

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 10 CHAPTER 3 AND TITLE 10 CHAPTER 43 WITH REGARDS TO PARK
MODEL DEVELOPMENTS**

WHEREAS, Utah Code 10-9a allows for municipalities to regulate land use within their boundaries; and

WHEREAS, the City believes that park models should not be held to lower standards than other manufactured homes

WHEREAS, The City has a desire to allow for greater options for people who need affordable housing

WHEREAS, the Planning Commission gave a positive recommendation on the attached revisions to Hurricane City Code,

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10 Chapter 3 and Title 10 Chapter 43 be amended only with Hurricane City Code to read as follows:

ALL DEFINITIONS BELOW REPLACE EXISTING DEFINITIONS; ALL PRIOR DEFINITIONS WITHIN SECTION 10-3-4 NOT INCLUDED BELOW SHALL REMAIN IN THE UPDATED CODE.

Manufactured home means a transportable factory built dwelling unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD code), in one or more sections, which:

- A. In the traveling mode, is eight body feet or more in width or 40 body feet or more in length;
- B. 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;
- C. Includes plumbing, heating, air conditioning, and electrical systems; and
- D. Is identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

THE DEFINITIONS FOR "PARK MODEL DEVELOPMENT" "PARK MODEL RECREATIONAL VEHICLE" AND "PARK MODEL TRAILER" ARE HERBY STRICKEN FROM THE CODE

Sec. 10-43-1. Purpose.

The purpose of this chapter is to establish regulations for manufactured/mobile home parks and subdivisions, and recreational vehicle parks in order to achieve the following objectives:

- A. To assure that development of such parks and subdivisions promote the purpose and objectives of the City general plan and this title;
- B. To permit variety, flexibility, and affordability in land development for residential purposes in designated areas of the City;
- C. To protect the integrity and characteristics of zones contiguous to zones where manufactured/mobile home parks and subdivisions, and recreational vehicle parks are located; and
- D. To protect the integrity of land use values contiguous to and within such parks and subdivisions.

(Ord. 2004-15, 6-17-2004)

Sec. 10-43-2. Scope.

No manufactured/mobile home or recreational vehicle shall be used or occupied except within an approved manufactured/mobile home park or subdivision, or recreational vehicle park, or as specifically provided by a provision of this chapter or this title. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, or other laws.

(Ord. 2009-13, 10-1-2009)

Sec. 10-43-3. Uses allowed.

- A. Permitted and conditional use. A manufactured/mobile home park or subdivision, and recreational vehicle park may be established in an MH/RV zone as set forth in chapter 13, residential zones, of this title, subject to the provisions of this chapter, or as otherwise specifically provided in this chapter or this title. In the event a provision of this chapter conflicts with a provision in another chapter of this title, the provision of this chapter shall apply.
- B. Location of an occupied manufactured/mobile home. No occupied manufactured/mobile home shall be located anywhere within the City except as follows:
 - 1. A manufactured home, when attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with applicable building code, may be located within any single-family residential zone subject to the requirements of that zone; or
 - 2. Within an approved manufactured/mobile home park or subdivision; or
 - 3. As a dwelling unit on a bona fide farm or ranch when allowed by the zone where the ranch or farm is located; or
 - 4. Any of the following temporary uses, subject to the issuance of a temporary use permit pursuant to the requirements of section 10-7-16 and chapter 48 of this title:
 - a. Construction field office for use by contractors or as a temporary place of business for an owner or lessee while a permanent building is under construction on the same site;
 - b. Dwelling for members of an immediate family (parents, children, brothers, or sisters), subject to the requirements of section 10-43-4 of this chapter;

- c. Sales office for manufactured/mobile homes or recreational vehicles, when allowed by the zone where the office is located;
- d. Sales office for the sale of dwellings in a subdivision or other residential project.
- C. Location of an occupied recreational vehicle. No occupied recreational vehicle shall be located anywhere within the City except as follows:
 - 1. Within a:
 - a. Recreational vehicle park;
 - b. Manufactured/mobile home park, subject to the requirements of subsection 10-43-6A2b of this chapter; or
 - c. Designated camping area; and
 - 2. As a dwelling for members of an immediate family (parents, children, brothers, or sisters), subject to the requirements of section 10-43-4 of this chapter.
 - 3. This section shall not be construed to prohibit the occupation of a recreational vehicle by visitors to occupants of a single-family residential lot improved with one single-family residence for a time not exceeding two weeks (14 days) in any 90-day period.
- D. Location of an unoccupied manufactured/mobile home or recreational vehicle. An unoccupied manufactured/mobile home or recreational vehicle may be located as follows:
 - 1. On a sales lot, when allowed by the zone where the lot is located; and
 - 2. Long term storage of a recreational vehicle or manufactured/mobile home for maintenance operations, reconstruction, or construction is permitted only within an enclosed area and only in a zone allowing such use.
 - 3. This subsection shall not be construed to prohibit the storage of an unoccupied recreational vehicle on the property of the vehicle's owner or in a commercial lot approved for the storage of recreational vehicles.
- E. Emergency or temporary parking. Emergency or temporary parking of an unoccupied manufactured/mobile home or recreational vehicle outside an approved manufactured/mobile home park or subdivision, or recreational vehicle park, or other authorized place may be permitted for a period not exceeding 48 hours. This limitation does not apply to an unoccupied manufactured/mobile home or recreational vehicle located in an authorized sales area.

(Ord. 2004-15, 6-17-2004; Ord. 2009-13, 10-1-2009; Ord. 2011-11, 12-15-2011; Ord. 2012-2, 4-19-2012)

Sec. 10-43-4. Temporary dwelling.

- A. Conditions for issuance. A manufactured/mobile home or recreational vehicle may be used for a temporary dwelling on a lot not located in a recreational vehicle park or manufactured/mobile home park as a dwelling for members of an immediate family subject to the issuance of a temporary use permit as provided in section 10-7-16 and chapter 48 of this title, and the following requirements:
 - 1. No temporary use permit shall be issued except in connection with the construction of a new dwelling or the temporary placement of a recreational vehicle on a residential lot subject to the standards in subsection B of this section.

2. A permit for a temporary dwelling used by members of an immediate family during construction of a new dwelling shall be issued only for the property where the new dwelling is to be constructed.

3. A valid building permit for construction of the new dwelling shall be issued and fully paid for prior to the issuance of a temporary use permit for a temporary dwelling used by members of an immediate family during construction of a new dwelling.

4. All applicable fees shall be paid prior to placement of the manufactured/mobile home or recreational vehicle to be used as a temporary dwelling used by members of an immediate family during construction of a new dwelling on the subject property.

5. All utility connections shall conform to City standards.

6. No temporary use permit for a temporary dwelling used by members of an immediate family during construction of a new dwelling shall be approved for longer than six months unless an extension is approved prior to expiration of the original permit. Such extension shall not exceed six months.

B. Recreational vehicle. Standards for temporary placement of a single recreational vehicle on a residential lot for use as a temporary dwelling by an immediate family member (parents, children, brothers, or sisters) in case of financial hardship.

1. Recreational vehicle must be located on a lot containing a single-family dwelling and must be occupied by an immediate family member of the family occupying the dwelling.

2. No rent may be paid for the temporary placement.

3. A temporary use permit must be issued for a period not exceeding six months. One six-month extension may be granted by the City Council. Such extension must be in writing.

4. Holding tanks must be emptied into an approved facility. Power connections must conform to prevailing safety standards. Water must be connected to occupied dwelling unit's culinary water system only.

5. Failure to comply with standards listed above is grounds for immediate revocation of the temporary use permit.

C. Removal upon expiration. Upon expiration, or revocation, of a temporary use permit, or any extension thereof, a manufactured/mobile home or recreational vehicle shall either be removed from the premises within ten days or the owner shall have given proper notice to City officials that the manufactured/mobile home or recreational vehicle is no longer occupied.

Upon expiration of a temporary use permit, no new temporary use permit may be issued for a property for a period of one (1) year.

D. Agreement required. No temporary use permit shall be issued unless the permittee has executed an agreement with the City which contains the terms and conditions set forth in subsections A and B of this section, and such other terms as may be reasonably required by the City to assure compliance with this section.

(Ord. 2009-13, 10-1-2009)

Sec. 10-43-5. Basis for approval.

A. Manufactured home or recreational vehicle park .

1. A manufactured home or recreational vehicle park may be approved by the City Council in locations where such use is permitted by the applicable zone, pursuant to applicable requirements of this chapter. Prior to use or occupancy of any such park, a site plan shall be approved as provided in section 10-7-10 of this title.

2. Before final approval is granted for any manufactured home or recreational vehicle park, a report to the City Council by the Planning Commission shall find the proposed development will:

a. Be in keeping with the general character of the zone in which the park is to be located; and,

b. Meet applicable development standards of section 10-43-6 of this chapter and all requirements of other applicable ordinances, except where such requirements are modified by a planned development approved pursuant to chapter 23 of this title.

B. Manufactured home subdivision.

1. A manufactured home subdivision may be approved by the City Council in locations where such use is permitted by the applicable zone, pursuant to applicable requirements of this chapter. Prior to construction, use, or occupancy of any such subdivision:

a. A preliminary subdivision plan shall be approved as provided in chapter 39 of this title; and,

b. A final subdivision plan shall be approved as provided in chapter 39 of this title.

C. Disapproval. An application for a manufactured home park or subdivision may be denied upon a finding that the proposed development cannot:

1. Connect to the City water system and the Ash Creek special service district wastewater disposal system;

2. Meet one or more applicable development standards set forth in this chapter; or

3. Provide adequate assurances that the development will be completed within two years after approval.

(Ord. 2014-10, 11-6-2014)

Sec. 10-43-6. Development standards.

The development of a manufactured home park or subdivision, or recreational vehicle park shall conform to applicable standards and requirements of this section and as set forth in table 10-43-1 of this section unless modified by a planned development approved pursuant to chapter 23 of this title.

A. General requirements.

1. Layout. Land not contained within individual lots or spaces, roads, or parking shall be set aside and developed as parks, playgrounds, trails, and service areas for the common use and enjoyment of occupants of the development, and the visitors thereto.

2. Location.

- a. A manufactured home subdivision may be located on any lot as allowed by the zone where the lot is located;
 - b. A recreational vehicle park should generally be located:
 - (1) Adjacent to or in close proximity to a major collector or arterial road as shown in the City's transportation master plan;
 - (2) Near adequate shopping facilities.
3. Plan preparation. Plans for a manufactured home park or subdivision or recreational vehicle park shall be prepared by a licensed architect, licensed engineer, and/or licensed land surveyor.
- B. Building standards. All standards shown in table 10-43-1 of this section must be met.
- C. Site improvements.
1. Access to lots and spaces. Sufficient access shall be provided to each manufactured home or recreational vehicle lot or space to allow maneuvering of homes or vehicles into position.
 - a. The accessway shall be kept free from trees and other obstructions.
 - b. Paving under a manufactured home is not required if adequate support is provided as required by applicable building codes. Use of planks, steel mats or other means to support the manufactured home during placement is allowed so long as the same are removed upon completion of placement.
 2. Common area. Except for a manufactured home subdivision, one or more common areas equal to at least ten percent of the land area of the development shall be set aside for the joint use and enjoyment of occupants. Land covered by vehicular roadways, sidewalks, and off street parking shall not be included in calculating this ten percent common area requirement; provided, however, that in initial phases of development, the minimum area shall be not less than one-half acre or ten percent of the land area under development, whichever is greater.
 3. Connection to City services. Each manufactured home or recreational vehicle shall be connected to the City water system and the Ash Creek special service district wastewater disposal system, except as otherwise allowed by the regulations for such systems.
 4. Landscaping. Any area not covered by a manufactured home or recreational vehicle, hard surfacing, or a building shall be landscaped per an approved site plan.
 5. Laundry. A laundry may be provided for the convenience of residents within a manufactured home park or subdivision or recreational vehicle park, but not for the general public.
 6. Lighting. Lighting shall be provided to meet safety standards and the lighting guidelines in section 10-33-7 of this title and shall be shown on the site plan.
 7. Parking. Off street parking requirements for a manufactured home park or subdivision or recreational vehicle park shall be provided on each lot or space as follows:
 - a. Manufactured home park or subdivision: two parking spaces per lot or space.
 - b. Recreational vehicle park: one parking space per RV space.

c . Each parking space shall have a minimum width of nine feet and minimum depth of 18 feet.

d . Before a lot or space may be occupied, all off street parking areas and driveways shall be surfaced with a material acceptable to the City.

8. Roadway design. Accessways within a manufactured home park or recreational vehicle park shall conform to construction design standards and specifications adopted by the City unless modified by a planned development approved pursuant to chapter 23 of this title.

9. Roads within a manufactured home subdivision. Roads within a manufactured home subdivision shall conform to construction design standards and specifications adopted by the City unless modified by a planned development approved pursuant to chapter 23 of this title.

10. Skirting. Each manufactured home shall be skirted.

11. Storage, waste receptacles, and additions.

a. All storage and solid waste receptacles other than individual homeowner trash receptacles shall be contained within an enclosure at least six feet high.

b. All patios, carports, garages and other additions to a manufactured home shall be compatible in design and construction with the associated home. Such facilities shall be constructed in accordance with applicable building codes and kept in good repair.

12. Storm drainage facilities. Storm drainage facilities shall be constructed to protect residents of the development as well as adjacent property owners in accordance with applicable provisions of this Code and the adopted storm drainage plan as reasonably determined by the City Engineer.

D. Standards specific to recreational vehicle parks .

1. No manufactured homes or site built dwelling units shall be permitted, except for that of the owner/manager and permanent maintenance personnel. However, a site built dwelling unit up to 900 square feet inclusive of covered porches shall be permitted on a deeded RV lot included in an RV subdivision recorded in the office of the county recorder before January 2020 that is served by an individual water meter and individual power meter and that does not result in coverage of more than 50 percent of the lot in structures.

2. Recreational vehicle parks shall not be designed for use as permanent residences , except for that of the owner/manager and permanent maintenance personnel. All recreational vehicles within a recreational vehicle park shall display current license plates/tags.

3.

4. Each park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the recreational vehicle park.

5. Each recreational vehicle unit shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.

6. No permanent room additions shall be attached to recreational vehicles, nor shall any permanent structure be constructed on a recreational vehicle lot except shade structures open on

three sides that conform to current NFPA standards for recreational vehicle parks and campgrounds.

7 . A minimum of one toilet, one sink, and one hot shower, each designed for complete privacy, for each 40 spaces, or fraction thereof, is required.

8 . Conversion of an established residential park to another residential use shall be subject to review and approval based on codes and zones in place at the time of conversion. A zone change will be required.

E. Table 10-43-1

TABLE 10-43-1

DEVELOPMENT STANDARDS MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS AND SUBDIVISIONS

Development standard	Manufactured home subdivision	Manufactured home park	Recreational vehicle park
General standards:			
Location	See subsection A2 of this section		
Minimum development size	10 acres	10 acres	5 acres
Ownership	Individual lots	Park must remain single parcel	Park must remain single parcel
Plan preparation	Licensed architect, licensed engineer and/or licensed land surveyor required; see subsection A3 of this section		
Required zone	MH/RV; see chapter 13 of this title		
Building standards:			
Maximum height, service building	35 ft.	35 ft.	35 ft.
Maximum height, accessory building	12 ft.	12 ft.	12 ft.
Lot/space standards:			
Minimum lot/space area	5,700 sq. ft.	4,000 sq. ft.	1,000 sq. ft.
Minimum lot/space width	60 ft.	50 ft.	As allowed under the NFPA 1194 standard for RV parks and campgrounds as it currently exists and as it may be amended in the future

Minimum lot/space depth	95 ft.	70 ft.	40 ft.
Setback standards:			
Front yard	15 ft.	15 ft.	5 ft.
Rear yard	10 ft.	10 ft.	5 ft.
Side yard, interior	10 ft.	8 ft.	7 ft.
Side yard, street	20 ft.	15 ft.	7 ft.
Accessory building	5 ft.; if adjacent to exterior boundary or utility ease-ment, then 10 ft.	3 ft.; if adjacent to exterior boundary or utility ease-ment, then 7.5 ft.	5 ft.
Separation between structures	20 ft.	20 ft.	14 ft.
Site improvements:			
Access to lots and spaces	Sufficient area to maneuver homes or vehicles required; see subsection C1 of this section		
Common area	Not required	10% of land area; see subsection C2 of this section	
Connection to City services	Must connect to City water system and Ash Creek special service district wastewater disposal system; see subsection C3 of this section		
Landscaping	Open and unpaved areas must be landscaped; see subsection C4 of this section		
Laundry	Laundry may be provided for residents, but not general public; see subsection C5 of this section		
Roadway and accessway design	See subsections C8 and C9 of this section		

(Ord. 2014-10, 11-6-2014; Ord. 2019-04, 5-2-2019; Ord. 2020-05, 2-6-2020)

Sec. 10-43-7. Maintenance of premises and common areas.

A. Nuisance. The premises on which any manufactured home or recreational vehicle or park model is located, used, or occupied shall be maintained in a clean, orderly, and sanitary condition. The accumulation of rubbish, waste, weeds, or other unsightly material thereon shall constitute a nuisance and a violation of this title.

B. Remedies. In addition to the remedies set forth in section 10-9-6 of this title, the City may require removal of a manufactured home or recreational vehicle, from any premises that do not conform to the requirements of this chapter.

C. Guarantee of performance. The City may require the owner of a manufactured home park or subdivision or recreational vehicle park to provide financial guarantees to assure that common areas and facilities, roadways, storage areas, service facilities and landscaping are adequately maintained.

D. Manager. The owner of a manufactured home park or recreational vehicle park shall appoint a property manager. The manager shall be:

1. Locally available;
2. Authorized to represent the owner with respect to all aspects of the management and maintenance of the park; and
3. Authorized to receive official notices, including service of process.

(Ord. 2014-10, 11-6-2014)

Sec. 10-43-8. Protection of common areas.

If common areas are provided within a manufactured home park or subdivision or recreational vehicle park, adequate guarantees shall be provided to protect such common areas from future development. No certificate of occupancy shall be issued for any structure in such park or subdivision until all required guarantees have been submitted to and approved by the City. The developer of a manufactured home park or subdivision or recreational vehicle park may elect any of the methods set forth in subsection 10-23-10A of this title to preserve common areas.

(Ord. 2014-10, 11-6-2014) Sec. 10-43-9. Compliance with other regulations.

The use and occupancy of a manufactured home or recreational vehicle or park model shall comply with applicable provisions of this title and any other applicable code, including, but not limited to, building and health codes.

(Ord. 2014-10, 11-6-2014) Sec. 10-43-10. Certificate of compliance.

A manufactured home or recreational vehicle used or intended to be used either immediately or in the future for human habitation, regardless of its location or its conforming or nonconforming status, shall be subject to the following rules, regulations and requirements:

A. Relocation of used manufactured/mobile homes. No used mobile homes shall be moved into the City limits. No used manufactured home shall be moved into the City limits without written approval from the Building Official. Such approval shall be given upon written

certification, accompanied by color photos of the manufactured home from a qualified inspector approved by the Building Official that such manufactured home meets the following criteria:

1. Must have original HUD sticker.
2. Original HUD sticker and data plate must be permanently attached, intact and legible. All serial numbers must match.
3. Roof must be undamaged and leakproof.
4. Exterior walls shall be free from cracks, breaks, holes, nail pops, etc.
5. Bottom board must be intact. There shall be no rot or deterioration of siding, and no new openings, such as added windows or doors, shall be permitted.
6. Interior walls must be attached at base and top plate.
7. There shall be no water damage to ceilings, floors, or interior walls.
8. Floors under the water heater and plumbing fixtures must be intact.
9. Windows must be intact and meet HUD/ANSI code for time of manufacture.
10. Exterior doors must be intact and close completely with no damage to door or frame.
11. Must have underfloor insulation properly installed and complete.
12. Plumbing system must meet all applicable federal and state codes.
13. Gas system must pass a pressure test.
14. Electrical system must meet all applicable federal and state codes.
15. Heating and cooling systems must meet all applicable federal and state codes.
16. All units must be free of mold.

B. B. Setup permit. All manufactured homes located within the City shall be required to obtain a separate setup permit from the Building Department.

(Ord. 2014-10, 11-6-2014 Sec. 10-43-11. License.

No manufactured/mobile home or recreational vehicle park shall be operated unless and until a valid City business license has been obtained.

(Ord. 2004-15, 6-17-2004)

NOW THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF HURRICANE CITY, UTAH THAT:

All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.

Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

PASSED AND APPROVED this 3rd day of August 2023



Hurricane City

Nanette Billings
Nanette Billings, Mayor

Attest:

Cindy Beteag
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of August, 2023. Whereupon a motion to adopt and approve said Resolution was made by Dave Sanders and seconded by Kevin Thomas. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	<u>X</u>	—	—	—
David Sanders	<u>X</u>	—	—	—
David Hirschi	—	—	—	—
Kevin Thomas	<u>X</u>	—	—	<u>X</u>
Doug Heideman	<u>X</u>	—	—	—

Cindy Beteag
Cindy Beteag, Recorder