

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2018-27

AN ORDINANCE AMENDING CHAPTER 24 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; UPDATING ORDINANCE TO REMOVE PLATTING REQUIREMENTS FOR MANUFACTURED HOMES; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

- WHEREAS,** the City Council of the City of Dripping Springs seeks to provide for the safe and orderly development of property within its corporate limits and its extraterritorial jurisdiction through development agreements; and
- WHEREAS,** the City Council finds it to be in the best interest of the public to provide for the uniform regulation of the construction, design, repair, and maintenance of residential and non-residential buildings within the City; and
- WHEREAS,** the City Council finds that the platting requirement only applies to manufactured housing; and
- WHEREAS,** the City Council finds that removing the platting requirement for manufactured housing will not cause a health or safety issue; and
- WHEREAS,** the City Council finds that having consistent platting for all structures is in the best interest of the orderly development of property; and
- WHEREAS,** the City Council seeks to remove the platting requirement for manufactured housing; and
- WHEREAS,** pursuant to Texas Local Government Code Chapter 214 the City Council is expressly authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the codes; and
- WHEREAS,** the City Council has adopted the authorized building codes, and now finds it to be in the public interest to adopt a code which removes a platting requirement that applies to manufactured housing; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance amending the Code of Ordinances to reference the most recent version of the applicable building codes.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 24, Article 24.04, Section 24.04.006 is hereby amended, and after such amendment, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment "A"*.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. PUBLICATION, PENALTY AND ENFORCEMENT

The City Secretary of the City of Dripping Springs, Texas, is hereby directed to place the information above on the City's Website, as the City has power to administer and enforce that any person in violation of this ordinance is subject to, upon conviction, a fine up to but not exceeding five hundred dollars (\$500.00) with each day that a provision of the ordinance is violated shall constitute a separate offense. An offense under this ordinance is a misdemeanor.

7. EFFECTIVE DATE

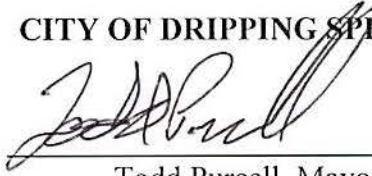
This Ordinance shall be effective immediately upon passage and publication.

8. PROPER NOTICE & 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 16th day of October 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:



Andrea Cunningham, City Secretary



City of Dripping Springs
CODE OF ORDINANCES
TITLE II: BUILDING AND DEVELOPMENT
REGULATIONS
CHAPTER 24: BUILDING REGULATIONS

**ARTICLE 24.04 MANUFACTURED HOUSING, MOBILE HOMES AND
RECREATIONAL VEHICLES**

Division 1. Generally

Sec. 24.04.006 Variances

(a) Application. An application for a variance shall be submitted to the city secretary and shall require the granting of a variance as prescribed by this article. The application shall state:

- (1) The name and address of the applicant.
- (2) Size, model, year of manufacture, original cost, and photograph of the HUD-code manufactured home.
- (3) Legal description of the property upon which it is proposed to place the HUD-code manufactured home and name and address of the property owner. ~~The HUD-code manufactured home must be located on a separately platted or replatted lot of at least four thousand (4,000) square feet, such plat or replat having been properly approved by the city administrator.~~ The person who intends to occupy such HUD-code manufactured home must submit a copy of a duly recorded deed or lease in a form acceptable to the city administrator showing that the intended occupant owns or is leasing the lot upon which the HUD-code manufactured home is to be located. No other structure designed or to be used for human occupancy shall be located on such lot, tract, or ownership parcel and the lot shall meet all applicable codes and ordinances for the intended use.
- (4) Drawing showing size of lot, location of lot, and how the HUD-code manufactured home is to be placed on the lot in order to conform to the city Code of Ordinances.

(5) Form signed by the applicant stating that he or she understands the requirements of the zoning ordinances for the area in which the HUD-code manufactured home will be placed.

(6) Form signed by the applicant stating the HUD-code manufactured home will have tie-downs and will be skirted with fire-resistant skirting and shall be maintained intact to prevent accumulations of flammable materials beneath the manufactured home.