

ORDINANCE NO. 2023-35

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, DIVISION 6, SECTION 15.02.306, R-1 SINGLE FAMILY DWELLING” DISTRICT TO ALLOW ACCESSORY BUILDINGS IN THE SIDE YARD WITH THE SETBACK REQUIREMENT OF NOT LESS THAN 5 FEET FROM SIDE PROPERTY LINE TO MAIN STRUCTURE; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 15 Zoning of the City of Leon Valley Code of Ordinances establishes the City’s Zoning Districts, including District Boundaries and Use regulations; and

WHEREAS Chapter 15 currently contains a range of residential zoning districts that each have minimum front side and rear yard setback requirements; and

WHEREAS this allows certain structures, such as accessory structures to be constructed in the rear and side yard; and

WHEREAS the Zoning Commission of the City of Leon Valley held a public hearing to determine the appropriateness of amending the Zoning Code to allow for accessory structures in the side yard with the setback requirement of not less than 5 feet from side property line to main structure in the R-1 single family dwelling district; and

WHEREAS the City Council of the City of Leon Valley also held a public hearing, with proper notice and publication, and determined to allow for accessory structures in the side yard with the setback requirement of not less than 5 feet from side property line to main structure in the R-1 single family dwelling district, and now desires to amend Chapter 15 Zoning Code, Section 15.02.306; and

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

SECTION 1. That Chapter 15 Zoning Code, Division 6, Section 15.02.306 is hereby amended as follows:

“(1) Accessory buildings. Shall be allowed but shall be located no closer than five feet from any property line and must be located in the side or rear yard. In no case shall an accessory building occupy more than 30 percent of the total open space in the rear yard; with the following exceptions:”

“a. No setback shall be required for accessory buildings located within a side or rear yard which abuts an alley with a minimum 20 feet of public rights-of-way; or

b. No setback shall be required for accessory buildings located within a side or rear yard, which were constructed prior July 7, 2021, and are located a minimum of ten feet from

the nearest structure on an abutting property.”

SECTION 2. 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 3. 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 4. 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 19th day of September 2023.

APPROVED



CHRIS RILEY
MAYOR

Attest:


SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form:


NICOLE WARREN
City Attorney