

**ORDINANCE NO. # 013-04**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS; AMENDING ORDINANCE NO. # 009-03 , REGULATING THE INSTALLATION OF MANUFACTURED HOMES AND HUD-CODE MANUFACTURED HOMES IN THE CITY; PROVIDING DEFINITIONS; PROVIDING FOR NONCONFORMING USES; PROVIDING OTHER REGULATIONS FOR MOBILE, MODULAR AND MANUFACTURED HOMES; PROVIDING FOR MANUFACTURED HOME PARKS; AND PROVIDING EXCEPTIONS AND FOR RELATED MATTERS; PROVIDING AN EFFECTIVE DATE; PROVIDING SEVERABILITY CLAUSES; AND OPEN MEETINGS CLAUSES.**

Whereas, provision should be made for the review and approval of requests for the location and placement of mobile, modular, manufactured and HUD-Code manufactured homes and manufactured home parks within certain areas of the City;

**NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:**

**Section 1. Definitions.** The following words and terms defined in this section shall when used in this ordinance, except the manner and use show clear intent otherwise, have the meanings given in this section:

**"Dwelling, Single-Family"**. A building designed for single family occupancy and constructed on-site as a permanent improvement to a legal lot.

**"HUD-code manufactured home"**. Means a HUD-code manufactured home as defined in *art. 5221f, Tex. Rev. Civ. Stat.*

**"Manufactured Home"**. A manufactured home, modular component, or a HUD-code manufactured home as defined in *art. 5221f, Tex. Rev. Civ. Stat.*

**"Modular Component"**. A component of a structure as defined in *art. 5221f, Tex. Rev. Civ. Stat.*

**"Mobile Home"**. A structure constructed before June 15, 1976, and as defined in *Art. 5221f, Tex. Rev. Civ. Stat. Ann.*

**"Travel Trailer"**. A towable trailer designed for temporary or recreational single family occupancy.

"Recreational Vehicle". Buses, trucks, trailers and other motorized conveyances designed for mobile, temporary and recreational occupancy.

**Section 2. Installation or Relocation.** No manufactured homes shall be installed or relocated within the City except in compliance with this ordinance. No travel trailer or recreational vehicle shall be connected to City water except temporarily to fill water tanks. Travel trailers and recreational vehicles may not be used as a habitation during construction of a primary residence. Use during construction of a primary residence shall require a permit issued at no cost by the Building Code Official.

**A. AREA REGULATIONS.** The following shall be the minimum requirements for any lot, tract or parcel of land to be eligible for any building permit or specific use permit for a manufactured home, modular component or HUD-code manufactured home.

**1) Size of Yards.**

- A. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have a double frontage, extending through from one street to another, the required front yard shall be provided on both streets.
- B. Side Yard. There shall be a side yard of not less than seven (7) feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.
- C. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the rear lot line.

**2) Size of Lot.**

- A. Lot Area. Lots served by the City wastewater collection system shall have a minimum of seven thousand two hundred (7,200) square feet; provided that, in such areas, the City Council may by affirmative motion approve a manufactured home subdivision in whole or in part in which not more than twenty-five percent (25%) of the lots have less than 7,200 square feet but not less than six thousand (6,000) square feet.
- B. Lot Width. Lots with a minimum of seven thousand two hundred (7,200) square feet shall have a minimum width of sixty (60) feet at the building line and for a distance of at least forty (40) feet behind the building line. Lots with a minimum area of six thousand (6,000) square feet (not to exceed twenty-five percent [25%] of the lots in a subdivision is submitted in sections or as a whole, as granted by the City Council in a written variance) shall have a minimum width of fifty (50) feet at the building line and for a distance of at least (40) feet behind the building line. Lots with a minimum width of eighty (80) feet at the building line and the average width shall not be less than eighty (80) feet.

- C. **Lot Depth.** The average depth of the lot shall not be less than one hundred twenty (120) feet, except a corner lot, having a minimum width of not less than ninety (90) feet may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than (90) feet.
- B. **PARKING REGULATIONS.** Not less than three off-street parking spaces shall be provided for each lot, tract or parcel of land, for such land to be eligible for a building permit or specific use permit under this ordinance, and for each such lot that is in a Manufactured Home Park.
- C. **OTHER REGULATIONS.**
- 1) No manufactured home with less than six hundred (600) square feet is permitted.
  - 2) Manufactured homes must be skirted within ninety (90) days from the date it is placed on a lot and existing homes must be skirted within (90) days of notice from the Building Official.
  - 3) Manufactured homes must be tied down securely and in compliance with applicable state and federal regulations prior to occupancy.
  - 4) All manufactured homes must be connected to city wastewater collection system and water system.
  - 5) Mobile Homes, structures constructed before June 15, 1976, are not eligible for permit issuance and will not be permitted to be moved into the City or relocated within the City limits..
  - 6) No more than one manufactured home or HUD-code manufactured home may be placed on one lot as platted and recorded. If a property is designated by the City Council as a Manufactured Home Park, the owner may locate manufactured homes within the Manufactured Home Park as approved by the City Council.
  - 7) **Standards.** The installation, occupancy and maintenance of manufactured homes and modular homes shall be subject to the following provisions.
    - A. No outside horizontal dimension shall be less than fourteen (14) feet, except for original extensions or subsequent additions containing less than fifty (50%) percent of the total enclosed floor area.
    - B. The exterior siding material, excluding skirting, shall be nonmetallic.
    - C. The structures shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the federal Mobile Home Construction and Safety Standards in effect on the date of manufacture; or other such

applicable standards. Any such structure without such certification, but meeting all other requirements, may be accepted as a safe and quality construction provided it meets the following criteria:

- (i) All electrical material, devices, appliances, and equipment are in sound and safe condition. Aluminum conductors are not acceptable.
- (ii) All mechanical systems including space and water heating, are in sound and safe condition.
- (iii) All plumbing, gas piping, and wastewater systems are in sound and safe condition.
- (iv) The unit is in sound and safe structural condition. Uncompressed finish floorings greater than 1/8 inch in thickness beneath load-bearing walls that are fastened to the floor structure are not acceptable. Any such structure that shows signs of fire damage, are not acceptable.
- (v) The determination of the foregoing acceptance of any non-certified unit shall be made jointly by the Building Official and the Fire Marshall.

**8) Installation.** Manufactured homes shall be installed in accordance with the following criteria:

- a. The frame shall be supported by, and tied to, a foundation system capable of safely supporting the loads imposed as determined from the character of the soil. The minimum acceptable foundation design shall be a series of eight-inch grout filled concrete block piers spaced no more than eight (8) feet on center and bearing on 12" x 12" solid concrete footings. A tie-down and anchoring system separate and apart from the foundation ties shall be provided as recommended by the manufacturer, if different from the foundation ties.
- b. Axle and hitch assemblies shall be removed at the time of placement on the foundation.
- c. Each home shall be totally skirted with metal, masonry, pressure-treated wood, or other non-degradable material which is compatible with the design and exterior materials of the primary structure.
- d. Electrical power supply shall be made from a meter installation on the mobile home, or from a permanent meter pedestal.
- e. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings or as otherwise stipulated within this Ordinance.

Garage and carport additions are permitted, provided they cover a paved parking area and are connected to a street by a paved drive, meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.

- f. Patio and porch covers are permitted, provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.
- g. Living area additions are permitted, provided they meet the minimum building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure.

#### **D. BUILDING PERMITS.**

- 1) **Purpose.** The Building Official may grant, deny or conditionally approve building permits for manufactured homes, modular components or HUD-code manufactured homes. Because of the nature of the use and the possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgement relative to the location and site plan of the proposed use are required.
- 2) **Procedure.** The building Official may issue a building or moving permit for a mobile home, manufactured home or modular component pursuant to the procedures and in the areas provided in this Section and per City Ordinance No.# 003-99.
  - a. **Building Permit.** The Building Official may authorize a building or moving permit for mobile homes, manufactured homes, modular components or HUD-code manufactured homes as stipulated in City Ordinance No. 003-99:
  - b. **Application.** Any person proposing to begin to obtain a building permit under this Subsection may 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 accompanying site plan shall provide the following information:
    - (i) Data describing the processes and activities proposed and involved in the proposed use, and the type of mobile home, manufactured home, modular component, accessory building, etc.;
    - (ii) Boundaries of the area covered by the site plan;
    - (iii) The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits;
    - (iv) The location of existing drainage ways and significant natural features;

- (v) Location and dimensions of all curb cuts, public and private streets, parking and loading areas pedestrian walks, lighting facilities, and outside trash storage facilities;
- (vi) The location, height, and type of each wall, fence, and all other types of screening; and
- (vii) The location of driveways and off-street parking.

- 1) **Appeal.** Any person making application for a building permit pursuant to the terms and conditions of this subsection may appeal to the City Council a decision of the Building Official to deny such application and building permit.

**E. NON-CONFORMING USES.**

- 1) **General Policy.** The general public and the City Council are directed to take note that non-conformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except;
  - a. When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and
  - b. When necessary to promote the general welfare and to protect the character of the surrounding property.
- 2) **Nonconforming Structures.** Where a lawful structure exists on the effective date of the adoption or amendment of this Ordinance, that could not be built under the terms of this Ordinance by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
  - a. No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.
  - b. Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this Ordinance.

- c. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform fully to the rules and regulations provided in this ordinance.

3) **Nonconforming Uses.** A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed or reconstructed.
- b. The use of the structure shall only be changed to a use permitted in the area in which it is located.
- c. A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of ninety (90) days or more.
- d. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to any land outside such building.
- e. Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status, except to the extent, if any, otherwise provided by law. Destruction for the purpose of this subsection is defined as damage equal to more than fifty (50%) percent of the replacement cost of the structure.
- f. A nonconforming use shall terminate upon sale or conveyance of the property, except to the extent, if any, provided otherwise by law.

4) **Repairs and Maintenance.** On any conforming structure, or nonconforming portion of a structure, containing a nonconforming use, no work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing, to an extent exceeding twenty-five (25%) percent of the current replacement cost of such structure or nonconforming portion of such structure.

If fifty (50%) percent or more of the nonconforming structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations set forth in this Ordinance.

F. **Nonconforming Lot.** A Lot shall be nonconforming if it shall not meet the requirements of this ordinance. Legal lots containing less area than required for the

location of a manufactured home may request a variance from the lot size requirements of this Ordinance.

**Section. 4. Manufactured Home Parks.** Provision is hereby made for the City Council to authorize and approve Manufactured Home Parks within the City:

**A. USE REGULATIONS.**

- 1) **Manufactured Home Park.** Property and areas of the City may not be used and occupied as a Manufactured Home Park, except as provided in this Ordinance. Property and areas shall not be approved as a Manufactured Home Park, without a specific use permit, unless such property and areas are planned, used, approved, platted and occupied as a Manufactured Home Park. Land and areas of the City authorized for use as a Manufactured Home Park and having an approved subdivision plat or site plan for a Manufactured Home Park may be used for Manufactured Homes and modular components as provided in this Ordinance.
- 2) **Permitted Uses.**
  - a. One manufactured home or modular home on each approved space or lot.
  - b. Accessory buildings located on a lot for use by the owner or occupant of a structure that is located on such lot.
  - c. Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the Manufactured Home Park.
  - d. Accessory buildings for use by the owner or manager of the Manufactured Home Park.
  - e. One single-family dwelling unit on a six (6,000) thousand square foot or larger lot for use as the owner's or manager's residence.
- 3) **Purpose.** The requirements for Manufactured Home Parks are established for the protection of the public health, safety and welfare, and for the following purposes.
  - a. One manufactured home or modular home on each approved space or lot.
  - b. Accessory buildings located on a lot for use by the owner or occupant of a structure that is located on such lot.
  - c. Recreational, civic and/or commercial facilities designated for exclusive use of the occupants of the Manufactured Home Park.
  - d. Accessory buildings for use by the owner or manager of the Manufactured Home



**Park.**

- e. One single-family dwelling unit on a six (6,000) thousand square foot or larger lot for use as the owner's or manager's residence.

3) **Purpose.** The requirements for Manufactured Home Parks are established for the protection of the public health, safety and welfare, and for the following purposes.

- a. To provide adequate space and site diversification for residential purposes that are planned to accommodate the design criteria of manufactured homes.
- b. To protect against pollution, environmental hazards and other objectionable influences.
- c. To make adequate provisions for vehicular and pedestrian circulation.
- d. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.
- e. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.

4) **Required conditions.**

- a. A development designed as a Manufactured home or recreational vehicle park shall meet all requirements of the mobile home park Ordinance of the City. Said facility so designed shall be for the explicit purpose of renting or leasing of Manufactured home sites and shall not be construed to permit the sale of such spaces as lots.
- b. A development designed as a Manufactured home or recreational vehicle subdivision shall meet all requirements of any applicable sections of the City Manufactured Home Park Ordinance. Such subdivision shall have as its major purpose the sales and conveyance of property rights and ownership of individual lots to consumers.
- c. At no time may an existing Manufactured home or recreational vehicle park be converted to a Manufactured home or recreational vehicle subdivision without first meeting all requirements of the City subdivision Ordinance and receiving approval by the City Council.

**B. AREA REGULATIONS.**

1) **Size of Yards.**

- a. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.

b. Side Yard. There shall be a side yard of not less than seven (7) feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for nonresidential uses shall be less than twenty-five (25) feet.

c. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the rear lot line.

2) **Size of Lot.**

a. Lot Area. Lots served by the City wastewater collection system shall have a minimum of seven thousand two hundred (7,200) square feet; provided that, in such areas, the City Council may by affirmative motion approve a mobile home subdivision in whole or in part in which not more than twenty-five percent (25%) of the lots have less than 7,200 square feet but not less than six thousand (6,000) square feet. All lots must be served by the City wastewater collection system.

b. Lot Width. Lots with a minimum of seven thousand two hundred (7,200) square feet shall have a minimum width of sixty (60) feet at the building line and for a distance of at least forty (40) feet behind the building line. Lots with a minimum area of six thousand (6,000) square feet (not to exceed twenty-five percent [25%] of the lots in a subdivision whether the subdivision is submitted in sections or as a whole, as granted by the City Council in a written variance) shall have a minimum width of fifty (50) feet at the building line and for a distance of at least (40) feet behind the building line. Lots with a minimum area of twelve thousand five hundred (12,500) square feet shall have a minimum width of eighty (80) feet at the building line and the average width shall not be less than eighty (80) feet.

c. Lot Depth. The average depth of the lot shall not be less than one hundred twenty (120) feet, except a corner lot, having a minimum width of not less than ninety (90) feet may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.

C. **PARKING REGULATIONS.** Not less than three off street parking spaces for each lot, or home pad site.

D. **OTHER REGULATIONS.**

1) **General Standards.**

a. All minimum requirements as stated under this Ordinance shall apply.

b. No through traffic shall be permitted in a Mobile Home Park.

c. A perimeter fence shall be required, unless exempted for good cause by the City

Council.

- d. Curbs and gutters may be required and shall conform to the requirement for the City streets.

2) **Notice Requirements and Hearing.** Manufactured Home Parks shall not be permitted within any area of the City except upon authorization and permit by the City Council given after notice and public hearing held in compliance with this paragraph. The notification and public hearing process for the approval of a Manufactured Home Park under this section shall be as follows: (a) a public hearing shall be held by the City Council prior to the issuance of any such authorization or permit; (b) a written notice of the application shall be sent by U.S. Mail to the last known owner and/or occupant of each property within two hundred feet (200') of the tract or parcel of land for which the specific use permit is requested; (c) such written notice shall be mailed at least fifteen (15) days prior to the date of a public hearing to be held with respect to the application; and (d) not more than thirty (30) nor less than ten (10) days prior to the date of the public hearing a notice shall be published in the official newspaper giving notice of the application and the public hearing to be held with respect to such application.

**Section 5. Exception.** In the event any term or provision of this ordinance conflicts with state or federal law such term or provision of this Ordinance shall be construed and interpreted in a manner consistent with such federal or state law and such law shall control.

**Section 6. Repeal and Amendment.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended and /or repealed to the extent of such conflict.

**Section 7. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below.

**Section 8. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 9. Open Meetings.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the *Open Meetings Act, Chapter 551, Texas Government Code*.

**PASSED AND APPROVED** on this emergency reading on the 14<sup>th</sup> day of JUNE, 2004.

ATTEST:

CITY OF DE LEON, TEXAS

---

**B. Gail Neeley,**  
**City Secretary**

---

**Jim Adams, Mayor**