

MEMORANDUM

June 16, 1993

TO: Mayor and Councilmembers

FROM: Julie Couch, City Manager

RE: Proposed Changes to the PD District Regarding Mobile and Modular Housing

We have had a recent inquiry concerning the possible development of modular housing in an existing PD and we became concerned that if the proposed development were in an existing PD, we would have a very limited ability to control its development under our current guidelines. Our current ordinance simply lists modular housing as a permitted use in PD.

There are several state statutes that regulate the use of certain types of manufactured or industrialized housing products. A city's ability to also regulate those types of housing products is limited by these state statutes. Under the manufactured housing statute a city can regulate the location of such housing by zoning. A structure meeting the definition of an industrialized housing structure can only be required to comply with the same development requirements that on-site constructed housing must comply with such as setbacks, lot size, and house size.

Without attempting to define in our ordinance which structures would meet the state's definition of a manufactured or industrialized home, we would like to maintain the maximum amount of local control over non-standard type housing by stating in the ordinance that those types of dwelling units must be specifically listed with the approved PD ordinance and that they must also meet all applicable city and state construction and zoning requirements. A determination can be made at the time a permit is requested whether or not a structure meets the definition of a manufactured home or an industrialized home. This additional language should at least give us the ability to review the use of any non-standard type construction to determine if we can regulate it. The Commission has recommended that hearings be initiated to consider adopting the attached amendment.

**CITY OF ROCKWALL  
Planning and Zoning Agenda**

**Agenda Date:** April 8, 1993

**Agenda No:** III. E.

**Agenda Item:** Discuss and Consider Recommending Proposed Changes to the Comprehensive Zoning Ordinance Regarding Modular Homes

**Item Generated By:** Staff

**Action Needed:** Consider recommending to the City Council that public hearings be held to amend the zoning Ordinance.

**Background Information:**

We have placed this item on the agenda for consideration by the Commission. As discussed at the worksession, the Commission will recall, we have discussed the possibility of changing the requirements of mobile and modular housing under the Planned Development section of the Comprehensive Zoning Ordinance. We have had a recent inquiry concerning the possible development of modular housing in an existing PD and we became concerned that if the proposed development were in an existing PD, we would have a very limited ability to control its development under our current guidelines. Our current ordinance simply lists modular housing as a permitted use in PD.

There are several state statutes that regulate the use of certain types of manufactured or industrialized housing products. A city's ability to also regulate those types of housing products is limited by these state statutes. Under the manufactured housing statute a city can regulate the location of such housing by zoning. A structure meeting the definition of an industrialized housing structure can only be required to comply with the same development requirements that on-site constructed housing must comply with such as setbacks, lot size, and house size. Without attempting to define in our ordinance which structures would meet the state's definition of a manufactured or industrialized home, we would like to maintain the maximum amount of local control over non-standard type housing by stating in the ordinance that those types of dwelling units must be specifically listed with the approved PD ordinance and that they must also meet all applicable city and state construction and zoning requirements. A determination can be made at the time a permit is requested whether or not a structure meets the definition of a manufactured home or an industrialized home. This additional language should at least give us the ability to review the use of any non-standard type construction to determine if we can regulate it. Attached is a copy of the proposed amendment.

**Attachments:**

1. Proposed Ordinance

**Agenda Item:** Amending Comp. Zoning Ord. re: Modular Homes

**Item No:** III. E.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE 83-23, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY AMENDING THE SECTION 2.17; PROVIDING FOR REGULATIONS REGARDING MOBILE AND MODULAR HOMES IN A PLANNED DEVELOPMENT; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the guidelines established in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

Section 1. That Section 2.17, Planned Development District, of Ordinance 83-23, the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, is hereby amended to hereafter read as follows (language in [brackets] to be deleted, language in "quotations" to be added):

- A. That subsection 2.17. B. 4. is hereby amended to hereafter read as follows:
  4. Mobile homes "and" modular homes [and recreational vehicles] "when authorized by the specific planned development ordinance and under the following minimum conditions:
    - a. The dwelling complies with all applicable City requirements and all applicable state standards for such dwellings.
    - b. The dwelling conforms to all planned development and other zoning regulations."

Section 2. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance are declared to be severable.

Section 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

1st reading \_\_\_\_\_

2nd reading \_\_\_\_\_

**CITY OF ROCKWALL  
Planning and Zoning Agenda**

**Agenda Date:** April 29, 1993

**Agenda No:** II. C.

**Agenda Item:** PZ-93-12-ORD - Discuss and Consider Recommending Approval of an Amendment to the PD District Classification Regarding Modular Homes

**Item Generated By:**

**Action Needed:**

**Background Information:**

**Attachments:**

1. see attachments from April 8 meeting

**Agenda Item:** PZ 93-12-ORD Re: Amending Comp. Zoning Ord. re: Modular Homes

**Item No:** II. C.



**CITY OF ROCKWALL  
Planning and Zoning Agenda**

**Agenda Date:** May 13, 1993

**Agenda No:** V. B

**Agenda Item:** PZ-93-12-ORD - Discuss and Consider Recommending Approval of an Amendment to the PD District Classification Regarding Modular Homes

**Item Generated By:**

**Action Needed:**

**Background Information:**

**Attachments:**

1. see attachments from April 8 meeting

**Agenda Item:** PZ 93-12-ORD Re: Amending Comp. Zoning Ord. re: Modular Homes

**Item No:** V. B.

**CITY OF ROCKWALL  
Planning and Zoning Agenda**

**Agenda Date:** June 10, 1993

**Agenda No:** IV. A.

**Agenda Item:** Discuss and Consider Recommending Approval of an Amendment to the PD District Classification Regarding Modular Homes

**Item Generated By:**

**Action Needed:**

**Background Information:**

**Attachments:**

1. see attachments from April 8 meeting

**Agenda Item:** Amending Comp. Zoning Ord. re: Modular Homes

**Item No:** IV. A.

**CITY OF ROCKWALL  
City Council Agenda**

**Agenda Date:** June 21, 1993

**Agenda No:** VII. C.

**Agenda Item:** Discuss and Consider Amending the Planned Development District of the Comprehensive Zoning Ordinance Regarding Modular and Mobile Homes and Take Any Necessary Action

**Item Generated By:**

**Action Needed:**

**Background Information:**

**Attachments:**

1. Ordinance

**Agenda Item:** Amending PD District of Zoning Ord. re: Modular & Mobil Homes **Item No:** VII. C.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE 83-23, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY AMENDING THE SECTION 2.17; PROVIDING FOR REGULATIONS REGARDING MOBILE AND MODULAR HOMES IN A PLANNED DEVELOPMENT; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the guidelines established in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

Section 1. That Section 2.17, Planned Development District, of Ordinance 83-23, the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, is hereby amended to hereafter read as follows (language in [brackets] to be deleted, language in "quotations" to be added):

- A. That subsection 2.17. B. 4. is hereby amended to hereafter read as follows:
  4. Mobile homes "and" modular homes [and recreational vehicles] "when authorized by the specific planned development ordinance and under the following minimum conditions:
    - a. The dwelling complies with all applicable City requirements and all applicable state standards for such dwellings.
    - b. The dwelling conforms to all planned development and other zoning regulations."

Section 2. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance are declared to be severable.

Section 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

1st reading \_\_\_\_\_

2nd reading \_\_\_\_\_

**CITY OF ROCKWALL  
City Council Agenda**

**Agenda Date:** July 19, 1993

**Agenda No:** V. H.

**Agenda Item:** PZ-93-12-ORD - Hold a Public Hearing to Consider Amending the "PD" Planned Development Zoning Classification of the Comprehensive Zoning Ordinance Regarding Mobile and Modular Homes (1st Reading)

**Item Generated By:** Commission

**Action Needed:** Hold public hearing and take any necessary action.

**Background Information:**

The Council recently instructed the Commission to hold hearings on amending our PD classification regarding modular and mobile homes. We had a recent inquiry concerning the possible development of modular housing in an existing PD and we became concerned that if the proposed development were in an existing PD, we would have a very limited ability to control its development under our current guidelines. Our current ordinance simply lists modular housing as a permitted use in PD.

There are several state statutes that regulate the use of certain types of manufactured or industrialized housing products. A city's ability to also regulate those types of housing products is limited by these state statutes. Under the manufactured housing statute a city can regulate the location of such housing by zoning. A structure meeting the definition of an industrialized housing structure can only be required to comply with the same development requirements that on-site constructed housing must comply with such as setbacks, lot size, and house size.

Without attempting to define in our ordinance which structures would meet the state's definition of a manufactured or industrialized home, we would like to maintain the maximum amount of local control over non-standard type housing by stating in the ordinance that those types of dwelling units must be specifically listed with the approved PD ordinance and that they must also meet all applicable city and state construction and zoning requirements. A determination can be made at the time a permit is requested whether or not a structure meets the definition of a manufactured home or an industrialized home. This additional language should at least give us the ability to review the use of any non-standard type construction to determine if we can regulate it. The Commission has recommended that hearings be initiated to consider adopting the attached amendment.

The Commission has recommended approval of the proposed amendment.

**Attachments:**

1. Ordinance

**Agenda Item:** Amending PD re: Mobile and Modular Homes

**Item No:** V. H.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE 83-23, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY AMENDING THE SECTION 2.17; PROVIDING FOR REGULATIONS REGARDING MOBILE AND MODULAR HOMES IN A PLANNED DEVELOPMENT; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the guidelines established in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

Section 1. That Section 2.17, Planned Development District, of Ordinance 83-23, the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, is hereby amended to hereafter read as follows (language in [brackets] to be deleted, language in "quotations" to be added):

- A. That subsection 2.17. B. 4. is hereby amended to hereafter read as follows:
  - 4. Mobile homes "and" modular homes [and recreational vehicles] "when authorized by the specific planned development ordinance and under the following minimum conditions:
    - a. The dwelling complies with all applicable City requirements and all applicable state standards for such dwellings.
    - b. The dwelling conforms to all planned development and other zoning regulations."



Section 2. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance are declared to be severable.

Section 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

1st reading \_\_\_\_\_

2nd reading \_\_\_\_\_



ORDINANCE NO. \_\_\_\_\_

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WHEREAS, in accordance with the guidelines established in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

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Section 2. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance are declared to be severable.

Section 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

1st reading \_\_\_\_\_

2nd reading \_\_\_\_\_