

**SPECIAL CALLED JOINT WORKSHOP
OF THE CITY OF OVERTON, TEXAS
CITY COUNCIL & PLANNING & ZONING COMMISSION
OCTOBER 7, 2014**

MINUTES OF THE SPECIAL CALLED JOINT WORKSHOP OF THE CITY OF OVERTON, TEXAS CITY COUNCIL & PLANNING & ZONING COMMISSION THAT WAS HELD ON **October 7, 2014** AT 6:00 PM IN THE CITY OF OVERTON COUNCIL CHAMBERS, 1200 S. COMMERCE ST., OVERTON, TEXAS.

PRESENT:

C. R. Evans Jr., Mayor
John Ed Welch, Mayor Pro-Tem
Pat Beets
Jerry Clark
Dudley Hickman
Lawrence Davis

ABSENT:

Philip Cox
John Posey
Robert Raney, P & Z Chairman
Skipper Honeycutt, P & Z Vice Chairman
Karen Casey
Kim Cox

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Police Chief representing staff.

I. CALL TO ORDER - Mayor Evans called the meeting to order at 6:55 P.M.

1. Invocation was given by Councilman Beets
2. Pledge of Allegiance was led by Councilman Clark

II. CONSENT AGENDA

Any or all items under Consent Agenda may be removed by the Mayor, any Council Member or the City Manager for discussion.

1. Council to review and make possible corrections to minutes of the Special Called Joint City Council and Planning & Zoning Commission Workshop held August 26, 2014.
2. Council to review and make possible corrections to minutes of the Special Called Joint City Council and Planning & Zoning Commission Workshop held September 9, 2014.
3. Council to adopt Proclamation for "National Night Out 2014"

Mayor Pro Tem Welch made a motion to approve the Consent Agenda items. Councilman Beets seconded the motion. Motion carried 3-0, Councilman Cox and Councilman Posey absent.

III. CITIZEN FORUM

None

IV. OPEN PUBLIC HEARING

- a. OPEN 2nd PUBLIC HEARING ON RE-AFFIRMING AND RE-ENACTING A ZONING ORDINANCE AND SUB-DIVISION REGULATIONS FOR THE CITY OF OVERTON, TEXAS.
- b. RECEIVE PUBLIC COMMENTS CONCERNING THE RE-AFFIRMATION AND RE-ENACTMENT OF A ZONING ORDINANCE FOR THE CITY

OF OVERTON, TEXAS, AND SUB-DIVISION REGULATIONS FOR THE CITY OF OVERTON, TEXAS; PROVIDING FOR THE EFFECTIVE DATE OF SUCH ORDINANCE AND REGULATIONS; AND PROVIDING FOR A METHOD OF AMENDING SUCH ORDINANCE AND REGULATIONS.

No comments or questions received.

- c. CLOSE PUBLIC HEARING ON ZONING ORDINANCE AND SUB-DIVISION REGULATIONS.

Mayor Evans asked if Council had any questions for staff.

No comments or questions were asked by Council.

V. OLD BUSINESS (CONSIDER AND/OR ACTION)

1. PRESENT REVISED MEETING SCHEDULE FOR THE CITY COUNCIL AND PLANNING ZONING COMMISSION AS UPDATED OCTOBER 2ND, 2014.

City Manager Cunningham presented the revised calendar to the Council.

Mayor Evans stated that the calendar shows a meeting scheduled on Tuesday, November 4, 201 which is Election Day.

Councilman Beets made a motion to reschedule the November 4, 2014 meeting to November 3, 2014 and to make all meetings begin at 7:00 P.M. Councilman Clark seconded the motion. Motion carried 3-0, Councilman Cox and Councilman Posey absent.

VI. NEW BUSINESS (CONSIDER AND/OR ACTION)

1. HEAR AND CONSIDER ACTION ON ORDINANCE 2014-10-07A RE-AFFIRMING AND RE-ENACTING A ZONING ORDINANCE FOR THE CITY OF OVERTON, TEXAS, AND ALL SUCH AMENDMENTS INCLUDED HEREIN, AND SUBDIVISION REGULATIONS FOR THE CITY OF OVERTON, TEXAS; PROVIDING FOR THE EFFECTIVE DATE OF SUCH ORDINANCE AND REGULATIONS; AND PROVIDING FOR THE METHOD OF AMENDING SUCH ORDINANCE AND REGULATIONS.

Councilman Beets made a motion to adopt ORDINANCE NO. 2014-10-07A; re-affirming and re-enacting a Zoning Ordinance for the City of Overton, Texas, and all such amendments included herein, and Subdivision Regulations for the City Of Overton, Texas; providing for the effective date of such ordinance and regulations; and providing for the method of amending such ordinance and regulations. Mayor Pro Tem Welch seconded the motion. Motion carried 3-0, Councilman Cox and Councilman Posey absent.

2. HEAR AND CONSIDER ACTION ON ORDINANCE NO. 2014-10-07B OF THE CITY OF OVERTON, TEXAS PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY AND REQUIRING A PERMIT FOR THE CONSTRUCTION OF, ADDITION TO OR EXTENSION OF A HUD-CODE MANUFACTURED HOME PARK (FORMERLY CALLED A MOBILE HOME PARK) AND REQUIRING A LICENSE TO OPERATE A HUD CODE MANUFACTURED HOME PARK (FORMERLY CALLED A MOBILE HOME PARK) AND SETTING FORTH THE SITE REQUIREMENTS, HUD CODE MANUFACTURED HOME PARK STANDARDS AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE, PROVIDING DEFINITIONS,

AND PRESCRIBING REGULATIONS FOR MANAGEMENT OF HUD-CODE MANUFACTURED HOME PARKS (FORMERLY CALLED MOBILE HOME PARKS), AND PROVIDING FOR NONCONFORMING HUD CODE MANUFACTURED HOME PARKS (FORMERLY CALLED MOBILE HOME PARKS) AND PROVIDING FEES, AND CONTAINING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND CONTAINING A SEVERABILITY CLAUSE.

Commissioner Davis stated that he would like to see the notification area increased to maybe one-thousand feet (1,000) for anyone wanting to install a manufactured home.

City Manager Cunningham stated that the new Manufactured Home Park as listed in this ordinance does call for a one-thousand feet (1,000) property owner legal notification requirement. However, the individual manufactured home installations in Single Family Residential zoning applications are not covered by this ordinance; they would be covered by the Zoning Ordinance and a Special Exception Application to the Zoning Board of Adjustment.

Mayor Pro Tem Welch made a motion to adopt ORDINANCE NO. 2014-10-07B prohibiting the installation of mobile homes within the city and requiring a permit for the construction of, addition to or extension of a HUD-CODE Manufactured Home Park (formerly called a Mobile Home Park) and requiring a license to operate a HUD-CODE Manufactured Home Park (formerly called a Mobile Home Park) and setting forth the site requirements, HUD-CODE Manufactured Home Park standards and other prerequisites to the issuance of a permit or license, providing definitions, and prescribing regulations for management of HUD-CODE Manufactured Home Parks (formerly called Mobile Home Parks), and providing for nonconforming HUD CODE Manufactured Home Parks (formerly called Mobile Home Parks) and providing fees, and containing penalties for the violation of this ordinance and containing a severability clause. Councilman Beets seconded the motion. Motion carried 3-0, Councilman Cox and Councilman Posey absent.

3. HEAR AND CONSIDER ACTION ON PROPOSAL FROM “COMMUNITIES OF DISTINCTION” PRODUCTION COMPANY TO FEATURE THE CITY OF OVERTON IN A FUTURE SEGMENT OF “DISCOVER AMERICA”.

City Manager Cunningham presented a staff report to Council concerning the offer made by the Communities of Distinction Production Company to feature the City of Overton in a future segment of Discover America.

Mayor Pro Tem Welch made a motion to decline the offer from Communities of Distinction Production Company to feature the City of Overton in a future segment of “Discover America”. Councilman Beets seconded the motion. Motion carried 3-0, Councilman Cox and Councilman Posey absent.

4. DISCUSS CITY OF OVERTON HOSTING THE UPCOMING EDITION OF “GET BUSY CHIT CHAT” SESSION IN CITY HALL, SPONSORED BY THE OVERTON-NEW LONDON CHAMBER OF COMMERCE.

City Manager Cunningham announced that the City would host the next Chamber of Commerce “Get Busy Chit Chat” at City Hall in the Council Chambers.

No action taken.

5. HEAR AND CONSIDER ACTION ON PROPOSAL FROM EAST TEXAS INSPECTIONS TO PROVIDE PLAN REVIEW AND BUILDING INSPECTION SERVICES ON A CONTRACT BASIS FOR THE CITY OF OVERTON.

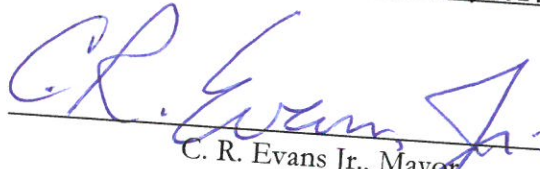
Councilman Clark made a motion to enter into the proposed agreement with East Texas Inspection Services to provide the plan review services and inspection services for the Dollar General building permit. Mayor Pro Tem Welch seconded the motion. Motion carried 3-0, Councilman Cox and Councilman Posey absent.

V. ADJOURNMENT

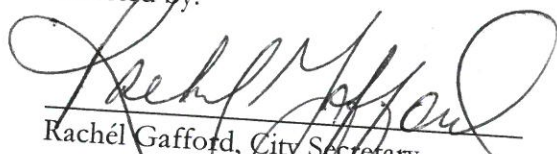
Mayor Pro Tem Welch made a motion to adjourn. Councilman Clark seconded the motion. Motion carried 3-0, Councilman Cox and Councilman Posey absent.

With no further business, the meeting was adjourned at 7:40 P. M.

Minutes approved and submitted and/or corrected this 28th day of October, 2014.


C. R. Evans Jr., Mayor

Attested by:


Rachel Gafford, City Secretary

ORDINANCE #: 2014-10-07A

City of Overton Zoning Ordinance and Subdivision Regulations

AN ORDINANCE RE-AFFIRMING AND RE-ENACTING A ZONING ORDINANCE FOR THE CITY OF OVERTON, TEXAS, AND ALL SUCH AMENDMENTS INCLUDING HEREIN, AND SUBDIVISION REGULATIONS FOR THE CITY OF OVERTON, TEXAS; PROVIDING FOR THE EFFECTIVE DATE OF SUCH ORDINANCE AND REGULATIONS; AND PROVIDING FOR THE METHOD OF AMENDING SUCH ORDINANCE AND REGULATIONS

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

SECTION 1. ADOPTION OF ZONING ORDINANCE

That the Zoning Ordinance, consisting of Sections One through Twenty Eight, adopted and enacted as the "The City of Overton, Zoning Ordinance," on July 21, 1981, and thereafter amended on March 15, 1993 by Ordinance No. 31594 and amended on February 15, 1994 Ordinance No. 21594 (attached hereto collectively as **Exhibit A**) and which has been in full force and effect since its original adoption and amendment, is hereby affirmed and re-enacted and shall be treated and considered as a comprehensive Zoning Ordinance. The official Zoning Map shall be maintained by the City Secretary in accordance with Section Nineteen of the Zoning Ordinance. The Zoning Ordinance shall continue in full force and effect from the effective date of July 21, 1981, and as amended on March 15, 1993.

SECTION 2. ADOPTION OF SUBDIVISION REGULATIONS

That the Subdivision Regulations, consisting of Sections One through Five and Engineering and Construction Standards (attached hereto as **Exhibit B**), is hereby adopted and enacted as the "The City of Overton, Subdivision Regulations," and shall be treated as a comprehensive set of Subdivision Regulations which shall be in full force and effect from and after the effective date of July 21, 1981.

SECTION 3. AMENDMENTS

That any amendments and additions to such Zoning Ordinance or Subdivision Regulations, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Zoning Ordinance or Subdivision Regulations so that reference to the "The City of Overton, Zoning Ordinance" and/or "The City of Overton, Subdivision Regulations" shall be understood and intended to include such amendments and additions.

SECTION 4. UPDATING THE CODE

That a copy of such Zoning Ordinance and Subdivision Regulations shall be kept on file in the office of the City Secretary preserved in loose leaf form, or in such form as the City Secretary may consider most expedient. It shall be the express duty of the City Secretary, or someone else so duly authorized, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Zoning Ordinance or Subdivision Regulations and to

remove all provisions which may from time to time be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine it.

SECTION 5. PENALTY FOR UNAUTHORIZED AMENDMENTS

That it shall be unlawful for any person to change or amend, by addition or deletions, any part or portion of such Zoning Ordinance or Subdivision Regulations, or to insert or delete pages or portions thereof, or to alter or tamper with same in any manner whatsoever, which will cause the law of the City of Overton to be misrepresented. The penalty for any unauthorized amendments to the Zoning Ordinance is the same as those set forth in Section Twenty-Five of the Zoning Ordinance or as amended. The penalty for any unauthorized amendments to the Subdivision Regulations is the same as those set forth in Section 5.10 of the Subdivision Regulations or as amended.

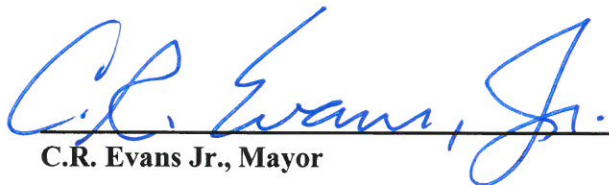
SECTION 6. CONFLICTS

To the extent any of the Subdivision Regulations conflict with any provisions of the Zoning Ordinance, the Subdivision Regulations will control.

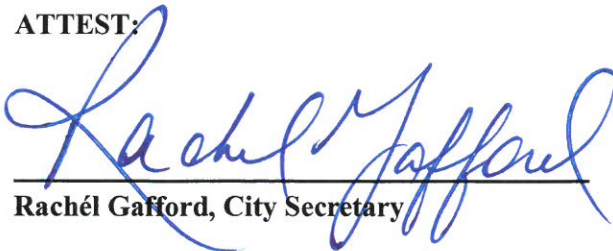
SECTION 7. EFFECTIVE DATE

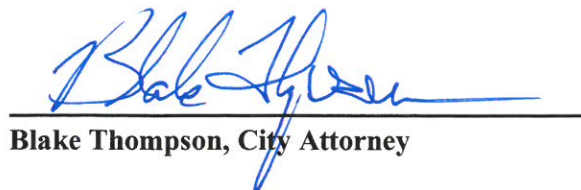
That the Zoning Ordinance and Subdivision Regulations shall be retroactive to July 21, 1981, the date that the Overton City Council originally adopted the Zoning Ordinance and Subdivision Regulations of the City of Overton, Texas.

PASSED AND APPROVED this 7th day of October, 2014.


C.R. Evans Jr., Mayor

ATTEST:


Rachél Gafford, City Secretary


Blake Thompson, City Attorney

(SEAL)

ORDINANCE NO. 2014-10-07B

ORDINANCE NO. 2014-10-07B OF THE CITY OF OVERTON, TEXAS PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY AND REQUIRING A PERMIT FOR THE CONSTRUCTION OF, ADDITION TO OR EXTENSION OF A HUD-CODE MANUFACTURED HOME PARK (FORMERLY CALLED A MOBILE HOME PARK) AND REQUIRING A LICENSE TO OPERATE A HUD CODE MANUFACTURED HOME PARK (FORMERLY CALLED A MOBILE HOME PARK) AND SETTING FORTH THE SITE REQUIREMENTS, HUD CODE MANUFACTURED HOME PARK STANDARDS AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE, PROVIDING DEFINITIONS, AND PRESCRIBING REGULATIONS FOR MANAGEMENT OF HUD-CODE MANUFACTURED HOME PARKS (FORMERLY CALLED MOBILE HOME PARKS), AND PROVIDING FOR NONCONFORMING HUD CODE MANUFACTURED HOME PARKS (FORMERLY CALLED MOBILE HOME PARKS) AND PROVIDING FEES, AND CONTAINING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND CONTAINING A SEVERABILITY CLAUSE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON:

WHEREAS, it has come to the attention of the City Council of the City of Overton that unregulated HUD-Code Manufactured Home Parks (formerly called Mobile Home Parks) can be dangerous and constitute a hazard to life and property; and

WHEREAS, the City Council of the City of Overton finds it to be in the best interest of the public safety, health and general welfare to regulate HUD-Code Manufactured Home Parks (formerly called mobile home parks) within the City; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON:

Section 1. DEFINITIONS - For the purpose of this ordinance, certain terms, words, and phrases shall have the meaning hereinafter ascribed thereto.

- (A) Building Official: Designated inspection authority of the City, or its authorized representative.
- (B) City Council: City Council of the City of Overton, Texas.
- (C) Coach: Any vehicle which is intended to be used as sleeping and/or living quarters, mounted on wheels, and which is or may be propelled either by its own power or by another power-driven vehicle to which it is or can be attached. This definition does not include HUD-Code Manufactured Homes.
- (D) Common Access Route/Internal Street: Private drive allowing principal means of access to individual HUD-Code Manufactured Mobile Home lots or auxiliary buildings.

- (E) Drive Way: Minor entranceway off the common access route within the park, into an off-street parking area serving one or more HUD-Code Manufactured Mobile Homes.
- (F) HUD-Code Manufactured Home: Means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is ten body feet or more in width or 50 body feet in length, or, when erected on site, is 500 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Anything less than the length and/or width specified in this paragraph shall not be allowed in a HUD-Code Manufactured Home Park.
- (G) License: Written license issued by the City Council, permitting a person to operate and maintain a HUD-Code Manufactured Home Park under the provisions of this Ordinance.
- (H) Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is ten body feet or more in width or 50 body feet or more in length, or, when erected on site, is 500 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Mobile homes shall not be allowed in a HUD-Code Manufactured Home Park.
- (I) HUD-Code Manufactured Home Park: A parcel of land under single entity ownership which has been placed and improved for the placement of HUD-Code Manufactured Homes, accessory uses, and service facilities, meeting all requirements of this Ordinance and any applicable deed restrictions and state laws.
- (J) Parking Street, Off-Street: A minimum space nine feet (9') in width by 22 feet in length, located within the boundary of a HUD-Code Manufactured Home space, or in common parking and storage area having unobstructed access to an internal street.
- (K) Permit: Written permit/certification issued by the City Council permitting the construction, alteration, or extension of a HUD-Code Manufactured Home Park, (formerly called a mobile home park) under the provisions of this Ordinance and regulations issued hereunder.
- (L) Person: Any natural individual, firm, trust, partnership, association or corporation.
- (M) Plot Plan/Site Plan: Graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property.

(N) Sewer Connection: Connection consisting of pipes, fittings, and appurtenances from the drain outlet of a HUD-Code Manufactured Mobile Home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the HUD-Code Manufactured Home Park.

(O) Sewer Service Riser Pipe: That portion of sewer service which extends vertically to the ground elevation and terminates at a HUD-Code Manufactured Home space.

(P) Space: Plot of ground within a HUD-Code Manufactured Home Park designated for accommodation of one HUD-Code Manufactured Home, together with such open space as required by this Ordinance. Term includes "lot" and "site".

Section 2. PARKING MANUFACTURED HOMES AND COACHES OUTSIDE MANUFACTURED HOME PARKS

It shall be unlawful for any person to park any manufactured home or coach on any street, alley, highway, sidewalk or other public place in the city for a longer period than three (3) hours.

No manufactured home or coach shall be parked, used, or occupied on any tract of ground within the city limits of Overton, except in a duly licensed manufactured home park; provided, however:

- (a) that the code enforcement / building official may allow the parking, use, and occupancy of a manufactured home or coach outside of a duly licensed manufactured home park for a period of time not exceeding ten (10) days, when such home or coach is occupied by persons employed in the operation of a temporary recreational, amusement, or civic activity. Such temporary parking, use and occupancy of a manufactured home or coach shall be permitted only when the home or coach is parked on the same premises on which the activity is located and only when adequate sanitary facilities are available upon the premises for the use of the occupants of the manufactured home or coach.
- (b) that coaches may be located on private property, provided that such location is for the purpose of storage only, not habitation, and provided that the owner of the coach owns and resides on that same property.
- (c) that the code enforcement / building official may allow the parking, use and occupancy of a coach on property containing a dwelling for a period of time not exceeding ten (10) days. Such temporary parking, use and occupancy of a coach shall be allowed only when adequate sanitary facilities are available upon the premises for the use of the occupants of the coach.

Section 3. PERMITS

(A) Permit Required - It shall be unlawful for any person to do the following unless he / she holds a valid permit issued by the City Council in the name of such person for the specific transportation, installation,

construction, alteration or extension proposed:

- (1) transport or install by using any City of Overton maintained street a HUD-Code Manufactured Home (formerly called a mobile home)
- (2) construct a HUD-Code Manufactured Home Park (formerly called a mobile home park)
- (3) alter HUD-Code Manufactured Home Park (formerly called a mobile home park)
- (4) extend or expand any HUD-Code Manufactured Home Park (formerly called a mobile home park) within the limits of the City of Overton
- 5) remove or cause to be removed by using any City of Overton maintained street a mobile home (pre-1976 dated mobile home) or a HUD-Code Manufactured Home from any piece of property or HUD-Code Manufactured Home Park within the City of Overton

(B) Application Requirements - All applications for permits shall be made upon standard forms provided by the City Council and shall contain the following:

- (1) Name and address of the applicant.
- (2) Location and legal description of the HUD-Code Manufactured Home Park (formerly called a mobile home park).

To this application shall be attached five (5) copies of a site plan, at a minimum scale of 1" = 200' for sites of 30 acres or more, and at a minimum scale of 1" = 100' for sites under 30 acres. The site plan shall include all data required under Section 8.

- (3) Written permission from all property owners having property within one thousand (1,000) feet of the nearest property line giving their permission for the installation of the HUD-Code Manufactured Home Park (formerly called a mobile home park) or the installation of a HUD-Code Manufactured Home (formerly called a mobile home). If a property owner cannot be located or identified, the City Council shall have the option to waive that one specified piece of property. Such written permission shall be presented at the time the permit application is presented for consideration by the City.

(C) Permit Fee - All applications to the code enforcement officer / building official shall be accompanied by the required fee as provided for in the Schedule of Fees (Appendix A).

(D) Issuance of Permit - When upon review of the application, the City Council is satisfied that the proposed plan meets the requirements of law, a permit, shall be issued.

(E) Denial of Permit/Hearing - Any person whose application for a permit under the Ordinance has been denied, may request in writing a rehearing by the City Council within thirty (30) days on the matter

and offer additional evidence if desired.

Section 4. LICENSES.

- (A) License Required - It shall be unlawful for any person to establish, operate, or maintain or permit to be established, operated or maintained upon any property owned or controlled by him any HUD-Code Manufactured Home Park (formerly called a mobile home park) within the limits of the City of Overton unless he / she holds a valid license issued annually by the City Council. All applications for licenses shall be made in writing on forms furnished by him, to the City Council, who shall issue a license upon compliance by the applicant with provisions of this Ordinance. The City Council shall not issue a license unless the applicant is in compliance with all applicable ordinances and laws. Said license shall expire on 31st day of December each year.
- (B) Application for Original License - Application for original license shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of the license fee hereinafter provided, and shall contain:
- (1) The name and address of the applicant.
 - (2) The location and legal description of the park.
 - (3) A site plan of the park prepared in accordance with Section 8 hereof.
- (C) Hearing Granted Applicants - Any person whose application for a license under this Ordinance has been denied may request in writing and within ten (10) days a rehearing which shall be granted by the City Council.
- (D) Application for License Renewal - Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City council on or before December 1 of each year. Such application shall contain any change in the information occurring after the original license was issued or the latest renewal granted and be accompanied by the HUD-Code Manufactured Home Park (formerly called a mobile home park) register as hereafter provided.
- (E) License Fee - All original license applications or renewals hereof shall be accompanied by a fee as provided for in the Schedule of Fees (Appendix A). All renewal fees shall be due on the issuance of the license.
- (F) Transfer of License - Every person holding a license shall give notice in writing to the City Council within fifteen (15) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any HUD-Code Manufactured Home Park (formerly called a mobile home park). Application for transfer of license shall be made not later than fifteen (15) days after the date of the sale, transfer, or gift, or other disposition of interest in or control of HUD-Code Manufactured Home

Park (formerly called a mobile home park) and the City Council shall act thereon at the next regularly scheduled meeting.

- (G) Transfer of License Fee - All application for license transfer shall be accompanied by a fee as provided for in the Schedule of Fees (Appendix A of this Code).
- (H) Violations, Notice, Suspension of License - Whenever, the City Council finds that conditions or practices exist which are in violation of any provisions of this Ordinance it shall give notice in writing in accordance with Section 6A of this Ordinance, to the permittee or licensee or his agent that unless such conditions or practices are corrected within a reasonable period of time of not less than thirty (30) days nor more than one (1) year as specified in such notice, the license or permit shall be suspended. At the end of said period of time and if such conditions or practices have not been corrected, the City Council may suspend the license and give notice in writing of such suspension to the licensee or his agent at the address provided in the application. Upon receipt of notice of suspension, licensee shall cease operation of such park within ten (10) days after the notice is issued.

Section 5. INSPECTION.

- (A) Any duly authorized inspector of the City shall be permitted to make reasonable inspections of any HUD-Code Manufactured Home Park (formerly called a mobile home park) to determine compliance with this Ordinance.

Section 6. NOTICES, HEARINGS, AND ORDERS.

- (A) Notice of Violations; Requirements of Notice - Whenever it is brought to the attention of the Council that there has been a violation of any provisions of this Ordinance, the City Council shall give notice of such alleged violation to the Permittee or licensee or agent, as hereinafter provided. Such notice shall
 - (1) be in writing;
 - (2) shall include a statement of the reasons for its issuance;
 - (3) allow a reasonable time of not less than thirty (30) days nor more than one year, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for the performance of the act it requires;
 - (4) 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 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 sent by mail to his last known address, or when he / she has been served with such

notice by any method authorized or required by the laws of this State; and

- (5) contain an outline of remedial action when if taken, will effect compliance with the provisions of this Ordinance. If the violation is not remedied in accordance with the Notice, and a breach of the ordinance continues, then the Council may revoke any permits or licenses issued in addition to any punishment provided in Section 9 hereof.

Section 7. MOBILE HOMES AND HUD CODE MANUFACTURED HOME PROHIBITED IN THE CITY OF OVERTON.

The installation of mobile homes or HUD Code Manufactured Homes for use or occupancy as a residential dwelling in the City of Overton, Texas are prohibited exterior to HUD Code Manufactured Home Parks. Only HUD Code Manufactured Homes are permitted only within HUD Code Manufactured Home Parks. This provision is prospective and shall not apply to any mobile homes in use and occupied as residential dwellings in the City on the effective date of this ordinance.

Section 8. HUD-CODE MANUFACTURED HOME PARK (FORMERLY CALLED A MOBILE HOME PARK).

- (A) Site Plan - The site plan shall be filed as required by Section 3(B) of this Ordinance and shall show the following:
- (1) The name, address, fee owner and record owner of the proposed or existing HUD-Code Manufactured Home Park (formerly called a mobile home park).
 - (2) Name of subdivision where the park is located.
 - (3) Names of adjacent public streets and roads.
 - (4) Contour lines at two foot (2') intervals.
 - (5) Locations and dimensions of all HUD-Code Manufactured Mobile Home spaces, utility easements, drives, recreation areas, streets and sidewalks. Each HUD-Code Manufactured Mobile Home space shall be numbered.
 - (6) Scale of plan (no smaller than 1" = 200') and complete dimensions.
 - (7) Density in units per gross acre.
 - (8) Area and dimensions of site.
 - (9) Areas defined for waste containers and method of disposal of garbage and refuse.
 - (10) Location of shower and toilet facilities.
 - (11) Water and Sewer Plans: Water and sewer plans must be submitted showing the following:
 - a. Sewer line locations, grades and sizes.
 - b. Water line locations and sizes and source of water supply.

(12) Paving and Drainage Plans: Paving and drainage plans must show the directions and calculated quantities of runoff and the proposed specifications for streets. The responsible city employee shall notify the applicant in writing as to whether the plan was approved or disapproved, stating the reasons for disapproval and the modifications or conditions that must be made or met before approval can be obtained upon subsequent submission.

(B) HUD-Code Manufactured Home Park (formerly called a mobile home park) Standards - Any HUD-Code Manufactured Home Park (formerly called a mobile home park) constructed after adoption of this ordinance, and any extension/addition to an existing HUD-Code Manufactured Home Park (formerly called a mobile home park) in the City shall be done in compliance with the following site requirements:

(1) Density - A HUD-Code Manufactured Home Park (formerly called a mobile home park) shall have no more than 10 spaces per acre.

a. Park Area. Each HUD-Code Manufactured Home Park (formerly called a mobile home park) shall be planned for and shall provide a minimum of five (5) acres in area.

(2) Basic HUD-Code Manufactured Mobile Home Minimum Site Requirements:

a. Height Regulations:

1. The height limit for any structure intended for occupancy in the HUD-Code Manufactured Home Park (formerly called a mobile home park) shall be 20 feet.

2. The average height of the HUD-Code Manufactured Mobile Home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the pad.

b. Spacing Regulations - HUD-Code Manufactured Homes shall be located no closer than twenty feet (20') from any exterior wall to the closest exterior wall of the nearest HUD-Code Manufactured Home.

(C). HUD-Code Manufactured Home Space. Each and every HUD-Code Manufactured Home shall be located on separate space which shall conform to the following standards:

(1) Be served with sanitary sewer, water, electrical power, telephone service, and natural gas.

(2) Provide a minimum average width of forty (40) feet and a minimum average depth of eighty (80) feet (3,200 square feet).

(3) Abut and/or have access to a private street for a minimum distance of twelve (12) feet.

(4) Provide a HUD-Code Manufactured Home pad which shall provide an adequate foundation for the placement and tie-down of one single-family HUD-Code Manufactured Home

thereby securing the superstructure against uplift, sliding rotation, and overturning. Said pad shall:

- a. Be constructed of concrete which shall adequately support the weight of the HUD-Code Manufactured Home placed thereon and be durable and well drained under normal use and weather conditions.
- b. Provide anchors and tie-downs such as cast-in-place concrete with dead men eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors, or other devices which secure the stability of the HUD-Code Manufactured Home, and shall be placed at least at each corner of the HUD-Code Manufactured Home.
- c. Cover an area of at least two hundred forty (240) square feet or at least one-third the area of the largest HUD-Code Manufactured Home which is to be placed on the HUD-Code Manufactured Mobile Home space, whichever is greater. No surface provided for a purpose other than the foundation of HUD-Code Manufactured Home shall be considered a part of such HUD-Code Manufactured Home pad.

(5) Provide a minimum of two (2) off-street parking spaces which shall be constructed of concrete.

(6) Double street frontage of HUD-Code Manufactured Home spaces shall be avoided.

(7) No vehicular access to a HUD-Code Manufactured Home space is permitted from a public dedicated street.

(8) Drainage. The ground surface in all parts of every HUD -Code Manufactured Home Park (formerly called a mobile home park) and especially beneath HUD-Code Manufactured Homes and other structures shall be graded and equipped to drain all surface water in a safe efficient manner so as not to permit water to stand or become stagnant.

(D) Design and Location of Storage Facilities - Storage facilities with a minimum capacity of 200 cubic feet per HUD-Code Manufactured Home space, may be provided on the space, or in compounds located within 200 feet of space. Where provided, storage facilities shall be faced with a durable, fire resistant material. Storage outside the perimeter walls of the HUD-Code Manufactured Home shall be permitted only if in such facilities. No storage shall be permitted under a HUD-Code Manufactured Home. Storage facilities shall not be located within ten (10) feet of the boundary line of any HUD-Code Manufactured Home Space boundary line.

(E) Location of HUD-Code Manufactured Homes and Accessory Structures. No HUD-Code

Manufactured Home or accessory structure such as a refuse container, carport cabana, awning, fence, or storage locker shall be permitted within ten (10) feet of a private street or the boundary line of a HUD-Code Manufactured Home space boundary line. Provided further that two (2) HUD-Code Manufactured Homes shall not be placed less than twenty (20) feet apart.

(F) Setbacks and Screening.

- (1) No HUD-Code Manufactured Home or structure in a HUD-Code Manufactured Home Park (formerly called a mobile home park) shall be located within the yard setback area. The minimum setback area for each space is:

No part of the front of manufactured homes shall be closer than ten feet (10') to the paved surface of the private street.

No part of any manufactured home shall be located less than twenty-five feet (25') from any dedicated public street.

No part of any manufactured home shall be located less than fifteen feet (15') from manufactured home park perimeter property line.

- (2) The following screening requirements shall be applicable:

- a. A landscaped strip, not less than ten (10) feet in width or a screening device as defined herein shall be located along all HUD-Code Manufactured Home Park (formerly called a mobile home park) boundary lines abutting upon a public dedicated street or abutting residential property. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing, and maintenance of site obscuring trees, shrubs, plant life, as described below. Trees, shrubs, cane, and/or other vegetation shall be planted, cultivated, and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five (5) years. At least one row of trees with a minimum initial trunk diameter of one inch and minimum initial height of five (5) feet shall be planted on twenty-five foot centers. Also, two (2) rows of cane, non-deciduous shrubs and/or other suitable screening plants shall be planted on ten-foot centers. The buffer strips are intended to provide a seventy-five (75) percent or more opaque screen when viewed horizontally between (2) and ten (10) feet above the natural ground at the end of the growing period of five (5) years from the date of planting. Additional planting, cultivation, and maintenance may be required by the City officials during the use period of the buffer strip to achieve and maintain this effect.

(G) Access; Traffic Circulation; Parking:

- (1) Internal streets shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.
- (2) All internal streets shall be constructed to specifications set by the City Council and shall be maintained by the owner.
- (3) All private streets shall be constructed with asphalt or concrete and shall be durable and well drained under normal use and weather conditions.
- (4) Internal Street Dimensions; Parking:
 - a. Internal streets shall be minimum pavement width of 20 feet. Parking shall not be allowed on the minimum street width. An additional lane of nine (9) feet minimum width may be added to one or both sides for off street parking.
 - b. Internal streets shall permit unobstructed access to within at least 200 feet of any portion of each HUD-Code Manufactured Home.
 - c. Within each HUD-Code Manufactured Home Park (formerly called a mobile home park), streets shall be named, and HUD-Code Manufactured Homes numbered. Park signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.
 - d. Private streets which may connect two (2) public street right-of-way(s) shall, by the use of curves, off-sets, location, and/or the use of two (2) or more streets be located so as to discourage through traffic.
 - e. Private street intersections shall generally be at right angle, offsets at intersections of less than 125 feet (centerline to centerline) shall be avoided; intersection of more than two streets at one point shall be avoided.
 - f. Dead-end private streets shall be limited to a maximum length of one thousand (1,000) feet and shall be provided with a vehicular turning space, with a turning circle of eighty (80) feet in diameter.
 - g. Layout streets and Blocks. Streets shall be laid out to provide a minimum distance of two hundred and forty (240) feet, center to center of parallel streets, between intersections.
 - h. Lighting. The private streets, parking lots, walks, and service areas shall be lighted at all times so the HUD -Code Manufactured Home Park (formerly called a mobile home park) shall be safe for occupants and visitors, provided further all entrances and exits shall be lighted.

(H) Fire Safety Standards:

- (1) The storage, handling, and use of liquefied petroleum gases and flammable liquids shall be done in compliance with applicable city ordinances and state statutes.
- (2) Access to HUD-Code Manufactured Home for Fire Fighting - Approaches to all HUD-Code Manufactured Homes shall be kept clear for emergency vehicles.
- (3) Fire Protection. Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the Fire Marshal but in no case shall the park provide less than a system of standard hydrants located not more than five hundred (500) feet from each HUD-Code Manufactured Home space and served by water lines not less than six (6) inches in diameter installed in a looped system.
- (4) The HUD-Code Manufactured Home Park (formerly called a mobile home park) licensee or agent shall provide an adequate system of collection and safe disposal of rubbish.

(I) Water Supply:

- (1) All approved water supply for domestic use and fire protection purposes shall be supplied to meet the requirements of the HUD-Code Manufactured Home Park (formerly called a mobile home park).
- (2) All plumbing shall be in accordance with applicable state statutes and the ordinances of the City of Overton.

(J) Sewage Disposal - From and after the effective date of this Ordinance, the following shall apply:

- (1) Waste from all toilets, lavatories, sinks and showers in HUD-Code Manufactured Home Park (formerly called a mobile home park) shall be discharged into a public sewer or a private disposal system approved by the City Council.
- (2) All plumbing shall comply with applicable plumbing codes.
- (3) Each HUD-Code Manufactured Home pad shall have a sewer riser pipe of at least four inches (4") which shall be capped when not in use.

(K) Electrical and Telephone Distribution Systems - From and after the effective date of this Ordinance, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the State.

(L) All rooms containing bathrooms or laundry facilities shall:

- (1) Have fire-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, tubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture resistant materials.

- (M) Refuse and Garbage – Enrollment in a valid garbage service for a HUD-Code Manufactured Home Park and its residents, shall be the exclusive and sole responsibility of the HUD-Manufactured Home Park owner. Solid waste shall be stored in fly proof, water proof containers, which shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of said refuse and garbage shall be so conducted as to create no health hazard. A refuse pickup easement shall be granted by the owner of the HUD-Code Manufactured Home Park (formerly called a mobile home park) to the City of Overton, if these facilities are located so as to require the entrance of a municipal vehicle into the trailer park.
- (N) Maintenance of Park The owner of the park shall be responsible to insure that it is maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard. Growth of plant materials such as weeds and grass, especially beneath HUD-Code Manufactured Homes and other structures shall be continuously controlled. All streets, parking and storage areas shall be maintained to provide a fully paved surface.
- (O) Conform to Codes: All HUD-Code Manufactured Home Park (formerly called a mobile home park) facilities and HUD-Code Manufactured Homes contained therein shall conform without limitation to the codes and ordinances of the City of Overton, including the Building, Plumbing, Electrical, and Fire Codes and all applicable laws of the State of Texas.
- (P) Office: Every HUD-Code Manufactured Home Park (formerly called a mobile home park) shall have an office in which a copy of the park permit or license shall be posted and the park register shall be in such office. It shall be the duty of the licensee to keep a register of park occupancy which shall contain the following information:
- (1) Name and address of owner and occupant.
 - (2) The make, model, serial number, year, and dimensions of all HUD-Code Manufactured Homes.
 - (3) The date of arrival and departure of each HUD-Code Manufactured Home.
- The park operator shall submit the park register to the City Council each year upon requesting license renewal and shall make said register available to any authorized city official upon reasonable request. Upon gaining knowledge of a departure of any HUD-Code Manufactured Home, the park operator shall notify the city tax assessor. Failure to do so shall place the operator in violation of this ordinance.
- (Q) Ordinance Compliance. It shall be the responsibility of the licensee to insure that all requirements of

this ordinance are met and maintained. Any HUD-Code Manufactured Home Park (formerly called a mobile home park) issued an initial license after adoption of this ordinance that is found to be in violation of any provisions of this ordinance shall be notified in writing by the City Council in accordance with Section 6 and upon failure to comply said license shall be revoked.

(R) Nonconforming HUD-Code Manufactured Home Park (formerly called a mobile home park):

- (1) Any HUD-Code Manufactured Home Park (formerly called a mobile home park) in use and/or existence on the effective date of this ordinance, and not complying with all applicable provisions of this ordinance shall be considered a nonconforming HUD-Code Manufactured Home Park (formerly called a mobile home park). Such nonconforming HUD-Code Manufactured Home Park (formerly called a mobile home park) shall conform to the requirements of Ordinances of the City of Overton as it existed prior to the effective date of this Ordinance. Nonconforming parks shall however, comply with the requirements of Section 8(M) hereof.
- (2) Any land area added to a nonconforming HUD-Code Manufactured Home Park (formerly called a mobile home park) shall conform to all requirements of this ordinance.

(S) Miscellaneous Requirements:

- (1) Responsibilities of the Park Management:
 - a. All responsibilities set out elsewhere in this Ordinance shall apply.
 - b. The licensee or his agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park and all facilities in good repair, and in clean and sanitary condition.
 - c. The licensee or agent shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this Ordinance.
- (2) Responsibilities of Park Occupants:
 - a. All responsibilities of occupants set out elsewhere in this Ordinance shall apply.
 - b. The park occupant shall comply with all requirements of this Ordinance.
 - c. The park occupant shall be responsible for proper placement of his HUD-Code Manufactured Home in its HUD-Code Manufactured Home pad and proper installation of all utility connections in accordance with the instructions of the park management.
 - d. The use of space immediately beneath a HUD-Code Manufactured Home for storage shall not be permitted.
- (3) Mobile Homes shall not be permitted in a HUD-Code Manufactured Home Park.

Section 9. PENALTY PROVISIONS.

Any person, firm or corporation violating this ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$1.00 nor more than \$500.00 and each day that such violation continues shall be considered a separate offense and punishable accordingly.

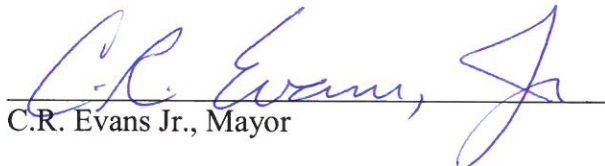
Section 10. SEVERABILITY.

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this Ordinance.

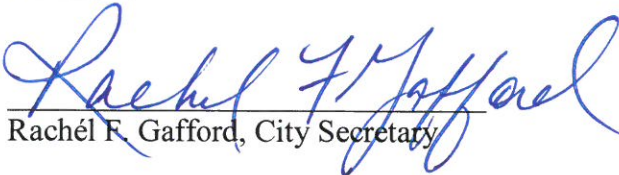
Section 11. EFFECTIVE DATE.

This ordinance shall be effective immediately upon its passage and approval.

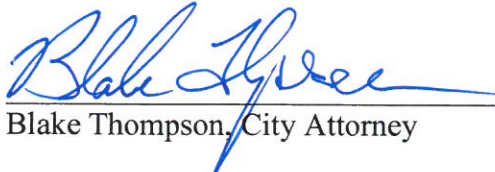
PASSED AND APPROVED this the 7 day of October 2014.


C.R. Evans Jr., Mayor

ATTEST:


Rachel F. Gafford, City Secretary

APPROVED:


Blake Thompson, City Attorney