and processing as dry utility permit. A dry utility permit application shall be submitted for review in conformance with all information and materials required by the most recent dry utility permit application/checklist.

**SECTION 11. 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 12. 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 13. 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 14. 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 15. 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 First Reading on this the 15<sup>th</sup> day of August of 2019.  
**FINALLY PASSED AND APPROVED** on the Second Reading on this the 15<sup>th</sup> day of August of 2019.

**THE CITY OF LEANDER, TEXAS**

**ATTEST:**

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Troy Hill, Mayor

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Dara Crabtree, City Secretary