

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, GRANTING A VARIANCE TO THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 8 OFFENSES AND NUISANCES, ARTICLE 8.09 DRAINS AND DRAINAGE EASEMENTS, SECTION 8.09.002 PLACING A FENCE OR OTHER OBSTACLE IN DRAIN OR EASEMENT, TO INSTALL AN EIGHT FOOT CHAIN-LINK FENCE WITH A TWELVE FOOT GATE AROUND THE PERIMETER OF THE PROPERTY, LOCATED ON NORTHWEST INDUSTRIAL DRIVE AT BANDERA ROAD, BEING BLOCK 1, LOT 1 CB 4428 F, NORTHWEST INDUSTRIAL PARK SUBDIVISION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Leon Valley, as a Home Rule Municipality, derives its powers from its Home Rule Charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

WHEREAS, in accordance with such powers, the City Council adopted Chapter 8 Offenses and Nuisances, Article 8.09, Section 8.09.002 Placing a fence or other obstacle in drain or easement; and

WHEREAS, Chapter 8 Offenses and Nuisances, Article 8.09, Section 8.09.002 Placing a fence or other obstacle in drain or easement provides that City Council may authorize variances to the requirements of the Code, when the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

WHEREAS, in granting a variance, the Council shall prescribe only conditions that it deems necessary to or desirable in the public interest; and

WHEREAS, the City Council has found that the request meets the criteria established by the City Code for granting variances; and

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

SECTION 1. The Leon Valley City Council hereby grants a variance from the regulations found in LVCC Chapter 8 Offenses and Nuisances, Article 8.09, Section 8.09.002, Placing fence or other obstacle in drain or easement; to allow an eight-foot fence height with a twelve-foot gate, being Lot 1, Block 1, CB 4428 F, Northwest Industrial Park Subdivision to be located on Northwest Industrial Drive at Bandera Road.

SECTION 2. Expiration. This variance shall not expire.

SECTION 3. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. Conflicts. All Ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 5. Savings. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any Ordinances repealed by this Ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation 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 6. Severability. This Ordinance is not severable.

SECTION 7. Effective date. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 20th day of August, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
City Secretary, TRMC

Approved as to Form:

ARTURO D. 'ART' RODRIGUEZ
CITY ATTORNEY