

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart D, "Subdivision Regulations," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than ~~Two~~ Thousand Dollars (\$2,000.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this 22 day of February, A.D. 1990.

PASSED ON SECOND AND FINAL READING this 8 day of March, A.D. 1990.

ATTEST:

*[Signature]*  
CITY SECRETARY

*[Signature]*  
MAYOR

APPROVED:

*[Signature]*  
CITY ATTORNEY

EXHIBIT "A"

Amend Section 23-264.2: Definitions:

ADD:

Historic Structure. Any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (C) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior, or;
  - (2) Directly by the Secretary of the Interior in states without approved programs.

DELETE:

Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

ADD:

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle. (For floodplain management purposes the term "manufactured home" also includes park trailers, travel

trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.)

ADD:

Recreational Vehicle. A vehicle which is:

- (A) built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) designed to be self-propelled or permanently towable by a light duty truck; and
- (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

ADD:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

DELETE: Section 23-264.9.B(4) Manufactured Homes.

ADD: Section 23-264.9.B(4) Manufactured Homes.

(4) Manufactured Homes.

- (a) Require that manufactured homes or manufactured homes used commercially that are placed or substantially improved within Zones A1-30, AH, AE, and AO on the community's FIRM on sites (a) outside of manufactured home parks or subdivisions, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (b) Require that manufactured homes or manufactured homes used commercially to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zone A, A1-A30, AH and AE, and on the community's FIRM that are not subject to the provision of Section 23-264.9.B(4)(a) of this section be elevated so that either (1) the lowest floor of the manufactured home is one foot above the base flood elevation, or (2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (c) Require that manufactured homes or manufactured homes used commercially to be placed on substantially improved sites in an existing manufactured home park or subdivision within Zone AO on the community's FIRM that are not subject to the provisions of Section 23-264.9.B (4)(a) of this section be elevated so that either (1) the lowest floor of the manufactured home is at the zone depth number, or (2) the manufactured home chassis supported by reinforced piers or other foundation elements or at least equivalent structures that are not less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (d) All manufactured homes shall be in compliance with Section 23-264.9.B(4)(a)(b)(c) or 18 inches above gutter, whichever is more restrictive.
- (e) Require that all manufactured home parks or subdivisions located within flood prone areas as defined on the community's FIRM develop a plan for evacuating residents of said parks or subdivisions be filed with the City's Emergency Management authorities within 90 days of the passing of this ordinance.
- (f) Require that recreational vehicles placed on sites with Zones A1-30, AH, AE and AO on the community's FIRM either (1) be on the site for fewer than 180 consecutive days or (2) be fully licensed and ready

for highway use, or (3) meet the permit requirements of paragraphs 23-264.9.B(4)(a), 23-264.9.B(4)(b), or 23-264.9.B(4)(c).

A recreational vehicle shall be considered ready for highway use if it is on its own wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (g) Require that manufactured homes or manufactured homes used commercially placed or substantially improved on sites in an existing manufactured home park or subdivision or outside of a manufactured home park or subdivision which lies within the floodway as designated on the community's floodway map must meet the requirement of Section 23-264.9.B(5).

-END-