

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

**ORDINANCE NO. 24-065-00**

**AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO AMEND THE COMPOSITE ZONING ORDINANCE TO ADOPT REGULATIONS FOR AN ENTERTAINMENT OVERLAY AND FARMERS' MARKETS, UPDATE DEFINITIONS, AND PROVIDE FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City sees a need to adopt an Entertainment Overlay to allow for alternative uses, lighting standards, modified parking requirements, and hours of operation, as well as support other outdoor entertainment.

**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 (15) days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

**SECTION 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION 2. Amendment of Article I, Section 6.** Article I, Section 6 of the Composite Zoning Ordinance is hereby amended to add the following definitions:

***Agricultural Product*** means a product intended for direct human consumption or animal consumption such as vegetables, fruits, dairy products, eggs, grains, meats, poultry, fish, honey, wool, plants, or other similar products.

***Artisan*** means sculptors, painters, sketch artists, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, air brushers, and other similar uses.

***Banquet Hall or Events Center*** means a facility or hall which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings,

anniversaries, corporate events, and other similar celebrations. Such use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premise consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

***Entertainment Overlay*** means an area designated by the Planning & Zoning Commission and City Council that allows for alternative standards regarding noise, lighting, and use regulations. This overlay is a regulatory tool that creates a special zoning district, placed over an existing base zoning district, which identifies special provisions in addition to those in the underlying base zone.

***Farmers' Market*** means the offering for sale of fresh agricultural products and Locally Produced goods directly to the customer at an open air market event at which at least forty (40%) of the vendors are farmers or other food producers. The Farmer's Market may include vendors who are not farmers or food producers to include hand made products and artisan goods.

***Farmers' Market Permanent Use*** means a Farmers' Market held at a permanent location designed for a Farmers' Market and authorized by a special use permit.

***Farmers' Market Temporary Use*** means a Farmers' Market held at a temporary outdoor location within an Entertainment Overlay.

***Hotel, Boutique*** means a small hotel with less than fifty (50) guest rooms that is not accessed from a Toll Road or Arterial. A boutique hotel is not part of a large hotel chain and typically has a unique location and may be associated with specialty amenities such as a spa or live entertainment.

***Hotel, Extended Stay*** means a hotel offering individual guest rooms or suites for rent intended to be used for stays which may exceed thirty (30) days. An extended stay hotel may include meeting rooms, recreational facilities for renters, and suites may have full kitchen facilities to accommodate extended stays.

***Hotel, Full Service*** means a hotel that includes a minimum of one hundred (100) guest rooms, a full service restaurant, meeting rooms, and guest services that are customary to hotel services amenities such as dry cleaning service, fitness centers, laundry facilities, and/or spa services.

***Hotel, Limited Service*** means a hotel that does not provide additional guest services beyond the customary hotel services and amenities.

***Locally Produced*** means agricultural products or goods produced within the State of Texas for the purpose of this ordinance.

***Multi-Occupant Center*** means a development that includes three or more retail, entertainment, business, industrial, wholesale, or professional uses that share common facilities including parking, driveways, utilities, detention, and landscaping.

***Outdoor Music*** means a sound that is amplified and not fully enclosed by permanent, solid walls and a roof, or allowed to project out of an exterior doorway that is routinely opened.

***Plaza*** means an outdoor shared space located within a Multi-Occupant Center that promotes public gatherings.

***Theater, Indoor*** means an enclosed structure used for motion pictures, cultural or performing arts, and may include food and alcoholic beverage sales.

**SECTION 3. Amendment of Article I, Section 6.** Article I, Section 6 of the Composite Zoning Ordinance is hereby amended to replace the definition of hotel with the following:

***Hotel*** means a building in which lodging or boarding and lodging are provided and offered to the public for compensation for a period of less than thirty (30) days 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 boarding house, a lodging house, or an apartment.

**SECTION 4. Amendment of Article III, Section 16(b).** Article III, Section 16(b) of the Composite Zoning Ordinance is hereby amended to add Banquet Hall or Events Center, Boutique Hotel, Extended Stay Hotel, Full Service Hotel, Limited Service Hotel, and Indoor Theater to the list of permitted uses. Uses shall appear in alphabetical order and existing sections will be renumbered accordingly.

**SECTION 5. Amendment of Article III, Section 20.** Article III, Section of the Composite Zoning Ordinance is hereby amended to add Banquet Hall or Events Center, Boutique Hotel, Extended Stay Hotel, Full Service Hotel, Limited Service Hotel, and Indoor Theater to the list of permitted uses in the GC, HC, and HI Use Components.

**SECTION 6. Amendment of Article IV, Section 2(a).** Article IV, Section 2(a) of the Composite Zoning Ordinance is hereby amended to add the following:  
(17) Farmers' Market

**SECTION 7. Amendment of Article IV.** Article IV of the Composite Zoning Ordinance is hereby amended to add a new Section 11 and a new Section 12, and to renumber the existing Section 11 to Section 13:

**SECTION 11: Entertainment Overlay**

(a) Intent. The intent of the Entertainment Overlay is to allow for the development of property as a destination and entertainment venue that will be used to promote a vibrant and active place, thereby providing residents and employees opportunities to socialize and be entertained within the City. Each Entertainment Overlay may either include multiple properties or one large property creating a functional site that supports adequate space to handle parking, circulation and pedestrian activities. Establishing an Entertainment

Overlay will be permitted only in accordance with the City's Comprehensive Plan and this ordinance.

- (b) Application. Unless modified by the ordinance establishing the Entertainment Overlay for particular properties, the provisions of this section shall be in addition to all other provisions of the underlying zoning district. This district may relax certain standards for development.
- (c) Criteria. In order for a property to be designated with the Entertainment Overlay, the property shall include entertainment uses that promote vibrant and active public uses that include amusement activities, theaters, plazas, outdoor seating areas, outdoor cafes, destination locations, and uses listed in Section (d) below.
  - (1) The property shall include entertainment uses in addition to the uses permitted by right in the base zoning district.
  - (2) The ordinance adopting the Entertainment Overlay will take effect when entertainment uses are established on the property through the issuance of a certificate of occupancy.
  - (3) If the entertainment uses cease operation, the Entertainment Overlay shall expire after six (6) months.
  - (4) If the entertainment uses substantially change, an amendment is required to be submitted for review and action by the Planning & Zoning Commission and City Council. The Director of Planning may approve minor amendments to the uses.
  - (5) An Entertainment Overlay shall either include:
    - i. Multiple properties, or
    - ii. One (1) unified development under common ownership with a minimum of ten (10) acres unless otherwise approved by the establishment of the overlay.
- (d) Entertainment Overlay Permitted Uses
  - (1) All uses permitted by the base zoning district of the property;
  - (2) Banquet Hall or Events Center;
  - (3) Bar or Private Club;
  - (4) Brewpub;
  - (5) Entertainment venues including theaters, amusement parks, arenas, stadiums, commercial sports venues;
  - (6) Farmer's Market Temporary Use
  - (7) Hotels, Full Service
  - (8) Hotels, Boutique;
  - (9) Microbrewery, Microdistillery, or Microwinery;
  - (10) Mobile Food Establishment Temporary Use and Park in compliance with Article, IV, Section 10 of the Composite Zoning Ordinance;
  - (11) Night Club;
  - (12) Outdoor Music
  - (13) Restaurants with outdoor patios;
  - (14) Theatre, Indoor; and/or
  - (15) Any similar uses as permitted by the Director of Planning.

- (e) Alcoholic Beverage Sales and Service
  - (1) Alcoholic beverages may be sold and/or served for on or off-premise consumption on property located within the Entertainment Overlay that is developed and used for the uses listed in (d) above subject to the terms of the permit or license issued to the owner or operator of the property by the Texas Alcoholic Beverage Code, as amended.
- (f) Hours of Operation
  - (1) There shall be no hours of operation except as follows:
    - a. Property located in the Entertainment Overlay District and developed and used as a Bar, Private Club, or Night Club shall not be open for business to the public between 2:00 a.m. and 8:00 a.m. any day of the week.
    - b. Outdoor Music shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. when located within five hundred (500') feet of a structure zoned and/or used for residential purposes.
- (g) Lighting. Alternative lighting is permitted in an Entertainment Overlay. Lighting such as string lights within centers and outdoor gathering spaces are permitted. Any alternative lighting shall meet the intent of the Composite Zoning Ordinance and shall be oriented so that light intensity or brightness is directed away from public right-of-way or adjacent residential properties zoned or used for residential.
- (h) Parking.
  - (1) A parking reduction may be considered for Multi-Occupant Centers of up to ten (10%) percent of the ordinance requirements when shared parking facilities are proposed.
  - (2) Outdoor seating areas shall not be counted towards the parking requirements.
- (i) Process.
  - (1) An Entertainment Overlay shall be processed as part of a zoning application to establish the overlay. The request shall be referred to the Planning & Zoning Commission for study and report concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood and final approval by the City Council. Notice shall be given and public hearings held in the same manner as for all other zoning and rezoning applications.
  - (2) Each Entertainment Overlay shall be individually identified and may include conditions to accommodate unique features of the area such as surrounding developments, including modifications to the provisions of this Section.

## **SECTION 12: Farmers' Market**

- (a) Intent. The intent of this section is to provide regulations for the development of a Farmers' Market as a permanent use and a temporary use. Farmers' Markets are permitted by right on property with an Entertainment Overlay unless otherwise prohibited. Otherwise, a Special Use Permit is required to establish a Farmers' Market.
- (b) General requirements.
  - (1) A special use permit is required for a Farmers' Market located outside of an Entertainment District.

- (2) A Farmers' Market shall not be operated more than twenty four (24) hours per week and more than twelve (12) hours in any twenty four (24) hour period.
- (3) At least forty (40%) percent of the vendors shall be food item vendors whose products are Locally Produced.
- (4) At least forty (40%) percent of the cumulative square footage area of all vending booths at the farmers' market must consist of locally produced agricultural products.
- (5) All vendors shall comply with the state licensing requirements.
- (6) The food manufacturing, food distribution, or food wholesale license must be prominently displayed at the vendor's booth throughout the duration of each farmer's market session.
- (7) Any processed foods must be commercially pre-packaged.
- (8) All vendors shall comply with applicable health and safety laws and state regulations. Each vendor at a farmer's market shall meet all requirements of any other applicable law regulating the vendor's operation at the farmers' market, including but not limited to displaying of an appropriate license or permit and meeting required performance standards. The permittee shall be responsible for ensuring that each vendor complies with this subsection. If the permittee is also a vendor at the farmers' market, the permittee shall also meet all requirements of any other applicable law regulating such vendor's operation at the farmers' market.
- (9) Each farmers' market must provide 1.25 parking spaces per vending booth.
- (10) A minimum of five (5) vendor booths or stalls shall be provided with each Farmer's Market.

### **SECTION 13: Exceptions**

- (a) Where a legal lot or other legal tract less than the required width, depth or area established in this ordinance, and in existence on the effective date of this ordinance, these lot size requirements shall not prohibit the erection of one primary structure for occupancy for a use permitted within the district in which the lot or tract is located.
- (b) Where a preliminary plat or concept plan, filed or approved prior to the effective date of this ordinance and compliant with the minimum requirements in effect when filed or approved, shows lots less than the required width, depth or area established in this ordinance and does not expire prior to submission of a final plat, the final plat may be approved with the lot sizes as approved on the preliminary plat or concept plan.
- (c) Special consideration for the width and depth of cul-de-sac lots will be given as long as they meet the minimum area requirement of their respective district.

**SECTION 8. Amendment of Article VI, Section 3(a).** Article VI, Section 3 a) of the Composite Zoning Ordinance is hereby amended to add the following parking requirements:

USE CATEGORY	SPECIFIC USE	SPACE REQUIREMENT
<b>COMMERCIAL USES</b>		

Commercial Office, Retail Sales, & Services	Farmers' Market	1.25:booth or vendor stall
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**SECTION 9. Conflicting Ordinances.** Exhibit " A", Chapter 14, Leander Code of Ordinances 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 10. 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 subdivision 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 11. 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 12. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**SECTION 13. Open Meetings.** That 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, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on First Reading this the 9<sup>th</sup> day of July, 2024.

**FINALLY PASSED AND APPROVED** on this the 18<sup>th</sup> day of July, 2024.

**ATTEST:**

**THE CITY OF LEANDER, TEXAS:**

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Dara Crabtree, City Secretary

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Christine DeLisle, Mayor