ORDINANCE NO. 121322-1

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 SECTION 25.1, ACCESSORY AND INCIDENTAL USE CHART, TO DISALLOW CARPORTS IN PLANNED DEVELOPMENT DISTRICTS; AND BY AMENDING SECTION 26.7, ACCESSORY USES, TO CREATE A NEW DEFINITION FOR "CARPORT;" AND BY AMENDING SECTION 29.2, SPECIAL OFF- STREET PARKING PROVISIONS – RESIDENTIAL DISTRICTS, TO DELETE IN ITS ENTIRETY SUBSECTION 29.2.3; AND BY AMENDING SECTION 30.2, AREA REGULATIONS FOR ACCESSORY BUILDINGS OR STRUCTURES IN RESIDENTIAL AND APARTMENT DISTRICTS, TO DELETE CARPORTS FROM SUBSECTIONS 30.2.1 AND 30.2.3; AND BY AMENDING CHAPTER 3, BUILDING REGULATIONS, TO CREATE ARTICLE 3.09, CARPORTS; AND BY AMENDING APPENDIX A, FEE SCHEDULE, BY AMENDING ARTICLE A4.000, BUILDING AND DEVELOPMENT RELATED FEES, SUBSECTION A4.001, BUILDING PERMITS, TO CREATE A BUILDING PERMIT FEE FOR THE INSTALLATION AND CONSTRUCTION OF CARPORTS; 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, building regulations, and fee schedule 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.

2.1 Amend Chapter 14, Zoning, Exhibit 14A, Zoning Ordinance, Section 25.1, Accessory and Incidental Uses chart, to disallow carports in Planned Development (PD) districts.

2.2 Amend Section 26.7, Accessory Uses, to create a new definition for "Carport" to read as follows:

26.7.2. Carport: A structure designed or used to shelter vehicles, either kit-manufactured, or frame construction.

a) Carports must be set back ten feet from the front property line and must not exceed thirty-six (36) feet on its longest dimension.
b) All carports must comply with side yard setback limits of the particular zoning district they are in.
c) Rear setback shall not be less than ten feet from any lot line, alley, or easement.
d) Detached carport kits require a minimum setback of 12" from the primary structure and must be storm anchored.
e) Carports are not allowed in any Planned Development (PD) Districts.

f) Carports must comply with all building regulations in the City's Code of Ordinances, including but not limited to Article 3.09, "Carports."

2.3 Amend Section 29.2, Special Off-Street Parking Provisions – Residential Districts, by deleting Subsection 29.2.3 in its entirety.

2.4 Amend Section 30.2, Area Regulations for Accessory Buildings or Structures in Residential and Apartment Districts, by deleting references to carport, to read as follows:

§ 30.2 Area Regulations for Accessory Buildings or Structures in Residential and Apartment Districts.

30.2.1. Front Yard: Attached accessory buildings, including garages, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings shall not be located in the Front Yard.

30.2.2. Side Yard: There shall be a side yard not less than five (5) feet from any side lot line, alley line, or easement line, except that adjacent to a side street, the side yard shall never be less than twenty (20) feet.

30.2.3. Rear Yard: There shall be a rear yard not less than ten (10) feet from any lot line, alley line, or easement line. Garages or other accessory buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than fifteen (15) feet to the main building nor nearer than five (5) feet to any side lot line.

2.5 Chapter 3, Building Regulations, to Create Article 3.09, "Carports," to read as follows:

3.09.001 Installation and construction of carports

a) Carports are required to be open on all sides to offer 100% visibility.
b) Carports must be installed or constructed on an improved surface (gravel, asphalt, or concrete).
c) Carports must be storm anchored.
d) Carports must comply with all zoning regulations of the City, including but not limited to Zoning Ordinance, Section 26.7.2., "Carport."

2.6 Amend Appendix A, Fee Schedule, by amending Article A4.000, Building and Development Related Fees, Subsection A4.001, Building Permits, by creating Subsection A4.001(i) to read as follows:

A4.001(i) Installation or Construction of a Carport: $_75.00.

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 DECEMBER, 2022.

Michael Pye, Mayor

ATTEST:

Melissa Verde, City Secretary

Date of Publication in the Leonard Graphic: _____, 2022