

CITY OF LINDSAY, TEXAS

ORDINANCE NO. 0524-2

AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, AMENDING SECTION 37.2.101B, REAR YARD, OF THE CITY OF LINDSAY ZONING ORDINANCE TO ESTABLISH A DEFINITION FOR REAR YARD; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay, Texas, is a Type A general-law municipality located in Cooke County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council previously adopted Ordinance No. 0510-2 as the City of Lindsay Zoning Ordinance; and

WHEREAS, the City Council has determined that there is a need to amend the City of Lindsay Zoning Ordinance to clarify the definition of rear yard; and

WHEREAS, the City Council of the City of Lindsay has determined that the amendments made in this ordinance are in the best interest of the health, safety and general welfare of the citizens of the City of Lindsay.

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

SECTION 1.

Section 37.2, "Special Definitions," of the City of Lindsay Zoning Ordinance is amended by amending Section 37.2.101b, "Rear Yard," to read as follows:

"37.2.101b Yard, Rear – An open, unoccupied space extending across the rear of a lot from one side lot line to the other side lot line with the required setback as specified for the district in which it is located."

**SECTION 2.
CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Lindsay, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.
SAVINGS**

All rights and remedies of the City of Lindsay are expressly saved as to any and all violations of the ordinances of the City of Lindsay related to zoning setbacks within the City that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$2,000.00.


**SECTION 6.
PUBLICATION**

The City Secretary is authorized and directed to cause publication of the descriptive caption and penalty clauses of this ordinance as provided by law.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage and publication as required by law.

PASSED AND APPROVED ON THIS 11 day of June, 2024.

By: 
Scott Neu, Mayor

ATTEST:


Monica Laux, City Secretary

