



AN ORDINANCE OF THE CITY OF LEONARD, TEXAS AMENDING ZONING REGULATIONS; ADDING AND EXPANDING SPECIAL DEFINITIONS, REQUIRING PERMITS FOR CERTAIN DEVELOPMENT ACTIVITIES; PROVIDING REPEALER, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with applicable state law, the City of Leonard has adopted ordinance 091096, which is codified as Chapter 14 in its Code of Ordinances, regulates zoning and establishes certain rules of construction, special definitions, and the provision of building permits; and

WHEREAS, the City Council may, from time to time, after holding public hearings as required by law; amend, supplement, or change the regulations provided in the zoning ordinance; and

WHEREAS, upon the review and recommendation of the Planning & Zoning Commission, whose responsibility it is to ensure the orderly development of the community and who may recommend amendments to such regulations; and

WHEREAS, the required public hearings having been duly called and conducted, the City Council finds it is in the best interest of its citizens to clarify the existing ordinances through the expansion and inclusion of certain definitions and sections.

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

Ordinance 091096 Chapter 14 Zoning shall be amended as follows:

- 1. Under section header “Rules of Construction and Special Definitions,”**
 - a. **“Building” definition shall be revised to read:** “Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, including any and all improvements and appurtenances connected or attached thereto. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.”
 - b. **Adding definition of “Construction”:** “Any work associated with the assembly, construction, improvement, alteration, relocation, enlargement, replacement, removal, and demolition or repair of any building, structure, parking lot, street, or alley within the city.”
 - c. **“Dwelling Unit” shall be revised to read:** “A building, structure, or mobile home, or portion thereof designed exclusively for human residential occupancy as the living quarters, including one (1) family, two (2) family, and multiple-family



dwelling, except for buildings designed and used as hotels, boarding houses, rooming houses, and motels.

- d. **“Structure” definition shall be revised to read:** “That which is built or constructed. Can include, but is not limited to, buildings, improvements, including any appurtenances thereto; anything fixed or built unto the land that cannot be readily removed.”

2. Under section header “Building Permits and Certificates of Occupancy,”

- a. **Add section:** “Required. A permit shall be obtained from the city before commencing any construction including, but not limited to, grading, paving, utility installation, foundation work, or vertical construction. Requirements for permits related to buildings and structures are further defined in Chapter 3 of the Code of Ordinances. Permits may be issued in phases or groups depending on the applicant’s development needs. All public improvements required by this chapter must be installed and accepted prior to filing a plat for record, unless otherwise specified in an approved facilities agreement or waived by approval of a variance.

i. Types:

1. *Building permit.* This permit allows for the installation of all proposed improvements, including, but not limited to grading, utility installation, paving, and vertical construction. This permit is further referenced in Chapter 3 of the Code of Ordinances. This permit is often the final permit to be issued in the development process.
2. *Development permit.* This permit allows for the installation of on-site and off-site public improvements. This permit is typically issued after a grading and erosion control permit and before a utility, paving, and/or foundation permit. This permit is typically issued to allow for the construction of required public improvements.
3. *Grading and erosion control permit.* This permit allows the applicant to install erosion control measures and begin the earth-disturbing activities associated with the development of the subject property. This permit is often the first permit to be issued in the development process.
4. *Utility, paving, and/or foundation permit.* This permit allows for the installation of on-site utilities, paving, and building foundations. This permit may be issued as a single permit or may be issued individually depending on the applicant’s development needs.
5. *Expiration.* All permits referenced herein shall expire one year after issuance. If construction has not been completed within the allotted



ORDINANCE 071222-1(O)

Amending Zoning Ordinance

time period, another permit shall be required, and the required fees associated therewith shall be paid. If this provision conflicts with an expiration provision contained in another chapter, the more restrictive provision shall apply,

- b. **Section titled “General Requirements” shall be revised to read:** “No permanent structure, including any and all improvements and appurtenances connected or attached thereto, may be constructed or otherwise located within the city limits prior to issuance of a Building Permit by the Building Inspector. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector. No change in the existing conforming use of a permanent structure, or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Certificate of Occupancy by the Building Inspector.”
3. **Repealer:** To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provisions 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 regulated herein.
4. **Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.
5. **Effective Date:** This ordinance will be effective on the date it is passed and approved by the City Council.

PASSED AND APPROVED ON JULY 12, 2022.

APPROVED:

Mayor Michael Pye

ATTEST:

Melissa Verde, City Secretary