



Agenda
Planning and Zoning Commission
Council Chambers/City Hall
125 E. South Main, Flatonia, Texas

July 10, 2023
City of Flatonia
Regular Meeting
6:00 p.m.

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, Notice is hereby given that a Regular Meeting of the Planning and Zoning Commission of the City of Flatonia will be held on Monday, July 10, 2023, beginning at 6:00 p.m. in the City Hall Council Chambers located at 125 E. South Main St., Flatonia, Texas, for the purpose of considering the following agenda items:

Opening Agenda

Call to Order
Citizen Participation

Public Hearing

PH7.1.2023.1 Public Hearing on request the area bounded by Walnut St/11th St/City limit from R1 to R2, based on the recommendation of the committee that was appointed by City Council.

Consent Agenda

Approve minutes from January 9, 2023, meeting.

Deliberation Agenda

DA7.1.2023.1 Consider and take appropriate action on rezoning the area bounded by Walnut St/11th St/City limit from R1 to R2, as recommended by the committee that was appointed by City Council.

DA7.1.2023.2 Consider and take appropriate action on Ordinance #2023.06.21.5. An Ordinance of the City of Flatonia, Texas amending Chapter 3 of the Code of Ordinances to add Article 3.09, Alternative Residential Housing types: specifying procedures, locations, and development standards for alternative housing types; prohibiting certain alternative housing products; providing for enforcement and penalties; providing for severability, repealer, and reservations.

Adjournment

I, the undersigned authority, hereby certify that the Notice of Meeting was posted on the bulletin board outside the front door of the City Hall of the City of Flatonia, Texas, a place convenient and **readily accessible to the General Public at all times** and said Notice was posted on the following date and time **July 7, 2023 by 5:00 p.m.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Tamela Louvier, City Secretary, City of Flatonia

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The Flatonia City Hall is wheelchair accessible. Access to the building is available at the primary entrance facing Main Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print are requested to contact the City Secretary's Office at 361-865-3548 or by FAX 361-865-2817 at least two working days prior to the meeting so that appropriate arrangements can be made.

Agenda Removal Notice

This Public Notice was removed from the official posting board at the Flatonia City Hall on the following date and time:

By: _____

Tamela Louvier,
City Secretary, City of Flatonia

To: Paul Prause
From: Tamela Louvier
Date: June 5, 2023
Subject: Public Notice in Argus

Please publish the following notice in the June 8th, edition of the Argus. Please put the notice in the legal section of the paper.

NOTICE OF PUBLIC HEARING

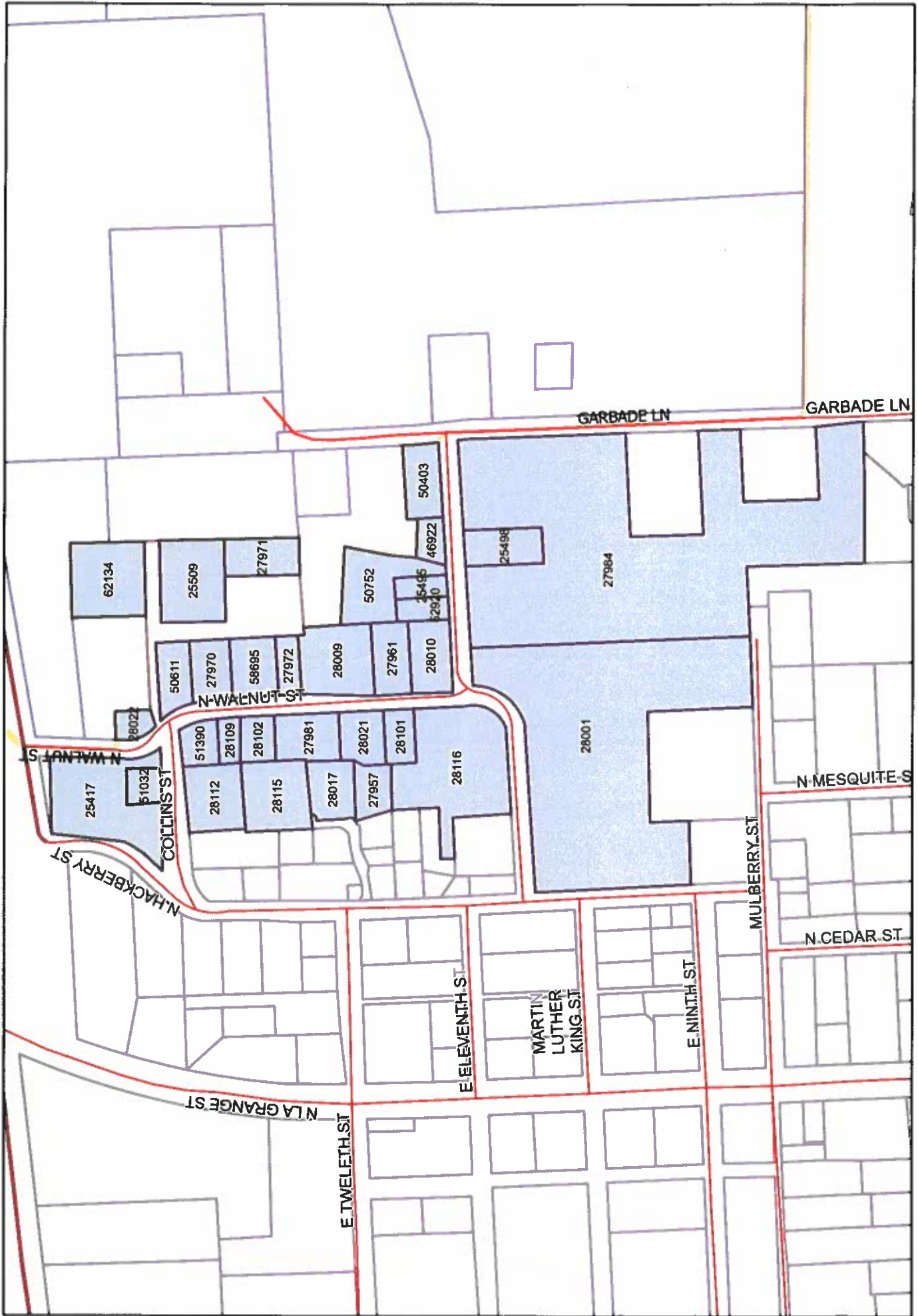
#1. Notice is hereby given that a public hearing will be held by the Planning and Zoning Commission of the City of Flatonia, Texas, at the Flatonia City Hall, 125 East South Main, Flatonia, Texas, at 6:00 p.m. on Monday, July 10, 2023.

#2. Notice is hereby given that a public hearing will be held by the City Council of the City of Flatonia, Texas, at the Flatonia City Hall, 125 East South Main, Flatonia, Texas, at 6:00 p.m. on Tuesday, July 11, 2023.

The City of Flatonia Planning and Zoning Committee and the City Council have recommended the re-zoning of the area bounded by Walnut St/11th St/City limit from R1 to R2, based on the recommendation of the committee that was appointed by City Council.

The Flatonia Planning and Zoning Commission will hold public hearing # 1 and make recommendations to the Flatonia City Council regarding the request. The City Council will hold public hearing # 2 and act on the recommendation from the Planning and Zoning Commission at its meeting, Tuesday, July 11, 2023, at 6:00 p.m.

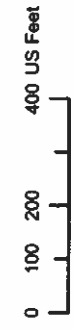
All interested citizens are invited to attend said meetings.



The information on this map has been compiled by Fayette County staff from a review of public records. Fayette County staff does not warrant, guarantee, or promise the accuracy, completeness, or timeliness of this data and explicitly disclaims any liability for any errors or omissions. Represented boundaries are approximate and should not be used for exact measurement or legal documentation.



Properties that are within the city limits of Flatonia and within 200' of the properties located east of N Walnut St and north of E Eleventh St



2022 Pictometry

| Name | Address | City | State | Zip Code |
|---|------------------------------|-------------|-------|----------|
| VALDEZ JUANA & JUAN | P O BOX 1008 | FLATONIA | TX | 78941 |
| WILLIAMS RICHARD & ESSIE | P O BOX 958 | FLATONIA | TX | 78941 |
| MASEK TIMOTHY G & DONNA L | P O BOX 261 | FLATONIA | TX | 78941 |
| WILLIAMS FREDDIE LEE | BOX 274 | FLATONIA | TX | 78941 |
| BROWN WILFRED | 1224 PAINTED BUNTING DR | LAMARQUE | TX | 77568 |
| ESCAMILLA RAUL & HERNANDEZ ADRIANA | 624 WALNUT ST | FLATONIA | TX | 78941 |
| MARTINEZ ALMA ROJAS & JAVIER | 788 N WALNUT ST LOT 6 | FLATONIA | TX | 78941 |
| FAYETTE CO-FLATONIA I S D- | FLATONIA CITY | | | |
| JARMON JOHNNIE EST & CHERYL | P O BOX 538 | FLATONIA | TX | 78941 |
| WILLIAMS JORDAN | 635 N WALNUT ST | FLATONIA | TX | 78941 |
| BARTA LEONARD & AGNES | 718 E NORTH MAIN | FLATONIA | TX | 78941 |
| ZAPALAC JANICE REVOCABLE TRUST | P O BOX 377 | FLATONIA | TX | 78941 |
| WILLIAMS EARLINE | 4319 BRIDGEPORT WAY | SAN ANTONIO | TX | 78244 |
| LAFOND DAVIS EST & GERTRUDE EST | 12515 SAFEGUARD | HOUSTON | TX | 77047 |
| ALFARO SANDRA & HERNANDEZ RAMON | 222 COUNTRY LANE | KYLE | TX | 78640 |
| DESHA JERRY EST & VERA MAE | 7123 WARRIOR TRAIL | SAN ANTONIO | TX | 78244 |
| GRADY MANUEL EST | 19010 BUFFALO RIVER WAY | HOUSTON | TX | 77084 |
| EVANS RAY CHARLES | 2011 RIVERWOOD DR | HIXSON | TN | 37343 |
| RADIANT EQUITY LLC | 2103 LINEA DEL PINO ST | HOUSTON | TX | 77077 |
| AJNDJ LLC | P O BOX 828 | LA GRANGE | TX | 78945 |
| WILLIAMS COMA | 37462 3RD ST E | PALMDALE | CA | 93550 |
| RAMIREZ CHRISTIAN & NIETO RACHEL | P O BOX 597 | WAELDER | TX | 78959 |
| NEW UNION MISSIONARY BAPTIST CHURCH | 715 MARTIN LUTHER KING JR ST | FLATONIA | TX | 78941 |
| WARNER DOROTHY ET AL | P O BOX 484 | FLATONIA | TX | 78941 |
| WARNER DOROTHY | P O BOX 484 | FLATONIA | TX | 78941 |
| REYES MARTHA & VILLEGAS LUCIO | 610 S COLORADO | FLATONIA | TX | 78941 |
| LIGHTEARD CHARLES JR & REGINA | P O BOX 632 | FLATONIA | TX | 78941 |
| VALDEZ JUANA | PO BOX 1008 | FLATONIA | TX | 78941 |
| METCALF ALEX | 1801 PECAN | BASTROP | TX | 78602 |
| WILLIAMS RICHARD & ESSIE | P O BOX 958 | FLATONIA | TX | 78941 |
| MORALES GERALDO EST & FLORES PATRICA EST | P O BOX 502 | FLATONIA | TX | 78941 |
| GORDON TRACY | 414 E NORTH ST | WEIMAR | TX | 78962 |
| WILLIAMS JOHN | 10103 FALLMONT CT | HOUSTON | TX | 77086 |
| GOODWIN LILLIAN | 415 GAZLEY ST | SMITHVILLE | TX | 78957 |
| WASHINGTON DONALD WILLIAMS | 16714 ROCK BEND | HOUSTON | TX | 77084 |

Reply Form

In order to be on record, this form may be filled out and mailed to:

City of Flatonia
Planning & Zoning Commission
P.O. Box 329
Flatonia, TX 78941

REPLY

Name: Dorothy Warner
Address: P.O. Box 484
Flatonia, Texas 78941
Phone: 361-217-6035

- In Favor
- Opposed

Reasons and/or Comments:

I Dorothy Warner, do not understand why the City of Flatonia want to change the zone from route 1 to route 2, this will make taxes go up in this community I don't understand how come the City of Flatonia cannot ~~to~~ zone across the track, so the taxes can go up there. We are having trouble in this community when it rains, the houses shift and our place get weird. When it rains we have to tip around in our houses, to keep from going in eyes. The City of Flatonia wants to see the taxes in our community, when you can't solve the issue that is going on now, you need to reroute the zone across the track the other way. They don't

- I do plan to speak at the public hearing on July 10, 2023.
- I do not plan to speak at the public hearing on July 10, 2023.

Signature: Dorothy Warner

have a issue with these streets we had all this holes in the road, properly make in our community

**Minutes
City of Flatonia
Planning & Zoning Commission
Regular Meeting
January 9, 2023**

Present:

Members

William Richter
Robert Cunningham, Vice Chair
Lisa Kirtley
Joe Breads
Sheila Novak
Susan Steinhauser

Absent:

Len Waska, Chairman

City Personnel

Sonya Bishop, City Manager
Tammy Louvier, City Secretary

Opening Agenda

Call to Order

The meeting was called to order by Robert Cunningham at 6:00 pm.

Citizen Participation

No citizen participation.

Manager Report

No report

Public Hearing

PH1.2023.1

Public Hearing on request from Travis and Erin Seale for a variance on property located at, 523 E. North Main St, Flatonia, Tx 78941. The property is identified with Fayette County Appraisal District as PID #27849. The request is to seek relief of the required property setback of an existing structure they will rebuild in the same location.

Travis Seale spoke about his plans for the project. He is keeping the project to the original site. However, since there have been changes to the

setbacks, he is requesting a variance to have the structure in the same spot it is now.

Consent Agenda Committee member Kirtley made a motion to approve the minutes from the September 25, 2022, meeting. Committee member Novak seconded the motion. None opposed. Motion carried.

Deliberation Agenda

DA1.1.2023.1 Committee member Steinhauser made a motion to approve the request from Travis and Erin Seale for a variance on property located at, 523 E. North Main St, Flatonia, Tx 78941. The property is identified with Fayette County Appraisal District as PID #27849. The request is to seek relief of the required property setback of an existing structure they will rebuild in the same location. Committee member Richter seconded the motion. None opposed. Motion carried.

DA1.1.2023.1 Committee member Kirtley made a motion to approve the rezoning of the area bounded by Walnut St/11th St/City limit from R1 to R2, as recommended by the committee that was appointed by City Council. Committee member Richter seconded the motion. None opposed. Motion carried.

Adjournment: Committee member Novak made a motion to adjourn the meeting at 6:13 pm. Committee member Breads seconded the motion. None opposed. Motion carried.

Respectfully Submitted,

Robert Cunningham
Vice-Chair

Tamela Louvier
City Secretary

CITY OF FLATONIA
Agenda Summary Form

| | |
|---|---|
| Agenda # DA7.1.2023.1 | Title: Consider and take appropriate action on rezoning the area bounded by Walnut St/11th St/City limit from R1 to R2, as recommended by the committee that was appointed by City Council. |
| Summary: Rezone area bounded by Walnut St/ 11 th St /City Limits from R1 to R2 as recommended by the committee that was appointed by the City Council. | |
| Option(s): <input type="checkbox"/> I move to approve rezoning the area bounded by Walnut St/11 th St/City limit from R1 to R2, as recommended by the committee that was appointed by City Council. <input type="checkbox"/> If you are opposed to not 2 nd or make any motion. (If a motion is not made, the item is dead.) | |
| Waska: _____ Cunningham: _____ Novak: _____ Richter: _____ Kirtley: _____ Steinhauser: _____ Breads: _____ | |

"Negative" motions are generally not permitted. To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.

CITY OF FLATONIA

Agenda Summary Form

| | |
|--|--|
| Agenda # DA7.1.2023.2 | Title: Consider and take appropriate action on Ordinance #2023.06.21.5. An Ordinance of the City of Flatonia, Texas amending Chapter 3 of the Code of Ordinances to add Article 3.09, Alternative Residential Housing types: specifying procedures, locations, and development standards for alternative housing types; prohibiting certain alternative housing products; providing for enforcement and penalties; providing for severability, repealer, and reservations. |
| Summary: This is an ordinance that is new to the City of Flatonia. An Ordinance that would specify Alternative Residential Housing types: specifying procedures, locations, and development standards for alternative housing types; prohibiting certain alternative housing products; providing for enforcement and penalties; providing for severability, repealer, and reservations. | |
| Option(s): <input type="checkbox"/> I move to approve Ordinance #2023.06.21.5. An Ordinance of the City of Flatonia, Texas amending Chapter 3 of the Code of Ordinances to add Article 3.09, Alternative Residential Housing types: specifying procedures, locations, and development standards for alternative housing types; prohibiting certain alternative housing products; providing for enforcement and penalties; providing for severability, repealer, and reservations. <input type="checkbox"/> If you are opposed to not 2 nd or make any motion. (If a motion is not made, the item is dead.) | |
| Waska: _____ Cunningham: _____ Novak: _____ Richter: _____ Kirtley: _____ Steinhauser: _____ Breads: _____ | |

"Negative" motions are generally not permitted. To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.

ORDINANCE NO. 2023.06.21.5

AN ORDINANCE OF THE CITY OF FLATONIA, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES TO ADD ARTICLE 3.09, ALTERNATIVE RESIDENTIAL HOUSING; PROVIDING FOR DEFINITIONS FOR ALTERNATIVE RESIDENTIAL HOUSING TYPES; SPECIFYING PROCEDURES, LOCATIONS AND DEVELOPMENT STANDARDS FOR ALTERNATIVE HOUSING TYPES; PROHIBITING CERTAIN ALTERNATIVE HOUSING PRODUCTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER AND RESERVATIONS

WHEREAS, Chapter 3 of the Code of Ordinances of the City of Flatonia contains provisions regulating buildings; and

WHEREAS, development of alternative residential housing provides additional choices for residential products that can provide more economical availability for residential ownership within the City; and

WHEREAS, alternative residential housing is not currently available within the City and the City wishes to expand residential housing products and make such products available for development within the City based on terms and conditions that will continue to protect neighborhood character and standards; and

WHEREAS, the R-2 and R-3 zoning districts allow HUD manufactured homes and parks which are developed in a similar manner to alternative residential housing products in that such products are usually constructed off site and then brought to the site for set up and use and such land use is consistent and compatible with HUD manufactured homes and parks; and

WHEREAS, the City Council wishes to expand residential housing products available within the City and authorized in the R-2 and R-3 Districts; and

WHEREAS, the City Council finds that adding alternative housing uses such as Tiny Homes, Cottage Homes and similar products and regulating same in accordance with this Ordinance, promotes the health, welfare, and safety of the City of Flatonia and its residents; and

WHEREAS, the City Council adopts and finds that this ordinance in order to provide additional opportunities for residential ownership, promotes the most desirable use of land and direction of building development, promotes stability of development, protects the character of neighborhoods, conserves the value of land and buildings, and protects the city's tax base;

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

Ordinance #**2023.06.21.5**

Adopted June 21, 2023

SECTION 1. The foregoing recitals are accepted as true and factual legislative findings of the City Council and they are hereby adopted and incorporated herein in their entirety.

SECTION 2. Chapter 3 Building Regulations, Section 3.09 is hereby added and named Alternative Housing.

SECTION 3. Chapter 3, Building Regulations, Section 3.09 is added as follows:

3.09.001 Definitions.

Alternative Housing means city building code compliant Tiny Homes, Cottage Homes or similar residential housing that is constructed for single family residential purposes off site and later moved and set up at a different location from the manufacturing location and which structures are not licensed as a modular home or HUD home. Additionally, the definition does not include Recreational Vehicles (“RVs”).

Alternative Housing Park means a development park containing multiple Tiny Homes, Cottage Homes, or other Alternative Housing within a subdivision where each Alternative Housing Unit is located on its own legal lot and which development includes amenities as described in this Ordinance.

Alternative Housing Community means a development community containing multiple Tiny Homes, Cottage Homes or other Alternative Housing which are located on a single tract of land that is not subdivided and which development includes amenities as described in this Ordinance.

Alternative Housing Unit means a single Alternative Housing structure.

Prohibited Alternative Housing means structures or facilities constructed for a purpose not originally intended for a residential purpose and repurposed for residential use. Such structures may include but are not limited to boilers, silos, tanks, storage buildings, PODs, converted boats, converted buses or other converted transportation vehicles or aircraft. The term also includes structures or facilities such as tents, cardboard housing, bubble housing, eco housing and any structure or facility that does not or cannot meet city building code requirements or the terms and conditions of this Ordinance.

Sec. 3.09.002 Penalty.

Any person, firm, or corporation violating this article, or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined as provided for in section 1.01.009 of this code. Each day that such violation continues shall be considered a separate offense and punished accordingly.

Sec. 3.09.003 Alternative homes outside alternative home park.

1. Use requirements.

(a) Purpose. Zoning districts R-2 and R-3 contain land, which is located, designed, and is to be operated as a site for single-family residences consisting of Manufactured Homes and Alternative Housing.

(b) Permitted uses: Residential single-family occupancy of Manufactured Homes, Manufactured Home Parks, Single Family residential according to the R-2 and R-3 District requirements, single family Modular Homes, single family residential occupancy of Alternative Housing and Alternative Housing Parks or Communities.

(c) Boundaries: The boundaries of District R-2 and R-3 shall be depicted on the official zoning map of the City of Flatonia, as amended from time to time.

(d) Minimum Design Standards: Refer to Section 3.09.005.

(e) Parking: For each Manufactured Home there shall be two (2) off-street parking spaces provided. For Alternative Housing there shall be one (1) off street parking space for every 600 square feet, or portion thereof above 600 square feet of living space, not to exceed a total of two (2) off street parking spaces.

(f) Sign regulations. Refer to Chapter 14Am Article VI

2. Application requirements.

(a) Applicability. The regulations in this section apply to single family Alternative Housing.

(b) Prohibition. No Alternative Housing shall be permitted in any zoning district of the City, except for the R-2 and R-3 zoning district.

(c) Permitted Locations. Alternative Housing may be located on a designated lot or space in the R-2 and R-3 District or within an Alternate Housing Park located in the R-2 and R-3 District.

(d) Non-Conforming Alternative Housing. Any Alternative Housing lying within the city limits, and which was legally placed within such location prior to the adoption date of this Ordinance, but outside of the R-2 and R-3 District, is considered to be a non-conforming structure and use.

(e) One Residence. No more than one Alternative Housing Unit may be installed on any parcel, lot or Alternative Housing Park space unless within an Alternative Housing Community. No Alternative Housing Unit or structure may be installed on a lot or space with an existing residential structure. Alternative Housing shall not be used as an Accessory building or an Accessory Residential Unit.

(f) Alternative Housing located on trailers, platforms and/or affixed with wheels. Alternative Housing that is mobile and/or located on wheels, whether anchored to the ground or not, shall be considered a Recreational Vehicle and may not be used as a single-family residence and may not be connected to city utilities. Such Recreational vehicle types on a residential lot shall be regulated as other RVs and may be located only within RV Parks.

(g) Permits required. No Alternative Housing may be transported to, placed or installed on any lot or space in the City of Flatonia unless a building permit has been issued. A building permit may not be issued unless and until any required license or conditional use permit for the location has been applied for and granted as provided in this Code.

Sec. 3.09.004. Building Permits: Alternative Housing

(a) Applicability. This Section applies to the placement, installation or location of any Alternative Housing intended for use as a residence whether such structure is located on a city lot or in a Alternative Housing Park or Community.

(b) Responsibility. Permits required in this section shall be obtained by the owner of the real property upon which the Alternative Housing unit is to be placed whether such unit is rental property or is to be occupied by the owner. Unless the Alternative Housing unit is being placed in an Alternative Housing Park or Community approved by the City according to a condo-regime, the Alternative Housing unit may only be placed on a legally platted lot.

(c) Authority and Limitations. The City has adopted building codes and regulations providing for review and inspections of newly built, installed, remodeled, or repaired structures pertinent to the location of lots, the suitability of lots for the intended purpose, setbacks, habitability, and utility connections and service requirements. A building permit under this section is not intended to replace or supersede the regulatory requirements associated with the platting or subdivision of land as set out elsewhere in the City Code of Ordinances. No Alternative Housing shall be eligible for a building permit unless and until all subdivision and associated development regulations have been approved by the City.

(d) Purpose. Because of the nature of the use and its possible adverse impact on neighboring properties, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.

(e) Building Permit Procedures.

(1) The City Administrator or designee may grant, deny, or conditionally approve building permits for installation of Alternative Housing.

(2) Application. Proving that subdivision or associated development regulations have been met, any person proposing to apply for a building permit under this Section shall file an

application accompanied by a site plan. The site plan may be a sketch or drawing on one or more pages, generally to scale, with distances marked, and is not required to be prepared by an engineer. The site plan, along with the application, will become a part of the building permit, if approved. The site plan shall contain the following information:

(A) The proposed use, size, and characteristics of Alternative Housing.

(B) Boundaries of the lot, the proposed location within the property, and the names of public streets abutting the property.

(C) The proposed location of the structure or improvement for which a permit is required and any existing buildings or improvements on the lot, including required setbacks and clearances. Structures or buildings on adjacent lots or spaces if they are within ten (10) feet of the property line;

(D) The location of easements or drainage ways on the property.

(E) The location of existing or proposed fences.

(F) A copy of the approved subdivision or development plat and showing the lot upon which, the Alternative Housing will be placed, or if within an Alternative Housing Park or Community, the location, lot, or space within the Park or Community upon which the Alternative Housing Unit will be placed.

(3) Permit Fee. The application shall be accompanied by fees as set out in the City's schedule of fees of the City of Flatonia.

(4) Issuance of Permit. The City Administrator or designee shall authorize a building permit for an Alternative Housing Unit after the receipt of a completed application and the required fee, provided that all applicable City regulations have been met which includes drawing submittals such as floor plan, mechanical, electrical and plumbing diagrams. A building permit to install an Alternative Housing unit for use as a dwelling shall be issued within forty-five (45) days, unless the City Administrator or designee denies the application and states the reason for the denial in writing no later than the 45th day after the application is received by the City, or notifies the applicant that additional time is needed due to unique factors associated with the application, identifies such factors, and informs the applicant of the steps necessary to resolve the same.

(5) Certificate of Occupancy ("CO"). Occupancy of the Alternative Housing shall be prohibited until such time that the City issues a Certificate of Occupancy for the Alternative Housing Unit in accordance with the requirements set out elsewhere in the Code of Ordinances.

(6) Posting and Inspections. The Building Permit shall be posted on the site for the duration of the project and the owner shall arrange for all required City inspections prior to hookup

or activation of any utility services. The owner must still apply for all utility services in accordance with other City ordinances.

(7) Appeal. Any person whose building permit application is denied by the City Administrator may, not later than thirty days after written denial is received by the applicant, appeal to the City Administrator's decision to the Planning and Zoning Commission. Such appeal must be in writing.

Sec. 3.09.005 Design Standards for Alternative Housing Units.

(a) Alternative Housing Units shall meet the following requirements:

(1) comply with the minimum standards for fitness for human habitation and in particular include a kitchen sink, bathroom, adequate supply of both hot and cold water, the capability of heating and cooling the unit, and ventilation.

(2) a minimum of 300 square feet of indoor living space and a maximum of 1200 square feet including any outdoor or screened porches.

(3) the floor area of all rooms aside from the kitchen and bathroom must be 70 square feet or more;

(4) the living area's floor area must be a minimum of 120 sq. feet;

(5) bathrooms, habitable rooms, hallways, and corridor ceilings must be 7 feet high and above;

(6) must have a toilet, water closet, tub or shower and all water shall be supplied through an approved pipe distribution system connected to an approved water supply;

(7) be located and affixed to a permanent foundation and meet city building code requirements;

(8) have at least one window or skylight in each habitable room that can be easily opened, and which meets or exceeds the building code requirement for egress standards;

(9) the Alternative Housing Unit, including any additional impervious cover may not occupy more than 50% of the lot or space proposed for the placement of the Alternative Housing Unit;

(10) Alternative Housing Units shall require Building Permits and inspections for compliance with these regulations and the City's adopted codes.

(b) Minimum lot sizes and setbacks shall meet the following:

(1) lot sizes shall have a minimum of 1400 square feet and a width of a least forty (40) feet; and

(2) minimum front yard setback of twenty (20) feet, side yard setback of at least ten (10) feet on each side (fifteen feet (15) feet if a side yard is adjacent to a street), and a rear yard setback of ten (10) feet.

(c) Amendments, changes or expansions of an Alternative Housing Park or Community shall be processed with the City in the same manner as the original approval of same and it shall be unlawful to expand or alter the Park or Community without an amendment to the Concept Plan approved in advance by the City.

Sec. 3.09.006 Alternative Housing Parks and Communities

(a) An Alternative Housing Park or Community must meet or exceed the requirements for Alternative Housing Units set out above, the standards set out herein, and is considered for approval pursuant a conditional use permit according to the requirements and procedures set out elsewhere in this Ordinance. A conditional use permit is required before the property being developed is eligible for subdivision or condo regime approval and before any Alternative Housing Units are located on the property.

(b) *Maximum Area of Development.* The maximum area for an Alternative Housing Park or Community development is twenty (20) acres and the minimum area of development is five (5) acres and shall be developed in accordance with the following:

(1) *Concept Plan.* An Alternative Housing Park or Community shall be planned cohesively through a Concept Plan that depicts the apportionments of lots/units (depending on whether it's a Park or Community), vehicle circulation, common amenities, open space, and supporting facilities. The Concept Plan will be submitted for approval in conjunction with the submission of a Conditional Use permit application.

(2) *Conformance.* Lots in the Alternative Housing development can be individually owned or rented (Park) and managed by a Property Owner Association or be composed of a single lot or tract created in a condominium form for ownership of individual Alternative Housing Units or be composed of a single lot or tract and set up for rental of Alternative Housing Units (Community) through a Management Company or Operator licensed by the City. Irrespective of ownership, the development of each Park or Community shall comply with the specifications set out herein, and all other zoning, subdivision, building codes and other development-related regulations which apply to all new development or redevelopment.

Amendments or expansions of a Park or Community shall require an amendment to the Concept Plan and the Conditional Use Permit which shall be applied for, processed and considered for approval in the same manner as was the original application for the Conditional Use Permit.

(3) *Management and Maintenance of Alternative Housing Parks and Communities.* Alternative Housing Parks and Communities shall include community service buildings that provide direct servicing of its operation, management and maintenance to provide for the needs of the Park or Community. These facilities may include sanitary facilities, storage buildings, or management offices. Such community facilities and service buildings shall be represented on the Concept Plan.

(4) *Common Area Amenities.* Common area amenities for the benefit and enjoyment of the residents shall be required in a Park or Community of Alternative Housing Units based on the number of individual Alternative Housing Units allotted per the Concept Plan. The location and type of amenity shall be shown on the Concept Plan. The type and number of amenities required are established in the Table below.

| Number of Units | Common Area Amenities Quantity* |
|-----------------|---------------------------------|
| 0-12 | 1 |
| 13-35 | 2 |
| 36-50 | 3 |
| 51-75 | 4 |
| 76-200 | 5 |
| 201 or more | 6 |

***Types of Amenities**

- After School Care
- Club House
- Community Garden
- Private fitness Center min 200 feet
- Playground and Commercial grade Equipment
- Fenced swimming pool/ or unfenced splash pad.
- Sport court 2000 square feet min
- Fenced Dog Park
- Off street walking path or trail
- Direct access to a City Park
- Landscaped Sitting Area min 200 square feet.

Picnic area with min 2 grills and 2 picnic tables
Laundry

(5) *Utilities.* All Alternative Housing Units shall be served with potable water, sanitary sewer, and electrical power, which shall be designed and installed in accordance with the City Code of Ordinances for extension and connection of utilities.

(6) *Solid Waste Disposal.* The Alternative Housing Park or Community shall provide for the collection and disposal of solid waste in the form of either individual or centralized solid waste collection. Solid waste disposal shall conform to the requirements established by the City.

(7) *Minimum Lot Sizes and Setbacks (Park).* The minimum lots sizes for a Park shall be those lots sizes and setbacks set out in Section 5-41.3 (10)(b).

(8) *Minimum spacing (Community).* Community developments of Alternative Housing shall provide a minimum of fourteen hundred (1400) square feet of space per Alternative Housing Unit with a maximum of 15 units per acre. No unit shall be closer than twenty (20) feet from another Alternative Housing Unit including awnings, porches, decks, steps, A/C facilities or other extensions.

Sec. 3.09.007 Operator's license for Community Alternative Housing.

It shall be unlawful for any person to operate or maintain an Alternative Housing Community within the city limits of Flatonia unless such person has a valid operator's license issued by the City of Flatonia. Operators' licenses shall be issued to an owner/operator, or to a manager for an owner.

(a) Application for an operator's license shall be made to the building official after all development permits and all building permits and certificates of occupancy have been issued.

(b) All Operator's Licenses expire on December 31st of each year. An application for renewal of license shall be submitted to the building official with a fee in the amount specified in the City's fee schedule on or before December 1 of each year. Such application shall show any changes to the information submitted in the original application or previous renewal. Failure to apply to renew an operator's license by January 15th shall result in the doubling of the fee for renewal. Failure to renew the operator license by February 1 shall result in a hearing being set to consider whether to suspend the operation of the Alternative Residential Housing Community.

(c) *Initial Application.* Application for an Operator's license shall be submitted in writing on forms provided by the city and shall include:

- (1) Name, address, and phone number of Applicant.
- (2) Name, address, and phone number of owner, if different

- (3) Name, address, and phone number of the park manager if different than the owner.
- (4) Copy of valid certificates of occupancy if applicable
- (5) Address and legal description of park site
- (6) A copy of the approved Concept Plan.

(d) Transfer of license. Any owner/operator who sells transfers, gives away or otherwise relinquishes control of an Alternative Housing Community shall notify the building official, in writing, and such notice shall be accompanied by an amended application for operator's permit. There shall be no fee for such transfer provided that the application is received within 30 days of transfer of control. If a manager employed by the owner is replaced and no other change occurs, the building official shall be notified of such change in writing signed by the owner and the new manager.

Sec. 3.09.008 Responsibilities of Community Owner, Operator, or Park POA

(a) The Community owner/operator or Park POA or their agents, as applicable, shall operate the Park or Community in compliance with this Chapter and all other applicable ordinances and shall provide adequate supervision to maintain the Park or Community and the facilities and equipment, common space and amenities in good repair and in a clean and sanitary condition.

(b) The licensee, POA, or their agent shall notify all Park or Community occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter, especially the requirement for obtaining a permit from the City prior to the placement of any Alternative Housing Unit within the Park or Community as applicable.

(c) The licensee, POA, or their agent shall maintain a register of Park/Community occupancy which shall contain the names and addresses of park or community residents, location of each Alternative Housing Unit within the Park/Community by space or lot number, date of arrival, and, when applicable, the date of departure with a forwarding address, as applicable.

Sec. 3.09.009 Replacement of Alternative Housing within Community or Park

(a) Replacement of an Alternative Housing Unit in a Park or Community may only be allowed if the replacement Alternative Housing Unit receives a building permit and a Certificate of Occupancy as was required for the original Alternative Housing Unit.

(b) An Alternative Housing Unit destroyed by fire or other natural disaster shall obtain a building permit and Certificate of Occupancy from the City in the same manner as the Alternative Housing Unit that was destroyed, but no permit fees from the City shall be required.

Sec. 3.09.010. Inspections

- (a) The City Administrator or designee is authorized and directed to make such inspections as are necessary to enforce the provisions of this chapter.
- (b) The City Administrator or designee shall have the power to enter at reasonable times upon any private or public property to inspect and investigate conditions relating to this chapter.
- (c) The City Administrator or designee may, in the performance of his/her inspection duties, review the register of the residents of the Alternative Housing Community or Park.
- (d) The owner, operator or POA, as applicable, shall allow access to the Park or Community by the City Administrator or designee at all reasonable times to carry out required duties, as applicable.

Sec. 3.09.011 Abandonment of Alternative Housing Unit, Park or Community

- (a) Notice. Prior to the abandonment of an Alternative Housing Unit, Park or Community, proper notice must be given to the City Administrator or designee to facilitate the proper removal of utility connections.
- (b) Abandoned utility connections. All abandoned utility connections shall be secured in a manner which will protect the City's utility system and the public health, safety, and welfare. The owner or occupant of the Alternative Housing Unit, Park or Community, as applicable or the owner, operator or POA of same shall have the secured, abandoned utility connections inspected by the City. Refund of municipal utility deposits shall be contingent upon passing such inspection, subject to any other City ordinances affecting refund of utility deposits. All costs for securing abandoned utility connections shall be paid by the owner of the Alternative Housing Unit, the POA, or the owner or licensee of the Community as applicable.

SECTION 4. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and remain in full force and effect.

SECTION 5. All ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

DULY ADOPTED, PASSED, AND APPROVED by the City Council of the City of Flatonia, Texas, on this the 21st day of June 2023.

APPROVED:

Dennis Geesaman
Mayor

ATTEST:

Tamela Louvier
City Secretary

Approved as to Form:

City Attorney