

ORDINANCE NO. 353

AN ORDINANCE PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY OF WALLER OTHER THAN IN DESIGNATED AREAS; REQUIRING A PERMIT FOR THE CONSTRUCTION OF, ADDITION TO, OR EXTENSION OF MANUFACTURED HOME PARKS OR MANUFACTURED HOME SUBDIVISIONS; REQUIRING A LICENSE TO OPERATE A MANUFACTURED HOME PARK AND SETTING FORTH THE SITE REQUIREMENTS, MANUFACTURED HOME SUBDIVISION AND MANUFACTURED HOME PARK STANDARDS AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE; PROVIDING DEFINITIONS; PRESCRIBING REGULATIONS FOR MANAGEMENT OF MANUFACTURED HOME PARKS, AND PROVIDING FOR NONCONFORMING MANUFACTURED HOME SUBDIVISIONS AND MANUFACTURED HOME PARKS AND PROVIDING FEES; PROVIDING A PENALTY IN THE AMOUNT OF \$2,000 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ORDINANCE NO. 242 PASSED, APPROVED, AND ADOPTED ON SEPTEMBER 14, 1998 AND ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND CONTAINING A SEVERABILITY CLAUSE.

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WHEREAS, it has come to the attention of the City Council of the City of Waller, Texas (the "City"), that unregulated Manufactured Homes, Manufactured Home Parks and Manufactured Home Subdivisions can be dangerous and constitute a hazard to life and property; and

WHEREAS, it is in the best interest of the City that the health, safety and general welfare of the City be promoted by preventing the overcrowding of land through planned and orderly growth of the City, and an undue concentration of the population be avoided; and

WHEREAS, the City Council of the City of Waller finds it to be in the best interests of the public safety, health and general welfare to regulate Manufactured Homes, Manufactured Home Parks and Manufactured Home Subdivisions within the City; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS:

**Section 1.** **Title.** This Ordinance is hereby referenced as the Waller Manufactured Housing Ordinance.

**Section 2.** **Definitions.** For the purposes of this Ordinance, certain terms, words and phrases shall have the meanings hereinafter ascribed thereto.

**Building Official:** Designated inspection authority of the City, or its authorized representative.

**Certificate of Occupancy:** Certificate issued by the City Council for the use of a building, structure, or land, when it is determined by it that the building structure or land complies with the provisions of all applicable City Codes, ordinances, and regulations.

**City:** The City of Waller, Waller and Harris Counties, Texas, and its extraterritorial jurisdiction.

**City Council:** The City Council of the City of Waller, Texas.

**Common Access Route/Internal Street:** Street providing the principal means of access to individual Manufactured Home lots or auxiliary buildings.

**Drive way:** Minor entrance off the common access route within the park, into an off-street parking area serving one or more Manufactured Homes.

**License:** Written license issued by the City Council, permitting a person to operate and maintain a Manufactured Home Park under the provisions of this Ordinance.

**Lot:** In addition to the meaning ascribed to it under the City's Subdivision Ordinance, it shall mean a plot of ground or space within a Manufactured Home Park or Manufactured Home Subdivision designated for accommodation of one Manufactured Home, together with such open space as required by this Ordinance. This term also includes the term "site."

Manufactured Home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight feet (8') or more in width or forty feet (40') or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. Anything less than the length or width specified in this paragraph shall not be allowed for placement in a Manufactured Home Park or a Manufactured Home Subdivision.

Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet (8') or more in width or forty feet (40') or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. Mobile Homes shall not be allowed in Manufactured Home Parks or Manufactured Home Subdivisions. For purposes of this ordinance, a Mobile Home shall include a Towable Recreation Vehicle as defined below.

Manufactured Home Park: A parcel of land under single entity ownership which has been platted and approved by the City and where lots are planned to be leased for the placement of Manufactured Homes, accessory uses and service facilities, meeting all requirements of this Ordinance, the City's Subdivision Ordinance, and any applicable deed restrictions and state laws.

Manufactured Home Subdivision: A parcel of land which has been platted and approved by the City and where lots are planned to be sold for the placement of Manufactured Homes,

accessory uses and service facilities, meeting all requirements of this Ordinance, the City's Subdivision Ordinance, and any applicable deed restrictions and state laws.

Parking, Off-Street: A paved surface, a minimum of ten feet (10') in width by twenty feet (20') in length, located within the boundary of a Manufactured Home lot, or in common parking and storage areas, having unobstructed access to an internal street.

Permit: Written certification issued by the City Council or its designee permitting the construction, alteration or extension of a Manufactured Home Park or Manufactured Home Subdivision under the provisions of this Ordinance and regulations issued hereunder.

Person: Any natural individual, firm, trust, partnership, association or corporation, Limited Liability Company, limited liability partnership or other entity created by or recognized by Texas law or the laws of any other state.

Site Plan: Graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property. Scale shall be at least 1" to 100' for sites under thirty acres, and at least 1" to 200' for sites greater than thirty acres.

Towable Recreational Vehicle: a nonmotorized vehicle that:

A. was originally designed and manufactured primarily to provide temporary human habitation in conjunction with recreational, camping, or seasonal use;

B. qualifies to be titled and registered with the Texas Department of Motor Vehicles as a travel trailer through a county tax assessor-collector; and

C. is permanently built on a single chassis.

**Section 3. Location of Manufactured Homes**

A. It shall be unlawful for any person to locate, maintain, or occupy a Manufactured Home in any place within the City other than in an approved Manufactured Home Park or Manufactured Home Subdivision, or in accordance with Section 9, Use of Manufactured Homes for Nonresidential Purposes.

B. It shall be unlawful for any person to install, locate, relocate, or change occupancy in a Mobile Home in any place within the City limits of the City.

C. Mobile Homes and Manufactured Homes lawfully existing and occupied within the City limits prior to the date of this Ordinance, shall be allowed to continue and be maintained, but shall brought into compliance with Section 6, subsections B, E3, F1, F2, J1, J3, J5, L1, L2, M1, M2, N, and P by no later than the 19<sup>th</sup> day of September, 2007. Provided, however, that Mobile Homes or Manufactured Homes heretofore installed in compliance with City Ordinances, being properly permitted there under, utilized continuously as a residence, and being connected to all utilities, may be replaced with another model Manufactured Home, subject to the permitting and licensing requirements contained herein. In the event of such a replacement, additional documentation as to the use and connection to utilities must be provided to the City, and the old unit must be removed and the new unit must be installed within sixteen (16) weeks of one another, weather permitting. The time period for replacement of a Mobile Home or Manufactured Home may be extended by the City Council upon showing of substantial hardship due to special conditions or factors affecting the ability of the owner to replace an existing Mobile Home or Manufactured Home within the time allowed by this Section of the Ordinance; provided, however, that an extension of the time permitted herein will not be

materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.

**Section 4. Permits.**

A. Permit Required. It shall be unlawful for any person to install, construct, alter, extend or expand any Manufactured Home, Manufactured Home Park, or Manufactured Home Subdivision within the limits of the City without a valid permit issued by the City Council in the name of such person for the specific placement, construction, alteration or extension proposed. No application shall be considered complete nor shall be accepted by the City for processing until the applicant is in full compliance with all requirements of this Ordinance.

B. Application Requirements. All applications for permits shall be made upon standard forms provided by the City Secretary and shall contain the following:

1. Name and address of the applicant.
2. Location and legal description of the Manufactured Home, Manufactured Home Park, or Manufactured Home Subdivision.
3. Five copies of a site plan accurately depicting the layout of the Manufactured Home Park or Manufactured Home Subdivision. The site plan shall include all data required under Section 6 of this Ordinance, and be in the scale specified herein.
4. A certified copy of the filed subdivision plat, or a copy of the final plat being submitted for simultaneous review by the City.

Provided, however, that in the case of individual Manufactured Homes being placed on lots in Manufactured Home Parks which have previously been approved by City Council and filed of record, the information in subparagraphs 3 and 4 above shall not be required, and the

Building Official is hereby authorized to approve such permits under the terms provided in Subsection D.

C. Permit Fee. The appropriate fee shall accompany all applications to the Building Official as follows:

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|---|-----------|
| 1. Individual Manufactured Homes          | \$ 100.00 |
| 2. Manufactured Home Park or Subdivisions | \$ 200.00 |

D. Issuance of Permit. In considering the application, the City Council may consider the proposed location of the Manufactured Home Park or Manufactured Home Subdivision in relation to the present and future anticipated land use and development of adjacent and nearby land. City Council expressly reserves the right to deny development and to impose additional reasonable conditions, as it deems necessary. After the application is reviewed and is determined to be in compliance with this Ordinance and other applicable requirements, laws, codes and regulations, the permit shall be issued. In cases where the Building Official is authorized to approve such permits, he shall issue the permit following his review and determination that the individual Manufactured Home lot and Park are in full compliance with all requirements of this Ordinance and other applicable requirements, laws, codes and regulations.

E. Denial of Permit; Hearing. Any person whose application for a permit under this Ordinance has been denied may request in writing a rehearing on the matter and offer additional evidence. Such hearing must be requested within thirty (30) days from the date of the action denying the permit. The hearing shall be held at the next possible regular meeting of the City Council.

**Section 5. Licenses.**

A. License Required. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated, or maintained upon any property owned or controlled by such person any Manufactured Home Park within the City unless such person holds a valid license issued annually by the City Council. All applications for licenses shall be made in writing to the City Council, which shall issue a license upon compliance by the applicant with the provisions of this Ordinance. The City Council shall not issue a license unless the applicant is in compliance with all other applicable ordinances and laws. At any time the applicant is in violation of applicable laws and ordinances, the license may be cancelled. Licenses issued shall expire on December 31 of each year. The application fee shall be prorated if the application is received after June 30 of any year.

B. Application for Original License. Application for original license shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application, and by the deposit of the license fee hereinafter provided, and shall contain:

1. the name and address of the applicant;
2. a copy of a valid Certificate of Occupancy;
3. the location and legal description of the park; and
4. a site plan of the park prepared in accordance with Section 6 hereof.

C. Hearing Granted Applicants. Any person whose application for a license under this Ordinance has been denied may request in writing within ten (10) days a rehearing, which shall be granted by the City Council. Such rehearing shall be held by the City Council within thirty (30) days of the date the request for rehearing is received by the City.



D. Application for License Renewal. Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City Council on or before December 1 of each year. The application shall contain any change in the information occurring after the original license was issued or the latest renewal granted and be accompanied by the Manufactured Home Park register as required in Section 8 hereof.

E. License Fee. The appropriate fee as shown thereof shall accompany all original license applications or renewals on the schedule below.

1. For 2 through 15 Manufactured Home lots	\$ 75.00
2. For 16 through 40 Manufactured Home lots	\$125.00
3. For 41 through 60 Manufactured Home lots	\$175.00
4. For 61 through 80 Manufactured Home lots	\$225.00
5. Each lot in excess of 80	\$ 2.00 per lot

F. Transfer of License. Every person holding a license shall give notice in writing to the City Council within fifteen (15) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any Manufactured Home Park. Application for transfer of license shall be made to City Council not later than fifteen (15) days after the date of the sale, transfer, or gift, or other disposition of interest in or control of a Manufactured Home Park. City Council shall have the authority to deny such transfer of license within a reasonable time, not to exceed sixty (60) days, if such Manufactured Home Park is not in compliance with the terms of this Ordinance.

G. Transfer of License Fee. All applications for license transfers shall be accompanied by a fee of Twenty-five and No/100 Dollars (\$25.00).

H. Violations, Notice, Suspension of License. Whenever the City Council finds that conditions or practices exist which are in violation of any provision of this Ordinance, it shall give notice in writing in accordance with Section 12 hereof, to the permittee or licensee of the permittee's or licensee's agent that unless conditions or practices in violation of this Ordinance are corrected within a reasonable period of time of not less than thirty (30) days or more than one (1) year, as specified in such notice, the license or permit shall be suspended. At the end of the period of time granted for correction, if the conditions or practices have not been corrected, the City Council may suspend the license and give notice in writing of the suspension to the licensee or the licensee's agent at the address provided in the application. Upon receipt of notice of suspension, the licensee shall cease operations of the Manufactured Home Park, as set forth in the notice, within ten (10) days after the notice is issued.

**Section 6. General Requirements for Manufactured Home Subdivisions and Manufactured Home Parks.**

A. Site Plan. The site plan shall be prepared as required by this Subsection, shall be a part of the application, and shall show the following information:

1. The name, address, fee owner and record owner of the proposed or existing Manufactured Home Subdivision or Manufactured Home Park;
2. Name as shown on the subdivision plat where the Manufactured Home Subdivision or Manufactured Home Park is to be located;
3. Names of adjacent public or private streets and roads, adjacent subdivisions or property owners of unplatted land;
4. Contour lines at two foot (2') intervals;

5. Locations and dimensions of all Manufactured Home spaces, points of ingress and egress, utility easements, drives, recreation areas, fencing and landscaping, signage, streets, and sidewalks. Each Manufactured Home lot and common facility area shall be sequentially numbered;

6. Scale of plan and complete dimensions for each lot, street and open area;

7. Density in units per gross acre;

8. Area and dimensions of entire site;

9. Areas defined for waste containers and method of disposal;

10. Dimension, description, and location of common facilities;

11. Water and sewer plans must be submitted, on separate sheets if necessary, and must show sewer line locations, grades and sizes, and water line locations, sizes and source of water supply.

12. Paving and drainage plans must be submitted, on a separate sheet if necessary, and must show the directions and calculated quantities of runoff and the proposed specifications for streets in accordance with the City's ordinances.

B. Conform to Codes. All facilities or improvements in Manufactured Home Parks or Subdivisions, other than Manufactured Homes contained therein, shall conform to all applicable City ordinances and state laws.

C. Review of Plans. When the application and plans are complete a public hearing will be scheduled before City Council. The City Council will review the complete application and all plans, and shall notify the applicant in writing of his approval, disapproval, or conditions or modifications necessary before approval on subsequent submission.

D. Location of Manufactured Homes and Accessory Structures. No Manufactured Home or accessory structure such as a refuse container, carport cabana, awning, fence, or storage locker shall be permitted within ten feet (10') of a private or public street or the boundary line of a Manufactured Home lot.

E. Screening Requirements: The following screening requirements shall be applicable:

1. Landscaping. A landscaped strip of not less than ten feet (10') in width, or fencing as hereinafter provided, shall be located along all Manufactured Home Subdivisions and Manufactured Home Park boundary lines. Provided, however, such landscaping strip or fencing shall not be required by the City where the Manufactured Home Subdivision or Manufactured Home Park abuts another Manufactured Home Subdivision or Manufactured Home Park, or commercial or industrial development. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing, and maintenance of site obscuring trees, shrubs, and plant life as described below. Trees, shrubs, cane, and/or other vegetation shall be planted, cultivated, and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five (5) years. The buffer strips are intended to provide a seventy-five percent (75%) or more opaque screen when viewed horizontally between two and ten feet (2' and 10') above the natural ground at the end of the growing period of five (5) years from the date of planting. Additional planting, cultivation, and maintenance may be required by the City officials during the use period of the buffer strip to achieve and maintain this effect.

2. Fencing. A solid fence, at least six feet (6') in height shall be constructed and maintained along all boundaries of the Manufactured Home Subdivision or Manufactured Home Park. The fence materials must be wood, brick, stone, stuccoed concrete block, or other similar materials. In no instance will plain concrete block, concrete panels, fiberglass, or metal sheeting be allowed.

3. Skirting. Each Manufactured Home shall have permanent skirting around its perimeter to screen its wheels and undercarriage from view.

F. Fire Safety Standards:

1. The storage, handling, and use of liquefied petroleum gases and flammable liquids shall be done in compliance with applicable City ordinances and state laws.

2. Access to Manufactured Home for Fire Fighting. Approaches to all Manufactured Homes shall be kept clear for emergency vehicles.

3. Fire Protection. Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the Fire Marshall or City Council or their desingee, but in no case shall the development provide less than a system of standard hydrants located not more than five hundred feet (500') from each Manufactured Home space and served by water lines not less than six inches (6") in diameter installed in a looped system.

G. Recreational Areas. Not less than eight percent (8%) of the gross site area shall be devoted to recreational facilities, generally provided in a central location. In large developments of greater than twenty-five (25) acres, recreation facilities can be decentralized with each location at least two-thirds of an acre. Recreation areas may include space for community buildings and community use facilities, such as indoor recreation areas, swimming

pools, hobby and repair shops, and service buildings. Playground areas designed for children shall be so designated and must be protected from traffic, thoroughfares and parking areas. No recreation area shall contain less than 5,000 square feet. Where compliance with this provision results in undue hardship or individual site areas are substantially above minimum standards and provide for sufficient outdoor recreation, an exemption may be granted. Application for such an exemption shall be made to the City Council at the time of the filing of an application under this Ordinance.

H. Height requirements.

1. The height limit for any structure, including a Manufactured Home, intended for any use or occupancy shall be thirty-five feet (35').

2. The average height of the Manufactured Home frame above ground elevation, measured at 90° to the frame, shall not exceed four feet (4') from the top of the pad.

I. Spacing Regulations. Manufactured Homes shall be located no closer than twenty feet (20') from any exterior wall to the closest exterior wall of the nearest Manufactured Home.

J. Manufactured Home Lot. Each and every Manufactured Home shall be located on a separate lot, which shall conform to the following standards:

1. Be served with sanitary sewer, water, electrical power, telephone service, and natural gas, said utilities shall be underground;

2. Provide a Manufactured Home pad, which shall provide an adequate foundation for the placement and tie-down of one (1) single-family Manufactured Home, thereby securing the superstructure against uplift, sliding rotation, and overturning. Said pad shall:

a. be constructed of material, which shall adequately support the weight of the Manufactured Home;

b. provide anchors and tie-downs such as cast-in-place concrete “dead men,” eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors or other devices which secure the stability of the Manufactured Home, and shall be placed at least at each corner of the Manufactured Home.

c. cover an area of at least two hundred forty (240) square feet or at least one-third the area of the largest Manufactured Home, which is to be placed on the Manufactured Home Park lot, whichever is greater. No surface provided for a purpose other than the foundation of a Manufactured Home shall be considered a part of such Manufactured Home pad.

3. Provide a minimum of two (2) off-street parking spaces, which shall be constructed of concrete or asphalt.

4. A Manufactured Home lot shall not be permitted to front on more than one street.

5. Drainage. The ground surface in all parts of every development, and especially beneath Manufactured Homes and other structures, shall be graded and equipped to drain all surface water in a safe and efficient manner so as not to permit water to stand or become stagnant.

K. Design and Location of Storage Facilities. Storage facilities with a minimum capacity of two hundred (200) cubic feet per Manufactured Home lot may be provided on the lot or in compounds located within two hundred feet (200') of the lot. Where provided, storage facilities shall be faced with a durable, fire resistant material. Storage outside the perimeter walls

of the Manufactured Home shall be permitted only if in such facilities. No storage shall be permitted under a Manufactured Home. Storage facilities shall not be located within ten feet (10') of the boundary line of any Manufactured Home lot.

L. Water Supply:

1. All approved water supply for domestic use and fire protection purposes shall be supplied to meet the requirements of the development and the applicable laws, codes, and ordinances of the City. Certification of compliance from the water provider shall be required prior to the issuance of any certificate of occupancy for any Manufactured Home or other structure.

2. All plumbing improvements to any Manufactured Home lot shall be made in accordance with applicable ordinances of the City.

M. Sewage Disposal: From and after the effective date of this Ordinance, the following shall apply:

1. Waste from all toilets, lavatories, sinks, and showers shall be discharged into a public sewer system approved by the City. Certification of compliance from the City shall be required prior to the issuance of any certificate of occupancy for any Manufactured Home or other structure.

2. All plumbing improvements to any Manufactured Home lot shall be made in accordance with applicable ordinances of the City.

3. Each Manufactured Home lot shall have a sewer riser pipe of at least four inches (4"), which shall be capped when not in use.



N. Electrical and Telephone Distribution Systems. From and after the effective date of this Ordinance, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the State.

O. Common Facilities. All buildings or rooms containing bathroom, laundry, or other common facilities shall have fire-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, tubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials, or covered with moisture resistant materials.

P. Refuse and Garbage. Solid waste shall be stored in a fly-proof, waterproof container, which shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of said refuse and garbage shall be so conducted as to create no health hazard. The owner of a Manufactured Home Park or Subdivision shall grant a refuse pickup easement to the City, if necessary, for garbage collection.

Q. Signage. Each Manufactured Home Subdivision or Manufactured Home Park shall have a sign at its entrances, bearing its name. The signs shall be of a monument style, not to exceed five feet in height, and not to exceed a total area of forty square feet. The signs shall not be electrical, provided, however, that one light from the base of the sign shall be allowed. Illumination shall not cause glare or other nuisance on any adjacent property.

R. Parking of Mobile Home, Manufactured Home or Travel Trailers. It shall be unlawful for any person to park any Manufactured Home, Mobile Home or travel trailer on any street in the City in a manner in which such parking blocks the natural flow of traffic, blocks an entrance way to either public or private property, or creates a hazard, and under no circumstances

shall any person park any Manufactured Home, Mobile Home, or travel trailer on a street within corporate limits of the City for a period in excess of three (3) hours.

**Section 7. Manufactured Home Subdivisions.** The following requirements shall apply, in addition to the general requirements of Section 6, to Manufactured Home Subdivisions.

A. **Lot Size.** Each lot for a Manufactured Home shall be a minimum of fifty feet (50') in width, and a minimum of one hundred and fifty feet (150') in depth. Lots for common facilities shall be of such a size to meet the minimum setback areas below, and such that no more than fifty percent (50%) of such lot is covered by building area, exclusive of parking.

B. **Setbacks.** The minimum setback area for each lot is:

Front yard - 10 feet

Rear yard - 10 feet

Side yard, non-corner lot - 5 feet

Side yard, corner lot – 15 feet

No Manufactured Home or structure in a Manufactured Home Subdivision shall be located within the yard setback area.

C. **Parking Requirements.** In addition to providing for two off-street parking spaces per Manufactured Home lot, areas designed for common facilities shall provide a minimum of one parking space per one hundred (100) square feet of gross floor area.

**Section 8. Manufactured Home Parks.** The following requirements shall apply in addition to the general requirements of Section 6, to Manufactured Home Parks.

A. **Lot Size.** Each lot for a Manufactured Home shall be a minimum of fifty feet (50') in width, and a minimum of one hundred and fifty feet (150') in depth. Lots for common

facilities shall be of such a size to meet the minimum setback areas below, and such that no more than fifty percent (50%) of such lot is covered by building area, exclusive of parking.

B. Setbacks. The minimum setback area for each space is:

Front yard - 15 feet

Rear yard - 15 feet

Side yard - 10 feet

No Manufactured Home or structure in a Manufactured Home Subdivision shall be located within the yard setback area.

C. Parking Requirements: In addition to providing for two off-street parking spaces per Manufactured Home lot, areas designed for common facilities shall provide a minimum of one parking space per one hundred (100) square feet of gross floor area. One (1) additional parking space shall be provided for each Manufactured Home lot shown on the site plan. A maximum of six of the additional parking spaces may be grouped together at various locations throughout the Manufactured Home Park.

D. Responsibilities of Park licensee:

1. The licensee or licensee's agent shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park and all facilities in good repair, and in clean and sanitary condition.

2. The licensee or agent shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.

3. Maintenance of Park. The owner of the park shall be responsible to ensure that it is maintained in a manner, which will not attract or aid the propagation of insects

or rodents or create a hazard. Growth of plant material such as weeds and grass, especially beneath Manufactured Home and other structures shall be continuously controlled. All streets, parking and storage areas shall be maintained to provide a fully paved surface.

4. Office. Every Manufactured Home Park shall have an office in which a copy of the park license shall be posted and the park register shall be in such office. It shall be the duty of the licensee to keep a register of park occupancy, which shall contain the following information:

- a. Name and address of owner and occupant;
- b. The make, model, serial number, year, and dimensions of all Manufactured Homes; and

3. The date of arrival and departure of each Manufactured Home.

4. The park operator shall submit the park register to the City Council each year upon requesting license renewal and shall make said register available to any authorized City official upon reasonable request. Upon gaining knowledge of a departure of any Manufactured Home, the park operator shall notify the City tax assessor. Failure to do so shall place the operator in violation of this Ordinance.

5. Ordinance Compliance. It shall be the responsibility of the licensee to ensure that all requirements of this Ordinance are met and maintained. Any Manufactured Home Park issued an initial license after adoption of this Ordinance that is found to be in violation of any provisions of this Ordinance shall be notified in writing by the City Council in accordance with Section 12 hereof and, upon failure to comply, said license shall be revoked.

E. Responsibilities of Manufactured Home Occupants:

1. The Manufactured Home occupant shall comply with all requirements of this Ordinance.

2. The Manufactured Home occupant shall be responsible for proper placement of his Manufactured Home on its Manufactured Home pad and proper installation of all utility connections in accordance with the instruments of the park management.

3. The use of space immediately beneath a Manufactured Home for storage shall not be permitted.

F. Only Manufactured Homes shall be permitted in a Manufactured Home Park; no mobile homes shall be permitted in a Manufactured Home Park, except as provided in Section 3C hereof.

G. Access; Traffic Circulation; Parking:

1. Internal streets shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.

2. All internal streets shall be constructed to the standards and specifications in the City's Subdivision Ordinance.

3. All driveways shall be constructed of concrete and shall be durable and well drained under normal use and weather conditions.

4. Internal streets shall be named, and each individual lot for use for a Manufactured Home or common facilities shall be numbered. Street signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

5. Lighting. The internal streets, parking lots, walks, and service areas shall be lighted at all times so the development shall be safe for occupants and visitors; provided, further, all entrances and exits shall be lighted.

6. Ingress and Egress. Each development shall have a minimum of two points of ingress and egress for access by emergency equipment. A single entranceway, if it is composed of a divided roadway, having two lanes separated by a landscaped median, will meet this requirement.

Section 9. Use of Manufactured Homes for Nonresidential Purposes. Manufactured Homes may be used only for the following nonresidential purposes. When a permit is issued under Section 4 for a Manufactured Home to be occupied as one of the following uses, no residential use of any portion of that same lot shall be permitted.

A. Temporary Construction Offices. Manufactured Homes may be parked at a construction site for use as a field office during the period of construction. The Manufactured Home must be removed within thirty days after the construction at the site is completed.

B. Commercial Uses. Manufactured Homes may not be utilized for commercial establishments on a temporary or permanent basis, except as provided in subsection A above.

C. Conform to Codes. All Manufactured Homes to be used for temporary construction purposes shall conform without limitation to the codes and ordinances of the City, and all applicable laws of the State of Texas.

E. Location of Manufactured Homes and Accessory Structures. No Manufactured Home or accessory structure such as a refuse container, carport cabana, awning, fence, or storage locker shall be permitted within ten feet (10') of a private or public street or the boundary line of a Manufactured Home lot or tract upon which it is located.

F. Height requirements.

1. The height limit for any Manufactured Home structure intended for commercial or business occupancy shall be thirty-five feet (35').

2. The average height of the Manufactured Home frame above ground elevation, measured at 90° to the frame, shall not exceed four feet (4') from the top of the pad.

**Section 10. Nonconforming Mobile Homes, Manufactured Home Parks and Manufactured Home Subdivisions.**

A. Any Manufactured Home Subdivision or Manufactured Home Park which is more than fifty percent (50%) constructed and occupied on the effective date of this Ordinance, and which does not comply with all applicable provisions of this Ordinance shall be considered a nonconforming Manufactured Home Subdivision or Park. Nonconforming Parks shall comply with the requirements of Section 5, Licenses, hereof.

B. Any addition of land to a nonconforming Manufactured Home Subdivision or Manufactured Home Park must conform to all requirements of this Ordinance.

C. Any Manufactured Home Subdivision or Manufactured Home Park which is not more than fifty percent (50%) constructed and occupied on the effective date of this Ordinance, shall comply with all provisions of this Ordinance, with the exception of lot size. The placement of a Manufactured Home on any lot shown on a previously approved and filed plat, whether such plat be for a Manufactured Home Subdivision or a Manufactured Home Park, which is vacant as of the date of adoption of this Ordinance, and for which a permit is subsequently requested, shall comply with all requirements of this Ordinance. A replat of the Manufactured Home Subdivision or Manufactured Home Park may be required by the City Council to show reservation of land for

parking and recreational areas, or other requirements. Recreational areas may also be reserved by separate instrument, filed of record with the County Clerk of the County in which the property is located.

**Section 11. Inspection.** Any duly authorized inspector of the City shall be permitted to make reasonable inspections of any Manufactured Home Subdivision or Manufactured Home Park to determine compliance with this Ordinance.

**Section 12. Notice, Hearing, and Order.** Whenever it is brought to the attention of the City Council that there has been a violation of any provisions of this Ordinance, the City Council shall, prior to a hearing on revocation of a permit, give notice of such alleged violation to the permittee, licensee, or agent.

A. The Notice shall:

1. be in writing;
2. include a statement of the reasons for its issuance;
3. provide requirements, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for actions to correct the violation;
4. be served upon the proper party, as evidenced by the records; provided, however, the notice shall be deemed to have been properly served when a copy thereof has been sent by regular mail to the last known address; and
5. contain an outline of remedial action, which will correct the deficiency or defect.

B. **Hearing.** If the violation is not remedied in accordance with the Notice, and a violation of the Ordinance continues, then the City Council may, following a hearing before the



City Council, revoke any permits or licenses issued in addition to all remedies available to it at law or equity. This hearing procedure will not be necessary to enforce the provisions of Section 13 of this Ordinance.

**Section 13.** **Penalty.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

**Section 14.** **Severability.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Waller, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 15.** **Repeal.** Ordinance No. 242 originally passed and approved the 14th day of September, 1998 is all hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 16.** **Effective Date.** This Ordinance shall be effective immediately upon its passage, approval, and publication.

PASSED AND APPROVED on this 19th day of March, 2007.

  
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Dwayne Hajek, Mayor

ATTEST:

  
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Deborah Pattison, City Secretary