

**ORDINANCE # 71**  
**MOBILE HOME ORDINANCE**

**AMENDS # 58**

ORDINANCE NO. 71

AN ORDINANCE OF THE CITY OF DANBURY, BRAZORIA COUNTY, TEXAS, PROVIDING FOR THE AMENDMENT OF SECTION THREE OF THE PRESENT MOBILE HOME ORDINANCE, BEING ORDINANCE NUMBER FIFTY-EIGHT OF SAID CITY; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, BRAZORIA COUNTY, TEXAS, duly assembled at a regular monthly meeting, at its regular meeting place, with a quorum present, and after all notices having been given, as required by law, as follows, to-wit:

First, that Section Three of Ordinance Number Fifty-eight, being the present mobile home ordinance of the City of Danbury, Brazoria County, Texas, is hereby amended by deleting all of said Section Three and replacing it as follows, to-wit:

SECTION THREE: PARKING OF INDIVIDUAL TRAILERS

1. It shall be unlawful for any person to park any trailer on any street, highway, alley, sidewalk or other public place in the City for a longer period than two (2) hours in any area of the City except "A" Residence Districts and "B" Restricted Commercial and Residence Districts (as described in the City Zoning Ordinance) where it shall be unlawful to park a trailer for longer than twelve (12) hours.

2. No trailer shall hereafter be placed, parked, used or occupied on any tract of ground within the city limits of Danbury, except in a duly licensed mobile home park; provided, however, a special exception may be made to allow a mobile home to be parked, used and occupied at a location within the city limits of Danbury, other than in a duly licensed mobile home park, in the event that all of the following conditions are fully complied with:

(a) That application for a trailer license shall be made to the City Secretary upon forms furnished by the City, which shall be accompanied by an application fee, in the amount of \$10.00, which shall not be refunded; it shall be necessary to obtain a license

prior to moving the trailer onto the property where it is to be situated. The license fee shall be in the amount of \$25.00, payable prior to the issuance thereof.

(b) No license shall be issued except to the record title owner of the property on which the mobile home is to be parked; and record title owner of the property must also be the occupant and the owner of the trailer. Licenses issued pursuant to this section shall not be transferable from one person to another, or from one trailer to another; once a trailer is moved from the location for which it was licensed, such license shall be void.

(c) No license shall be issued under this section unless all of the property owners of all property lying within one hundred (100) feet of any of the boundaries of the total property owned by the license applicant consent in writing to the placing of the trailer upon the property described in the application;

(d) No license shall be issued under this section for the placing of more than one trailer on a lot or parcel of land less than 10,875 square feet in size; each trailer shall also be required to have its own separate water and sewer facilities;

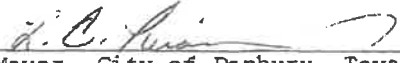
(e) All trailers shall be installed in compliance with Technical Memorandum 73-1 of Defense Civil Preparedness Agency of the United States Government, dated February, 1973.

Second, in the event that any section or provision of this Ordinance is found to be unconstitutional or void for any reason by the final judgment of a court of competent jurisdiction, such unconstitutional or void section or provision is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.


Third, this Ordinance shall become effective from and after

its passage and adoption and the publication of the caption hereof  
in one issue of the Angleton Times Newspaper.

PASSED AND APPROVED, this the 27th day of October, 1975.

  
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Mayor, City of Danbury, Texas

ATTEST:

  
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City Secretary

**ORDINANCE # 99-5  
AMENDMENT TO ZONING ORDINANCE**

**AMENDS # 50**

**ORDINANCE 99-5**

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS,  
AMENDING SECTION 5 OF ORDINANCE NO. 50, THE  
DANBURY ZONING ORDINANCE CONCERNING "C"  
COMMERCIAL DISTRICTS PROVIDING FOR ALLOWED  
USES; PROVIDING FOR SPECIAL EXCEPTIONS; PROHIBITING  
CERTAIN USES; PROVIDING AREA REGULATIONS;  
CONTAINING FINDINGS OF FACT; AND PROVIDING A  
SAVINGS CLAUSE, SEVERANCE CLAUSE; AND EFFECTIVE  
DATE.

Whereas the City Council of the City of Danbury, Texas finds that this ordinance promotes the public health, safety, and welfare; and

Whereas this ordinance is authorized by Chapter 211 of the Texas Local Government Code, among other law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, DULY ASSEMBLED:

PART ONE: Section 5 of Ordinance No. 50, the Danbury Zoning Ordinance, is hereby amended to read as follows:

Section 5: "C" Commercial Districts.

(a) Use regulations.

(1) In a "C" Commercial District, no buildings or land shall be used and no building shall be erected, altered, or converted for any use or purpose other than following:

Any use permitted in "A" Residence Districts or "B" Restricted Commercial and Residence Districts.

Abstract or Title company

Accountant

Advertising Agency

Air conditioning and heating shop

Ambulance service

Animal feed store

Animal grooming of small and large animals

Antique store

Appraiser

Architect  
Art gallery  
Arts and craft store  
Auto repair garage  
Automatic laundry  
Automobile dealerships  
Automobile parking lots  
Automobile parts store  
Automobile, truck and bus service and repairs  
Baggage, transfer, storage and warehouse  
Bakery, employing no more than (5) persons  
Bank  
Barber and beauty shop  
Boat sales and repairs of boats twenty-five (25) feet or less in length  
Bookkeeper  
Bookstore  
Bottling works  
Building materials sales  
Bus station  
Cabinet maker  
Cafeteria  
Candy store  
Carpenter shop  
Carpet cleaning if dust-proofed rooms and dust-catching, washing, and  
scouring equipment is provided  
Carpet, tile, and flooring sales, but not manufacturing  
Car wash, but not an industrial truck wash  
Catering  
Child care center  
Clinic for treatment of humans  
Clothes store  
Cold storage plant  
Collection agency  
Commercial amusement park  
Commercial billboard or advertising signs not to exceed thirty-two (32) sq. ft.  
in area per sign  
Computer store and repairs  
Creamery  
Credit counselor  
Dance studio  
Delivery service  
Dental clinic  
Department store  
Doctor  
Drafting service

Drive-in eating and drinking establishments  
Drug store  
Dyeing establishment  
Employment agency  
Engineer  
Engraving plant  
Filling station, without storage of wrecked cars  
Financial consultant  
Flea market, maximum one acre including parking  
Florist shop  
Freight station, but not a railroad freight station  
Furniture shop  
Gift shop  
Gun shop  
Grocery store  
Hardware store  
Home appliance store  
Ice cream factory  
Ice retail distributing, but not manufacturing  
Insurance agency  
Jewelry store  
Laundry or dry cleaning storefront, but not the dry cleaning plant  
Lawyer  
Locksmith  
Meat processing and curing facility  
Medical supply store  
Milk depot  
Monument works  
Mortgage company  
Mortuary  
Motels and tourist courts  
Motion picture theater, but not drive-in theater  
Musical instrument store  
Notary public  
Office supply and machinery store and repairs  
Optician or optometrist  
Paint store  
Passenger station, but not a railroad passenger station  
Pet grooming  
Pet store  
Plant nursery  
Printing plant  
Pasteurizing plant  
Radio repair and sales  
Radio studio (excluding tower)



- Real estate agent
- Record and tape store
- Restaurant or tavern
- Shoe store and repair shop
- Sporting goods store
- Stockbroker
- Stone monument works, retail only
- Storage warehouse
- Studio (art, music, or photo)
- Taxicab storage and repair
- Taxidermist
- Tailor
- Tanning Salon
- Telecommunication company equipment or facility
- Toy store
- Travel agency
- Video arcade
- Warehouse, but not for storage of any item listed in Section 6, "D" Industrial District, or Section 7, "E" Heavy Industrial District, or any item that is potentially explosive, hazardous materials, or any item that is noxious or by reason of emission of odors, soot, dust, smell, gas, flumes, vibrations, or noise which can be noted on the adjoining land of another person
- Washateria
- Wholesale office
- Accessory buildings and uses customarily incident to any permitted use, when located upon the same lot and when not noxious or offensive by reason of the emission of smoke, dust, odor, fumes, noise, or gas, and when not otherwise prohibited in a "C" zone.

(2) **Special Exceptions.** Any other commercial or manufacturing use may be allowed, but only if the City Council exercises its discretion to grant a special exception for use; provided, however, that no mechanical units in excess of ten horsepower shall be used on the premises.

(3) **Prohibited Uses.** However, regardless of any other provision, no special exception shall be available for the following uses and such uses are hereby prohibited in "C" zones: (1) Any use that is listed in Section 6, "D" Industrial Districts, or Section 7, "E" Heavy Industrial Districts; and (2) any use that is noxious or offensive by reason of emission of odors, soot, dust, smell, gas, fumes, vibrations, or noise which can be noted on the adjoining land of another person.

(b) **Area regulations.** For property occupied for residential use in a "C" Commercial District, the area regulations for setback, rear yard, side yard requirements and all other area regulations, shall be the same as provided for in paragraph (b) of Section 3 of this ordinance.

(c) Nothing contained in this section shall prevent the use of the entire lot for uses, other than residential, which are permitted in this section.

(d) The City Council finds and ordains that railroad freight yards and passenger yards are prohibited in a "C" zone, because in comparison to other freight yards and passenger yards, railroad freight yards and passenger yards, generates more noise, congestion, and obstruction of traffic, to the detriment of the public health, safety, and welfare.

PART TWO. All other ordinances and parts of ordinances of the City of Danbury shall remain in full force and effect.

PART THREE. If any portion, of whatever size, of this ordinance is ever held to be invalid for any reason, then the remainder of this ordinance shall remain in full force and effect.


PART FOUR. The City Council finds that the public health, safety, and welfare require the passage of this ordinance upon the first reading. This ordinance shall take effect as of the date of its passage and adoption.

PASSED AND ADOPTED this 22<sup>nd</sup> day of July, 1999.

CITY OF DANBURY, TEXAS

BY:   
KENNETH W. WALTERS, JR., Mayor

ATTEST:

  
DONNA THOMSON, City Secretary

**ORDINANCE #99-7**  
**ZONING FOR HUD MANUFACTURED**  
**HOMES**  
**AMENDS AND ENACTS # 50**

ORDINANCE NO. 99-7

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS, AMENDING THE ZONING ORDINANCE; PROVIDING DEFINITIONS; PROVIDING ZONING FOR HUD-CODE MANUFACTURED HOMES; PROVIDING FOR THE APPLICABILITY OF REGULATIONS CONCERNING HUD-CODE MANUFACTURED HOMES; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

Whereas the City of Danbury desires to comply in all respects with the Texas Manufactured Housing Standards Act, Article 5221f of the Texas Revised Civil Statutes Annotated; and

Whereas this ordinance is authorized by the Texas Local Government Code and by the Texas Manufactured Housing Standards Act, including but not limited to Section 4A thereof;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, DULY ASSEMBLED:

**DEFINITIONS**

Section 1. Subsection 1(5) of the Danbury Zoning Ordinance, Ordinance No. 50, is hereby amended to read as follows:

"(5) Building. A structure, having a roof supported by columns or walls for shelter or enclosure of persons, animals, or chattels. The terms "Building" shall include, but shall not be limited to, a "HUD-Code only Manufactured Home" and a "Mobile Home", as those terms are defined in Section 3(9) and Section 3 (17), respectively, of Tex. Rev. Civ. Stat. Ann. Art. 5221f."

Section 2. Subsection 1(16A) of the Danbury Zoning Ordinance, Ordinance No. 50, is hereby enacted to read as follows:

"(16A) HUD-Code Manufactured Home. Structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, 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 plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined in 24 C.F.R. Section 3282.8(g). The foregoing is the definition now contained in Tex. Rev. Civ. Stat. Ann. Art. 5221f Section 3(9). If the statutory definition of "HUD-Code Manufactured Home" ever

changes, then the definition of "HUD-Code Manufactured Home" in this ordinance shall automatically be changed at the same time."

Section 3. Subsection 24A of the Danbury Zoning Ordinance, Ordinance No. 50, is hereby enacted to read as follows:

"(24A) Mobile Home. Structure that was constructed before June 15, 1976, 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. The foregoing is the definition now contained in Tex. Rev. Civ. Stat. Ann. Art. 5221f Section 3(17). If the statutory definition of "Mobile Home" ever changes, then the definition of "Mobile Home" in this ordinance shall automatically be changed at the same time."

#### **ZONING FOR HUD-CODE MANUFACTURED HOMES**

Section 4. Subsection 4(c) of the Danbury Zoning Ordinance, Ordinance No. 50, is hereby enacted to read as follows:

"(c) HUD-Code Manufactured Homes.

(1) In addition to the uses permitted in Subsection 4(a), a building or premises in a "B" District may be used for a HUD-Code Manufactured Home as a residential dwelling, and a HUD-Code Manufactured Home as a residential dwelling may be installed, erected, or structurally altered within a "B" Zone, all as provided herein, unless such alteration would cause the building to cease being a HUD-Code Manufactured Home. However, a HUD-Code Manufactured Home shall not be installed, erected, or structurally altered, or kept on a lot that contains another dwelling. In addition, accessory buildings customarily incident to the above shall be permitted when located upon the same lot, and when not noxious or offensive by reason of the emission of smoke, dust, noise, odor, fumes, or gas; all subject to applicable law as provided herein.

(2) The Zoning Ordinance shall govern and control

over any outright prohibition of placing a HUD-Code Manufactured Home in a "B" zone as a residential dwelling with no other dwelling on the same lot. However, all other requirements and regulations of the Trailer and Trailer Park Ordinance, as it may be amended from time to time (Ordinance No. 58, Ordinance No. 71, and any other amendments thereof) and all other ordinances and other laws shall apply according to their terms.

(3) A Mobile Home lawfully in place anywhere in the City of Danbury prior to June 29, 1970, (the date the Zoning Ordinance was enacted) may be replaced on the same lot or tract with a HUD-Code Manufactured Home, subject to all applicable laws other than an outright prohibition of placing a HUD-Code Manufactured Home on that lot or tract."

#### MISCELLANEOUS

Section 5. All other ordinances and portions of ordinances of the City of Danbury shall remain in full force and effect, except as provided herein.

Section 6. In any portion, of whatever size, of this ordinance is ever held to be invalid for any reason, the remainder of this ordinance shall remain in full force and effect.

Section 7. This ordinance shall take effect as of the date of its passage and adoption.

PASSED AND ADOPTED this 26th day of August, 1999.

CITY OF DANBURY, TEXAS

BY: 

KENNETH W. WALTERS, JR., Mayor

ATTEST:

  
DONNA THOMSON, City Secretary

Ordinance 99-7



"B" Zone