

ORDINANCE No. 03-11-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF ENNIS, TEXAS BY ADDING A NEW SECTION 15-300, ADOPTING REGULATIONS FOR INDUSTRIALIZED HOUSING AND BUILDINGS; REQUIRING SUCH HOUSING TO HAVE A VALUE EQUAL TO OR GREATER THAN THE MEDIAN TAXABLE VALUE OF EACH SINGLE FAMILY DWELLING LOCATED WITHIN 500 FEET OF THE LOT ON WHICH THE INDUSTRIALIZED HOUSING IS PROPOSED TO BE LOCATED; REQUIRING EXTERIOR SIDING, ROOFING, ROOF PITCH, FOUNDATION FASCIA, AND FENESTRATION COMPATIBLE WITH THE SINGLE FAMILY DWELLINGS LOCATED WITHIN 500 FEET; REQUIRING COMPLIANCE WITH MUNICIPAL AESTHETIC STANDARDS, BUILDING SETBACKS, SIDE AND REAR YARD OFFSETS, SUBDIVISION CONTROLS, ARCHITECTURAL LANDSCAPING, SQUARE FOOTAGE, AND OTHER SITE REQUIREMENTS APPLICABLE TO SINGLE FAMILY DWELLINGS, AND REQUIRING THAT SAID HOUSING BE SECURELY FIXED TO A PERMANENT FOUNDATION.

WHEREAS the 78th Regular Texas Legislature adopted Senate Bill 1326 and Senate Bill 279, amendments to Chapter 1202 of the Occupations Code, relating to municipal regulation of single family and duplex industrialized housing and industrialized buildings; and

WHEREAS the Governor signed Senate Bill 1326 with an effective date of June 18, 2003 and Senate Bill 279 making it effective September 1, 2003; and

WHEREAS the City Commission of the City of Ennis, Texas desires to regulate single family and duplex industrialized housing and industrialized buildings to the extent permitted by state law; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ENNIS, TEXAS:

Section 1: That Article XV Special Standards of the Zoning Ordinance of the City of Ennis, Texas is hereby amended by the addition of a new Section 15-300 that shall read as follows:

Section 15-300(A) For the purposes of this ordinance, the following definitions shall apply:

A. General Definitions:

1. "Commission" means the Texas Commission of Licensing and Regulation
2. "Commissioner" means the commissioner of licensing and regulation
3. "Council" means the Texas Industrialized Building Code Council
4. "Department" means the Texas Department of Licensing and Regulation.
5. "Modular Component" means a structural part of housing or a building 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:
 - a) damage; or
 - b) removal and reconstruction of a part of the housing or building

6. "Fenestration" means skylights, roof windows, vertical windows (whether fixed or movable), opaque doors, glazed doors, glass block, and combination opaque/glazed doors.
7. "Foundation Fascia" means the method of covering or binding together structural components.
8. "Within 500 feet" as used within the context of this ordinance refers to single family or duplex houses already in existence at the time of permit request for the industrialized house or, should there not be an existing single family or duplex house within 500 feet of the industrialized house, then the 500 feet shall be measured from the boundaries of the platted subdivision in which the industrialized house is to be located, to single family or duplex housing already in existence at the time of permit request for the industrialized house.

B. Definition of Industrialized Housing

1. Industrialized housing is a residential structure that is:
 - a) designed for the occupancy of one or more families;
 - b) constructed in one or more modules or constructed using one of more modular components built at a location other than the permanent site; and
 - c) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
2. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
3. Industrialized housing does not include:
 - a) a residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof;
 - b) housing constructed of a sectional or panelized system that does not use a modular component; or
 - c) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

C. Definition of Industrialized Building

1. An industrialized building is a commercial structure that is:
 - a) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - b) designed to be used as a commercial building when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
2. An industrialized building includes the structure's plumbing, heating, air conditioning, and electrical systems.
3. An industrialized building does not include a commercial structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

Section 15-300(B) Regulation of Industrialized Housing and Buildings

A. The City of Ennis shall:

1. require and review, for compliance with mandatory building codes, a complete set of designs, plans, and specifications bearing the council's stamp of approval for each installation of industrialized housing or buildings in the city;
2. require that all applicable local permits and licenses be obtained before construction begins on a building site;
3. require, in accordance with commission rules, that all modules or modular components bear an approved decal or insignia indicating inspection by the department; and
4. establish procedures for the inspection of:
 - a. the erection and installation of industrialized housing or buildings to be located in the municipality, to ensure compliance with mandatory building codes and commission rules; and
 - b. all foundation and other on-site construction, to ensure compliance with approved designs, plans, and specifications

B. Procedures described by Subsection (a)(4) may require:

1. before occupancy, a final inspection or test in accordance with mandatory building codes; and
2. correction of any deficiency identified by the test or discovered in the final inspection

Section 15-300(C) Regulation of Single Family and Duplex Industrialized Housing:

- A. Single family or duplex industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.
- B. For purposes of this section, single family or duplex industrialized housing is real property.
- C. Any industrialized housing shall:
 - 1. have a value equal to or greater than the median taxable value for each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the County;
 - 2. have exterior façade (materials to be described), roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - 3. comply with City aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single family dwellings; and
 - 4. be securely fixed to a permanent foundation.
- D. For purposes of Subsection "C" above, "value" means the taxable value of the industrialized housing and lot after installation of the housing.
- E. Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for said permits, the application shall:
 - 1. identify each single family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county;
 - 2. describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;
 - 3. describe the permanent foundation and method of attachment proposed for the industrialized housing;
 - 4. state the taxable value of the industrialized housing and the lot after installation of the industrialized housing; and
 - 5. indicate the deed restrictions otherwise applicable to the real property on which the industrialized housing is to be located.
- F. A person commits an offense if the person:
 - 1. fails to make an application for permit as required by this section; or

2. constructs, erects, installs or moves any industrialized housing into the City which does not comply with this section

Section 15-300(D) Regulation of Industrialized Buildings:

- A. Industrialized buildings must have all local permits and licenses that are applicable to other non-residential buildings.
- B. For purposes of this section, industrialized buildings are real property.
- C. Industrialized buildings shall be placed on a permanent foundation.

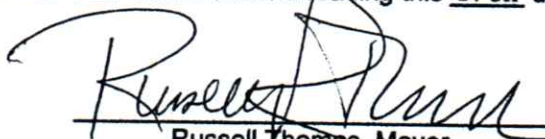
Section 2: Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 3: In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Ennis, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 4: This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law.

PASSED AND APPROVED on the first reading this 3rd day of November, 2003

PASSED AND APPROVED AND ADOPTED on the second reading this 17th day of November, 2003


Russell Thomas, Mayor

ATTEST:


Shirley Trull, City Secretary

Oct. 28, 2003

