

ORDINANCE No. 2021-61

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL AMENDING SECTIONS 15.02.052 AND 15.02.381 OF THE CITY OF LEON VALLEY CODE OF ORDINANCES, ALLOWING FOR ACCESSORY DWELLING UNITS IN THE RE AND R-1 ZONING DISTRICTS; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Chapter 15 of the City's Code of Ordinances establishes the City's Zoning Regulations pursuant to Chapter 211 of the Texas Local Government Code; and

WHEREAS, Chapter 15 currently does not permit Accessory Dwelling Units - as defined below - within residential zoning districts; and

WHEREAS, the City's Planning Zoning Commission has held a public hearing and recommended the City Council amend Chapter 15 to allow for Accessory Dwelling Units by right in RE and R-1 zoning districts on lots greater than 0.5 acres; and

WHEREAS, at said public hearing the City's Planning Zoning Commission also recommended the City Council amend Chapter 15 to allow for Accessory Dwelling Units with Specific Use Permit approval on RE and R-1 zoned lots less than 0.5 acres in area; and

WHEREAS, the City Council now desires amend Sections 15.02.052 and 15.02.381 of the City Code, to allow for accessory dwelling units in the RE and R-1 Zoning Districts as specified in Section 1 of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

SECTION 1. Section 15.02.052 of the City's Code or Ordinances is hereby amended to add the following definition:

Accessory Dwelling Unit (ADU). A residential dwelling unit (but not a manufactured home, located on the same lot as a primary single-family dwelling unit - either within the same building as the single-family dwelling unit or in a detached building - complete with living facilities and designed in a manner in which it is capable of functioning without the use of the primary dwelling unit.

SECTION 2. Section 15.02.381 of the City's Code or Ordinances is hereby amended to add the following definition:

Use	RE	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	Notes
Accessory Dwelling Unit	P	SUP	X	X	X	X	X	X	**Permitted by right in the R-1 District if lot exceeds 0.5 acres in area.

SECTION 3. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should 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, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 5. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 7th day of December 2021.

APPROVED



CHRIS RILEY
MAYOR

Attest :



SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney



ROXANA PEREZ STEVENS
City Attorney

