

ORDINANCE NO. _____

BUCKHOLTS MANUFACTURED HOUSING ORDINANCE

AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS GOVERNING THE PLACEMENT AND INSTALLATION OF MANUFACTURED HOUSING AND MANUFACTURED HOUSING PARKS WITHIN THE BUCKHOLTS CORPORATE LIMITS; CONTAINING CERTAIN DEFINITIONS; PROVIDING FOR APPROVAL OF MANUFACTURED HOUSING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF BUCKHOLTS, TEXAS THAT THE FOLLOWING PROVISIONS SHALL AND CONSTITUTE THE BUCKHOLTS MANUFACTURED HOUSING ORDINANCE AND THAT THIS ORDINANCE IS EFFECTIVE AS OF THE DATE BELOW:

PASSED, APPROVED AND ADOPTED THIS THE _____ day of _____, 20____.

Attest:

City Secretary

Town of Buckholts, Texas

Mayor

Town of Buckholts, Texas

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ARTICLE 1 GENERAL

Section 1.01 General

1.01.001 Manufactured Housing Prohibited

Except as specifically provided in this ordinance, the installation of Manufactured Housing for use or occupancy as a residential dwelling in the Town of Buckholts, Texas (the “City”) is prohibited.

Section 1.02 Ordinance Application and Interpretation

1.02.001 Territorial Limits of Regulations

Except as otherwise provided herein, this ordinance shall apply to all Manufactured Housing and Manufactured Home Parks or Subdivisions, as they are both defined herein, and all land, any part of which is located within the City Limits.

1.02.002 Interpretation of Provisions

In the interpretation and application of the provisions of this ordinance, the following regulations shall govern:

- A. In the City's interpretation and application, the provisions of this ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, and welfare. This ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- B. Where there arises a question concerning the meaning or intent of a provision of this ordinance, the City is hereby implored to render a written decision setting forth the exact manner in which said provision shall be interpreted and administered.
- C. Any written decision shall be attached to and made a part of this ordinance, until rescinded by amendment of this ordinance as provided for herein.
- D. The terms, provisions, and conditions of this ordinance shall be interpreted and applied in a manner consistent with Chapt. 1201, Tex. Occupations Code.

Section 1.03 Exemptions and Exclusions

1.03.001 Exception for Cases of Public Disaster or Calamity

City Council may waive one or more of the regulations established herein for Manufactured Housing provided as temporary housing following any public disaster or public calamity, or Manufactured Housing temporarily moved from a Manufactured Home Park or Manufactured Housing Subdivision by reason of any public disaster or public calamity.

1.03.002 Recreational Vehicles, Recreational Vehicle Parks, and Modular Homes Excluded

The regulations established herein shall not apply to Recreational Vehicles, Recreational Vehicle Parks, or

Modular Homes.

Section 1.04 Ordinance Adoption

1.04.001 Authority

- A. This ordinance is adopted pursuant to the police powers of general law cities, and under authority of the Constitution and general laws of the State of Texas, including, but not limited to, Chap. 1201, Tex. Occupations Code.
- B. This ordinance shall not affect the validity of any deed restriction that is otherwise valid.

1.04.002 Code of Ordinances

It is the intention of the Council that this ordinance shall become a part of the Code of Ordinances of the Town of Buckholts, Texas, and may be renumbered and codified therein accordingly.

1.04.003 Conflicting Ordinances

The following City ordinance is hereby repealed: 51106-1206. All parts of any other City ordinance in conflict herewith are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of the most restrictive ordinance shall apply.

1.04.004 Federal and State Law

In the event that any term or provision of this ordinance conflicts with state or federal law, such term or provision of this ordinance shall be construed and interpreted in a manner consistent with such federal or state law and such law shall control.

1.04.005 Severability and Validity

The validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

1.04.006 Open Meetings

It is hereby officially found and determined that the meeting at which this ordinance is passed 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 Open Meetings Act, Chapt. 511, Tex. Govt. Code.

1.04.007 Effective Date

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loe. Govt. Code, and it is accordingly so ordained.

ARTICLE 2 ADMINISTRATION

Section 2.01 Zoning Compliance Required

Where zoning applies, the zoning of a tract shall permit the proposed uses associated with a new HUD-Code Manufactured Home or Manufactured Home Park. If the zoning of the tract does not permit the proposed uses associated with a new HUD-Code Manufactured Home or Manufactured Home Park, a zoning amendment to establish zoning compliance shall be necessary prior to approval of any required permits.

Section 2.02 Technical Denial

- A. Prior to the City accepting an application for permit, the application must be in compliance with this ordinance, contain all statutory and ordinance-required information, and be accompanied by all necessary fees and documentation.
- B. If a submission is not in compliance with this ordinance, does not contain all statutory and ordinance-required information, and/or is not accompanied by all necessary fees and documentation, the submission shall be deemed in Technical Denial.
- C. During the review process, any application that is discovered to be in violation of the mandatory requirements of this ordinance or a controlling State statute shall be deemed to be in Technical Denial.
- D. Notice of Technical Denial and any defeats that must be corrected prior to acceptance for filing or review before to the Council, Commission, or a designee shall be provided, in writing, to the Applicant.

Section 2.03 Public Notice Required

2.03.001 Public Notice

The public shall receive notification of any public hearing relating to the application for Conditional Use Permit, in the following manner:

- A. *Mail.* The City shall mail public notification forms, postmarked no fewer than fifteen (15) days prior to the date of a public hearing, to the owners of property, any part of which is located within two hundred (200') feet of the perimeter of the land to be developed. Property owner information shall be determined by the most recent tax rolls from the County Appraisal District.
- B. *Newspaper Notice.* The City shall publish a public notice at least once in a newspaper of general circulation in the City not fewer than ten (10) nor more than thirty (30) days prior to said public hearing.

Section 2.04 Application Withdrawal

2.04.001 Withdrawal

- A. Requests to withdraw an application for permit under this ordinance shall be delivered, in writing, to the Ordinance Administrator.

- B. Written requests to withdraw an application for Conditional Use Permit should be delivered by noon 12:00 (pm) of the third (3rd) working day preceding the regular meeting of the reviewing body at which the application is scheduled to be heard.
 - 1. An application for Conditional Use Permit may be resubmitted and appear on the next agenda for the relevant reviewing body after repayment of fees.

Section 2.05 Ordinance Enforcement

2.05.001 Enforcement

The civil and criminal provisions of this ordinance shall be enforced by the persons or agencies designated by the City including, but not limited to, the Ordinance Administrator, the Building Official, and the Code Enforcement Officer. It shall be a violation of this ordinance to interfere with a Code Enforcement Officer, or other person authorized to enforce this ordinance, in the performance of his or her duties.

2.05.002 Penalty

Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City Limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of Two Thousand and No/100ths (\$2,000.00) Dollars.

Section 2.06 Right to Replace

- A. *Right to Replace.* Pursuant to Tex. Occupations Code 1201.008, notwithstanding any zoning or other law, in the event that a Manufactured Home occupies a lot in a municipality, 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 and is at least as large in living space as the prior Manufactured Home. The City may limit the ability of an owner to replace his or her Manufactured Home to a single instance.
- B. *Fire or Natural Disaster.* Pursuant to Tex. Occupations Code 1201.008, an owner's ability to replace a Manufactured Home or a Mobile Home as a result of a fire or nature disaster cannot be restricted.

Section 2.07 Nonconformities

2.07.001 Nonconformities Established

All otherwise lawful uses, structures, or lots existing on the effective date of this adoption or amendment of this ordinance, that could not be permitted under the terms of this ordinance are hereby established as nonconformities.

2.07.002 General Policy Regarding Nonconformance

- A. The general public and the City Council are directed to take note that nonconformities in the use and development of land and building are to be avoided, or eliminated where now existing, whenever and wherever possible, except:
 - 1. When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and

2. When necessary to promote the general welfare and to protect the character of the surrounding property.

2.07.003 Nonconforming Structures

Except as protected by Section 2.06 and any applicable state or federal law, where a lawful structure exists on the effective date of the adoption or amendment of this ordinance, that could not be built under the terms of this ordinance by reasons of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this ordinance.

2.07.004 Nonconforming Uses

Except as protected by Section 2.06 and any applicable state or federal law, a nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. The use of the structure shall only be changed to a use permitted in the area in which it is located.
- B. A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of ninety (90) days or more.
- C. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to any land outside of such building.
- D. Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status, except to the extent, if any, otherwise provided by law. Destruction for the purpose of this subsection is defined as damage equal to more than fifty (50) percent of the replacement cost of the structure.
- E. A nonconforming use shall terminate upon any sale or conveyance of the property, except to the extent, if any, otherwise provided by law.

2.07.005 Repairs and Maintenance

- A. Except as protected by Section 2.06 and any applicable state or federal law, on any nonconforming structure, or nonconforming portion of a structure or a structure containing a nonconforming use, no work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repairs or replacement of non-load-bearing walls, fixtures, wiring, or plumbing to an extent exceeding twenty-five (25) percent of the current replacement cost of such structure of nonconforming portion of such structure.

- B. Except as protected by Section 2.06 and any applicable state or federal law, if fifty (50) percent or more of the nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations set forth in this ordinance.

ARTICLE 3 APPLICATION REQUIREMENTS

Section 3.01 Application Submittal

All applications for a permit under this ordinance shall be received in the office of the Ordinance Administrator.

Section 3.02 Fees

To defray the costs of administering this ordinance, the applicant seeking permit approval under this ordinance shall pay to the City, at the time of submittal, the prescribed fees as set forth in the current administrative fee schedule approved by the Council, and on file in the office of the City Secretary.

Section 3.03 Required Application Materials

Applications to permit approval under this ordinance shall include at least the following materials:

- A. Payment of any application fees pursuant to the City's adopted fee schedule;
- B. Completed application forms, as applicable;
- C. Site plan(s) in compliance with §4.05; and
- D. Any attendant documents needed to supplement the information provided by the site plan.

Section 3.04 Site Plan Requirements

- A. A site plan shall be required for all permit applications.
- B. The site plan may be a sketch or drawing on one (1) or more pages, generally to scale, with distances marked, and is not required to be prepared by an engineer, and shall include the following information:
 - 1. Data describing the processes and activities proposed and involved in the proposed use, and the type of manufactured home, accessory building, etc.;
 - 2. Boundaries of the area covered by the site plan;
 - 3. The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits;
 - 4. The location of existing drainageways and significant natural features;
 - 5. Proposed landscaping and screening buffers;

6. Location and dimensions of all curb cuts, public and private streets, parking and loading areas pedestrian walks, lighting facilities, and outside trash storage facilities;
7. The location, height, and type of each wall, fence, and all other types of screening; and
8. The location of driveways and off-street parking.

ARTICLE 4 REVIEW AND APPROVAL

Section 4.01 Building Permit Applications

4.01.001 Review Process

- A. *Ordinance Administrator Review.* The Ordinance Administrator shall review the application for technical completeness at the time of submission. If the Ordinance Administrator finds that the submittal fails to meet the minimum application requirements, the application shall be deemed in Technical Denial.
- B. *Safety Review.* Upon verification of a technically complete application, the Ordinance Administrator shall submit copies of the application to appropriate representatives from the Fire and Police Departments and to the Building Official for public safety review. The appropriate representatives from the Fire and Police Departments and the Building Inspector shall, in writing, recommend approval, approval with conditions or modification, or denial of the application.

4.01.002 Action

- A. *Ordinance Administrator Action.* Following comment from public safety representatives, the Ordinance Administrator shall approve, approve with conditions or modification, or deny the application.
- B. *Action Deadline.* Pursuant to Tx. Occupations Code 1201.008(b), applications to install new a HUD-code manufactured housing are deemed granted unless the municipality sends written notice to the applicant indicating the reason for denial within forty-five (45) days of the date of application submission.

4.01.003 Building Permit Approval

Upon approval of a Building Permit application, the Ordinance Administrator and/or the Building Official shall grant the applicant a valid permit in the name of such person for the specific installation, construction, alteration, or extension proposed.

Section 4.02 Conditional Use Permit Applications

4.02.001 Agenda Deadlines

- A. All applications for Conditional Use Permit under this ordinance shall be received in the office of the Ordinance Administrator not later than three o'clock (3:00) pm, thirty (30) calendar days prior to the next regular meeting of the Commission, Council, and/or a designee in order to be eligible as an agenda item for said meeting.

- B. *Revisions.* In the event that a submission for Conditional Use Permit is required to be revised, such revision shall be submitted to the Ordinance Administrator not less than five (5) working days prior to the meeting of the Commission, Council, and/or a designee at which the submission is scheduled to be heard. Otherwise, any such application shall be deferred to a later meeting of the Commission, Council, and/or a designee.

4.02.002 Review Process

- A. *Ordinance Administrator Review.* The Ordinance Administrator shall review the application for technical completeness at the time of submission. If the Ordinance Administrator finds that the submittal fails to meet the minimum application requirements, the application shall be deemed in Technical Denial.
- B. *Planning and Zoning Commission Public Hearing.*
 - 1. As permitted by Chapter 211 Local Government Code, the City Council shall act as the Planning and Zoning Commission until such time as the City Council appoints a Planning and Zoning Commission.
 - 2. Upon notification of a technically complete application by the Ordinance Administrator, the Commission shall set a date for public hearing.
 - 3. Following proper notice as established in Section 2.03 – Notice of Public Hearing, the Commission shall hold a public hearing. At the public hearing the Commission shall review the application subject to the required findings established in §3.02.003.
 - 4. *Recommendation.* Following the public hearing, the Commission shall prepare a report for Council. The report shall include the Commission’s recommendation and the rationale for the recommendation according to the criteria established in §3.02.003. The Commission shall recommend approval, approval with modifications or conditions, or disapproval. The function of the Commission shall be advisory only.
 - i. If the Commission makes no report to Council within thirty (30) days of the public hearing, it shall be considered to have made a report approving the application proposal.
- C. *City Council Public Hearing.*
 - 1. Following proper notice as established in Section 2.03 – Notice of Public Hearing, the Council shall hold a public hearing.
 - 2. At the public hearing, City Council shall review the application and the Commission report subject to the criteria established in §3.02.003.
- D. *City Council Action.* At least thirty (30) days after the mailed notice for the public hearing before City Council has been published and sent, Council shall vote on the application. Council shall either approve, approve with conditions or modifications, or deny the application.

4.02.003 Conditional Use Permit Approval

- A. The Council may grant the Conditional Use Permit for a specific period of time.
- B. Upon approval of a Conditional Use Permit application, the applicant shall apply for a Building Permit pursuant to the requirements of this ordinance.
- C. A Building Permit application may be submitted for review and approval simultaneously with the Conditional Use Permit application, provided that both applications are technically complete and that the Building Permit shall not be approved until the Conditional Use Permit has been approved.

4.02.004 Required Findings

A Conditional Use Permit shall be authorized by City Council only if all of the following conditions have been found:

1. The Conditional Use Permit will be compatible with and not injurious to the use and enjoyment of the property, or neighboring properties, nor materially diminish or impair property values within the immediate vicinity;
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
4. The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
5. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property;
6. The applicant shall establish that the use and occupancy will comply with all applicable terms of this ordinance; and
7. The City Council finds it is in the public interest to grant such permit.

Section 4.03 Manufactured Home Parks and Manufactured Home Subdivisions

- A. Manufactured Home Parks shall be reviewed and approved via application for subdivision approval according to the requirements of the Town of Buckholts Subdivision Ordinance.
- B. Manufactured Home Subdivisions shall be reviewed approved via application for subdivision approval according to the requirements of the Town of Buckholts Subdivision Ordinance.

Section 4.04 Approval Expiration

4.04.001 Building Permit

- A. *Building Permit.* A Building Permit shall be deemed to have expired one (1) year from the date of granting thereof unless the premises covered thereby are actually being used according to the permit.
- B. A one-time extension of one hundred eighty (180) days may be granted by the Ordinance Administrator or the Building Official.

4.04.002 Conditional Use Permit

- A. *Conditional Use Permit.* A Conditional Use Permit shall be deemed to have expired one (1) year from the date of granting thereof unless the premises covered thereby are actually being used according to the permit.
 - 1. Additional time extension may be granted by the City Council or provisions may be made for extension by terms of the permit itself.
- B. Whenever the use for which a Conditional Use Permit is granted is terminated for any reason whatsoever, the Conditional Use Permit shall be deemed to have expired.

Section 4.05 Appeal

- A. *Building Permit.* Any person making application for a Building Permit pursuant to the terms and conditions this ordinance may appeal a decision of the Ordinance Administrator and/or the Building Official to deny such application to the City Council.
- B. *Conditional Use Permit.* Any person making application for a Conditional Use Permit pursuant to the terms and conditions of this ordinance may appeal a decision of the City Council to deny such application to a court of competent jurisdiction.

ARTICLE 5 MANUFACTURED HOUSING STANDARDS

Section 5.01 Prohibited Structures

5.01.001 Mobile Homes Prohibited

The installation of a Mobile Home for use or occupancy as residential dwelling in the Town of Buckholts, Texas is hereby prohibited.

5.01.002 Manufactured Housing More than Seven Years of Age Prohibited

Manufactured Housing being greater than seven (7) years of age at the time installation is sought shall be prohibited from located within the City, except that the City Council may permit the proposed installation through the granting of a Manufactured Housing Conditional Use Permit pursuant to the requirements of this ordinance.

Section 5.02 Manufactured Housing Restricted Areas

- A. The following Manufactured Housing Restricted Areas are hereby created:
 - 1. Manufactured Housing Restricted Area 1
 - 2. Manufactured Housing Restricted Area 2
 - 3. Manufactured Housing Restricted Area 3

- B. The boundaries of the districts listed in 5.02(A) are shown on the attached Manufactured Housing Restricted Areas Map. The map and all markings, notations, references, and other information shown on said map shall be and are hereby made as much a part of this ordinance as if said map and all notations, references, and other information shown thereon were all fully set forth or described herein. The Manufactured Housing Restricted Areas Map shall be kept on file at City Hall.
- C. Manufactured Housing shall not be placed, installed, or located within the Manufactured Housing Restricted Areas, except as permitted by this ordinance.

Section 5.03 Use Table

The following table presents use permissions and, where permitted, the required permit for said use.

Manufactured Housing Use Table Application Guide

- = Building Permit required
- Δ = Conditional Use Permit required
- X = Prohibited

Installation / Development	Will the structure be located outside of Manufactured Housing Restricted Areas?	
	Yes	No
New HUD-Code Manufactured House	Built within last 7 years*	■ Δ
	More than 7 years old*	Δ X
New Manufactured Housing Park	Subdivision Approval Required	Subdivision Approval Required
New Manufactured Housing Subdivision	Subdivision Approval Required	Subdivision Approval Required
Replacement of Existing Manufactured House (1)	■	■
New Mobile Home	X	X

(1) Subject to the rights and restrictions established in Section 2.06 and applicable state and/or federal laws.

Section 5.04 Manufactured Housing Regulations

5.04.001 Area Regulations

- A. All lots where a Manufactured Home is to be located within the City Limits shall meet the minimum dimensional standards and building setback requirements of the Town of Buckholts Zoning Ordinance for the zoning district applicable to the land where the home will be located.
- B. In the event that the Zoning Ordinance does not provide minimum lot size and building setback requirements, all Manufactured Housing installations within the City Limits shall comply with the

following standards:

1. Lots served by the City wastewater collections system shall have a minimum area of four thousand eight hundred (4,800) square feet.
 - i. Such lots shall have a minimum width of fifty (50') feet at the building line and for a distance of at least ten (10') feet behind the building line.
 - ii. The average depth of such lots shall not be less than eighty (80') feet, except that a corner lot, having a minimum width of not less than ninety (90') feet may have an average depth of less than eighty (80') feet provided that the minimum depth is not less than ninety (90) feet.
2. All lots not served by the City wastewater collection shall have a minimum area of seven thousand two hundred (7,200) square feet.
 - i. Such lots shall have a minimum width of sixty (60') feet at the building line and average width shall not be less than sixty (60') feet.
 - ii. The average depth of such lots shall not be less than eighty (80') feet, except that a corner lot, having a minimum width of not less than ninety (90') feet may have an average depth of less than eighty (80') feet provided that the minimum depth is not less than ninety (90) feet.
3. Buildings shall be set back from property lines by the following amounts:

Front	Side	Side Street	Rear
Fifteen (15') feet	Seven (7') feet	Fifteen (15') feet	Ten (10') feet

- i. Where lots have a double frontage, extending through from one (1) street to another, the required front yard shall be provided on both streets.
 - ii. No side yard for allowable nonresidential uses shall be less than twenty-five (25') feet.
- C. Notwithstanding the requirements of 5.04.001(A) and 5.04.001(B), the location of a Manufactured Home is not prohibited on a lot that existed on May 11, 2006, because, on such date, the lot had less than the required area, width, or depth.

5.04.002 Access and Parking

Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.

5.04.003 Unit Standards

- A. *Adequate and Safe Design.* Manufactured Housing shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the state and federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture; or other such applicable standards. Any such structure without such certification, but meeting all other requirements, may be accepted as a safe and quality construction provided it meets the following criteria;
1. All electrical material, devices, appliances, and equipment are in sound and safe condition. Aluminum conductors are not acceptable.
 2. All mechanical systems including space and water heating, are in sound and safe condition.
 3. All plumbing, gas piping, and wastewater systems are in sound and safe condition.
 4. The unit is in sound and safe structural condition. Uncompressed finish floorings greater than

one-eighth (1/8") inches in thickness beneath load-bearing walls that are fastened to the floor structure are not acceptable. Any such structure that shows signs of fire damage, are not acceptable.

5. The determination of the foregoing acceptance of any noncertified unit shall be made jointly by the Building Official or the Fire Marshall.

- B. *Exterior Sidings.* Excluding skirting, the exterior siding material shall be nonmetallic.
- C. *Skirting Required.* Each Manufactured Home shall be totally skirted with metal, masonry, pressure-treated wood, or other nondegradable material which is compatible with the design and exterior materials of the primary structure. Manufactured homes must be skirted within ninety (90) days from the date placed on a lot.
- D. Electrical power supply shall be made from a meter installation on the home, or from a permanent meter pedestal.

5.04.004 Installation

- A. Any Manufactured Housing placed within the corporate limits of the City after the adoption of this ordinance must be installed by a person possessing a valid installer's license with the State of Texas Department of Housing and Community Affairs and in accordance with all standard, rules, regulations, and administrative orders, and requirements of State of Texas Department of Housing and Community Affairs.
- B. Manufactured homes must be tied down securely and in compliance with applicable state and federal regulations prior to occupancy.
- C. The frame shall be supported by, and tied to, a foundation system capable of safely supporting the loads imposed as determined from the character of the soil. The minimum acceptable foundation design shall be a series of eight-inch (8") grout-filled concrete block piers spaced no more than eight (8') feet on center and bearing on twelve feet by twelve feet (12" x 12") solid concrete footings. A tie-down and anchoring system separate and apart from the foundation ties shall be provided as recommended by the manufacturer, if different from the foundation ties.
- D. Axle and hitch assemblies shall be removed at the time of placement on the foundation.

5.04.005 Unit Additions

- A. *General.* No outside horizontal dimension shall be less than fourteen (14') feet, except for original extensions or subsequent additions containing less than fifty (50%) percent of the total enclosed floor area.
- B. *Garages and Carports.* Garage and carport additions are permitted, provided they cover a paved parking area and are connected to a street by a paved drive, meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.
- C. *Patios and Porch Covers.* Patio and porch covers are permitted, provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.
- D. *Living Area Additions.* Living area additions are permitted, provided they meet the minimum

building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure.

Section 5.05 Manufactured Home Park and Subdivision Regulations

5.05.001 Purpose

The requirements for a Manufactured Home Park are established for the protection of the public health, safety and welfare, and for the following purposes:

- A. To provide adequate space and site diversification for residential purposes that are planned to accommodate the design criteria of Manufactured Housing
- B. To protect against pollution, environmental hazards, and other objectionable influences.
- C. To make adequate provisions for vehicular and pedestrian circulation.
- D. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.
- E. To promote the most desirable use of land and direction of building development; to promote stability of development; to protect the character of neighborhoods; to conserve the value of land and buildings; and to protect the City's tax base.

5.05.002 Manufactured Home Parks

- A. A Manufactured Home Park is here distinguished from a Manufactured Home Subdivision. While a Manufactured Home Subdivision has as its major purpose the sales and conveyance of property rights and ownership of individual lots to consumers, a Manufactured Home Park is for the explicit purpose of renting or leasing of manufactured home sites and is not construed to permit the sale of such spaces as lots.
- B. A Manufactured Home Park shall meet all requirements of the Manufactured Housing Ordinance, and any applicable sections of the Town of Buckholts Subdivision Ordinance.
- C. A Manufactured Home Subdivision shall meet all requirements of the Town of Buckholts Subdivision Ordinance, and any applicable sections of the Manufactured Housing Ordinance.
- D. At no time may an existing Manufactured Home Park be converted to a Manufactured Home Subdivision without first meeting all requirements of the Town of Buckholts Subdivision Ordinance and receiving all necessary approvals.

5.05.003 Manufactured Home Park Standards

- A. *Permitted Uses.* The following uses shall be permitted in Manufactured Home Parks:
 - 1. Each approved space or lot may have one (1) HUD-code manufactured home as the primary structure and accessory structures, provided the accessory structures are for use by the owner or occupant of the primary structure.
 - 2. One single-family dwelling unit on a six thousand (6,000) square foot or larger lot for use as the owner's or manager's residence and accessory buildings for use by the owner or manager of

- the Manufactured Home Park.
3. Recreational, civic, and/or commercial facilities designed for exclusive use of the occupants of the Home Manufactured Home Park.
- B. *Compliance with Manufactured Housing Standards.* All units in a Manufactured Home Park shall conform to the Manufactured Housing Standards established in §5.04 of this ordinance, except that:
1. The City Council may by affirmative motion in a written variance approve a Manufactured Home Park in whole or in part in which not more than twenty-five (25) percent of the lots in a subdivision, whether the subdivision is submitted in sections or as a whole, have less than four thousand eight hundred (4,800) square feet, but not less than four thousand (4,000) square feet.
 2. Lots with a minimum area of four thousand (4,000) square feet, as granted by the City Council, shall have a minimum width of fifty (50') feet at the building line and for a distance of at least (10') feet behind the building line.
- C. *Lighting and Security Standards*
1. Manufactured Housing Parks must be adequately lit by placement of guard lights no less than one (1) light per three (3) homes.
 2. A perimeter fence shall be required around Manufactured Housing Parks, unless exempted for good cause by the City Council.
- D. *Access and Traffic Circulation Standards*
1. No through traffic shall be permitted in a Manufactured Home Park.
 2. Curbs and gutters shall be required and shall conform to the requirements for City streets.

ARTICLE 6 DEFINITIONS

Section 6.01 Interpretation

The purpose of including definitions in this ordinance is to simplify the working of the ordinance; and to give the meaning of technical terms; and to eliminate ambiguities. Words that are in common usage are not defined herein, but may be found in a Standard English dictionary.

Words used in the present tense include the future; words in the singular include plural; and words in the plural include the singular. The word "building", includes the word "structure. The word "shall" or the word "must" is mandatory and not discretionary. The word "lot" includes "building lot" or "parcel".

Section 6.02 Words Defined

BUILDING OFFICIAL: The person designated by the City Council to be responsible for the administration of the Town of Buckholts Manufactured Housing Ordinance in relation to regulations and building codes.

CITY: The Town of Buckholts, Texas.

CITY LIMITS: The incorporated boundaries of the Town of Buckholts, Texas.

CODE ENFORCEMENT OFFICER: Any designated employee or agent of a City or of Milam County whose duty it is to enforce codes and ordinances enacted by the City or by Milam County.

COMMISSION: The Planning and Zoning Commission of the Town of Buckholts, Texas.

COUNCIL: The City Council of the Town of Buckholts, Texas.

COUNTY APPRAISAL DISTRICT: The Milam County Appraisal District.

DWELLING, SINGLE-FAMILY. A building or portion thereof designed or used for single-family occupancy and constructed on-site as a permanent improvement to a legal lot.

INSTALL, PLACE, OR LOCATE: The temporary or permanent construction of the foundation system and placement of a manufactured home or manufactured home component on the foundation. The term includes supporting, blocking, leveling, securing, anchoring, and property connecting multiple or expandable section or components and making minor adjustments.

MANUFACTURED HOME OR MANUFACTURED HOUSING: As defined in Chapter 1201, Tex. Occupation Code, a HUD-Code Manufactured Home is a structure that is:

1. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
2. Built on a permanent chassis;
3. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
4. Transportable in one or more sections;
5. In the traveling mode, is at least eight (8) body feet in width and at least forty (40) body feet in length, or, when erected on site, at least three hundred twenty (320) square feet.
6. Includes the plumbing, eating, and air conditioning, and electrical systems of the home; and
7. Does not include a recreational vehicle as defined by C.F.R Section 3282.8(g).

MANUFACTURED HOME OR MANUFACTURED HOUSING, NEW: A Manufactured Home or Housing not previously installed, placed, or located within the Town of Buckholts, Texas.

MANUFACTURED HOME PARK: An area designated explicitly as rental or lease property in which one or more manufactured homes are permitted to exist under the management of a park superintendent. Mobile homes may not be added to a Manufacture Home Park after the effective date of this ordinance but may continue as a conforming use therein.

MANUFACTURED HOME PARK, NEW: A Manufactured Home Park not previously installed, placed, or located within the Town of Buckholts, Texas.

MANUFACTURED HOME SUBDIVISION: An area that has as its major purpose the sales and conveyance of property rights and ownership of individual lots to consumers for the placement of one or more Manufactured Homes.

MANUFACTURED HOME SUBDIVISION, NEW: A Manufactured Home Subdivision not previously installed, placed, or located within the Town of Buckholts, Texas.

MOBILE HOME: As defined in Chapter 1201, Tex. Occupation Code:

1. Constructed before June 15, 1976;
2. Built on a permanent chassis;
3. Designated for use as a dwelling with or without a permanent foundation when the structures is connected to the required utilities;
4. Transportable in one or more sections;
5. In the traveling mode, is at least eight (8) body feet in width and at least forty (40) body feet in length, or, when erected on site, at least three hundred twenty (320) square feet; and
6. Includes the plumbing, eating, and air conditioning, and electrical systems of the home.

MODULAR COMPONENT: As defined in Chapter 1202, Tex. Occupation Code, a structural part of housing or a building constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without: (A) damage or (B) removal and reconstruction of a part of the housing or building.

MODULAR HOME: As defined in Chapter 1202, Tex. Occupation Code, a structure designed for the occupancy of one or more families, that is 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.

ORDINANCE ADMINISTRATOR: The City employee charged with responsibility of enforcing this ordinance in relation to administrative procedure.

RECREATIONAL VEHICLE: Any of the following while in use as a residence:

- A. "Travel Trailer": A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and a gross trailer area less than three hundred twenty (320) square feet, body width not to exceed 100 inches (100") (eight feet four inches (8' 4")).
- B. "Camping Trailer": A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at a campsite to provide temporary living quarters for recreational, camping, or travel use.
- C. "Motor Home": A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- D. "Truck Camper": A portable unit constructed to provide temporary living quarters for recreational travel, or camping use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.
- E. "Park Trailer": A movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis over state roads and highways under special permits, connected to utilities, and designed without a permanent foundation for extended term and/or year-round living. Floor Space is limited to less than four hundred (400) square feet.
- F. Dependent Recreational Vehicle": A trailer which is dependent upon a service building for toilet

and lavatory facilities.

- G. “Self-constructed Recreational Vehicle”: A trailer which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water and storage and sewage holding tanks located within the trailer.

RECREATIONAL VEHICLE PARK: A unified development of recreational vehicle spaces arranged on a tract of land for the purpose of renting or leasing lots.