

ORDINANCE NO. 241217-02

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," SECTION 38 "BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY," BY REPEALING SECTION 38.6 "CERTIFICATES FOR NONCONFORMING USES" AND ADOPTING A NEW SECTION 38.6 "CERTIFICATES FOR NONCONFORMING USES"; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES AND AN EFFECTIVE DATE; PROVIDING FOR A MAXIMUM PENALTY OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Leonard, Texas (the "City") 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 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 has investigated and determined that the City's Zoning Ordinance as it relates to certificates of occupancy for legal nonconforming uses should be amended; and

WHEREAS, the City Council hereby determines that the adoption of this Ordinance is beneficial to the orderly development of the City is in the best interest of the public at large and the citizens of the City, 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. Chapter 14 "Zoning," Exhibit 14A "Zoning Ordinance," Section 38 "Building Permits and Certificates of Occupancy," Subsection 38.6 "Certificates for Nonconforming Uses," is hereby repealed in its entirety to adopt a new Subsection 38.6 "Certificate for Nonconforming Uses," to be and read as follows:

"Section 38.6 Certificates for Nonconforming Uses.

A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this ordinance. A "nonconforming use certificate of occupancy" is a document issued by the local building authority that verifies a property is currently being used in a way that does not comply with current zoning regulations but was lawfully established before the zoning change, allowing the owner to continue that use despite the nonconformance. Upon such zoning change, the local building authority will provide notice of the zoning change to the property owner or business operator. To obtain a nonconforming use certificate, a property owner or business operator must submit documentation to the local building authority that demonstrates the nonconforming use existed before the zoning change."

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 17th DAY OF December, 2024.



Michael Pye, Mayor

ATTEST:




Melissa Verde, City Secretary



Date of Publication in the Leonard Graphic: DECEMBER 9, 2025.

APPROVED AS TO FORM:



Zinzi Bonilla, City Attorney