

ORDINANCE NO. 2013- 21

AN ORDINANCE OF THE CITY OF COLORADO CITY, TEXAS, AMENDING ARTICLE 3.09 OF THE CODE OF ORDINANCES TO ESTABLISH REGULATIONS FOR HUD-CODE MANUFACTURED HOMES AND HUD-CODE MANUFACTURED HOME PARKS IN THE CORPORATE LIMITS OF THE CITY OF COLORADO CITY, TEXAS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND REPEALING ORDINANCE NO. 2012-15; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, Colorado City (the "City") previously adopted Ordinance No. 2012-15 governing architectural standards regarding HUD-code Manufactured Homes and a description of the HUD Code Home District amending Article 3.09 of the City's Code of Ordinances; and

WHEREAS, Ordinance No. 2012-15 does not specify how it amends existing Article 3.09 and the term "mobile home" is used incorrectly throughout Article 3.09; and

WHEREAS, Ordinance No. 2013-07 amended Article 3.09 extensively and to clarify the intent of Ordinance No. 2012-15 and Ordinance No. 2013-07 and to change the incorrect references to "mobile homes" in Article 3.09, the City Council deems it in the best interest of the City for the health, safety and welfare of its citizens that Article 3.09 be amended as provided herein; and

WHEREAS, this Ordinance shall be known and cited as the "HUD-code Manufactured Home Ordinance"; and

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

SECTION 1.0. AMENDMENTS TO ARTICLE 3.09

Article 3.09 is hereby amended in its entirety to read as follows:

"3.09.001 Short title

This article may be referred to as the Colorado City "HUD-code Manufactured Home Ordinance."

3.09.002 Intent

(a) This HUD-code Manufactured Home article provides a flexible method for the design and utilization of property to permit HUD-code Manufactured Home Parks and to permit the installation of individual HUD-code Manufactured Homes in areas zoned HUD-code Manufactured Home District as set forth on the HUD-code Manufactured Home Overlay Zone Map, attached hereto as Exhibit A and incorporated herein."

(b) The regulations are designed in such a manner as to optimize abutting land uses and to permit complementary development, while at the same time to provide protection and desirable urban shape to the park location district and surrounding zones.

3.09.003 Definitions

Unless otherwise specified, the following terms shall have the meaning respectively assigned to them in this section:

Building permit: A written certificate of permission issued by the City building official to allow the construction, alteration, or extension of a HUD-code Manufactured Home Park according to the provisions of this article.

Certificate of occupancy: A written certificate issued by the city building official permitting a person to occupy, operate, and maintain a HUD-code Manufactured Home Park under the provisions of this article.

Developed land: Tracts of land which have been previously subdivided into lots or parcels in accordance with the subdivision laws or ordinances of the city or other political subdivisions.

Legal description: Property description as defined in a Warranty Deed, Deed of Trust or any other document that transfers title to said property.

For purposes of this ordinance, the definitions for HUD-code Manufactured Homes and Mobile Homes established by Section 1201.003 of the Texas Occupations Code, as it may be amended from time to time, shall apply and are incorporated herein. At the time of adoption of this ordinance, the following definitions are established by state law:

HUD-code Manufactured home:

- (A) means a structure:
 - (1) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
 - (2) built on a permanent chassis;
 - (3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - (4) transportable in one or more sections; and
 - (5) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;
- (B) includes the plumbing, heating, air conditioning, and electrical systems of the home; and
- (C) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Manufactured home: means a HUD-code Manufactured Home.

Mobile home:

(A) means a structure:

- (1) constructed before June 15, 1976;
- (2) built on a permanent chassis;
- (3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (4) transportable in one or more sections; and
- (5) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home.

Park: A HUD-code Manufactured Home Park.

Private Drive: Vehicle pathway at least 8 foot in width paved with one of the following options: gravel with an enclosed border, paving stones, concrete, or asphalt.

Undeveloped land: Tracts of land which have been previously subdivided into lots or parcels and/or unsubdivided land.

Unit: A HUD-Code Manufactured home.

Sec. 3.09.004 Permits and certificates required

(a) No person shall construct or engage in the construction of any HUD-code Manufactured Home Park or make any addition or alteration to any such park that either alters the number of sites for HUD-Code Manufactured Homes or affects the facilities required therein until he first secures from the city building official a building permit authorizing the construction, addition, or alteration. The construction, addition, or alteration shall be done in accordance with and limited to work covered by plans and specifications submitted with the application and approved by the city building official.

(b) No person shall operate a HUD-code Manufactured Home Park until he first secures a certificate of occupancy from the city building official. All such certificates shall be issued for a period not to exceed one (1) year, and shall expire on the 31st day of January of each calendar year. Certificates of occupancy for HUD-code Manufactured Home Parks shall be renewed upon receipt of a proper application by the city building official, accompanied by the required certificate fee or evidence that the fee has been paid if:

(1) Plans previously approved by the building official are on file.

(2) Park layout and facilities are in substantial conformity with the approved plans and no deviations exist which, in the opinion of the building official, cause a hazard to public health or safety.

information to indicate that construction will be in compliance with all applicable city codes and regulations.

(c) Certificate of occupancy.

(1) Application for a certificate of occupancy for a HUD-code Manufactured Home Park shall be made in writing to the building official. Any renewal of the certificate shall be initiated by filing an application not later than thirty (30) days prior to the expiration date of any current certificate.

(2) If the owner of a park has not fully completed all of the work covered by the approved plan within the period of the permit, but has completed construction of at least fifty (50) percent of the sites shown on the approved plan, together with the facilities to provide all required services to those sites, a restricted certificate limited to the number of completed sites may be issued for one (1) year. If an additional twenty-five (25) percent or more of the sites are completed within the year, the owner may apply for a new certificate in the same manner. If the owner does not complete twenty-five (25) percent or more of the sites during the one-year period of the restricted certificate, however, he will lose his certificate and license to operate the park until such time as he comes into compliance with the requirements of this article.

(3) The building official shall notify the applicant in writing of any deficiency in the application for a certificate of occupancy or in the park construction or operation that constitutes the basis for not issuing a certificate of occupancy. The applicant may correct the deficiency and resubmit the application for the certificate of occupancy in the same manner as the original application.

(4) Where a HUD-code Manufactured Home Park and a recreational vehicle park, as defined and provided in Article 3.10, are to be operated together, a separate certificate of occupancy shall be required for each type of operation, and separate fees will be required, as if the parks were separate.

(5) When a certificate of occupancy has been issued, it shall be displayed conspicuously in the office of the park manager. Certificates of occupancy shall not be transferred to another owner. A new certificate of occupancy shall be issued to the new owner at no cost, unless the certificate of occupancy has expired.

Sec. 3.09.006 Fees

(a) HUD-code Manufactured Home Parks. A fee of twenty dollars (\$20.00) per year shall be required for the operation of the park and issuance of a certificate of occupancy.

(b) Date due. The park owner shall remit to the city the fee as enumerated no later than January 31 of each calendar year.

Sec. 3.09.007 Management of HUD-code Manufactured Home Parks

- (a) All park managers shall keep a copy of the certificate of occupancy, a register of all occupants with names and addresses, state of legal residence, dates of entrance and departure, and license numbers of all units.
- (b) All park managers shall be responsible for informing park residents of all applicable rules and regulations pertaining to the park operation and management.
- (c) All park managers shall be responsible for maintaining the park in a clean, orderly and sanitary condition at all times.
- (d) Failure by park managers to comply with regulations in this section shall be grounds for the revocation of the certificate of occupancy by the city building official.
- (e) The occupants of each park shall be responsible to the park manager in the placement of HUD-code Manufactured Homes, for maintenance of facilities and equipment in a state of good repair, and for compliance with all applicable park rules and regulations.

Sec. 3.09.008 General requirements for HUD-code Manufactured Home Parks

(a) Location and size.

- (1) HUD-code Manufactured Home Parks hereafter established in the city shall be located in the HUD-code Manufactured Home District as set forth on the HUD-code Manufactured Home Overlay Zone Map attached hereto.
- (2) All HUD-code Manufactured Home Parks hereafter established and developed in the city shall contain a minimum contiguous area of two (2) acres with a provided twenty-five (25) percent of the total required area reserved for streets, utility areas, open spaces, and park facilities.

(b) Lots and spaces.

- (1) Lots within a HUD-code Manufactured Home Park may be leased, rented or sold. Lots that are proposed to be sold must be filed as a regular subdivision plat with the city.
- (2) All lot lines within a HUD-code Manufactured Home Park shall be permanently marked and must provide convenient access for the placement of a mobile home.
- (3) There shall be provided a lot or space containing a minimum of two thousand five hundred (2,500) square feet of area with a minimum of twenty-five (25) feet width facing a street for each HUD-code Manufactured Home lot provided.

(4) The applicant may reduce the minimum requirement of two thousand five hundred (2,500) square feet of area by five hundred (500) square feet per lot, provided the reduction is made up in common open space. No applicant shall reduce more than ten (10) percent of his lots for this common open space purpose.

(5) A front yard, two (2) side yards, and a rear yard shall be provided on every lot or site in a HUD-code Manufactured Home Park, the depth of which shall not be less than three (3) feet; they should not be paved, but maintained as landscaped or open grass areas.

(c) Minimum installation requirements. Each HUD-code Manufactured Home Park owner shall be responsible for the installation requirements for all HUD-code Manufactured Homes within the park. Each HUD-code Manufactured Home shall be installed in accordance with the Texas Manufactured Housing Standards Act, Chapter 1201 of the Occupations Code, and the Texas Manufactured Housing Standards Code, Texas Administrative Code, Title 10, Part 1, Chapter 80, as may be amended from time to time.

(d) Screening. All HUD-code Manufactured Home Parks hereafter established shall be enclosed around the perimeter of the park by a masonry wall to a maximum height of three (3) feet; however, landscaping of a density to provide adequate screening from abutting properties may be permitted in lieu of a masonry wall. Where landscaping is used, the HUD-code Manufactured Home Park owner shall be responsible for maintenance.

(e) Soil and ground cover. Exposed ground surfaces in all parts of every park shall be paved, covered with other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust. The park owner shall be responsible for the maintenance of the ground cover or other vegetation where used.

(f) Drainage. All ground surfaces in the park shall be graded in such a manner as to drain all surface water in a safe, efficient way. Runoff shall not be permitted to drain on abutting property. Any natural drainage characteristics of the land must be retained. The adequacy of the drainage facilities shall be verified by a licensed professional engineer.

(g) Water supply.

(1) The water supply system shall be connected by pipes to all HUD-code Manufactured Home stands, buildings and other facilities requiring water.

(2) All piping, fixtures and other equipment shall be constructed and maintained in accordance with state and city regulations and requirements.

(3) City water mains shall be placed within a properly dedicated easement to allow for adequate maintenance.

(4) Individual water meters may be provided for each HUD-code Manufactured Home stand or may be served through a master meter.

(5) All fire hydrants shall be located in accordance with city regulations and requirements.

(h) Sewage disposal. An adequate and safe sewer system shall be provided in all parks for conveying and disposing of all sewage. The sewer system shall be constructed and maintained in accordance with the city plumbing code. All proposed sewage disposal facilities shall be approved by the city water and sewer departments and the city building department.

(i) Electrical distribution and lighting system.

(1) Adequate lighting shall be provided as approved by the city electrical inspector.

(2) Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations for such systems. Each lot may be individually metered. The location of any underground lines shall be clearly marked by surface signs at approved intervals.

(j) Refuse and garbage. All matters pertaining to the location and maintenance of refuse areas shall be subject to approval by the city sanitation department.

(k) Services and amenities.

(1) A minimum of ninety (90) feet of storage space should be provided for each HUD-code Manufactured Home lot for the storage of outdoor equipment, furniture and tools. The storage locker for each lot should be located on the lot or within two hundred (200) feet from each lot. Location may be at common lot corners in locker compounds, or integral with a patio enclosure.

(2) A paved or gravel sidewalk to each home or pad from off-street parking areas shall be provided.

(3) Laundry facilities and any other applicable service buildings should be conveniently located within each park, if such service facilities are planned as part of the total park complex.

(l) Streets, internal circulation and parking.

(1) All streets providing access to a HUD-code Manufactured Home Park shall be developed in accordance with the following:

(A) All public streets shall include grading the full width of right-of-way, construction of integral curbs and gutters, base and pavement, constructed in accordance with city standards.

(B) All private streets shall provide adequate right-of-way to permit access to the HUD-code Manufactured Home Park.

(2) All streets providing access to individual lots or sites in HUD-code Manufactured Home Parks shall be developed in accordance with the following:

(A) All public streets shall include grading the full width of right-of-way, construction of integral curbs and gutters, base and pavement, constructed in accordance with city standards.

(B) All private streets shall provide adequate paving width consisting of acceptable surfacing materials.

(C) On-street parking shall be prohibited on all streets within the park unless additional paving of adequate width is provided, and the plans for the park shall provide for one (1) space for each mobile home lot and one (1) additional space for every two (2) mobile home lots. These spaces may be arranged in a "cluster arrangement," located within fifty (50) feet of the lots served, allowing for flexibility in design.

(D) All cul-de-sacs shall have a minimum radius of sixty (60) feet. No cul-de-sac shall exceed four hundred (400) feet in length.

Sec. 3.09.009 Parking or locating outside parks

No person shall park, place or locate any HUD-code Manufactured Home upon any street, lot, tract or parcel of land in the city for a longer period than three (3) hours with the following exceptions:

(a) HUD-code Manufactured Homes may be located in established HUD-code Manufactured Home Parks in accordance with this article.

(b) Singular HUD-code Manufactured Homes may be located on lots, tracts, or parcels of land in the HUD-code Manufactured Home District as provided under the provisions of the City Zoning Ordinance in accordance with a plat on file with the city secretary. Such plat shall be kept at city hall and may be amended only by the city council. A building permit must be secured from the city secretary prior to the placement of a HUD-code Manufactured Home in accordance with this article.

Sec. 3.09.010 Architectural, installation, lot and yard requirements for individual HUD-code Manufactured Homes

(a) All HUD-code Manufactured Homes must meet installation, tie-down and all other requirements of the Texas Manufactured Housing Standards Act, Chapter 1201 of the Occupations Code, and the Texas Manufactured Housing Standards Code, Texas Administrative Code, Title 10, Part 1, Chapter 80, as may be amended from time to time.

(b) An individual HUD-code Manufactured Home must be located on a minimum of five thousand (5000) square feet of lot space and shall be subject to the yard requirements provided for residential districts as provided in the City's Zoning Ordinance.

(c) All installations must have a plat plan showing:

- (1) Size and location with legal description of the property.
- (2) Placement of home on the property.
- (3) Placement of required driveway and parking area and describing type of material used for same. All driveways and parking spaces must be either paved (concrete or asphalt), or covered with a minimum of three (3) inches of gravel to control dust.
- (4) Location of landscaping elements. (trees, bushes, grass, rock, other ground cover)
- (5) Location of any accessory buildings. (storage, carport, etc.)
- (6) Water and sewer lines to connect to city utilities, including the requested placement of a new water meter if required and the requested placement of a new sewer tap if required.
- (7) Placement and design of septic system if city sewer is not available.
- (8) Location of electric service pole with meter base and main disconnect.
- (9) Type of underpinning material. Matching or complementary underpinning is required such as colored metal, unfinished masonry blocks, treated wood products. Unsanitary underpinning is not allowed, such as but not limited to untreated wood, mismatched colored metal, and/or unfinished masonry. All underpinning must prevent the entrance of small animals such as skunks, dogs, cats, raccoons or vermin.

Sec. 3.09.011 Mobile homes prohibited in city limits

(a) It shall be unlawful to place any mobile home within the city limits.

(b) A mobile home previously legally permitted by and used as a dwelling in the city, may be replaced by a HUD-code Manufactured Home.

(c) Notwithstanding this article or the city's Zoning Ordinance, in the event that a mobile home or HUD-code Manufactured Home occupies a lot in the city, the owner of the mobile home or HUD-Code Manufactured Home may place another HUD-code Manufactured Home on the same property provided that the replacement is a newer HUD-code Manufactured Home and is at least as large in living space as the prior mobile home or HUD-code Manufactured Home. The ability of an owner to replace his mobile home or HUD-code Manufactured Home, as provided herein, is limited to a single replacement, except for a mobile home or HUD-code Manufactured Home replaced as a result of fire or natural disaster.

Sec. 3.09.012 Description of HUD-Code Manufactured Home District

For the purposes of this Ordinance, certain areas of the City are hereby designated as the HUD-code Manufactured Home District, as set forth on the HUD-code Manufactured Home Overlay Zone Map, attached hereto as Exhibit A and incorporated herein as though set out in full.”

SECTION 2.0 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Colorado City, Texas, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this ordinance is declared to be a separate offense. For violations of the provisions of this ordinance that govern fire safety, public health or sanitation, including dumping of garbage, the fine may not exceed Two Thousand (\$2,000.00) dollars per day, per violation. In the event that a different penalty has been established by the state law for such offense the penalty shall be that fixed by state law; and each and every day said violation is continued shall constitute a separate offense.

SECTION 3.0 SEVERABILITY CLAUSE

That if any provision, word, sentence, paragraph, clause, phrase or section of this ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

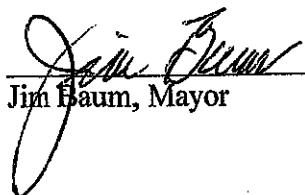
SECTION 4.0 REPEALING CLAUSE

All provisions in conflict with the provisions of this ordinance, including without limitation, Ordinance No. 2012-15, shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5.0 PUBLICATION AND EFFECTIVE DATE

The City Clerk is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law and this ordinance shall become effective after publication of same as provided by Charter and/or state law. .

PASSED, APPROVED and ADOPTED on the 23rd day of July, 2013.



Jim Baum, Mayor

ATTEST:

Donna Madrid

Donna Madrid, City Secretary