

ORDINANCE NO. 2014-105

AN ORDINANCE OF THE CITY OF MILANO, TEXAS, AMENDING THE MOBILE AND MANUFACTURED HOME ORDINANCE; REGULATING THE STANDARDS AND INSTALLATION OF MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES IN THE CITY; PROVIDING AREAS ELIGIBLE FOR SPECIFIC USE PERMITS; PROVIDING DEFINITIONS; PROVIDING FOR MOBILE HOME PARKS; PROVIDING FOR NONCONFORMING USES; PROVIDING OTHER REGULATIONS FOR MOBILE, MODULAR AND MANUFACTURED HOMES; AND PROVIDING EXCEPTIONS, REPEALING AND SAVING CLAUSES, AND FOR RELATED MATTERS.

Whereas, the City should provide more certainty and clarity with respect to areas in which mobile homes, modular, manufactured homes and HUD-code manufactured homes may be located in the City;

Whereas, the geographical areas of the City in which mobile, modular, manufactured homes and HUD-code manufactured homes may be located should be set forth; and

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

Whereas, the provisions herein shall be construed to secure the beneficial interest and purposes thereof, which are the health, sanitation, general public safety and welfare of the citizens of the City, by prohibiting mobile homes and regulating the installation and maintenance of manufactured homes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILANO, TEXAS, THAT:

Section 1. Adoption of Findings of Fact. The findings and recitations set out in the preamble of the Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes, as findings of fact.

Section 2. The Mobile & Manufactured Home Ordinance of the City of Milano is amended in its entirety. The following Ordinance is hereby adopted and in full force and effect within the City. The Mobile Home Ordinance of the City of Milano is hereby replaced in its entirety and shall read as follows:

Mobile & Manufactured Home Ordinance of the City of Milano

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

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

“HUD-code manufactured home”. A HUD-Code manufactured home as defined in Chapter 1201, Tex. Occupation Code, as amended, and being 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 body feet or more in width or 40 body feet 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.

“Manufactured Home”. A manufactured home or a HUD-Code manufactured home as defined in Chapter 1201, Tex. Occupation Code.

“Mobile Home”. A mobile home as defined in Chapter 1201, Tex. Occupation Code, as amended, and being a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet 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.

“Mobile Home Park”. An area designated as rental or lease property in which one or more mobile or manufactured homes are permitted to exist under the management of a park superintendent. Mobile homes may not be added to a mobile home park after the effective date of this Ordinance but may continue as a conforming use therein.

“Modular Component”. A component of a structure as defined in Chapter 1202, Tex. Occupation Code.

Section 2. Manufactured Home Requirements and Mobile Homes Prohibited.

Manufactured homes and HUD-code manufactured homes shall not be placed, installed or located within the City except when meeting certain design and quality standards and approved for such purpose by this Ordinance. Mobile homes are prohibited from being located within the City. However, mobile homes lawfully located within the City prior to

the adoption of this Ordinance that are being used as residential dwelling units and meeting all of the applicable requirements of this Ordinance, may be used and maintained, subject to the standards and limitations of this Ordinance. A mobile home within the City whose use is discontinued or remains vacant for a continuous period of one (1) year shall be presumed to be abandoned and shall not thereafter be used but shall be removed by the owner of the mobile home from the incorporated limits of the City or otherwise destroyed or discarded. This removal and/or destruction shall be at the mobile home owner's expense and shall be completed within forty five (45) days of the City's notice to remove or destroy the mobile home. Manufactured or HUD-code manufactured homes being greater than five (5) years of age at the time installation is sought shall also be prohibited from locating within the City. Whenever the City concludes that a mobile home has been abandoned, moved, enlarged or altered in violation of this Ordinance, the burden to prove otherwise shall lie with the owner of the mobile home. If the owner of the mobile home wishes to appeal the City's decision, such appeal must be in writing and filed with the City within fifteen (15) days from the date the City rendered its decision.

A. MANUFACTURED HOME ELIGIBLE AREAS. Manufactured homes and HUD-code manufactured homes meeting or exceeding the standards set forth herein may, upon approval and the issuance of a permit for a specific lot, in appropriate circumstances, be located, placed and installed in the City.

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

1) Size of Yards.

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

2) Size of Lot.

- a. **Lot Area.** Lots served by the City wastewater collection system shall have a minimum of seven thousand two hundred (7,200) square feet; provided that, in such

areas, the City Council may by affirmative motion approve a manufactured home subdivision in whole or in part in which not more than twenty-five percent (25%) of the lots have less than 7,200 square feet but not less than six thousand (6,000) square feet. All lots not served by the City wastewater collection system shall have a septic tank.

- b. Lot Width. Lots with a minimum of seven thousand two hundred (7,200) square feet shall have a minimum width of sixty (60) feet at the building line and for a distance of at least forty (40) feet behind the building line. Lots with a minimum area of six thousand (6,000) square feet (not to exceed twenty-five percent [25%] of the lots in a subdivision whether the subdivision is submitted in sections or as a whole, as granted by the City Council in a written variance) shall have a minimum width of fifty (50) feet at the building line and for a distance of at least (40) feet behind the building line. Lots with a minimum area of twelve thousand five hundred (12,500) square feet shall have a minimum width of eighty (80) feet at the building line and the average width shall not be less than eighty (80) feet.
- c. Lot Depth. The average depth of the lot shall not be less than one hundred twenty (120) feet, except a corner lot, having a minimum width of not less than ninety (90) feet may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.
- d. Legal Lot. The location of a manufactured home is not prohibited on a lot that existed on the effective date of this Ordinance because, on such date, the lot had less than the required area, width and/or depth.

C. PARKING REGULATIONS. Not less than three off-street parking spaces shall be provided for each lot, tract or parcel of land, for such land to be eligible for a building permit or specific use permit under this Ordinance, and for each such lot that is in a Mobile Home Park. All mobile homes and manufactured homes shall be provided with streets or driveways for safe and convenient vehicular access from abutting public streets or roads to the parking area for the mobile home or manufactured home. All driveways shall comply with residential driveway standards.

D. OTHER REGULATIONS.

- 1) **No manufactured home with less than six hundred (600) square feet is permitted.**
- 2) **Manufactured homes must be skirted within sixty (60) days from the date placed on a lot. Fire-resistant skirting or an equal substitute approved by the City shall be required around all manufactured homes and shall be installed prior to final inspection of the manufactured home. All skirting shall be of matching color of**

the manufactured home. Such skirting may include any vents, screens and/or openings necessary for utility and mechanical system hookups. All skirting shall be maintained in good repair, free from broken or missing sections, pieces, or cross members. Skirting must be securely attached and sized from the ground to the lower outside perimeter of the structure. Replacement or new skirting shall be construed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. The use of space immediately underneath a manufactured home for storage shall be permitted only if the storage area has a base of impervious material. Any such storage shall be of noncombustible nature, stored in a manner to prevent rodent harborage and insect breeding. Stored items shall not interfere with the underneath inspection of the manufactured home.

- 3) Manufactured homes must be tied down securely and in compliance with applicable state and federal regulations prior to occupancy.
- 4) No manufactured home or HUD-code manufactured home may be located in any area of the City that fails to meet the standards as set forth and described in this Section or in an approved Mobile Home Park.
- 5) The standards set forth in this Section shall be applicable.

E. BUILDING PERMITS.

- 1) **Purpose.** The Building Official or designee may grant, deny or conditionally approve building permits for manufactured homes or HUD-code manufactured homes meeting area regulations and certain design and quality standards as set forth herein. 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 design standard, location and site plan of the proposed use are required.
- 2) **Procedure.** The Building Official or designee may issue a building permit for a manufactured home or HUD-code manufactured home pursuant to the procedures and design standards as provided herein.
- 3) **Placement Fee.** There shall be a \$100.00 manufactured home placement fee, which must be paid prior to the placement of any manufactured home or HUD-manufactured home within the corporate limits of the City.
 - a. **Application.** Any person proposing to begin to obtain a building permit under this Subsection E may file an application accompanied by a site plan. The site plan may be a sketch or drawing on one or more pages, generally to scale, with distances

marked, and is not required to be prepared by an engineer. The site plan, along with the application, will become a part of the building permit, if approved. The accompanying site plan shall provide the following information:

- (i) Data describing the processes and activities proposed and involved in the proposed use, and the type and age of manufactured home, accessory building, etc.;
 - (ii) Boundaries of the area covered by the site plan;
 - (iii) The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits;
 - (iv) The location of existing drainage ways and significant natural features;
 - (v) Proposed landscaping and screening buffers;
 - (vi) Location and dimensions of any curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities;
 - (vii) The location, height, and type of each wall, fence, and all other types of screening; and
 - (viii) The location of driveways and off-street parking.
- (3) **Appeal.** Any person making application for a building permit pursuant to the terms and conditions of this Subsection E may appeal to the City Council a decision of the Building Official or designee to deny such application and building permit.

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 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 manufactured home or HUD-code manufactured home pursuant to the procedures in this Subsection.

- a. **Application.** Application for a specific use permit to locate any manufactured home or HUD-code manufactured home within any area other than those designated in the foregoing Subsection E shall be made to the City Council. Such application shall be filed with the City Secretary and shall include the sketch plan and all other information required in Subsection E.
- b. **Notification and Hearing.** The notification and public hearing process for specific use permits under this Subsection shall be as follows: (i) a public hearing shall be held by the City Council prior to the issuance of any such permit; (ii) 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; (iii) 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 (iv) 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.
- c. **Required Findings.** A specific use permit shall be authorized only if all the following conditions have been found:
 - (i) 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;
 - (ii) The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
 - (iii) Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided;
 - (iv) The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;
 - (v) There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property;
 - (vi) The applicant shall establish that the use and occupancy will comply with all applicable terms of this Ordinance; and
 - (vii) The City Council finds it is in the public interest to grant such permit.

- 3) **Permits and Certificates.** A building permit or certificate of occupancy will not be issued for any HUD-code manufactured home or manufactured home, or any use proposed which requires a special use permit under this Ordinance, unless a permit has first been authorized in accordance with the provisions of this Ordinance.
- 4) **Approval of Request.** Any request to locate a manufactured home or HUD-code manufactured home within the City which is not approved within thirty-five (35) days is hereby deemed denied and the applicant will need to request an extension or appeal the denial.

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, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.
 - b. Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this Ordinance.
 - c. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform fully to the rules and regulations provided in this Ordinance.

- 3) **Nonconforming Uses.** A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- a. No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed or reconstructed.
 - b. The use of the structure shall only be changed to a use permitted in the area in which it is located.
 - c. A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of ninety (90) days or more.
 - d. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to any land outside such building.
 - e. Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status, except to the extent, if any, otherwise provided by law. Destruction for the purpose of this subsection is defined as damage equal to more than fifty (50) percent of the replacement cost of the structure.
 - f. A nonconforming use shall terminate upon 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 unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations set forth in this Ordinance.

- H. **Nonconforming Lot.** A lot shall be nonconforming if it shall not meet the requirements of this Ordinance.

Section 3. Mobile Home Parks. Provision is hereby made for the City Council to authorize and approve Mobile Home Parks within the City:

A. USE REGULATIONS.

- 1) **Mobile Home Park.** Property and areas of the City may not be used and occupied as a Mobile Home Park, or for the installation and location of manufactured homes, HUD-code manufactured or modular components except as provided in this Ordinance. Property and areas shall not be approved as a Mobile Home Park or for the installation and/or occupancy by manufactured and HUD-code manufactured without a specific use permit, unless such property and areas are planned, used, approved, platted and occupied as a Mobile Home Park. Land and areas of the City authorized for use as a mobile home park and having an approved subdivision plat or site plan for a Mobile Home Park may be used for manufactured homes, HUD-code manufactured homes and modular components as provided in this Ordinance.
- 2) **Permitted Uses.**
 - a. One manufactured home, HUD-code manufactured, or modular home on each approved space or lot.
 - b. Up to two detached accessory buildings or structures located on a lot for use by the owner or occupant of a structure that is located on such lot. Such accessory structure shall be incidental and subordinate to the principal or primary structure. The design of and exterior materials of the accessory structures must be the same or similar to those used on the primary structure. Accessory structures may not occupy more than 30% of the required rear yard and must meet all setback requirements. Any accessory structures with a footprint of over 300 square feet or 50% of the size of the primary structure, whichever is lesser, must receive a special use permit from the City.
 - c. Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the Mobile Home Park.
 - d. Accessory buildings for use by the owner or manager of the Mobile Home Park.
 - e. One single-family dwelling unit on a 6,000 square foot or larger lot for use as the owner's or manager's residence.
- 3) **Purpose.** The requirements for Mobile Home Parks are established for the protection of the public health, safety and welfare, and for the following purposes.

- a. To provide adequate space and site diversification for residential purposes that are planned to accommodate the design criteria of manufactured homes.
 - b. To protect against pollution, environmental hazards and other objectionable influences.
 - c. To make adequate provisions for vehicular and pedestrian circulation.
 - d. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.
 - e. To promote 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.
- 4) **Standards.** The installation, occupancy and maintenance of manufactured homes, HUD-code manufactured and modular homes in Mobile Home Parks shall be subject to the following provisions:
- a. 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.
 - b. The exterior siding material, excluding skirting, shall be nonmetallic.
 - c. The structures shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the state and federal Manufactured/Modular Home Construction and Safety Standards in effect on the date of manufacture; or other such applicable standards. Any such structure without such certification, but meeting all other requirements, may be accepted as a safe and quality construction provided it meets the following criteria:
 - (i) All electrical material, devices, appliances, and equipment are in sound and safe condition. Aluminum conductors are not acceptable.
 - (ii) All mechanical systems including space and water heating, are in sound and safe condition.
 - (iii) All plumbing, gas piping, and wastewater systems are in sound and safe condition.
 - (iv) The unit is in sound and safe structural condition. Uncompressed finish floorings greater than 1/8 inch in thickness beneath load-bearing walls that are fastened to the

floor structure are not acceptable. Any such structure that shows signs of fire damage, are not acceptable.

- (v) The determination of the foregoing acceptance of any noncertified unit shall be made jointly by the Building Official or the Fire Marshall.
- 5) **Installation.** Manufactured homes shall be installed in accordance with the following criteria:
 - a. The frame shall be supported by, and tied to, a foundation system capable of safely supporting the loads imposed as determined from the character of the soil. The minimum acceptable foundation design shall be a series of eight-inch grout-filled concrete block piers spaced no more than eight feet on center and bearing on 12" x 12" solid concrete footings. A tie-down and anchoring system separate and apart from the foundation ties shall be provided as recommended by the manufacturer, if different from the foundation ties.
 - b. Axle and hitch assemblies shall be removed at the time of placement on the foundation.
 - c. Each home shall be totally skirted with metal, masonry, pressure-treated wood, or other nondegradable material which is compatible with the design and exterior materials of the primary structure.
 - d. Electrical power supply shall be made from a meter installation on the home, or from a permanent meter pedestal.
 - e. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.
 - f. Garage and carport additions are permitted, provided they cover a paved parking area and are connected to a street by a paved drive, meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.
 - g. Patio and porch covers are permitted, provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.
 - h. 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.

6) Required conditions.

- a. A development designed as a mobile home or recreational vehicle park shall meet all requirements of the mobile home park ordinance of the city, and any applicable sections of the city 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 mobile home or recreational vehicle subdivision shall meet all requirements of the city subdivision ordinance and any applicable sections of the city mobile home park ordinance. Such subdivision shall have as its major purpose the sales and conveyance of property rights and ownership of individual lots to consumers.
- c. At no time may an existing mobile home or recreational vehicle park be converted to a mobile home or recreational vehicle subdivision without first meeting all requirements of the city subdivision ordinance and receiving approval by the City Council.
- d. No mobile home shall be permitted to be added to the mobile home park. Further, no manufactured or HUD-code manufactured home may be added to the mobile home park which is more than five (5) years of age at the time installation is requested.

B. AREA REGULATIONS.

1) Size of Yards.

- a. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- b. Side Yard. There shall be a side yard of not less than seven (7) feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for nonresidential uses shall be less than twenty-five (25) feet.
- c. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet measured from the rear lot line.

2) Size of Lot.

- a. Lot Area. Lots served by the City wastewater collection system shall have a minimum of seven thousand two hundred (7,200) square feet; provided that, in such areas, the City Council may by affirmative motion approve a mobile home

subdivision in whole or in part in which not more than twenty-five percent (25%) of the lots have less than 7,200 square feet but not less than six thousand (6,000) square feet. All lots not served by the City wastewater collection system shall have a minimum area of twelve thousand five hundred (12,500) square feet.

- b. Lot Width. Lots with a minimum of seven thousand two hundred (7,200) square feet shall have a minimum width of sixty (60) feet at the building line and for a distance of at least forty (40) feet behind the building line. Lots with a minimum area of six thousand (6,000) square feet (not to exceed twenty-five percent [25%] of the lots in a subdivision whether the subdivision is submitted in sections or as a whole, as granted by the City Council in a written variance) shall have a minimum width of fifty (50) feet at the building line and for a distance of at least (40) feet behind the building line. Lots with a minimum area of twelve thousand five hundred (12,500) square feet shall have a minimum width of eighty (80) feet at the building line and the average width shall not be less than eighty (80) feet.
- c. Lot Depth. The average depth of the lot shall not be less than one hundred twenty (120) feet, except a corner lot, having a minimum width of not less than ninety (90) feet may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.

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

D. OTHER REGULATIONS.

1) General standards.

- a. All minimum requirements as stated under this Ordinance shall apply.
- b. No through traffic shall be permitted in a Mobile Home Park.
- c. A perimeter fence shall be required, unless exempted for good cause by the City Council.
- d. Curbs and gutters shall be required and shall conform to the requirement for City streets.

2) Notice Requirements and Hearing.

Mobile Home Parks shall not be permitted within any area of the City except upon authorization and permit by the City Council given after notice and public hearing held in compliance with this paragraph. The notification and public hearing process

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

Section 4. Exception. In the event any term or provision of this Ordinance conflicts with state or federal law such term or provision of this Ordinance shall be construed and interpreted in a manner consistent with such federal or state law and such law shall control.

Section 5. Repeal and Amendment. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended and/or repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be in force and effect from and after its passage.

Section 7. Savings Clause. All rights and remedies of the City of Milano are expressly saved as to any and all violations of the provisions of any ordinances affecting mobile or manufactured homes or other similar structures within the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

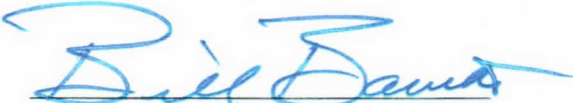
Section 8. Penalty. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than \$500.00. A culpable mental state is not required to prosecute under the provisions of this Ordinance. The provisions of this Ordinance are enforceable against any person or entity, including a tenant, occupant or owner of a manufactured home, HUD-manufactured home or mobile home.

Section 9. Enforcement. The City and its designees shall be entitled to enforce the provisions of this Ordinance and shall be entitled to inspect properties and premises with a manufactured home, HUD-manufactured home or mobile home to ensure compliance with this Ordinance.

Section 10. Open Meetings. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

FINALLY PASSED AND ADOPTED this 20th day of October, 2014.

The City of Milano, Texas


Billy Barnett, Mayor

ATTEST:


Carolyn Vinton, City Secretary