

ORDINANCE NO. 1156

AN ORDINANCE AMENDING CHAPTER 13 AND CHAPTER 27-A OF THE REVISED ORDINANCES OF THE CITY OF HOT SPRINGS, SOUTH DAKOTA, BY AMENDING SECTIONS 13-A AND 27-A.02, 27-A.04.02 AND 27-A.05H

BE IT ORDAINED by the Common Council of the City of Hot Springs, Fall River County, South Dakota:

CHAPTER 13-A

Manufactured Homes and Mobile Home Parks Ordinance

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13-A.01. Purpose and Intent.

The purpose of this ordinance is to establish regulations for manufactured homes placed outside of manufactured home subdivisions and for mobile home parks that are in existence in the city at the time of this ordinance revision. Mobile home parks within the city limits that are in existence at the time of this ordinance revision are non-conforming uses in the districts in which they are located and are subject to the existing non-conforming regulations in the Zoning Ordinance. [27-A.07]

13-A.02. Definitions.

13-A.02.010. Definitions.

- A. "Accessory Structure." A storage shed or carport, or combination thereof, that is subordinate to and located on the same lot as the manufactured home.
- B. "Carport" A temporary or permanent unenclosed detached accessory structure, without doors, used for the sheltered parking of vehicles. Carports enclosed on more than two sides shall be considered a garage and shall be constructed in accordance with adopted building codes.

- C. "Enclosed Porch or Deck" Porches or decks that are enclosed on more than two sides shall be considered 'enclosed'.
- D. "Manufactured home". Sometimes referred to as a 'mobile home' or 'trailer home'. A portable dwelling unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy. The term shall include units composed of two (2) or more separately towable components designed to be joined into one (1) integral unit, capable of being separated again for repeated towing.
- E. "Mobile Home Park". An existing, non-conforming use of land whereupon manufactured homes as herein defined are placed, located, or maintained on a property under one ownership to include all approved accessory buildings thereof.
- F. "Manufactured Home Subdivision". Any areas, tracts, or sites or plots of land, of not less than two (2) acres, whereupon manufactured homes as herein defined are placed, located, or maintained, or intended to be placed, located, or maintained.
- G. "Manufactured Home Space". A plot of ground within a mobile home park with full utility hook-ups which is designed for and designated as:
 - 1. the location for two (2) automobiles and one (1) mobile home and not used for any other purposes other than the customary accessory structures or uses thereof.
 - 2. the location for the temporary parking of two (2) automobiles and one (1) RV, permitted between the months of April 1st and October 31st of any given year.
- H. "Nonconforming Use". A building, structure or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the district in which it is situated.
- I. "Recreational Vehicle (RV); Camper". For the purpose of this Chapter a recreation vehicle shall mean a motorized or towed self-contained vehicle manufactured for the purpose of temporary human occupancy away from the place of the occupant's permanent residence.
- J. "Recreational Vehicle (RV) Park". For the purpose of this chapter a mobile home park shall be deemed to be an RV Park when twenty-five percent (25%) or more of the spaces for which the mobile home park is licensed for are available for the temporary parking of Recreation Vehicles. RV Parks may be permitted through the Use Permit on Review process as provided in *Chapter 27-A Zoning Ordinance*.

13-A.03. Manufactured Homes, General Regulations.

13-A.03.010. General Regulations.

- A. Manufactured homes are not permitted to be placed in the city except in Residential 'B' Zone as described in 27-A.04.02.
- B. Recreational Vehicles are not permitted to be placed in the city except as allowed per 13-A.04.04. This does not affect a private citizens' right to store their own recreational vehicle on their own residential property nor does it override the right to have someone visit per zoning district allowances in the RA and RB zones (27-A.04.01B8).
- C. All manufactured homes placed in the city, regardless of age, shall meet the minimum health and safety standards in effect at the time of manufacture of that manufactured home. For manufactured homes built prior to June 15, 1976 a label certifying compliance to the standard for Mobile Homes NFPA 501 in effect at the time of manufacture is required.
- D. Required Inspection and repairs for Relocated Manufactured homes: (Does not apply to manufactured homes relocated within the same mobile home park) The Code Official shall be authorized to inspect, or to require approved professionals to inspect at the expense of the owner, the various structural parts of a relocated manufactured home to verify that structural components and connections have not sustained structural damage during transport. Any repairs required by the code official as a result of such inspection shall be made prior to the final approval.
- E. Floodplains:
 - a. Any manufactured home moved to a manufactured home space located within a floodplain must be anchored to a permanent foundation that raises the living area and all supporting mechanical equipment to one foot above the base flood elevation. The anchoring must meet all Building Code requirements and may require an Elevation Certificate.
 - b. No manufactured home or recreation vehicle can be located to a manufactured home space located within a floodway. A 'floodway' is the portion of a floodplain with the highest velocities.

13-A.04. Existing Mobile Home Parks.

13-A.04.010. License Required for Mobile Home Parks

- A. Mobile Home Parks existing at the time of the adoption of this ordinance shall be subject to the inspection and license requirements of this Chapter.
- B. Mobile Home Parks in existence and operation at the time of the enactment of this ordinance shall be considered to be an existing non-conforming use. The ordinance provisions for mobile home parks have been replaced by Manufactured Home Subdivision requirements in the Zoning Ordinance.

13-A.04.020. Application for Annual License Renewal for Mobile Home Park

- A. Any person desiring to continue to operate a mobile home park within the City of Hot Springs shall make application annually on a form provided by the City.
- B. Any person, company, corporation or entity having been issued a Mobile Home Park License shall be responsible for the condition of the properties upon which manufactured homes are placed.

13-A.04.030. Annual License Fee for Mobile Home Park; Inspections.

- A. The license fee for operating a mobile home park shall be Twenty (\$20.00) per year for every such park which can accommodate ten (10) or less manufactured homes spaces and Forty Dollars (\$40.00) per year for every such park which can accommodate more than ten (10) manufactured homes spaces up to and including twenty (20) manufactured home spaces plus One Dollar (\$1.00) per year for every space over twenty (20) in such park.
- B. Before such license may be renewed, the premises shall be inspected by the City in order to ensure that the mobile home park conforms to the ordinances of the City and the laws of the State of South Dakota.
- C. Mobile home parks that are found to be in non-compliance shall be given thirty (30) days to correct the non-compliance issues. If non-compliances continue beyond thirty (30) days the Mobile Home Park License shall be denied and the applicants notified by certified letter or personal service, or both.

13-A.04.040. Recreation Vehicles in Mobile Home Parks.

- A. Where lots or spaces are rented out by the day or week for RV or camper placement, the mobile home park shall be subject to the following licenses and permits:
 - a. Use Permit for the operation of an RV Park from the City of Hot Springs, and
 - b. Campground License as required by the South Dakota Department of Health.
- B. Lots or spaces within mobile home parks that are rented or leased for the placement of RVs and campers shall be rented or leased for a period of time of not less than twenty eight (28) days and not greater than one hundred and eighty (180) days.

13-A.05. Manufactured Homes Outside of Mobile Home Parks

13-A.05.010. Manufactured Homes

- A. A building permit shall be required for any manufactured home being moved into or within the City of Hot Springs. Exception: A building permit shall not be required for moving a manufactured home from one lot to another within a mobile home park.
- B. Any manufactured home placed outside of a mobile home park shall comply with the regulations of the district where it is to be placed. The home location must meet all area requirements of the zone district and must include a permanent foundation with anchor system to secure the home from movement and give a more permanent visual image within the residential district.

13-A.05.020. Uninhabitable Manufactured Homes

Uninhabitable manufactured homes within mobile home parks shall be removed within sixty (60) days of being abandoned and the home site is to be restored to original condition.

13-A.05.030. A building permit shall be required for:

- A. any accessory structure over 200 square feet in area,
- B. any deck or porch where the walking surface is over thirty inches (30") above grade at any point,
- C. any deck or porch supporting a roof system,

13-A.06. Existing Mobile Home Parks Area Regulations

13-A.06.010. Area Regulations for Existing Mobile Home Parks.

- A. Manufactured homes or accessory structures shall not be placed closer than twenty-five feet (25') to any property line adjacent to a street except as provided for as in Section 27-A.06.04 of the Zoning Ordinance.
- B. Manufactured homes or accessory structures shall not be placed closer than five feet (5') to any alley.
- C. Where a mobile home park borders another district, the side yard set-back shall be in accordance with the stricter of the two districts.
- D. A manufactured home space shall be of sufficient size to provide at least ten feet (10') of clear space end-to-end, and twenty feet (20') side-to-side, to any other structure or placement, except that:
 - 1. Unenclosed porches or decks may encroach up to six feet (6') into the required side set-back provided that the porch or deck is not greater than sixty (60) square feet in total area.
 - 2. In no case shall the exterior of a detached carport be closer than three feet (3') to any other structure.
- E. Accessory structures for a mobile home park space shall be limited to:
 - 1. One (1) storage shed not to exceed one-hundred and twenty (120) square feet in area and
 - 2. One (1) carport not to exceed four-hundred (400) square feet in area and twelve feet (12') in total height, and shall be required to meet all applicable set-back requirements.
 - 3. A combination carport/storage shed where the aggregate area does not exceed the area and height restrictions above.

13-A.06.020. Area Regulations for Recreation Vehicles.

Recreation vehicles (RVs) shall comply with the same area regulations as manufactured homes.

SECTION 27-A

27-A.02 Definitions

79. **“Manufactured home”**. Sometimes referred to as a ‘mobile home’ or ‘trailer home’. A portable dwelling unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy. The term shall include:

- a. Units containing parts that may be folded, collapsed, extended or retracted when being towed and that may be expanded to provide additional capacity.
- b. Units composed of two (2) or more separately towable components designed to be joined into one (1) integral unit, capable of being separated again for repeated towing.

81. **“Manufactured home subdivision”**. Any areas, tracts, or sites or plots of land, of not less than two (2) acres, whereupon manufactured homes as herein defined are placed, located, or maintained, or intended to be placed, located, or maintained.

82. **“Manufactured home space”**. A plot of ground within a mobile home area which is designed for and designated as the location for two (2) automobiles and one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory use thereof.

84. **“Modular home”**. A single finished dwelling unit, or a dwelling unit comprised of two (2) or more components designed to be permanently joined into a single unit, which is designed to be placed on a permanent frost-free perimeter foundation, with or without a basement. The specifications and completed unit shall comply with the International Residential Code as adopted. Not a manufactured or mobile home.

27-A.04.02. Residential 'B' District (RB).

- A. General Description. This district is to provide for medium to high residential development density. The principal uses of land range from residences and mobile homes to uses which are functionally compatible with intensive residential uses. Recreational, religious, education facilities, and other related uses in keeping with the residential character of the district may be permitted on review by the governing body.

- B. Residential 'B' districts are subject to all Residential 'A' district regulations with the following exceptions:
 - 1. Manufactured homes are allowed as single-family dwellings when placed in accordance with local code requirements, within existing mobile home parks per 13-A.04 and outside of mobile home parks per 13-A.05.

27-A.05. Other Uses Permitted on Review.

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- H. Manufactured home subdivisions.

The following development standards shall apply for all *new* manufactured home subdivisions, which shall be approved as a development permitted on review:

- 1. Minimum area of manufactured home subdivision. Manufactured home subdivisions shall comply with manufactured home subdivision standards. No subdivision shall be allowed to open on less than two (2) acres.
Exception: Existing mobile home parks shall be subject to the regulations in place prior to the adoption of this ordinance and shall fall under 27-A.07 Non-conforming Uses.
- 2. Only manufactured homes shall be permitted, except for additions and accessory structures which may be constructed on-site.
- 3. Minimum lot size: Six thousand (6,000) square feet, exclusive of public street rights-of-way and private street easements.

4. Street standards.
 - a. Public streets shall meet minimum standards of the subdivision ordinance or, in the case of private streets, standards established by the city council in the approval process.
 - b. Cul-de-sac roads shall have a maximum length of three hundred (300) feet and a minimum turnaround of forty-foot radius.
 - c. Be accessible at all times to fire department, ambulance, police, sanitation and utility vehicles.
5. Street lighting. The developer shall furnish and install street lights in accordance with City requirements. On private streets, lights shall be operated and maintained by the developer.
6. Fencing and screening. As required in 27-A.06.01.
7. Shade trees. The developer shall plant shade trees on the property. A minimum of one (1) tree with a minimum trunk diameter of not less than one (1) inch shall be planted on each manufactured home lot.
8. Drainage and storm sewers. Per Chapter 32.
9. Water/sewer facilities. Per Chapter 26.
10. Utilities. Per state and local requirements.
11. Recreation areas. A park and recreation area shall be provided having a minimum of one hundred fifty (150) square feet for each manufactured home site, consolidated into usable space.
12. Storage sheds. Total square footage not to exceed one-hundred ninety two square feet (192 sq/ft), exclusive of attached or detached garages or carports.
13. Lot width. Minimum fifty (50) feet at the front building line. May be average of fifty (50) feet if the lot abuts a street for a minimum of thirty (30) feet.
14. Perimeter setbacks.
 - a. Twenty-five-foot (25') perimeter setback from all public rights-of-way
 - b. Any perimeter yard abutting a residential district shall maintain a ten foot (10)' setback
 - c. All perimeter setbacks shall be maintained and landscaped.

15. Required setbacks from lot and property lines.
 - a. Twenty-five feet (25') from all road rights-of-way within the manufactured home subdivision
 - b. Rear yard-Twenty-five feet (25')
 - c. Side yard- Ten feet (10')
 - d. Accessory structures- Eight feet (8'), side and rear
16. As regulated in 27-A.06.05.
17. Storage space. The manufactured home subdivision shall provide a paved storage area for boats, campers, R.V's, etc., for use only by tenants. The number of spaces within this area shall be equal to one (1) space for every five (5) manufactured homes sites. Each space shall be ten feet (10') by twenty-five feet (25').
18. Securing and skirting. All manufactured homes and accessory structures shall be securely anchored to the ground, at intervals approved by the building official. Manufactured homes, once in their permanent location upon the lot, shall be fully skirted within forty-five (45) days.
19. Garages, Carports and additions to manufactured homes. Building permits shall be required for all garages, carports and additions, which shall meet all setback requirements. No additions or structures erected shall have a height greater than the height of the manufactured home to which it is attached; and shall be supported by a foundation approved by the building official.
20. Signs.
 - a. The developer shall install, in accordance with standards of the city, all road and street name signs.
 - b. Each manufactured home park shall be permitted to display, on each frontage, one (1) identifying sign of maximum size of twenty-five (25) square feet.

21. A bond or other guarantee may be required by the City Council to assure completion of all requirements within this section.
22. General provisions.
 - a. Sidewalks from the paved driveway to the main entry of the manufactured home shall be a minimum of thirty-six (36) inches in width.
 - b. Each manufactured home shall have an address of three-inch high letters mounted on the side fronting the street.
 - c. Each manufactured home space shall be clearly defined by permanent markers.
 - d. Each manufactured home space shall be serviced by the public water and sewer system and shall be individually metered. Manufactured homes that cannot be connected to the public water and sewer system shall not be permitted.
 - e. Manufactured homes shall not be used for commercial, industrial or other nonresidential uses, except home occupations as defined in 27-A.06.09 and permitted as a use permitted on review per 27-A.08.04.
23. Subdivision application requirements. The application shall be accompanied by three (3) copies of the plot plan drawn to scale, and prepared by a licensed engineer or architect. The following information shall be shown:
 - a. The name and address of the applicant.
 - b. The location and legal description of the proposed manufactured home subdivision.
 - c. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the manufactured home subdivision.
 - d. The proposed use of buildings shown on the site.
 - e. The location and size of all manufactured home spaces.
 - f. The location of all points of ingress and egress and internal traffic circulation pattern.

- g. A landscaping plan.
- h. The location of all lighting standards to be provided.
- i. The location of all walls and fences, the indication of their height, and the materials of their construction.
- j. Such other architectural and engineering data as may be required to permit the Zoning Administrator and the Common Council to determine if the provisions of this ordinance are being complied with.
- k. An estimated timetable for project development.

END OF PROPOSED SECTION CHANGES

APPROVED:

Hot Springs Common Council
Hot Springs South Dakota

Cindy Donnell, Mayor

Date

ATTEST:

Misty Summers-Walton, Finance Officer

Date

Passed first reading:

Passed second reading:

Published: