

ORDINANCE NO. 110199A

AN ORDINANCE PROVIDING FOR THE ADDITIONAL EXTENSION OF ORDINANCE NO. 061499A WHICH ENACTED A MORATORIUM ON THE RECEIPT, PROCESSING, CONSIDERATION, AND APPROVAL OF SUBDIVISION PLATS RELATED TO MANUFACTURED HOUSING UNITS AND MOBILE HOMES; PROVIDING FOR THE ADDITIONAL EXTENSION OF ORDINANCE NO. 061499A WHICH ENACTED A MORATORIUM ON THE RECEIPT, PROCESSING, CONSIDERATION, AND APPROVAL OF REQUESTS FOR VARIANCES FROM CITY REGULATIONS RELATED TO MANUFACTURED HOUSING UNITS AND MOBILE HOMES; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Niederwald is a Type B general-law municipality; and

WHEREAS, a Texas general-law municipality may adopt ordinances that are for the good government, peace, or order of the municipality; and

WHEREAS, a Texas general-law municipality may adopt ordinances to protect the health, safety, and welfare of its citizens and the community; and

WHEREAS, Chapter 211 of the Texas Local Government Code, V.T.C.A. authorizes a Texas general-law municipality to divide the city into zoning districts to regulate the permitted uses within the districts; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, a Texas general-law municipality may amend the zoning regulations applicable in the municipality; and

WHEREAS, Chapter 212 of the Texas Local Government Code, V.T.C.A. authorizes a Texas general-law municipality to regulate subdivisions within the city limits and extraterritorial jurisdiction; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, a Texas general-law municipality may amend the subdivision regulations applicable in the municipality and its extraterritorial jurisdiction; and

WHEREAS, the Texas Manufactured Housing Standards Act authorizes a Texas general-law municipality to prohibit the installation of a mobile home for use and occupancy as a residential dwelling unit within its corporate limits; and

WHEREAS, the Texas Manufactured Housing Standards Act authorizes a Texas general-law municipality to restrict HUD-Code manufactured homes to specific areas within the city; and

WHEREAS, the Texas Manufactured Housing Standards Act authorizes a Texas general-law municipality to require a permit for the use and occupancy of a HUD-Code manufactured home; and

WHEREAS, the City of Niederwald, Texas, is considering revisions to the Zoning Ordinance, Subdivision Ordinance, building codes, and other regulations related to HUD-Code manufactured housing units, mobile homes, and similar uses and/or structures; and

WHEREAS, the City Council of the City of Niederwald previously enacted Ordinance No. 061499A, which provided for a moratorium on the platting and variance requests related to manufactured homes, mobile homes, and similar uses and/or structures; and

WHEREAS, the City Council of the City of Niederwald enacted Ordinance No. 100499A, which extended Ordinance No. 061499A for an additional thirty-one (31) day period until November 12, 1999; and

WHEREAS, the City has made substantial progress toward, but has not completed, its development of proposed amendments to the existing regulations and ordinances of the City of Niederwald related to manufactured homes, mobile homes, and similar uses and/or structures; and

WHEREAS, the City Council of the City of Niederwald, Texas desires to adopt this ordinance in order to ensure that the siting, use, occupancy, and other activities involving HUD-Code manufactured homes, mobile homes, and similar uses and/or structures does not conflict with the amended ordinances, regulations and the City of Niederwald's land use objectives; and

WHEREAS, the City Council desires to extend the moratorium enacted in Ordinance No. 061499A, and extended by Ordinance No. 100499A, which, as extended, was set to expire on November 12, 1999;

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

I.

The moratorium enacted by and described in Ordinance No. 061499A, and extended by Ordinance No. 100499A, and all other provisions in Ordinance Nos. 061499A and 100499A not in conflict with this Ordinance No. 110199A, shall be extended by an additional thirty (30) day period. Therefore, Ordinance No. 061499A, as extended by Ordinance No. 100499A, shall cease to be effective after the expiration of the thirty (30) day period after November 12, 1999, such revised expiration date being the 12th day of December, 1999.

II.

Unless extended by the passage of an additional ordinance, Ordinance No. 061499A, as extended by Ordinance No. 100499A and this Ordinance No. 110199A, shall cease to be effective after the expiration of the additional thirty (30) day period provided for herein, such expiration date being the 12th day of December, 1999. If, within thirty (30) days after the effective date of this Ordinance, the Niederwald's Zoning Ordinance, Subdivision Ordinance, building codes, and other regulations are amended with respect to HUD-Code manufactured housing units, mobile homes, and similar uses and/or structures, the City Council will repeal this ordinance, which shall cease to be effective on the effective date of any such repeal.

III.

The provisions of this Ordinance shall not prohibit the City of Niederwald, Texas from enacting additional ordinances extending the moratorium described herein beyond the extended thirty (30) day period established by this Ordinance.

IV.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

V.

This ordinance shall take effect and be in force on the 12th day of November, 1999.

READ, APPROVED and ADOPTED on this the 1st day November  
of November, 1999.



RICKIE ADKINS, Mayor  
City of Niederwald, Texas

ATTEST:

City Secretary  
City of Niederwald, Texas