

**CITY OF LEONARD, TEXAS
ORDINANCE NO. 251021-02**

AN ORDINANCE OF THE CITY OF LEONARD, TEXAS REPEALING SUBSECTION 35.2 “DUTIES AND AUTHORITY,” SECTION 35 “PLANNING AND ZONING COMMISSION,” OF CHAPTER 14A “ZONING ORDINANCE,” OF THE CITY OF LEONARD CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT OF PLANNING AND ZONING AUTHORITY AND DUTIES; PROVIDING A PENALTY; PROVIDING SEVERABILITY; PROVIDING A REPEALER/SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Leonard (the “City”) is a General Law Type A 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, pursuant to Chapters 211 of the Texas Local Government Code, the City has the legal authority to adopt regulations governing 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 Section 35 “Planning and Zoning Commission” duties and authority should be amended to reflect authority pursuant to state law; 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 determined that the amendment of this Ordinance helps promote the general health, safety and welfare of the public at large and in the best interest of the citizens of the City of Leonard, Texas.

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

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

Section 2. Amendment. Chapter 14A “Zoning Ordinance,” Section 35 “Planning and Zoning Commission,” Subsection 35.2 “Duties and Authority,” is hereby repealed in its entirety and replaced with a new Subsection 35.2 “Duties and Authority,” to be and read as follows:

“Section 35.2 **Duties and Authority.**

The Planning and Zoning Commission shall be responsible to act as an advisory board to the City Council. The Commission shall:

- 35.2.1 Review all current and proposed ordinances and amendments pertaining to Planning and Zoning and make recommendations to the City Council for action to be taken;
- 35.2.2 Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;
- 35.2.3 Keep public records of its resolutions, findings and determinations;
- 35.2.4 At the request of the City Council, a report shall be made in person by a member of the Commission to the City Council;
- 35.2.5 Review plats and zoning requests and make recommendations to the City Council for final adoption of same; and
- 35.2.6 Any other duties as required by state law.
- 35.2.7 The Commission shall have full power to:
 - (A) Exercise the authority of the Commission as provided by State law, this Charter and City ordinances; and
 - (B) Make reports and recommendations relating to the Comprehensive Plan and development of the City.”

Section 3. 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 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.

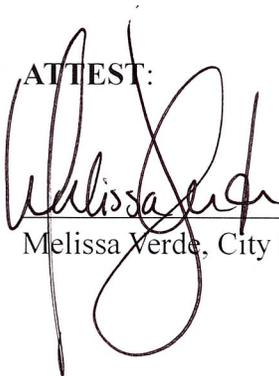
Section 5. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from 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 FEBRUARY, 2020.



Michael Pye, Mayor

ATTEST:


Melissa Verde, City Secretary

