

ORDINANCE NO. 2006-014

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS AMENDING TITLE XV (LAND USAGE) OF THE CODE OF WIMBERLEY TO REVISE THE FOLLOWING DEFINITIONS IN SECTION 155.005: MANUFACTURED HOME, MOBILE HOME, MOBILE HOME SALES/RENTALS AND REPAIRS, SINGLE-FAMILY RESIDENTIAL IN ORDER TO CLARIFY THE DEFINITIONS; AND AMEND SECTION 155.035 “(RA) RESIDENTIAL ACREAGE”, SECTION 155.036 “(R-1) RURAL RESIDENTIAL”, SECTION 155.037 “(R-2) SINGLE-FAMILY RESIDENTIAL”, SECTION 155.038 “(R-3) SINGLE-FAMILY RESIDENTIAL”, SECTION 155.039 “(R-4) SINGLE-FAMILY RESIDENTIAL”, AND SECTION 155.043 “(MH) MOBILE HOME” IN ORDER TO DELETE MOBILE/MANUFACTURED HOMES AS A PERMITTED USE IN RESIDENTIAL DISTRICTS AND ALLOW MANUFACTURED HOMES AS A CONDITIONAL USE; CREATING SUBSECTION 155.078 (Q) INDUSTRIALIZED HOUSING REQUIREMENTS TO REGULATE PERMITTING AND INSPECTION, AND VALUE REQUIREMENTS FOR INDUSTRIALIZED HOUSING; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the Village of Wimberley (“City Council”) seeks to provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

WHEREAS, the City Council is authorized by the Texas Local Government Code, Chapter 211, to adopt zoning regulations; and

WHEREAS, the Zoning Ordinance can be amended to supplement or change the regulations by order of the City Council; and

WHEREAS, the Village is authorized by the Texas Occupations Code to prohibit the installation of mobile homes, and may regulate manufactured and industrialized housing within the Village; and,

WHEREAS, the Planning and Zoning Commission conducted a public hearing on January 11, 2007 in accordance with Section 155.109 of the Code; and

WHEREAS, the Planning and Zoning Commission has delivered a final report to the City Council regarding the amendments contained herein in accordance with Section 155.109 of the Code; and

WHEREAS, the City Council held a public hearing on January 18, 2007 and February 1, 2007 regarding the amendments contained herein, in accordance with Section 155.109 of the Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

II. AMENDMENTS

A. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.005 (Definitions) of the Code of Wimberley, shall be and hereby is amended as follows, and every reference in the Code to the term listed below shall be replaced with the new term and definition as amended below:

1. Amend definition "Manufactured Home without Axles", by replacing it in its entirety to read as follows:

"Manufactured Home.

A "HUD-code manufactured home" or manufactured house or housing as a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections. Each home shall comply with the wind and safety provisions and bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards."

2. Amend definition "Mobile Home Residential" by replacing it in its entirety to read as follows:

"Mobile Home.

A structure, constructed before June 15, 1976, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, and is transported in one (1) or more sections."

3. Amend definition "Mobile Home Sales/Rentals and Repairs" by replacing it in its entirety to read as follows:

"Manufactured Home Sales/Rentals and Repair

Establishments or places of business engaged in the sale, installation and servicing of manufactured home equipment and parts including body repairs and painting. Typical uses include manufactured home showplaces and dealerships."

4. Delete definitions "Modular Home" and "Modular Home Sales" in their entirety.

5. Amend definition "Single-Family Residential" by replacing it in its entirety to read as follows:

"Single-Family Residential.

One dwelling unit, other than a mobile home or a manufactured home, that is a freestanding and structurally separated building used exclusively for residential purposes. It is located on a lot or building site that is unoccupied by any other dwelling unit or main building which is constructed to meet the national building code adopted by the Village. This definition includes industrialized housing which is a residential structure constructed in one (1) or more modules built at a location other than the permanent site, and designed to be used as a permanent structure, transported to a permanent site and installed on a permanent foundation system. All single family residential and industrialized housing must be constructed to meet all regulations adopted by the Village. A typical use is a single-family detached dwelling.”

B. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.035(B)(1)(b) Residential Acreage (RA) of the Code of Wimberley, shall be and hereby is deleted in its entirety.

C. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.035(C)(8) Residential Acreage (RA) of the Code of Wimberley, shall be and hereby is created to read as follows:

“(8) One Manufactured Home installed on a permanent foundation, as the primary residence.”

D. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.036(B)(1)(b) Rural Residential 1 (R-1) of the Code of Wimberley, shall be and hereby is deleted in its entirety.

E. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.036(C)(7) Rural Residential 1 (R-1) of the Code of Wimberley, shall be and hereby is created to read as follows:

“(7) One manufactured Home installed on a permanent foundation, as the primary residence.”

F. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.037(B)(1)(b) Single-Family Residential 2 (R-2) of the Code of Wimberley, shall be and hereby is deleted in its entirety.

G. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.037(C)(7) Single-Family Residential 2 (R-2) of the Code of Wimberley, shall be and hereby is created as follows:

“(7) One manufactured home installed on a permanent foundation, as the primary residence.”

H. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.038(B)(1)(b) Single-Family Residential 3 (R-3) of the Code of Wimberley, shall be and hereby is deleted in its entirety.

I. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.038(C)(6) Single-Family Residential 3 (R-3) of the Code of Wimberley, shall be and hereby is created as follows:

“(6) One manufactured home installed on a permanent foundation, as the primary residence.”

J. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.039(B)(1)(b) Single-Family Residential 4 (R-4) of the Code of Wimberley, shall be and hereby is deleted in its entirety.

K. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.039(C)(3) Single-Family Residential 4 (R-4) of the Code of Wimberley, shall be and hereby is created as follows:

“(3) One manufactured home installed on a permanent foundation, as the primary residence.”

L. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.043(B)(1) Mobile Home (MH) of the Code of Wimberley, shall be and hereby is amended to read as follows:

“(1) “Individually owned manufactured homes installed on a permanent foundation on platted lots.”

M. That Title XV (Land Usage), Chapter 155 (Zoning), Section 155.078 Supplemental Regulations of the Code of Wimberley, shall be and hereby is amended to add subsection “(Q) Industrialized Housing Requirements” to read as follows:

“(Q) Industrialized Housing Requirements

(1) Permit and inspection requirements.

(a) All industrialized housing must have all local permits and licenses that are applicable to other residential dwellings constructed in the Village.

(b) Prior to the installation or construction of industrialized housing, the applicant shall comply with the following requirements:

(1) Shall comply with mandatory building codes; 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 buildings in the Village;

(2) Each module or modular components shall bear an approved decal or insignia indicating inspection by the State; and

(c) The building official shall inspect all construction involving industrialized housing and buildings to be located in the Village to ensure compliance with designs, plans, and specifications, including inspection of:

(1) the construction of the foundation system; and

(2) the erection and installation of the modules or modular components on the foundation.

(d) Prior to occupancy, a final inspection or test shall be required in accordance with all Village mandatory building codes; and any deficiency identified by the test or discovered in the final inspection shall be corrected.

(2) Value Requirements. All industrialized housing shall 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 each county in which the properties are located. Proof of the value of the proposed housing and the value of the dwellings located within 500 feet of the lot shall be submitted with the permit application.”

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

V. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

VI. PROPER NOTICE AND MEETING

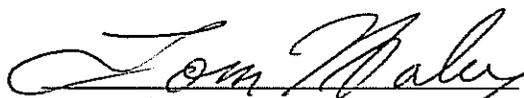
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED on first reading this 18th day of January, 2007, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

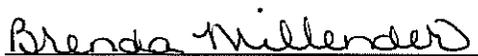
PASSED AND APPROVED on second reading this 1st day of February, 2007, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

By:


Tom Haley, Mayor

ATTEST:


Brenda Millender, City Secretary

APPROVED AS TO FORM:



Patty L. Akers, City Attorney