

**CITY OF BURTON ORDINANCE NO. 02092021**

**AN ORDINANCE OF THE CITY OF BURTON AMENDING ORDINANCE NO. 20181008A OF THE CITY OF BURTON AND REPEALING ALL LAWS OR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; ESTABLISHING STANDARD RULES AND GUIDELINES FOR THE INSTALLATION, USE, PLACEMENT, AND LOCATION OF MOBILE HOMES, HUD CODE MANUFACTURED HOMES, MODULAR HOMES, AND HUD CODE MANUFACTURED HOME PARKS; RESIDENTIAL USE OF MANUFACTURED HOMES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Burton, Texas, has authority to regulate, limit, prohibit, and direct the installation, placement, and planning of housing within the municipality through zoning, land use, and its powers to protect the public health, safety, and general welfare; and

**WHEREAS**, the City Council for the City of Burton desires to amend the existing Mobile Home and Manufactured Home Ordinance No. 20181008A by adding language in Sections 5 and 7 requiring that residential use variance requests shall only be considered if the landowner uses a Manufactured or Mobile Home as their primary residence, and does not use it for rental/lease purposes.

**WHEREAS**, the City Council of the City of Burton, Texas, finds that it is in the best interest of the public safety, health and general welfare, as well as to proper planning and management of zoning and land use, to amend its ordinances regulating Mobile Homes, HUD-Code Manufactured Homes, HUD-Code Manufactured Home Parks, and Modular Homes as they are defined under the MHSA;

**WHEREAS**, a public hearing on this matter was held by the City Council as required by law;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BURTON, TEXAS:**

**SECTION 1 - OTHER ORDINANCES AND LAWS.**

That Ordinance No. 20181008A is amended with the updated Ordinance language contained in the attached exhibit. The attached exhibit shall be the current, controlling version of Ordinance No. 20181008A.

**SECTION 2 - CONTROLLING ORDINANCE**

This ordinance and the attached exhibit (the current, controlling version of Ordinance No. 20181008A) shall control over any conflicting terms previously contained in Ordinance No. 20181008A and any other ordinances amending ordinances thereunder, except as may be otherwise stated herein.

**SECTION 3 – AMENDMENT TO THE SECTION CONTROLLING UNLAWFUL PARKING, USE OR LOCATION OF MANUFACTURED HOMES**

SECTION 5 OF ORDINANCE NO. 20181008A SHALL BE AMENDED AS FOLLOWS:

It shall be unlawful for any person, firm or corporation to park, use, locate or permit the parking or location of any HUD-CODE MANUFACTURED HOME upon any lot, street or tract of land unless the lot or tract of land is entirely within an approved HUD CODE MANUFACTURED HOME PARK, or a residential use variance has been granted under Section 7. Any person wishing to obtain an exception to the

foregoing rule must make a written request for a variance to the City of Burton and comply with location guidelines in Section 9.

#### **SECTION 4 – AMENDMENT TO THE SECTION CONTROLLING MANUFACTURED HOME USE**

SECTION 7 OF ORDINANCE NO. 20181008A SHALL BE AMENDED AS FOLLOWS:

A MANUFACTURED HOME shall not be used as an office or business building in any zoning district, except as an office on the site in connection with:

- a. a MANUFACTURED HOME PARK, or
- b. a bona fide retail MANUFACTURED HOME sales lot or park.

A MANUFACTURED HOME OR MOBILE HOME shall only be allowed as a residence if a variance is requested and approved by the City Council. A variance request for residential use of a MANUFACTURED HOME OR MOBILE HOME will only be considered if:

1. the MANUFACTURED HOME OR MOBILE HOME will be used as the landowner's primary residence; and
2. the MANUFACTURED HOME OR MOBILE HOME will not be used for rental or lease property.
3. Evidence that the landowner will use a MANUFACTURED OR MOBILE HOME as their primary residence does NOT guarantee approval of a variance. The City Council will consider the totality of the circumstance in deciding whether to approve a variance request.

Any person wishing to obtain an exception to the foregoing rule must make a written request for a variance to the City of Burton and comply with location guidelines in Section 9.

#### **SECTION 5 - NONLIABILITY**

The City and its officers, agents and employees shall have no liability of any nature for any actions, omissions, or other matters in any way concerning the subject matter of this ordinance.

#### **SECTION 6 - CONSTITUTIONALITY**

If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be a deemed separate, distinct, and independent provision and such invalidity shall not affect the validity of the remaining portions of this ordinance.

#### **SECTION 7 – PUBLICATION**

The City Secretary is hereby authorized and directed to cause publication of this ordinance in accordance with law.

#### **SECTION 8 - EFFECTIVE DATE**

This ordinance shall be in full force and effect from the date of its passage and adoption by the City Council of the City of Burton.

**PASSED AND ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

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**Mayor**

**City of Burton, Texas**

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**Secretary or Attorney**

**City of Burton, Texas**