

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

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"B" Zone