

CITY OF LEONARD, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEONARD, TEXAS, AMENDING CHAPTER 14A, “ZONING ORDINANCE” OF THE CITY’S CODE OF ORDINANCES, CONTAINING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY TO CREATE A NEW HEADING SECTION 24 “OVERLAY DISTRICTS” AND ADD A NEW SECTION 24C “HISTORIC OVERLAY DISTRICT”; PROVIDING FOR INCORPORATION OF FINDINGS; PROVIDING FOR AMENDMENTS; PROVIDING FOR AMENDING THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) PER DAY FOR EACH OFFENSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Leonard (the “City”) is a Type A general law municipality located in Fannin County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Chapter 211 Texas Local Government Code specifically authorizing zoning functions and procedures for municipalities; and

WHEREAS, Chapter 211.005 Texas Local Government Code authorizes the City to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district, with reasonable consideration for the character of each district and encouraging the most appropriate use of the land; and

WHEREAS, in 2016 the City Council of the City of Leonard (“City Council”) adopted a Comprehensive Zoning Ordinance, codified in Chapter 14A of the City Code of Ordinances; and

WHEREAS, the City Council, recognizing the need for special development regulations to preserve the character of the historic features downtown and commercial area in the City, desires to establish the Historic Overlay District; and

WHEREAS, the City Council has investigated and determined that designating the geographical area of the Historic District, to include Collins Street from Connett Street to Main Street, Fannin Street from Connett to Main Street, Main Street from Collin Street to Fannin Street, Connett Street from Collin Street to Main Street, as depicted in **Exhibit “A”**, attached hereto, protects and preserves places and areas of historical, cultural, or architectural importance and significance in the City; and

WHEREAS, further, the City Council has investigated and determined that establishing standards for off-street parking, driveways, and front yard setbacks in the Historic District protects

and preserves places and areas of historical, cultural, or architectural importance and significance; 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 Planning and Zoning Commission, and the City Council, and after due deliberations and consideration of the information and other materials received at public meetings, along with the approval of the Planning and Zoning Commission, the City Council has concluded the amendment of this Ordinance is in the best interest 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 Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendments.

2.01 That Chapter 14A, “Zoning Ordinance,” is hereby amended to create a new heading Section 24 “Overlay Districts,” to be and read in its entirety as follows.

2.02 That Chapter 14A, “Zoning Ordinance,” is hereby amended to create a new Section 24C “Historic Overlay District,” to be and read in its entirety as set forth below with all other Sections not herein amended to remain in full force and effect:

“Section 24C Historic Overlay District

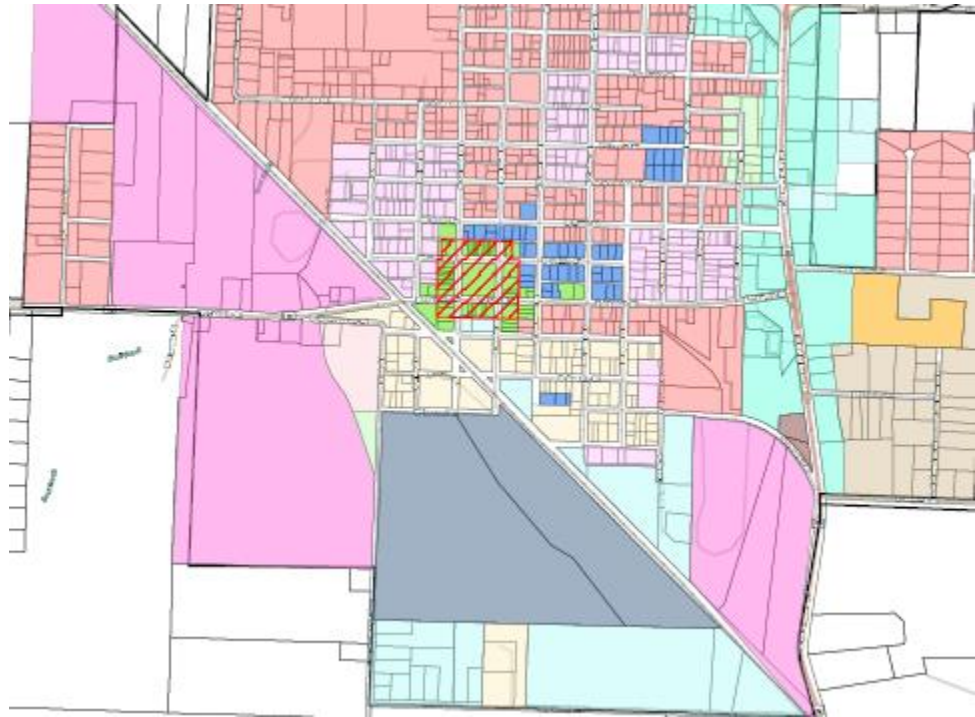
- 24C.1. *General purpose and description.* The Historic Overlay District was established to regulate future development within the Commercial District of the City of Leonard, Texas (“City”). The standards required within the Historic Overlay District are intended to preserve and enhance the unique historical character of the City. The purpose of the Historic Overlay District is to require development within the district to be consistent with the design, architecture, aesthetics, and character of the historic buildings in the corridor and to prevent the establishment of incompatible uses and of structures with inconsistent design, architecture, aesthetics and character. The overall purpose of the Historic Overlay District and the regulations contained herein is to promote and maintain a historic identity and environment. The requirements of the Historic Overlay District shall be in addition to the underlying base zoning district requirements.
- 24C.2 *Statement of intent for historic designation; notice required.* The City may designate certain areas as Historic Overlay District. If the owner of the property does not consent to the designation, a three-fourths vote of the Planning and Zoning Commission and City Council is required for designation. For properties owned by a religious organization, owner consent is required for designation. The City must provide the property owner a statement that

describes the impact that a historic designation of the owner's property may have on the owner and the owner's property, not later than the 15th day before the date of the initial hearing on the historic designation of the property of the Planning and Zoning Commission.

24C.3 *Designation of historic overlay district.* The Historic Overlay District is designated as the lots, tracts, and parcels of land that are located adjacent to and within one hundred (100) feet of the following street rights-of-way:

- (1) Collin Street from Connett Street to Main Street
- (2) Connett Street from Collin Street to Fannin Street
- (3) Fannin Street from Connett Street to Main Street
- (4) Main Street from Collin Street to Fannin Street

The boundaries are depicted in the zoning map, Historic Overlay District, and attached hereto as Exhibit A.



If any portion of a lot, tract, or parcel is located within one hundred (100) feet from one of the above referenced street rights-of-way, the entire limits of the property shall be considered to be located within the Historic Overlay District.

24C.4. *Permitted Uses.* Uses permitted in this district are outlined in 14A Zoning Ordinance, Section 25 Use of Land and Buildings, of the City Code of Ordinances.

- 24C.5. *Height Regulations.* Height shall be regulated by the requirements for the underlying zoning district.
- 24C.6. *Area Regulations.* Shall be regulated by the requirements for the underlying Zoning District.
- 24C.7. *Special Regulations.*
- (a) *Development Standards.* All new development and redevelopment, located within the Historic Overlay District shall comply with the following special regulations:
 - (i) *Building Exteriors.* Prior to the commencement of any work that affects the exterior non-residential building within the Historic Overlay District, a certificate of appropriateness shall be required. Alternative construction materials which are demonstrated to be critical to the architectural theme of the structure may be used upon approval of the City Council.
 - (ii) *Driveways.* Driveways shall be located perpendicular to the street. On corner lots, driveways are prohibited between the building and the public street.
 - (iii) *Off-street parking.* Off-street parking shall be placed behind the building. Any off-street parking lawfully existing on [insert date ordinance approved] shall be deemed lawful. However, when a new primary structure is constructed on a parcel with off-street parking constructed before [insert date ordinance adopted], then the off-street parking shall be placed behind the building. To waive or reduce off-street parking and loading requirements a written application for variance shall be submitted pursuant to Section 36.4 of the Code of Ordinances.
- 24C.8. *Performance Standards.* Standards shall be as required by the underlying base district.
- 24C.9. *Historic District Design Guidelines.* Shall follow *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* for exterior building restorations, renovations, and additions, as well as new buildings in the Historic Overlay District and to assist the Leonard Preservation League in its consideration of all applications for Certificate of Appropriateness (“COA”). Any amendments to the Historic District Design Guidelines are not an amendment to the Zoning Ordinance. A copy of the Historic District Design Guidelines shall be kept in the office of the City Secretary for the City of Leonard and made available for public inspection.

24C.10. *Certificate of appropriateness.* Any exterior modifications to buildings within the Historic Overlay District require an approved COA before exterior modifications may begin. A COA allows the applicant to proceed with planned work to the building, following the issuance of a building permit, if a building permit is required for the work. Any work initiated prior to obtaining a COA and/or without the appropriate building permit is in violation and the property owner will be subject to penalties.

24C.11. *Activities requiring a certificate of appropriateness.* Any work approved must begin within six (6) months of the issuance of the COA, or the COA will be null and void. The applicant is responsible for obtaining the required building permits before commencing work. Routine maintenance does not require a COA.

COA shall be required for the following activities:

- (a) All exterior painting requires a COA. No exterior painting is considered routine maintenance.
- (b) Minor modifications, including like-for-like replacement of equipment, landscaping, new signage including window vinyl, and window film shall require a COA approved in accordance with the Historic District Design Guidelines.
- (c) New construction, the moving of, demolition of, and additions to structures within the Historic Overlay District shall require a COA.
- (d) Major modifications, including changes to windows or doors, roofs, awnings, the addition of new material, and substantial alterations to a structure shall require a COA approved in accordance with the Historic District Design Guidelines.
- (e) New construction, the moving of, demolition of, and additions to structures within Historic Overlay District shall require a COA approved in accordance with the Historic District Design Guidelines.

24C.12. *Leonard Preservation League; certificate of appropriateness procedures.*

- (a) Prior to the commencement of any work requiring a COA, the owner or the owner's representative shall submit an application for such certificate with the Leonard Preservation League.
- (b) The application shall contain:
 - 1. The name, address, telephone number of the applicant and a detailed description of the proposed work.

2. The location and photographs of the property and adjacent properties (historical photographs may also be helpful).
 3. Color elevation drawings of the proposed changes.
 4. Samples of materials to be used including colors that will be used.
 5. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, the method of attachment of the sign, the method of illumination (if any) and a plan showing the sign's location on the property.
 6. For a COA relating to paint color, the application shall also include:
 - a. Letter of intent with proposed colors and manufacturer and paint scheme using historically accurate information. The letter shall include the background for or criteria for the paint color selection. A corporate logo or color standard is not appropriate documentation for the appropriateness of a color;
 - b. Current photograph of the building;
 - c. Rendering of building with proposed color schemes;
 - d. Historic photograph of building, if available; and
 - e. Sample of proposed colors painted on a like material to be presented at the meeting.
 7. Each application for COA within the Historic Overlay District shall be accompanied by an elevation drawing of the structure depicting the appearance of the building exterior showing compliance with this section.
 8. A complete application must be received no later than two (2) weeks before the Leonard Preservation League meeting.
- (c) No building permit shall be issued for such proposed work until a COA has been approved by the Leonard Preservation League or, upon appeal, to the City Council pursuant to subsection 24C.10 herein. The COA required by this section shall be in addition to and not in lieu of any building permit that may be required by another ordinance of the city.”

- (d) The Leonard Preservation League shall approve, approve with modifications, or deny an application, within forty-five (45) days from receipt of a complete application. For work requiring the approval of Leonard Preservation League, with fifteen (15) days' written notice to the applicant, the Leonard Preservation League shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Should the Leonard Preservation League not take action within the forty-five (45) day period, the COA shall be automatically approved.
- (e) All decisions of the Leonard Preservation League shall be in writing. A COA shall be sent to the applicant and a copy attached to the building permit for public inspection. The Leonard Preservation League decision shall state the reasons for denying or modifying any CAO application.
- (f) Subsequent to a decision by the Leonard Preservation League, an appeal may be made by the applicant in accordance with the provisions of section 24C.10 herein.
- (g) Any application for a COA which requires the approval of the City Council shall first receive a recommendation by the Leonard Preservation League.

24C.13. *Appeals.*

- (a) Any person aggrieved by a decision of the Leonard Preservation League relating to a COA application may, within fifteen (15) days of receipt of the written decision, file a written application for appeal with the City Council, through the office of the city secretary, for review of the decision and the approval, denial, modification of, or deviation from, the Leonard Preservation League decision. The appeal application shall be set before the City Council at the first available City Council meeting. The City Council's decision shall be final.”

Section 3. Amendment to Official Zoning Map. The Official Zoning Map of the City of Leonard is hereby amended to establish the boundaries of the Historic Overlay District, as depicted in Exhibit “A.”

Section 4. Savings and Repealer. 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 Ordinance shall remain in full force and effect.

Section 5. Severability. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any

phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the rwithout the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Penalty. It shall be unlawful for any person, corporation, or other entity to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, an amount not to exceed Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 7. Publication and Effective Date. This Ordinance shall take effect on its final passage and publication as required by Texas law, and it is so ordained.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the Leonard, Texas, on this the _____ day of _____ 2025.

Michael Pye, Mayor

ATTEST:

Melissa Verde, City Secretary

Exhibit “A” **Historic Overlay District Boundary**

