



## ORDINANCE #2021-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SANDY, TEXAS, ADOPTING AND DEFINING MANUFACTURED HOME DISTRICTS AS PART OF THE COMPREHENSIVE ZONING ORDINANCE (CHAPTER 152: ZONING REGULATIONS) FOR THE CITY OF BIG SANDY; FIXING AND PRESCRIBING THE RATES, CHARGES AND FEES; PRESCRIBING CERTAIN POLICIES, RULES AND REGULATIONS; PROVIDING FOR REPEAL; PROVIDING PENALTIES FOR NONCOMPLIANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Big Sandy, Texas (the "City"), recognizes that the Comprehensive Zoning Ordinance for the City of Big Sandy, Texas was adopted on April 23, 2014; and

**WHEREAS**, the City acknowledges that the Zoning Map of the City of Big Sandy, Texas was adopted on April 23, 2014 as part of the Comprehensive Zoning Ordinance for the City of Big Sandy, Texas; and

**WHEREAS**, the City finds it in the best interest of the health, safety and benefit of the citizens of Big Sandy to update Article 10 of the Comprehensive Zoning Ordinance for the City of Big Sandy; and

**WHEREAS**, the City Council of the City of Big Sandy desires to adopt the "Manufactured Home Districts" Ordinance, dated August 2021, as the official City policy for Manufactured Home Districts located in the corporate limits of the City of Big Sandy, Texas.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SANDY THAT:**

### **Article 10**

#### **Manufactured Home Districts (MH)**

Section 10-1: **Purpose.** The city council finds that properly planned and operated manufactured home communities:

- (1) Promote the safety and health of the residents of such communities and of other nearby communities, and
- (2) Encourage economic and orderly development of such communities and of other nearby communities. Therefore, it is declared to be the policy of the city to eliminate and prevent health and safety hazards and to promote the economic and orderly development and utilization of land by providing for planned and supervised manufactured home districts, by providing for the standards and regulations necessary to accomplish these purposes and to promote the health, safety, and general welfare of the public.

Section 10-2: **Applicability.** This section shall apply to any manufactured home district to be located within the city limits.

Section 10-3: **Definitions.**

- a) **Accessory structure.** Any structural addition to the manufactured home, including awnings, cabanas, carports, decks, garages, porches, storage cabinets, storage sheds, and similar appurtenant structures.
- b) **City.** The City of Big Sandy, Texas.
- c) **Code compliance official.** The official of the city or his/her designee charged with the enforcement of the provisions of this section and the inspection of electrical, mechanical, and plumbing associated with a property.
- d) **Controlling interest.** A person or developer who controls at least fifty-one percent (51%) of ownership.
- e) **Licensee or agent.** A person who may or may not own the manufactured home district but is the person responsible for the day-to-day operations including records of the district.
- f) **Manufactured home.** As defined by the Texas Manufactured Housing Standards Act (MHSA) codified in the Texas Occupations Code:
  - a. **a structure that was 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 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.
  - e. The term Manufactured Home does not include a personal recreational vehicle.
- g) **Manufactured home district.** Any lot, tract, or parcel of land divided into two or more manufactured home lots for rent or sale.
- h) **Manufactured home space.** That part of a lot or area in a manufactured home district that has been reserved for the placement of one manufactured home.
- i) **Mobile home.** As defined by the Texas Manufactured Housing Standards Act (MHSA) codified in the Texas Occupations Code:
  - a. **a structure 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 or more sections, and 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.

Section 10-4: **Use Regulations.**

1. In the Manufactured Home district (MH) no land shall be used and no building shall be erected or converted to any use other than manufactured housing. Mobile homes and personal recreational vehicles are prohibited.
2. Accessory structures:
  - a. All accessories as defined in Section 10-3(a) that are incidental to the principal structure.
  - b. An accessory structure shall not exceed one (1) story or fifteen (15) feet in height.
3. The sale of manufactured homes shall be permitted within the boundaries of an approved manufactured home district.
4. There shall be no major overhauling, or repairing to manufactured homes offered for sale within the manufactured home district. Customary maintenance and renovation shall be permitted according to the City of Big Sandy building permit process and inspection.

Section 10-5: **Inspections.**

- (1) **Authorized.** The code compliance officer is hereby authorized to make such inspections as are necessary to determine compliance with this section.
- (2) **Entry on premises.** The code compliance officer shall have the power to enter at reasonable times upon any private or public property within the purpose of inspecting and investigating conditions relating to the enforcement of this section.

Section 10-6: **Site selection.** Site selection is to be governed by the following considerations:

- (1) **Location.**
  - (a) The site should be bounded on at least one side by a public street or highway.
  - (b) The site must not be:
    1. Close to swamps or other potential breeding places for insects or rodents.
    2. Subject to flooding, fire, or safety hazards.
    3. Exposed to chronic nuisances, such as noise, smoke, fumes, or odors.
- (2) **Topography.** The topography must be favorable to good site drainage, minimum grading, manufactured home placement, and ease of maintenance.
- (3) **Availability of utilities.** The site must be readily accessible to public utilities including water, wastewater, and electricity.
- (4) **Necessary land area.** The area of the manufactured home court must be sufficient in size to accommodate:
  - (a) The number of manufactured home spaces desired;
  - (b) Roads and parking areas for motor vehicles; and
  - (c) On-site utilities where public utilities are not available.

Section 10-7: **Site improvements.** Improvements to the mobile home district site must include:

1. A connection to the City water system.
2. A connection to the City wastewater system.
3. A connection for electrical service.
4. A diversion of surface water away from all buildings and its disposal from the site.
5. Pedestrian and vehicular access to each manufactured home space, parking areas, and accessory buildings.
6. A privacy fence of at least six (6) feet in height shall be built on all sides of the perimeter property line with the exclusion of driveway(s) to buffer the district from view. A designed natural concealment may be an acceptable alternative and may be approved in the site plan.

Section 10-8: **Site planning.**

A plan of the proposed manufactured home court must be developed for approval by the City Engineer indicating the layout of the manufactured home spaces, roads, walks, utilities, and necessary grading and submitted to city staff, the planning and zoning commission and city council for approval. Determination must be made in the initial

planning stage on the number of manufactured homes to be accommodated, which shall not be less than 5 manufactured homes.

A nonrefundable fee, to be determined by the City Secretary and Mayor, will be required with submittal of the site development plan. This fee covers the administrative cost for design review, notification of residents within 200 feet of the proposed manufactured home district, and for providing advertising/legal notice to the public.

Approval or denial of the manufactured home district site development plan rests solely with the city council.

Section 10-9: **Dimensional Requirements.**

All principal and accessory structures shall be located and constructed in accordance with Section 10-4 where it applies, as well as to the following requirements:

1. **Manufactured home space sizes.** Each manufactured home space shall be no less than 5,000 square feet in area and at least 100 feet in length.
2. **Maximum Density.** 8 manufactured home spaces per acre.
3. **Minimum Setback:**
  - a. 25 feet from the right-of-way line of a highway or roadway.
  - b. At least ten feet from the manufactured home space property line.
4. **Spacing of manufactured homes.** The minimum spacing between manufactured homes must be:
  - a. Side to Side 25 feet
  - b. End to end 15 feet
  - c. Side to end 15 feet
  - d. Horizontal distance between corners of adjacent manufactured homes: 15 feet
  - e. Each manufactured home shall be located on a space that will permit each unit to be sufficiently supported and anchored in accordance with the Texas Department of Labor and Standards' Texas Manufactured Home Tie-down Standards.
  - f. Each manufactured home space shall be clearly defined by stakes or other such type markers that physically delineate the location of each said space within a district development.
  - g. These spacing requirements may be adjusted by the city council during the manufactured home district site development plan approval process.

Section 10-10: **Additional Requirements.**

1. **Roads, walks, and parking areas.**

- a. ***General circulation.*** Safety and convenience must be a major consideration in the layout of roads, walks, and parking areas within the manufactured home district. All roads, streets and driveways shall be paved, oiled, or graveled in such a manner as to clearly distinguish the road and must be continuous.
- b. ***Servicing.*** Suitable vehicular access for fire-fighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.
- c. ***Width of road area.*** Main access roads, excluding parking, must be at least two lanes and 20 feet wide or an 80 feet diameter circle for a cul-de-sac.
- d. ***Number of parking spaces.*** Two motor vehicle parking spaces must be provided at the site of each manufactured home space. Additional parking may be provided in designated areas.

- e. *Walks.* The manufactured home district walk system must include a walk from the entrance of each manufactured home to service facilities with the following minimum widths:
  - i. Public walks - four feet.
  - ii. Entrance walks from public walk to manufactured home door - two feet.
2. **Plumbing.** All plumbing installations shall conform to the requirements of the Plumbing Code.
3. **Electrical.** All electrical installations shall conform to the requirements of the Electrical Code.
4. **Fencing.** A privacy fence of at least six (6) feet in height shall be built on all sides of the perimeter property line with the exclusion of driveway(s) to buffer the district from view. A designed natural concealment may be an acceptable alternative and may be approved in the site plan.
5. **Drainage requirements.** Grading and drainage must be performed so that water will drain away from the manufactured home spaces, buildings, and off the site in a manner in which will provide reasonable freedom from erosion. Walks, driveways, and retaining walls must be so constructed as not to interfere with drainage.
  - a. Manufactured home spaces must be graded toward an abutting roadway to prevent surface water draining across adjacent home spaces. Grading under manufactured homes must be provided to prevent the puddling of water.
  - b. Where swales for the carriage of storm water are needed between the manufactured home space and the roadway, they must be of a shallow type (generally no more than eight inches deep) to permit the parking of the manufactured home without damage to the undercarriage.

Section 10-11: **Notices, hearings, and orders.**

1. **Notice of violation.** Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the city shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:
  - (A) Be in writing.
  - (B) Include a statement of the reasons for its issuance.
  - (C) Allow ten (10) days for compliance.
  - (D) Be served upon the licensee or his agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been served in person or sent by certified mail to his/her last known address.
  - (E) Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this section.
  - (F) After all procedures outlined above are exhausted, citations may be issued. If the city mails a notice to a property owner in accordance with subsection (f); and
    - (i) The United States postal service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered as delivered.

(ii) Appeal from notice. Any person affected by any notice that has been issued in connection with the enforcement of any provision of this section applicable to such district may request a hearing before the city council provided that such person shall file within ten (10) days after the day the notice was served, in the city secretary's office, with a copy to the office of the code compliance official, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. The filing request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection (iv) of this section.

(iii) Issuance of order. After such hearing the city council shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation, which order shall be served by certified mail upon the petitioner. Any failure to comply with an order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the license of the district affected by the order.

(iv) Order without notice. Whenever the city finds that an emergency exists which requires immediate action to protect the public health or safety, the designated official may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring the action to be taken as deemed necessary to meet the emergency. Notwithstanding any other provisions of this section, such order shall be effective immediately, but upon written petition to the city shall be afforded a hearing as soon as possible. The provisions of subsection (iii) of this section shall be applicable to such hearing and the order issued thereafter.

Section 10-12: **Violations declared nuisance; abatement; penalty.**

Any noncompliance with this article is hereby deemed a nuisance. The city may abate and remove the nuisance and punish the person(s) responsible for causing or allowing the nuisance condition to exist. Any person(s) violating this section shall be subject to a fine as set forth in the City of Big Sandy Comprehensive Zoning Ordinance Section 17-7. The code compliance official or his designee shall be the authority of the jurisdiction responsible for the issuance of citations and any action deemed necessary for the enforcement of this section.

Section 10-13: **Existing mobile home districts.**

(1) Upon the date of the adoption of this section, existing mobile home districts or manufactured home districts located inside the incorporated area of that choose to increase the size (land) or capacity (spaces) of an existing manufactured home district, shall be required to follow the specifications of this section.

(2) In no instance shall a new manufactured home district that is to be located within the city limits be allowed any RV's or RV spaces.

(3) Same shall apply to an RV to be located within the city limits. Only RV's shall be allowed in an RV park. No manufactured home shall be permitted in a RV park.

Section 10.14: Effective date. This section shall be in full force and effect from and after the date of its passage.

**Section II.**

Any resident failing to comply with the provisions of this Ordinance shall be subject to a fine of two hundred dollars (\$200.00) per day, up to two thousand dollars (\$2,000.00) and/or discontinuance of utility services by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Ordinance is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

**Section III.**

The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

**Section IV.**

Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

**Section V.**

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

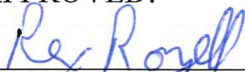
EFFECTIVE DATE: This ordinance shall take effect and be in force immediately upon its passage, and the caption and/or a summary shall be published once in a newspaper of general circulation published in the City of Big Sandy, Texas.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.


Passed, approved and adopted by a vote of **4-0-0** as set out below at the City of Big Sandy City Council meeting held on the **17th day of August 2021** by the following vote:

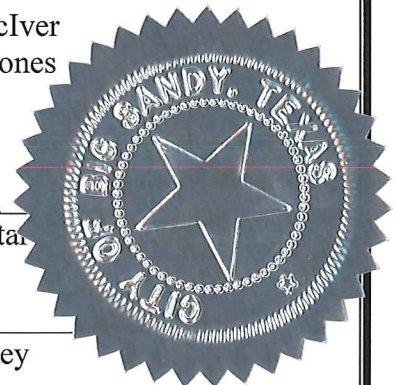
AYES: Linda Baggett, Becky Desborough, David Fonteno, Andrew McIver  
NAYS: NONE ABSENT: Christine Jones

APPROVED:

  
\_\_\_\_\_  
Rex Rozell, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura M. Rex, City Secretary  
Approved As To Form:  
\_\_\_\_\_  
Robert Davis, City Attorney



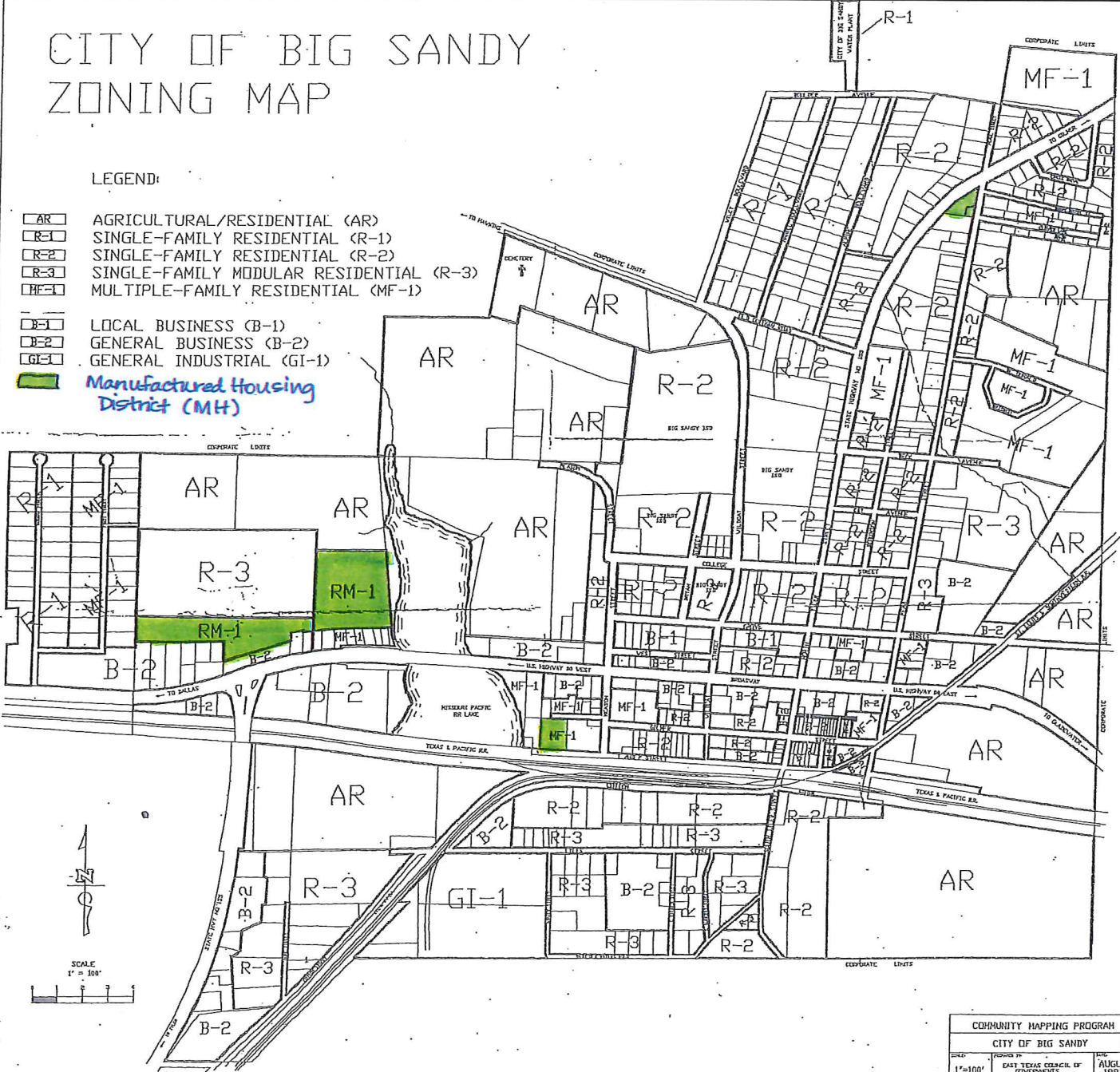
# CITY OF BIG SANDY ZONING MAP

## LEGEND:

- AR AGRICULTURAL/RESIDENTIAL (AR)
- R-1 SINGLE-FAMILY RESIDENTIAL (R-1)
- R-2 SINGLE-FAMILY RESIDENTIAL (R-2)
- R-3 SINGLE-FAMILY MODULAR RESIDENTIAL (R-3)
- MF-1 MULTIPLE-FAMILY RESIDENTIAL (MF-1)

- B-1 LOCAL BUSINESS (B-1)
- B-2 GENERAL BUSINESS (B-2)
- GI-1 GENERAL INDUSTRIAL (GI-1)

**Manufactured Housing District (MH)**



COMMUNITY MAPPING PROGRAM		
CITY OF BIG SANDY		
SCALE: 1"=100'	DESIGNED BY: EAST TEXAS COLLEGE OF GOVERNORS	DRAWN BY: AUGUST 1994
MAPON: JOHNNIE L. BAIRD		