VILLAGE OF VOLENTE

ORDINANCE NO. 2011-O-121

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS AMENDING THE VILLAGE'S ZONING ORDINANCE (ORDINANCE NO. 2004-O-32), CODIFIED AT ARTICLE 30, SECTION 30.105 OF THE VILLAGE'S ZONING REGULATIONS, SO AS TO CONFORM ITS ZONING ORDINANCE AND REGULATIONS TO CURRENT FEDERAL AND STATE STATUTES AND REGULATIONS; MODIFYING THE DEFINITIONS OF MANUFACTURED HOMES, MANUFACTURED HOUSING, MOBILE HOMES, MODULAR COMPONENTS, NONCONFORMING STRUCTURES OR BUILDINGS, AND NONCONFORMING USES; DEFINING AND RESTRICTING THE USE AND STORAGE OF RECREATIONAL VEHICLES ON SINGLE-FAMILY RESIDENTIAL IMPROVED LOTS; AND PROVIDING FOR LEGISLATIVE FINDINGS, PURPOSE, SEVERABILITY, EFFECTIVE DATE, AND PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village Council of the Village of Volente ("Village") finds that certain provisions of its existing Zoning Ordinance are outdated and conflict with current federal and state statutes and regulations concerning manufactured homes, manufactured housing, mobile homes, and modular components; and

WHEREAS, the Village Council believes that the existing definition of "Nonconforming Use" should be clarified to ensure that it is fairly applied and enforced; and

WHEREAS, the Village Council seeks to provide for the orderly and harmonious development of land and use of property within its corporate limits; and

WHEREAS, the Village Council seeks to protect the Village's economic strength and quality of life through a comprehensive regulatory system imposing land use and development regulations through zoning ordinance provisions, which will ensure an ordered and quality development of property; and

WHEREAS, the Village Council finds that the unrestricted use and placement of Recreational Vehicles on single-family residential improved lots can cause aesthetic harm, devalue adjacent properties, result in undesirable overcrowding, and constitute a public nuisance; and

WHEREAS, the Village Council finds that reasonable restrictions on the number of Recreational Vehicles that may be stored on single-family residential improved lots, and reasonable limits on the length of time that Recreational Vehicles may be stored on single-family residential improved lots, protect and enhance property values, create a pleasing environment for residents and the entire community,

preserve the quality of life for the Village's residents, and are in the best interest of the public's general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

Section 1. Legislative Findings.

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

Section 2. Purpose.

The provisions of this Ordinance are intended to protect the welfare, convenience and overall enjoyment and quality of life of the citizens of Volente.

Section 3. Amendments to Existing Definitions.

The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.105 of the Village's Zoning Regulations are hereby amended so as to define in their entirety the following definitional terms (***in bold italics***):

> ***Manufactured Home*** or ***Manufactured Housing*** means a "HUD-Code Manufactured Home" as defined by Tex. Occupations Code §1201.003(12), meaning a structure: (i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections; and (v) in the traveling mode, is at least eight (8) body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet; (vi) includes the plumbing, heating, air conditioning, and electrical systems of the home; and (vii) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g). A Manufactured Home or Manufactured Housing that is not installed on a permanent foundation system or whose square footage is less than the minimum established in Sec. 30.112 of this ordinance is prohibited in the Village unless it was in place and in use immediately prior to this ordinance being enacted.
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> ***Mobile Home*** means a structure: (i) constructed prior to June 15, 1976; (ii) built on a permanent chassis; (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; (iv) transportable in one or more sections; and (v) in the traveling mode, is at least eight (8) body feet in width or at least forty (40) body feet in length or, when erected on site, at least 320 square feet; and (vi) includes the plumbing, heating, air conditioning, and electrical systems of the home, as defined by Tex. Occupations Code §1201.003(20). Any mobile home constituting an existing conforming or

non-conforming use is prohibited within the Village limits unless it was in place and in use immediately prior to this ordinance being enacted.

Modular Component means a structural part of housing or a building permitted by and under the jurisdiction and control of the Texas Department of Licensing and Regulations that is constructed at a location other than the building site in a manner that prevents the construction from being adequately inspected for code compliance at the building site without damage or removal and reconstruction of a part of the housing or building, as defined by Tex. Occupations Code §1202.001(5).

Nonconforming Use means the use of any building, structure or land that lawfully existed at the time of passage of this article or amendments thereto, and that does not conform after the passage of this article or amendments with the regulations of the article or amendment.

Section 4. Amendment Defining and Restricting the Use and Storage of Recreational Vehicles.

The Village of Volente's Zoning Ordinance (Ordinance No. 2004-O-32) and Article 30, Section 30.105 of the Village's Zoning Regulations are hereby amended so as to define and place restrictions upon Recreational Vehicles, which are defined and restricted as follows:

Recreational Vehicle (RV) means any self-propelled or towable vehicle designed for and constructed primarily to provide temporary living quarters for recreational, camping, or travel use; primarily intended for recreational purposes, including but not limited to a campervan, truck camper, pop-up camper, travel trailer, teardrop trailer, fifth-wheel trailer, toterhome or toy hauler. Storage of a property owner's RV or a tenant's RV is allowed at the property owner's residence or the tenant's rental home on an Improved Lot and is limited to one RV per residence. For the limited purpose of this RV restriction only, "Improved Lot" means a lot upon which a single family residence has been constructed, for which a valid Certificate of Occupancy has been issued by the Village, and which is connected to a wastewater or septic system and electrical utilities. An RV may not be stored in any easement or set back areas. RV parking and use by visitors, by property owners during home construction/major remodeling, for emergency purposes, or by a governmental public utility or law enforcement agency while engaged in their official duties, is temporarily allowed for a maximum length of 30 continuous days, with an annual maximum time limit of 3 months total. There must be a minimum of 14 days between stays. To exceed the time provisions or the use restrictions in this ordinance, a permit must be issued by the Village. No RV may be permitted to remain on any lot as a permanent residence, either by property owners or tenants. Permanent residence is defined as the vehicle being attached directly to a power and/or water source and/or sewage facility, or used for more than 30 days at a time or more than 3 months during a calendar year.

Section 5. Severability.

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Effective Date.

This Ordinance shall take effect immediately from and after its passage, in conformance with law.

Section 7. Compliance with Public Notice and Meeting Requirements.

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.

PASSED AND APPROVED this, the 18th day of January, 2011, by a vote of the Volente Village Council of 5 in favor, to 0 opposed, and with 0 abstentions.

VILLAGE OF VOLENTE

Justine Blackmore-Hlista

Justine Blackmore-Hlista, Mayor

ATTEST:

Jennifer Zufelt

Jennifer Zufelt, Village Secretary