ORDINANCE NO. 878

AN ORDINANCE OF THE CITY OF JOURDANTON AMENDING THE CODE OF ORDINANCES OF THE CITY OF JOURDANTON, TEXAS CHAPTER 14 ZONING AND CHAPTER 3 BUILDING REGULATION, RELATED TO MANUFACTURED HOUSING, NEW AND UNLISTED USES, AND OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR FINDINGS, SEVERABILITY, REPEALER, AND EFFECTIVE DATE

WHEREAS, the City of Jourdanton ("City") is a Texas General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City is empowered by Chapter 211 of the Texas Local Government Code to establish zoning regulations and other associated code provisions related to zoning districts and permissible land uses within the incorporated limits of the City; and

WHEREAS, Texas Occupations Code Chapter 1201 provides for a municipality to determine which areas are appropriate for manufactured housing; and

WHEREAS, the City Council of the City of Jourdanton ("City Council") may from time to time choose to amend, supplement, change or modify the City's zoning regulations, boundaries, or classifications; and

WHEREAS, after proper notice and a public hearing on August 4, 2022, the Planning and Zoning Commission has considered and recommended approval of these amendments; and

WHEREAS, after proper notice and a public hearing on August 15, 2022, and after consideration of public input received at the public hearings, the information provided by city staff, and the recommendation of the Planning and Zoning Commission, the City Council finds it is in the public interest to approve these amendments; and

WHEREAS, the City Council finds that the approval of these amendments is necessary for the orderly development of this community and represents the best interest of all citizens of the City of Jourdanton and promotes the aesthetics, health, safety, general welfare and convenience of the people.

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

Section 1. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. The City Council of the City of Jourdanton, Texas hereby amends the City of Jourdanton Code of Ordinances CHAPTER 14 ZONING and CHAPTER 3 BUILDING REGULATION as set forth on Exhibit "A" and Exhibit "B" attached hereto.
Section 3. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Jourdanton under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

Section 4. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 5. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance shall become effective and shall be in full force and effect on and after its date of passage, approval and adoption or publication as necessary.

PASSED AND APPROVED this 15 day of August, 2022.

CITY OF JOURDANTON, TEXAS

By: Robert A. Williams, Mayor

ATTEST:

Debbie Molina, City Secretary
Exhibit A

All text which is underlined denotes addition of new text. All text which is stricken through denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and italicized, is for document organization and reference only and is not intended to be adopted. The Zoning Ordinance of City of Jourdanton, Texas is hereby amended as follows:

{Modification to Definitions}

Section 1.03 DEFINITIONS.

ACCESSORY BUILDING. A subordinate building, not a mobile home except by special permit, detached from the main building without separate utilities, and not used for commercial purposes other than a home occupation unless in a commercial or industrial district and not for habitation unless otherwise specifically as an allowed use in a particular district. In districts other than residential, an ACCESSORY BUILDING is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

DWELLING. A building designed and having facilities for year-round human habitation.

1. SINGLE-FAMILY DWELLING. A detached dwelling unit, including an industrialized home but not a mobile home or manufactured home, on its own lot, and designed and having facilities for year-round human habitation by only one family.

2. DUPLEX or TWO-FAMILY DWELLING. A dwelling, including an industrialized home but not a mobile home or manufactured home, on its own lot, and designed, arranged or used exclusively for the use and occupancy of two families living independently of each other.

3. TRIPLEX or THREE-FAMILY DWELLING. A dwelling, not a mobile home or manufactured home, on its own lot, and designed, arranged or used exclusively for the use and occupancy of three families living independently of each other.

4. FOURPLEX or FOUR-FAMILY DWELLING. A dwelling, not a mobile home or manufactured home, on its own lot, and designed, arranged or used exclusively for the use and occupancy of four families living independently of each other.

5. MULTIPLE-FAMILY or MULTIFAMILY DWELLING. A dwelling, not a mobile home or manufactured home, designed, arranged or used exclusively for the use and occupancy of two or more families living independently of each other.

INDUSTRIALIZED HOUSING. A residential structure that is designed for the occupancy of one or more families, constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site, and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. Industrialized housing includes the structure’s plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include:

1. Housing constructed of a sectional or panelized system that does not use a modular component
2. a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.
3. mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.).

MODULAR HOME. A residential structure constructed wholly or in modules at a location other than the building site, then transported in one or more sections to the site, and installed on a permanent foundation. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Modular homes must meet all applicable local building codes and zoning regulations that pertain to construction of traditional site-constructed (“stick built”) homes.

{Addition of Classification of New and Unlisted Uses subsection}

Section. 1.05 RULES OF INTERPRETATION
(A) Interpretation of Zoning Map. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

1. (A) Boundaries which appear to follow streets, roads or streams shall be construed to follow the centers thereof.
2. (B) Boundaries which appear to follow the lines of lots or other parcels of record shall be construed as following the lines.
3. (C) Boundaries which appear to follow city limit lines shall be construed as following the lines.
4. (D) In case of uncertainty as to the true location of a district boundary line not covered by the above rules, the City Council shall make a determination of the true location of the line.

(B) Classification of New and Unlisted Uses. It is recognized that new or unlisted types of land use may seek to locate in the city. In order to provide for such contingencies, a determination of any new or unscheduled form of land use shall be made in accordance with this subsection.

1. If the city manager or his/her designee is unable to classify the proposed use under any of the existing identified land uses in this ordinance, it shall be determined to be a new or unlisted land use and shall require a Special Use Permit.
2. If a Special Use Permit is granted for a new or unlisted use, at the earliest convenient opportunity, the city manager should initiate a zoning text amendment to incorporate the new or unscheduled use into this ordinance.

{Removal of Manufactured Homes from SUP and other district references}

Sec.2.04.c.6

(6) Exception, a home may be built on a lot with a minimum of 50 feet in width and 150 feet in length with proof provided to the City Manager that the tract of land was in existence prior to February 18, 2008. This exception does not pertain to manufactured homes and any request for such a structure should be made through special use permit only.
(7) Exception, a home may be built on a lot with a minimum of 50 feet in width and 150 feet in length with proof provided to the City Manager that the tract of land was in existence prior to February 18, 2008. This exception does not pertain to manufactured homes and any request for such a structure should be made through special-use permit only.

Sec.2.05.1.B.2
(2) A special use permit shall be required for any home occupations, neighborhood, or public recreation, or manufactured homes.

Sec.2.06.B.1
(1) Single-family and duplex residential uses and structures shall be allowed. A Special Use Permit shall be required for a Manufactured Home.

Sec.2.06.C.7
(7) Exception, a home may be built on a lot with a minimum of 50 feet in width and 150 feet in length with proof provided to the City Manager that the tract of land was in existence prior to February 18, 2008. This exception does not pertain to manufactured homes and any request for such a structure should be made through special-use permit only.

Sec.2.07.C.7
(7) Exception, a home may be built on a lot with a minimum of 50 feet in width and 150 feet in length with proof provided to the City Manager that the tract of land was in existence prior to February 18, 2008. This exception does not pertain to manufactured homes and any request for such a structure should be made through special-use permit only.

Sec.2.09.A
(A) Purpose. The purpose of the NC district shall be to provide quiet, low density retail, office and other neighborhood-oriented commercial uses in permanent buildings, except mobile homes.

Sec.2.10.B.2
(2) Special use permits shall be required for any temporary structure, animal service, limited shipping and storage, vehicle and equipment sales and service, vehicle fuel and service station, manufactured housing and multifamily residence.

{Modifications to the MF-2, High Density Multifamily Residential district to allow multifamily land use}

Sec.2.07.B.1
(1) Single-family, duplex, triples [triplex], and fourplex, and multifamily residential structures shall be allowed.

{Modifications to the MH, Manufactured Housing zoning district}

Sec.2.08 MH, MANUFACTURED HOUSING.

(A) Purpose. The purpose of the MH district is to establish and maintain areas for manufactured home communities in an effort to extend alternative housing opportunities.
(B) Allowed uses and structures.

(1) Manufactured housing and single-family dwellings shall be allowed.

(2) Special use permits shall be required for any temporary structure, home occupation, day-care service, educational facility or neighborhood and public recreation.

(C) Site requirements for primary uses and structures.

(1) Minimum lot size shall be 100 feet front x 150 feet deep.

(2) Minimum lot area per dwelling unit shall be 7,500 square feet.

(3) Minimum lot width at the building line shall be 100 feet.

(4) Minimum street frontage for a standard lot shall be 100 feet. Minimum street frontage for a cul-de-sac shall be 60 feet.

(5) Minimum front setback shall be 25 feet. Minimum side setback shall be 5 feet. Minimum rear setback shall be 10 feet.

(6) Maximum height shall be 12 story.

(7) Minimum off-street parking shall be two spaces per dwelling unit, plus one-half space for every bedroom over two per unit.

(Ordinance 484 adopted 2/18/08)

(8) Exception, a home may be built on a lot with a minimum of 50 feet in width and 150 feet in length with proof provided to the City Manager that the tract of land was in existence prior to February 18, 2008. This exception does not pertain to manufactured homes and any request for such a structure should be made through special use permit only. (Ordinance 575 adopted 2/20/12)

(D) Manufactured housing shall be located within a MH, manufactured housing district and comply with the following standards:

(1) The structure shall be secured on a permanent foundation, as defined in this Ordinance.

(2) The main roof shall be pitched, rather than flat.

(2a) The house shall appear to face the street and have a gabled entry or other break in the facade of equivalent proportions.

(4) The exterior walls shall look like wood or masonry, regardless of the actual composition.

(5) The foundation shall form a complete enclosure under exterior.

(6) Square footage shall be consistent with other houses in the neighborhood.
(E) Supplemental requirements for accessory buildings and uses.

(1) The number of accessory buildings allowed shall be one per lot or manufactured home space.

(21) Maximum height shall be 15 feet at eave height.

(32) Placement shall be on the rear yard only.

(43) Swimming pools must be fenced in accordance with city ordinance.

(54) Six-foot privacy fences must be erected on property lines shared with less intensive land uses or zoning districts.

(Addition of specific regulations relating to manufactured housing)

Sec. 2.15 REGULATIONS RELATED TO MANUFACTURED HOUSING
(A) In addition to the requirements of any building code, fire code or the City’s Code of Ordinances, the following use and maintenance regulations shall be applicable to manufactured homes located within the city:

(1) All manufactured homes shall be installed and anchored in accordance with state department of housing and community affairs rules and regulations.

(2) All manufactured homes occupied as living quarters shall contain operable smoke detectors.

(3) Mobile homes manufactured prior to June 15, 1976, shall be prohibited within the city.

(4) All manufactured housing units not located in a licensed Manufactured Home Park shall be located and placed on separate lots and comply with all building setback requirements applicable to the zoning district.

(5) The temporary parking of only one (1) manufactured home belonging to the owner or tenant of the dwelling upon the lot on which the manufactured home is placed may be permitted on the lot, provided it remains unoccupied, until disposal of the unoccupied mobile home can be made. In no event shall living quarters be maintained in such mobile home while such mobile home is parked. The parking of such mobile home must also comply with all yard setback requirements for that particular zoning district in which the lot is located. Removal of the wheels and skirting requirements shall not be applicable to such temporary and unoccupied mobile homes. The temporary parking of the mobile home shall only be permitted for period of ninety (90) days. It shall be unlawful to allow the mobile home to be parked longer than this time period. For purposes of calculating this time period, it shall start upon the date the permit for the replacement mobile home was issued.

(6) All manufactured homes installed after the date of this division shall be required to be mounted upon permanent foundation system which shall be either a solid concrete or masonry
foundation or a concrete or masonry skirt around the perimeter of the building. Each
manufactured home is required to have a fire-resistant skirting installed around the bottom of
the perimeter of the mobile home within 30 days of installation. In addition, all manufactured
homes shall have their wheels removed.

(7) All permits shall be issued subject to compliance with all other applicable codes and
ordinances of the city. A permit shall not be issued without evidence that the contract for the
sale and installation of the home includes and meets all requirements of this section.

(8) No driveway shall be permitted in the front yard of any manufactured home lot being
occupied as living quarters except along either side of the lot at a right angle to the street or as a
circular driveway. Such driveway shall be constructed of all-weather material (asphalt, gravel,
concrete, etc.).

(B) Replacement of a Manufactured Home. Notwithstanding any zoning or other law, in the event that a
manufactured home occupies a lot in the City, the owner of the manufactured home may remove the
manufactured home from its location and place another manufactured home on the same property,
provided that the replacement is a newer manufactured home and is at least as large in living space as
the prior manufactured home. Except in the case of a fire or natural disaster, the owner of the
manufactured home is limited to a single replacement of the manufactured home on the same property.

{Addition of specific regulations relating to manufactured housing parks}

Sec.2.16 REGULATION RELATED TO MANUFACTURED HOUSING PARKS

(A) All manufactured housing parks shall at least meet the following design and construction standards:

(1) Size of park; spacing and clearance for manufactured homes. The minimum size of a park shall
be one (1) acre. A manufactured home space shall be at least three (3) times larger than the
manufactured home to be placed thereon and no less than three thousand (3,000) square feet in
area. Such spaces shall be clearly delineated on the ground in accordance with the final plat
approved. A minimum clearance of thirty feet (30') between manufactured homes shall be provided
and a minimum clearance of ten feet (10') between any manufactured home and a park boundary
that does not abut upon public street. When a park boundary abuts upon a public street, no
manufactured home shall be closer thereto than twenty-five feet (25').

(2) Off-street parking spaces. At least two (2) off-street parking spaces shall be provided for each
manufactured home space to reduce traffic hazards and improve the appearance of the
manufactured home park. Where individual parking spaces are used, parking may be in tandem. In
addition, an additional one hundred fifty (150) square feet for each two (2) mobile home spaces
shall be provided in a common area for the storage of boats and visitors' parking. All parking areas
shall be hard surfaced with all-weather material and located to eliminate interference with access to
parking areas provided for other manufactured homes and common parking areas within the park.
Each parking space shall be maintained by the owner or agent free of cracks, holes, or other
hazards.
(3) **Streets and walkways.** Internal streets, no-parking area signs, and street name signs shall be privately owned, built, and maintained, unless dedicated to and accepted by the city. Streets shall be designed for safe and convenient access to all mobile home spaces and to facilities for common use of park residents. Internal streets shall be kept open and free of obstruction in order that police and fire vehicles may have access to any areas of the mobile home park. The police department shall be authorized to issue citations for the violation of the provisions hereof and to remove and impound offending vehicles. All internal streets shall be paved and constructed to the general construction standards established by the city and shall be maintained by the owner or agent free of cracks, holes, and other hazards. Every mobile home park shall have direct access from a public street and each mobile home space shall have direct access to a public street or to an internal street. Where an internal street provides access, the same shall be dedicated to the public as an emergency access easement to allow for the rapid and safe movement of vehicles used for the purpose of providing emergency health or public safety purposes. Each emergency access easement shall have a clear unobstructed width of at least thirty feet (30') and shall connect at each end of a dedicated public street, or shall have a turnaround of minimum one hundred feet (100') diameter. Internal streets shall be named and mobile home spaces numbered to conform with block numbers on adjacent public streets. Street signs shall be of a color and size contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. All parks shall provide concrete walkways of minimum thirty inches (30") in width for pedestrian access to each mobile home from a street constructed to specifications approved by the city.

(4) **Electrical and communication service.** All electrical wiring in the manufactured home park shall be underground and in accordance with the city's electrical regulations. All telephone, cable TV, internet and other communication service lines in the manufactured home park shall also be installed underground.

(5) **Water supply.** An adequate supply of potable water shall be supplied through the public water supply system to each manufactured home space through piping conforming with the city's plumbing regulations, and an outdoor hydrant shall be installed at each manufactured home space, at least four inches (4") above the ground. All manufactured homes shall be within five hundred feet (500') of a fire hydrant.

(6) **Sewage disposal.** Each manufactured home space shall be provided with a sewer riser pipe of minimum of four inches (4") diameter. The individual sewer connections and other elements in the park sewer system shall conform with the city's plumbing regulations. Disposal shall be into the public sewer system.

(7) **Drainage.** The park shall be located and graded as to drain away all surface water in a safe and efficient manner. Accumulations of stagnant water will not be permitted. Culverts and drainage ditches shall be maintained free of dirt and debris by the owner or agent.

(8) **Fire protection.** Service buildings (office, laundry facilities, repair shops, etc.) shall be provided with emergency fire extinguishing apparatus of such types and sizes as may be prescribed by the city's fire prevention regulations. Fire-resistant skirting with the necessary vents, screens, and/or openings shall be installed on each manufactured home within thirty (30) days after its emplacement in the park. Each manufactured home shall be equipped with an operable smoke
detector. To insure compliance by the manufactured home owner with these requirements, the
property owner shall make such compliance and confirmation thereof a condition in the agreement
for rental of a manufactured home space.

(9) Fuel supply. Gas piping systems shall be installed underground in accordance with the city’s
plumbing regulations. Gas outlets shall be capped when the manufactured home spaces they serve
are vacant. Natural gas shall be supplied, except that a liquefied petroleum gas system may be
installed if the nearest available natural gas supply is more than one thousand feet (1,000') from the
park and is approved by the city council. LPG systems shall conform with applicable codes and
regulations by the state railroad commission pertaining thereto.

(10) Extensions of manufactured homes. No structural extension shall be attached to a
manufactured home in violation of the spacing and clearance requirements of this code. An
extension that does not violate those requirements may be installed if it meets the following
requirements:

(A) Constructed of metal, fire-resistive, double-wall panels with mechanically connected
joints.

(B) Length no greater than that of manufactured home to which it is accessory.

(C) To be dismantled on removal from the park of the manufactured home to which it is
accessory.

{Addition of specific regulations relating to industrialized housing}

Sec.2.17 REGULATIONS RELATED TO INDUSTRIALIZED HOUSING

(A) Single-family and duplex Industrialized Homes shall meet the following requirements:

(1) The Industrialized Home meets or exceeds all building code requirements that apply to other
dwelling units concerning on-site construction.

(2) The Industrialized Home conforms to all applicable zoning standards for the respective zoning
district, including building setbacks, side and rear yard offsets, square footage, and other site
requirements applicable to single-family dwellings.

(3) Be securely affixed to an approved permanent foundation.
Exhibit B

All text which is underlined denotes addition of new text. All text which is stricken through denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces {} and italicized, is for document organization and reference only and is not intended to be adopted. The Code of Ordinances of City of Jourdanton, Texas is hereby amended as follows:

ARTICLE 3.07 MOBILE-MANUFACTURED HOMES*

Division 1. Generally

Secs. 3.07.001–3.07.030  Reserved

Division 2. Parks

Sec. 3.07.031  Definitions
The following words, when used in this division, shall have the meaning respectively ascribed:

Licensee. A person to whom a license for construction and/or operation and maintenance of a park has been issued.

Mobile home. A structure, transportable in one (1) or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Manufactured Home (HUD code). A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, and Article 5221f V.T.C.S., transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Mobile Manufactured home space. The ground area allocated for occupancy by one (1) mobile manufactured home in the layout of a park.

Off-street parking space. An unobstructed area of minimum nine feet (9') by eighteen feet (18') dimensions, allocated for parking a vehicle in the layout of a park.

Park. A plot of ground under single-person ownership, upon which two (2) or more mobile manufactured homes occupied as dwellings are located.

Permittee. A person to whom a nonconforming use permit for operation and maintenance of a park has been issued.

Person. Any individual, corporation, or legal entity.

(1988 Code, ch. 3, sec. 11.01)

Sec. 3.07.032  Liability of city
Neither the city nor any authorized agent acting under the terms of this division shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this division. (1988 Code, ch. 3, sec. 11.09)

Sec. 3.07.033  License required; application; fee

(a) It shall be unlawful for any person to construct, maintain or operate a mobile manufactured home park within the city limits without a license therefor. An initial fee as provided for in the fee schedule in appendix A of this code, for each mobile manufactured home lot, shall be required for the first annual mobile manufactured home park license. Thereafter, a renewal fee will be charged for each annual license for each successive year. All licenses shall be approved by the city council subject to compliance with the terms and provisions of this division. No utility service shall be provided until the license herein provided for shall have been issued. Written application for a license, signed by the applicant and accompanied by the exhibits listed below, shall be submitted to the city secretary. The application shall state the applicant's address and legal description of the land wherein construction of a mobile manufactured home park is proposed and shall be accompanied by the following exhibits:

(1) A plot plan drawn to a scale of 1" = 100' showing the location and configuration of the proposed park, including the layout of its mobile manufactured home spaces, streets, parking spaces, walkways, and utility service lines. This plot plan does not replace or supersede the subdivision plat of the property required by state law to be recorded in the county records of the county in which the property is located after review and approval of the city.

(2) Plans and specifications for all buildings and service facilities.

(b) Upon approval by the city council, the city secretary will issue a license.

(1988 Code, ch. 3, sec. 11.02)

Sec. 3.07.034  License for existing park; nonconforming use permit

(a) License for existing park. Every person operating a mobile manufactured home park within the city limits on the effective date of this division shall, within sixty (60) days after that date, submit a written application for a license, accompanied by exhibits as in section 3.07.033(a) and (b) above. The city council will review each license application and make recommendations thereon. In considering the disposal of any such application, the city council may take into account the character of the neighborhood, with respect to present and anticipated land use and development, wherein the park is located or is in operation. Upon approval of an application by the city council, the city secretary will issue a license.

(b) Nonconforming use permit. If the city council denies a license to any applicant whose park was in operation on the effective date of this division, the city secretary will issue to such applicant a nonconforming use permit that specifies the nonconformities with provisions of this division responsible for denial of the license and authorizes continued operation of the park, subject to the permittee's compliance with all provisions of this division pertaining to park operation and maintenance. However, the permit does not make lawful the extension or enlargement of a specified nonconformity, either within the present confines of a park or by expanding its boundaries. After the remedy or suspension of a nonconforming use such use shall not be restored or resumed. The initial fee for issuance of a nonconforming use permit shall be the same as the fee for mobile manufactured home parks as provided in section 3.07.033 above.

(1988 Code, ch. 3, sec. 11.03)

Sec. 3.07.035  Renewal of license or permit; transfer

For validity, a license or nonconforming use permit must be renewed each year. Upon inspection by
the building official and with his approval and payment of an annual renewal fee as provided in the
fee schedule in appendix A of this code, for each mobile manufactured home lot, by the licensee or
permittee, the renewal will be effected by the city secretary. To transfer a license or permit, a
written request to do so shall be submitted to the city secretary. Upon inspection of the park by the
building official, and with the city manager’s approval, the city secretary will issue a transfer, the fee
therefore being as provided for in ite fee schedule in appendix A of this code. The city manager shall
refuse to approve a renewal or transfer if the mobile manufactured home park is in violation of any
condition contained in the original license or any regulation contained herein applicable to operation
and maintenance of the mobile-manufactured home park. In the event of denial, the applicant may
appeal such denial to the city council by written notice to the mayor within ten (10) days of such
denial. (1988 Code, ch. 3, sec. 11.04)

Sec. 3.07.036 Revocation of license or permit

A license or permit may be revoked by the city council when the licensee or permittee is found to be
in violation of any provision of this division or the terms of a nonconforming use permit after a
hearing is held before the city council according to written notice given to the licensee or permittee
at least ten (10) days prior to such hearing. (1988 Code, ch. 3, sec. 11.05)

Sec. 3.07.037—Design and construction standards Reserved

After the effective date of this division, all mobile home parks shall at least meet the following
design and construction standards:

(1) Size of park, spacing and clearance for mobile homes. The minimum size of a park shall be one
(1) acre. A mobile home space shall be at least three (3) times larger than the mobile home to be
placed thereon and no less than three thousand (3,000) square feet in area. Such spaces shall be
clearly delineated on the ground in accordance with the final plat approved. A minimum clearance of
thirty feet (30') between mobile homes shall be provided and a minimum clearance of ten feet (10')
between any mobile home and a park boundary that does not abut upon public street. When a park
boundary abuts upon a public street, no mobile home shall be closer thereto than twenty-five feet
(25').

(2) Off-street parking spaces. At least two (2) off-street parking spaces shall be provided for each
mobile home space to reduce traffic hazards and improve the appearance of the mobile home park.
Where individual parking spaces are used, parking may be in tandem. In addition, an additional one
hundred fifty (150) square feet for each two (2) mobile home spaces shall be provided in a common
area for the storage of boats and visitors’ parking. All parking areas shall be hard surfaced with all-
weather material and located to eliminate interference with access to parking areas provided for
other mobile homes and common parking areas within the park. Each parking space shall be
maintained by the owner or agent free of cracks, holes, or other hazards.

(3) Streets and walkways. Internal streets, no-parking area signs, and street name signs shall be
privately owned, built, and maintained, unless dedicated to and accepted by the city. Streets shall be
designed for safe and convenient access to all mobile home spaces and to facilities for common use
of park residents. Internal streets shall be kept open and free of obstruction in order that police and
fire vehicles may have access to any areas of the mobile home park. The police department shall be
authorized to issue citations for the violation of the provisions hereof and to remove and impound
offending vehicles. All internal streets shall be paved and constructed to the general construction
standards established by the city and shall be maintained by the owner or agent free of cracks,
holes, and other hazards. Every mobile home park shall have direct access from a public street and
each mobile home space shall have direct access to a public street or to an internal street. Where an
internal street provides access, the same shall be dedicated to the public as an emergency access
easement to allow for the rapid and safe movement of vehicles used for the purpose of providing
emergency health or public safety purposes. Each emergency access easement shall have a clear
unobstructed width of at least thirty feet (30') and shall connect at each end of a dedicated public
street, or shall have a turnaround of minimum sixty feet (60') diameter. Internal streets shall be named and mobile home spaces numbered to conform with block numbers on adjacent public streets. Street signs shall be of a color and size contrasting with those on public streets so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. All parks shall provide concrete walkways of minimum thirty inches (30") in width for pedestrian access to each mobile home from a street constructed to specifications approved by the city.

(4) **Electrical and telephone service.** All electrical wiring in the mobile home park shall be underground and in accordance with the city's electrical regulations. All telephone lines in the mobile home park shall also be installed underground.

(5) **Water supply.** An adequate supply of potable water shall be supplied through the public water supply system to each mobile home space through piping conforming with the city's plumbing regulations, and an outdoor hydrant shall be installed at each mobile home space, at least four inches (4") above the ground. All mobile homes shall be within five hundred feet (500') of a fire hydrant.

(6) **Sewage disposal.** Each mobile home space shall be provided with a sewer riser pipe of minimum of four inches (4") diameter. The individual sewer connections and other elements in the park sewer system shall conform with the city's plumbing regulations. Disposal shall be into the public sewer system.

(7) **Drainage.** The park shall be located and graded as to drain away all surface water in a safe and efficient manner. Accumulations of stagnant water will not be permitted. Culverts and drainage ditches shall be maintained free of dirt and debris by the owner or agent.

(8) **Fire protection.** Service buildings (office, laundry facilities, repair shops, etc.) shall be provided with emergency fire extinguishing apparatus of such types and sizes as may be prescribed by the city's fire prevention regulations. Fire-resistant skirting with the necessary vents, screens, and/or openings shall be installed on each mobile home within thirty (30) days after its emplacement in the park. Each mobile home shall be equipped with an operable smoke detector. To insure compliance by the mobile home owner with these requirements, the licensee shall make such compliance and confirmation thereof a condition in the agreement for rental of a mobile home space.

(9) **Fuel supply.** Gas piping systems shall be installed underground in accordance with the city's plumbing regulations. Gas outlets shall be capped when the mobile home spaces they serve are vacant. Natural gas shall be supplied, except that a liquefied petroleum gas system may be installed if the nearest available natural gas supply is more than one thousand feet (1,000') from the park and is approved by the city council. LPG systems shall conform with applicable codes and regulations by the state railroad commission pertaining thereto.

(10) **Extensions of mobile homes.** No structural extension shall be attached to a mobile home in violation of the spacing and clearance requirements of this division. An extension that does not violate those requirements may be installed if it meets the following requirements:

(A) Constructed of metal, fire-resistant, double-wall panels with mechanically-connected joints.

(B) Length no greater than that of mobile home to which it is accessory.

(C) To be dismantled on removal from the park of the mobile home to which it is accessory.

(1988 Code, ch. 3, sec. 11.06)

**Sec. 3.07.038 Operation and maintenance**

All mobile manufactured home parks shall comply with the following operation and maintenance regulations:

(1) The licensee or permittee shall keep up-to-date and have available for inspection at the park a
register of park occupancy that shall contain the following information:

(A) Name and address of park residents.

(B) Mobile-Manufactured home registration data, including make, length, width, year of manufacture, and identification number.

(C) Location of each mobile manufactured home by park street name and number.

A new register shall be initiated on January 1st each year and the old register retired but retained on the park premises for at least three (3) years thereafter.

(2) The licensee or permittee shall be responsible for keeping the park in a clean, safe, and sanitary condition free of accumulations of rubbish and of rank growth of grass or weeds that might constitute a fire hazard or give harborage to noxious insects. Walks, streets, and parking spaces shall be maintained in a serviceable all-weather condition.

(3) No open fire or burning shall be permitted within the park except for outdoor cooking or camper type stoves or charcoal grills. No flammable liquids shall be stored beneath mobile manufactured homes. The fire-resistant skirting shall be maintained intact to prevent accumulations of flammable materials beneath mobile manufactured homes. Emergency fire extinguishing apparatus, if required, shall be inspected and tested at intervals of time suggested by the manufacturer.

(4) The storage, collection, and disposal of refuse and garbage shall be so conducted as to create no health hazards, rodent harborage, insect breeding grounds, fire hazards, litter, or air pollution. Each mobile manufactured home space must utilize the city’s refuse collection services.

(5) The licensee or permittee shall provide that all mobile manufactured homes located in the park be installed and anchored in accordance with state department of housing and community affairs rules and regulations.

(1988 Code, ch. 3, sec. 11.07)

Sec. 3.07.039—Parks in extraterritorial jurisdiction

No person shall subdivide land within the extraterritorial jurisdiction of the city for the purpose of creating a mobile home park until a plat of the proposed park has been approved by the city council. All plats shall be submitted in accordance with the procedures as outlined in the city’s subdivision regulations. Such plat shall be accompanied by the information outlined in section 3.07.033(a)(1) and (2) hereof, and shall conform to the design requirements as provided in section 3.07.037 hereof.

(1988 Code, ch. 3, sec. 11.08)

Secs. 3.07.040–3.07.070 Secs. 3.07.039 – 3.07.078 Reserved

Division 3—Mobile Homes Outside Parks

Sec. 3.07.071—Definitions

The following words, when used in this division, shall have the meaning respectively ascribed:

Mobile home. A structure, transportable in one (1) or more sections, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. Manufactured housing, as defined under V.T.C.A., Occupations Code, section 1201.003, as it may be from time to time amended, shall be included in the definition of mobile home, and any references to a “mobile home” in this division shall include manufactured housing. (1988 Code, ch. 3, sec. 12.01; Ordinance 352 adopted 10/11/99)
Permittee: A person for whom a permit has been issued to place or use a mobile home outside a licensed mobile home park.

Person: Any individual, corporation, or legal entity.

(1988 Code, ch. 3, sec. 12.01)

Sec. 3.07.072—Penalty

It shall be unlawful for any person to violate any provision of this division. Such violation shall be punishable as a misdemeanor, and each separate day that any violation of this division shall continue to exist shall constitute a separate offense. (Ordinance 352 adopted 10/11/99)

Sec. 3.07.073—Liability of city

Neither the city nor any authorized agent acting under the terms of this division shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this division. (1988 Code, ch. 3, sec. 12.07)

Sec. 3.07.074—Permit required

It shall hereafter be unlawful for any person to locate or maintain any mobile home in any place in the city other than in a duly licensed and lawful mobile home park unless such [person] shall first secure a permit from the city council. The city council shall refuse to grant any such permit unless the applicant first shows to the satisfaction of the city council that there are adequate public water and wastewater treatment facilities available within reasonable distance of such mobile home location and that the applicant upon said premises shall provide or cause to be provided the same. It shall be unlawful for any person, firm, or corporation to maintain or live in any such mobile home without first obtaining such permit from the city. No permit shall be issued unless the applicant can demonstrate ability to comply with all the terms and provisions of this division. (1988 Code, ch. 3, sec. 12.02)

Sec. 3.07.075—Application for permit; fee

(a) An application for a permit to locate a mobile home not inside a licensed mobile home park shall be submitted to the city secretary accompanied by a complete description of the mobile home and a plot plan showing the proposed location of the mobile home.

(b) A nonrefundable permit fee as provided for in the fee schedule in Appendix A of this code shall be submitted with the application.

(1988 Code, ch. 3, sec. 12.03)

Sec. 3.07.076—Permit for existing mobile homes; nonconforming use permit

(a) Permit required; issuance. Every person now maintaining a mobile home in the city outside a duly licensed mobile home park shall, within sixty (60) days after the effective date of this division, submit a written application for a permit. Every person desiring to move in a mobile home after the effective date of this division shall submit a written application for a permit prior to moving in the mobile home. The building official will review each application and make recommendations thereon to the city council. In considering the disposal of any such application, the city council may take into account the character of the neighborhood, with respect to present and anticipated land use and development, wherein the mobile home is located. On approval of an application by the city council, the city secretary will issue a permit.

(b) Nonconforming use permit.

(1) If the city council denies a permit to any applicant whose mobile home was in place on the effective date of this division, the city secretary will issue to such applicant a nonconforming-use permit that specifies the nonconformities with provisions of this division responsible for denial of the permit and authorizes continued use of the mobile home, subject to the permittee’s compliance
with all provisions of the nonconforming use permit. However, the permit does not make lawful the extension or enlargement of a specified nonconformity.

(2) — After the remedy or suspension of a nonconforming use, such use shall not be restored or resumed. The fee for issuance of a nonconforming use permit shall be as provided for in the fee schedule in appendix A of this code.

(c) — Transfer of permit. To transfer a permit, a written request to do so shall be submitted to the city secretary. Upon inspection of the mobile home by the building official and with the city manager’s approval the city secretary will issue a transfer, the fee being as provided for in the fee schedule in appendix A of this code. The city manager shall refuse to approve a renewal or transfer if the mobile home is in violation of any condition contained in the original permit or any regulation contained herein applicable to use or maintenance of the mobile home. In the event of denial, the applicant may appeal such denial to the city council by written notice to the mayor within ten (10) days of such denial.


Sec. 3.07.077 — Installation, use and maintenance

The following use and maintenance regulations shall be applicable to mobile homes located within the city:

(1) — All mobile homes shall be installed and anchored in accordance with state department of housing and community affairs rules and regulations.

(2) — All mobile homes occupied as living quarters shall contain operable smoke detectors.

(3) — No mobile home manufactured prior to June 15, 1976 shall be occupied as living quarters within the city.

(4) — All mobile homes or manufactured housing units shall be located and placed on separate lots and all building setback requirements as established by section 404.05.a. and b. of the city subdivision ordinance must be complied with, but any person applying for a permit who owns two or more contiguous lots may locate a mobile home over and across interior side setback lines of the property for which the permit is sought. In the event the owner of two or more contiguous lots places a mobile home or manufactured housing unit on more than one lot, no further permits for any mobile home or manufactured housing unit shall be allowed for any lot which has any portion of a mobile home or manufactured housing unit located on it.

(5) — The temporary parking of only one (1) mobile home belonging to the owner or tenant of the dwelling upon the lot on which the mobile home is placed may be permitted on the lot, provided it remains unoccupied, until disposal of the unoccupied mobile home can be made. In no event shall living quarters be maintained in such mobile home while such mobile home is parked. The parking of such mobile home must also comply with all yard setback requirements for that particular zoning district in which the lot is located. Removal of the wheels and skirting requirements shall not be applicable to such temporary and unoccupied mobile homes. The temporary parking of the mobile home shall only be permitted for period of ninety (90) days. It shall be unlawful to allow the mobile home to be parked longer than this time period. For purposes of calculating this time period, it shall start upon the date the permit for the replacement mobile home was issued.

(6) — All mobile homes installed after the date of this division shall be required to be mounted upon permanent foundation system which shall be either a solid concrete or masonry foundation or a concrete or masonry skirt around the perimeter of the building. Each mobile home is required to have a fire resistant skirting installed around the bottom of the perimeter of the mobile home within 60 days of installation. In addition, all mobile homes shall have their wheels removed.

(7) — All permits shall be issued subject to compliance with all other applicable codes and ordinances of the city, and with all applicable deed restrictions. A permit shall not be issued without evidence
that the contract for the sale and installation of the home includes and meets all requirements of this section.

(8) No driveway shall be permitted in the front yard of any mobile home lot being occupied as living quarters except along either side of the lot at a right angle to the street or as a circular driveway. Such driveway shall be constructed of all-weather material (asphalt, gravel, concrete, etc.).

(9) No mobile home or manufactured housing unit which does not have either a current title in the name of the person seeking a permit, or for which there is not any satisfactory evidence of the pending issuance of a title from the state department of housing and community affairs in the name of the person seeking a permit, may be delivered to, located in, installed upon, or affixed to any real property in the city, or sold, leased or otherwise conveyed to any other person residing within the city, nor shall any existing permit be transferred to any person who does not provide evidence of title to such mobile home or manufactured housing unit.

(Ordinance 797 adopted 1/21/20)

Sec. 3.07.078 Exceptions

No permit shall be required and the provisions of this division shall not be applicable to unoccupied mobile homes displayed for sale on mobile home sales lots and mobile homes in storage on mobile home manufacturing plant premises. (1988 Code, ch. 3, sec. 12.06)