

ORDINANCE NO. 1946

AN ORDINANCE OF THE CITY OF KILGORE, TEXAS, AMENDING APPENDIX A, "DEVELOPMENT CODE," OF THE CODE OF ORDINANCES OF THE CITY OF KILGORE AUTHORIZING NEW HUD-CODE MANUFACTURED HOMES AS A PERMITTED USE WITHIN THE AGRICULTURAL (AG) DISTRICT; ESTABLISHING OBJECTIVE DEVELOPMENT STANDARDS FOR SUCH USE; AMENDING THE TABLE OF ALLOWED USES; ADDING A DEFINITION OF "NEW HUD-CODE MANUFACTURED HOME"; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Kilgore, Texas, is a home-rule municipality possessing all powers granted by the Constitution and laws of the State of Texas, including the authority to adopt and amend zoning and land development regulations for the protection of the public health, safety, morals, and general welfare; and

WHEREAS, the Texas Legislature enacted Senate Bill 785 during the 89th Regular Legislative Session, requiring municipalities to allow the installation of new HUD-code manufactured homes as a permitted use in at least one zoning district within the municipality, subject to objective development standards authorized by law; and

WHEREAS, the City Council finds that the Agricultural (AG) District is an appropriate zoning district in which to permit New HUD-Code Manufactured Homes as a principal residential use while preserving the rural character of the district through objective and uniformly applicable development standards; and

WHEREAS, the City Council further finds that the amendments adopted by this Ordinance are intended to implement Senate Bill 785 while preserving the City's existing regulations governing manufactured homes, mobile homes, and manufactured home parks except as expressly amended herein; and

WHEREAS, the City Council finds that the objective development standards established by this Ordinance are intended to ensure that New HUD-Code Manufactured Homes are developed in a manner that is compatible with surrounding residential development, preserve the rural character of the Agricultural District, and are capable of objective, ministerial administration without the exercise of discretionary zoning authority; and

WHEREAS, the City Council finds that the amendments adopted by this Ordinance promote orderly growth, protect the public health, safety, and welfare, preserve neighborhood character, and further the goals and policies of the City's Comprehensive Plan and Development Code; and

WHEREAS, the Planning and Zoning Commission conducted the public hearing required by law, considered the proposed amendments, and made its recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing as required by law and finds that adoption of this Ordinance is in the best interests of the citizens of the City of Kilgore.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

SECTION 2. Amendment.

A. Appendix A “Development Code”, ARTICLE II. ZONING DISTRICTS, Division 2. District Specific Standards, Sec. 1. Residential District Regulations. (a) Agricultural District (AG) is amended to read as follows:

“(a) Agricultural District (AG).

(i) Purpose.

The AG District is primarily intended to provide a location for land situated on the fringe of an urban area and used for agricultural purposes. The types and intensity of uses permitted in this district should encourage and protect agricultural uses. The AG District also permits New HUD-Code Manufactured Homes as a principal residential use, subject to the development standards set forth in this subsection and applicable state law.

(ii) General Requirements.

Refer to Article II, Division 2, Section 5, Allowed Uses by District; Article II, Division 3, Section 4, Accessory Uses and Dwellings; and Article III, Site Development Standards, for additional requirements applicable to development within the Agricultural District.

(iii) Spatial Requirements.

(No changes.)

(iv) New HUD-Code Manufactured Homes.

Only New HUD-Code Manufactured Homes, as defined by this Development Code, shall be permitted as a principal residential use by right within the Agricultural (AG) District.

A New HUD-Code Manufactured Home that complies with this Development Code shall not be subject to approval through a Specific Use Permit, Special Use Permit, Conditional Use Permit, or any other discretionary land use approval process.

A New HUD-Code Manufactured Home shall comply with all applicable development regulations of the Agricultural District and the requirements of this subsection.

(v) Development Standards for New HUD-Code Manufactured Homes.

(A) General Requirements.

A New HUD-Code Manufactured Home shall:

1. Qualify as a New HUD-Code Manufactured Home under this Development Code.
2. Comply with Chapter 1201, Texas Occupations Code.
3. Comply with all applicable rules of the Texas Department of Housing and Community Affairs.
4. Bear all required HUD certification labels, seals, and data plates.
5. Comply with all applicable federal Manufactured Home Construction and Safety Standards.
6. Obtain all permits required by the City prior to installation.
7. Receive a Certificate of Occupancy prior to occupancy.

(B) Minimum Dwelling Standards.

1. Only multi-section (double-section or larger) New HUD-Code Manufactured Homes shall be permitted.
2. The dwelling shall have a minimum width of twenty-four (24) feet measured at its narrowest point.
3. The dwelling shall contain not less than one thousand five hundred (1,500) square feet of heated and cooled living area.
4. Only one principal dwelling shall be permitted on a lot unless otherwise authorized by this Development Code.

(C) Foundation and Installation.

1. The home shall be installed upon a permanent foundation or permanent support system meeting all applicable federal, state, and local requirements.
2. The home shall be securely anchored in accordance with applicable state installation standards.
3. Wheels, axles, towing tongues, hitches, and other transportation equipment shall be removed after installation except as otherwise required by applicable law.
4. All site-built improvements, including foundations, porches, decks, stairs, landings, retaining walls, and similar improvements, shall comply with the City's adopted construction codes.

(D) Roof Standards.

1. The dwelling shall have a predominantly double-pitched roof.

2. The predominant roof shall have a minimum pitch of four (4) inches of vertical rise for every twelve (12) inches of horizontal run (4:12).
3. Roof eaves shall project a minimum of twelve (12) inches from the exterior walls, exclusive of gutters.
4. The minimum roof pitch requirement applies only to the predominant roof form and shall not apply to porches, dormers, entry roofs, or other subordinate architectural features comprising not more than twenty-five percent (25%) of the total roof area.

(E) Foundation Enclosure.

1. The area between the bottom of the dwelling and finished grade shall be continuously enclosed with permanent skirting.
2. Skirting shall consist of durable, weather-resistant materials designed for permanent residential use.
3. Temporary materials, including sheet metal, scrap materials, plastic sheeting, lattice, untreated plywood, or similar temporary materials, are prohibited.
4. Required ventilation openings shall be maintained in accordance with applicable installation standards.
5. The enclosed area beneath the dwelling shall not be used for storage.
6. Skirting shall be completed prior to issuance of a Certificate of Occupancy.

(F) Entrances and Porches.

1. Every exterior entrance shall be served by permanent steps or stairs.
2. At least one principal entrance visible from a public street shall include a permanently constructed covered porch, covered entry, or portico.
3. The required porch shall contain a minimum area of sixty-four (64) square feet.
4. The required porch shall have a minimum depth of six (6) feet.
5. Temporary steps, stacked concrete blocks, loose masonry units, pallets, or similar materials are prohibited.
6. Handrails and guards shall be installed where required by applicable building codes.

(G) Orientation.

The principal entrance of the dwelling shall face the public street unless the Building Official determines that the configuration of the lot, topography, or other physical site constraints make such orientation impracticable.

(H) Utilities and Site Improvements.

1. The dwelling shall be connected to approved water, wastewater, electric, and other utility services.
2. Utility connections shall comply with all applicable federal, state, and local requirements.
3. Required driveways shall comply with the City's Engineering Design Manual.
4. Required off-street parking shall comply with Article III of this Development Code.
5. All vehicle parking shall occur on an approved all-weather parking surface.
6. The dwelling shall front upon and have direct access to a publicly maintained street.
7. No portion of the dwelling shall encroach into a public utility easement, drainage easement, access easement, or public right-of-way.

8. Drainage improvements shall prevent adverse impacts upon adjoining property or public rights-of-way.

(I) Accessory Structures.

1. No detached accessory structure shall be located between the dwelling and the public street.
2. No accessory structure shall be constructed before issuance of a permit for the principal dwelling.
3. All accessory structures shall comply with the setback, height, lot coverage, and permitting requirements of this Development Code.

(J) Maintenance.

1. The dwelling shall be maintained in good repair.
2. Skirting, porches, stairs, utility connections, foundations, and accessory improvements shall be maintained in a safe and weather-resistant condition.
3. The property shall remain free from rubbish, discarded materials, and unlawful outdoor storage.

(K) Application Requirements.

An application for installation shall include:

1. A site plan.
2. Documentation demonstrating that the dwelling qualifies as a New HUD-Code Manufactured Home.
3. Manufacturer information, including model, serial number, dimensions, and heated and cooled floor area.
4. HUD certification label information.
5. Foundation and anchoring information.
6. Utility connection information.
7. Plans for all site-built improvements.
8. Any additional information reasonably necessary to verify objective compliance with this subsection.

(L) Ministerial Review.

1. Applications complying with this subsection shall be reviewed administratively.
2. No Specific Use Permit, Special Use Permit, Conditional Use Permit, or other discretionary zoning approval shall be required.
3. An application may be denied only upon failure to satisfy one or more objective requirements of this Development Code or other applicable law.
4. A written denial shall identify each objective standard that has not been satisfied."

B. Appendix A "Development Code", ARTICLE II. Section 5, Allowed Uses by District, Table, is amended to add an additional Residential Use called "New HUD-Code Manufactured Home" as follows:

Use Type	Residential Districts											
	AG- Agricultural											
New HUD-Code Manufactured Home	P											

C. Appendix A “Development Code”, ARTICLE VI. Definitions, Section 1 is amended to add a new definition for “New HUD-Code Manufactured Home” as follows:

“New HUD-Code Manufactured Home- means a manufactured home that:

- (1) is constructed in accordance with the federal Manufactured Home Construction and Safety Standards Act of 1974, as amended, and all regulations promulgated thereunder;
- (2) qualifies as a new manufactured home under Chapter 1201, Texas Occupations Code, and applicable rules of the Texas Department of Housing and Community Affairs; and
- (3) bears all labels, seals, and data plates required by applicable federal and state law.”

SECTION 3. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Kilgore, Texas, except where ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict only. In the event of any conflict, the provisions of this Ordinance shall control; provided, however, that this ordinance and the previously adopted Development Code shall be read in harmony to the fullest extent possible, and it is the express intent of the City Council that no repeal, amendment, or codification shall be construed to create any gap, lapse, or void in the regulation of matters previously governed by ordinance.”

SECTION 4. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

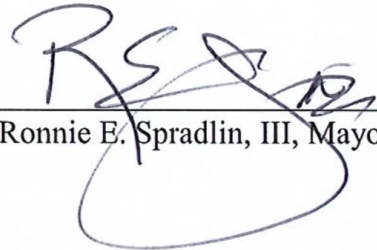
SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 6. Official Zoning Map. The City Clerk is hereby authorized and directed to update the Official Zoning Map of the City of Kilgore and any corresponding zoning records to identify the Agricultural (AG) District as a zoning district in which New HUD-Code Manufactured Homes are permitted by right in accordance with this Ordinance. The City Clerk is further authorized to

make or have made such administrative revisions, annotations, legends, or other nonsubstantive changes to the Official Zoning Map as may be necessary to accurately reflect the amendments adopted by this Ordinance and to comply with applicable state law.

SECTION 6. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF KILGORE ON THIS THE 25th DAY OF AUGUST, 2026.



Ronnie E. Spradlin, III, Mayor

ATTEST:



Taylor Owings, City Clerk

APPROVED AS TO FORM:

Josh Brockman-Weber, City Attorney

