

ORDINANCE NO. 23-11

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CITY OF LYTLE, TEXAS CHAPTER 8 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VIII - INDUSTRIALIZED STRUCTURES, SECTION 8-429(a) TO PROHIBIT MANUFACTURED OR MODULAR STRUCTURES SMALLER THAN 1,500 SQUARE FEET AND SECTION 8-429(e) TO AMEND SPECIAL PERMIT PROCEDURES; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Lytle, Texas ("City") is a Type-A General Law Municipality, duly incorporated under the laws of the State of Texas; and

WHEREAS, pursuant to the authority granted under Section 51.001, the City Council finds that this ordinance supports the good government, peace, or order of the City and is necessary and proper for carrying out a power granted by law to the City under Subchapter F, Chapter 1202 of the Texas Occupations Code; and

WHEREAS, Subchapter F, Chapter 1202 of the Texas Occupations Code authorizes the City to adopt and enforce regulations relating to the on-site construction and installation of certain industrialized structures; and

WHEREAS, the City Council adopted Ordinance No. 23-03 on February 27, 2023, establishing the regulation of Industrialized Buildings located within the city for commercial purposes; and

WHEREAS, the City Council has considered the effects of the state law amendments and Ordinance No.23-03 to the City's Ordinances and has determined that additional revisions to the City's Ordinances to be appropriate, necessary and in the public interest.

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

SECTION 1. AMENDMENTS. From and after the effective date, Chapter 8 – Building and Building Code, Article VIII - Industrialized Structures, is amended as follows

A. Sec. 8-429 (a) is deleted in its entirety and replaced with the following:

The purpose and intent of this Article is to regulate industrialized buildings, as described in Chapter 1202 of the Texas Occupations Code. Any industrialized building that is not permitted by this Article or another provision of this code is prohibited. Any commercial structure less than 1,500 square feet in total area and which is designed to be transported from one commercial site to another commercial site is prohibited, except when such structure is used as a temporary office located on a permitted construction site, a school,

or a place of religious worship. This Article is not intended to regulate mobile homes or HUD-approved manufactured housing, as described in Chapter 1201 of the Texas Occupations Code.

B. Section 8-429(e) is deleted replaced with the following:

Requirements for Industrialized Buildings.

(1) An industrialized building must be securely fixed to a permanent foundation system. An owner may install an industrialized building using a temporary foundation system only upon securing a Special Permit as provided under Chapter 46, Article III of the Lytle City Code authorizing the use of a temporary foundation system.

(2) An industrialized building that is to be placed at a temporary location may be affixed to a temporary foundation system if the owner obtains a Special Permit, as provided under Chapter 46, Article III of the Lytle City Code, authorizing the use of a temporary foundation system. The designs, plans and specifications for a temporary foundation system must include:

- a. a soil investigation report prepared by a qualified engineer, or a statement affirming that the soil type for which the system is suitable matches the soil type of the building site;
- b. structural calculations and related plans prepared by a qualified engineer;
- c. specifications for adequate corrosion protection for the anchors and associated tie-down system; and
- d. plans and specifications indicating that the system is designed for the temporary location of the structure.

SECTION 2. PUBLIC PURPOSE. The City Council finds that the amendments to the building code are in the public interest and are necessary to promote the general welfare.

SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. REPEALING ORDINANCES IN CONFLICT AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 5. REMAINDER UNCHANGED. The remainder of Chapter 8 – Building and Building Code will remain unchanged by this Ordinance and amendments herein.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 7. EFFECTIVE DATE. The Ordinance shall be effective immediately following passage by City Council.

SECTION 8. CODE OF ORDINANCES. It is the intention of the City Council of the City of Lytle that this ordinance become a part of the Code of Ordinances of the City of Lytle and may be renumbered and codified therein accordingly.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS, THIS 10th DAY OF October 2023.

By: _____



RUBEN GONZALEZ

Mayor

ATTEST:



PAOLA L. RIOS

City Secretary

