

CHAPTER 12 MOBILE HOME REGULATION

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3-12-1 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. “Factory-Built Structure” means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site. “Factory-built structure” includes the terms “mobile home” and “manufactured home”.

(Code of Iowa, Sec. 103A.3(8)
(ECIA Model Code Amended in 2010)

2. “Manufactured Home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3)
(ECIA Model Code Amended in 2010)

3. “Mobile Home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. “Mobile Home Park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Ord. 991, Passed April 19, 2004)
(Code of Iowa, Sec. 435.1(7))
(ECIA Model Code Amended in 2010)

3-12-2 HOMES RESTRICTED. From the 1st day of July, 1996, a manufactured home defined in 3-12-1B shall not be located outside of a mobile home park except upon the following conditions:

1. The home shall be located in a R-1 or R-2 district of the City of Maquoketa.
2. The home shall comply in all respects with the zoning regulations applicable to the R-1 zone.
3. The home shall have a permanent foundation system, in all respects the same as the foundation required of a site-built home.
4. The home shall meet minimum square footage requirement of a site built home which is nine hundred and sixty square feet. The home shall be assessed and taxed as a site-built dwelling on the lot.

3-12-3 EXISTING MOBILE HOME PARKS. The City of Maquoketa hereby designates as a lawful residential mobile home park any premises within the City limits that meets all of the requirements of the definition set forth at 3-12-1D: Mobile Home Park; provided, that the premises met the requirements of the definition of a mobile home park on or before July 1, 1996. Mobile home parks are classified as residential mobile home parks and as recreational mobile home parks. The location of a recreational mobile home park within a residential mobile home park is prohibited; and, the storage or location of a recreational mobile home on the premises of a mobile home park is prohibited.

3-12-4 USES. A home located in a mobile home park may be used for any use allowed in the R-1 districts of the City of Maquoketa.

3-12-5 GRANDFATHER CLAUSE. A home located outside of a mobile home park prior to the 1st day of July, 1996, which does not comply with the requirements of 3-12-2 may continue to exist on the lot that it was located on July 1, 1996, subject to the following:

1. No home located outside of a mobile home park that does not comply with the requirements of 3-12-2 may be replaced or partially replaced or partially rebuilt or increased in square footage unless and until the home on the lot has been brought into compliance with all of the requirements of 3-12-2.

- a. If a residential mobile home park as defined at 3-12-1D existed on or before July 1, 1996, the owner of the park may continue to use each home lot for home purposes and the requirements governing mobile home parks set forth in this Ordinance shall not be enforced against the owner of the park with the following exceptions:

- b. A home or a lot in a mobile home park that does not comply with the terms of this Ordinance shall not be replaced or partially replaced or rebuilt or partially rebuilt unless or until

the replacement or the rebuilt home or lot on which it is located complies with all of the terms of this Ordinance.

c. A mobile home park that does not comply with the terms of this Ordinance shall not be expanded, the number of homes shall not be increased, and the area of the park shall not be increased unless or until the park is brought into compliance with all of the terms of this Ordinance.

3-12-6 PURPOSE. Standards and regulations governing mobile home parks are hereby established. The purpose of this section is to establish standards for the development and operation of residential mobile home parks. The standards are intended to provide for diverse housing opportunities while promoting neighborhood enhancement and minimizing conflicts with other zoning districts. A residential mobile home park may provide sites (herein defined as manufactured lots) available for lease or rent only.

3-12-7 PERMITTED USES. In a Mobile Home Park, no building, land, or premises shall be used, and no building shall be erected, constructed, reconstructed, located, relocated, or altered except in conformance with an approved final development plan and except for one or more of the following uses:

1. All permitted uses in District R-1, except that not more than two permanent dwelling units will be allowed in each mobile home park.
2. Manufactured and mobile homes for single-family residential purposes only.
3. Recreational uses for exclusive use of the occupants of the mobile home park.
4. Accessory uses customarily incident to the above uses.

3-12-8 CONDITIONAL USES. The following uses shall be permitted in District RMH only after the issuance of a conditional use permit pursuant to the provisions contained herein:

1. All uses listed as Conditional Uses in District R-1.

3-12-9 STANDARDS AND CRITERIA. The following standards and criteria shall apply to all RMH developments:

1. Height Regulations: Lot area, frontage, and yard requirements. Such regulations as specified in Section 3-18.

2. Yards:

a. All manufactured home lots shall be set back at least 25 feet from all perimeter property lines of the Mobile Home Park. The setback is intended to be a landscaped open area. Parking, streets, drives, accessory vehicles, and accessory uses shall not be allowed within the twenty-five (25) foot setback area. A permanent screen consisting of a masonry wall, wood fence, landscaping material, or combination thereof, at least eight (8) feet in height and, when a fence is used, not to exceed twelve (12) feet in height, shall be required around the perimeter of the site, except where the site is adjacent to a public street right-of-way. The required screening shall have an opacity of at least eighty (80) percent year around and, if landscaping is used, the eighty (80)

percent opacity shall be achieved within four (4) full growing seasons. In the event a masonry wall or wood fence is used, landscaping shall be placed between the wall or fence and the property line to form an ornamental screen. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation of this Chapter.

b. Each manufactured home shall be set back at least twenty (20) feet from any public street right-of-way or private drive within the Mobile Home Park. Parking may be allowed within the twenty (20) foot setback.

c. Each manufactured home shall be set back at least 18 to 20 feet from all (manufactured home lot) lot lines which are not abutting a public street right-of-way or private drive. This setback shall not apply to parking areas, carports, and other accessory buildings which are located on lots which do not border the perimeter of the Mobile Home Park.

d. A private outdoor living area, such as a patio or deck, of at least forty (40) square feet shall be provided on each manufactured home lot adjoining the manufactured home.

3. Stormwater Management. A stormwater management system shall be designed to minimize the possibility of soil erosion and flood damage on site and downstream.

4. Lot Area. Each manufactured home lot shall be at least four thousand fifty (4,050) square feet.

5. Lot Width. Each manufactured home lot shall be at least forty-five (45) feet in width.

6. Streets and Drives. Interior access may be provided by public streets or private drives. Public streets shall be built to City standards. When private drives are used, the following criteria shall apply:

a. The private drives shall be constructed of Portland Cement Concrete or asphaltic concrete and shall be designed with adequate strength to accommodate design loadings and shall include curb and gutter.

b. When off-street guest parking is not provided, private drives shall be at least twenty-eight (28) feet in width.

c. When off-street guest parking is provided below, private drives shall be at least twenty-four (24) feet in width.

d. Cul-de-sac private drives shall not exceed seven hundred fifty (750) feet in length and shall be provided with an outside roadway diameter of not less than seventy-six (76) feet.

e. Intersecting private drives shall have centerlines as nearly straight as possible. Jogs with centerline effects of more than five (5) feet shall not be permitted.

f. Intersections of private drives at angles less than sixty (60) degrees shall not be permitted.

g. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve at a radius acceptable to the City Engineer.

h. Grades:

(1) Maximum – Ten (10) percent.

(2) Minimum – Five-tenths (.5) of a percent.

i. All private drives entering a public street must meet at a right angle and be perpendicular to the public street for a minimum distance of fifty (50) feet without intersection of private drives. The intersecting private drive right-of-way with the public street right-of-way shall be rounded with radii of not less than thirty (30) feet.

j. On the corner lot on which a front or side yard is required, no wall, fence, sign, or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the edges of the private drives.

k. Street or drive connections to adjacent properties may be required when deemed appropriate by the City Manager; however, under normal circumstances, Mobile Home Parks shall have their only access on perimeter streets.

7. Access. At least one access point onto a public street shall be provided for each one hundred (100) manufactured home lots.

8. Parking. Paved parking shall be provided on each manufactured home lot at a rate of two (2) parking spaces per manufactured home. In addition, paved guest parking lots shall be provided throughout the Mobile Home Park containing parking spaces at the rate of one (1) parking space per manufactured home within the Mobile Home Park. The guest parking will not be required when public streets or private drives serving the interior of the development are constructed at least twenty-eight (28) feet in width. Parking shall not be allowed on private drives less than twenty-eight (28) feet in width. Parking shall be allowed on one side only of private drives which are at least twenty-eight (28) feet in width. Parking shall be allowed on both sides of private drives which are at least thirty-two (32) feet in width.

9. Stands and Tie-Downs for Manufactured Homes:

a. A stand shall be provided for each manufactured home. Said stand shall be placed on or in the ground in such manner as to provide support and leveling for such manufactured home, and shall be designed in accordance with the building code.

b. Anchorage and tie-down shall be provided on each manufactured home lot to prevent overturning or uplift of the manufactured home. The anchorage and tie-down shall be adequate to withstand wind forces and uplift as required in the building code.

10. Skirting. All manufactured homes shall be skirted. The skirting shall be done so that it is compatible with the manufactured home unit's materials and it shall be of a finished nature.

Composition building board and raw wood shall not be used as skirting unless finished with a weatherproof and termite proof material.

11. Miscellaneous Standards for Mobile Home Parks:

a. A map of the layout of the mobile home park, of a scale not greater than 1:50, showing the location of individual manufactured home spaces by number, shall be displayed on the park office building, or on the identification sign at the entrance to the manufactured home park.

b. Each space for a manufactured home shall be provided with a sewer outlet not less than four (4) inches in diameter, connected to the main sewer system.

c. Lighting shall be provided for all private streets, walkways, buildings, and other facilities subject to nighttime use in accordance with City requirements for residential streets and walkways.

d. The mobile home park shall provide storage areas, in addition to automobile parking requirements, for accessory vehicles such as trucks and boats. The minimum area required for such storage shall be one parking space for each ten (10) manufactured homes.

e. Storage facilities for tenants may be provided on the manufactured home lot or in compounds placed near the manufactured home lots. Storage facilities shall be constructed of suitable weather resistant materials.

f. All yards and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.

g. Any enclosed structure attached to a manufactured home shall be made out of compatible or similar exterior materials and in conformance with City Building Codes. No structure shall be constructed within 10 feet from the lot line of any lot which borders the perimeter of the RMH District.

3-12-10 PROCEDURE FOR REVIEW AND APPROVAL OF A MOBILE HOME PARK

1. The first step in the approval process is a concept review to discuss the proposal. The concept review is an informal discussion and review between the Zoning Officer and the Developer to discuss land use and development concepts, applicable regulations, and other concerns that may be raised.

2. The applicant shall prepare and submit a preliminary Mobile Home Park plan to the Planning and Zoning Commission for its review. The Commission shall then hold a public hearing.

3. The preliminary development plan shall show the following:

a. The name of the mobile home park.

b. A north arrow, scale, and the size of the site to the nearest acre.

- c. The name of the record owners of the land.
 - d. Existing zoning of the tract and the zoning of all adjacent property.
 - e. The existing topography of the site with contour intervals no greater than five (5) feet.
 - f. The approximate location and arrangement of proposed manufactured home lots and other buildings on the site.
 - g. The total number of manufactured homes proposed and the density of development.
 - h. The proposed location of parking areas, an estimated parking ratio, and the general arrangement of spaces and drives on the site.
 - i. The approximate location of any existing or proposed right-of-way.
 - j. The approximate location of existing sanitary sewers and water mains within or adjacent to the site.
 - k. Natural and modified drainage ways, proposed culverts, and detention areas, if applicable, on the site.
 - l. Existing waterways and/or wooded areas, and the approximate location of the one hundred-year floodplain, if applicable.
 - m. A general description of proposed landscaped areas on the site.
 - n. The stages of development, if applicable.
 - o. Signatures blocks for Commission and Council approvals.
 - p. The following items shall be submitted along with the plan:
 - (1) A fee to cover advertising costs.
 - (2) A legal description of the property.
3. The names and addresses of all property owners within one hundred eighty-five (185) feet of the property.
 4. After the public hearing, the Commission shall forward the preliminary development plan to the Council with its recommendation.
 5. The Council, after a public hearing, may approve, approve conditionally, or deny the preliminary development plan. Approval of the preliminary development plan shall place RMH zoning on the site.
 6. After Council approval of the preliminary development plan, the applicant shall submit a final RMH development plan for review and approval by the Commission. After review, the Commission shall forward the final development plan to the Council with its recommendation.

7. The final development plan submittal shall include the following:
 - a. The name of the RMH development.
 - b. A North arrow, scale, small location map, and the size of the site to the nearest one-tenth of an acre.
 - c. A survey of the land prepared under the supervision of a registered land surveyor
 - d. The name and address of the record owners of the land.
 - e. Name of adjacent property owners of unsubdivided land and the names of the adjacent subdivisions.
 - f. The location of the boundary lines of the site in relation to any section line or quarter-section line and any corporate boundaries immediately adjacent.
 - g. The existing topography of the site with contour intervals no greater than five (5) feet, and the specific location of the one hundred-year floodplain, if applicable.
 - h. The location of all manufactured home lots, manufactured homes, and other proposed buildings on the site.
 - i. The location and number of parking spaces, drives, and the parking ratio.
 - j. The location and width of existing street rights-of-way, alleys, roads, railroad rights-of-way, and recorded easements; and the proposed location, width, name, and grade of any new streets, private drives, and sidewalks.
 - k. The approximate location of proposed sanitary sewers, water mains, and storm sewers.
 - l. Signature blocks for Commission and Council approvals on all exhibits considered part of the final development plan.
 - m. A stormwater management plan.
 - n. A landscaping plan including design, location, size, and type of materials.
8. Approval of the final development plan shall be deemed as satisfying the requirements of the subdivision regulations for a preliminary plat, provided all those requirements have been met.
9. No permits shall be issued until a final plat of the RMH site is approved by the Council.
10. From and after two (2) years following the date of approval, of a final RMH development plan by the Council, the Council may, by a majority vote, withdraw approval of such final development plan, provided development has not commenced.

11. Minor adjustments to an approved final RMH development plan may be authorized by the Director of Planning and Development.

12. Changes, other than those considered minor by the Director of Planning and Development, shall be submitted to the Commission for its review. If the change is considered to be in substantial compliance with the preliminary development plan, the Commission may approve a revision to the final development plan. If the change is a substantial deviation from the intent of the approved preliminary development plan, a revised preliminary development plan shall be required and shall be reviewed as a new proposal.

3-12-11 APPLICATION TO ENLARGE EXISTING MANUFACTURED HOME PARKS. Application to enlarge mobile home parks existing on the effective date of this section shall be subject to all provisions of this section relating to requirements for new parks. Such applications shall be accompanied by plans (preliminary and then final) showing both the proposed enlargement and its relationship to the existing RMH development. When a final development plan is approved for an extension of a manufactured home park existing on the effective date of this section, the screening requirements of Section 29-11(D)(3) shall apply to the entire manufactured home park.

3-12-12 INSPECTION OF MANUFACTURED HOME PARKS. The Zoning Officer and Health Officer of the City shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. It shall be the duty of the mobile home park management to give the Health Officer or Zoning Officer free access to all lots for the purpose of inspection.

3-12-13 ENFORCEMENT. The City Manager or his/her appointee shall have authority to enforce this Ordinance.

1. The owner of a mobile home park shall notify the City Manager prior to the placement or replacement of any home in the park.

2. A violation of this ordinance shall be a municipal infraction and shall subject the owner of the park and the owner of a home to the remedies set forth in that Ordinance.

3-12-14 VARIANCES. Large Scale Developments. The standards and requirements of these regulations may be modified by the City Council in case of a plan or program for a complete community or neighborhood unit. Such modification shall not be made until after written recommendation of the Planning and Zoning Commission, which recommendation may be given when, in the judgment of the Planning and Zoning Commission, the specific plan or program presented provides adequate public space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

1. Variances, General. The City Council hereby reserves the authority to vary the strict application of the provisions herein contained, but such variances shall be exercised only upon written recommendation of the Planning and Zoning Commission and only after a written findings of fact is made by the Planning and Zoning Commission that:

a. The purpose of the variations not base exclusively upon a desire for financial gain;
and

b. The conditions creating the need for a variance are unique and are not applicable generally to other property and have not been created by any person having an interest in the property; and

c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were adhered to; and

d. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the area in which the property is located.

3-12-15 FEES.

1. An application for a variance to these subdivision regulations shall be accompanied by a filing fee of fifty dollars (\$50.00). The fee shall be deposited in the General Fund of the City. Denial of the requested change shall not cause the fee to be refunded to the petitioner.

3-12-16 AMENDMENTS. Additions or amendments to this Ordinance may be made by the City Council upon recommendation of the City Planning and Zoning Commission and when so adopted are incorporated in this Ordinance by addenda.

3-12-17 BUILDING PERMIT. No building permit shall be issued by any governing official for the planning of any home or improvement to the land or any lot within a manufactured home park as defined herein, until all requirements of this Ordinance have been fully complied with.

(Ord. 878, 7-1-96)

TITLE III COMMUNITY PROTECTION

