

Staff Summary Report



Council Meeting Date: 02/07/08

Agenda Item Number: _____

SUBJECT: This is the introduction and first public hearing to amend Chapter 18 of the Tempe City Code relating to Mobile Homes and Trailer Coaches by amending Sections 18-1, 18-2, 18-3 and 18-7; and adding new Section 18-12; and declaring the existence of an emergency. The second public hearing is set for February 21, 2008.

DOCUMENT NAME: 20080207cdnc01 **TCC CH 18 – MOBILE HOMES & TRAILER COACHES (0503-18)** Ordinance No. 2008.09

SUPPORTING DOCS: No

COMMENTS: This amendment requires property owners and/or developers to provide residents within mobile home parks a minimum 90-days notice to vacate when a mobile home park is rezoned.

PREPARED BY: Neil Calfee, Community Development Deputy Manager (350-2912)

REVIEWED BY: Chris Salomone, Community Development Manager (350-8294)

LEGAL REVIEW BY: Dave Park, Assistant City Attorney (350-8907)

FISCAL NOTE: N/A

RECOMMENDATION: Staff recommends adoption of Ordinance No. 2008.09

ADDITIONAL INFO: This ordinance amendment is intended to augment state statutes to mandate a minimum notification period of 90-days for residents of mobile home parks when their park is being rezoned. State statute allows for as little as 30 day notice to affected residents.

ORDINANCE NO. 2008.09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 18 OF THE TEMPE CITY CODE, RELATING TO MOBILE HOMES AND TRAILER COACHES BY AMENDING SECTIONS 18-1, 18-2, 18-3 AND 18-7; ADDING NEW SECTION 18-12; AND ESTABLISHING THE EXISTENCE OF AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 18-1 of the Tempe City Code is hereby amended to read as follows:

Sec. 18-1. Purpose.

It is the purpose of this chapter to regulate the construction, alteration, repair and maintenance, AND CHANGE IN USE of all mobile home parks, mobile homes, trailer parks and trailer coaches, so as to provide minimum standards of housing for the occupants thereof.

Section 2. That Section 18-2 of the Tempe City Code is hereby amended to read as follows:

Sec. 18-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where, the context clearly indicates a different meaning:

CHANGE IN USE MEANS EITHER OF THE FOLLOWING:

- (1) A CHANGE IN THE USE OF LAND FROM THE RENTAL OF MOBILE HOME SPACES IN A MOBILE HOME PARK OR THE RENTAL OF TRAILER SITES IN A TRAILER PARK TO SOME OTHER USE; OR
- (2) THE REDEVELOPMENT OF A MOBILE HOME PARK OR TRAILER PARK.

Installation means the act of moving a mobile home into a mobile home park or relocating a previously installed mobile home on the same space or to another space within the same mobile home park.

Mobile home means a portable structure exceeding eight (8) feet in width and twenty-eight (28) feet in length, built on a chassis having no foundation other than wheels, jacks or blocks and containing a flush toilet, lavatory, bath or shower and kitchen facilities designed for occupancy as a dwelling unit. Any vehicle which is self-propelled or does not meet the requirements of a

mobile home as set forth herein in any manner shall be designated as a trailer coach for the purpose of this chapter and shall not be permitted in a mobile home park.

Mobile home park means a parcel of land approved for development with mobile homes and accessory uses approved by the Zoning and Development Code, or as approved in a planned residential development. Existing and new parks which do not meet the requirements of the Zoning and Development Code for a mobile home district or planned residential development for mobile homes shall be classified for the purpose of this chapter as a trailer park.

Mobile home space means an approved site within a mobile home park designed for use by one mobile home and accessory uses appurtenant thereto.

TENANT MEANS A PERSON SIGNING A RENTAL AGREEMENT OR OTHERWISE AGREEING WITH THE OWNER, OPERATOR, LESSOR, OR COMBINATION THEREOF, OF A MOBILE HOME PARK OR TRAILER PARK FOR THE OCCUPANCY OF A MOBILE HOME SPACE OR TRAILER SITE, RESPECTIVELY.

Trailer coach means any vehicle whether or not self-propelled used or that may be used as a conveyance upon a public street or highway on its own wheels and designed or constructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more people.

Trailer park means a parcel of land used or offered for use in whole or in part for the rental of trailer sites for parking trailer coaches mobile homes being used for living or sleeping purpose as authorized by the Zoning and Development Code, but not including mobile home parks.

Trailer sites means that portion of a trailer park set aside and designated for occupancy of a trailer coach and including the area set aside and used for parking, buildings or structures, patio covers or awnings accessory to the trailer coach and their required setbacks.

Section 3. That Section 18-3 of the Tempe City Code is hereby amended to read as follows

Sec. 18-3. Applicability.

(a) Unless specifically provided for in this chapter, the construction, alteration, repair and maintenance of all mobile home parks, trailer parks and accessory buildings and structures therein shall conform to all applicable provisions of this code.

(b) This chapter shall not apply to existing nonconforming conditions in existing trailer parks nor trailer coaches, mobile homes and accessory structures legally existing outside of trailer parks prior to July 11, 1970, except as provided in the ~~Uniform~~ Building Code, as amended.

Section 4. That Section 18-7 of the Tempe City Code is hereby amended to read as follows:

Sec. 18-7. Conformance with applicable regulations; permits.

(a) All buildings and structures which are permitted by the Zoning and Development Code as accessory uses appurtenant to both a mobile home park and trailer park and to an individual mobile home or trailer coach shall be constructed in accordance with the applicable provisions of the building code.

(b) A zoning permit is required prior to installing a mobile home within the city and prior to relocating a mobile home to a new location within the city. A permit and fee of five dollars (\$5) shall be paid for each mobile home to be installed or relocated.

(c) The installation of and alteration or addition to all plumbing work within a mobile home park or trailer park and alterations and additions to the existing plumbing within a mobile home or trailer coach shall be in accordance with the applicable provisions of the plumbing code. Wherever reference is made to trailers, trailer coaches, trailer site or trailer park within the provisions of the plumbing code, such provisions shall also apply to mobile homes, mobile home space and mobile home parks respectively.

(d) The installation of and alterations or additions to all electrical work within a mobile home park or trailer park and the alterations and additions to the existing electrical system within a mobile home or trailer coach shall be in accordance with the applicable provisions of the electrical code.

(e) The installation of and alterations or addition to all heating, ventilating, comfort cooling and refrigeration within a mobile home park or trailer park and an individual mobile home and trailer coach shall be in accordance with the applicable provisions of the mechanical code.

(f) The issuance of all permits and the collection of all permit fees shall be in accordance with the applicable provisions of this code and this chapter. A plumbing permit, an electrical permit or an installation permit which includes a gas connection may be issued only to a properly licensed person not acting in violation of any current contractor licensing law to perform such work or to the owner of the mobile home or trailer coach; provided, that the mobile home or trailer coach is occupied by such owner and the permit is issued under the terms of ~~§ 1-10(e)~~ of the plumbing code or ~~§ 2-1(9)~~ of the electrical code, as applicable.

(g) The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of this chapter or of this code.

(h) Every permit issued under the provisions of this chapter shall expire by limitation and become null and void if the work authorized is not commenced within sixty (60) days from the date of such permit.

Section 5. That Chapter 18 of the Tempe City Code is hereby amended by adding new Section 18-12 to read as follows:

SEC. 18-12. CHANGE IN USE NOTICE.

IN ORDER TO OBTAIN APPROVAL FOR A ZONING AMENDMENT PURSUANT TO THE ZONING AND DEVELOPMENT CODE WHICH WOULD ALLOW FOR THE CHANGE IN USE OF A MOBILE HOME PARK OR TRAILER PARK, THE APPLICANT SEEKING THE AMENDMENT MUST AGREE TO INFORM ALL TENANTS, IN WRITING, OF A CHANGE IN USE AT LEAST NINETY (90) DAYS PRIOR TO THE CHANGE IN USE TAKING EFFECT. FAILURE TO COMPLY WITH THIS SECTION SHALL NULLIFY AND VOID THE APPLICANT'S ZONING AMENDMENT.

Section 6. **Emergency.** The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, safety and general welfare of the community, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Tempe.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____day of _____, 2008.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney