

**ORDINANCE NO. 20180507B**

**AN ORDINANCE AMENDING ORDINANCE NO. 120406-B, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS; PROVIDING FOR THE ADOPTION OF ZONING REGULATIONS APPLICABLE TO A, SF-1, SF-2, SF-3, GB AND LR DISTRICTS; PROVIDING FOR AMENDMENTS TO THE DEVELOPMENT STANDARDS FOR MANUFACTURED HOUSING; PROVIDING FOR MINIMUM RESIDENTIAL DWELLING AGE LIMITS; PROVIDING FOR MINIMUM SKIRTING REQUIREMENTS FOR PIER AND BEAM, MODULAR HOUSING AND BUILDINGS, AND MANUFACTURED HOUSING; PROVIDING FOR A DEFINITION OF DRIVEWAY AND DRIVEWAY CONSTRUCTION STANDARDS; PROVIDING FOR A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND VARIOUS OTHER PROVISIONS.**

**WHEREAS**, the City Secretary of Niederwald, Texas, directed that notices of a hearing be issued, as required by the laws of the State of Texas, at a meeting of the City Council, to be held on the 2nd day of April, 2018, for the purpose of considering the adoption of amendments to the City's Zoning Ordinance; and

**WHEREAS**, the City accordingly caused to be issued and published the notices required by the laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Niederwald, Texas, at least fifteen (15) days prior to the time set for such hearing, as is all shown by the publisher's affidavit attached to the original copy of this Ordinance; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the adoption of amendments to the City's Zoning Ordinance, on the 2nd day of April, 2018; and

**WHEREAS**, the City Council is of the opinion and finds that the adoption of amendments to the City's Zoning Ordinance will promote the public health, safety, or general welfare, will promote the purposes outlined in Chapter 211 of the Texas Local Government Code, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Niederwald, and as well, the owners and occupants thereof, and the City generally; Now Therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS THAT:**

**I.**

Section 3 of Ordinance No. 120406-B, as amended, is hereby amended in its entirety to read as follows:

**SECTION 3.**

**ZONING DISTRICTS ESTABLISHED**

**3-100**

The City is hereby divided into twelve (12) zoning districts, the use, height and area regulations as set out herein shall be uniform in each district. The twelve (12) districts established shall be known as:

**ABBREVIATED  
DESIGNATION**

**ZONING DISTRICT NAME**

A	Agricultural District
SF-1	Single-Family Rural Residential District
SF-2	Single-Family Suburban Residential District
SF-3	Single-Family Residential District
MH	Manufactured Home District
MF-1	Multiple-Family Dwelling District-1
MF-2	Multiple-Family Dwelling District-2
LR	Local Retail District
GB	General Business District
LI	Light Industrial District
HI	Heavy Industrial District
PD	Planned Development District
FP Prefix	Floodplain prefix. When prefixed to any District designation as it appears on the Zoning District Map specified as a Sub-District subject to provisions of 7-600 through 7-608

**ZONING DISTRICT DESCRIPTIONS:**

Zoning is used in the City of Niederwald to achieve compatible land use arrangements. Complementary land use transitions are often capable of achieving a good land use "fit" between different uses and zoning districts. Summarized below are Niederwald's Zoning Districts, with a brief explanation of the principal uses allowed in each.

- A AGRICULTURAL DISTRICT:** Allows detached single-family residences and related accessory structures on a minimum one-acre tract. Typical zone upon annexation. Minimum floor area per residential dwelling shall be 800 square feet of heated and air-conditioned living quarters/floor area.
- SF-1 SINGLE FAMILY RURAL RESIDENTIAL DISTRICT:** Permits detached single-family site-built residences, modular homes (subject to development standards), manufactured homes on individual lots (subject to development standards), and related accessory structures on a minimum 43,560 square foot (1.0 acre) lot with the following guidelines:
- Minimum ROW Frontage = 100'
  - Front & Rear Setback = 30'
  - Side setback = 15'
  - Corner Lot side setback = 30'
  - Minimum lot depth = 150'
  - Minimum floor area per residential dwelling shall be 800 square feet of heated and air-conditioned living quarters/floor area.

These lots have water wells, septic systems or other approved onsite private sewage facility. Streets may be built with a rural type section as approved by the City of Niederwald.

**SF-2 SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT:** Allows detached single-family site-built residences, modular homes (subject to development standards), manufactured homes on individual lots (subject to development standards), and related accessory structures on a minimum 32,670 square foot (0.75 acre) lot with the following guidelines:

- Minimum ROW Frontage = 100'
- Front & Rear Setback = 30'
- Side setback = 15'
- Corner Lot side setback = 30'
- Minimum lot depth = 150'
- Minimum floor area per residential dwelling shall be 800 square feet of heated and air-conditioned living quarters/floor area

These lots must have approved water service. No water wells allowed on SF-2 lots. These lots may have septic systems or other approved onsite private sewage facility. Streets may be built with a rural type section as approved by the City of Niederwald.

**SF-3 SINGLE FAMILY RESIDENTIAL DISTRICT:** Allows detached single-family site-built residences and related accessory structures on a minimum 9,100 square foot lot with the following guidelines:

- Minimum width at Building Line (BL) = 70'
- Front & Rear Setback = 25'
- Side setback = 10'
- Corner Lot side setback = 25'
- Minimum lot depth = 120'
- Minimum floor area per residential dwelling shall be 800 square feet of heated and air-conditioned living quarters/floor area

These lots must have approved water and wastewater service. No water wells, septic systems or other onsite private sewage facility are allowed. Streets serving SF-3 lots must be standard curb & gutter streets with 30' width and a minimum 50' ROW. Manufactured homes are not allowed in this district.

**MH MANUFACTURED HOME DISTRICT:** Permits manufactured homes in a manufactured home subdivision, a manufactured home park and single-family residences on individual lots.

**MF-1 MULTIPLE FAMILY DWELLING DISTRICT 1:** Permits typical garden apartment development of 1 to 3 stories, allowing approximately 20 units per acre.

**MF-2 MULTIPLE FAMILY DWELLING DISTRICT 2:** Allows conventional and high density high rise apartment development over 3 stories, as well as boarding house, hotel or motel, and nursing home.

**LR LOCAL RETAIL DISTRICT:** Permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners, florist, as well as any residential use, except apartments. Minimum floor area per

residential dwelling shall be 800 square feet of heated and air-conditioned living quarters/floor area.

- GB GENERAL BUSINESS DISTRICT:** This district allows all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing, and heavy machinery sales and storage. Also, residential uses are allowed, except apartments. Minimum floor area per residential dwelling shall be 800 square feet of heated and air-conditioned living quarters/floor area
- LI LIGHT INDUSTRIAL DISTRICT:** Permits light industrial uses as defined by performance standards in the zoning ordinance. Single family, duplex, and apartment uses are not allowed.
- HI HEAVY INDUSTRIAL DISTRICT:** Permits heavy industrial uses as defined by performance standards in the zoning ordinance. Single family, duplex, and apartment uses are not allowed.
- PD PLANNED DEVELOPMENT DISTRICT:** Flexible zoning district mechanism, designed to respond to unique development proposal, special design considerations and land use transitions by allowing evaluation of land use relationship to surrounding area through site plan approval.
- C.U.P CONDITIONAL USE PERMIT:** Specified opportunity in Zoning Ordinance for land use approval, within particular zoning district, subject to evaluation of land use relationship to surrounding area and site plan approval. If approved, the base zoning of the property does not change.

## II.

Section 7, Subsection 7-111 of Ordinance No. 120406-B, as amended, is hereby amended to add Recreational Vehicle Parks as an authorized use in GB General Business districts, to read as follows:

**Commercial Type Uses (7-111)**

	A	SF-1	SF-2	SF-3	MH	MF-1	MF-2	LR	GB	LI	HI
<b>Type of Use</b>											
Bakery or Confectionery Wholesale									●	●	●
Bottling Works										●	●
Building Material Sales									●	●	●
Cabinet and Upholstery Shop									●	●	●
Cleaning Dyeing or Laundry Plant										●	●
Clothing or Similar Light Manufacturing										●	●
Contractor Storage and Equipment Yard										●	●
Flea Market (Indoors)										●	●
Flea Market (Outdoors)										●	●
Heavy Machinery Sales, Storage and Repair*										●	●

Light Manufacturing and Assembly Process											●	●
Laboratory, Manufacturing											●	●
Laboratory, Scientific or Research	C							C	●	●	●	
Lithographic or Print Shop									●	●	●	
Maintenance and Repair Service for Building									●	●	●	
Milk Depot, Dairy or Ice Cream Plant										●	●	
Mini-Storage Warehouse									●	●	●	
Open Storage of Furniture, Appliances or Machinery *										●	●	
Paint Shop										●	●	
Plumbing Shop									●	●	●	
Recreational Vehicle Park									●			
Storage Warehouse										●	●	
Trailer, Portable Bldg., Mobile Home, Sales or Rental										●	●	
Upholstery Shop									●	●	●	
Warehouse, Office										●	●	
Welding or Machine Shop										●	●	
Wholesale Storage and Sales									●	●	●	

\*See Section 13

### III.

Section 7-801 of Ordinance No. 120406-B, as amended, is hereby amended to read as follows:

#### 7-801 MANUFACTURED HOUSING DEVELOPMENT STANDARDS

A. Any manufactured home installed, located or occupied in a SF-1, SF-2, GB or LR district 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 manufactured home is proposed to be located, as determined by the most recent certified tax appraisal roll for the county in which the manufactured home is to be located;

(2) comply with City aesthetic standards, building setbacks, side and rear yard requirements, square footage, site planning, development, subdivision regulations, landscaping, and all site and other requirements applicable to single-family dwellings;

(3) have exterior siding, roofing, roof pitch, foundation, fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the manufactured home is proposed to be located;

(4) be securely fixed to a permanent foundation; and

(5) not have been manufactured more than five (5) years earlier than the date that the manufactured home is proposed to be installed, located, or occupied within a SF-1, SF-2, GB or LR district.

B. Any person who intends to construct, erect, install, or move any manufactured home into an SF-1, SF-2, GB or LR district shall first submit all required applications to the City Secretary and obtain all required permits in order to ensure conformance with the conditions in Sec. 7-801(A). In addition to any other information otherwise required for the permits, a permit application for a manufactured home shall:

(1) identify by address each single-family or duplex dwelling located within 500 feet of the lot on which the manufactured home 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 in which the manufactured home is to be located;

(2) describe the exterior siding, roofing, roof pitch, foundation, fascia, and fenestration of the manufactured home proposed to be located in the SF-1, SF-2, GB or LR district;

(3) be accompanied by at least one photograph, with identifying address, of the front of each single family or duplex dwelling located within 500 feet of the lot on which the manufactured home is to be located;

(4) show proof of the value of the improved property by providing;

(a) a copy of the sales receipt, signed by the purchaser, of the manufactured home, including the value of the lot, if the lot is included in the sale; or,

(b) a copy of the sales receipt, signed by the purchaser, of the manufactured home, and documentation showing the taxable value of the lot as determined by the most recent certified tax appraisal roll for the county in which the manufactured home is to be located, if the lot is not included in sale of the housing unit or if the value of the lot is not included on the sales receipt; and

(5) describe the permanent foundation and method of attachment proposed for the manufactured home to which the application applies.

- E. Failure to provide any documentation as required herein will be considered grounds to deny a permit application.
- H. Any person constructing, locating or erecting a manufactured home in the City shall be subject to a final inspection by the City prior to occupancy and no person shall occupy, inhabit or otherwise use a manufactured home unless and until a certificate of occupancy has first been issued by the City.
- J. A person commits an offense if the person:
  - (1) causes or permits any manufactured home to be constructed, erected, installed, or moved into a SF-1, SF-2, GB or LR district without first submitting applications to the City Secretary and obtaining all required permits;
  - (2) causes or permits any manufactured home which does not comply with this Ordinance to be constructed, erected, installed, or moved into a SF-1, SF-2, GB or LR district; or
  - (3) violates any provision of this Section 7-801.

**IV.**

Section 8 of Ordinance No. 120406-B, as amended, is hereby amended by adding Section 8-921 to read as follows:

**8-921 MINIMUM RESIDENTIAL DWELLING AGE LIMITS**

Each residential dwelling moved, installed, placed, erected, rebuilt, or constructed in a residential zoning district (including A, SF-1, SF-2, SF-3, GB and LR zoning districts) shall be no older than five (5) years. Sufficient documentation regarding the age of the residential dwelling must be submitted to and approved in writing by the City before moving the residential dwelling onto the lot/parcel. For the purposes of this section, manufactured housing is older than five (5) years if more than sixty (60) months have passed since the date of manufacture. When computing whether sixty (60) months have passed since the date of manufacture, the 60-month period ends on the same numerical day in the concluding month (60th month) as the day of the month from which the computation is begun (date of manufacture), unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

**V.**

Section 8 of Ordinance No. 120406-B, as amended, is hereby amended by adding Section 8-922 to read as follows:

## **8-922 MINIMUM SKIRTING REQUIREMENTS FOR PIER AND BEAM, MODULAR HOUSING AND BUILDINGS, AND MANUFACTURED HOUSING**

All pier and beam, modular, and manufactured housing and buildings shall be completely skirted with metal, masonry, pressure treated wood, or other non-degradable material which is compatible with the structure's exterior siding. Skirting methods and materials allowed shall be as follows: Skirting shall be of a material suitable for exterior exposure and contact with the ground. Such materials shall be installed in accordance with the skirting manufacturer's installation instructions. Skirting shall be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave. Any skirting installed as a permanent enclosure such as brick, stone, masonry, cement, board or wood sheathing shall be constructed of materials as required by the adopted construction codes. Skirting constructed of vinyl, oriented strand board (OSB), particle board, composite wood, or other material that degrades rapidly is prohibited. Skirting shall comply with the ventilation requirements as set forth in all applicable building and construction codes.

### **VI.**

Section 21-101 of Ordinance No. 120406-B, as amended, is hereby amended by adding the following definition as follows:

**DRIVEWAY** - the asphalt or concrete surface connecting a street, alley, road or highway with a parking space, parking lot, loading dock or garage on a lot or parcel of property, permitting free ingress and egress to the street, alley, road or highway. Driveways shall be constructed of concrete or asphalt (including recycled asphalt), except a driveway providing access to an individual residential dwelling situated outside of a platted subdivision may be constructed of concrete, asphalt (including recycled asphalt), or road base material such as caliche/crushed limestone or similar materials. Residential driveways shall have a minimum width of twenty feet (20'), minimum length of thirty feet (30'), and where required shall include a culvert(s) of sufficient size as determined by the City Engineer to allow proper drainage during a 100 year flood. Each culvert must be installed with concrete end treatments (both ends) having a slope of 5:1. Driveways serving non-residential property shall have a minimum width of thirty-two feet (32') for the entire length of the driveway, and be of sufficient length to provide direct access to all parking and loading areas on the property.

### **VII.**

That 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.



**VIII.**

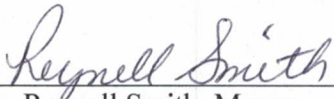
That this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

**IX.**

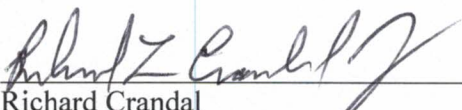
That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED** on this 7th day of May, 2018.

**CITY OF NIEDERWALD, TEXAS**

  
\_\_\_\_\_  
Hon. Reynell Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Richard Crandal  
City Administrator/Secretary

