

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

**ORDINANCE NO. 24-112-00**

**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 UPDATE REQUIREMENTS FOR SITE DEVELOPMENT AND DRY UTILITIES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City sees a need to update the ordinance requirements to clarify the requirements for site development and dry utility permits to provide for a more efficient process for the city and development community.

**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 IX.** Article IX of the Composite Zoning Ordinance is hereby amended in its entirety as follows:

**SECTION 1: GENERAL PROVISIONS.**

(a) Purpose. The purpose of this chapter is as follows:

- (1) To establish rules and procedures for the orderly planning and development of commercial sites and residential sites involving more than two (2) dwelling units;
- (2) To provide for a permit separate and distinct from the building permit so that site issues such as drainage, driveways, access, utilities and internal circulation may be resolved without the need for the preparation and review of detailed architectural plans;
- (3) To permit site preparation and drainage improvements without imposing the expense and time burden required for a full building permit;

- (4) To permit the planning of a phased site development without imposing the expense and time burden required for the preparation and review of complete architectural plans for all phases of the development;
- (5) To provide development applicants a site development permit to help expedite and enhance success and marketability of the project;
- (6) To provide city staff with procedures for the review and approval of site development;
- (7) To enhance the ability of a developer to obtain financing for a development project;
- (8) To maintain consistency with other area jurisdictions; and
- (9) To simplify and expedite the building permit process.

(b) Applicability; Site Development Permit, Minor Site Development Permit, or Dry Utility 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:

- (1) Construction, alteration or addition to a single-family or two family residential structure, or an accessory building to any such structure.
- (2) Alteration or finish-out of an existing building when the alteration or finish-out does not increase the square footage of the building or change the building footprint as long as one of the following applies:
  - (i) The use does not change, or if the use changes, the new use does not require more parking than is currently existing and no additional parking spaces, aisles or driveways are proposed;
  - (ii) The alteration, finish-out or change of use is in compliance with all applicable codes and regulations of the city; and
  - (iii) The proposal does not increase the degree of any existing nonconforming use or nonconforming structure.
- (3) Construction of a fence, but no exception is granted by this subsection for construction of a retaining wall or for a fence that may obstruct or change the flow of water.
- (4) Substantial restoration that is commenced within a period of one (1) year of a building damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- (5) A canopy or carport placed over existing parking spaces or other paved area.

- (6) Any other minor site activity similar to those listed above and eligible for a minor site development permit approved by the Planning Department prior to beginning such site activity or work.

## **SECTION 2: ADMINISTRATION AND REVIEW**

### **(a) Development Services Review Committee**

- (1) Purpose: The Development Services Review Committee shall be created to generally ensure compliance of applications with all applicable codes, regulations, laws, ordinances and plans and to coordinate the review of development proposals to ensure that all City requirements have been met without conflict. The Development Services Review Committee shall have all the power and duties specifically provided for herein.
- (2) Representatives: The Development Services Review Committee shall consist of department or division authorities or their assigns from the review departments to include:
  - (i) Executive Director of Development Services
  - (ii) City Engineer
  - (iii) Planning Manager
  - (iv) Building Official
  - (v) Fire Marshal
  - (vi) Parks & Recreation Director
  - (vii) Executive Director of Public Works
- (3) Powers and Duties:
  - (i) The Development Services Review Committee shall determine based on information submitted by the applicant whether or not the site development plans meet the requirements of codes, regulations, and ordinances.
  - (ii) The Development Review Services Committee will review requests for administrative exceptions to provisions of this code.
  - (iii) An administrative exception may be granted if the committee finds the following:
    - 1. The exception will provide an alternate means of achieving the same or higher level of technical performance specified by this code; and
    - 2. The exception is in harmony with the general purpose and intent of this Article so that public health, safety and welfare may be secured.

- (iv) All requested exceptions from this code shall be made in writing before the first resubmittal of the application. The request shall be made to the Development Services Department.
  - (v) The applicant shall have the burden of proving that an exception, if granted, will provide the same level of technical performance specified by this Article.
  - (vi) Findings of the Development Services Review Committee, together with the specific facts upon which findings are based, shall be kept in the case files for the site development permit.
- (4) Administrative Exceptions: The Development Services Review Committee shall have the authority to authorize an administrative adjustment up to ten (10%) percent of any numerical standard set forth in the Composite Zoning Ordinance. Exceptions include setback encroachments, driveway determinations, and detention pond design. No administrative exception shall increase the overall density or intensity of the development.
- (i) Review and action by the Development Services Review Committee: The Development Services Review Committee shall review the application and approve or disapprove the application based on the criteria below. A written decision including findings on the criteria below and provided to the applicant.
    - 1. That granting the administrative adjustment serves a conspicuously obvious and needed purpose;
    - 2. That granting the administrative adjustment will ensure an equal or better level of land use compatibility as compared to the applicable standards;
    - 3. That granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations; and
    - 4. That granting the administrative adjustment shall be generally consistent with the purposes and intent of this Code.

### **SECTION 3: APPLICATION PROCESSING, APPLICATION EXPIRATION, AND PERMITTING.**

#### **(a) Application Processing.**

##### **(1) Application Submission.**

- (i) The applicant is required to attend a pre-development meeting with city staff to help familiarize the applicant with applicable codes and regulations for site development and minor site development permit applications. The Planning Director may waive this requirement if they deem that the meeting is not necessary.
- (ii) 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.

- (iii) The Planning Director shall prepare site development, minor site development, and dry utility 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.
- (iv) Applications 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 (10) 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.
- (v) As coordinator of the permit process, the Planning Department shall distribute copies of a site plan accepted for review and processing to all reviewing departments. Within forty-five (45) calendar days of the filing date, the application shall be disapproved, with reasons provided for such disapproval, or approved. Issuance of comments by Development Services Review Committee 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 forty-five (45) days shall constitute approval of the application.

(b) Expiration of application.

- (1) Prior to an application being accepted for review and processing, an application shall expire on the forty-fifth (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.
  - (2) After an application 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 permit has not been issued due to the applicant's failure to cause the proposed 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 permit. Substantial progress shall consist of, at a minimum, a resubmission of the plans and all relevant materials by the applicant that address all initial staff review comments from all reviewing departments.
  - (3) If the permit has not been issued after the administrative extension is granted, the Planning & Zoning Commission may consider one (1) additional six (6) month extension if the applicant can show substantial progress towards obtaining a permit.
- (c) Permit Issuance.
  - (1) Approved plans signed.
    - (i) After all comments from all reviewing departments have been addressed and all fees have been paid, the applicant shall deliver a digital file of the corrected site plan including civil plan sheets, utility plans, drainage, and landscape plans with a letter from the person preparing the plan stating that the digital file is the most recent version reflecting all changes made to the site plan and landscape plan and is the same version as represented on the prints provided.
    - (ii) The applicant shall also deliver the required number of prints of the sets of final plans, including civil plan sheets and all accompanying materials, as required on the most recent application and checklist, for final review and approval. The applicant or applicant's agent shall include a letter with the resubmission explaining how all staff comments have been addressed. The applicant or applicant's agent shall also provide a signed statement indicating what additional changes, other than those required to address staff comments, if any, have been made to the site plan and any accompanying materials and plan sheets. If no additional changes have been made, the applicant or applicant's agent shall provide a signed statement verifying this.
    - (iii) Once the Development Services Review Committee has verified that the application and plans conform to all applicable ordinances of the city, the Development Services Review Committee shall sign all sets of approved plans, and one signed set shall be provided to the

applicant or applicant's agent. The applicant shall provide the applicant's signed set (or a copy, thereof) to the contractor responsible for completing site improvements. Approval of a permit does not constitute, nor does it guarantee, approval of a building permit to construct a building.

(2) Pre-Construction Meeting.

- (i) Each site development permit, minor site development permit, or dry utility permit requires a pre-construction meeting with an engineering Inspector prior to any construction on site. A pre-construction meeting provides an opportunity to begin communication and problem solving between the city staff and the design/construction team prior to the start of a construction project. At this meeting, the approved site development, minor site development, or dry utility plans and any documents relevant to the site will be reviewed and the participants will discuss any major items, answer questions the sub-contractors may have, and explain the inspection procedure. The project agent may request this meeting after installing the erosion controls and completing an inspection. The city encourages owner representative, project architect, project engineer, project manager, project superintendent, and subcontractor to attend this meeting. An additional pre-construction meeting is required if the primary contractors change unless otherwise approved by the Planning Director.
- (ii) Construction shall begin within ninety (90) days after the pre-construction meeting, if construction has not started within the ninety (90) day period then another pre-construction meeting will be required prior to start of construction.

(3) Construction shall not begin prior to a pre-construction meeting and permit issuance.

- (i) Site construction shall not begin until the Planning Department has issued a site development permit. A stop-work order may be issued and an applicant shall be required to pay two (2) times the normal application fee for any property upon which construction has begun prior to the issuance of a site development, minor site development, or dry utility 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.

(d) Certificate of completion.

- (1) A certificate of completion shall be issued upon completion of the project according to the site development plans approved by the city. The site shall not be occupied until the certificate of completion is issued. The city shall not consider site improvements for a certificate of completion until:

- (1) All disturbed areas are satisfactorily revegetated in accordance with the landscape plan, as determined by the City Engineer and the landscape reviewer;
  - (2) A concurrence letter is received from the applicant's appropriate design professional(s) that all improvements have been installed in accordance with the approved plans; and
  - (3) The city has inspected and approved the construction.
- (2) If the landscape reviewer determines that it is desirable to delay installation of certain landscaping until after occupancy of the project, the applicant shall make a cash escrow payment to the City for the amount of the estimate for the cost of such landscape improvements plus fifteen percent (15%) and a conditional certificate of completion shall be issued.
- (3) The final certificate of completion shall not be issued until all landscaping is installed in compliance with the approved site plan. If the applicant can demonstrate that an emergency situation exists so as to necessitate a conditional certificate of completion in order to occupy the site prior to completion of other minor site improvements that are not necessary for the protection of the health, safety or welfare of the public including all individuals utilizing the facilities (the "remaining improvements"), the Planning Department may issue such conditional certificate of completion if the following conditions are met prior to issuance of the conditional certificate of completion:
- (i) The applicant's engineer shall supply a certified engineer's estimate for the cost of completing the remaining improvements plus fifteen percent (15%) for project administration (the "Estimate") and an agreement from the applicant's contractor to complete said remaining improvements, if required by the City, under contract with the City for the amount stated in the estimate;
  - (ii) The applicant shall deposit into an escrow account held by the City or provide the City with a performance bond or letter of credit issued in the format and from an institution approved by the City for the amount of the Estimate (the "surety instrument"), and the City shall hold such surety instrument until the work is completed, at which time the surety instrument shall be released. If the work is not completed within the term of the conditional certificate of completion, the City may declare the applicant in default, invoke the surety instrument, and use the surety instrument to install all improvements.
  - (iii) The applicant and the project contractor shall verify by providing a notarized signed statement stating that such remaining improvements can and shall be completed within a period not to exceed thirty (30) calendar days, or other time frame specifically approved by staff;
  - (iv) The applicant shall verify by providing a notarized statement that the applicant has not and will not enter into any lease agreement with a tenant for a period exceeding thirty (30) days or other time frame specifically approved by city staff. In addition, the applicant will agree that the site and all buildings and improvements on the site



will cease to be occupied if the remaining improvements are not completed within the duration of the conditional certificate of completion. The applicant will also acknowledge that utility service for the project (including water and wastewater service) may, at the city's discretion, be disconnected if the remaining work is not completed within the duration of the conditional certificate of completion. The applicant shall further notify any and all tenants of the terms of this section and shall acknowledge to the City that such notice has been given;

- (v) The applicant's engineer shall provide a certified engineer's statement stating that there is no direct or indirect threat to the health, safety or welfare of the public, including individuals utilizing the facilities on the subject site, by occupation or use of the site prior to all improvements having been completed;
  - (vi) The applicant shall provide an additional nonrefundable fee in the amount of thirty (30) percent of the original review fee submitted with the request for a conditional certificate of completion to cover the cost of the additional staff review required for review and administration of this process; and
  - (vii) All applicable city staff reviewers recommend granting a conditional certificate of completion.
- (4) A conditional certificate of completion shall be effective for a maximum of thirty (30) days (unless otherwise approved by staff and recommended by the project engineer) except for landscaping improvements. For landscaping improvements, the term of the conditional certificate of completion shall be established by the landscape reviewer. The Planning Department may, at its discretion, extend the term of a conditional certificate of completion for unusual circumstances that could not be anticipated when the certificate was issued. The final certificate of completion shall not be issued until all improvements are installed in compliance with the approved site development plans and applicable City ordinances.

(e) Permit Expiration.

- (1) A site development permit or minor site development permit, including all phases identified on the site plan, expires two (2) years after the date of its issuance, or as identified on an approved phasing plan, unless one or more of the following events occur:
  - (i) Building permits required to construct all buildings shown on the site plan are issued prior to the expiration date and those active building permits are in effect until the work is completed and certificates of occupancy are issued.
  - (ii) If no building permits are required to complete the development authorized by the site development permit, any required site work is commenced and diligently pursued to completion and a certificate of completion is issued. For purposes of this section, the term "diligently pursued" shall mean that activity towards completion of the development approved by the site development permit does not

cease for more than thirty (30) consecutive days, that substantial progress is being made and that all improvements required by the site development permit are completed within two (2) years of issuance of the permit. The Planning Department will be responsible for making the determination of whether site work is diligently pursued to completion. The determination may be appealed to the City Manager, whose decision is final.

- (2) If a site development or minor site development permit expires, the applicant may request a reinstatement of the site development permit with the following conditions:
  - (i) No changes are permitted to be made to the site development permit except for minor changes as defined in this Chapter and approved by the Planning Department.
  - (ii) The applicant shall pay a nonrefundable fee in the amount of one-half of the original fee.
  - (iii) The application is in conformance with all applicable rules and regulations of the City in effect at the time that the application for reinstatement is made.
  - (iv) The reinstatement must be requested within twenty-four (24) months of the expiration date of the approved Site Development Plan.
  - (v) The circumstances of the adjacent properties, roadways and subject property shall have remained the same, so as to not change the requirements applicable to the property. Such circumstances could include, but not be limited to, a change of zoning in the subject or adjacent properties, a change in the boundary of the subject property, a change in classification of the adjacent roadway or neighboring construction affecting landscape buffers.
- (3) A dry utility permit expires six (6) months after the date of issuance. The applicant may request an additional three (3) month extension by requesting a pre-construction meeting and an extension.

(f) Site Development Permit.

- (1) Projects that include site activity as listed in Section 1(b), Article IX of this ordinance require a site development permit. A site development permit application shall be submitted for review in conformance with all information and materials required by the most recent site development permit application/checklist.
- (2) Review fee and professional recovery fee. A professional recovery fee as set forth in Appendix A shall be required at the time of site development or minor site development permit application submittal. In addition to the professional recovery fee and the review fee, a phasing fee shall be required at the time of site development permit application submittal for all projects with more than one (1) phase. The phasing fee shall be as set forth in Appendix A and shall not be assessed for the first phase. Fees associated with proposed site development permit revisions shall apply to proposed changes to an approved site plan that are considered minor deviations or design modifications and impervious cover shall be calculated based only on

the portions of the plan proposed to be changed. Fees for proposed changes to an approved site plan may be waived by the Planning Department if such deviations are so minor so as not to require the submission or review of new plans. All fees shall be non-refundable. Changes to an approved site plan which are necessary to relocate approved building square footage or parking areas due to the exercise of the power of eminent domain by the City shall be considered minor deviations and design modifications for the purposes of this section and, in addition, shall not be assessed any additional fee.

- (3) A site development permit may include an early grading phase as part of the application in compliance with the Site Development Permit application and checklist. Once a project meets the following requirements, an Early Grading Phase Permit may be issued.

- (i) The review of the site development permit shall be substantially complete which means confirmation that the following requirements have been met:

1. All substantial comments relating to the location of any proposed impervious cover have been cleared as determined by the Development Services Review Committee;
2. The site development plans are in compliance with the setback requirements;
3. Tree preservation plan is approved;
4. All required fees have been paid associated with the site development permit including the additional early grading phase fee; and
5. An early grading phase package is incorporated into the Site Development Permit submittal as listed in the application and checklist.

- (ii) Upon approval of the review of the Early Grading Phase sheets of the plan set, an Early Grading Phase Permit may be issued. Prior to issuance, the following items shall be completed:

1. A cost estimate for revegetating the site signed and sealed by the project engineer shall be provided as well as a cash deposit equal to the cost estimate plus fifteen (15%) shall be submitted. This deposit shall be held until site completion and then returned to the payee upon issuance of the certificate of completion for the site;
2. An erosion control inspection shall be completed and approved;
3. A pre-construction meeting shall be held; and
4. An Early Grading Permit shall be issued that is signed by the property owner and site contractor conducting the grading. This permit shall include the following:
  - i. Conditions confirming that the permit only allows for grading;
  - ii. Requirements for revegetation if the construction activity ceases for more than fourteen (14) days; and

iii. Confirm that this permit is issued at the risk of the developer.

5. In the event that the plans change after the grading has started, compliance with all ordinances and requirements is still required.

(g) Minor Site Development Permit.

(1) Projects that include minor site activity similar to those listed in Section 1(b) and including brush clearing, Article IX of this ordinance may be eligible for a minor site development permit. To be eligible, such projects may increase the impervious cover by no more than 1,000 square feet. In addition, a minor site development permit application shall be submitted for review in conformance with all information and materials required by the most recent minor site development permit application/checklist. Example improvements may include:

- (i) Small building additions;
- (ii) Parking lot revisions to include striping and small expansions;
- (iii) Outdoor storage location adjustments; or
- (iv) Landscaping modifications.

(2) A project is not eligible for the Minor Site Development Process when:

- (i) A Traffic Impact Analysis (TIA) is required;
- (ii) The proposal requires preparation of a drainage study.
- (iii) Impervious cover is proposed that exceeds 1,000 square feet;
- (iv) A new building in excess of 1,000 square feet is proposed; or
- (v) A building addition is proposed in excess of 1,000 square feet or twenty (20%) of the existing building's square footage, whichever is less.

(3) A professional recovery fee as set forth in Appendix A shall be required at the time of site development permit exemption application submittal.

(h) Dry Utility Permit.

(1) 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.

- (i) Dry utilities shall be located underground in the ROW or a public utility easement in accordance with Section 13.01.004 of the Code.
- (ii) Overlash of utility lines is permitted between existing utility poles where existing lines are present. Overlash means the tying of additional communications facilities to those previously attached to existing utility poles. New lines may not be extended across public ROW or between poles where lines do not already exist.

(2) Application.

- (i) Contractors must carry liability insurance and list the city as additional insured during construction of the project.

- (ii) Door hangers are required to be placed on all houses within any subdivisions impacted by the dry utility permit a minimum of fifteen (15) days prior to the start of a dry utility project. These door hangers shall include the name and phone number of the contractor doing the work, the name of the dry utility provider and phone number, and the time frame for the work.
- (3) Project close out:
  - (i) A certificate of completion shall be issued upon completion of the project. All construction equipment, spoils, and debris shall be removed and the site shall be revegetated and restored.
- (4) Penalties
  - (i) Damage to property
    - 1. If public or private property is damaged during installation of dry utilities, the utility provider, contractor, and/or sub-contractor shall be responsible for repair.
    - 2. No additional applications will be accepted for review or permits issued until damage is repaired.
  - (ii) Work without permit
    - 1. No additional applications will be accepted for review or permits issued until the plans are submitted and a permit is issued.
  - (iii) Stagnant project: If works stops for more than two (2) weeks, all construction equipment, spoils, and debris shall be removed and the site shall be revegetated and restored.

### **SECTION 3: PROCEDURES FOR APPLICATION APPROVAL**

- (a) Application Approval. The Planning Department shall not issue a site development or minor site development permit until all reviewing departments of the city have indicated that the proposed site plan, with all applicable attachments, complies with all applicable provisions of the code of ordinances of the city including the Composite Zoning Ordinance and the Subdivision Ordinance. Parkland and park improvements shall be required for all multi-family development in accordance with the standards of Section 61 of the Subdivision Ordinance. Development shall comply with regulations for Buffer Zones set forth in Section 49 of the Subdivision Ordinance. The Planning Department shall approve a site plan if the proposed development complies with all applicable codes of the city. If the Planning Department finds that the site plan does not comply with all applicable codes of the city, the site plan shall be disapproved pending submittal of a site plan in compliance with the code of ordinances of the city. Issuance of a site development permit authorizes the applicant to begin site development.
- (b) Revisions to Approved Site Plans. Minor deviations or design modifications requiring changes in an approved site plan may be approved by the Planning Department after review by the applicable reviewing departments if determined that the deviations or modifications are in compliance with the code of ordinances of the city. For purposes of this section, minor deviations or design modifications have no significant impact on neighboring properties, the public or

persons who will occupy or use the proposed development, do not significantly affect runoff quantities and drainage patterns, do not relocate buildings by more than 25 horizontal feet, and do not increase impervious cover by more than 1,000 square feet. Changes to an approved site plan which are necessary to relocate approved building square footage or parking areas due to the exercise of the power of eminent domain by the City shall be considered minor deviations and design modifications for the purposes of this section. An applicant requesting changes to an approved site plan shall submit a written request identifying the requested changes to the Planning Department along with a revised site plan that identifies the proposed changes. Any changes approved by the Planning Department shall be in writing.

- (c) Development Phasing. If site development is proposed to be constructed in phases, the applicant shall clearly identify the phases on the site plan and all other applicable materials that accompany the site plan. The phasing shall also be defined in a proposed timetable of completion for each phase. The phasing plan shall not contain any proposal for a phase to be completed more than four years from approval of the site development permit.
- (d) Easements. No structures shall be permitted within a utility easement or drainage easement.

**SECTION 3. 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 4. 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 5. 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 6. 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 7. 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 21<sup>st</sup> day of November, 2024.  
**FINALLY PASSED AND APPROVED** on this the 5<sup>th</sup> day of December, 2024.

**ATTEST:**

**THE CITY OF LEANDER, TEXAS:**

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Dara Crabtree, City Secretary

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Christine DeLisle, Mayor