

**CITY OF LUMBERTON, TEXAS  
ORDINANCE NO. 21-1258**

**AN ORDINANCE OF THE CITY OF LUMBERTON, TEXAS AMENDING THE CITY'S ZONING ORDINANCE, CHAPTER 50, SECTION 50-475 THROUGH SECTION 50-477 REGULATING THE MOVEMENT AND RELOCATION OF EXISTING BUILDINGS/STRUCTURES; ADOPTING APPROVAL CONDITIONS FOR A SPECIFIC USE PERMIT FOR RELOCATION WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES; ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lumberton, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the city and provide for the administration, enforcement and amendment of the zoning regulations; and

**WHEREAS**, the City Council finds that the citizens of the City of Lumberton would be best served by amending Chapter 50 of the Lumberton Code of Ordinances to regulate the movement of existing buildings and structures to property located within the City's corporate limits and provide conditions precedent that such buildings and structures shall meet, including all applicable safety and building regulations and other reasonable conditions and stipulations as determined by the City's Planning and Zoning Commission and/or the City Council prior to the grant and issuance of a Specific Use Permit;

**WHEREAS**, the Council finds that such approval conditions for a Specific Use Permit to be granted for the relocation of an existing building or structure should be adopted for the protection of the health, safety and welfare of the citizens of the City.

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

**Section 1.**     Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary.

**Section 2.**     That Chapter 50 titled Zoning is hereby amended as follows:

(a) **CHAPTER 50 – ZONING**  
**ARTICLE III. – DISTRICT REGULATIONS**  
**DIVISION 10. Specific Use Permits**

**Sec. 50-476. – Conditions for approval.**

- (a) In considering and determining its recommendation to the city council relative to any application for a specific use permit, the city planning and zoning commission may require that the applicant's function and characteristics of any use of land or building proposed be submitted.
- (b) The city planning and zoning commission may recommend to the city council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangement, location of construction of buildings and uses and operation be required.
- (c) The city council may in the interest of the public welfare, and to ensure compliance with the intent of this article, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.
- (d) A site plan setting forth the conditions specified may be required of the applicant and such plan, when accepted, shall be made part of the amending ordinance.
- (e) A specific use permit approved under the provisions of this division shall be considered as an amendment to the zoning ordinance as applicable to the property involved.

(f) In addition to (a) – (e) above, Relocated Structures shall be bound by the following additional regulations:

(1) For the purpose of this Chapter, "Relocated Structure" shall mean an existing house, building or structure for which a person desires to move and relocate within the corporate limits of the City for the purpose of residential or commercial use (excluding Accessory Buildings which are regulated under 50-537);

(2) No moving permit shall be issued for a Relocated Structure to be moved onto any property within the City's corporate limits unless the applicant first applies for and the City approves and issues a Specific Use Permit for the Relocated Structure. The Specific Use Permit may provide for a time period for performance and/or an expiration.

(3) A Specific Use Permit for a Relocated Structure shall not be issued unless the following conditions exist:

(i) An application for a Specific Use Permit for a Relocated Structure shall not be accepted unless the applicant first submits to the following:

1. A statement signed by the owner of the property upon which the Relocated Structure is proposed to be placed stating his or her full name and address, the type of building or structure, the present and proposed location of the building or structure, and the fair market value and approximate age of the building or structure to be moved;

2. A certified property inspection report providing at minimum: findings of the structural systems, including the foundation, grading and drainage, roof structure, interior and exterior walls, ceilings and floors, interior and

exterior doors, windows and attachments; and inspection overview of the electrical systems, heating, ventilation and air condition systems, and plumbing systems.

3. A certificate from a licensed structural pest control contractor stating the condition of the property with respect to decay and pest infestation; said certificate shall be as of a date no earlier than thirty (30) days prior to the application for relocation;

4. A site plan showing the proposed location of the building or structure upon the property to which the building or structure is to be moved and demonstrating the proposed placement will meet all existing City regulations;

5. Renderings of any proposed alterations to the exterior of the building or structure and colored photographs of all sides of such building or structure;

6. A detailed explanation and request for any variances from the City's ordinances required for the movement, relocation and/or rehabilitation of an existing structure.

(ii) The Relocated Structure must be structurally sound for occupancy and meet the minimum building standards required by the City. No substandard or unsafe or hazardous or dilapidated existing structure will be allowed or permitted to be moved onto property located within the City's corporate limits.

(iii) The Relocated Structure shall have plumbing, electrical, heating and air conditioning which complies with all applicable provisions of the city's adopted building codes and state law;

(iv) No such approval shall be given if the existing structure or building to be relocated is found to be pest-infested, unsanitary or otherwise unfit for human habitation, occupancy, or use.

(v) No existing structure shall be relocated to property within this City unless the structure complies with all zoning and other ordinances which apply to the property.

(vi) A Specific Use Permit may be denied by reason of its external appearance, design or placement upon a finding that the existing structure would not be compatible with the character of the adjacent properties or subdivision in which it is proposed to be located.

(4) Before any permit is issued under the provisions of this subchapter, the owner of the building to be moved, or his or her agent, shall apply for and receive a building permit.

(5) The City at its discretion may approve the relocation of a non-conforming property and require a performance bond, executed by a responsible surety company authorized to do business in the State of Texas in an amount as recommended by the City Manager as being necessary to bring such existing structure up to the existing building codes and standards of the properties in the immediate area of the proposed new location and require that all work be completed pursuant to the conditions of the structure-moving permit within the time period specified. If the work

is not completed within the time permitted, then the bond shall be forfeited, and the proceeds used to pay the costs of completing the work or demolishing the structure and clearing the property;

(6) The person moving a house under the provisions of this subchapter shall be responsible in damages to the City for all damages occasioned to the public streets or City property, as well as responsible in damages to public utilities and individuals for such damages as may have been occasioned by the moving of the house. The City Manager shall determine after the moving if there has been any damage to any public or private property; and if so, make an estimate of the amount and furnish a copy to the mover and the person whose property has been damaged. The person moving the house shall pay the same within 30 days after notice thereof, and in the event of failure to pay such damages, the City will not issue further permits to such person until such time as the said damages are paid in full.

(1)(7) The Relocated Structure shall be subject to the inspection of the City Building Inspector and must conform to all ordinances of this City and the requirements of the building code and other codes or ordinances relating to building construction and necessary installation incident thereto.

**(b) CHAPTER 50 – ZONING**  
**ARTICLE III. – DISTRICT REGULATIONS**  
**DIVISION 10. – Specific Use Permits**

**Sec. 50-477. – Specific Use Schedule.**

The specific use schedule of the city is as follows:

USE	PERMISSIVE DISTRICT
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Nonsite-built, non-manufactured housing structure used for residence; <u>Relocated Structures</u>	R-1; <u>R-3; C-1</u>

**Section 3.** Cumulative. This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Lumberton, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**Section 4.** Savings Clause. All rights and remedies of the City of Lumberton are expressly saved as to any and all violations of the provisions of any ordinances affecting the adopted ordinances within the City which have accrued at the time of the effective date of these ordinance amendments; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by these ordinance amendments but may be prosecuted until final disposition by the courts.

**Section 5.** Severability. Should any section or part of this ordinance be held unconstitutional,

illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 6.**     Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**Section 7.**     Effective Date. This ordinance shall take effect upon adoption.

**Section 8.**     Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

#### CERTIFICATE

I hereby certify that the foregoing was presented to the City Council for the City of Lumberton, Texas during a meeting on the 9<sup>th</sup> day of August, 2021 for a first reading and again on the 23<sup>rd</sup> day of August, 2021 for a second reading. A quorum of the City Council being then present at both readings, it was then duly moved and seconded that the foregoing be adopted, and such was then adopted.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL FOR THE CITY OF LUMBERTON, TEXAS, on the 23<sup>rd</sup> day of August, 2021.

By: \_\_\_\_\_  
Don Surratt, Mayor  
City of Lumberton, Texas

ATTEST:

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Susan Collins, City Secretary