ORDINANCE NO. 230613-1

AN ORDINANCE OF THE CITY OF LEONARD, TEXAS AMENDING THE CITY OF LEONARD CODE OF ORDINANCES, BY AMENDING CHAPTER 14, ZONING, EXHIBIT 14A, ZONING ORDINANCE, BY AMENDING APPENDIX 1, "AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS," TO RENAME THE APPENDIX, ADD REGULATIONS FOR MINIMUM AIR CONDITIONED LIVING SPACE, AND SET THE MINIMUM AIR CONDITIONED LIVING SPACE FOR SF-E, SF-1, SF-2, TF, TH, AND MF DISTRICTS TO 900 SQUARE FEET; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES AND AN EFFECTIVE DATE; PROVIDING FOR A MAXIMUM PENALTY OF $2,000; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Leonard is a Type A General Law Municipality located in Fannin County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Leonard, Texas ("City Council") finds that the regulation of land use development is necessary for the benefit of citizens and applicants alike and adopted the Zoning Ordinance to promote the health, safety, and welfare of the City residents; and

WHEREAS, Section 39 of the City's Zoning Ordinance authorizes the City to amend the text of the ordinance, provides procedures for amending the ordinance and requires a public hearing to be held in relation to the amendment before the City Council; and

WHEREAS, pursuant to Chapters 211 and 212 of the Texas Local Government Code, the City of Leonard, Texas, (the "City") has the legal authority to adopt regulations governing the subdivision, zoning, land use and development of land within its corporate limits; and

WHEREAS, the City Council of the City of Leonard, Texas (the "City Council") has investigated and determined that the City of Leonard, Texas ("City" or "Leonard") Zoning Ordinance should be amended; and

WHEREAS, Council hereby determines that the adoption of this Ordinance is beneficial to the orderly development of the City of Leonard; and is in the best interest of the public at large, the citizens of the City of Leonard, Texas, and helps promote the general health, safety and welfare of the community; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council, and after due deliberations and consideration of the

information and other materials received at public meetings, the City Council has concluded that the amendment of this Ordinance is in the best interests of the City of Leonard, Texas.

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

Section 1. Incorporation of Findings. The findings set forth above are incorporated as if fully set forth herein.

Section 2. Amendment. Amend Chapter 14, "Zoning," Exhibit 14A," Zoning Ordinance," Appendix 1, "Area, Setback, Height, and Coverage Regulations" to rename Appendix 1, add Minimum Air-Conditioned Living Space Regulation, and correct various scrivener errors, with strikethrough indicating deletions and underline indicating additions, as depicted in **Exhibit A** attached hereto and incorporated for all purposes herein.

Section 3. Penalty for Violation. Any person or corporation who violates any of the provisions of this ordinance, or fails to comply herewith, or with any of the requirements hereof, or who shall build or alter any building or use in violation of any plan or plat submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than five hundred dollars ($500.00), unless the offense is a violation of an ordinance that governs fire safety or public health and sanitation, and then shall be liable for a fine of not more than two thousand dollars ($2,000.00), and each day or portion thereof such violation shall exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 4. Severability Clause. If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the City Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section 5. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 6. Publication and Effective Date. The caption of this Ordinance is to be published as required by law and shall become effective immediately upon its passage and publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS ON THIS 13TH DAY OF JUNE, 2023.

Michael Pye, Mayor

ATTEST:

Melissa Verde, City Secretary

Date of Publication in the Leonard Graphic: _____, 2023.

EXHIBIT A
Amendment

ZONING ORDINANCE 14A
APPENDIX 1

Area, Setback, Height, Coverage, and Unit Size Regulations

(SEE NOTES TO APPENDIX 1 IN ADDITION TO THE FOLLOWING CHART)

DISTRICT REGULATIONS

	A	SF-E	SF-1	SF-2	TF	TH	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2
Maximum Height (feet)	35	35	35	35	30	30	45	35	45	45	50	30	50	50
Side Yard Width (feet)	15	15	10	8	8	8	15	15	5	5 III	5	10	5	5
Rear Yard (feet)	30	30	25	20	15	15	15	5	5	5	5	10	5	5
Front Yard (feet)	35	35	30	25	20	20	20	20	20	20 IV	20	25	20	20
Minimum Lot Area (square feet)	87,120	35,000	9,000	7,200	6,000	3,000	I	I	I	II	II	II	II	II
Minimum Lot Width (feet)	100	100	70	60	60	25	70	II	II	II	II	II	II	II
Minimum Lot Depth (feet)	200	200	100	100	100	100	150	II	II	II	II	II	II	II
Maximum Lot Coverage	10%	10%	40%	45%	60%	60%	50%	II	II	II	II	II	II	II
Minimum Living Area (square feet)	____	900	900	900	900	900	900	____	____	____	____	____	____	____

I - Total lot area shall not be less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three (3) in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten (10) units may be constructed per acre.

II - None required except where nonresidential use abuts a residential lot in which case the requirements shall be as set forth in the notes to Appendix 1.

III - The interior side setback may be zero (0) if within the Central Business District (lots facing square).

IV - The front setback may be zero (0) if within the Central Business District (lots facing square).

NOTES TO APPENDIX 1
(SEE APPENDIX 1 CHART IN ADDITION TO THE FOLLOWING NOTES)

a. The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required which was an official "lot of record" at the time of the adoption of this ordinance may be used for a one-family dwelling.

No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

b. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard.

Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty (20) feet, except as approved under a Planned Development (see Section 22).

Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.

On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way.

c. Every part of a required side yard shall be open and unobstructed except for (a) accessory buildings as permitted in Section 30; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve (12) inches into the required side

yard; and (c) roof eaves projecting not more than thirty-six (36) inches into the required side yard. Balconies shall not project into the required side yard.

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the nonresidential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

d. The required rear yard shall be open and unobstructed from a point thirty (30) inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.

e. A one-story wing or extension may be built to within fifteen (15) feet of the rear lot line.

f. No lot containing multifamily units shall contain less than nine thousand (9,000) square feet total or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit. See Section 26.1.17.

Minimum lot sizes for all other permitted uses shall be seventy-five hundred (7,500) square feet or one thousand five hundred square feet per living unit, whichever is greater.

g. Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.

h. If a side yard or rear yard is adjacent to a single-family residential district, there shall be a twenty-five (25) foot setback and a sixty (60) foot setback from the adjacent property line for buildings in excess of one (1) story in height.

If more than one building is located on the same lot, there shall be a ten (10) foot separation between buildings without openings (windows) and fifteen (15) feet between buildings with openings.

i. The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single-family district boundary or the land on which the single-family dwelling is located.

j. See Section 27.5.2 for additional open space for multifamily regulations.

k. In a nonresidential district the front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.

l. In a nonresidential district a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.

m. In a nonresidential district no building shall exceed fifty (50) feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

n. In a nonresidential district a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.

o. In a nonresidential district a side yard or a side street yard of not less than twenty-five (25) feet in width shall be provided on the side of the lot adjoining or across a street or alley from a residential or commercial district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.

p. In a nonresidential district a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street or alley from a residential district, except that such rear yard requirement shall be twenty-five (25) feet in depth where the property in the residential district backs up to the rear street. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.

q. In a nonresidential district a building may be erected to a height of eighty (80) feet if the setback from all required yard lines is increased a distance of one (1) foot for each two (2) feet of additional height above fifty (50) feet. This requirement is in addition to all other relevant setback requirements.

r. An industrial use side yard requirements shall be not less than fifty (50) feet in width and provided for on the side of the lot adjoining or across the street from a residential or commercial district.

s. Side Yard Setbacks are Reduced by five feet: Except for corner lots, which shall remain as written in Ordinance 091096.

t. Allowed use of all single-family residences within an MH-1 District so long as it meets all the requirements and setbacks of a single-family residence within an SF-2 district.