

ORDINANCE 2014-05
Replacing Ordinance 97-6

AN ORDINANCE OF THE CITY OF BEACH CITY, CHAMBERS COUNTY, TEXAS, PROVIDING FOR COUNCIL'S REVIEW AND CONDITIONAL APPROVAL OF PLATS AND PLANS FOR THE ESTABLISHMENT OF MANUFACTURED HOME OR RECREATIONAL VEHICLE PARKS WITHIN THE CITY'S CORPORATE BOUNDARIES, ESTABLISHING STANDARDS FOR SUCH PLATS AND PLANS, ESTABLISHING PROCEDURES FOR REVIEW AND DOCUMENT RETENTION, VALIDATING EXISTING MANUFACTURED HOME OR RECREATIONAL VEHICLE PARK INSTALLATIONS, EXEMPTING PLACEMENT OF A MANUFACTURED HOME OR RECREATIONAL VEHICLE FOR THE PURPOSE OF REMOVING AN EXISTING MANUFACTURED HOME OR RECREATIONAL VEHICLE , REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, ESTABLISHING AN EFFECTIVE DATE AND TERM HEREOF, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of Beach City (Council) desires to protect the health, safety, and general welfare of the residents of the City; and

WHEREAS, Council deems it in the best interest of the residents of the City for Council to review and conditionally approve all proposed plats and plans for the establishment of Manufactured Home or Recreational Vehicle parks within the corporate limits of the City; and

WHEREAS, Council desires to establish certain standards and procedures for said approvals,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY, CHAMBERS COUNTY, TEXAS:

SECTION 1, ESTABLISHING CERTAIN DEFINITIONS

1.1 For the purposes of this ordinance, the following terms shall have the meanings ascribed to them

- 1.1 "Manufactured Home or Recreational Vehicle park" shall mean any single lot or parcel of land as recorded in the deed records of Chambers County regardless of the size of said lot or parcel of land, or any portion thereof, that is designated or set aside for the installation or placement of more than one Manufactured Home or Recreational Vehicle or upon which more than one Manufactured Home or Recreational Vehicle is placed.
- 1.2 " Manufactured Home or Recreational Vehicle" shall mean any structure suitable or intended for human habitation which is, or has been, or is intended to be, or is suitable to be, moved from place to place upon one or more wheeled axles attached to said structure.
- 1.3 "Manufactured Home or Recreational Vehicle plot" shall mean any portion of a Manufactured Home or Recreational Vehicle park which is, or is intended to be, or is advertised or offered to be, leased, rented, or otherwise assigned and set aside for the

placement of a single Manufactured Home or Recreational Vehicle and the use of the inhabitants thereof.

SECTION 2, REQUIRING COUNCIL APPROVAL OF PLATS AND PLANS FOR THE ESTABLISHMENT OF MANUFACTURED HOME OR RECREATIONAL VEHICLE PARKS WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BEACH CITY, TEXAS.

2.1 All proposed plats and plans for the establishment of a Manufactured Home or Recreational Vehicle park within the City's corporate limits shall be reviewed and approved by Council before the placement of a second Manufactured Home or Recreational Vehicle upon any single lot or parcel of land as recorded in the deed records of Chambers County.

SECTION 3, ESTABLISHING STANDARDS

3.1 If the plat map includes or is accompanied by proof that the party initiating and responsible for the proposed establishment of a Manufactured Home or Recreational Vehicle park (hereinafter "Developer") will provide both a common public water supply system meeting State standards and serving all Manufactured Home or Recreational Vehicle plots and a common sewage treatment system meeting State standards and serving all Manufactured Home or Recreational Vehicle plots, and that all users of individual Manufactured Home or Recreational Vehicle plots will be legally and permanently constrained from drilling individual water wells or installing on-site sewage treatment or disposal facilities, then the minimum Manufactured Home or Recreational Vehicle plot size shall be sixty (60) feet minimum width and one hundred ten (110) feet minimum depth.

3.2 If the plat map includes or is accompanied by proof that the Developer will provide either a common public water system meeting State standards and permanently serving all Manufactured Home or Recreational Vehicle plots or a common sewage treatment system meeting State standards and serving all Manufactured Home or Recreational Vehicle plots, but not both, then the minimum Manufactured Home or Recreational Vehicle plot size shall be one-half acre (21,780 square feet), which area shall be exclusive of any easements upon or within which the Developer or Manufactured Home or Recreational Vehicle plot user is constrained from constructing buildings, wells, or on-site sewage treatment facilities or parts thereof if on-site sewage treatment facilities are to be used.

3.3 If neither a common public water system meeting State standards and serving all Manufactured Home or Recreational Vehicle plots nor a common sewage treatment system meeting State standards and serving all Manufactured Home or Recreational Vehicle plots is to be provided, then the minimum Manufactured Home or Recreational Vehicle plot size shall be one acre (43,560 square feet) exclusive of any easements upon or within which the Developer or Manufactured Home or Recreational Vehicle plot user is constrained from constructing buildings, wells, or on-site sewage treatment facilities or parts thereof.

3.4 Notwithstanding compliance with the above Manufactured Home or Recreational Vehicle plot size standards, if individual on-site sewerage facilities are to be used for any one or more

Manufactured Home or Recreational Vehicle plots the Developer shall be responsible to demonstrate to Council that on-site sewerage facilities complying with State of Texas standards can be constructed on each and every such Manufactured Home or Recreational Vehicle plot.

3.5 All Manufactured Home or Recreational Vehicle plots shall have direct access to a contiguous public or private street, roadway, or highway, and developer shall be responsible to demonstrate to Council's satisfaction that any privately owned street or roadway is safe and suitable for all-weather use.

3.6 All Manufactured Home or Recreational Vehicle plots shall have a minimum setback line of at least twenty-five (25) feet from any public or private street, roadway, or highway.

3.7 If the Manufactured Home or Recreational Vehicle park is designated to include five or more Manufactured Home or Recreational Vehicle plots, the Developer will provide a reservoir to maintain at least 1,000 gallons of water suitable to be used for firefighting, or other suitable water supply acceptable to Council, and will furnish to Council a certification from an officer of the Beach City Volunteer Fire Department that the design of said reservoir will permit the equipment of said Fire Department to gain access to said reservoir and to withdraw water therefrom, and will further furnish to Council a copy of binding and durable permission for said Fire Department to access said reservoir for the purpose of firefighting. If the proposed Manufactured Home or Recreational Vehicle constitutes a new section or expansion of a previous Manufactured Home or Recreational Vehicle park, the aggregate number of Manufactured Home or Recreational Vehicle plots in all sections to date shall be considered in determining the applicability of this subsection.

3.8 The standards for a drainage plan established by the county of Chambers Subdivision Rules and Regulations, § 1.02" are incorporated herein by reference, with the additional requirement that if new outfall channels shall cross any other private or public property the Developer shall furnish to Council proof of binding and durable permission and easement from the owner of said other property for such crossing, and further provided that if such outfall channels shall tie into any existing drainage easement the Developer shall furnish to Council proof of binding and durable permission from the grantee of said easement for the permanent use thereof.

3.9 The standards established by the "Texas Commission on Environmental Quality(TCEQ), , or such subsequent rules as the TCEQ or its successors may promulgate, are incorporated herein by reference and shall apply except where standards established herein or other standards established by the City of Beach City or the County of Chambers are or shall be more stringent. The construction and design standards established by 'Chambers County Fire Code' are incorporated herein by reference and shall apply except where standards established herein or other standards established by the City of Beach City or the County of Chambers are or shall be more stringent

In the event that any provision herein shall be found to be less stringent than current State of Texas standards, then the Texas standards shall govern.

3.10 Submissions of the Developer to Council shall specifically include the following, provided however that the inclusion of said items shall not excuse Developer from providing other evidence as required above: an overall site plan showing the 100-year flood plain, a topographic

map and drainage plan, the results of a soil survey conducted in accordance with TCEQ standards, the location of existing wells and any additional wells necessary for future Manufactured Home or Recreational Vehicle or other habitations or other planned constructions within the Manufactured Home or Recreational Vehicle park if on-site sewerage facilities are to be used, and types of on-site sewerage facilities to be used.

3.11 The Developer shall also furnish to Council certification acceptable to Council that all applicable State, County, and City requirements are met by the proposed Manufactured Home or Recreational Vehicle park.

SECTION 4, ESTABLISHING PROCEDURES

4.1 At least seventy-two (72) hours before scheduled consideration by Council, the Developer shall furnish to the City Secretary for Council's review at least three (3) originals or true and correct copies of the proposed plat and supporting documentation as described under Section 3.

4.2 After approval by the affirmative vote of a majority of Alderman present, a quorum being present at a regular or special called meeting of Council, the dated signature of the Mayor, or in the Mayor's absence the presiding officer at said meeting, upon the plat map shall affirm the Council's approval to all interested parties.

4.3 Only the originals or copies provided seventy-two (72) hours before scheduled consideration by Council shall be signed, and shall represent the plat approved by Council. If the Developer shall subsequently propose any amendments whatsoever, the amended plat will be scheduled for Council's consideration at a later date.

4.4 The City Secretary shall retain one of the signed originals or copies of the plat and one original or copy of each supporting document for the City's files, from and after the time of approval in accordance with the City's Document Retention Schedule.

4.5. Nothing in this ordinance shall be construed as waiving any requirement that the Chambers County Commissioners Court has or might establish for review and approval for compliance with county codes and regulations. In the event such approval is required, then after approval by said Commissioners Court, or designated County Department, the Developer shall provide to the City Secretary a second original or copy of the plat, signed by the County Judge or other designated County Department Head or Official"

SECTION 5, VALIDATING EXISTING MANUFACTURED HOME OR RECREATIONAL VEHICLE PARKS

5.1 All Manufactured Home or Recreational Vehicle parks existing within the City of Beach City upon the effective date of this ordinance shall be considered approved by Council; provided however that

5.1 Any future expansion or designation of additional Manufactured Home or Recreational Vehicle plots shall be treated and must be approved as a new Manufactured Home or Recreational Vehicle park.

5.1.2 Nothing in this ordinance shall be construed as exempting said existing Manufactured Home or Recreational Vehicle parks from any other applicable ordinance or law.

6 SECTION 6, CONDITIONALLY EXEMPTING PLACEMENT OF A MANUFACTURED HOME OR RECREATIONAL VEHICLE FOR THE PURPOSE OF REMOVING AN EXISTING MANUFACTURED HOME OR RECREATIONAL VEHICLE

6.1 Any owner, renter, or lessee of a lot or parcel of land who desires to move a second Manufactured Home or Recreational Vehicle upon said land for the purpose of replacing an existing Manufactured Home or Recreational Vehicle, shall be exempted from the provisions of this ordinance if and only if one of the two Manufactured Home or Recreational Vehicle s is removed from said land within thirty (30) days from the time of placement of the second Manufactured Home or Recreational Vehicle .

SECTION 7, REPEALING OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

7.1 All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 8, PROVIDING FOR EFFECTIVE DATE AND TERM HEREOF

8.1 This Ordinance shall be effective from and after the date and time of passage by Council.

9 SECTION 9, PROVIDING FOR SEVERABILITY

9.1 If any provision, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, or for any reason unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby.

INTRODUCED, READ, AND PASSED by the affirmative vote of a majority of Aldermen of Beach City present, a quorum being present at a duly posted meeting of the City Council, on this 23 day of September, 2014.



BILLY COMBS, Mayor
City of Beach City, Texas

ATTEST:



Marjorie R. Bercaw
Assistant City Secretary
City of Beach City, Texas

APPROVED AS TO FORM ONLY



Daniel R. Jackson, City Attorney