

Joint Public Hearing/Meeting with
City of Cleveland and Zoning Commission
Meeting Agenda

April 20, 2021 - 6:00 p.m.

City Hall, Council Chambers, 907 E Houston, Cleveland Texas and Virtually by Zoom

The Zoning Commission will be using a telephone/video conferencing tool called ZOOM to make the meeting available to the public. You have several options to participate. This is also an in person meeting.

1. Phone in at 346-248-7799 US (Houston) and enter Meeting ID 895 3710 3419
2. Use the link - <https://us02web.zoom.us/j/89537103419>
3. Download the ZOOM app on your phone and enter Meeting ID 895 3710 3419 to join

The meeting will also be shown on Facebook Live on the City's Facebook account at [facebook.com/cityofclevelandtx](https://www.facebook.com/cityofclevelandtx). For more information or questions concerning the teleconference, please contact the City Secretary's office at 281-592-2667.

Invocation, Pledge (in conjunction with City Council)

1. Establish quorum and open meeting

JOINT PUBLIC HEARING WITH CITY COUNCIL AND ZONING COMMISSION

2. **Open Public Hearing** on proposed ordinance to amend the Comprehensive Zoning and Map to accurately reflect certain annexed areas on the map by following the lot lines.
 - a. The public hearing will be held specifically on the following item:
Proposed Ordinance to amend the City's Comprehensive Zoning and Map to accurately reflect certain annexed areas on the map generally located on Hwy 321 past CR 318.
3. **Close Public Hearing**
4. Public Hearing for City Council on ordinance to allow water and sewer plants to be eligible to apply for a specific use permit– Zoning Commission may stay if there are any questions, if not Zoning Commission will leave council chambers to continue their meeting and will return with a final report.

ACTION OR CONSIDERATION BY THE BOARD

3. Consideration and possible action to issue a final report and recommendation to City Council on an ordinance amending an ordinance of the City of Cleveland, Texas, amending the City's code of ordinances by adopting a revised official zoning map, as established in Section 126-102 of the City's Comprehensive Zoning Ordinance; providing for severability; providing for repeal; providing for a penalty as provided by Section 1-10 of the Code of Ordinances; providing for other provisions related to the subject (to accurately reflect certain annexed areas on the map)

4. Return back to City Council meeting and provide the final report and recommendation to City Council on agenda item no. 3.
5. Adjourn

I certify that the above agenda was posted at the front of City Hall, 907 East Houston on April 16, 2021 at 4:00 p.m. and posted on www.clevelandtexas.com under Agenda Center.



Angela Smith, TRMC
Director of Admin Services
City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS, AMENDING THE CITY’S CODE OF ORDINANCES BY REVISING CHAPTER 126, “ZONING” BY ADDING NEW DEFINITIONS FOR WATER AND WASTEWATER PLANTS TO SECTION 126-1, AND BY ADDING A NEW SECTION 126-122(8), AMENDING SECTION 126-137(3), AMENDING SECTION 126-147(3), AMENDING SECTION 126-162(5), ADDING A NEW SECTION 126-172(e), AMENDING SECTION 126-192(56), ADDING A NEW SECTION 126-202(3), AND ADDING A NEW SECTION 126-212(38), PROVIDING THAT WATER AND WASTEWATER PLANTS ARE ELIGIBLE FOR CONSIDERATION UNDER A SPECIFIC USE PERMIT IN ALL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR A PENALTY AS PROVIDED BY SECTION 1-10 OF THE CODE OF ORDINANCES; PROVIDING FOR OTHER PROVISIONS RELATED TO THE SUBJECT.

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

WHEREAS, the City wishes to allow water and wastewater plants to be eligible for application for a Specific Use Permit in all Zoning Districts provided for in Chapter 126, Zoning;

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

Section 1. Chapter 126, “Zoning,” is hereby revised by adding new definitions for water and wastewater plants to Section 126-1, and by adding a new Section 126-122(8), amending Section 126-137(3), amending Section 126-147(3), amending Section 126-162(5), adding a new Section 126-172(e), amending Section 126-192(56), adding a new Section 126-202(3), and adding a new Section 126-212(38), providing that water and wastewater plants are now eligible for consideration under a specific use permit in all Zoning Districts, to all now read as follows:

“Sec. 126-1. – Definitions of terms and phrases.

* * *

Wastewater plant means a facility designed or utilized for the purpose of collecting, conveying, pumping, treating or disposing of wastewater and byproducts of wastewater treatment, including an existing facility, the capacity of which has been expanded to serve new development. Wastewater plant includes land, easements or structures associated with such facilities. Wastewater plant excludes those wastewater lines or mains or portions thereof which are constructed by property owners, the costs of which are reimbursed from charges paid by subsequent users of such wastewater lines or mains.

Water plant means a facility designed or utilized for the purpose of producing, collecting, supplying, storing, pumping or conveying water, including an existing facility, the capacity of which has been expanded to service new development. Water plant includes land, easements or structures and all appurtenances associated with such facilities. Water plant excludes those water lines or mains or portions thereof that are constructed by property owners, the costs of which are reimbursed from charges paid by subsequent users of the facilities.

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Sec. 126-122. – Permitted uses.

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(8) Uses that are eligible for consideration under a Specific Use Permit: water and wastewater plants.

Sec. 126-137. – Permitted uses.

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(3) Uses that are eligible for consideration under a Specific Use Permit: uses permitted in the GC General Commercial District, water and wastewater plants.

Sec. 126-147. – Permitted uses.

* * *

(3) Uses that are eligible for consideration under a Specific Use Permit: water and wastewater plants.

Sec. 126-162. – Permitted uses.

* * *

(5) Uses that are eligible for consideration under a Specific Use Permit: water and wastewater plants.

Sec. 126-172. – Permitted uses.

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(e) Uses that are eligible for consideration under a Specific Use Permit: water and wastewater plants.

Sec. 126-192. – Permitted uses.

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(56) Uses that are eligible for consideration under a Specific Use Permit: uses permitted in the GI General Industrial District, Recreational Vehicle Park or RV Park, water and wastewater plants.

Sec. 126-202. – Permitted uses.

* * *

(3) Uses that are eligible for consideration under a Specific Use Permit: water and wastewater plants.

Sec. 126-212. – Permitted uses.

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(38) Uses that are eligible for consideration under a Specific Use Permit: water and wastewater plants.”

Section 3. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Cleveland, Texas, declares that it would have passed each and every 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.

Section 4. **Repeal.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. **Penalty.** Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-10 of the City's Code of Ordinances.

Section 6. **Publication and Effective Date.** This ordinance shall be effective 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 at least twice, in accordance with Section 52.013 of the Texas Local Government Code.

PASSED, APPROVED AND ADOPTED THIS ____ day of _____, 2021.

Richard Boyett, Mayor

ATTEST:

Angela Smith, City Secretary