

ORDINANCE NO. 636-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLETTSVILLE AMENDING THE CODE OF ORDINANCES, CHAPTER 3, ARTICLE 3.2 MANUFACTURED HOMES AND RECREATIONAL VEHICLES AND CHAPTER 12 PLANNING AND ZONING, RELATED TO REGULATING MANUFACTURED HOMES, ESTABLISHING GENERAL ZONING PROVISIONS, ZONING PROCEDURES, A BOARD OF ADJUSTMENT, LAND USE REGULATIONS AND OTHER MATTER IN CONNECTION THEREWITH; PROVIDING FOR A PENALTY CLAUSE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hallettsville (“City”) is a General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City has previously established regulations pertaining to manufactured homes, manufactured home parks, recreational vehicles and recreational vehicle parks and the City Council desires to amend the aforementioned regulations; and

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

WHEREAS, the City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City; and

WHEREAS, the City Council may from time to time choose to amend, supplement, change or modify the City’s zoning regulations, boundaries, or classifications; and

WHEREAS, the City has given appropriate and reasonable consideration to the zoning regulations as most appropriate for the City and has determined that certain revisions to the City’s zoning ordinance are necessary in order to more accurately reflect the will of the citizens of the City; and

WHEREAS, the City Council finds that the code of ordinances as amended herein, is necessary for the orderly development of this community and represents the best interest of all citizens of the City and promotes the aesthetics, health, safety, general welfare and convenience of the people; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

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

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 of Hallettsville Code of Ordinances, Chapter 3, Article 3.2 Manufactured Homes and Recreational Vehicles and Chapter 12 Planning and Zoning are hereby amended as set forth on **Exhibit A** attached hereto.

Section 3. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

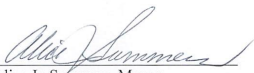
Section 4. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 6. 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 7. This Ordinance will take effect upon its adoption by the City Council and publication as necessary.

INTRODUCED, READ and PASSED, by the affirmative vote of the City Council of the City of Hallettsville this the 17th day of April, 2023.


Alice Jo Summers, Mayor

ATTEST:


Grace Ward, 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 Code of Ordinances of City of Hallettsville, Texas, Chapter 3, Article 3.2 Manufactured Homes and Recreational Vehicles and Chapter 12 Planning and Zoning are hereby amended as follows:

ARTICLE 3.200 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

§ 3.201 Purpose.

The city council finds that properly planned and operated recreational vehicle communities (i.e., recreational vehicle (RV) parks); (1) promote the safety and health of the residents of such communities and of other nearby communities; (2) encourage economical and orderly development of such communities and other nearby communities. It is, therefore, declared to be the policy of the city to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for planned and supervised recreational vehicle communities by providing for the standards and regulations necessary to accomplish these purposes. The Manufactured Homes Article is hereby amended in order to achieve orderly development of recreational vehicle parks (RV parks), to promote and develop the use of land to minimize possible impacts, and to promote the health, safety and general welfare of the public. As amended, this article shall apply to any manufactured home or recreational vehicle park located or to be located within the city limits, sets fees, and defines penalties for violating this article as amended.

(Ordinance 605-19A adopted 11/4/19)

§ 3.202 Definitions.

City Building Inspectors. Building inspector and fire inspector.

Event Only RV Park Area. Designated area reserved for use during an event in the area of the RV park. Use of the area shall be limited to ten (10) days per event.

HUD-Code Manufactured Home.

(1) A structure:

- (A) Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- (B) Built on a permanent chassis;
- (C) Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (D) Transportable in one or more sections; and
- (E) In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;

- (2) Includes the plumbing, heating, air-conditioning, and electrical systems of the home; and
- (3) Does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Industrial Housing.

- (1) Industrialized housing is a residential structure that is:
 - (A) Designed for the occupancy of one or more families;
 - (B) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - (C) 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.
- (2) Industrialized housing includes the structure's plumbing, heating, air-conditioning, and electrical systems.
- (3) Industrialized housing does not include:
 - (A) A residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;
 - (B) Housing constructed of a sectional or panelized system that does not use a modular component; or
 - (C) 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. Added by Acts 2001, 77th Leg., ch. 1421, section 2, eff. June 1, 2003.

Manufactured Home or Manufactured Housing. A HUD-code manufactured home.

Manufactured Home Park. Any tract of land four (4) acres or more, single ownership, developed or used for the purpose of accommodating more than one nontransient manufactured home occupied for dwelling or sleeping purposes, whether or not a charge is made for such accommodations.

Manufactured Housing or Recreational Vehicle Lot or Site. A plot of ground within a manufactured home or recreational vehicle park intended for the accommodation of one manufactured home or recreational vehicle.

Mobile Home.

- (1) A structure:
 - (A) Constructed before June 15, 1976;
 - (B) Built on a permanent chassis;
 - (C) Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

- (D) Transportable in one or more sections;
- (E) In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and

(2) Includes the plumbing, heating, air-conditioning, and electrical systems of the home.

Person. Any natural individual, firm, trust, partnership, association or corporation.

Recreational Vehicle. A motor vehicle primarily designed as temporary living quarters for recreational camping or travel use. The term includes a travel trailer, camping trailer, truck camper, and motor home.

Recreational Vehicle or RV Park. Any tract of land under single ownership, two (2) or more acres in size, developed or used for the purpose of accommodating more than one recreational vehicle occupied for dwelling or sleeping purposes, whether or not a charge is made for such accommodations. A recreational vehicle park is a unified development of recreational vehicle spaces provided for recreational vehicle use, with or without community facilities and permitted buildings.

Service Building. A building providing toilets, lavatories, showers and such other facilities as may be necessary to provide the facilities necessary for accommodating recreational vehicles.

Skirt. Concealment from view of the undercarriage on all sides of a mobile home or manufactured home. Skirting must be accomplished with metal, vinyl or other material approved by the city inspectors.

Stand or Pad. The improved area within a manufactured home or recreational vehicle lot that is intended for the placement or location of a manufactured home or recreational vehicle. Such stand or pad may be constructed of concrete having a thickness of not less than four inches (4") or of compacted gravel-caliche having a thickness of not less than six inches (6") and may be in the form of a single slab or two strips or runners; the dimensions of such stand or pad shall provide adequate support for the blocks or jacks required for installing the manufactured home. The area of such runners shall be contoured to prevent accumulation of surface drainage.

(Ordinance 624-22 adopted 6/20/22)

§ 3.203 Prohibited Parking.

- (a) It shall be unlawful for any person to park permanently any manufactured home, mobile home, or recreational vehicle on any street, alley, highway, or other public place within the corporate limits of the city. It shall be unlawful for any person to temporarily park a manufactured home or mobile home on private property for more than 72 hours.
- (b) No person shall use or occupy a manufactured home or recreational vehicle as a place of business on any tract of ground within the corporate limits of the city, except as an office in a manufactured home park, a manufactured home sales lot, recreational vehicle park, or as a temporary office or watchman's quarters at a construction site, provided any such unit so used is connect to an approved sewage disposal system and other public utilities.
- (c) Subject, nevertheless, to the provisions of Section 3.211 hereinafter set forth, no person shall use or occupy any manufactured home for living or sleeping purposes on the same lot or parcel of land with a residence building, whether the latter be occupied or unoccupied, nor on any vacant tract of land or lot which is not a part of an approved manufactured home park within the city. It shall be unlawful to

connect or extend any public utilities to any manufactured home unless such unit is located in an approved manufactured home park or has been permitted per Section 3.211.

- (d) No person shall use or occupy any manufactured home or recreational vehicle equipped with self-contained plumbing fixtures unless such fixtures are connected to the city sewer or other approved sewage disposal system. Such complete self-contained potable system and connections to city or other sewer disposal systems shall comply with all city and state plumbing requirements, and shall be subject to permit requirements and inspections by the city plumbing inspector.

(Ordinance 605-19A adopted 11/4/19)

§ 3.204 License Required.

- (a) It shall be unlawful for any person to maintain or operate within the city, any manufactured home or recreational vehicle park unless such person shall first have obtained a license therefor.
- (b) Application for such manufactured home or recreational vehicle park license shall be filed with the city secretary along with an application fee as provided in Appendix A to this code. Such application shall be in the form furnished by the city and shall be signed by the owner. Before issuing any such license the city secretary shall submit in writing the application to the building inspector ~~and city planning and zoning commission~~ for endorsement indicating compliance with applicable codes and ordinances or the indication, of conditions under which such license may be approved.
- ~~(c) Within five (5) days of the application, the applicant shall send a written notice of at least thirty (30) days notice by Certified United States Mail, return receipt requested, to all adjoining property owners; copies of such notices shall be filed with the city secretary within five days of mailing. Should a written objection in response to the notice to adjoining property owners be received by the city within the thirty (30) days written notice period, the application shall be denied.~~
- ~~(d)~~ Applications for initial licensing of parks in existence at the time this article becomes effective shall be accompanied by a plot plan showing property boundaries, interior drives, and individual manufactured home or recreational vehicle lots, and any other structures located on the property.
- ~~(e)~~ Application for initial licensing of new parks shall be endorsed by the ~~chairperson of the planning and zoning commission showing the approval of the site plan by the planning and zoning commission; also, by the city building inspectors~~ indicating approval of all plans and specifications for improvements to be installed, as well as compliance with all applicable codes and ordinances of the city.
- ~~(f)~~ The annual license fee for each approved manufactured home or recreational vehicle park shall be as provided for in the fee schedule found in Appendix A of this code. The annual license renewals in this and the other ordinances provided shall be due on the first day of July of every year. All existing license renewals and new applications will be due on July 1st. All accounts delinquent over thirty days will be subject to a late charge as provided for in the fee schedule found in Appendix A of this code. All manufactured homeowners renting space within the manufactured home park will be notified by certified mail of all alleged manufactured home ordinance violations.
- ~~(g)~~ Upon application for a manufactured home or recreational vehicle park license or upon renewal for such license or upon changes being made, the owner or operator of such manufactured home or recreational vehicle park must present a plat to the city to be filed with the city secretary showing parking spaces and areas for the manufactured homes or recreational vehicles, showing in detail the width and length of each stall or space where a manufactured home or recreational vehicle is to be parked, and designating each space or stall to be used as either a manufactured home or a recreational vehicle space.

- (hg) Upon a revision thereof, such revised plat must be presented to the city secretary before placing into effect such revised system. Until this is done and approved by the proper officials of the city, such renewal will not be granted and/or utilities will not be furnished by the city for such revised spaces until such plat has been presented to the city secretary and approved.
- (ih) Annual renewal of all licenses shall be conditioned on an inspection of the premises by the city building inspectors, indicating compliance with all applicable codes and ordinances, conformance with any site plan requirements as may have been established by the **city council planning commission**, and satisfactory maintenance or required facilities.
- (ji) Application for transfer of any outstanding license shall be accompanied by a fee as provided for in the fee schedule found in Appendix A of this code and such transfer shall be conditioned on the inspections as provided in the preceding paragraph.
- (kj) Current licenses shall be displayed at all times in the office of the park.
- (hk) The violation of any of the conditions under which a license is issued shall be grounds for revocation after a hearing before the city council. Such hearing shall not be held prior to the expiration of twenty (20) days after the delivery of a copy of a notice to the licensee, which notice shall be signed by the person alleging such violation or violations, and shall set forth in detail the particulars of such violation or violations. The original of said notice shall be filed with the city council. If prior to said hearing the licensee shall have complied with said conditions to the satisfaction of the person alleging such violation, such person shall make known such fact and request the hearing to be canceled. Upon hearing by the city council, if the licensee is found to be in violation as alleged, the council may revoke said license immediately, or it may grant the licensee such time as it deems appropriate for the licensee to comply with its order, and upon failure to do so, then revoke such license. Upon a license being revoked, the licensee shall not accept any new tenants in the manufactured home or recreational vehicle park, and all existing tenants shall be required to vacate the manufactured home or recreational vehicle park within thirty (30) days after the date of such revocation. No manufactured home or recreational vehicle owner renting space in such park shall be deemed to be in violation of this article by reason of remaining on the unlicensed premises, until said thirty (30) day period has expired.
- (ml) If the city building inspectors determines that an immediate threat to public health, safety or welfare exists at a manufactured home or recreational vehicle park, such officer or officers may immediately suspend such license until such condition has been corrected or until a hearing has been held in accordance with **the** subsection **(h)** above. During such period of suspension, no additional manufactured homes or recreational vehicles shall be moved into the park, but those occupying the park at the time of the suspension shall not be required to vacate until required to do so under the provisions of **the** subsection **(h)** above in the event the license is revoked by the city council.

(Ordinance 605-19A adopted 11/4/19)

§ 3.205 Site Plans - Requirements and Standards.

- (a) All new manufactured home or recreational vehicle parks, or additions to or expansions of existing parks, or major rebuilding or modernizing of existing parks shall be subject to the approval of the **planning commission city administrator or his/her designee** as to the general layout and the minimum standards set out in the following sections.
- (b) For **planning and zoning commission** review **ten two (102)** copies of the site plan, on a scale of not less than one inch equals fifty feet (1" = 50'), shall be submitted **not less than ten (10) days prior to the**

meeting-at-which-it-is-to-be-considered. Such site plan shall clearly set forth the proposed plan of development, showing the general park layout and the extent of all physical improvements and facilities to be provided including the following:

- (1) The boundaries of the property as indicated by an accurate survey, and the location of any existing improvements within one hundred and fifty (150) feet of the boundary of the proposed park. A small scale location or vicinity map shall be provided at a scale of not more than one inch equals eight hundred feet (1" = 800') which shall show all existing subdivisions, streets and acreage tracts in the general area.
- (2) Access, internal drives, common parking areas, walks, and manufactured home or recreational vehicle lots, stands, and off-street parking.
- (3) Service buildings and other structures.
- (4) Recreational areas and facilities.
- (5) Trash collection facilities such as central collection points, with notation as to the type of facilities to be provided.
- (6) The stages or units in which the park is to be developed.

Such site plan shall show any proposed utility services including aboveground facilities such as pump houses, lift stations, treatment plants and like structures.

- (c) In reviewing site plans for new manufactured home or recreational vehicle parks, or the expansion of or addition to existing parks, as well as major rebuilding or updating of existing parks, the **planning commission-city administrator or his/her designee** shall consider the following minimum standards for improvements and development:
 - (1) The maximum density permitted shall not be more than nine (9) manufactured home lots or twenty (20) recreational vehicles per gross park acre.
 - (2) Interior streets or drives shall not be less than twenty (20) feet in width.
 - (3) Parking shall be provided in the ratio of not less than two (2) spaces per manufactured home lot or less than one (1) space per recreational vehicle pad. Additional parking spaces shall be provided in designated parking area(s).
 - (4) Interior walkways, if provided within a manufactured home or recreational vehicle park, shall be of "all-weather" construction.
 - (5) Each manufactured home or recreational vehicle lot shall be provided with an all-weather driveway approach to the required parking spaces.
 - (6) Every manufactured home or recreational vehicle park shall designate and set aside a usable landscaped recreation area or areas totaling not less than five percent (5%) of the gross area of the park. Recreational buildings, shelters, swimming pools, and other types or recreation facilities may be constructed in these areas.
 - (7) All manufactured home or recreational vehicle lots shall abut on an interior street or drive to the

extent necessary to provide access for the installation or removal of a manufactured home or recreational vehicle as well as access for the required off-street parking.

(Ordinance 605-19A adopted 11/4/19)

§ 3.206 Improvement and Occupancy Standards.

- (a) Improvements Required. The following standards shall apply to the physical improvements which are required as a part of a manufactured home or recreational vehicle park development whether it be a new park, an expansion of or addition to an existing park, or a major rebuilding of an existing park. The plans and specifications for such improvements shall be approved by the director of public works.
- (1) All interior streets and off-street parking areas shall be of “all-weather” construction.
 - (2) Stands or pads shall be constructed as set forth under “definitions.”
 - (3) Interior walks shall be so designed and constructed as to be considered all-weather.
 - (4) All utilities installed shall conform to all applicable codes or ordinances of the city and shall meet the standards as set out below:
 - (A) Water. An adequate supply of potable water for domestic and fire protection purposes shall be supplied to meet the requirements of the park. All manufactured home and recreational vehicle lots shall be provided with a water hookup at least four inches (4") above finished ground level and a hose-bib for grounds maintenance. Fire hydrants shall be installed so that no manufactured home lot is over five hundred feet (500') from a hydrant. In the event a public water supply is not available the proposed system shall be approved by the city-county health unit as well as the director of public works.
 - (B) Sanitary Sewer. All sewage and wastes from showers, sinks, bathtubs, laundry facilities, etc., shall be discharged into the public sewer system. All manufactured home and recreational vehicle lots shall be provided with a sanitary sewer hookup at least four inches (4") above finished ground level.
 - (C) Gas. Shall not be furnished by a private system involving the use of butane or propane, though these fuels may be used on an individual basis provided the installation and use conforms to all applicable codes and ordinances.
 - (D) Solid Waste. Each park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. Use of trash bags, carts, or dumpsters will be at the direction of the city utilities.
 - (E) Electrical. Each site within the park shall be provided with electrical service. All electrical service shall be underground and installed in accordance with the National Electric Code.
 - (5) Entranceways and interior streets serving a manufactured home park shall be provided with luminaries capable of producing not less than 7,000 lumens and installed not less than 300 feet apart.
 - (6) No owner or operator of a manufactured home or recreational vehicle park shall cause

or permit the occupancy of a parking site not improved with paved or improved parking slab or strips or pads until such slab, pad or strips have been constructed thereon as provided in Section 3.202 hereof.

- (b) Occupancy Standards for Manufactured Home Park. The following requirements or standards shall apply to the final occupancy of a manufactured home park.
- (1) Manufactured homes shall be located at least twenty-five feet (25') from any property line of the park. Provided, however, that at any intersection of public streets bounding a park, no manufactured home or permanent structure of any kind shall be located within a triangle formed by a diagonal line connection points on the two street property lines measured twenty-five feet (25') along the property lines of each of the streets from the street corner intersection.
 - (2) There shall be a minimum of twenty feet (20') of space between manufactured home units, in all directions, and any permanent buildings. For the purpose of this section, covered patios, carports or individual storage buildings shall not be considered as permanent buildings, provided that no such patio roof, carport, or storage building shall be located closer than ten feet (10') to any manufactured home lot line.
 - (3) Manufactured homes shall be set at least twenty-five feet (25') from any park, interior street or guest parking areas, except that, in the case of cul-de-sac streets, the setback shall be at least twenty-five feet (25').
 - (4) Individual manufactured home lots may have open, unenclosed, roofed patios or carports provided such structures follow the setback and spacing requirements established in preceding sections.
 - (5) Manufactured homes together with accessory structures such as storage buildings and roofed-over patios or carports shall not cover more than eighty percent (80%) of a manufactured home lot.
 - (6) Mobile homes will not be permitted to be moved into or within the city after the date of adoption of this article. Existing mobile homes are grandfathered until relocated or declared as a dangerous building. Applications, which are pending at the time of the adoption of this code modification, shall be valid for 60 days after the date of adoption of this article.
- (c) Occupancy Standards for Recreational Vehicle Park. The following requirements or standards shall apply to the occupancy of a recreational vehicle park.
- (1) Recreational vehicles shall be located at least ten feet (10') from any property line of the park. Provided, however, that at any intersection of public streets bounding a park, no recreational vehicle or permanent structure of any kind shall be located within a triangle formed by a diagonal line connection points on the two street property lines measured twenty-five feet (25') along the property lines of each of the public streets from the street corner intersection.
 - (2) There shall be a minimum of fifteen feet (15') of space between the body of the recreational vehicle units, in all directions, and any permanent buildings.
 - (3) Recreational vehicles shall be set at least five feet (5') from any park, interior street or guest parking areas.
 - (4) Manufactured homes shall not be allowed in a recreational vehicle park or on a site, space or stall designated for a recreational vehicle.

- (5) The individual sites within a recreational vehicle park are not allowed to have any structural addition to the site including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, or similar appurtenant structures that are not part of the recreational vehicle.
- (6) No furniture or appliances that are not specifically designed for outdoor use shall be allowed outside of the recreational vehicle.
- (7) Recreational vehicle sites located in a flood zone shall comply with Article 3.500.
- (d) Occupancy Standards for Event Only RV Park or Designated Event Only Area of RV Park. The following requirements or standards shall apply to the occupancy of an event only recreational vehicle park. Recreational vehicle use of the area shall be limited to ten (10) days per each event.
 - (1) No recreational vehicle or permanent structure of any kind shall be located within a triangle formed by a diagonal line connection points on the two public street property lines measured twenty-five feet (25') along the property lines of each of the public streets from the street corner intersection.
 - (2) Primitive sites with limited, or no, utility connections shall be allowed.
 - (3) A minimum twenty foot (20') fire lane shall be kept open at all times.
 - (4) There shall be no structural additions to the area for individual sites including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, or similar appurtenant structures that are not part of the recreational vehicle.
 - (5) No open fires shall be allowed.
 - (6) An easily accessible dump station shall be provided for recreational vehicles using the park.
 - (7) Manufactured homes shall not be allowed.
 - (8) Recreational vehicle sites located in a flood zone shall comply with Article 3.500.

(Ordinance 605-19A adopted 11/4/19)

§ 3.207 Maintenance and Operation.

- (a) Every person owning or operating a manufactured home or recreational vehicle park shall maintain such park and all facilities, fixtures and permanent equipment therein in a clean and sanitary condition and shall maintain said equipment in a good state of repair and in compliance with applicable city ordinances.
- (b) It shall be unlawful for any person to cause or permit construction in such park, or in connection with any manufactured home therein, of any additional structure, building or shelter to be used in connection with or attached to a manufactured home without the approval of the city building inspectors and the issuance of any required building permit.
- (c) Every manufactured home park shall be provided with an office, from which supervision of the park shall be conducted and in which shall be maintained for inspection by law enforcement officers, public health officials and other city inspectors whose duties necessitate acquisition of information contained therein, copies of park records and all regulations applicable to such park.

- (d) It shall be the duty of the owner, agent, representative or manager to prescribe reasonable rules and regulations for the conduct of occupants and visitors within the park, to make adequate provision for the enforcement of such rules, and to prescribe rules for the management of such park.
- (e) Every owner or operator of a manufactured home or recreational vehicle park shall maintain such park free of tall grass and weeds not to exceed eight inches (8") tall; keeping the park area free of any disabled parked automobiles; and keeping the park area free of any trash, rubbish or any junk metals of various kinds including furniture and appliances.
- (f) Every owner or operator of a manufactured home or recreational vehicle park shall allow only livable manufactured homes or recreational vehicles in the park area. Those that are damaged or in unlivable condition shall be removed within ten (10) days of notice to the park owner or operator.

(Ordinance 605-19A adopted 11/4/19)

§ 3.208 Registration of Recreation Vehicle Park Guests.

Each person renting a site within a recreational vehicle park shall provide the following information to the owner, manager, operator, or person in charge of the park:

- (1) Name;
- (2) Full address of permanent residence;
- (3) Automobile and recreational vehicle license plate numbers and the state in which each is registered;
- (4) The number or letter identifying the site being rented; and
- (5) Dates of arrival and departure.

(Ordinance 605-19A adopted 11/4/19)

§ 3.209 Exemptions.

Except as provided in the following Section 3.215 hereof, a single manufactured home properly connected to public utilities and located on a lot or parcel of land not a part of a manufactured home park at the time of adoption hereof, shall be exempt from those provisions of this article that relate solely to manufactured home parks so long as such unit shall remain on such parcel of land.

(Ordinance 605-19A adopted 11/4/19)

§ 3.210 Variances Reserved.

~~Variationes from the strict interpretation of the provisions of this article shall be considered by the city council where an applicant can show that a specific requirement would cause an unnecessary and extraordinary hardship. Any such variances that may be granted shall be determined to be the result of circumstances or conditions peculiar to the particular property in question and not generally applicable to other manufactured home or recreational vehicle parks or properties. In granting any variances the city council shall also determine that such variances will not be detrimental to the public welfare and will not impair the use of other properties in the area. In granting any variance the city council may attach or designate any conditions, which, in its opinion, will substantially secure the purpose and intent of this article.~~

(Ordinance 605-19A adopted 11/4/19)

§ 3.211 **Manufactured Homes Not in Manufactured Home Parks.**

- (a) Subject to the provisions of Section 3.216 hereof; no person shall cause a manufactured home to be moved to or placed upon land in the city other than an approved manufactured home park unless a specific use permit has been granted, such land area is in the ratio of not less than 6,000 square feet to the single manufactured home, and then only after the manufactured homeowner shall first have obtained a city building permit, issued in conformity with the city building code. If the owner of a manufactured home desires to replace such manufactured home with a new or improved unit, or if the lot whereon such manufactured home unit is situated is less than 6,000 square feet, the matter shall be considered by the city council. Also, there shall be a twenty-foot (20') clearance on all sides including any property line of any manufactured home.
- (b) Upon being granted a specific use permit, the property owner shall obtain a city building permit issued in conformity with the city building code. There shall be a twenty foot (20') setback from the property lines and clearance on all sides of the manufactured home.
- (c) The minimum lot size for a manufactured home not in a manufactured home park shall be not less than 6,000 square feet per manufactured home.
- (d) 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.
- (be) A landowner may not lease land for occupancy by a manufactured home that is not in an approved manufactured home park.
- (e) No person shall use or occupy for living or sleeping purposes any manufactured home, unless the occupant is the owner of the land and manufactured home and uses the manufactured home as their primary residence.
- (df) An applicant of a manufactured home permit has 90 days from the date the permit application has been approved by the city inspectors to locate the manufactured home on the property stipulated on the permit application. Failure to do so within the specified time frame shall make the permit application null and void.

(Ordinance 605-19A adopted 11/4/19)

§ 3.212 **Recreational Vehicles.**

- (a) Motor vehicles primarily designed as temporary living quarters for recreational camping or travel use. The term includes a travel trailer, camping trailer, truck camper, and motor home.
- (b) Recreational vehicles shall not be used as a residence unless located in a RV or manufactured home park.
- (c) Recreational vehicles shall not be parked on city streets for longer than 4 days in a 30-day period.
- (d) Persons traveling in a recreational vehicle, who visit city residents, may park and use their recreational vehicle for temporary living quarters on that city resident's owned or rented property for up to a total of 14 days.

- (e) It shall be legal for an individual to store a recreational vehicle within the city as long as the recreational vehicle is not used for any other purpose except the storage thereof.

(Ordinance 605-19A adopted 11/4/19)

§ 3.213 Industrialized Housing.

- (a) Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings before building site construction begins.
- (b) Any industrial housing shall:
 - (1) Submit a complete set of designs, plans, and specifications bearing the Texas Industrialized Building Code Council's stamp of approval for each installation of industrialized housing or building; and
 - (2) Provide proof in accordance with Texas Commission of Licensing and Regulation rules that all modules or modular components bear an approved decal or insignia indicating inspection by the Texas Department of Licensing and Regulation.
- (c) During installation of single-family or duplex industrialized housing:
 - (1) The erection and installation of industrialized housing or buildings shall be inspected to ensure compliance with mandatory building codes and commission rules; and
 - (2) All foundation and other on-site construction shall be inspected to ensure compliance with approved designs, plans, and specifications.
- (d) Single-family or duplex industrialized housing shall:
 - (1) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county. Value shall be defined as the taxable value of the industrialized housing and lot after installation of the housing;
 - (2) Have exterior siding, roofing, roof pitch foundation fascia and fenestration compatible with the majority of the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - (3) Comply with building setbacks, subdivision ordinance and other site requirements applicable to single-family and duplex dwellings; and
 - (4) Be securely fixed to a permanent foundation consisting of one of the following:
 - (A) Pier and beam foundations;
 - (B) A combination pier and footing; or
 - (C) A monolithic poured-in-place slab.

(Ordinance 605-19A adopted 11/4/19)

§ 3.214 **Discrimination Prohibited.**

No person shall be denied admission to, or accommodations in, a manufactured home park by reason of sex, color, race, religious belief, national origin, physical or mental handicap, marital status, parenthood, or age.

(Ordinance 605-19A adopted 11/4/19)

§ 3.215 **Time Limit for Compliance.**

Failure of any owner of an existing manufactured home or recreational vehicle park, within three (3) years from and after the date of amendment of this article, to provide such park with the physical appurtenances herein required shall be deemed a misdemeanor punishable as provided herein and each default by such owner in complying with this article shall be deemed a separate offense. Existing recreational vehicle parks shall comply with Appendix A, Article 4.000 on the first July 1st following the amendment of this article.

(Ordinance 605-19A adopted 11/4/19)

§ 3.216 **Requiring Tie Downs.**

- (a) Every person owning a manufactured home located within the city shall provide same with adequate tie downs to secure same against any movement or overturning. Such tie downs shall be equal to or superior to those required by the Administrative Rules of the Texas Department of Housing and Community Affairs 10 Texas Administrative Code Chapter 80, Subchapter D "Standards and Requirements."
- (b) The city secretary shall furnish a copy of the aforementioned standards to each home park owner at the time a license is issued for the park, and to each mobile homeowner of a home not located in an approved park at the time a building permit is issued.
- (c) The manufactured home park owner or operator shall notify each owner of a unit within his park of the requirements of this section at the time the unit is moved into the park, and if the tie downs required by this section have not been installed within fifteen (15) days thereafter, then such owner or operator shall notify the city secretary of such noncompliance.
- (d) Failure to comply with any of the requirements of this section shall be deemed a misdemeanor punishable as provided herein.

(Ordinance 605-19A adopted 11/4/19)

§ 3.217 **Skirting.**

All manufactured homes moved into the city shall be skirted within 60 days of the manufactured home being located on property within the city.

(Ordinance 605-19A adopted 11/4/19)

§ 3.218 **Notice Required Reserved.**

~~At least thirty (30) days written notice by certified United States mail, return receipt requested, shall be sent to all the surrounding property owners within a tenth mile radius by any applicant seeking to move a manufactured home on to any lot or other real property, not located within a manufactured home park, within the corporate limits of the city; copies of such notices shall be filed with the city secretary within five days.~~

(Ordinance 614-20 adopted 12/14/20)

§ 3.219 ~~Objection to Notice. Reserved.~~

~~Should a written objection in response to the notice to adjoining property owners be received by the city within the thirty (30) days written notice period, the application (building permit) for the manufactured home shall be denied.~~

(Ordinance 605-19A adopted 11/4/19)

§ 3.220 Penalty for Violation.

Any person, firm or corporation violating this article or any portion thereof shall upon conviction by a court of competent jurisdiction be deemed guilty of misdemeanor and shall be fined in accordance with the general penalty provision found in Section 1.106 of this code. A separate offense shall be deemed committed each day during which a violation occurs or continues and punishable accordingly.

(Ordinance 605-19A adopted 11/4/19)

{Establishment of Zoning Ordinance General provisions}

Article 12.300 Zoning General Provisions

Section 12.301 – Title

This Article shall be known as “The City of Hallettsville, Texas, Zoning Ordinance”.

Section 12.302 – Enacting clause.

That there be enacted the following zoning ordinance, which amends in its entirety, the zoning ordinance of the City of Hallettsville, Texas, said amendments together with a map creating and delineating zoning districts if adopted by city council.

Section 12.303 – Purpose

The zoning regulations and districts as herein established have been made in accordance with the policies and plans of the city for the purpose of promoting the health, safety, and general welfare of the city. They have been designed to lessen the congestion in the street; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with the policies and plans of the city.

Section 12.304 – Provisions of chapter declared to be minimum requirements.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of public health, safety, morals, and general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or chapter, the requirement that is more restrictive or that imposes higher standards as determined by the building inspector shall govern.

Section 12.305 – Compliance required.

Compliance with this chapter shall apply to all land, buildings, structures or appurtenances located within the city that are hereafter, occupied, used, erected, altered, removed, placed, demolished, or converted.

Section 12.306 – Interpretation and relationship to other regulations.

1. Conflicts between regulations.
 - a. In the event of a conflict between the requirements of this chapter and state law, the requirements of state law shall apply.
 - b. In the event of a conflict between the regulations contained within this chapter and regulations or standards contained within any other ordinance, code or regulation of the city, the more restrictive regulation or regulation which imposes higher standards shall apply.
2. Gender and number. The use of the masculine herein includes the feminine; the use of the singular includes the plural.

Section 12.307 – Development Manual.

The development manual shall contain development application forms, required application materials, fees, and application submittal deadlines. The development manual may be adopted and amended from time to time by resolution approved by city council. The city administrator or his/her designee shall maintain and update the development manual as needed. A copy of the current development manual shall be available upon request.

Section 12.308 – Violations and penalties.

Any person, firm, or corporation who shall violate any of the provisions of this chapter, or fails to comply therewith, or who shall violate or fail to comply with any order or regulation made hereunder, or who shall build any project or facility in violation of any detailed statement of specification or plans submitted and approved hereunder, or any certificate or permit issued hereunder, shall, for each and every violation and noncompliance respectively be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed two thousand dollars (\$2,000) or the appropriate legal maximum as determined by statute. Each and every day that such violation and/or noncompliance shall exist shall be deemed a separate offense. In case any person, firm, or corporation violates any of the provisions of this chapter or fails to comply therewith, the City, in addition to imposing the penalties above provided may institute any appropriate action or proceedings in court to prevent, restrain, correct, or abate or to prevent any illegal act, conduct, business, or use in or about any land, and the definition of any violation of the terms of this chapter as a misdemeanor, shall not preclude the City from invoking the civil remedies given it by law in such cases, but same shall be cumulative of and in addition to the penalties prescribed for such violation.

Article 12.400 – Boards and commissions

Section 12.401 – Reserved.

Section 12.402 – Board of Adjustment

1. Appointment and service.

- a. Appointment. The board of adjustment of the city shall consist of at least five regular members and may have at least two alternate members who are qualified electors of the city. Appointment of both regular and alternate members will be for two-year periods. Appointments shall be consistent with state law and city council procedures. Terms shall begin and end on the 31st day of December in accordance with their appointment.
- b. Removal. Removal may only be for cause, as found by the city council, on a written charge after a public hearing.
- c. Vacancies. A vacancy on the board shall be filled for the expired term based on appointments of the city council.
- d. All board of adjustment meetings shall be open to the public and subject to the Texas Open Meetings and Public Information Acts.

2. Authority of the board.

- a. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this zoning ordinance;
- b. Hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
- c. Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;
- d. Hear and decide other matters authorized by this zoning ordinance.

3. Jurisdiction and hearing.

- a. Jurisdiction. When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases after public notice and public hearing, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance. The board of adjustment shall not permit any variations or exception if the applicant has contributed to the cause of the unnecessary hardship of which he complains.
- b. Hearing requirements.
 - i. Each case before the board of adjustment must be heard by at least 75 percent of the members.
 - ii. The board by majority vote shall adopt rules in accordance with any zoning ordinance.
 - iii. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.
 - iv. The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

- c. Who may appeal to the board. Except for a member of the city council who serves on the board of adjustment, the following persons may appeal to the board:
 - i. A person aggrieved by a decision made by an administrative official (i.e. building inspector); or
 - ii. Any officer, department, board, or bureau of the municipality affected by the decision.
- d. Requirements to appeal to the board. The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.
- e. Stay. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- f. Setting hearing. The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.
- g. Scope of authority.
 - i. In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.
 - ii. The concurring vote of 75 percent of the members of the board is necessary to:
 - 1. Reverse an order, requirement, decision, or determination of an administrative official;
 - 2. Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance;
 - 3. Authorize a special exception from the terms of a zoning ordinance; or
 - 4. Authorize a variation from the terms of a zoning ordinance.
- 4. Court appeal. Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record as provided by law a petition, duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board.

Article 12.500 Administration and Procedures

Section 12.501 – Administrative provisions

1. Authority Granted. The city administrator or his/her designees shall have the authority to interpret and enforce this chapter and shall have such powers and authority as granted by State law, the Code of Ordinances, and this chapter to initiate, undertake, and decide any matters pertaining to the regulation of the use and development of land as identified in this chapter and are authorized to take all actions necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed therein. A person aggrieved by the city administrator's interpretation may appeal the interpretation to the board of adjustment.

Section 12.502 – Zoning text amendments

1. Purpose. The city council in accordance with applicable state law may from time to time amend, supplement, change, modify or repeal the zoning regulations and zoning district boundaries established herein.
2. Applicability. The following persons may initiate a zoning text amendment:
 - a. City council on its own motion;
 - b. The planning and zoning commission;
 - c. The city administrator or his/her designee
3. Processing and decision.
 - a. Notification requirements. A zoning text amendment requires the following public hearing notification:
 - i. Written notice mailed to each owner of real property affected by the proposed zoning text amendment and each owner of real property within 200 feet of the affected areas, as indicated by the most recently approved municipal tax roll, at least 11 days prior to the public hearing and consideration by the planning and zoning commission.
 - ii. Published notice in a newspaper of general circulation at least 16 days prior to the public hearing and consideration by the city council.
 - iii. Public hearing notices shall be in accordance with Texas Local Government Code, ch. 211 and include the date, time, place, and topic of the public hearing.
 - b. Recommendation by planning and zoning commission.
 - i. The planning and zoning commission shall hold a public hearing in accordance with the Texas Open Meetings Act and make a recommendation regarding the proposed amendment to the city council.
 - ii. The planning and zoning commission may vote to recommend to city council approval, approval with conditions, or denial of the amendment.
 - c. Decision by city council.
 - i. The city council shall receive the written recommendation of the planning and zoning commission and shall hold a public hearing.
 - ii. The city council may vote to approve, approve with conditions, or deny the amendment. The city council may, on its own motion, postpone consideration of the amendment to a certain date in the future in order to review additional information or modifications which may have a direct bearing on the final decision.
 - iii. A majority vote of city council, present and qualified, is required to approve a zoning text amendment unless it is protested in accordance with the provisions below.

- d. Protested zoning text amendment.
 - i. A proposed zoning text amendment may be protested in writing by owners of at least 20 percent of either:
 1. The area of lots or land covered by the proposed amendment; or
 2. The area of lots or land immediately adjoining the area covered by the proposed amendment and extending 200 feet from that area within the city limits.
 3. In computing the percentage of land area, the area of streets and alleys shall be included.
 - ii. Zoning text amendments protested in accordance with the above provisions require the affirmative vote of at least three-fourths of all members of the city council, present and qualified, to approve.
4. Criteria for approval. The planning and zoning commission in making a recommendation and the city council in considering final action on a zoning text amendment should consider the following criteria:
 - a. The proposed amendment promotes the health, safety, or general welfare of the city and the safe, orderly, efficient and healthful development of the city;
 - b. The amendment to the text is consistent with the adopted policies and plans of the city;
 - c. The amendment is consistent with the goals and objectives of this chapter and the city; and
 - d. Other criteria which, at the discretion of the planning and zoning commission and the city council, are deemed relevant and important in the consideration of the amendment.

Section 12.503 - Reserved

Section 12.504 – Specific Use Permits (SUP)

1. Applicability. Specific use permits allow for discretionary city council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in the Code of Ordinances. These uses and the districts where they may be located are listed in the Code of Ordinances. Approval of a specific use permit authorizes a property owner to submit subsequent development applications consistent with the approved SUP.
2. Application requirements.
 - a. Application required. Any request for a SUP shall be accompanied by an application prepared in accordance with the city requirements.
3. Processing of application and decision
 - a. Submittal. An application for a SUP shall be submitted to the city administrator or his/her designee. The city administrator or his/her designee shall review the application for completeness. The city administrator or his/her designee may, at its option, request a recommendation from any other city department or consultant. The city administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the city administrator or his/her designee shall forward a written recommendation to the planning and zoning commission and city council for consideration.

- b. Notification requirements. An application for a SUP requires the following public hearing notification:
 - i. Written notice mailed to each owner of real property within 200 feet, as indicated by the most recently approved municipal tax roll, at least 11 days prior to the public hearing and consideration by the planning and zoning commission.
 - ii. Published notice in a newspaper of general circulation at least 16 days prior to the public hearing and consideration by the city council.
 - iii. Public hearing notices shall be in accordance with Local Government Code, ch. 211 and include the date, time, place, and topic of the public hearing.
 - c. Recommendation by planning and zoning commission.
 - i. The planning and zoning commission shall hold a public hearing in accordance with the Texas Open Meetings Act and make a recommendation regarding the proposed SUP request to the city council.
 - ii. The planning and zoning commission may vote to recommend to city council approval, approval with conditions, or denial of the request.
 - d. Decision by city council.
 - i. The city council shall receive the written recommendation of the planning and zoning commission and shall hold a public hearing.
 - ii. The city council may vote to approve, approve with conditions, or deny the request. The city council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than 90 calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
 - e. Protested specific use permit.
 - i. A proposed specific use permit may be protested in writing by owners of at least 20 percent of either:
 - 1. The area of lots or land covered by the proposed amendment; or
 - 2. The area of lots or land immediately adjoining the area covered by the proposed specific use permit and extending 200 feet from that area within the city limits.
 - 3. In computing the percentage of land area, the area of streets and alleys shall be included.
 - ii. A specific use permit protested in accordance with the above provisions requires the affirmative vote of at least three-fourths of all members of the city council, present and qualified, to approve.
4. Criteria for approval. The planning and zoning commission in making a recommendation and the city council in considering final action on a SUP should consider the following criteria:
- a. The proposed use at the specified location is consistent with the adopted policies and plans of the city;
 - b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

- c. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
 - d. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the area;
 - e. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic;
 - f. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;
 - g. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the area;
 - h. The proposed use promotes the health, safety or general welfare of the city and the safe, orderly, efficient and healthful development of the city;
 - i. No application made under these provisions will receive final approval until all back taxes owed to the city have been paid in full; and
 - j. Other criteria which, at the discretion of the planning and zoning commission and city council are deemed relevant and important in the consideration of the specific use permit.
5. Conditions. The planning and zoning commission, in making its recommendation, and the city council, in considering final action, may require such modifications in the proposed use and attach such conditions to the specific use permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.
6. Expiration of specific use permit. A specific use permit shall expire if any of the following occurs:
- a. A building permit, if necessary, for the use has not been approved within one year after the approval of the SUP;
 - b. A building permit approved as a result of the approval of the SUP expires within two years after the approval of the SUP;
 - c. The use has been abandoned or discontinued for a period of time exceeding six months; or
 - d. The SUP expires in accordance with its terms.

Section 12.504 – Variances

1. Applicability.

- a. The board of adjustment (BOA) shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this chapter if the variance is not contrary to the

public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, so that the spirit of this chapter is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the district.

2. Application requirements.

- a. Application required. Any request for a variance shall be accompanied by an application prepared in accordance with the city requirements.

3. Processing of application and decision.

- a. Submittal. An application for a variance shall be submitted to the city administrator or his/her designee. The city administrator or his/her designee shall review the application for completeness. The city administrator or his/her designee may, at its option, request a recommendation from any other city department or consultant. The city administrator or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the city administrator or his/her designee shall forward a written recommendation to the board of adjustment.
 - b. Notification requirements. An application for a variance requires the following public hearing notification:
 - i. Written notice mailed to each owner of real property within 200 feet, as indicated by the most recently approved municipal tax roll, at least 11 days prior to the public hearing and consideration by the board of adjustment.
 - ii. Public hearing notices shall include the date, time, place, and topic of the public hearing.
 - c. Decision by the board of adjustment.
 - i. The BOA shall receive the recommendation of the city administrator or his/her designee and shall hold a public hearing. The board may vote to approve, approve with conditions, or deny the variance.
 - ii. The board may, on its own motion or by request of the property owner, postpone consideration of the variance to a certain date that is not more than 30 calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
 - iii. Approval of a variance request shall require the concurring vote of 75 percent of the members of the board.
 - iv. The approval shall be effective for a period of 180 days after the date of such approval. If no development application or building permit is submitted within that time, the variance shall become null and void.
 - v. The disapproval of a variance shall require compliance by the applicant, if applicable, within 15 days after the date of disapproval and upon written notification by the city administrator or his/her designee.
4. Criteria for approval. In order to make a finding of hardship and grant a variance from the zoning regulations of this chapter, the board must determine the following:
- a. There are special circumstances or conditions (including restricted area, topography or

- physical features) affecting the land involved, and are not applicable to other parcels of land in the same zoning district, such that the application of the zoning ordinance's provisions would deprive the applicant of the reasonable use of his/her land.
- b. The variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
 - c. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - d. The granting of the variance will not be detrimental to the public health, safety or welfare, or impair the purposes and intent of this zoning ordinance and the comprehensive plan or be injurious to other property within the area.
 - e. The granting of the zoning variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this zoning ordinance.
 - f. Finding that an undue hardship exists. In determining if a hardship exists, the board of adjustment shall use the following criteria:
 - i. That literal enforcement of the ordinance will create an undue hardship or practical difficulty in the development of the affected property; and
 - ii. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
 - iii. That the relief sought will not injure the permitted use of adjacent conforming property; and
 - iv. That the granting of a variance will be in harmony with the spirit and purpose of this chapter.
 - v. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.
5. Finding of undue hardship as applied to a structure. In considering a variance as applied to a structure, the board of adjustment may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
- a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under V.T.C.A., Tax Code, § 26.01.;
 - b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - e. The city considers the structure to be a nonconforming structure.
6. Finding of fact. The board shall complete a finding of fact for the variance request to support its conclusion for each variance presented to it.
7. Court appeal. Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record as provided by law a petition, duly verified setting forth that such decision is illegal, in

whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board.

Section 12.505 – Appeals to the board of adjustment.

1. Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:
 - a. A person aggrieved by the decision; or
 - b. Any officer, department, board, or bureau of the city affected by the decision.
2. Any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project:
 - a. A person who:
 - i. Filed the application that is the subject of the decision;
 - ii. Is the owner or representative of the owner of the property that is the subject of the decision; or
 - iii. Is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
 - b. Any officer, department, board, or bureau of the city affected by the decision
3. A member of the city council who serves on the board of adjustment may not bring an appeal under this section.
4. The appellant must file with the board and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within twenty (20) calendar days after the decision has been rendered.
5. Upon receiving the notice, the official from whom the appeal is taken shall transmit to the board all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing that the facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
6. The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing by placing the item on a board of adjustment meeting agenda and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney.
7. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th calendar day after the date the appeal is filed.
8. The board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.
9. Finality of decision: judicial review.
 - a. The decision of the board shall be final. However, any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the board is illegal in whole or in part and specifying the grounds of the illegality:
 - i. A person aggrieved by the decision;

- ii. A taxpayer; or
- iii. An officer, department, or board of the city;
- b. The petition must be presented within ten days after the date the decision is filed in the board's office. Subject to the provisions of Texas Local Government Code, only a court of record may reverse, affirm, or modify a decision of the zoning board of adjustment.

Article 12.600 Reserved

Article 12.700 LAND USE

Section 12.701 – Permitted Uses

- 1. The following land uses shall require a Specific Use Permit to be permitted within the city:
 - a. Manufactured Home Park
 - b. Manufactured Home outside of a Manufactured Home Park
 - c. Recreational Vehicle (RV) Park
 - d. Event Only Recreational Vehicle (RV) Park