

**ORDINANCE NO. 780**

**AN ORDINANCE AMENDING CHAPTER 18 OF THE DACONO MUNICIPAL CODE REGARDING THE LOCATION WITHIN THE CITY OF PRE-MANUFACTURED HOUSING STRUCTURES.**

**WHEREAS**, the City's zoning code establishes several residential and non-residential zone districts, within which zone districts certain permitted uses are specified; and

**WHEREAS**, the among those zone districts is the MH, Pre-Manufactured Housing District, which requires all pre-manufactured housing structures to be located within such zone district; and

**WHEREAS**, the City Council finds the definition of "pre-manufactured housing structures" should be amended so that it reflects the City's intent and goal that all structures that are manufactured partially or entirely manufactured in a factory are located in the MH zone district; and

**WHEREAS**, the City of Dacono is a home rule corporation and the City Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community; and

**WHEREAS**, the City Council finds the perception among the public in the City is that manufactured homes are incompatible with site-built homes, threaten the tax base, and cause depreciation of site-built homes when located within the same zone district as site-built homes; and

**WHEREAS**, the City Council finds that restricting manufactured housing to the MH zone district furthers the City's legitimate goal and objective of ensuring compatibility of housing and preservation of both the tax base and market value of homes in all zone districts within the City; and

**WHEREAS**, the City Council finds there is ample land within the City that is currently zoned MH, such that this ordinance will not unduly limit the opportunities for pre-manufactured structures to be installed on property within the City; and

**WHEREAS**, the City Council therefore finds this ordinance is authorized by the City's police power and local land use and zoning authority as a home rule municipality pursuant to the provisions of Article XX, Section 6 of the Colorado Constitution, and is consistent with the authorization provided by C.R.S. § 31-23-301; and

**WHEREAS**, the City Council provided notice of the public hearing on this ordinance by publication as provided by law; and

**WHEREAS**, the Dacono Planning Commission has held a public hearing on this ordinance and forwarded its recommendation to the City Council, and the City Council has duly considered that recommendation;

**WHEREAS**, the City Council finds the amendments to the Dacono Municipal Code set forth in this ordinance will encourage the efficient and functional use of land within the City, while minimizing potential impacts on surrounding uses by pre-manufactured housing structures; and

**WHEREAS**, it is the specific intent of the City Council in passing this ordinance to allow existing structures not in compliance with the amendments set forth in this ordinance to continue within the City as non-conforming uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** Section 18-100 of the Dacono Municipal Code is hereby amended by the addition of a new definition for *mobile home*, to read as follows:

**Sec. 18-100. Definitions.**

As used in this Chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

*Mobile home* means a transferable, single-family dwelling unit that is partially or entirely manufactured in a factory, built on a permanent chassis, and is designed to be transported on streets to the place where it is to be occupied as a dwelling unit.

**Section 2.** The definition of *pre-manufactured housing structure* in Section 18-100 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 18-100. Definitions.**

As used in this Chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

*Pre-manufactured housing structure* means a transferable, single-family residential structure which is suitable for year-round occupancy, which contains the same water supply, waste disposal and electric conveniences as non-pre-manufactured housing dwelling units, ~~which has no foundation other than wheels or removable jacks for conveyance on highways~~ is permanently affixed to and installed on an engineered, permanent foundation, which may be transported to a site as one (1) or more modules, which ~~bears the insignia of approval of the Division of Housing of Colorado, and which has not been altered since receiving~~

~~such approval~~ complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards. The term “pre-manufactured housing structure” includes “mobile home,” but shall not include “travel trailers,” “campers,” “camper buses,” or “motor homes,” as defined herein.

**Section 3.** The definition of *pre-manufactured housing subdivision* in Section 18-100 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 18-100. Definitions.**

As used in this Chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

*Pre-manufactured housing subdivision* means an area of land which is zoned pursuant to Article 5 of Chapter 16 of this Code, subdivided for residential use, containing pre-manufactured housing structures ~~or modular homes~~ and appurtenances thereto, which contains lots in divided or separate ownership.

**Section 4.** Section 18-101(a) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 18-101 Requirements for setting and occupancy of pre-manufactured housing.**

(a) All pre-manufactured housing structures shall ~~be certified as meeting the Mobile Home construction and Safety Standards of the U.S. Department of Housing and Urban Development~~ comply with HUD or UBC standards, as applicable, or meet or exceed equivalent requirements and performance standards, and shall be inspected by the building official and found to be in good condition before the structure enters the City.

**Section 5.** Section 18-101(c)(1) and (c)(2) of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 18-101 Requirements for setting and occupancy of pre-manufactured housing.**

(c) No person shall place any pre-manufactured housing structure on any lot or space in the City without meeting the following requirements, in addition to any other applicable requirements:

(1) Foundation. The footing or foundation shall comply with the ~~Uniform Building Code and the Uniform Building Code Standards~~ applicable building codes adopted in Section 18-40 of this Code.

(2) Soils. Soil testing and inspection shall be conducted in accordance with the ~~Uniform Building Code and the Uniform Building Code Standards~~ applicable building codes adopted in Section 18-40 of this Code.

**Section 6.** Any pre-manufactured housing structure being lawfully used at the time of enactment of this ordinance, which does not conform to the requirements herein, shall be considered a non-conforming use, and shall be governed by Article 14 of Chapter 16 of this Code.

**Section 7.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

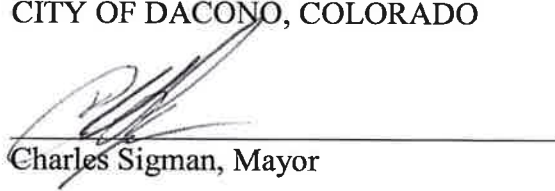
**Section 8.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ AND ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL this 13th day of January, 2014.**


**PUBLIC HEARING AND SECOND READING WILL BE THE 27th day of January, 2014, at 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 27<sup>th</sup> day of January, 2014.**

CITY OF DACONO, COLORADO

  
Charles Sigman, Mayor

ATTEST:

  
Valerie Taylor, City Clerk

Summary of Ordinance No. 780 **“AN ORDINANCE AMENDING CHAPTER 18 OF THE DACONO MUNICIPAL CODE REGARDING THE LOCATION WITHIN THE CITY OF PRE-MANUFACTURED HOUSING STRUCTURES”**: Requires all pre-manufactured housing structures to be located only within the MH Zone Districts and updates the definitions applicable to the same.