

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2018-2299

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING COMPREHENSIVE ZONING ORDINANCE BY REPEALING APPENDIX A, SECTIONS 10-700 TO 10-736, ENTITLED “MOBILE HOME DISTRICT,” AND REPLACING IT WITH NEW SECTION 10-700 ENTITLED “MOBILE HOME DISTRICT”, BY PRESCRIBING THE PERMITTED USES AND DEVELOPMENT STANDARDS WITHIN THE MOBILE HOME DISTRICT AND PRESCRIBING THE DEVELOPMENT STANDARDS FOR SITE BUILT HOMES WITHIN THE MOBILE HOME DISTRICT; AMENDING APPENDIX A, SECTION 11-301, ENTITLED “SCHEDULE OF MINIMUM FLOOR AREA PER DWELLING UNIT,” BY PROVIDING A MINIMUM FLOOR AREA OF 800 SQUARE FEET FOR SITE BUILT HOMES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 211.006(a) of the Texas Local Government Code requires the City of The Colony, Texas, to publish notice of a public hearing concerning a zoning amendment before the 15th day before the date of the public hearing; and

WHEREAS, Appendix A, Section 24-101(d) of the Code of Ordinances of the City of The Colony, Texas, provides the following “[a] public hearing shall be held by city council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given per the publication policy of the city, stating the time and place of such hearing, and shall be published a minimum of 15 days prior to the date of the public hearing;” and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of The Colony, Texas, in compliance with the laws of the State of Texas, and the Code of Ordinances of the City of The Colony, Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested, and the City Council of the City of The Colony, Texas, is of the opinion and finds that said changes should be granted, and that the Code of Ordinances should be amended.

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

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That Appendix A, Sections 10-700 to 10-736 of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Mobile Home District,” is hereby repealed in its entirety, and is replaced with a new Section 10-700 entitled “Mobile Home District,” which shall read as follows:

“10-700. *Mobile Home district.*

(a) The mobile home or house trailer is recognized as a special form of housing and therefore, subject to the specific and special standards as herein provided.

(b) *Uses permitted.*

(1) The uses designated as permitted in the Mobile Home district in 10-100 shall be permitted in a mobile home park. In addition to such uses, a caretaker's home and office shall be permitted, but only one such facility shall be permitted for each mobile home development.

(c) *Mobile home district development standards.*

(1) No mobile home, house trailer, Site Built Home dwelling or other structure permitted in the MH district may be erected, altered, placed, moved or converted on any lot or tract unless it is in conformity with all minimum area regulations specified in this subsection.

(2) No mobile home, house trailer, Site Built Home or mobile home lot, tract, plot or transient stand shall be placed, located or erected nearer than twenty (20) feet to any MH district boundary line.

(3) No carport, garage, storage building, office or caretaker's dwelling, laundry house or other permitted structure may be located nearer than twenty (20) feet to any boundary line of the MH district.

(4) A Site Built Home dwelling unit shall consist of the following:

(A) Minimum lot area of consistent with Section 11-101.

(B) Minimum lot width shall be consistent with Section 11-200.

(C) Minimum floor area of dwelling unit of 800 square feet.

(D) Minimum front yard setback consistent with Section 11-400.

(E) Minimum side yard setback shall be consistent with Section 11-500 and 11-501(8).

(F) Minimum rear yard setback shall be consistent with Section 11-600 and 11-601.

(G) Height restriction for any structure shall be consistent with Section 12-100 to 12-102.

(5) There shall be only one dwelling unit per lot.

(d) *Special development standards.*

- (1) Each mobile home or house trailer park, court or subdivision shall meet the standards specified in this subsection.
- (2) Provide sanitation, fire protection and utility service to each lot, tract, plot or stand in accordance with the City of The Colony codes and ordinances regulating fire protection and utility service.
- (3) Provide ingress and egress to the property in accordance with the requirements of the City of The Colony.
- (4) Provide open playground space within the park or court at a ratio of five hundred (500) square feet for each of the first twenty (20) units provided and at a ratio of two hundred fifty (250) square feet each for all additional unit spaces provided.
- (5) Provide street and drive surfacing, drainage and garbage collection right-of-way, fire lanes and utility easements as required by the city.
- (6) Provide and maintain a permanent sight-barring fence of the steel chain link type or equivalent or better, not less than six (6) feet in height completely around the rear and all sides of the mobile home or house trailer, park, court or subdivision not exposed to a dedicated street or highway.”

SECTION 3. That Appendix A, Section 11-301 of the Comprehensive Zoning Ordinance of the City of The Colony, Texas, entitled “Schedule of Minimum Floor Area Per Dwelling Unit,” is hereby amended to read as follows:

“(11-301) *Schedule of Minimum Floor Area Per Dwelling Unit*

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District	Minimum Floor Area Per Dwelling Unit
TH	1,100 sq. ft.
MF-1	Average of all units in building or project must be 800 sq. ft. minimum with a minimum per unit of 600 sq. ft. Maximum density is 10 units per acre plus 50 per cent bonus to 15 units per acre.
MF-2	Average of all units in building or project must be 800 sq. ft. minimum with a minimum per unit of 600 sq. ft. Maximum density is 12 units per acre plus 50 per cent bonus to 18 units per acre.
MF-3	Average of all units in building or project must be 800 sq. ft. minimum with a minimum per unit of 600 sq. ft. Maximum density is 16 units per acre plus 50 per cent bonus to 24 units per acre.

MF-4	To be established in the amending ordinance.
MH	Mobile Home—450 sq. ft. per unit. Site Built Home – 800 sq. ft. per unit.
PD	To be established in the amending ordinance.

SECTION 4. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 7. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED by the City Council of the City of The Colony, Texas, this 2nd day of January, 2018.

/s/Joe McCourry, Mayor

ATTEST:

/s/Tina Stewart, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney