

ORDINANCE NO. 13-003

AN ORDINANCE OF THE CITY OF SOMERVILLE, TEXAS REGULATING THE PLACEMENT AND INSTALLATION OF MOBILE HOMES, RESIDENTIAL AND NONRESIDENTIAL MANUFACTURED HOMES, AND HUD-CODE MANUFACTURED HOMES IN THE CITY; PROVIDING AREAS ELIGIBLE FOR SEPCIFIC USE PERMITS; PROVIDING DEFINITIONS; PROVIDING OTHER REGULATIONS FOR MOBILE, MODULAR AND MANUFACTURED HOMES; REPEALING ORDINANCE NUMBERS 00-001, 00-008, AND 01-006; AND PROVIDING FOR RELATED MATTERS.

Note: This contains the only the text of the ordinance. Copies of the complete ordinance may be obtained at city hall.

Violations of this ordinance carry a maximum penalty of \$500/day upon conviction.

MANUFACTURED HOME REGULATIONS

A. DEFINITIONS

The following words and terms defined in this subsection shall when used in this Section, except when the manner and use show clear intent otherwise, have the meanings given in this subsection:

“Common Access Route”. A private way which affords the principal means of access into the interior of a manufactured home park and to the structures or lots therein.

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

“License to Construct” means a written document issued by the building official and approved by the City Council allowing the construction, alteration or extension of a manufactured home park or subdivision, within the city limits of Somerville.

“Manufactured Housing” Any one of three types of prefabricated housing products which are typically manufactured or assembled at a location other than the end user’s permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (the Act) (Article 5221f and 5221f-1, VACS). For the purposes of this Ordinance there are three types of manufactured homes.

(1) *Mobile Home* – a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and

which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

(2) *HUD-Code Manufactured Home* – a movable dwelling designed to be transported on the highway, either intact or in major sections by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code Manufactured home is also defined as a moveable manufactured home that was constructed after June 15, 1976.

(3) *Industrialized Home (Modular Prefabricated Structure, Modular Home)* – A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or another conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD Code manufactured homes as defined in the Act. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to the construction of traditional site constructed (stick-built) homes.

“Manufactured Home Park”. A unified development for manufactured housing spaces arranged on a tract of land in compliance with this Ordinance, and the City’s subdivision ordinance, with the individual lots or parcels being held under a common ownership and rented or leased to the occupants. Such facility may include a residence for the owner or manager of the facility, utility hook-ups, accessory structures, playgrounds or other open areas, fenced yard areas for pets and other similar amenities. In the event of a conflict, the provisions of this ordinance shall govern.

“Manufactured Home Subdivision”. A unified development which is designed, platted, improved and intended for the long term placement of individually owned HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the manufactured home units. Such developments shall comply with the Subdivision ordinance and the applicable provisions of this ordinance.

“Non-Residential Manufactured Home” shall mean and refer to a manufactured home as defined in Chapter 1201, Texas Occupations Code, as amended from time to time, which use shall be limited solely as a business or commercial office for a lawful business purpose and shall not be used as a dwelling or for any other residential purpose.

“Non-Residential Modular Component”. A component of a structure as defined in Chapter 1202, Texas Occupations Code, as amended from time to time, which use shall be limited solely as a business or commercial office for a lawful business purpose and shall not be used as a dwelling or for any other residential purpose.

“Operator’s License”. A written license issued by the City of Somerville permitting a person to operate and maintain a Manufactured Home Park under the provisions of this Section and the regulations issued hereunder.

“Operator (Licensee)”. Any person licensed to operate and maintain a Manufactured Home Park under the provisions of this Section.

“Person” means an individual or a partnership, company, corporation, association, or other group, however organized.

“Permit”, “Building Permit” means a written document issued by the building official permitting the placement, utility connection and occupancy of a manufactured home, or modular component, whether for residential or non-residential use on any lot, parcel, space or tract of land in the City of Somerville.

“Plot plan”, “site plan” means a graphic representation, drawn to scale, of a proposed manufactured home park, subdivision or installation, and shall include the specific information required herein for the specific purpose intended.

“Recreational Vehicle” means a structure designed to be self-propelled or towed by another vehicle and intended for temporary occupancy. This term includes but is not limited to: campers, pop-up campers, motor homes, travel trailers, 5th wheel travel trailers or any similar structures designed for temporary occupancy.

“Space” means an area within a manufactured home park designated for the accommodation of one manufactured home, together with accessory structures and open spaces as are permitted or required by these regulations. Term shall include “site”.

“Yard”, “Setback” means an open area, unobstructed from ground to sky except as permitted in this ordinance, measured from a curb, property line, manufactured home park space line, or structure, within which construction is not permitted. Yards are not measured from the interior line of any easement, and may be concurrent with an easement. If the width of an easement exceeds the width of the required yard, the easement determines the building line.

“Building Line” is the line established by this ordinance, beyond which a building shall not extend.

B. DEFINITIONS BINDING

The terms “mobile home”, “HUD-code manufactured home” and “manufactured housing” set forth in this article are defined by the Texas Manufactured Housing Standards Act, as amended from time to time, and are binding on all persons. A mobile home is not a HUD-Code manufactured home and a HUD-Code manufactured home is not a mobile home for any purposes under this Section or any ordinance of the City. The term "modular component" set forth in this article is defined by Section 1202.001(5), Texas Occupations Code, as may be amended from time to time, and is binding on all persons.

C. MANUFACTURED HOME REGULATIONS.

- (1) Applicability. The regulations in this section apply to all manufactured homes, mobile homes and modular units, regardless of location and purpose unless modified by specific regulations under Manufactured Home Parks or Business use.
- (2) Mobile Homes Prohibited. No mobile home shall be installed, placed, located, or occupied within the city limits after the date of adoption of this Section, except as provided in Subsection 4, below.
- (3) Permitted Locations. A Residential manufactured home may be located on a lot in those areas of the city set out in Section D, or on a designated space in a licensed manufactured home park. Non-residential manufactured homes or modular units may be located on any lot within the city subject to approval of a specific use permit by City Council in accordance with the requirements herein.
- (4) Exception. Nothing in this article shall affect mobile homes or manufactured homes lawfully located within the city as of the effective date of this Section, except as provided in Section G, nonconforming uses.
- (5) One Residence. No more than one manufactured home, mobile home, or modular unit intended for residential use shall be installed on any parcel, lot or manufactured home space. No manufactured home or mobile home shall be installed on a lot with an existing residential structure. Accessory buildings may be permitted on such lots or spaces in accordance with this ordinance.
- (6) Age Regulations. No HUD home that was manufactured more than five years earlier than the date that the HUD home is proposed to be installed, located, or occupied within the City, shall be installed or located within the City after the effective date of this Ordinance. A manufactured home meeting the definition of “new home” as per the Act meets this criteria by definition.
- (7) Recreational Vehicles. Recreational vehicles shall not be used as residences, nor connected to city utilities as permanent dwellings. Use of recreational vehicles at residential properties within the city limits for transient guests shall be limited to no more than 10 (ten) consecutive days in any four-month period. Such vehicles must dispose of waste at licensed dump stations.
- (8) Permits required. No manufactured home, HUD Code Home, mobile home or modular unit shall be transported to, placed or installed on any lot or space in the City of Somerville unless a building permit has been issued. A building permit shall not be issued unless any required license or specific use permit for the location (lot, parcel or Manufactured Home Park space) has been applied for and granted.
- (9) Area Regulations. Manufactured homes or modular housing intended for residential purposes may only be placed on lots meeting the minimum area and yard requirements set out below.

(a) **Size of Yards.** Yards shall be measured from the property line for city lots, and from the edge of the space in a manufactured home park.

1. **Front Yard.** Minimum depth of the front yard shall be fifteen (15) feet from the edge of the public right of way and the foundation or area where the residence is located. Where lots have a double frontage, extending through from one street to another, the required front yard shall be provided on both streets.
2. **Side Yard.** Minimum depth of side yards shall be ten (10) feet in width on each side of the lot. A side yard adjacent to a side street shall have a minimum width of fifteen (15) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.
3. **Rear Yard.** Minimum depth of the rear yard shall be ten (10) feet.
4. **Existing structures.** The minimum setback from existing structures on adjacent properties shall be twenty (20) feet.

(b) **Size of Lot** (for minimum sizes of manufactured home park spaces see H (8)(c)).

1. **Lot Area.** Lots shall have a minimum of four thousand nine hundred (4,900) square feet.
2. **Lot Width.** Lots shall have a minimum width of forty (40) feet at the building line and for a distance of at least forty (40) feet behind the building line.
3. **Lot Depth.** The average depth of the lot shall not be less than eighty (80) feet, except a corner lot, having a minimum width of not less than sixty (60) feet may have an average depth of less than eighty (80) feet provided that the minimum depth is no less than sixty (60) feet, and all yard requirements are met.

(c) **Legal Lot.** The location of a manufactured home is not prohibited on a lot or space that existed on January 1, 2013 because, on such date, the lot did not meet the minimum required area, width and/or depth.

(7) **Other Regulations.** The standards set forth in Section I, General Installation, Occupancy and Maintenance shall be applicable.

D. LOCATION OF MANUFACTURED HOMES.

HUD Code Manufactured Home Eligible Areas. HUD Code Manufactured Homes and modular components may, upon the issuance of a building permit, be placed and installed on

legal lots in those areas of the city set forth and described herein. The areas listed are general geographic areas bounded by the named streets, as more particularly shown in the map appended to this Section as Exhibit "A". In the event of a conflict between the descriptions in this subsection and the map, the map shall control.

West Area, 1. The area of the City cross hatched and marked "Area # 1" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of Thornberry Drive and 8th Street, on the City Limits Line at that point, and thence in a northeasterly direction along the south side of 8th Street to a point intersecting with Avenue I;

Thence southeast along Avenue I, for two blocks to the intersection of Avenue I and Sixth Street;

Thence along the north side of Sixth Street to a point intersecting with Avenue P, and thence south along Avenue P to a point intersecting with the extension of the platted but not developed extension of 3rd Street;
Thence to the west along the south side of the lot identified as R22240 to a point of intersection with the City Limits;

Thence generally north along the meanders of the City Limits line, along the west side of the Oak Hill Subdivision and continuing north, along Thornberry Drive and the City Limits line to a point intersecting 8th Street and to the POINT OF BEGINNING;

South Area, 2. The area of the city cross hatched and marked "Area # 2" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of 5th Street and Avenue C and thence to the south along the west side of 3rd Street to a point of intersection with 2nd Street;

Thence to the west along the north side of 2nd Street to a point of intersection with Avenue E;

Thence to the south along the west side of Avenue E to its terminus (at the intersection of the properties identified as R36841 and R22096);

Thence to the west along the south boundaries of the Landolt #7 Addition, Blocks 6, 7, and 16, Landolt #8 Addition, Blocks 3 and 4, and Landolt #10 Addition, Blocks A and B, to the southwest corner of the 10 acre property identified as R21110;

Thence in a northwesterly direction along the west property line of the 10 acre tract identified as R21110 to a point of intersection with 2nd Street;

Thence to the east to a point intersection with Avenue I;

Thence to the north, one block, to a point of intersection with 3rd Street;

Thence to the east, two blocks, to a point of intersection with Avenue G;

Thence north along the east side of Avenue G to a point of intersection with 5th Street;

Thence along the south side of 5th Street to a point of intersection with Avenue C and to the POINT OF BEGINNING.

South East Area, 3. The area of the city cross hatched and marked "Area # 3" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of Low Wood Road and CR 462 and thence to the west along the city limits line to the north side of the County Road to a point of intersection with Box Car Road, also known as CR 463;

Thence to the north along the city limits line which coincides with the west side of Box Car Road (CR 463) to a point at the south west corner of the Cromo Addition (at the corner of the property identified as R21197 and Block F, lot 3, Cromo Addition);

Thence to the west along the south boundary line of the Cromo Addition, with a jog to the south at the property line of the 22.27 acre tract identified as R21164, continuing westerly to a point of intersection with Low Wood Road (also identified as CR 418);

Thence to the south along the east side of Low Wood Road to a point of intersection with the City limits line at CR 463 and to the POINT OF BEGINNING.

East Area, 4. The area of the city cross hatched and marked "Area # 4" on the map attached hereto and incorporated herein for all purposes as Exhibit "A". Such area is generally described as follows:

Beginning at the intersection of Low Wood Road and Harvey House Road on the north side of the railroad right-of-way at the railroad crossing at Long

Bridge Road (also known as CR 420) thence to the north west along the curve of the railroad right-of-way and Harvey House Road (unpaved) to a point of intersection with F.M. 1361 (8th Street);

Thence to the east along F.M. 1361 to a point of intersection with the corner of a 46.767 acre tract of land belonging to BNSF Railway Company and identified as R21207, and to include those properties North of F.M 1361 contained in Blocks 1 and 3 of the Somerville Plat with access and frontage on and from North Santa Fe Road;

Thence to the south east along the line of the property identified as R21207 to a point of intersection with Round House Road and Low Wood Road;

Thence to the south west along the west side of Low Wood Road to a point of intersection with Harvey House Road on the north side of the railroad right-of-way at the railroad crossing at Long Bridge Road (also known as CR 420) and to the POINT OF BEGINNING.

E. BUILDING PERMITS.

- (1) Applicability. This Section applies to the placement, installation or location of any HUD Code Manufactured Home, or modular unit intended for use as a residence whether such structure is located on a city lot, in a manufactured home park or in a manufactured home subdivision.
- (2) Responsibility. Permits required in this section shall be obtained by the owner of the manufactured home whether such unit is a rental property or is to be occupied by the owner.
- (3) 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 location of lots, suitability of lots for the intended purpose, setbacks, habitability, and utility connection and service. A building permit under this section is not intended to replace or override the authority of the manufactured housing division or its standards for fabrication, sales and installation of the home as defined by the Act.
- (4) Purpose. Because of the nature of the use and the possible adverse impact on neighboring properties of the use; review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- (5) Building Permit Procedures.
 - (a) The City Administrator or designee may grant, deny, or conditionally approve building permits for HUD-code manufactured homes and modular components within certain designated areas of the City as set forth in Section D, in a licensed manufactured home

park, for business use as per Section K, or as a replacement for an existing manufactured or mobile home per section J.

(b) Application. 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:

1. The proposed use, size, Texas certificate number or other unique identification, and year of construction of the manufactured home, modular component, or accessory building;
2. Boundaries of the lot, site or space and the address, BCAD ID number of the proposed location or property, and the names of streets abutting the property;
3. 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 feet of the property line.
4. The location of easements or drainage ways on the property,
5. The location of existing or proposed fences

(c) Permit Fee. The application shall be accompanied by fees as set out in the schedule of building permit fees of the City of Somerville.

(d) Issuance of Permit. The City Administrator or designee shall authorize a building permit for a manufactured home or modular component in an area designated in Section D, in a licensed manufactured home park, or as a replacement in accordance with Section J, after the receipt of a completed application and the required fee, provided that all applicable City regulations have been met. A building permit to install a HUD Code manufactured home or modular component 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

(e) 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 hook-up or activation of any utility services. The owner must still apply for all utility services in accordance with other City ordinances.

(f) Appeal. Any person making application for a building permit pursuant to the terms and conditions of Sections C and D may appeal a decision of the City Administrator or

designee to deny such application and building permit to the Board of Adjustments. Such appeal must be in writing on forms provided by the city and shall be submitted no later than thirty days after written denial of the application is received by the applicant.

F. Conditional and Specific Use Permits.

- (1) Purpose. This Section provides the City Council the opportunity to grant, deny or conditionally approve specific use permits for modular components, non-residential manufactured homes or HUD-code manufactured homes within the City. Because of the nature of the use and the possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- (2) Procedure. The City Council, after a public hearing and proper notice to all parties affected, may authorize the issuance of a specific use permit for a modular component or HUD-code manufactured home pursuant to the procedures in this subsection.
 - (a) Application. Application for a specific use permit to locate a modular component or HUD-code manufactured home within any area other than those designated in the foregoing Sections C and D shall be made to the City Council on forms provided by the City.
 - (b) Use Permit Application Fee. The application shall be accompanied by a non-refundable fee of \$200.00 (Two Hundred Dollars).
 - (c) Hearing Date. The application and all required documents shall be submitted to the City Secretary for review. A hearing date shall not be set until the application and fee have been accepted by the City. If the application and fees are not accepted at least twenty-one (21) days before the next scheduled council meeting, the hearing shall be held over to the next scheduled meeting.
 - (d) Notification and Hearing. A public hearing shall be held by the City Council prior to the issuance of any specific use permit. The notification and public hearing process for conditional or specific use permits under this subsection shall be as follows:
 2. A written notice of the application shall be sent by U. S. Mail to the last known owner 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;
 3. 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
 4. 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.

(e) Required Findings. A specific use permit shall be authorized only if all the following conditions have been found:

1. The specific use permit will be compatible with, and not injurious to, the use and enjoyment of the property, or neighboring properties, nor materially diminish or impair property values within the immediate vicinity;
2. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. Adequate utilities, access roads, drainage, parking and driveways and other necessary support facilities have been or will be provided;
4. The applicant shall establish that the use and occupancy will comply with all applicable terms of this ordinance; and
5. The City Council finds that it is not in conflict with the public interest to grant such permit.

(3) Permits and Certificates. If a specific or conditional use permit is required for any proposed installation or use, such permit must be obtained prior to issuance of a building permit.

G. NON-CONFORMING USES

(1) General Policy. The general public and the City Council are directed to take note that nonconformities 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 Section, that could not be built under the terms of this Section by reason of restrictions on permitted use, area, lot coverage, height, age its location 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 Section J.
 - (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 Section.
- (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 Section, 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 any sale or conveyance of the property, except to the extent, if any, provided otherwise by law.
- (4) Repairs and Maintenance. On any nonconforming 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 nonload-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 a dangerous building as defined in the Dangerous Building Ordinance (12-007) of the City of Somerville by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations set forth in this Section.

- (5) Nonconforming Lot. A lot shall be nonconforming if it does not meet the requirements of this Ordinance

- (6) Conforming Use. A HUD Code manufactured home or modular component located within an area listed in Section D shall be a conforming use; and any such structure that, on the effective date of this Section, is located within any area listed in Section C and Section D, and within any geographic area of the City listed therein, may, upon making application for and receiving a specific use permit, as provided in Section F, become a conforming structure.

H. MANUFACTURED HOME PARKS

Provision is hereby made for the City Council to authorize and approve construction of new Manufactured Home Parks within the City, and to regulate the operation of existing and new manufactured home parks.

(1) Use Regulations.

- (a) Establishment of Manufactured Home Park. It shall be unlawful for any person to construct, enlarge, or remodel a manufactured home park on any property in the City of Somerville without first obtaining a License to Construct, and all required building permits. A manufactured home park shall be any tract of land, whether one or more parcels, with a single owner where three or more sites or spaces are rented for placement of manufactured homes or where manufactured homes are rented.

- (b) Permitted Uses.
 - 1. One (1) HUD Code Manufactured home on each approved space or site.

 - 2. Approved accessory buildings located on a space for use by the owner or occupant of a manufactured home that is located on such space; provided that aggregate square footage of the manufactured home and accessory building is limited to the maximum impermeable cover requirement for each space or lot, and setbacks are maintained in compliance with this Subsection H(8)(c)

 - 3. Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the Manufactured Home Park.

4. Accessory buildings for use by the owner or manager of the Manufactured Home Park.
 5. One single-family dwelling unit on a 6,000 square foot or larger space for use as the owner's or manager's residence.
- (c) Purpose. The requirements for Manufactured Home Parks are established for the protection of the public health, safety and welfare, and for the following purposes.
1. To provide adequate space and site diversification for residential purposes that are planned to accommodate the design criteria of manufactured homes.
 2. To protect against pollution, environmental hazards and other objectionable influences.
 3. To make adequate provisions for vehicular and pedestrian circulation.
 4. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.
 5. To promote the most desirable use of land and direction of building development; to promote stability of development; to protect the character of neighborhoods; to conserve the value of land and buildings; and to protect the city's tax base.
- (2) Operator's license. It shall be unlawful for any person to operate or maintain a manufactured home park within the city limits of Somerville unless such person has a valid operator's license issued by the city of Somerville. Operator's licenses shall be issued to an owner/operator, or to a manager for an owner.
- (a) For parks established or constructed after the date of this ordinance, application for an operator's license shall be made to the building official after a license to construct and all building permits and certificates of occupancy have been issued.
 - (b) Owners or managers of existing and established parks shall apply for an Operator's License under the provisions of Subsection H(6) within 60 days of the passage of this ordinance.
 - (c) All Operator's Licenses expire on December 31st of each year and shall be renewed by January 15th. Failure to renew such operator license by January 15th, shall result in the fee for renewal doubling. 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 manufactured home park.

- (d) Initial Application. Application for an Operator's license shall be submitted in writing on forms provided by the city and shall include:
1. Name and Address of Applicant.
 2. Name and address of owner, if different
 3. Copy of valid certificates of occupancy if applicable
 4. Address and legal description of park site
 5. A copy of the approved park site plan, or a site plan in conformance with the requirements of Subsection H (6).
- (e) Operator's License Fee. Application for an operator's license shall be submitted with a fee of \$120.00 (One hundred Twenty Dollars). If the original application is filed after November 1, it shall be valid until December 31 of the following year.
- (f) Renewal. An application for renewal of license shall be submitted to the building official with a fee of 60.00 (Sixty Dollars) on or after December 1. Such application shall show any changes to the information submitted in the original application or previous renewal.
- (g) Transfer of license. Any owner/operator who sells transfers, gives away or otherwise relinquishes control of a manufactured home park 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 may be notified of such change by certified letter signed by the owner and the new manager.

(3) Manufactured Home Park Development Standards

- (a) A development designed as a manufactured home park or shall meet all requirements of this section, Section I, and any applicable sections of the City's subdivision ordinance. 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 subdivision shall meet all requirements of the City's subdivision ordinance and any applicable sections of the city manufactured home ordinance. To the extent of a conflict between this Section and the City's subdivision ordinance, the more restrictive regulation shall control. 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 park be converted to a manufactured home subdivision without first meeting all requirements of the City's

subdivision ordinance and receiving approval by the City Council.

(4) Responsibilities of Park Owner or Operator

- (a) The licensee or his agent shall operate the park in compliance with this Section and all other applicable ordinances and shall provide adequate supervision to maintain the park and its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The licensee or his agent shall notify all park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section especially the requirement for obtaining a permit from the city **prior** to the placement of any manufactured home on any space in the park.
- (c) The licensee or his agent shall maintain a register of park occupancy which shall contain the names and addresses of park residents, location of each manufactured home within the park by space or lot number and date of arrival and departure with a forwarding address.
- (d) All responsibilities set out elsewhere in this Section

(5) Responsibilities of Park or Site Occupants or Tenants

- (a) The manufactured home owner shall be responsible for securing a building permit for placement of a manufactured home in a manufactured home park.
- (b) The occupant shall be responsible for proper placement of the home in the assigned space or lot. The occupant shall also be responsible for proper utility installation to city requirements.
- (c) The occupant is responsible for the space or lot maintenance and shall ensure that all facilities, structures, and equipment thereon are maintained in clean and sanitary condition.

(6) Existing Manufactured Home Parks

- (a) Conforming Use. A Manufactured or mobile home park existing in the city of Somerville as of January 1, 2013, shall be considered to be a conforming use, provided that the requirements of this subsection are met.
- (b) Operator's License. The owner or operator of an existing manufactured home or mobile home park shall apply for an Operator's license within 60 days of the date of passage of this ordinance.
- (c) Application. The application procedure, fee, requirements and renewal procedures are

the same as for a new park, except that the site plan shall contain the following information. The site plan is not required to be an engineered drawing but must be generally to scale, complete, and legible:

1. The area, dimensions, park address, BCAD ID, and legal description of the tract or parcels of land comprising the park, including the names of adjacent streets and property lines;
 2. Name of the manufactured or mobile home park.
 3. The address (or identification number or letter), location, and size of all manufactured home spaces, and which spaces are currently occupied;
 4. Location of driveways, walkways and utility easements;
 5. The location of riser pipes;
 6. Locations of lighting and electrical service poles.
 7. Location of the solid waste disposal containers or a statement that the collection is done at each space;
 8. Name, address, and contact information for the operator or owner in case of emergency.
- (d) Inspection. An operator's license shall not be issued for an existing park until an inspection of the park premises has been made by the building official and a city utility staff member. Such inspection shall include all units owned by the park. A list of any material violations of fire and life safety codes, building codes or utility regulations for the City of Somerville shall be provided to the applicant and he shall abate or correct the violations within thirty (30) days and call for re-inspection or such application will be denied.
- (e) Leases. As of the date of this ordinance, existing manufactured home parks may not issue new leases to any manufactured housing unit not meeting the requirements of this Ordinance. This does not prevent the continuance of an existing lease to a unit currently legally installed and occupied in an existing park. Such use shall be allowed to continue subject to the requirements for non conforming use in Section G above.
- (f) Register and addresses. The licensee or his agent shall maintain a register of park occupancy in accordance with section 4(c) above, and shall provide to the city an address where the register can be viewed during business hours if there is no office on park premises. All spaces shall have 911 addresses or internal addressing that is provided to local fire and police services. All spaces and/or structures shall be clearly identified with the address, prior to issuance of the operator's license.
- (g) Additions to an existing park. Any enlargement or addition to an existing manufactured home park shall be performed in compliance with all regulations herein.

(7) License to Construct or Expand Manufactured Home Park.

- (a) License required. It shall be unlawful for any person to construct, alter or extend any manufactured home park within the city limits unless this person has applied for and been granted a License To Construct by the City of Somerville for the specific construction,

alteration or extension proposed.

- (b) Application Requirements. All applications for License To Construct for manufactured home parks shall be made upon standard forms provided by the City and should contain the following:
1. Name and address of developer and the property owner of the proposed or existing facility;
 2. An accurate, scaled site plan prepared by an engineer or other qualified professional together with a survey, containing at least the following information:
 - a. The area, dimensions and legal description of the tract of land to be developed, with identification of location and boundaries, including the names of adjacent streets;
 - b. The number, location, and size of all manufactured home spaces;
 - c. Location, width, and specifications of driveways, roadways, and walkways and utility easements;
 - d. The location of water lines, sewer lines, and riser pipes;
 - e. Locations of lighting, electrical, and, gas systems;
 - f. Location of the solid waste disposal containers and screens and pads for dumpsters as applicable;
 - g. Locations of all buildings to be constructed by the operator;
 - h. Existing and proposed topography and drainage of the manufactured home park;
 - i. Location of fire mains, including size and materials, the hydrants and any other equipment which may be provided;
 - j. Boundary fences or screens and landscaping intended to screen or enhance the appearance of the park from a public way; and
 - k. Such other information as City Administrator or designee may require.
- (c) Development Proposal. A written development proposal keyed to the Site Plan and containing descriptions and general specifications of the information outlined above and the phasing, if any, of the development and any other information requested by the City. This plan is not required to contain architectural or engineering calculations, drawings or details, such as will be required for the issuance of a building permit.
- (d) License to Construct Fee. All applications for License to Construct for new construction, renovation, or expansion of a manufactured home park to the City of Somerville shall be accompanied by a non-refundable fee of two hundred fifty dollars (\$250.00). The License to Construct is not a building permit, and does not replace or supplant any necessary building permits, inspection or utility connection or service fees required by this or other ordinances of the City of Somerville.

- (e) Application. The Application for a License to Construct shall be submitted to the Building Official. The Building Official, Public Works Director, and City Manager shall review the Application and make a recommendation for or against approval, and the Building official shall give notice of such approval or denial of License to Construct to the applicant in writing within thirty days of the receipt of the completed application and fee. Such notice may contain a list of deficiencies. The applicant may resubmit the amended application one time with no additional fee.
 - (f) Appeal. Any person affected by the refusal of the City to issue a License to Construct under the provisions of this Section may request and shall be granted a hearing on the matter before the City Council provided that such persons shall file a written request for a hearing within ten days after the date the License to Construct was denied. The filing shall include reasons for requesting the hearing and show proof why the License to Construct should be granted. Upon receipt of the request the City Secretary shall place this item on the agenda for the next regularly scheduled City Council meeting and inform the petitioner of the date of such hearing. At the specified hearing the petitioner shall be given an opportunity to be heard and show cause for modification or withdrawal of the refusal.
 - (g) Order. After such hearing the City Council shall issue an order in writing sustaining, modifying or withdrawing the refusal. If the denial of the License to Construct is upheld, no building permits shall be issued for any construction, renovation or expansion, and any work that has been started shall cease.
 - (h) A License to Construct shall not be required for removal, replacement or installation of a manufactured home on an existing space in a licensed manufactured home park or for routine repairs and maintenance.
 - (i) Failure to comply is a violation of this ordinance and may be enforced by issuance of a stop work order or any other legal remedy available to the City.
- (8) Minimum Design Requirements. This section is applicable to additions or major improvements to existing manufactured home parks and the construction of new manufactured home parks.
- (a) Park Size. The minimum size of a tract to be developed as a manufactured home park shall be 2 acres. Minimum size of a tract to be developed as a manufactured home subdivision shall be 5 acres. Minimum size of an addition to an existing park shall be approved on its merits by the building official but shall conform to the density, circulations and space area requirements.

- (b) Density. The maximum density of a manufactured home park development or addition shall be 15 spaces per acre.
- (c) Area Regulations.
 - 1. Size of Yards.
 - a. Front Yard. There shall be a front yard having a depth of not less than twenty (20) feet. Double fronted lots shall not be permitted.
 - b. Side Yard. There shall be a side yard of not less than ten (10) 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.
 - c. Rear Yard. There shall be a rear yard having a depth of not less than ten (10) feet measured from the rear lot line.
 - d. Existing structures. The minimum clear distance between two manufactured homes in a park shall be twenty (20) feet.
 - 2. Size of Space.
 - a. Space Area. Spaces shall have a minimum of three thousand two hundred (3200) square feet;
 - b. Layout. In general, spaces shall be rectangular unless there is an overriding reason presented in the development plan for other shapes and unless all setbacks, area, and clearance requirements can be met.
 - 3. Size of the space shall be calculated for the type of vehicle to be located on the space, subject to the space size regulations set forth herein and use of the minimum widths, depths, and areas above shall not be construed as license to place a manufactured home or accessory building within the required yards on a given space.
- (d) Parking Regulations. Adequate off street parking shall be provided for each site. The parking shall not interfere with traffic flow or create a hazard. Adequate space must be provided to insure that fire and emergency vehicles have access to all areas of the park at all times.
- (e) Pad and Hold-downs. Each site shall have a concrete pad or shall be designed to permit the required anchorage of the manufactured home per state and federal tie down requirements. Each site shall be clean and well drained.
- (f) Utility Connections. The park developer shall provide water, wastewater and electrical service to each site and to any accessory buildings in the park.
 - 1. Manufactured home parks with rental spaces: Each space shall be provided with city approved water, wastewater and electrical mains or transmission

lines constructed in accordance with all city regulations prior to offering such space for rent. Permits, inspections and deposits for hook-up to such utilities shall be the responsibility of the manufactured home owner.

2. Manufactured home parks with rental homes: Each rental unit shall be permanently connected to city utilities and all permits and inspections shall be obtained by the manufactured home park owner prior to offering such unit for rent or lease.

(g) Other Regulations.

1. General Manufactured Home Park Standards.

- a. The standards set forth in Section I for installation, occupancy and maintenance shall apply.
- b. No through traffic shall be permitted in a Manufactured Home Park.
- c. A perimeter fence or other approved opaque visual barrier shall be constructed in between the park grounds and any other residential property, and shall screen the park from view from a public street or way.
- d. Utility installations and service must comply with existing City of Somerville requirements.
- e. All construction or additions must comply with City of Somerville requirements and no work may be started until a building permit is issued. No building permits shall be issued for park construction or improvements unless a license to construct has been granted.
- f. Garbage will be collected by the solid waste collection service under contract with the City, either at the home sites or at a central location as preauthorized by the license for the manufactured home park. All garbage and trash is subject to the requirements of the sanitation regulations of the City of Somerville.
- g. Interior streets, drives and corners must be laid out in accordance with the subdivision ordinance and city standards to provide the maneuvering and access clearances necessary for sanitation trucks and city firefighting and emergency equipment, and shall be reviewed by the city engineer.

I. GENERAL INSTALLATION, OCCUPANCY, AND MAINTENANCE STANDARDS

(1) Standards. The installation, occupancy, and maintenance of manufactured homes and modular components (“Manufactured Home”) for any purpose within the city limits shall be subject to the following provisions:

- (a) The Manufactured Home shall be constructed, installed, maintained, and altered in compliance with Chapter 1201, Texas Occupations Code and any applicable state, federal, or local regulations. If the HUD-Code Manufactured Home does not have a label as defined in Chapter 1201, Texas Occupations Code, as amended from time to time, but

meets all other requirements of state, federal, and local regulations, the Manufactured Home may be accepted as safe and quality construction provided that it meets the following criteria:

1. All electrical material, devices, appliances, and equipment are in sound and safe condition. Aluminum conductors are not acceptable.
 2. All mechanical systems including space and water heating are in sound and safe condition.
 3. All plumbing, gas piping, and wastewater systems are in sound and safe condition.
 4. 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 is not acceptable.
 5. The determination of the foregoing acceptance of any noncertified unit shall be made jointly by the City Administrator, the Building Inspector, the fire marshal or any other city personnel designated by the City Administrator.
- (b) No outside horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.
- (2) Installation. Manufactured Homes shall be installed in accordance with the following criteria:
- (a) The structure shall be supported and anchored in accordance with state and federal regulations for the wind zone in which the structure is located.
 - (b) Axle and hitch assemblies shall be removed at the time of placement on the foundation.
 - (c) Each manufactured home shall be totally skirted in accordance with the provisions of this ordinance and the building codes adopted by the city of Somerville. No storage is permitted beneath manufactured homes, porches, steps or decks.
 - (d) Electrical power supply shall be made from a meter installation on the manufactured home, or from a permanent meter pedestal.
 - (e) Garage and carport additions are permitted for residential structures, provided they cover an improved parking area and are connected to a street by an improved 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 for residential structures 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.
- (3) Connection to Municipal Utilities. No mobile home, manufactured home, or other modular component will be connected to any municipal utility system until such mobile home, manufactured home, or other modular component complies with all applicable provisions of the City's ordinances, including skirting requirements.

J. REPLACEMENT OF MANUFACTURED HOME

- (1) Replacement of manufactured home, modular component, or mobile homes may be only be allowed as defined and permitted under Texas Occupations Code, Section 1208, et seq. and are subject to the following provisions:
- (a) A manufactured housing unit located outside of the area set forth in Section D may be replaced one time. Such replacement must be newer than the original manufactured home and must not be smaller than the original manufactured home.
 - (b) Permits are required for such replacement per Subsection E. Specific use permits are not required for such replacement. If such replacement manufactured home is not certified it is subject to inspection and approval prior to placement per Section I(a);
 - (c) Manufactured housing destroyed by fire or other natural disaster may be replaced subject to no requirement but that the building be habitable, and that a permit is obtained prior to placement per Section E.
 - (d) The owner of a legally occupied mobile home may replace it with a HUD Code Manufactured Home as permitted by state regulations, provided that setbacks are met, the replacement structure is habitable, and that a permit is obtained prior to the replacement as required under Section E.
 - (e). Manufactured housing or modular components that are replaced pursuant to this Ordinance shall be replaced within ninety (90) days unless the owner notifies the City and the City Administrator or designee approves a longer period of time. At no time shall such replacement period exceed six (6) months. If the owner is unable to replace the manufactured house or modular component within such time, the lot and home is no longer considered to be non-conforming and any placement of a manufactured home or modular component shall be treated as a new installation.

K. BUSINESS USE OF MANUFACTURED HOMES

- (1) Non-Residential HUD-code Manufactured Homes or Modular Components may be placed, installed or located within the City in accordance with these regulations and other applicable

City ordinances.

(2) The minimum requirements and regulations set forth in Subsection C, subparagraphs 1, 2, 6, 7, and 8 and Subsection I, save and except subparagraphs 2(f) and 2(g), of Subsection I, are applicable to the placement, installation, or location of a Non-Residential HUD-code manufactured home or modular component in the City. Setbacks for Non-Residential HUD-code Manufactured Homes or modular components located on property used solely for commercial purposes shall conform to the setbacks for structures with similar use and purpose. The Replacement criteria of Subsection J are not applicable to non-residential manufactured housing.

(3) Specific Use Permits and Building Permits; Application.

(a) Purpose. The City Council may grant, deny, or conditionally approve specific use permits for Non-Residential HUD-code manufactured homes or modular components within the City, as set forth Section F. Because of the nature of the use and the possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.

(b) Procedure. After the approval of a Specific Use Permit for a non-residential HUD Code Home or Modular Unit to be located at a site, the City Administrator or designee may issue a building permit for a Non-Residential HUD-Code manufactured home or modular component pursuant to the procedures provided herein.

(c) Application. Any person proposing to begin to obtain a building permit under this Section, having received a Specific Use Permit, shall follow the procedures in Section E, using the criteria below for the required site plan. The site plan shall be a drawing on one or more pages, to scale, with dimensions shown. 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:

1. Data describing the processes and activities proposed and involved in the proposed use, the type, and date of construction of the Non-Residential HUD-Code manufactured home, modular component, or accessory building,
2. A survey indicating boundaries of the area covered by the site plan, and the address and legal description of the area.
3. The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories and gross floor area.
4. The location of existing drainage ways and significant natural features.

- 5. Flatwork, parking and circulation paths.
 - 6. The location, height, and type of walls and fences.
- (d) Permit Fee. The application shall be accompanied by the fee set out in the schedule of permit fees for the placement of a Manufactured Home in the City of Somerville Code of Ordinances, as revised from time to time.
 - (e) The applicant for a permit for the placement, remodel, repair, or removal of a “Non-Residential HUD-code Manufactured Home” shall demonstrate that all state and federal requirements for accessibility and barrier free construction and asbestos management as applicable to the occupancy or type of construction have been met prior to the issuance of a permit.
 - (e) Issuance of Permit. The City Administrator or designee shall authorize a building permit for a Non-Residential HUD-Code Manufactured Home or Modular Component in response to a completed application submitted to the City that complies with this subsection, provided that Non-Residential HUD-code Manufactured Home or Modular Component complies with this Section and all applicable state and City regulations.
 - (f) Appeal. Any person making application for a building permit pursuant to the terms and conditions of this Section may appeal to the Board of Adjustments a decision of the City Administrator or designee denying such application and building permit.

L. INSPECTIONS

- (1) The City Administrator or designee is authorized and directed to make such inspections as are necessary to enforce the provisions of this Section.
- (2) 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 Section.
- (3) The City Administrator or designee may, in the performance of his/her inspection duties, review the register of the residents of the manufactured home park.
- (4) The manufactured home park operator shall allow access to the park by the City Administrator or designee at all reasonable times to carry out required duties.

M. ABANDONMENT OF MANUFACTURED HOME SITE OR MANUFACTURED HOME PARK SITE

- (1) Notice. Prior to the abandonment of a manufactured home park or space in such park, proper

notice must be given to the City Administrator or designee to facilitate the proper removal of utility connections.

- (2) 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 manufactured home site or the owner or operator of the manufactured home park 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 born by the owner of the manufactured home or by the owner of the manufactured home park.