

ORDINANCE NO. 1251

**AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS, AMENDING DIVISION 2 OF ARTICLE IV OF CHAPTER 126-ZONING BY ADDING A NEW SECTION 126-124, ESTABLISHING REVISED SETBACK REQUIREMENTS FOR NON-CONFORMING LOTS IN THE R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT; PROVIDING A PENALTY AS PROVIDED BY SECTION 126-5 AND SECTION 1-10 OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND ESTABLISHING PUBLICATION REQUIREMENTS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.**

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**WHEREAS**, the Zoning Commission and the City Council have conducted, in the time and manner required by law and the zoning regulations of the City, a public hearing on the proposed change to setback requirements to non-conforming lots in the R-1 Single-Family Detached Residential District; and

**WHEREAS**, the Zoning Commission recommended approval of the revised setback requirements applicable to such non-conforming lots in the R-1 Single-Family Detached Residential District; and

**WHEREAS**, the City Council hereby finds that the revised setback requirements applicable to non-conforming lots in the R-1 Single-Family Detached Residential District is consistent with the City's comprehensive plan, and the City's Zoning Ordinance should be amended to establish a new Section 126-124 to the City's zoning regulations to create such revised setback requirements applicable to non-conforming lots;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are found to be true and correct.

**Section 2.** Division 2 of Article IV of Chapter 126 of the City's Code of Ordinances is amended by adding a new Section 126-124 to read as follows:

**"Section 126-124. – Setback requirements for non-conforming lots.**

For purposes of this Section, a non-conforming lot shall be a lot for a single-family dwelling in this district with a total square footage of less than 7,500

square feet or a lot that is less than 75 feet wide at the building line. The setback requirements for non-conforming lots shall be as follows:

- (1) *Location on lot.* A structure shall be located not less than five feet from a side lot line, and not less than five feet from the rear lot line; provided, however, if the rear of the lot is encumbered with a utility easement, not less than the greater of seven feet from the rear lot line or a setback from such easement as established by State or Federal law.
  
- (2) *Other applicable regulations.* A non-conforming lot shall comply with all other height, front lot line setback requirements, development standards, parking regulations and other applicable regulations established in this Division for single-family dwellings.”

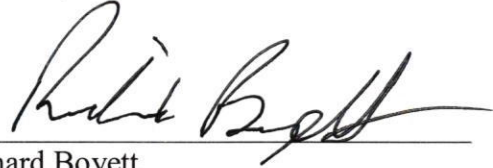
**Section 3.** **Penalty.** As provided in Section 126-5 of the City Code, any person who shall violate any of the provisions of this ordinance and the City’s zoning regulations or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved thereunder, shall for each violation or noncompliance be deemed guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-10 of the City Code. The owner of that building or premises or part thereof where anything in violation of the City’s zoning regulations shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be subject to the penalties herein provided.

**Section 4.** **Effective Date and Publishing.** This ordinance shall be effective immediately, except where a later date is expressly provided, upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Section 52.013 of the Texas Local Government Code.

**Section 5.** **Conflict and Repeal.** This ordinance is intended to be cumulative and shall not repeal any previous ordinances except to the extent of an irreconcilable conflict.

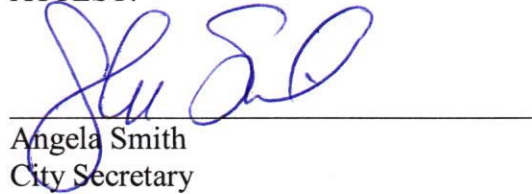
**Section 6. Severability.** In the event any clause, phrase provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part of the same, notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 21<sup>st</sup> day of June 2021.



Richard Boyett  
Mayor

ATTEST:



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Angela Smith  
City Secretary