

## **TITLE 18**

### **ZONING**

#### **Chapters:**

- 18.04 Mobile Homes and Mobile Home Parks
- 18.08 Factory-Built Mobile Homes
- 18.10 Restricted Residence District

#### **CHAPTER 18.04**

#### **MOBILE HOMES AND MOBILE HOME PARKS**

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**18.04.010**      **Purpose.**

The purpose of this chapter is to provide for municipal regulation of mobile homes and mobile home parks in furtherance of the public health, safety, morals and welfare.

**18.04.020**      **Definitions.**

For use within this chapter the following terms are defined:

- A.      *“Mobile home”* means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. Mobile homes are structures defined in Rule 661-16.620(3)(103A), Iowa State Building Code and Iowa Code §103A.51(8).
  
- B.      *“Mobile home park”* means any site, lot, field, or tract of land upon which two or more occupies mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park. The term *“mobile home park”* shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by an individual, education institution, or company on their own premises and used exclusively to house their own labor or students.

**18.04.030**      **Age of mobile homes.**

Mobile homes shall be no older than ten years.

**18.04.040      Location of mobile homes.**

It shall be unlawful for any person, firm, or corporation to park or place any mobile home on a street, alley, highway, or public place, or on any private land within this city, except as is provided by state law and this chapter. This section shall not apply to mobile homes parked or placed within duly licensed mobile home parks, or upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

**18.04.050      Permanent occupancy.**

A mobile home shall not be used as a permanent dwelling place nor for indefinite periods of time except in a mobile home park, except those so used on September 1, 1988. Any mobile home removed from property that is not a mobile home park shall not be replaced by a mobile home, unless it meets the construction and safety standards established under the authority of 42 USC Section 5403, which have been adopted by the Iowa state building code. However, if a mobile home is converted to real estate under the provisions of Section 435.26 and conforms to the provisions of 42 USC Section 5403, it may be located in any part of the city subject to meeting requirements of any zoning ordinance.

**18.04.060      Special permits for location of mobile homes outside mobile home parks.**

No mobile home shall be placed outside of licensed mobile home parks unless converted to real estate in accordance with the Iowa Code Section 435.26 and connected permanently to city water and sanitary sewer facilities. The owner must have a certificate that shows that the mobile home complies with the construction and safety standards under 42 USC Section 5403. The owner also must have a permit granted by the council as set forth herein. The council, upon application of a mobile home owner, may grant a permit for a mobile home to be located for a limited time on premises outside mobile home parks. The council shall issue such special permits when it appears that location within a local mobile home park is impracticable or impossible and public health, safety, and welfare interests will not be seriously affected by granting the excess of two years but upon expiration of a special permit reapplication may be made. Application for the permit shall include:

- A.      A statement concerning the practicability of location within a local mobile home park;
- B.      A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location;
- C.      A statement of desired duration of the special permit.

**18.04.070      Emergency and temporary parking.**

Emergency or temporary parking of mobile homes upon the streets, alleys or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of Section 18.04.030, but such parking shall be subject to any prohibitions or regulations contained in other ordinances of this city.

**18.04.080      Regulations to which mobile home park owners are subject.**

No person, firm, or corporation shall establish, maintain, conduct or operate a mobile home park within this city without first obtaining an annual license therefor from the state department of health. No person, firm, or corporation shall make alterations to the sanitary facilities or construct, expand, or remodel a mobile home park within this city without first obtaining a permit therefor from the State Department of Health. Said park, its facilities, and the mobile homes therein shall comply with all other applicable ordinances of this city.

**18.04.090      Mobile home park area and yard requirements.**

Mobile home or trailer parks shall be designed and maintained in accordance with the following requirements:

A.      Park – Minimum Requirements:

1.      Mobile home park area, eight acres;
2.      Front yard (to be measured from all streets on which park abuts), fifty feet;

3. Side yard, thirty-five feet;
4. Rear yard, thirty-five feet;
5. Sanitary facilities, connection with the municipal sewer system or adequate private sewage disposal facilities;
6. Streets, each mobile home lot shall have direct access to a park street. The minimum roadway width of interior park streets shall be as follows:

One-way, no parking	11 feet
One-way, parking one side	18 feet
One-way, parking on both sides	24 feet
Two-way, no parking	24 feet
Two-way, parking on one side	27 feet
Two-way, parking on both sides	34 feet

Such streets shall be surfaced with asphaltic or portland cement concrete according to city specifications for residential streets, and be maintained in good condition and lighted at night.

**B. Mobile Home Spaces – Minimum Requirements:**

1. Area, fifty feet by eighty feet;
2. Size, four thousand square feet;
3. Off drive parking, one parking space for each “home” space;
4. One on- or off-street space for each two such lots to accommodate guests;
5. Front yard, fifteen feet;
6. Rear yard, ten feet;
7. Side yard, five feet each side, with a minimum of twenty feet between any two homes.

**C. Sidewalks.** Sidewalks shall be provided from the entrance of each trailer to the service facilities. These walks shall be constructed of concrete.

**D. Landscaping – Unused Area.** All areas not for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land, not less than ten feet in width, shall be established and maintained within the trailer park along its exterior boundaries.

**E. Concrete Slab.** Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight feet by ten feet and a minimum thickness of four inches.

**F. Recreation Areas.** There shall be provided within each mobile home park an adequate site or sites for recreational use by residents. The minimum area provided for such recreation site or sites shall consist of an aggregate of one hundred square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

**G. Length of Occupancy.** No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen days without connection to the permanent sanitary sewer system of the park.

**18.04.100 Compliance with state building code.**

Before being located, whether permanently or for a temporary period of time allowed by a temporary permit, all mobile homes located in the city limits shall have a certificate that shows the mobile home is in compliance with the current state building code as to mobile home construction. A copy of this permit shall be filed with the city clerk.

**18.04.110 Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.



## CHAPTER 18.08

### FACTORY-BUILT AND MOBILE HOMES

#### Sections:

18.08.010	Modular Homes (Foundation-Ready)
18.08.020	Manufactured Homes (Foundation-Ready)
18.08.030	Manufactured or Modular Homes (Mobile Homes)
18.08.040	Transfer or sale of ownership – Conditions
18.08.050	Adoption of Iowa Building Code and Regulations
18.08.060	Violations – Penalty

#### **18.08.010      Modular Homes (foundation-ready).**

A modular home is a structure built at a factory and inspected for compliance with the International Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code, and the National Electrical Code, or the one and two-family dwelling code, each with certain amendments as adopted as the Iowa State Building Code and mandatory for all such structures placed in Iowa. Compliance is evidenced by a seal issued by the State Building Code Commissioner and attached to the home and accompanied by a copy of the manufacturer's certificate of compliance. A certified modular home shall be permitted anywhere a site-built or pre-fabricated site-erected building is permitted whether meeting the same code requirements or not. A modular home may be placed on a parcel or lot if its placement as to yards and setback and minimum square footage meets the criteria that would apply to a site-built dwelling on the same lot. A modular home is not a mobile home or mobile home add-on unit, and is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. (

#### **18.08.020      Manufactured Homes (Foundation-Ready).**

A manufactured home is a structure built at a factory under the authority of 42 U.S.C. § 5403, that is required by Federal law to display a seal required by the United States Department of Housing and Urban Development, which was constructed after June 15, 1976, and which include display data plates including the name of the manufacturer and the date of manufacture. Certified manufactured homes shall be permitted anywhere a site built or prefabricated site erected building is permitted whether meeting the same Code requirements or not. A manufactured home may be placed on a parcel or lot if its placement as to yards and setback and minimum square footage meets the criteria that would apply to a site-built dwelling on the same lot. A manufactured home is not a mobile home or mobile home add on unit, and is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame, any wheel or axles.

**18.08.030**      **Manufactured or Modular Homes (Mobile Homes).**

- A. A manufactured or modular home (mobile home) is a prefabricated or factory-built structure, otherwise meeting the definitions of Code Sections 18.08.010 or 18.08.020 above, but which are constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which has permanently attached to its body or frame wheels or axles.
- B. Such manufactured or modular (mobile) home to be located outside a mobile home park must apply for a permit and provide proof of compliance with applicable provisions of the State and Federal Building Codes and Regulations, display a seal and provide proof of construction within ten years of the date of the permit. Manufactured and modular (mobile homes) constructed more than ten years prior to the permit application date shall not be placed outside a licensed mobile home park, unless the owner applies for a temporary special permit and meets the requirements set forth in Code Section 18.04.040. In addition, an owner who applies for a special permit must meet the requirements set forth in Eldon Municipal Code Chapter 15.08.
- C. A manufactured or modular (mobile) home located outside a mobile home park, unless granted a temporary special permit for location outside a mobile home park as provided by a city ordinance, shall have a minimum width of twenty-four feet on its shortest side, and the structure shall meet minimum front, rear, and side yard requirements of the lot in its residential or other permitted zone.
- D. Such manufactured or modular (mobile) home shall be placed on a permanent support foundation constructed of solid concrete blocks set in mortar or on a poured concrete support foundation. The footings for the solid concrete blocks set in mortar or the poured concrete foundation shall be at least fifty-four inches below the final finish grade of the surface of the earth or fifty-four inches below the undisturbed earth. The foundation footings shall be not less than twelve inches wide and six inches thick. The foundation and footings shall be properly backfilled and compacted to prevent excessive frost penetration. In the event that cylindrical foundation supports of poured concrete are utilized, they must be placed upon a footing extending fifty-four inches below the final finish grade at the surface of the earth or the undisturbed earth, and the same shall be not less than eighteen inches in diameter and placed according to the manufacturer's specifications. The manufactured or modular (mobile) home shall be firmly anchored to the foundation in accordance with the manufacturer's anchoring specifications or in the alternative shall be tied down by a proper anchoring system to the foundation. The foundation shall provide support unto the manufactured or modular (mobile) home so as to prevent subsidence. Before a manufactured or modular (mobile) home may be placed upon a foundation as herein specified, the footings shall be inspected by the mayor or public works director before backfill and the manufactured or modular (mobile) home and the placement thereof upon the foundation shall be inspected before the manufactured or modular (mobile) home is skirted as hereinafter provided. The manufactured or modular (mobile) home shall be fully skirted with a manufactured or modular (mobile) home skirting.



- E. A manufactured or modular (mobile) home in place within the city outside a mobile home park on the effective date of this section and not complying with the standards required for mobile homes since July 1976 under the State Building Code shall not be permitted to be converted to real estate under Section 435.26 of the Iowa Code. Only manufactured or modular (mobile) homes complying with the Eldon Municipal Code and with the standards of safety and construction required since July 1976, with a medallion and certificate of compliance may be placed outside a mobile home park after the effective date of this section.
- F. A manufactured or modular (mobile) home shall be no older than ten years.

**18.08.040      Transfer or sale of ownership – Conditions.**

Any manufactured or modular (mobile) home in place prior to the enactment of this chapter and which is hereafter sold or the ownership transferred, shall be removed to a mobile home park in the city or removed from the city unless such manufactured or modular (mobile) home shall comply with all of the requirements of this chapter.

**18.08.050      Adoption of Iowa Building Code and Regulations.**

The City of Eldon adopts the Iowa State Building Code and Regulations, as amended from time to time. The public works director is designated to perform any inspections or compliance reviews for installation of factory built structures under Federal or Iowa State Building Codes and Regulations.

**18.08.060      Violations.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## RESTRICTED RESIDENCE DISTRICTS

### Sections:

18.10.010	Purpose.
18.10.020	District designation.
18.10.030	Variance requires permit.
18.10.040	Setbacks.
18.10.050	Variance application.
18.10.060	Public notice.
18.10.070	Council action.
18.10.080	Violation – Nuisance.
18.10.090	Violation – Penalty.
18.10.100	Lower Level Residency on the 400 & 500 Block of West Elm

### **18.10.010**      **Purpose.**

The purpose of this chapter is to provide for and to establish a restricted residential district in the city, and to provide reasonable rules and regulations for the erection, reconstruction, altering and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches and other similar structures.

### **18.10.020**      **District designation.**

The following restricted residence district is designated and established:

The entire platted corporate limits of the city, including all area within its corporate limits as now established or hereinafter extended except that area enclosed in the tract hereinafter described as follows:

- a. Commencing on Ninth Street at the intersection of the alley between Elm and Walnut Streets, thence Southeast through said alley to Fifth Street; thence Northeast to the alley between Walnut and Church Street on Fifth Street; thence Southeast on the alley between Walnut Street and Church Street to the intersection of said alley with the right-of-way of the former Chicago Rock Island and Pacific Railroad; thence North-East to American Gothic Street; thence East along American Gothic Street to the City Corporate Line (Finney Avenue Extended); thence South to the South right-of-way line of the former Chicago Rock Island and Pacific Railroad right-of-way; thence in a Westerly and Southerly direction along said right-of-way to the alley located between Walnut and Cornell Street; thence Southeast through said alley to Eldon Street; thence South along Eldon Street to Hearn Street; thence East on Hearn Street to Finney Avenue; thence South on Finney Avenue to its intersection with Prairie Street; thence continuing due South to State Highway Number Sixteen; thence Northwest along State Highway Sixteen to a point of intersection with Norton Street extended; thence West along Norton Street extended and Norton Street to the intersection of Norton Street and Des Moines Street; thence Northeast along Third Street to the South boundary of the former Chicago Rock Island and Pacific Railroad right-of-way; thence Northeast along the South boundary line of the former Chicago Rock Island and Pacific Railroad right-of-way to the intersection of said right-of-way and Ninth Street; thence Northeast along Ninth Street to Elm Street and the place of beginning; Also Lots Three and Four, Block Three, Fairview Addition; Also, Lot Thirty-seven Block Two Second Addition; Also, Lot Eighteen, Block Thirty-nine Eldon Original.
- b. The North 22 acres of the Northwest Quarter of the Northwest Quarter of Section 26 Township 71 North, Range 12 West of the 5<sup>th</sup> P.M., Wapello County, Iowa.

### **18.10.030**      **Variance requires permit.**

No building or other structure, except single-family residences, school houses, churches or other similar structures, shall hereafter be erected, altered, repaired or occupied within the restricted residential district enumerated.

**18.10.040      Setbacks.**

All buildings or other structures hereinafter erected, reconstructed or altered within the restricted residential district shall be placed not closer than five feet to the adjoining side lot line or rear lot line and not closer than twenty feet to the front lot line. At corner lots setbacks shall be twenty feet at the front and side lot lines adjacent to the intersecting street.

**18.10.050      Variance application.**

Plans and specifications of any proposed land use in the restricted residential district, other than those uses permitted herein, shall be set forth in an application to the city council and shall be accompanied with a twenty-dollar application fee. In addition, the applicant shall pay the cost of publication of the public notice as hereinafter provided.

**18.10.060      Public notice.**

A.      Upon filing of the application for the variance permit with the city clerk, the city clerk shall cause a notice to be published once in a newspaper having general circulation within the city. The notice shall be in substantially the following form:

Notice is hereby given that there is now on file in the office of the City Clerk of the city of Eldon, Iowa, plans and specifications for proposed land or building use or occupancy not permitted by the restricted residential district ordinance of the City of Eldon. Said nonconforming use is proposed at the following location:

(Include legal description and common street address, if available)

The use proposed is as follows:

You are hereby notified that the City Council of the City of Eldon, Iowa, will consider said application at a meeting to be held by the City Council in the City Council Chambers in City Hall on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. at which time owners of record of property within the restricted residential district may appear and file objections, if any, they have.

B.      The publication shall be not less than seven nor more than twenty days prior to the council meeting at which the application is to be considered. No application shall be considered unless this applicant files with the city clerk the application, the filing fee, and the cost of publication of said notice.

**18.10.070      Council action.**

The city council, by a majority vote of the city council, may issue special variance permits for building and occupancy if no objections are filed. If written or oral objections are filed by the owners of record of the adjacent property within two hundred feet of the proposed building or occupancy, no permit shall be issued except by affirmative vote of four of the five members of the city council after hearing.

**18.10.080      Violation – Nuisance.**

Any building or structure erected, altered, repaired, occupied or used in violation of any of the provisions of this chapter is a nuisance and may be abated as such in any action brought by the city in any court of competent jurisdiction.

**18.10.090 Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

**18.10.100 Lower Level Residency on the 400 & 500 Block of West Elm**

No residential use may be established on the ground floor of any building located within the 400 or 500 block of West Elm Street. The ground floor (sidewalk level) of any building in the specified location which is occupied at the time of passage shall be deemed as legal nonconforming use, as long as it remains occupied by the same occupant as at the time of passage and the residential use [occupation] is in the back half of the building.