

ORDINANCE NO. 1180

AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS, AMENDING CHAPTER 126, "ZONING," OF THE CITY OF CLEVELAND CODE OF ORDINANCES, DIVISION 6, "MH MANUFACTURED HOME DISTRICT," PROVIDING REGULATIONS FOR THE MH MANUFACTURED HOME ZONING DISTRICT AND MANUFACTURED HOMES IN OTHER ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ARTICLE II, "MANUFACTURED HOMES," OF CHAPTER 74; AND PROVIDING FOR A PENALTY AS PROVIDED BY SECTION 126-5 OF THE CODE OF ORDINANCES.

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WHEREAS, following notice and hearing as required by law, the Zoning Commission recommends these amendments to the zoning ordinance and comprehensive plan as outlined in this Ordinance; and

WHEREAS, following notice and hearing as required by law, the City Council concurs with the Commission's recommendation;

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

Section 1. Chapter 126, "Zoning," Division 6, "MH Manufactured Home District," of the City Code is amended to read as follows:

"DIVISION 6 MH MANUFACTURED HOME DISTRICT; REQUIREMENTS FOR MANUFACTURED HOMES IN OTHER DISTRICTS.

Sec. 126-171. – Intent.

This division is applicable to those manufactured homes that are allowed in certain areas in the city and for uses in the MH Manufactured Home District.

Sec. 126-172. - Permitted uses.

No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- A. All uses permitted in a R-1 District.
- B. All uses permitted in a R-2 District.

- C. Manufactured home parks.
- D. Manufactured homes.

Sec. 126-173. - Height, Area and Parking Regulations.

The height of buildings, the minimum lot size, the development standards, density, location on lot, and parking restrictions, for the “MH” district shall be as follows:

- A. *Height:* Structures shall not exceed 35 feet in height.
- B. *Lot size:* A lot in this district shall not have less than 4,000 square feet. Each lot shall not be less than 40 feet wide at the building line.
- C. *Density.* A manufactured home park may not be located on a tract containing less than five (5) acres of land. There shall be no more than eight manufactured home spaces per acre of land.
- D. *Development standards:* No dwelling unit, manufactured home or main structure shall be constructed or installed less than 1,000 square feet in area.
- E. *Location on lot:* A structure shall be located not less than 25 feet from the front lot line, not less than ten feet from a side lot line, and not less than ten feet from the rear lot line.
- F. It shall be unlawful to park or store, or to permit the parking or storage of a truck with a rated carrying capacity greater than two tons, a truck tractor, or a trailer more than 32 feet in length in a front driveway, front yard, between the street and the principal building or building line of a lot except during the act of loading or unloading and except in connection with the provision of service to the property at which it is parked. This subsection does not prohibit the parking or storage of wreckers and “authorized emergency vehicles” as defined by Section 541.201 of the Transportation Code. The provisions of Section 126-71 of this code allowing the continuation of nonconforming uses shall not apply to the parking or storage of vehicles prohibited by this section.

Sec. 126-174. - Manufactured home requirements for all districts.

This section is applicable to those manufactured homes that are allowed in certain areas in the city. The effort of this section is to provide guidelines of acceptable homes that are placed within the city. The following regulations shall apply to any manufactured home located in the MH Manufactured Home District or any other district:

- A. No manufactured home manufactured more than fifteen (15) years from the current year shall be constructed or installed;

Provided: Any manufactured home that, aside from the age of the structure, is neither a nonconforming use nor a nonconforming structure may be replaced with a manufactured home at least 5 years newer than the existing manufactured home.

- B. It shall be unlawful for any person to install or to permit or allow the installation of more than one manufactured home on a lot.

- C. Any manufactured home installed or constructed within the City:

- 1) Shall be installed on concrete runners;
- 2) Shall be installed with tie downs that meet the required wind loads for a single family dwelling;
- 3) Shall be skirted and installed in accordance with shall be installed in accordance with the Texas Manufactured Housing Standards Act, Chapter 1201, Texas Occupations Code, and the applicable rules, regulations and orders issued by the executive director of the state department of housing and community affairs or the director's successor; and
- 4) shall be connected to public utilities, including electricity, gas, water and wastewater.
- 5) include on the same lot as the manufactured home the number of parking spaces required for single-family dwellings.”

Section 2. **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

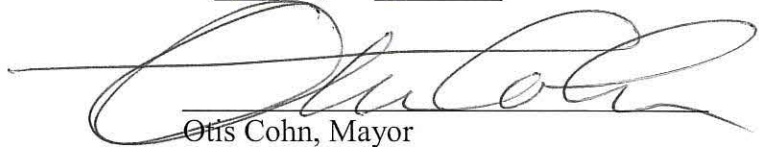
notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

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 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 this chapter 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.

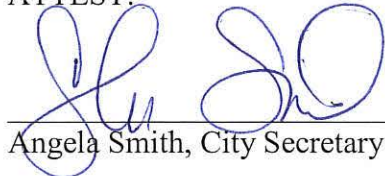
Section 4. **Effective Date and Publishing.** This ordinance shall be effective immediately, except where a later date is expressly provided, upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

Section 5. **Conflict and Repeal.** This ordinance expressly repeals Article II, "Manufactured Homes," of Chapter 74, " of the City Code. Otherwise, this ordinance is intended to be cumulative and shall not repeal any previous ordinances except to the extent of an irreconcilable conflict.

PASSED, APPROVED, AND ADOPTED this 18th day of Dec 2018.


Otis Cohn, Mayor

ATTEST:


Angela Smith, City Secretary