

Motion was made by Michelle Minton, seconded by Sherry Roberts, that the following Ordinance be passed:

Ordinance No. 280

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SHEPHERD, TEXAS, TO AMEND CITY ORDINANCE NO. 244 THAT REGULATES MANUFACTURED HOMES FOR RESIDENTIAL AND BUSINESS USE IN THE CITY; AMENDING CHAPTER 18, CODE OF ORDINANCES, CITY OF SHEPHERD FOR THE REGULATION OF MANUFACTURED HOMES IN THE CITY OF SHEPHERD, TEXAS; AMENDING THE EXCEPTIONS TO THE RESTRICTIONS OF MANUFACTURED HOMES; PROVIDING 60 DAYS FOR THE APPROVAL OF A MANUFACTURED HOME PERMIT; REMOVING THE REQUIREMENT THAT A MANUFACTURED HOME HAVE AN ACCESSORY BUILDING; PROVIDING A SAVINGS CLAUSE AND REPEALING CLAUSE; COMPLYING WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING THE PASSAGE OF THE ORDINANCE UPON PROPER PUBLICATION.

WHEREAS, the City Council of the City of Shepherd desires to regulate manufactured homes, mobile homes, and recreational vehicles in the City; and

WHEREAS, the City Council has adopted City Ordinance No. 244, dated March 9, 2009, regulating manufactured homes in the City, thereby amending at that time Chapter 18, "Trailer Parks" of the City Code of Ordinances for the City of Shepherd; and

WHEREAS, the City Council now wishes to amend City Ordinance No. 244, found in Chapter 18, "Manufactured Homes," City Code of Ordinances, as provided below;

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

Section 1: AMENDMENT TO SECTION 3 OF ORDINANCE NO. 244

City Ordinance No. 244, dated March 9, 2009, Section 3, "General Restrictions," Paragraph B(2)(a), as found in Chapter 18, "Manufactured Homes," of the City Code of Ordinances is hereby amended to read as follows:

SECTION 3. GENERAL RESTRICTIONS

B. Restrictions for manufactured homes

1. *All manufactured homes shall be installed in approved manufactured home parks, manufactured home subdivisions, or defacto manufactured home subdivisions. Unless otherwise provided in this chapter, no manufactured home may be used as a commercial building or for business purposes.*

2. Exceptions:

- a. *Any new manufactured home, or used manufactured home which has passed an inspection by a licensed inspector, that will be installed on an unimproved tract of property of 2 acres or more in size outside of a residential subdivision is exempt from the above restriction.*
- b. *The City Council may grant a **variance** to the restriction in Paragraph B (1) above whenever it believes that the proposed manufactured home will have a median taxable value equal to or greater than other single-family homes within 500 feet of the property on which the manufactured home will be located, as determined by the most recent certified tax appraisal for San Jacinto County.*

Section 2. AMENDMENT TO SECTION 4 OF ORDINANCE NO. 244

City Ordinance No. 244, dated March 9, 2009, Section 4, "Manufactured Home Use and Occupancy Permit," Paragraphs B and D, as found in Chapter 18, "Manufactured Homes," of the City Code of Ordinances are hereby amended to read as follows:

SECTION 4. MANUFACTURED HOME USE AND OCCUPANCY PERMIT

- B.** *Unless the Building Official approves an application to install a HUD-code manufactured home for use and occupancy as a residential dwelling within 60 days from the receipt of the application, the application is deemed denied. The Building Official shall send the applicant a written denial of the application with the reasons for the denial.*
- C.** *It shall be a condition of each manufactured home's use and occupancy permit that the home be installed in accordance with all applicable federal and state regulations, specifically including the requirements of §80.21 of*

Title 10, Part 1, Chapter 80 of the Texas Administrative Code (relating to Requirements of the Installation of Manufactured Homes) and is constructed according to drawings, as required by that section, which state that the foundation is a permanent foundation for a manufactured home. (See Exhibit "C")

- D.** *Outside of manufactured home parks, it shall be an additional condition of each manufactured home's use and occupancy permit that each manufactured home be skirted to conceal view of the undercarriage from all sides.*

Section 3. REPEALING CLAUSE

Chapter 18, "Manufactured Homes", of the City Code or Ordinances is hereby amended by this Ordinance. All other existing City Ordinances in conflict with provision of this Ordinance are repealed to the extent of the conflict.

Section 4. SAVINGS CLAUSE

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 5. TEXAS OPEN MEETINGS CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was considered 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, Chapter 551 of the Texas Government Code.

Section 6. EFFECTIVE DATE AFTER PUBLICATION

This Ordinance shall take effect and be in full force and effect from and after the date of its publication as provided by law.

PASSED AND APPROVED this 12th day of March 2012.

THE CITY OF SHEPHERD, TEXAS

Glen Dillon, Mayor

ATTEST:

Debra Hagler, City Secretary