

ORDINANCE NO. 2004-03

AN ORDINANCE OF THE CITY COUNCIL OF SHOREACRES, TEXAS, AMENDING ORDINANCE NUMBER 96-11 BY ADDING A NEW SECTION ADOPTING REGULATIONS FOR SINGLE-FAMILY INDUSTRIALIZED HOUSING; REQUIRING SUCH HOUSING TO HAVE A VALUE EQUAL TO OR GREATER THAN THE MEDIAN TAXABLE VALUE OF EACH SINGLE-FAMILY DWELLING LOCATED WITHIN FIVE HUNDRED (500) FEET OF THE LOT ON WHICH THE INDUSTRIALIZED HOUSING IS PROPOSED TO BE LOCATED; REQUIRING EXTERIOR SIDING, ROOFING, ROOF PITCH, FOUNDATION FASCIA, AND FENESTRATION COMPATIBLE WITH THE SINGLE-FAMILY DWELLINGS LOCATED WITHIN FIVE HUNDRED (500) FEET; REQUIRING COMPLIANCE WITH MUNICIPAL AESTHETIC STANDARDS, BUILDING SETBACKS, SIDE AND REAR YARD OFFSETS, SUBDIVISION CONTROLS, ARCHITECTURAL LANDSCAPING, SQUARE FOOTAGE AND OTHER SITE REQUIREMENTS APPLICABLE TO SINGLE-FAMILY DWELLINGS, AND REQUIRING THAT SAID HOUSING BE SECURELY FIXED TO A PERMANENT FOUNDATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES, TEXAS:

WHEREAS, the 78th Regular Texas Legislature adopted Senate Bill 1326 relating to the municipal regulation of single-family industrialized housing; and

WHEREAS, the Governor signed Senate Bill 1326 making it effective June 18, 2003; and

WHEREAS, the City Council of the City of Shoreacres, Texas desires to regulate single-family industrialized housing to the extent permitted by state law; now, therefore,

Section 1. That Ordinance number 96-11 of the City of Shoreacres Code of Ordinances is hereby amended by the addition of a new section that shall read as follows:

REGULATION OF SINGLE-FAMILY INDUSTRIALIZED HOUSING.

- (a) Single-family industrialized housing must have all local permits and licenses that are applicable to other single-family dwellings.
- (b) For purposes of this section, single-family industrialized housing is real property.
- (c) Any industrialized housing shall:

- (1) have a value equal to or greater than the median taxable value for each single-family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal role for the County;
 - (2) have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located;
 - (3) comply with the City aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and
 - (4) be securely fixed to a permanent foundation.
- (d) For the purpose of subsection (c), “value” means the taxable value of the industrialized housing and lot after installation of the housing.
- (e) Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the building official and obtain the required permits. In addition to any other information otherwise required for said permits, the application shall:
- (1) identify each single-family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the County;
 - (2) describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is to be located;
 - (3) describe the permanent foundation and method of attachment proposed for the industrialized housing; and;
 - (4) state the taxable value of the industrialized housing and the lot after installation of the industrialized housing; and;
 - (5) indicate the deed restrictions otherwise applicable to the real property on which the industrialized house is to be located
- (f) A person commits an offense:
- (1) fails to make an application for permit as required by this section; or

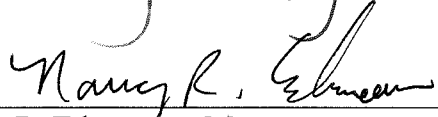
(2) constructs, erects, installs or moves any industrialized housing into the City which does not comply with this section.

(See generally Texas Occupation Code Chapter 1202, especially Section 1202.253.)

Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$200.00. Each day of violation shall constitute a separate offense.

Section 3. The City Council of the City of Shoreacres hereby declares that if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid by final judgment of a court of competent jurisdiction, it will not affect the remaining portions of this ordinance. The City Council declares it would have passed and ordained all the remaining portions of this ordinance without the inclusion of those portions found to be unconstitutional or invalid.

PASSED AND APPROVED ON THIS 30 DAY OF January, 2004.



Nancy R. Edmonson, Mayor

ATTEST


Shari Tait, City Secretary